



General Assembly

Substitute Bill No. 1222

January Session, 2023



AN ACT CONCERNING FEES FOR COPYING, REVIEWING AND REDACTING RECORDS CREATED BY POLICE BODY-WORN RECORDING 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 Section 29-6d of the general statutes is repealed and the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
4 section 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
10 recording 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
15 recording equipment using computer data storage; [and]

16 (6) "Police patrol vehicle" means any state or local police vehicle
17 other than an administrative vehicle in which an occupant is wearing
18 body-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
25 pursuant to the Freedom of Information Act;

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, or (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 and

33 (10) "Redact" means to obscure, pixelate or mute any portion of a
34 record created using body-worn recording equipment or a dashboard
35 camera.

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

47 technical specifications when the commissioner and council determine
48 that revisions to such specifications are necessary.

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

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

60 (3) Body-worn recording equipment used pursuant to this section
61 shall conform to the minimal technical specifications approved
62 pursuant to subsection (b) of this section, except that a police officer
63 may use body-worn recording equipment that does not conform to the
64 minimal technical specifications approved pursuant to subsection (b)
65 of this section, if such equipment was purchased prior to January 1,
66 2016, by the law enforcement unit employing such officer.

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

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

77 (e) A police officer may review a recording from his or her body-

78 worn recording equipment or a dashboard camera in order to assist
79 such officer with the preparation of a report or otherwise in the
80 performance of his or her duties.

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

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

108 (g) (1) Except as otherwise provided by any agreement between a
109 law enforcement unit and the federal government, no police officer
110 shall use body-worn recording equipment or a dashboard camera, if

111 applicable, to intentionally record (A) a communication with other law
112 enforcement unit personnel, except that which may be recorded as the
113 officer performs his or her duties, (B) an encounter with an undercover
114 officer or informant or an officer performing detective work described
115 in guidelines developed pursuant to subsection (j) of this section, (C)
116 when an officer is on break or is otherwise engaged in a personal
117 activity, (D) a person undergoing a medical or psychological
118 evaluation, procedure or treatment, (E) any person other than a
119 suspect to a crime if an officer is wearing such equipment in a hospital
120 or other medical facility setting, or (F) in a mental health facility, unless
121 responding to a call involving a suspect to a crime who is thought to
122 be present in the facility.

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

145 preparing a defense to such allegation, or [(iii)] (III) a person is charged
146 with a crime and defense counsel for such person requests disclosure
147 of such record for the sole purpose of assisting in such person's
148 defense and the discovery of such record as evidence is otherwise
149 discoverable.

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

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

168 (i) If a police officer is aware that any body-worn recording
169 equipment or dashboard camera is lost, damaged or malfunctioning,
170 such officer shall inform such officer's supervisor in writing as soon as
171 is practicable. Upon receiving such information, the supervisor shall
172 ensure that the body-worn recording equipment or dashboard camera
173 is inspected and repaired or replaced, as necessary. Each police officer
174 shall inspect and test body-worn recording equipment prior to each
175 shift to verify proper functioning, and shall notify such officer's
176 supervisor of any problems with such equipment.

177 (j) The Commissioner of Emergency Services and Public Protection
178 and the Police Officer Standards and Training Council shall jointly
179 maintain guidelines pertaining to the use of body-worn recording
180 equipment and dashboard cameras, including the type of detective
181 work an officer might engage in that should not be recorded, retention
182 of data created by such equipment and dashboard cameras and
183 methods for safe and secure storage of such data. The guidelines shall
184 not require a law enforcement unit to store such data for a period
185 longer than one year, except in the case where the unit knows the data
186 is pertinent to any ongoing civil, criminal or administrative matter.
187 Each law enforcement unit and any police officer and any other
188 employee of such unit who may have access to such data shall adhere
189 to such guidelines. The commissioner and council may update and
190 reissue such guidelines, as the commissioner and council determine
191 necessary. The commissioner and council shall, upon issuance of such
192 guidelines or any update to such guidelines, submit such guidelines in
193 accordance with the provisions of section 11-4a to the joint standing
194 committees of the General Assembly having cognizance of matters
195 relating to the judiciary and public safety.

196 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) Except as provided in
197 subsections (b) and (c) of this section, any public agency, as defined in
198 section 1-200 of the general statutes, that maintains a copy of a record
199 created using body-worn recording equipment or a dashboard camera
200 pursuant to section 29-6d of the general statutes, as amended by this
201 act, may charge the requesting party a redaction fee for any such
202 record that requires redaction in accordance with the provisions of this
203 section. Such fee shall compensate the public agency for the time spent
204 redacting any portion of the requested record as required or
205 authorized by state or federal law, including, but not limited to, the
206 provisions of subsection (g) of section 29-6d of the general statutes, as
207 amended by this act. Such fee shall be calculated as follows:

208 (1) The public agency shall not charge the requesting party for the
209 time spent searching for the applicable record that is responsive to the

210 request.

211 (2) (A) Except as provided in subparagraph (B) of this subdivision,
212 the first two hours of labor costs incurred by the public agency in
213 redacting the requested record shall not be charged to the requesting
214 party.

215 (B) The first four hours of labor costs incurred by the public agency
216 in redacting the requested record shall not be charged to the
217 requesting party if the requesting party is (i) an involved person in the
218 record requested, (ii) the parent or legal guardian of an involved
219 person, or (iii) an attorney representing an involved person in any
220 civil, criminal or administrative matter.

221 (3) Any additional labor costs associated with any time necessary to
222 redact the requested record beyond the applicable time set forth in
223 subdivision (2) of this subsection may be charged to the requesting
224 party at a rate not to exceed the hourly wage of the lowest-paid
225 employee with the requisite training for redacting the responsive
226 record. For purposes of this subdivision, the hourly wage of an
227 employee shall be based upon the employee's base salary and shall not
228 include benefits. The responding agency shall not charge the
229 requesting party for the services of any attorney hired by the
230 responding agency to conduct a second review of the requested record
231 or any company providing digital management services to the
232 responding agency.

233 (4) Any fee charged to a requesting party under this subsection shall
234 not exceed one hundred dollars per hour of the actual length of time of
235 the record requested. In calculating the fee under this subsection, the
236 public agency may round up the actual length of time of the record
237 requested to the nearest half hour at a rate of fifty dollars per half hour.

238 (5) If the amount to be charged to the requesting party in accordance
239 with subdivision (3) of this subsection is estimated to exceed two
240 hundred fifty dollars, the public agency shall inform the requesting

241 party of the estimated fee and may require prepayment of such fee
242 prior to redacting the requested record. If the amount of prepaid fees
243 exceeds the actual labor costs incurred by the public agency in
244 redacting the requested record, the public agency shall reimburse the
245 requesting party for any difference between the prepaid amount and
246 actual cost.

247 (b) The public agency shall waive any fee authorized under this
248 section if required under subsection (d) of section 1-212 of the general
249 statutes.

250 (c) The public agency shall not charge a fee to any requesting party
251 for any record that depicts a police officer involved in a shooting, an
252 allegation of misconduct by the police officer involved or a police
253 officer involved in a motor vehicle accident, where an officer is giving
254 a formal statement about the use of force or if a police officer is the
255 subject of a disciplinary investigation, subject to any limitations on
256 disclosure set forth in subsection (g) of section 29-6d of the general
257 statutes, as amended by this act.

258 (d) The public agency shall maintain an original, unredacted copy of
259 any requested record that is redacted for public dissemination in
260 accordance with the provisions of this section.

261 (e) If the Freedom of Information Commission determines that a
262 public agency has violated any provision of this section, the Freedom
263 of Information Commission may order the public agency to refund any
264 payment made under this section.

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

268 (a) Any person applying in writing shall receive, promptly upon
269 request, a plain, facsimile, electronic or certified copy of any public
270 record. The type of copy provided shall be within the discretion of the
271 public agency, except (1) the agency shall provide a certified copy

272 whenever requested, and (2) if the applicant does not have access to a
273 computer or facsimile machine, the public agency shall not send the
274 applicant an electronic or facsimile copy. [The] Except as provided in
275 section 2 of this act, the fee for any copy provided in accordance with
276 the Freedom of Information Act:

277 (A) By an executive, administrative or legislative office of the state, a
278 state agency or a department, institution, bureau, board, commission,
279 authority or official of the state, including a committee of, or created
280 by, such an office, agency, department, institution, bureau, board,
281 commission, authority or official, and also including any judicial office,
282 official or body or committee thereof but only in respect to its or their
283 administrative functions, shall not exceed twenty-five cents per page;
284 and

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

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

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

302 (2) An amount equal to the cost to the agency of engaging an

303 outside professional electronic copying service to provide such
304 copying services, if such service is necessary to provide the copying as
305 requested;

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

308 (4) The computer time charges incurred by the agency in providing
309 the requested computer-stored public record where another agency or
310 contractor provides the agency with computer storage and retrieval
311 services. Notwithstanding any other provision of this section, the fee
312 for any copy of the names of registered voters shall not exceed three
313 cents per name delivered or the cost thereof to the public agency, as
314 determined pursuant to this subsection, whichever is less. The
315 Department of Administrative Services shall provide guidelines to
316 agencies regarding the calculation of the fees charged for copies of
317 computer-stored public records to ensure that such fees are reasonable
318 and consistent among agencies.

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

Statement of Legislative Commissioners:

Section 1(g)(3) was redrafted for clarity, Section 2 was reorganized for consistency with standard drafting conventions and in Section 2(a) an exception was added for accuracy.

GAE *Joint Favorable Subst.*