

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-74—SB 364
Judiciary Committee

AN ACT CONCERNING TRAFFIC STOP INFORMATION

SUMMARY: This act suspends on July 1, 2012 municipal police departments' and the Department of Emergency Services and Public Protection's (DESP) (which includes the State Police) duty to record and report traffic stop information. It requires them to resume (1) recording the information on July 1, 2013 and (2) annually reporting summary data on October 1, 2013, if new standardized methods are developed (see BACKGROUND).

Specifically, the act requires:

1. the Office of Policy and Management (OPM), within available resources, to develop and implement these methods by July 1, 2013, in consultation with the (a) Racial Profiling Prohibition Project Advisory Board, which the act 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 a summary of the data to OPM beginning October 1, 2013, if the standardized method has been developed.

By July 1, 2013, the act 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 act also requires departments to give copies of complaints about traffic stops and information on their review and disposition to OPM, retains the requirement for them to provide 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 resources, must begin issuing these annual reports by January 1, 2014.

The act requires OPM, instead of allowing 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, except the provision creating the advisory

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board is effective upon passage.

RACIAL PROFILING PROHIBITION PROJECT ADVISORY BOARD

The act creates this board, within available resources, to advise OPM on standardized methods and guidelines. It 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 act 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

Prior 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 act eliminates this form and requires OPM to develop and promulgate, within available resources, a new standardized method by July 1, 2013. In doing so, OPM must consult with the (1) 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 previous form. As under prior law, this information includes:

1. the stop location;
2. the driver's race, color, ethnicity, age, and gender, 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 act 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;

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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.

The act also requires developing methods (1) to report complaints, in place of the form officers give people they have stopped and (2) for departments to report data to OPM. Under the act, the departments' summary reports go to OPM instead of the chief state's attorney and the AAAC.

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

The act 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 act.

BACKGROUND

Related Act

PA 12-1, June 12, 2012 Special Session, § 144, eliminates the temporary suspension of police officers' and departments' duty to collect traffic stop data until new collection methods are developed. It also advances to October 1, 2013, from October 1, 2012, the first annual report DESPP and local police departments must provide to OPM on traffic stop data summaries.

OLR Tracking: CR:MJ:VR:ts:eh