



GARVIN G. AMBROSE, ESQ.  
*State Victim Advocate*

### Message from the State Victim Advocate

Greetings:

On Friday, January 24, 2014, the Task Force on Victim Privacy and the Public's Right to Know voted 15-2 to adopt its final report and to submit it to the legislature, per its mandate under [Public Act No. 13-311](#). As you may be aware, Public Act No. 13-311 was enacted during the last legislative session in 2013 to shield from public disclosure the identity of minor witnesses; photographs, film, video or digital or other visual image depicting the victim of a homicide; and certain audio or other recordings of law enforcement describing the condition of a victim of homicide (not 911 calls from victims or other citizens) which historically were disclosable to the public in a freedom of information request. The Act also created this Task Force, which consisted of a diverse cast of dedicated professionals, to further study the issue and to provide recommendations to satisfy this difficult "balance" between victim privacy and the public's "right" to information.

After six months of spirited negotiations and discussions, in which no side received all that they wanted, the Task Force overwhelmingly voted 14-3 to strike what the OVA believes is a "balance." Although the OVA insisted on the adopted protections being applied to all victims, including victims of sexual assault and domestic violence, we are comforted knowing that the Task Force also recommended that the legislature further study the inclusion of these crimes moving forward. The concepts provided for in the proposal of December 17, 2013, which was submitted to the Task Force by the OVA and the Chief State's Attorney with the assistance of other Task Force members, serves as the framework for the Task Force's final recommendation. (The December 17, 2013 proposal can be found [here](#).)

In summary, the Task Force overwhelmingly voted to recommend that the legislature:

- 1) Continue to protect the identity of a minor witness (those under 18 years old) to a crime of violence, drug offense, or sexual offense.
- 2) Provide a mechanism by which members of the public can inspect, and under certain circumstances, can obtain, the photographs, film, video or digital or other visual image depicting the victim of a homicide; and also provide a mechanism by which members of the public can listen to, and under certain circumstances, can obtain, including a transcript of, the 9-1-1 call or other call for emergency or an operative communication among law enforcement related to a homicide, which captures, conveys, or relates the impaired physical condition or mental anguish of the caller or another person.
- 3) Further study the issue of victim privacy and make legislative recommendations as necessary.
- 4) Consider the potential fiscal impact of these recommendations on law enforcement.

By creating these recommendations, the Task Force has agreed to allow members of the public to

have limited access to these visual and audio materials regarding homicides; however, for the first time since the enactment of the Freedom of Information Act, those requestors will have the burden placed on them to prove that their request for disclosure of the material does not create an “unwarranted invasion of personal privacy.” The adoption of this standard by the legislature is a necessary change in Connecticut law as it will for the first time signify that victim privacy in the face of such horrible crimes is a necessity.

Understanding that no two victims are alike, and understanding the complexities of this issue, it is my belief as the State Victim Advocate that these negotiated proposals will have a positive impact on the rights of crime victims throughout Connecticut. I look forward to working with the legislature, and other members of the Task Force, to codify these recommendations into law, and expand on them if the legislature so chooses. I hope that you will join us.

The work of the Task Force, including the Final Report once posted, can be found [here](#).

Thank you, and as always should you need to contact us at the OVA, please do so by calling 860-550-6632 (within or outside of Connecticut); Toll free within Connecticut at 888-771-3126; or via email at [ova.info@ct.gov](mailto:ova.info@ct.gov).