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COMMITTEE ON THE JUDICIARY
MARCH 7, 2016

RAISED BILL 349 AN ACT CONCERNING THE PRIVACY OF MINORS

TESTIMONY OF OFFICE OF CHIEF PUBLIC DEFENDER
Christine Perra Rapillo
Directory of Delinquency Defense and Child Protection

The Office of Chief Public Defender has concerns that *Raised Bill 349, An Act Concerning the Privacy of Minors* would have unintended implications in the defense and prosecution of juvenile delinquency and other criminal matters. The statute addresses video from law enforcement body cameras and adds minors to the list of individuals whose images are not public records subject to disclosure under the Freedom of Information Act as defined by C.G.S. Sec. 1-200. This proposal exempts records that could “reasonably be expected to constitute an unwarranted invasion of personal privacy in the case of any such victim”. The Office of Chief Public Defender is concerned that the current proposal could be used to block the disclosure of use of video evidence in the defense of a criminal case. Failure to provide body camera video of an alleged criminal investigation violates an accused’s right to under the 6th amendment United States Constitution and Article 1 Section 8 of the Connecticut Constitutions to confront and cross examine witnesses. This Agency requests that specific language be added to this bill that makes clear that body camera video will always to available to criminal matters, subject to normal rules of discovery.

Raised Bill 349 proposes to amend C.G.S. Section 29-6d. The purpose of C.G.S Section 29-6d was to protect the public from being recorded while interacting with police officers in non official capacities. The underlying legislation also aimed to limit the public and thus the media’s access to video of victims that could cause pain or embarrassment if broadcast or published. Adding minors to the list of protected individuals goes far beyond the purpose of the original legislation.

Minors often end up on police videos because they are witnesses or defendants in criminal proceedings. The statute as proposed does not limit the invocation of the exemption to the victim of an alleged crime. A young witness or his or her parents could claim that he video should not be disclosed because its potential availability to the public could invade a victim’s privacy. This could be a particular problem if an accused delinquent or criminal defendant needed access to body camera video in a case that was being tried. These are situations where the privacy rights of victims could be protected by the court at the time of the disclosure under the rules of evidence for criminal proceedings. Language should be added to make clear that body camera video will always be available to counsel in a criminal proceeding, regardless of exemptions related to privacy concerns.