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## OLR Bill Analysis

### sSB 234

#### ***AN ACT EXEMPTING CERTAIN LAW ENFORCEMENT RECORDS FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.***

#### **SUMMARY**

This bill expands two exemptions from disclosure under the Freedom of Information Act (FOIA) that principally apply to certain law enforcement agency records. First, existing law exempts from disclosure under FOIA law enforcement agency records created in detecting or investigating crime that are not otherwise available to the public when disclosure would not be in the public interest because it would reveal, among other things, (1) the identity of certain informants or witnesses or (2) signed witness statements. The bill expands this exemption to also include (1) the identity of mandated reporters not otherwise known (see BACKGROUND) and (2) sworn witness statements.

The bill also expands a FOIA exemption for certain images where disclosure could constitute an invasion of personal privacy. Under current law, this exemption applies only to certain images of homicide victims. Under the bill, the expanded exemption applies to a photograph, film, video, digital image, or other visual image created by a law enforcement or other government agency depicting a domestic or sexual abuse victim, homicide or suicide victim, or deceased victim of an accident. The exemption applies if disclosure could reasonably be expected to constitute an unwarranted invasion of the victim's or surviving family members' personal privacy. Under existing law, a similar confidentiality requirement applies to body or dashboard camera recordings of an incident scene involving these victims (CGS § 29-6d(g)(2)(B)).

The bill also exempts from disclosure a photograph, film, video, digital image, or other image created by a law enforcement or other

government agency of a minor unless disclosure is required by the state's body and dashboard camera law. By law, body and dashboard camera recordings of minors must be disclosed if:

1. the minor and his or her parent or guardian consent to disclosure;
2. the minor or his or her parent or guardian alleges police misconduct, and the person representing the accused officer in an investigation requests disclosure solely to prepare a defense; or
3. a person is charged with a crime and his or her counsel requests disclosure solely to aid in the person's defense, provided the record's discovery as evidence is otherwise allowed (CGS § 29-6d(g)(2)(C)).

EFFECTIVE DATE: July 1, 2024

## **BACKGROUND**

### ***Mandated Reporters***

By law, people in more than 40 different professions and occupations that have contact with children or whose primary focus is children must report suspected child abuse or neglect (CGS § 17a-101). These are called mandated reporters, and they must make the report when, in the ordinary course of their employment or profession, they have reasonable cause to believe or suspect that a child younger than age 18 has been abused, neglected, or placed in imminent risk of serious harm (CGS § 17a-101b). Broadly, these individuals include specified law enforcement members, health professionals, social workers, counselors and therapists, childcare providers, school employees, coaches, clergy members, and certain state employees (e.g., Department of Children and Families and certain Office of Early Childhood employees) (CGS § 17a-101(b)).

## **COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable Substitute

Yea 25    Nay 0    (03/19/2024)