

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-953

Title: AN ACT CONCERNING THE DEFINITION OF RACIAL PROFILING.

Vote Date: 3/30/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/13/2023

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

Connecticut's statutory definition of racial profiling was passed in 1999. At the time, most states, including Connecticut, were defining racial profiling as the "detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual." This is referred to as a "solely" definition. Over the last decade, most states have moved away from "solely" definitions because it too narrowly defines racial profiling. The bill will change the definition of racial profiling, providing clarity to the statutes and bringing Connecticut's definition into the 21st century.

SUBSTITUTE LANGUAGE:

The substitute language changes "identifying factors" to "information" in section 1 and makes additional changes throughout.

RESPONSE FROM ADMINISTRATION/AGENCY:

Benedict Daigle, Assistant Public Defender: He testified in support of this bill as it would appropriately modernize Connecticut's definition of racial profiling to ensure that law enforcement units are not permitted to engage in racial profiling to any degree, except to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect.

NATURE AND SOURCES OF SUPPORT:

Tanya Hughes, Executive Director, Commission on Human Rights and Opportunities:

Tanya testified in support of the bill, stating that current law defines racial profiling as the "detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual. The use of the word "solely" here creates a loophole. A police officer that sees a car drive through a stop sign and stops them for doing so is pulling the driver over based on a traffic violation. An officer that only stops Black and Hispanic drivers driving through the stop sign would be stopping the driver on the basis of their race or ethnicity where there is also a legitimate violation would not fall under the current statutory definition. In other words, as the definition currently is written, it is not "racial profiling" to watch ten cars roll through a stop sign but only stop four out of those ten whose drivers appear to be Black or Hispanic. Removing the word "solely" is critical to closing this loophole.

Werner Oyanadel, Policy Analyst, Commission on Women, Children, Seniors, Equity, and Opportunity (CWCSEO): He testified in support of the bill.

Connecticut Racial Profiling Prohibition Project (CTRP3): They testified in support of the bill. They explained that Connecticut's statutory definition of racial profiling was passed in 1999 and at the time, most states, including Connecticut, were defining racial profiling as the "detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual." Nationally, this has been referred to as the "solely" definition. Over the last decade, many states have moved away from "solely" definitions because it too narrowly defines racial profiling. Although Connecticut did originally include language in the Alvin W. Penn law, the conflicting parts of the definition should be rewritten to eliminate any ambiguity in the law and to better reflects its original intent.

Athena Elliott: She testified in support of the bill, explaining that this topic is important to her because some of her family friends have had racially motivated things said to them. She wants to improve this problem and work on this because she's seen it in the world more than she would want to. She stated that the FBI says that annual hate crime statistics state that 55.8% of single bias hate crimes incidents committed in 2019 were motivated by race, ethnicity, or ancestry. The FBI said that 48.4% of racially motivated crime in 2019 involved Black or African American victims. These percentages can mean so much but only if people actually notice that they exist. She believes that not just a singular person or a few people need to speak up, but a lot more until the percentage goes down and people stop getting judged for something they cannot control.

Jess Zaccagnino, Policy Counsel, American Civil Liberties Union of Connecticut: She testified in support of this bill, as it updates the 1999 definition of racial profiling to be more aligned with the rest of the country. When the 1999 statute was adopted, the prevailing definition of racial profiling was quite narrow, requiring disparate treatment "solely" on the basis of their racial or ethnic status. But states have moved away from the use of "solely" as it failed to encompass many cases of racial profiling.

Laura Copland: She testified in support of this bill.

Edmund Lamb: He testified in support of this bill.

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: George Marinelli

Date: April 3, 2023