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## OLR Bill Analysis

### SB 1229

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

#### **SUMMARY**

This bill sets conditions under which public agencies may charge a fee for redacting (i.e. obscuring, pixelating, or muting) body and dashboard camera recordings requested under the state's Freedom of Information Act (FOIA). It prohibits an agency from charging any fee for the first four hours of its labor costs to redact the requested record. Then, for any additional labor costs beyond those four hours, it allows the agency to charge a rate up to the hourly wage of the lowest-paid employee with the training required to redact the record, but no more than \$100 per hour for the requested recording's actual duration. The agency must maintain an original, unredacted copy of any requested record that is redacted for public dissemination.

However, an agency may not charge any redaction fee if the requestor is an involved person in the requested record or the record shows certain types of incidents (e.g., a police officer-involved shooting). Under the bill, an "involved person" is any (1) individual depicted in a body or dashboard camera recording; (2) individual directly involved in the incident that led to the police officer being called to respond; or (3) responding police officer, including the officer who created the recording.

For certain types of body and dashboard camera recordings, the bill sets additional redaction and disclosure requirements. Among other things, it requires that recordings showing certain confidential events (e.g., encounters with undercover officers) be redacted while requiring others (e.g., psychological evaluations) to be disclosed to an involved person or requesting party if they show the involved person or

requesting party.

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2025

## **REDACTION FEES**

### ***Fee Calculation***

Under existing law, fees for copies of public records (including body and dashboard camera recordings) are set by FOIA unless the law provides otherwise (see BACKGROUND). Generally, FOIA does not allow public agencies to charge requestors for the time spent redacting a record.

The bill generally allows public agencies that maintain copies of body or dashboard camera recordings to charge requestors a fee, but only for the time in excess of four hours they spend redacting the requested recordings.

Beyond four hours, the bill allows an agency to charge the hourly wage (i.e. base salary excluding benefits) of the lowest-paid employee with the necessary training to redact the record. The bill prohibits agencies from charging for (1) time spent searching for the requested records, (2) an attorney hired to do a second review of the record, or (3) a digital management company's services.

Under the bill, the redaction fee may not exceed \$100 per hour for the actual length of time of the requested record. The agency may round up the actual length of time to the nearest half-hour at the rate of \$50 per hour (e.g., for a five hours and ten minutes long recording, an agency could charge no more than \$525). Agencies (1) must inform the requestor if the fee is estimated to exceed \$250, (2) may require prepayment in these cases, and (3) must refund any portion of a prepayment that exceeds the actual labor costs. The bill allows the Freedom of Information Commission (FOIC) to order a refund of a payment or prepayment if it finds that a public agency violated these fee provisions.

### ***Fee Prohibitions and Waivers***

The bill prohibits public agencies from charging any redaction fee to a requesting party who is an (1) involved person in the requested record; (2) involved person's parent or legal guardian; or (3) attorney representing an involved person in a civil, criminal, or administrative matter. It also prohibits fees from being charged:

1. for records that depict a police officer (a) involved in a shooting or motor vehicle accident or (b) giving a formal statement about the use of force, or
2. if there is an allegation of misconduct by the police officer involved or the officer is the subject of a disciplinary investigation.

The bill specifies that these records remain subject to the disclosure limitations under current law and the bill.

The bill also requires agencies to waive the redaction fee for the same reasons that FOIA requires copying fees to be waived. FOIA generally requires these fee waivers for (1) political subdivisions' elected officials getting records from their own agency for official business; (2) indigent people; (3) public defenders; (4) records exempt from disclosure; and (5) requests that benefit the general welfare, as determined by the agency.

## **DISCLOSURE AND REDACTION OF BODY CAMERA RECORDINGS**

### ***Additional Disclosure Requirements***

Existing law generally subjects body and dashboard camera recordings to disclosure under FOIA, with certain exceptions. Among other things, current law (1) prohibits officers from intentionally recording a person undergoing a medical or psychological evaluation, procedure, or treatment, unless the recording was made as part of an agreement between the law enforcement unit and the federal government and (2) makes confidential any recording showing these events. The bill requires that recordings showing these events be disclosed to an involved person or requesting party if they are in them.

With certain exceptions, existing law generally prohibits disclosing

recordings of a minor. Under current law, a recording of a minor must be disclosed if, among other things, the minor and his or her parent or guardian consent to disclosure. The bill additionally requires disclosure if the (1) minor is an involved person and (2) parent or guardian is a requesting party or also an involved person.

***Additional Redaction Requirements***

The bill requires redaction of body and dashboard camera recordings of any of the following, which are confidential and generally exempt from disclosure under FOIA:

1. communications between law enforcement unit personnel, except those that may be recorded as an officer does his or her duties;
2. encounters with undercover officers, informants, or officers doing certain detective work;
3. officers on break or engaging in a personal activity;
4. someone undergoing a medical or psychological evaluation, procedure, or treatment;
5. anyone, other than a criminal suspect, in a hospital or other medical facility;
6. a mental health facility, unless the recording was made during a response to a call involving a criminal suspect thought to be at the facility;
7. scenes of an incident involving victims of domestic or sexual abuse, homicide or suicide, or a fatal accident, if disclosure could reasonably be expected to be an unwarranted invasion of the victim's personal privacy; or
8. a minor.

## **BACKGROUND**

### ***FOIA Fees***

FOIA allows public agencies to charge the following for producing copies of computer-stored public records:

1. the hourly salary attributed to all agency employees engaged in providing the requested record (including their time doing necessary formatting or programming functions, but not search or retrieval costs);
2. the cost of an outside professional electronic copying service, if needed;
3. the actual cost of the storage devices or media given to the requestor; and
4. computer time charges if a contractor or another agency provides the storage and retrieval services (CGS §§ 1-211(a) & -212(b)).

### ***Related Case***

In a contested case decided in 2023, FOIC rejected a law enforcement agency's attempt to charge a requestor for labor costs to pixelate and mute a body camera recording. Specifically, FOIC ruled that these actions were not formatting or programming within the meaning of FOIA's fee provisions (because the agency used existing software and did not need to develop a program or contract with an outside entity to develop one) (FIC 2022-0176 (2023)).

### ***Related Bill***

SB 973, reported favorably by the Government Oversight Committee, is identical to this bill.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable

Yea 19    Nay 0    (02/28/2025)