



Legislative Testimony
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**Written Testimony Supporting House Bill 5324 An Act Establishing
Secondary Traffic Violations**

Senator Winfield, Representative Stafstrom, Ranking Members Kissel and Fishbein, and distinguished members of the Judiciary Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of House Bill 5324, An Act Establishing Secondary Traffic Violations.

The ACLU-CT believes that to build an equitable future for all people in Connecticut, policymakers must reduce the systemic factors and challenge the actors that harm our communities by funneling people into the criminal legal system. One way to improve public safety while reducing racial disparities in Connecticut is through designating low-level equipment and administrative violations as secondary traffic violations and prohibiting police from making traffic stops for those violations. The secondary traffic violations identified in House Bill 5324 make up a sliver of all 700 potential traffic violations, and there is strong evidence from years of Connecticut crash data that traffic stops for these violations do not reduce traffic accidents or crime rates. Secondary traffic violations will allow police to shift enforcement priorities to focus on safety-related enforcement while shrinking racial disparities in policing.

In Connecticut, Black and brown people are disproportionately subjected to equipment and administration motor vehicle violations. Black drivers are almost twice more likely and Latinx drivers are 1.5 times more likely to be stopped for an

equipment-related violation compared to white drivers.¹ Similarly, Black drivers are 1.2 times more likely and Latinx drivers are 1.3 times more likely to be stopped for an administrative offense compared to white drivers.² There is also strong evidence within Connecticut communities that support the efficacy of secondary violations. In 2022, the Connecticut Racial Profiling Project analyzed five years of crash data and found that the secondary violations proposed by this bill do not contribute to motor vehicle crashes.³ For example, tinted windows accounted for 4,378 traffic stops but contributed to only 0.1 percent of crashes.⁴ Similarly, a single headlight, taillight, reflector, or broken brake light accounted for 24,000 stops but contributed to only 0.1 percent of crashes.⁵ License plate display violations similarly accounted for over 14,000 stops but did not appear to have a significant contribution to crashes.⁶ Many of the administrative violations named in this bill, like an expired registration, could not be traced to accidents.⁷

This same study found enforcement disparities in Hamden, a primarily white suburb, as police enforcement was largely focused in one neighborhood with a high concentration of Black residents.⁸ Police would “primarily stop cars for low-level equipment and administrative offenses and request consent to search the vehicle.”⁹ These stops in Hamden were much higher than the state averages: 22 percent for equipment violations compared to 12 percent statewide, and 18 percent for administrative offenses compared to 9 percent statewide.¹⁰ Despite the higher number of stops, illegal contraband was rarely found during consent searches and

¹ *Evaluation and Recommendations of a Primary and Secondary Traffic Offense*, CONN. RACIAL PROFILING PROHIBITION ADVISORY BD. (Feb. 2021), https://www.cga.ct.gov/jud/tfs/20200116_Police%20Transparency%20and%20Accountability%20Task%20Force/Related%20Materials/Primary%20vs.%20Secondary%20Offense%20System%20Merits.pdf.

² *Id.*

³ Matthew B. Ross, Jesse J. Kalinowski & Kenneth Barone, *Testing for Disparities in Traffic Stops: Best Practices from the Connecticut Model*, 19 CRIMINOLOGY & PUB. POL'Y 1289, 1290 (2020).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

researchers found “little empirical evidence that these enforcement measures were having any effect on the areas with elevated crime rate.”¹¹ As a result of these findings, Hamden shifted its enforcement priorities to hazardous driving behaviors and restricted consent searches.¹² Researchers found that both the crime rate and accident rate fell after these changes were implemented, and Hamden was not identified as having the same disparities in later analyses.¹³ Similarly, in Hartford, researchers found that defective lighting violations accounted for 40 percent of traffic stops, but only one of the 1,608 traffic stops made during the year resulted in a DUI charge.¹⁴ Police decreased defective lighting stops from 1,608 to 671 in the following year and as a result, lessened racial disparities in traffic stops.¹⁵

This bill will limit interactions between police and people by designating a number of low-level traffic infractions as secondary violations and prohibiting police from stopping drivers for secondary violations. In 2021 alone, stops for traffic violations resulted in 117 deaths at the hands of police nationwide.¹⁶ An analysis of over 20 million traffic stops, scholars found that police were 63 percent more likely to stop Black people even though, as a whole, they drive 16 percent less, and police were 115 percent more likely to search Black people than white people during a traffic stop.¹⁷ Another study analyzing 4 million traffic stops in California corroborated this, finding that police were twice as likely to search Black people as white people, even though searches of Black people are less likely to yield contraband and evidence than searches of white people.¹⁸ These results are also replicated here: vehicular stops

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ 2021 *Police Violence Report*, MAPPING POLICE VIOLENCE (2021), <https://policeviolencereport.org/>; Libby Doyle & Susan Nembhard, *Police Traffic Stops Have Little to Do with Public Safety*, URBAN INST. (Apr. 26, 2021), <https://www.urban.org/urban-wire/police-traffic-stops-have-little-do-public-safety>.

¹⁷ See generally KELSEY SHOUB ET AL., SUSPECT CITIZENS: WHAT 20 MILLION TRAFFIC STOP TELLS US ABOUT POLICING AND RACE (Cambridge Univ. Press 2018); see also Chris Horn, *Racial Disparities Revealed in Massive Traffic Stop Dataset*, UNIV. OF S.C. (June 12, 2020), <https://sc.edu/uofsc/posts/2020/06/racial-disparities-traffic-stops.php>.

¹⁸ Magnus Lofstrom, Joseph Hayes, Brandon Martin & Deepak Premkumar, *Racial Disparities in Law Enforcement Stops*, PUB. POL'Y INST. CAL. (Oct. 2021), <https://www.pplic.org/publication/racial-disparities-in-law-enforcement-stops/>.

result in many more searches of Black and Latinx drivers relative to white drivers, even though searches of drivers of color are much less likely to find criminal activity or contraband.¹⁹ Black people are also overrepresented in both stops that do not escalate to enforcement and ones that end in an arrest.²⁰ Many of these arrests begin with violations identified by this bill: broken tail lights, a partially obscured license plate resting in the back window, forgetting a driver's license at home.²¹

House Bill 5324 addresses only sixteen out of approximately 700 motor vehicle violations listed in Connecticut's infraction booklet. Of the sixteen violations, only seven would become secondary, three are clarifications of law, and five are already de facto statutes. Meaningfully removing merely seven of the 700 possible motor vehicle violations—ones that do not have a statistically significant connection to traffic accidents or fatalities—will not result in less enforcement or an increase in accidents. But rather, these seven secondary violations will allow police to redirect their limited time dedicated to traffic enforcement to focus on safety-related enforcement like speeding, distracted driving, or running a red light. The ACLU-CT supports the measures undertaken in House Bill 5324 that properly designate these minor infractions as secondary violations. As such, the ACLU-CT supports this bill and urges this Committee to do the same.

¹⁹ See Ken Barone, James Fazzalano, Jesse Kalinowski & Matthew B. Ross, *State of Connecticut Traffic Stops Data Analysis and Findings, 2018*, CONN. RACIAL PROFILING PROHIBITION PROJECT (May 2020), <https://www.ctrp3.org/analysis-reports/reports>.

²⁰ *Id.*

²¹ See, e.g., Doyle, *supra* note 3, available at <https://www.urban.org/urban-wire/police-traffic-stops-have-little-do-public-safety>; David D. Kirkpatrick, Steve Eder, Kim Barker & Julie Tate, *Why So Many Police Traffic Stops Turn Deadly*, N.Y. TIMES (Oct. 31, 2021), available at <https://www.nytimes.com/2021/10/31/us/police-traffic-stops-killings.html>.