



Senate

General Assembly

File No. 599

January Session, 2023

Substitute Senate Bill No. 953

Senate, April 17, 2023

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING RACIAL PROFILING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-1l of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) This section and section 54-1m, as amended by this act, shall be
4 known as the "Alvin W. Penn Racial Profiling Prohibition Act".

5 (b) For [the] purposes of this section, "racial profiling" means the
6 detention, interdiction or other disparate treatment of an individual
7 [solely] by a police officer on the basis, in whole or in part, of the
8 perceived racial or ethnic status of such individual, except when such
9 status is used in combination with other information when seeking to
10 apprehend a specific suspect whose racial or ethnic status is part of the
11 description of the suspect.

12 (c) No member of the Division of State Police within the Department
13 of Emergency Services and Public Protection, a municipal police

14 department or any other law enforcement agency shall engage in racial
15 profiling. [The detention of an individual based on any noncriminal
16 factor or combination of noncriminal factors is inconsistent with this
17 policy.]

18 [(d) The race or ethnicity of an individual shall not be the sole factor
19 in determining the existence of probable cause to place in custody or
20 arrest an individual or in constituting a reasonable and articulable
21 suspicion that an offense has been or is being committed so as to justify
22 the detention of an individual or the investigatory stop of a motor
23 vehicle.]

24 Sec. 2. Section 54-1m of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective from passage*):

26 (a) Each municipal police department, the Department of Emergency
27 Services and Public Protection and any other department with authority
28 to conduct a traffic stop shall adopt a written policy that prohibits the
29 stopping, detention, interdiction or search of any person when such
30 action is [solely] motivated, in whole or in part, by considerations of
31 race, color, ethnicity, age, gender or sexual orientation, [and such action
32 would constitute a violation of the civil rights of the person] except
33 when such consideration of race, color, ethnicity, age, gender or sexual
34 orientation is used in combination with other information seeking to
35 apprehend a specific suspect whose race, color, ethnicity, age or gender
36 is part of the description of the suspect. For the purposes of this section:
37 (1) "Department with authority to conduct a traffic stop" means any
38 department that includes, or has oversight of, a police officer, and (2)
39 "police officer" means a police officer within a municipal police
40 department or the Department of Emergency Services and Public
41 Protection or a person with the same authority pursuant to any
42 provision of the general statutes to make arrests or issue citations for
43 violation of any statute or regulation relating to motor vehicles and to
44 enforce said statutes and regulations as policemen or state policemen
45 have in their respective jurisdictions, including, but not limited to: (A)
46 Special policemen or state policemen acting under the provisions of

47 section 29-18, 17a-24 or 17a-465; (B) policemen acting under the
48 provisions of section 29-19; (C) the Commissioner of Motor Vehicles,
49 each deputy commissioner of the Department of Motor Vehicles and
50 any salaried inspector of motor vehicles designated by the
51 commissioner pursuant to section 14-8; (D) State Capitol Police officers
52 acting under the provisions of section 2-1f; (E) special police forces
53 acting under the provisions of section 10a-156b; (F) state policemen
54 acting under the provisions of section 27-107; and (G) fire police officers
55 acting under the provisions of section 7-313a.

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

61 (1) To be used by police officers of municipal police departments, the
62 Department of Emergency Services and Public Protection and any other
63 department with authority to conduct a traffic stop to record traffic stop
64 information unless the police officer is required to leave the location of
65 the stop prior to completing such form in order to respond to an
66 emergency or due to some other exigent circumstance within the scope
67 of such police officer's duties. The standardized method and any form
68 developed and implemented pursuant to such standardized method
69 shall allow the following information to be recorded: (A) The date and
70 time of the stop; (B) the specific geographic location of the stop; (C) the
71 unique identifying number of the police officer making the stop, or the
72 name and title of the person making the stop if such person does not
73 have a unique identifying number; (D) the race, [color,] ethnicity, age
74 and gender of the operator of the motor vehicle that is stopped,
75 provided the identification of such characteristics shall be based on the
76 observation and perception of the police officer responsible for
77 reporting the stop; (E) the nature of the alleged traffic violation or other
78 violation that caused the stop to be made and the statutory citation for
79 such violation; (F) the disposition of the stop including whether a
80 warning, citation or summons was issued, whether a search was

81 conducted, the authority for any search conducted, the result of any
82 search conducted, the statute or regulation citation for any warning,
83 citation or summons issued and whether a custodial arrest was made;
84 and (G) any other information deemed appropriate. The method shall
85 also provide for (i) notice to be given to the person stopped that if such
86 person believes that such person has been stopped, detained, interdicted
87 or subjected to a search [solely because of] on the basis, in whole or in
88 part, of such person's race, color-, ethnicity, age, gender, sexual
89 orientation, religion or membership in any other protected class, such
90 person may file a complaint with the appropriate law enforcement
91 agency unless the police officer was required to leave the location of the
92 stop prior to providing such notice in order to respond to an emergency
93 or due to some other exigent circumstance within the scope of such
94 police officer's duties, and (ii) instructions to be given to the person
95 stopped on how to file such complaint unless the police officer was
96 required to leave the location of the stop prior to providing such
97 instructions in order to respond to an emergency or due to some other
98 exigent circumstance within the scope of such police officer's duties;

99 (2) To be used to report complaints pursuant to this section by any
100 person who believes such person has been subjected to a motor vehicle
101 stop by a police officer [solely] on the basis, in whole or in part, of race,
102 color, ethnicity, age, gender, sexual orientation or religion; and

103 (3) To be used by each municipal police department, the Department
104 of Emergency Services and Public Protection and any other department
105 with authority to conduct a traffic stop to report data to the Office of
106 Policy and Management pursuant to subsection (h) of this section.

107 (c) Not later than July 1, 2013, the Office of Policy and Management,
108 in consultation with the Racial Profiling Prohibition Project Advisory
109 Board, shall develop and implement guidelines to be used by each
110 municipal police department, the Department of Emergency Services
111 and Public Protection and any other department with authority to
112 conduct a traffic stop in (1) training police officers of such agency in the
113 completion of the form developed and implemented pursuant to

114 subdivision (1) of subsection (b) of this section, and (2) evaluating the
115 information collected by police officers of such municipal police
116 department, the Department of Emergency Services and Public
117 Protection or other department with authority to conduct a traffic stop
118 pursuant to subsection (e) of this section for use in the counseling and
119 training of such police officers.

120 [(d) (1) Prior to the date a standardized method and form have been
121 developed and implemented pursuant to subdivision (1) of subsection
122 (b) of this section, each municipal police department, the Department of
123 Emergency Services and Public Protection and any other department
124 with authority to conduct a traffic stop shall, using the form developed
125 and promulgated pursuant to the provisions of subsection (h) in effect
126 on January 1, 2012, record and retain the following information: (A) The
127 number of persons stopped for traffic violations; (B) characteristics of
128 race, color, ethnicity, gender and age of such persons, provided the
129 identification of such characteristics shall be based on the observation
130 and perception of the police officer responsible for reporting the stop
131 and the information shall not be required to be provided by the person
132 stopped; (C) the nature of the alleged traffic violation that resulted in
133 the stop; (D) whether a warning or citation was issued, an arrest made
134 or a search conducted as a result of the stop; and (E) any additional
135 information that such municipal police department, the Department of
136 Emergency Services and Public Protection or any other department with
137 authority to conduct a traffic stop, as the case may be, deems
138 appropriate, provided such information shall not include any other
139 identifying information about any person stopped for a traffic violation
140 such as the person's operator's license number, name or address.]

141 [(2)] (d) On and after the date a standardized method and form have
142 been developed and implemented pursuant to subdivision (1) of
143 subsection (b) of this section, each municipal police department, the
144 Department of Emergency Services and Public Protection and any other
145 department with authority to conduct a traffic stop shall record and
146 retain the information required to be recorded pursuant to such
147 standardized method and any additional information that such

148 municipal police department or the Department of Emergency Services
149 and Public Protection or other department with authority to conduct a
150 traffic stop, as the case may be, deems appropriate, provided such
151 information shall not include any other identifying information about
152 any person stopped for a traffic violation such as the person's operator's
153 license number, name or address.

154 (e) Each municipal police department, the Department of Emergency
155 Services and Public Protection and any other department with authority
156 to conduct a traffic stop shall provide to the Chief State's Attorney and
157 the Office of Policy and Management (1) a copy of each complaint
158 received pursuant to this section, and (2) written notification of the
159 review and disposition of such complaint. No copy of such complaint
160 shall include any other identifying information about the complainant
161 such as the complainant's operator's license number, name or address.

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

166 (g) If a municipal police department, the Department of Emergency
167 Services and Public Protection or any other department with authority
168 to conduct a traffic stop fails to comply with the provisions of this
169 section, the Office of Policy and Management shall recommend and the
170 Secretary of the Office of Policy and Management may order an
171 appropriate penalty in the form of the withholding of state funds from
172 such municipal police department, the Department of Emergency
173 Services and Public Protection or such other department with authority
174 to conduct a traffic stop.

175 (h) [Not later than October 1, 2012, each municipal police department
176 and the Department of Emergency Services and Public Protection shall
177 provide to the Office of Policy and Management a summary report of
178 the information recorded pursuant to subsection (d) of this section.] On
179 and after October 1, 2013, each municipal police department, the
180 Department of Emergency Services and Public Protection and any other

181 department with authority to conduct a traffic stop shall provide to the
 182 Office of Policy and Management a monthly report of the information
 183 recorded pursuant to subsection (d) of this section for each traffic stop
 184 conducted, in a format prescribed by the Office of Policy and
 185 Management. On and after January 1, 2015, such information shall be
 186 submitted in electronic form, and shall be submitted in electronic form
 187 prior to said date to the extent practicable.

188 (i) The Office of Policy and Management shall, within available
 189 resources, review the prevalence and disposition of traffic stops and
 190 complaints reported pursuant to this section, including any traffic stops
 191 conducted on suspicion of a violation of section 14-227a, 14-227g, 14-
 192 227m or 14-227n. Not later than July 1, 2014, and annually thereafter, the
 193 office shall report the results of any such review, including any
 194 recommendations, to the Governor, the General Assembly and any
 195 other entity deemed appropriate. The Office of Policy and Management
 196 shall make such report publicly available on the office's Internet web
 197 site.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	54-1l
Sec. 2	<i>from passage</i>	54-1m

Statement of Legislative Commissioners:
 In Section 2(b)(1), a conforming change was made; and in Section 2(h), obsolete language was deleted.

JUD *Joint Favorable Subst.*

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:** None**Municipal Impact:** None**Explanation**

The bill makes definitional and conforming changes to what constitutes racial profiling by members of law enforcement agencies, resulting in no fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 953*****AN ACT CONCERNING RACIAL PROFILING.*****SUMMARY**

The law prohibits members of the State Police, municipal police departments, and any other law enforcement agency from engaging in racial profiling. Under current law, “racial profiling” is the detention, interdiction, or other disparate treatment of anyone solely based on their racial or ethnic status.

The bill broadens this law’s applicability by generally prohibiting police officers from doing these actions based in whole or in part, rather than solely, on the person’s racial or ethnic status. It also specifies that the determination is based on the person’s perceived racial or ethnic status.

The bill creates an exception by allowing police officers to take these actions when the perceived racial or ethnic status is used in combination with other information when the officer is seeking to apprehend a specific suspect whose racial or ethnic status is part of the suspect’s description.

It also makes technical and conforming changes in line with the new definition, including conforming changes in the laws governing police traffic stops.

EFFECTIVE DATE: Upon passage

TRAFFIC STOP POLICY

Existing law requires police departments (including the State Police, municipal police, and other departments with authority to conduct

traffic stops) to adopt a written policy prohibiting certain police actions during traffic stops if those actions are based on race, color, ethnicity, age, gender, or sexual orientation. The bill requires departments' policies to prohibit these actions motivated, in part or in whole, on any of these attributes, with a similar exception as noted above for efforts to apprehend a specific suspect who matches the description.

In addition to making conforming changes in this policy requirement, the bill also removes the provision that requires the policy to consider any violation of this traffic stop policy to be a civil rights violation.

The bill also makes related conforming changes to the Office of Policy and Management's required standardized method for recording traffic stop information.

BACKGROUND

Related Bill

sHB 6888, favorably reported by the Judiciary Committee, makes similar changes to the definition of "racial profiling" (§ 7) and to requirements for traffic stop policies (and extends these requirements to pedestrian stops) (§ 8).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (03/30/2023)