



Senate

General Assembly

File No. 280

February Session, 2012

Senate Bill No. 364

Senate, April 5, 2012

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

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 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2012*):

4 (a) Each municipal police department and the Department of
5 Emergency Services and Public Protection shall adopt a written policy
6 that prohibits the stopping, detention or search of any person when
7 such action is solely motivated by considerations of race, color,
8 ethnicity, age, gender or sexual orientation, and the action would
9 constitute a violation of the civil rights of the person.

10 (b) Not later than January 1, 2013, the Office of Policy and
11 Management and the Criminal Justice Information System Governing
12 Board shall, within available resources, develop and promulgate:

13 (1) A standardized form, in both printed and electronic format, to be

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

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

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

50 (c) On and after January 1, 2013, whenever a police officer makes a
51 traffic stop of a motor vehicle, such officer shall, if a form has been
52 promulgated pursuant to subdivision (1) of subsection (b) of this
53 section, complete such form and provide a copy of the completed form
54 to the operator of the motor vehicle.

55 ~~[(b) Each]~~ (d) On and after January 1, 2013, each municipal police
56 department and the Department of Emergency Services and Public
57 Protection shall, ~~[using the form developed and promulgated pursuant~~
58 ~~to subsection (h)]~~ if a form has been promulgated pursuant to
59 subdivision (1) of subsection (b) of this section, record and retain the
60 [following information: (1) The number of persons stopped for traffic
61 violations; (2) characteristics of race, color, ethnicity, gender and age of
62 such persons, provided the identification of such characteristics shall
63 be based on the observation and perception of the police officer
64 responsible for reporting the stop and the information shall not be
65 required to be provided by the person stopped; (3) the nature of the
66 alleged traffic violation that resulted in the stop; (4) whether a warning
67 or citation was issued, an arrest made or a search conducted as a result
68 of the stop; and (5)] information contained in the forms completed by
69 police officers of that agency in accordance with subsection (c) of this
70 section and any additional information that such municipal police
71 department or the Department of Emergency Services and Public
72 Protection, as the case may be, deems appropriate, provided such
73 information does not include any other identifying information about
74 any person stopped for a traffic violation such as the person's
75 operator's license number, name or address.

76 ~~[(c)]~~ (e) Each municipal police department and the Department of
77 Emergency Services and Public Protection shall provide to the [Chief
78 State's Attorney and the African-American Affairs Commission] Office
79 of Policy and Management and the Criminal Justice Information

80 System Governing Board (1) a copy of each complaint received
81 pursuant to this section, and (2) written notification of the review and
82 disposition of such complaint. No such complaint shall contain any
83 other identifying information about the complainant such as his or her
84 operator's license number, name or address.

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

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

97 [(f) On or before October 1, 2000] (h) Not later than October 1, 2013,
98 and annually thereafter, each municipal police department and the
99 Department of Emergency Services and Public Protection shall, if a
100 form has been promulgated pursuant to subdivision (3) of subsection
101 (b) of this section, use such form to provide to the [Chief State's
102 Attorney and the African-American Affairs Commission, in such form
103 as the Chief State's Attorney shall prescribe,] Office of Policy and
104 Management and the Criminal Justice Information System Governing
105 Board a summary report of the information recorded pursuant to
106 subsection [(b)] (d) of this section.

107 [(g) The African-American Affairs Commission] (i) The Office of
108 Policy and Management and the Criminal Justice Information System
109 Governing Board shall, within available resources, review the
110 prevalence and disposition of traffic stops and complaints reported
111 pursuant to this section. Not later than January 1, [2004] 2014, and
112 annually thereafter, the [African-American Affairs Commission] office

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	54-1m

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which modifies certain traffic stop information recording and reporting requirements, has no fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 364*****AN ACT CONCERNING TRAFFIC STOP INFORMATION.*****SUMMARY:**

This bill suspends municipal police departments' and the Department of Emergency Services and Public Protection's duty to record and report traffic stop information on July 1, 2012. It requires them to resume recording the information starting on January 1, 2013 and reporting summary data on October 1, 2013, if new standardized forms are developed. It requires:

1. the Office of Policy and Management (OPM) and Criminal Justice Information System (CJIS) Governing Board, within available appropriations, to develop and promulgate new standardized forms by January 1, 2013;
2. police officers to record traffic stop information using these new forms and give a copy to each motor vehicle operator stopped, starting January 1, 2013, if the forms have been developed; and
3. police departments to record and retain the traffic stop information using the new forms beginning on January 1, 2013, and annually report the data to OPM and the CJIS board beginning by October 1, 2013, if the forms have been developed.

The bill requires OPM and the CJIS board to adopt guidelines to train officers to complete the traffic stop forms and evaluate the information collected for counseling and officer training.

The bill also requires departments to give copies of complaints regarding traffic stops and information on their review and disposition to OPM and the CJIS board, instead of the chief state's attorney and the

African-American Affairs Commission (AAAC). It eliminates the requirement that the AAAC review the traffic stop data and complaints and issue annual reports with recommendations to the governor, General Assembly, and any other appropriate entity. Instead, OPM and the CJIS board, within available appropriations, must begin reviewing the data and issuing these annual reports by January 1, 2014.

The bill allows OPM and the CJIS board, instead of the chief state's attorney, to recommend that the OPM secretary impose an appropriate penalty, including the withholding of state funds, against a department that does not comply with the traffic stop provisions.

EFFECTIVE DATE: July 1, 2012

FORMS

The law required the chief state's attorney, in conjunction with various others, to develop a form by January 1, 2000 for police officers to use to record traffic stop information. In addition, police departments are required to report certain information.

The bill replaces the form with a new form OPM and the CJIS board develop and promulgate, within available appropriations, by January 1, 2013, and requires departments to record and retain the information on the forms.

The new traffic stop form must contain much of the information required on the current form. As under current law, this information includes:

1. the stop location;
2. the race, color, ethnicity, age, and gender of the driver, with the characteristics based on the officer's observation and perception;
3. the nature of the alleged traffic violation;
4. the disposition of the stop including whether a warning or

citation was issued, search was conducted, or arrest made; and

5. any other appropriate information.

The bill also requires the form to include:

1. the date and time of the stop;
2. the officer's name and badge number;
3. whether the stop was for a violation other than a traffic violation, and the statutory citation for the traffic or other violation;
4. whether a summons was issued in conjunction with the disposition; and
5. a notice that the person stopped may file a complaint with the appropriate law enforcement agency and how to do so, if the person believes the stop, detention, or search was solely because of his or her race, color, ethnicity, age, gender, or sexual orientation.

It also requires OPM and the CJIS board to develop, by January 1, 2013, (1) a new complaint form to replace the one officers give people they have stopped and (2) a form for departments to use to report data to OPM and the CJIS board.

Under the bill, the form for reporting to OPM and CJIS must be in both printed and electronic format. As under current law, the traffic stop and complaint forms must be in both formats.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 5 (03/21/2012)