

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION
ON SECTION 2(b) OF RAISED BILL 1109,
AN ACT CONCERNING EXCESSIVE USE OF FORCE**

March 20, 2015

The Freedom of Information Commission (“FOIC”) is in favor of the increased transparency that may result from the enactment of Raised Bill 1109, which would require police officers to wear “body-worn recording equipment.” The Commission additionally supports the apparent intent of Section 2(b) of Raised Bill 1109, which would subject the images or video recordings captured by such “body-worn recording equipment” to disclosure under the Freedom of Information (“FOI”) Act, unless such images or video recordings are exempt from disclosure. However, the Commission is concerned that the language in Section 2(b) does not mirror existing law, is overly complex and may not accurately reflect the apparent intent of the proposal.

As written, Section 2(b) appears to require an *initial determination* that the image or video recording is a public record under Conn. Gen. Stat. §1-200. Under current law, however, an image or video recording “owned, used, received or retained by a public agency” is a “public record” under Conn. Gen. Stat. §1-200(5). In addition, the Commission believes it is not necessary, and, indeed, may be confusing, to include references to particular exemptions to disclosure that may apply to the records at issue.

Thus, if the intent of Section 2(b) is as described above, the Commission proposes that Section 2(b) of Raised Bill 1109 be written as follows:

Any image or video recorded on the equipment used pursuant to subsection (a) of this section shall be a public record or file, as defined in section 1-200(5) of the general statutes, and shall be disclosed in accordance with the provisions of section 1-212 of the general statutes, subsection (a) of section 1-210 of the general statutes and section 1-215 of the general statutes.

The Commission submits that a simpler statement that the images or video recordings are public records under the FOI Act will more clearly and accurately reflect current law and the apparent intent of the proposal. It will also still permit public agencies to claim any applicable exemptions to disclosure of the recordings.

With the above-described proposed modification to the language contained in Section 2(b) of Raised Bill 1109, the Commission supports the bill’s passage.

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