

Working Group on Arrest Reports

Minutes of meeting on Feb. 6, 2014

Present: Judge Robert Devlin, Jr.; Karen Florin of The Day; Judicial-Media Committee Co-Chair Claude Albert; Victim Advocate Garvin Ambrose; Melissa Bailey of the New Haven Independent; Attorney Melissa Farley of the Judicial Branch; Chief State's Attorney Kevin Kane; Public Defender Jim McKay; Judicial Branch staff liaison Rhonda Stearley-Hebert

I. Open Meeting

Judge Robert Devlin opened the meeting at 2:30 p.m. by putting forth the question before the committee: *Should the police be required to submit a police report to the court clerk for every non-warrant arrest?* He further explained that if someone is arrested and does not make bond, a judge will review the warrant at arraignment and, as a result, the police report is placed in the court file and is available for public inspection. If, however, a defendant makes bond, then no such review occurs and the police report is not placed in the clerk's file.

Reporter Karen Florin explained that about once a month, she is confronted with the situation whereby there is no police report in the court file because the defendant made bond. Without a police report to review, she explained, it can be difficult for a journalist to put together a story. She also relayed to the group similar experiences from other reporters. Judge Devlin responded that everyone involved has a stake in this issue and opened the topic up for discussion.

II. Discussion

Chief State's Attorney Kevin Kane raised the issue of redactions. He said certain information should be redacted from police reports, i.e. the phone number of a witness. He added that prosecutors can barely keep up with redacting certain information from police reports that do go into the court file.

Victim Advocate Garvin Ambrose said that he is opposed to disclosing the police report because of victim information that is contained in the reports. Claude Albert posed the question, "If someone is being deprived of his or her liberty, then why shouldn't the police be required to say why they made an arrest?" Group members also discussed concerns about disparate treatment, namely, that the police reports of defendants who can post bond are not publicly disclosed but that the police reports of defendants who can't make bond are publicly disclosed.

Ms. Florin asked whether a provision could be included in the CT Practice Book that would allow the media to ask the court to review a report for possible disclosure. Judge Devlin asked what standard the court would use. Ms. Florin responded that she had researched other states where a judge can order the police to release a police report. Reporter Melissa Bailey added that one standard could be to release a report when it's requested. Judge Devlin responded by noting that the record in question would not be in the court's possession.

Mr. Albert asked why the prosecutors don't just put the report in the file. Ms. Florin answered that sometimes they don't believe it's in their interest to do so. If the media then go to the police, the police provide a paragraph about the incident and not the report, she said. The paragraph is usually insufficient, she added.

Public Defender Jim McKay said it's not necessary for the court to have such documents, and that the entire issue is a public policy question better left to the Freedom of Information Commission. Chief State's Attorney Kane added that many of the individuals in this category will get diversionary programs that lead to the nolle of their charges. Mr. Albert countered that 99 percent of arrests never get publicity, and that for the remaining 1 percent, the police report should be public.

Ms. Florin returned to the idea of having a court hearing, where the media would make their case for placing the police report in the court file. Judge Devlin responded that the media currently don't have standing to intervene in such matters. As another option, Mr. Ambrose asked whether training police in this area would circumvent having to create a court process.

Melissa Farley asked whether the prosecutors could be asked to put the reports in the clerk's file. Chief State's Attorney Kane said he couldn't commit 13 state's attorneys to doing that. He suggested that possibly getting the police to agree to provide more information might be the way to go.

The group also discussed the Freedom of Information case pending in the Supreme Court and whether the issue may be resolved, once the decision is released.

III. Adjourn

The group agreed to continue the discussion at its next meeting and adjourned at approximately 4 p.m.