



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice
Joint Committee on Judiciary
March 12, 2012**

In Opposition to:

S.B. No. 245: An Act Concerning the Recording of Police Activity by the Public

The Division of Criminal Justice expresses its appreciation to the Committee for this opportunity to address S.B. No. 245, An Act Concerning the Recording of Police Activity by the Public. The Division recognizes the concerns that have been raised in recent years that have prompted the consideration of this legislation. At the same time we must express strong reservations about the bill as currently written and the negative impact its passage could have on the ability of the police to conduct investigations and on the innocent victims of and/or witnesses to crimes or other incidents to which the police respond.

The exceptions in subsection (c) are reasonably drawn, but appear to place the burden of proof on the police officer when it should in fact be placed with the individual claiming that he or she has somehow been wronged. This raises the very real prospect that someone will be showing a video recorder or other recording device in the police officer's face just for an opportunity to obtain some type of settlement. The potential for problems is constantly increasing given the proliferation of camera-equipped cellphones. Confrontations between the police and those seeking to record are bound to increase and often at the worst possible time, when tensions are already running high due to the underlying event that brought everyone together. Fears of being sued will deter officers from approaching those seeking to record even when the officer is justified in doing so to the detriment of victims, witnesses and the integrity of the investigation. The fear of being sued may cause an officer become more concerned with preserving and protecting their defense to a potential lawsuit over attempted recording than to their response to the incident itself.

In sum, the potential for abuse and detrimental impact on the ability of the police to investigate criminal activity or serious incidents and protect innocent victims and witnesses far outweighs the uncertain benefit the bill might offer. While there may have been some incidents that gave rise to this legislation, the bill as now written is far too broad and raises serious concerns and ramifications that far outweigh any concerns raised to date. Unless there is clear evidence of a widespread and continuing problem, this bill should be rejected. It is bad policy to try to write a broad statute to fix a perceived problem.