



Senate Bill No. 364

Public Act No. 12-74

AN ACT CONCERNING TRAFFIC STOP INFORMATION.

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

Section 1. Section 54-1m of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) Each municipal police department and the Department of Emergency Services and Public Protection shall adopt a written policy 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] such action would constitute a violation of the civil rights of the person.

(b) Not later than July 1, 2013, the Office of Policy and Management, in consultation with the Racial Profiling Prohibition Project Advisory Board established in section 2 of this act, and the Criminal Justice Information System Governing Board shall, within available resources, develop and implement a standardized method:

(1) To be used by police officers of municipal police departments and the Department of Emergency Services and Public Protection to record traffic stop information. The standardized method and any

Senate Bill No. 364

form developed and implemented pursuant to such standardized method shall allow the following information to be recorded: (A) Date and time of the stop; (B) location of the stop; (C) name and badge number of the police officer making the stop; (D) race, color, ethnicity, age and gender of the operator of the motor vehicle that is stopped, provided the identification of such characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop; (E) the nature of the alleged traffic violation or other violation that caused the stop to be made and the statutory citation for such violation; (F) the disposition of the stop including whether a warning, citation or summons was issued, whether a search was conducted and whether a custodial arrest was made; and (G) any other information deemed appropriate. The method shall also provide for (i) notice to be given to the person stopped that if such person believes that such person has been stopped, detained or subjected to a search solely because of race, color, ethnicity, age, gender, sexual orientation, religion or membership in any other protected class, such person may file a complaint with the appropriate law enforcement agency, and (ii) instructions to be given to the person stopped on how to file such complaint;

(2) To be used to report complaints pursuant to this section by any person who believes such person has been subjected to a motor vehicle stop by a police officer solely on the basis of race, color, ethnicity, age, gender, sexual orientation or religion; and

(3) To be used by each municipal police department and the Department of Emergency Services and Public Protection to report data to the Office of Policy and Management pursuant to subsection (h) of this section.

(c) Not later than July 1, 2013, the Office of Policy and Management, in consultation with the Racial Profiling Prohibition Project Advisory Board, shall develop and implement guidelines to be used by each

Senate Bill No. 364

municipal police department and the Department of Emergency Services and Public Protection in (1) training police officers of such agency in the completion of the form developed and implemented pursuant to subdivision (1) of subsection (b) of this section, and (2) evaluating the information collected by police officers of such municipal police department and the Department of Emergency Services and Public Protection pursuant to subsection (e) of this section for use in the counseling and training of such police officers.

[(b) Each] (d) On and after July 1, 2013, each municipal police department and the Department of Emergency Services and Public Protection shall, [using the form developed and promulgated pursuant to subsection (h)] if a standardized method and form have been developed and implemented pursuant to subdivision (1) of subsection (b) of this section, record and retain the [following information: (1) The number of persons stopped for traffic violations; (2) characteristics of race, color, ethnicity, gender and age of such persons, provided the identification of such characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped; (3) the nature of the alleged traffic violation that resulted in the stop; (4) whether a warning or citation was issued, an arrest made or a search conducted as a result of the stop; and (5)] information required to be recorded pursuant to such standardized method and any additional information that such municipal police department or the Department of Emergency Services and Public Protection, as the case may be, deems appropriate, provided such information [does] shall 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.

[(c)] (e) Each municipal police department and the Department of Emergency Services and Public Protection shall provide to the Chief

Senate Bill No. 364

State's Attorney and the [African-American Affairs Commission] Office of Policy and Management (1) a copy of each complaint received pursuant to this section, and (2) written notification of the review and disposition of such complaint. No copy of such complaint shall [contain] include any other identifying information about the complainant such as [his or her] the complainant's operator's license number, name or address.

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

[(e)] (g) If a municipal police department or the Department of Emergency Services and Public Protection fails to comply with the provisions of this section, the [Chief State's Attorney may] Office of Policy and Management shall recommend and the Secretary of the Office of Policy and Management may order an appropriate penalty in the form of the withholding of state funds from such municipal police department or the Department of Emergency Services and Public Protection.

[(f) On or before October 1, 2000] (h) Not later than October 1, 2013, and annually thereafter, each municipal police department and the Department of Emergency Services and Public Protection shall, if a standardized method has been developed and implemented pursuant to subsection (b) of this section, use such method and any form developed and promulgated under the method to provide to the [Chief State's Attorney and the African-American Affairs Commission, in such form as the Chief State's Attorney shall prescribe,] Office of Policy and Management a summary report of the information recorded pursuant to subsection [(b)] (d) of this section.

[(g) The African-American Affairs Commission] (i) The Office of

Senate Bill No. 364

Policy and Management shall, within available resources, review the prevalence and disposition of traffic stops and complaints reported pursuant to this section. Not later than January 1, [2004] 2014, and annually thereafter, the [African-American Affairs Commission] office shall report the results of any such review, including any recommendations, to the Governor, the General Assembly and [to] any other entity [said commission deems] deemed appropriate. [the results of such review, including any recommendations.]

(j) Not later than January 1, 2013, the Office of Policy and Management shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary on the office's progress in developing a standardized method and guidelines pursuant to this section. Such report may include recommendations for amendments to this section.

[(h) The Chief State's Attorney, in conjunction with the Commissioner of Emergency Services and Public Protection, the Attorney General, the Chief Court Administrator, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association and the Connecticut 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 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.]

Sec. 2. (NEW) (*Effective from passage*) (a) There is established, within available resources, a Racial Profiling Prohibition Project Advisory

Senate Bill No. 364

Board for the purpose of advising the Office of Policy and Management with respect to the adoption of standardized methods and guidelines pursuant to section 54-1m of the general statutes, as amended by this act. The board shall be within the Office of Policy and Management for administrative purposes only.

(b) The board shall include the following members:

(1) The Chief State's Attorney, or a designee;

(2) The Chief Public Defender, or a designee;

(3) The president of the Connecticut Police Chiefs Association, or a designee;

(4) The executive director of the African-American Affairs Commission, or a designee;

(5) The executive director of the Latino and Puerto Rican Affairs Commission, or a designee;

(6) The executive director of the Asian Pacific American Affairs Commission, or a designee;

(7) The executive director of the Commission on Human Rights and Opportunities, or a designee;

(8) The Commissioner of Emergency Services and Public Protection, or a designee;

(9) The Commissioner of Transportation, or a designee;

(10) The director of the Institute for Municipal and Regional Policy at Central Connecticut State University, or a designee; and

(11) Such other members as the board may prescribe.

Senate Bill No. 364

(c) The chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary shall select two chairpersons of the board from among the members of the board.