



General Assembly

Substitute Bill No. 953

January Session, 2023



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 Section 54-1l of the general statutes is repealed and the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 Section 54-1m of the general statutes is repealed and the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
27 Emergency Services and Public Protection and any other department
28 with authority to conduct a traffic stop shall adopt a written policy that
29 prohibits the stopping, detention, interdiction or search of any person
30 when such action is [solely] motivated, in whole or in part, by
31 considerations of race, color, ethnicity, age, gender or sexual
32 orientation, [and such action would constitute a violation of the civil
33 rights of the person] except when such consideration of race, color,
34 ethnicity, age, gender or sexual orientation is used in combination with
35 other information seeking to apprehend a specific suspect whose race,
36 color, ethnicity, age or gender is part of the description of the suspect.
37 For the purposes of this section: (1) "Department with authority to
38 conduct a traffic stop" means any department that includes, or has
39 oversight of, a police officer, and (2) "police officer" means a police
40 officer within a municipal police department or the Department of
41 Emergency Services and Public Protection or a person with the same
42 authority pursuant to any provision of the general statutes to make
43 arrests or issue citations for violation of any statute or regulation
44 relating to motor vehicles and to enforce said statutes and regulations
45 as policemen or state policemen have in their respective jurisdictions,
46 including, but not limited to: (A) Special policemen or state policemen
47 acting under the provisions of section 29-18, 17a-24 or 17a-465; (B)
48 policemen acting under the provisions of section 29-19; (C) the
49 Commissioner of Motor Vehicles, each deputy commissioner of the
50 Department of Motor Vehicles and any salaried inspector of motor
51 vehicles designated by the commissioner pursuant to section 14-8; (D)

52 State Capitol Police officers acting under the provisions of section 2-1f;
53 (E) special police forces acting under the provisions of section 10a-
54 156b; (F) state policemen acting under the provisions of section 27-107;
55 and (G) fire police officers acting under the provisions of section 7-
56 313a.

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

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

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

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

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

110 (c) Not later than July 1, 2013, the Office of Policy and Management,
111 in consultation with the Racial Profiling Prohibition Project Advisory
112 Board, shall develop and implement guidelines to be used by each
113 municipal police department, the Department of Emergency Services
114 and Public Protection and any other department with authority to
115 conduct a traffic stop in (1) training police officers of such agency in
116 the completion of the form developed and implemented pursuant to
117 subdivision (1) of subsection (b) of this section, and (2) evaluating the

118 information collected by police officers of such municipal police
119 department, the Department of Emergency Services and Public
120 Protection or other department with authority to conduct a traffic stop
121 pursuant to subsection (e) of this section for use in the counseling and
122 training of such police officers.

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

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

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

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

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

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

180 (h) [Not later than October 1, 2012, each municipal police
181 department and the Department of Emergency Services and Public
182 Protection shall provide to the Office of Policy and Management a

183 summary report of the information recorded pursuant to subsection
 184 (d) of this section.] On and after October 1, 2013, each municipal police
 185 department, the Department of Emergency Services and Public
 186 Protection and any other department with authority to conduct a
 187 traffic stop shall provide to the Office of Policy and Management a
 188 monthly report of the information recorded pursuant to subsection (d)
 189 of this section for each traffic stop conducted, in a format prescribed by
 190 the Office of Policy and Management. On and after January 1, 2015,
 191 such information shall be submitted in electronic form, and shall be
 192 submitted in electronic form prior to said date to the extent practicable.

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