



Substitute Senate Bill No. 953

Public Act No. 23-9

AN ACT CONCERNING RACIAL PROFILING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 54-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) This section and section 54-1m, as amended by this act, shall be known as the "Alvin W. Penn Racial Profiling Prohibition Act".

(b) For [the] purposes of this section, "racial profiling" means the detention, interdiction or other disparate treatment of an individual [solely] by a police officer on the basis, in whole or in part, of the perceived racial or ethnic status of such individual, except when such status is used in combination with other information when seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect.

(c) No member of the Division of State Police within the Department of Emergency Services and Public Protection, a municipal police department or any other law enforcement agency shall engage in racial profiling. [The detention of an individual based on any noncriminal factor or combination of noncriminal factors is inconsistent with this policy.]

Substitute Senate Bill No. 953

[(d) The race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.]

Sec. 2. Section 54-1m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each municipal police department, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop shall adopt a written policy that prohibits the stopping, detention, interdiction or search of any person when such action is [solely] motivated, in whole or in part, by considerations of race, color, ethnicity, age, gender or sexual orientation, [and such action would constitute a violation of the civil rights of the person] except when such consideration of race, color, ethnicity, age, gender or sexual orientation is used in combination with other information seeking to apprehend a specific suspect whose race, color, ethnicity, age or gender is part of the description of the suspect. For the purposes of this section: (1) "Department with authority to conduct a traffic stop" means any department that includes, or has oversight of, a police officer, and (2) "police officer" means a police officer within a municipal police department or the Department of Emergency Services and Public Protection or a person with the same authority pursuant to any provision of the general statutes to make arrests or issue citations for violation of any statute or regulation relating to motor vehicles and to enforce said statutes and regulations as policemen or state policemen have in their respective jurisdictions, including, but not limited to: (A) Special policemen or state policemen acting under the provisions of section 29-18, 17a-24 or 17a-465; (B) policemen acting under the provisions of section 29-19; (C) the Commissioner of Motor Vehicles,

Substitute Senate Bill No. 953

each deputy commissioner of the Department of Motor Vehicles and any salaried inspector of motor vehicles designated by the commissioner pursuant to section 14-8; (D) State Capitol Police officers acting under the provisions of section 2-1f; (E) special police forces acting under the provisions of section 10a-156b; (F) state policemen acting under the provisions of section 27-107; and (G) fire police officers acting under the provisions of section 7-313a.

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

(1) To be used by police officers of municipal police departments, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop to record traffic stop information unless the police officer is required to leave the location of the stop prior to completing such form in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties. The standardized method and any form developed and implemented pursuant to such standardized method shall allow the following information to be recorded: (A) The date and time of the stop; (B) the specific geographic location of the stop; (C) the unique identifying number of the police officer making the stop, or the name and title of the person making the stop if such person does not have a unique identifying number; (D) the race, [color,] ethnicity, age and gender of the operator of the motor vehicle that is stopped, provided the identification of such characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop; (E) the nature of the alleged traffic violation or other violation that caused the stop to be made and the statutory citation for such violation; (F) the disposition of the stop including whether a

Substitute Senate Bill No. 953

warning, citation or summons was issued, whether a search was conducted, the authority for any search conducted, the result of any search conducted, the statute or regulation citation for any warning, citation or summons issued and whether a custodial arrest was made; and (G) any other information deemed appropriate. The method shall also provide for (i) notice to be given to the person stopped that if such person believes that such person has been stopped, detained, interdicted or subjected to a search [solely because of] on the basis, in whole or in part, of such person's race, color-, ethnicity, age, gender, sexual orientation, religion or membership in any other protected class, such person may file a complaint with the appropriate law enforcement agency unless the police officer was required to leave the location of the stop prior to providing such notice in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties, and (ii) instructions to be given to the person stopped on how to file such complaint unless the police officer was required to leave the location of the stop prior to providing such instructions in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties;

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

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

(c) Not later than July 1, 2013, the Office of Policy and Management, in consultation with the Racial Profiling Prohibition Project Advisory Board, shall develop and implement guidelines to be used by each municipal police department, the Department of Emergency Services

Substitute Senate Bill No. 953

and Public Protection and any other department with authority to conduct a traffic stop in (1) training police officers of such agency in the completion of the form developed and implemented pursuant to subdivision (1) of subsection (b) of this section, and (2) evaluating the information collected by police officers of such municipal police department, the Department of Emergency Services and Public Protection or other department with authority to conduct a traffic stop pursuant to subsection (e) of this section for use in the counseling and training of such police officers.

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

[(2)] (d) On and after the date a standardized method and form have

Substitute Senate Bill No. 953

been developed and implemented pursuant to subdivision (1) of subsection (b) of this section, each municipal police department, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop shall record and retain the information required to be recorded pursuant to such standardized method and any additional information that such municipal police department or the Department of Emergency Services and Public Protection or other department with authority to conduct a traffic stop, as the case may be, deems appropriate, provided such information shall not include any other identifying information about any person stopped for a traffic violation such as the person's operator's license number, name or address.

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

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

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

Substitute Senate Bill No. 953

Services and Public Protection or such other department with authority to conduct a traffic stop.

(h) [Not later than October 1, 2012, each municipal police department and the Department of Emergency Services and Public Protection shall provide to the Office of Policy and Management a summary report of the information recorded pursuant to subsection (d) of this section.] On and after October 1, 2013, each municipal police department, the Department of Emergency Services and Public Protection and any other department with authority to conduct a traffic stop shall provide to the Office of Policy and Management a monthly report of the information recorded pursuant to subsection (d) of this section for each traffic stop conducted, in a format prescribed by the Office of Policy and Management. On and after January 1, 2015, such information shall be submitted in electronic form, and shall be submitted in electronic form prior to said date to the extent practicable.

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