

Racial Profiling Law

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Issue

Summarize Connecticut's racial profiling law. This report updates OLR Report [2011-R-0182](#).

Summary

Connecticut law prohibits municipal police departments, the State Police, and other law enforcement agencies from engaging in racial profiling, defined as detaining, preventing the movement of, or otherwise treating people differently solely because of their race or ethnicity.

Among other things, this law:

1. prohibits law enforcement agencies from using a person's race or ethnicity as the sole factor in determining probable cause for an arrest or reasonable suspicion for detention or an investigatory motor vehicle stop;
2. requires police departments and other agencies that make traffic stops to collect and provide data on traffic stops and complaints of discriminatory stops; and
3. requires the Office of Policy and Management (OPM), within available resources, to review the submitted data and annually report on any such review.

Racial Profiling Law

Connecticut's racial profiling law is known as the "Alvin W. Penn Racial Profiling Prohibition Act" ([CGS §§ 54-1l](#) and [54-1m](#)).

The law was first enacted in 1999 and has been amended several times since then.

Various reports analyzing the collected traffic stop data are available on the Connecticut Racial Profiling Prohibition Project [website](#).

Racial Profiling Law

Ban

Connecticut law prohibits law enforcement agencies from engaging in racial profiling (i.e., detaining, preventing the movement of, or otherwise treating people differently solely because of their race or ethnicity). This law bars police from using a person's race or ethnicity as the sole factor (1) in determining probable cause to arrest or take someone into custody or (2) "constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle." In addition, detention based on noncriminal factors is considered to be inconsistent with the racial profiling ban ([CGS § 54-1I](#)).

Racial Profiling Policy

By law, every municipal police department, the Department of Emergency Services and Public Protection, and other departments with the authority to conduct traffic stops (e.g., the Capitol Police) (collectively, "police departments") must adopt a written policy prohibiting stops, searches, or detentions motivated solely by considerations of a person's race, color, ethnicity, age, gender, or sexual orientation, if any of these actions would violate a person's civil rights ([CGS § 54-1m\(a\)](#)).

Data Collection

OPM, in consultation with the Racial Profiling Prohibition Project Advisory Board and Criminal Justice Information System (CJIS) Governing Board, was required by law, within available resources, to develop and implement a standardized method for police departments to record traffic stop data. This includes:

1. methods or forms to collect the data,
2. methods to report complaints by persons who believe they were illegally profiled, and
3. methods to report traffic stop data to OPM.

Under this law, police collect the following information:

1. the traffic stop's time, date, and location;
2. identifying information for the officer making the stop;
3. identifying characteristics for the person who was pulled over, including race, color, ethnicity, age, and gender, based on the officer's perception and observations;

4. the alleged violation that led to the stop, including the statutory citation;
5. the disposition of the stop (e.g., whether any arrest was made, search conducted and its results, or warning or citation issued); and
6. any additional information deemed appropriate ([CGS § 54-1m\(b\)](#)).

The standardized method also must provide for notice to be given to the person stopped about the person's right to file a complaint, and how to do so, if the person believes that he or she was stopped, detained, or searched solely for membership in a protected class (e.g., due to race or religion) ([CGS § 54-1m\(b\) and \(d\)\(2\)](#)).

A police officer is not required to record such traffic stop data and provide such notice about complaint filing if the officer had to leave the location of the stop before completing the form to respond to an emergency or due to other exigent circumstances within the scope of the officer's duties ([CGS § 54-1m\(b\)](#)).

Reporting

Under this law, police departments must provide OPM, in electronic form, with monthly reports of the information set forth above for each traffic stop the department conducted ([CGS § 54-1m\(h\)](#)). They also must provide OPM and the chief state's attorney with (1) a copy of any complaint they receive about alleged discriminatory traffic stops and (2) written notice of the review and disposition of the complaint ([CGS § 54-1m\(e\)](#)). The driver's name, address, license number, and other identifying information are not included in these reports.

Within available resources, OPM must review the prevalence and disposition of traffic stops and complaints and annually report the results of any such review to the governor, General Assembly, and any other appropriate entity ([CGS § 54-1m\(i\)](#)).

Other Provisions

Under this law, OPM may direct that state aid be withheld from police departments that do not have a policy or fail to collect and submit required data and information ([CGS § 54-1m\(g\)](#)).

The law prohibits a police officer from being held civilly liable for acting in good faith to record required traffic stop information unless he or she acted recklessly or unreasonably ([CGS § 54-1m\(f\)](#)).

The law also required OPM, in consultation with the Racial Profiling Prohibition Project Advisory Board, to develop and implement guidelines for police departments to (1) train officers in completing the data collection forms and (2) evaluate the collected information for use in counseling and training officers ([CGS § 54-1m\(c\)](#)).

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