



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**Testimony of the Division of Criminal Justice  
Joint Committee on Judiciary  
March 12, 2012**

**In Support of:**

**S.B. No. 364: An Act Traffic Stop Information**

The Division of Criminal Justice supports the concept of S.B. No. 364, An Act Concerning Traffic Stop Information, and would respectfully recommend that the Committee proceed with caution to assure that the final legislation will actually achieve what you are setting out to accomplish. If there is one point that has become clear since the enactment of the Alvin v. Penn Racial Profiling Prohibition Act it is that there are serious shortcomings to the process as it now exists and that no simple solutions to resolve those issues readily exist. The public policy of the State of Connecticut remains clear: racial profiling, or the practice of conducting traffic stops based solely on the race of the motorist, is prohibited. The question is not whether profiling should be allowed, but rather how to collect and analyze data to determine if it does in fact occur.

The Division of Criminal Justice, and in particular the Office of the Chief State's Attorney, has a unique perspective on this issue in that we are the only agency under which any detailed, academically based analysis of Connecticut traffic stop statistics has occurred. This is the process that resulted in the publication in January 2001 of the "Interim Report of Traffic Stops Statistics: January 2000 to June 2000," and in December 2001 of the "Report on Traffic Stops Statistics for the State of Connecticut for the Period July 1, 2000 to June 30, 2001." Both of these reports were published by the Division of Criminal Justice pursuant to Public Act 99-198 (the Penn Act) and prepared by the Department of Criminology and Criminal Justice at Central Connecticut State University. The primary author was Stephen M. Cox, Ph.D. It should be noted that while P.A. 99-198 mandated the Division to collect, analyze and report on the data, it specifically did not authorize any funding for this purpose, although the Division was fortunate to secure funding and other valuable assistance from the Office of Policy and Management for the project.

Working with the Department of Criminology and Criminal Justice, the Division oversaw the difficult and complicated process of collecting and assembling the data for all traffic stops conducted in the state and analyzed as the basis for these two reports. This was by no means a simple process. There was no standard procedure for collecting and compiling what we quickly learned would be a tremendous amount of data. Technology was not only more primitive than it is today, but further complicating the situation was the fact that formats for electronic

collection of data varied from one police department to the next and some did not even collect the data in electronic format. In those cases, it had to be harvested from paper forms (which we believe is still the case with some agencies today). Before the detailed analysis could be undertaken the data had to be initially analyzed to assure that we were comparing comparable information from all departments. Even then and with substantial research and analysis undertaken, once all was said and done the final reports produced no definite answer to the underlying question of whether profiling had in fact occurred during the time periods analyzed. With varying interpretations of the findings of these reports, the only point on which there appeared to be agreement was that further study and analysis would be in order.

It must be noted that although no formal analysis of traffic stops statistics has been conducted since the 2001 reports were published, the Division of Criminal Justice continues to receive and act upon complaints questioning the propriety of specific traffic stops. The reporting and analysis aspects of the Alvin V. Penn Act were only one component of the act, the primary purpose of which was to define racial profiling and to declare that no law enforcement agency is to engage in racial profiling. In this sense the act remains actively in force as the policy of the State of Connecticut has not changed. The Division of Criminal Justice reviews all complaints alleging profiling with regard to specific traffic stops. A form for filing such a complaint has been posted on our website available to the public for a number of years. All complaints that we receive are examined initially by the Office of the Chief State's Attorney and usually referred to the appropriate State's Attorney for their review as well.

S.B. No. 364 presents a framework from which to craft a process for undertaking the further collection and analysis of data, the need for which was identified following the release of the two reports in 2001. Based on our involvement in the preparation of these reports - and cursory review of media analysis since conducted - the Division believes the current data collection process is obviously inadequate both in terms of what data is collected and how. Additional questions arise as to how these current practices will be impacted - or more appropriately how they could be improved - with the advent of the Criminal Justice Information System (CJIS) and Connecticut Information Sharing System (CISS). The division readily concedes that we have neither the technological resources nor expertise required in this area. S.B. No. 364 appropriately places these responsibilities within the Office of Policy and Management and CJIS Governing Board, which together have the necessary expertise and resources to oversee collection and analysis of data. That board, however, is already engaged in the task of developing a criminal justice information sharing system that has stretched its resources to the utmost.

The critical question that remains unanswered by S.B. No. 364 is exactly what data needs to be collected. As stated previously the experience of the Division of Criminal Justice from the earlier studies leads to the obvious conclusion that the data collected was insufficient to allow for conclusive findings. The Division would recommend that a study group representing all interested parties be convened to define what constitutes truly meaningful data and how that data can be collected in a reasonable manner. The Division stands ready to assist such an effort for the benefit of all involved, whether it be the motorist being stopped or the officer trying to do his or her job. In conclusion, the Division expresses its appreciation to the Committee for this opportunity to provide input on this issue. We would be happy to provide any additional information or to answer any questions the Committee might have.