



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director Office of Chief Public Defender

COMMITTEE ON GOVERNMENT ADMINISTRATION AND ELECTIONS FEBRUARY 7, 2025

Raised Bill No. 1233

AN ACT EXEMPTING THE NAME AND ADDRESS OF AN INDIVIDUAL REPORTING AN ALLEGATION INVOLVING BIGOTRY OR BIAS AND OF THE ALLEGED OFFENDER FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT

The Office of Chief Public Defender (OCPD) does not support *Raised Bill 1233, An Act Exempting The Name And Address Of An Individual Reporting An Allegation Involving Bigotry Or Bias And Of The Alleged Offender From Disclosure Under The Freedom Of Information Act*. The bill exempts the names and addresses of a person reporting an incident to law enforcement involving bigotry or bias towards a person who is a protected class member under the law and exempts the name and address of the person reported. The language "including, but not limited to" clause beginning at line 10, as drafted may create a non-exhaustive list of offenses, with those offenses in lines 10 through 20 as illustrative only, and overbroad and not limited to the contexts of sections (A) and (B) in lines 16-20. As a result, it is believed that the bill may cause confusion, and possibly conflict, with current law regarding existing exemptions for law enforcement records, victims and disclosure of disposed of proceedings.

Deborah Del Prete Sullivan, Legal Counsel, Director, Office of Chief Public Defender
February 7, 2025

Committee On Government Administration And Elections

R.B. 1233

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The state and federal constitutions guarantee that anyone accused of an offense is entitled to know their accuser, the allegations against them and the evidence in support of such allegations. Through discovery, the defense is entitled to, and the state is required to turn over information pertaining to the charged offense. The defense routinely utilizes the Freedom of Information Act (FOIA) to obtain additional information not obtained through discovery pertaining to cases and individuals, as necessary to provide a defense.

As drafted, the bill exempts “any database for the reporting of such allegations established by the Institute for Municipal and Regional Policy at The University of Connecticut.”. This office is concerned that the bill would exempt all such information, currently disclosed through the Freedom of Information Act, if it originated from a report made to the Institute for Municipal and Regional Policy (IMRP) at the University of Connecticut through its newly created portal entitled **ReportHate.CT.Gov**.

Also, by exempting the information from disclosure, the language appears to elevate the IMRP of the University of Connecticut, a non-law enforcement entity, to the status of a law enforcement entity by protecting all data it collects through **ReportHate.CT.Gov**. This portal was created to allow persons to report a hate crime or incident of bias or bigotry to the *Hate Crimes Advisory Council* that they have *experienced*, have *witnessed* or *have been made aware of*. The portal indicates that this information may be shared with law enforcement and under FOIA. It is not clear whether the IMRP at the university will be the arbiter of whether such information should be shared with law enforcement? And if the IMRP are the arbiters, there is no detailed process prescribed as to how this entity will relay information to law enforcement bodies. There are also no details as to which state agencies will receive information for potential policymaking and review.

Current law pertaining to the freedom of information statutes already provides an exemption for law enforcement records pursuant to subsection (b)(3) of **C.G.S. 1-210**:

“(3) Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of such records would not be in the public interest because it would result in the disclosure of (A) the identity of informants not otherwise known or the identity of witnesses not otherwise known whose safety

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would be endangered or who would be subject to threat or intimidation if their identity was made known, (B) the identity of minor witnesses, (C) signed statements of witnesses, (D) information to be used in a prospective law enforcement action if prejudicial to such action, (E) investigatory techniques not otherwise known to the general public, (F) arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes, (G) the name and address of the victim of a sexual assault under section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, voyeurism under section 53a-189a, injury or risk of injury, or impairing of morals under section 53-21 or family violence, as defined in section 46b-38a, or of an attempt thereof, or (H) uncorroborated allegations subject to destruction pursuant to section 1-216; . . . ”.

See subsection (b)(3) of **C.G.S. 1-210, Definitions**. In addition, pursuant to current law, the work of the prosecutors is exempt. The Division of Criminal Justice, a law enforcement agency, is deemed not to be a public agency, “except in respect to its administrative functions.” **C.G.S. 1-202, Division of Criminal Justice deemed not to be public agency, when**.

The bill also exempts “any database for the reporting of such allegation established by the Institute for Municipal and Regional Policy at the University of Connecticut”. Law enforcement already has its own reporting tools to collect and track such information as does the U.S. Department of Justice (<https://www.justice.gov/hatecrimes/laws-and-policies>). What is of concern here is that the proposal appears to elevate the University of Connecticut to the status of a law enforcement entity by protecting the data it collects through its newly created portal entitled the **ReportHate.CT.Gov**. This portal was created to report a hate crime or bias incident to the *Hate Crime Advisory Council*. A person can report an incident of bias or bigotry that they have experienced, have witnessed or *have been made aware of*. The portal indicates that this information may be shared with law enforcement and under FOIA.

The Office of Chief Public Defender is a participant on the *Hate Crimes Advisory Council* and is currently engaged in ongoing discussions regarding its work, including the issues noted here. This office strongly believes that transparency in government and the protection of individuals’ constitutional rights require that such data pertaining to complaints alleging bias or bigotry which are collected through this new IMRP crime reporting portal be disclosable to the public. ***In conclusion, the Office of Chief Public Defender requests that the Committee take no action on this bill.*** Thank you.