

Use of Surveillance Cameras in Residential Areas

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Issue

What are the laws that govern the use of surveillance cameras in residential areas? (This report updates OLR Report [2009-R-0359](#).)

Summary

There are laws that protect an individual's privacy that could apply to the use of surveillance cameras in residential areas. The primary statute is the voyeurism law, which generally makes it a punishable crime to watch or record others in a private setting without their knowledge. Depending on the circumstances, voyeurism is a class D or class C felony (see below).

Under state law, residential areas that are in plain view and where the occupant would have no reasonable expectation of privacy generally do not fall under the voyeurism statutes. On the other hand, the surveillance of a person's back yard may meet the laws criteria if the yard is fenced and not open to plain view.

Other statutes dealing with privacy rights that may apply include disorderly conduct and the use of electronic surveillance by employers.

Case law and the Restatement of Torts also provide civil remedies if an individual's right to privacy is violated.

Related Report

See OLR Report [2022-R-0234](#) for a look at state laws that apply to the installation of security cameras in hallways and stairwells of owner-occupied multi-family rental properties.

State Laws

Voyeurism

Generally, a person is guilty of voyeurism when he or she, with malice or an intent to satisfy his or her or another's sexual desire, knowingly photographs, films, videotapes, or otherwise records the image of another person (1) without that person's knowledge and consent, (2) while that person is not in plain view, and (3) under circumstances where that person has a reasonable expectation of privacy ([CGS § 53a-189a\(a\)\(1 & 2\)](#)).

By law, a person also commits voyeurism if he or she, intending to arouse or satisfy his or her sexual desire, commits simple trespass and observes, in a manner that is not casual or cursory, another person without his or her knowledge or consent, while that person is inside a dwelling and not in plain view, under circumstances where there is a reasonable expectation of privacy ([CGS § 53a-189a\(a\)\(3\)](#)). While this form of voyeurism would occur in a residential setting, it addresses the conduct of observing as opposed to recording, and thus does not directly address the use of surveillance cameras. (A person is guilty of simple trespass (an infraction) when, knowing that he or she is not licensed or privileged to do so, the person enters or remains in or on any premises without intent to harm any property ([CGS § 53a-110a](#)).

Penalty. A first offense of voyeurism is a class D felony. The penalty increases to a class C felony for subsequent offenses or when the intended subject is a minor under age 16, or the offender has been previously convicted of certain sexual assault crimes ([CGS § 53a-189a\(c\)](#)). It is an additional class D felony to disseminate voyeuristic materials ([CGS § 53a-189b](#)).

A class D felony is punishable by up to five years in prison, a fine up to \$5,000, or both. A class C felony is punishable 1 to 10 years in prison, a fine up to \$10,000, or both.

Disorderly Conduct

A person is guilty of disorderly conduct if he or she takes certain actions with the intent to cause inconvenience, annoyance or alarm, or recklessly create a risk of these. One form of disorderly conduct occurs when the person (1) commits simple trespass and observes another person in a manner other than casual or cursory, (2) without that other person's knowledge or consent, (3) while that person is inside a dwelling and not in plain view, and (4) under circumstances where that person has a reasonable expectation of privacy ([CGS § 53a-182](#)). (While this crime would occur in a residential setting, the conduct that constitutes the crime does not explicitly require the use of a recording or surveillance device.)

Disorderly conduct is a class C misdemeanor, which is punishable by up to three months in prison, a fine up to \$500, or both.

Use of Electronic Surveillance Devices by Employers

[CGS § 31-48b](#) prohibits an employer or its agent or representative from using an electronic surveillance device or system (e.g., a sound or voice recording device or closed-circuit television system) to record or monitor the activities of employees in areas designed for their health or personal comfort or for safeguarding of their possessions (e.g., rest rooms, locker rooms, or lounges). This provision does not apply to surveillance in residential settings, however, given today's use of telecommunication technology to facilitate working remotely from home, it is unclear whether a court would decide that this law could apply in certain work-from-home arrangements.

Case Law

In [Goodrich v. Waterbury Republican American, Inc.](#), the Connecticut Supreme Court recognized a common law right to privacy, “the right to be let alone” (188 Conn. 107 (1982)). The court recognized four types of invasions of privacy, based on those outlined in the Restatement (Second) of Torts (a legal treatise that articulates the principles or rules for a specific area of law). One of these, the tort of “unreasonable intrusion upon the seclusion,” may apply regarding the use of surveillance cameras in residential areas.

Intrusion Upon Seclusion

Under the [Restatement \(Second\) of Torts § 652B](#), a person who intentionally intrudes, physically or otherwise, upon the seclusion of another or that person's private affairs or concerns, is subject to liability to the other person for invasion of privacy, if the intrusion would be highly offensive to a reasonable person.

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