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To: Judicial Committee Members

From: David McGuire, Staff Attorney

**Written Testimony Opposing
Senate Bill No. 1183
An Act Concerning Inmate Requests for Public Records**

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is David McGuire. As the Staff Attorney for the ACLU of Connecticut, I submit this testimony in opposition to Senate Bill No. 1183, An Act Concerning Inmate Requests for Public Records.

This bill would waste judicial resources and seriously hinder inmate access to public records. Prisons are public institutions funded with taxpayer money, managed and regulated by government officials, and overseen by the state legislature and other governmental bodies. Prisons and jails in Connecticut cost hundreds of millions of dollars each year and house thousands of people. It is critical that such institutions be subject to the same, if not more, public disclosure as any other public institution.

Over the years, Connecticut has seen case after case of gross abuse in our prisons and jails, including serious violations of constitutional rights. Prisoners need to be able to protect themselves from the abuses of government officials and the public has a right to know what happens behind prison walls. Inmates are sometimes the only ones in a position to bring to light the problems of the prison system. One of the only tools prisoners have to seek protection from abuse is through the state FOIA (Freedom of Information Act) law.

Senate Bill 1183 requires a judge trial referee to review every inmate submitted FOIA request. Under the bill, a judge trial referee is charged with determining if “there are reasonable grounds for the request.” A “reasonable grounds” standard is not applied to FOIA requests from the public and will lead to process delays. This requirement creates an additional unjust hurdle for inmates seeking

information that is available to the public, burdens an already overtaxed judicial system and does not increase public safety.

Current laws provide an appropriate balance for access and security. Connecticut General Statutes § 1-210 (18)(b) already provides a comprehensive list of records that the DOC can prevent from being disclosed. The FOIA law already protects critical private information from being released to the public and sets forth particular information that is excluded from FOIA disclosure. If there are identifiable documents that would create a security risk not covered by already existing exceptions, then the appropriate legislative response would be to exempt those documents from FOIA. Wholesale exclusion of an entire group of people, like prisoners, from their rights as citizens of this state to seek information about government activities is gratuitous and unnecessary.

The state FOIA law is a tool for all citizens to use to keep government accountable to the people. Prisoners may be behind bars, but they are still citizens and the state is still accountable for its conduct within prison walls. While the DOC may see FOIA requests as burden, such burdens are necessary to ensure that our democracy remains transparent and accountable. The ACLU-CT urges this committee to reject Senate Bill 1183.