



Senate

General Assembly

File No. 655

January Session, 2001

Substitute Senate Bill No. 842

Senate, May 8, 2001

The Committee on Appropriations reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE REPORTING OF TRAFFIC STOPS STATISTICS BY POLICE DEPARTMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 54-1m of the general statutes is repealed and the following is
2 substituted in lieu thereof:

3 (a) Not later than January 1, 2000, each municipal police department
4 and the Department of Public Safety shall adopt a written policy that
5 prohibits the stopping, detention or search of any person when such
6 action is solely motivated by considerations of race, color, ethnicity,
7 age, gender or sexual orientation, and the action would constitute a
8 violation of the civil rights of the person.

9 (b) Commencing on January 1, 2000, each municipal police
10 department and the Department of Public Safety shall, using the form
11 developed and promulgated pursuant to subsection (i) of this section,
12 record and retain the following information: (1) The number of persons

13 stopped for traffic violations; (2) characteristics of race, color, ethnicity,
14 gender and age of such persons, provided the identification of such
15 characteristics shall be based on the observation and perception of the
16 police officer responsible for reporting the stop and the information
17 shall not be required to be provided by the person stopped; (3) the
18 nature of the alleged traffic violation that resulted in the stop; (4)
19 whether a warning or citation was issued, an arrest made or a search
20 conducted as a result of the stop; and (5) any additional information
21 that such municipal police department or the Department of Public
22 Safety, as the case may be, deems appropriate.

23 (c) Each municipal police department and the Department of Public
24 Safety shall provide to the Chief State's Attorney (1) a copy of each
25 complaint received pursuant to subsections (a) to (h), inclusive, of this
26 section, and (2) written notification of the review and disposition of
27 such complaint.

28 (d) Any police officer who in good faith records traffic stop
29 information pursuant to the requirements of subsections (a) to (h),
30 inclusive, of this section shall not be held civilly liable for the act of
31 recording such information unless the officer's conduct was
32 unreasonable or reckless.

33 (e) If a municipal police department or the Department of Public
34 Safety fails to comply with the provisions of subsections (a) to (h),
35 inclusive, of this section, the Chief State's Attorney may recommend
36 and the Secretary of the Office of Policy and Management may order
37 an appropriate penalty in the form of the withholding of state funds
38 from such department or the Department of Public Safety.

39 (f) On or before October 1, 2000, and annually thereafter, each
40 municipal police department and the Department of Public Safety shall
41 provide to the Chief State's Attorney, in such form as the Chief State's
42 Attorney shall prescribe, a summary report of the information
43 recorded pursuant to subsection (b) of this section.

44 (g) The Chief State's Attorney shall, within the limits of existing
45 appropriations, provide for a review of the prevalence and disposition
46 of traffic stops and complaints reported pursuant to subsections (a) to
47 (h), inclusive, of this section. Not later than January 1, 2002, the Chief
48 State's Attorney shall report to the Governor and General Assembly
49 the results of such review, including any recommendations.

50 (h) The provisions of subsections (f) and (g) of this section shall be
51 in effect from October 1, 1999, until January 1, [2002] 2004.

52 (i) Not later than January 1, 2000, the Chief State's Attorney, in
53 conjunction with the Commissioner of Public Safety, the Attorney
54 General, the Chief Court Administrator, the Police Officer Standards
55 and Training Council, the Connecticut Police Chiefs Association and
56 the Connecticut Coalition of Police and Correctional Officers, shall
57 develop and promulgate: (1) A form, in both printed and electronic
58 format, to be used by police officers when making a traffic stop to
59 record personal identifying information about the operator of the
60 motor vehicle that is stopped, the location of the stop, the reason for
61 the stop and other information that is required to be recorded pursuant
62 to subsection (b) of this section; and (2) a form, in both printed and
63 electronic format, to be used to report complaints pursuant to
64 subsections (a) to (h), inclusive, of this section by persons who believe
65 they have been subjected to a motor vehicle stop by a police officer
66 solely on the basis of their race, color, ethnicity, age, gender or sexual
67 orientation.

APP *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost (FY 02 - FY 04)

Affected Agencies: Division of Criminal Justice, Office of Policy and Management, Department of Public Safety (State Police), Department of Information Technology

Municipal Impact: Cost (FY 02 - FY 04) STATE MANDATE

Explanation

State and Municipal Impact:

The bill results in an estimated cost of \$445,000 million to the state and \$650,000 million to municipalities over the length of the bill's duration (January 1, 2002 - January 1, 2004). It is a state mandate on municipalities. The majority of these costs (\$1,025,000 or about 93%) relate to those incurred by police departments for the entry and processing of data related to the bill. The remainder relate to the cost of data analysis, the printing of reports and the maintenance of the statistical database. See the following table for further detail by agency related to the bill's costs as well as estimated costs of the current law (PA 99-198). Note: This analysis assumes that the reporting requirements of current law will be extended over the duration of the bill.

	Software Dev. (OPM)	Data Analysis (DCJ)	Printing (DCJ)	Data Maint. (DCJ)	State Police	Local Police	Total
Cost of Current Law (FY 01-FY 02)	\$ 85,000	\$ 55,000	\$ 16,000	\$ 12,000	\$ 225,000	\$ 487,500	\$ 880,500
Total Cost of Bill (FY 02 – FY 04)	-	40,000	16,000	24,000	375,000	650,000	1,105,000

Costs Related to Data Review, Analysis and Reporting

PA 99-198 requires the Division of Criminal Justice (DCJ) to review, analyze and report on the summary traffic stops information provided by police departments over the period of January 1, 2000 – January 1, 2002. An appropriation of \$75,000 has been provided to the agency for FY 01 (with the same amount recommended by the Governor for FY 02) for the costs of implementing the law.

To accommodate the entry and storage of the summary data, the Office of Policy and Management (OPM) utilized \$85,000 in state Justice Assistance Grant funds to direct the development of software by the Department of Information Technology (DOIT). To review and analyze the data, DCJ, in consultation with OPM, contracted with Central Connecticut State University (CCSU) at a cost of \$25,000 for the initial six-month review and an additional \$4,000 for printing costs. DCJ anticipates providing a report every six months for the remainder of the current law's requirements as well as for the bill's requirements. However, future analysis provided by CCSU is expected to be about \$10,000 per review plus printing costs. In addition, DCJ is expected to incur costs of about \$1,000 per month for data maintenance and storage payable to DOIT.

It should be noted that DCJ and OPM have allocated staff resources for certain data entry operations and data management that have been absorbed within budgetary resources. It is anticipated that this workload can continue to be absorbed over the course of the bill's time frames.

Cost to State and Municipal Police Departments

This bill results in a total cost to the Department of Public Safety (State Police) of \$375,000 and to municipalities with organized police departments a total of \$650,000, from January 1, 2002 – January 1, 2004. This is an un-funded State Mandate on municipalities. The primary costs to law enforcement departments result from their compilation of the individual Traffic Stops Data Collection Forms. Additional costs result from the departments' providing the actual forms to their police officers, and from the additional workload from the officers' filling out the form, but are minimal relative to the administrative costs of compiling the data.

The Interim Report of Traffic Stops Statistics, published in January 2001, indicates that law enforcement departments made 315,306 traffic stops in the six months from January 1, 2000 through June 30, 2000. Of these, the Connecticut State Police made 98,738, and 216,567 were made by the 91 municipal police departments. Annualizing these figures for a full year results in 197,478 traffic stops by the State Police and 433,134 by municipal police departments. It is anticipated that DPS will increase their number of traffic stops from that level due to an increase in the number of troopers, from 1,041 in January 2000 to 1,260 by January 2002 (a 21% increase), and more emphasis by the department on traffic enforcement and highway patrol. Assuming that these factors result in a 25% increase, the projected number of traffic stops is about 250,000 per year.

The Department of Public Safety (DPS) currently employs four durational clerical personnel to compile their data at a cost of about \$150,000 per year. This is approximately seventy-five cents (\$0.75) per traffic stop report. Assuming a 25% increase in the number of reports, the annual costs to DPS could increase to \$187,500.

Total municipal costs are estimated at \$325,000 per year, based on 433,000 traffic stops, and the assumption that their costs are similar to those incurred by DPS, seventy-five cents (\$0.75) per report. While it

appears that most municipal budgets could absorb the costs, local police department budgets might not. Rather than hiring additional staff, local police departments incur costs by diverting personnel from other tasks on a recurring basis, and by incurring overtime.

The number of traffic stops varies widely among municipal police departments, from 20,226 per year in Stamford to 374 per year in Groton (Long Point). The estimated annual costs range from \$15,200 to \$280. The average is 4,760 traffic stops per year per department, for an average cost of \$3,570 per year per department. Local police departments making the most and fewest traffic stops are shown in the table below.

POLICE DEPARTMENT	ANNUALIZED STOPS
Stamford	20,226
Hamden	14,974
Fairfield	14,512
Bridgeport	13,104
Portland	628
Cromwell	582
East Hampton	458
Groton (Long Pt.)	374

The ability of a municipality to absorb these costs depends on the size of the municipality and its fiscal condition, but it appears that most municipalities could absorb the cost. However, this might not be true for the police departments' budgets. The ability of a police department to absorb these costs depends on its level of traffic enforcement and its budget. The emphasis on traffic enforcement by different police departments, as measured by the number of traffic stops per police officer, also varies significantly. It ranges from 305 traffic stops per officer per year in Canton, to 12 traffic stops per officer per year in Waterbury. The average for all municipal police departments is 67 stops per officer per year. The State Police make 190

traffic stops per officer per year. These figures are included in the table below.

POLICE DEPARTMENT	ANNUALIZED STOPS	NUMBER OF OFFICERS	STOPS PER OFFICER
Canton	4,264	14	305
Wethersfield	10,298	45	229
Windsor	11,426	51	224
New Haven	8,940	434	21
Shelton	790	46	17
Hartford	6,556	462	14
Waterbury	4,212	339	12
Local Totals	433,134	6,447	67
State Police	197,478	1,041	190

It should be noted that two factors could result in an increase in the number of traffic stops made by municipal police officers over the next two years. First, there could be an increase in the number of local police officers. Over the last five years the average increase in the number of municipal police officers has been 1.4% per year. Second, if a proposal to remit a portion of traffic fines to municipalities were adopted, an increase in the number of traffic stops by local police officers would be expected. The increase would depend on the percentage of fines to be remitted. Neither of these factors is reflected in the cost estimates.

OLR Bill Analysis

sSB 842

AN ACT CONCERNING THE REPORTING OF TRAFFIC STOPS STATISTICS BY POLICE DEPARTMENTS.**SUMMARY:**

This bill extends by two years, from January 1, 2002 to January 1, 2004, the requirement for (1) police departments to submit annual data summaries of traffic stops to the chief state's attorney and (2) the chief state's attorney to review the summaries to determine the prevalence and disposition of discriminatory traffic stops and complaints about them. It is unclear whether his duty to report the review results to the governor and legislature is extended because the bill retains January 1, 2002 as the reporting deadline.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Traffic Stops Data***

PA 99-198 prohibits law enforcement agencies from engaging in racial profiling. It requires the State Police and local police departments to collect data on traffic stops and give the chief state's attorney annual data summaries along with copies of complaints they received about discriminatory stops and written notice of review and disposition. The chief state's attorney must use the data to review the prevalence of discriminatory stops and disposition of complaints and must report his review results, including recommendations, to the legislature and governor by January 1, 2002.

Preliminary Study

The chief state's attorney's interim racial profiling report based on data for the first six months of 2000 concluded that "minority drivers do not appear to be systematically treated differently than non-minority drivers." Treatment disparities were present, but small. The report

concluded that “outside factors may be associated with disparities in the traffic stop statistics and not systematic racial profiling by law enforcement agencies.”

Legislative History

On April 3, the Senate referred the bill (File 60) to the Appropriations Committee, which reported it favorably on April 20, extending the requirements by two years instead of 10 years as in the original bill.

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Report
Yea 21 Nay 0

Appropriations Committee

Joint Favorable Substitute
Yea 42 Nay 4