PA12-074

SB0364

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Judiciary	1889-1918, 1919-1941, 1944-1959, 1962-1967, 2001-2008, 2027-2029, 2045-2051, 2084, 2085-2088, 2093, 2096-2097, 2100-2109, 2113, 2120-2141, (2141-2143), 2167-2200, 2243-2281	207
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Just today's calendar, sir.

SPEAKER DONOVAN:

Thank you.

Will the Clerk please call Calendar Number 433.

THE CLERK:

On page 22, Calendar 433, AN ACT CONCERNING TRAFFIC STOP INFORMATION, favorable report by Committee on Judiciary. SB364

SPEAKER DONOVAN:

Representative Gary Holder-Winfield, you have the floor, sir.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker and good morning.

I move acceptance of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER DONOVAN:

The question is on acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark?

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

This bill, AN ACT CONCERNING TRAFFIC STOP INFORMATION is more commonly referred to as the "racial profiling bill"

or the "Alvin Penn Act." It comes to us from the Judiciary Committee. It is a bill that intends to strengthen our racial profiling law that is in place.

What the bill would do is it would require the Office of Policy and Management, within available appropriations, to develop and implement methods by July 1, 2013, in consultation with an established Racial Profiling Prohibition Project Advisory Board and the Criminal Justice Information System. It would also have police officers record traffic stop information using a new method that is established in the bill and any forms developed to implement the necessary fixes to the racial profiling law.

Mr. Speaker, the bill has an amendment to it, which is LCO 3549. I would ask that the Clerk call the amendment and I be granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

The Clerk, please call LCO 3549, previously designated Senate "A."

THE CLERK:

LCO 3549, Senate "A," offered by Senator Coleman.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize. Any objection?

Hearing none, Representative Holder-Winfield, you may proceed.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

So the amendment was added to the bill in the Senate and what it does is it adds provisions for the advisory board. The advisory board has informally been meeting because of the importance of this issue, but this connects the advisory board to the bill and statute. It also extends the date for OPM to develop a standardized method. That date will go from January to July. It adds provisions for complaints and it eliminates a police departments' duty to report data and complaints to CJIS and CAJIS as a duty to review and report them to OPM.

It also reinstates the -- what is currently in place, the requirement to submit complaints to the Office of the Chief State's attorney. I move adoption.

SPEAKER DONOVAN:

The question is on adoption.

Will you remark further? Care to remark further on the amendment?

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

Through you to the proponent.

SPEAKER DONOVAN:

Please proceed.

REP. HETHERINGTON (125th):

This amendment, which becomes the bill if it's adopted, anticipates that a police officer giving a citation would complete a form. Is that -- that's correct? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

Yes, if the form is promulgated, yes.

REP. HETHERINGTON (125th):

I'm sorry. The last part of that response?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

What the bill as amended does is it puts forth emitted which may include a form, and if this has been promulgated, then yes would be the answer to your question.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker.

And I'm sorry. What happens to the form? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

I'm not quite sure what the question is.

SPEAKER DONOVAN:

Representative Hetherington, if you could maybe elaborate on that.

REP. HETHERINGTON (125th):

Yes. Through you, Mr. Speaker.

After the form is completed by the officer, what is the next step to be done by the officer with the form? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

It depends on -- it actually depends on what the final method is, but the one thing that we know, at this point,

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definitely is that there will be information given to the individual stopped about how they might proceed in the future.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker.

That gets to a point that I would like to develop or make certain. It appears that the officer completes the form, but separately, there is a notice provided for in line 33 and the following lines, and the notice is to be given to the person stopped.

Now, through you, Mr. Speaker, as I read this, that notice is separate from the form that the officer completes. Is that correct?

Through you, Mr. Speaker

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

That notice may be separate from the form. As Representative Hetherington says, we're looking at lines 32 through 39 and it says the method shall also provide for notice to be given. So depending on the advisory board

which includes members of the police department and chiefs and those who are out in the field, and by the way, if they aren't on, it allows for them to be placed on.

Once they have worked this all out, then we'll determine exactly whether or not it's separate or not.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well, all right. The form that the officer fills out appears to be separate from the notice. Now, are we saying, through you, Mr. Speaker, that the person stopped is going to receive a copy of both the form and the notice? That is the form that the officer has completed and the notice about how to file a complaint if you feel aggrieved. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker.

Mr. Speaker, that is not what I'm saying. What I'm saying is if you go back to line 12, Section B and you read through down to line 39 where we were just discussing, what you find is that we're talking about the Racial Profiling

Prohibition Project Advisory Board, the Criminal Justice Information System Governing Board and what they are tasked with doing. And they are tasked with implementing a standardized method which includes certain things. And as I said, the method, if you look at line 32, shall also provide for the notice.

So this is work that is to be done in collaboration. So I am answering your question based on work that is to be done.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

So through you, Mr. Speaker, the disposition of that form and whether -- as well as it's content, and whether or not the driver who is stopped receive a copy of it, that is going to be worked out by the advisory board?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

The advisory board, CJIS and all of those involved in this process will work collaboratively to determine how

the method works. Again, the one thing that we know for sure is that the notice, whether it's combined with the form or not, will be given to the driver.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

I beg your pardon, if I may, if the proponent would kindly just repeat the last part of that. I wasn't quite sure what was said about giving it to the driver.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

Depending upon how the collaborative group works things out, then the notice will or will not be connected to the form, but that will come through that process.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HOLDER-WINFIELD (94th):

But -- I'm sorry, Mr. Speaker.

But regardless of how it's worked out, the notice will

be given to the driver.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you.

Through you, Mr. Speaker, now, the notice whether or not it's attached to the form, as I read it, it, in lines 34 and so forth, sets forth the possible -- some possible basis of aggrievement, race, color, ethnicity, age, gender, sexual orientation, religion or membership, so forth.

Now, does that form -- is that a complaint form or is that a method of advising the driver of how to make a complaint?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

Through you, if you look at the section that -- Representative Hetherington, that you were looking at, if you look at line 38 what's actually given are the instructions on how to file such a complaint based on those

things which you just delineated.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Yes. Thank you.

And I -- through you, Mr. Speaker, I just wanted to make certain that I was reading this correctly, and that is the form is a method of advising the person of how to file a complaint. It is not in itself a form of complaint. Isn't that true? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

And through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Whatever -- however it may be, the procedure may be modified by the advisory board, it would appear certain from the legislation that this form goes to the police department and becomes the basis for assembling statistics on traffic stops as they may relate to some of these

sensitive areas. Is that fair to say?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. And the -- through you, Mr. Speaker, just finally. In lines 111 and so forth the place where the information is ultimately reviewed is in the Governor's Office of Policy and Management and that not -- rather than with the African-American Affairs Commission. Is that true?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you again, Mr. Speaker.

And through you, Mr. Speaker, Representative Hetherington is correct.

SPEAKER DONOVAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker and I thank the proponent for his responses.

SPEAKER DONOVAN:

Thank you, sir.

Representative Alberts of the 50th District.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

If I may, a question to the proponent?

SPEAKER DONOVAN:

Please proceed, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Many of our more rural communities have resident state troopers who essentially serve as the municipal police department for their community, but they are -- also have a relationship with the State Police by virtue of being trained by the State Police and a contractual relationship exists between the municipality and the state police.

The references that are in this amendment is before us that prefer to municipal police departments, am I to understand that for purpose of legislative intent that

those resident state troopers who perform those functions would be excluded from this?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker, no. We intend to capture them as well.

SPEAKER DONOVAN:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. And I thank the gentleman for his answers.

SPEAKER DONOVAN:

Representative Pam Sawyer, you have the floor, madam.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

A question, through you, to the proponent of the amendment.

SPEAKER DONOVAN:

Please proceed.

REP. SAWYER (55th):

Representative, if you are thinking of our police departments, they come in many shapes and forms when they

are traveling. They could be on foot, but they also could be on horseback. They could be on bicycle, all of which are very proven, effective methods of policing, particularly community activities when there are large groups of people, say, at a concert. We've seen them oftentimes down here in the -- on the capitol, right off the capitol grounds in the park.

So is it your expectation, because they do not have a printer, they do not have a car, they do not -- they have their -- perhaps their -- some sort of restraint system on them, if it's handcuffs or zip ties or something like that because they're traveling light because of the type of policing they are doing and they come onto an unknown situation and they stop the people, how would you -- and they need to stop them for a reason.

How do you propose that they will be able to give this type of notice to someone and they're not giving him a ticket? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes, thank you, Mr. Speaker.

And I thank the Representative for her question. And with all due respect to her question, I don't think it's

actually for me to propose this is the reason why we put in place the Racial Advisory Board to work in conjunction with CJIS and others to figure out these things. People who know better than I the differences between different police departments and how they might function and to put in place a method that works for all instead of just mandating a method that might not.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

Then maybe I misunderstood what the questioning -- the answers were when Representative Hetherington was asking the question.

Through you, Mr. Speaker, on line 38 and 39 does that make it mandatory that some form of instruction has to be given to the person stopped on how to file such a complaint?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gary Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you again, Mr. Speaker.

That would be correct, but that would be notice which

does not, to my mind, does not necessarily require a printer, because the notice depending on the method established could be a notice that could be carried on the person of the police officer, even if they are on horseback.

So I don't know with the final resolution is, but I would imagine that if police officers who are thinking about being on horseback were part of this process, that that would be something that was worked out within the process and something along the lines of having the notice separate would be in place.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you very much, Mr. Speaker.

Could the notice be given verbally?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

I don't see anything that forbids that this bill, although I will say that I think it was the intention to

have something in writing. I don't see anything that forbids that if it were deemed appropriate through the process.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Mr. Speaker, I think that's a very important point that you make because if you have, say, an off-duty police officer who is not carrying his full regalia of equipment and might not necessarily have all of his paperwork with him. If you also have the situation where someone is, say, on horseback, but particularly the people who are on bicycle, they need to travel as light as possible just because it's manpower that's moving them along and it's speed and it's -- sometimes that speed will save someone's life.

So -- I beg your pardon -- so the issue is extended to, not just one car stopping another car, a car stopping a pedestrian, it is also a much broader range of police enforcement and the type of enforcement that is out there. And unbeknownst to an officer, he may not have that particular piece of paper to be able to hand it out. We don't extend -- the Miranda Rights don't have to be given

on paper. It can be done orally. So I appreciate the thoughtful answer that the vice chairman of the Judiciary Committee just gave.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Shaban, you have the floor, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I don't have any questions, but I rise actually in support of this bill for a number of reasons that I expressed briefly in Judiciary and I thought it was supported for my colleagues to hear.

As many of you know for years, I -- up until recently actually played semipro football with a bunch of young men from all around the state. Our last team was in Milford, Connecticut, played at John Law, and a lot of my teammates and my friends came -- all my teammates and friends came from all different walks of life, all different races, all different ages, all different jobs, all different educational backgrounds.

And among many of my teammates, and many of my friends were young black men. And it's funny, because just like the rest of us they were more different than they

were -- had things in common. We had guys who were engineers. We had guys who did get in some trouble with the law who are getting their life back in order. We had guys going to college. We had guys working, you know, oil truck jobs.

But the one thing they did have in common, other than being black men and being my friends and my teammates, is that almost all of them were concerned about driving to certain games or to certain events or to certain practices because of the color of their skin. And that was a genuine feeling these guys had. I experienced it personally because a couple of these guys would throw me in the front seat of the car and call me E-ZPass because like John, if we're going to go to this, this town, we need you in the car. I was, like, really? And yeah. John, it's true. And I witnessed it. I saw it and their feeling was genuine.

So this bill is really just codifying something that has to get done anyway, something that was -- is already in our law. So data compilation, while it may be slightly more of a burden on the police department -- and I generally don't favor that -- but if the data compilation is going to determine whether or not this is a perception or a reality I think it's worth it.

So I'm going to support the bill because nobody in our State should get pulled over for "DWB," which I think some of the folks in here know what that means.

So listen to the debate. Consider what I've said, consider what other folks have said and understand that racial profiling is an issue. So I'm going to support the bill and I hope my colleagues do, too.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Smith of the 108th.

REP. SMITH (108th):

Good morning, Mr. Speaker. A few questions, please.

SPEAKER DONOVAN:

Good morning, sir.

Please proceed.

REP. SMITH (108th):

I was looking at the fiscal note. It states there is no fiscal cost to the state or very little to the state, less than a thousand dollars and none to the municipality. And yet, within the bill I do see certain reporting requirements that are required by the various municipalities.

So I'm just wondering if the Representative can tell me how it is that there is no fiscal cost when there is

really a mandate on the towns to prepare these reports?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, and through you, Mr. Speaker.

I have to believe the fiscal note, but I would say to you that I imagine that the reason why the analysis is that -- such that it is that there's already a requirement that this would -- that this information be gathered and reported. There's discussion about whether or not it actually happens, but I think the fiscal analysis is looking at whether or not if what's currently in law is happening there would be an additional cost.

Through you, Madam Speaker.

(Deputy Speaker Kirkley-Bey in the Chair.)

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

Thank you, Madam Speaker.

And thank you for that answer because it is important to -- for the Chamber to recognize that this bill really

is in effect already and it's just -- this is an additional step along the lines of identifying racial profiling.

So had the various police departments been complying with what's in effect already, that's, as Representative Holder-Winfield indicated, that there is no additional cost or should be no additional cost to the town. So I think it's important for us to know.

I was looking at line 31 and 32 and sections that proceed that identify what has to be in this new report that is being prepared by the state. And it also talks about any information deemed appropriate. And I'm wondering that catchall phrase or open-ended phrase, what that might mean.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Madam Speaker.

If he could just -- actually I just found the line. If you give me one second, Madam Speaker, so I can appropriately answer the question.

Through you, Madam Speaker, I am not able to say exactly what that might mean. I think what the line is attempting to do is leave open -- leave open for those

looking at the law the ability to do their job. So it's talking about what the officer must do, but there may be things that the law doesn't capture as laid out in the law that the officer might need to do as a professional. And I think that's what it says "information deemed appropriate." Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And thank you for that answer.

And that very well may be true and I just wasn't sure if there was something that we're perhaps missing here because I think the underlying intent or the clear intent of the bill is to identify and eliminate racial profiling that may be happening and I suspect is happening based on the testimony we heard a Judiciary. So I just wanted to make sure that there was nothing further that we're overlooking.

If we could jump over to lines 48 to 58, Subsection C. It talks about the Office of Policy and Management in consultation with the Racial Profiling Project Advisory Board to develop and implement guidelines for the purposes of training police officers in completion of the form. And when I read that initially I was just wondering how

difficult it might be to actually complete this form and why they would need such training and perhaps the Representative knows.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Madam Speaker and I thank the Representative for his question. I do not believe that this form would be overly difficult to complete. I think what the bill is attempting to get at is if we're going to mandate that police officers are taking on the task, then we have a responsibility to make sure that they know how to complete the task and I think that simply what we're trying to do here.

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith.

REP. SMITH (108th):

And I could understand the following subsections, or lines 55 to 58 where it talks about using the data from that form for counseling and training of such police officers.

So I suspect that if, in evaluating the forms, there

is an identification that racial profiling has, in fact, occurred, then that type of data would be used to train and counsel the officers. Is that correct?

Through you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Madam Speaker, I'm sorry. I had a little bit of difficulty -- and I think I know the question, but if the good Representative could repeat it, I would appreciate that.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Smith, would you please repeat your question?

REP. SMITH (108th):

Yes, Madam Speaker. I'm happy to do that. I'm looking at lines 55 to 58 and it talks about using the information to -- for evaluation purposes for counseling and training of such police officers.

And as I read that, it's my understanding or believe that if there was some type of racial profiling identified in the evaluation process then they would use that data to help train and counsel the police officers in how to correctly perform their job. Is that correct?

Through you, Mr. Speaker.

(Deputy Speaker Altobello in the Chair.)

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

The answer to that is yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Thank you.

And throughout the bill, the state's attorney's office is referenced in some of the reports are actually forwarded on to the state's attorney's office and I'm sure this may have come up in Judiciary, but I'm just wondering why it is that the state attorney's office is involved in this process at that level.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

The underlying bill, I believe, removes the state's attorneys. I think during -- the process of the informal process, with the advisory board, came to our attention that they would like to be put back in.

I think it's actually a good thing to have transparency and so I believe in that collaborative process which has actually already begun. They would put back in when we formulated the amendment and I believe that is why that happened.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

And do you know what role they will take as the chief state's attorney's office in that process of reviewing the data?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

If you give me one second, I just want to verify something.

Through you, Mr. Speaker, I believe they have an oversight capacity in this role -- in this bill -- through this amendment.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

So by oversight, would they have any input into how to remedy or how to perhaps eliminate racial profiling going forward upon review of the data?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

And through you, Mr. Speaker.

They do have input as they are part of the advisory board which is ongoing, which is looking as time goes on at the best practices that we should be able to take in the state. So yes, they do have input into the system.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

And I'm looking at lines 89 to 92 wherein it talks about that if a traffic stop is made in good faith, the information then put on that form cannot be used to bring a civil action and the officer cannot be held civilly liable for recording that information unless the officer's conduct was unreasonable or reckless.

And I'm wondering what -- or maybe if there could be some examples of what would be unreasonable or reckless. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

It is my understanding that that's an existing law and it's something that's been established by current practice. I don't happen to know of an example to give to you, but that's already in law.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

Okay. Thank you. So I guess the standard that's been created already, if there is one, would be part of existing law. So -- and the following section, which is

no Subsection (g), it talks about a penalty which apparently is also existing law of the state eliminating or reducing funding to the municipality if they fail to comply with this -- with this bill and filling out the report. Is that the only penalty you're aware of?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

I believe yes. There's also, just in general conversation, I believe that if there is a violation of a statute that does not have a penalty laid out, there's a hundred-dollar penalty just in general, but through you, as per the bill, yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

And I don't know if the good Representative knows, do all municipalities within the state of Connecticut, in terms of their police departments, do they all receive some type of state funding to help out with their municipal police departments?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

And I thank the Representative for his question. It is my understanding that they do, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Smith.

REP. SMITH (108th):

I'm happy to hear that because, you know, otherwise if it was just a penalty of withholding funds and they don't receive any funds then it wouldn't serve no real purpose and it would probably need some more teeth in a bill, but obviously, that is not the case. So...

Those were all my questions. I just have a comment that I, too, stand in support of the bill. I think it's a good bill. One might wonder why we would need such a bill in this day and age. Hopefully, we were beyond the need for this type of bill. But listening to the testimony and through the Judiciary Committee one was clear that this is going on. It has been going on and it unfortunate still continues today.

Until we can one day eliminate this need for this type of bill, I will stand in support of it, and hopefully, it

will put an end to racial profiling. Through you, Mr. Speaker. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Smith. From the bedding capitol of Connecticut, not to be confused with the mattress capital -- may be coming up later at some point -- Representative Adinolfi of the 103rd.

REP. ADINOLFI (103rd):

Thank you, Mr. Speaker.

I have a few questions for the proponent of the bill, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. ADINOLFI (103rd):

Approximately how long will it take to fill out the form in addition to the ticket?

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker. And I thank the good representative from Cheshire for his question.

The form is not established yet so I am not sure. Again, as part of this overall process we've been speaking about and I'm sure that as those who are practitioners are

a part of the process, we will endeavor to make sure that however this takes place, it is a limited amount of time because we don't want officers on the side of the road, particularly those who are stopping people on the side of the road there any longer than necessary.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Adinolfi.

REP. ADINOLFI (103rd):

Mr. Speaker, I reviewed the legislation and saw all the information that has to go on the form. And I compared it to a traffic ticket. It appears that it will take twice as long, or more, to record a traffic violation on the form, to fill out the form at the ticket, maybe even more than twice as long.

And I'm just wondering -- I'll ask now through you, Mr. Speaker, I have a question for the proponent. How much revenue will be lost because of the time if an officer is taken to duties to write out these forms and write out these tickets at the place at where the incident occurred? And how much -- and it seems to me they're spending all this time; we'll be giving out much less tickets and taking an officer away for some active-duty that he might need, maybe not for tickets, but for other crashes and accidents and

stuff that might happen on the highway.

But I'm wondering if the proponent has an idea, through you, Mr. Speaker, of how much revenue will be lost, because I don't see that in the financial report, if he has to spend twice the time at a traffic violation.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker, as per my last response, I can not answer that question as the method and format not been created and it is my belief that what we are attempting to do in this bill, while revenue is important, is not about revenue, but it's about making sure that the citizens of our state are treated in a proper way.

So I don't actually have an answer to the question of what dollar amount the revenue amount might be, but I suspect again that those who are part of this process are going to minimize the time and the calculations made about the form may not be accurate because it has not been established yet.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Adinolfi.

REP. ADINOLFI (103rd):

Thank you.

I firmly believe that this bill could violate our civil rights and could lead to an increase in racial profiling because of the possible review board's makeup. We don't know how it's going to be made up. And my concern there is that we should put something in the bill -- and it's too late to do it now I think -- to make restrictions on what this review board can be made up. If the review board is totally made up of minorities, it could lead to racial profiling in reverse, but I think there should be some sort of proportions of minorities to non-minorities in the makeup of the review board. And that's a suggestion to the review board when they make it up. But I will support the bill.

And thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Adinolfi.

From the 143rd, Representative Lavielle, you have the floor, madam.

REP. LAVIELLE (143rd):

Good morning, Mr. Speaker. Thank you very much.

DEPUTY SPEAKER ALTOBELLO:

Good morning.

REP. LAVIELLE (143rd):

I stand in strong support of this bill. I think it's necessary. I think we need to know just exactly to what extent this sort of thing is happening so that we can prevent it. There is no question about that in my mind.

I have only one question or theme of questioning for the proponent of the bill, if I may, Mr. Speaker? And that is in a couple of places in the bill, lines 48 through 58, lines 82 through 88 -- and I mean the amendment -- we see the kind of information that will be transmitted to the various people who are going to analyze data and make decisions. And it's made very precise in, for example, lines 85 through 87 that the ethnic and so on gender data will be available, but the name and precise identifier of the persons will not.

There is also a reference to the name and badge number of the law enforcement officers who make the arrest or the stop and receive the form. Is that information -- the individual information on the officers always made available to the people making the decision?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

Currently, the process that we will have in place is not in place. I would say that first. But secondly, I believe that it is understood that with the new information system that we have we will be able to obtain that type of information, should we find it valuable.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

And along with that, is there any information that would be made available as to the various characteristics of the officers mentioned in the form in the same way that there are for the folks who are making the complaint?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes, through you, Mr. Speaker.

I -- just so that I understand the question fully, I would ask the good Representative, what characteristics are those to which she refers? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Certainly, Mr. Speaker.

Through you, race, color, ethnicity, gender, age, sexual orientation, et cetera.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Through you, Mr. Speaker.

As I responded to the question before, I believe that we could find out who the officer is. I don't believe there's anything that tells us specifically their characteristics, but if we can find out who the officer is that can't be determined. For the purpose of this bill, that was not deemed necessary to put into the bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, to the proponent, through you, Mr. Speaker.

The reason I ask the question is only

that -- goodness, I've lived in different countries, different places, different parts of this country and sometimes these things take a turn that is particular to different people and may not be expected. And if a pattern is identified coming from one individual that could be useful in identifying whether a case of racial or other profiling has occurred or whether a series of them are occurring.

And it's only out of a concern that this be -- that all the data necessary could be made available to make sure that cases can be identified and prevented. So I thought it might be a -- something useful to include or think about including. There can always be, as I say, things we don't necessarily expect.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

With the bill and the amendment we currently have, we, to my mind, and I believe to the mind of those who crafted this, can determine whatever information. And honestly, I think that regardless of the race, gender or other characteristic of the officer, you can have racial

Thank you, Mr. Speaker.

Mr. Speaker, I rise in full support of this bill. This bill makes a good law better by adding more detail and centralizing the reporting and analysis of traffic stop data collection.

Currently, fewer than a third of police departments statewide provide such traffic stop information. This bill would raise compliance of reporting information. This data collection analysis will, not only benefit those who are unfairly profiled, but will also benefit police departments so that they can identify problematic trends and work to mitigate such trends before they get out of hand.

I don't want to see another police department in the state suffer the same fate as the East Haven Police Department. I thank Representative Holder-Winfield and everyone else who worked so hard on this issue and I urge my colleagues to support this bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Representative Miner of the 66th, you have the floor, sir.

REP. MINER (66th):

profiling.

When I was a young individual there was a song called "Black Cop" about profiling of black individuals by black cops. So this bill is not about gotcha to any particular police officers. It's to make sure that we can see patterns. We can see information that might tell us that there's racial profiling going on regardless of the race, gender, ethnicity of the officer stopping those individuals traveling our highways.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you. Well, through you, Mr. Speaker, that clarifies somewhat the legislative intent. I do stand in support of the bill and hope that we'll be able to make progress.

Thank you very much to the proponent. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam.

Representative Albis of the 99th, you have the floor, sir.

REP. ALBIS (99th):

I thought there was a butterfly, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

I was looking for a butterfly, but she fluttered away.

REP. MINER (66th):

That's what I thought.

If I might, just a few questions for you to the proponent of the bill, please.

DEPUTY SPEAKER ALTOBELLO:

You may, sir. Please proceed.

REP. MINER (66th):

As I read this amendment on lines 98, 99 and 100, there appear to be some financial penalties that could be assessed against a municipality for failing to comply with the provisions of this section.

Am I -- would I be correct, through you, if I believe those to be assessments that would only go to the police department and not put in jeopardy, ECS grants or anything of the like?

Through you, please.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Through you, Mr. Speaker.

The section -- Section G that is being referred to

does deal with the municipal police department or Department of Emergency Services and Public Protection. Through you, the answer to that question is yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

And assuming this is a statewide requirement and initiative, if the gentleman could point me to the section that institutes similar financial penalties against, I guess, it's the department of emergency services?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

Section G that we were in -- and I will just read it just for clarity -- line 97 where it's talking about the Office of Policy and Management, it says it "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."

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker and I thank the gentleman for that answer.

And is it his understanding in the language outlined here that both municipal departments and the agency will be under the same obligation to complete this initiative within the same time period?

Through you, please.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

I'm not quite sure I grasp the question, but I will respond by saying that the responsibilities of those who are laid out in this bill are given in dates throughout the bill.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

Mr. Speaker, there are three magic words that show up in various places throughout this amendment and they

are, to my mind, "within available resources." And I've been around here long enough to come to know that those are the exact words that jeopardize the good intentions of a lot of legislation around here. I've not been a party to the conversation about trying to get this initiative passed in the House. I very much support the initiative in the House, but I would just say here publicly that I think it's going to require a lot of resolution on the part of a lot of people to see that "within available resources" doesn't deter this.

When I was first in almost 20 years ago, I had a constituent who called me on three separate occasions to tell me that she had been stopped by the Connecticut State Police on her way home from work in Waterbury where she worked as a nurse. And she was a person of color. And that prompted me to make a phone call to Troop L in Litchfield, at the time, and make it very clear that that wasn't something that I condoned personally or publicly as an official. And I urged them not to have a fourth phonecall made to my office.

And so I'm hopeful that we do get some resolution to this because a lot of good people, I think, are put in a lot of bad situations not because they've done something wrong, but because they just happen to be driving the right

car in the wrong place at the wrong time.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you. Thank you, sir.

From the insurance city, Representative Roldan of the 4th.

REP. ROLDAN (4th):

Thank you, Mr. Speaker.

Mr. Speaker, I stand in strong support of the bill. This is something that my colleagues and I have been working on for quite some time. And everyone knows that this is something that should have been implemented quite some time ago. I want to thank the leadership of the Judiciary Committee as well as the administration, Chairman Fox, in particular, for taking this bill to this point.

Mr. Speaker, now everyone knows this bill received a major boost when one police department of Connecticut, according to the Department of Justice, systematically violated the civil rights of Latinos in Connecticut. According to the report, Mr. Speaker, one officer had a track record of committing significant violations, almost a 50 percent rate at the time. Later, a report by the Hartford Courant found that black and Hispanic drivers

were far more likely to receive a ticket in the state of Connecticut than their white counterparts and Latinos were far more likely to do so.

This measure, I felt, Mr. Speaker was a compromise in the process in discussions with my colleagues in the committee and others I really felt strongly that given where we are and given that we are the great state of Connecticut, that should a department -- were found to be committing such significant violations that the State should have the right and authority to name a special master to take over that particular police department and set the department on the straightened arrow.

Mr. Speaker, as everyone knows the committee process is a compromise process, and this bill I think addresses and begins to address some of the significant issues and concerns that my colleagues and I had.

This is a beginning, Mr. Speaker, and my hope and expectation that this measure will reduce racial profiling in the state of Connecticut, something that many of my colleagues and I of color have personally felt. Mr. Speaker, after all this is the year 2012 and we should probably bring the State into the new century and millennium.

Thank you, Mr. Speaker. I appreciate it.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Roldan.

Also from the insurance city, Representative McCrory, of the 7th District, you have the floor, sir.

REP. McCRORY (7th):

Good morning and thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Good morning.

REP. McCRORY (7th):

Just a couple of questions to the proponent, Mr. Speaker, through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. McCRORY (7th):

Mr. Speaker, to the proponent of the bill, how is this bill any different from the bill that was passed years ago, basically the Alvin Penn Bill? Mr. Speaker, through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker, and I thank, Representative McCrory, for his question. I'll give a brief history to kind of tell us how we get to today and what it might be different. As many of the people in the chamber know, in

1996, there was some issues with Senator Penn. In 1999, this Chamber first passed the bill to outlaw racial profiling.

I actually did some research and have the vote tally here. And members on both sides of the chamber who were here -- and still here -- voted for this bill. So it's a bill, I think, about Connecticut trying to do the right thing by our citizens. The problem is that it didn't quite work the way we thought. So in 2003, we tried to do some things to update and fix the law that we had, and we found out a couple of years ago through the Hartford Courant doing some research and asking the African-American Affairs Commission about what was going on with racial profiling, that we still hadn't gotten it right.

So we come here today attempting to fix what is currently in law and the way that we do that is by moving responsibility away from the African-American Affairs Commission, who don't have the resources to do what is necessary, to the Office of Policy and Management, who have the resources and can, as my discussion with Representative Miner indicated, take away votes which is a punishment for not adhering to the law.

And so this is different in that we figured out two things, one, how we can actually make this law have some

teeth, and it has a process built into it that is collaborative that gives voice to those who are practitioners and all of those involved so that we can craft a piece of legislation, a form and a method that is better than what we currently have.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker.

So we have, currently already have a bill in place; however, the enforcement is not there. And it sounds to me that the way that we can get the enforcement in place is to recommend -- I'm looking at lines 96 of the bill, it states that the Office of Policy and Management shall recommend and the secretary of the Office of Policy and Management may order appropriate penalties in the form of withholding funds.

And I guess the question I have is, this sounds like a "may." It may order an appropriate penalty. My concern is the, "may," because if we didn't follow the law before and we don't have a hammer to make sure that the police departments around the state are doing what is just, how do we get them to comply if we have no other means if we

are just going to do a "may" and not a "shall" when we want to hold funds in regards to the funding sources that we provide from the state.

And I think the question was asked earlier, how much money do we provide local police departments? And if it's not a significant amount then what prevents a police department from continuing on businesses as usual?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker.

And again, I appreciate the question. And actually this is a section that I think I am well versed in as I was the one who suggested the language in this section. So the reason that the Office of Policy and Management "shall" make the recommendation is because there was discussion about whether they, too, should have language that said, "may" make this recommendation. And it was my thinking that if they had to make the recommendation upon a finding, that this would become public information. And the reason why the next active word is not a "shall," is because it is possible that upon making the recommendation that the police department could recognize that it needs

to make the fix without the fiscal impact. And we are understanding that we don't want to negatively fiscal impact the police department simply because they've done something wrong if they endeavor to make a fix. So this allows for the punishment to be a fiscal punishment or not, which I think is smarter thinking than automatically mandating that there is a punishment that requires money be taken away.

And to the other part of the question I would say this: The departments get different amounts of money depending on which department we're talking about, but I would say this fiscal climate, none of these departments, none of these municipalities can afford to lose any money. And I think that whatever we take away from them will have a severe impact on them.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, what will be the penalty -- or will there be a penalty for, let's say, a police officer pulls someone over on a dark road and they can determine whether -- the race of the individual, but

clearly, we know there's a difference and they falsify the report. What would be the penalty to the police officer or the department if we find that there are reports being unjustly reported inaccurately?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

I'm going to answer that in two ways. One -- and I think this is is important for people to recognize -- I think that there are points in time when we see things happening on our roads that should not be happening. This bill is not simply about a point in time. This bill is really about finding out information to tell us what's happening and using that data to see if there are patterns in things that pop out once a complaint may trigger that or something else may trigger that.

The other thing is that if the stop is a violation of this bill you would go back to line 93 through 100, and the things that we see there are about the potential to hold back money would be in play. Through you, Mr. -- and of course the general violation of a statute if there's no penalty concomitant with that violation.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker.

And through you, Mr. Speaker, in lines 89 through 92, it reads, "any police officer who in good faith records traffic stop information pursuant to this." I guess what I'm trying to get at through this, through you, Mr. Speaker, is: Will the police officer be held accountable if they falsify the data on the form that's going to be provided to us through the working group?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Through you, Mr. Speaker.

And that's a good section to point out because if the police officer is determined to have been falsifying reports, I don't believe that it is pursuant to this section which talks about in good faith. And so yes, the police officer then would be liable.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker.

So I guess ladies and gentlemen of the State of Connecticut, we have a form here -- we have a new bill here that will like to add teeth to a concern that we have. We know what the data says because we've been following and tracking this data for over a number of years now. I guess, at this point, I will say that this is a good start to addressing some of the concerns that many citizens throughout the State of Connecticut have.

There's a term used earlier by one of my colleagues which was "DWB." Well, if you're not familiar with that term it's called "driving while black." And we know the data based on -- with the reports that came from the Hartford Courant, that members of the State of Connecticut, our Hispanic brothers and sisters have also been unjustly stopped and provided -- whether fines or whether they are at a high rate.

Well, I guess we are in 2012 now and Connecticut can come up to the standards of the other states throughout the United States in trying to address an ill, and ill that's been going on for a number of years. Unfortunately, in our society, people in my community and

people from other communities have to educate our young brothers and sisters about driving and when they are driving a vehicle. We teach them to make sure they have everything in place. We teach them to make sure they have their driver's license intact. We teach them to make sure they have their insurance cards intact. We teach them to drive at current speed that's correct. We teach them all those things; however, there comes a time where just because the nature of your race and where you are driving you still might be harassed in the State of Connecticut. What we're trying to do with this bill is prevent that. We're trying to make everyone in the State of Connecticut feel as though they are equal citizens and you do not have to be harassed when you're driving a car.

I guess I will support this piece of legislation. I think it's still a work in progress.

I have one more question to the proponent of the bill. I know this addresses racial -- this addresses traffic stops, but do we have anything in place in regards to just an average citizen walking down the street or maybe in the mall that -- who might be racially profiled in that case?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

We don't have a bill like this bill in place. There are activists and people who have been looking at the issue of racial profiling who are looking at -- thinking about that very thing for the next session. It's come to my attention, but something along the lines of this, no.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative McCrory.

REP. McCRORY (7th):

Thank you, Mr. Speaker.

So I'll conclude that I think this is a good piece of legislation and I think that we all should support it and I thank all the people who have done so much work and trying to bring justice and equality to all the citizens of the State of Connecticut.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative McCrory.

Representative Bacchiochi of the 52nd District, you have the floor, madam.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker.

I rise in support of this bill because I don't believe racial profiling -- I don't believe the question is, does it exist? I believe, to what extent it exists, is the question. And where is it most prevalent, is the question.

Like some others who have spoken I have concerns with the bill. I am also, as one of my colleagues mentioned, wondering within available appropriations how we're actually going to achieve what we have outlined in the bill. And I have concerns that we have -- we should have been collecting this data for a long time, I understand since 1999, and we haven't. But my concerns are far outweighed by the concerns I have about racial profiling.

And I believe we are a melting pot here in the State of Connecticut. We all have friends and family who have suffered as victims of racial profiling. I myself, Mr. Speaker, have six sons. I have two white sons and four black stepsons and I can tell you that I worry so much more about the four black stepsons than I do about my white sons when they drive.

And I know even in the small communities where I live that if one has a broken tail light and one, if they both have broken tail lights, we're quite confident which one will people over. So I want to thank Representative

Holder-Winfield for his efforts on this bill and the members of the Judiciary Committee, and I look forward to seeing it pass.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam.

Representative Alberts of the 50th District, you have the floor, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

If I may for the second time, a quick question to the proponent.

DEPUTY SPEAKER ALTOBELLO:

You surely may. Please proceed, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

The amendment that is before us that will become the bill, is this applicable as well to our state capitol police force. I was looking for reference in the bill and I saw the reference to municipal police departments and it looks like we're addressing the state police, but I just want to make sure that the capitol police force would be included as well.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

I don't believe that currently, as the bill is written, state capitol police are captured by the bill -- by the amendment.

DEPUTY SPEAKER ALTOBELLO:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

I hope that at some point in the future we can expand it. I know the capitol police's function is limited to about a 17-acre piece of responsibility, but they do serve back up I believe for the City of Hartford.

So at some point in the future, as this legislation progresses, maybe we can accept that.

Thank you, Mr. Speaker. I thank the gentleman for his answer.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Alberts.

Representative Baram of the 15th District, you have the floor.

REP. BARAM (15th):

Thank you, Mr. Speaker.

I, too, rise in support of this bill. I believe that it will help stop discrimination through bias and unfair profiling. I do, however, have a couple of questions for the proponent for legislative intent and history.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. BARAM (15th):

Thank you, Mr. Speaker.

I note that the amendment includes the characterization of religion, which had been discussed in Judiciary, and there was some concern about including it in the bill. I would ask the proponent if, in fact, the idea of religion is being embraced as a protected class in this legislation?

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Thank you, Mr. Speaker.

And to the good Representative, as the Senate amended in the section with the other protected classes, per our discussion in Judiciary I believe that is the intention and it is about the perception of one's ethnicity, race, gender or religion or other protected class as it says.

So the answer to that question would be yes.

DEPUTY SPEAKER ALTOBELLO:

Representative Baram.

REP. BARAM (15th):

Thank you, Mr. Speaker.

That raises my second question which is if a police officer stops somebody and makes an observation regarding somebody's dress or jewelry with regard to religion, is his notations on the form based upon perception and it would not include asking any questions about what religion somebody belongs to?

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

And through you, Mr. Speaker, yes, all of these things delineated in the bill are about perception and therefore as per much of the discussion that has gone on around this bill it would actually be antithetical to getting the perception of the officer for the officer to ask questions about any of them, including religion.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Baram.

REP. BARAM (15th):

Thank you, Mr. Speaker.

Just one last question through you. I would just note that in line 23, Subsection D religion is not included in the classification of protected classes, although later on in the paragraph, it is one of the characteristics that are identified.

So I'm assuming that perhaps there will be no specific reference on the form to religion since it's not included in the factors to be included in the form, but nevertheless can be a perception that's noted on the form by the police officer. I'd ask if that is correct?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

And again, to my point towards the beginning of this discussion, the form is not currently in place. So I will only be making some assumptions here but the officer could choose to do that should the form allow for additional information, but really the reason religion is put in here, as religion or other protected class, is to allow for the making of a complaint based upon that. So I hope that

answers the good Representative's questions.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Baram.

REP. BARAM (15th):

Thank you, Mr. Speaker.

And it does, and again, congratulations to all those worked on this bill. I think this will go a long way in enforcing existing law.

DEPUTY SPEAKER ALTOBELLO:

Thank you, sir.

Further on Senate "A?" Further on Senate "A?"

Representative Candelaria from the Elm City, 95th District, you have the floor, sir.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker.

Mr. Speaker, a couple of questions, through you to the proponent of the bill and the amendment.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. CANDELARIA (95th):

Through you, Mr. Speaker.

In developing the form that will be collecting the data, it states that that will be done within available

resources. My question, through you, Mr. Speaker, is have those resources been identified?

Through you.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

There are sources of money. I believe that there's been discussion about money that's coming from NHTSA, on order of about $142 billion. Also this is a bill put forward by the state so that's why we're talking about available resources depending on the state's fiscal condition at the time required for the bill. And that I believe is the answer to your question.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelaria.

REP. CANDELARIA (95th):

And through you, Mr. Speaker I thank the gentleman for his answer. It also talks about, through you, Mr. Speaker, that there will be penalties imposed for those municipalities that do not adhere to -- those departments that do not adhere to these new guidelines. Through you, Mr. Speaker, what penalties are we actually talking about?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. That would be withholding of the funds that the State gives to those municipalities. That would be done by the Office of Policy and Management.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield (sic).

REP. CANDELARIA (95th):

Through you, Mr. Speaker so that will be a recommendation or that will be an actual mandate to withhold those funds? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

If you would turn your attention to lines 93 through 100, the Office of Policy and Management shall make a recommendation upon a determination that there is racial profiling and may order an appropriate penalty which is the withholding. This is per the discussion I had with Representative McCrory. This allows for the department

to either get themselves in order or the Office of Policy and Management to use the hammer it has which is to withhold those on so there's actually an action that will happen depending upon the situation.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelaria.

REP. CANDELARIA (95th):

Thank you for those answers.

And through you, Mr. Speaker, Connecticut adopted secure communities. What role would this bill play against secure communities once this legislation is adopted?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

I'm not quite sure what the Representative is specifically referring to. If he could specifically ask me a question that's a little clearer than his question. I'm sorry, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelaria.

REP. CANDELARIA (95th):

Through you, Mr. Speaker.

"Secure communities" is a mandate by the federal government. Basically, police officers now have to submit their data to the FBI and then it goes to the immigration enforcement.

Through you, my question is: Some of the concerns through secured communities is that people will be profiled because they are Latinos and that data will be forwarded to ICE. Through you, how does this bill ensure that not all Latinos are profiled? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

In reference to the question being asked I believe that the way this bill would be in effect, whether the person is Latino, black or whatever, is because the penalties that ultimately would come and the fact that police departments know, because this has been such a high-profile bill, that there are people looking at what they're doing. In other states, this has tended to reduce racial profiling.

If he look at Florida in 2008, in Jacksonville in particular, they had zero formal instances of racial profiling and that has to do with the fact that they have laws in place and they know that people are looking at them and I believe that's the answer to your question.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Candelaria.

REP. CANDELARIA (95th):

Thank you, Mr. Speaker.

And I thank the gentleman for his answer. I actually rise in strong support of this bill. I think this bill comes a long way in strengthening the underlying bill when it was passed by -- it was actually presented by Senator Penn.

I think that the bill will ensure that minorities are not any longer profiled. I hope that the resources available are actually utilized to ensure the enforcement of this bill.

As you do, this, we have seen this activity a lot through one of our neighboring cities in New Haven. East Haven has been a case that has made national headlines in regards to profiling, specifically the Latino community. When the Hartford Courant submitted its report, it was

alarming that Latinos, in particular, were racially profiled. So I'm hoping that the bill does what it's intended to do and that the resources that we have available are utilized. We cannot continue, as a state, to ignore the reality of racial profiling. It needs to end.

This doesn't talk about that all police officers do this, but there are some that do do it. We have some good police officers that do their job very, very well, but we need to ensure that this practice ceases and it stops. I encourage all my colleagues to support this bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Candelaria.

From the back row, 145th District, Representative P. B. Miller, you have the floor, madam.

REP. P. B. MILLER (145th):

Thank you, Mr. Speaker.

I rise in support of this bill. I, too, have been a victim of racial profiling that has really left a detrimental impact on me. Twice in my younger years, I was stopped in a suburban town because my car fit the description of a car that was involved in a crime. And has Representative McCrory said, I don't go through this

to without making sure that I have everything in order and, in fact, I kind of wish that they would stop me now since I'm a state representative.

But I do rise in support and I'm really disappointed that at this time in our State that we still are -- that people of color are still being stopped. This happen to me over 20 years ago. I have a young daughter that I have to also tell her to make sure that everything is in order and should she make sure it's in order? Sure. But it's not fair to her because of the color of her skin that she is stopped.

So, again, I thank the proponents of this bill and I would also like to say that I don't think it goes far enough. I think we need to find the monies to make sure that we do what we need to do, we have to do to make sure that everyone is treated fairly.

And something else I wanted to mention as well. I was in my gym one day and I heard this policeman tell another person, a policeman from a suburban town to say, yeah, you know, when those people come through we stop them to say, don't you come through this town anymore.

So I ask that -- I urge my colleagues to support this bill. Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Miller.

To the 20th District, Representative Verrengia.

REP. VERRENGIA (20th):

Thank you, sir.

As many of you know I'm presently a police officer and have been for the past 22 years. And I want to make it very clear that I support this measure in that I believe that there is no room whatsoever in law enforcement for racial profiling.

In many ways, the law enforcement community is no different than other professions, whether it's doctors that have alleged to commit rapes, or whether it's priests sexually assaulting children, there are bad apples in law enforcement and there's no room for them.

And I believe that this measure today will help identify and eradicate those who choose to racially profile; however, I'm equally as concerned, as we try to address this situation, that there are no unintended consequences, that we do not hurt the majority of men and women who serve in law enforcement and do a great job every day.

So I have a few questions to the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. VERRENGIA (20th):

And I apologize if these questions have already been asked because I did come in a little late.

To the proponent of the bill, I believe it was Representative McCrory who had asked you what the difference of this bill that's in front of us today compared to the one in 1996. And you focused your answer on the penalty that -- for those who don't conform with this law. And obviously we know that many agencies have not in the past. But I think the other piece, the other major difference between this piece and the piece in '96 is that not only are we collecting the data, as we have been -- or some agencies have been -- but there's also an action that an operator can take against the officer and that's to file a complaint.

And at first, I was very concerned about this bill. I was concerned that we were creating a situation whereas an officer would legally stop a car, take an action against that person, i.e., an infraction, a fine, and that this measure would make it easy for someone to essentially check a box, complain against the officer in retaliation for the action taken against that person, i.e., a fine. In my experience, not to many people are happy when they are given an infraction.

So having talking to the proponents of this bill, and just so that I'm clear, what this bill intends to do is to direct someone who feels that the stop was racially motivated, for the reasons outlined in here, is to direct a person on our to make a complaint versus just triggering an automatic complaint against the officer. Is that a fair assessment of this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Thank you, Mr. Speaker.

And I appreciate Representative Verrengia's question. Representative Verrengia is absolutely correct. The point is to make sure that the individual who may feel aggrieved knows where to go, what to do, but not to give them an automatic triggering of a complaint.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Verrengia.

REP. VERRENGIA (20th):

Thank you.

And I think the other significant difference in this bill is that if the proponent knows if someone were to make

a complaint presently, which they have the right to do -- we're not changing that in any way, shape or form -- an individual has a right to make a complaint against an officer now and if a person chooses to do that, do you know how they would go about making a complaint?

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker to Representative Verrengia.

I don't actually know off the top of my head what the process is for doing so, which by the way as somebody who this bill might -- this bill's mission is to protect, I think is part of the point of doing what we are doing.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Verrengia.

REP. VERRENGIA (20th):

Okay. Thank you.

Through you, Mr. Speaker, if someone were to make a complaint against a police officer for anything, not only for concern of racial profiling during a traffic stop; at some point, there's a narrative to that complaint whether it's a verbal complaint, picking up the phone calling that

agency making a complaint against the police officer, or a written complaint against the officer outlining the facts of that complaint.

My initial concern here was that it's simply a check box and it also doesn't require the person making the complaint to identify themselves or a narrative to the complaint. So -- however, as this moves forward, I look forward to working with the group to address that concern.

And then just one last question through you, Mr. Speaker. And again, it might have been asked. I did come in a little late and I apologize if it has. Section 22 and 23 of the bill outlines what the officer is required to ask, race, gender ethnicity, age, et cetera and then further down the bill, lines 32 through 35, it includes all those with the addition to a person's sexual orientation and/or religion. If they feel that they've been violated, they can make a complaint.

And through you, Mr. Speaker, how would an officer during the course of a traffic stop determine someone's sexual orientation short of actually witnessing two or more people during that traffic stop involving some sort of sexual activity?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. Through you, Mr. Speaker.

If we would take a look at the section being referred to by Representative Verrengia, it would be noticed that the method provides for notice to be given to the person that if they believe they were stopped for these reasons. So this section is not the section that triggers the action on the officer. The part that triggers the action on the officer is the part that Representative Verrengia referred to earlier which talks about race, color, ethnicity age, gender of the operator. So those are the things where we're looking for the perception.

What the part -- what -- the portion that we're is speaking about now, lines 32 through 39, do is talk about reasons for which the person may feel aggrieved, and therefore, launch a complaint.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Verrengia.

REP. VERRENGIA (20th):

Through you, Mr. Speaker.

And again, I would just like to thank the proponent of the bill and for those who worked on this. Again, I

had some serious reservations initially. Those reservations have been addressed. This issue will be revisited in January. I believe the actual form will be going to the Judiciary Committee. And if there are any outlining issues after reviewing that form, it can come back during the next session prior to its rollout in July of 2013. So, again, thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative.

To the 41st District, Representative Elissa Wright, you have the floor, madam.

REP. E. WRIGHT (41st):

Thank you, Mr. Speaker.

I rise in support of this measure. In the 1990s, allegations of racial profiling drew political discourse including enactment of our own Penn Act and this bill addresses serious public policy concerns that have emerged in the press including evidence that minority drivers are more likely to have their vehicle searched following traffic stops exceeding the proportion of the general population.

This legislation will improve and strengthen the development of statistical analysis of racial profiling data and the ability to detect associations between race

and traffic stops and searches. But far more importantly, I believe in so doing it will increase confidence in law enforcement, help ensure that similarly situated drivers of different races are not treated differently and that a traffic stop is not the product of selective enforcement in violation of the equal protection guarantee.

I rise, again, in strong support of the bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Wright.

To the 141st, Representative Wood, you have the floor, madam.

REP. WOOD (141st):

Thank you, Mr. Speaker.

I just have two very quick questions for the proponent of the bill.

DEPUTY SPEAKER ALTOBELLO:

Please proceed, madam.

REP. WOOD (141st):

And I'm sorry if this was already asked, but how will these forms, when they're done, how will these folks be evaluated? Will they be evaluated in the town? Will they be evaluated at the state level?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Yes. If you give me one second to get to the section, Mr. Speaker.

Through you, Mr. Speaker, I believe that if the section that Representative Wood is talking about is those parts that are on lines 44 through 58, where we're talking about the guidelines being established; training, collection of the information and those things are under the purview of the Department of Emergency -- I'm sorry, the Office of Policy and Management. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Wood.

REP. WOOD (141st):

Thank you.

So it will be collected by the Department of Emergency Services and also OPM and they will look through that data.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

To be clear, that data, once submitted, would go to

the Office of Policy and Management and they would be responsible for the data and disaggregation and those aspects of the law.

DEPUTY SPEAKER ALTOBELLO:

Representative Wood.

REP. WOOD (141st):

Great. Thank you very much.

And also, is there expected to be an increased cost to the municipalities for this data collection?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

As I stated earlier, the reason why the fiscal note doesn't indicate any additional cost is because the municipalities under current law are supposed to be doing the very thing that this bill ensures that they do. So if there are additional costs, it would be simply because they aren't doing what they're required to do under law today. And so there should be no additional cost.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Wood.

REP. WOOD (141st):

Great. Thank you very much.

And one last question. When the officer stops the occupant of the car, how do they determine the race? Through you, Mr. Speaker, do they ask them?

DEPUTY SPEAKER ALTOBELLO:

Representative Holder-Winfield.

REP. HOLDER-WINFIELD (94th):

Through you, Mr. Speaker.

Racial profiling is about perception. So as I stated a little bit earlier, it would not make a lot of sense or the officer to ask because they would actually have the answer to the question. So it's the officer's perception. And if you're actually racially profiling, it wouldn't be about you asking. It would simply be about you determining that X individual is one of those things laid out in the bill. So no, they would not ask that would actually be the wrong course of action.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Wood.

REP. WOOD (141st):

Okay. Thank you very much.

I guess my wish I'd had -- we had a little more notice

on this bill to read up on it, but I do stand in support of it. I wish it is something that people were -- police departments were doing more routinely across the state now. But again, I thank the proponent for his answers and I'm sorry for the redundant questions, but I'm scrambling trying to read through it. I do appreciate his answers and I do stand in support of the bill.

Thank you very much.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Wood.

From the 150th District, the distinguished House Chair of the Public Safety Committee, Representative Dargan, you have the floor.

REP. DARGAN (115th):

Thank you very much, Mr. Speaker.

I stand in support of this bill and just to back up a few years, when we took this bill out, in 1999, I remember my cochair Senator Penn, we took this bill out on a Saturday and we had some discussion on this bill at that time. And this Chamber voted overwhelmingly at that time to go forward with a racial profiling bill. And since that time, there has been a number of changes that have transpired. For the first couple of years, the state attorney's office compiled that data on traffic stop

violations. And at that time, there wasn't really any conclusive evidence dealing with profiling and then years after the African Affairs Commission took over that data.

The bill before us today, Mr. Speaker, consists of a number of stakeholders from the state's attorney's office, the public defender's office, the Asian Latino African American Affairs commission, members from law enforcement that will sit down over the next year with the think tank from Central Connecticut State University that will come back with some information that will go forward to the Judiciary Committee.

So I feel that it's a good comprehensive bill and all the stakeholders that do have issues from some of the issues that have been raised here this morning should be resolved in that time as we go forward with this bill. Thank you very much, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Dargan.

Further on Senate "A?" Further on Senate "A?" If not, I'll try your minds. All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ALTOBELLO:

Opposed?

The ayes have it. Senate "A" is adopted.

Further on the bill as amended? Further on the bill as amended? If not, staff and guests please retire to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER ALTOBELLO:

Have all members voted? Have all members voted? Have all members voted? Please check the board to make sure your vote is properly cast. If all members have voted the machine will be locked. Would the Clerk please take a tally. And would the Clerk please announce the tally.

THE CLERK:

Senate Bill 364 as amended by Senate "A," in concurrence with the Senate.

Total number voting	143
Necessary for adoption	72
Those voting Yea	142
Those voting Nay	1
Those absent and not voting	8

DEPUTY SPEAKER ALTOBELLO:

The bill passes in concurrence with the Senate.

What the Clerk please call Calendar 487, four eight seven, please.

THE CLERK:

On page 28, Calendar 487, Substitute for Senate Bill Number 33, AN ACT CONCERNING DEPARTMENT OF TRANSPORTATION PROJECT DELIVERY, favorable report on the Committee of Labor and Public Employees.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrera of the 29th, you have the floor, sir.

REP. GUERRERA (29th):

Good morning, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Good morning, sir.

REP. GUERRERA (29th):

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is acceptance of the joint committee's favorable report and passage of the bill.

Please proceed, sir.

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plaintiff, which certainly seemed more appropriate and better language. We'll get that language.

SENATOR COLEMAN: Okay. I appreciate that. Any other members have questions for Attorney Kane? Seeing none, thank you for your help.

CHIEF STATE'S ATTORNEY KEVIN T. KANE: Thank you.

SENATOR COLEMAN: Senator Donald Williams is next. Good morning,.

SENATOR WILLIAMS: Good morning, Senator Coleman, and good morning to the members of the Judiciary Committee and Representative Fox. Thank you for allowing me to testify today in favor of Senate Bill 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION.

As elected officials, all of us must ensure the equal treatment and equal protection of all of our citizens. In that regard, racial profiling is both wrong and ineffective. It violates fundamental rights of fairness and equality by treating folks differently from mainstream Americans. It effectively turns entire communities of individuals of color into second-class citizens.

Racial profiling diminishes trust between law enforcement and affected communities. Those who have been profiled and may be witnesses or victims of crimes, such as hate crimes or domestic violence, become hesitant to reach out to police in times of need.

And racial profiling diverts limited law enforcement resources away from finding actual criminal and national security threats.

We're all aware, unfortunately, of the report recently issued by the U.S. Department of Justice finding that the East Haven Police Department violated federal law by systematically discriminating against Latinos.

In addition to this example of systematic profiling by a particular police department, a recent analysis by the Hartford Courant of our traffic stop data revealed troubling information about disparities in the treatment of motorists who were pulled over.

I'm here today because we must strengthen our racial profiling law so that Connecticut citizens are not treated differently because of the color of their skin.

Now, there are a number of provisions in the bill that I support and that are necessary for a more workable law.

First, current law requires police departments to collect and provide annual data on traffic stops, offenses, dispositions and complaints of discriminatory stop.

We can make the process easier by standardizing the forms used by departments to collect and report the traffic stop data.

Secondly, traffic stop data is currently collected by the African-American Affairs Commission. The Commission has a lack of financial resources or staff resources to properly analyze the data.

We can strengthen our existing law by requiring the Office of Policy and Management and the Criminal Justice Information System Governing Board to collect and analyze the data going forward.

It's extremely troubling to me and I'm sure it is to you that 92, that of the 92 municipal police departments, only 27 are in compliance with our current racial profiling law.

Now, I believe that with a standardized reporting form and with more efficient reporting done by OPM with the resources that they have, and the Criminal Justice Information System Governing Board, that we can increase that compliance significantly.

In addition, we can strengthen our existing law by allowing motorists to report complaints of suspected racial profiling.

Now in addition, I'd like to see some additional proposals go forward with 364, and in that respect, I would like to strengthen the law by requiring police departments to submit their policies regarding racial profiling directly to OPM.

In addition to allowing motorists to make complaints regarding racial profiling, we could strengthen the law by enabling CHRO to receive and investigate a complaint as well as issue an annual report to OPM on the number of complaints that they receive.

And finally, we can strengthen the law by requiring police departments to train and retrain officers when data illustrates the prevalence of racial profiling.

Now, the vast majority of our police officers do an excellent job under very difficult circumstances, but we must do better. We can always do better. We must ensure that we do not create or sanction an environment that puts the community at odds with the police.

As we strive for a safe environment for all of our residents, we must and can ensure that groups of people do not feel targeted by the police by virtue of their race. Thank you.

SENATOR COLEMAN: Thank you, Senator, for your support of this bill. Many ideas that you touched upon this morning are consistent with ideas of many of the community groups who support this bill, and in addition you've suggested a couple of new ideas. So we definitely appreciate your input and your support of the bill.

Are there questions of Senator Williams? Representative Adinolfi.

REP. ADINOLFI: Just a quick one. I agree with 100 percent, but in some cases it's done inadvertently and it can't be avoided.

As an example, if a State Police is following a car on a highway or a policeman is following a car down one of the town main roads, can't see who's in the car, doesn't know who's in the car, doesn't know whether they're Caucasian or they're Afro-American, whether they're Hispanic. He has no way of telling. All he knows is that they're going 30 miles over the speed limit and he stops them.

And then he's accused of racial profiling because he might have picked up a Hispanic or an Afro-American, and that bothers me. How do you control this?

SENATOR WILLIAMS: Well, that's a great point, and that's why it's such a shame that only 27 of the 92 departments are actually compiling the data, because the data would exonerate that officer if there's no problem.

But unfortunately, the vast majority of our departments are not collecting the traffic stop data, and of the data that has been compiled, it's been left recently to the Hartford Courant to actually make sense of it.

So I think, again, by standardizing the form so that it's simple for folks to fill out, compile, and that we actually have it analyzed, that officer is going to be better protected in the future when departments systematically submit the data and it's analyzed so that his or her performance can be backed up.

REP. ADINOLFI: That protects him. Say he gave out 60 tickets and 40 of it went to minorities, but if that form is filled out properly, he's exonerated?

SENATOR WILLIAMS: Well look, folks are going to, in analyzing the data, they're going to take a look at population. They're going to take a look at all of the circumstances.

REP. ADINOLFI: That's what I'm driving at.

SENATOR WILLIAMS: But at least there's going to be hard data to analyze. Right now in the vast majority of the cases of our police departments, there's nothing. Nothing to either support a claim of racial profiling, or to defend a claim, for an officer, to defend an officer's conduct. So that lack of information does not help our communities.

REP. ADINOLFI: All right.

SENATOR WILLIAMS: Thanks.

SENATOR COLEMAN: I would only add that one of the key things about the standardized form, and it

probably exists on the current form as well is that there's got to be an articulateable reason for stopping the motorist.

I think the analysis of the reason for the stop in the first place will probably lead to some determination whether or not something suspicious is going on with respect to a particular officer or maybe even a particular department.

I think that's one of the key components to be analyzed by whoever's going to do it, and I think having OPM do it would be probably the most appropriate entity to oversee or collect and review the data.

Representative Hewett, do you have a question?

REP. HEWETT: A question and a statement. How you doing today?

SENATOR WILLIAMS: Good morning.

REP. HEWETT: I agree with everything you just said, and I think the bill is a good bill and the data is only good as the stuff you do with it when you collect the data.

I can, in defense of State Police officers, I was fortunate enough to be about a week ago on a ride-along with State Police, Officer Booker, a 20-year veteran, and we made a lot of stops and it is hard to figure out what color a person is about 1,000 yards away from their cruiser, which is a good thing.

But I can truly say that they'll take the data, it's all on a computer, and their ticket is printed out with a little printer. It tells what color the person is, because once you stop

the car and get up on the car, now you know what color they are or what their ethnicity is.

And I want to go a step further. It's something I think should be in the bill. I don't know whether it's in there because I haven't read the whole thing, is the part where, just, I'll give you a perfect example.

In New London about a year ago, a police officer, apparently profiling, pulled a car over because he didn't put his turn signal on. Well that's what he said the reason he pulled him over.

While they were getting ready to tow the car and probably everybody in the State of Connecticut seen the video tape where the drugs was planted, a bag of OxyContin was dropped at the scene and the police officer was videotaped by his own cruiser. How tough was that?

My point is, this officer was not only allowed to resign after being under investigation, he was allowed to resign from his job and actually got to buy his own police dog for $500.

And so that's why I think the bill should go a little further. If the guy were to get fired, he wouldn't be a police officer in Boston now, because he went from New London to Boston and the only thing that was in his personnel file was, I resigned. That's bad.

So if he planted drugs in New London, most likely going to plant some in Boston, too. That has nothing to do with what you just said. I just wanted to put that out there because it's bad when you find one profiling, then what do you do about it?

Do you just let him slide through the cracks by just giving, let him resign from the police department? He should be arrested. He should be arrested for possession of narcotics because that's exactly, he got them from somewhere.

SENATOR SILLIAMS: Representative Hewett, you're exactly right, and that even goes beyond racial profiling. I mean, that's framing somebody and that should not be tolerated. That should be prosecuted. That subverts our criminal justice system.

SENATOR COLEMAN: Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair. Good morning. I'm not sure.

SENATOR WILLIAMS: It's still morning. Just barely.

REP. HOLDER-WINFIELD: So you said you wanted the policies of the police departments to go to OPM. Now, do you want them to go to OPM simply for review, or do you want them to go for review and approval?

Because I've been just looking at policies in other states and some of the states that do it as well. They send it to whatever the equivalent of OPM, and particularly Mike Lawlor's position, for review and approval.

SENATOR WILLIAMS: I mean that's a good question. I hadn't really thought of it in the context of having OPM not only review policies but have the authority to either approve or reject it.

Quite frankly, I want them to go to OPM so that we know that there are policies for the 92 departments. I think that's the first

threshold reason for having policies be compiled by departments and then sent to OPM.

Now you know what? I mean, that's something that you all on Judiciary might want to think about in terms of either having OPM review it with up or down authority or having OPM review it with the ability of being able to provide departments with best practices, best practices on such policies as compared to other jurisdictions either throughout the state or throughout the country, either way could provide additional support and guidance for our police departments.

REP. HOLDER-WINFIELD: Thank you. And actually the way you describe it is really the way it works, so that equivalent in other states actually provides model policy. Individual departments can create their own as long as the minimum requirements of that model policy are met and then it goes back for approval.

So I thank you for your comments.

SENATOR WILLIAMS: You're welcome. Thank you.

SENATOR COLEMAN: Are there other members with questions or comments? Seeing none, thank you very much, Mr. President.

SENATOR WILLIAMS: Thank you, Senator Coleman.

SENATOR COLEMAN: Senator Fonfara. Sean Thakkar.

SEAN THAKKAR: Good morning, Senator Coleman.

SENATOR COLEMAN: Good morning.

SEAN THAKKAR: Representative Holder-Winfield, Senator Kissel and the members of the Judiciary Committee, I'm here on behalf of Under-

Secretary Mike Lawlor to read his testimony. I'm going to ask Andrew Clark, who is with the Central Connecticut State University to do that, and then answer any questions if you have any.

ANDREW CLARK: Good morning. As Mr. Thakkar mentioned, I'm Andrew Clark, Director of the Institute for Municipal and Regional Policy at Central Connecticut State University, and as he mentioned, Under-Secretary Lawlor could not be here today. He's out of state on state business, but he did submit testimony, which I'd like to read to you.

Early this year, Governor Malloy directed the Office of Policy and Management and the Department of Transportation to ensure that police departments continue to collect or begin to collect traffic stop data pursuant to the Alvin Penn Act and submit it to the appropriate outside evaluator for analysis and report.

My office has been working with the DOT, the Institute for Municipal and Regional Policy at Central Connecticut State University and with Criminal Justice Information System Executive Director Sean Thakkar to accomplish these goals.

If the General Assembly transfers the responsibility for receiving this data and issuing an annual report, we will do so. At this time, we believe that federal grant funds available to us for this purpose will cover the first year cost for FY 2013.

I believe the following changes would clarify the role of both OPM and the CJIS board. This language. In Section B, not later than January 1, 2013, the Office of Policy and Management and the Criminal Justice Information System

Governing Board shall, within available resources, develop and promulgate should be amended to read, Section B not later than January 1, 2013 the Office of Policy and Management in consultation with the Executive Director of Criminal Justice Information System shall within available resources develop and promulgate.

The CJIS Governing Board is co-chaired by Judge Patrick Carroll and myself. We are in agreement that this language would appropriately reflect the advisory nature of the Board and the expertise of Executive Director Sean Thakkar.

I recommend that subsequent references to the CJIS Governing Board should be deleted and that the sole responsibility for collecting and reporting on data be that of OPM Criminal Justice Policy and Planning Division.

I would also recommend that the Judiciary Committee consider deleting the requirement to provide a "copy of the completed form" in this language.

Section C, on and after January 1, 2013, whenever a police officer makes traffic stop of a motor vehicle, such officer shall if a form has been promulgated pursuant to Subdivision 1 of Subsection B of this section, complete such form and provide a copy of the completed form to the operator of the motor vehicle.

As a practical matter, I do not think police officers and patrol cars have the capability to generate copies of documents. Also, the focus of this initiative is electronic data, so a paper copy may not be an option at the scene.

Perhaps a provision in the advisory form for obtaining a copy upon request would be more appropriate.

I'm happy to answer any questions that we can, and otherwise get them to Secretary Lawlor.

SENATOR COLEMAN: Are there questions for Mr. Clark or Mr. Thakkar? Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you. The part about deleting the language about the copy. So I recognize that from an electronic system that may not be feasible, but currently, we still use paper and there's old technology, which allows a reproduction as you write the form.

Is there objection to using that old technology? Because to me that seems to be a remedy to the need to fill out two forms or do anything that takes the officer any extra time.

ANDREW CLARK: I was talking to Mr. Thakkar about this this morning and I think he may have.

SEAN THAKKAR: I think you have an excellent viewpoint there. Given that we are in the process of implementing the criminal Connecticut information sharing system, which is the electronic system, which is about 12 to 18 months away, so what do we do in the meanwhile?

And I think if we can create a form that is consistent, a standard for that is consistent across the state, we can then take that form at least temporarily, and get it scanned in and get the statistics or knowledge tabulated in a form that we can all use or look at to decide, make some decisions with.

REP. HOLDER-WINFIELD: And after we move to the electronic, I guess completely electronic version, how does the motorist know what to do?

I mean, I guess you could right now go on the web and figure it out for yourself, but what form are we going to make sure that it's relatively easy to know what you should do after you're stopped if you're not going to hand them something indicating to them what you should be doing.

ANDREW CLARK: What I would say with that is that what Under-Secretary had us to do in our capacity over at Central is to work on this grant that you mentioned, and that's funded by NHTSA, the National Highway Traffic Safety Administration, and in doing so, what we've created is an advisory board, which has all of the vested members in this issue attached to it to work out issues like that, to be able to come back to the Judiciary Committee to have better answers.

Because I know a number of questions have been asked already this morning. I'm sure a number will be asked in the future that, of which people may not have definitive answers.

Our intent over this process and hopefully by the end of the Legislative Session we'd have better information to be able to give to you is to take all of these things under consideration in a very deliberative process with people that are national experts that have been working on this issue in other states, to come up with the best practices to be able to report back to you.

REP. HOLDER-WINFIELD: Thank you, and I'm sure you recognize that to me and many others what happens with that motorist is critical here.

You know, we're in the shorter Session so we only have a limited amount of time in which we can actually pass this bill.

So I appreciate your response. Thank you.

SENATOR COLEMAN: Are there other members with questions or comments? Seeing none, thank you gentlemen.

ANDREW CLARK: Thank you.

SENATOR COLEMAN: Representative Matt Ritter.

REP. RITTER: Good morning, Senator Coleman, Chairman Coleman, and Ranking Member Kissel and other members of the Judiciary Committee. I come before you today, like those before me, to also testify in support of Raised Bill Number 364 AN ACT CONCERNING YRAFFIC STOP INFORMATION, or otherwise known as amendments to the Penn Act.

I first became involved in this issue in 2010 as a member of the Hartford City Council. At the time, a constituent and friend of mine, David Samuels, who would like to testify later, approached me about whether the City of Hartford was complying with the Penn Act Provisions regarding collecting and reporting data of traffic stops in the City of Hartford.

And upon my election up here, continue to work with other activists and David and Legislators up here to try to strengthen the Act and we are here today, I think, with a very good bill.

And again, I want to thank the Committee, the Black and Puerto Rican Caucus and the administration for their leadership to get us where they are today, to strengthen anti-profile laws in the State of Connecticut.

Most importantly, as was mentioned before, Raised Bill Number 364 goes a long way toward ensuring that municipalities will collect and report data regarding traffic stops so that we as a state have a better idea of whether profiling is occurring in various municipal police departments.

As was alluded to by Senate President Williams, the recent situation in East Haven as well as a report by Matthew Kaufmann of the Hartford Courant have raised some very serious concerns about profiling in the State of Connecticut and obviously there is an urgent need for the state to review and collect data in this regard.

There's also two things though, that I want to stress in my allotted three minutes here about the bill that I do think are important.

One is that this review and oversight committee, whatever form it takes, I do think it is important to have community representation somehow involved in this board whether it's at an ad hoc level. Whether it is as, you know, however it is appointed, having community folks in the room is important.

I think this representation helps to ensure transparency and also provides a community link regarding matters of profiling, which I think is very important.

Potentially affected communities should have a seat at the table when the data is processed and reviewed, I think, and the bill could be strengthened that way.

Second, I think, and this might just be a matter of arguing over language, which I know as Judiciary Committee members you're probably

are used to doing. A lot of you are lawyers, is that the way the bill is written now is that a motorist who gets this receipt, okay, it says the following: That the motorist may file a complaint with the appropriate law enforcement agency if he or she feels she's been the subject of profiling.

What I want to be clear is, when we say the relevant, or I'm sorry, the appropriate law enforcement agency, is that we're not simply talking about calling the very same municipal police department that just was the officer that stopped you. One can imagine that might not be in anyone's best interest.

If you were just stopped and you felt you were profiled and then you were told to contact that same police department, one might see that that would be sort of an adventure not worth pursuing.

Or number two, even worse, if you do approach that police department, which has in this case had an officer who did indeed profile, we have seen instances in the State of Connecticut where departments have not policed themselves and they have not taken the steps necessary to correct profiling in those regards.

So I think to be clear again, Senate President Williams alluded to this, whether it's CHRO or some person, perhaps the statute or the bill would be better to specify exactly what it would say on the receipt as to whom you may contact if you feel you've been profiled in any way.

I thank the Judiciary Committee for its time this morning. This is an important subject to me and the district for which I have the great

honor to represent in the City of Hartford and the Town of Bloomfield.

The amendments to this law are critical to ensuring that motorists in our state are treated equally and fairly regardless of their race, ethnicity, gender, age or sexual orientation.

I hope that the Committee will consider my comments here today, and I'm glad to answer any questions. Thank you.

SENATOR COLEMAN: Thank you, Representative Ritter. Your comments have been very helpful. And are there questions or comments from members of the Committee? If not, thank you for your time and your appearance here.

REP. RITTER: Thanks, Senator.

SENATOR COLEMAN: Senator Looney. Glenn Cassis

GLENN CASSIS: Good afternoon, members of the Judiciary Committee. My name is Glenn Cassis, the Executive Director for the African-American Affairs Commission, a nonpartisan state agency of the State of Connecticut African-American community.

We thank the Committee for its commitment, passion and guidance in helping raise Senate Bill S.B. 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION.

The focus of our work includes ensuring fairness in the criminal justice system by addressing unwanted racial and ethnic disparities in how justice is served.

There's no coincidence that roughly 44 percent of the children represented in detention

centers in this state are African-American and at least 42 percent are, African-Americans make up the state prison population.

The lifetime likelihood of incarceration of African-Americans is 16.2 percent, almost twice that of Hispanics at 9.4 percent and more than six times that of whites at 2.5 percent.

As we can see, the statistics are heavily stacked against African-Americans in all areas of criminal justice. It is in this spirit that we speak in support of Senate Bill 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION.

S.B.364 emerged as a result of an initial bill, the Penn Act, introduced to address the issue of racial profiling in our state at the time. Racial profiling by law enforcement is wrong on many grounds.

First, it is consistent with our democratic values and violation of equal protection rights of citizens under the constitution. A race-based assumption in law enforcement perpetuates negative racial stereotypes that are harmful to our rich and diverse democracy.

It materially impairs our efforts to maintain a fair and just society. Furthermore, using race, ethnicity, national origin or religion to single out people of police scrutiny only depends racial divides in our state, creating an environment of mistrust between law enforcement and the victimized communities.

This erosion in public trust makes it even more difficult for police to maintain the law and order in certain communities.

The reason the Commission decided to revisit this issue on racial profiling is that the

current system for reporting traffic stop data is ineffective. Without empirical data, it is impossible to assess the extent of racial profiling in the state, whether it's in fact or in fiction.

The original purpose of what was written into law as the Penn Act is not working for a variety of reasons, including, but not limited to the lack of resources, a standardized and effect system for collecting, analyzing and reporting data.

The Commission believes that a comprehensive approach to addressing and eliminating racial profiling must include a ban on the practice of racial profiling, a standardized and effective data-collecting system, a mechanism for creating and implementing strategies to address racial profiling patterns that may be unearthed and equally important a true partnership between law enforcement and the community to mediate alleged complaints of racial profiling.

Missouri and Illinois are two states that have enacted legislation that serve as models for this type of comprehensive efforts needed to effectively assess and address racial profiling.

In both states, the ability to confront disparities in the number of, number and types of police stops has laid the groundwork for a fairer system of justice and is helping to restore public confidence in the law enforcement community.

As we speak, the African-American Affairs Commission is working with LPRAC, the Connecticut Police Chiefs Association, CHRO, OPM, the Institute for Municipal and Regional Policy at CCSU and NAACP and a growing number

of community stakeholders and national experts on racial profiling analysis to create a transparent environment to clean up this problem in Connecticut.

Passage of this bill will advance this effort and will lead to improved justice systems for all. Thank you for this opportunity to testify before you.

SENATOR COLEMAN: Mr. Cassis, would you comment on the proposed or the provision in the bill that would transfer the authority for collection and analysis of data to OPM and Governing Board of CJIS.

GLENN CASSIS: I think that would be a positive move. We have spoken with OPM and CJIS. They have the resources. We don't have it in our office. We've been limited. For the last couple of years we've been, our budget has been cut so we're down to just two staff members.

I've had a lot of conversations with OPM and CJIS and they've agreed that we can work together. We like to stay involved with the process. We think that's critical that we consider ourselves to be a stakeholder in this then.

In fact, we are looking at sponsoring some forums to help identify some of the critical issues and bring in experts to talk about this and plan a plan for dealing with this issue.

SENATOR COLEMAN: And how about the suggestion from Representative Ritter regarding representation on the board that I guess has the authority for overseeing the collection of data and the analysis of data.

GLENN CASSIS: I'm in agreement with that.

SENATOR COLEMAN: Okay.

GLENN CASSIS: I think we need to have, as I mentioned in my testimony, I think it needs to be transparent and we need to get the community stakeholders involved. So I agree.

SENATOR COLEMAN: Okay. Are there members with questions or comments? Representative Shaban.

REP. SHABAN: Thank you, Mr. Chairman. You mentioned Missouri and Illinois have similar legislation enacted?

GLENN CASSIS: Yes, and Rhode Island as well.

REP. SHABAN: Oh, okay. Have they been successful? I mean, and if so, how has that been measured? Is it actual by virtue of the polling or the information received, has there been a drop in what's measured as racial profile?

GLENN CASSIS: From what, from my understanding, those states have been able to identify issues in racial profiling, have been able to institute training programs for law enforcement and community, and from what I understand there has been drops in incidents to the racial profiling.

There's been a lot of training that goes along with it, and I think that's something that needs to happen as well. If you know what the problem is, if you can identify it and you can find out where it's coming from, then I think you can deal with it.

In some cases, you know, speaking with the chiefs of police and others, I'm finding that there are several people who are not, you know, outright racists that don't want, you know,

they don't want to make things difficult for everybody.

But there are individuals who are, and those are the individuals who need training. There are some individuals who come in with certain bias. It's just like in any other profession, and if you let those biases continue, it will probably get worse.

And I think that if we're able to identify the issues, especially from the data that can be produced, then I think you can solve some of the problems. So that's what those other states have been able to successfully do. They're under the federal guidelines. It comes out of the National Highway and Transportation.

One of the issues to eliminate or reduce racial profiling and that's how those states have been able to be successful.

SENATOR COLEMAN: Are there others with questions or comments? Representative Smith.

REP. SMITH: Thank you, Mr. Chairman. Good afternoon, sir.

GLENN CASSIS: Good afternoon.

REP. SMITH: I'd like to follow up on Senator Coleman's comments about referring this data now to OPM and frankly, I'm a little concerned about that. It just seems from my perspective, it's just another layer of bureaucracy that you or anybody else and anybody wanting to look at this information will have to deal with.

Because as I'm looking at the bill it seems to me that the information would be reported to OPM who then reports it back to the Legislature and I don't know. It seems like a great idea

perhaps on paper. I'm just wondering how really it's going to work and whether the data is going to sit in someone's desk or we're going to actually be able to utilize it and make it functional.

So I'd like to just hear your comments on that.

GLENN CASSIS: there's been so much discomfort in this whole issue. The folks who have been addressing this lately, the coalition of people I've talked about, LPRAC and CHRO and this Commission. We feel, and the public, we just can't let it sit. It won't sit.

The formation of that advisory group is something that it, according to national standards that the Department of Justice has issued in terms of how to collect and analyze data, and we're going by the book in terms of establishing it.

And there is, I guess there's some research that indicates that that's the pattern or that's the practice that ought to be instituted in order to get at the issue.

I don't think it's going to sit around. They've got the technology. We might as well take advantage of using it and I think the advisory group that would be part of it that comes out of the grant from DOT will make sure that it goes well and that it's not sitting around on a desk. We just can't afford that to happen.

REP. SMITH: Well, I definitely agree with you as far as that comment goes.

So the model that's proposed in this bill is the model that we're seeing in some of the

other states or down in D.C.? Where is this model coming from?

GLENN CASSIS: Well, the model, there's a report by the Department of Justice that talks about the steps that states should follow or departments need to follow in terms of analyzing racial profiling and collecting the data, so we're using it as a model.

Also, there have been individuals from departments from Northeastern University who do the study with Rhode Island. We've invited them to come to the state. Hopefully they'll be coming in the next couple of weeks to give us some advice and some direction.

So I think we're going to use the models that are out there that are successful that have been tested.

REP. SMITH: Just lastly, you mentioned that your Commission wants to stay involved, which I hope you would. What do you see as your method of staying involved and how you can help this come to fruition and actually be productive in eliminating or reducing, certainly, racial discrimination.

GLENN CASSIS: Well, one of the things that we will do is certainly be at the table. Also, we keep our lines of communication open with the community.

We've been receiving many phone calls and letters from community members who feel more comfortable addressing their issues with this Commission. Some of them will be testifying today on some of the things that they have experienced.

We keep our doors open and we will continue to do that and stay in touch with the community.

REP. SMITH: Well thank you for your answers and thank you for your efforts in doing what you're doing and hopefully someday we'll be there.

GLENN CASSIS: Thank you.

SENATOR COLEMAN: Are there other questions or comments? Seeing none, thank you, Mr. Cassis.

GLENN CASSIS: Thank you.

SENATOR COLEMAN: Isais T.Diaz. After Mr. Diaz we'll begin to call from the public list.

ISAIS T. DIAZ: Good afternoon, Senator Coleman --

SENATOR COLEMAN: Good afternoon.

ISAIS T. DIAZ: -- Representative Fox and honorable members of the Judiciary Committee. My name is Isais Diaz and I'm the Chairman of the Latino and Puerto Rican Affairs Commission for the State of Connecticut and I'm here to speak in support of Senate Bill Number 364 AN ACT CONCERNING TRARFIC STOP INFORMATION, which aims at enhancing compliance with data collection and reporting required under the Alvin W. Penn Racial Profiling Prohibition Act.

We commend our, first and foremost we commend our lawmakers for their endeavors to strengthen enforcement of the current anti-racial profiling law to ensure the civil rights of all individuals in the communities are protected.

Surely, nobody would disagree that the efficiency of our law enforcement agencies depends on the trust and confidence of the communities they serve. Unfortunately, recent

developments in our state that have resulted in federal investigations to pattern or practices of civil rights violations in the Towns of East Haven and more recently a report by the Hartford Court alleging discrimination during traffic stops by law enforcement officers across our state is seriously undermining the credibility, which is why we're here today to intervene.

Under the current act, Connecticut police departments are not to use race or ethnicity of an individual as the sole factor in determining the existence of probable cause, to place in custody or arrest an individual, and second, they are required to submit annual traffic stop reports and complaints of alleged discriminatory stops to the African-American Affairs Commission for further review and reporting requirements.

However, only a small percentage of police departments have complied and the lack of funding and personnel at the AAAC has made it somewhat impossible for them to be able to comply.

Senate Bill Number 364 endeavors to correct these deficiencies by requiring the development of a new standardized data collection form for police officers to use to record traffic stop information and also shifts the responsibility of reviewing the prevalence and disposition of traffic stops data and complaints to the Office of Policy and Management and the Criminal Justice Information System governing the CJIS Board, which in our opinion is better suited to adopt guidelines to train officers to complete the forms and evaluate information collected for counseling and officer training, particularly since OPM continues to expand a new criminal justice information system that

aims at streamlining data from police departments and related agency computers and is about to roll out an advisory group to oversee data collection issues in Connecticut.

Furthermore, the bill allows OPM and the CJIS Board, instead of the Chief Stat's Attorney to recommend that the OPM Secretary withhold state funds as a penalty for a department that does not comply with the traffic stops provisions of the Penn Act, and that's a key component because you need something to kind of get people to comply in the event that they're not complying.

In closing, the investigative report entitled Ticket Inequality released by the Hartford Courant a few weeks ago, which found a widespread disparity in how racial and ethnic minorities are treated lends support to the recommendations listed herewith.

We at LPRAC are confident that this issue can be cured, but there must also be a significant commitment by our state leaders to train police against bias-free policing.

Let this new amendment be the one that enacts the enforcement that the original act called for on behalf of Connecticut citizens who deserve under the protections and rights guaranteed by the U.S. Constitution no less from those in a position to protect them.

Thank you very much for your allowing me to testify.

SENATOR COLEMAN: Thank you for your comments. Are there questions for Mr. Diaz, or any comments? Representative Roldan.

REP. ROLDAN: Thank you, Mr. Chairman. I just wanted to thank the Chairman for his work over the last couple of months. We've been working together hand in hand to make sure that we get to the point today in which we have a well articulated bill that will help protect individuals across the State of Connecticut.

Some of us are in the belief that the bill is a good start and it doesn't go far enough. I know that I have suggested that we should get to the point in which departments that are not actually complying and are part of a process that should perhaps be taken over by a special master to ensure that the civil rights of individuals across the State of Connecticut are protected.

So with that, Mr. Chairman, I want to thank you and I want to thank the Chairman for his work thus far. Thank you.

ISAIS T. DIAZ: Thank you, Representative.

SENATOR COLEMAN: Any other members with questions or comments? Mr. Diaz, I'd just ask you to comment on, make any comments regarding the proposal to include members of the community as an advisory board or in some sort of advisory capacity.

ISAIS T. DIAZ: Sure. I think that there's no better watchdog than the people who actually live in the areas where potential discrimination may take place. Some people may simply not be privy to this information, especially considering that the victims of some of these crimes would rather be, remain nameless, especially people who are undocumented. There's this sort of fear that they're afraid to go to certain individuals or

authority figures because they may be deported or something along that nature.

If you have people from the community to report to and then advocate on their behalf, it provides an additional layer of protection, which is also one of the reasons why we think that it's more beneficial to report to an agency such as the CHRO rather than what's in place now.

SENATOR COLEMAN: And do you envision that your Commission would play some sort of a role in a community capacity or as a member of an advisory committee?

ISAIS T. DIAZ: Well, I know that we're definitely going to consider being a member of the advisory committee. The community already comes to us with a lot of issues, which is how we got involved in this whole situation back in 2009, and so we developed a rapport with the community where they feel comfortable reaching out to our agency because we have the avenue and the conduit and the ear of the Legislature to be able to advocate on their behalf.

So we will always be maintaining an active role, and I have no doubt that the community will continue to reach out for us in the event that such practices are still taking place.

SENATOR COLEMAN: Do you contemplate that the advisory board, or any advisory board would be a statewide body, or would it be various local bodies?

ISAIS T. DIAZ: Well, I think that a statewide body would be more appropriate, and I'll explain why. Speaking from a Latino perspective, the community is very diverse and somewhat complicated on the issues of faces.

For example, myself, I'm Puerto Rican so I don't have to deal with the issue of being afraid to report because of deportation or not having the proper documentation and not have a proper avenue to report any discrimination. I don't have anything to fear, in other words, if somebody does me wrong.

But a gentleman from Mexico, perhaps, or for East Haven, an example, someone from Ecuador or someone from Peru, where it's much more difficult to get your citizenship or they may be in the country undocumented, they have a different set of problems, and the concentrations of these ethnic groups are spread out all over the state.

For example, Danbury may have more Mexicans. Hartford has a lot of Puerto Ricans. East Haven has Ecuadorians, et cetera, et cetera.

SENATOR COLEMAN: Any other members with questions or comments? Seeing none, thank you very much for your input.

ISAIS T. DIAZ: Thank you.

SENATOR COLEMAN: Chief Anthony Salvatore and Chief Matt Reed, to be followed by Gretchen Knauff.

HB5286
SB364

CHIEF ANTHONY SALVATORE: Senator Coleman, members of the Judiciary Committee. My name is Anthony Salvatore, Chief of Police for the Town of Cromwell and Co-Chairing of Legislative Committee with me is Chief Matthew Reed from South Windsor, and also Co-Chair for the Connecticut Police Chief's Legislative Committee.

And we have a prepared statement and a few comments and we'll be happy to answer questions at the end. Chief Reed.

CHIEF MATTHEW REED: Good morning, members of the Committee. Matthew Reed, Chief of Police, South Windsor Police Department, Legislative Co-Chair of Connecticut Police Chief's Association.

The Connecticut Police Chief's Association is here to speak on a couple of bills, particularly we want to voice our support for House Bill 5286 AN ACT CONCERNING THE RETURN OF STOLEN PROPERTY.

Currently, police must seize and hold as evidence, stolen property valued at over $250 although this property is seldom needed as evidence by a court. The proposed legislation will raise that cap to $500 and CPCA certainly supports the raising of this so that we are able to relieve ourselves of the burden of documenting, storage and other maintenance required for property valued at less than $500.

We also submitted through the Public Safety and Security Committee, we support similar legislation that raises the cap as high as $1,000, so Connecticut Police Chiefs supports that initiative.

Connecticut Police Chief's Association also supports Senate Bill 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION. Connecticut's police chiefs have long sought to ensure that we protect all citizens equally and that all of our enforcement efforts are conducted based on a person's actions and not based upon an alleged offender's race, ethnicity or gender.

The collection of data in accordance with the existing statute and the proposed amendments are a first step in recording the activity of our state's law enforcement personnel.

However, the collected data must then be analyzed in accordance with scientifically recognized methods in order that an accurate record of our officers' actions can be recorded.

Since the passage of this act in 1999, only one formal evaluation of the collected data was conducted. That evaluation by the Central Connecticut State University in 2001 was met with controversy after the study concluded no widespread profiling was occurring.

The evaluation of such statistics is not a simple task, and the conclusions drawn after a non-scientific, casual review of the data, tend to be largely subjective, inaccurate and inflammatory.

Connecticut should research and implement a proven methodology for the collection, review and reporting of all traffic stop data so that accurate reports can be drafted on a periodic basis.

Such reports can then be used by law enforcement leaders throughout the state to track and identify trends in traffic stop and enforcement actions.

Connecticut law enforcement is frustrated as they are being held to a standard that has not yet been defined. At what ratio are police expected to stop and take enforcement action against a person in regards to their race, ethnicity and gender?

Should traffic stops and enforcement action be distributed equally amongst the protected classes, or should the rate reflect the demographics in a specific municipality, a specific region, or the entire state?

While the Connecticut chiefs support the collection of traffic stop data, we implore state officials to develop a more systematic and scientific method for analyzing and reporting the data.

That's our statement on the issue. Chief Salvatore has some comments.

CHIEF ANTHONY SALVATORE: We also believe, upon looking at the proposed legislation, that it should include all law enforcement officers that make traffic stop. What I'm talking about is the State Capitol Police are not included. The Department of Motor Vehicle inspectors are not included. Public and private university police departments are not included. It should include all law enforcement in the State of Connecticut that would be required to comply with this.

Also, having worked with Senator Penn when this first piece of legislation was proposed, we believe it's also important that the law enforcement agency have the first opportunity to conduct the investigation, and that's why it's passed on to the Chief State's Attorney's office.

We would encourage you to continue to do that so that corrective measures could be taken at the lowest possible level first, and then as the checks and balance continue with the Chief State's Attorney's office with regard to complaints.

We recognize, and I recognize personally, since 1995, that the Legislative Body, through statutes sets policies that we enforce and we look forward to continuing to work with the Legislative Body, whether it be on commissions or task forces to reach the same goals with regard to the protection of the citizens of the State of Connecticut.

We'd be happy to address any questions. And incidentally, we also agree with the Chief State's Attorney with regards to public recording of police officers and encourage you to look at legislation that was finally agreed to, I believe by the Senate last year and we support that. Thank you.

SENATOR COLEMAN: Thank you. I was just about to ask you if you had any comment on that bill. Chief Reed, welcome to the Judiciary Committee. Chief Salvatore and Stralacci have been a dynamic duo for some time in presenting to this Committee and this Legislature. We welcome you and look forward to working with you.

CHIEF MATTHEW REED: I appreciate that and I'm honored to be here. Thank you.

SENATOR COLEMAN: Are there questions for? Senator Gomes, to be followed by Representative Smith.

SENATOR GOMES: Good morning.

CHIEF ANTHONY SALVATORE: Good morning.

SENATOR GOMES: I'm happy to see you here especially testifying on 364. As you know, I hold the seat that Senator Penn did hold prior to his early demise.

What I'd like to ask, I understand there's a statistic out there how to, what is it, how

many police forces you have in the state? Ninety-eight?

CHIEF ANTHONY SALVATORE: Ninety two municipal and the State Police under the present legislation have to report.

SENATOR GOMES: Is the statistic clear, real that only 27 percent of the police departments have acted on the Penn Law data-wise?

CHIEF MATTHEW REED: If I may, correct. The statistic that was quoted before is that there are 92 municipal police departments and supposedly only 27 are complying or have reported --

SENATOR GOMES: That's what I read.

CHIEF MATTHEW REED: Correct. And I question the accuracy of that because as I talk to my colleagues around the state at different functions, many are frustrated because they collect the data, and I'll talk personally in South Windsor. We've collected the data since, I believe, 2000 was the very first year we had to collect the data.

And as you know, the law went through some different iterations up until, I think 2003 or 2004. We are required on an annual basis to submit a summary report of the data we collect to both the Chief State's Attorney's office and the African-American Affairs Commission in a format to be determined and set forth by the Chief State's Attorney's office.

Well, I know that many of us have been frustrated because we don't know what that format is. We don't know what data we should be sending to the African-American Affairs

Commission and to the Chief State's Attorney's office.

Do they want the raw data base, which includes every bit of information? Or, do they want, as the statute says, a summary of the data. And if it's a summary, then what is that summary supposed to be? Is it supposed to be the number of African-American drivers stopped? The number of Latino drivers that are stopped? The number of females that are stopped? The number of, (inaudible) what the summary is.

So I know that some of my colleagues have simply taken the traffic stop statistic forms, which by the way in the uniform form, every department uses this form right here. Some of them load these into cartons and deliver these to the African-American Affairs Commission, which I would submit is not a very effective way.

So while they are in substantial compliance in that they are collecting the data, they're delivering the data, I would submit that this is not particularly a summary of the data.

And as we've seen from recently published articles, you can then take this data and you can create a report that depending how you word your paragraph tells you one thing but tells you something else. That's why we're looking to see some sort of systematic, scientific methodology employed here to evaluate the data that's collected.

So I don't agree that only 27 are complying, because I know there are departments that are in the position I'm in where we've collected the data. I've got a huge data base of data. I don't know what information is considered a

quote, unquote summary. What data do you want to be sent out?

For example, when this legislation first passed, it was to determine what the ratio of stops were. How many African-Americans opposed to how many whites, how many Latinos as opposed to whites and maybe compared to African-Americans. How many American Indians? There was a whole listing of racial and ethnic categories we have to fill out on this sheet.

Well, what are we supposed to compare that to? What's the standard that we are held to as far as reporting out on that? Now it's become, it seems to have morphed into what action have you taken after you stop them? How many people are actually getting tickets? How many people getting verbal warnings? How many people getting written warnings? How many cars are being searched?

So now it's turned into a little bit more. So you can imagine the summary that we're supposed to provide becomes even more elusive. How much information?

Do you want to know how many stop sign tickets we wrote and how many of those people were white, how many were African-American, how many were Hispanic, and if the answer to that is yes, then I submit we need to provide you the entire data base.

CHIEF ANTHONY SALVATORE: I think we can recognize the system is broken and rather than pointing fingers or he says, she says, we're here to tell you that we support fixing the system to assist you in being part of that repair.

SENATOR GOMES: I just have one more question to ask. Notwithstanding all the information that

is not supplied to you and you think should be supplied to you, and I might agree with you on that.

But if the figure 27 percent is not correct, do you have in your mind, or do you have any statistic that would say how many police departments are complying as of this date?

CHIEF MATTHEW REED: I don't, and I'm not sure of by complying you mean submitting that summary report or at least collecting the data.

CHIEF ANTHONY SALVATORE: Our shoebox is full of data.

SENATOR GOMES: What we're talking about is the original law as it was, you know, whether it's flawed or not, attempts at complying to the law in the State of Connecticut, when you say there's 92 police departments and a figure comes out 27 percent.

Notwithstanding everything that you have said and everything, that statistic looks mighty bad and if that's all that people have to read and say, this is what has been given to us, then they're saying that the racial profiling isn't worth a damn or people are not complying with it.

CHIEF MATTHEW REED: Well, Senator, I think --

SENATOR GOMES: I think that the law had teeth to begin with, and like I said, some of the things that you said would improve it, but the law has some teeth. We're not reinventing the whole law. We're just trying to make it a little better.

But what a compliance record of it as is?

CHIEF ANTHONY SALVATORE: We can, when the data was being collected and submitted to the Chief State's Attorney's office and an analysis was being done, it was 100 percent.

When the law changed and unfortunately the African-American Affairs Commission didn't have the funding to do the analysis, the departments were still submitting and then gradually over a period of time those departments have not submitted, but probably have kept the data locally.

We're encouraging everybody to get back to providing the data, but we still think the system needs to be fixed so that the proper collection is being done as well as the proper analysis

SENATOR GOMES: I thank you for your appearance. I will take into consideration many of the recommendations that you made. Thank you.

CHIEF ANTHONY SALVATORE: Thank you, Senator.

SENATOR COLEMAN: Representative Smith.

REP. SMITH: Thank you, Mr. Chair and good afternoon, sirs.

CHIEF ANTHONY SALVATORE: Good afternoon.

REP. SMITH: It sounds to me like you support the bill but you're dismayed by the evaluation process. Is that fair to say?

CHIEF ANTHONY SALVATORE: It's fair. Correct.

CHIEF MATTHEW REED: Yes.

REP. SMITH: And you're looking for a model that would be better to evaluate the data that you

do collect. Is there a model out there that you have found in your research?

CHIEF MATTHEW REED: I know the DOJ report was alluded to. That's a report that, by Mr. Cassis. I believe that was maybe a 2000, 2001 report, although it's voluminous and it has some great tips on how to collect the data and how to analyze the data.

But if you do a search and look around the country you can see there are many different models that exist, different ideas as to how time of day impacts the analysis, how a thruway or a particular road during the day may have one demographic that use it, in the evening has another demographic that uses it, so there's different models out there.

I do not have, nor does the Connecticut Chiefs have an ideal model, but we want to be a part of the process when it comes time to setting forth the standards that we're going to have to adhere to. We certainly want to be a part of that conversation and try to find the best way to collect the data and certainly analyze it.

REP. SMITH: I think it would be beneficial to this Committee to have your input on that model and type of information that you're looking for from your perspective. There may be different perspectives from different commissions or whatever.

But it seems to me that if you've already seen these other models and you may like pieces of it that may work for you. There may be other situations that do not work for you, but I guess it would be helpful, from at least my perspective, to hear what you'd like to offer in terms of a model going forward.

Because frankly, my concern is that even though we're tinkering with this bill, I'm not sure we're getting to where we want to be just by having a different agency looking at it. Shifting the burden to OPM to then report back to us and come up with some conclusion on whatever type of data you're actually getting.

It sounds to me that some departments simply submit the form that you have and put it in a box and drop it off and here you go, I've compiled. Well, maybe that's all they're supposed to do. I don't know.

But unless we set some standards on what should be supplied an what we should do with that data and actually have somebody taking that data and then getting back to us, getting back to the citizens of the State of Connecticut and make sure that it's actually being complied with.

CHIEF ANTHONY SALVATORE: If I may, Representative, under the law, all we're required to do is have our officers at a traffic stop fill this form out and submit this form to the African-American Affairs Commission.

Now, some departments have gone further and this data is all now able to be submitted electronically, but unfortunately over the last ten years there's been no analysis done except that of the Hartford Courant and how they reached their conclusions and how they compiled it really hasn't been shared with us.

So we again, look at, what we used to do, what we were doing, and now instead of, as I said, pointing fingers, we look at coming up with a solution that will be for the good of the State of Connecticut.

REP. SMITH: I agree with that, Chiefs, and certainly I hope with this amendment that the intent is just to have, whether it's OPM or somebody and I think, you know, this Committee at least should make an effort to define what needs to be complied with for each municipality and then once we have that compliance what we're going to do with it.

Because if it sits in a box or if it sits in a computer it's not helping the cause.

CHIEF MATTHEW REED: We agree with that.

SENATOR COLEMAN: Are there others with questions or comments? Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you. Good afternoon.

CHIEF ANTHONY SALVATORE: Good afternoon.

CHIEF MATTHEW REED: good afternoon.

REP. HOLDER-WINFIELD: I wasn't in the room so you probably actually answered this question, so if you did, could you briefly just explain to me what your issue is with the evaluation process?

CHIEF MATTHEW REED: Right now there is no scientific methodology employed as far as we know in the evaluation. I do not know there certainly were no citations in the Hartford Courant article to indicate that this was a true statistical analysis. It was merely a compilation of the raw numbers from what I saw.

What you can read from that, I don't know, but one of the, I guess you can read whatever your subjective intent is to read from those particular numbers.

What our frustration in law enforcement is, we certainly support the collection of the data, and the compiling of the statistics, but law enforcement is frustrated because we're not sure what the standard is.

In our written testimony, and I reiterated that during my verbal testimony, is that our question is at what ratio should police take enforcement action. In other words, what will be seen as satisfactory in the eyes of those who are questioning now whether we are engaged in race based policing.

Is it one for one? Is it based on the demographics of a particular town, of a particular region, or the entire state? We don't know what the standard is.

(Inaudible) me as a police chief, if I were you, all the statistics of our officers. I'm not sure whether the statistics are indicative of racial profiling or not.

Without going to the videotape, and many departments now have video tape of every stop and saying, why did you stop this person? What was the conversation that occurred during the stop and then why did you ultimately decide to give him a written warning versus a verbal warning or an infraction notice. So our frustration is in the evaluation of statistics. We think there has to be far more in the way of evaluating what happened because I think it doesn't help anybody to paint with a wide brush Connecticut law enforcement as being insensitive to racial minorities or ethnic minorities.

I think it really has to come down to that micro level, what made a particular officer make a particular decision in a particular

circumstance, and right now we don't have the tools to evaluate that, nor do we know that there's been any scientific methodology employed to say that these statistics are predictive of what's going to happen in the future.

Right now it just seems to be a very cursory reading of the raw numbers and from that we are painting the entire State of Connecticut's law enforcement body with the color of race based policing.

REP. HOLDER-WINFIELD: And yet, those of us who have been speaking about this have been very careful, in particular, in choosing our words and saying that that's not the case and yet you bring that to us today as if that's what's going on.

I would also ask you as the experts, you in some form, maybe not you in particular, have sat in front of us asking questions while saying you were supportive of fixing the law, and I still don't know, because you bring up the issue of what is scientifically based.

I still don't know what you all would put forward as the scientific method of doing so or which policy because you're concerned about this and concerned about being a part of the discussion, what policy you have thought about putting forward.

And I think in response to a question earlier you said that you don't have one necessarily to put forward. You just want to be a part of the conversation.

I have to tell you, being honest, that I believe that most police officers are doing their job. But when you approach this

situation in the way that you're approaching it, I don't really feel that you are being as helpful as you can be, because what's helpful to me is not simply telling me what's not working, but really giving me something to work with.

So I'm just putting that out to you because that's how it comes across to me.

CHIEF ANTHONY SALVATORE: Well, Representative, the problem is that when we initially began with this piece of legislation right after it was passed back in the nineties, an analysis was done by Central Connecticut and they didn't find anything for or against scientifically.

Then the law was changed and it's been approximately ten years now and perhaps because of that ten-year lag of not being analyzed, we're here today.

And all we're saying is, we do not support racial profiling, but if we're going to address it, then we want to know specifically what we are addressing, and all we're saying also is the fact that we just want to be part of the solution once we identify where the problem areas are.

But we're not sure yet, based on, I guess based on the Hartford Courant article, we're surmising where some of the problem areas are but we want to make sure those are in fact the areas and how we're going to look at it on a statewide basis.

REP. HOLDER-WINFIELD: But the Hartford Courant article happened recently. We've been talking about this way before that Hartford Courant article, and whether we fix this or not,

perhaps we'll be talking about this in a couple of years from now.

And quite frankly, to my mind, the police who again, I think do a wonderful job on the whole, are tasked with enforcing the law, and when the police look at a law and say well no one is doing the other part of the law so we're not going to do our part, which requires that we submit the data, there is an issue.

And that is, whether someone's analyzing it or not, your task was submitting that data.

CHIEF ANTHONY SALVATORE: But we were getting mixed signals both from the Chief State's Attorney's office as well as the African-American Affairs Commission.

What I want to say is, I think that if this data was being analyzed we probably would not be here today. But I think it's a step in the right direction because you know, we sat down, myself and Chief Stralacci with the African-American Affairs Commission when they first got it and we offered them all our help and whatever assistance we could provide.

I think what the problem was, as you heard earlier the testimony from their director, it comes down to money, and as I said, I believe that most of the departments can provide the data that they're looking for over this period. It's what's being done with it, and when nothing was being done with it, and if I remember the law correctly, I thought they were supposed to write reports and provide it to the Legislature on an annual basis or some form of basis.

At any rate, as I testified earlier. We're not here to point fingers. We're here to come up

with a solution and I think it's a step in the right direction, sending it over to OPM to be administered.

REP. HOLDER-WINFIELD: Thank you,

SENATOR COLEMAN: Are there other members? Representative Roldan.

REP. ROLDAN: Thank you, Mr. Chairman. Chiefs, thank you for taking the time to be here. I thank you for your testimony and for your work every day.

CHIEF ANTHONY SALVATORE: Thank you.

REP. ROLDAN: You know, I'm hearing you talking about data integrity and being able to compare apples to apples, which I think is what we're also trying to do.

It's a bit difficult when we're talking about something that is racially charged, and statistically significant doesn't mean much when it's happening to you. That is, when you are being set aside for whatever reason based on the color of your skin, you know, you heard et cetera, et cetera. It really doesn't mean much to that person who is really taking the brunt of that.

With that, last week one of the, during one of our events, one of our press conferences, someone came forward and stated that not only had he been the victim of racial profiling, but after that occurred he also got a copy of the ticket and the ticket not only showed what the charge was, but that the race of the individual had been changed by the charging officer.

So there we go into an issue of not only violating that law but actually maybe under-reporting the actual incident.

How prevalent, do you have a sense that this happens often? Have you heard of this in the past?

CHIEF MATTHEW REED: I have to tell you, I saw that, I watched this press conference when that occurred and I try to think pretty globally and think of all the things that are coming at it from different angles and when I heard that I was floored because I thought, now, not only are we questioning the statistics but now we're questioning the integrity of the officer.

And it upset me, not because people were questioning the officer's integrity, but to think there's officers out there who make a stop and intentionally put down inaccurate information. Yeah, that's alarming. That alarms me. I think it alarms all of my colleagues to think we have officers in our ranks who are now falsifying the form and putting down the wrong information.

Now did the officer perceive the situation wrong? You know, it seems pretty hard to believe that, based on what I saw at the conference. So that is troublesome. It is. And I can tell you that among my colleagues, if we receive information that an officer is doing something wrong we initiate an internal investigation and we investigate and if we find out the officer is wrong, we take disciplinary action.

So yes, it is alarming to think that an officer would fill that form out wrong because now that's another whole realm here of the issue. Not only do we have the issue of trying to

measure our response in our actions to people in ensuring that it's not race based, and now we have someone who is falsifying the form.

I certainly hope that was an isolated incident and that is not widespread. That certainly caused me concern to now go to the, now I think, what am I doing to do as an administrator? Am I going to take every form that's turned in and have somebody in our staff go back to the videotape and make sure people are filling them out accurately?

That would be very difficult to do, as you can imagine. But we do have, if somebody makes a complaint we're fortunate in our department anyway, we have the videotape and we can see it.

CHIEF ANTHONY SALVATORE: That gentleman, though, had that hard data? That data should have filed a civilian complaint against that officer and that should have been investigated.

REP. ROLDAN: But I think what, thank you for your response to that. I think what you can see, it's not from our perspective and from the perspective of the average Joe out there that it's not just a matter of collecting the data but it's also a matter of trust at the end of the day.

And you know, I'm not suggesting that this is the standard for officers across the State of Connecticut because police officers work really hard and they join the forces to protect the people of Connecticut at the end of the day and not to do harm.

But that one incident does create a major problem for us, right? Because not only are we going to collect the data, but now we have to

wonder about data integrity, the data that is coming from the police departments themselves.

So, I guess I urge you to keep that in mind. I know that you do every day but it's disconcerting and it's a major problem for us as we try to think about not only how we're going to do this, but how are we going to do this fairly on both sides in protecting the citizens and at the same time protecting officers.

With that, I thank you for your time. I thank you for your testimony and Mr. Chairman, thank you.

CHIEF ANTHONY SALVATORE: Thank you.

CHIEF MATTHEW REED: Thank you.

SENATOR COLEMAN: Thank you, Representative Roldan. Other members? Representative Dillon.

REP. DILLON: Thank you. I'm heartened to hear that you're willing to work with the process. I guess for me, the article in the Courant was only a piece of a larger puzzle. That was very troubling. We have some of the greatest disparities in this state than in any other state. We have great wealth.

We also have disparities in our corrections system. We have disparities in our education outcomes. We have disparities in our health outcomes.

So that in my concern, there's only one piece of a puzzle, but certainly when you get this certain climate, and I'll just mention one thing that I popped up because I have a file on it, African-American student three and a half times is likely to be suspended or expelled

than their white peers. It was a Department of Justice study.

Now this is happening in school systems where an African-American male overwhelmingly was more likely to be suspended or disciplined for an equal infraction.

So even if in a diffuse way maybe we're concerned about fairness and justice, just in terms of our concern about the cohesion of our society and about our future, I'm worried about it because it normalizes a dysfunctional relationship between law enforcement and one particular segment of our population.

If there's any bad actor out there, you may say that it's not the majority and it also breeds a lack of respect for the rule of law. Because if you know that it's not being applied fairly, why should you respect the rule of law?

And so, the burden is on us I think, as leaders, and on our school systems and on law enforcement and so forth to try to make sure that we say what we mean. If something is wrong, then it should be wrong for everyone.

If something, to me, that's part of what gets at the profiling issue, that if we believe in having a bright future and a coherent society we have to be, the burden is on us, really, when we write the law here, to say every one of you is at risk, not just some people.

And so I heard the positive things about your testimony because I was outside, and I didn't, maybe I didn't hear anything to distress me but what happens with law enforcement is just a piece of it.

When you add up all those things on one eleven-year-old or fifteen-year-old on the ground it has a very corrosive effect on their belief in our system. Why should they believe anything we say? And we have to corral all of that energy and we shouldn't have one person with this long trail, and I've seen it a million times. Well, that's an over-statement, where someone is picked up on suspicion for something, and let's say in New Haven or in Hartford, whatever, and then all of a sudden a report comes out from some officer saying, this person, maybe he died and was killed. I've seen this happen.

You know, have 47 misdemeanors, you know, listing all these things that someone who was just killed, when actually maybe all those things are things that lots of other people do, because maybe all those misdemeanors were a result of profiling.

And so, every one of those things not only undermines the respect for the rule of law, it also carries a very long tail because they have a cumulative effect.

So I'm very heartened that you want to work with the process. For me, having worked in methodology, I would follow the data and if there's a problem in collecting it, fine, then we'd look at that. Where it will take us, we don't know. We see what the data tells us.

I don't have any zest, coming from a family that had a lot of folks in law enforcement, to embarrass anyone. But folks have power and coercive power and if they're using that power in a way that's not positive, even if they don't know it, it's in their head and they do it reflectively, we've got to build in a way to

change that or we're not going to have a coherent future.

CHIEF ANTHONY SALVATORE: We agree.

SENATOR COLEMAN: Are there other members who want a question or comment regarding? If not, thank you gentlemen.

CHIEF ANTHONY SALVATORE: Thank you, Senator.

CHIEF MATTHEW REED: Thank you.

SENATOR COLEMAN: Gretchen Knauff.

GRETCHEN KNAUFF: Good afternoon, Senator Coleman and members of the Committee. My name is Gretchen Knauff. I'm the Assistant Director at the Office of Protection and Advocacy for persons with disabilities. I'm here today at the request of James McGay who is the Executive Director of our agency because of the importance of Raised Bill 247. He asked me to read you his testimony because he could not be here today.

Thank you for the opportunity to comment on Raised Bill Number 247 AN ACT CONCERNING THE SEXUAL ASSAULT OF PERSONS WHOSE ABILITY TO COMMUNICATE LACK OF CONSENT IS SUBSTANTIALLY IMPAIRED.

This bill would amend the sections of the criminal code that define and classify the crimes of second degree and fourth degree sexual assault. In general, those crimes are defined by the status of the victim or by a relationship wherein the perpetrator has responsibility for or authority over the victim.

toward ensuring just results for victims with disabilities. Its language has been vetted by the various groups and agencies that have an interest. I urge you to favorably act on it.

REP. HOLDER-WINFIELD: Thank you for your testimony. Are there any questions? Thank you very much.

GRETCHEN KNAUFF: Thank you.

REP. HOLDER-WINFIELD: Shawn Soljour.

SHAWN SOLJOUR: Good afternoon, everyone. Members of the Judiciary Committee, my name is Shawn Soljour and I am here to testify in support of S.B. 364. On August 15, 2009 at 12:21 a.m. I was stopped and issued a traffic infraction ticket for driving through a red light at the intersection of South Avenue and Gerdes Road in New Canaan. I am a resident there and I am also a town employee.

I maintained I did not warrant the stop itself, the officer's treatment of me or the ticket. Officer Kim claimed that I had gone through a red light. I am certain that the light was flashing yellow. As I drove toward the intersection as I passed through the intersection, and when the officer stopped me I could see that it had remained flashing yellow. The light never turned red.

Our three daughters were in the car, ages 17 and 25 years old. The officer, however, maintained that the light had been red. I asked him to check the actual color of the light. He was insulted that I stated to him to look back and became irate and annoyed. He stated that had I kept my mouth shut he would have let me go with just a warning.

At that point I firmly requested that he call his superior. I stated your tone and behavior is unwarranted and we are very uncomfortable. The on staff supervisor did come and he did take note of our concern and then Officer Kim handed me a ticket for $124. I drove immediately to the New Canaan Police Department and proceeded to fill out the complaint form.

As I was filling out the complaint form the lieutenant came in and questioned me to why I was here. I stated, the light is not red and it's still flashing yellow. I was given a ticket for $124 and I will not pay for something I did not do. The lieutenant said miss, if Officer Kim said it's red, then it's red. I said to him, how can you say that? You were not there. And he said, we are not taking your complaint. Go to court.

According to the State of Connecticut DOT Certified Engineering Map, which I filed an FOI for and the maintenance record, that light was operating on schedule.

This led me to appear at the Norwalk Superior Court. I was found not guilty by Magistrate Charlton because the officer wrote the wrong statute. The prosecutor, Justina Moore requested a trial de novo. I appeared three more times before Judge Hudok, a criminal judge. I have no criminal record, and I have no motor vehicle infraction and because I did not pay the fine on that final day, the judge issued a warrant for my arrest within five days.

I was on my way to work and confronted with a warrant for my arrest. My husband had to leave work and to post bond for me. My arrest was publicized in the newspaper and that affected how my employer, the New Canaan residents

viewed me and how people viewed my children, who attend the town school as a result of their parents reading the article.

At the time of the arrest I was fingerprinted. I was frisked, and I was thoroughly humiliated. Thoroughly. I had to hire an attorney to file my traffic stop bias complaint, CGS 54-1m. In accordance with that statute, the New Canaan Police Department failed to comply with the provisions of this section. This blatant disregard from the NCPD, the police commissioner, the DOT and local state's Representative who told me this is a frivolous matter. Move on lady.

I will not. I will not. Innumerable of my ancestors were murdered in this state and in this country and I will hold the New Canaan Police Department accountable for their actions.

The Connecticut Constitution is on my side. The Commissioner of Human Rights accepted my complaint so I hired another attorney. The cost for this bias treatment has incurred my family over $3,500, lost time from my employment, and I'm a part-time employee, emotional stress, public ridicule and ostracization from the already racially polarized New Canaan community. Thank you for your attention.

REP. HOLDER-WINFIELD: Thank you. Are there questions or comments? Representative Hetherington.

REP. HETHERINGTON: Thank you, Mrs. Soljour. I'm glad to see you today. I know you pursued this very diligently. We had several meetings on this.

SHAWN SOLJOUR: Yes, we have.

REP. HETHERINGTON: Correct? And I just wanted to clarify something. You said at one point that your State Representative told you to, I've forgotten exactly the word you used but in effect.

SHAWN SOLJOUR: It was frivolous.

REP. HETHERINGTON: Did I tell you it was frivolous.

SHAWN SOLJOUR: I can quote you your e-mail. Basically, that it wasn't worth the time, to just move on, and I will forward you your response to me and to anyone else on the Committee that would like to read it.

REP. HETHERINGTON: Did I characterize it as frivolous.

SHAWN SOLJOUR: I will forward you your e-mail.

REP. HETHERINGTON: Did I attempt to assist you in determining the information that was relevant to this.

SHAWN SOLJOUR: I wasn't there as you made phone calls. I was not present with any dealings that you had with anyone.

REP. HETHERINGTON: Did you not ask me to contact the DOT?

SHAWN SOLJOUR: I did ask you.

REP. HETHERINGTON: And did not we have the results of that contact?

SHAWN SOLJOUR: In paper form? No. In paper form, no. You told me that you did contact them and that they hadn't gotten back to you.

I was given three different complaint forms --

REP. HETHERINGTON: Didn't we establish --

SHAWN SOLJOUR: -- which complaint, which form --

REP. HETHERINGTON: Could we just stick with this. Did we not establish that the light in fact, that the DOT responded that as far as they knew the light was working? Isn't that right?

SHAWN SOLJOUR: They would not put that in writing. Attorney Alex Sexton will not put that in writing. All she says is, refer to the certified traffic engineering map. That's it.

REP. HETHERINGTON: Which indicated that it was a working (inaudible).

SHAWN SOLJOUR: That it was currently --

REP. HETHERINGTON: Right.

SHAWN SOLJOUR: -- working in the flashing yellow mode. It goes to flashing yellow at 10:00 p.m. I was coming back from New York from a church event after midnight. It was not red.

REP. HETHERINGTON: I recall very well your description and sorry you had this experience. I thought that I attempted to provide you with assistance in this. I'm glad you came up here today because I think that's the right course to bring your experience to those who are considering how to improve this. So thanks.

SHAWN SOLJOUR: You're welcome.

SENATOR COLEMAN: Representative Gonzalez.

REP. GONZALEZ: Thank you, Mr. Chair, and thank you for being here today. I'm very proud of you. Very proud.

SHAWN SOLJOUR: Thank you.

REP. GONZALEZ: And that's what we need, people like you that stand up for your rights and people that put a fight. That's what we need because sometimes we take all of that, and I know that the problems that we have in our community, in the minority community, Latino and African-American is that we don't have the resources to put a fight. We don't have the money to spend to hire a lawyer and that's why we take, you know, treatment like that over and over and over.

And I know that most of the problem is money. But you know I'm very proud, so go, girl.

SHAWN SOJOUR: Thank you very much. Thank you.

SENATOR COLEMAN: Senator Gomes.

SENATOR GOMES: Thank you. Good morning.

SHAWN SOLJOUR: Good afternoon.

SENATOR GOMES: Thank you for coming.

SHAWN SOLJOUR: In your testimony you said this led me to appear at Norwalk Superior Court. I was found not guilty by Magistrate Charlton because the officer wrote the wrong statute. So you were found by that judge to be not guilty of the ticket, that ticket you received?

SHAWN SOLJOUR: Yes, sir.

SENATOR GOMES: Then the State Prosecutor Justina Moore requested a trial de novo. What is a trial de novo? I don't know.

SHAWN SOLJOUR: A trial de novo simply means to re-do the trial over again and then take it out of that local court and bring it to Superior Court.

SENATOR GOMES: She did not recognize the judge's ruling that you were not guilty.

SHAWN SOLJOUR: She did not and she immediately, that same day, requested the trial de novo.

SENATOR GOMES: And as a result of that you appeared three more times before Judge Hudok, a criminal judge. And what did they do? They found you?

SHAWN SOLJOUR: The first time --

SENATOR GOMES: What they didn't say, they didn't say what he found. You said I appeared three more times before Judge Hudok the criminal judge. I have no criminal record, no motor vehicle infraction, and because I did not pay the fine on the final date, the judge issued a warrant for my arrest. You did not pay that $124 fine because the first judge ruled you innocent?

SHAWN SOLJOUR: That's partially correct, sir. What happened was, on August, I'm sorry, on November 16th was the date where Judge Charlton found me not guilty. Then I had to appear back on December 1, 2009. Then on that date it got rescheduled and all of you know how lethargic our court system is.

So then I had to appear again on December the 15th, prior to Christmas and Judge Hudok stated

that due to the holiday I will come back again in January, so now this is the third time.

So in January I was there and I had presented the map and the police officer, Officer Kim and the prosecutor could not identify the documentation from the state so the judge did not accept my information because I failed to submit it in the proper evidence. I could not, I contacted over 20 attorneys to come with me. Not one wanted to come with me so I went pro se.

So going pro se really inhibits you having all the wherewithal to present it in the proper formation. So because I didn't present my, you know, documentation properly, the judge found the officer guilty and even when the judge cross-examined him he lied under testimony. He then said, oh, yeah, well, I left and came back and then it was flashing yellow and I paid for the actual testimony. So that I do have.

He did say that he went back after and it was flashing yellow. So what is it?

SENATOR GOMES: What was the State Prosecutor Moore's request based on if you were found not guilty by a judge already? She requested a trial de novo. What was, how did, what did she base her request for a trial de novo on after you were already acquitted by a judge (inaudible).

SHAWN SOLJOUR: She said it to have the statute changed to the correct one because the officer wrote, the statute was for a stop sign, (inaudible) stop sign at that location.

SENATOR GOMES: So your new trial by de novo was to be by the statute that was meant to be charged and not charged.

SHAWN SOLJOUR: Correct. So the prosecutor was presenting my ticket again before Judge Hudok to change it from a stop sign statute to a red light statute and there's no red light at that location at that hour. There's none.

SENATOR GOMES: And the trial is proceeding on now?

SHAWN SOLJOUR: No. I was found, I was forced to pay. Judge Hudok had two of the court officers escort me to the clerk's office to pay and if I did not pay he was going to hold me. And I have no prior criminal record. I have no other traffic infractions. I served the State of Rhode Island for 13 year as an adjudication traveling court clerk. I know how to behave in a court. I know how to deal with a police officer, and this was totally unwarranted, and it was racially based.

SENATOR GOMES: And they found no fault with the officer for writing the wrong ticket?

SHAWN SOLJOUR: No. The police department is blaming DOT for not clearly stating that the light was flashing yellow. The only thing that they did, the only thing that Chief Nadrinsky substantiated was that the lieutenant violated their own internal policies by not giving me the form, but they gave me three different forms. Which form is the proper form?

Then I had to hire an attorney just to file the complaint because I knew it would be thrown in the garbage. So I paid over $500 to hire an attorney just to come with me to file the complaint and even that complaint was not submitted to the African-American Commission. To date it is not there.

SENATOR GOMES: So this whole thing is now at a standstill, or it's over?

SHAWN SOLJOUR: It's currently being presented to the Commission of Human Rights. I hired another attorney to come with me.

They will, the New Canaan Police Department will be held responsible.

SENATOR GOMES: Thank you.

SHAWN SOLJOUR: Thank you.

SENATOR COLEMAN: Representative Gonzalez.

REP. GONZALEZ: Thank you for the second time, Mr. Chair. Do we have your testimony?

SHAWN SOLJOUR: I believe so.

REP. GONZALEZ: Okay. And where was that? Here in Hartford, New Haven? Where did you went to court?

SHAWN SOLJOUR: It was in Norwalk.

REP. GONZALEZ: In Norwalk, yeah. And the judge that requested the novo --

SHAWN SOLJOUR: The prosecutor --

REP. GONZALEZ: Yeah, but I would like to know what is the name of the judge?

SHAWN SOLJOUR: The prosecutor is the one that requested the trial de novo and then that went before Judge Hudok.

REP. GONZALEZ: Huda?

SHAWN SOLJOUR: H-u-d-o-k. I believe, or C.

REP. GONZALEZ: And that's Norwalk?

SHAWN SOLJOUR: That's Norwalk Superior Court, yeah.

REP. GONZALEZ: Thank you very much.

SHAWN SOLJOUR: You're welcome.

REP. GONZALEZ: Thanks.

SHAWN SOLJOUR: You're welcome.

SENATOR COLEMAN: Representative Hewett.

REP. HEWETT: Good afternoon.

SHAWN SOLJOUR: Good afternoon, sir.

REP. HEWETT: First of all, I want to thank you for your persistence, and I don't think you're going to give up and I don't want you to.

The part you said that you have the paper, the information that says that the light was blinking, you have that in hand. Has that been presented to CHRO?

SHAWN SOLJOUR: Currently, my attorney now is responding to the rebuttal and trial has not yet began the investigation, but they will have it.

REP. HEWETT: Right.

SHAWN SOLJOUR: They will have the certified copy, yes.

REP. HEWETT: Because personally I don't think it should have even got after that part. Once they found out that the light was blinking yellow, that should have been the end of it.

SHAWN SOLJOUR: It wasn't, sir.

REP. HEWETT: I believe that. But, and you know, what puzzles me is there's still a lot of people out there and people that's watching this broadcast today that don't believe this stuff happens. They really don't believe it happens. There's just a disconnect until it happens to you, then it's not a problem.

But it happens. It happens every day.

SHAWN SOLJOUR: Every day.

REP. HEWETT: Now, I heard you keep saying over and over that you don't have no criminal record. To me, that's totally irrelevant, whether you have, if you had 50 traffic tickets, we're concerned about this one, this traffic ticket.

So you're not going to get a ticket because of how many tickets you've got in the past, so that's totally irrelevant to me. So to the people that's watching this broadcast, this stuff happens every day and we need to get serious about it.

We're not saying every police officer is out there doing this because that's not true. It just is not true. If it would have been, you would have been stopped every five minutes.

But this day, that officer at that time did something wrong ad he should be held accountable, so you keep going with this until you find out what you need to find out. Thank you.

SHAWN SOLJOUR: Thank you, sir.

SENATOR COLEMAN: Senator Meyer, and then Representative Adinolfi.

SENATOR MEYER: Thank you, Mr. Chairman. Miss Soljour, you were found not guilty by the Norwalk Superior Court, and I assume that you were never reprosecuted because that otherwise might have been double jeopardy, right?

SHAWN SOLJOUR: I'm sorry?

SENATOR MEYER: Were you, after you were found not guilty, were charges brought against you again?

SHAWN SOLJOUR: What happened was when Magistrate Charlton found me not guilty the State Prosecutor, she's the one that requested the trial de novo the same day.

SENATOR MEYER: And what happened? Was there a trial de novo?

SHAWN SOLJOUR: Yes, there was.

SENATOR MEYER: And were you found guilty?

SHAWN SOLJOUR: Yes, I was.

SENATOR MEYER: And did your lawyer raise the question about double jeopardy?

SHAWN SOLJOUR: I was pro se because I was unable to hire an attorney to come with me. There was no attorney that thought it was worth their time or even me paying them that amount of money to go on a ticket, so basically they said to pay it. I said I will not pay for something I did not do. I will not, and I mean that. I will not pay it. But I was forced to pay so much so that the judge had two officers escort me, escort me, in Norwalk, to pay it.

And the only reason why I, I'm sorry, any record Representative Bennett, is because the judge expedited a warrant for my arrest within five days and we have over 1,000 criminal running loose, but within five days of me being in court he issued an arrest for me.

That petrified me to have a really rugged policewoman frisk my breasts. I mean, I can't even tell you how that just shook me from my core. Within five days he ordered a bench arrest for me, and I hadn't, I'm not a criminal.

I'm going in a constant, I'm moving along with the Connecticut Constitution, with the United States Constitution. It's my right. I didn't get in that cop's face and go off on him. I just said to him very calmly, turn and look back. The light's not red. That's all I said to him, and he treated me as if I was going to get in his face and that was not it. I had three children in the car and it was after midnight.

How can any police officer in this state treat anyone like that? And the fact that I am African-American, yes, I do believe that's why. Yes, I do. And this act should not continue to tarry. It should go forth expeditiously.

SENATOR MEYER: All I'm just saying is that if you were charged with running through a red light and you were found not guilty, and you then had another trial on that running through a red light, that would be double jeopardy under the Constitution of the United States and the Constitution of Connecticut and you could not be retried for that.

SHAWN SOLJOUR: I was, sir. And it's because I was pro se, because I was ignorant of the law,

because I wasn't properly represented, but I do have all the documentation. I made copies of everything.

SENATOR MEYER: Okay. It's possible that it was not double jeopardy because you may have been charged in the first case with going through a stop sign instead of a traffic light and therefore in the second case you were charged with a different crime, namely running through a traffic light, not a stop sign.

So if that happened that way, that would not be double jeopardy. But if in the first case you were charged with running through a traffic light and found not guilty and in the second case you were charged again with running through the same traffic light at the same time, and found guilty, you know, you want to talk with a lawyer who's now representing you about the fact that that would be what we call double jeopardy. Okay?

SHAWN SOLJOUR: Thank you.

SENATOR MEYER: Thank you.

SENATOR COLEMAN: Representative Adinolfi.

REP. ADINOLFI: Thank you. Very interesting case. I've been through something similar with a family member. You could call it racial profiling, too, in the other case.

But where I'm confused here is, you were found innocent of the first charge because they made a mistake, a typo, he put the wrong charge, or the wrong charge on the ticket, right? Whatever he wrote was wrong.

SHAWN SOLJOUR: The wrong statute.

REP. ADINOLFI: Now did they correct that and that was the second charge again?

SHAWN SOLJOUR: Yes.

REP. ADINOLFI: That's what I'm trying to find out. In other words, they corrected the ticket and then came back at you again.

SHAWN SOLJOUR: Yes.

REP. ADINOLFI: All right. So it wasn't for a different offense or anything like that. It still, the second trial was for the first offense because they corrected what was on the ticket?

You know what I call this? I don't call it racial profiling. I call it stupidity on the part of the people that were doing this and that's all I want to say.

SENATOR COLEMAN: Are there others with questions? Seeing none, thank you, ma'am.

SHAWN SOLJOUR: Thank you so much for your time, everyone.

SENATOR COLEMAN: Frank Reed.

FRANK REED: Good afternoon, Senator Coleman, Representative Fox --

SENATOR COLEMAN: Good afternoon.

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FRANK REED: -- Senator Doyle and Representatives Holder-Winfield and members of the Committee. My name is Frank Reed and I am the Chair of the Connecticut Council on Developmental Disabilities. The Council is a governor appointed body of persons with developmental disabilities, parents of children with

I thank you for your time and consideration of this important bill.

SENATOR COLEMAN: Thank you, Mr. Reed. Are there questions? Senator McLachlan.

SENATOR MCLACHLAN: Thank you, Mr. Chairman. Thank you, Mr. Reed for your advocacy. I'm proud that you come from my Senate district and I just want to encourage you to continue the good work you're doing on behalf of those with disabilities.

FRANK REED: Thank you, Senator McLachlan. Thank you.

SENATOR COLEMAN: Are there others with questions or comments? Seeing none, thank you very much, Mr. Reed.

FRANK REED: Thank you. Thank you, gentlemen.

SENATOR COLEMAN: Mary Sanders.

MARY SANDERS: Good afternoon, Senator Coleman, members of the Committee. Thank you for this opportunity. I am here in support of S. B. 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION.

Actually when I signed up and pulled my number 17, I felt quite fortunate and the gentleman asked me are you in favor or against, and I had to stop and think for a minute because I said well, I'm in favor of with reservations, which you'll hear about shortly.

Since the Alvin Penn Act was originally passed into law so many years ago, it has undergone a number of revisions and amendments. Unfortunately, after numerous attempts to get it right, it's still not working. It's no one in particular's fault and it's the fault of

many. But this is not to point fingers. It's the time to analyze past efforts, identify gaps and take corrective action. All politics aside for the good of our state.

Transferring enforcement responsibilities and attempting to improve compliance with federal and state anti-profiling laws have failed to protect large segments of Connecticut motorists.

During the past year, Connecticut has been in the spotlight after the abuse in East Haven was finally exposed, and let's not forget about the embarrassing incident involving our own State Treasurer.

How many other situations have not been exposed? How many others are being harassed but are afraid to come forward. I know that at the Spanish-Speaking Center of New Britain, we have clients who are law-abiding citizens tell us about some very abusive experiences while being stopped, but who are hesitant to file complaints.

It could be small numbers of perpetrators, but let's identify the problem officers or departments and take corrective action for the sake of law-abiding motorists affected and for the credibility of the rest of law enforcement.

The changes recommended by the Community Party after much study of the current law and its flaws are as follows. The adding of categories such as religion and sexual orientation as protected classes and adding a not visible box to be checked off by the officer if it's clearly not a category they can identify.

After conversations with members of persecuted groups in these categories, we find that there

is truly a need for these protections and it would be unfair not to include them in the revisions.

Motorists should only be asked for their license, registration and proof of insurance and not asked for immigration status, as well as their passengers, unless they're being arrested for criminal activity.

Number three, the motorist should get a copy of the traffic-stop report. Forms must include officer's name or badge number as well as information on where to file a profiling complaint should they so desire.
This should cause little extra work as they are already supposed to be filling out these reports.

Some people have suggested that it wouldn't be good for motorists to get a copy of this report, that it might even deter them from filing a complaint. Even if that were the case, it's not the motorist's responsibility to police the police. It's your responsibility and you need clean, honest data.

And we have seen numerous cases where people's races were reported falsely on the demographic forms.

Confidential filing of complaints with a third party should be the law, not local law enforcement. Police departments should not investigate their own as a conflict of interest.

I'm just finishing up. Responsibility of enforcement of the law has moved from different departments with little improvements. There should be a Penn Oversight Committee made up of the three minority commissions, law

enforcement, Chief State's Attorney's office and two community representatives. The minority commissions have all indicated they want to be involved in this.

I can understand the difficult you're having sorting this out but this is the time to make the necessary changes. My testimony's a little longer. I hope you take the time to read it when it comes across your desk. Respectfully submitted, Mary Sanders, Preston Street, Hartford, member of Community Party, Director of Spanish Speaking Center of New Britain. Any questions?

SENATOR COLEMAN: Are the three minority commissions that you're referring to the African-American Affairs, Latino and Puerto Rican Affairs and Asian?

MARY SANDERS: Yes. They actually contacted us. Somebody from the Commission from the Asian-Pacific-American said they would like to be part of the oversight committee as well.

SENATOR COLEMAN: Okay. Are there questions for Miss Sanders? You mentioned including in the revised form a not visible box?

MARY SANDERS: Well, because we are really stressing the need to add religion as a protected class and sexual orientation, officers could always say that that's not a visible characteristic in some cases.

Although I've spoken with people who are Siik, Muslim, others who wear headdress and so religion is sometimes in a bill, is sometimes a visible.

As far as sexual orientation, I've even spoken to some people that have said, hey, I have

bumper stickers all over my car that indicate that you know, I am gay or lesbian and that could be an issue.

But if the officers want to say that you know, a certain characteristic is not visible for them to report on, they could always check the box that says not visible. So, I think it's really important to add those protected classes.

SENATOR COLEMAN: I'm trying to understand this now. Would there be a not visible box for each category, for race, for ethnicity?

MARY SANDERS: Well, actually we were working on a prototype of a form that would include those things and we're hoping, you know, that we could have conversations with people to see how the form would actually look.

I am concerned about going into this electronic reporting. We've seen numerous cases where people who have actually gotten tickets with their race misreported and we know that the most blatant form of racial profiling, people are not getting a ticket or any kind of, you know, information put in their hands. So we can imagine how many people are being reported as white when they're not. When an obviously black person gets a ticket and the box is checked white.

You know, I'm really concerned about moving into this electronic submission of data because that's going to really make it much easier for demographics to be misreported.

The form that they're already filling out giving a copy to the motorist will encourage the officers to be a little more honest. Obviously it's not fail proof if people are

getting tickets where they're marked white and they're not, but it's the first layer of protection, you know.

And the strategies that the Community Party has come up with are numerous layers of protection and I hope that you all saw those four pages of language that was ready to go right into law, you know, I tried to use the same language that was previously there. We've been studying this for the past two years, so we know that, you know, these changes can be made. They're feasible. They're practical and they really are not going to cost a lot.

Especially Governor Malloy says he can't understand why the federal money that's available hadn't been tapped into by the previous administration, so he plans on doing that.

I think by having an oversight committee including the community representatives, will make it much easier to get that federal money.

SENATOR COLEMAN: All right. Are there questions or comments from any other members? Seeing none, thank you very much, Miss Sanders.

Senator Martin Looney.

SENATOR LOONEY: Good afternoon, Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Martin Looney, State Senator from the 11th District in New Haven and Hamden, Senate Majority Leader, and I'm here to testify in support of Senate Bill 245 AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC.

This bill, as the Committee knows, is, I believe identical to one which was worked on

TED HAMILTON: Against myself? No, because seriously I think that would be a civil matter and that would be trying to get blood from a stone.

If it was a legal matter, something I could do within the judicial system or the, you know, but going civilly at this point, there's nothing. He doesn't care. There is (inaudible).

SENATOR COLEMAN: Okay.

TED HAMILTON: It would have to be criminal.

SENATOR COLEMAN: Anyone else with questions? Seeing none, thank you, guys.

REP. MORIN: Thank you very much.

TED HAMILTON: Thank you.

SENATOR COLEMAN: Adam Osmond.

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ADAM OSMOND: Good afternoon, members of the Judiciary Committee. My name is Adam Osmond, and I'm going to a start a quote from Dr. Martin Luther King, Jr., and he said "The ultimate tragedy is not oppression and cruelty by the bad people but the silence over that of the good people".

With that being said, what I'm about to share with you is not based on a study or research but it's based on a real-life experience. Both myself and my wife, who is also 100 percent black, have been racially profiled so many times.

What is even worse is that in two different occasions with two different police officers in two different towns we were issued a tickets where in the race box both of us were quoted as

white. Both of these tickets were dismissed and I included copies of the tickets where I redacted our personal information with my testimony, which I'll e-mail it to you just to save the paper.

I have the original ticket with my possession right now and without the redacting information and anyone who would like to see it, I'll be glad to share it.

In my opinion this was done in order to lower the percentage of blacks and Hispanics who got ticketed and it was to increase the percentage of whites when the police department send out the data, which was supposed to be submitted to the state, and I recently found out a lot of police departments don't send it out anyway.

There's no way anyone can confuse us, me and also my wife being white, especially a police officer. So I believe this was done intentionally to mislead the data.

If police officers are willing to put false information on an official state document, and in this case being a traffic ticket, especially a sergeant, I wonder what all is wrong with the data.

In 2010 after my wife got pulled over for not having a front plate, and she got that ticket where her race was marked white, I went to complain to the police, I went to the police department of complain why my wife was marked as white.

And when I talked to the reception of the police department, then the sergeant who wrote the ticket came out to talk to me and I don't think that's a good way to process a complaint.

I believe there's, a better should be placed to create a.

I then sent an e-mail to the police chief asking him why my wife was marked on the ticket to be white and th4 answer I got was even worse. After that, I have a lot of experience with data analysis and I did a Freedom of Information request and I got the data from them and what I found out was even more troubling to me.

I'd be glad to share with you any time if you would like to see what was in that data, but a, just one thing was in there.

Two out of the three people that police officers pulled over before my wife were also black and I believe when he pulled my wife, which would have made it three out of four, he had intention to change it. It had to be white.

And let's not forget, racial profiling is not the only area where blacks and Hispanics get discriminated. There are many other areas that we get discriminated.

I would like to end with Dr. Martin Luther King again. The ultimate tragedy is not the oppression and cruelty by the bad people, but the silence over that by the good people. If you have any questions, I'd be glad to answer.

SENATOR COLEMAN: Are there questions for Mr. Osmond? Seeing none, thank you, sir.

ADAM OSMOND: Thank you.

SENATOR COLEMAN: Senator John Fonfara.

SENATOR FONFARA: Good afternoon, Mr. Chairman --

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2012

SENATOR COLEMAN: Good afternoon.

SENATOR FONFARA: -- members of the Judiciary Committee. Thank you for the opportunity to testify on Senate Bill 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION.

I was here as a member of this Legislature, may have been a member of this Committee, actually, at that time when we initially passed the racial profiling act in 1999, and I remember at the time there were many who asked the question about was this really necessary? Wasn't it just an isolated incident that had taken place that moved then the late Senate Alvin Penn to urge the Legislature to pass the racial profiling act at that time.

I think we now know that unfortunately it's not an isolated incident, and despite the passage of that legislation it took the federal authorities to bring to our attention and the state's attention what was happening in our community in our state, and I hope and I pray that it not take other efforts on the part of the federal government or other authorities to bring to our attention this is happening and where it may be happening in other parts of our state.

The bill calls for moving the oversight of the data collection from the African-American Commission to OPM. I support that effort strongly and develop a standard form for all police departments to collect the data.

I understand there's additional consideration being given, it's not in the bill before you, before us now, that an advisory committee be put together, including community stakeholders

to ensure that the ban is enforced and I strongly support that as well.

You know, I'm considered to be part of a majority, a white male, and even though at times we're considered the forgotten class if you will, I'll never know what it's like to be African-American or Latino and I'll say parenthetically that I represent the largest Latino population than any state Senate district in this state.

And I'll never know what it's like to be identified because of my race or my gender as many of my constituents that I represent live with every day.

But I can say that the power of those in law enforcement in our state, whether it be judges, those that come before you every year to be confirmed or re-confirmed, and I sat where you sit now, and I thought long and hard about judges, whether being first nominated or whether they were being reconfirmed and how little we knew about them when deciding their fate, but how much power we gave them over an eight-year period to make decisions in anyone's lives that comes before them. It's enormous. It's intimidating.

And it doesn't matter what race you might be or what gender you might be, or what other circumstance in life, the power that we give judges and we give law enforcement and police officers is so overwhelming and the responsibility in that particular circumstance and what impact it can have on one's life needs our attention. It needs us to be circumspect and to have the proper balance of having law enforcement being able to do its job and also knowing that we don't live in a perfect world.

This Legislature, this Committee initially and this Legislature in general needs to have the tools in place to ensure that that responsibility is meted out fairly and that there's credibility associated with it.

There's, in my opinion, nothing worse than having there be credibility issues with those that are enforcing our laws.

So I ask this Committee to support this legislation. I hope it will be improved upon from what's before you today and I thank you for the opportunity to speak to you today. Thank you, Mr. Chairman.

SENATOR COLEMAN: Thank you, Senator, for your input. Are there questions for Senator Fonfara? Representative Smith.

REP. SMITH: Thank you, Mr. Chairman. Good afternoon, Senator. You know, you mentioned that you're in favor of this going to OPM and having them be the, I guess, the review board so to speak.

I still, you know, I'm the new guy up here so I'm still trying to figure this all out. But I'm a little nervous about it going to OPM and getting lost. You know, again, you may have better knowledge. That's why I'm asking you.

I just, I know we're all worried about dollars and cents and I'm not sure that they have the financing to do what needs to be done to make sure that these documents are actually reviewed and processed and implemented any better than, you know, the Commission who had it before and the State's Attorney's, Chief State's Attorney's office. So I'm just trying to get some assurance that we're doing the right thing by making them the review board so to speak.

SENATOR FONFARA: Well, I don't know of another agency in state government that has more resources than OPM, firstly.

Secondly, I think it is a much more high profile location for this legislation, or this responsibility to be housed. We have access to that agency. I feel much more confident that it will be administered and the access that OPM have to individual municipalities as well is substantially greater than a commission where it's been housed so far.

So I support that endeavor and I think the fact that, unfortunately what we've seen in one town, in one community where the federal government has had to step in, I think that's embarrassing for our state on several fronts and I'm hoping that the new attention that's been brought to bear that we'll see many more communities on their own stepping up and doing this data collection, and hopefully where it may be happening right now in our state, talking about the profiling, that it will cease because of the attention that's been brought.

But I'm confident that the proposed location of where this information will be collected is a better one than what we have currently.

REP. SMITH: So that's comforting to hear and I guess my next question then would be, are you aware of any guidelines or any mechanisms that have been set up or will be set up for OPM to actually do something with the data once they receive it.

Because I just have this horrible vision that all this data comes into this organization, this agency, and now what? What do we do with it? Do we process it? Do we evaluate it?

Some of the police officers and the chiefs were here before and you know, they didn't have a mechanism on which to evaluate the data that's collected now.

So I'm just trying to make sure that once we do something we actually do it right and there's some response to it so we can get away from racial profiling and actually just hopefully put that in the past.

SENATOR FONFARA: Couldn't agree more with you, Representative, and I, as I've said at the press conference when this initiative was first announced, I stand ready to work with the chairs and ranking members of this Committee and you, sir, and anyone else to do exactly what you just said so that this should not be a partisan issue in any way whatsoever.

I don't think anyone feels good about what happened and what unfortunately may be happening. I did not know what was happening in East Haven before it became public, and I don't think any of us can say categorically that it isn't going on currently in other communities. We hope it isn't, but this legislation can go a long way in helping us know whether it's happening and if it is, that it be stopped.

REP. SMITH: Thank you for your answers, and thank you, Mr. Chairman.

SENATOR COLEMAN: Thank you, Senator, Representative and Senator. Other questions?

SENATOR FONFARA: Thank you very much.

SENATOR COLEMAN: Thank you, Senator. Terri Drew is next, to be followed by Chief Joseph Gaudette.

little bit more reluctant and I think it would certainly be helpful, given, you know, the city that you're from and the wide variety of situations your officers must have to anticipate and see, that if you are, if you feel that this is something that would be beneficial for law enforcement and for the students in Bridgeport, it seems that that also may, that argument would apply elsewhere as well. Thank you.

CHIEF JOSEPH GAUDETTE: Thank you.

REP. FOX: Thank you, Mr. Chair.

SENATOR COLEMAN: Further questions or comments? Seeing none, thank you, chief.

CHIEF JOSEPH GAUDETTE: Thank you very much, sir.

SENATOR COLEMAN: Ronna Stuller.

RONNA STULLER: Good afternoon, Senator Coleman, Judiciary Committee and my own Representative Hewett. I came here today from New London in support of Raised Bill 364 with a couple recommendations, not because I have personally been the victim of racial profiling but because first, I have friends who have been profiled, and second because I believe that we as a society cannot expect respect for law enforcement unless we can make sure that the law is, without fail, fairly and equitably enforced.

The Alvin Penn Act provided a first step in acknowledging and providing some safeguards against profiling, but over the past decade or so we've also learned about its limitations and so I am happy to see that some changes are being considered that will strengthen it.

To create the desired effect, I hope that your final bill will indeed incorporate the Community Party's provision. Specifically, two issues are important to me, that motorists receive a copy of the traffic stop report. I think it's very important to stay in the final legislation.

To partly give clear instructions to people as to how to proceed after they're stopped and also to ensure that all the forms that have been filled out have been filled out accurately without which good data collection is impossible, and also to create an independent oversight committee that will address a motorist's complaint in a confidential manner and that will inspire confidence in the fairness of the process and prevent any possibility of retaliation or cover ups.

Additionally, I believe it is important to have religion and sexual orientation as protected statuses and to direct officers not to inquire about immigration status of motorists or passengers unless they are being arrested for criminal activity.

I suspect you'll hear from several first-hand accounts today and I applaud the people who come forward to tell their stories of racial profiling, but I hope you'll also hear from people like myself who have not been victims but who believe wholeheartedly in equal protection under the law for all and wish to see the steps taken that will someday make that a reality in Connecticut and our country. Thank you.

SENATOR COLEMAN: Thank you, Miss Stuller. Are there questions? Representative Hewett.

REP. HEWETT: No question. I just oh, you're leaving.

RONNA STULLER: I'm not walking away from you.

REP. HEWETT: I don't have a question but I just want to thank you for coming up from New London today to testify on such an important bill, and I think everybody on the Committee is on the same side you're on when it comes to racial profiling.

RONNA STULLER: Thank you, Representative Hewett.

REP. HEWETT: Thank you so much.

SENATOR COLEMAN: Leslie Simoes. Leslie Simoes. Am I saying the last name wrong? S-i-m-o-e-s. Robert James Payne and Sandra Payne.

ROBERT JAMES PAYNE: Right here. Mr. Chairman, you don't mind if I read my testimony off my IPad, do you?

SENATOR COLEMAN: No, I don't.

ROBERT JAMES PAYNE: Okay. Is it working?

SENATOR COLEMAN: It is. We hear you.

ROBERT JAMES PAYNE: Okay. Good afternoon Chairman Coleman and Representatives of the Judicial Committee. I am in support of Bill S.B. 247. This bill is important not only because I was assaulted several years ago but also because I am a mentally disabled youth who takes a very high level of offense when someone decides that we are such easy targets.

I have Autism Spectrum Disorder along with several other diagnoses such as post-traumatic stress disorder. I am here today to fight for

SENATOR COLEMAN: Sandra Staub.

SANDRA STAUB: Good afternoon, Senator Coleman, Representative Fox, distinguished members of the Judiciary Committee. My name is Sandra Staub and I'm the Legal Director at the American Civil Liberties Union of Connecticut and we support measures to strengthen the Penn Act requirements for data collection and prohibiting racial profiling.

Therefore, I'm here to support Senate Bill 364 provided that there are some changes that can put some teeth into the act, which is, I believe, the purpose for having this bill here.

The necessary changes from our perspective are that all conditional if clauses should be excised from the bill. The bill must be effective upon passage and religion must be added as a category.

In this year of education reform we want to solve the problem of separate but unequal schools in part by expanding school choice. How do we expect students of color to choose to make the drive from Hartford to West Hartford or Glastonbury for example, when the state has done virtually nothing to prevent racial and ethnic profiling since passing of Penn Act in 1999.

Last year in support of the Penn Act revision, I talked to you, this Committee, about my teenage daughter obtaining the privilege to drive and the privilege to drive while white here in Connecticut. The second privilege is unacceptable for 2012.

And as the reports from East Haven came out, I cannot help but think of parents of Latino teenagers who send their children on an errand

to pick up groceries or to get gas and they have the fear that I have of teenage driving, but they have the fear that their child will be stopped for driving while brown.

And I'm convinced that my daughter, of course, does nothing wrong when she drives and this is why she hasn't been stopped. Yet, I'm sure these other parents are, too.

In investigations by the ACLU of Connecticut by the Yale law students, by the Department of Justice and by local press have been powerful in their findings that there is ethnic and racial profiling going on now despite the failures under the Penn Act. And I'm sure these other parents believe their children have committed no infractions, and yet they worry.

The simple fact is despite all this anecdotal and report evidence, nothing has changed. The state officials and police departments responsible for enforcing the racial profiling prohibition and for collecting and analyzing the data have inexplicably failed and refuse to comply with the Penn Act, and we need the changes in this law primarily to hold them accountable and enforce their compliance with the law.

Much was made of East Haven's mayor's offensive and embarrassing comments about tacos. The failure of state leaders to fix what has long been obviously broken in the Penn Act is just as offensive, equally embarrassing and clearly indicative of the racism and bias that is built into the threshold to our state justice system.

The people of the state appreciate law enforcement and know that there are, if I may conclude?

SENATOR COLEMAN: Yes you may.

SANDRA STAUB; They know that there are good police officers, but good police practices as the Justice Department said, require developing a system to detect and prevent profiling.

And so we can't create excuses for the police by including if clauses in this legislation and there can't be any further delay in implementing a law that's 13 years old and there's no excuse for it because the wheel has been invented in Rhode Island and other places and we can just borrow that model and implement it here.

And we would add that religion is something that is perceived and in my testimony I detail examples about religious profiling and we would ask that that be added. Thank you.

SENATOR COLEMAN: Thank you. Are there questions for Miss Staub? Apparently not. Thank you for your testimony.

SANDRA STAUB: Thank you.

SENATOR COLEMAN: David Samuels.

SB 364

DAVID SAMUELS: People of Connecticut, I'm David Samuels, the founder of the Community Party. Before I start, I'd like to say rest in peace to Senator Alvin Penn who pioneered the fight against racial profiling in the state but really isn't having to mention by anybody in this issue.

We're a statewide group of activists dedicated to addressing criminal justice reform and economic justice issues. I know that people who get all of their news from the mainstream media don't know this but we were the first

group to start working on the Alvin W. Penn Act two years ago after I was racially profiled in Bloomfield.

Unfortunately, the Penn Act has become just another political football, especially since the East Haven Police scandal made the issue of racial profiling in Connecticut national news. Elected officials, state bureaucrats and so-called activists have been knocking each other over trying to get a piece of this issue as they attempt to produce a bill which will be palatable to the police and conservative legislators.

Assemblyman Gary Holder-Winfield and Matt Ritter are the only ones who have acknowledged the Community Party publicly since the public hearing on our racial profiling bill eleven months ago.

Our bill has the strongest enforcement provisions of any profiling legislation, state or federal. The bill language is posted in the note section of our Face book page, Stop Racial Profiling-Obey the Law.

The fatal flaw of the Penn Act is that the citizen is excluded from the traffic stop data collection process. We're calling for all motorists who are stopped by the police to receive a receipt of the stop. This receipt will include important information like the patrol officer's identifying information, specifically their name and badge number, which will be vital to those who want to file a confidential racial profiling complaint.

Law enforcement expert Andrew Crumbie, a former state trooper, told us that a traffic stop where the motorist did not receive a ticket is the most blatant form of profiling.

Don't believe the lie being told by the Connecticut Police Chief's Association and dutifully spread by their mouthpiece CT News Junkie about this language requiring that printers could, this language saying that printers could be required to be installed in police cruisers.

Our bill calls for the traffic stop demographic data from the cops are already required to fill out to be issued in duplicate with a copy being given to the driver. All that the state would have to do is spring for some carbon paper.

Our legislation also protects the people of color from being harassed about their immigration status and provides protection to religious minorities.

Finally, we want a Penn Act racial profiling oversight committee with at least two community stakeholders to be established in order to address the layered issue of racial profiling.

Traffic stops are only one tool of racially biased policing. We will need all of the public's support that we can get as the Capitol cast of characters have been working to marginalize our group. Last year we received a nice pat on the head from Senator Coleman during the public hearing for our legislation. After the bill made it to the Senate floor and was mysteriously sent back to the Planning and Development Committee where it was killed, we couldn't get the Senator on the phone.

A few weeks ago he cancelled a meeting on us with about an hour's notice and we still haven't received an explanation as to why. Apparently folks at the Capitol aren't crazy about an upstart group getting the credit for

being the agents of reforming a law which should have been fixed years ago.

We're not in pursuit of glory. Our only agenda is to pass the strongest profiling bill possible. My question to Senator Coleman is, which side are you on?

SENATOR COLEMAN: Mr. Samuels, I rescheduled a meeting with three people. One was Representative Ritter, the public defender and one other group. I had a personal emergency that day and you could, you have some alternatives.

You could choose to check. Maybe there was some miscommunication.

DAVID SAMUELS: We checked all over the place.

SENATOR COLEMAN: Maybe there was some miscommunication regarding what occurred, but I cancelled all of my appointments on the day that I was supposed to meet with Representative Ritter --

DAVID SAMUELS: I'm really sorry about your personal emergency, but --

SENATOR COLEMAN: I know you are.

DAVID SAMUELS: -- this was an isolated incident.

SENATOR COLEMAN: I know you are. I know you are.

DAVID SAMUELS: Last year when this bill was going down in flames we couldn't get you on the phone.

SENATOR COLEMAN: Whatever.

DAVID SAMUELS: Whatever, yeah. (Inaudible) That's the problem with this whole process and why we're going to find a way to get around all of you all.

SENATOR COLEMAN: Are there questions for Mr. Samuels? Thank you, sir. By the way, those other two people have already rescheduled and I've already met with one of them. You feel free to reschedule if you like.

Jean LeBlanc.

JEAN LEBLANC: Good afternoon, Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Jean LeBlanc. I'm the Communications and Education Manager for the ACLU of Connecticut, and I'm here to urge you to vote in favor of House Bill Number 5432 AN ACT CONCERNING SCHOOL BASED ARRESTS.

This bill, which concerns sworn police officers stationed in Connecticut schools and the arrests they make, will require local and regional boards of education to do two things.

First, they must enter into formal written policies to outline the duties and responsibilities of police officers with an eye to avoiding unnecessary arrests and second, they must publish data on arrests made by these officers at school and at school-sponsored activities, including the type of event, the student's age, grade, gender, ethnicity and whether he or she is a recipient of special educational services or is a non-English speaker.

This will allow school systems to tailor policies to keep children in school and learning. The ACLU CT supports the bill

JENNIFER ZITO: Thank you, Chairman. Next is Benjamin Reyes. Barbara Fair. Oh that is you. I didn't recognize you in your hat.

BARBARA FAIR: I just got comments in the other section. Incognito today. Good evening, I guess it is now. Thank you, Chairman. Senator Coleman, Senator Kissel and Representative Hetherington, oh, and sorry, and every member of the Judiciary Committee.

SENATOR COLEMAN: Representative Carpino.

BARBARA FAIR: Oh, okay. I had to put my glasses on so I could see right down there. Anyway, thank you for the opportunity to come before you today. I wanted to, I'm in support of four different bills and I'm going to make it very short, brief on at least three of them so I can get them in.

SB 244
SB 364

First of all, I support Senate Bill 279 for sentence modification. I have doubts that, I support it because I have doubts that the same prosecutor who tried, prosecuted and conducted an individual would entertain giving that same person a break post-conviction and sentencing.

And I also think that the best practice should be an independent entity for that person to go to when they want to request a modification simply, and to simplify it so that people without an attorney can also make that request to get their sentence modified.

I'm also in support of H.B. 5432 supporting reducing school based arrests. Juvenile justice reports indicate the majority of these cases stem from school arrests. When that happens someone needs to look at why are so many children being arrested in schools and for what reason, and why the resource officer, the

teacher, the principal, the social worker, all of those people couldn't handle the situation absent of being an arrest.

Many of these arrests if you look into them, are as a result of zero tolerance policy and that's what has led to the increase in children being entered into the juvenile justice system as early as five years old, and in Connecticut, we actually, there was a report that we actually suspend kids as early as kindergarten, and I think that's all because of the zero tolerance policy.

On the policy, the drug free zone policy, S.B. 244 I definitely support. My only question is, why is it taking so long? I mean, I've been coming up here testifying on this for many, many years and I look at the continuing of this practice and more and more people going into prison.

If we could just get the language right, pass the bill and finally stop some of this disparity that you see with this drug policy because it definitely discriminates against poor people and communities of color.

Years ago we brought up a map and scale about just the City of New Haven, and in New Haven the only place someone could have drugs either on them or selling them and this policy wouldn't apply was on the Yale Golf Course.

And then finally, I support H, I mean S.B. 364, racial profiling. For me the reality, we don't realistically need any studies to validate racial profiling as an issue in Connecticut. We can't legislative someone who has been nursed on racism and practices but maybe this policy might be a step in the right direction if when we legislate, the legislation contains

consequences, definite consequences for the individuals or departments who practice racial profiling.

When I looked at the bill, the mandate was more like it may happen, the consequences as opposed to it should happen, it must happen, it shall happen. And I think that's the only thing that's really going to make a difference.

Personally, being a victim of racial profiling and I'm probably sure probably a lot of people in the urban centers is a very degrading and infuriating thing to have to go through.

And another thing I was thinking about, OPM, I'm not understanding why OPM is not working with, like CHRO, the African-American Commission, NAACP, why all of them can't get the information at the same time as opposed to other agencies have to wait for OPM to send the information to them. I think it should be one mass, when the data come in, one mass e-mail or however they're going to send it out should go out to everyone at the same time as opposed to like they were talking about this morning the bureaucracy of having to go, wait for another department to send you the information.

Another thing, I like the language that the Community Party has where you get a receipt for when you get a ticket.

I also was wondering, like a lot of times people are stopped. Say there are four males in the car, and I think that's the reason why some of them are getting stopped, just for that matter alone, and are we gathering information for all of those people that had to give IDs, or just for the driver?

Because I think if you're going to be asking everybody for IDs that they should also be counted as part of that data of people who felt they were profiled.

I think that's about it.

SENATOR COLEMAN: You mentioned a receipt and there was a gentleman that was here today who received something in connection with his stop. The information on it was filled out incorrectly, probably purposely. But isn't it the case now that there's some sort of receipt that the motorist receives?

BARBARA FAIR: I don't know. I don't know if that's part of what this bill is asking for or is that already happening? I don't know. I mean, I've been pulled over. I have never gotten anything why I was pulled over. I mean, I actually asked the question and you know, I've never received anything.

SENATOR COLEMAN: Okay. I guess it may be the case that some jurisdictions do provide some form of receipt and some maybe don't.

BARBARA FAIR: Okay. But it would be good to have that, just specifically --

SENATOR COLEMAN: Absolutely.

BARBARA FAIR: -- because of that issue when this person said he was listed as white on the receipt, because it then skews the data that's actually being collected.

And I also see this in the prison system. If you look in the prison, there's a lot of people in prison with Latino surnames and yet they're listed as white in the system, so that skews the real disparity that's even in our prison

system. So we really want to look at the racial disparity. We need to look at all that.

SENATOR COLEMAN: Yes. I think with respect to Latinos, that may be self collection or self identification in some instances.

BARBARA FAIR: Even if they have white non-Hispanic, because a lot of times what I see is white or black non-Hispanic or Hispanic.

SENATOR COLEMAN: Yeah. In any event, a receipt would be a good idea, so you know, if there's a Latino who's identifying as non-white, they would know whether or not they're being accurately recorded.

BARBARA FAIR: Right.

SENATOR COLEMAN: So their information pertaining to their stop is being accurately recorded.

BARBARA FAIR: Right. So if they chose that, at least they wouldn't find a problem with it when they see it on the ticket.

SENATOR COLEMAN: Right. Are there questions from other members? If not, thank you again, Barbara.

BARBARA FAIR: Thank you,

SENATOR COLEMAN: Maria Foden. Mike Alevy. Alevy.

MICHAEL ALEVY: Good afternoon, Senator Coleman, Senator Kissel, Representative Hetherington, members of the Committee. My name is Michael Alevy. I'm a Senior Assistant Public Defender and I'm here on behalf of the Chief Public Defender to testify in support or Raised Bill 279 AN ACT CONCERNING SENTENCE MODIFICATION.

SENATOR COLEMAN: Do you have any experience or familiarity with commutation of sentence process?

MICHAEL ALEVY: I do not, Senator Coleman. I was here earlier this morning and I did hear Attorney Kane discuss that, but I do not have experience in the commutation area.

SENATOR COLEMAN: Okay. So, I guess it might be reasonable to conclude that that's a process that's very rarely utilized and as such might not be even remotely a good alternative to sentence modification.

MICHAEL ALEVY: I would agree with that. I think that is not a viable alternative to a modification procedure or process, which again, quite distinct from a sentence review procedure.

SENATOR COLEMAN: Questions by any other members? If not, thank you, Attorney Alevy.

MICHAEL ALEVY: Thank you.

SENATOR COLEMAN: Michelle Cruz. I'm sorry, Chase. Michelle Chase. Deborah Sullivan.

DEBORAH DEL PRETE SULLIVAN: Good afternoon. My name is Deborah Del Prete Sullivan and thank you very much, Chairman Coleman and the rest of the Judiciary Committee for allowing me to testify today on behalf of the Office of Chief Public Defender.

HB 5432
HB 5366

I'm here on a couple of other bills beside the one that Mike Alevy spoke on, Raised Bill Number 244. We have supplied testimony in support of that and also on Raised Bill 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION.

SENATOR COLEMAN: Are there questions for Attorney Sullivan? No. You've been too thorough. No questions.

DEBORAH DEL PRETE SULLIVAN: Thank you.

SENATOR COLEMAN: Abdul-Shahid Ansari.

ABDUL-SHAHID ANSARI: Good evening, Chairman Coleman, Chairman Fox and members of the Judiciary Committee. My name is Abdul-Shahid Ansari and I currently serve as the President of the Greater Hartford Branch of the NAACP, and I'm also the Political Action Chair of the State Conference NAACP.

In many ways, Connecticut tells a disconcerting tale of two states. Disparities between whites and minorities exist in health, education and criminal justice. In fact, just this month the media reported that blacks and Hispanics are more likely to be ticketed for traffic stops than whites, white motorists.

Connecticut should not be known for disparate treatment of any kind and its leaders should consider addressing it a priority.

As you know, Legislators first required the tracking and analysis of traffic stops in 2000, then required police departments to submit reports to the African-American Affairs Commission. It is clear that lawmakers recognize the importance of this issue but more must be done. Senate Bill 364 is the "more" Connecticut needs.

By requiring that reports be completed by all municipal police departments and that the data be reported to the Office of Policy and Management, Connecticut will finally be taking

a much needed step toward addressing racial profiling, because it is only through an ongoing commitment to meaningfully assessing these occurrences will our state have the tools to ensure that Connecticut is truly treating its citizens equally.

Last year a similar bill came before the Connecticut General Assembly but was never voted on. What has very publicly played out in East Haven and continues to occur with less fanfare in cities and towns across Connecticut has made it clear that this legislation is long overdue.

I did not know Senator Penn, but as a fellow African-American man, I believe I know what was in his heart when he fought for passage of racial profiling legislation. Connecticut owes it to his memory and to every citizen in this state to ensure that a racial profiling bill is more than just words.

Senate Bill 364 will appropriately honor Senator Penn, but more importantly it will be an important step toward rebuilding trust in a minority community toward law enforcement. Thank you.

SENATOR COLEMAN: Thank you. I know you've been very patient today. I saw you here first thing this morning. I'm glad you finally got a chance to make your statement.

Are there questions or comments from members of the Committee? Seeing none, thank you very much.

ABDUL-SHAHID ANSARI: Thank you, Mr. Chairman. Have a good day.

SENATOR COLEMAN: Sarah Russell.

for change and rehabilitation, but in the current system there's no opportunity for these juvenile offenders to return to court to seek a modification, and this bill would provide that opportunity.

If I could just take a moment to respond to the question about sentence commutation. As far as I'm aware the data posted on the Bureau of Pardons and Parole's website, just goes back to 2007 and there's not been a sentence commutation since that.

My understanding it was actually quite common in the 1970s for the Board to grant commutation but in recent years it's been rare, and then we know at least since 2007 there haven't been any, but I'd be happy to follow up with Erica to know about that and try to get data going further back than 2007 because I do think that's an important piece of this picture.

SENATOR COLEMAN: Thank you. Are there questions? Seeing none, thank you for your patience and your testimony.

SARAH RUSSELL: Thank you.

SENATOR COLEMAN: Paulette Cohen.

SB364

PAULETTE COHEN: -- Representative Fox, my name is Paulette Cohen. I'm from New Haven, Connecticut. Let me summarize my first two pages. I'm basically here today because Gary Holder-Winfield, who I saw at a meeting on Saturday said what he really needs is citizens who are not minorities to come and testify to say why it's important for the racial profiling statistics bill to be passed, from my point of view.

That hit home with me because it really affects the fabric of my life as well. I basically, I live in a very nice neighborhood in New Haven. We have really great relationships with our local police. I have my local policeman's telephone number on my cell phone because he gives it out at management team meetings. I wouldn't hesitate to use it, even when I had a set to during a traffic accident with a rogue cop who was threatening to take me down to headquarters.

I did what he told me. When I came back, I called the police station. They sent someone over, a senior officer over who told me that this guy should have been retired years ago, apologized, thanked me for calling and for helping them and he told me forget about the ticket I had gotten.

Compare that to me, that experience with the experience of George Long, whose story appeared in the New Haven Independence last November. I hope Mr. Long was here testifying today but let me just quickly review his story.

Mr. Long is a 50-year-old African-American carpenter who resides in Newhallville, a neighborhood adjacent to mine. He was celebrating his son's birthday when an officer came to his door. His nephew had been stopped nearby and arrested by a statewide narcotics task force team. Mr. Long was asked to step outside ostensibly to verify that the man in the car was, indeed, his nephew.

(Inaudible) was one of the state officers questioning whether a bulge in Mr. Long's pocket was a gun, even though Mr. Long explained that it was a cell phone and a lighter, which it was, and even though Mr. Long was there to identify his nephew, not as a

suspect, the officer punched him in the face, kicked him after he fell against the fence. Other officers pulled out tazers while the neighbors watched. What is wrong with this picture? Just about everything.

The real question is, why does some version of this happen so frequently and in so many different ways to people of color.

But this question is not the question I came here today to try to answer. The question that Gary Holder-Winfield posed is why does this pattern of police misconduct toward persons of color concern me?
After all, this is not the way things happen in my neighborhood.

Police frequently knock on my door because one of my neighbor's house alarms has gone off. I often walk outside with my pockets bulging, with a cell phone, keys, pens, tissues. No one has ever asked me what I had in my pocket.

On the most selfish level, racial profiling concerns me because it jeopardizes my safety. There is a lot of crime in Newhallville. Most of the crime is ex-Newhallville residents, but some of it spills over into my neighborhood. I wonder who among Mr. Long's extended family, friends, and neighborhood network will call the police when they witness a crime.

Which one of them will cooperate with the police when they are trying to solve or stop or prevent a crime? And that in and of itself is a crime, because there are a lot of damned good cops and police officers, excuse me, in New Haven.

But the poisonous atmosphere created by racial profiling by some officers taints all of law

enforcement and makes it much harder for New Haven's finest to do their job.

And without the statistics that Senate Bill 364 will help compile, there is insufficient pressure on revenue strapped local and state law enforcement departments to confront and put an end to this type of police misconduct.

And there is, excuse me, may I continue? Thank you. There is another issue, though, that concerns me about racial profiling and it should concern those like me, whether they live in the neighborhoods of New Haven that are mostly Caucasian or towns like Guilford or Chester. It is the issue of poverty, and I'm not talking here about poor neighborhoods although that should concern us all as well.

I'm talking about the poverty of cutting ourselves off from people who are different from ourselves, people who have different history, different but equally vibrant cultures that can enrich the tapestry of our own lives.

The most pernicious effect of racial profiling is that it makes fear the default setting of interacting with unknown people of color, and that fear makes all our lives narrower and more impoverished.

Please pass this bill for my sake as well as for Gary Holder-Winfield's sake. Thank you.

SENATOR COLEMAN: Thank you. Are there questions? Representative Holder-Winfield.

REP. HOLDER-WINFIELD: As you might expect.

PAULETTE COHEN: Sorry, Gary.

REP. HOLDER-WINFIELD: I'm glad you went all the way through your testimony, because my point to you wasn't that we necessarily need white people to come and testify on this bill, although actually having worked on this bill for more than just this Session, perhaps that might be the case, unfortunately.

You know, I think that what happens when we have racial profiling is exactly what you indicated to us, that everybody's (inaudible), the police who are on the streets are (inaudible) because they don't get the information that they should be getting and we have police doing work that they otherwise would not have to be doing, taking resources from different parts of our community.

So whether we recognize it or not, this is an issue for everyone. I wish that people would just understand that even if it wasn't their issue it's important, but it is an issue of everyone. I thank you for taking your time to sit here today to talk to us about your perspective on racial profiling. Thank you.

PAULETTE COHEN: Thank you.

SENATOR COLEMAN: Are there other questions or comments? Representative Albis.

REP. ALBIS: Thank you, Mr. Chairman, and thank you so much for your testimony. I represent the Town of East Haven, which as you know, has become infamous for its instances of racial profiling and I was moved by your comment when you said that you felt like your safety was jeopardized because of racial profiling. Could you explain that a little further?

PAULETTE COHEN: Yes. I had hoped I had done that in my testimony. There is crime in New Haven

and it makes everybody safer, that everybody, not just people in my neighborhood but people in the neighborhoods in Newhallville and the Hill and every neighborhood.

If they're cooperating with the police, there is less crime in New Haven. Crimes gets solved. You know, if the communities come together and help the police, they can solve crimes. They have excessive tools in their hands to do it.

The biggest problem people have in neighborhoods where people have been victims of racial profiling, and believe me, I know from talking to people that a lot of people in minority neighborhoods that feel like, this is not a question even up for grabs.

They don't trust the police. They don't call them when something's wrong. They don't call them when they see something, and (inaudible) you know, because it just doesn't stay in there but it goes all throughout New Haven.

REP. ALBIS: Thank you very much. I appreciate your point of view and your interesting perspective, which I don't know if many of us see it that way and I'm glad that you brought that to our attention, so thank you.

PAULETTE COHEN: Thank you.

SENATOR COLEMAN: Are there others with questions or comments? If not, thank you, Mr. Cohen.

PAULETTE COHEN: Thank you.

SENATOR COLEMAN: Monica Fore.

MONICA FORE: Good afternoon.

SENATOR COLEMAN: Good afternoon.

MONICA FORE: Dear Legislators, I am here today to testify regarding S.B. Number 245, S.B. Number 364 and H.B. Number 5356. In particularly, I would like to speak about these bills as to how they relate to the City of Bristol. (HB5366)

Today I provide the Committee with several exhibits as evidence that there is a real need to conduct research into the act of racial profiling by law enforcement officials.

Many of you have heard my story. Many of you have read about the incidents of racial profiling in Bristol and how each and every time the officers and city officials were cleared by state and federal investigators.

The attached exhibits provide proof that city officials were dishonest in their statements to the public. It provides proof that outside actors aided city officials in covering up illegal and unlawful acts against minorities in the city especially those who complained publicly about the misconduct.

In fact, if the truth be told, city officials outright lied about the incidents. I ask that you compare and contrast the attached newspaper articles dated 2006, 2008 and 2012. I ask that you read the articles on racial profiling and hate crimes that are attached as my exhibits.

What you will find is that in 2006, police officers and city officials lied about racial profiling statistics. The State of Connecticut African-American Commission was not in a position to provide statistical data to anyone as it related to racial profiling.

In the 2006 newspaper article you will find Lt. Grimaldi, now Captain Grimaldi and councilmember Frank Nicastro now Representative Nicastro, falsifying information regarding the Commission on African-American Affairs and the Alvin W. Penn racial prohibition act. They are in the newspaper taunting NAACP leaders and other minorities stating Where's the proof? They knew they were being dishonest to the public, but that the public would believe them because they had a badge, gun and the authority to falsify their government documents.

For more than seven years, city officials and police officers lied about racial profiling to the public. After they were cleared by all investigators, they confessed publicly on January 1, 2012 that the incidents were true and that there was a racist radio station, which was known to the public as the Nigger Free Radio Station.

As to H.B. 5366, Raised, there is no way that our State Legislators can vote on such a bill when government officials are lying in investigation. I am sharing with you evidence that will make a difference not only to me and my family's life, but also a difference for the public at large.

We cannot allow dishonesty in our government. We must weed out the bad and keep the good. It is well established that many of the public complaints are being dismissed by those who are friends with the respondents, especially those who are government officials. This is what happened in Bristol and is currently going in the case of Fore v. Tunxis Community College.

Racial profiling is real. It is systemic. It must be stopped and not covered up. Will you take a stand against this injustice and uphold

the state and federal Constitution wherein an individual has the right to due process of law and equal protection of the law.

It should not matter how many times an individual comes forward to complain. This is the American way of freedom. Look at me. I complained for over seven years. Government officials and attorneys were cleared each and every time, only later to have city officials of Bristol come forward and tell on themselves after their friends cleared them.

In closing, I ask you to remember our forefathers and how they fought, bled and died to make a difference so that everyone can be treated equally.

And lastly, I gave you several articles and there of thee newspaper articles you have in 2006 when we were publicly stating that you know, we were watching young men, black and Hispanic men, being stopped, especially at the grocery stores and it was in the private parking lot.

And when the police officer in the private parking lot, they don't have to document that. Their stop is supposed to be on a public street and a lot of those kids will say, well, you know, they're going to come at me anyway, and we try to work, you know, to stop this.

And what happened with me is that when I started speaking out about it, what made the situation get out of control and people said Monica has complaints everywhere, was that in the daytime when I'm in the board room fighting with them they would come and we would talk about it.

But at nighttime when everybody was gone, they would come to my house and attack my family. My youngest son had a nervous breakdown from this and there's reports from Wheeler Clinic and others that you know, because you're standing up and you're speaking against the racial profiling and the injustice, you have rights.

But you get other actors outside the law enforcement officers. You get government officials who are working for the state, and not everyone is bad, but you do get some bad seeds in the government at the state level that say, oh dismiss, dismiss, dismiss, and they're constantly dismissing our complaints saying it's not real.

But a person who's telling the truth, once their complaint is being dismissed is not going to be like me, continuously going to court, standing up. I have judges blocking the court for me and everything.

I'm not here to just make this stuff up. This racial profiling is real and it's epidemic, especially in Bristol but they're covering it up because they have friends in high places that are falsifying the government documents.

SENATOR COLEMAN: Are there questions for Miss Fore? Seeing none, thank you. Abby Anderson.

HB5432

ABBY ANDERSON: Good afternoon, Senator Coleman and members of the Judiciary Committee. My name is Abby Anderson. I'm here today as the Executive Director of the Connecticut Juvenile Justice Alliance. We are a statewide nonprofit organization working to reduce the number of children and youth entering the juvenile and criminal systems and advocating for a safe,

MOIRA BUCKLEY: Chairman Coleman, members of the Committee. My name is Moira Buckley and I'm the President-Elect of the Connecticut Criminal Defense Lawyers Association.

I'm here today to testify in support of two bills and in opposition, partially to one. The first two I'm not going to, I'll be brief. I'm not going to expand in terms of oral testimony.

CCDLA supports Raised Bill 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION. We've submitted written testimony, which I will freely admit was, I don't it's (inaudible) if you ask permission, but I had reviewed the PD's testimony on that bill and I thought it appropriate and we've adopted that.

Similarly, for the most part we have adopted their testimony on Raised Bill 5366, which we oppose to the extent that it does not except habeas corpus petitioners from that act regarding civil lawsuits and subpoenas filed to harass and I won't read the whole name of it.

The one I would like to just expand on just briefly, and I missed the first couple of hours of the hearing, so I don't know if I missed someone talking about it. I didn't hear anyone testifying on it is actually Raised Bill 5148 AN ACT CONCERNING COMMUNICATIONS TO VICTIMS OF THE CRIMINAL OPERATION OF A MOTOR VEHICLE THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY.

And you know, essentially, one of the hard things about being a criminal defense attorney is sort of the moral side of it. Sometimes, not always. You can usually merge the two but there's always that difficulty when you have a client who actually does feel remorseful and hopefully it's not a surprise, but quite a few do, but you can't let them expand or really go

Connecticut school children, including the most vulnerable ones, with the most effective and humane teaching and learning environment.

We owe this to our children and this will also save money on unnecessary and inappropriate high-cost juvenile justice intervention. Thank you very much for your time.

REP. FOX: Thank you for your testimony. Are there any questions? Thank you very much.

DANIELA GIORDANO: Thank you.

REP. FOX: Is that Kathleen Moraski? Is Kathleen Moraski here?

UNIDENTIFIED SPEAKER: She left.

REP. FOX: She left. I'm sorry. Okay. Aldene Burton.

SB 364

ALDENE BURTON: Good evening. Listen, you have to excuse my attire because I'm (inaudible), I'm black, and I'm indigent and I'm homeless. So that's, I'm (inaudible) of a different hotel but that's part of the reason that I have some of the problems that I have.

Let's put things in a time perspective. I'm 61 years old and my mother's father was a slave. And so that's a problem. It's too close. It's not far back because in 1863 they signed the Emancipation Proclamation and the Thirteenth Amendment in 1865 and then they did away with reconstruction in about 1887, so for those next 70 or 80 years we had Jim Crow laws.

Then Martin Luther King came around I think around 57 and then civil rights act around 65 and we started to dismantle the institutionalized races that prevailed in the

south but we did nothing about the traditional races that were prevalent in the north, and this went on and on and on.

Now in my lifetime, I've been the N word. I've been colored if I was nice, I could be a negro. Then around 1960 I turned black. Then around 1980 I turned Afro-American and now Obama's the President and I guess for the first time I'm American.

But the thing of it is, nothing changed but the name. That same racism. That's just as American as baseball and apple pie. It's here today and it's the call, the need for the bill (inaudible) S.B. 364, because that institutionalized, well, Jim Crow racism, you know.

Racism, I'm not surprised because I've been in America all my life and so you can't just point your finger but everybody knows it's here and there's no denying that.

But be all that as it may, let me tell you two things real quick and one is, I went to the police department. See and we're talking about police, 264, I went to the police department. Somebody had stole my wallet and my telephone from a shelter and they refused to accept my complaint. This is 8:00 o'clock at night. So I stayed all night. I said, well, I'm not going to leave here until you take my complaint and they laughed and they talked.

So the second shift came in in the morning about 7:00 o'clock and they came in and they refused to take my complaint and picked me up and took me outside, threw me outside.

Well, I'm starting to say, now what do I do, you know. I stood there for a couple of hours

and a police officer I happened to know walked by so I told him to take my complaint and he did. And I told him not only do I want to make a complaint, I want to know why my complaint was refused in the first place, so get an internal investigation. Let's examine this issue and let's find out exactly what went on, and he said okay and he wrote that down.

So I waited patiently for about a month and nothing happened, and then I wrote a letter to the police chief and the police chief about three or four weeks later wrote me a letter back with the police report. He said well we came back, and I'll be finished very shortly, he said we took the police report two or three days after the event. There was nobody there. The witnesses were gone, so everything's okay. Thank you for giving me the call.

So I wrote him another letter back and explained to him I wasn't interested in the police report. That point was moot. What I was interested in was the internal investigation, and I went into great detail about that and I never got any response because a policeman had told me one time, and he was a police chief but he was a sergeant at the time, he told me, you know I could shoot you dead and put a knife next to you and you're just dead and there's no story.

So anyway, you can't fight the police department right or wrong, whatever they do in situations like this, so I just had to let that go.

But this is one of the main reasons why minorities can't trust police officers. You can't be, I'm scared to walk down Park Street at night and I'm scared to walk down Main Street at day. I mean, I'm afraid of the

police in the day and afraid of the hoodlums at night.

I'm from New Britain. Now if I went to New Britain and somebody was to assault me or attack me, I'm afraid to go to the police department. They already let me know, we're not taking your complaint, and there's nothing you can do about it because I went through the proper procedures up to the police chief and not only that, I wrote a letter to the Common Council. I wrote a letter to the mayor. I wrote a letter to the NAACP the Justice Department and somebody else, but each one of those letters I wrote I sent copies so that you know, what I was saying could be verified, so I'm not just talking off the top of my head.

I wrote in great detail, but be all that as it may, racism is something that I heard all the way through. It permeates this whole meeting that we're having here and what we have to do is to continue to keep chipping away at it and let's pass that bill, S.B. 364 as one bit chip away at the racism that's prevalent that you can't put your finger on but we all know it's there.

Thank you so much.

SENATOR COLEMAN: Thank you. Are there questions? Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Yes. I don't have a question. I just wanted to say that you made a comment about the way that you were dressed and I hope you believe this because it's true that the way you're dressed really doesn't matter. We're here to listen to the citizens of the state. Be you dressed in a suit, sweat pants, whatever it may be.

So I hope you walk away knowing that we did listen to you and the way that you dress didn't matter.

And let me also say, I appreciate your testimony in particular, because my history has led me to a place where at the same time while I believe that the majority of police are doing the job in a manner that they're supposed to be, I don't walk out of my door to take out my garbage about 20 feet without identification on me.

So I recognize and appreciate your commentary. Thank you.

ALDENE BURTON: Thank you very much, sir, and the reason I made that comment about my clothes is because I wear suits and ties every day and that's what I do. I'm comfortable, I have my costume, that's how I function and it's hard for me to function. I mentioned that because I was sure that doesn't matter to you because you're state officials and you understand these things at least, but thank you so much for your consideration.

SENATOR COLEMAN: Thank you, Mr. Burton. Claude Young.

SB 364

CLAUDE YOUNG: Good evening, Mr. Chair and esteemed colleagues of the Judiciary Committee. My name is Mr. Young, Claude Young. I'm an international consultant and have been a Connecticut resident for pretty much about 20, 25 years.

I will start, preface saying that I'm in agreement with Representative Holder-Winfield that I personally feel that the majority of police officers within the state do adhere to the guidelines that they've sworn to.

However, I'm going to give you some testimony today which will be explicit verification and documentation that our state is a true racist, prejudicial state. The things that I'm going to tell you today will be, hopefully will be very appalling to you as Senators and Representatives of our State Constitution as well as our federal.

Back in 2003, I had an encounter. I should also preface, I'm an Olympic speed skating developmental coach, former pro skier. I used to commute to Germany on a regular basis for about 10 years while residing in Stamford and I've had to move from that municipality due to being harassed, arrested numerous times improperly, racially provoked. I went through and exhausted every aspect of an available constitutional right as a U.S. naturalized citizen.

I've gone into due process of supervisors, head administrators within police departments, chiefs of police referring to the C.G.S. to require a head office city hall meetings with head administrators and all of which were in, at that point, Mayor Malloy's administration before he became Governor. I actually spoke to him directly on this note.

Upon returning from Europe I was approached by that municipality to supply them with some DOT guidelines to develop a cycling or an in-line path in Stamford, which is still there today. Upon giving them that information and working as a consultant free, explaining to them and as an advisor what they needed to do in order to fall in sync being able to be approved by DOT for the funding of that path, and again, it was in a recreational park.

But needless to say, I was arrested on the path, the same path that I gave the municipality to create and build from blueprint format. I was assaulted by another resident there. I defended myself. I had five, excuse me, six witnesses, five of which were Caucasian, which went up to the officers that arrived on sight and explicitly told the officer that he had it all wrong, may I be able to continue?

SENATOR COLEMAN: Yes.

CLAUDE YOUNG: And at that juncture they disregarded those witnesses' statements and proceeded to arrest me and so I filed a complaint, a civil rights complaint with their office. It was denied. The sergeant, the chief, had to go to the Department of Justice, had to file a complaint on that officer.

Several years later after that issue was finally exposed and dealt with accordingly through the judicial process that same officer on another incident came to my house and I immediately said there's a conflict of interest here. There's an ongoing, pending civil rights complaint against you. The officer put me against the wall, put my hands behind my back, put me in handcuffs, proceeded to beat me up in my foyer.

The irony is that this officer's dad is the presiding judge in this state. That judge conveniently had himself transferred down to Stamford from Bridgeport, started to be the marionette behind the closed doors, actually violated his judicial code of conduct by coming into one of my disposition dates while I was in that courtroom with charges against his son.

This is a blatant, incessant, rampant issue that has been going on in this state and that can be documented back to the O'Neill administration if not as far back as the Grasso administration and it's still going on.

As this gentleman before me just mentioned, Jim Crow has been abolished since 1964 or 1968. However it is still currently being practiced in this state by numerous municipalities.

After not being allowed to have that complaint filed, I had to go to the CHRO. The testimony that I have I am not at liberty to discuss the contents of that case but it can be accessed by going to the CHRO-CT.gov under Young versus Stamford and you can read explicitly what's taken place in there. The case has been precedent. I prevailed, moved out of that municipality further upstate, waiting for the settlement terms to come through, and since then have had those funds stolen and extorted and brought that to the respective law enforcement agent of that jurisdiction that was taking place then, which was Shelton.

I was informed that I was extorted of these funds upon bringing that information to the officer who was the on-site officer. He verbatim told me, he didn't care what was stolen and I hung up on the office four times after I told the officer that I would discuss and resolve this issue privately with my, at that point ex, and we worked through our pastoral advisor, our church.

She obviously was lying through the situation. He refused my right to file the complaint and then after that, coerced me to come down to the station and had me arrested that night for telling him that someone had created a felony against me.

That has been the standard of numerous municipalities in the state and I would invite any aspect, any persons on this Committee, any law enforcement agent, Chief Fields, Chief Fuchs.

The issue at hand is that we're trying to remedy a situation that's been going on for too long. But the OPH now seemingly want to get involved but Attorney Mike Lawlor who is the Under Secretary there says again, there are some conflicts of interest.

The issue goes more beyond the racial profiling. I'm a person who's very highly educated. I have availed myself, I've been a U.S. citizen to go forward and file a complaint that my rights have been violated and each every tier they've been denied, refused, and ignored.

I've actually had a State Attorney personally tell me after giving him the information that I had five witnesses to corroborate, that your officer broke civil and constitutional laws, that State Attorney head of that district, point blank told me, that's not what we do here.

I said sir, you're an officer of the court and I have five witnesses to corroborate my verification. Now, I've probably been arrested in that municipality three times, each of which was illegal. No recourse. Officer still involved. The chief of police who's no longer there has now just recently been named the interim chief of police in East Haven when he flat out told me in that senior meeting when I brought one of the witnesses in that it wasn't going to happen to have that officer put on desk duty and have an investigation proceeded.

I don't even know where to begin as a U.S. citizen telling you how incensed, humiliated I am and the fact that we as a culture haven't moved one iota since the civil rights act.

We make up all these issues about data. Not one person I've heard until today some of the testimony, of having the issue of enforcement, accountability and transparency, where this would be a non-issue.

The concern is that we have people currently in our judicial system who are part of an existing corruption and I don't know how you Representatives can sit here and say, well, this has been a problem up to this point. Tomorrow we're going to start fresh and have these same corruptive officials still being attached to the situation.

There has not been one concern or issue that I've heard about rooting out these personnel, which means just like a flower. If you cut the flower at the top and it spoils at the root, it's going to grow back.

So until we address those issues, the people who have been complicit (inaudible) conspiring and accessories to the first two, the police departments, we're not going to go anywhere with this issue.

Just in the recent days, just Friday, Mr. Lawlor revoked an alleged officer out of Milford who had to resign, for allegedly raping a female against his twin brother's girlfriend. And this has been occurring through the state on and on and on.

As officers of the court, no matter what tier you're on, legislative, judicial, whatever, the

issue is that your integrity and honor needs to be of a higher standard not of a lower standard, whether it's New London, whether it's East Haven, whether it's past years in Hartford, Waterbury, Naugatuck, Norwalk, Stamford, what have you.

I personally have been, my rights have been violated and probably got four or five departments moving up the line trying to find a place where I can be considered normal or be actually treated absolutely sound.

And the issues that I'm getting from the law enforcement agent in this state is that we don't really have that big of a problem. We have a lot of resistance from the Police Chiefs Association saying that the data is not there. It's basically right back to what the DOJ says is the ostrich routine in this regard.

The fact that we are still here after those passings of those legislations over 40, 50 years ago is a direct reflection and conviction of what is going on within this stage, and it's deplorable.

Now, you have Mr. Lawlor is a very high official in this state, and it's been 11 months, 19 days since I informed several officers of the court, advocates, the State's Attorney that was handling the case. He actually admitted that the person stole the money and they have still done nothing.

I have two things here. One, the Department of Justice report where they had to forward the complaint because I had to go through the mayor's office because the local police department wouldn't take it. Their town counsel was incensed that their chief of police wouldn't engage that which is my constitutional

Fourteenth Amendment right as well as the Chief State's Attorney's office as well. They are also officers of the court.

And on that note, the criteria that they are supposed to uphold themselves is right here. It's the Connecticut Practice Handbook, updated 2012. And in my situation there are probably close to 30 violations of their code of conduct. Thirty.

Now, how are we supposed to move forward when we have these type of people embedded in our system currently who are refusing to honor their oath, refusing to honor what is required of them by state law as well as federal law.

So we can create all the laws that we want. We have the wrong people in place and that are attached to these situations. We're not going anywhere.

Right now we're caught on a 1950s time warp. There are two types of justices going on in this state, one for Caucasian, one for persons of color, just like in the 1950s. Jim Crow is alive and present, gentlemen and ladies.

If there are any particular questions, I invite any members of the Committee at this point or in the near future to inquire why these things are happening, and most importantly, my suggestion is that as we're movi8ng forward is that the OPH or OPM, that office, should not be at the helm of this. If they are involved, they should be in conjunction with the other three commissions that are involved, the Asian community, Latin community as well as the African-American. In conjunction, as well as Citizen Oversight Committee and having a DOJ representative either located in Hartford if

things or not upheld or in each respective district.

And that is also part of the problem that a lot of these district attorneys who are in charge, Mr. Lawlor, of one is which, the second scenario, which I've described to you, has just happened in his district and he's the Under Secretary of the OPH. That's a conflict of interest when his own district is engaging in corruption and racial discrimination and he is at the helm of trying to move our state forward.

That's a problem. That's an inherent, fundamental problem that needs to be addressed. In order for us to move forward, we have to root out those that are not willing to abide by the U.S. Constitution as well as the Connecticut, and there should be no questions about that whatsoever.

If we don't do that, these issues are going to reoccur over and over because you cannot get into a person's heart and spirit of mind if there aren't any direct consequences and a line drawn in the sand.

It's deplorable that the Department of Justice has to ask a request that the Chief State's Attorney to vacate all of the arrests that happened in East Haven and that's an indicator for you.

If they had any integrity within that office, they would have done it on their own. There wouldn't have been a need for the DOJ to ask that. That would have been, that should have been a given, understood, point for those four officers.

Does anyone have any questions at this juncture?

SENATOR COLEMAN: Are there questions?

CLAUDE YOUNG: One last statement. If anyone in this room, law enforcement agent, really believes that this is an (inaudible) judicial equal system, you're not being honest. Thank you very much for your time and attention to the matter.

SENATOR COLEMAN: Thank you. Andrea Reeves is next. Shelton Tucker. Daniel Maillo. Mongi Dhaouadi.

MONGI DHAOUADI: Thank you, Chairman Coleman. Members of the Judiciary Committee, my name is Mongi Dhaouadi. I am the Director of the Council on American Islamic Relations, the Connecticut Chapter. It's a civil rights organization for Muslims in America.

I am here in support of Bill 364 the anti-racial profiling bill, just like we were last year and we sat here and we brought with us many members of our community who testified on some of the incidents of profiling that they experienced in Connecticut.

As you can see, I'm alone today. Many members of our community actually expressed disinterest in this process because of several incidents that took place during the last few weeks, mainly, I would like to bring the attention to this Committee the activities by the New York Police Department that took it upon themselves to create an intelligence gathering program that focused not only on the City of New York but beyond that not only in the State of New York but also beyond that and encompassed the northeast region.

Many Muslim organizations, including Muslim student associations have been subjected to spying for the only reason, and there's no criminal lead, no investigation, specific investigation. The only reason they were spied upon is because they are Muslims and for that reason my community was very disturbed that a police department from outside the state could come to Connecticut and conduct some of these activities.

There were, specific addresses were mentioned in some of these reports, one of them specific in West Hartford. The Yale Student Association was spied upon. Comments were made by our Governor that indicated that he did not have any problems with these activities.

And the bill that just surfaced and we read the language of it, for whatever reason the religions profiling was not mentioned, and for those reasons my community was not interested in coming and telling you the story again because frankly, many of them are losing confidence that politicians will stand up for them.

I hope and I don't share necessarily those kind of thoughts. That's why I've come here to express their frustration, to ask you to seriously take this bill into consideration and hopefully pass it without allowing it to die mysteriously, and to otherwise give us an explanation.

If you're going to allow it to die again just (inaudible) at least tell us why and who's responsible and so hopefully we endorse, if I may continue, only briefly.

CAIR Connecticut endorses all the recommendations submitted to you by ACLU-CT. We work with them under the umbrella of the Connecticut Civil Rights Coalition. Hopefully some of the loopholes that are presented in the bill will be closed, the if clauses will be eliminated, the religious language will be added and hopefully in the near future this Committee takes it upon itself to examine the activities of the New York Police Department in Connecticut and to tell us who is in charge and if they have any jurisdiction for another police department outside our state to come and conduct these kind of examinations.

This is, I understand, outside the scope of this bill, but when you include religious profiling in this bill it will send a strong message that profiling based on religion is not acceptable in the State of Connecticut. Thank you.

SENATOR COLEMAN: Nr, Dhaouadi, was religious profiling included in the bill from last year?

MONGI DHAOUADI: No, but it was, I think it was endorsed by many of the members of this Judiciary Committee. No, I didn't see it on the bill.

SENATOR COLEMAN: Well, it should have been last year and it should be this year as well. My instructions to the drafting attorney was to put forward the same bill that we ended up with last year, and so your comments are well taken and I'm sure the Committee will do what we can to address the absence of religious profiling in the bill.

MONGI DHAOUADI: And we met with some other members, some interested parties who said well, how would you, somebody recognize a Muslim driving.

Well, in most of the cases you probably can't recognize them because Muslims have many varieties of ethnicity and colors who come from different backgrounds.

But in many other instances, you could and we have our Imams, for example. Many of them wear the turbans or the covering. Many Muslim women wear the head scarves like my two daughters and my oldest daughter. She's going to be ready for her driver's license very soon.

And so, you know, that should be included.

SENATOR COLEMAN: Do any members have questions? Representative Holder-Winfield.

REP. HOLDER-WINFIELD: Thank you, Mr. Chair. Good to see you, Mongi. I agree with you. That should probably be included here. I think in some cases as you point out, it's pretty easy to see who is, even if you can't see the details of the face or anything like that because of the way one might appear because of dress, so I appreciate that.

And I just wanted to say to you, I think you already know that I largely support the efforts that (inaudible) made, particularly around the issue of religious profiling lately, and I appreciate you sitting here today to talk to us about this, particularly because many in your community feel as though they've been left out of this so again, I appreciate it. Thank you.

MONGI DHAOUADI: Thank you.

SENATOR COLEMAN: Anyone else with questions? If not, thank you for your testimony.

MONGI DHAOUADI: Thank you very much.

SENATOR COLEMAN: Henry Milner. Good evening.

HENRY MILNER: Good evening. I didn't prepare anything this year but I plan to do so after listening to all the horrific stories that I heard today. SB 364

I'm one of the original members of the Create Change Leadership Team and our bill, I helped construct the disparity between crack and powder cocaine, and when I uncovered the audit it spoke about the things that people are going through today with racial profiling, with administrations and entities in place abusing their authority.

For the past nine months I've been working with Monica Fore through my foundation that I formed. I did a lot of investigation. For the past nine years I watched Judge Patty Pittman circumvent the law. I watched our AG's office circumvent the law because they had the power to do so.

I watched a senior judge because she was a senior judge would not recuse herself from a case when complaints were filed against her, and state law says it's her duty to do so and she didn't do so and she said she wasn't going to do it because she was head judge and it was her courtroom. She can do what she wants.

I watched Barbara Quinn who you go to when you have things of this nature allow it to happen. I have a written letter from Barbara Quinn. I have all the proof to prove of the corruption that is being done through our system, and the system's been going on for the past 16 years. They set it up so due process would not be given in the State of Connecticut, and it's a wonderful system that they have to keep people up under their feet.

This is something that was set down and devised, systemized and they implemented it. For 16 years I've been asking this question, now did it come about? When did it start and where did it start? You have the AG's office where you go to complain who in fact turn around and defend the people that you're complaining.

State and federal law says that if that happens that's corruption on its face. So how is a system of that magnitude allowed to be conducted in our fair state? If I can't do it, why does the AG office allowed to do it?

It is not fair to the constituents who our Representatives and our Senators say they are here to protect. But why is when I look around, we're the only ones being harmed. So I thought until that fateful night that Denise Nappier was driving in her car and I watched Hartford's finest make her get out of her car and walk.

Jacobson and Johnson did an audit in 2000. Those are our auditors here at the State Capitol. Through alternative to incarceration, I uncovered a whole magnitude of problems in the State of Connecticut that stem back from our beloved Governor Ella Grasso, who did not like corruption in her government and spoke out vocally about it.

It has no place in our government, and I'm not blaming anybody on the panel, because it's going to take a lot of work to get this cleaned up, because it has been going on for so long, so long.

I asked George Jepsen, I said man, all this is illegal and the only thing he could say to me

is, well what am I to do? It's been going on for so long. This is a pattern of practice that has been utilized throughout this whole state, if not the country, and it's not fair to us.

I sat down with Senator Coleman at depth. I want accountability in this state. We need accountability in this state for the simple fact we're losing innocent people. Officer Lavery lost his life because of this mess.

The man got out of jail, had three years of probation and didn't serve a day because somebody mistakenly deleted him from the system. That's not true. He was never put in the system. That's how he came out of jail and wasn't there.

The same audit that I found in 2003 that was implemented by our Governor in 2000 stated all these flaws that needed to be corrected. I gave it to Senator Harp. I gave it to Senator Dyson. And the audit was this thick and when I looked at the proposal it was a half an inch thick.

I took that proposal and dropped it on the floor and stood on it and told them this is not going to work. I said, because if the audit to correct is this thick and you're giving me something this thick I guarantee you what was in this is not in that.

And I'm going to make sure every Senator and every Representative have a copy of that audit. I thought these were independent auditors out of our state until I walked through the parking lot and I read their names on the name tag. So I went to meet the guys who wrote this audit. It was a brilliant audit. It was an audit to correct all the corrupt things that were going on in our system from the police department all

the way up to the AG's office, hold everybody accountable. And that's the only way you're going to change this.

And if you don't hold people accountable they tend to run as vigilantes and we have a lot of vigilantes sitting on our benches and it's not right and it's not fair. Sitting in our police departments. Going to file a complaint. Can't file a complaint because they say it's a civil matter.

Regardless whether it's a civil matter or not, you must, it's your duty to take the complaint. And when a man say he was physically removed, that's trouble, because on each and every one of our police cars does it or does it not say protect and serve? Doesn't it say that? So why aren't we getting our service?

I mean, what else has to happen? Does it have to be something happening in your own back yard for us to make this change? Because while it's happening to us it's just hearsay. But God forbid that you get up in the morning and somebody's calling you and telling you they just shot your wife's car up, your daughter's car, your son's car by mistaken identity.

We have a problem in this state. We have a serious problem in this state and I know you know it. I just want to see something done about it and I'm going to do my best to try to get this done. I don't know how long it may take me.

The last bill I constructed passed in two and a half, and it took us to storm this LOB to get it done. We were the ones who shut LOB down and wouldn't let nobody talk. But when the State Troopers came in, there was only one

person talking. I'm going to do that again. I'm going to get people bombarding the LOB.

I'm networking right now to make this happen. We need to make a change. We seriously do before more people are harmed. It's not fair. It's not fair, Senator. It's not fair. And that's all I have to say.

SENATOR COLEMAN: All right. Frank Rotella.

FRANK ROTELLA: Thank you for the opportunity to speak. I've waited for a while. My name is Frank Rotella. I'm from Meriden, Connecticut and I have a long history of arrests with the Meriden Police Department. (SB 364)

Let's see, I was born in 1942 and (inaudible) City Hall since 1956. I've been getting arrested in the City of Meriden since 1958 and at the present time I've got cases pending and the only place I've ever been arrested is in the City of Meriden.

Now, I will not leave the City of Meriden. I have been into our state facility, our prison, what you want to call it and I will do it again if I have to because I am maybe one of the last, I'm not going to say the rebels, but personally, I don't give a, you know what, okay?

Now, having said all of this, the gentleman that just spoke all right? We've got a problem in this country. We've had a problem in this country for a long, long time. I hate to say it's racism but it's racism, and we still have it and we're going to continue to have it. As long as there are people we're going to have that situation. Okay? And it's going to continue and it's going to get worse. It's not going to get any better. Okay?

Now, I could stay here for an hour and talk, but I'm not going to, okay? Because I go to the Meriden Police Department. I have been physically removed. They've got a sign down there that sais official business only, no loitering, okay? I have a right to go in there and ask questions. I have a right to access police blotter. I have a right to access my own records. I have a right to ask for public information. Okay?

Now, I went in there this other night and the officer says I'm not letting you see the blotter. I'm not letting you see this. I'm not going to let you see that. It is all public information, okay?

Now, I could sue the Meriden Police Department. There's only one problem. The last time somebody sued the Meriden Police Department the individual concern okay, ended up with, they could have settled the whole case for $30,000, they spent $100,000 on lawyer fees and the city spent $400,000. It came to a half a million dollars.

Now, I think somebody ought to do something about this, okay? This is the first and last time I expect to come up here. I will never come up here again. Thank you. Okay? I would like to have something done.

There's an election year coming up. I'm not saying it, but a lot of you people over here may not be here come next election or the next time of office. Thank you. And I didn't want to go over. I heard the bell. Thank you. I'm wrapping it up. I don't think there's any questions because I'll give you answers and you people may not like it. So therefore, I will,

I know you're going to pass on it, okay? Thank you for listening.

I hope you guys do the right thing. Thank you very much. Any questions? No? No questions, right. Thank you. God bless you, sir, and thank you for the opportunity to speak. Thank you.

SENATOR COLEMAN: That's the last person on the signup sheet.

UNIDENTIFIED SPEAKER: (Inaudible).

SENATOR COLEMAN: Oh. Come forward. Maria Foden.

MARIA FODEN: Mary Foden is here as well. Well thank you. This is the fastest access to a Committee that I have ever seen. I was here last Thursday night on Bill 5364 and I'm here again to ensure that this Committee will consider really limiting severely what notary publics can do.

I am in a profession that very few people are, which is immigration law and that we see this firsthand. This area of the law has been so greatly overlooked that it has allowed for incredibly permissive activities to be done and even advertised by notary public in the state without any policing and without any control.

Bill 5364 proposes to limit or to specify what the notary publics can do. Now, I think American people don't realize, but in all of the countries that are ruled by the Roman Code such as Latin America and Europe, a notary is a very highly regarded, highly educated person, and that assists in almost everything you could imagine.

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MARCH 12, 2012

Joint Committee on Judiciary
Rm 2500, Legislative Office Building
Hartford, CT 06105

MONICA FORE
TESTIMONY AND EXHIBITS REGARDING:

S.B. NO 245 (Raised) AN ACT CONCERNING THE RECORDING OF POLICE ACTIVITY BY THE PUBLIC

S.B. NO. 364 (Raised) AN ACT CONCERNING TRAFFIC STOP INFORMATION

H.B. NO. 5366 (Raised) AN ACT CONCERNING CIVIL ACTIONS AND SUBPOENAS FILED TO HARASS AN INDIVIDUAL OR AFTER NUMEROUS ACTIONS AGAINST THE INDIVIDUAL HAVE BEEN DISMISSED

Dear Legislators,

I am here today to testify regarding bills S.B. No. 245; S.B. No. 364; and H.B. No. 5366. In particularly, I would like to speak about these bills as to how they relate to the City of Bristol. Today, I provide the committee with several exhibits as evidence that there is a real need to conduct research into the act of racial profiling by law enforcement officials. Many of you have heard my story. Many of you have read about the incidents of racial profiling in Bristol and how each and every time the officers and city officials were cleared by state and federal investigators.

The attached exhibits provide proof that city officials were dishonest in their statements to the public. It provides proof that outside actors aided city officials in covering up illegal and unlawful acts against minorities in the city, especially those who complained publicly about the misconduct. In fact, if the truth be told, city officials outright lied about the incidents. I ask that you compare and contrast the attached newspaper articles dated 2006, 2008, and 2012. I ask that you read the articles on Racial Profiling and Hate Crimes that are attached as my exhibits. What you will find is that in 2006 police officers and city officials lied about racial profiling statistics. The State of Connecticut African American Commission was not in a position to provide statistical data to anyone as they related to racial profiling. In the 2006 newspaper article you will find Lt. Grimaldi, now Captain Grimaldi and Councilmember Frank Nicastro now Representative Nicastro falsifying information regarding the Commission on African American Affairs and the Alvin W. Penn Racial Prohibition Act. They are in the newspaper taunting NAACP leaders and other minorities stating, "Where's the proof?" They knew they were being dishonest to the public but that the public would believe them because they had a badge, gun and the authority to falsifying their government documents.

For more than seven (7) years city officials and police officers lied about racial profiling to the public. After they were cleared by all investigators, they confessed publicly on January 1, 2012, that the incidents were true and that there was a "racist" radio station of which was known to the public as the "Nigger Free Radio Station."

As to H.B. 5366 (Raised), there is no way that our state legislators can vote on such a bill when government officials are lying in investigations. I am sharing with you evidence that will make a difference not only in me and my family's life, but a difference for the public at large. We cannot allow dishonesty in our government. We must weed out the bad and keep the good. It is well established that many of the publics complaints are being dismissed by those who are friends with the Respondent, especially those who are government officials. This is what happened in Bristol and is currently going on in the case of Fore v. Tunxis Community College.

Racial profiling is real. It is systemic. It must be stopped and not covered up. Will you take a stand against this injustice and uphold the state and federal constitution wherein an individual has a right to due process of law and equal protection of the law? It should not matter how many times an individual comes forward to complain. This is the American way of freedom. Look at me, I complained for over seven years. Government officials and attorneys were cleared each and every time only later to have City of Bristol Officials come forward and tell on themselves after their friends CLEARED them.

In closing, I ask you to remember our forefathers and how they fought, bled and died to make a difference so that EVERYONE can be treated equally.

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Accused of profiling , police cite stats

Bristol Press, The (CT) - Monday, July 31, 2006

Author: *Amy V Talit*

Monica Ervin and the Rev E.J Moss, president and treasurer respectively, **of** the city's branch **of** the National Association for the Advancement **of** Colored People, recently stated that **police** in Bristol target black people when enforcing the law

Moreover, Ervin said her issue with city **police** is not so much about race as is the level **of** competence with which some officers handle situations

However, **police** dispute the racial **profiling** charge and defend their procedures

Police cited the Alvin W. Penn Racial **Profiling** Prohibition Act, a state law requiring **police** departments to maintain reports **of** the race, gender and age **of** all stopped motorists as well as the reason for the stop and its disposition

Each month, this information is sent to a watchdog organization, the Connecticut African-American Affairs Commission for review Any **police** department that the commission finds to be racially **profiling** would immediately have state funding cut.

"If we were truly targeting people," Lt. Thomas Grimaldi said, "I can only assume it would have been addressed at the state level." He asked, "Where's the proof? That's the real question. Where's the proof?"

Grimaldi said in most instances when initiating a vehicle stop, the officer does not know the race, gender or age **of** the motorist.

"We pull people over for the action committed not for who they are or what they look like and often our officers don't even know what the person looks like until they've made contact," Grimaldi said

"Are our officers aggressive?" said Grimaldi, "Yeah, as our statistics show, and they are quite impressive Our officers do a lot **of** hard work it's brought down the number **of** motor vehicle accidents . it's brought down crime "

Based on the May numbers submitted by Bristol **police** to the African-American Affairs Commission, **of** the 806 motorists stopped - not all were issued tickets - 652, or 80 89 percent were white, while 79, or 9.8 percent were Hispanic; 8, or 0 99 percent were Asian and 9 people, or 1 1 percent **of** motorists' race was unknown· Fifty-eight motorists, or 7.1 percent, **of** the motorists stopped in May were black

In June, **of** the 784 motorists stopped, 636, or 81 12 percent were white, 79, or 10 percent were Hispanic; 55, or 7 percent were black, while 8 motorists, or 1 percent were Asian and 1, or 0 12 percent were Indian while 5 people, or 0 6 percent were unknown by race

"Looking at the statistics," said Councilor Frank Nicastro, "I don't see racial **profiling** is there "

Nicastro, council liaison to the Board **of Police** Commissioners, said he requested the statistics for May and June in response to the allegations and complaints **of** racial **profiling** , "I wanted to see exactly what was happening "

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Shortly after Ervin was issued a ticket July 20 for failure to display a license plate, she said she believed it was because of who she is Friday, Ervin, who described herself as a mother of four struggling to protect her children and survive, said she makes no apologies for who she is, and that while she wonders why her motor vehicle stop garnered so much police attention at the time, she does not believe it was strictly a race issue

Ervin questioned why so much work was done to document her stop, including photos being taken and several other officers being called to the scene

Police Chief John DiVenere said the officer who stopped Ervin said it was not the first time he has taken pictures of similar violations The chief also said the officer, who said that before the stop he did not know what Ervin looked like, was aware of the recent allegations of racial profiling on the part of the police department, and may have felt the need to have extra documentation of the purpose for the stop should his integrity later be called into question.

The chief said it is department policy, in an effort to ensure officer safety, that a second officer is sent as back-up on all motor vehicle stops Occasionally, said DiVenere, the original officer will call off the backup

DiVenere also said the officer who stopped Ervin called for a supervisor when she asked that the mayor and chief be called to the scene

The city's officers are required to call for a supervisor whenever they feel a situation is getting out of hand or when they have a question as to how to handle a situation or problem,said DiVenere He said he reviewed this incident and the officer acted properly according to department guidelines by calling a supervisor to the scene

DiVenere said he encourages patrol officers to have a high profile in the community because national studies have shown a direct correlation to a reduction in a city or town's crime rate when police officers are visibly enforcing motor vehicle laws

DiVenere said with the recent allegations that the city's police force engages in racial profiling , a large majority of officers are feeling unsupported by politicians in the city The chief said he has addressed officers to let them know they are supported and to "continue the high-profile policing "

The chief also said he has seen the direct correlation with high profile crimes being solved more quickly because the city's officers are visible and are visibly enforcing laws

A traffic stop is an integral part of preventing crime, said DiVenere Though a motorist receiving a ticket for not wearing a seat belt or not having a front license plate affixed to their vehicle may think the police should "go out and fight real crime," the perception by those engaging in criminal activities that they too can be pulled over for a seemingly minor motor vehicle violation leads to their often choosing to conduct their criminal enterprises elsewhere, he said

Police officers also may use a minor violation to pull over a vehicle they believe may be engaged in an unseen criminal activity The practice of doing so is known in police and legal circles as a "pretext stop "

A "pretext stop" is defined by Steve Holbert and Lisa Rose in their book "The Color of Guilt and Innocence Racial Profiling and Police Practices in America" as "stopping a driver for a minor traffic violation in order for the officer to carry out his or her primary objective, searching for evidence of a greater offense for which the officer lacked probable cause to conduct the stop "

Traffic Lt. Kevin Morrell said a pretext stop is not evidence of racial profiling because "[the officer] had probable cause to stop the car You had a violation It's not like you're making things up "

"Each stop is unique," said Morrell

Morrell also noted the practice of pretext stops have been upheld by the U S Supreme Court.

Friday, Ervin said the concern she raised at a recent Board of Police Commissioners meeting about witnessing an officer pull over a car full of black men in a shopping plaza parking lot and demand the driver's license was not to accuse the officer of racism per se

but whether the situation was handled properly She claims she would have had the same questions if she witnessed the officer treat a car full **of** white people the same way Ervin said when the officer first demanded his driver's license, which the driver did not have, the officer didn't tell the man he was being stopped for having a broken taillight and said nothing about the reason for the stop It was the lack **of** communication that Ervin said she found most offensive

Ervin also said she believes the large majority **of** the city's **police** force is made up **of** "phenomenal officers," but she also believes there are some officers who are racially motivated in their actions and she fears that the few "bad seeds" may poison the entire well

"This city is a good city," Ervin said Friday, "but changes need to be made, and not just in the **police** department "

"This is 2006, we shouldn't have to teach racial tolerance," she said referring to the diversity training scheduled for all **of** the city's **police** officers

Nicastro said he feels the diversity training is a wonderful thing, but that it shouldn't stop with the **police** department

"I think it can only bring benefits to the city," said Nicastro

Ervin also has called for a civilian review board to be put in place to monitor and address residents' complaints about the **police** department. She said America is a country based on a system **of** checks and balances and she believes the **police** department needs to also have a system **of** checks and balances in place in the form **of** a civilian, citizen review board

DiVenere said the city has a civilian, citizen review board for the **police** department - the Board **of Police** Commissioners - but, it is incumbent upon residents to address the board with issues and complaints. "That's what they're there for," he said.

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Monica Ervin now Monica Fore

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City NAACP leaders assail police

False reports, profiling alleged

By Amy V. Talit
The Bristol Press

BRISTOL — Two officers of the recently reactivated Bristol NAACP branch brought a host of complaints before the Board of Police Commissioners Tuesday night charging that police officers file inaccurate reports and racial profiling exists within the department.

At the outset Monica Ervin, president of the local branch of the National Association for the Advancement of Colored People, accused four police officers of lying in a report written about an incident involving Ervin's daughter and landlord.

Ervin alleged that Officer Brian Andrews did not accurately report a complaint in which she alleged that her landlord snuck into her apartment and used his cellular phone camera to take pictures of her daughter who was in bed.

She further alleged that Andrews' supervisor, Sgt. Michael Healey, his supervisor, Lt. Richard Brown, and his supervisor, Capt. Daniel McIntyre, had all knowingly accepted and signed off on Andrews' report of the events.

Ervin demanded a panel to investigate her complaint. There was no specific response Tuesday from commissioners on that request.

Lt. Thomas Grimaldi, the department's records division lieutenant and public information officer, said he could not comment on Ervin's accusations. He said he would need to look into it by pulling the appropriate files before he could respond.

After addressing her personal issue, Ervin leveled a claim of racial profiling within the police department recounting an incident she experienced Sunday after shopping at Price Chopper in Bristol Commons Plaza on Farmington Avenue.

She said she witnessed a police officer closely follow a vehicle full of black men up and down aisles of the parking lot until the vehicle parked. According to Ervin, the officer tailing the vehicle then stopped his cruiser and demanded the driver provide him with identification.

Ervin said when a second officer arrived, she asked him what the first officer's name was, but did not interfere in the proceedings. She said she has notes she took of the incident. She claimed the men under surveillance may have been arrested if she had not been there. She did not identify the officers. She said she has asked the state's U.S. Senators, U.S. Rep. John Larson, 1st District, and state Reps. William Hamzy, R-Plymouth and Betty Boukus, D-Plainville, and state Sen. Thomas Colapietro, D-Bristol, to meet with her on this concern.

Again, police officials were unable to comment specifically on that case.

Typically visitors to commission meetings are restricted to speaking during a specific public commentary period, but Ervin and the Rev. E. J. Moss, NAACP branch treasurer, broke into discussions on several occasions.

Moss said "it's most unconscionable" that the youths who were charged with the June 11 vandalism of Chippanee Golf Club in which swastikas and racist graffiti were found are not facing additional hate crime charges.

The youths were not charged with hate crimes, according to a statement Monday from Grimaldi, because based on the investigating officers' investigation, the crimes fell short of meeting the guidelines of a hate crime as defined in the state statute.

Moss claimed that police officers responding to calls do not always have pen and paper to write down what is being said, and he questioned the likelihood of the officers' reports being accurately written.

"It is not possible," said Moss, "for officers to go to a scene and write an accurate report without a pen and paper."

Moss further demanded Police Chief John DiVenere require all officers to carry and use a pen and paper at all scenes to accurately document the situation.

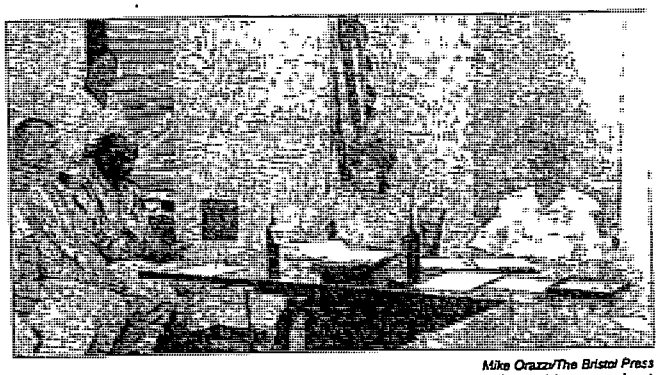
Moss also requested the police department's reports of all vehicles stopped in the last three years for defective equipment. He said he wants to know the names and ethnicity of the motorists pulled over, as he believes "racial profiling is alive and well."

There was no response Tuesday on that request from commissioners. "The reverend is spouting about racial profiling. He is grandstanding just as state Rep. (Roger) Michelle (D-Bristol) did back when the NAACP decided to get involved with the radio station," said police union local President Ken Gallup, adding the NAACP officials have no proof of their claims.

As an example Gallup said the situation Moss referred to about an officer lacking pen and paper was misrepresenting. The officer had pen and paper, but did not have a statement form and had to return to his cruiser to get one, he noted.

Mike Orazzi/The Bristol Press

The Rev. E.J. Moss, treasurer of the city chapter of the NAACP, speaking at Tuesday's police commission meeting.



Mike Orazzi/The Bristol Press

President of the Bristol NAACP chapter Monica Ervin, far left standing, addresses a host of concerns about the city's police department at Tuesday's police commission meeting.

Mike Orazzi/The Bristol Press

Mayor Bill Stortz, at right, speaks during Tuesday's police commission meeting. City Councilor Frank Nicastro is at left.

police arrests

All information listed below was provided by area police departments

BRISTOL — Charlie Lugo, 24, of 100 Federal St. was charged Monday with disorderly conduct and third-degree assault.

Mitchell Bachman, 18, of 18 Mountain View Ave. was charged Tuesday with second-degree breach of peace, third-degree assault, driving under the influence and another motor vehicle violation.

Jesus Garcia, 23, of 164 Park St. was charged Tuesday with interfering with an officer, driving under the influence of alcohol or drugs and several other motor vehicle violations.

LEADERSHIP CHANGE

Bristol Police Rebuild Image

Years Of Crisis, Scandal To Undo

By DON STACOM
dstacom@courant.com

BRISTOL — Like police officers everywhere, Lt. Brian Gould is accustomed to the rage of belligerent prisoners and ornery drunks.

But random abuse during a coffee break was never supposed to be part of his job.

In the midst of Bristol's notorious police scandals, Gould, an officer with plenty of commendations and a top-flight reputation, caught flak he didn't earn — like the time he was working back-to-back, eight-hour shifts and stopped at a convenience store to buy a Diet Coke.

"I was confronted by an agitated man. He proceeded to yell at me, telling me and everyone else in the store that I should be ashamed of myself and embarrassed to wear the BPD uniform. He continued to yell that he was disgusted with us, that the community had trusted us and we

BRISTOL, A4

IN THEIR WORDS

"Coming to work over the last several months has been a new experience. We're approaching crime and community relations in a different manner. It's really enjoyable to come to work and have those opportunities."

Capt. Thomas Grimaldi

More quotes, Pages A4, A5

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"It's a great city. There are great people here, [but] we always had a cloud over our head. It was kind of embarrassing sometimes to tell people where you worked because of some of the things going on."

Det. Lt. Kevin Morrell

"We cannot just forget about the past. We need to learn from it. We now have the responsibility of earning respect and trust from our community."

Lt. Brian Gould

"When I stop in at businesses and talk with the business owner or workers, they're much more happy to see us, much more willing to provide us with information so we're able to help them."

Officer Scott Hayden

Bristol

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violated that trust," Gould recalled a few years later.

"I stood there thinking, 'All I wanted was a diet soda.' "

Gould's encounter wasn't uncommon. As with most of the 125 men and women of the city's police department, Gould was never part of the troubles that plagued the agency from 2005 through early 2011. Yet they all paid a price for a pattern of misconduct.

After each scandal surfaced, the department became the butt of new jokes. Some officers simply stopped talking about their jobs. One admitted that while in line at Starbucks, he felt like covering the word "Bristol" on his uniform patch.

But as 2012 begins, the police department has begun restoring its image — inside headquarters and out.

Under a widely respected new chief, police are campaigning to build community relations, step up visibility and reduce citizen complaints.

"I want everyone to come to work and be proud," says Chief Eric Osanitsch, who took control of the department amid a crisis last winter and was appointed to the top job several months later. "This department has always had the work ethic, it's always had great people. But it didn't have direction from the top."

A fresh command staff is promoting a theme of public service and respect, encouraging supervisors to reward officers for strong performance, calmly correct honest mistakes and quickly and consistently reprimand violators.

"Coming to work over the last several months has been a new experience," said newly promoted Capt. Thomas Grimaldi. "We're approaching crime and community relations in a different manner. It's really enjoyable to come to work and have those opportunities."

The public is noticing.

"It's a little early to tell, but we haven't had many complaints since [Osanitsch] took over," said Bonita Leslie Mongeau, head of the city's NAACP branch. "He asked me to give him a little time. Well, so far so good."

City council member Ken Cockayne, who had stunned city hall when he publicly demanded the resignation of Osanitsch's predecessor, said there has been a culture change in the chief's office.

"You call about something now and you get action. You used to get excuses," Cockayne said. "And I hear it from people on the street; I see it with the officers. There's a whole new feeling in the department. It's like night and day."

Bad Times

For 5½ years, the department suffered through lazy or inept supervisors, an abusive captain with a drinking problem and a retired-on-the-job detective. One patrol officer was arrested after allegedly choking his pregnant girlfriend at Disney World, and another was charged with drunkenly smashing a cruiser into a utility pole.

Outside investigators failed to prove an accusation that off-duty officers in violent racial slurs over a basement radio station, but yet came privately conceded it was true. An animal control officer drowned a wounded cat in a bucket. Civilian complaints of brutality rose, and morale among honest officers eroded.

A clique of politically popular officers appeared to violate rules with impunity, while most of the force adopted a code of "do your work, keep your head down and go home." Through it all, top commanders ignored, denied or covered up problem after problem.

Politicians followed suit: The city council simply pretended nothing was wrong. One mayor spent two years lamenting how a few city streets were cluttered with abandoned utility poles, but said not a word as his police department devolved into dysfunction. The police board, loaded with political appointees assigned to keep watch over the agency, argued instead about parking fines or barking dog complaints.

Supervisors privately described a tone of secretiveness and paranoia at headquarters in those years.

Commanders angrily demanded retribution each time bad news leaked out, yet rarely punished the ones who created the problem. While the firestorm and internal investigations were underway, Chief John DiVenere of duty had to temporarily disband his command staff.

Visit **courant.com/bristolpd** for previous coverage of the police department's problems.

tors were accused of disloyalty at staff meetings or frozen out of promotions. Even so, many officers, outraged by favoritism and mismanagement, risked their careers by discreetly telling the truth to politicians and the press.

Osanitsch, a captain at the time, and a network of mid-level managers quietly struggled to coach patrol officers to stay positive. Hard-working detectives and patrol officers who had no hand in any misconduct frequently bore the brunt of the public backlash.

"It's a great city. There are great people here, [but] we always had a cloud over our head," said Det. Lt. Kevin Morrell, a 24-year veteran who until recently was head of the traffic unit. "It was kind of embarrassing sometimes to tell people where you worked because of some of the things going on."

After the city finally relieved Chief John DiVenere of duty last February, Osanitsch began restoring

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FROM PAGE ONE

"This is my first chief change. It's almost comparable to a football team getting a brand-new coach. You have to be optimistic. It's a new regime; you have to hope for the best — which it's been."

Officer Chris Bird

"Everyone is entitled to have an 'oops' on the job, have an honest goof-up. I can defend you on that. With some of the things that happened here in the past, guys maybe hadn't done their jobs or had embarrassed themselves and added to that stigma of low morale. All of that seems to have changed."

Sgt. Russ Marcham

Image

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turing. He filled command slots with officers known for integrity, promoting Grimaldi to run the patrol division and making Morrell chief of detectives. Most of the old administration was already gone.

Osanitsch made the rounds of every division and every shift, assuring officers that with their help, the city of Bristol would soon have a respected force again. He promised even-handed treatment and a willingness to listen. Officers with alcohol troubles, family problems or financial crises will get help. Those who legitimately use force to make arrests would get management's support, he said, but any who bully citizens or deliberately violate rules would pay a price.

Newly promoted commanders revised policies to build accountability and are campaigning to earn the department state accreditation. They advise officers not to dwell on what went wrong before, but to consistently do solid work.

"We cannot just forget about the past, we need to learn from it," Gould said. "We now have the responsibility of earning respect and trust from our community."

Gould's assignment is to screen job applicants and then instill an ethical code that can last for their careers. Osanitsch views it as a key position.

"Everything is your people, everything," Osanitsch said. "We're more than willing to drop candidates if we see red flags being raised. When you hire in this field, you have the potential to have that person for 25 years or more. You have to be selective. I'd rather go short than hire for the sake of hiring."

At the same time, the agency is eager to rebuild. Its roster dwindled during the bad years, and is down more than 20 people from its peak. Despite the city's budget crisis, Osanitsch wants to bolster the patrol ranks to handle steadily increasing calls.

He is transferring one or two headquarters jobs to civilians to free up officers, and is studying how to change shift assignments to maximize staffing during peak demand. Even so, the department needs to bring in a significant number of recruits in the next year.

Osanitsch's immediate goals are to create a full-service traffic unit to crack down on speeding and reckless driving, the most frequent complaint from residents. He also wants to restore the crime suppression unit, a team that targeted trouble spots.

Even short-staffed, police have been getting results in the past year. The narcotics unit arrested nearly a half-dozen suspected heroin dealers, and the patrol division won praise from downtown businesses by cleaning up the seedy lower Summer Street section.

New Rules

Young officers and veterans alike are watching to see if the promised changes happen.

"This is my first chief change," Officer Chris Bird said. "It's almost comparable to a football team getting a brand-new coach. You have to be optimistic. It's a new regime; you have to hope for the best — which it's been."

Two months after Osanitsch was sworn in, he faced a test. Officers filed a minor misdemeanor charge against an off-duty lieutenant who had been in a dispute with his wife. Osanitsch drove to work on a Sunday night to collect the officer's badge and gun, and made sure the officer had access to the employee assistance program if he wanted it. The case was resolved and the lieutenant has resumed work.

Longtime officers say that's a change from the days when the matter might have been buried or held over the lieutenant's head for years. Morrell said the new chief's philosophy demands discipline, but without grudges: "I've seen him give people a suspension, but then it's over. They'll shake hands with him after."

Sgt. Russ Marcham, one of the agency's newer street supervisors, emphasizes the line between errors and misconduct. In addressing patrol officers, he puts forward four rules.

"Do your job, don't embarrass yourself, don't embarrass me, don't paint me into a corner where I can't defend you," Marcham said. "If you're doing your job, No. 2 is not going to happen, No. 3 is not going to happen, No. 4 is not going to happen.

"Everyone is entitled to have an 'oops' on the job, have an honest goof-up. I can defend you on that," he said. "With some of the things that happened here in the past, guys maybe hadn't done their jobs or had embarrassed themselves and added to that stigma of low morale. All of that seems to have changed."

While the department still has some internal rivalries, officers say the mood is lighter now in cruisers, the locker room and the staff lounge. More relatives and off-duty police show up for promotion ceremonies, and they're more likely to stay and chat afterward.

Officer Scott Hayden says the results are obvious every day.

"When I stop in at businesses and talk with the business owner or workers, they're much more happy to see us, much more willing to provide us with information so we're able to help them," Hayden says. "We feel like we're more of a functioning police department again. It's much better that we can work more closely with the public."

RACIAL PROFILING IN BRISTOL, CONNECTICUT

"WHERE'S THE PROOF?"

Quote By
Lt. Thomas Grimaldi,
Bristol Press July 7, 2006

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A FAIR AND JUST COMMUNITY FOR ALL PEOPLE

REFERENCE

INTRODUCTION

"Faith is the most powerful force in the world...It is the one thing. It is the light people can't put out." (Williams & Dixie, 2003, p.2-3)

In November 2005 minorities in the City of Bristol gathered together to voice their concerns regarding racial profiling with the State of Connecticut NAACP President, Scot X. Esdaile. Several people came forward and told their stories of how they were mistreated by city officials, their employers, in housing and how their children were being discriminated against in the city schools. One individual stood up in the meeting and informed other minorities that he was beat up by police officers and that their statement to him was, *"God isn't going to help you"* after he had called on his God for help. Another young black man told the crowd how he and his wife were viewing a certain neighborhood in hopes of buying a home when he was suddenly approached by detectives who said he and his wife were on the wrong side of town. And still, a young single mother said that her child was being called racial names in school and that her child was discouraged by the thought that someone could be so mean to her when she had done nothing wrong. Many stories were told to the audience by minorities of the blatant discrimination they faced by individuals who had been sworn into office and had taken oaths to protect all people. Unfortunately, instead of listening to minorities complaints and working together to correct the problems city officials along with two agents of the FBI bonded together and notified the public that minorities were dishonest in their statements and that there was no racial profiling going on in the city. The sad part of the story is that the FBI never investigated minorities' complaints in order for them to clear the city of racial profiling and other complaints. As stated in the October 15, 2006 article of the Bristol Press, *FBI Investigating Police Department,* Chief DiVenere stated, *"the FBI took the departments reports, but never interviewed him. As far as he knows the FBI hasn't spoken with anyone else in the department either."* Furthermore, the article also informs the public that former Mayor William Stortz confirms Chief DiVenere's statements and states, *"I talked a couple of times with somebody from the FBI...not on an interview basis. Certainly I didn't provide any information to them. I would not do that without talking to the lawyers."*

Thankfully, God has been and still is on our side and we write this article to inform our city officials that change is needed to ensure all people are treated equally and with respect. On August 28, 1963, Dr. Martin Luther King, Jr. delivered the speech entitled, *"I Have A Dream."* In it he said,

> *"...we've come here today to dramatize the shameful condition. In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was the promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights to life, liberty, and the pursuit of happiness (King, 1997, p11)*

Dr. Martin Luther King, Jr. further encouraged minorities to continue to fight for justice when he said, *"We must make the pledge that we shall always march ahead. We cannot turn back. There are those who are asking the devotees of civil rights, When will you be satisfied"* (King, p 21). In 2005 Hurricane Katrina forced us to look at the status of minorities in America. Many minorities are still at a disadvantage in this country, within our cities. Therefore, we cannot be satisfied until everyone in America receives equal justice as guaranteed by law.

Today, we, as minorities in the City of Bristol are seeking to carry on the message of our forefathers who fought, bled and died for us to have the right to live free from discrimination in this country. No longer do we have to march down city streets, endure the hardships of being bitten by dogs and sprayed with water by fire hoses until our skin falls off of our backs. No longer do we have to fear the night, in that, we could be pulled out of our beds and dragged to the nearest tree to be lynched for our wanting to be free Americans. Our forefathers fought a good fight and laws were created so that we could have the right to a decent education, fair housing, the ability to apply for any job we wish, and to be free from racial profiling. And today we stand before our city government demanding those rights be carried out. Additionally, the Declaration of Independence supports our stance and states, "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that, among these are Life, Liberty and the pursuit of Happiness."*

Therefore, we as being a few minorities fighting for equal justice for all minorities in the city ask that our city officials grant us our wishes, read through this document and set up a time and meeting place so that we can discuss the issues at hand and make the necessary changes in order for there to be equality in our city government for all people in the City of Bristol, Connecticut.

Concerned Minorities of Bristol
Presented to the City Council Meeting
August 12, 2008

DEFINING AND MEASURING RACIAL PROFILING

> *"Racial profiling by police is a complex phenomenon that is extremely hard to measure. We all want complete answers on whether such profiling is taking place in communities, but we won't get those answers from incomplete data. Unless we take the time to ask the right questions and get the right answers, the truth about how much racial profiling is really going on will remain unknown."*
> (Riley & Ridgeway, 2004)

As stated in the above quote no one knows for sure how big a problem racial profiling is in America. Racial profiling has many definitions but the suggested rule for racial profiling relates to the police, in that, the author Fred Pampel states, *"Since police have the legitimate authority to use force and make arrests, the consequences of racial profiling by police are particularly serious and have special importance. Hence, racial profiling most often refers to police actions.* Therefore, the definition for racial profiling refers to *"any police-initiated action that relies on race, ethnicity, or national origin rather than the behavior of an individual..."* (Pampel, 2004, p 5)

Although the definition states police initiated action there are those who believe that racial profiling also relates to those who are stopped while walking, live in certain neighborhoods, shop in certain stores, and travel throughout the various airports. And still, others believe that racial profiling can be seen in our city schools when teachers use race as a factor in disciplining children. (Pampel, 2004). No one will ever know to what extent racial profiling is happening in our cities by police officers due to the fact that the only data being collected is for motorists who are stopped on city streets and on the highways.

Amnesty International recognized that racial profiling is a big problem in the United States and is concerned that little is being done to correct the problem. As stated in the book, *Driving While Black,* Amnesty International states:

> *"While only a minority of the thousands of law enforcement officers in the United States engage in deliberate and wanton brutality, Amnesty International discovered that too little was being done to monitor or check officers who do persistently cross the line and engage in police brutality or abuse. In essence, the organization found evidence that racial and ethnic minorities were disproportionately the victims of police misconduct, including false arrest and harassment."* (Meeks, 2000, p 35)

Furthermore, Amnesty International launched a year long campaign and states, *"...in October 1998 with a 150 page report entitled Rights For All, Amnesty International revealed a persistent and widespread pattern of human rights violations taking place within the borders of the United States." (Meeks, 2000, p36)*

In response to Amnesty Internationals concerns President Clinton in 1999, *"ordered a memorandum to the Secretary of the Treasury, the Attorney General, and the Secretary of the Interior to begin addressing the problem of racial profiling."* (Meeks, 2000, p18) The State of Connecticut Commission on African American Affairs is collecting data from the many different police departments across the state in order to understand how big the problem is in Connecticut. Unfortunately, the collection of data is not complete and the information has not been examined in order for the commission to complete its study on the subject. In the meantime, the State of Connecticut Division of Criminal Justice has provided individuals with a form to fill out should they feel they have been a victim of racial profiling. Public Act 99-198, An *Act Concerning Traffic Stop Statistics*, 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. Sadly, a few minorities also state that they were abused by the officer after being stopped. And so, the next question one may ask is "what's the difference between racial profiling and brutality?"

There is much confusion as to the difference between racial profiling and police brutality. Both can be committed by the police but according to Pampel 2004:

"...racial profiling differs from police brutality. Both may reflect discrimination and produce anger and protest among minorities. Yet, racial profiling stems from the use of race, ethnicity, and national origin in determining suspects of crime, while brutality involves the unlawful use of excessive force."

Another question one may ask is, "Is racial profiling illegal? Again, according to the author Pampel 2004:

"Use of race, ethnicity, or national origin alone to initiate a police action, sometimes called, hard profiling has few supporters and clearly violates constitutional protection for equal protection. Use of race, ethnicity, and national origin as one of several characteristics in a profile (soft profiling) appears legal in most circumstances. Proponents of racial profiling support the latter use, while opponents argue that use of race, ethnicity, or national origin in any form violates the constitutional rights of citizens."

Racial Profiling As It Relates To The City of Bristol

The residents in the City of Bristol will never know how big a problem racial profiling is due to the fact that our city officials refuse to deal with the subject. Whenever minorities complain about being racially profiled by an officer or detective they (the minority) are told that the police do not operate in that manner. Furthermore, the police state that the individual making the complaint was caught in an illegal act and they are justified in stopping the individual.

Most often the police get away with stopping minorities due to the fact that the Supreme Court ruled that *"police can stop vehicles for traffic violation as a pretext to check for the evidence of more serious crimes. Pretext refers to a motive put forth to cover the real reason."* (Pampel, 2004, p10). But who can really tell if these stops are legal or illegal? Moreover, in a Bristol Press article written by Amy Talit, *Accused of Profiling, Police Cite Stats*, Lt. Thomas Grimaldi asks, *"Where's the proof?"* He informs the public that the Commission On African American Affairs is overseeing the police department and will cut funds to the city if racial profiling is going on. Further in the report, Lt. Grimaldi states, *"I can only assume it would have been addressed at the state level. He asked, where's the proof? That's the real question. Where's the proof?"*

It is very disappointing to read the statements in the Bristol Press by our city officials, in that, the Commission On African American Affairs is not in the position to address the data collection it has received from the various police departments across the state. As told by an employee at the Commission on African American Affairs, the department has yet to hire a company to examine and report its findings to the commission. Therefore, how can Lt. Grimaldi state that there is no racial profiling going on in the city? And to add to the disappointment, State Representative and Councilman Frank Nicastro states in the Bristol Press, *"Looking at the statistics, I don't see racial profiling is there."* And so, the troubling factor to those statements is that there are no checks and balances in our city government. After reading the contradicting comments in the press to the public by our city officials the public needs to ask our city government, "Where's your integrity?"

POLICE OFFICER PLUS BADGE EQUALS POWER

> *"Whenever a person enters a new walk of life, such as policing, there is a natural desire to fit in, to be accepted, to overcome the signs of being a newcomer and an outsider. The new police officer needs to learn early that the desire to fit in and be accepted can lead to trouble if the department and its members have bad habits – if the department tolerates or even fosters corruption, brutality, incompetence, bigotry, acceptance of gratuities and other wrongful conduct...The principal challenge of all careers is to preserve what is best in ourselves and to change in ways that better us – but in policing, and all other lines of work, there can be, and often are temptations to forsake our best selves and to change for the worse."* (Delattre, 1994)

Fred Pampel, the author of *Racial Profiling*, discusses the topic of quality of life policing. The writer talks about community policing and how the practice seeks *"to prevent crime and improve community relations by integrating officers into the local community and having them work closely with neighborhood residents."* According to the author the solution is to deal with misdemeanors that affect the safety of the neighborhood. He states that such disorders include, *"the actions of panhandlers, drunks, addicts, rowdy teens, prostitutes, loiterers, gangs, drug sellers, and strangers."* The author goes on to say, *"Police control of minor offenses or quality of life crimes makes residents less fearful and able to avoid unpleasant encounters outside their homes."*

Although the actions by the police in practicing "quality of life policing" are to ensure the safety of the people in the community minorities in the City of Bristol are troubled by the fact that the police only enforce this community policing on the west end of the city. Teenagers in the area complain as well as minority business owners that the police sit right outside of their stores and hassle the teenagers that goes into their businesses. The police officers try to justify their conduct by stating that they were asked to patrol the neighborhood due to a high volume of crime in the area. But is this really true? Are there statistical numbers to show that the west end is the only part of the city with a high rate of crime? One should think not. With the many reports of vandalism on Memorial Boulevard one would think that the police would have patrol cars sitting on that end of town in order to catch the culprits who are destroying the veteran's statutes. Unfortunately, minorities have yet to see a police car sitting in that area of town for several hours to catch the criminal(s). And still, there have been numerous complaints about vandalism of a business on Lake Avenue. During a Board of Police Commissioners meeting the owner was told that the police could not sit outside her business in order to catch the criminal(s). Therefore, one could believe that minorities are being racially profiled on the west end due the fact that there is a high volume of police activity on that end of town.

As to the racial profiling of minorities who are stopped while driving, the list of complaints goes on and on. Teenagers constantly complain about receiving tickets when they are involved in an accident or are driving with their friends in the car. Recently a teenager said he was given a ticket for an accident he didn't commit. He stated that the officer involved only questioned the other driver who was a volunteer firefighter and did not speak to him about the accident. He stated that he was very upset about the incident and felt he couldn't do anything about the matter. No one will ever know the truth about what takes place on these types of stops due to the fact that the police are the ones writing the reports.

MINORITIES ATTITUDES TOWARDS THE POLICE

"From a legal point of view racial profiling is tricky because it can be difficult to prove. Seldom do investigators recover a smoking gun with fingerprints on it. This is why a national movement has been launched by politicians of color and civil rights leaders to mandate that law enforcement agencies keep statistics of whom they are stopping, questioning, detaining, and searching." (Meeks, 2000, p 7)

Forum On

Hate Crimes

In

Bristol, Connecticut

July 23, 2008

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INTRODUCTION

"Police may resist activists' and community leaders' calls for hate crime charges because they find hate crimes ambiguous or are uncertain about what may constitute evidence of motivation. There is a disincentive for police to identify crimes as bias-motivated. Large numbers of hate crimes can lead to media reports that a city is not racially tolerant and detract from its image. The publicity that such cases draw and the marker of racial intolerance that comes with identifying hate crime create a reason for police and other local officials to deny such events happen in their city or town." (Bell, 2002, p.3)

It is our hope that this outline presented to city officials by some members of the minority community will assist us in informing our city government that change is needed in order for minorities to have the rights and privileges that our forefathers fought, bled and died for us to have.

Concerned Minorities of Bristol
July 23, 2008 Forum with city officials

SYMBOLS AND SLURS USED IN RACIAL HATE CRIMES

"Nooses are a repugnant symbol of racial hatred rooted in the lynching of Black Americans."

Senator Thomas Colapietro, Bristol, CT

Are nooses and cross burnings the only symbols used to intimidate minorities in hate crimes? Does the use of slurs etched, spray painted or written on public and/or private property constitute a hate crime if used during the crime of vandalizing. For this discussion we have researched the topic, "Hate Crimes In America," and have outlined some information as reference for this discussion. It is not the intent of minorities in this forum to educate city officials on the many different hate groups in America, the many different types of hate crimes or to give a full history of racial tension in America. The topic of discussion relates to the City of Bristol and the information used will be to inform our city officials that individuals should be charged with hate crimes when they desecrate public or private property with "Symbols and Slurs of Hatred."

Symbols and Slurs Used In Hate Crimes

- The website article "*Symbols of Hate*" describe at least twenty six symbols "most often used by white supremacist organizations."

  Stormfront Logo; Celtic Cross; The Blood Drop; Aryan Nations; W.A.R. Logo; Hungarian Arrow and Cross; Odin's Rune; Deaths Head; NSDAP; Pinwheel Swastika; White Power; Iron Cross; Lightning Bolt; SA; 14 Words; Iron Eagle; National Alliance; American Front; 33/5; 88; Confederate Flag; World Church of the Creator; Crucified Skinhead; Posse Comitatus; Hammerskin; and Swastika.

The Anti-Defamation League (ADL) provides a clearer understanding of graphic and number symbols, racist acronyms, white power music and educates individuals about the use of these symbols. In its article, *"Hate On Display,"* ADL states:

> *"Hate symbols are more than just "signs" demonstrating racist, anti-Semitic and anti-Christian attitudes and beliefs- these symbols are meant to instill a sense of fear and insecurity. One finds hate symbols scrawled on the outside walls of synagogues, churches and schools...These symbols give haters a sense of power*

and belonging, and a quick way of identifying with others who share their ideology."

- *"List of Ethnic Slurs,"* by Wikipedia, the online free encyclopedia, outlines the many different slurs people use towards others in a derogatory way.
- As to the use of symbols and slurs, the article, *"The ABC's of Nooses and Hate Symbols,"* talks about the sharp increase of nooses and other symbols placed on public or private properties and states:

> *"Some were perpetrated out of overt racism and a wish to instill fear. Others probably were committed by people who were ignorant of the full scope of the noose's bloody symbolism."*

The article outlines three clear things that this type of conduct does:

a) *First, regardless of the perpetrators intent...symbols still have power to signal violence- a power that not everyone recognizes.*
b) *Second, attempts to minimize such incidents as "harmless pranks" serve no one.*
c) *Third, new laws and policies alone...won't be enough to prevent another Jena.*

Hate Crimes In Connecticut

- Does Connecticut have laws making it illegal to desecrate public or private property and to use "Symbols and Slurs of Hatred" during the criminal activity?" According to the *"OLR Research Report"* Connecticut does have hate crime laws in which individuals can be arrested. As to how it relates to the City of Bristol the "third degree" of Bigotry or Bias Crimes would fit the pattern:

> *"A person commits the third degree crime if he intends to intimidate or harass a person or group of people because of their actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression and he (1) damages, destroys, or defaces any property..."*

- Is the State of Connecticut experiencing hate crimes with the use of "Symbols and Slurs of Hatred?" The answer is, yes. As declared in Senator Thomas Colapietro's brochure to constituents in Bristol the state is *"Cracking Down On Hate Crimes."*

"Last year, Connecticut suffered through a rash of racist, intimidating noose incidents. This session, the General Assembly unanimously passed, and Governor Rell signed, legislation that makes it a hate crime – on par with cross burning – to hang a noose on public or private property with the intent to intimidate or harass another person."

The town of Southington recently dealt with the issue of hate crimes. On June 24, 2008, The Bristol Press highlighted the vandalism incident of a Southington church and as quoted by reporters James Craven and Amy Talit:

"The two were taken into custody and charged with...desecration of property and intimidation based upon bigotry or bias in the third-degree."

Crime In Our City

- After reviewing the incidents around the state, the next question is "Has the City of Bristol experienced hate crimes with the use of symbols and slurs?" According to city officials the answer is no. As for minority leaders in the City of Bristol, the answer is yes. And so, since there is "no meeting of the minds" we now look at the vandalism taking place in our city and the use of "*symbols and slurs*" that were either etched, spray painted or written on public and/or private properties when these crimes were committed.

VANDALISM IN OUR CITY

"Does Bristol Have A Hate Crime Problem?
Bristol Press 7/11/2008 by Steve Collins

In the July 11, 2008 issue of the Bristol Press there was a question posed to the public for their response on hate crimes in the City of Bristol. Minorities in the city believe Bristol does have a problem while city officials stated that Bristol does not have a problem with hate crimes. Additionally, Chief John DiVenere states in the article, *"he doesn't know of any hate crimes occurring in the city for years."* Outlined below are a few dates of the numerous incidents of vandalism that happened in the City of Bristol. After reviewing the following outline it will be evident to see that the comments to the press by city officials especially police officers state and believe that Bristol does have a problem with hate crimes. Should minorities feel safe in the city

when city officials are making contradicting statements to the public in the press? Do minorities have a right to be concerned?

Comments In The Bristol Press

"Vandalism Stunned City In 2002"
Bristol Press 01/01/2003 by Kristen Turick
[It's just incredible that there's no group they didn't miss...pointing out to epithets offensive to Jewish people, Holocaust survivors, Muslims, homosexuals, veterans, Puerto Ricans and African Americans... Each of the young men pleaded guilty in August to...one count of third-degree intimidation due to bias.]

"Racial Graffiti Seen As Hate Crime"
Bristol Press 7/21/2005 by Amy Talit

"Golf Club Vandalized"
Bristol Press 6/13/2006 by Johnny J. Burnham
[*Moreover, a swastika was spray-painted on the hood of a white maintenance van, there was a racial slur painted on the driver's side, KKK painted on the rear and "stay in school" stretched across the passenger side.*
Other swastikas, anti-Semitic and racial slogans were still partially visible around the maintenance area even after maintenance workers had already begun ridding the club of the vandals' work]

"*Symbols Seen As Sign Of Vandals' Ignorance*"
Bristol Press 6/14/2006 by Amy Talit
[Police...continued their investigation into the city's most recent hate crime...Grimaldi said this is the third such instance since the fall in which swastikas were used. The first was at the gates of a Jewish Cemetery and the second on a couple of vehicles parked behind a Surrey Drive apartment complex.]

"*Chippanee Targeted For 2nd Time*"
Bristol Press 6/15/2006 by Amy Talit
[...they know the police are on the case but they don't care...I mean they know the police are involved. It's not just an insult to us, but also to our police department...with the swastikas and kkk symbols...]

"Vandals strike again"
Bristol Press 06/15/2006 by Amy Talit
[Grimaldi said the incidents of swastikas appearing in various places throughout the city since the fall show the blatant ignorance of the vandals. He said the swastika is a symbol synonymous with hatred and intolerance and not a joking matter...After the weekend's most recent hate crime, Grimaldi said police are not limiting resources in the investigation, and are not automatically investigating the hate crimes as being connected.]

"Senior Center Marked With Hate Symbols"
Bristol Press 6/16/2006 by Amy Talit
[For the third time in five days, swastikas have been found spray-painted on a building in the city...Lt. Thomas Grimaldi said earlier in the week that the recent rash of hate crimes...he does not recall anything like the hatred being spewed out in five incidents since the fall when swastikas were painted on the gates of a Jewish cemetery...police said they don't know if they are dealing with a copycat vandal(s) or the same individual or group in each incident]

"Teens Accused In Vandalism But No Hate Crime Charges"
Bristol Press 7/18/2006 by Amy Talit

"Vandalism Suspect Arrested"
Bristol Press 11/02/2006 by Amy Talit
[...police have charged a 15-year-old city girl with a hate crime in addition to the vandalism...charging the girl with second-degree criminal mischief for the vandalism, and with intimidation based on bigotry or bias, a class "A" misdemeanor, for the content of the vandalism...]

"Swicklas Lauds PD For Vandalism"
Bristol Press 11/22/2006 by Amy Talit
[Councilman Art Ward, a Vietnam veteran, said... if more people maybe understood the meaning behind the monuments, a greater sense of pride would be felt throughout the community as a whole, including in those who have no connection to any of the wars for which monuments honor soldiers.]

CHARGING CRIMINALS WITH HATE CRIMES

> *"...residents of the communities in which crimes occur may worry about the police classifying crime as bias motivated because they do not want their community to be seen as racist. Community leaders may appeal to their political allies, who in turn pressure the police chief not to prosecute the incident as a hate crime."* (Bell, 2002, p.13)

There has been much controversy over whether or not an individuals' right to free speech is violated when charging someone with a hate crime. *"The National Coalition Against Censorship,"* explains the differences between protected and unprotected speech and states, *"First Amendment rights are not absolute, and have some exceptions. Unprotected speech includes: Incitement to illegal activity and/or imminent violence; Defamation and libel; Obscenity; Threats and intimidation; and False advertising."*

As we look at the incidents around Bristol and review statements by our city officials to the public in the *Bristol Press* it is clear to see that those who are doing the criminal activity wish to instill fear in others. As stated in the *Bristol Press* on June 15, 2006, Lt. Grimaldi states:

> *"...the incidents of swastikas appearing in various places throughout the city since the fall show blatant ignorance of the vandals. He said the swastika is a symbol synonymous with hatred and intolerance and not a joking matter..."*

The public was put on notice that hate crimes were occurring in our city by city officials and the *Bristol Press*. However, when minorities came forward and asked for something to be done about the situation they were frowned upon by city officials and were told that their complaints were "totally baseless" as described by Amy Talit in the *Bristol Press*. And still, when minorities requested for the FBI to investigate they were once again told by city officials that they [city officials] were cleared of all allegations and that there was no racism documented in our city. Chief DiVenere further informs the public in *The Step Saver/The Observer* on July 17, 2008 that our complaints were reviewed by the FBI and states, *"the FBI concluded that they were not hate crimes."* However, this statement is troubling to minorities especially when Captain Eric Osanitsch from the Bristol Police Department informs the public in the June 30, 2006 *Bristol Press* that:

> *"FBI agents had contacted the police department and requested they be able to look at certain reports of recent hate crimes, but no meeting was scheduled between officials of the two agencies. He also said the agents did not go to police headquarters Wednesday to read the reports."*

And so, after reading the comments in the *Bristol Press* it is clear that our city officials wish to cover up the fact that hate crimes are occurring in our city. And what is more troubling is that after minorities complained to city officials the media is now only classifying the events as simple vandalism. This gives more reason for minorities to be concerned due to the fact that the author of "*Policing Hatred*" states, *"residents may request for hate crimes to be covered up so the town will not be seen in a negative way."* However, covering up hate crimes does no one any good. According to the article by the

US Department of Justice- "A Policymaker's Guide to Hate Crimes" it is worse when law enforcement officials fail to report hate incidents and states:

> *"To most advocacy organizations, the failure to report a hate crime is nearly as bad as the offense itself. Underreporting masks the true extent of hate crime activities, which encourages the perpetrators to continue their bigoted behavior and encourages similar behavior among their friends and associates..."*

The above statement should be examined by our city officials due to the fact that vandalism is a serious problem in our city. In the January 28, 2005 issue of the *Bristol Press*, Councilman Art Ward states, *"We're [he and Burns] not just here as elected officials. We live here. What effects you effects us."* And so, if this is a true statement made by Councilman Art Ward now mayor, than it should also apply to minorities living in the city. Minorities have the right to live in the city free from harassment and discrimination. As to the vandalism, hate crime laws apply to much of the property that is being vandalized. Again, as stated by Councilman Art Ward in the October 15, 2006 issue of the *Bristol Press*:

> *"... it's especially upsetting to see vandalism on the boulevard because of its special role in honoring the men and women who have served in the military from Bristol. It's hallowed ground to many veterans..."*

After reviewing the above information it is clear to see that there is a problem with the way city officials are handling the vandalism in our city. Bristol does have a problem with hate crimes. The information provided in this paper is not intended to be an exhaustive study of the laws as it pertains to hate crimes and free speech but it is enough for minorities to inform our city officials that our civil rights are being violated by city officials. Failure to correct this problem will only further violate our civil rights.

PLAN OF ACTION

> *"Hate promotes violence. Dialogue among conflicting parties and groups is one way to decrease hate and help prevent bias-motivated crimes. Restorative justice has emerged in the last three decades as a means of giving all who are stake-holders in a crime- victims, offenders*

and the community to which they belong- a voice in how harm can be repaired And future harm prevented" (Coates, Umbreit, & Vos 2006).

Although we cannot change the past we can, however, change the future. It is sad that racism is still a very powerful subject that Americans argue over in this decade years after our forefathers marched through city streets and in Washington to change the way minorities had been [and still are being] treated in this country. At some point in time, change must occur because the future of our country is at stake. We must come together and work to build a strong united front or we will be overtaken by our enemies who desire to come into this country to blow up our buildings and kill as many people as possible. Our presidential candidates have recognized that the new president will have to address this problem as it has been one of the main focuses in this presidential campaign. Together minorities and city officials in the City of Bristol, Connecticut can start this change that everyone is talking about and show our brothers and sisters across the country that change is possible. Outlined below is a proposal that will kick start this change in Bristol and ensure that everyone is respected and receives equal protection under law as guaranteed in the U. S. Constitution of America. It is therefore proposed for our city officials to create a:

City of Bristol
Civil Rights / Minority Affairs Committee

Mission Statement

The goal of the City of Bristol Civil Rights / Minority Affairs Committee will be to ensure that individuals are treated with fairness by city employees and that there is no violation of an individuals civil and human rights.

Statement of Purpose

The City of Bristol Civil Rights / Minority Affairs Committee shall act as an independent committee wherein the committee shall have authority to investigate civilian complaints against city employees and shall be responsible in reporting its findings to the mayor and

proper authority for action. The committee shall work with city officials to build stronger relationships with minorities in the community. The committee shall also familiarize itself with policies and procedures of the various departments within the city in order to ensure that a fair review of the complaint brought to its attention takes place.

Appeals

It is the intent of the City of Bristol Civil Rights / Minority Affairs Committee to treat all parties with fairness. If either party does not agree with the findings of the committee the party aggrieved shall have the right to appeal to the city council for a final decision. Appeals should be mailed to:

City of Bristol
Office of the Mayor
111 N. Main Street
Bristol, CT 06010

For more information
Please contact one of the following:

Monica Fore (Ervin)
114 Greene Street
Bristol, CT 06010
860-585-1833

William Whitehead
26 Nicholas Drive
Bristol, CT 06010
860-589-6341
860-716-6295 c

Rev. Daniel Collins
44 Pequot Road
Plainville, CT 06062
860-410-1086
860-796-3555 c

Rev. E. J. Moss
141 Promenade Dr.
Hamden, CT 06514
203-230-2642 h
203-915-0702

**This proposal is subject to change as more information is gathered for the creation of this committee.

References

Bell, J. (2002). Policing Hatred. New York: New York University Press.

Burnham, J. (2006, June 13). Golf club vandalized. The Bristol Press. Retrieved July 21, 2008 from www.bristolpress.com

Coates, R., Umbreit, M. & Vos, B. (2006). Responding to hate crimes through restorative justice dialogue. Contemporary Justice Review, 9 (1), 7-21. doi:10.1080/10282580600564784.

Colapietro, T. (June 2008). Cracking Down On Hate Crimes. see constituent brochure.

Collins, S. (2008, July 11). Does Bristol have a hate crime problem? The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

Craven, J. & Talit, A. (2008, June 24). Southington church vandalized with spray paint. The Bristol Press. p. 6

Gugliotti, E. (2008, July 17). Request made for open forum on hate crimes. The Step Saver/ The Observer. p. 5.

Hate On Display: A visual database of extremist symbols, logos, and tattoos. (n.d.). Anti-Defamation League. Retrieved July 21, 2008 from http://www.adl.org/hate_symbols/default.asp

List of ethnic slurs. (n.d). Wikipedia, the free encyclopedia. Retrieved July 17, 2008 from http://en.wikipedia.org/wiki/Gook#G

Protected And Unprotected Speech. (n.d.) National Coalition Against Censorship. Retrieved July 21, 2008 from http://www.ncac.org/art-law/top-protect.cfm

Reinhart, C. (2008, April 15). OLR research report: Connecticut hate crimes laws. Retrieved July 16, 2008 from http://search.cga.state.ct.us/dtsearch_lrg.asp?cmd=getdoc&DocId=45065&Index=1%3a%5c.index...

Symbols of hate. (2002). Center for democratic renewal an education. Retrieved July 17, 2008 from http://[illegible]-time.org/[illegible]/anti-hate-symbolsofhate.html

Talit, A. (2005, January 28) Suggestions made to end vandalism nightmare. The Bristol Press. Retrieved July 21, 2008 from www.bristolpress.com

Talit, A. (2005, July 21). Racial graffiti seen as hate crime. The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

Talit, A. (2006, June 14). Symbols seen as sign of vandals' ignorance. The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

Talit, A. (2006, June 15). Vandals strike again. The Bristol Press. Retrieved July 21, 2008 from www.bristolpress.com

Talit, A. (2006, June 15). Chippanee targeted for 2nd time. The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

Talit, A. (2006, June 15). Vandals strike again. The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

Talit, A. (2006, June 16). Senior center marked with hate symbols. The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

Talit, A. (2006, June 30). Police respond to NAACP allegations.The Bristol Press. Retrieved July 21, 2008 from www.bristolpress.com

Talit, A. (2006, July 18). Teens accused in vandalism but no hate crime charges. The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

Talit, A. (2006, October 15). Vandalism spike on boulevard. The Bristol Press. Retrieved July 21, 2008 from www.bristolpress.com

Talit, A. (2006, November 2). Vandalism suspect arrested. The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

Talit, A. (2006, November 22). Swicklas lauds PD for vandalism. The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

Teaching Tolerance: The ABC's of nooses and hate symbols. (n.d.). Southern Poverty Law Center. Retrieved July 17, 2008 from

Turick, K.. (2003, January 1). Vandalism stunned city in 2002. The Bristol Press. Retrieved July 17, 2008 from www.bristolpress.com

US Department of Justice: A Policymaker's Guide To Hate Crimes. (March 1997). National Criminal Justice Association. Retrieved July 17, 2008 from http://portal.acsu.buffalo.edu/portal/page/portal/LIBRARY/CDI/facts/race-hate/hahate.htm

Golf club vandalized
By Johnny J. Burnham, The Bristol Press
06/13/2006

Moreover, a swastika was spray-painted on the hood of a white maintenance van, there was a racial slur painted on the driver's side, KKK painted on the rear and "stay in school" stretched across the passenger side.
Other swastikas, anti-Semitic and racial slogans were still partially visible around the maintenance area even after maintenance workers had already begun ridding the club of the vandals' work.

JUDICIARY COMMITTEE

March 12, 2012

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

SB 364, "An Act Concerning Traffic Stop Information"

SB 364 would, among other things, require the Office of Policy and Management and the Criminal Justice Information System Governing Board to develop a standardized form, in both printed and electronic forms, to be used by municipal police departments and the State Police to record traffic stop information. The proposed new form would include:

- The date, time, and location of the stop
- The name and badge number of the officer
- The race, color, ethnicity, age, and gender of the operator of the motor vehicle, provided the identification of these characteristics shall be based on the observation of the officer.
- The nature of the alleged violation
- Whether the stop resulted in a warning, citation, or summons being issued, and whether a search was conducted or an arrest was made.

The form will also include a notice that if the person being stopped believes they have been stopped because of their race, color, ethnicity, age, gender, or sexual orientation, they may file a complaint with the police department, and a standardized form shall be provided for them.

SB 364 would change where the municipal police department will send the information. Currently, the information is sent to African American Affairs Commission and the Chief State's Attorney. It would require municipal police departments to send the information to the Office of Policy and Management (OPM) and the Criminal Justice Information System Governing Board.

The bill also states that if any officer who in good faith records traffic stop information meeting the requirements of the statute shall not be held civilly liable for the act of recording such information, unless their conduct was unreasonable or reckless. SB 364 would place penalties on municipal departments that do not comply.

SB 364 and the Alvin Penn law are designed to address a very important societal issue: racial profiling. It should be noted that *The Hartford Courant* expose is not the definitive word on how municipalities are implementing the law. At today's hearing, the Connecticut Police Chiefs Association will discuss their concerns with the article.

There are many communities, like Coventry, that take the law very seriously, and have devised ways to ensure that the Town stays on top of the law. Enclosed are Coventry's (1) review of agency practices regarding biased-based profiling and (2) traffic stop statistics.

CCM urges the Committee to require OPM to consult with municipal chief elected officers, in addition to the Connecticut Police Chiefs Association, prior to developing any uniform form. Municipal CEOs are elected by residents of communities, and have the responsibility to ensure the health, safety and well-being of all residents. They know their communities best.

Thank you.

★ ★ ★ ★ ★

If you have any questions, please call Ron Thomas at rthomas@ccm-ct.org at (203) 498-3000.

Enclosures

State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Judiciary
March 12, 2012

In Support of:

S.B. No. 364: An Act Traffic Stop Information

The Division of Criminal Justice supports the concept of S.B. No. 364, An Act Concerning Traffic Stop Information, and would respectfully recommend that the Committee proceed with caution to assure that the final legislation will actually achieve what you are setting out to accomplish. If there is one point that has become clear since the enactment of the Alvin v. Penn Racial Profiling Prohibition Act it is that there are serious shortcomings to the process as it now exists and that no simple solutions to resolve those issues readily exist. The public policy of the State of Connecticut remains clear: racial profiling, or the practice of conducting traffic stops based solely on the race of the motorist, is prohibited. The question is not whether profiling should be allowed, but rather how to collect and analyze data to determine if it does in fact occur.

The Division of Criminal Justice, and in particular the Office of the Chief State's Attorney, has a unique perspective on this issue in that we are the only agency under which any detailed, academically based analysis of Connecticut traffic stop statistics has occurred. This is the process that resulted in the publication in January 2001 of the "Interim Report of Traffic Stops Statistics: January 2000 to June 2000," and in December 2001 of the "Report on Traffic Stops Statistics for the State of Connecticut for the Period July 1, 2000 to June 30, 2001." Both of these reports were published by the Division of Criminal Justice pursuant to Public Act 99-198 (the Penn Act) and prepared by the Department of Criminology and Criminal Justice at Central Connecticut State University. The primary author was Stephen M. Cox, Ph.D. It should be noted that while P.A. 99-198 mandated the Division to collect, analyze and report on the data, it specifically did not authorize any funding for this purpose, although the Division was fortunate to secure funding and other valuable assistance from the Office of Policy and Management for the project.

Working with the Department of Criminology and Criminal Justice, the Division oversaw the difficult and complicated process of collecting and assembling the data for all traffic stops conducted in the state and analyzed as the basis for these two reports. This was by no means a simple process. There was no standard procedure for collecting and compiling what we quickly learned would be a tremendous amount of data. Technology was not only more primitive than it is today, but further complicating the situation was the fact that formats for electronic

collection of data varied from one police department to the next and some did not even collect the data in electronic format. In those cases, it had to be harvested from paper forms (which we believe is still the case with some agencies today). Before the detailed analysis could be undertaken the data had to be initially analyzed to assure that we were comparing comparable information from all departments. Even then and with substantial research and analysis undertaken, once all was said and done the final reports produced no definite answer to the underlying question of whether profiling had in fact occurred during the time periods analyzed. With varying interpretations of the findings of these reports, the only point on which there appeared to be agreement was that further study and analysis would be in order.

It must be noted that although no formal analysis of traffic stops statistics has been conducted since the 2001 reports were published, the Division of Criminal Justice continues to receive and act upon complaints questioning the propriety of specific traffic stops. The reporting and analysis aspects of the Alvin V. Penn Act were only one component of the act, the primary purpose of which was to define racial profiling and to declare that no law enforcement agency is to engage in racial profiling. In this sense the act remains actively in force as the policy of the State of Connecticut has not changed. The Division of Criminal Justice reviews all complaints alleging profiling with regard to specific traffic stops. A form for filing such a complaint has been posted on our website available to the public for a number of years. All complaints that we receive are examined initially by the Office of the Chief State's Attorney and usually referred to the appropriate State's Attorney for their review as well.

S.B. No. 364 presents a framework from which to craft a process for undertaking the further collection and analysis of data, the need for which was identified following the release of the two reports in 2001. Based on our involvement in the preparation of these reports - and cursory review of media analysis since conducted - the Division believes the current data collection process is obviously inadequate both in terms of what data is collected and how. Additional questions arise as to how these current practices will be impacted - or more appropriately how they could be improved - with the advent of the Criminal Justice Information System (CJIS) and Connecticut Information Sharing System (CISS). The division readily concedes that we have neither the technological resources nor expertise required in this area. S.B. No. 364 appropriately places these responsibilities within the Office of Policy and Management and CJIS Governing Board, which together have the necessary expertise and resources to oversee collection and analysis of data. That board, however, is already engaged in the task of developing a criminal justice information sharing system that has stretched its resources to the utmost.

The critical question that remains unanswered by S.B. No. 364 is exactly what data needs to be collected. As stated previously the experience of the Division of Criminal Justice from the earlier studies leads to the obvious conclusion that the data collected was insufficient to allow for conclusive findings. The Division would recommend that a study group representing all interested parties be convened to define what constitutes truly meaningful data and how that data can be collected in a reasonable manner. The Division stands ready to assist such an effort for the benefit of all involved, whether it be the motorist being stopped or the officer trying to do his or her job. In conclusion, the Division expresses its appreciation to the Committee for this opportunity to provide input on this issue. We would be happy to provide any additional information or to answer any questions the Committee might have.

Raised S.B. No. 364: AN ACT CONCERNING TRAFFIC STOP INFORMATION
To enhance compliance with data collection and reporting required under the Alvin W. Penn Racial Profiling Prohibition Act.

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LINE 5

Testimony for Public Hearing 03/12/2012.

Sen. Coleman, Rep. Fox, and members of the Judiciary Committee:

I am here today, not because I have personally been the victim of racial profiling, but because (1) I have friends who have been profiled, and (2) I believe that we - as a society - cannot expect respect for the law unless we can make sure that the law is, without fail, fairly and equitably enforced. The Alvin Penn Act provided a first step in acknowledging and providing some safeguards against racial profiling, but, over the past decade, we have also learned about its limitations, so I am happy to see that changes are being considered that will strengthen it.

To create the desired effect, I hope that you will incorporate the Community Party's provisions into your bill. Specifically, two issues are especially important to me:
(1) Providing motorists with a copy of the Traffic Stop Report will ensure that the forms are being filled out accurately, which is absolutely essential to meaningful data collection.
(2) Creating an independent Oversight Committee to address motorists' complaints in a confidential manner will inspire confidence in the fairness of the process and prevent the possibility of retaliation and/or cover-ups.
Additionally, I believe it is important to add religion and sexual orientation as protected classes, and to direct officers not to inquire about the immigration status of motorists or passengers unless they are being arrested for criminal activity.

I suspect you will hear many first-hand accounts today by victims of racial profiling who are coming forward to tell their stories. But I hope that you will also hear from people like myself, who have not been victims, but who believe wholeheartedly in equal protection under the law for all, and wish to see steps taken that will, someday, make that a reality in Connecticut, and in our country.

Ronna Stuller
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002248
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LINE 13

AMERICAN CIVIL LIBERTIES UNION OF CONNECTICUT
330 Main St, First Floor
Hartford, CT 06106
860-523-9146
www.acluct.org

To: Members of the Committee on Judiciary

From: Sandra J. Staub, ACLU-CT Legal Director

Written Testimony Supporting S. B. No. 364

An Act Concerning Traffic Stop Information

Good afternoon Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Sandra Staub and I am the Legal Director at the American Civil Liberties Union of Connecticut. The ACLU-CT supports measures to improve the effectiveness of the Penn Act's requirements to collect traffic stop data and prevent profiling statewide. Therefore, I am here today to support Senate Bill No. 364, An Act Concerning Traffic Stop Information, provided significant changes are made to meet the purported goal of "putting some teeth" into the Penn Act. The necessary changes are: 1. All conditional "if" clauses must be excised from the bill; 2. The bill must be effective upon passage; and, 3. Religion must be added as a prohibited category.

In this year of education reform we want to solve the problem of our separate but unequal schools, in part by expanding school choice. How do we expect our students of color to choose to make the drive from Hartford to Glastonbury or West Hartford, for example, when the state has done virtually nothing to prevent racial and ethnic profiling since passing the Penn Act in 1999?

Last year, in support of strengthening the data collection requirements and the prohibition on racial and ethnic profiling in the Penn Act, I talked to you about my teenage daughter, who was about to receive both the privilege to drive and the privilege to drive while white in the state of Connecticut. That the second privilege continues to exist in 2012 is unacceptable. I cannot help but think of the parents of Latino or African American teenagers who share my fears about teenage driving but whose fears are magnified by the real risk of their children being stopped for driving while black or brown. My daughter has never been stopped and I would like to think that this is because she does nothing wrong while driving. Yet I am convinced by investigations carried out by the press, the ACLU and the Justice Department, as well as by powerful stories from Connecticut residents, that teenagers of color around the state have been stopped, even when they, like my daughter, have committed no infractions.

The simple fact is that despite all of the investigations, reports and anecdotal evidence, and despite the indictments of East Haven police officers accused of biased policing and civil rights violations, nothing has changed. The state officials and police departments

responsible for enforcing the racial profiling prohibition and for collecting and analyzing the data have inexplicably failed and refused to comply with the Penn Act. And we need changes in the law primarily to hold them accountable and enforce their compliance. Much was made of the embarrassing and blatantly offensive remark made by the East Haven mayor in the aftermath of the indictments there. Yet the failure of state leaders to fix what has long been obviously broken in the Penn Act is just as offensive, equally embarrassing and clearly indicative of the racism and bias that is built into the threshold to our state justice system. Unless this legislative body and the current administration take immediate action to fix this law, the responsibility for the perpetuation of racism in the system falls here.

In 1999, the Connecticut legislature adopted one of the country's first racial profiling prohibitions, acting in the name of the late Senator Penn – who like too many people in this state had reported being stopped in traffic on the basis on his skin color. The Penn Act mandated that: 1. the Chief State's Attorney develop a form for use by departments all over the state to uniformly report data on traffic stops and to mandate use of the form; 2. each department record traffic stop data uniformly and report the data, from 1999 to 2003 to the Chief State's Attorney, and from 2003 to present to the African American Affairs Commission; and, 3. the Chief State's Attorney and subsequently the African American Affairs Commission compile, analyze and report on the traffic stop data in order to get a handle on the extent of racial profiling in this state and to determine what could be done to prevent it.

The ACLU-CT receives inquiries from around the country about Connecticut's progress in the thirteen years since this body passed the Penn Act. Our response to these inquiries is distressing, to say the least: The Chief State's Attorney to our knowledge never mandated use of a uniform reporting system for traffic stops; most police departments across the state have failed to collect and report traffic stops as required by the Penn Act; and, neither the Chief State's Attorney nor the African American Affairs Commission have compiled complete statewide data for analysis and report. The only report done under the Penn Act, back in 2001, appears to have been based on woefully incomplete data and with a method of analysis that the report itself acknowledges is not consistent with best practices. And even though many of the state's leaders have claimed that lack of money was in part the reason for the failure to comply with the law, it turns out federal transportation funds have been available, only no one bothered to spend them. And last year, when the legislature had an opportunity to fix the Penn Act, the widely supported 2011 bill, after passing Public Safety and this committee, was sent to yet another committee to die quietly and inexplicably.

With the wholesale failure to fulfill the mandate of the Penn Act, there is no good faith basis to claim that racial profiling is not a problem in Connecticut. Whole communities in this state know, unfortunately from experience, that stops based on perceptions of race, ethnicity and religion are rampant. And whether it is from experienced reality or public perception, racial profiling alienates people from law enforcement and hinders community policing, eroding the trust in and credibility of police officers among the people they are sworn to protect and serve.

The people of this state greatly appreciate the hard work and dedication of law enforcement agents in protecting public safety. The good name of these agents should not be tarnished by those who commit unlawfully discriminatory practices or by a failure and

refusal by state leaders to assume immediately their responsibility to analyze the problem so that efforts can be undertaken to prevent and prohibit profiling. As the Justice Department stated in its investigative report on East Haven, good police practices require developing a system to detect and prevent profiling.

In, short, racial profiling presents a great danger to the fundamental principles of our Constitution and is abhorrent and cannot be tolerated. This legislature meant to do something about this serious issue in 1999. In 13 years, it never worked. And we know now that the law needs to be improved in order to have its intended effect.

No Ifs:

The conditional "if" clauses in this bill must simply be removed. There is no reason these forms and systems cannot be developed and implemented. There is no reason for the Penn Act to include any reservation that developing the system of data collection might still not happen. Therefore, the statute should not expressly provide escape clauses or invitations to excuse any failure to comply with the law.

No More Delay:

Given their pending project to unify data systems for law enforcement across the state, the Office of Policy and Management and the Criminal Justice Information System Governing Board are well situated to take the lead on enforcing this act now. There is simply no excuse for waiting any longer. With respect to a uniform, mandatory mechanism to collect and report the data, experts in the field have already invented this wheel and, in fact, the tried and revised version used by Rhode Island police had been given to OPM as a model as early as January 2011. The Director of Northeastern University's Institute on Race and Justice, who has conducted numerous traffic stop studies, including the one in Rhode Island, has indicated that most if not all the information systems in use by police departments have such a data collection tool as a system option. And even if the uniform mechanism cannot yet be integrated into the Criminal Justice Information System plans, there is no reason not to manually collect the required data until then.

No Religious Profiling:

In the past two months, there have been alarming reports of violations of civil rights of law-abiding Connecticut residents who have been subject to unlawful racial and religious profiling by the New York Police Department. On February 2, 2012, and again on February 18, 2012, the Associated Press reported that the NYPD had targeted the Muslim community in Connecticut, including the Islamic Institute in West Hartford and the Muslim Student Association at Yale University, for investigation based solely on religious affiliation. This targeting of Muslims is consistent with reports we have heard of residents being stopped by police in this state simply because of indicators of their religion. This religious profiling is not only Connecticut's problem. In a widely reported incident in the Boston airport, an ACLU attorney was stopped seemingly for being a tall man with a long beard. Adding religion as a prohibited profiling category will appropriately acknowledge that police may not initiate a traffic stop based solely on an officer's perception of the religion of a driver and that to do so is an infringement on protected First Amendment activities.

As things stand, a person who has been racially profiled can bring an action under 42 U.S.C. Sec. 1983 if she can show that a person acting under color of law deprived her of constitutional rights. Passing an amended version of this bill will ultimately cost much less than waiting for someone like the ACLU or the Justice Department or students at Yale Law School to bring more claims to enforce compliance. In the end, no one will benefit from allowing racial profiling to continue unmonitored and unchecked for one more day than is necessary to pass this legislation and make it immediately effective.The ACLU-CT urges this committee to act favorably on S.B. 364, provided the necessary amendments are included.

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LINE 17

People of Connecticut,

I'm David Samuels, the founder of the Community Party. We're a statewide group of activists dedicated to addressing criminal justice reform and economic justice issues. I know that people who get all of their news from the mainstream media don't know this, but we were the first group to start working on the Alvin W.Penn Act two years ago after I was racially profiled in Bloomfield. Unfortunately the Penn Act has become just another political football, especially since the East Haven police scandal made the issue of racial profiling in Connecticut national news. Elected officials, State Capitol bureaucrats and so called activists have been knocking each other over trying to get a piece of this issue, as they attempt to produce a bill which will be palatable to the police and conservative legislators. Assemblymen Gary Holder-Winfield and Matt Ritter are the only ones who have acknowledged the Community Party publicly since the public hearing on our racial profiling bill 11 months ago. Our bill has the strongest enforcement provisions of any profiling legislation, state or federal. The bill language is posted in The Notes section of our Facebook page, Stop Racial Profiling - Obey the Law!

The fatal flaw of the Penn Act is that the citizen is excluded from the traffic stop data collection process. We're calling for all motorists who are stopped by the police to recieve a receipt of the stop. This receipt will include important information like the patrol officer's identifying information - specifically their name and badge number, which will be vital to those who want to file a confidential racial profiling complaint. Law enforcement expert Andrew Crumbie, a former state trooper, told us that a traffic stop where the motorist does not receive a ticket is the most blatant form of profiling. Don't believe the lie being told by the Connecticut Police Chiefs Association and dutifully spread by their mouthpiece CT News Junkie about this language requiring that printers be installed in police cruisiers. Our bill calls for the traffic stop demographic data form that cops are already required to fill out be issued in duplicate, with a copy being given to the driver. All that the state would have to do is spring for carbon paper. Our legislation also protects people of color from being harassed about their immigration status and provides protection to religious minorities.

Finally, we want a Penn Act / racial profiling oversight committee with at least two community stakeholders to be established in order to address the layered issue of racial profiling. Traffic stops are only one tool of racially biased policing. We will need all of the public support we can get as the Capitol cast of characters have been working to marginalize our group. Last year we received a nice pat on the head from Senator Coleman during the public hearing for our legislation. After the bill made it to the Senate floor and was mysteriously sent back to the Planning and Development Committee where it was killed, we couldn't get the Senator on the phone. A few weeks ago he cancelled a meeting on us with about an hour notice and still hasn't explained why. Apparently folks at the Capitol aren't crazy about an upstart group getting the credit for being the agents of reforming a law which should have been fixed years ago. We're not in pursuit of glory - our only agenda is to pass the strongest racial profiling bill possible. My question to Senator Coleman is, which side are you on?

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LINE 12

Mary L Sanders - Testimony for the Judiciary Committee - March 12, 2012
S.B.364 - An Act Concerning Traffic Stop Information

Since the Alvin W. Penn Act was originally passed into law so many years ago it has undergone a number of revisions and amendments. Unfortunately, after numerous attempts to get right, it's still not working. It's no one in particular's fault and it's the fault of many. But this is not the time to point fingers; it's a time to analyze past efforts, identify gaps, and take corrective action ... all politics aside ... for the good of our state!

Transferring enforcement responsibility, and attempting to improve compliance with federal and state anti-profiling laws since Penn originally passed have failed to protect large segments of CT motorists. During the past year CT has been in the spotlight after the abuse in East Haven was finally exposed; and let's not forget about the embarrassing incident involving our own State Treasurer, Denise Nappier. How many other situations have not been exposed? How many others are being harassed and/or abused but are afraid to come forward? I know that at the Spanish Speaking Center of New Britain we have clients who are law abiding citizens tell us about some very abusive experiences while being stopped, but who are hesitant to file formal complaints.

It could be small numbers of perpetrators, but let's identify the problem officers or departments and take corrective action for the sake of the law abiding motorists affected, and for the credibility of the rest of law enforcement in CT and across the nation.

The changes recommended by the Community Party after much study of the current law and its flaws are as follows:

- **We propose adding categories such as 'Religion and Sexual Orientation as protected classes and incorporating a "Not visible" box to be checked off if the officer clearly cannot identify a category. After conversations with members of persecuted groups in these categories we find that they truly need these protections and it would be unfair not to include them in these revisions;**

- **Motorist should only be asked for their license, registration, and proof of insurance. Their passengers should not be asked for identification or immigration status unless they are being arrested for criminal activity;**

- **The motorist should get a copy of the Traffic Stop Report. The form must include the officer's name or badge # as well as information on where to file a profiling complaint should they so desire. This will cause little additional work for the officers as they should already be filling out the Traffic Stop Reports for everyone they pull over. Some people have suggested it wouldn't be good for motorists to get this copy, that it might even deter them from filing complaints. Even if that were the case it is not the motorists' responsibility to police the police! It's your responsibility and you need clean, honest data to do that.**

- Confidential complaints of profiling or police abuse should be filed with a third party, not the local law enforcement. They should not investigate their own; it's a conflict of interest and most people would be hesitant to complain to the same entity which they feel has violated their rights. Some may fear retaliation. I'd be willing to bet that the numbers of people who have complained during the years are but a tiny fraction of those who have been innocent of any crimes but harassed nevertheless.

- As the responsibility for the enforcement of this law has been moved from departments to individuals to commissions with little improvement through the years, there should be a "Penn Oversight Committee", made up of different stakeholders including: the 3 minority commissions, AAAC, LPRAC, and APAAC; legislators, law enforcement, Chief State's Attorney and 2 community representatives and others as seen fit. The Minority Commissions have all indicated that they want to be involved in this for the protection of their respected communities. This group would meet quarterly or more frequently as needed to oversee the process, review and recommend changes not needing legislative action and would increase accountability. It would also lend credibility to the process helping the state qualify for any federal money available.

I cannot understand how grant money earmarked for the enforcement of Racial Profiling laws, sat there for years untapped, while blatant profiling was publicly acknowledged in numerous situations. Gov. Malloy himself stated that he didn't know why the previous administration did not utilize these funds, but that he surely intended to do so. So I ask you, "Shouldn't CT have the strongest protections possible for all motorists potentially subject to profiling? Won't the federal grant money already available allow us to finally comply with federal anti-profiling laws? As we worry about oppression and work to end abuse in other parts of the world, let's set an example right here, of what true and equitable application of human rights practices look like.

I hope you do the right thing and pass the amendments that Community Party has submitted. A lot of study, conversations and soul searching went into the development of these recommendations in order to present you with something comprehensive, feasible, ethical, and practical. I see us as partners, wanting the best for the residents of this state. Let CT lead the way in truly protecting all law abiding motorists from illegal profiling while protecting our cities from unnecessary lawsuits.

Respectfully submitted:

Mary L Sanders

Mary L. Sanders
184 Preston Street Hartford
Member – Community Party
Executive Director – Spanish Speaking Center of N.B.

SENATOR DONALD E WILLIAMS, JR.
PRESIDENT PRO TEMPORE

State Of Connecticut

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LINE 1

SENATE
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

Testimony of

Senator Donald E. Williams, Jr.
Senate President Pro Tempore

Monday March 12, 2012

Judiciary Committee

Senator Coleman, Representative Fox, members of the Judiciary Committee, thank you for allowing us to testify today on S.B. 364, An Act Concerning Traffic Stop Information.

Racial profiling is the practice of treating individuals as suspects based on characteristics like race or religion, rather than actual criminal conduct. Racial profiling can not and should not be tolerated in our state. As elected officials we must ensure the equal treatment and equal protection of all of our citizens. Profiling is both wrong and ineffective:

- ***It violates fundamental rights of fairness and equality.*** By treating them differently from "mainstream Americans", it effectively turns communities of color into second-class citizens.
- ***It diminishes trust between law enforcement and affected communities.*** Those who have been profiled and may be witnesses or victims of crimes, such as hate crimes or domestic violence, become more hesitant to reach out to police in times of need.
- ***It diverts limited law enforcement resources away from finding actual criminal and national security threats.*** In many cases, law enforcement misses the real criminals by focusing on race- or religion-based profiles rather than looking for signs of unusual activity based on individualized behavior.

We are all well aware of the report issued by the U.S. Department of Justice finding that the East Haven Police Department violated federal law by systematically discriminating against Latinos. The report indicated that the department "engages in discriminatory policing against Latinos, including [targeting them] for discriminatory traffic

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enforcement, treating Latino drivers more harshly than non-Latino drivers after a traffic stop, and intentionally and woefully failing to design and implement internal systems of control that would identify, track and prevent such misconduct."

In addition to this example of systematic profiling by a particular police department, a recent analysis by The Hartford Court of our traffic stop data as collected by the African American Affairs Commission revealed troubling information about disparities in the treatment of motorists who were pulled over. In response to these recent events and the continued non-compliance of existing state law, I am here today because **we must strengthen our racial profiling law so that Connecticut motorists are not treated differently because of the color of their skin.**

There are a number of provisions in the bill that I support and that are necessary for a more workable law.

First, current law requires police departments to collect and provide annual data on traffic stops, offenses, dispositions, and complaints of discriminatory stops. **We can make the process easier by standardizing the forms used by departments to collect and report the traffic stop data.**

Second, traffic stop data is currently collected by the African American Affairs Commission. The AAAC has collected the data since 2003 however a lack of financial or staff resources has prevented the Commission from ever analyzing the data. **We can strengthen the law by requiring the Office of Policy and Management and the Criminal Justice Information System Governing Board (CJIS) to collect and analyze the data.**

It is extremely troubling that of the 92 municipal police departments, only 27 are in compliance with our current racial profiling law, according to the African American Affairs Commission. By designating OPM as the state entity that ensures compliance and enforcement with the *Alvin Penn Racial Profiling Prohibition Act*, we enhance the ability to collect and analyze the traffic stop data.

Third, **we can strengthen the law by allowing motorists to report complaints of suspected racial profiling.**

I believe SB 364 can go further.

While current law requires police departments to adopt written policies prohibiting discriminatory stops, searches and detentions, **we can strengthen the law by requiring police departments to submit their written policies to OPM.**

In addition to allowing motorists to make a complaint of racial profiling, **we can strengthen the law by enabling CHRO to receive and investigate a complaint as well as issue an annual report to OPM on the number of complaints that they receive.**

Finally, **we can strengthen the law by requiring police departments to re-train their officers when data illustrates the prevalence of racial profiling.**

There are many fine police officers throughout our state. Let us be clear that this legislation is not intended to be antagonistic to our local police departments. Rather, we must ensure that officers are aware that either unconscious bias or deliberate racism has no place in the law enforcement community and we must do all that we can to address it when it is occurring. We must ensure that we do not create or sanction an environment that puts the community at odds with the police. As we strive for a safe environment for all our residents, we must ensure that groups of people do not feel targeted by the police, by virtue of their race.

CCDLA
"Ready in the Defense of Liberty"
Founded 1988

Connecticut Criminal Defense Lawyers Association
P.O. Box 1766
Waterbury, CT 07621-1776
(860) 283-5070 Phone/Fax
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March 12, 2012

The Honorable Eric D. Coleman
The Honorable Gerald M. Fox.
Chairmen
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: Raised Bill No. 364
An Act Concerning Traffic Stop Information

Dear Chairmen and Committee Members:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of over 300 licensed lawyers, in both the public and private sectors, dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to criminal justice. By way of this testimony, CCDLA supports passage of Raised Bill No. 364, An Act Concerning Traffic Stop Information, which would further the objectives of the Alvin Penn Act and amend C.G.S. §54-1m.

The Alvin Penn Act "prohibits police and law enforcement agencies from engaging in racial profiling, defined as the detention, interdiction, or other disparate treatment of someone solely because of his race or ethnicity. It requires the State Police and local police departments to adopt written policies that prohibit race-based traffic stops."[1]

CCDLA agrees with the points raised in testimony submitted by the Office of the Public Defender. Specifically, that standardization of the data collection process as it relates to information gathered during traffic stops conducted by municipal and state police departments and the use of standardized forms to record the complaints of individuals who believe they were stopped because of race, color, ethnicity, age, gender or sexual

[1] OLR Bill Analysis, sHB 5674.

orientation, will ensure that the state will have the information necessary to identify whether racial profiling is being conducted by law enforcement. Such profiling, in addition to being illegal and discriminatory, undermines the criminal justice system as a whole by eroding trust and respect for law enforcement.

For these reasons, CCDLA supports this bill.

Respectfully submitted,
CCDLA

By, Moira L Buckley
Moira L. Buckley
President Elect CCDLA

Testimony On Behalf Of The
Connecticut Regional Office of the
Anti-Defamation League

IN SUPPORT OF RAISED BILL NO. 364
AN ACT CONCERNING TRAFFIC STOP INFORMATION

March 12, 2012

The Anti-Defamation League (ADL) was founded in 1913 with a mandate to fight the defamation of the Jewish people and secure justice and fair treatment for all. Today the ADL is one of the country's leading civil rights and human services organizations. The Connecticut Regional Office of ADL is based in Hamden and serves the entire state of Connecticut.

We submit this testimony today to express our support for Raised Bill No. 364, An Act Concerning Traffic Stop Information.

A critical element of ADL's mission of seeking justice and fair treatment for *all* people compels us to combat bias and discrimination in whatever form it takes and against whomever it may be directed. Others here today will describe in greater detail the discrimination some individuals face in the context of traffic stops and the impact of racial and ethnic profiling on minority communities. In our experience advocating for victims of discrimination and responding to bias incidents of all types throughout the state, however, discrimination against *any* individual or group of people not only hurts the individuals and targeted groups, but negatively impacts the environment in which it arises and the community as a whole. In other words, we all suffer when any group experiences bigotry or discrimination.

As a result of ADL's extensive and meaningful partnership with law enforcement in Connecticut and around the country, we know that most law enforcement officers are to be commended for their professionalism and service to the community. We are confident that most officers would never practice or condone the use of inappropriate profiling as a criterion for criminal suspicion. However, there is abundant evidence suggesting that minority motorists are stopped for pretextual reasons and questioned by law enforcement officers disproportionately more often than white motorists. The use of race, ethnicity or any such criterion as a basis for criminal suspicion in making traffic stops undermines public trust in law enforcement, widens the great gulf that exists between white and minority perceptions of judicial fairness, and is a violation of the motorist's civil rights.

Securing civil rights and opposing stereotyping based on immutable characteristics are essential components of the Anti-Defamation League's historic mandate. We believe that Bill No. 364 will help way to ensure that information about traffic stops is properly tracked, can be properly analyzed, and can serve as a more effective tool to end the use of racial and ethnic profiling.

While we believe that the strengthening of the law addressing racial profiling is essential, we understand that law enforcement may have procedural or logistical concerns relating to the

mechanics of data collection and dissemination. We hope the Committee will consider those concerns and work with law enforcement to resolve them so that the critical objectives of this bill can be achieved while allowing police officers to continue to fulfill their important duties.

We urge you to support Bill No. 364 to strengthen and make effective Connecticut's laws concerning traffic stops and racial profiling and to send a clear message that our state will not allow anyone to suffer discrimination simply because of the country they come from or the color of their skin.

March 7, 2012

Katherine Hermes, J.D., Ph.D.
P.O. Box 1765
Torrington, CT 06790

Concerning Raised Bill 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION.

I am a 53-year-old white woman and college professor. I would like to support revisions to the state's Penn Act that make reporting of all traffic stops mandatory, but I want to see these strengthened by the Community Party's proposed language. In the past couple of years, I have been stopped by a police officer, once for speeding and once for not having a license plate on my front bumper. In both instances the officers were polite, and in neither instance did they write a citation. I was given a written warning I in the case of the speeding incident and a verbal warning in the case of the license plate.

Too often we hear only of the instances in which people of color have been profiled, but profiling works both ways. It results in people of color getting stopped and cited, while white people are treated differently. In the first case I did get a record of the stop, because the officer issued a formal warning. In the second case, there is no record of that stop. There are number of reasons that failure to have records of stops is problematic. What happens during a stop should be a matter of public record. We all have a stake in the laws being applied fairly, uniformly, and properly. It's easy for a person who escapes the penalties of a speedy ticket to be happy; I certainly was. But I am also aware that my age, color and apparent class status probably resulted in less harsh treatment than I would have received were I of a different color and less visibly middle class.

Every single time profiling happens that people of color are unfairly stopped and white people are intentionally not stopped or are let off, we undermine our society's principles of fairness, equity and equality. Every time it happens and we don't record it, we leave citizens unable to challenge the status quo and we make them voiceless. The integrity of police departments is undermined and people stop believing that our society is one under the rule of law. Justice demands that profiling never take place, with regard to anyone's race or ethnicity or perceived statuses (religion, class, gender identity and sexual orientation).

Thank you for your consideration

STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION
OFFICE OF THE COMMISSIONER

March 12, 2012

Rep. Gerald M. Fox, Co-Chairman
Sen. Eric D. Coleman, Co-Chairman
Judiciary Committee
Legislative Office Building
Hartford, CT 06106

SB 364 AN ACT CONCERNING TRAFFIC STOP INFORMATION

The Department of Emergency Services and Public Protection advises that a standardized and mandatory electronic format with retrievable database is already in use by the Connecticut State Police.

This proposed bill, in order to enhance compliance with data collection and reporting required under the Alvin W. Penn Racial Profiling Prohibition Act, would require OPM to develop a standardized form, in both printed and electronic format, to be used by police officers of municipal police departments and the Department of Emergency Services and Public Protection to record traffic stop information.

The Division of State Police has been compliant with the Alvin W. Penn Racial Profiling Prohibition Act since its passage. Initially, a printed form was used for these purposes. Traffic stop data is now collected in electronic format in the CAD (computer-aided dispatch) system. This is mandatory by statute, by the agency's A&O manual and the programming of the CAD system will not allow a close out of the traffic stop form without entering the required information. Traffic stop data can be extracted from the Nexgen database.

Sincerely,

Reuben F. Bradford
COMMISSIONER

1111 Country Club Road
Middletown, CT 06457
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An Affirmative Action/Equal Opportunity Employer

March 12, 2012

To: Judiciary Committee
From: Paulette Cohen
Re: HYPERLINK "http://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=SB00364&which_year=2012"S.B. No. 364 (RAISED) AN ACT CONCERNING TRAFFIC STOP INFORMATION.

Senator Coleman and Representative Fox,

My name is Paulette Cohen and I have been a resident of New Haven for almost 30 years. I am here to testify in favor of S.B. 364. It is an important bill that will give us the tools we need to put an end to racial profiling in Connecticut. It is a goal I support as a person, and a goal I support as a board member of the ACLU-CT. But the real reason I am here today is that I saw Representative Gary Holder-Winfield at a meeting on Saturday where he spoke eloquently about what this bill means to him personally. He also spoke about the need for citizens who are not minorities to testify about why this bill is important to them. That struck home with me. This bill is not just about African Americans or Latinos. This bill is about the fabric of the society I live in.

I live in a lovely neighborhood in New Haven. We have an active block watch, and an active Neighborhood Management Team where our local police officer is seen as a friend and ally in preventing crime. I have Lieutenant Reddish's telephone number on my cell because he gives it out at meetings and tells us to use it if we need to. If I had to use it, I wouldn't hesitate. My expectation would be a prompt, concerned and helpful response. This is true despite an experience I had several years ago when I was the driver of the middle car in a three-car crash. The officer, who took almost 45 minutes to arrive, used a bullhorn when he first addressed us, was rude and abusive, and threatened to take me to police headquarters if I continued to question a ticket he was writing up for me. I did what I was told, but when I returned home I called the police, asked for the complaint department, and explained what had happened. I did this because previous experience led me to believe that the police in my neighborhood are on my side. And I was not disappointed. A senior officer arrived at my house, took my statement, apologized for the other officer's behavior, explained that the department

was already compiling a dossier on this policeman, who was a good cop who had gone bad, and who should have been retired. He thanked me for coming forth to help the department and told me not to worry about the ticket.

Compare my experience with the experience of George Long, whose story appeared in the New Haven Independent last November. [http://www.newhavenindependent.org/index.php/archives/entry/newhallville_case/]
I hope Mr. Long is testifying before your committee today. Let me quickly review his story. Mr. Long, a 50 year old African American carpenter who resides in Newhallville, a neighborhood adjacent to mine, was celebrating his son's birthday when an officer came to his door. His nephew had been stopped nearby and arrested by a statewide narcotics task force team. Mr. Long was asked to step outside, ostensibly to verify that the man in the car was indeed his nephew. What ensued was one of the state officers questioning whether a bulge in Mr. Long's pocket was a gun. Even though Mr. Long explained that it was a cell phone and a lighter, which it was, and even though Mr. Long was there to identify his nephew, not as a suspect, the officer punched him in the face and kicked him after he fell against a fence. Other officers pulled their Tasers as neighbors watched. The NHI quotes one neighbor as saying "It was crazy. They grabbed him and jumped on him and beat him up—and arrested him. He didn't do no shoving...He said, 'Am I under arrest?' They grabbed him. " Mr Long was arrested for interfering with the law enforcement, and the State wanted him to admit his guilt for his freedom. He refused, and as of the time of the NHI article he was countersuing for police misconduct.

What is wrong with this picture? Just about everything. The real question is why does some version of this happen so frequently, and in so many different ways, to people of color?

However, this is not the question I came here today to try to answer. The question Gary Holder-Winfield posed is why does this pattern of police misconduct toward persons of color concern me. After all, this is not the way things happen in my neighborhood. Police frequently knock on my door because one of my neighbors house alarm has gone off. I often walk outside with them with my pockets bulging with a cell phone, keys, pens and tissues. No one has ever asked me what I had in my pockets.

On the most selfish level, racial profiling concerns me because it jeopardizes my safety. There is a lot of crime in Newhallville. Most of the crime effects Newhallville residents, but some of it spills over into my neighborhood. I wonder whom among Mr. Long's extended family, friend and neighborhood network will call the police when they witness a crime. Which one of them will cooperate with the police when they are trying to solve, stop, or prevent a crime. And that in and of itself is a crime, because there are a lot damn good police officers in New Haven, but the poisonous atmosphere created by racial profiling by some officers taints all of law enforcement, and makes it much harder for New Haven's finest to do their job. And without the statistics that S.B. 364 will help compile, there is insufficient pressure on revenue-strapped local and state law enforcement departments to confront and put an end to this type of police misconduct.

There is another issue though that concerns me about racial profiling, and it should concern those like me, whether they live in the mostly Caucasian neighborhoods of New Haven, or towns like Guilford or Chester. It is the issue of poverty. And I'm not talking here about poor neighborhoods--although that should concern all of us as well—I'm talking of the poverty of cutting ourselves off from people who are different from ourselves, people who have different histories, different but equally vibrant cultures that can enrich the tapestry of our own lives. The most pernicious effect of racial profiling is that it makes fear the default setting of interacting with people of color. And that fear makes all our lives narrower and more impoverished.

Please pass this bill; for my sake, as well as for Gary Holder-Winfield's sake.

STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT
CRIMINAL JUSTICE POLICY AND PLANNING DIVISION

Mike Lawlor, Under Secretary
Criminal Justice Policy and Planning Division
Office of Policy and Management

SB 364: AN ACT CONCERNING TRAFFIC STOP INFORMATION

March 12, 2012

Good Morning Senator Coleman, Representative Fox and members of the Judiciary Committee:

Earlier this year Governor Malloy directed the Office of Policy and Management and the Department of Transportation to ensure that police departments continue to collect, or begin to collect, traffic stop data pursuant to the Alvin Penn Act and submit it to an appropriate outside evaluator for analysis and report. My office has been working with the DOT, the Institute for Municipal and Regional Policy at Central Connecticut State University and with Criminal Justice Information System Executive Director Sean Thakkar to accomplish these goals.

If the General Assembly transfers the responsibility for receiving this data and issuing an annual report, we will do so. At this time, we believe that federal grant funds available to us for this purpose will cover the first year cost for FY 2013.

I believe the following changes would clarify the role of both OPM and the CJIS Board:

This language:

(b) Not later than January 1, 2013, the Office of Policy and Management and the Criminal Justice Information System Governing Board shall, within available resources, develop and promulgate ...

Should be amended to read:

(b) Not later than January 1, 2013, the Office of Policy and Management, in consultation with the Executive Director of Criminal Justice Information System, shall, within available resources, develop and promulgate...

The CJIS Governing Board is co-chaired by Judge Patrick Carroll and myself. We are in agreement that this language would appropriately reflect the advisory nature of the board and the expertise of the Executive Director Sean Thakkar. I recommend that subsequent references to the CJIS Governing Board should be deleted and that the sole responsibility for collecting and reporting on data be that of OPM Criminal Justice Policy and Planning Division.

I would recommend that the Judiciary Committee consider deleting the requirement to provide a "copy of the completed form" in this language:

Phone (860) 418-6443 Fax. (860) 418-6496
450 Capitol Avenue-MS# 52CJP Hartford, Connecticut 06106-1379

(c) On and after January 1, 2013, whenever a police officer makes traffic stop of a motor vehicle, such officer shall, if a form has been promulgated pursuant to subdivision (1) of subsection (b) of this section, complete such form and provide a copy of the completed form to the operator of the motor vehicle.

As a practical matter, I do not think police officers in patrol cars have the capability to generate copies of documents. Also, the focus of this initiative is electronic data, so a paper copy may not be an option at the scene. Perhaps a provision in the advisory form for obtaining a copy upon request would be more appropriate.

Phone: (860) 418-6443 Fax: (860) 418-6496
450 Capitol Avenue-MS# 52CJP Hartford, Connecticut 06106-1379

Members of the Judiciary Committee, my name is Mrs. Shawn Soljour and I am testifying in support of SB 364. On August 15, 2009 at 12:21 a.m., I was stopped and issued a traffic infraction ticket for driving through a Red light at the intersection of South Avenue and Gerdes Road, in New Canaan. I maintain that I did not warrant the stop itself, the officer's treatment of me, or the ticket.

Officer Kim claimed that I had gone through a red light. I am certain that the light was flashing yellow as I drove toward the intersection and as I passed through the intersection.

When the officer stopped me, I could see that it had remained flashing yellow. The light never turned red. Our three daughters were in the car: ages 17 and twins aged 5.

The officer, however, maintained that the light had been red. I asked him to check the actual color of the light. He was insulted that I stated to him to look back and became irate and annoyed. He stated that had I kept my mouth shut, he would have let me go with just a warning."

At that point I firmly requested that he call his superior. I stated your tone and behavior is unwarranted and we are very uncomfortable. The on staff supervisor did come and took note of our concern and then Office Kim handed me a ticket for $124.00. I drove immediately to the New Canaan Police department and proceeded to fill out the complaint form.

As I was filling out the complaint form the Lieutenant came in and questioned me to why I was here. I stated the light is not red and it is still flashing yellow. I was given a ticket for $124.00 and I will not pay for something I did not do. The Lieutenant stated Ms. If Officer Kim said it is red than it is red. I said to him how you can say that and you were not there. He said we are not taking your complaint-go to court.

According to the state of CT DOT Certified Engineer Map and Maintenance Records, this specific Light was "operating on schedule"

This led to me appearing at the Norwalk Superior Court, I was found *not guilty* by Magistrate Charlton because the officer wrote the *wrong* statute. The State Prosecutor Justina Moore requested a Trial de novo. I appeared three more times before Judge Hudok, a Criminal Judge. I have no criminal record, no motor vehicle infractions and because I did not pay the fine on the final trial day the Judge issued a warrant for my arrest.

I was on my way to work and confronted with a warrant for my arrest. My husband had to leave work to post bond, and my arrest was publicized in the newspaper. And affected how my employers, New Canaan residents viewed me and how people viewed my children-who attend the town's elementary and high school- as a result of their parents reading the article. At the time of the arrest, I was finger printed, frisked by a female officer and thoroughly humiliated!

I had to hire an attorney to file my Traffic Stop Bias Complaint CGS 54-1m. In accordance with statute The New Canaan Police Department failed to comply with the provisions of this section.

This blatant disregard from the NCPD, the Police Commissioner, D.O.T., State Representatives who told me this is frivolous matter and move on lady. I will not! Innumerable of my ancestor were murder in this State and in the country because they had dark skin. Not because of any crime they committed. I will hold the NCPD accountable for the actions. The Connecticut Constitution is on my side! The Commission of Human Rights accepted my complaint so I hired another attorney.

The cost for this bias treatment has incurred my family over $3,500.00, lost time from my employment, emotional stress, public ridicule and ostracization from the already racially polarized New Canaan community.

Thank you for your attention.

State of Connecticut
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PLANNING & DEVELOPMENT COMMITTEE

Testimony of State Representative Matthew D. Ritter (D-1st District)

Dear Chairpersons Coleman and Fox and Ranking Members Kissel and Hetherington:

I come before you today to testify in support of Raised **Bill No. 364 an "An Act Concerning Traffic Stop Information."** This bill is otherwise known as an amendment to the Penn Act.

I first became involved in this issue in 2010 as a member of the Hartford City Council. At the time, a constituent and friend, David Samuels, approached me about whether the City of Hartford was complying with the provisions of the Penn Act which required it to collect and report data regarding traffic stops within the City. Upon my election to the House of Representatives, I began working with David and other community activists to look at ways in which the Penn Act could be strengthened.

I am here today to thank the Black and Puerto Rican Caucus, the administration and the leaders of this committee for continuing their efforts to strengthen anti-profiling laws in the State. Raised Bill No. 364 goes a long way towards ensuring that municipalities will collect and report data regarding traffic stops so that we as a State have a better idea of whether profiling is occurring in municipal police departments. Obviously, the recent situation in East Haven and the report by Matthew Kaufmann of the Hartford Courant demonstrate that there is a need for profiling data to be collected and reviewed by the State.

However, I am also here to stress two points with regards to this bill. One, it is important that the review and oversight committee which will review the data that is submitted by municipal police departments contains individuals who are not just state or legislative employees and who represent potentially affected communities. I believe that having community representation will help to ensure that the data review process is transparent and it will also provide a community link regarding matters of profiling which is very important.

Second, I also think that the receipt which is given to a motorist should contain different language which advises the motorist of what department they may contact if they feel that they

have been a victim of profiling. Currently, the bill provides that the motorist may "file a complaint with the appropriate law enforcement agency." I want to be sure that the bill is not simply advising the motorist that they can contact the relevant municipal police department regarding the stop. There are too many instances in which the motorist might feel intimidated to report to the same police department which just stopped him or her and there are also examples of municipal police departments failing to prevent profiling even when made aware that it is occurring. Therefore, perhaps adding clearer language to the bill which provides, for example, that the motorist may confidentially contact CHRO or the State's Attorney is a better option for reporting profiling.

I thank the Judiciary Committee for its time this morning. This is an important subject to me and the District for which I have the great honor to represent. The amendments to this law are critical to ensuring that motorists in our State are treated equally and fairly regardless of their race, ethnicity, gender, age or sexual orientation. I hope that the committee will consider my comments here today and I am glad to answer any questions.

State of Connecticut

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Testimony of
Deborah Del Prete Sullivan, Legal Counsel
Office of Chief Public Defender

Raised Bill No. 364
An Act Concerning Traffic Stop Information

Judiciary Committee Public Hearing
March 12, 2012

The Office of Chief Public Defender supports *Raised Bill 364, An Act Concerning Traffic Stop Information,* which would enhance the Alvin Penn Act and amend C.G.S. §54-1m. The proposed bill makes important changes to the data collection process used to capture information related to traffic stops conducted by municipal and state police departments. The bill requires the use of standardized forms to record and report traffic stop data and requires that a copy of the form be provided to the operator of the motor vehicle The data collected will ensure that the state will have the information necessary to identify whether racial profiling is being conducted by law enforcement. In addition, standardized forms would be used to record complaints by persons who believe were stopped because of their race, color, ethnicity, age, gender or sexual orientation.

Racial profiling is an illegal and discriminatory practice that impacts upon the rights of everyone to be treated fairly. Profiling also has significant implications regarding racial and ethnic disparities and disproportionate contact of minorities within the criminal justice system. Justice cannot be meted out in a manner that targets one race or religion, as the result is that everyone in society will be harmed. Discrimination based upon one's religion, color, ethnicity, age, gender or sexual orientation enforces the negative stereo types that certain people are more predisposed to commit crimes

than others. In addition, such illegal practices perpetuate greater distrust of law enforcement and our government in general.

The bill also shifts the responsibility for oversight and data analysis to the Office of Policy and Management (OPM). This Office supports this aspect of the bill and believes that OPM has the ability to use the appropriate resources to review the collected data and make informed recommendations.

We as a society celebrate the diverse cultures that exist. Illegal discriminatory conduct by some should not and cannot be tolerated. This proposed legislation is a good step forward to creating consistency in this state and hopefully a venue for persons who have been subjected to this illegal treatment to have their voices heard and for the discriminatory practices to end. For these reasons, this Office urges support of this bill.

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Abdul Shahid-Ansari, Greater Hartford NAACP,
Public Hearing, March 12, 2012

Good evening, Chairman Coleman, Chairman Fox and Members of the Judiciary Committee. My name is Abdul Shahid-Ansari and I currently serve as President of the Greater Hartford Branch of the NAACP.

In many ways, Connecticut tells a disconcerting tale of two states: Disparities between whites and minorities exist in health, education and criminal justice. In fact, just this month the media reported that Blacks and Hispanics are more likely to be ticketed for traffic stops than White motorists. Connecticut should not be known for disparate treatment of any kind, and its leaders should consider addressing it a priority.

As you know, legislators first required the tracking and analysis of traffic stops in 2000, then required police departments to submit reports to the African American Affairs Commission. It is clear that lawmakers recognize the importance of this issue, but more must be done. Senate Bill 364 is the "more" Connecticut needs.

By requiring that reports be completed by all municipal police departments and that the data be reported to the Office of Policy and Management, Connecticut will finally be taking a much-needed step towards addressing racial profiling, because it is only through an ongoing commitment to meaningfully assessing these occurrences will our state have the tools to ensure that Connecticut is truly treating its citizens equally.

Last year, a similar bill came before the Connecticut General Assembly but was never voted on. What has very publicly played out in East Haven and continues to occur with less fanfare in cities and towns across Connecticut has made it clear that this legislation is long overdue.

I did not know Sen. Penn, but as a fellow African American man, I believe I know what was in his heart when he fought for the passage of racial profiling legislation. Connecticut owes it to his memory, and to every citizen in this State to ensure that a racial profiling bill is more than just words. Senate Bill 364 will appropriately honor Senator Penn, but more importantly, it will be an important step toward rebuilding trust in the minority community towards law enforcement.

Thank you.

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AFRICAN-AMERICAN AFFAIRS COMMISSION
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Testimony before the Judiciary Committee

Monday March 12th, 11.00 am, Room 2C

Good morning, Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Glenn Cassis the Executive Director of the African-American Affairs Commission (AAAC), a non-partisan state agency and an advocate for the state's African-American community. We thank the Committee for its commitment, passion and guidance in helping raise ***Senate Bill (SB) 364 – An act concerning traffic stop information.***

A focus of our work includes ensuring fairness in the criminal justice system by addressing unwarranted racial and ethnic disparities in how justice is served. It is no coincidence that roughly 44 percent of the children represented in detention centers in the state are African-American[1] and at least 42 percent of African-Americans make up the state's prison population.[2] The lifetime likelihood of incarceration for African Americans is 16.2 percent almost twice that of Hispanics at 9.4 percent and more than six times that of whites at 2.5 percent. As we can see, the statistics are heavily stacked against African-Americans in all areas of criminal justice. Its in this spirit we speak in support of. ***Senate Bill (SB) 364 – An act concerning traffic stop information.***

SB 364 emerged as result of an initial bill the Penn Act introduced to address the issue of racial profiling in our state at the time. Racial profiling by law enforcement is wrong on many grounds. Firstly it is inconsistent with our

[1] Connecticut Voices for the Children, Reforming Connecticut's Juvenile Justice System. *Racial and Ethnic Biases*
[2] Connecticut Inmate Population by Race and Ethnicity

democratic values and violates the equal protection rights of citizens under the constitution. A race-based assumption in law enforcement perpetuates negative racial stereotypes that are harmful to our rich and diverse democracy. It materially impairs our efforts to maintain a fair and just society. Furthermore using race, ethnicity, national origin or religion to single out people for police scrutiny only deepens racial divides in our state, creating an environment of mistrust between law enforcement and the victimized communities. This erosion in public trust makes it even more difficult for police to maintain the law and order in certain communities.

Most importantly racial profiling does nothing to promote public safety. Studies confirm that for example using racial profiling to interdict highway-bound suspected drug couriers is ineffective. A survey by the Department of Justice in 1999 revealed that while officers disproportionately focused on African American and Latino drivers, they found drugs more often when they searched whites at 17 percent than when they searched African Americans at 8 percent. Another study by Lamberth Consulting reported that when U.S. Customs agents began using race-neutral factors such as behavior, to identify drug smugglers they increased the rate of productive searches by more than 300 percent.[3]

A shocking case of racial profiling worth mentioning happened in New Jersey to Santiago Villanueva a black man from the Dominican Republic, who spoke minimal English. This was a man who suffered from epileptic seizures. Unfortunately one day Santiago had a seizure attack. Police were called to the scene, observing this behavior mistook his condition for a drug overdose. In response they reportedly threw him on the ground, placed a knee on his back and caused him to stop breathing. He was given oxygen, gained consciousness for a short while, was handcuffed and taken to the hospital where he later died. Conversely even though racial profiling appears to disproportionately affect minorities whites can be affected too in certain instances, as was the case of

[3] www amnesty org, The Truth About Racial Profiling, Five Facts

Mohammed the D.C. sniper. In that case Mohammed managed to evade law enforcement for a while because police initially profiled the alleged sniper as a white male. Any of these incidents could happen anywhere in the country without the proper mechanisms in place to address law enforcement practices.[4]

The reason the Commission decided to revisit the issue of racial profiling is that the current system for reporting traffic stop data is ineffective. Without empirical data its impossible to assess the extent of racial profiling in the state, whether it is fact or fiction. The original purpose of what was written into law as the Penn Act is not working for a variety reasons, including but not limited to lack of resources, a standardized and effective system for collecting, analyzing and reporting data. The Commission believes that a comprehensive approach to addressing and eliminating racial profiling must include: 1) a ban on the practice of racial profiling, 2) a standardized and effective data collection system 3) a mechanism for creating and implementing strategies to address racial profiling patterns that may be unearthed. 4) Equally important is a true partnership between law enforcement and the community to mediate alleged complaints of racial profiling.

Missouri and Illinois are two states that have enacted legislation that serve as models of the type of comprehensive efforts needed to effectively assess and address racial profiling. In both states, the ability to confront disparities in the number and types of police stops has laid the groundwork for a fairer system of justice and is helping to restore public confidence in the law enforcement community. For better results we urge Connecticut to follow their example.

Thank you for the opportunity to testify.

[4] www.amnesty.org, Threat and Humiliation, Racial Profiling, Domestic Security, and Human Rights in the United States

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Testimony of LPRAC Chairman Isaias T. Diaz, Esq., in support of
S.B. No. 364 "An Act Concerning Traffic Stop Information"
March 12, 2012 at 11:00 A.M. in Room 2C of the LOB

Good morning Senator Coleman, State Representative Fox and honorable members of the Judiciary Committee. My name is Isaias T. Diaz, Chairman of the Latino and Puerto Rican Affairs Commission I am here to speak in support of S.B. No. 364 "An Act Concerning Traffic Stop Information" which aims at enhancing compliance with data collection and reporting required under the Alvin W. Penn Racial Profiling Prohibition Act.

We commend our lawmakers for their endeavors to strengthen enforcement of the current anti-racial profiling law to ensure the civil rights of all individuals in their communities are protected. Nobody would disagree that the effectiveness of our law enforcement agencies depends on the trust and confidence of the communities they serve. Unfortunately, recent developments in our state that have resulted in federal investigations to "patterns or practices" of civil rights violations in the towns of East Haven and more recently a report by the Hartford Courant alleging discrimination during traffic stops by law enforcement officers across our state is seriously undermining that credibility and therefore we are here to ask you to intervene.

Under the current act, Connecticut police departments are: (1) not to use race or ethnicity "*of an individual as the sole factor in determining the existence of probable cause to place in custody or arrest an individual.*"[1] And (2) are required to submit annual traffic stop reports and complaints of alleged discriminatory stops to the African-American Affairs Commission (AAAC) for further review and reporting requirements. However, only a small percentage of police departments have forwarded traffic stop data to the state and lack of funding and personnel have delayed the production of reports as required by state law in more than a decade.

S.B. No. 364 endeavors to correct these deficiencies by requiring the development of a new standardized data collection form for police officers to use to record traffic stop information and also shifts the responsibility of reviewing the prevalence and disposition of traffic stops data and complaints to the Office of Policy and Management (OPM) and the Criminal Justice Information System Governing (CJIS) Board, which in our opinion is better suited to adopt guidelines to train officers to complete the forms and evaluate information collected for counseling and officer training – Particularly since OPM continues to expand a new criminal justice information system that aims at streamlining data from police departments and related agency computers and is about to rollout an advisory group to oversee data

[1] Sec 54-1l(d)

collection issues in Connecticut. Furthermore, the bill allows OPM and the CJIS board, instead of the chief state's attorney, to recommend that the OPM secretary withhold state funds as a penalty for a department that does not comply with the traffic stop provisions of the Penn Act.

In closing, the investigative report entitled 'Ticket Inequality' released by the Hartford Courant a few weeks ago, which found widespread disparity in how racial and ethnic minorities are treated lends support to the recommendations listed herewith. We, at LPRAC are confident that this issue can be cured, but there must also be a significant commitment by our state leaders to train police against bias-free policing. Let this new amendment be the one that enacts the enforcement the original Act called for on behalf of Connecticut citizens who deserve, under the protections and rights guaranteed by the U.S. Constitution, no less from those in a position to protect them.

Your favorable action on this bill would benefit Connecticut's residents by ensuring that every traffic stop performed by law enforcement agents both the individual and the officer are protected from racial profiling or the accusation thereof.

LPRAC, for the record, is a nonpartisan policy agency within the Legislative branch of government created in 1994 by an Act of the Connecticut Legislature. Under Public Act 09-07, the LPRAC consists of 21 appointed volunteers who are mandated to advise the General Assembly and the Governor on policies that foster progress in the Puerto Rican and Latino communities residing in Connecticut.

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March 12, 2012

Testimony presented to the Joint Committee on Judiciary

Chief Anthony Salvatore, Chief Matthew Reed for the Connecticut Police Chiefs Association

The Connecticut Police Chiefs Association (CPCA) represents all municipal police departments in Connecticut as well as police departments at private and state universities.

CPCA **SUPPORTS** S.B. 364, AAC Traffic Stop Information. Connecticut's police chiefs have long sought to ensure that we protect all citizens equally and that all of our enforcement efforts are conducted based on a person's actions and not based upon an alleged offender's race, ethnicity or gender.

The collection of data in accordance with the existing statute and the proposed amendments are a first step in recording the activity of our state's law enforcement personnel. However, the collected data must then be analyzed in accordance with scientifically recognized methods in order that an accurate record of our officer's actions can be reported.

Since the passage of this Act in 1999 only one formal evaluation of the collected data was conducted. That evaluation by Central Connecticut State University in 2001 was met with controversy after the study concluded no widespread profiling was occurring.

The evaluation of such statistics is not a simple task and the conclusions drawn after a non-scientific, casual review of the data tend to be largely subjective, inaccurate and inflammatory.

Connecticut should research and implement a proven methodology for the collection, review and reporting of traffic stop data so that accurate reports can be drafted on a periodic basis. Such reports can then be used by law enforcement leaders throughout the state to track and identify trends in traffic stop and enforcement actions.

Connecticut law enforcement is frustrated as they are being held to a standard that has not been defined. At what ratio are police expected to stop and take enforcement action against a person in regards to the race, ethnicity and gender of that person? Should traffic stops and enforcement action be distributed equally amongst the protected classes or should the rate reflect the demographics in a specific municipality, a region, or the state?

While CPCA supports the collection of traffic stop data, we implore state officials to develop a more systematic and scientific method for analyzing and reporting the data.

END

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CONNECTICUT
GENERAL ASSEMBLY
SENATE

PROCEEDINGS
2012

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Thank you, Mr. President. Good evening, Mr. President.

THE CHAIR:

Good evening.

SENATOR DAILY:

I rise to announce a meeting of the Finance, Revenue and Bonding Committee tomorrow morning 10:00 a.m. in Room 2E. Thank you.

Thank you, Senator. Any other announcements or points of personal privilege? Seeing none, back to the Call. Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. I presume that the bill has been called, Senate Bill 364. In that case, I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

On acceptance and passage. Will you remark?

SENATOR COLEMAN:

I will, Mr. President. This bill has to do with prohibiting inappropriate traffic stops commonly referred to as racial profiling and as we've seen very recently in Florida, profiling is inappropriate and can lead to extremely tragic consequences. When law enforcement engages in profiling, the results can be equally disturbing.

As a Legislature, we sought to address the whole issue of racial profiling back in the year 2005 when the late Senator Alvin Penn, a colleague to many of us, introduced a racial profiling bill that became the Alvin Penn Racial Profiling Act in the State of Connecticut.

At the outset there have been a number of Legislators, state officials and community activists who have been concerned about what has been transpiring in the State of Connecticut since 2005 and they are dismayed as I am, and they lament that the provisions of the prohibition against racial profiling that are embodied in the Alvin Penn Act were not being complied with, and collectively they've come together and worked, and I believe deserve some credit for us being at the point where we are at this very moment, and with this bill before us.

The Legislators know who they are, but I would certainly like to acknowledge the contributions of some community activists, including Mongi Dowdy and Mary Sands, Lorice Harvey, Lorenzo Jones, Barbara Fair, some other officials that are Frank Sykes and Cheryl Sharp, Isaiah Diaz and Werner Allendo, Jim Facillaro, and many others have contributed to the development of this bill and the work on this issue.

And with that, Mr. President, the Clerk should be in possession of an amendment, LCO 3549. I'd ask that the Clerk please call that amendment. I move its adoption and request permission to summarize.

THE CHAIR: (THE PRESIDENT IN THE CHAIR.)

Mr. Clerk, will you call the amendment and the motion is on adoption, and will you proceed after he calls the amendment.

THE CLERK:

LCO Number 3549, Senate "A", offered by Senator Coleman.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I move adoption of the amendment, Madam President, and seek leave of the Chamber to summarize.

THE CHAIR:

The motion is on adoption. Please proceed, sir.

SENATOR COLEMAN:

Before getting into summarization, let me, as I proceed, I'm sure I will realize I neglected to mention some names of people who deserve credit for the work having been done on this bill and let me mention Andrew Clark and the Institute for Municipal and Regional Policy of which our former colleague Bill Dyson is also affiliated.

With respect to the amendment before us, it has been perceived that there were certain deficiencies in the Alvin Penn Act and one of those deficiencies was that there is no standardized method or procedure that all of the law enforcement agencies, both municipal and state, could rely upon in reporting or collecting information concerning traffic stops and reporting that information to a state agency.

Under current law, the agency to which that information would be reported would be the African-American Affairs Commission and under current law the African-American Affairs Commission would also have the responsibility of analyzing the data, interpreting the data, trying to compel compliance and as we are aware, the African-American Affairs Commission is comprised of some very well intended people but it is an agency that is understaffed, under-resourced, and in fact at least during the last two budget cycles, there was some question concerning whether it would continue to exist.

So the conclusion on the part of those who worked on this issue is that as well intended as the African-American Affairs Commission is, was, and is and continues to be, it is not the right agency in order to receive, interpret and analyze the data.

Under this bill, the Office of Policy and Management would replace the African-American Affairs Commission as the entity responsible for receiving reports from the local and state law enforcement agencies and analyzing that data and making any appropriate recommendations to the law enforcement agencies.

It is also believed that OPM would be the appropriate agency because it is in a position, a much better position, probably better than any other agency in the State of Connecticut, to influence, if not compel, compliance with the provisions of the law regarding racial profiling.

And the third thing that people thought would be of benefit to the issue would be the establishment of an advisory board to work along with the Office of Policy and Management under this bill and to ideally work along with state and local law enforcement departments in the development of guidelines for training and the development of any forum that might be necessary in order to accomplish the reporting and to serve in whatever helpful capacity the board might serve in, in furtherance of the elimination of racial profiling in our state.

And finally, but very importantly, what's also included in the bill is a requirement that each state and local law enforcement agency adopt a written policy prohibiting racial profiling. Racial profiling as indicated in my initial remarks is not a legitimate law enforcement tactic. It leads to what I would call some very unfortunate consequences and I think we would all agree that we'd be much better off as a state if we were to accomplish the objective of eliminating racial profiling in our state.

And with that, Madam President, I urge adoption of this amendment. Thank you.

THE CHAIR:

Thank you. Will you remark? Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. Just some quick questions to the proponent of the amendment, which I believe becomes the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

Thank you. First, regarding subsection b of Section 1 where it states that no later than July 1, 2013 the Office of Policy and Management in consultation with the Racial Profiling Prohibition Project Advisory Board, which I'm going to ask some questions about in a little bit and the Criminal Justice Information System Governing Board shall, and then it goes on, develop and implement a standardized method.

And my first question is, assuming that Senator Coleman and myself are in our roles into the future year or so on the Judiciary Committee, I believe that Chairs and Ranking Members of the Judiciary Committee are by statute members of the Criminal Justice Information System Governing Board.

And so, by virtue of that it appears that whomever ends up the co-chairs and ranking members of the Judiciary Committee would have some input as to the development of the policies and forums used in the underlying bill. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. Senator, I lost you when you indicated that we are both members of the Criminal Justice Information System Board, because I didn't know that. Thank you for enlightening me.

But you threw me off, and so I don't remember, I wasn't paying quite attention enough to the rest of your question, so if you don't mind, would you repeat it?

SENATOR KISSEL:

Sure. When we passed our major criminal justice reform bill in light of the horrific triple slayings in Cheshire, one of the things that was considered

paramount by this Legislature was trying to break down the barriers regarding dissemination of critical information to everybody involved in the criminal justice system.

And within that bill, I want to say it's 08-01 but I might be off, there was a creation of the Criminal Justice Information System, CJIS Governing Board, and I've been going quarterly since the creation of that law and they haven't kicked me out and they always have a little sign for me where I sit down, so I'm thinking, as I'm there as Ranking Member, I do believe your predecessor had an appointee and probably what has happened is Senator MacDonald's appointee has carried forward but it could either be yourself or an appointee and they intend to meet quarterly.

So I find it reassuring that in this amendment that that board that has been meeting to try to get a nice, fluid system together for the dissemination of critical criminal justice information, that they will be consulted as part of this process, and that's what I'm seeing here. Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you. You triggered my recollection. There is a gentleman from Stamford I believe, who is serving as, was Senator MacDonald's designee and has carried over as Senator Coleman's designee to this particular board. I apologize.

You did have a question.

SENATOR KISSEL:

No. First I wanted to make sure that it was clear that the Criminal Justice Information System Governing Board will be a part of this process.

SENATOR COLEMAN:

Yes. Through you, Madam President, I'm sorry.

THE CHAIR:

No problem. Senator Kissel.

SENATOR KISSEL:

Thank you. And my second question is, the Office of Policy and Management is going to consult with this other group, the Racial Profiling Prohibition Project Advisory Board, and I see that in Section 2 this new advisory board will be created. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Yes, Madam President. I would direct the good Senator's attention to lines 146, actually Section 2 of the bill beginning on line 141 provides for the establishment of the Racial Profiling Prohibition Project Advisory Board and at the beginning at lines 148 it specifies the members that have to be included as part of this particular advisory board. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Great. Thank you. And I see it, although the copy I have of the amendment doesn't have line numbers, so I'm just going to have to refer to exactly the sections.

And my first question is, there's something in here that looks different to me than I see in the creation of other task force or boards or other groups like that. In Section 2, sub 11, it has, such other members as the board may prescribe.

So a board, this board will be composed of, and there's a laundry list of members that have to be on there. Is it contemplated that that group will meet and at its initial meeting they'll come up with a list of potential names of others that may be asked to be a member, or how does that actually mechanically work? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. The bill mandates that certain state agency officials be a part of the advisory board. The actual size of the advisory board is purposely left open in contemplation that others, perhaps some of the members of the community organizations or the activists who have worked along with the development of this amendment and have an interest in the subject matter of racial profiling or prohibitions against racial profiling may at some point in time have an opportunity to join and work with the advisory board. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And through you, Madam President, let's say someone in my district has a passion for this issue and wants to be a member of this board, how would they, let's say they contact me. What would be the appropriate mechanism to try to get them involved?

Would it be getting them to contact the Under Secretary of Criminal Justice, Mike Lawlor, because I envision him sort of driving this train a little bit from the Office of Policy and Management, or would it be appropriate to contact other folks that are delineated as board members in the anticipation that

it would be the board itself that would add additional members? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

There are a variety of ways that that could happen. The best way, I would submit, through you, Madam President, is for your constituent to speak to you and then perhaps you and I can have a conversation, perhaps on your way to the CJIS quarterly board meeting, and there is a group of individuals that, comprised of advisory board even at this moment, and that board informally is co-chaired by Bill Dyson, Andrew Clarke from the Institute of Municipal and Regional Studies would also be a good contact person for anybody who may be interested in being reviewed by the board for membership to become a part of that board. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, and I appreciate the answers from Senator Coleman because indeed, for those in the circle that may not be aware, our districts touch on another and we've always gotten along extraordinarily well, both in representing our mutual constituents and for example, the Town of Windsor, but also working on the Judiciary Committee.

That answer, though, raises another question that I hadn't known, because Section 2 says, brand new, effective from passage there is established, but Senator Coleman in your answer you said there already is a Racial Profiling Prohibition Project Advisory Board and our former colleague and our good friend Bill Dyson is a member of it, Andrew Clark might be a member of it.

So I'm just wondering, is that established by statute? Is that something that just came together at Central? How do we know who's on that right now? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. And first, the Senator and I do represent adjoining districts and we do work very well together but he's yet to invite me on his very highly regarded cable television show that he operates that serves part of the district that both he and I represent.

But in response to the question, the purpose of Section 2 is to statutorily authorize this advisory board. They had come together prior to the enactment of this legislation on a very informal basis. They've all exhibited some interest in the elimination of racial profiling in our state in working on some of the issues related to the shortcomings of the act and whatever research may have been required in order to advance the whole notion of the elimination of racial profiling. They've all worked together and bought in the state agencies that you see listed in Section 2 of the bill.

And so this is, Section 2 of the bill is an effort to formalize that body and as I've indicated, the listing of the members to be appointed is not exclusive of line 148 through 106, but there is an opportunity for people such as the constituent that you referenced to also become a member and be included in the activities of the advisory board. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And at the outset I appreciate the high praise that Senator Coleman has afforded my

local cable access program, Senator Kissel and Friends. We will, at some point in the future, God willing, we will remedy the fact that you have never been on there.

But, just so you know, no politicians are invited on there. It's really just community groups. I try to stay away from politics on the local cable access show. So I don't want you to feel left out at all.

Back to Section 2, though, one appointee, I'm sure there's a reason but I can't figure it out just yet, the Commissioner of Transportation or designee. I know that we're talking about racial profiling in particular on our roads and highways but I don't know how the Commissioner of Transportation can add to the dialogue and I'm just wondering what I'm missing on that? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President, and through you, that's an excellent observation and an excellent question, and I believe there's a very good reason for the Commissioner of Transportation to be included in this.

Apparently there is a federal grant that is available, may have already been allocated to the Department of Transportation and allocated for the specific purpose of addressing racial profiling in the state.

And so I believe that is the primary reason for the inclusion of the Department, or the Commissioner of the Department of Transportation to be a member of this advisory board. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. That ends my questions on Section 2, and I think that it's great. I always think that good legislation and good initiatives come when you bring all the stakeholders around the table and try to get as much input as possible, and that really strikes me as what this is all about and probably why it's open ended and I think it can only be a better product by having more people participate in the process.

Just a little bit of history, because the amendment becomes the bill, though, and I was lucky enough to serve in this Chamber when Senator Penn was in here. He did give me a little bit of a hard time the first time I testified in front of his committee. He made me wait until the very end but after a while we became good friends and I think it was just sort of a pecking order kind of thing. A new guy. This is how it's going to be. But I think for those of us who knew him, can't help but have fond memories and miss him a little bit.

And what went wrong essentially, and I don't want to cast aspersions on the African-American Affairs Commission. I'm guessing it was probably a resource issue, but I thought that our state was sort of the head of the curve on this and that information was being provided by police departments for a while and that they felt that they were sending it to some place where nothing was really done with it and so the police departments sort of petered out in providing the information. Is that a fair representation or did we not even get this information gathering up and running? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. That is a reasonable explanation, at least a part of what happened. As I indicated, I don't think anybody questioned the good intentions and I know you're not questioning the good intentions of the African-American Affairs Commission.

But at a point in time, it was an agency that existed, or consisted of an executive director and an administrative assistant and under any circumstances the responsibility for receiving, monitoring, analyzing data from 170 municipalities or 170 law enforcement agencies could be quite a task.

Obviously, the African-American Affairs Commission or any of the racial or ethnic commissions, I think would be overwhelmed by the task in connection with racial profiling under the Alvin Penn Act.

So I think you're absolutely correct not to cast any aspersions on the African-American Affairs Commission and I think you'll agree with me there's a better chance of the Office of Policy and Management fulfilling the responsibilities and duties that are required under this bill and under the existing law.

So in direct response to your question concerning whether that was an excuse on some kind of part of some of the law enforcement agencies for not complying, my record is that, or my information is that approximately 27 of the 170 law enforcement agencies have actually submitted to the African-American Affairs Commission.

And I would say the President of the Police Chiefs Association, Doug Fuchs who by the way deserves a great deal of acknowledgment and recognition for his contribution to a work of this amendment as well as other issues related to this bill. He disputes my information that only 27 municipalities have complied, but I think your observation I accurate that there may have been some disincentive to go through the trouble of collecting the information and then sending it and not getting any response, positive or negative from the Commission of that information. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. And through you, Madam President, when we talk about compiling information and these groups are going to work together and come up with a form that police officers will utilize, would that form have to be prepared for every single traffic stop that either the State Police or local law enforcement make? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. One of the things that the bill provides for is to have OPM work in conjunction with CJIS and the advisory board as well as representatives of the State Police organization and the local police organizations training organizations to first of all, determine whether a form would be the most advisable thing to rely on, but definitely a method or an approach covering some of the things that are outlined in the bill like the location of the stop, the reason for the stop, the identification by badge number of the officer who conducted the stop. All of those things I think ought to be included in whatever method is decided upon, but there may be some other things that will be determined by the collaborative thinking of the board and all the agencies that represent the advisory board as well as OPM and CJIS. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. And when we talk about well, let me take a step back and go back to that. Have we ever done an analysis as to how much, how many traffic stops are done in a month or a year in Connecticut? I mean, have we at least made that first, how much pieces of data are we sort of trying to get our arms around? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. And through you to Senator Kissel, I'm sure someone has done that analysis. I am not aware of what that number would be. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Okay, thank you. And through you, Madam President, I'm guessing that if there's money that's being given to states through the Department of Transportation to try to address racial profiling, then we're not the first state out there trying to embark upon this.

And do we know if there's other states that are ahead of us now, that maybe have used their money from the Department of Transportation to implement a system that perhaps we can look to for best practices? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

There's at least one other state that has embarked and for some reason I want to say Michigan, but I'm not, my recollection is sort of foggy, so I don't have a precise response or a precise answer for Senator Kissel at this moment.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. And is there perhaps a website or some sort of policy statement made by the federal Department of Transportation that we could look at as far as what they're trying to accomplish by giving out these grants? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

In this day and age, I'd be very surprised if there weren't such a website. I would refer you to Andrew Clarke or the Institute for Municipal and Regional Studies in order to be informed concerning that website. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. And I see that Mr. Clarke is in the Chamber with us, and I will avail myself of his wisdom after I conclude this first set of questions, and it's always a pleasure to work with Andrew. When we were investigating the impact of race and ethnicity on the criminal justice system Andrew was very helpful when you and I did things like go to Hartford Public High School and talk to the young people there and things like that.

When we talk about racial profiling, is it always bad, and I'm going to throw out a hypothetical, let's say there's a car filled with four teenage boys and they happen to be in an urban environment where law enforcement knows there's been shootings and drug trafficking.

Is it ever appropriate for law enforcement to pull over that car, ask for identification and then ask the question, what are you kids doing here? What is your point in being here?

Because I've heard stories anecdotally that law enforcement will, if they see, and to be honest, I'm not even sure if it has to do with the color of an individual's skin. It can have to do with a person's age, but law enforcement would feel that this group of individuals probably don't have any lawful business in this part of town. And I'm not making a judgment.

I don't know if that's ever acceptable or not, and I'm just wondering, is there sort of a determination in law enforcement or a determination in public policy that that's never acceptable, whether it's targeting someone because they're African-American or targeting someone because they're Latino, or targeting some car because there's 14 teenage Caucasian kids in it.

Are we embarking on a path where we're making a statement that this is never, ever an appropriate methodology to conduct law enforcement? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Madam President, I can only offer my personal view, and my personal view is that it is not appropriate, especially if you're talking in terms of conducting full-blown search of individuals or automobile. I think that should only be done pursuant to probable cause, and we talked a little bit about probable cause and discussion concerning the last bill that was before us.

If the officer has reason to believe that a crime has been committed and the individuals in the car, in your example, have committed that crime then I think it is certainly appropriate to pull them over and to investigate or inquire.

I think about the Trevon Martin situation in Florida and the thing that strikes me about that situation is during the entire time neither Mr. Zimmerman or anyone else could state definitively that young Mr. Martin

had done anything even remotely in violation of the law.

The suspicion was based merely on his appearance, that he was a young black man and was wearing a hoodie. I think that's entirely inappropriate and the tragic consequence of that is that a young 17-year-old has unnecessarily lost his life. Through you, Mr. President, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much. To be honest, I don't know the specific facts of what took place in Florida regarding Trevon. I'm not even sure if this legislation before us today would affect that because I don't think anybody was driving there. I think the young man was on foot and I think Mr. Zimmerman was on foot. It's my understanding Mr. Zimmerman had some kind of neighborhood watch authority, but I don't know where that stems from.

It's my understanding that Mr. Zimmerman is Latino and so I don't know what the real facts are and I think, you know, until the trial goes forward I don't know what's happening down there and certainly Connecticut doesn't have a stand your ground kind of law.

I will, I'm confused this way, though. In talking to many police chiefs and law enforcement personnel in my own district, one of the things they constantly, right up until a couple of weeks ago, has encouraged, because I had a meeting with, and I won't say which town it was, but I had a concerned citizen. I do Senator on your Sidewalk in my district and people come up to me and they have different concerns.

One of them was a constituent who said, I've got a drug dealer in my neighborhood and law enforcement acted upon this gentleman's observations a few years ago, checked the trash of the neighbor down the street and found incriminating evidence and were able to have charges brought and the individual did face charges

and to my constituent's consternation did not received any jail time or very short jail time. And since that time, the individual down the street has gotten wiser about their behavior.

And in speaking with the law enforcement, the chief of police to be honest, he or she encouraged neighborhood watches and the notion of, if you see anything suspicious let us know so we can investigate. And I'm wondering how that bumps up against this new policy.

And I'm going to assume, for the rest of my questions, at least right now, that Senator Coleman's position that it's never appropriate is current philosophy of law enforcement, that it's never, ever, ever appropriate to use race, ethnicity, age or any other external factor to act upon a criminal investigation.

But how does that work when law enforcement encourages people that if you see anything unusual in your neighborhood, give us a call. How does that work together? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. I don't quite know how to respond to Senator Kissel's question other than to say that I don't want anyone to interpret my son's mere presence in a neighborhood to be unusual.

I don't want anyone to report, because I know my son is striving to be a law abiding productive citizen, I don't want anybody to report his mere presence in a neighborhood as suspicious and to invite law enforcement scrutiny or block watch scrutiny upon him just because of what he looks like.

If he's done something wrong, you know, that's a different story. Let's report specifically what his transgression was, what his offense was, and then, you know, if law enforcement scrutiny or block watch scrutiny or any other kind of scrutiny is in order, let it happen.

But my son is the color that he is by birth. My son probably doesn't wear hoodies, but if he did, I don't want that his mere appearance and what he looks like in terms of his race and ethnicity to be interpreted as anyone as suspicion in order for them to invoke the participation or scrutiny of law enforcement. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. And I have to say in response, you know, with the whole hoodie thing, I couldn't understand when Geraldo Rivera said it's the hoodie because anyone who's ever taken their family and visited Cape Cod, everybody has hoodies. I mean, that's sort of like what you wear when you're out there. To me that whole thing is, I don't know, parts of our country get caught up in tangents. I think New England is fundamentally much different than Florida.

That being the case, let's take race and ethnicity aside. Is it appropriate for law enforcement if a neighbor calls and says they think that something looks suspicious in their neighborhood? Are there any proscriptions now on how law enforcement should respond to that, or is that still okay as information to go and perhaps stop someone in a neighborhood or pull a car over and ask for identification, or are we embarking on a policy now where we have to filter what people say when they do neighborhood watches and they report things to police that there seems like something's unusual in their neighborhood? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. Senator Kissel, I think it would be appropriate for the police officer to whom

the report is being made to ask the question, what is suspicious about the individual? What has the individual done in order to incite your suspicion? And I guess the response would be determinative of what should happen next.
Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. And through you, Madam President, again, trying to get my arms around the new policy that we're trying to get data on, let's say the neighbor is an 80-year-old Caucasian woman and she sees a 20-year-old Caucasian man outside her house on the sidewalk, lawfully on the sidewalk but like going up and down and appearing to peer in the windows of her house and things like that.

I'm guessing at what I'm hearing is, it's okay to be a stranger in a neighborhood. We don't want walls around neighborhoods. This is America. Everybody should have freedom.

But when you couple that with suspicious behavior, sort of hanging in one spot, trying to look in a window or something else like that, even though you might be on public property, would that be enough? Should she say that on the phone to law enforcement for them to follow up and just pull up to the guy and say, what are you doing around this neighborhood, or is that, do they need something even more than that?
Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President, I think the conduct in that scenario is significant and if I saw that, I might report that and expect some response to my

complaint and some inquiry as to the activities of that individual. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. And I understand that in some overt cases we need to be extremely sensitive to issues of race and ethnicity in our country. No two ways about it.

But we have other policies that are going to, by necessity, bump up against this, and drawing those lines in a sensitive way may be a little difficult so I think that we have a ways to go regarding this. For example, the neighborhood watch. For example, people just reporting things amiss where they live. Little kids. Stranger danger, and that's commonly taught in all our schools. Stranger danger.

Well, the notion with that is, if it's a stranger, consider it a danger. Well, racial profiling is just saying someone's a stranger, and not we're saying that's inappropriate.

My last question, because I know many others in the circle, I'm sure have questions, has to do with some of the public testimony at the hearing and as we embark on gathering of data, and that's really where we're at right now. It's just in the accumulation of data and I sort of have this, envision that maybe we'll be so close to high technology that law enforcement can do this via a laptop right in their cruiser, but maybe sort of looking at it in an old-time kind of sense that if we had just bubbles on a form, that information could just be fed into a computer.

And I can see a day not that far from now when we'll be able to look at a map of the State of the State of Connecticut, touch a town, find out how many pullovers there were and exactly how it broke down as far as race and ethnicity.

We, in a similarly sensitive vein, we had testimony from a gentleman representing Muslims of Connecticut and he pointed to what was taking place in New York City with Governor, I mean Mayor Bloomberg authorizing and the New York police sort of targeting Muslims in New York City for no apparent reason other than they're Muslim.

The difficulty is, and I think it's a similar difficulty when it comes to race and ethnicity, because people can be different races and different ethnicities and it's difficult to tell just by viewing.

But do you think, Senator Coleman, that we, if we're going to tackle these issues that we should try to, if at all possible, bring in religion as well because certainly we had testimony at the public hearing saying please include us, and we have recent history where individuals from particular religious sects feel that they are being targeted by law enforcement? Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President, and through you, I am of the opinion that religion should be a consideration. What I'm challenged by is how to include that in this bill. You will see it at a certain portion of the bill, that subsection which provides for a notice and I'm not going to be able to find it quickly, but it provides for notice to the motorist who's been stopped to make a complaint if he believes, or she believes, that the stop was motivated based on his race, ethnicity, age, gender, religion, is one of the considerations for him to complain about.

The difficult is making that a part of the section of the bill or the subsection of the bill, which tries to cover the perceptions of the officer who's conducting the stop and I think the members of the advisory board agreed almost unanimously that it would be very difficult to draft language.

It was nearly unanimous, if not unanimous, that we did not want a police officer asking a motorist what his or her religion was. Most of the provisions that apply to the officer's stop and the officer's collection of information is based on the officer's perception, and we felt that that was necessary in order to make a meaningful analysis of whether there is any pattern of practice at place.

It was just a very challenging task to come up with language that would, I don't know, inoffensive way have the officer required to inquire about a motorist's particular religion.

I recall the individual that you're talking about who testified in front of the Committee and I think he was concerned about members of his community who might be dressed in a certain way or might wear a certain kind of head covering and could be readily identified as being a part of a certain religion, whether Islam or some other religion.

But it would be more difficult if I, for example were stopped behind the wheel. I don't think I would want an officer to ask me what my religion was. It wouldn't be readily identifiable or readily determined from the way I'm dressed, or even if I had a crucifix placed somewhere in my car. My religion would not be, other than the fact that I'm Christian, would not be readily determinable.

And so, the best that we could do was to provide an opportunity for the motorist who has been stopped, to report and complain that he feels that the basis for his being stopped was because of his religion. Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you. I appreciate that answer, and I had thought about the individual's testimony and I think

trying to get our arms around religion would be very problematic as well.

There will come a point where the public will say, this is offensive to me to be asking me these questions, and while some of these observations by law enforcement, we mean this well to protect the public from governmental authority that goes too far when we bump up to people and offend them, then we know that's problematic.

Believe it or not, once upon a time, I actually was the subject in my view, and granted this is subject of an unfriendly police stop in the town that I grew up in, Windsor, the town that you and I share.

Now, in retrospect, I probably brought it upon myself. It was late at night, a Friday night, walking home from a friend's house. I was in law school and if you ever saw a picture of me in my first couple of years in law school. I had very long hair and a moustache and sort of looked Hippyish and was pulled over by the Windsor police and I could see my house. My house was about as far away from me as that wall. And he asked for identification and sort of being a young guy thinking that I was cool, gave him my law school ID sort of like, yeah, I'm a law student, I'm cool. Here, get off of my back.

And I would guess that it took about an hour for them to let me go. They had me stand in front of their directional light by the door and there I stood, being able to see where I lived and not being able to go home.

That was an experience, obviously, that has now lived with me for a long time. When they finally did let me go they said a couple of things, because I was not real happy having to stand there for about an hour.

Apparently there had been some sexual assaults in another town and my description matched whoever that person was, although I think being stopped in Windsor and these assaults taking place in some place like Rocky Hill or Newington, you know, sort of a distance.

But also then they tried to explain at that, well, had you given us a driver's license we would have been able to figure it out much quicker because your law student ID didn't have, it had a photograph. It had your name, but didn't have an address, even though you told us that you lived right here. Somehow it was impossible for them to find that out for an hour. I would have thought they could just type in the name and it would have popped right up.

But like I said, maybe they were sending me a message, don't wise off to us, kid. We don't care what school you're in. It doesn't make a difference.

It's not good or fun to be on that side of law enforcement. Just a small example. I can't say that it's anything remotely close to what it might be like to really be racially profiled, but enough of a taste of that kind of a situation to make me very appreciative of what we're trying to get our arms around.

The last point I'll make regarding this amendment is this. Having been involved in numerous task forces over the years, I've been so lucky to be able to serve in the Senate for 20 years. One of the last task forces that I just served on was Law Enforcement's Response to Domestic Violence.

We met like twice a week for months, trying to work things out and one of the groups that was very much involved with that task force, and I actually took a tour of their facilities and it was really, really good, but I don't see them listed here and so, Mr. Clarke, a representative of POST, Police Officers Standards and Training, because they're the ones that implement law enforcement policy as far as training new officers.

And so, I think that what we're about here is not just coming up with a form to gather data, but we have to know that there will probably be an iterate of process as the data is collected to begin to formulate best practices as well.

And if we are going to move forward rather expeditiously in implementing best practices whether

we glean those from Michigan or some other state or the Department of Transportation or scholars, we're going to want to have the buy in and the expertise of POST, Police Officers Standards and Training because they're the ones that are going to have the new recruits.

And they also are the ones, in my experience just now on the domestic violence police response to domestic violence, law enforcement response to domestic violence, that they were critically involved, too, because the expertise that they had as to what occurs out in the field right now and what doesn't, and what's in their three-ring binders and what's not, and what is required by federal policy and what's not, is invaluable. Invaluable.

And so I think it would be really great to have them right at the beginning working on policy because they'll be able to tell us what's doable, what's not doable, what's right around the corner. I don't know if they're part of the CJIS governing board, but I do know Stan Konefski and others, I mean, they just are brilliant, hard-working folks and I just make that recommendation at this point in time.

So thank you, Senator Coleman for your answers to my questions, and I'm happy to support this amendment at this time. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark further? All in favor of the amendment please say Aye.

SENATORS:

Aye.

THE CHAIR:

Opposed? The amendment passes. Will you remark further? Will you remark further? Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. And for purposes of an amendment, if the Clerk could please call LCO Number 3383.

THE CHAIR:

Mr. Clerk. Could you repeat that number please, sir?

SENATOR KISSEL:

You bet, Madam President. If the Clerk could please call LCO Number 3383.

THE CLERK:

LCO Number 3383, Senate "B" offered by Senator Kissel.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. I move adoption of the amendment, waive the reading and ask leave to summarize.

THE CHAIR:

Motion is on adoption, and please proceed, sir.

SENATOR KISSEL:

Thank you, and when we take a vote on this, I request that it be taken by roll call.

THE CHAIR:

A roll call will be called, sir.

SENATOR KISSEL:

Thank you, Madam President. This is a very simple amendment. I chatted with Under Secretary Lawlor about it earlier. I think I understand why it may be opposed by Senator Coleman, but I wanted to get it on the record because I think it's an important

consideration and it's actually a consideration that was brought to my attention, believe it or not in church on Holy Thursday by one of my constituents who is now retired and used to be involved in law enforcement.

And what the amendment does is, it takes the criteria that we're trying to gather, the data that we're gathering from the recipient of the traffic stop, and I'm asking that we gather that information regarding the officer as well and those key data points in this amendment are name, after name, the race, the color, ethnicity, age and gender.

And my constituent who convinced me that this is a good idea said a couple of things. Said, there may be a pattern that develops and we want to know both sides of the puzzle, both components of the patterns that develop when we gather up this information.

I indicated in the earlier colloquy on the amendment that I envision very shortly in Connecticut a map on a laptop where you could touch a town and it will explode and you'll see the town and it will tell you what kind of traffic stops, what kind of race, what kind of ethnicity and it will all be there.

And we will realize quite quickly as we gather up this data, that there might be some little town here where there seems to be disproportionate kind of tilting of data as far as stops go, and there might be another place that sort of our first instinct might be there's a problem in let's say the good City of Hartford, and we look at the information and we find out there's no problem in the City of Hartford as far as skewed numbers or racial profiling or anything like that.

Obviously, we're going to have to establish a base line, what's appropriate, or maybe we're driving toward, as Senator Coleman indicated, perfection that there's absolutely no indicia of any racial profiling whatsoever, and I think that's a laudable goal, and whether we're there or not there in any community, that will be great to know. We just don't know. We don't know.

But the other corollary to that in trying to just establish law enforcement and the gender and ethnicity and age of the people that are pulled over, and I'm still wondering, like, if it's four people in a car, do you get everybody in the car or is it just the driver?

But, and I think that Under Secretary Lawlor went on embracing the amendment by stating that he felt that there's other ways to get this information that may not require this amendment, did indicate, and I think I can frankly say from his perspective, it would be great information to have because we'll be able to see patterns.

And that's what collection of data is all about, is trying to tease out the patterns and if there's patterns that are not in the best interest of our citizenry, then we want to find out policies that could try to turn those tides.

And so, it would be great to know if racial profiling is disproportionate based upon an officer's age, you know. Maybe there's a way of looking at the world that we don't embrace right now and maybe we'll see patterns that way. I don't know. I don't suspect that. I have no reason to believe that, but maybe there's a pattern there.

I will say this, and I believe I chatted with Senator Coleman about this earlier. He and I served on a subcommittee examining racial and ethnic disparities in criminal justice, and one of the places we went to was Hartford Public High School, and that particular outreach really stuck in my mind.

Because when we spoke to the students, these are just the teenagers there, and I would say 90 to 99 percent either African-American or Latino, they, one after another described police behavior that I was quite frankly, I had never thought of.

They said that the police officers that were toughest with them, whether in pullovers or walking down the street or whatever they were doing, were African-American police officers, and not just African-American police officers, male African-American police

officers. I don't know why. I can guess, but I don't know why.

At the same time, they said that the police officers that were the most professional, bent over backwards, believed them when they said where they were going, why they were out at a particular hour, why they were driving in a particular neighborhood, were African-American female officers. I don't know why.

I mean, if you wanted like guess, if you guessed that the male African-American officers were trying to prove something then why would the female African-American officers not be proving something? I don't know. I don't know

But one thing I think that we're embarking upon here is, we don't know what the science is going to tell us until we gather the data, but the data is going to tell us something.

And so, the purpose of this amendment is, if we're going to go about doing this, gathering up data on the recipients of traffic stops, I think it would be extremely helpful to get the data on who is conducting the traffic stops and then we're going to see what pictures appear.

We can sit here and speculate until the cows come home as to what those pictures may or may not be. We can guess as to which communities may have problems and which communities may not. We're just in the dark until we get the data.

But when we gather up the data, if we're going to be about that business, then I urge my colleagues to support this amendment because I think that we're going to see the pictures develop on both sides of the equation that will allow us to get our arms around the problems of racial profiling in a way that will help us get ahead of the other states in our country in a very thoughtful, professional and meaningful way.

And so I see this as an opportunity for Connecticut to be a leader, despite the fact that apparently Michigan is a little bit ahead of us, but now's our chance. And when I see folks like Andrew Clarke and Bill Dyson

and all the others that are involved in this already, I have great confidence that we're going to be successful and we're going to be successful sooner than we think, and that's good news for our constituents.

So that's why I urge my colleagues to support this amendment. Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark? Senator Coleman.

SENATOR COLEMAN:

Thank you very much, Madam President. I rise to oppose the amendment and my initial reaction to the amendment was that there may have been some assumption on the part of Senator Kissel and any others that might be supportive of the amendment that officers of color as an example, do not engage in racially profiling.

And to dispel that assumption or that notion, I would merely say that if we have a problem with a police department it is more than likely a matter of culture and the environment that's created by perhaps the leadership of the organization, and in order to be well regarded and have the opportunity for advancement within the organization, it would very probably be required that you assimilate to the culture of that organization.

And if racial profiling is part of the technique that the organization engages in and that's part of the culture, then all the officers, whether they be black, Latino, Caucasian, male or female, would probably succumb to that same very illegitimate technique.

And so if that's the purpose of this amendment, or this amendment is intended to get at that in any way, I think that the amendment would be misguided.

Senator Kissel in his remarks regarding the amendment seemed to suggest that it's important the racial or the personal characteristics of the officer are important and the whole purpose of the amendment

that's before us is to make it very clear that it's a perception.

The characteristics of the officer who's conducting the stop are almost immaterial. It's the perception that that officer acts on that is, I think what's most relevant to the analysis of whether or not there is some sort of pattern and practice going on with that particular officer or with the department in general.

And so, Madam President, while I certainly appreciate that the amendment is well intended, I don't think it's necessary in order to accomplish the objectives of the bill as amended. Thank you, Madam President.

THE CHAIR:

Thank you. Senator Kissel.

SENATOR KISSEL:

Thank you very much for the second time, Madam President. I appreciate where Senator Coleman's coming from but unfortunately to me, and again, this is just my personal opinion. It sounds like almost stereotyping police departments and let me explain why.

Because Senator Coleman indicated that there might be a culture in a particular police department. I don't know that. Perhaps there is. Perhaps, based upon the wisdom that Senator Coleman has in being an excellent criminal defense attorney as well as practicing in many other areas, he's seen patterns develop with clients that he's represented. I don't know.

I can say this, though. If, and I believe when we collect this data because it is my belief that if we don't even, even if we don't pass this amendment, I believe by inputting information about officers regarding their badge numbers, we'll have all this information because we'll know which badge number did which traffic stop and then we can extrapolate the pattern.

So I actually feel a little reassured that we're going to go in this direction, but we'll find out very

quickly if there is a culture in a particular law enforcement group, police department.

But equally as important to know is if we have some officers that are behaving in a rogue fashion completely opposite that the majority in a particular department has, or we'll find out information that there seems to be a pattern with certain officers in certain times of day or certain shifts.

To just say, we don't need that information I think is unscientific and unobjective. I understand and I appreciate Senator Coleman's response in that to where we're going with this bill it may not be the vast majority of what we're trying to address. I appreciate that, because whatever the reality is, we also want to try to thwart the perception that law enforcement is behaving unfair and committing racial profiling.

But at the same time, we don't want to profile law enforcement, either, in my opinion, and what this amendment would do, would be to not profile a department as far as a culture, but drill down deeper and figure out the patterns regarding individuals within police departments, within regions, within communities, and even within our State Police as bar as barracks and things like that.

And so I think all of that is important. I think all of that is important and by way of the example of the young people at Hartford Public High School, granted anecdotal, granted just a snapshot, if there was a culture in the Hartford Police Department there would be no difference between an African-American female officer and an African-American male officer. Right?

If there was a culture there, that culture would permeate all of the officers. Granted it's just one story, but it was lots and lots of young people that were very familiar with what we were trying to get answers on.

So I just wanted to respond that I think we can agree to disagree on this, but I also believe that I think that we will have the technological ability to get this information whether this amendment passes or not,

and that's reassuring because I think that as these groups meet and decide upon forms and data, and how to collect the data, and they're working closely with folks from the Police Chiefs Association and I hope with the Police Officers Standards and Training, where all of this is going to have to take place and there's going to have to be buy in from law enforcement for this to work, that what's good for the goose is good for the gander.

Collection of information should always be embraced because we should not be afraid of what it will tell us, and that's a good thing about what we're doing here this evening. We're saying, we're not afraid of pulling back the curtain and finding out the information, and then we'll be able to figure out what stories it tells us.

And so, again, my pitch. Try to support the amendment if you think it's worthwhile, but I do appreciate where Senator Coleman's coming from and his response and it's always a pleasure debating issues and bills with Senator Coleman and my colleagues here in the Senate. Thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark? If not, Mr. Clerk, will you call for a roll call vote. The machine will be opened.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR: (SENATOR DUFF IN THE CHAIR.)

Have all members voted? Have all members voted? Please check the board to make sure your vote is accurately recorded. If all members have voted, the machine will be locked and the Clerk will announce the tally.

THE CLERK:

Senate Amendment Schedule "B" for Senate Bill 364,

Total number voting	33
Necessary for adoption	17
Those voting Yea	13
Those voting Nay	20
Those absent and not voting	3

THE CHAIR:

The amendment fails. Will you remark further on the bill? Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I had the opportunity to read the file copy and think long and hard and do a little research on the bill AN ACT CONCERNING TRAFFIC STOP INFORMATION.

The underlying premise is to make sure the we eradicate any racial or ethnic profiling in the State of Connecticut, and I think that is a goal that is honorable and I don't think either of those two should be condoned in the State of Connecticut. However, I do have many issues with the bill before us, Mr. President, and I'm going to go through those now.

I want to go back a little bit as to, a little history as to I believe why the bill is here before. I wasn't here in the Legislature when it first passed. I did do a little research. There's no less than four OLR reports, Office of Legislative Research reports, on the history of the racial profiling bill and how it got before us and I understand basically in the State of Connecticut, it's attributed to two specific events.

One, wherein a former Senator of this Chamber was stopped in the City of Trumbull by the Trumbull Police Department and that Senator claimed that he was stopped because of the color of the skin.

And I couldn't find, to my research, what happened there, whether a ticket was issued or a verbal warning or whether there was a car search done. I don't know. I don't, and I tried very hard to find out what happened in the disposition of that case. I do know

that the chief had stated three years after that incident that he hadn't received one complaint of racial profiling in this community.

And the other case involved the Avon, Connecticut police department where they hired the first African-American police officer and he felt that there was a hostile work environment and that officers were ordered to target members of the minority community and the chief at that time had ordered an investigation and there were three sergeants that conducted the investigation and they tried to turn it into the chief and he wouldn't accept it based on the information that they had provided.

He said, go back. I want more research. More facts. And so the three sergeants actually sued the chief of police at the time and the, went into court and the court ruled in favor of the town, the municipality and said that they didn't believe that there was any hostile work environment and there was no racial profiling in the Town of Avon.

So this Legislature, this legislative body adopted what is known as the Alvin W. Penn, make sure I get the name right, the Alvin W. Penn Act against racial profiling and mandated that police departments would report, would collect specific data as to traffic stops in the State of Connecticut and they would compile those traffic stop statistics and then send those in to the African-American Affairs Commission and that entity would determine and review those statistics to see if racial profiling is a problem in the State of Connecticut.

The conclusion in the executive summary of that report stated that the findings of traffic stop statistics from July 1, 2000 to June 30, 2001 were consistent with the findings from the interim report. There do not appear to be widespread disparities as a function of race or ethnicity. The differences observed in stopping minority drivers, the nature of the traffic stops and the dispositions were generally small. The most notable disparities were found in the issuance of misdemeanor summonses and motor vehicle searches.

I know that we are required, police departments are required to report how they cleared the motor vehicle stop. Did they clear it with a verbal warning? Did they clear it with infraction? Did they clear it with arrest? Did they clear it with a summons.

And in the course of the motor vehicle stop, did they conduct a search on the vehicle? Was the search done by consent? Was the search done by probable cause? Was the search done incident to an arrest? All those statistics were taken into account.

Now, going forward to 2013, or 2012, I'm a year ahead of myself, we have before us another bill, and I say to you that this bill is unnecessary. Why do I believe this bill is unnecessary? Because we have in place under the Alvin W. Penn racial profiling bill, a mechanism where every municipal police department an State Police are supposed to collect the data that's contained in this bill. They're supposed to submit that data to an agency, and if we want to change the agency in this bill, that's okay with me.

And then that agency will review the data and if there are instances or improprieties as to racial profiling or ethnicity profiling, an investigate can be conducted and be gone, similar to the complaint that was filed with the East Haven Police Department. That became known to the Department of Justice. They asked for the data while the data was not complete, because if you're asked to do something so many times and nobody does anything with the data, then you say to yourself, well, why are we still doing this? It doesn't make any sense. If you're not going to do anything with the data, we're not going to collect it because there is a cost involved with that.

So I think that's what happened with a lot of the police departments. They complied when it initially came out but after the years if nobody was doing anything with the data, they said well, why are we sending it in if nobody's going to do anything with it. So I'm going to stop doing it.

Many, I know in my police department, our data is collected electronically. We've changed computer systems over the past decade. Many other police

departments might have been in the same boat where they changed computer systems. They may not have the old data any longer, or maybe they didn't pay for the software to have the new information collected in a way that can be transmitted to the African-American Affairs Commission because it didn't make any sense because they weren't doing anything with it.

So what we need to do today, folks, is we need to tell the police departments we have a law in place. You have to follow the law. Comply with the law that this General Assembly put in place many years ago and then we have to say that once you collect that data, you send that information to, we're asking here, the Office of Policy and Management and the Criminal Justice Information System governing board. Send it to them and let them to a review of the data.

If that review shows that there are racial improprieties, then we as a state must take action, must, against either the agency or the individuals involved for doing that. It should not be tolerated.

But we have the tools, the mechanism in place to gather the information today. I don't think this bill is necessary, and I say to you that I believe that if this bill becomes law, you're not going to see an enhancement of public safety, you're going to see a lessening of public safety, because the way the bill is fashioned, imagine this.

You work as a police officer and you stop a car. And you walk up to the car and you ask the person for their license and registration, insurance card and you go back and you may check in the computer to see if they have been stopped before, or do they have, what's their motor vehicle driving history so if they've been ticketed for speeding four other times, maybe you won't give them a verbal warning, so you base it on information that you've gleaned.

And then you walk back up to the car and you say, sir, or ma'am, I'm citing you for traveling too fast, and by the way, here's a form that if you think that if you've been profiled because of your ethnicity or your race, you could file a complaint against me and here's the instructions to do that. That's not right.

The bill further goes on to ask the police officers to guess the race and the ethnicity of the operator. Why would we do something like that? Why do they have to guess?

I pulled my statistics from my police department the other day in preparation for today's debate in 2011 and the second category under the race that we have in our police department for stops is unsure. Because the officer got to the car and said, I know we have to report back did. Did we stop an Asian, Hispanic, black, white or other? Sometimes you just can't tell. People can't tell, and they're not going to offend somebody by asking them, saying, excuse me, which category do you fit into? So they'll clear the motor vehicle stop with other, and that's the second largest category in my police department.

That is going to do disservice to this program, because what happens if every single officer now, the word spreads around, just puts down other, when you clear a stop. You're not going to get to the heart of the matter if there is racial or ethnicity violations. You won't get to the heart of the matter.

And then, you're supposed to base it, as I said, on your observation and perception. If you're running radar on the side of the street and you're looking up the street a quarter of a mile, half a mile and you see a car, say it's a 40-mile-an-hour speeding zone and the person's doing 55, you say, oh, here comes a car. I'm going to stop them. I went to the radar, beep, 55. You have no idea who's operating that car. Is it a male? Is it a female? What's their race? What's their ethnicity? You don't know. That is where you want to get the information from.

Obviously, the officer's going to try it, using their observations when they get to the car. They're going to see right there the person sitting in the driver's seat.

If the goal is to say, why did you stop the car, then you need to say on the form, do you believe that this car was operated by a male or a female. Do you believe that this car was operated by an African-

American or Caucasian or an Asian? That's how you're going to get the data. Not after the fact.

Once the form is completed and handed to the operator, you can put other additional information on the form if you like and I know it really doesn't go into detail what it is. You come back to the police department and you have to turn in a copy. But on your form you don't have any identifying information, so most oftentimes things are filed according to a case number or an incident number, based on the stop.

So if there's a complaint made and say it's a verbal warning. The complainant, or the operator, can call up the police department, I assume, because it doesn't tell you how you go about making a complaint and says, I just got stopped the other night by Officer Smith, and I believe it was racially motivated because Officer Smith's name is on the form.

But there's no other information on the form. It's a verbal warning. So then the chief of police gets the word that there was a racial profiling complaint and he looks at the form and the form basically says, what the officer perceived to be, it could be a male, unknown, age is a guess.

It doesn't really give the chief too much information. So he or she is going to begin an internal affairs investigation. And it doesn't go anywhere from there. It doesn't tell you anything. What happens with the results of that information? They have to send the file up to OPM if there was a complaint lodged and the chief could say, unfounded, because the form said unknown. The officer didn't know what color of the skin the operator was or whether a male or female or how old they were. They guessed.

So I have a few amendments that I think can correct some of the issues with the bill that I have and with that, Mr. President, I would ask the Clerk to call LCO Number 3388.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 3388, Senate "C", offered by Senator Witkos.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. I move adoption.

THE CHAIR:

On adoption. Will you remark, sir?

SENATOR WITKOS:

Thank you, Mr. President, I will. Ladies and gentlemen, what this amendment does is, it places the race, color, ethnicity and gender of the operator on your driver's license so there's no guessing any longer.

Why would we have a police officer guess? That makes absolutely no sense. If you are claiming you are of one race or another, when you apply for your driver's license you put that on there. If you are claiming you're of one, of whether you're Hispanic or non-Hispanic, you put that on there. We have male or female already on there. We have our age and our dates of birth on there as well.

This would take out the guesswork and it would remove the category of unknown from the recording of the racial profiling bill.

As I said, in my little small police department in the Town of Canton, unknown was the second largest category and if we're trying to root out racial profiling in the State of Connecticut, we can't leave unknown as an option any longer.

Mr. President, when the vote is taken, I ask that it be taken by roll call. Thank you.

THE CHAIR:

Thank you, Senator. The vote will be taken by roll. Will you remark further on the amendment? Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. Mr. President, a question to the proponent of the amendment, through you.

THE CHAIR:

Please proceed, ma'am.

SENATOR BOUCHER:

Would he contemplate any measure that would take into consideration on this issue with his vast experience in law enforcement that would consider the actual location of where these stops would take place? If a community is predominantly or 95 percent minority or another community that is, say nearly 90 percent non-minority, would those reports then be skewed and is there any way to differentiate and consider that through any of the proposals that he has entertained? Through you, Mr. President.

THE CHAIR:

Senator Witkos, on the amendment.

SENATOR WITKOS:

Thank you, Mr. President. The Department of Justice when they did their analysis on the East Haven Police Department, they went into detail as to the population and the demographics in that community and they did determine that the Latino population was targeted more so than any of the other populations in the state, or in that community, and not based on the specific location of the stop but on the actual individual or the operator.

So in that instance, it was certainly appropriate for them to come forward and offer remedies to chief of police to institute in his department from, as Senator

Coleman said, changing the culture of the police department from the top all the way down to the raw recruit and in that instance I think it was absolutely necessary.

But in this instance with the amendment, I think we're basing it on the stops and if you, I'm not so sure that it's proportionate to the demographics of the community in which the residents reside in. I guess you'd have to say that if you have a large population of one race over another, then generally you're statistics should show similar results in motor vehicle and traffic patterns.

You know, when I say that, remember most of the hours when stops are done in the darkness except for the summertime, you know where it's. In the wintertime it's dark at 4:30 in the afternoon and the sun doesn't come up until 6:00 o'clock in the morning so it's very hard to determine, based on the stop at the time of stop, who is operating a car.

And again, if the car is, depending on, and the form doesn't go into it and I thank you for this question, the form doesn't go into where was the officer positioned on the street or where you could see, how far away from the alleged violation were they when it occurred, because obviously, depending on the distance, you may still not, as I gave the example of the radar, half a mile away there's no way you could tell who was operating the vehicle but you intended based on your training and experience that they violated the traffic laws of Connecticut and you were going to stop them anyway. So I hope that answers your question, Senator.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Mr. President. I appreciate that very much. It may be that maybe my inquiries are more appropriate for the underlying bill down the road rather than just specifically to this amendment, because I do have a concern that there isn't also the

issue of judging issues like this based on the demographics of a particular community or city that you're in.

Sometimes it is unavoidable because of the sheer demographics of a particular location that there would be one population more over-represented than another, based on just the population in that particular city or that particular town.

And so, I would hope that that's a consideration when matters like this are discussed and brought forth. Thank you very much, Mr. President, and I will probably ask that question further down the road.

THE CHAIR:

Thank you, Senator. Will you remark further on the amendment? Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. Mr. President, I again respectfully rise to oppose the amendment and I do so because it occurs to me that at some point in time it may be in the interest of the Department of Motor Vehicles to have the information that the good Senator speaks about indicated on the license, the operator's license of an individual.

However, for purposes of this bill and the objective of the whole anti-profiling movement, it's not appropriate because as I've indicated a couple of times now, what is significant and what's relevant is, what is the perception of the officer, and I appreciate the problem that Senator Witkos points out.

If all of the officers who make traffic stops indicate unknown with respect to what's required to indicate race or ethnicity or other, I think that problem in itself would be identified in the analysis of the data.

Moreover, believe it or not, there are some people who would take offense, extreme offense at being clearly African-American and not being identified as such, having clearly black skin and not being identified as

such or Latino individuals who are proud of their Latino appearance and physical characteristics, want to be identified as such.

And so, I am almost certain that if they receive the, whatever information they receive from the officer with a clear indication that they're being identified as race unknown or race other, I think that they would make that fact known and actually make a complaint about that.

In fact, there is at least one person who came before the Judiciary Committee and complained about that very fact. In this case it was an individual who was stopped and who was African-American, who was identified as white. Now, that may have been purposeful. It may have been inadvertent, but the individual made a great effort to contact whomever he could, including the Judiciary Committee to complain that he was being mis-identified and was stopped, that he was subjected to.

So, Mr. President, again, respectfully, I oppose the amendment and I'm asking my colleagues here in the Senate to reject it. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further? If not, Mr. Clerk, please announce the pendency of a roll call vote. The machine will be opened.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? All members have voted? Please check your board, please check the board to make sure your vote is accurately recorded. If all members have voted, the machine will be locked and the Clerk will announce the tally.

CLERK:
Senate Amendment Schedule "C" for Senate Bill 364.
Total number voting 34
Necessary for adoption 18
Those voting Yea 9
Those voting Nay 25
Those absent and not voting 2

THE CHAIR:

The amendment fails. Will you remark further on the bill as amended? Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. If I may, just one question to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS:

Thank you. Through you, Mr. President, to Senator Coleman. My question is, do you believe that profiling starts at the time of the offense or when the officer has seen the operator of the vehicle? Through you.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I'm afraid, Mr. President, I'm going to have to ask Senator Witkos to repeat his question. I apologize.

THE CHAIR:

Certainly. Senator Witkos.

SENATOR WITKOS:

My question was, do you believe that the profiling starts at the time of the alleged offense or when the

officer becomes aware of who was operating the vehicle?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Mr. President, this is another question I really didn't know how to respond to. I don't profile, so I don't know when it begins and I think at least part of the purpose of the collection of the data and the analysis of the data may be for the purpose of determining questions, or coming up with answers to questions just like that one. I don't know the answer to that, Mr. President, through you.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, and I thank Senator Coleman for his answer. And that goes back to my initial argument that if we're trying to get inside the police officer's head as to what are they thinking when they're stopping this car? Are they targeting a certain segment of our population? Then we need to make sure, the form is very prescription as to statute as to what we're putting in there.

Maybe we need to say when you decided you were going to stop that car, who was operating that care, and using the same data that's there that we're asking for once you know who the operator is. I think that's so important to determine. Have they changed their minds after they got to the window of the car and said, oh, female, oh, it's a male, oh, it's somebody of Asian persuasion or it's somebody African-American, oh, it's somebody that's Caucasian.

I think it's so important to walk the clock back a little bit further and say, do you know, or do you think you know who's operating that care before you decide to stop it. I think that's very important and

I would hope that the board has the ability to have those discussions when they formulate the form later on.

One of the concerns that I do have is that while I think it's very important in the State of Connecticut that we do not condone any type of profiling, the bill, although it requires police departments to submit all of this data, collect all of this data and transmit it to the OPM and the Criminal Justice System's governing board.

They, within available appropriations, shall review it. If it's that important to collect the data then they should be reviewing it. We shouldn't put a price tag on potential profiling in the State of Connecticut.

So that being said, Mr. President, the Clerk has in his possession LCO Number 3392. I ask that it be called and I be allowed to summarize.

THE CHAIR:

Mr. Clerk. Repeat the LCO please, Senator Witkos.

SENATOR WITKOS:

Sure. LCO Number 3392.

THE CHAIR:

3392.

THE CLERK:

LCO Number 3392, Senate "D", offered by Senator Witkos.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. I move adoption.

THE CHAIR:

On adoption. Will you remark, sir?

SENATOR WITKOS:

Thank you, Mr. President. Basically, this removes the line of within available resources, so OPM and the Criminal Justice Information governing board has to review the data once it gets to them.

I don't think we should be falling in the trap once again of requiring somebody to collect it and then it's not reviewed on the other end. If it's that important why we're here meeting, debating this topic tonight, and everybody's out there collecting it, the hundreds, thousands of police officers throughout our state are collecting this data and is transmitting it in, we should be reviewing it, because that's the only way we're going to know if profiling is taking place.

I urge the Chamber's adoption. Thank you, sir.

THE CHAIR:

Thank you, Senator. Will you remark further on the amendment? Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Nice to see you there this evening.

THE CHAIR:

Thank you.

SENATOR MCLACHLAN:

Through you, Mr. President, a question to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR MCLACHLAN:

Thank you. Senator Witkos, thank you for your very informative discussion here this afternoon and evening about these topics, which you have great expertise in. And I think that this circle is served well by your service in your private life and bringing that experience to us here as lawmakers to deal with really knowing what happens on the front lines, so to speak. So I want to thank you very much for your service.

I'm curious. The point of within available resources is language that I've heard here over the last three and a half years since my arrival at the State Capitol and I was always curious to understand why it's used so much, and perhaps you can share with me your observation if you will.

My perception is that within available resources is, legispeak for we really want to do this but we don't have the money right now so let's tell everybody we're doing it and we'll get to it later. Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I think that's fairly accurate and I think maybe the other reason why that's used is because there's sometimes a price tag for everything that we do and this would negate any cost factor being associated with the bill.

So if we say there's going to be, I don't know what it would cost to require them to review the data that's sent to the OPM and the CJIS board. It may be minimal. But by putting in within available resources says that they don't have to do it so there's no cost, because unfortunately we know with the economic climate of the State of Connecticut, I believe that we don't want to have a cost associated with the bill because it may ultimately, as we say in legispeak, kill the bill.

But I think this topic is important enough that we're debating here tonight, that it should be important enough to make sure that it does get reviewed once that information is received. Through you, Mr. President.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Mr. President. Thank you, Senator Witkos. I agree with you. I stand in support of this amendment and I hope the rest of us here in the circle will agree that within available resources is not a high enough priority. If this in fact is a very important topic, which I believe it is. I supported this in the Judiciary Committee. I do have some concerns about the bill but I do believe that the information is important enough that it should be a high priority and thus within available resources is not an option for us. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator Coleman.

SENATOR COLEMAN:

Thank you very much, Mr. President. Again, I respectfully rise to oppose the amendment, and I do so for among other things, the adoption of this amendment would result in the referral of the bill to the Appropriations Committee, which would result in certainly some delay and would put the passage of the bill in jeopardy.

Additionally, as I had indicated earlier in the debate, there is money available, a sufficient amount of money available through a grant that comes for the purpose of examining and eradicating racial profiling through the Department of Transportation from the federal government.

That being the case, we certainly don't need to send the bill to the Appropriations Committee in this

Session, and hopefully in succeeding years it would be the same sort of grant available from federal government or maybe even state government through the Department of Transportation or through some other agencies that are interested in the same objective that is included and provided for in this bill.

I urge the rejection of the amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. You know, if I wasn't sitting down in my chair I would have fallen over. You know, there were press conferences today outlining and celebrating the passage of, bringing this bill forward and the thought that we don't want to say we're going to spend the money because it's important to us here in the State of Connecticut.

We don't want any type of profiling and fear that it might have to go to the Appropriations Committee. Isn't that what we do in the legislative body in the process here?

We don't know that the committee's meeting almost daily, 15 minutes before the Call of the House or the Senate Chamber, whichever comes in first. A one-day delay isn't going to kill the bill.

And to say to base it that on that, well, there's grant money available. There was grant money before. The African-American Affairs Commission didn't do it because there wasn't enough.

On one hand we're saying we have to have it. On the other hand we're saying we're not going to fund it. This is a very simple amendment that says, I stand behind the racial profiling bill and we're going to fund it to make sure that it doesn't happen in the State of Connecticut. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further on the amendment? Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President. Sorry, I don't walk as fast as I used to.

Mr. President, if I could, a question or two through you, to the proponent of the amendment, please.

THE CHAIR:

Please proceed, sir.

SENATOR MCKINNEY:

Thank you, Mr. President. Senator Witkos, I heard you speaking earlier a little bit on the underlying bill and also on your first amendment where you talked about the fact that when, and I was here with Senator Penn when we passed that racial profiling bill, that a lot of police departments complied with it, your understanding at first, but after years of collecting data nothing was done with the data, and then perhaps their collection of the data was not as good as it was in the beginning.

I guess my question is, through you, not having followed what happened with the implementation of our first racial profiling bill, what was the history of the usage of that data and was it a lack of available funds that prevented that from happening? Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. If the Chamber could just stand at ease for just a moment.

THE CHAIR:

The Senate will stand at ease.

(CHAMBER AT EASE.)

The Senate will come back to order. Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. In response to Senator McKinney's question, when the bill first passed it required all the local police departments in 1999 to report to the Chief State's Attorney's Office about any complaints of any discriminatory traffic stops as well as written notice of the review and disposition of annual traffic data, stop data summaries.

The bill changed in 2003 under PA03-160, which required the police to give to the African-American Affairs Commission as well as the Chief State's Attorney's Office all of the data collected through the motor vehicle stops.

The African-American Affairs Commission has never submitted a report. In fact, the Hartford Courant criticized them in an article and they claim that they never received any money from the state to complete the mandate.

And then according to the AAA, see the African-American Affairs Commission, it sought and received preliminary approval for $580,000 grant. But because all the funds would be reimbursed by the federal government, initial state outly for cost was required. We didn't fund the program. Through you, Mr. President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY;

Thank you. And through you, Mr. President, is there a fiscal note on this amendment and if so, Mr. President, what is the impact on the bill of removing the language, within available appropriations?

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. I'll be just a moment, Mr. President. I'll check to see if the fiscal note's available.

THE CHAIR:

The Senate will stand at ease.

(CHAMBER AT EASE.)

The Senate will come back to order. Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. In response to Senator McKinney, the amendment does not change the impact identified in the underlying and there is no fiscal impact. Through you, sir.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President. So as I understand it then, the intent of this, and it might sound obvious, but I just want to make sure I understand it.

The intent of this amendment is to strike the language, within available appropriations. That doesn't undercut the ability to achieve the intent of this law, rather, it guarantees the achievement so that now obviously this is now handled by the Office of Policy and Management. I'm sure it's in the office of a former colleague of our, Michael Lawlor, and I think we can expect that they would follow through on what the intent of this legislation is.

But am I to understand that by root, if we keep this language in there, I guess the question is, if we keep

this language in there, could the agency decide not to fund this bill? Through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Through you, Mr. President, absolutely. And also, it may not devote personnel to perform the task because it says within available resources, so it's not just specifically beholden to financial money and it's personnel as well. Through you, Mr. President.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you. Thank you, Senator Witkos. Mr. President, based on those answers I'm going to support this amendment. I might not have supported his last amendment, but I will support this one and let me tell you why. For two reasons.

One, it requires OPM to fund the implementation of this legislation and it doesn't come with a fiscal note that would change the impact of the bill or as we know, require the bill to go to the Appropriations Committee if it hasn't been there already. I see no harm and no downside to approving this amendment.

This bill hasn't passed the House. The amendment doesn't require to go to any committee. It actually takes away the flexibility for the Office of Policy and Management not to do what we want to have happen and I think that's a good thing and so I would urge adoption of the amendment. Thank you.

THE CHAIR:

Thank you, Senator. Senator Kissel.

SENATOR KISSEL:

Mr. President, when the amendment is being voted on, may it be taken by roll all please?

THE CHAIR:

The vote will be taken by roll.

SENATOR KISSEL:

Thank you.

THE CHAIR:

Will you remark further on the amendment? Will you remark further on the amendment? If not, Mr. Clerk, please announce the pendency of a roll call vote. The machine will be opened.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? If all members have voted, please check the board to make sure your vote is accurately recorded. If all members have voted, the machine will be closed and the Clerk will announce the tally.

THE CLERK:

Senate Amendment Schedule "D" for Senate Bill 364.

Total number voting	34
Necessary for adoption	18
Those voting Yea	14
Those voting Nay	20
Those absent and not voting	2

THE CHAIR:

The amendment fails. Will you remark further on the bill as amended? Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. In my small little police department of Canton, we don't have many major divisions like CAPERS, which stands for Cases Against Persons and narcotics and traffic and homicide and narcotics, but many medium to large size police departments do, and they also have traffic divisions.

This bill speaks to specifically motor vehicle traffic stops. In a large police department or medium sized, that would be their traffic division. They are solely responsible for doing motor vehicle stops.

But we've offered penalty in the underlying bill, which says if you don't comply by keeping these statistics, you're going to get no money from the state. So the monies that go to help police athletic leagues dealing with children, helping other grants through the police department community outreach, community policing. It's not fair to the other branches or areas of the police department that do good work, because maybe the traffic division, they're doing it but just not getting reported.

So to have a blanket sanction that says, we will withhold all money from the state isn't right. So with that, Mr. President, I'd ask the Clerk to call LCO Number 3561.

THE CHAIR:

Mr. Clerk, please call LCO 3561.

THE CLERK:

LCO Number 3561, Senate "E" offered by Senator Witkos.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I move adoption.

THE CHAIR:

On adoption. Will you remark, sir?

SENATOR WITKOS:

Thank you, sir. Basically, this outlines, it would prohibit the Department of Emergency and Public Services or OPM and the board to withhold state funds from the municipal police department and the Department of Emergency Services if they fail to comply with the section of the bill.

I don't think that we should penalize the department because for whatever reason maybe they couldn't get the statistics in or we're not happy with the statistics. There's other means of correcting a problem if there is one than punishing the entire community by withholding the funds, which are so precious nowadays in this tough economy. I urge the Chamber's adoption. Thank you, sir.

THE CHAIR:

Thank you, Senator. Will you remark further on the amendment? Senator Coleman.

SENATOR COLEMAN:

Thank you, Mr. President. Mr. President, against respectfully rise to oppose the amendment. I think one of the considerations prior to arriving at this point was whether or not the agency that was entrusted with the responsibility of receiving the data, collecting the data, analyzing the data had the clout to compel compliance.

If the bill, if the members read the bill carefully, withholding of state funds is not an automatic thing. It's at the discretion of the Office of Policy and Management and moreover, it's a really simply matter for any local police department or state police department to comply with the requirements of the law.

And I'm sure that OPM would take into consideration if there were valid reasons for non-complying, especially if they were entertaining even the idea of withholding funds from any municipality for the failure of the police department to comply with the requirements of this bill.

I think that it would be a matter of deep deliberation on the part of OPM before such a decision would be made and would probably as a result of defiant non-compliance if such a decision were to be made.

And for those reasons, Mr. President, I would urge rejection of this amendment. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further on the amendment? Will you remark further on the amendment?

If not, I'll try your minds. All those in favor please signify by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed, Nay.

SENATORS:

No.

THE CHAIR:

The Nos have it. The amendment fails. Will you remark further on the amendment, further on the bill as amended? Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. Oftentimes I try to think of examples where racial profiling may be necessary in

law enforcement work, and I'm going to give you an example, one that didn't happen too long ago to me.

I was sitting in my police cruiser on the side of Route 44 and I got a phone call, not a phone call, over the police radio, a transmission, it's called a BOLO, be on the lookout, and there was an altercation in my neighboring community and they said, there's a small gray car heading eastbound or westbound on 44, westbound, on 44. It's being operated by a black female and a white male. Okay.

So, about a minute and a half goes by. I see a small gray car go by me with a black female and white male. I pull out and I stop them. If this were to pass, this bill would pass, I guess I'd be in violation, because there's no, I can't on the form, there's no statutory reason why I stopped them. I'm acting on speedy information from my neighboring police department that there's some altercation. I didn't even know if there was a law that was broken to place down the road.

But they said you see this car and these people, stop it. We want to talk to them. And because we cooperate law enforcement and radios work a lot faster than vehicles get place to place, we are able to do such things.

So if I were to fill up a form, I'm going to look pretty bad when I fill that form out and they're going to file a complaint against me because a) I stopped them based on their race, b) I stopped them because I don't have a reason other than I was told to stop them by another law enforcement agency. I guess I could write that in the other form.

But I don't want to prevent the cops from doing their job and I want them to feel comfortable that they can work under speedy type information.

So with that, Mr. President the Clerk has in his possession LCO Number 3427. I ask that it be called and I be allowed to summarize.

THE CHAIR:

Mr. Clerk, please call LCO 3427.

THE CLERK:

LCO Number 3427, Senate "F", offered by Representative, Senator Witkos.

SENATOR WITKOS:

Going back to the old days.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. Basically, this amendment outlines that it's permissible if the police officer is acting in a speedy information that caused the stop to be made, so it would be allowable under the bill and I ask the Chamber's adoption. Thank you, sir.

THE CHAIR:

Thank you, Senator. Will you remark further on the amendment? Senator Coleman.

SENATOR COLEMAN:

Again, Mr. President, I rise to respectfully oppose the amendment and ask my colleagues in the Senate to reject the amendment.

It appears to me that this information may not be necessary. As I've indicated throughout the course of this debate, the relevant and significant consideration is what is the perception of the officer, and the reason for the stop could be indicated in the form that would be developed in consultation between OPM Advisory Board and CJIS as well as the training entities for the state and local police.

So I think this amendment is unnecessary or redundant. I'd urge the members to reject it. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Will you remark further on the amendment? Will you remark further on the amendment? If not, I'll try your minds. All those in favor please indicate by saying Aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed Nay.

SENATORS:

No.

THE CHAIR:

The amendment fails. Will you remark further on the bill as amended? Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. It's the last one to the Chamber. There's a lot of paperwork that moves its way in and out of the police department and sometimes things stay there statutorily for, you're required to hold paperwork for a certain amount of time, and you follow a date of destruction.

And sometimes you have cases that are deemed, ordered to be erased through the courts. But I looked through the bill and I couldn't, since it's not tied to a specific person because we can't use identifying information, there's nothing in there that says how long the police department has to hold onto these forms for.

And you can imagine in smaller sized police departments, even the larger sized police departments, the records division is only so big, and you have to keep a copy of it, so it's not only electronic. You're going to get a paper copy.

And so I wanted to address that, and I understand, since we go back quite a number of years when we're trying to do an analysis, so basically put in a limit of ten years.

So with that, Madam President, I would ask the Clerk please call number, or LCO 3438.

THE CHAIR: (THE PRESIDENT IN THE CHAIR.)

Mr. Clerk.

THE CLERK:

LCO Number 3438, Senate "G", offered by Senator Witkos.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. I move adoption.

THE CHAIR:

On adoption of the amendment. Please proceed, sir.

SENATOR WITKOS:

Thank you. Colleagues, what this does is, it just says that the police department shouldn't hold on to the form for more than 10 years and then after that they can dispose of it, because I don't believe there's anything in our schedule of destruction right now that tells them how long that they have to.

Hopefully, if they've submitted the data, it's in a data bank someplace else, but it alleviates some of the concerns of the municipal police departments for the requirement for holding on to this data and I think 10 years is more than enough time. I urge the Chamber's adoption. Thank you, Madam President.

THE CHAIR:

Thank you, Senator Witkos. Will you remark? Will you remark? Senator Coleman. Good evening, again.

SENATOR COLEMAN:

Thank you, Madam President. Good evening to you. Good to see you back.

THE CHAIR:

Thank you, sir.

SENATOR COLEMAN:

Madam President, again, I rise to oppose the amendment. I think it's premature and I do want to compliment Senator Witkos for presenting some very good questions and considerations for OPM and the advisory board to entertain.

But the fact of the matter is that the reason some of the provisions in the bill or in the amendment that became the bill were written the way they were written was to give OPM and the advisory board an opportunity to collaborate with the training entities of the State Police organizations and the local police organizations so that they could determine whether 10 years was an appropriate period of time in order to hold or require departments to retain records or whether a longer period of time might be necessary, or even a shorter period of time might be necessary.

Those questions are not resolved by this bill because in the considered opinion of most of the people that were involved in the development and crafting of this bill, it was thought that that should be a very deliberated opinion and conclusion.

It may be that Senator Witkos is right, but I'm not sure when the amendment was drafted, but I'm sure it wasn't given the reflection that it will be given by the entities involved in this bill, including OPM, CJIS and the advisory board.

So I'll urge my brother and sister Senators to reject this amendment. Thank you, Mr. President. Madam President.

THE CHAIR:

Thank you, Senator. You must be tired. Will you remark? Will you remark? If not, I'd ask for a voice vote. All in favor of the amendment please say Aye.

SENATORS:

Aye.

THE CHAIR:

Oppose the amendment?

SENATORS:

No.

THE CHAIR:

The amendment fails. Will you remark? Senator Witkos. I apologize. I said that was the last one but then I remembered there was one more. This is the last one. I promise.

You know, when they went over the instructions of the board, and this is a very important one. I hope I can get the Chamber's endorsement on this one.

Initially when we did the amendment, which is now the underlying bill, we listed up all the people that would be serving on the governance board to develop the forms. And based, in light of what Senator Coleman made comment about some of my amendments here this evening, which would help offer some guidance, possibly and some insight to the board, I felt compelled that two more additional members should be added to the board, and that's what this amendment does.

And through you, Madam President, if the Clerk would please call LCO 3556.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 3556, Senate "H" offered by Senator Witkos.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. What this amendment does, it says that --

THE CHAIR:

Would you like to adopt?

SENATOR WITKOS:

Oh, I'm sorry. I move adoption.

THE CHAIR:

The question is on adoption. Will you consider to remark, sir? I guess you're going to wait. We'll wait a few minutes.

SENATOR WITKOS:

Thank you, Madam President. Sorry about that.

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS:

Because of my background in law enforcement, I've been doing it as you know for 28 years now, I felt it important to have a police officer serving on the board that comes up with the forms who can give real-life experience to the members of the board, that is actually out there in the police car making the motor

vehicle stops, and so this amendment would put a representative of the AFSCME Council 15 on the board of governance as they develop the form and the procedures, so I would urge the Chamber's adoption. Thank you.

THE CHAIR:

Thank you, sir. Will you remark? Will you remark? Senator Coleman.

SENATOR COLEMAN;

Thank you, Madam President. Madam President, I direct Senator Witkos and the other members of the Senate to line 166 of the bill, which purposely leaves the membership of the board, the advisory board, open so that other members may be added to the bill.

And you know, if I must say, I should complement those people who contributed to, and there were many, to the development of this legislation and it is a fair amount of genius where so much was left to be considered deliberation of OPM in consultation with the advisory board and CJIS as well as other agencies that are relevant to the whole issue of racial profiling.

And it may very well be that after that kind of deliberation and the question comes up concerning who else should be added to the advisory board, that a member, police officer member of AFSCME Council, the council that Senator Witkos had made reference to, would be considered for membership and in fact voted to be a member of this advisory board.

I think that's the approach that we ought to maintain and pursue and consequently, this amendment in my view would be premature and unnecessary. Thank you, Madam President. Please members of the Senate, reject this amendment.

THE CHAIR:

Thank you, Senator Coleman. Will you remark? Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. Welcome home.

THE CHAIR:

Thank you, sir. It does feel like home lately.

SENATOR MCLACHLAN:

Through you, Madam President, a question to the proponent of the amendment.

THE CHAIR:

Please proceed, sir. Senator Witkos.

SENATOR MCLACHLAN:

Thank you, Madam President. Senator Witkos, thank you for this visionary amendment. I think a question to you, do you know of the law enforcement community specifically asked me and the Connecticut Council of Police, were they engaged in the discussions when this bill was offered? Through you, Madam President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President, and through you, just in conference with my colleague from the great Town of Enfield, it was just the Connecticut Police Chief's Association that was involved in the discussion in the write-up of the bill. Through you.

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President. Then I think that this is a good addition to the legislation. I understand Senator Coleman's point, that the bill, the underlying

bill does allow additions, but I think that this makes a proper statement that the law enforcement community should be right from the very beginning, a partner in this process, and I thank you, Senator Witkos for looking out for this point. Thank you, Madam President.

THE CHAIR:

Thank you, Senator. Senator Witkos for the second time.

SENATOR WITKOS:

Thank you for the second time and the last time, Madam President.

THE CHAIR:

Thank you.

SENATOR WITKOS:

With all due respect to Senator Coleman, although parenthesis number 11 says such other members as the board may prescribe, I think it's imperative that we have somebody who actually is going to be out on the street handing out the forms to the motorists to have a say in the matter.

The people that are handing out the forms are the ones that are subject to the complaints as well. Nobody on this list, none of the first ten are subject to the complaint because their names aren't going to be on the form. But an officer out on the street or on the road, they're the ones that are going to be subject to the complaint and to the investigation and to any possible litigation.

And as Senator McLachlan said, they should be partnered in developing the form and the protocol and the procedures as the bill moves forward.

And I think it's so important, Madam President, that I'd like to ask when a roll be taken, it be taken by roll call.

THE CHAIR:

Thank you, sir. A vote will be taken by roll call at the time. Will you remark? Will you remark? If not, Mr. Clerk, will you call for a roll call vote, and I will open the machine.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

The machine will be locked if all members have voted, and Mr. Clerk, will you please call the tally.

THE CLERK:

Senate Amendment Schedule "H" for Senate Bill 364.

Total number voting	34
Necessary for adoption	18
Those voting Yea	14
Those voting Nay	20
Those absent and not voting	2

THE CHAIR:

The amendment fails. Will you remark further? Will you remark further? If not, staff and guests, oh, I'm sorry. You don't have to do that. That's only in the House. But I will open the machine and ask the Clerk to please call a roll.

THE CLERK:

An immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? Have all members voted? The machine will be locked and Mr. Clerk, could you please call the tally.

THE CLERK:

Senate Bill Number 364 as amended by Senate "A".

Total number voting	34
Necessary for passage	18
Those voting Yea	31
Those voting Nay	3
Those absent and not voting	2

THE CHAIR:

The bill passes. Will you remark? Senator Looney, it's so nice to see you again, sir.

SENATOR LOONEY:

Thank you, Madam President. Good evening.

THE CHAIR:

Good evening.

SENATOR LOONEY:

Madam President, I believe the Clerk is now in possession of Senate Agenda Number 3.

THE CHAIR:

Mr. Clerk.

THE CLERK:

The Clerk is in possession of Senate Agenda Number 3 dated Thursday, April 19, 2012, copies have been distributed and should be on Senators' desks.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, I move all items on Senate Agenda Number 3 dated Thursday, April 19, 2012 to be acted upon as indicated and that