

Testimony before the Judiciary Committee
March 20, 2015
By Patrick Gaynor, President,
AFSCME Council 15, Connecticut Council of Police Unions

RE: Raised Bill 1065, An Act Concerning the Recording of Police Activity by the Public

I am writing in regards to Raised Bill 1065, An Act Concerning the Recording of Police Activity by the Public. Every police officer in Connecticut should receive training in regards to the rights of citizens to record any event which takes place in public view. This bill goes far beyond protecting the legal rights of the individual videographer, who already has the ability to file citizen complaints and lawsuits regarding the conduct of police officers, even if the officers did nothing wrong.

This bill creates a difficult situation for police officers and does nothing to preserve the rights of the victims and the safety of officers on a scene. There is no provision for officers to seize video evidence which may be contained on a citizen's recording device--this happens quite often, especially when officers are involved in a serious confrontation themselves or when they arrive to a situation after-the-fact and are trying to piece together what happened. Officers have an obligation to locate any and all evidence, including exculpatory evidence, and there have been situations where the only available video recording is on a citizen's phone or camera.

The bill does not give notice to citizens that they may not encroach upon or interfere with officers in the performance of their duties--which could conflict with the criminal statute Interfering with an Officer. Officers must often gain control of a scene and exclude those who are not involved so that they can aid victims, identify and preserve evidence and identify perpetrators. They must maintain control of the scene and are obligated to keep others away while they investigate. Officers should not have to worry about their safety or about losing control of a tense situation by allowing any citizen journalist who wants to get in the midst of a scene or otherwise interfere with their work.

As written, the bill fails to educate the public on their responsibility when recording police activity but penalizes officers for maintaining scene safety and security. Videographers are not permitted special access to crime scenes nor are they permitted to tamper with suspects, victims or witnesses while they are being interviewed by officers. I have seen bystanders taunting victims and witnesses and there have been a number of cases where witnesses were threatened or actually harmed for cooperating with police. In some areas, they are openly threatened for cooperating and told that "Snitches get stitches."

Officers are confronted by citizens who wish to video record them quite often--sometimes in a hostile manner--where a citizen will take out their smart phone or camera and demand access to a scene or situation for the purpose of recording everything that transpires. I have seen people shove a smart phone in officers' faces and insist they have the right to record and have seen people standing on a busy roadway, obstructing traffic, so that they could record police activity.

Officers have a difficult job to do and we know that the Legislature recognizes that. They often deal with people at their worst--oftentimes facing hostility because people are highly emotional or upset, intoxicated, mentally ill, or a combination of these factors. Officers should not be forced to worry about their safety or about the safety of those in their custody (who they are responsible for) while on a crime scene, investigation, or arrest situation. I would ask that if this bill passes, the Legislature consider adding language to restrict a citizens' right to record within a safety zone of 150 feet around the officers when they are involved in an investigation, or arrest and in cases where the officer deems that the scene may not be entered by any bystander.

Thank you for your consideration.

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