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**To: Members of the Committee on Judiciary**

**From: Sandra J. Staub, ACLU-CT Legal Director**

**Written Testimony Supporting Senate Bill No. 245  
An Act Concerning the Recording of Police Activity By the Public**

Good afternoon Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Sandra Staub and I am the Legal Director at the American Civil Liberties Union of Connecticut. The ACLU-CT supports Senate Bill No. 245, An Act Concerning the Recording of Police Activity by the Public, because it will enshrine into state statute a citizen's right to record peace officers carrying out their official duties in public and will provide a state statutory cause of action against officers who violate that right.

This right serves several public policy functions. First, because it is derived from the freedom of speech and freedom of the press clauses of the First Amendment, the right to record serves the noble functions of that invaluable bulwark of our civil liberties. Second, because such recordings can provide crucial evidence at trial, the right to record serves the truth-seeking function of our justice system, protecting both citizens from erroneous convictions and officers from frivolous lawsuits. Third, because police brutality is a threat not only to our liberty but also to our safety, the right to record adds another layer of protection to the citizens of this state by serving as a deterrent for such conduct.

Police officers know or should know that the right to record is clearly established. Numerous incidents in the past few years have revealed, however, that some peace officers nonetheless disregard this right. In 2009, for example, Rev. James Manship of St. Rose of Lima Church in New Haven was arrested and charged with interfering with an officer after videotaping police allegedly harassing Latinos at an East Haven convenience store. This video helped bring to light the alleged racial profiling and harassment of which members of the East Haven police department stand accused.

In 2010, moreover, Yale University students were threatened with arrest after attempting to photograph a police raid that included members of the city's SWAT team. Such threats tend to chill constitutionally protected First Amendment speech—which is unacceptable. Another incident that same year reveals that this problem is not confined to a few loose-cannon, low-ranking rookie officers. Luis Luna of Wallingford was arrested for using his iPhone to film police arresting two men in New Haven. One of the

arresting officers was the assistant chief of police, who spotted Luna, approached him, and asked him what he was doing. After Luna responded that he was simply "filming," the assistant chief of police grabbed the phone out of his hands and ordered another officer to arrest him. After spending the night in jail, Luna was given back his cellphone and discovered that the video he took had been deleted. Senate Bill No. 245 will stem this blatant disregard for the First Amendment and will serve to protect citizens from police misconduct as well as protect officers from false accusations of the same.

The ACLU of Connecticut supports this legislation because it strikes the proper balance between citizens' First Amendment rights and an officer's duty to protect and serve. It is good policy and necessary, because it will enshrine into statute what has already been clearly established in case law: that citizens have a right to record peace officers carrying out their official duties in public, and if an officer violates that right he or she will be held civilly liable.