



General Assembly

Amendment

February Session, 2024

LCO No. 5538



Offered by:
SEN. FLEXER, 29th Dist.

To: Subst. Senate Bill No. 431

File No. 396

Cal. No. 258

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 29-6d of the 2024 supplement to the general
4 statutes is repealed and the following is substituted in lieu thereof
5 (*Effective October 1, 2024*):

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

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

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

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

14 (4) "Dashboard camera" means a dashboard camera with a remote
15 recorder, as defined in section 7-277b;

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

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

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

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

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

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

38 (b) The Commissioner of Emergency Services and Public Protection
39 and the Police Officer Standards and Training Council shall jointly
40 evaluate and approve the minimal technical specifications of body-worn
41 recording equipment that shall be worn by police officers pursuant to
42 this section, dashboard cameras that shall be used in each police patrol
43 vehicle and digital data storage devices or services that shall be used by

44 a law enforcement unit to retain the data from the recordings made by
45 such equipment. The commissioner and council shall make such
46 minimal technical specifications available to each law enforcement unit
47 in a manner determined by the commissioner and council. The
48 commissioner and council may revise the minimal technical
49 specifications when the commissioner and council determine that
50 revisions to such specifications are necessary.

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

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

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

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

73 (d) Except as required by state or federal law, no person employed by
74 a law enforcement unit shall edit, erase, copy, share or otherwise alter
75 or distribute in any manner any recording made by body-worn

76 recording equipment or a dashboard camera or the data from such
77 recording.

78 (e) A police officer may review a recording from his or her body-worn
79 recording equipment or a dashboard camera in order to assist such
80 officer with the preparation of a report or otherwise in the performance
81 of his or her duties.

82 (f) (1) If a police officer is giving a formal statement about the use of
83 force or if a police officer is the subject of a disciplinary investigation in
84 which a recording from body-worn recording equipment or a
85 dashboard camera is being considered as part of a review of an incident,
86 the officer shall have the right to review (A) such recording in the
87 presence of the officer's attorney or labor representative, and (B)
88 recordings from other body-worn recording equipment capturing the
89 officer's image or voice during the incident. Not later than forty-eight
90 hours following an officer's review of a recording under subparagraph
91 (A) of this subdivision, or if the officer does not review the recording,
92 not later than ninety-six hours following the initiation of such
93 disciplinary investigation, whichever is earlier, such recording shall be
94 disclosed, upon request, to the public, subject to the provisions of
95 subsection (g) of this section. Public disclosure may be delayed if the
96 officer, due to a medical or physical response or an acute psychological
97 stress response to the incident, is not reasonably able to review a
98 recording under this subdivision, but in no event shall disclosure be
99 delayed more than one hundred forty-four hours following the
100 recorded event.

101 (2) If a request is made for public disclosure of a recording from body-
102 worn recording equipment or a dashboard camera of an incident about
103 which (A) a police officer has not been asked to give a formal statement
104 about the alleged use of force, or (B) a disciplinary investigation has not
105 been initiated, any police officer whose image or voice is captured on
106 the recording shall have the right to review such recording in the
107 presence of the officer's attorney or labor representative. Not later than
108 forty-eight hours following an officer's review of a recording under this

109 subdivision, or if the officer does not review the recording, not later than
110 ninety-six hours following the request for disclosure, whichever is
111 earlier, such recording shall be disclosed to the public, subject to the
112 provisions of subsection (g) of this section. Public disclosure may be
113 delayed if the officer, due to a medical or physical response or an acute
114 psychological stress response to the incident, is not reasonably able to
115 review a recording under this subdivision, but in no event shall
116 disclosure be delayed more than one hundred forty-four hours
117 following the recorded event.

118 (g) (1) Except as otherwise provided by any agreement between a law
119 enforcement unit and the federal government, no police officer shall use
120 body-worn recording equipment or a dashboard camera, if applicable,
121 to intentionally record (A) a communication with other law enforcement
122 unit personnel, except that which may be recorded as the officer
123 performs his or her duties, (B) an encounter with an undercover officer
124 or informant or an officer performing detective work described in
125 guidelines developed pursuant to subsection (j) of this section, (C) when
126 an officer is on break or is otherwise engaged in a personal activity, (D)
127 a person undergoing a medical or psychological evaluation, procedure
128 or treatment, (E) any person other than a suspect to a crime if an officer
129 is wearing such equipment in a hospital or other medical facility setting,
130 or (F) in a mental health facility, unless responding to a call involving a
131 suspect to a crime who is thought to be present in the facility.

132 (2) No record created using body-worn recording equipment or a
133 dashboard camera of (A) an occurrence or situation described in
134 subparagraphs (A) to (F), inclusive, of subdivision (1) of this subsection,
135 (B) a scene of an incident that involves (i) a victim of domestic or sexual
136 abuse, (ii) a victim of homicide or suicide, or (iii) a deceased victim of an
137 accident, if disclosure could reasonably be expected to constitute an
138 unwarranted invasion of personal privacy in the case of any such victim
139 described in this subparagraph, or (C) a minor, shall be subject to
140 disclosure under the Freedom of Information Act, [as defined in section
141 1-200,] and any such record shall be confidential and redacted in
142 accordance with section 2 of this act, except that (i) a record of an

143 involved person or the requesting party undergoing a medical or
144 psychological evaluation, procedure or treatment shall be disclosed to
145 such involved person or the requesting party, and (ii) a record of a minor
146 shall be disclosed if [(i)] (I) the minor and the parent or guardian of such
147 minor consent to the disclosure of such record, [(ii)] or, if the minor is
148 an involved person, the minor's parent or guardian is the requesting
149 party or an involved person, (II) a police officer is the subject of an
150 allegation of misconduct made by such minor or the parent or guardian
151 of such minor, and the person representing such officer in an
152 investigation of such alleged misconduct requests disclosure of such
153 record for the sole purpose of preparing a defense to such allegation, or
154 [(iii)] (III) a person is charged with a crime and defense counsel for such
155 person requests disclosure of such record for the sole purpose of
156 assisting in such person's defense and the discovery of such record as
157 evidence is otherwise discoverable.

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

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

173 (j) The Commissioner of Emergency Services and Public Protection
174 and the Police Officer Standards and Training Council shall jointly
175 maintain guidelines pertaining to the use of body-worn recording

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

192 (k) (1) Not later than October 1, 2023, the Police Officer Standards and
193 Training Council, in consultation with the Institute for Municipal and
194 Regional Policy at The University of Connecticut, shall prescribe a form
195 to be used by law enforcement units to report each unit's compliance
196 with the provisions of subsection (c) of this section. Such form shall
197 require the compilation of information including, but not limited to, (A)
198 the number of body-worn recording devices in operation in a law
199 enforcement unit, (B) the number of dashboard cameras in operation in
200 a law enforcement unit, (C) the number of police patrol vehicles not
201 equipped with a dashboard camera in a law enforcement unit and the
202 reasons such vehicles are not so equipped, (D) information regarding
203 any incidents in which a police officer of a law enforcement unit was
204 found in an internal investigation conducted by such unit to have
205 violated such unit's policy regarding the use of body-worn recording
206 equipment or dashboard cameras, and (E) any other information
207 deemed necessary.

208 (2) Not later than January 1, 2024, and annually thereafter, each law
209 enforcement unit shall submit a report on the form prescribed pursuant

210 to subdivision (1) of this subsection concerning the unit's compliance
211 with the provisions of subsection (c) of this section to the Institute for
212 Municipal and Regional Policy at The University of Connecticut. The
213 institute shall post such reports on the institute's Internet web site.

214 (3) Not later than July 1, 2024, and annually thereafter, the Institute
215 for Municipal and Regional Policy at The University of Connecticut
216 shall, within available appropriations, review the reports submitted
217 pursuant to subdivision (2) of this subsection, and report the results of
218 such review and any recommendations as a result of such review to the
219 Governor, the Police Officer Standards and Training Council, the
220 Criminal Justice Policy and Planning Division within the Office of Policy
221 and Management and, in accordance with the provisions of section 11-
222 4a, the joint standing committees of the General Assembly having
223 cognizance of matters relating to the judiciary and public safety and
224 security.

225 Sec. 2. (NEW) (*Effective October 1, 2024*) (a) Except as provided in
226 subsections (b) and (c) of this section, any public agency, as defined in
227 section 1-200 of the general statutes, that maintains a copy of a record
228 created using body-worn recording equipment or a dashboard camera
229 pursuant to section 29-6d of the general statutes, as amended by this act,
230 may charge the requesting party a redaction fee for any such record that
231 requires redaction in accordance with the provisions of this section.
232 Such fee shall compensate the public agency for the time spent redacting
233 any portion of the requested record as required or authorized by state
234 or federal law, including, but not limited to, the provisions of subsection
235 (g) of section 29-6d of the general statutes, as amended by this act. Such
236 fee shall be calculated as follows:

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

240 (2) (A) Except as provided in subparagraph (B) of this subdivision,
241 the first two hours of labor costs incurred by the public agency in

242 redacting the requested record shall not be charged to the requesting
243 party.

244 (B) The first four hours of labor costs incurred by the public agency
245 in redacting the requested record shall not be charged to the requesting
246 party if the requesting party is (i) the parent or legal guardian of an
247 involved person, or (ii) an attorney representing an involved person in
248 any civil, criminal or administrative matter.

249 (3) Except as provided in subsection (c) of this section, any additional
250 labor costs associated with any time necessary to redact the requested
251 record beyond the applicable time set forth in subdivision (2) of this
252 subsection may be charged to the requesting party at a rate not to exceed
253 the hourly wage of the lowest-paid employee with the requisite training
254 for redacting the responsive record. For purposes of this subdivision,
255 the hourly wage of an employee shall be based upon the employee's
256 base salary and shall not include benefits. The responding agency shall
257 not charge the requesting party for the services of any attorney hired by
258 the responding agency to conduct a second review of the requested
259 record or any company providing digital management services to the
260 responding agency.

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

266 (5) If the amount to be charged to the requesting party in accordance
267 with subdivision (3) of this subsection is estimated to exceed two
268 hundred fifty dollars, the public agency shall inform the requesting
269 party of the estimated fee and may require prepayment of such fee prior
270 to redacting the requested record. If the amount of prepaid fees exceeds
271 the actual labor costs incurred by the public agency in redacting the
272 requested record, the public agency shall reimburse the requesting
273 party for any difference between the prepaid amount and actual cost.

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

277 (c) A public agency shall not charge a fee to any requesting party who
278 is an involved person in the record requested. A public agency shall not
279 charge a fee to any other requesting party if (1) the record depicts (A) a
280 police officer involved in a shooting, (B) a police officer involved in a
281 motor vehicle accident, or (C) a police officer giving a formal statement
282 about the use of force, or (2) (A) there is an allegation of misconduct
283 concerning the police officer involved, or (B) the police officer involved
284 is the subject of a disciplinary investigation, subject to any limitations
285 on disclosure set forth in subsection (g) of section 29-6d of the general
286 statutes, as amended by this act.

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

290 (e) If the Freedom of Information Commission determines that a
291 public agency has violated any provision of this section, the Freedom of
292 Information Commission may order the public agency to refund any
293 payment made under this section.

294 Sec. 3. Subsections (a) and (b) of section 1-212 of the general statutes
295 are repealed and the following is substituted in lieu thereof (*Effective*
296 *October 1, 2024*):

297 (a) Any person applying in writing shall receive, promptly upon
298 request, a plain, facsimile, electronic or certified copy of any public
299 record. The type of copy provided shall be within the discretion of the
300 public agency, except (1) the agency shall provide a certified copy
301 whenever requested, and (2) if the applicant does not have access to a
302 computer or facsimile machine, the public agency shall not send the
303 applicant an electronic or facsimile copy. [The] Except as provided in
304 section 2 of this act, the fee for any copy provided in accordance with
305 the Freedom of Information Act:

306 (A) By an executive, administrative or legislative office of the state, a
307 state agency or a department, institution, bureau, board, commission,
308 authority or official of the state, including a committee of, or created by,
309 such an office, agency, department, institution, bureau, board,
310 commission, authority or official, and also including any judicial office,
311 official or body or committee thereof but only in respect to its or their
312 administrative functions, shall not exceed twenty-five cents per page;
313 and

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

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

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

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

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

336 (4) The computer time charges incurred by the agency in providing

337 the requested computer-stored public record where another agency or
 338 contractor provides the agency with computer storage and retrieval
 339 services. Notwithstanding any other provision of this section, the fee for
 340 any copy of the names of registered voters shall not exceed three cents
 341 per name delivered or the cost thereof to the public agency, as
 342 determined pursuant to this subsection, whichever is less. The
 343 Department of Administrative Services shall provide guidelines to
 344 agencies regarding the calculation of the fees charged for copies of
 345 computer-stored public records to ensure that such fees are reasonable
 346 and consistent among agencies.

347 Sec. 4. Subsection (b) of section 1-210 of the 2024 supplement to the
 348 general statutes is amended by adding subdivision (29) as follows
 349 (*Effective October 1, 2024*):

350 (NEW) (29) The name and address of an individual reporting to a
 351 public agency an incident involving an allegation of bigotry or bias
 352 towards any person, group of persons or religiously-affiliated entity
 353 based in whole or in part on the actual or perceived race, religion,
 354 ethnicity, disability, sex, sexual orientation or gender identity or
 355 expression of such person, group or entity, including, but not limited to,
 356 any allegation of a violation of subdivision (3) of subsection (a) of section
 357 53a-62, subdivision (4) of subsection (a) of section 53a-180, subdivision
 358 (4) of subsection (a) of section 53a-180c, subdivision (3) of subsection (a)
 359 of section 53a-180d, subdivision (4) of subsection (a) of section 53a-181c,
 360 section 46a-58, 53-37, 53-37a, 53-37b, 53a-40a, 53a-181j, 53a-181k or 53a-
 361 181l."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	29-6d
Sec. 2	<i>October 1, 2024</i>	New section
Sec. 3	<i>October 1, 2024</i>	1-212(a) and (b)
Sec. 4	<i>October 1, 2024</i>	1-210(b)(29)