

Connecticut



# **RACIAL PROFILING PROHIBITION PROJECT**

State of Connecticut

## **Progress Report of the Racial Profiling Prohibition Project**

To The Connecticut General Assembly

March 2014

Prepared By:

Institute for Municipal and Regional Policy (IMRP)  
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On behalf of:

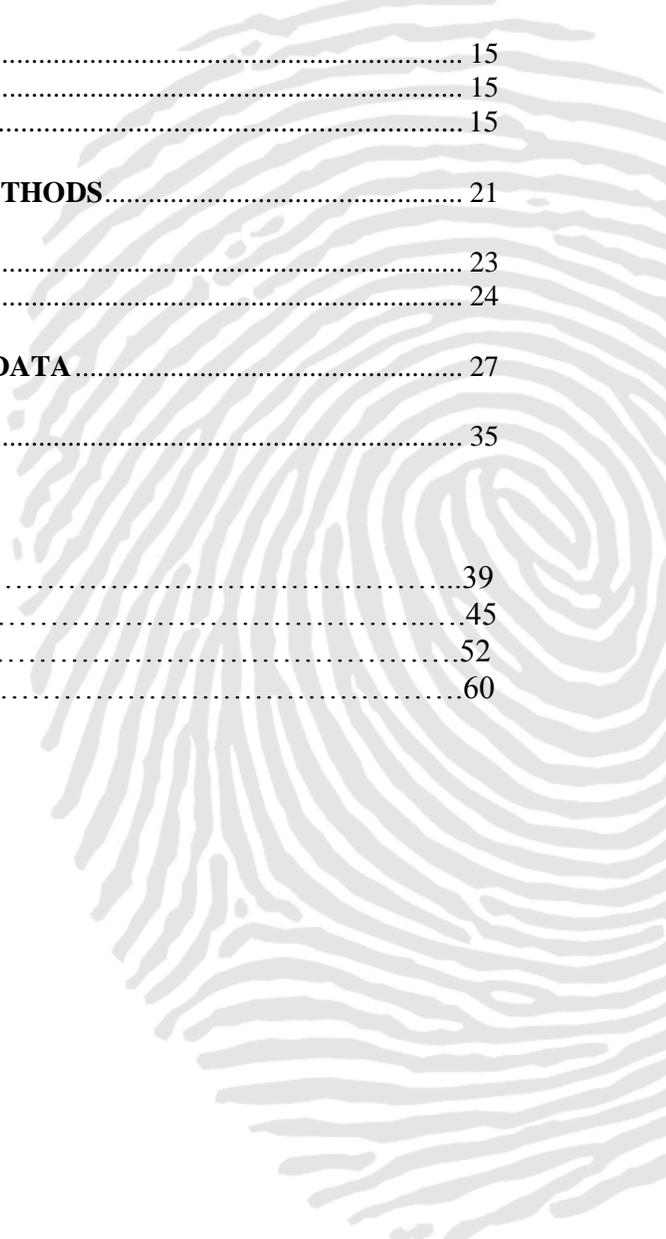
Racial Profiling Prohibition Advisory Board

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# CTRP3

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March 1, 2014

In 2012 and 2013, the Connecticut General Assembly enhanced the Alvin W. Penn Act to address racial profiling concerns in Connecticut. Specifically, the legislature modified the reporting requirements of traffic stop information while simultaneously establishing the Racial Profiling Prohibition Advisory Board. The advisory board works in consultation with the Office of Policy and Management and the Institute for Municipal and Regional Policy to design a system to implement Public Act 12-74 and Public Act 13-75.

Over the past twenty-two months, through a grant made available by the Connecticut Department of Transportation and the National Highway Safety Administration, the advisory board has worked to implement all changes to the Alvin W. Penn Act. Training was conducted this summer to prepare all law enforcement agencies for the changes that went into effect on October 1, 2013.

Essential to this effort are members of the advisory board, the Connecticut Department of Transportation, the National Highway Safety Administration, the Office of Policy and Management, the Criminal Justice information System, and Central Connecticut State University. We thank all of the individuals within these entities for their dedication and commitment to this effort.

Sincerely,

William R. Dyson  
Co-Chair

John DeCarlo  
Co-Chair

## Executive Summary

Connecticut's anti-racial profiling law, entitled The Alvin W. Penn Racial Profiling Prohibition Act (Connecticut General Statutes Sections 54-11 and 54-1m), was changed significantly during the 2012 and 2013 legislative sessions. On October 1, 2013 the law was fully implemented and this report indicates the status of the implementation efforts.

The intent of revising this legislation was to ensure a more rigorous application of the initial law, while allowing for methods and guidelines to be put in place that would effectively infuse current and future best practices into all facets of its key provisions (e.g. the data collection/analysis, training, and complaint processes). A key element in the new legislation shifts responsibility of its implementation to the Office of Policy and Management (OPM), in consultation with a newly established Racial Profiling Prohibition Advisory Board.

In January 2012, at the request of OPM Under Secretary Michael Lawlor, and under the guidance of the state Department of Transportation, the Institute for Municipal and Regional Policy (IMRP) at Central Connecticut State University began exploring an opportunity to secure federal grant funds to support implementation of the Alvin W. Penn Act. In May 2012, the IMRP was awarded \$1.2 million from the National Highway Traffic and Safety Administration for these purposes.

In the twenty-two months of this project, the advisory board and IMRP project team – with guidance from several national experts on racial profiling – developed a new standardized method to more efficiently and effectively collect racial profiling data from traffic stops. We have also worked to develop a system that will inform government officials, the public at large and police agencies of the information that is availed through the data collection process. We are striving to build a system that will serve as an early warning system for police chiefs to better understand and respond to traffic stop trends within their departments. The collection and analysis of traffic stop information in real time will allow them to respond to the communities they serve, enabling them to use the information as a powerful tool to enhance relationships between police agencies and their communities.

Although much of the initial work of this project was to develop a standardized method for data collection and analysis, it has only been one component to prevent future profiling activities. Public awareness and education, effective training, a rigorous complaint process – all are tools within a diverse toolbox available to prevent the occurrence of racial profiling in traffic stops and enhance trust between communities and law enforcement.

The Alvin W. Penn Act was modified to require law enforcement officers to inform motorists of their right to file a complaint if they feel they were profiled. As of October 2013, all agencies were supplied with notices and trained on the distribution to drivers. Law enforcement officers have expressed concerns over the method used for distributing the notice. They have suggested that the required information be added to the current warning, infraction, or summons. This is a viable method if more agencies begin using the electronic citation system. It has also been recommended that the advisory board explore other options, including mailers in Department of Motor Vehicle registration renewal and public service announcements. The advisory board and

project staff hope to take a closer look at the complaint process in the coming months and make recommendations to OPM.

By July 1, 2013, OPM and the advisory board developed a functional standard method for police to follow when collecting and submitting traffic stop data to meet all requirements of PA 13-75. In the 2013 legislative session, the law was expanded to include new agencies with the authority to conduct traffic stops. A definition of a traffic stop, for the purposes of understanding when information must be collected, was developed to account for specialized police activities.

In order to allow time for proper implementation and training, six training sessions were held around the state during the summer months. The project staff trained over 500 police administrators and patrol officers. Training material was also provided to all law enforcement agencies to allow departments to conduct roll call and other training.

The system developed to collect and submit traffic stop information allows for full electronic submission on a monthly or real-time basis. OPM and the advisory board have developed a phased approach to bring this law to full implementation. The below information helps to indicate the system to collect and report data based on the phased approach the project team plans to pursue.

#### ***Current Status of Data Collection and Submission Efforts***

1. Police Agencies Collect Data through CAD/RMS vendor, web browser, or COLLECT system.
2. Data is submitted in real-time, or at least monthly, to the Criminal Justice Information System (CJIS).
3. OPM, with the help of CCSU, analyzes and reports data to the Governor, General Assembly, and Public.

The current system has been in place since October 1, 2013 and CJIS has been working with project staff and all necessary vendors since August 2013 to implement the collection and submission of data. The first analysis of data will be published on July 1, 2014 using information gathered in our new system. That reported will be of a limited nature due to the limited amount of data that will be available. We anticipate a supplement to this report to involve a more comprehensive analysis to be available by January 2015.

As of the date of this report 98 agencies (94%) are considered to be in full compliance with the reporting and collection requirements. Even in cases where departments were notified that information was not being reported, steps have been taken to assure full compliance as soon as possible. Three agencies are considered in partial compliance and three have encountered problems meeting the law's requirements. A full outline of law enforcement compliance can be found on page 24 of this report.

## ***Phase II***

1. Police Agencies Collect Data through CAD/RMS vendor, web browser, COLLECT system or the electronic ticketing system.
2. Data is submitted in real-time or at least monthly to the Criminal Justice Information System (CJIS).
3. OPM, with the help of CCSU, analyzes and reports data to the Governor, General Assembly, and Public.

In phase two of this project, agencies that have electronic citation capabilities will be able to collect and submit racial profiling information using that system. This is anticipated to be available for use by July 1, 2014.

## ***Phase III***

1. Police Agencies Collect Data through CAD/RMS vendor, web browser, COLLECT system or the electronic ticketing system.
2. The electronic citation system will be capable of issuing electronic warnings, misdemeanor summons, and infraction tickets.
3. Data is submitted in real-time, or at least monthly, to the Criminal Justice Information System (CJIS).
4. OPM, with the help of CCSU, analyzes and reports data to the Governor, General Assembly and Public.
5. A public interface will be developed for easy viewing of the collected data.

Phase III of this project will be more difficult to achieve because of the many factors that must come together with the available resources. In order for Connecticut to move to a fully electronic charging system, the appropriate equipment must be installed in almost 4,000 police vehicles. The electronic charging system will cut down on time officers spend on the side of the road, reducing their safety risk. This system will also free up resources within the Centralized Infractions Bureau (CIB) of the Judicial Branch. Currently, tickets and summons are manually entered by CIB staff and printing costs are high to assure departments have enough material. Costs associated with equipping vehicles have been estimated at about \$3 million.

In addition to making resources available for the electronic charging system, resources need to be made available for CJIS to develop an easy, user-friendly, and public interface dashboard system to view the information in real-time. The dashboard concept would allow users to place a widget on their electronic device to access information and apply pre-developed analysis tools to that information. Costs associated with this have been estimated at about \$400,000.

Finally, the project staff and advisory board have been working to develop a meaningful analysis of the data. Developing different benchmarks to against which to compare the information is a key component in understanding traffic stop trends. This is a complex process as we strive to

understand national approaches to data analysis and how that would fit with Connecticut's unique travel patterns.

We believe that Connecticut is developing an analysis system that is far more advanced than other systems nationally. Our approach is outlined below and available in more detail in the full report.

1. Connecticut will develop an estimated driving population for all 169 cities and towns. This will be accomplished through information that is now made available by the U.S. Census Bureau. The estimated driving population will more accurately reflect the racial and ethnic makeup of those likely to be driving in a community during the typical weekday/daytime period.
2. Project staff is working with the Connecticut Economic Resource Center, Inc. (CERC) to establish a benchmark that addresses economic variables in our cities and towns. CERC will gather data relating to the demographic, retail composition, and commuter patterns in Connecticut. This product will make it possible to develop individualized data for each town and create comparison groups.
3. Project staff is working with the Connecticut Police Chief's Association as well as other interested law enforcement organizations to further identify anomalies within jurisdictions which may alter the driving population.
4. State Police operations present a different benchmark challenge due to the different nature of their operations. State Police stops that occur on limited access highways will be analyzed using post-stop analysis. Stops that occur off limited access highways will be analyzed using the estimated driving population that is appropriate for the town or city they are in.
5. Project staff will continue to develop a benchmarking method for special police agencies including, university, motor vehicle, Amtrak and Metro North, State Capitol and other police departments.

The initial benchmarking system will continue to be improved between now and July 1, 2014. Benchmarking police stops is only one part of the analytical process and Connecticut will rely on analyzing post-stop information for a more comprehensive understanding of traffic stop trends. Over the next three months the advisory board will develop the most effective way to use the results of the benchmark analysis.

The approach that we are currently pursuing would subject each agency's stop data to a series of tests. Specifically, this approach would involve applying a series of specific screening tests, the cumulative results of which would separate agencies to indicate if their data is outside of the established norms. This approach would avoid a "pass-fail" result based on one single indicator. Agencies that perform outside the statistical norm established would require further detailed and specific analysis of potential reasons for the apparent disparities.

RACIAL PROFILING PROHIBITION PROJECT  
ADVISORY BOARD MEMBERS

**Co-chair William Dyson**, *Central Connecticut State University*  
**Co-chair John DeCarlo**, *University of New Haven*

**Glenn Cassis**, *African American Affairs Commission*  
**Under Secretary Mike Lawlor**, *Office of Policy Management*  
**Chris Sedelmaier**, *University of New Haven*  
**Chief Douglas Fuchs**, *Connecticut Police Chiefs Association*  
**Commissioner Dora B. Schriro**, *Department of Emergency Services and Public Protection*  
**Michael Gailor**, *Chief State's Attorney Office*  
**Deborah Del Prete Sullivan**, *Office of the Chief Public Defender*  
**Werner Oyanadel**, *Latino and Puerto Rican Affairs Commission*  
**Robert Brothers**, *Commission on Human Rights and Opportunities*  
**Tamara Lanier**, *Connecticut National Association for the Advancement of Colored People*  
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**Mui Mui Hin-McCormick**, *Asian Pacific American Affairs Commission*  
**Thomas Maziarz**, *Department of Transportation*  
**Stephen Cox**, *Central Connecticut State University*  
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**Aaron Swanson**, *Department of Transportation*  
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**Representative Gary Holder-Winfield**, *Connecticut General Assembly*  
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**Sandra Staub**, *American Civil Liberties Union of Connecticut*  
**Lynn Blackwell**, *Department of Motor Vehicles*  
**Chief Dean Esserman**, *New Haven Police Department*  
**Captain Nick Boulter**, *Simsbury Police Department*  
**Stephanie Johnson**, *Community Member*  
**Stacey Manware**, *Judicial Branch, Centralized Infraction Bureau*  
**Jeffrey Matchett**, *AFSCME Council 15*

## **Part I: Overview of the Alvin W. Penn Law**

First enacted in 1999, Connecticut's anti-racial profiling law The Alvin W. Penn Racial Profiling Prohibition Act (Public Act 99-198) prohibits any law enforcement agency from stopping, detaining, or searching any motorist when the stop is motivated solely by considerations of the race, color, ethnicity, age, gender or sexual orientation (Connecticut General Statutes Sections 54-11 and 54-1m). During the 2012 and 2013 legislative sessions the Connecticut General Assembly made several changes to this law to create a system to address racial profiling concerns in Connecticut.

Police agencies collected traffic stop information based on requirements outlined in the original 1999 Alvin W. Penn law through September 30, 2013. As of October 1, 2013, police agencies are required to submit traffic stop data for analysis under the new methods outlined by the Office of Policy and Management.

The Alvin W. Penn law now gives authority to the Secretary of the Office of Police and Management if municipal police departments and Department of Emergency Services and Public Protection (DESPP) fail to comply with the law to order appropriate penalties in the form of withholding of state funds.

The Racial Profiling Prohibition Project Advisory Board was established in 2012 for the purposes of advising OPM with respect to the adoption of the standardized methods and guidelines outlined in the law.

Requirements of the new Alvin W. Penn Act:

1. Municipal police departments, the Department of Emergency Services and Public Protection (DESPP), and any other department with authority to conduct a traffic stop shall adopt a written policy that prohibits using race, color, ethnicity, age, gender, or sexual orientation as the motivation for a traffic stop.
2. By July 1, 2013, the Office of Policy and Management (OPM) establish and implement a standardized method to achieve the following:
  - a. A form to be developed to record traffic stop information. The information to be collected includes:
    - i. Date and time of stop
    - ii. Geographic location of stop
    - iii. Unique ID number of Officer
    - iv. Race, color, ethnicity, age and gender of operator of motor vehicle (based on the observation and perception of the officer)
    - v. Nature of alleged traffic violation and the statutory citation of the violation
    - vi. Disposition of the stop, including whether a warning, citation or summons was issued

- vii. Statutory or regulation citation for any warning, citation or summons issued
  - viii. Whether a search was conducted, the authority for any search conducted, the result of any search conducted and whether a custodial arrest was made
  - ix. Any other information deemed appropriate
- b. A notice must be given to the person stopped that if the person believes they have been stopped, detained, or subject to a search based on a protected class they may file a complaint with the appropriate law enforcement
  - c. Instructions on how to file a complaint must be given to the person stopped
3. A standardized method should be established to report complaints
  4. A standardized method should be established for agencies to report data to OPM for analysis
  5. By July 1, 2013, the act required the development and implementation of guidelines to train officers on how to complete the traffic stop form

An exception was added to the law in 2013 that exempts law enforcement officers from collecting data and distributing the notice when the police officer was required to leave the location of the stop in order to respond to an emergency or due to some other exigent circumstance within the scope of such police officer's duties.

## **Part II: Racial Profiling Prohibition Project Overview**

The Institute for Municipal and Regional Policy (IMRP) at Central Connecticut State University, in consultation with the Office of Policy and Management (OPM), has established a Racial Profiling Prohibition Advisory Board to help oversee the design, evaluation, and management of the racial profiling study mandated by PA 12-74 and PA 13-75, “An Act Concerning Traffic Stop Information.” The IMRP is working with the advisory board and all appropriate parties to enhance the collection and analysis of traffic stop data in Connecticut. Resources for the project are being made available through the National Highway Traffic and Safety Administration (NHTSA) grant, as administered through the Connecticut Department of Transportation.

The primary purpose of the project is to monitor and prohibit racial profiling in Connecticut and to comply with NHTSA grant requirements and are outlined below.

1. Analyze current racial profiling law and make recommendations to the Connecticut General Assembly to better align the statute to legislative intent and current best practices.
2. Ensure compliance with the racial profiling law in as efficient, effective, transparent and inclusive a manner possible.
3. Ensure compliance with NHTSA requirements of Section 1906 funding to include:
  - a. Fund activities to prohibit racial profiling in the enforcement of State laws regulating the use of Federal-aid highways
  - b. Collect, maintain and provide public access to traffic stop data
  - c. Evaluate the results of such data; and develop and implement programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers.

### **❖ *Project Activities***

The Racial Profiling Prohibition Project Advisory Board and the project staff have been meeting since May 2012 in an effort to outline a plan to successfully implement PA 12-74 and PA 13-75. The focus of this early phase of the project was to better understand traffic stop data collection in other states. After an extensive review of best practices, working groups were developed and met monthly to discuss the different aspects of the project. The working groups included (1) Data and System work group, (2) Public Awareness work group, and (3) Training work group.

*Data and System Working Group* focuses on developing a best practice system for data collection and analysis. The majority of the groups’ early activities focused on identifying which data elements are important for law enforcement to collect. Extensive research was conducted to understand similar systems established in other states and data elements collected nationally. Once data elements were identified the group shifted its focus towards the development of a

meaningful benchmark for data analysis. The benchmark and analysis discussion is ongoing and outlined in more detail later on in this report.

Some of the other activities of the group include: (1) developing a model for implementing the new requirements that can address the different needs of police agencies and the public; (2) determining an implementation schedule for complying with the law; and (3) identifying what resources and timeframe may be necessary to migrate all agencies to fully electronic data collection and submission. Additionally, the group developed a system to implement the law's requirement that drivers be informed of their right to file a complaint of discriminatory treatment.

*Public Awareness Working Group* assists the project team in aspects of the project that relate to informing the public of the work being done and engaging it in the study process and results. The Racial Profiling Prohibition Advisory Board and project team strongly believe that the public is a crucial component to developing an effective tool for collecting and analyzing traffic stop information and assisting with the overall implementation of the Alvin W. Penn Act.

The Racial Profiling Prohibition Project has developed and maintained a website ([www.ctrp3.org](http://www.ctrp3.org)) that informs the public of the advisory board's activities, statewide informational forums, and related news items on racial profiling. The website includes minutes, agendas, press releases, and links to register for events and the website is updated weekly.

Public outreach activities have included an ongoing series of informational sessions throughout the state to clarify the updates to the racial profiling law. Through ongoing public forums, the project team has shared plans for implementation of the racial profiling law and offered the public an opportunity to react and discuss. We will continue our efforts to partner with state and local elected officials in the development of future informational sessions.

The Public Awareness Working Group has developed marketing collateral materials to further public awareness efforts. The group has drafted a brochure to inform the public about the objective of the Connecticut Racial Profiling Prohibition Project (CTRP3), the definition of racial profiling, and the guidelines of the laws that prohibit its practice. The second marketing collateral in development is a Public Service Announcements meant to drive web traffic to the CTRP3 website and reach a broader audience outside of the public forums. The PSAs aired on Connecticut stations during Labor Day weekend. We will continue our campaign through a variety of media outlets to inform the public of this important work.

*Training Working Group* assists in aspects of the project that relate to informing police agencies of the changes being made to the system for collecting and submitting data.

Over the past 12 months, the group developed a model policy for law enforcement agencies to reference. They have also worked with the Community Oriented Policing Services division of the Department of Justice to bring to Connecticut a train-the-trainer program on fair and impartial policing. Thirty people from around the country, including ten from Connecticut, have become certified law enforcement trainers. This program will be offered to all law enforcement

agencies in Connecticut. Connecticut training staffs have participated in the program and could integrate what they learn into the academy curriculum.

The training working group also spent 3 months this summer training all law enforcement agencies in the changes made to the Alvin W. Penn Act. In preparation for the October 1, 2013 implementation of the new law, six training sessions were held. Training material was provided to law enforcement agency administrators in hard copy and electronic form to allow them to train all department personnel (Appendix I).

### **Part III: Guidelines for Policies Prohibiting Racial Profiling**

The Alvin W. Penn Act requires that “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, or search of any person when such action is solely motivated 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.”

The training working group, which includes members from the Connecticut Police Officers Standard and Training Council (POSTC), met over the course of several months to draft a model policy that would guide law enforcement agencies in crafting their own policy. Many agencies already had a policy under the original Alvin W. Penn Act and these guidelines were intended to bring those policies in line with legislative changes. The policy meets the CALEA 1.2.9 standard required for law enforcement accreditation. The working group also referenced the “Fair and Impartial Policing” model policy that was developed by the Police Executive Research Forum.

The advisory board endorsed the model policy during our October 2013 full advisory board meeting. This policy was not endorsed by POSTC. A copy of the model policy has been shared with law enforcement agencies and posted to the project website (Appendix II).

## **Part IV: Traffic Stop Data Collection**

An extensive effort was made to identify the traffic stop data that must be collected and submitted to make analysis possible. The board was particularly conscious of: (1) striking a reasonable balance between the need for additional data and the burden this has on police making traffic stops; and (2) only asking for this additional information when readily obtaining information from another source is not possible or cannot be done without undue hardship. The board spent 18 months reviewing an extensive list of possible new data elements with these objectives in mind.

### **❖ Definition of a Traffic Stop**

The advisory board developed a definition of a traffic stop to inform law enforcement agencies when it is required to collect information.

A traffic stop is defined as any time an officer initiates contact with a vehicle resulting in the detention of an individual and/or vehicle. Stops made as part of a checkpoint or spot check enforcement are considered officer initiated if contact with the operator is extended for any purpose. A traffic stop does not include contacts providing assistance to a motorist, all contacts arising from traffic crashes or in cases where an officer initiates contact with a vehicle that has been linked to a specific incident, whether based on a motor vehicle or a criminal complaint.

Exclusions: The following police activities are excluded from the definition of a traffic stop and data collection requirements:

- Stops made based on the use of radiation detection devices
- Truck weighing operations
- Commercial vehicle safety inspections
- Department of Revenue Service Operations involving enforcement of tax stamp and fuel tax laws on commercial motor vehicles (this exception does not include the limited number of traffic stops DRS agents make outside of these areas for which they are still required to submit data.)

### *General Exception:*

By law data must be recorded for all traffic stops, unless the police officer was required to leave the location of the stop in order to respond to an emergency or due to some other exigent circumstances within the scope of such police officer's duties.

### **❖ Data Elements Required by PA 13-75 (Effective October 1, 2013)**

The following sub-sections outline the data elements law enforcement is collecting as of October 1, 2013.

The law currently requires police to record the following data for each traffic stop they make:

1. Date (month/day/year) of stop
2. Time of stop (no time format is specified, but most agencies appear to default to use of 24-hour military format)
3. Geographic Location
  - Geographic location has been defined by OPM to mean a number and street, street and cross street, etc. (21 Main Street or Main Street and Park Street)
  - Law enforcement agencies shall inform officers whether location should be recorded where the violation occurs or where the stop occurs.
4. Unique Officer ID number
  - Some police agencies, state police among them, reuse badge numbers as personnel turn over so that over a period of time more than one officer may have that badge number. To avoid confusion when looking at data over time, the board modified this element to allow the police agencies the flexibility to use either badge numbers or a unique identification number the agency assigns to the officer.
5. Officer perception of driver race, color, ethnicity, age, and gender
  - Law enforcement agencies must now record their perception of race/ethnicity/gender of the driver based on the totality of the contact. Previous interpretation of the Alvin W. Penn Act had an officer reporting their perception of race/ethnicity/gender before the actual stop. On October 1, 2013 an officer reporting the stop shall determine this perception based on the totality of the contact. This would include any post stop contact. The officer shall not inquire race, ethnicity, or gender from the driver.

The new data being collected will more easily allow the State to understand the enforcement methods being used to determine the likelihood that a perception could be made prior to stopping a vehicle.

Current Race designations are:

W—White

B—Black

I—Indian American/Alaskan Native

A—Asian/Pacific Islander

- The advisory board eliminated the “unknown” category because law enforcement officers were trained on the definition of perception.

Current Ethnicity designations are:

- H—Hispanic
- M—Middle Eastern
- N—Not Applicable

The advisory board added an ethnicity code to identify Middle Eastern, similar to what is required in Massachusetts and Texas. This additional code would be an “M” to indicate Middle Eastern origin.

- Driver Age is entered as a whole number; presumably based on license information.
  - Driver Gender is entered as: M—Male, F—Female
6. Nature of alleged traffic or other violation that caused stop to be made
- Police are currently asked to identify the nature of the stop in one of three categories below:

- I—Investigation, Criminal
- V—Violation, Motor Vehicle
- E—Equipment, Motor Vehicle

7. Enforcement Category

- This data element will collect information on the method being used to conduct the traffic stop. In particular if the stop was motivated by a blind enforcement technique or as a result of a spot check.
  - General Enforcement
  - Blind Enforcement
  - Spot Check
    - During a spot check, traffic stop information only needs to be completed when some action is taken. (e.g., motorist is given a warning or ticket during a seat belt check.)

The project team and advisory board have actively considered a method to distinguish certain traffic stops based on the relatively non-discretionary nature of the stop decision. The theory behind this differentiation is that for certain stops, such as those made during a radar or laser speeding operation, or stops made based on a return from a license plate reader, the decision to make the stop is relatively “blind” of any perception the officer may have of the person’s race, ethnicity, gender, or age. The rationale for identifying these types of police activities at the data entry level is that since the mechanism used to stop the driver is more or less “blind”, the police officer’s perception of a driver’s race, ethnicity, gender, and other identifying information is probably not a determining factor in the decision to make the stop; but it could be a factor in what transpires after the stop is

made. Thus, if a meaningful analysis of these “blind” stops is to be generated, it needs to focus on the outcomes of the stops and not on the making of the stop itself.

Sobriety checkpoints used for enforcement of drunk driving laws are another area in which the decision to stop a driver may be relatively blind. Guidelines that the courts have established when reviewing the constitutionality of checkpoints require police agencies to operate them in certain ways. One of these requirements is that police follow an established policy with respect to who will be stopped at the checkpoint. An example might involve stopping every driver, every other driver, every third driver, etc. That decision is left to each department, but the courts expect that it will be applied uniformly and consistently for each respective checkpoint.

Law enforcement agencies conduct checkpoints to enforce seat belt use compliance frequently around holiday weekends. Seat belt checkpoints differ from sobriety checkpoints in that an essential part of the checkpoint operation involves the police officer looking directly at the driver and passengers to determine if seat belts are in use.

Law enforcement agencies now collect information on the method used to stop a vehicle, including stops made using certain kinds of “blind” enforcement or other enforcement methods that are not exclusively officer-initiated techniques. The officer now chooses from three categories—General Enforcement, Blind Enforcement, or Spot Check. Among the things included in the Blind Enforcement category are stops made using radar/laser, license plate readers, DUI checkpoints, truck weighing operations, certain security related activities conducted at Bradley International Airport, and stops made based on returns from radiation detection devices. The Spot Check category includes any spot checks for seat belt use, cellphone use, or any other activity except for DUI checkpoints.

8. Statutory citation for stop

- This field should record the initial citation for stopping the vehicle (i.e., 14-219 if speeding, 14-12 if registration violation, etc.)

9. If different, the statutory citation resulting from the stop

- If the final charge is different from the initial charge for stopping the vehicle, the information should be recorded in this field (i.e., Vehicle is stopped for speeding and motorist is arrested for drugs)
- If there is more than one charge, the highest charge should be recorded (i.e., Vehicle is stopped for broken tail light and then it is discovered that the vehicle is unregistered and drugs are discovered in the car. Of note: the highest charge is determined by the officer).

10. Result of Stop

- There are six codes that are currently being used to indicate the disposition of the traffic stop. They are:
  - U—Uniform Arrest Report
  - M—Misdemeanor Summons
  - I—Infraction Ticket
  - W—Written Warning
  - V—Verbal Warning
  - N—No Disposition

11. Connecticut Resident (Yes/No)

12. Resident of Municipality making the stop (Yes/No)

13. Was a search conducted (Yes/No)

14. Authority for Search

- Police must have the authority to search a vehicle as outlined in current case law. There are different levels of discretion, and below are the data elements collected to determine the authority for conducting a search.
  - Consent
    - It is important to separate consent searches for the purpose of analysis because the operator of the motor vehicle gives permission for the vehicle to be searched.
  - Inventory
    - Inventory searches can be standard operating procedure if a vehicle is seized. There is little or no discretion in conducting a search based on inventory.
  - Other (Including: Probable Cause, Incident to Arrest, Reasonable Suspicion, Plain View Contraband, Exigent Circumstances)

15. Search Disposition

- The outcome of the search has been the source of much discussion by the advisory board. After careful review of current efforts to analyze disposition of searches in other states, it was determined that there was no need to collect more than the one category listed below.
  - Contraband and/or Evidence Discovered (Yes or No)
    - Contraband and/or evidence discovered can be used as a catch-all to include drugs, alcohol, paraphernalia, currency, weapons, stolen property, instrumentalities of crime, and other. If it is determined that greater information is required

from individual searches, the information will be available in the report written by the officer.

16. Custodial Arrest Made (Yes or No)

17. Duration of Stop

- There is a perception among some community members that some racial or ethnic groups are stopped for greater amounts of time than others. The state of Massachusetts requires officers to submit the duration of the stop in increments of 15 minutes. It was determined that the duration of the stop could assist in creating a more comprehensive analysis, and the most effective way to gather information would be to replicate the Massachusetts method.

The length of a traffic stop can vary based on a range of factors, including the procedures followed by individual police officers. The length of a traffic stop can also be skewed in the case of a vehicle needing to be towed, thus it is advisable to include a data element to determine if the vehicle was towed.

18. Was the vehicle towed (Yes/No)

## **Part V: Law Enforcement Data Collection Methods**

The advisory board and project staff worked with law enforcement to implement a data collection system that is efficient, not overly burdensome to the police collecting it, and easy to deal with when it has been submitted. Some police agencies in Connecticut are at various levels of sophistication and technology with respect to the ways in which they collect and report data. The project staff worked with the Criminal Justice Information System (CJIS) to develop a system to universally collect traffic stop information. We developed five options for law enforcement to collect information and submit to CJIS electronically on a monthly basis.

Below is a list of the data collection options for police agencies on October 1, 2013:

1. Most police agencies are collecting information using their Computer Aided Dispatch (CAD) or Remote Management System (RMS). This required the CAD/RMS vendors to modify software to allow for the collection of new data elements. The information in the CAD/RMS systems is submitted to OPM for analysis.
2. The project staff partnered with the Capitol Region Council of Governments (CRCOG) to develop a web browser for the collection of information, including race and ethnicity data. This web browser has been made available as an option to all law enforcement agencies free of charge. Some agencies input the information directly into the system when internet browsing is available in the police vehicle. Other departments collect the information using a hard copy form and then the records division will input that data into the system at the station.
3. The project staff also partnered with the Department of Emergency Services and Public Protection (DESPP) to modify the Connecticut On-Line Law Enforcement Communications Teleprocessing system (COLLECT). COLLECT Version 2 (V2) is a web-based system that is already available to all law enforcement agencies. The application was modified to include the new racial profiling fields and has been connected to CJIS for real-time data submission.
4. A hard copy was developed and police officers can record information on this form. This information must be recorded in an XML schema and submitted to CJIS on a monthly basis. This is a much more difficult option because of the complexities with developing a submission system and departments were encouraged to use one of the free web-based options.
5. Some police agencies will be using an electronic citation system (E-Citation). This program is still in the process of being adapted to include the new traffic stop data elements and it will provide the agencies using it with an electronic option to record and submit their data for analysis.

As we mentioned last year, some of these processes can be phased out if the state moves towards a system of complete electronic collection of data. Electronic Citation (E-Citation) is an initiative

that, when fully implemented, will result in the capability for all police agencies to record and submit all of the traffic citations they issue in a fully electronic form. This initiative promises both to save police significant time in processing traffic stops at the roadside, and to expedite submission of these actions for adjudication. The state police are significantly ahead in the use of E-Citation and have reported significant increases in efficiency as a result. Some local police agencies are participating in a pilot program of the E-Citation concept at this time as well.

The implementation curve for this initiative is similar to what the advisory board has observed for its own initiative: that some police agencies are in a position to implement changes more rapidly than others. E-Citation requires the police vehicle to be equipped with a printer and associated mounting hardware at a cost of approximately \$800 per vehicle. E-Citation proponents estimate that equipping all police vehicles with E-Citation would cost approximately \$3.2 million. The rate at which E-Citation propagates through the law enforcement community will depend on provision of that funding. The faster E-Citation can be implemented, the sooner more police agencies can meet the requirements of PA13-75 in the most efficient manner.

E-Citation is an important tool to implement the requirements for (1) new data collection, and (2) driver notice of the right to file a complaint. The Centralized Infraction Bureau (CIB) has received \$300,000 in state funding to modify the current electronic citation system to capture racial profiling information. The funding will also develop a uniform electronic charging document that would eliminate most hard copy written warnings, infraction tickets, and misdemeanor summons. Still, the significance of E-Citation in meeting the requirements of PA 13-75 relies on the rate at which the law enforcement community migrates toward it and, as previously mentioned, this is dependent on funding a full implementation of the program.

## **Part VI: Submission of Data Collection**

The project staff developed an MOU with CJIS to develop a system for housing racial profiling information. CJIS will have the task of storing more than 750,000 pieces of traffic stop information annually. The most cost effective method to collect information from over 92 law enforcement agencies, all of which have a different method for data collection, was to develop a universal format to code the information. CJIS required that data be submitted using a standard XML schema. An XML schema is an easily recognizable data format that most vendors are familiar with. This was the easiest system to develop that would allow for the quick electronic collection of all traffic stop data.

CJIS developed a document that was shared with the vendor community and law enforcement agencies in late August. The document included all necessary information for properly coding and submitting traffic stop data. This document was intended to be a living document that would be modified in the early months to accommodate necessary changes during the testing period. On October 1, 2013 the CJIS system began allowing vendors to submit test data and troubleshoot any testing issues. Testing continued through November and in early December, CJIS began collecting live data from the majority of vendors. Since October 1, 2013, all live data was being stored by the individual vendor until the CJIS system went live.

Information collected will be made available to OPM, appropriate CCSU project staff and others as deemed appropriate by OPM. Law enforcement agencies will have access to their individual department data. Funding for the development of the CJIS system was made available through the NHTSA grant that was awarded to CCSU. The initial start-up cost for this system is about \$160,000 with an annual recurring operating expense of about \$40,000. The grant is only capable of funding the initial start-up costs and annual funding will be needed to maintain data collection and storage.

The advisory board envisions a web-based application, also known as a dashboard, that would be available to the public to view the information in real-time. We are still identifying the issues and process for achieving an effective access point for the data and analysis. This will be a focus of the advisory board's work over the next six months. Ultimately, the effectiveness of this end-user interface will be critical to the success of the project. At this time, the grant funding will not support the development of the dashboard concept, which has been estimated at a capital expense of about \$150,000.

### ***Developing Standards and Protocols to Access Data***

This is likely to be one of the most challenging tasks still facing the advisory board. We must determine how each type of user of the data, from police agencies to government agencies and educational institutions, researchers, advocacy groups, media, and subsequently the general public, will be able to view and access the data and analysis. The advisory board must evaluate

how each of these entities interacts with the data, and decide what protocols will have to be followed to use the data in the CJIS system.

The advisory board is aware it cannot control how each entity may use the data that will be provided through CJIS. Anyone who can access the data may use it to draw conclusions that may or may not be valid, or in the appropriate context. The advisory board intends to develop a best practice approach for analyzing traffic stop data that not only reflects the principles it has identified for its own analysis, but also identifies what approaches to using the data are ineffective or inappropriate. Doing this will not only inform potential users of the best approaches for using the data, but also discourage overly simplistic analyses that are not statistically valid or conceptually sound.

**Below is information regarding the status of law enforcement agencies collecting and submitting traffic stop information as required by the Office of Policy and Management.**

Implementation of this law has been a complex technical process. The project staff is generally pleased with the overall efforts of police agencies to meet the data collection and transmission requirements of the law. As of the date of this report 98 agencies (94%) are considered to be in full compliance with the reporting and collection requirements. Even in cases where departments were notified that information was not being reported, steps have been taken to assure full compliance as soon as possible. Three agencies are considered in partial compliance and three have encountered problems meeting the law’s requirements. The help and support of the Connecticut Police Chief’s Association has made it possible to achieve such a high compliance rate in a short period of time.

**Full compliance** should be interpreted to mean that the law enforcement agency is collected the proper information as required by law. In most cases, the information is sent to CJIS on a monthly basis in the proper electronic format. In some cases, the agency has collected the information and the project staff is working with their CAD/RMS vendor to transmit all their collected data to CJIS by April 1, 2014.

<b>Full Compliance with the Alvin W. Penn Act</b>		
Ansonia	Groton City	Shelton
Avon	Groton Town	Simsbury
Berlin	Guilford	South Windsor
Bloomfield	Hamden	Southern CT State University
Branford	Hartford	Southington
Bridgeport	Madison	Stamford
Bristol	Manchester	State Capitol Police
Brookfield	Meriden	Stonington
Canton	Middlebury	Stratford
Central CT State University	Middletown	Thomaston
Cheshire	Milford	Torrington
Clinton	Monroe	Trumbull
Connecticut State Police	Naugatuck	University of Connecticut

Coventry	New Britain	University of New Haven
Cromwell	New Canaan	Vernon
Danbury	New Milford	Wallingford
Darien	Newington	Waterbury
Derby	Newtown	Waterford
DEEP	North Branford	Watertown
DMV	North Haven	West Hartford
DRS	Norwalk	Western CT State University
East Hampton	Norwich	Weston
East Hartford	Old Saybrook	Westport
East Haven	Orange	Wethersfield
East Windsor	Plainfield	Willimantic
Eastern CT State University	Plainville	Wilton
Easton	Plymouth	Winchester
Enfield	Portland	Windsor
Fairfield	Putnam	Windsor Locks
Farmington	Redding	Wolcott
Glastonbury	Ridgefield	Woodbridge
Granby	Rocky Hill	Yale University Police
Greenwich	Seymour	

**Partial compliance** should be interpreted to mean that the law enforcement agency is collecting information as required by law, but was not previously entering the information into an electronic system. Currently, these agencies are in the process of manually entering data into the COLLECT V2 system, which will then submit the data to CJIS. We anticipate that all three agencies will be in full compliance by April 1, 2014.

<b>Partial Compliance with the Alvin W. Penn Act</b>		
Bethel	Groton Long Point	New Haven

**Non-Compliance** should be interpreted to mean that the law enforcement agency was not collecting the proper information as required by law. A further explanation for each agency has been provided below.

<b>Non-Compliance with the Alvin W. Penn Act</b>		
New London	Suffield	West Haven

**New London Police Department** has been collecting traffic stop information, but not as required by law. New London PD manually collects traffic stop information on a paper form, but currently does not enter that information into a system to electronically transmit to CJIS. Although minor changes were made to the collection form on October 1, 2013, those changes did not meet the requirements set forth by OPM. As of March 1, 2014, the paper form was modified to capture the correct information. However, of concern to the project staff is the lack of a

strategy to enter the information into an electronic system capable of transmitting the information to CJIS.

**Suffield Police Department** has been collecting traffic stop information, but not as required by law. As of March 1, 2014, the Suffield PD began to collect the proper information through their CAD/RMS system and transmit to CJIS. The information collected from October 1, 2013 – February 28, 2014 will not be sufficient for analysis.

**West Haven Police Department** has been collecting traffic stop information, but most of the data was not as required by law. As of March 1, 2014, the West Haven PD began to collect the proper information through their CAD/RMS system. West Haven PD is in the process of switching RMS vendors which caused much of the error in data collection. A temporary system was put in place to electronically capture and transmit information to CJIS until the new vendor is in place. Information collected from October 1, 2013 – February 28, 2014 will not be sufficient for analysis.

***Special Note:*** The project staff is currently working with the Amtrak Police and Metro North Police to implement the changes to the law. Prior to October 1, 2013, these agencies were not previously required to capture data, but were capturing information voluntarily.

## **Part VII: Developing Benchmarks to Analyze Traffic Stop Data**

### **❖ History of Benchmarking Traffic Stop Data**

It is widely recognized amongst researchers that benchmarking traffic stop data for a more thorough analysis can be challenging. Identifying an effective basis to compare information is important in developing a meaningful analysis. This “base rate” or “benchmark” provides a denominator to the equation where the numerator is the targeted stop data. Solving the equation yields a comparison between the actual experience of different demographic groups and a theoretical expected probability for these various groups based on the assumption of equality of treatment.

Analyzing traffic stop data for indications of bias is a relatively new field of inquiry. The first large-scale systematic studies of stop data were conducted in the mid-1990s so there is less than 20 years of research experience in this field.

Many of the early studies conducted between 1996 and 2001 used the racial and ethnic demographic breakdown of the residents living in a jurisdiction as the benchmark. The benchmark standards for these early studies are shown below:

- Demographic Breakdown of Residents—New Jersey (1999), New York City (1999), Philadelphia (2000), San Jose (2000), Texas (2000), and Connecticut (2001)
- Demographic Breakdown of Residents of Legal Driving Age—Ohio (1999), San Diego (2000), and Richmond (2001)
- Estimated Percentage Breakdown of Licensed Drivers in a District—North Carolina (2000)
- Rolling Traffic Survey of demographics of drivers exceeding posted speed limit on certain highways—Maryland (1996) and New Jersey (1996)
- Demographic Breakdown of Driving-Age Population and of Drivers Causing Accidents—Washington (2001)

Connecticut conducted a study in 2001 that analyzed both State Police and all municipal police agencies. As the second state to pass legislation requiring the collection of traffic stop data, Connecticut was the first state to require collection and analysis of traffic stop data by both State and Municipal law enforcement. Most early studies were limited to either a single city or analyzing only stop data for the state police.

### **❖ Assessing Strengths and Weaknesses of Benchmarking Methods**

As the field of analyzing traffic stop data has developed, several potential benchmarking methodologies have been identified. These include use of census data, observations of roadway usage, accident data, examining actual traffic-violating behavior, citizen surveys, and internal

benchmarking (comparing data within a single department to itself). Each benchmark has been tested in some form and all have strengths and weaknesses.

- **Residential census data** is readily available, periodically updated, and inexpensive to access. Until recently, residential census data could only be used to determine the racial and ethnic demographics of communities, but now it can be modified to determine driving populations.
- **Roadway observational surveys** are expensive and employ third-party contractors to observe the driving population of particular roadways. This method is outdated quickly and needs to be repeated often to capture changing roadway demographics. It is also difficult to use for an entire state due to its expense.
- **Accident data** was pioneered as a benchmark by researchers analyzing data for Miami-Dade County Florida in 2003. They examined information for not-at-fault drivers involved in two vehicle accidents. This information helped to identify the driving demographics of particular roadways. Not-at-fault driver data eliminates the potential bias linked to more aggressive drivers being overrepresented in the data. The researchers' premise was that not-at-fault drivers involved in two-car accidents would be randomly distributed and therefore would more accurately represent driver distribution. However, the effectiveness of this methodology depends largely on the ability to identify racial and ethnic demographics of drivers from accident records (which currently cannot be done in Connecticut).
- **Law-violating driving behavior** was proposed by researchers in New Jersey and Maryland as a way of accounting for possible racial and ethnic differences in driving behavior. It was developed to address the alternate hypothesis that behavioral differences between racial and ethnic groups may be a risk factor in traffic stops. These differences, if they exist, might serve to explain disparities in stop rates. One significant limitation to this approach is the lack of available research. Analysts have also questioned whether this approach may yield results based on enforcement decisions by police or actual behavioral differences of drivers.
- **Citizen surveys** are used infrequently, but can create baseline demographics for comparing traffic stop data. Citizen surveys rely on individuals to self-select race and ethnicity rather than relying on third party observations.
- **Internal departmental comparisons** focus the analysis on how individual officers compare to other officers within the same department. The advantage of making these comparisons is that it can be used as an "early warning system" for departments to identify individuals or program areas requiring further attention. One potential issue with internal benchmarking is that while it may help analyze individual officer interactions, it may not be useful in situations where disparities are agency-wide rather than individually-based. One way to mitigate this limitation might be to create peer groups of similarly situated agencies that could create more context for the analysis. Another requirement for internal benchmarking is that the traffic stop data must include individual

officer identification. Connecticut has positioned itself to identify individual officers through changes enacted by the legislature in 2013.

### ❖ **Principles for Developing Connecticut’s Approach to Benchmarking**

Benchmarking and analyzing Connecticut’s traffic stop data is a challenging task. In designing Connecticut’s approach, several principles have been developed to guide our thinking. These principles are:

- Developing a best practice approach based on the efforts to analyze traffic stop data elsewhere.
- Access existing sources of data that are readily available, easy to obtain, and capable of being periodically updated at minimal cost.
- Utilize multiple benchmarks that would be applied to a process aimed at analyzing agencies in numerous ways.
- Apply a series of tests to law enforcement agencies information that serves as a screening tool, which gives OPM the ability to determine if the agencies performance warrants further, more detailed analysis.
- Develop an estimated driving population model as a primary benchmark based on our understanding of the method used in Rhode Island and Massachusetts, taking into consideration recent improvements in the quality of census-based data.
- Develop a set of flexible benchmarks that consider different law enforcement agencies functions and avoid creating a “one size fits all” approach.
- Adapt Connecticut’s benchmarks to account for areas of high retail, recreational, entertainment, and seasonal activity that influence driving patterns.

### ❖ **Adjusted Census Data to Build an Estimated Driving Populations for Municipalities**

Adjusting “static” residential census data to approximate the estimated driving demographics in a particular jurisdiction is a more accurate benchmark method. At any given time, non-residents may use the roads to commute to work, travel to and from entertainment venues, retail centers, tourist destinations, etc. It is impossible to account for all commuting purposes; however, residential census data can be modified to create a reasonable estimate of the likely presence of non-residents in a given community. This methodology is a statistical model of the likely composition of the driving population and not an exact count.

Previously, the most significant effort to modify census data was conducted by the Northeastern University’s Institute on Race and Justice. The institute created the estimated driving population (EDP) model for traffic stop analysis in Rhode Island and Massachusetts. A summary of the steps used are outlined below.

<b>Methodology Developed by Northeastern University Institute on Race and Justice for EDP Models in Rhode Island and Massachusetts</b>	
Step 1	Identify all the communities falling within a 30 mile distance of a given target community. Determine the racial and ethnic breakdown of the resident population of each of the communities in the contributing pool.
Step 2	Modify the potentially eligible contributing population of each contributing community by factoring in (a) vehicle ownership within the demographic, (b) numbers of persons within the demographic commuting more than 10 miles to work, and (c) commuting time in minutes. The modified number becomes the working estimate of those in each contributing who may possibly be traveling to the target community for employment.
Step 3	Using four factors (a) percentage of state employment, (b) percentage of state retail trade, (c) percentage of state food and accommodation sales, and (d) percentage of average daily road volume, rank all communities in the state. Based on the average of all four of ranking factors, place all communities in one of four groups, thus approximating their ability to draw persons from the eligible nonresident pool of contributing communities.
Step 4	Determine driving population estimate for each community by combining resident and nonresident populations in proportions determined by which group the community falls into as determined in Step 3. (Range: 60% resident/40% nonresident for highest category communities to 90% resident/10% nonresident for lowest ranking communities)

Although the EDP model created for Rhode Island and Massachusetts is a significant improvement in creating an effective benchmark, limitations of the census at the time required certain assumptions to be made about the estimated driving population. Specifically, the census data required researchers to estimate the number of non-residents living within 30 minutes of a target city and exclude all others. This approach only assumed who potentially might be drawn to a community for employment, and did not account for how many people actually commute. Retail, entertainment, and other economic indicators were used to rank order communities into groups to determine the percentage of nonresident drivers should be included in the EDP. A higher rank would lead to a higher percentage of nonresidents being included in the EDP.

Since development of the Rhode Island and Massachusetts model, significant enhancements were made to the U.S. Census. It is now possible to determine the number of people actually driving to other communities for employment.

#### ❖ **Developing Connecticut’s Estimated Driving Population**

Since the 2004 effort by Northeastern University to benchmark Rhode Island and Massachusetts data, the Census Bureau has developed new tools that can provide precise information to create a accurate estimated driving population.

The source of this improved data is an application called “OnTheMap.” OnTheMap is an online mapping and reporting application operated by the Census (<http://onthemap.ces.census.gov/>). It shows where people work and where workers live. Developed through a partnership between the U.S. Census Bureau and its Local Employment Dynamics (LED) partner states, the LED partnership’s main purpose is to merge data from workers with data from employers to produce a collection of enhanced labor market statistics known as Quarterly Workforce Indicators.

Under the LED Partnership, states agree to share Unemployment Insurance earnings data and the Quarterly Census of Employment and Wages data with the Census Bureau. The LEHD program combines the administrative data, additional administrative data and data from censuses and surveys. From these data, the program creates statistics on employment, earnings, and job flows at detailed levels of geography and industry. In addition, the LEHD program uses these data to create partially synthetic data on workers' residential patterns. The LEHD program is part of the Center for Economic Studies at the U.S. Census Bureau.

The project staff believes that data available through OnTheMap, used in conjunction with data available in the American Community Survey (ACS) will provide the tools necessary to create an advanced EDP model. ACS is the Census Bureau’s ongoing survey tool for updating and improving data collected through the decennial census. Each year, the bureau surveys approximately 3.5 million households in the United States. The survey produces information on demographic, social, economic, and housing characteristics that is used to continually update census data.

The project staff is working with CJIS staff to develop the method for extracting data from these two sources. When completed, each of the 169 towns in Connecticut will have its own EDP reflecting the racial and ethnic demographic makeup of all persons identified through OnTheMap and ACS as working in the community but residing elsewhere. EDPs will be calculated approximately as follows:

- For each town, OnTheMap will be used to identify all those employed in the town, but residing in some other location.
- ACS data will be used to adjust for individuals commuting by some means other than driving, such as those using public transportation.
- For all towns contributing commuters above a threshold number, racial and ethnic characteristics of the commuting population will be determined by using the town’s residential demographics. Currently, the threshold being considered for individualized analysis is 20 or more commuters, but this could be subject to change.
- Communities contributing fewer than the threshold number of commuters will be aggregated and the racial and ethnic demographics will be attributed to the statewide average for those who reside in Connecticut and national average for those residing outside of the state.

- The numbers for all commuters from the contributing towns will be totaled and will represent the nonresident portion of the given town's EDP. This will be combined with the town's resident population of those of driving age to form the town's complete EDP.
- To avoid double counting, those both living and working in the target town will be counted as part of the town's resident population and not its commuting population.

Structured in this way, each town's EDP should reflect an estimate of the racial and ethnic makeup of the driving population during a typical weekday/daytime period. For a more detailed outline of this approach please see appendix III.

#### ❖ **Addressing Economic Variables in the Analytical Process**

The project staff has solicited and is currently reviewing a proposal from the Connecticut Economic Resource Center, Inc. (CERC) to gather data relating to the demographic, retail composition, and commuter patterns of all Connecticut municipalities. The product of this potential inquiry might make it possible to (1) develop individualized data for each of the 169 towns, and (2) use this data to create comparison groups of towns that appear to be statistically similar.

Under its proposal, CERC would gather data on a mutually agreed upon set of variables such as employment in the retail sector, employment in the entertainment sector, racial demographics, household income, and population density. Using the individualized data for each town, CERC would create comparison regions for each town using a propensity score. Then they would create a matrix to match propensity scores comparing each town to every other town in the state.

This approach would develop a peer group comparison. After an agency's data has been analyzed against individualized benchmarks such as the state average and estimated driving population, it could then be compared to identifiable peers groups with similar commuting, retail, demographic, and socioeconomic characteristics. If the CERC proposal is pursued, it could provide the basis for this peer group analysis.

#### ❖ **Benchmarking State Police Stops**

The State Police present a different benchmarking challenge than municipal police departments due to the different nature of their operations. State Police have statewide jurisdiction to enforce traffic laws throughout the state highway system. However, they also have a jurisdictional presence in more than 80 towns, either because the towns do not have their own organized police departments or have agreed to let the State Police supervise their police or constables.

State Police law enforcement on limited access expressways presents a special set of circumstances for benchmarking. Since their highway patrol functions span multiple municipalities, benchmarking their traffic stops based on the EDP of the municipality within whose borders the stop was made has little value. The Advisory Board considered the option of

creating an EDP through the use of observational surveys, but decided not to pursue that option because of the complexity, time, and expense of such a survey.

The changes made to the Alvin W. Penn Law in 2013 provide a cost effective solution to this benchmarking issue. The law now requires police to record and report the actual geographical location where a stop is made, or where the violation leading to the stop occurred. Thus State Police stops that occur on limited access highways, which is specifically outlined in State Traffic Commission regulations, should be readily identifiable in the data.

The Advisory Board determined that State Police stops would be analyzed in one of two ways, depending on where the stop occurs.

1. State Police stops that occur on the limited access highway system throughout the state will be analyzed using only post-stop analysis, that is, the stops will be examined using the data elements that relate to stop outcomes.
2. State Police stops that occur off of the limited access highway system, either on state roads that are not limited access highways or on local roads will be analyzed using the EDP and other benchmarks appropriate to the municipality in which they were made. They will essentially be treated like municipal police department stops.

#### ❖ **Addressing Other Special Policing Agencies**

PA 13-75 expanded the law to capture data beyond just State and municipal police agencies. The law now includes all law enforcement agencies with the power to enforce traffic laws. Among those now included are, the Department of Motor Vehicles, Department of Revenue Services, State Capitol Police, college and university police agencies, Amtrak and Metro North Police, and several other entities. The appropriate way of benchmarking the data from these various entities has not yet been determined. Over the next three months, as data from these entities accumulates the advisory board will determine the most appropriate method to benchmark their particular data. The Department of Motor Vehicles may be treated similarly to the State Police data. Others, such as university police departments, may need to have special considerations made for benchmarking purposes.

#### ❖ **Assessing Police Agency Performance—Screening Agencies for Further Review**

Deciding what approach to take to interpreting the results of the benchmarking analysis is the next significant step to be taken in the project and perhaps the most difficult. Many states that have recorded and published traffic stop data have never taken this final step of interpreting the data because it is difficult and not without potential controversy. It is important to realize from the outset of this undertaking that one of the most important goals of this process is to provide the appropriate tools to assess police agency performance and not to adjudge them to be either guilty or innocent of racial profiling. Putting these tools in the hands of the police agencies themselves, so that they may better assess their own performance and react in a more timely way to potential issues is likely to be one of the most important outcomes of the Advisory Board's efforts.

That said, the task before the Advisory Board in this regard over the next three months is to develop the most effective way of using the results of the benchmarking analysis as an evaluation tool. Following the principles outlined earlier in this report, it would seem that one approach that could be particularly effective would be to subject each agency's stop data to a series of increasingly more specific tests, the results of which would help to stratify the agencies. Specifically, this approach would involve applying a series of increasingly specific screening tests, the cumulative results of which would separate agencies in terms of whether their data indicates they are outside the norm established by the benchmark themselves. An agency's performance on any single one of the tests would not be significant in and of itself, but its cumulative performance on all of the tests could be significant. An example of how this approach would work follows.

- Screening Test No. 1—Agency data would be compared to overall state averages. This would be the broadest of all the tests to be applied, but agencies that exceeded state averages by statistically significant amounts would be identified.
- Screening Test No. 2—Agency data would be benchmarked to its own specific EDP. This test could include all stop data together, disaggregate blind stop data for separate analysis, look at all stop data for analysis of post-stop factors, or any other test the Advisory Board felt was appropriate at this stage.
- Screening Test No. 3—Agency data would be compared to the data from other members of a peer or comparison group that might be created using the process proposed by CERC or by some other method.
- Screening Test No. 4—Agency data would be compared to itself, that is, one or more tests could be applied intended to show whether disparities exist between stops made when an officer's ability to distinguish race or ethnicity is high (for example, daytime stops) and when it is low (nighttime stops). One test that might be applied in this level of the analysis might be the so called "veil of darkness" method, which was developed by researchers in 2006 to assess stop date in Oakland and subsequently used in several other large metropolitan areas.

The major advantage of this approach is that it would avoid a "pass-fail" result based on a single test. Instead, it would rely on a cumulative effect based either on scoring each agency's results for each level of screening or using the results of each screening level to pass through those agencies that performed outside of a statistical norm established for that screening test.

In the first case, a simple scoring matrix for all agencies could be created in which the agency could be given a 0 if it was within the statistical norm for the test or a 1 if it was not within the norm. At the end, the agencies that had accumulated the highest scores could be identified by OPM as candidates for further discussion and more detailed and specific analysis of potential reasons for the apparent disparities.

## **Part VIII: Addressing Complaints of Profiling**

The Alvin W. Penn Act as modified in 2012 and 2013 requires additional information to be provided to the person stopped:

“(i) notice to be given to the person stopped that if such person believes that such person has been stopped, detained or subjected to a search solely because of 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”

### **❖ Notice of Motorist Rights**

The modifications made to the Alvin W. Penn Act in 2012 and 2013 attempts to inform motorists of their rights as they currently exist. A 3 x 5 inch card was developed with the necessary information to be provided to the motorist. Law enforcement agencies were trained prior to the October 1, 2013 implementation of the law.

Currently, all law enforcement agencies have been supplied with a one year supply of complaint notice forms to be distributed to drivers. The notices were printed in the form of a tear-off pad and were funded using current project grant funds. A number of notices for each department were determined based on the total number of traffic stops conducted by each agency in 2012.

Electronic citation, once modified, will allow for instructions to be added to the printed receipt on the driver's right to file a complaint. This would only be the case for stops that result in written warnings, infractions, or misdemeanor summons. Verbal warnings would still require a separate notice to be distributed to the driver, unless some other solution can be found.

The process for filing a racial profiling complaint in Connecticut has been met with some confusion from citizens attempting to file a complaint. Any person who believes that a law enforcement agent has engaged in bias-based policing has the right to file a formal complaint. This right existed under the public act passed in 1999 and was enhanced with the passage of PA 12-74 and 13-75.

The law enforcement community has resisted providing additional paperwork to motorists who have been stopped to avoid confrontation with those motorists who feel they were unfairly targeted. Additionally, in terms of mechanics (handing a motorist a slip of paper), this requirement has the potential to be implemented only by willing participants. Verbal warnings would require the officer to distribute a notice to the driver of the motor vehicle. The advisory

board emphasizes that providing a separate notice document is a short-term solution to the immediate need for meeting the law's notice requirement on October 1, 2013. This option should be replaced rapidly with an option that provides the motorist with the required notice as part of the document that result from the stop itself. We have also discussed the distribution of the notice through bi-annual motor vehicle registration mailings.

### ❖ **Filing a Complaint**

The original Alvin W. Penn Act of 1999 established a protocol for reviewing complaints of racial profiling, as outlined below:

*“Each municipal police department and the Department of Public Safety shall provide to the Chief State's Attorney (1) a copy of each complaint received pursuant to this section, and (2) written notification of the review and disposition of such complaint.”*

The act also required the Chief State's Attorney to develop:

*(2) a form, in both printed and electronic format, to be used to report complaints pursuant to section 2 of this act by persons who believe they have been subjected to a motor vehicle stop by a police officer solely on the basis of their race, color, ethnicity, age, gender, or sexual orientation.*

Complaints are not filed directly with the Chief State's Attorney office. They are filed with the respective departments pursuant to procedures adopted by the departments. When a complaint is filed the Chief State's Attorney Office receives a copy of the complaint and disposition of the complaint. All individual identifying information is removed before submission. The complaint is then reviewed to determine whether any further action by the Chief State Attorney is required.

The Commission on Human Rights and Opportunities (CHRO) also has a process for filing complaints for a variety of issues, including complaints of profiling if an individual believes they were profiled during a traffic stop.

The process for filing a complaint remains similar to the original Alvin W. Penn Act. Complaints may be filed with the agency that conducted the stop or the CHRO. The law still requires that a copy of the complaint be given to the Chief State's Attorney and the Office of Policy and Management:

*(e) Each municipal police department and the Department of Emergency Services and Public Protection 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.*

The project team continues to identify some possible issues with the current complaint process outlined above:

1. Filing a complaint with the police department where an incident was alleged to occur can be intimidating. An internal investigation is completed to determine the outcome of the allegation.
  - It can be difficult to access the complaint form.
  - Some complaint forms are also used as commendation forms, which can add to the confusion.
  - The process for reviewing complaints is not uniform for each department.
2. Lack of public awareness about the complaint process.
  - Filing can be done at the local level, with CHRO and the Chief State's Attorney
3. There can be a perceived weakness with the internal investigation and the outcome.

**PREPARED BY:**

INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY  
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The Institute for Municipal and Regional Policy (IMRP) is a non-partisan, University-based organization dedicated to enriching the quality of local, state and national public policy. The IMRP tackles critical and often under-addressed urban issues with the intent of ensuring the most positive outcomes for affected individuals and entities. In doing so, the IMRP bridges the divide between academia, policymakers, practitioners, and the community.

Working for fair, effective, and just public policy through applied research and community engagement, the IMRP utilizes the resources of CCSU students, staff and faculty to develop, shape, and improve public policy on issues of municipal and regional concern. The IMRP accomplishes this through a variety of targeted approaches such as: public education and dialogue; published reports, articles and policy papers; pilot program design, implementation and oversight; and the facilitation of collaborations between the University, government, private organizations, and the general community.

The IMRP aspires to be a respected and visible presence throughout the State of Connecticut, known for its ability to promote, develop and implement just, effective public policy. The IMRP adheres to non-partisan, evidence-based practices and conducts and disseminates its scientific research in accordance with strict, ethical standards.

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# Appendix I



## TRAINING OBJECTIVES

- Law Enforcement will Understand:
  - 2012 and 2013 changes made to the Alvin W. Penn Law
  - Definition of a traffic stop (under this law)
  - Data to be collected
  - Methods for collecting data
  - How information will be analyzed
  - New requirement for distributing a notice of driver's rights for all traffic stops
  - Important dates for implementing all updates

## RACIAL PROFILING PROHIBITION PROJECT OVERVIEW

- The primary purpose of the project is to monitor and prohibit racial profiling in Connecticut.
  1. Analyze current racial profiling law and make recommendations to the Connecticut General Assembly to better align the statute to legislative intent and current best practices.
  2. Ensure compliance with the racial profiling law in an efficient, effective, transparent, and inclusive manner.
  3. Ensure compliance with NHTSA requirements of Section 1906 funding to include:
    - Fund activities to prohibit racial profiling in the enforcement of state laws regulating the use of Federal-aid highways
    - Collect, maintain, and provide public access to traffic stop data
    - Evaluate the results of such data, and develop and implement programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers.

## TO WHOM DOES THE LAW APPLY?

- Municipal Police Departments
- The Department of Emergency Services and Public Protection (State Police)
- State Capitol Police
- Motor Vehicle Department Inspectors
- University Police Departments
- Any other department with authority to conduct a traffic stop

## GUIDELINES FOR POLICIES PROHIBITING PROFILING

- The advisory board is working with POSTC to develop guidelines for a model policy to be distributed to law enforcement agencies.
- These guidelines should be used as a reference for developing individual department policies.
- Guidelines should be distributed to law enforcement agencies by September 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 adopt a written policy that prohibits the stopping, detention or search of any person when such action is solely motivated 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."

## TRAFFIC STOP DEFINITION (FOR THE PURPOSE OF THIS LAW)

A traffic stop is defined as **any time an officer initiates contact with a vehicle resulting in the detention of an individual and/or vehicle.** Stops made as part of a checkpoint or spot check enforcement are considered officer initiated if contact with the operator is extended for any purpose. A traffic stop does not include providing assistance to a motorist, traffic citations arising from traffic crashes, or in cases in which an officer stops a vehicle that has been linked to a specific incident, such as a vehicle wanted in connection with a robbery.

### Exception:

By law, data must be recorded for all traffic stops, unless the police officer was required to leave the location of the stop in order to respond to an emergency or due to some other exigent circumstances within the scope of such police officer's duties.

## DATA ELEMENTS TO BE COLLECTED

Data Element	Code	Description
Date		
Time		
Location		Geographic location
Race	White: W Black: B Indian American / Alaskan Native: I Asian/Pacific Islander: A	
Ethnicity	Hispanic: H Middle Eastern: M Not Applicable: N or N/A	
Age		
Gender	Male: M Female: F	

## RACE/ETHNICITY/GENDER

- Law Enforcement Agencies must now record their perception of race/ethnicity/gender of the driver based on the **totality of the contact.**

**Important:** Previous interpretation of the Alvin W. Penn Act had an officer reporting their perception of race/ethnicity/gender before the actual stop. On October 1, 2013 an officer reporting the stop shall determine this perception based on the totality of the contact. This would include any post stop contact. The Officer shall not inquire race, ethnicity, or gender from the driver.

## CONCERNS OF PROFILING BASED ON RELIGIOUS AFFILIATION

- Concern:
  - Profiling of individuals based on religious affiliation in particular the Muslim and Sikh communities
- Solution:
  - Add new ethnicity category for Middle Eastern
  - Address the concerns of profiling based on religious affiliation through more effective public outreach and police training.

## DATA ELEMENTS TO BE COLLECTED

Data Element	Code	Description
Resident of municipality making the stop	Yes	
	No	
Connecticut Resident	Yes	
	No	

## LOCATION

- Law Enforcement Agencies must collect a geographic location.
  - Preference: Geographic location where the violation occurred
  - Alternative: Geographic location where the stop occurs

**The location information must be consistent for all stops recorded by each law enforcement agency.**

## DATA ELEMENTS TO BE COLLECTED

Data Element	Code	Description
Enforcement Category	General Enforcement: A	A stop that meets the basic traffic stop definition made through the officers general enforcement techniques and not involving special enforcement methods falling into category B and C.
	Blind Enforcement: B	Blind enforcement techniques include the use of radar, laser, license plate recognition devices, or any other similar technologies or methods. The category also includes stops resulting from DUI sobriety checkpoints.
	Spot Check: C	This category includes stops made as a result of spot checks to detect violators of seat belt use laws, use of cellphone or other electronic devices or similar law violators but excludes stops resulting from DUI checkpoints.

## DATA ELEMENTS TO BE COLLECTED

Data Element	Code	Description
Nature of Stop	Investigation: I Violation: V Equipment: E	
Result of the Stop	Uniform Arrest Report: U Misdemeanor Summons: M Infraction Ticket: I Written Warning: W Verbal Warning: V No Disposition: N	
Statutory Citation for stop		
If Different, Statutory Citation resulting from stop		(Highest Charge)

## DATA ELEMENTS TO BE COLLECTED

Data Element	Code	Description
Search Conducted	Yes	
	No	
	Consent: C	
	Inventory: I	
Authority for Search	Other: O	Probable Cause, Reasonable Suspicion, Plain View Contraband, Incident to Arrest, Drug Dog Alert, Exigent Circumstances
	Not Applicable: NA	
Search Disposition: Contraband and/or evidence discovered	Yes No	

## STATUTORY CITATION INFORMATION

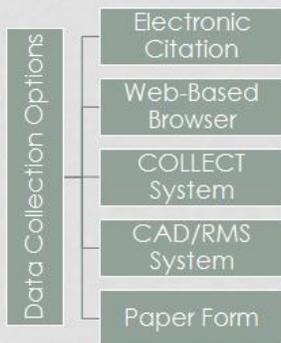
- Statutory Citation for the Stop (Required)
  - This field should record the initial citation for stopping the vehicle (i.e. 14-219 if speeding, 14-12 if registration violation, etc.)
- If different (from original reason for stop), the statutory citation resulting from the stop
  - If the final charge is different from the initial charge for stopping the vehicle, the information should be recorded in this field (i.e. Vehicle is stopped for speeding and motorist is arrested for drugs)
  - If there is more than one charge, the highest charge should be recorded (i.e. Vehicle is stopped for broken tail light and then it is discovered that the vehicle is unregistered and drugs are discovered in the car. Of note: the highest charge is determined by the Officer).

## DATA ELEMENTS TO BE COLLECTED

Data Element	Code	Description
Custodial Arrest Made	Yes	
	No	
Duration of Stop	0-15 Minutes: A	
	16-30 Minutes: B	
	Over 30 Minutes: C	
Towed	Yes	
	No	

## HOW TO COLLECT DATA

- There are 5 options for collecting traffic stop information.
- Each department should identify the data collection method that will best fit their individual need.
- Data submissions must be done in electronic format, no paper submissions will be accepted.



## MONTHLY DATA SUBMISSIONS REQUIRED

- Individual stop data must be submitted in electronic format on a monthly basis.
- If the data collection system allows real-time submission of data, that would be preferred.

"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 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."

## ELECTRONIC CITATION

Available not later than January 2014:

- Central Infraction Bureau (CIB) will modify the e-citation system to develop a module that will capture racial profiling data and transmit that data to CJIS in real time.
- Officers will have the ability to electronically capture racial profiling information for all stops as well as issue infractions electronically.
- E-citation participants will use a browser based module or modify their existing software (e.g. NEXGEN).
- A manual alternative will be available when browser is unavailable.

## ELECTRONIC CITATION (CONTINUED)

Available not later than July 2014:

- Officers will have the ability to electronically capture racial profiling information for all stops (including verbal warnings) as well as issue written warnings, infractions and misdemeanor/summons.

## COLLECT

- An application would be added to the COLLECT system to capture and transmit racial profiling data.
- COLLECT V2 is a web-based system that will be available to all law enforcement agencies free of charge.
  - Where COLLECT V2 is not deployed to MDT's a web service would be developed for the MDT or CAD vendor.
  - Dispatch will also have access to COLLECT V2
- Information will be transmitted to CJIS in real-time

## WEB-BASED APPLICATION

- CRCOG will enhance the browser based e-citation application to create a module that will collect traffic stop information.
- This browser based application may be utilized independently of e-citation for those towns that do not currently use e-citation.
- The module will be available to all law enforcement agencies, at a minimal cost, with web access.
- The data will be sent in real time to CJIS.
  - Only the racial profiling information will be transmitted to CJIS.

## CAD/RMS

- Law Enforcement Agency Computer Aided Dispatch systems would need to be modified to allow for racial profiling data to be input directly into the system from the police vehicle or dispatch. The information would need to be transmitted monthly to CJIS.
- Each law enforcement agency would be responsible for modifying the CAD/RMS system and submitting data monthly.

## PAPER FORM

- Law enforcement agencies may collect information for each stop using a hard copy paper form.
- All information must be submitted in electronic format. An XML schema for entering and submitting data will be provided by OPM. Submissions are to occur on a monthly basis.
- Model forms will be provided to departments upon request.

## ANALYSIS OF INFORMATION

- Two types of analysis have been identified :
  1. **Annual report.** Analysis of data by OPM to be submitted to the Executive and Legislative Branches.
  2. **Real time, on-going analysis.** An early warning system for police chiefs will be developed by CJS to better understand and respond to traffic stop trends within their departments. The collection and analysis of traffic stop information in real time should allow law enforcement to respond more effectively to the communities they serve, enabling them to use the information as a powerful tool to enhance relationships between police agencies and their communities.
- Information will be available to the public in a format that meets FOIA standards and guidance from the advisory board.

## WHAT IS BENCHMARKING?

- **Benchmarking** is the process of developing a meaningful methodology for analyzing traffic stop data in the context of assessing whether or not specific police activities show any evidence of bias.
  - Historically, traffic stop information has been compared to a specific jurisdiction's static census data.
    - An analysis that uses data on people stopped against demographic data on people living in a community is inherently limited.
    - The demographic makeup of those driving through a jurisdiction may differ significantly from those residing in a community.
- Other states like Massachusetts and Rhode Island have designed a system to estimate the driving population by modifying census data.

## WHAT IS BENCHMARKING? (CONTINUED)

- Certain non-discretionary traffic stops will require a modified benchmarking process. In these stops, pre-stop information is not considered.
  - In some cases, the decision to stop a vehicle is relatively "blind."
  - "Blind" stops will be analyzed by looking at post stop information.
    - This modified analysis will focus on the outcome of the stop and not on the making of the stop.
    - Specific data elements are being collected to help differentiate the focus of this analysis.

## MODIFIED CENSUS DATA

- An estimated driving population will be developed by modifying census data.
  - The estimate would account for both the residents using the roads and the non-residents traveling through the jurisdiction.
  - Customized benchmarks will be developed for different areas of the state with unique characteristics in terms of employment, recreation, or commercial centers.
- This benchmark will be used for municipal police departments and state police traffic stops made on local roads.

## STATE POLICE BENCHMARKING

- Developing an estimated driving population for the state highway system is more difficult to calculate than for local roads.
- Analysis will differentiate motor vehicle stops on interstates, state roads and municipal roads monitored by resident state troopers or local barracks.
- Local stops made by resident troopers or local barracks will be analyzed using the estimate driving population.
- Interstate highway stops will be analyzed using only the post-stop information.

## ADDRESSING COMPLAINTS OF PROFILING

The Alvin W. Penn Act as modified in 2012 and 2013 requires additional information to be provided to the person stopped:

"(i) notice to be given to the person stopped that if such person believes that such person has been stopped, detained or subjected to a search solely because of 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"

## ADDRESSING COMPLAINTS OF PROFILING (CONTINUED)

- Any person who believes a law enforcement officer has engaged in bias-based policing has the right to file a formal complaint.
- In order for officers to be in compliance with the law several options have been identified below:
  - Officers hand the motorist a separate document to initially be produced by OPM.
  - The advisory board is identifying a method for distribution of the notice that would incorporate the notice into a document already utilized by law enforcement (i.e. written warning, infraction, summons.)

## ADDRESSING COMPLAINTS OF PROFILING (CONTINUED)

- The advisory board has identified language to be included on the front of the notice:

### Together We Stand Against Racial Profiling

For instructions on filing a complaint if you believe you have been stopped, detained or subject to search solely on the basis of your race, ethnicity, age, gender, sexual orientation, religion or membership in a protected class, or to file a commendation, please contact the police agency of the officer that stopped you, or visit:

[www.ct.gov/opm/cjppd/racialprofiling](http://www.ct.gov/opm/cjppd/racialprofiling) or [www.ctrp3.org](http://www.ctrp3.org)

## NEXT STEPS

- Law enforcement agencies should identify a method for collecting information that best meets your needs.
- Train officers on the distribution of the notice to motorists.
- Prepare to have the Alvin W. Penn Act fully implemented by October 1, 2013.

## ADDRESSING COMPLAINTS OF PROFILING (CONTINUED)

- The advisory board has made the suggestion to include additional highway safety information to the back of the notice.

For Example:

### Seatbelts Save Lives

Seatbelts reduce serious crash-related injuries and deaths by about 50%

## ADDRESSING COMPLAINTS OF PROFILING (CONTINUED)

- Complaints may be filed by a citizen with the police agency that conducted the stop or with the Commission on Human Rights and Opportunities.
- Law enforcement agencies should establish internal policies for reviewing complaints.
- If possible, as is standard best practice, complaint or commendation forms should be available on the web, at the local police station and in at least one other local/state office.

## ADDRESSING COMPLAINTS OF PROFILING (CONTINUED)

- Copies of the complaint investigation shall be handled in the following way:

“(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.”

# Appendix II

<b>Model Policy re: Fair and Impartial Policing</b>	
<p><i>Note: These guidelines should be carefully analyzed with respect to each law enforcement agency's individual characteristics, needs, and resources and tailored as necessary to fit the specific agency. It is not intended and should not be used to set a higher standard than that which is required under applicable state and federal law.</i></p> <p><i>Departments conducting traffic stops are not required to adopt these guidelines, but may use them to construct a new policy or to support an existing one in accordance with section 54-1m of the General Statutes. These guidelines have been developed by the Office of Policy and Management, in consultation with the Racial Profiling Prohibition Advisory Board.</i></p> <p><i>These guidelines are intended solely for the internal governance of the agency and its officers. These guidelines should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees.</i></p>	
<p>Applicable Connecticut General Statutes § 54-11 and 54-1m (1999), amended: P.A. 03-160, P.A. 12-74, P.A. 13-75</p>	
<p>CALEA Standard: <b>1.2.9</b></p>	
<p>Date Implemented:</p>	<p>Review Date:</p>

**I. Purpose**

- A.** The U.S. Constitution and in particular the Bill of Rights places an emphasis on the protection of citizens' fundamental rights. A fundamental right guaranteed by both U.S. and Connecticut constitutions is the "Equal Protection" clause. Everyone, citizen and alien alike, is equally entitled to walk, drive and move about in public.
- B.** This document serves to (1) reaffirm this law enforcement agency's commitment to fair and impartial policing, (2) reinforce procedures that assure the public this agency is providing service and enforcing laws in an equitable and lawful fashion and (3) protect officers from unwarranted accusations of misconduct when they act within the dictates of the law.

**II. Definitions**

- A.** "Law Enforcement Agency" means each municipal police department, the Department of Emergency Services and Public Protection (State Police) and any other department with authority to conduct a traffic stop.

"Department with authority to conduct a traffic stop" means any department that includes, or has oversight of, a police officer, and "police officer" means a police

officer within a municipal police department or the Department of Emergency Services and Public Protection or a person with 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 acting under the provisions of section 29-18, 17a-24 or 17a-465; (B) policemen acting under the provisions of section 29-29; (C) the Commissioner of Motor Vehicles, each deputy commissioner in the Department of Motor Vehicles and any salaried inspector of motor vehicles designated by the commissioner pursuant to section 14-8; (D) the State Capitol Police acting under the provisions of section 2-1f; (E) special police forces acting under the provisions of section 10a-142; (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.** A “traffic stop” is defined as any time an officer initiates contact with a vehicle resulting in the detention of an individual and/or vehicle. Stops made as part of a checkpoint or spot check enforcement are considered officer initiated if contact with the operator is extended for any purpose. A traffic stop does not include contacts providing assistance to a motorist, all contacts arising from traffic crashes or in cases where an officer initiates contact with a vehicle that has been linked to a specific incident, whether based on a motor vehicle or a criminal complaint.

Exclusions: The following police activities are excluded from the definition of a traffic stop and data collection requirements:

- Stops made based on the use of radiation detection devices
- Truck weighing operations
- Commercial vehicle safety inspections
- Department of Revenue Service Operations involving enforcement of tax stamp and fuel tax laws on commercial motor vehicles (this exception does not include the limited number of traffic stops DRS agents make outside of these areas for which they are still required to submit data.)

*General Exception:*

By law data must be recorded for all traffic stops, unless the police officer was required to leave the location of the stop in order to respond to an emergency or due to some other exigent circumstances within the scope of such police officer’s duties.

- C.** “Race and Ethnicity” means of a particular descent, they are defined as: American Indian/Alaskan Native, Asian/Pacific Islander, Black, Hispanic, Middle Eastern and White.
- D.** “Racial profiling” means the detention, interdiction, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.

- E. Biased Policing is the consideration of race/ethnicity in carrying out law enforcement activities except as provided under “Guideline” below.

### **III. Policy (recommendation)**

It is the policy of this department to respect the rights of all persons. As such, this department will work diligently to ensure the following:

- A. Officers shall not engage in racial profiling or take any law enforcement action against an individual based solely on the race, color, ethnicity, gender, age or sexual orientation of the individual except when credible, relevant information links a person or people of a specific race/ethnicity to a specific unlawful incident, or to specific unlawful incidents, criminal patterns, or schemes (i.e. a robbery suspect is identified and law enforcement is looking for a specific vehicle and individual.)
- B. This policy shall not preclude officers from stopping a person to offer assistance for a motor vehicle that is disabled or someone who appears to be ill, lost or confused.

### **IV. Field Officer Responsibilities**

Members of this law enforcement agency, whether sworn, civilian, or volunteer, shall

- A. Treat every person with courtesy and respect and will conduct all law enforcement duties in a professional manner.
- B. Conduct all motor vehicle stops, detentions, investigative activities, or arrests in accordance with constitutionally accepted practices.
- C. Upon initial contact, provide his or her full name, jurisdiction, and the reason for the motor vehicle stop as soon as practical, unless providing this information will compromise officer or public safety.
- D. Ensure that the detention is no longer than reasonable to take appropriate action for the known or suspected offense.
- E. Explain the disposition of the stop.
- F. Provide the driver of the motor vehicle with a notice of his or her rights at the conclusion of all traffic stops, regardless of the disposition of that stop, pursuant to Public Act 12-74.
- G. It is recommended that officers report allegations of racial profiling to their supervisor.

### **V. Supervisor Responsibilities**

- A. Each supervisor is responsible for ensuring that all personnel under their command fully understand the content of this guideline and are operating in compliance with the procedures herein.<sup>3</sup>
- B. When possible, supervisor shall be responsible for making contact with any known complainant alleging biased law enforcement practices by his or her field officers, and documenting same in writing using departmentally approved forms.

- i. The supervisor shall further provide guidance to the complainant, as needed, in completing and filing the complaint as well as explaining the department's guideline and in particular the investigative process.<sup>4</sup>
- C. Upon receipt of a complaint, each supervisor shall address the matter in a timely manner by doing the following:
  - i. Evaluate, provide a written report, and process each complaint form alleging biased law enforcement practices to the Agency head or his/her designee or to the Internal Affairs Unit, if applicable.
    - a. Written reports shall be completed within reasonable time outlined by each department.
  - ii. Evaluate, copy, and submit a written report to the agency head or his or her designee detailing the review of the MVR tape, if applicable.
    - a. Each supervisor shall obtain a copy of the MVR tape, if applicable, and any written report prior to submitting to the agency head or his or her designee or the Internal Affairs Unit.

## **VI. Allegations of Biased Policing**

- A. All allegations of biased law enforcement practices shall be investigated by the department in a consistent manner.
- B. A copy of each complaint received by the law enforcement agency and a written notification of the review and disposition of such complaint shall be provided to the Chief State's Attorney and the Office of Policy and Management Criminal Justice Division. 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.

## **VII. Departmental Review**

- A. Management of this law enforcement agency shall review information produced by the Office of Policy and Management and any complaints filed.
- B. Officers found to have engaged in biased law enforcement practices shall receive counseling, remediation, corrective training, timely assistance and/or discipline, in a timely manner.

## **VIII. Documentation and Record Keeping**

- A. Any officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic shall document the stop with the following information, which shall be included in addition to any other information documented by the officer:
  - a. Date
  - b. Time
  - c. Geographic Location
  - d. Officer identifying number
  - e. Race
    - i. W—White

- ii. B—Black
- iii. I—Indian American/Alaskan Native
- iv. A—Asian/Pacific Islander
- f. Ethnicity
  - i. H- Hispanic
  - ii. M- Middle Eastern
- g. Age
- h. Gender (Male, Female)
- i. Nature of stop
  - i. I—Investigation, Criminal
  - ii. V—Violation, Motor Vehicle
  - iii. E—Equipment, Motor Vehicle
- j. Statutory citation for stop
- k. If different, statutory citation resulting from stop
- l. Result of the Stop
  - i. U—Uniform Arrest Report
  - ii. M—Misdemeanor Summons
  - iii. I—Infraction Ticket
  - iv. W—Written Warning
  - v. V—Verbal Warning
  - vi. N—No Disposition
- m. Resident of the municipality where the stop occurred
- n. Connecticut resident
- o. Enforcement Category
  - i. General Enforcement
  - ii. Blind Enforcement (radar, LPR, etc...)
  - iii. Spot Check (Seat Belt, DUI, other checkpoints, etc...)
- p. Search Conducted (Yes/No)
- q. Authority for Search
  - i. Consent
  - ii. Inventory
  - iii. Other
- r. Contraband and or evidence discovered (Yes/No)
- s. Custodial Arrest Made (Yes/No)
- t. Duration of Stop (0-15 minutes, 16-30 minutes, over 30 minutes)
  - i. Towed (Yes/No)

**B.** Every month this law enforcement agency will compile the above information and submit to OPM.

## **IX. Training**

**A.** Training shall be in compliance with state law. This training shall include:

- i.** Training of all current and future agency employees as to this guideline and the statutory prohibition against biased policing;

- ii. In-service training stressing the understanding and respect for racial, ethnic, national, religious and cultural differences and development of effective and appropriate methods of carrying out law enforcement duties;
- B. Further, training shall be planned and completed in compliance with the standards designed by the State Police and Police Officer Standards and Training Council (POSTC).

**X. Retaliation**

- A. No member of this law enforcement agency, regardless of rank or stature, shall retaliate against fellow officers, officials, civilians, or volunteers for reporting incidents of biased law enforcement practices or for participating in or cooperating with the investigation of those incidents.
- B. Actions or behaviors found to constitute retaliation shall be immediately addressed and may lead to discipline.

**XI. Public Inspection**

- A. A copy of this policy shall be kept at \_\_\_\_\_ (name specific location where the guideline will be kept or posted) for public inspection.

**XIV. Application**

- A. This policy constitutes agency guideline and is not intended to enlarge the employee’s existing civil or criminal liability in any way. It shall not be construed as the creation of an additional cause of action by either the employee or any third party.

<sup>1</sup> Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at [www.mopca.com/members/documents/vol3/MODRACIAL.doc](http://www.mopca.com/members/documents/vol3/MODRACIAL.doc). See also Act 2136 of 2005, Section 3.

<sup>2</sup> Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at [www.mopca.com/members/documents/vol3/MODRACIAL.doc](http://www.mopca.com/members/documents/vol3/MODRACIAL.doc).

<sup>3</sup> Fridell, L. Lunney, R. Diamond, D., & Kubu, B. (2001). *Racially Biased Policing: A Principled Response*. Conducted through the Police Executive Research Forum and funded by the Office of Community Oriented Policing Services under Grant No. 1999-CK-WX-0076.

<sup>4</sup> Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at [www.mopca.com/members/documents/vol13/MODRACIAL.doc](http://www.mopca.com/members/documents/vol13/MODRACIAL.doc)

<sup>5</sup> Commission on Accreditation of Law Enforcement Agencies (CALEA) CALEA Standard 61.1.8; 590.650 and 590.653 RSMO. Race Based Traffic Stops Procedural Instructions. Found online at [www.mopca.com/members/documents/vol13/MODRACIAL.doc](http://www.mopca.com/members/documents/vol13/MODRACIAL.doc). \* Act 1048 of 2007.

# Appendix III

# Benchmarking Process in Connecticut



## STEP BY STEP APPROACH

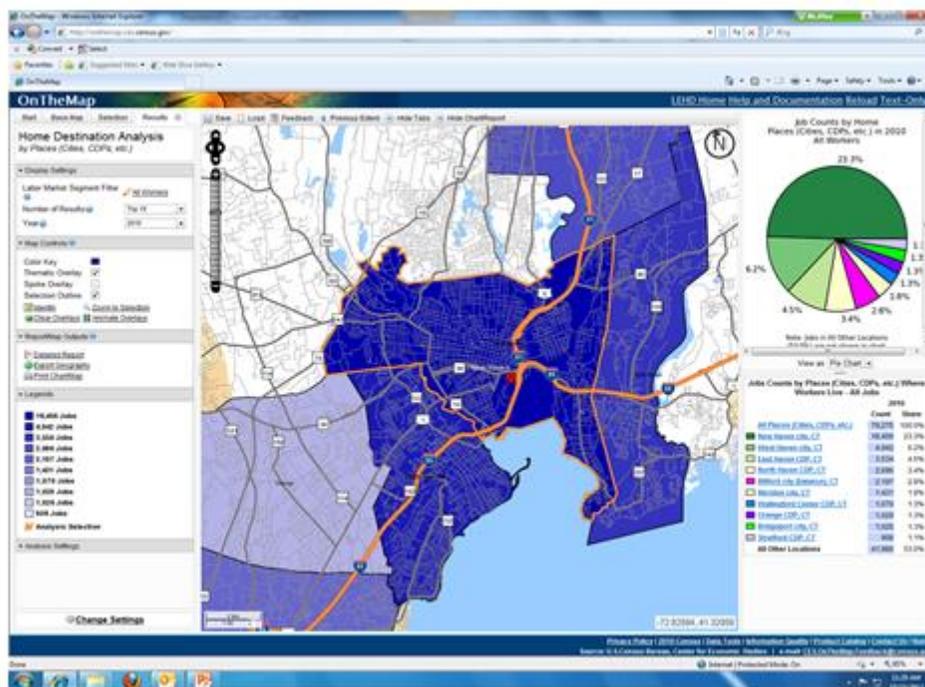
### Determine the Commuter Pool (Step 1)



- Each municipality has a draw class of drivers for employment.
- A commuter pool must be determined to calculate the contributing communities to a particular community.
  - Rhode Island: 30 minutes from the draw community
    - × i.e. All communities within a 30 minute driving radius of Providence

## Determine the Commuter Pool cont.

- **Project Staff Proposal for Connecticut:**
  - Use census data from “On The Map” to determine the commuting population.
    - × “On the Map” is derived from using the Census and American Community Survey.
  - “On The Map” provides an estimate of where people live and which community they work.
  - Data will be derived using the 2010 census.



# Hartford Connecticut

Total All Jobs		
	2010	
	Count	Share
Total All Jobs	117,762	100.0%
Jobs Counts by Places (Cities, CDPs, etc.) Where Workers Live - All Jobs		
	2010	
	Count	Share
Hartford city, CT	16,779	14.2%
West Hartford CDP, CT	7,327	6.2%
East Hartford CDP, CT	6,999	5.9%
New Britain city, CT	5,492	4.7%
Wethersfield CDP, CT	5,309	4.5%
Norington CDP, CT	3,229	2.7%
Middletown city, CT	2,720	2.3%
Manchester CDP, CT	2,489	2.1%
Bristol city, CT	2,424	2.1%
Meriden city, CT	1,269	1.1%
Waterbury city, CT	1,262	1.1%
New Haven city, CT	901	0.8%
Windsor Locks CDP, CT	863	0.7%
Bridgeport city, CT	809	0.7%
Glastonbury Center CDP, CT	729	0.6%
Torrington city, CT	727	0.6%
Norwich city, CT	692	0.6%
Springfield city, MA	692	0.6%
Wallington CDP, CT	617	0.5%
Stamford city, CT	610	0.5%
Southwood Acres CDP, CT	601	0.5%
West Haven city, CT	591	0.5%
Naugatuck borough, CT	589	0.5%
North Haven CDP, CT	582	0.5%
Simsbury Center CDP, CT	471	0.4%
All Other Locations	61,762	52.5%

Data Source: On the Map, <http://onthemap.cta.ct.gov/>

## Determine the Commuter Pool cont.

Where do we create a cut-off point to determine the communities to consider in the commuter pool?

Town Contribution	Hartford	Bridgeport	New Haven	Hamden	Greenwich	Putnam	Redding	Simsbury
100+	125	48	70	33	49	6	3	11
99-20	69	72	73	63	66	9	14	26
19-11	34	36	42	33	48	9	7	14
10-6	73	46	43	29	67	19	8	22
5-3	149	68	113	43	144	39	18	42
2	136	61	144	36	118	46	18	31
1	490	382	549	239	391	97	50	87
All Other	3	8	16	8	1	0	0	0

## Refine Estimates (Step 2)

- Estimates need to be refined to factor out the use of public transportation and other means of non-motor vehicular travel to work.
- The contributing estimate can be refined by using Journey to Work data available in the American Community Survey.

## West Hartford Journey to Work

Subject	West Hartford CDP, Connecticut			
	Total	Car, truck, or van - drove alone	Car, truck, or van - carpooled	Public transportation (excluding taxicab)
	Estimate	Estimate	Estimate	Estimate
Workers 16 years and over	30,446	25,305	2,423	609
<b>RACE AND HISPANIC/LATINO ORIGIN</b>				
One race	98.1%	98.1%	99.2%	96.0%
White	82.8%	84.0%	72.8%	69.0%
Black or African American	6.0%	5.6%	6.6%	19.2%
American Indian and Alaska Native	0.1%	0.0%	1.1%	0.0%
Asian	7.1%	6.5%	13.6%	4.1%
Native Hawaiian and Other Pacific Islander	0.0%	0.0%	0.0%	0.0%
Some other race	2.2%	1.0%	3.1%	4.6%
Two or more races	1.0%	1.0%	0.8%	3.1%
Hispanic or Latino origin (of any race)	8.5%	8.1%	15.0%	10.2%
White alone, not Hispanic or Latino	77.1%	78.5%	63.1%	63.4%

Data Source: American FactFinder, <http://factfinder.census.gov>, ACS 2007-2011 5 Year Estimate, Commuting to Work

## West Hartford Journey to Work



25,305 (car, truck and van, drove alone) + 2,423 (car, truck and van, carpooled) =  
27,728

27,728 (total possible drivers) / 30,446 (total commuting) =  
91% (percent of possible drivers)

## New Haven Modified Census



Contributing Community	# of Employees working in Hartford	Calculation to refine census	Modified # of Employees driving to work
West Hartford, CT	7,337	7,337* 91%	6,676.67

Data Source: American FactFinder, <http://factfinder2.census.gov>, ACS 2007-2011 5 Year Estimate, Commuting to Work

Data Source: On the Map, <http://onthemap.ces.census.gov/>

## Modify Data to Calculate for Race/Ethnicity (Step 3)

- Take the modified number of employees driving to work and calculate for race and ethnicity.
- Journey to Work will calculate the means of transportation for each municipality.

## Modify Data to Calculate for Race/Ethnicity (Step 3)

MEANS OF TRANSPORTATION TO WORK BY SELECTED CHARACTERISTICS 2007-2011 American Community Survey 5-Year Estimates			
Subject	West Hartford CDP, Connecticut		
	Total	Car, truck, or van - alone	Car, truck, or van - carpooled
	Estimate	Estimate	Estimate
Workers 16 years and over	30,446	25,305	2,422
<b>SEX</b>			
Male	50.7%	50.4%	51.3%
Female	49.3%	49.6%	48.7%
<b>RACE AND HISPANIC OR LATINO ORIGIN</b>			
One race	98.1%	98.1%	99.2%
White	82.8%	84.0%	72.8%
Black or African American	6.0%	5.6%	6.6%
American Indian and Alaska Native	0.1%	0.0%	1.1%
Asian	7.1%	6.3%	13.6%
Native Hawaiian and Other Pacific Islander	0.0%	0.0%	0.0%
Some other race	2.2%	1.9%	5.1%
Two or more races	1.9%	1.9%	0.8%
Hispanic or Latino origin (of any race)	8.3%	8.1%	15.0%
White alone, not Hispanic or Latino	77.1%	78.3%	63.1%

Data Source: American FactFinder, <http://factfinder2.census.gov>, ACS 2007-2011 5 Year Estimate, Commuting to Work

## Modify Data to Calculate for Race/Ethnicity (Step 3)

One race	Drove alone	Carpooled	TOTAL	Percentage
White	31,020.00	4,793.04	35,813.04	83.02%
Black or African American	4,417.08	129.00	4,546.08	5.69%
American Indian and Alaska Native	0.00	0.00	0.00	0.00%
Asian	0.00	0.00	0.00	0.00%
Native Hawaiian and Other Pacific Islander	0.00	0.00	0.00	0.00%
Some other race	0.00	0.00	0.00	0.00%
Two or more races	480.80	47.27	528.07	2.28%
Hispanic or Latino origin (of any race)	480.80	47.27	528.07	2.28%
White alone, not Hispanic or Latino	30,440.71	3,820.00	34,260.71	81.78%

Data Source: American FactFinder, <http://factfinder3.census.gov>, ACS 2007-2011 5 Year Estimate, Commuting to Work

## West Hartford Modified Census (Journey to Work) Step 4

	(Step 1) # of Employees working in Hartford	(Step 2) Modified # of Employees driving to work	(Step 4) White	(Step 4) Black	(Step 4) Asian	(Step 4) Other	(Step 4) Hispanic
West Hartford, CT	7,337	6,676.67	5,542.97	379.90	475.37	278.41	586.21

- Step 1:** Identify employees that work in Hartford and where they live.  
**Step 2:** Modify number of employees for each municipality to aggregate out for the use of public transportation and non-motor vehicular modes of transportation.  
**Step 3:** Identify the racial and ethnic percentage breakdown for the municipality.  
**Step 4:** Apply the race/ethnic percentage to the modified number of employees driving to work.

# Appendix IV



**Substitute Senate Bill No. 1143**

**Public Act No. 13-75**

**AN ACT CONCERNING TRAFFIC STOP INFORMATION.**

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

Section 1. Section 54-1m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Each municipal police department, **[and]** 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 or search of any person when such action is solely motivated 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. 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, 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-142; (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, **[and]** 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) **[Date]** The date and time of the stop; (B) the specific geographic location of the stop; (C) **[name and badge]** 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 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 or subjected to a search solely because of 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 of race, color, ethnicity, age, gender, sexual orientation or religion; and

(3) To be used by each municipal police department, **[and]** 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, [\[and\]](#) the Department of Emergency Services 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, [\[and\]](#) 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, [\[and\]](#) 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, [\[or\]](#) 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) On and after 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, [\[and\]](#) 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, **[and]** 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, **[or]** 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, **[or]** the Department of Emergency Services and Public Protection or such other department with authority to conduct a traffic stop.

(h) Not later than October 1, 2012, **[and annually thereafter,]** 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. Not later than **[January]** 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.

(j) Not later than January 1, **[2013]** 2014, the Office of Policy and Management shall submit a report to the joint standing **[committee]** committees of the General Assembly

having cognizance of matters relating to the judiciary and public safety, and to the African-American Affairs Commission, the Latino and Puerto Rican Affairs Commission and the Black and Puerto Rican Caucus of the General Assembly, on the office's progress in developing a standardized method and guidelines pursuant to this section. Such report may include recommendations for amendments to this section.

Approved June 5, 2013