



General Assembly

February Session, 2016

**Raised Bill No. 359**

LCO No. 2389



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:  
(PS)

***AN ACT CONCERNING THE USE OF BODY-WORN RECORDING EQUIPMENT BY LAW ENFORCEMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-6d of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective from passage*):

4 (a) For purposes of this section and section 7-277b:

5 (1) "Law enforcement agency" means the Division of State Police  
6 within the Department of Emergency Services and Public Protection,  
7 the special police forces established pursuant to section 10a-156b,  
8 excluding the special police force for The University of Connecticut  
9 Health Center in Farmington, and any municipal police department  
10 that supplies any of its sworn members with body-worn recording  
11 equipment;

12 (2) "Police officer" means a sworn member of a law enforcement  
13 agency who wears body-worn recording equipment;

14 (3) "Body-worn recording equipment" means an electronic  
15 recording device that is capable of recording audio and video; and

16 (4) "Digital data storage device or service" means a device or service  
17 that retains the data from the recordings made by body-worn  
18 recording equipment using computer data storage.

19 (b) The Commissioner of Emergency Services and Public Protection  
20 and the Police Officer Standards and Training Council shall jointly  
21 evaluate and approve the minimal technical specifications of body-  
22 worn recording equipment that may be worn by police officers  
23 pursuant to this section and digital data storage devices or services  
24 that may be used by a law enforcement agency to retain the data from  
25 the recordings made by such equipment. Not later than January 1,  
26 2016, the commissioner and council shall make such minimal technical  
27 specifications available to each law enforcement agency in a manner  
28 determined by the commissioner and council. The commissioner and  
29 council may revise the minimal technical specifications when the  
30 commissioner and council determine that revisions to such  
31 specifications are necessary.

32 (c) (1) On and after July 1, 2016, each sworn member of (A) the  
33 Division of State Police within the Department of Emergency Services  
34 and Public Protection, (B) the special police forces established pursuant  
35 to section 10a-156b, excluding the special police force for The  
36 University of Connecticut Health Center in Farmington, (C) any  
37 municipal police department for a municipality that is a recipient of  
38 grant-in-aid as reimbursement for body-worn recording equipment  
39 pursuant to subparagraph (A) or (C) of subdivision (1) of subsection  
40 (b) of section 7-277b or subdivision (2) of said subsection (b), and (D)  
41 any municipal police department for any other municipality that is a  
42 recipient of grant-in-aid as reimbursement for body-worn recording  
43 equipment pursuant to subparagraph (B) of subdivision (1) of said  
44 subsection (b) if such sworn member is supplied with such body-worn  
45 recording equipment, shall use body-worn recording equipment while

46 interacting with the public in such sworn member's law enforcement  
47 capacity, except as provided in subsections (g) and (j) of this section.

48 (2) Any sworn member of a municipal police department, other  
49 than those described in subdivision (1) of this subsection, may use  
50 body-worn recording equipment as directed by such department,  
51 provided the use of such equipment and treatment of data created by  
52 such equipment shall be in accordance with the provisions of  
53 subdivisions (3) and (4) of this subsection, and subsections (d) to (j),  
54 inclusive, of this section.

55 (3) Each police officer shall wear body-worn recording equipment  
56 on such officer's outer-most garment and shall position such  
57 equipment above the midline of such officer's torso when using such  
58 equipment.

59 (4) Body-worn recording equipment used pursuant to this section  
60 shall conform to the minimal technical specifications approved  
61 pursuant to subsection (b) of this section, except that a police officer  
62 may use body-worn recording equipment that does not conform to the  
63 minimal technical specifications approved pursuant to subsection (b)  
64 of this section, if such equipment was purchased prior to January 1,  
65 2016, by the law enforcement agency employing such officer.

66 (d) Except as required by state or federal law, no person employed  
67 by a law enforcement agency shall edit, erase, copy, share or otherwise  
68 alter or distribute in any manner any recording made by body-worn  
69 recording equipment or the data from such recording.

70 (e) A police officer may review a recording from his or her body-  
71 worn recording equipment in order to assist such officer with the  
72 preparation of a report or otherwise in the performance of his or her  
73 duties.

74 (f) If a police officer is giving a formal statement about the use of  
75 force or if a police officer is the subject of a disciplinary investigation in

76 which a recording from body-worn recording equipment is being  
77 considered as part of a review of an incident, the officer shall (1) have  
78 the right to review such recording in the presence of the officer's  
79 attorney or labor representative, and (2) have the right to review  
80 recordings from other body-worn recording equipment capturing the  
81 officer's image or voice during the incident.

82 (g) Except as otherwise provided by any agreement between a law  
83 enforcement agency and the federal government, no police officer shall  
84 use body-worn recording equipment to intentionally record (1) a  
85 communication with other law enforcement agency personnel, except  
86 that which may be recorded as the officer performs his or her duties,  
87 (2) an encounter with an undercover officer or informant, (3) when an  
88 officer is on break or is otherwise engaged in a personal activity, (4) a  
89 person undergoing a medical or psychological evaluation, procedure  
90 or treatment, (5) any person other than a suspect to a crime if an officer  
91 is wearing such equipment in a hospital or other medical facility  
92 setting, or (6) in a mental health facility, unless responding to a call  
93 involving a suspect to a crime who is thought to be present in the  
94 facility. No record created using body-worn recording equipment of an  
95 occurrence or situation described in subdivisions (1) to (6), inclusive, of  
96 this subsection shall be deemed a public record for purposes of section  
97 1-210. No record created by (A) a police officer using body-worn  
98 recording equipment of [(A)] (i) the scene of an incident that involves a  
99 victim of domestic or sexual abuse, or [(B)] (ii) a victim of homicide or  
100 suicide or a deceased victim of an accident, or (B) a school resource  
101 officer, as defined in section 10-233m, using body-worn recording  
102 equipment of a student at a school, shall be subject to disclosure under  
103 the provisions of section 1-210 to the extent that disclosure of such  
104 record could reasonably be expected to constitute an unwarranted  
105 invasion of personal privacy.

106 (h) No police officer shall use body-worn recording equipment prior  
107 to being trained in accordance with section 7-294s in the use of such  
108 equipment and in the retention of data created by such equipment,

109 except that any police officer using such equipment prior to October 1,  
110 2015, may continue to use such equipment prior to such training. A  
111 law enforcement agency shall ensure that each police officer such  
112 agency employs receives such training at least annually and is trained  
113 on the proper care and maintenance of such equipment.

114 (i) If a police officer is aware that any body-worn recording  
115 equipment is lost, damaged or malfunctioning, such officer shall  
116 inform such officer's supervisor as soon as is practicable. Upon  
117 receiving such information, the supervisor shall ensure that the  
118 equipment is inspected and repaired or replaced, as necessary. Each  
119 police officer shall inspect and test body-worn recording equipment  
120 prior to each shift to verify proper functioning, and shall notify such  
121 officer's supervisor of any problems with such equipment.

122 (j) Not later than January 1, 2016, the Commissioner of Emergency  
123 Services and Public Protection and the Police Officer Standards and  
124 Training Council shall jointly issue guidelines pertaining to the use of  
125 body-worn recording equipment, retention of data created by such  
126 equipment and methods for safe and secure storage of such data. Each  
127 law enforcement agency and any police officer and any other  
128 employee of such agency who may have access to such data shall  
129 adhere to such guidelines. The commissioner and council may update  
130 and reissue such guidelines, as the commissioner and council  
131 determine necessary. The commissioner and council shall, upon  
132 issuance of such guidelines or any update to such guidelines, submit  
133 such guidelines in accordance with the provisions of section 11-4a to  
134 the joint standing committees of the General Assembly having  
135 cognizance of matters relating to the judiciary and public safety.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	29-6d

**Statement of Purpose:**

To (1) exempt the special police force at The University of Connecticut Health Center from using body-worn recording equipment, and (2) exempt records captured by a school resource officer of a student that constitute an unwarranted invasion of personal privacy from disclosure under the Freedom of Information Act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*