



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 Section 29-6d of the general statutes is repealed and the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 section
4 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 recording
10 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 recording

15 equipment using computer data storage; [and]

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

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

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

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

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

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

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

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

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

75 (e) A police officer may review a recording from his or her body-worn
76 recording equipment or a dashboard camera in order to assist such

77 officer with the preparation of a report or otherwise in the performance
78 of his or her duties.

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

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

105 (g) (1) Except as otherwise provided by any agreement between a law
106 enforcement unit and the federal government, no police officer shall use
107 body-worn recording equipment or a dashboard camera, if applicable,
108 to intentionally record (A) a communication with other law enforcement
109 unit personnel, except that which may be recorded as the officer

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

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

144 evidence is otherwise discoverable.

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

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

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

172 (j) The Commissioner of Emergency Services and Public Protection
173 and the Police Officer Standards and Training Council shall jointly
174 maintain guidelines pertaining to the use of body-worn recording
175 equipment and dashboard cameras, including the type of detective

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

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

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

206 (2) (A) Except as provided in subparagraph (B) of this subdivision,
207 the first two hours of labor costs incurred by the public agency in
208 redacting the requested record shall not be charged to the requesting

209 party.

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

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

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

232 (5) If the amount to be charged to the requesting party in accordance
233 with subdivision (3) of this subsection is estimated to exceed two
234 hundred fifty dollars, the public agency shall inform the requesting
235 party of the estimated fee and may require prepayment of such fee prior
236 to redacting the requested record. If the amount of prepaid fees exceeds
237 the actual labor costs incurred by the public agency in redacting the
238 requested record, the public agency shall reimburse the requesting
239 party for any difference between the prepaid amount and actual cost.

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

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

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

254 (e) If the Freedom of Information Commission determines that a
255 public agency has violated any provision of this section, the Freedom of
256 Information Commission may order the public agency to refund any
257 payment made under this section.

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

261 (a) Any person applying in writing shall receive, promptly upon
262 request, a plain, facsimile, electronic or certified copy of any public
263 record. The type of copy provided shall be within the discretion of the
264 public agency, except (1) the agency shall provide a certified copy
265 whenever requested, and (2) if the applicant does not have access to a
266 computer or facsimile machine, the public agency shall not send the
267 applicant an electronic or facsimile copy. [The] Except as provided in
268 section 2 of this act, the fee for any copy provided in accordance with
269 the Freedom of Information Act:

270 (A) By an executive, administrative or legislative office of the state, a

271 state agency or a department, institution, bureau, board, commission,
272 authority or official of the state, including a committee of, or created by,
273 such an office, agency, department, institution, bureau, board,
274 commission, authority or official, and also including any judicial office,
275 official or body or committee thereof but only in respect to its or their
276 administrative functions, shall not exceed twenty-five cents per page;
277 and

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

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

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

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

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

300 (4) The computer time charges incurred by the agency in providing
301 the requested computer-stored public record where another agency or

302 contractor provides the agency with computer storage and retrieval
303 services. Notwithstanding any other provision of this section, the fee for
304 any copy of the names of registered voters shall not exceed three cents
305 per name delivered or the cost thereof to the public agency, as
306 determined pursuant to this subsection, whichever is less. The
307 Department of Administrative Services shall provide guidelines to
308 agencies regarding the calculation of the fees charged for copies of
309 computer-stored public records to ensure that such fees are reasonable
310 and consistent among agencies.

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

GAE *Joint Favorable Subst.*

APP *Joint Favorable*