



General Assembly

January Session, 2011

Raised Bill No. 1230

LCO No. 5102

05102_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING TRAFFIC STOP INFORMATION.

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

1 Section 1. Section 54-1m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

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) Not later than January 1, 2012, the Office of Policy and
10 Management and the Criminal Justice Information System Governing
11 Board shall develop and promulgate:

12 (1) A standardized form, in both printed and electronic format, to be
13 used by police officers of municipal police departments and the
14 Department of Public Safety to record traffic stop information. The
15 form shall allow the following information to be recorded: (A) Date

16 and time of stop; (B) location of the stop; (C) name and badge number
17 of the police officer making the stop; (D) race, color, ethnicity, age and
18 gender of the operator of the motor vehicle that is stopped, provided
19 the identification of such characteristics shall be based on the
20 observation and perception of the police officer responsible for
21 reporting the stop; (E) nature of the alleged traffic violation or other
22 violation that caused the stop to be made and the statutory citation for
23 such violation; (F) the disposition of the stop including whether a
24 warning, citation or summons was issued, whether a search was
25 conducted and whether a custodial arrest was made; and (G) any other
26 information deemed appropriate. The form shall also include a notice
27 that if the person stopped believes they have been stopped, detained or
28 searched solely because of their race, color, ethnicity, age, gender or
29 sexual orientation, they may file a complaint with the appropriate law
30 enforcement agency, and instructions on how to file such complaint;

31 (2) A standardized form, in both printed and electronic format, to be
32 used to report complaints pursuant to this section by persons who
33 believe they have been subjected to a motor vehicle stop by a police
34 officer solely on the basis of their race, color, ethnicity, age, gender or
35 sexual orientation;

36 (3) A standardized form, in both printed and electronic format, to be
37 used by each municipal police department and the Department of
38 Public Safety to report data to the Office of Policy and Management
39 and the Criminal Justice Information System Governing Board
40 pursuant to subsection (h) of this section; and

41 (4) Guidelines to be used by each municipal police department and
42 the Department of Public Safety in training officers of that agency in
43 the completion of the form promulgated pursuant to subdivision (1) of
44 this subsection and in evaluating the information collected by officers
45 of that agency pursuant to subsection (c) of this section for use in the
46 counseling and training of such officers.

47 (c) On and after January 1, 2012, whenever a police officer makes a

48 traffic stop of a motor vehicle, such officer shall complete the form
49 promulgated pursuant to subdivision (1) of subsection (b) of this
50 section and provide a copy of the completed form to the operator of
51 the motor vehicle.

52 [(b) Commencing on January 1, 2000] (d) On and after January 1,
53 2012, each municipal police department and the Department of Public
54 Safety shall, using the [form developed and promulgated pursuant to
55 subsection (h)] forms completed by police officers of that agency in
56 accordance with subsection (c) of this section, record and retain the
57 [following information: (1) The number of persons stopped for traffic
58 violations; (2) characteristics of race, color, ethnicity, gender and age of
59 such persons, provided the identification of such characteristics shall
60 be based on the observation and perception of the police officer
61 responsible for reporting the stop and the information shall not be
62 required to be provided by the person stopped; (3) the nature of the
63 alleged traffic violation that resulted in the stop; (4) whether a warning
64 or citation was issued, an arrest made or a search conducted as a result
65 of the stop; and (5)] information contained in such completed forms
66 and any additional information that such municipal police department
67 or the Department of Public Safety, as the case may be, deems
68 appropriate, provided such information does not include any other
69 identifying information about any person stopped for a traffic
70 violation such as the person's operator's license number, name or
71 address.

72 [(c)] (e) Each municipal police department and the Department of
73 Public Safety shall provide to the [Chief State's Attorney and the
74 African-American Affairs Commission] Office of Policy and
75 Management and the Criminal Justice Information System Governing
76 Board (1) a copy of each complaint received pursuant to this section,
77 and (2) written notification of the review and disposition of such
78 complaint. No such complaint shall contain any other identifying
79 information about the complainant such as his or her operator's license
80 number, name or address.

81 [(d)] (f) Any police officer who in good faith records traffic stop
82 information pursuant to the requirements of this section shall not be
83 held civilly liable for the act of recording such information unless the
84 officer's conduct was unreasonable or reckless.

85 [(e)] (g) If a municipal police department or the Department of
86 Public Safety fails to comply with the provisions of this section, the
87 [Chief State's Attorney] Office of Policy and Management and the
88 Criminal Justice Information System Governing Board may
89 recommend and the Secretary of the Office of Policy and Management
90 may order an appropriate penalty in the form of the withholding of
91 state funds from such department or the Department of Public Safety.

92 [(f) On or before October 1, 2000] (h) Not later than October 1, 2012,
93 and annually thereafter, each municipal police department and the
94 Department of Public Safety shall provide to the [Chief State's
95 Attorney and the African-American Affairs Commission, in such form
96 as the Chief State's Attorney shall prescribe] Office of Policy and
97 Management and the Criminal Justice Information System Governing
98 Board, on the form promulgated pursuant to subdivision (3) of
99 subsection (b) of this section, a summary report of the information
100 recorded pursuant to subsection [(b)] (d) of this section.

101 [(g) The African-American Affairs Commission] (i) The Office of
102 Policy and Management and the Criminal Justice Information System
103 Governing Board shall review the prevalence and disposition of traffic
104 stops and complaints reported pursuant to this section. Not later than
105 January 1, [2004] 2013, and annually thereafter, the [African-American
106 Affairs Commission] office and board shall report the results of such
107 review, including any recommendations, to the Governor, the General
108 Assembly and [to] any other entity [said commission deems] deemed
109 appropriate. [the results of such review, including any
110 recommendations.]

111 [(h) Not later than January 1, 2000, the Chief State's Attorney, in
112 conjunction with the Commissioner of Public Safety, the Attorney

113 General, the Chief Court Administrator, the Police Officer Standards
114 and Training Council, the Connecticut Police Chiefs Association and
115 the Connecticut Coalition of Police and Correctional Officers, shall
116 develop and promulgate: (1) A form, in both printed and electronic
117 format, to be used by police officers when making a traffic stop to
118 record the race, color, ethnicity, gender and age of the operator of the
119 motor vehicle that is stopped, the location of the stop, the reason for
120 the stop and other information that is required to be recorded pursuant
121 to subsection (b) of this section; and (2) a form, in both printed and
122 electronic format, to be used to report complaints pursuant to this
123 section by persons who believe they have been subjected to a motor
124 vehicle stop by a police officer solely on the basis of their race, color,
125 ethnicity, age, gender or sexual orientation.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	54-1m

Statement of Purpose:

To enhance compliance with data collection and reporting required under the Alvin W. Penn Racial Profiling Prohibition Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]