



STATE OF CONNECTICUT  
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION  
OFFICE OF THE COMMISSIONER

February 13, 2013

Senator Eric D. Coleman, Co-Chairman  
Rep. Gerald M. Fox, Co-Chairman  
Judiciary Committee  
Legislative Office Building  
Hartford, CT 06106

**SB 237 AN ACT CONCERNING THE RECORDING OF POLICE  
ACTIVITY BY THE PUBLIC**

***The Department of Emergency Services and Public Protection opposes this bill as currently drafted and suggests alternative language.***

This bill would impose civil liability on police officers who "interfere" with anyone including the media, attempting to video record any police activity. There is no limitation on the nature of the interference and the liability would be in regard to anyone, including media representatives. Law enforcement functions affected would include processing crime scenes and interviewing witnesses in public areas. This would also include videotaping of deaths or serious injuries before notification to family is made. Videotaping in a crime zone prior to evidence being evaluated and secured may compromise the evidence and subsequent prosecution. Witnesses might be exposed to problems if their pictures or images are obtained by the wrong people or publicized on TV or the papers

While the "reasonable grounds" exceptions contained in subsection (c) might be intended to address the concerns the agency expresses herein, they are insufficient. This proposed bill essentially adopts a kind of "strict liability." Under its language, an officer who interferes with an individual filming or taking pictures of a crime scene is liable unless he or she proves that they had reasonable grounds as set forth in subsection (c). This puts the burden of proof on the police officer to show he was doing his or her job.

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Police officers need to be able to do their jobs without being subjected to statutory civil liability.

Alternative language that would address the concerns of the bill without the strict liability civil action would be the following:

AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC  
Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2013*) (a) For the purposes of this section, "peace officer" has the meaning provided in section 53a-3 of the general statutes.

(b) A peace officer shall not interfere with any person taking a photographic or digital still or video image of such peace officer or another peace officer acting in the performance of such peace officer's duties except as necessary in order to (1) lawfully enforce a criminal law of this state or a municipal ordinance, (2) protect the public safety, (3) preserve the integrity of a crime scene or criminal investigation, (4) safeguard the privacy interests of any person, including a victim of a crime, or (5) lawfully enforce court rules and policies of the Judicial Branch with respect to taking a photograph, videotaping or otherwise recording an image in facilities of the Judicial Branch.

(c) The Connecticut State Police and the Police Officer Standards Training Council shall adopt by January 15, 2014 and report to the Public Safety and Security Committee, policy and training requirements that are consistent with the important First, Fourth and Fourteenth Amendment rights at stake when individuals record police officers in the public discharge of their duties. The adopted policy may allow such rights to be subject to narrowly-defined restrictions as set forth in sub-section (b) to ensure public and officer safety.

The Department of Emergency Services and Public Protection would support such language.

Sincerely,

Reuben F. Bradford  
COMMISSIONER