

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-75—sSB 1143

Judiciary Committee

AN ACT CONCERNING TRAFFIC STOP INFORMATION

SUMMARY: This act 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 already apply to the state police and municipal police departments.

The act 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 act:

1. requires officers to record additional details about a traffic stop;
2. excuses officers from collecting data in certain circumstances; and
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 to the Judiciary and Public Safety and Security Committees, African-American Affairs Commission, Latino and Puerto Rican Affairs Commission, and Legislative Black and Puerto Rican Caucus.

Beginning October 1, 2013, the act requires departments to report the data in monthly reports, rather than an annual summary report. It requires departments to submit this data in an OPM-prescribed format and to do so electronically beginning January 1, 2015 or earlier if practicable.

The act 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 POLICY

The law requires the Department of Emergency Services and Public Protection (DESPP), which includes the State Police, and municipal police departments to:

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 act also imposes these requirements on any department that includes or oversees someone with the same statutory authority to make arrests or issue citations for violating motor vehicle statutes or regulations and enforce those statutes and regulations as a municipal police or state police officer in their jurisdiction. This includes:

1. special policemen appointed by the DESPP commissioner for state

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- property;
2. special policemen or state policemen enforcing traffic regulations at Department of Mental Health and Addiction Services or Children and Families facilities;
 3. policemen appointed by DESPP for a utility or transportation company;
 4. the motor vehicles commissioner, deputy commissioners, and designated salaried inspectors (who are authorized, by law, to enforce motor vehicle statutes and regulations);
 5. State Capitol Police officers;
 6. UConn and Connecticut State University system police;
 7. state police enforcing traffic regulations at the Veterans' Home; and
 8. fire police (who, by law, have powers over traffic control and regulation).

The act extends to these officers and departments the same duties that apply to state and local police officers and departments. These include the requirement to (1) record, retain, and report traffic stop information; (2) use OPM's standardized method and form when they are available to record, retain, and report this data; (3) use OPM guidelines, when they are available, to train officers to use forms and evaluate data; and (4) provide copies of and disposition information about complaints received about traffic stops to OPM and the chief state's attorney. The act subjects these departments to the potential loss of state funds for noncompliance, as with the State Police and local police departments under existing 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 and implement 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 act 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. Existing law requires officers to record the date, time, and location of the stop. The act specifies that they record the stop's specific geographic location.
2. The act requires officers to record 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. Existing law requires recording the stop's disposition, including whether a warning, citation, or summons was issued and whether a search was conducted or an arrest made. The act additionally requires recording the (a) statute or citation for a warning, citation, or summons and (b) authority for a search and its results.

By law, the following information must also be recorded:

1. race, color, ethnicity, age, and gender of the motor vehicle operator based

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- 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 act 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 circumstances within the scope of the officer's duties.

OLR Tracking: CR:RP:JKL:ts/eh