



Written by [Michael Tennant](#) on May 22, 2013

## Officials Draft Secret Bill to Keep Sandy Hook Records Under Wraps

What are Connecticut officials trying to hide with regard to last year's shootings at Sandy Hook Elementary School? That is the question raised by a [Hartford Courant](#) story indicating that top officials in the executive and legislative branches are secretly collaborating to draft a bill that would "withhold records related to the police investigation into the Dec. 14 Newtown elementary school massacre — including victims' photos, tapes of 911 calls, and possibly more."



The *Courant* discovered the behind-the-scenes machinations Tuesday when it obtained a copy of an e-mail from Timothy J. Sugrue, a top assistant to Chief State's Attorney Kevin Kane. Sugrue "discussed options considered so far" in the e-mail, which was sent to "Kane, two other Kane subordinates and to Danbury State's Attorney Stephen Sedensky, who is directing the investigation of the killings," the paper reported.

Sugrue wrote that he was in contact with Natalie Wagner, a member of Gov. Daniel Malloy's legal counsel staff, who expected the draft language to be "forthcoming" Tuesday — the bill was being worked on by leaders in both houses of the General Assembly — and would "send [Sugrue] the draft in confidence when she receives it," upon which he would "immediately forward it."

In other words, the bill, whose purpose is to keep many of the details of the Sandy Hook investigation secret, is itself being drawn up in secret. It "has not been handled under routine legislative procedures — it hasn't gone through the committee process, which includes a public hearing, for example," the *Courant* observed.

The bill turned out not to be ready by the end of Tuesday, leaving those not privy to the secret negotiations to speculate on its contents.

The newspaper reported that the original intention was to amend "the state's freedom of information law by adding a blanket exemption to disclosure of any 'criminal investigation photograph, film, videotape, other image or recording or report depicting or describing the victim or victims'" — an idea opposed by Freedom of Information Commission director Colleen Murphy.

According to Sugrue's e-mail, however, the plan is now to pass the bill "in the form of a special act" rather than an amendment.

"There is complete agreement regarding photos etc., and audio tapes, although the act may allow the disclosure of audio transcripts," he wrote.

Officials in the know claim the purpose of the legislation is solely to protect the privacy of crime victims and their families.

"A lot of people, including our office, have heard the concerns expressed by the families of Newtown



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victims, and are exploring ways to respect the families' right to privacy while also respecting the public's right to information," Mark Ojakian, Malloy's chief of staff, said in a statement.

"We are seeking legislation to protect crime scene photographs protecting victims and certain 911 tapes," Kane told the *Courant*. "It is something that I have been concerned about for years and years and the situation in Newtown brings it to a head. I don't want family members seeing pictures of their loved ones publicized in a manner in which these are subject to be published."

Kane's comments suggest that the bill would apply not just to the Newtown case but also to other criminal cases now subject to public disclosure. He told the paper that he envisions a law that would apply to "crime scene photographs depicting injuries to victims and recordings, 911 recordings displaying the mental anguish of victims. Things like that, of that category. And it seems to me that the intrusion of the privacy of the individuals outweighs any public interest in seeing these."

The *Courant* pointed out that blocking the release of victims' photos would not represent "a significant departure from normal procedures" because "as a matter of long practice, Connecticut police departments do not release grisly photos of victims. These only emerge in public when placed in evidence during criminal trials, and when they do they generally are not published in newspapers or on television."

On the other hand, prohibiting the release of 911 tapes "would be a major departure," the paper wrote. "Audio tapes of 911 tapes ... are routinely released by police under [freedom of information] laws in Connecticut and across the country.... Such tapes are often used by the news media or lawyers to evaluate the police response to emergencies."

However, the *Courant* reports that "law enforcement officials have refused to release the 911 call tapes in the Newtown case so far." In fact, officials have been very tight-lipped about the entire investigation, telling the public they will just have to wait until a final report is issued this summer. "Most investigative records have yet to be released concerning [alleged shooter Adam] Lanza, including any psychological reports," the broadsheet noted.

At the same time, state police officers had no qualms about sharing details of the investigation with officers from other states at police conventions, prompting the *Courant* to [editorialize](#): "If state police officers can leak details of the Newtown investigation at conventions, surely that information can be shared with the Connecticut public. It has more of a right to know than out-of-state police chiefs do.... This isn't information to be hoarded and shared only at the state police water cooler."

The *Courant* [views](#) the secret bill as just the latest in a long line of proposals "that would limit the public's right to know what its government is doing."

The bill, it declared, "is wrong at every level."

"Drafting bills in secret — without going through the committee and public hearing processes — is a terrible idea and not how democratic government is supposed to work. If keeping police records private is a good idea, why did the proposal's backers feel the need to act in secret?"

In addition, with the "awesome power" that police have, "it is essential that the public be able to scrutinize police work, to keep police power in check," the newspaper maintained.

Moreover, even if one believes that those pushing the legislation have only the interests of the Newtown victims' families at heart, this "does not outweigh the public's need for this kind of information," averred the editors.



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Are Connecticut officials trying to cover something up? If this bill passes, the public may never find out. But as the *Courant* observed in March, “The longer information is kept under wraps, the more questions there will be about why.”



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