
OLR Bill Analysis**SB 364 (File 280, as amended by Senate "A")******AN ACT CONCERNING TRAFFIC STOP INFORMATION.*****SUMMARY:**

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

1. the Office of Policy and Management (OPM), within available appropriations, to develop and implement these methods by July 1, 2013, in consultation with the (a) Racial Profiling Prohibition Project Advisory Board which the bill creates and (b) Criminal Justice Information System (CJIS) Governing Board;
2. police officers to record traffic stop information using this new method and any forms developed and implemented as part of it and give a copy of a notice to each motor vehicle operator stopped, starting July 1, 2013, if the standardized method and forms have been developed; and
3. police departments to retain the traffic stop information using the new forms beginning on July 1, 2013, and annually report the data to OPM beginning October 1, 2013, if the standardized method has been developed.

By July 1, 2013, the bill requires OPM, in consultation with the advisory board, to develop and implement 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, retains the requirement of providing this information to the chief state's attorney, and eliminates the requirement to provide it to the African-American Affairs Commission (AAAC). It shifts from AAAC to OPM the responsibility to review the traffic stop data and complaints and issue annual reports with recommendations to the governor, General Assembly, and any other appropriate entity. OPM, within available appropriations, must begin issuing these annual reports by January 1, 2014.

The bill allows OPM, 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.

*Senate Amendment "A":

1. adds provisions on the advisory board;
2. extends the date for OPM to develop the standardized method and police officers to begin recording traffic stop information from January 1 to July 1, 2013, and requires OPM to report on its progress by January 1, 2013;
3. requires OPM to develop a standardized method and allows, instead of requires, OPM to develop forms;
4. adds provisions regarding complaints about police stops based solely on a person's religion or other protected class membership;
5. requires OPM to consult with CJIS rather than making them both responsible for adopting forms;
6. eliminates police departments' duty to report data and complaints to CJIS and CJIS' duty to review and report on them

with OPM;

7. deletes CJIS' authorization to recommend penalties for a non-compliant department; and
8. reinstates the current requirement that police departments submit complaint information to the chief state's attorney.

EFFECTIVE DATE: July 1, 2012, except the provision creating the advisory board is effective upon passage.

RACIAL PROFILING PROHIBITION PROJECT ADVISORY BOARD

The bill creates this board to advise OPM on standardized methods and guidelines. The bill places the board within OPM for administrative purposes only. It must include the following 10 members or their designees:

1. chief state's attorney,
2. chief public defender,
3. Connecticut Police Chiefs Association president,
4. AAAC, Latino and Puerto Rican Affairs Commission, Asian Pacific American Affairs Commission, and Commission on Human Rights and Opportunities executive directors,
5. Emergency Services and Public Protection and Transportation commissioners, and
6. Central Connecticut State University's Institute for Municipal and Regional Policy director.

The bill allows the board to admit other members. It requires the Judiciary Committee co-chairpersons to select the board's two chairpersons from among its members.

STANDARDIZED METHOD

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. By law, police departments are required to report certain information.

The bill eliminates the form and requires OPM to develop and promulgate, within available appropriations, a new standardized method by July 1, 2013. In doing so, OPM must consult with the (1) Racial Profiling Prohibition Advisory Board and (2) CJIS board. Police departments must use the method to record and retain traffic stop information.

The new method and any forms implemented under it 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:

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, sexual orientation, religion, or other protected class membership.

Also within appropriations and by July 1, 2013, in consultation with the advisory board and CJIS board, OPM must develop a method (1) to report complaints, in place of the form officers give people they have stopped and (2) for departments to use to report data to OPM.

The bill eliminates a provision requiring that traffic stop and complaint forms be in both printed and electronic format.

The bill requires OPM to report to the Judiciary Committee on progress in developing the standardized method and guidelines by January 1, 2013. The report can include recommended changes to the bill's provisions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 5 (03/21/2012)