



General Assembly

Amendment

January Session, 2011

LCO No. 8115

SB0095408115SD0

Offered by:
SEN. COLEMAN, 2nd Dist.

To: Senate Bill No. 954

File No. 630

Cal. No. 388

**"AN ACT CONCERNING THE ELECTRONIC RECORDING OF
CUSTODIAL INTERROGATIONS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 54-1m of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2011*):

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

11 (b) Not later than January 1, 2012, the Office of Policy and
12 Management and the Criminal Justice Information System Governing
13 Board shall, within available resources, develop and promulgate:

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

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

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

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

47 of that agency pursuant to subsection (c) of this section for use in the
48 counseling and training of such officers.

49 (c) On and after January 1, 2012, whenever a police officer makes a
50 traffic stop of a motor vehicle, such officer shall, if a form has been
51 promulgated pursuant to subdivision (1) of subsection (b) of this
52 section, complete such form and provide a copy of the completed form
53 to the operator of the motor vehicle.

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

75 [(c)] (e) Each municipal police department and the Department of
76 Public Safety shall provide to the [Chief State's Attorney and the
77 African-American Affairs Commission] Office of Policy and
78 Management and the Criminal Justice Information System Governing
79 Board (1) a copy of each complaint received pursuant to this section,

80 and (2) written notification of the review and disposition of such
81 complaint. No such complaint shall contain any other identifying
82 information about the complainant such as his or her operator's license
83 number, name or address.

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

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

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

105 [(g) The African-American Affairs Commission] (i) The Office of
106 Policy and Management and the Criminal Justice Information System
107 Governing Board shall, within available resources, review the
108 prevalence and disposition of traffic stops and complaints reported
109 pursuant to this section. Not later than January 1, [2004] 2013, and
110 annually thereafter, the [African-American Affairs Commission] office
111 and board shall report the results of any such review, including any

112 recommendations, to the Governor, the General Assembly and [to] any
113 other entity [said commission deems] deemed appropriate. [the results
114 of such review, including any recommendations.]

115 [(h) Not later than January 1, 2000, the Chief State's Attorney, in
116 conjunction with the Commissioner of Public Safety, the Attorney
117 General, the Chief Court Administrator, the Police Officer Standards
118 and Training Council, the Connecticut Police Chiefs Association and
119 the Connecticut Coalition of Police and Correctional Officers, shall
120 develop and promulgate: (1) A form, in both printed and electronic
121 format, to be used by police officers when making a traffic stop to
122 record the race, color, ethnicity, gender and age of the operator of the
123 motor vehicle that is stopped, the location of the stop, the reason for
124 the stop and other information that is required to be recorded pursuant
125 to subsection (b) of this section; and (2) a form, in both printed and
126 electronic format, to be used to report complaints pursuant to this
127 section by persons who believe they have been subjected to a motor
128 vehicle stop by a police officer solely on the basis of their race, color,
129 ethnicity, age, gender or sexual orientation.]"