

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOHN DOE,	:	
Plaintiff,	:	
	:	
V.	:	CASE NO. 3:99CV314(RNC)
	:	
DR. HENRY C. LEE, ET AL.,	:	
Defendants.	:	

RULING AND ORDER GRANTING PERMANENT INJUNCTION

For reasons more fully stated in a ruling and order on cross-motions for summary judgment dated March 31, 2001, the Court has determined that public disclosure and dissemination of plaintiff's inclusion in the sex offender registry maintained by the defendants pursuant to the Connecticut sex offender registry act, Connecticut General Statutes §§ 54-250 et. seq. (the "Registry" and the "Act") violates plaintiff's rights under the Due Process Clause of the Fourteenth Amendment. Plaintiff has been included in the registry, not because he has been determined to pose a threat to public safety, but solely because he has been convicted of one of the numerous offenses enumerated in the Act. Plaintiff has a liberty interest in not being falsely labeled a dangerous sex offender—a label inherent in his inclusion in the undifferentiated registry. Defendants have deprived him of that interest without providing him notice and an opportunity to be heard on the question whether he is dangerous.

The Court has granted plaintiff's motion to certify a class of all persons who are subject to the registration and public disclosure requirements of the Act without notice and an opportunity to be heard on the question whether they are dangerous (the "due process class"). Class certification is appropriate under Rule 23(b)(2) of the Federal Rules of Civil Procedure because the requirements of numerosity, commonality, typicality, and adequacy of representation are satisfied and defendants have acted on grounds generally applicable to the class, thereby making appropriate final injunctive relief with respect to the class as a whole.

Accordingly, it is hereby ordered:

Defendants, their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of this order, are permanently enjoined from:

- 1) disclosing or disseminating to the public, either in printed or electronic form (a) the Registry or (b) Registry information concerning a member of the due process class if the information identifies the class member as being included in the Registry; and,
- 2) identifying any member of the due process class as being included in the Registry;

provided that nothing in this order shall:

- 1) impair access to the Registry by law enforcement agencies and officers, including but not limited to the Connecticut Department of Correction, Board of Pardons, Board of Parole, Court Support Services Division, and Division of Criminal Justice;
- 2) preclude law enforcement agencies and officers carrying out official duties from using information contained in the Registry in specific criminal investigations and prosecutions, so long as members of the due process class are not described to the public as being included in the Registry;
- 3) preclude law enforcement agencies and officers carrying out official duties from disclosing or disseminating to the public information necessary to protect the public concerning a specific person, so long as members of the due process class are not described to the public as being included in the Registry; or
- 4) affect the public's ability to obtain individual criminal conviction history records pursuant to Connecticut General Statutes Sections 1-210 et seq. and 29-11 et seq.

Defendants are directed to serve a copy of this order on each local police department, law enforcement agency, or other state or local

entity to which they have transmitted the Registry or Registry information. Each such department, agency, or entity is bound by this order.

Pursuant to this order, but without limitation of it, defendants shall immediately take down the Registry website and cease making publicly available the Registry information maintained pursuant to C.G.S. § 54-258(a)(1) at the Department of Public Safety and at local police departments and state police troops.

This order is a statement of federal law that supersedes any state law to the contrary, including without limitation the Connecticut Freedom of Information Act.

So ordered.

Dated at Hartford, Connecticut, this 17th day of May 2001.

Robert N. Chatigny
United States District Judge