



Senate

General Assembly

File No. 714

January Session, 2013

Substitute Senate Bill No. 1143

Senate, May 6, 2013

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute 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 Section 54-1m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) Each municipal police department, [and] the Department of
4 Emergency Services and Public Protection and any other department
5 with authority to conduct a traffic stop shall adopt a written policy that
6 prohibits the stopping, detention or search of any person when such
7 action is solely motivated by considerations of race, color, ethnicity,
8 age, gender or sexual orientation, and such action would constitute a
9 violation of the civil rights of the person. For the purposes of this
10 section: (1) "Department with authority to conduct a traffic stop"
11 means any department that includes, or has oversight of, a police
12 officer, and (2) "police officer" means a police officer within a
13 municipal police department or the Department of Emergency Services
14 and Public Protection or a person with the same authority pursuant to
15 any provision of the general statutes to make arrests or issue citations

16 for violation of any statute or regulation relating to motor vehicles and
17 to enforce said statutes and regulations as policemen or state
18 policemen have in their respective jurisdictions, including, but not
19 limited to: (A) Special policemen or state policemen acting under the
20 provisions of section 29-18, 17a-24 or 17a-465; (B) policemen acting
21 under the provisions of section 29-19; (C) the Commissioner of Motor
22 Vehicles, each deputy commissioner of the Department of Motor
23 Vehicles and any salaried inspector of motor vehicles designated by
24 the commissioner pursuant to section 14-8; (D) State Capitol Police
25 officers acting under the provisions of section 2-1f; (E) special police
26 forces acting under the provisions of section 10a-142; (F) state
27 policemen acting under the provisions of section 27-107; and (G) fire
28 police officers acting under the provisions of section 7-313a.

29 (b) Not later than July 1, 2013, the Office of Policy and Management,
30 in consultation with the Racial Profiling Prohibition Project Advisory
31 Board established in section 54-1s, and the Criminal Justice
32 Information System Governing Board shall, within available resources,
33 develop and implement a standardized method:

34 (1) To be used by police officers of municipal police departments,
35 [and] the Department of Emergency Services and Public Protection
36 and any other department with authority to conduct a traffic stop to
37 record traffic stop information unless the police officer is required to
38 leave the location of the stop prior to completing such form in order to
39 respond to an emergency or due to some other exigent circumstance
40 within the scope of such police officer's duties. The standardized
41 method and any form developed and implemented pursuant to such
42 standardized method shall allow the following information to be
43 recorded: (A) [Date] The date and time of the stop; (B) the specific
44 geographic location of the stop; (C) [name and badge] the unique
45 identifying number of the police officer making the stop, or the name
46 and title of the person making the stop if such person does not have a
47 unique identifying number; (D) the race, color, ethnicity, age and
48 gender of the operator of the motor vehicle that is stopped, provided
49 the identification of such characteristics shall be based on the

50 observation and perception of the police officer responsible for
51 reporting the stop; (E) the nature of the alleged traffic violation or
52 other violation that caused the stop to be made and the statutory
53 citation for such violation; (F) the disposition of the stop including
54 whether a warning, citation or summons was issued, whether a search
55 was conducted, the authority for any search conducted, the result of
56 any search conducted, the statute or regulation citation for any
57 warning, citation or summons issued and whether a custodial arrest
58 was made; and (G) any other information deemed appropriate. The
59 method shall also provide for (i) notice to be given to the person
60 stopped that if such person believes that such person has been
61 stopped, detained or subjected to a search solely because of race, color,
62 ethnicity, age, gender, sexual orientation, religion or membership in
63 any other protected class, such person may file a complaint with the
64 appropriate law enforcement agency unless the police officer was
65 required to leave the location of the stop prior to providing such notice
66 in order to respond to an emergency or due to some other exigent
67 circumstance within the scope of such police officer's duties, and (ii)
68 instructions to be given to the person stopped on how to file such
69 complaint unless the police officer was required to leave the location of
70 the stop prior to providing such instructions in order to respond to an
71 emergency or due to some other exigent circumstance within the scope
72 of such police officer's duties;

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

77 (3) To be used by each municipal police department, [and] the
78 Department of Emergency Services and Public Protection and any
79 other department with authority to conduct a traffic stop to report data
80 to the Office of Policy and Management pursuant to subsection (h) of
81 this section.

82 (c) Not later than July 1, 2013, the Office of Policy and Management,

83 in consultation with the Racial Profiling Prohibition Project Advisory
84 Board, shall develop and implement guidelines to be used by each
85 municipal police department, [and] the Department of Emergency
86 Services and Public Protection and any other department with
87 authority to conduct a traffic stop in (1) training police officers of such
88 agency in the completion of the form developed and implemented
89 pursuant to subdivision (1) of subsection (b) of this section, and (2)
90 evaluating the information collected by police officers of such
91 municipal police department, [and] the Department of Emergency
92 Services and Public Protection or other department with authority to
93 conduct a traffic stop pursuant to subsection (e) of this section for use
94 in the counseling and training of such police officers.

95 (d) (1) Prior to the date a standardized method and form have been
96 developed and implemented pursuant to subdivision (1) of subsection
97 (b) of this section, each municipal police department, [and] the
98 Department of Emergency Services and Public Protection and any
99 other department with authority to conduct a traffic stop shall, using
100 the form developed and promulgated pursuant to the provisions of
101 subsection (h) in effect on January 1, 2012, record and retain the
102 following information: (A) The number of persons stopped for traffic
103 violations; (B) characteristics of race, color, ethnicity, gender and age of
104 such persons, provided the identification of such characteristics shall
105 be based on the observation and perception of the police officer
106 responsible for reporting the stop and the information shall not be
107 required to be provided by the person stopped; (C) the nature of the
108 alleged traffic violation that resulted in the stop; (D) whether a
109 warning or citation was issued, an arrest made or a search conducted
110 as a result of the stop; and (E) any additional information that such
111 municipal police department, [or] the Department of Emergency
112 Services and Public Protection or any other department with authority
113 to conduct a traffic stop, as the case may be, deems appropriate,
114 provided such information shall not include any other identifying
115 information about any person stopped for a traffic violation such as
116 the person's operator's license number, name or address.

117 (2) On and after the date a standardized method and form have
118 been developed and implemented pursuant to subdivision (1) of
119 subsection (b) of this section, each municipal police department, [and]
120 the Department of Emergency Services and Public Protection and any
121 other department with authority to conduct a traffic stop shall record
122 and retain the information required to be recorded pursuant to such
123 standardized method and any additional information that such
124 municipal police department or the Department of Emergency Services
125 and Public Protection or other department with authority to conduct a
126 traffic stop, as the case may be, deems appropriate, provided such
127 information shall not include any other identifying information about
128 any person stopped for a traffic violation such as the person's
129 operator's license number, name or address.

130 (e) Each municipal police department, [and] the Department of
131 Emergency Services and Public Protection and any other department
132 with authority to conduct a traffic stop shall provide to the Chief
133 State's Attorney and the Office of Policy and Management (1) a copy of
134 each complaint received pursuant to this section, and (2) written
135 notification of the review and disposition of such complaint. No copy
136 of such complaint shall include any other identifying information
137 about the complainant such as the complainant's operator's license
138 number, name or address.

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

143 (g) If a municipal police department, [or] the Department of
144 Emergency Services and Public Protection or any other department
145 with authority to conduct a traffic stop fails to comply with the
146 provisions of this section, the Office of Policy and Management shall
147 recommend and the Secretary of the Office of Policy and Management
148 may order an appropriate penalty in the form of the withholding of
149 state funds from such municipal police department, [or] the

150 Department of Emergency Services and Public Protection or such other
151 department with authority to conduct a traffic stop.

152 (h) Not later than October 1, 2012, [and annually thereafter,] each
153 municipal police department and the Department of Emergency
154 Services and Public Protection shall provide to the Office of Policy and
155 Management a summary report of the information recorded pursuant
156 to subsection (d) of this section. On and after October 1, 2013, each
157 municipal police department, the Department of Emergency Services
158 and Public Protection and any other department with authority to
159 conduct a traffic stop shall provide to the Office of Policy and
160 Management a monthly report of the information recorded pursuant to
161 subsection (d) of this section for each traffic stop conducted, in a
162 format prescribed by the Office of Policy and Management. On and
163 after January 1, 2015, such information shall be submitted in electronic
164 form, and shall be submitted in electronic form prior to said date to the
165 extent practicable.

166 (i) The Office of Policy and Management shall, within available
167 resources, review the prevalence and disposition of traffic stops and
168 complaints reported pursuant to this section. Not later than [January]
169 July 1, 2014, and annually thereafter, the office shall report the results
170 of any such review, including any recommendations, to the Governor,
171 the General Assembly and any other entity deemed appropriate.

172 (j) Not later than January 1, [2013] 2014, the Office of Policy and
173 Management shall submit a report to the joint standing [committee]
174 committees of the General Assembly having cognizance of matters
175 relating to the judiciary and public safety, and to the African-American
176 Affairs Commission, the Latino and Puerto Rican Affairs Commission
177 and the Black and Puerto Rican Caucus of the General Assembly, on
178 the office's progress in developing a standardized method and
179 guidelines pursuant to this section. Such report may include
180 recommendations for amendments to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	54-1m

Statement of Legislative Commissioners:

In Subsec. (a)(2)(A), "state policemen" was inserted for consistency with the general statutes, in Subsec. (a)(2)(B), the section reference was changed to "29-19" for accuracy, and in Subsec. (h), provisions were rewritten for accuracy.

JUD *Joint Favorable Subst. -LCO*

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:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Various State Agencies	GF - Potential Cost	Minimal	Minimal

Municipal Impact: None

Explanation

The bill modifies the information that police officers must record when conducting a traffic stop and expands the list of agencies that must record such information. The bill also modifies how information collected during traffic stops is reported to the Office of Policy and Management (OPM). Additionally, the bill makes changes to OPM's reporting responsibilities concerning racial profiling in traffic stops.

As information is currently collected by certain police officers, municipalities, the Department of Emergency Services and Public Protection, and the Department of Motor Vehicles are not anticipated to incur additional costs arising from the provisions that modify the information collected.

To the extent that additional agencies employing police officers, including the Office of Legislative Management and public universities, make traffic stops, those agencies may potentially incur minimal additional costs to comply with the data collection provisions of the bill.

The bill specifies that OPM must accomplish its work within available resources. However, OPM may potentially incur minimal

cost associated with the expansion of data collection.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of traffic stops conducted.

OLR Bill Analysis**SB 1143*****AN ACT CONCERNING TRAFFIC STOP INFORMATION.*****SUMMARY:**

This bill extends to more law enforcement officers and departments the requirements to (1) collect and report certain traffic stop information and (2) adopt and follow a profiling policy. These requirements currently apply to the state police and municipal police departments.

The bill also makes changes to the standardized method and forms that the Office of Policy and Management (OPM) must develop by July 1, 2013 and law enforcement officers must use to record and report traffic stop data and complaints. The bill:

1. requires officers to record additional details about a traffic stop;
2. excuses officers from collecting data in certain circumstances;
3. requires OPM to submit, by January 1, 2014, a second progress report on developing the standardized method and guidelines for recording and reporting data (OPM submitted a progress report in January 2013); and
4. requires OPM to also submit its second progress report to the Public Safety and Security Committee, African-American Affairs Commission, Latino and Puerto Rican Affairs Commission, and Legislative Black and Puerto Rican Caucus, in addition to the Judiciary Committee, which received the first progress report.

The bill requires departments collecting data using the current form and after beginning to use OPM's new method to (1) report traffic stop

data to OPM in a monthly, rather than summary, report when submitting data annually and (2) submit the data electronically beginning January 1, 2015 and earlier if practicable.

The bill extends, from January 1 to July 1, 2014, the deadline for OPM's first annual report reviewing traffic stop data and complaints.

EFFECTIVE DATE: October 1, 2013

WHO MUST RECORD DATA AND ADOPT PROFILING POLICE

Currently, the Department of Emergency Services and Public Protection (DESPP), which includes the State Police, and municipal police departments must:

1. adopt written policies prohibiting stopping, detaining, or searching anyone solely motivated by consideration of race, color, ethnicity, age, gender, or sexual orientation and
2. record traffic stop data.

The bill requires additional departments to adopt a policy and record traffic stop data. It applies these requirements to any department that includes or oversees someone with (1) the same statutory authority to make arrests or issue citations for violating motor vehicle statutes or regulations and (2) authority to enforce those statutes and regulations like a policeman or special policeman in their jurisdictions. This includes:

1. special policemen or state policemen appointed by the DESPP commissioner for state property or a utility or transportation company;
2. the motor vehicles commissioner, deputy commissioners, and designated salaried inspectors (who are authorized, by law, to enforce motor vehicle statutes and regulations);
3. State Capitol Police officers;

4. UConn and Connecticut State University system police; and
5. fire police (who, by law, have powers over traffic control and regulation).

The bill extends to these officers and departments the same duties that apply to state and local police officers and departments. These include the requirement to use OPM's standardized method and form to record traffic stop information when it is available, record and retain traffic stop data, and report the data to OPM; use OPM guidelines to train officers to use forms and evaluate data; and provide copies of and disposition information about complaints received about traffic stops to OPM and the chief state's attorney. The bill subjects these departments to the potential loss of state funds for noncompliance, as with the State Police and local police departments under current law.

It also extends protections from civil liability for officers who record information in good faith unless their conduct is unreasonable or reckless.

RECORDING TRAFFIC STOP DATA

The law requires OPM, in consultation with the Racial Profiling Prohibition Project Advisory Board and Criminal Justice Information System Governing Board, to develop a standardized method, which can include forms, to record traffic stop data. OPM must do so by July 1, 2013 and law enforcement officers must use the new method when it is available.

The bill makes a number of changes to the contents of OPM's new method and forms and the information that officers must record when using them.

1. Current law requires recording the date, time, and location of the stop. The bill specifies recording the stop's specific geographic location.
2. The bill requires recording the officer's unique identifying

number or name and title if he or she does not have a number, rather than the officer's name and badge number.

3. Current law requires recording the stop's disposition including whether a warning, citation, or summons was issued and whether a search was conducted. The bill additionally requires recording the (a) statute or citation for a warning, citation, or summons and (b) authority for a search and its results.

As under current law, the following information must be recorded:

1. race, color, ethnicity, age, and gender of the motor vehicle operator based on the officer's observation and perception;
2. nature of the alleged traffic violation or other violation that caused the stop and the statutory citation for it; and
3. other appropriate information.

The bill excuses an officer from using the form or providing the person stopped with notice or instructions about filing a complaint if the officer is required to leave the location to respond to an emergency or due to other exigent circumstance within the scope of the officer's duties.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (04/16/2013)