Members of the Judiciary Committee, good afternoon and thank you for this audience. My name is Daniel Malo and based upon my research and activism on this issue

I would like to extend my SUPPORT to the following bill:

SB 1230, AN ACT CONCERNING TRAFFIC STOP INFORMATION.

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

While participating in the Hartford Community Party I had the opportunity to learn about the Alvin W. Penn Act in great detail. Racial Profiling, being a chief concern of the North Hartford community that CP represents, I had the opportunity to work with the City of Hartford and other agencies in an effort to make the municipality compliant with the state statue. CP, also in their effort to raise awareness of this issue, has worked with state legislators and state agencies to address the flaws of the statute. As my colleagues are here to speak today on behalf of their organizations and communities, I am sure the Committee will be well informed. While it is unfortunate that I am unable to deliver testimony in person today, I would like to submit supplemental information in the breadth of my studies, as well my observations from our efforts in the City of Hartford.

To summarize:

- Racial Profiling DOES occur in Connecticut (evidenced in monthly news coverage)
- Less than a third of Connecticut's police agencies are compliant WITH THE LAW
- Data collected since implementation has not been analyzed
- Data collected exists in multiple formats, prohibiting ease of analysis (AAAC)

As a state we should be beyond this. Creation of a law ten years ago suggests that we thought we were. This law serves no one, until a "STANDARDIZED ENCOUNTER FORM" becomes used to keep data analysis costs low (if 'cost' is claimed, forms are budgeted items.) This law certainly serves no one if those charged with keeping it do not obey it themselves (look closely to who it is that opposes this bill.) Please read further and contact me, if need be.

Please put accountability and efficiency into the Penn Act.

Thank you, and sincerely, Daniel Malo

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Shortcomings of Racial Profiling Data Collection in Connecticut

A Public Act, which would eventually bear the name of its champion, was enacted in Connecticut on the first day of January in the year 2000. Following a wave of racial profiling legislation throughout the country, the Penn Act, like the laws passed in other states, relies on the collection of data to spot trends in traffic stops. There are items of the Act that are taken for granted; the cooperation of state police agencies to be compliant with the law and the analysis of submitted data to be reported in the manner proscribed. Thus far, the majority of Connecticut police departments are non-compliant and the collected data sits on shelves, in various slips of papers bound by rubber-band, un-analyzed. There is another serious question about the data collection itself—can offending officers be relied upon to report accurate profiling data when they fill out the form based on *their* perceptions? The Penn Act is a start to correcting discriminatory police tactics, but its shortcomings need to be addressed—otherwise the law is a waste of even the half-effort put toward its enforcement—and a failure at ensuring the protected rights of State residents.

The most troubling aspect one finds when researching the Penn Act is the unwillingness of Connecticut police departments to comply with State Statute. According to their 2008 Annual Report, the African-American Affairs Commission (AAAC), the agency charged with analyzing the profiling data, "barely twenty-five percent of the required law enforcement agencies...submitted reports" in that year. You would figure that the State's police departments—the law keepers of the land—would have a compliancy rating of better than 25%, especially on a highly publicized issue. Telling is the fact that Hartford's urban police forces are among the departments that do not submit data. There is quickness to dismiss the fact that racial profiling even occurs at all. According to many officers, the issue instead is "a myth," and if discriminatory intent was perceived, then it was the lack respect towards the peace officer, or probability of criminal cause that led to the police encounter. There are many thousands of individuals who claim otherwise, and "driving while black" continues to remain a popular phrase, due to its prevalence in daily urban life. Departments need to work within the law. Only then will they receive the respect they claim they aren't given.

Another failing of the Act is that it doesn't designate an "official" form or format for the data collection. According to the AAAC, the data that had been submitted was "received electronically while others were received in several paper formats." I have witnessed this first-hand

in meetings with AAAC Executive Director Glen Cassis, who when asked about the way the data is collected, left the room and came back with bundles of scraps of papers...of different size, color, font, etc. Some of the handwriting was impossible to make out on the forms, which dated back (at least as far as I could see) to 2002. The cost that the AAAC cites as a hindrance in the analysis of this data comes solely from making sense of this jumbled mess. Sifting through the piles of bundled papers made me realize the need for a uniform method of data collection - starting with the form. "Some of them come on slips of paper, some on disc . . . some of it's coded . . . it comes in various shapes and sizes, and it's difficult to do any kind of comprehensive report," said Cassis. Why is paper even used considering the amount invested in patrol car computers? Is the data collection issue something that can be solved by Scantron? Speaking of bubble forms, can't the analysis and reporting be completed by college students as has been suggested by former State Representative Michael Lawlor? If the State tells an agency to get something done and they don't provide the money they should, at the least, supply ideas on making the process cost effective.

When discussing the Penn Act with other activists and community members they are astonished that data is even collected in the first place. The first question many people have asked is, "Who collects the data?" When told that is the officer who makes the traffic stop, their immediate concern is whether or not an officer who engages in profiling would self-report their own criminal activity. A good point is also made that officers aren't necessarily trained to interpret race. Oftentimes, the ticket that is received is riddled with errors regarding the officer's presumed interpretation of race (or religion in some cases, in the states that track that data) - sometimes even gender is inaccurately recorded. An immediate question is, "who is to say..." that the data the officer reports - unseen by the person being pulled over - has accurately been recorded? This model of data collection carries many fallacies, which, like probable cause ("what is probable cause?"), leaves much to interpretation. What exactly is "officer's presumption" and what options, if any, are available to individuals who believe they have been racially profiled?

Beyond reporting of the data, there are no ways to spot profiling, accept by anecdote, and then by lawsuits brought by the American Civil Liberties Union and the State Commission on Human Rights and Opportunities. Of these cases, usually only the "surest" go to trial. While they grab attention from the media, they get drawn out, and in the course of the wait a person sometimes suffers from lost employment because of a traffic incident in which they may have been profiled (ex. truck drivers.) There is no immediate recourse available to the victim in this

case. To help overcome this inequity, municipalities in other states, such as Oregon and California, have requested that the officer's business card be presented at each traffic stop. The hope would be to keep the offending officer less likely to engage in profiling for fear of recrimination by the individuals that they pull over. It seems a cheap enough addition to the range of alternatives available though there are complaints about the cost of paper. A less costly method might be to print a line on the bottom of the ticket: "Do you believe you have been racially profiled? Tell your story @ www.XYZ." The "hotline" webpage could serve as either a un- or low-funded forum simply to broadcast the issue, or as part of a state agency or non-profit organization (hopefully this time, funded). Academia could well step in and leave the running of the site to those studying web-design and the handling of the legal matters to professors, advocates, and those pursuing a law degree. Fixing the problem of racial profiling doesn't have to be a slow or expensive process.

The issue of racial profiling first needs acknowledgement by the State's police forces. The reality is that racial profiling is not the myth that they have made it out to be. Rather than dismissing the idea of it, or spinning it to be a "lack of officer respect" outlook on the part of the citizen, police agencies should own up to their role in this ordeal. If they wish to handle the problem of profiling internally, as is the current "strategy," those efforts must show results - to the satisfaction of the community that they serve. The police must be compliant with the law they are charged with keeping. There must be championing on this issue, politically and in the community, to pressure this wrong to be righted. A failed, yet expansive racial profiling law shows poor leadership thus far in that regard. Rather than continue with the chaos of the current system, the will to accomplish the intention of the Penn Act is within reach and needs the support of police leadership and elected officials. Instead of taking an adversarial approach with this issue, the onus is on them to cooperate with the community and move beyond this discriminatory, archaic idea. Simple steps, some of which are proposed in this document, are low-cost, "low-hanging" approaches that can be implemented to both curb racial profiling and provide a form of recourse to the individual affected by the practice.

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