
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)