

**Testimony of Samuel Rivera, Esq. on behalf of the Center for Children's
Advocacy in Support to
Amend the Alvin W. Penn Racial Profiling Prohibition Act, C.S.G. § 54-1m by
Including Requirement to Collect Data on Pedestrian Stops
Listening Session
September 17, 2020**

To the esteemed members of the Connecticut Police Transparency & Accountability Task Force, I submit this testimony on behalf of the Center for Children's Advocacy, a non-profit organization affiliated with the University of Connecticut School of Law, in support of amending the Alvin W. Penn Racial Profiling Prohibition Act to include a requirement to collect data on pedestrian stops. The Center provides legal services for children in Connecticut communities through individual representation and systemic advocacy. I head the Center's Racial Justice Project, which aim is to provide advocacy and promote reform on behalf of youth of color who are disproportionately represented in Connecticut's juvenile justice system.

To that end, the Center has represented individual youth in the juvenile justice system and worked on juvenile justice matters on a systemic level through our membership on the Juvenile Justice Policy Oversight Committee (JJPOC) and in convening our Racial and Ethnic Disparities Reduction committees in Connecticut's largest cities. Racial profiling of Black and brown people is a common problem in Connecticut and across the country. More specifically, youth of color complain about continually getting harassed by police officers while walking down the street or congregating with friends. They detail their negative experiences with law enforcement.

Current legislation does not address the issue of racial profiling that takes place during pedestrian stops by law enforcement on the street - a view that this Task Force set forth as one of its priorities.

The Problem

The Alvin W. Penn Racial Profiling Prohibition Act at C.G.S. § 54-1m ("Penn Act") prohibits racial profiling by law enforcement in conducting traffic stops, and mandates the collection of data on traffic stops to provide oversight and accountability and ensure that police departments are not engaging in discriminatory patterns in the stop, detention and searches of drivers. While the Penn Act has provided a view into law enforcement practices that disproportionately impact people of color, this view is limited in that it omits a significant portion of the population: those who experience racial profiling that takes place during pedestrian stops by law enforcement on the street.

By providing oversight and collecting data only on traffic stops, this creates an almost entirely adult oriented view of potential racial profiling by omitting any glimpse at stops that impact youth under 16 or youth who do not drive. This limited view also gives a skewed

view of racial profiling that takes place in many impoverished communities as a whole, as it does not factor in individuals who cannot afford a car or do not drive, yet have encounters with the police.

The Impact

This shortcoming in the scope of the Penn Act has a particularly detrimental impact on our young people who experience racial profiling at the hands of the police. Substantial qualitative evidence gathered from our work exhibits that many youth in Connecticut, especially in our urban centers, most often encounter law enforcement on the street rather than while driving. The State **collects no data** to measure whether racial profiling and disproportionality exists in these stops, nor do the other provisions and protections of the act extend to these young people.

National studies speak to the intense and damaging impact that repeated stops by law enforcement can have on the self-esteem and mental health of youth. A 2014 study in the American Journal of Public Health by Amanda Geller, PhD and Jeffrey Fagan, PhD shows that young men reporting police contact, particularly more intrusive contact, also displayed higher levels of anxiety and trauma associated with their experiences.¹ The study, titled “Aggressive Policing and the Mental Health of Young Urban Men,” showed that stop intrusion of youth remains tied to mental health, especially anxiety and PTSD. Furthermore, a 2019 study, Aggressive Policing and the Educational Performance of Minority Youth by Joscha Legewie and Jeffrey Fagan, shows that aggressive policing can lower the educational performance of some minority children and impact their educational trajectories.² When considering the mental and emotional impact that racial profiling has the capacity to have on our youth in Connecticut, there is a significant need to take a closer look at data that actually captures these experiences.

Amending the provisions of the Penn Act will extend the racial profiling data collected on all stops initiated by the police, whether traffic or pedestrian, so as to give a full and complete picture of racial profiling that takes place in the state and ensuring that the protections of the Act apply to all citizens, not just those who drive. It is important to note that a number of other jurisdictions currently collect data on pedestrian stops. The Boston Police Department collects data³ on all pedestrian stops through their “Field Interrogation and Observation Encounter” report program.⁴ The New York City Police Department also collects data on pedestrian stops, which is recorded in their “Stop, Question and Frisk” database.^{5, 6} The

¹ Geller, Amanda, Fagan, Jeffrey et al., “Aggressive Policing and the Mental Health of Young Urban Men”, American Journal of Public Health, December 2014, Vol. 104, No. 12.

² Legewie, Joscha, and Fagan, Jeffrey, “Aggressive Policing and the Educational Performance of Minority Youth”, American Sociological Review. February 2019, Vol. 84, No. 2.

³ Mass. Ann. Laws ch. 66, § 10 (LexisNexis, Lexis Advance through Chapters 1-97 of the 2020 Legislative Session of the 191st General Court) (Public records—such as pedestrian stop data—are required to be released within ten days of the initial request).

⁴ See <https://data.boston.gov/dataset/boston-police-department-fio>.

⁵ See http://www.nyc.gov/html/nypd/html/analysis_and_planning/stop_question_and_frisk_report.shtml.

⁶ *Daniels, et al. v. the City of New York*, 2008 U.S. Dist., No. 08-cv-1034 (S.D.N.Y. Sep. 10, 2008) (NYPD ordered to report stop and frisk data quarterly to the Center for Constitutional Rights from 2003 to 2007).

Metropolitan Police Department of the District of Columbia is required⁷ to collect data on pedestrian stops through their “Stop Data” program.⁸ The state of California requires⁹ that every law enforcement agency in the state collect and report pedestrian stops by 2023. The eight largest law enforcement agencies in the state were required to submit their data by April of 2019.¹⁰ The state of Colorado requires all law enforcement agencies including the state patrol to annually report pedestrian stop data.¹¹ The state of Illinois requires¹² all police departments to report their pedestrian stops through the IDOT data collection system.¹³ Oregon law¹⁴ mandates all law enforcement agencies in the state to collect pedestrian stop data by 2021.¹⁵ As a result of a lawsuit¹⁶, the Milwaukee Police Department in Wisconsin is required to semiannually disclose pedestrian stop data.¹⁷ Similarly, the Madison County Sheriff’s Department in Mississippi agreed to settle a case filed against it and is now required to report pedestrian stop data.¹⁸

Thank you for your time and attention to this very important issue.

Respectfully submitted,

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⁷ D.C. Code § 5-113.01 (Lexis Advance through July 5, 2020, and through May 5, 2020 for new codifications); *Black Lives Matter D.C. et al., v. Muriel Bowser et al. JMC*, No. 2018 CA 003168 B (D.C. Super Ct. July 22, 2019) (Court orders police department to comply with D.C. Code § 5-113.01(a)(4B)).

⁸ See <https://mpdc.dc.gov/stopdata>.

⁹ Cal. Gov’t Code § 12525.5 (West).

¹⁰ See <https://openjustice.doj.ca.gov/exploration/stop-data>.

¹¹ CO LEGIS 110 (2020), 2020 Colo. Legis. Serv. Ch. 110 (S.B. 20-217) (WEST).

¹² 2019 Illinois House Bill No. 1613, Illinois One Hundred First General Assembly - First Regular Session (amended earlier legislation by eliminating the automatic 2019 repeal of pedestrian stop data collection by law enforcement agencies).

¹³ See <http://www.idot.illinois.gov/transportation-system/local-transportation-partners/law-enforcement/illinois-traffic-stop-study>.

¹⁴ 2017 Bill Text OR H.B. 2355.

¹⁵ See <https://www.oregon.gov/cjc/SAC/Pages/stop.aspx>.

¹⁶ *Collins v. City of Milwaukee*, No. 17-CV-234, 2017 U.S. Dist. LEXIS 227717 (E.D. Wis. Oct. 3, 2017).

¹⁷ See <https://city.milwaukee.gov/fpc/Reports/Crime-and-Justice-Institute-Reports.htm>.

¹⁸ *Brown v. Madison Cty.*, No. 3:17-CV-347-CWR-LRA, 2019 U.S. Dist. LEXIS 177090 (S.D. Miss. Oct. 11, 2019) (Madison County Sheriff’s Department was sued for unconstitutional pedestrian and vehicle stops which were being focused in predominantly Black communities).