



General Assembly

January Session, 2023

***Raised Bill No. 1222***

LCO No. 6008



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING FEES FOR COPYING, REVIEWING AND  
REDACTING RECORDS CREATED BY POLICE BODY-WORN  
EQUIPMENT AND DASHBOARD CAMERAS.***

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

1 Section 1. Section 29-6d of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) For purposes of this section, [and] section 2 of this act and section  
4 7-277b:

5 (1) "Law enforcement unit" has the same meaning as provided in  
6 section 7-294a;

7 (2) "Police officer" means a sworn member of a law enforcement unit  
8 or any member of a law enforcement unit who performs police duties;

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

11 (4) "Dashboard camera" means a dashboard camera with a remote

12 recorder, as defined in section 7-277b;

13 (5) "Digital data storage device or service" means a device or service  
14 that retains the data from the recordings made by body-worn recording  
15 equipment using computer data storage; [and]

16 (6) "Police patrol vehicle" means any state or local police vehicle other  
17 than an administrative vehicle in which an occupant is wearing body-  
18 worn camera equipment, a bicycle, a motor scooter, an all-terrain  
19 vehicle, an electric personal assistive mobility device, as defined in  
20 subsection (a) of section 14-289h, or an animal control vehicle;

21 (7) "Freedom of Information Act" has the same meaning as provided  
22 in section 1-200;

23 (8) "Requesting party" means the person requesting a record created  
24 using body-worn recording equipment or a dashboard camera pursuant  
25 to the Freedom of Information Act; and

26 (9) "Involved person" means (A) any individual depicted in the  
27 record created using body-worn recording equipment or a dashboard  
28 camera, (B) any individual directly involved in the incident that led to  
29 the police officer being called to respond, and (C) any police officer  
30 responding to such incident, including the police officer whose body-  
31 worn recording equipment or dashboard camera created the record.

32 (b) The Commissioner of Emergency Services and Public Protection  
33 and the Police Officer Standards and Training Council shall jointly  
34 evaluate and approve the minimal technical specifications of body-worn  
35 recording equipment that shall be worn by police officers pursuant to  
36 this section, dashboard cameras that shall be used in each police patrol  
37 vehicle and digital data storage devices or services that shall be used by  
38 a law enforcement unit to retain the data from the recordings made by  
39 such equipment. The commissioner and council shall make such  
40 minimal technical specifications available to each law enforcement unit  
41 in a manner determined by the commissioner and council. The  
42 commissioner and council may revise the minimal technical

43 specifications when the commissioner and council determine that  
44 revisions to such specifications are necessary.

45 (c) (1) Each police officer shall use body-worn recording equipment  
46 while interacting with the public in such sworn member's law  
47 enforcement capacity, except as provided in subsection (g) of this  
48 section, or in the case of a municipal police department, in accordance  
49 with the department's policy adopted by the department and based on  
50 guidelines maintained pursuant to subsection (j) of this section,  
51 concerning the use of body-worn recording equipment.

52 (2) Each police officer shall wear body-worn recording equipment on  
53 such officer's outer-most garment and shall position such equipment  
54 above the midline of such officer's torso when using such equipment.

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

62 (4) Each law enforcement unit shall require usage of a dashboard  
63 camera in each police patrol vehicle used by any police officer employed  
64 by such unit in accordance with the unit's policy adopted by the unit  
65 and based on guidelines maintained pursuant to subsection (j) of this  
66 section, concerning dashboard cameras.

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

72 (e) A police officer may review a recording from his or her body-worn  
73 recording equipment or a dashboard camera in order to assist such

74 officer with the preparation of a report or otherwise in the performance  
75 of his or her duties.

76 (f) (1) If a police officer is giving a formal statement about the use of  
77 force or if a police officer is the subject of a disciplinary investigation in  
78 which a recording from body-worn recording equipment or a  
79 dashboard camera is being considered as part of a review of an incident,  
80 the officer shall have the right to review (A) such recording in the  
81 presence of the officer's attorney or labor representative, and (B)  
82 recordings from other body-worn recording equipment capturing the  
83 officer's image or voice during the incident. Not later than forty-eight  
84 hours following an officer's review of a recording under subparagraph  
85 (A) of this subdivision, or if the officer does not review the recording,  
86 not later than ninety-six hours following the initiation of such  
87 disciplinary investigation, whichever is earlier, such recording shall be  
88 disclosed, upon request, to the public, subject to the provisions of  
89 subsection (g) of this section.

90 (2) If a request is made for public disclosure of a recording from body-  
91 worn recording equipment or a dashboard camera of an incident about  
92 which (A) a police officer has not been asked to give a formal statement  
93 about the alleged use of force, or (B) a disciplinary investigation has not  
94 been initiated, any police officer whose image or voice is captured on  
95 the recording shall have the right to review such recording in the  
96 presence of the officer's attorney or labor representative. Not later than  
97 forty-eight hours following an officer's review of a recording under this  
98 subdivision, or if the officer does not review the recording, not later than  
99 ninety-six hours following the request for disclosure, whichever is  
100 earlier, such recording shall be disclosed to the public, subject to the  
101 provisions of subsection (g) of this section.

102 (g) (1) Except as otherwise provided by any agreement between a law  
103 enforcement unit and the federal government, no police officer shall use  
104 body-worn recording equipment or a dashboard camera, if applicable,  
105 to intentionally record (A) a communication with other law enforcement  
106 unit personnel, except that which may be recorded as the officer

107 performs his or her duties, (B) an encounter with an undercover officer  
108 or informant or an officer performing detective work described in  
109 guidelines developed pursuant to subsection (j) of this section, (C) when  
110 an officer is on break or is otherwise engaged in a personal activity, (D)  
111 a person undergoing a medical or psychological evaluation, procedure  
112 or treatment, (E) any person other than a suspect to a crime if an officer  
113 is wearing such equipment in a hospital or other medical facility setting,  
114 or (F) in a mental health facility, unless responding to a call involving a  
115 suspect to a crime who is thought to be present in the facility.

116 (2) No record created using body-worn recording equipment or a  
117 dashboard camera of (A) an occurrence or situation described in  
118 subparagraphs (A) to (F), inclusive, of subdivision (1) of this subsection,  
119 (B) a scene of an incident that involves (i) a victim of domestic or sexual  
120 abuse, (ii) a victim of homicide or suicide, or (iii) a deceased victim of an  
121 accident, if disclosure could reasonably be expected to constitute an  
122 unwarranted invasion of personal privacy in the case of any such victim  
123 described in this subparagraph, or (C) a minor, shall be subject to  
124 disclosure under the Freedom of Information Act, [as defined in section  
125 1-200,] and any such record shall be confidential and redacted in  
126 accordance with section 2 of this act, except that (i) a record of an  
127 involved person or the requesting party undergoing a medical  
128 evaluation, procedure or treatment shall be disclosed to such involved  
129 person or the requesting party, and (ii) a record of a minor shall be  
130 disclosed if [(i)] (I) the minor and the parent or guardian of such minor  
131 consent to the disclosure of such record, [(ii)] or, if the minor is an  
132 involved person, the minor's parent or guardian is the requesting party  
133 or an involved person, (II) a police officer is the subject of an allegation  
134 of misconduct made by such minor or the parent or guardian of such  
135 minor, and the person representing such officer in an investigation of  
136 such alleged misconduct requests disclosure of such record for the sole  
137 purpose of preparing a defense to such allegation, or [(iii)] (III) a person  
138 is charged with a crime and defense counsel for such person requests  
139 disclosure of such record for the sole purpose of assisting in such  
140 person's defense and the discovery of such record as evidence is

141 otherwise discoverable.

142 (3) Any record created using body-worn recording equipment or a  
143 dashboard camera that the public agency determines the disclosure of  
144 could reasonably be expected to constitute an unwarranted invasion of  
145 personal privacy and that depicts the following shall be redacted prior  
146 to disclosure of such record under the Freedom of Information Act: (A)  
147 The inside of a private residence, or (B) an individual in a state of  
148 undress or nudity, except that a record showing the inside of a private  
149 residence of the requesting party or an involved person may be  
150 disclosed to such requesting party or involved person, as applicable,  
151 and a record showing the requesting party or an involved party in a  
152 state of undress or nudity may be disclosed to such requesting party or  
153 involved person, as applicable.

154 (h) No police officer shall use body-worn recording equipment prior  
155 to being trained in accordance with section 7-294s in the use of such  
156 equipment and in the retention of data created by such equipment. A  
157 law enforcement unit shall ensure that each police officer such unit  
158 employs receives such training at least annually and is trained on the  
159 proper care and maintenance of such equipment.

160 (i) If a police officer is aware that any body-worn recording  
161 equipment or dashboard camera is lost, damaged or malfunctioning,  
162 such officer shall inform such officer's supervisor in writing as soon as  
163 is practicable. Upon receiving such information, the supervisor shall  
164 ensure that the body-worn recording equipment or dashboard camera  
165 is inspected and repaired or replaced, as necessary. Each police officer  
166 shall inspect and test body-worn recording equipment prior to each shift  
167 to verify proper functioning, and shall notify such officer's supervisor  
168 of any problems with such equipment.

169 (j) The Commissioner of Emergency Services and Public Protection  
170 and the Police Officer Standards and Training Council shall jointly  
171 maintain guidelines pertaining to the use of body-worn recording  
172 equipment and dashboard cameras, including the type of detective

173 work an officer might engage in that should not be recorded, retention  
174 of data created by such equipment and dashboard cameras and methods  
175 for safe and secure storage of such data. The guidelines shall not require  
176 a law enforcement unit to store such data for a period longer than one  
177 year, except in the case where the unit knows the data is pertinent to any  
178 ongoing civil, criminal or administrative matter. Each law enforcement  
179 unit and any police officer and any other employee of such unit who  
180 may have access to such data shall adhere to such guidelines. The  
181 commissioner and council may update and reissue such guidelines, as  
182 the commissioner and council determine necessary. The commissioner  
183 and council shall, upon issuance of such guidelines or any update to  
184 such guidelines, submit such guidelines in accordance with the  
185 provisions of section 11-4a to the joint standing committees of the  
186 General Assembly having cognizance of matters relating to the judiciary  
187 and public safety.

188       Sec. 2. (NEW) (*Effective October 1, 2023*) (a) Any public agency, as  
189 defined in section 1-200 of the general statutes, that maintains a copy of  
190 a record created using body-worn recording equipment or a dashboard  
191 camera pursuant to section 29-6d of the general statutes may charge the  
192 requesting party a redaction fee for any such record that requires  
193 redaction in accordance with the provisions of this section. Such fee  
194 shall compensate the public agency for the time spent redacting any  
195 portion of the requested record as required or authorized by state or  
196 federal law, including, but not limited to, the provisions of subsection  
197 (g) of section 29-6d of the general statutes, as amended by this act. Such  
198 fee shall be calculated as follows:

199       (1) The public agency shall not charge the requesting party for the  
200 time spent searching for the applicable record that is responsive to the  
201 request.

202       (2) The first two hours of labor costs incurred by the public agency in  
203 redacting the requested record shall not be charged to the requesting  
204 party, except, if the requesting party is an involved person in the record  
205 requested, is the parent or legal guardian of an involved person or is an

206 attorney representing an involved person in any civil or criminal matter,  
207 the first four hours of labor costs incurred by the public agency in  
208 redacting the requested record shall not be charged to the requesting  
209 party.

210 (3) Any additional labor cost associated with any time necessary to  
211 redact the requested record beyond the time set forth in subdivision (2)  
212 of this subsection may be charged to the requesting party at a rate not  
213 to exceed the hourly wage of the lowest-paid employee capable of  
214 redacting the responsive record. For purposes of this subdivision, the  
215 hourly wage of an employee shall be based upon the employee's base  
216 salary and shall not include benefits. The responding agency shall not  
217 charge the requesting party for the services of any attorney hired by the  
218 responding agency to conduct a second review of the requested record.

219 (4) Any fee charged to a requesting party under this section shall not  
220 exceed one hundred dollars per hour of the actual length of time of the  
221 record requested.

222 (5) If the amount to be charged to the requesting party in accordance  
223 with subdivision (3) of this subsection is expected to exceed two  
224 hundred fifty dollars, the public agency shall inform the requesting  
225 party of the expected fee and may require prepayment of such fee prior  
226 to redacting the requested record. If the amount of prepaid fees exceeds  
227 the actual labor costs incurred by the public agency in redacting the  
228 requested record, the public agency shall reimburse the requesting  
229 party for any difference between the prepaid amount and actual cost.

230 (6) The public agency shall not charge a fee to any requesting party  
231 for any record that depicts a police officer involved in a shooting, an  
232 allegation of misconduct by the police officer involved, a police officer  
233 involved in a motor vehicle accident, where an officer is giving a formal  
234 statement about the use of force or if a police officer is the subject of a  
235 disciplinary investigation, subject to any limitations on disclosure set  
236 forth in subsection (g) of section 29-6d of the general statutes, as  
237 amended by this act.



238 (7) The public agency shall waive any fee authorized under this  
239 section in accordance with subsection (d) of section 1-212 of the general  
240 statutes if the requesting party is indigent.

241 (b) The public agency shall maintain an original, unredacted copy of  
242 any requested record that is redacted for public dissemination in  
243 accordance with the provisions of this section.

244 (c) If the Freedom of Information Commission has determined that a  
245 responding public agency improperly withheld a record requested and  
246 charged a fee under this section, the Freedom of Information  
247 Commission may refund any payment or prepayment of fees made by  
248 a requesting party under this section.

249 Sec. 3. Subsections (a) and (b) of section 1-212 of the general statutes  
250 are repealed and the following is substituted in lieu thereof (*Effective*  
251 *October 1, 2023*):

252 (a) Any person applying in writing shall receive, promptly upon  
253 request, a plain, facsimile, electronic or certified copy of any public  
254 record. The type of copy provided shall be within the discretion of the  
255 public agency, except (1) the agency shall provide a certified copy  
256 whenever requested, and (2) if the applicant does not have access to a  
257 computer or facsimile machine, the public agency shall not send the  
258 applicant an electronic or facsimile copy. [The] Except as provided in  
259 section 2 of this act, the fee for any copy provided in accordance with  
260 the Freedom of Information Act:

261 (A) By an executive, administrative or legislative office of the state, a  
262 state agency or a department, institution, bureau, board, commission,  
263 authority or official of the state, including a committee of, or created by,  
264 such an office, agency, department, institution, bureau, board,  
265 commission, authority or official, and also including any judicial office,  
266 official or body or committee thereof but only in respect to its or their  
267 administrative functions, shall not exceed twenty-five cents per page;  
268 and

269 (B) By all other public agencies, as defined in section 1-200, shall not  
270 exceed fifty cents per page. If any copy provided in accordance with said  
271 Freedom of Information Act requires a transcription, or if any person  
272 applies for a transcription of a public record, the fee for such  
273 transcription shall not exceed the cost thereof to the public agency.

274 (b) The fee for any copy provided in accordance with subsection (a)  
275 of section 1-211 shall not exceed the cost thereof to the public agency.  
276 [In] Except as provided in section 2 of this act, in determining such costs  
277 for a copy, other than for a printout which exists at the time that the  
278 agency responds to the request for such copy, an agency may include  
279 only:

280 (1) An amount equal to the hourly salary attributed to all agency  
281 employees engaged in providing the requested computer-stored public  
282 record, including their time performing the formatting or programming  
283 functions necessary to provide the copy as requested, but not including  
284 search or retrieval costs, except as provided in subdivision (4) of this  
285 subsection;

286 (2) An amount equal to the cost to the agency of engaging an outside  
287 professional electronic copying service to provide such copying  
288 services, if such service is necessary to provide the copying as requested;

289 (3) The actual cost of the storage devices or media provided to the  
290 person making the request in complying with such request; and

291 (4) The computer time charges incurred by the agency in providing  
292 the requested computer-stored public record where another agency or  
293 contractor provides the agency with computer storage and retrieval  
294 services. Notwithstanding any other provision of this section, the fee for  
295 any copy of the names of registered voters shall not exceed three cents  
296 per name delivered or the cost thereof to the public agency, as  
297 determined pursuant to this subsection, whichever is less. The  
298 Department of Administrative Services shall provide guidelines to  
299 agencies regarding the calculation of the fees charged for copies of  
300 computer-stored public records to ensure that such fees are reasonable

301 and consistent among agencies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	29-6d
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>October 1, 2023</i>	1-212(a) and (b)

**Statement of Purpose:**

To authorize a public agency to charge a redaction fee for the disclosure of a record created by police body-worn equipment or dashboard cameras that contains portions not authorized to be disclosed under state or federal law.

*[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.]*