

Disclosure of Body Camera Recordings

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Issue

Describe state law's requirements for disclosing law enforcement body camera recordings. The Office of Legislative Research is not authorized to issue legal opinions, and this report should not be considered one.

Summary

In Connecticut, police officers' body camera recordings are generally subject to disclosure under the state's Freedom of Information Act (FOIA), as they fall within its definition of "public records or files" ([CGS § 1-200\(1\)](#)). Additionally, the state's body camera law generally requires that these recordings be disclosed upon request and sets deadlines for disclosure.

However, the body camera law imposes non-disclosure requirements on several types of recordings (e.g., those that show people undergoing medical treatment). Additionally, the recordings may be covered by one of FOIA's disclosure exemptions, particularly its exemption for certain law enforcement records.

Disclosure Requirements

The state's body camera law sets deadlines by which a law enforcement agency must disclose body camera recordings after receiving a request. As shown in Table 1 below, the deadlines depend on whether the recordings relate to an officer's use of force or the officer is the subject of an investigation ([CGS § 29-6d\(f\)](#), as amended by [PA 21-33](#) (§§ 2 & 3)). (The deadlines also apply to dashboard camera recordings.)

Table 1: Body Camera Disclosure Requirements

Type of Recording	Disclosure Requirement
Recording related to an incident about which a police officer (1) is giving a formal statement about the use of force or (2) is the subject of a disciplinary investigation	Must be disclosed 48 hours after the officer reviews the recording or 96 hours after the start of the disciplinary investigation, whichever is earlier
Recording related to an incident about which a (1) police officer has not been asked to give a formal statement about the alleged use of force or (2) disciplinary investigation has not been initiated	Must be disclosed 48 hours after the officer reviews the recording or 96 hours after disclosure is requested, whichever is earlier

Recordings not Subject to Disclosure

Body Camera Law

The state body camera law makes body camera (and dashboard camera) recordings confidential and not subject to FOIA disclosure if they show the following:

1. communications with other law enforcement personnel, unless recorded within the performance of the officers' duties;
2. encounters with undercover informants or officers, or an officer performing detective work;
3. officers on break or engaged in personal activities;
4. people undergoing medical or psychological evaluations, procedures, or treatments;
5. people, other than crime suspects, in a hospital or medical facility;
6. the inside of a mental health facility, unless responding to a call involving a criminal suspect in the facility;
7. an incident scene involving victims of domestic or sexual abuse, homicide or suicide, or fatal accidents, if disclosure could reasonably be expected to constitute an unwarranted invasion of any of these victims' personal privacy; or
8. a minor (except as noted below).

A recording of a minor 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 to prepare a defense; or (3) a person is charged with a crime and his or her counsel requests disclosure to aid in

the person's defense, provided the record's discovery as evidence is otherwise allowed ([CGS § 29-6d\(g\)](#)).

FOIA

In addition to the above provisions, police body camera recordings may be covered by one of FOIA's disclosure exemptions. FOIA generally requires that public agency records or files be disclosed upon request unless federal law or state statute provides otherwise ([CGS § 1-210\(a\)](#)). While FOIA contains several disclosure exemptions, its exemption for certain law enforcement records is the one most likely to be at issue with respect to body camera recordings.

FOIA exempts law enforcement agencies' records from required disclosure if they are not otherwise available to the public, were compiled in connection with detecting or investigating crime, and disclosure would not be in the public interest because it would reveal the following:

1. the identity of informants or witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known;
2. the identity of witnesses who are minors;
3. witnesses' signed statements;
4. information to be used in a prospective law enforcement action if prejudicial to the action;
5. investigatory techniques not otherwise known to the general public;
6. juvenile arrest records, including any associated investigatory files;
7. the name and address of a victim of the following crimes or attempted crimes: (a) sexual assault; (b) voyeurism; (c) injury or risk of injury to, or impairing morals of, children; or (d) family violence; or
8. uncorroborated allegations subject to destruction ([CGS § 1-210\(b\)\(3\)](#)).

This exemption covers body camera recordings to the extent they meet its criteria.

FOIA also exempts from required disclosure certain images of homicide victims; these and certain other crime-scene images are exempted by the body camera law ([CGS §§ 1-210\(b\)\(27\)](#) & [29-6d\(g\)\(2\)\(B\)](#)).

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