

Racial Profiling Law

By: James Orlando, Chief Attorney
September 28, 2023 | 2023-R-0210

Issue

Summarize Connecticut's racial profiling law. This report updates OLR Report [2017-R-0314](#).

Summary

Connecticut law prohibits municipal police departments, the State Police, and other law enforcement agencies from engaging in racial profiling.

The law generally defines “racial profiling” as a police officer’s detaining, preventing the movement of, or otherwise treating a person differently on the basis, in whole or part, of the officer’s perception of the person’s race or ethnicity. But the law provides an exception, allowing police officers to take these actions when they use a person’s perceived racial or ethnic status, in combination with other information, while attempting to apprehend a specific suspect whose racial or ethnic status is part of the suspect’s description ([CGS § 54-1l](#), as amended by [PA 23-9](#)).

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, most recently by [PA 23-9](#).

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

Among other things, this law requires the following:

1. Police departments and other agencies that make traffic stops must adopt written policies that are consistent with the racial profiling ban.
2. These departments and agencies must collect and provide data on traffic stops and complaints of discriminatory stops.

3. The Office of Policy and Management (OPM), within available resources, must review the submitted data and annually report on its review ([CGS § 54-1m](#), as amended by [PA 23-9](#)).

Racial Profiling Law

Ban and Required Policies

Connecticut law prohibits law enforcement agencies from engaging in racial profiling (as defined above) ([CGS § 54-1l](#), as amended by [PA 23-9](#)).

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 State Capitol Police) (collectively, “police departments”) must adopt a written policy generally prohibiting stops, searches, interdictions, or detentions motivated in whole or part by considerations of a person’s race, color, ethnicity, age, gender, or sexual orientation, subject to a similar exception as noted above when searching for a specific suspect matching the description ([CGS § 54-1m\(a\)](#), as amended by [PA 23-9](#)).

Data Collection

OPM, in consultation with the Racial Profiling Prohibition Project Advisory Board and Criminal Justice Information System (CJIS) Governing Board, developed and implemented a standardized method for police departments to record traffic stop data as required by law. It included (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 must collect the following information:

1. the traffic stop’s time, date, and location;
2. identifying information about the officer making the stop;
3. identifying characteristics about the person who was pulled over, including race, 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 and related information (e.g., whether any arrest was made, search conducted and its results, or warning or citation issued); and
6. any additional appropriate information.

The standardized method also must require the officer to give the person notice about the right to file a complaint, and how to do so, if the person believes that he or she was stopped, detained,

interdicted, or searched due to, in whole or part, the person's membership in a protected class (e.g., due to race or religion).

A police officer is not required to record this traffic stop data and provide the 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\(b\)](#), as amended by [PA 23-9](#)).

By law, police departments are required to record and keep the information required by OPM's standardized method, along with any other information the departments deem appropriate. But this retained information must not include identifying information about the person being pulled over, such as his or her name, license number, or address ([CGS § 54-1m\(d\)](#), as amended by [PA 23-9](#)).

Reporting

Under this law, police departments must provide OPM with electronic monthly reports on the information set forth above for each traffic stop the department conducted ([CGS § 54-1m\(h\)](#), as amended by [PA 23-9](#)). 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 complaint's review and disposition ([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, including stops for suspected driving under the influence. By July 1 each year, the office must report the results of its review to the governor, General Assembly, and any other appropriate entity and post the reports on its website ([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\(c\)](#)).

JO:kl