



State of Connecticut
Latino and Puerto Rican
Affairs Commission

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Testimony Supporting:

**Raised Bill No. 1230, *An Act Concerning Traffic Stop Information*
*amending Public Act No. 99-198 of the CT General Statutes.***

**Testimony of Werner Oyanadel,
LPRAC Acting Executive Director
Committee on Judiciary**

**10:00 A.M., Room 2C of the LOB, Hartford, CT
April 4, 2011**

The Latino and Puerto Rican Affairs Commission strongly encourage the passage of Raised Bill 1230, an Act Concerning Traffic Stop Information. Your favorable action on this bill would benefit Connecticut's residents by ensuring that at every traffic stop by a municipal police officer both the citizen and the officer are protected from racial profiling or the accusation thereof.

The impact of favorable action on this bill would right a wrong that has been sanctioned for the past 11 years due to the lack of enforcement of the original Penn Act legislation on the part of the majority of Connecticut's Municipal Police Departments. The intent of the Penn Act is to ensure that Hispanic, African American or other under-represented citizens are not treated unfairly at traffic stops. The Act became necessary after the unfair stops perpetuated on primarily Hispanic residents traveling route 4 en route to the Barkhamsted Reservoir back in 1999.

Act No. 99-198, Alvin W. Penn Act, was made into law in 2000 and has been amended 3 times thus far to address some of the very same concerns being raised in Raised Bill #1230.



Some of the subsections of the Act that appear as not being enforced are as follows:

Subsection (a) which calls for a written policy to be adopted by each municipal Police Department and the Department of Public Safety that prohibits the stopping, detention or search of any person when such action is solely motivated by considerations of race, color, ethnicity age, gender or sexual orientation, and the action would constitute a violation of the civil rights of the person.

Subsection (b) the recording and retaining of 5 critical pieces of information related to the stop: 1) the number of persons stopped for traffic violations; 2) characteristics of race, color, ethnicity, gender and age provided based on the perception of the officer and not asked of the person stopped; 3) the nature of the alleged traffic violation that resulted in the stop; 4) whether or not a warning or citation was issued, an arrest made or a search conducted as a result of the stop; and 5) any additional information that such municipal police department or Dept of Public Safety, as the case may be, deems appropriate, provided such information does not include any other identifying information about any person stopped for a traffic violation such as the person's operator's license number, name or address.

Subsection (c) Each department must provide a copy of each complaint received pursuant to subsections (a) to (h) inclusive of this section, and (2) written notification of the review and disposition of such complaint to be provided to the African American Affairs Commission and the Chief State's Attorney's Office. No such complaint shall contain any other identifying information about the complainant.



Subsection (h) not later than January 1, 2000, the Chief State's Attorney, in conjunction with the Commissioner of Public Safety, the Attorney General, the Chief Court Administrator, the Police Officer Standards and Training Council, the CT Police Chiefs Association and the CT Coalition of Police and Correctional Officers, shall develop and promulgate: (1) a form in both printed and electronic format, to be used by police officers when making a traffic stop to record the race, color, ethnicity, gender and age of the operator of the motor vehicle that is stopped, the location of the stop, the reason for the stop and other information that is required to be recorded pursuant to subsection (b) of this section; and (2) a form in both printed and electronic format to be used to report complaints pursuant to subsections (a) to (h), inclusive, of this section by persons who believe they have been subjected to a motor vehicle stop by a police officer solely on the basis of their race, color, ethnicity, age, gender or sexual orientation. Said inform is intended for use at all stops whether or not the stop results in a warning, citation, arrest or search according to subsection b, Paragraph 1, criteria 4.

We are aware that Raised Bill #1230 calls for the oversight of this enforcement language be re-directed to the Office of Policy and Management and the Criminal Justice Information System Governing Board. We are, however, respectfully requesting that a subsection be added to include the Latino and Puerto Rican Affairs Commission and the African American Affairs Commissions be provided with a quarterly report of the findings by the Office of Policy and Management with regards to the reports received from the 169 cities and towns' police reports received by the aforementioned agencies.

We are satisfied with the sections language in Raised Bill #1230 which call for: (2) the standardized form developed in both written and electronic format be used to report complaints pursuant



to this section by persons who believe they have been subjected to a motor vehicle stop solely on basis of race, color, ethnicity, age, gender or sexual orientation; (3) that the form be used by municipal police departments and Dept of Public Safety to report data to the OPM and Management and the Criminal Justice Information System Governing Board pursuant to subsection (h); 4) that guidelines be used by each municipal police department and the Dept of Public Safety in training officers of that agency in the completion of the form promulgated pursuant to subdivision (1) of this subsection and in evaluating the information collected by officers of that agency pursuant to subsection (c) of this section for use in the counseling and training of such officers.

The Latino and Puerto Rican Affairs Commission strongly urges the Judiciary Committee to act favorably on Raised Bill #1230 and provide the tools needed to municipal police departments through the Office of Policy and Management and the Criminal Justice Information System Governing Board for the departments to finally be in compliance with the original intent of the Alvin W. Penn Act law created in 2000. Let this fourth amendment be the one that enacts the enforcement the original Act called for on behalf of Connecticut citizens who deserve no less from those in a position to better their quality of life.

Thank you for the opportunity to present this testimony today.

Prepared by: Lucia Goicoechea-Hernandez is the Special Projects Director and Grants Writer for the Latino and Puerto Rican Affairs Commission.
