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HOUSE OF REPRESENTATIVES

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(On motion of Representative Aresimowicz of the 30th District, the House recessed at 6:15 o'clock p.m., to reconvene at the Call of the Chair.)

(The House reconvened at 8:25 o'clock p.m., Deputy Speaker Godfrey in the Chair.)

DEPUTY SPEAKER GODFREY:

The House of Representatives will return to order. Mr. Clerk will go back to the Call of the Calendar. Would you please call Calendar Number 616.

THE CLERK:

On Page 36 of this evening's Calendar, Calendar Number 616, Favorable Report of the Joint Standing Committee on Judiciary, Substitute Senate Bill 1143 AN ACT CONCERNING TRAFFIC STOP INFORMATION.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Judiciary Committee, Representative Gerry Fox.

REP. FOX (146th):

Thank you and good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good evening, sir.

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REP. FOX (146th):

I move for the acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

Motion is on acceptance and passage in concurrence. Would you explain the bill, please.

REP. FOX (146th):

Thank you, Mr. Speaker. This bill comes to us through the Judiciary Committee and it was a result of the off Session work of the Connecticut Racial Profiling Prohibition Project Advisory Board.

This is a board that was established in order to look to the implementation of how we go about establishing standards when dealing with the important issue of racial profiling.

As the Members of this Chamber will recall, last year we passed overwhelmingly a bill to address the issue of racial profiling, and what this bill does is, it implements the recommendations of the advisory board. It is a bill that came out of the Senate unanimously. It's one that was well received by those who testified before the Judiciary Committee, including the State's Attorney's Office, Defense

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Attorneys, and others who are part of the advisory board and who had input in the recommendations that we have before us in this bill.

It addresses certain things such as written policies and the requirements for written policies, expands who is required to report. It also clarifies where a stop occurs. It also talks about those, what are certain exemptions for reporting data, as well as requiring individual stop data, encouraging electronic reporting and other changes to the law that we passed last year and that will hopefully have an input going forward so that we can continue to make strides toward reducing and eliminating racial profiling in our communities.

So I urge passage of the bill.

DEPUTY SPEAKER GODFREY:

Thank you, sir. The distinguished Ranking Member of the Judiciary Committee, Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and good evening. Through you, Mr. Speaker, a few questions to the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Proceed, madam.

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REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, through you, the Representative did highlight that this was recommendations made by the Connecticut Racial Profiling Project and there's certainly an extensive amount of recommendations, and I notice that it does expand the people who are required to report.

What is the purpose and intent for that expansion?

Through you, Mr. Speaker.

DEPUTY SPEAKER RITTER:

Representative Fox, do you care to respond?

REP. FOX (146th):

Yes, thank you, Mr. Speaker, and through you, the Advisory Board did conclude that there are others who have the ability to make motor vehicle stops, who have enforcement powers to make motor vehicle stops and I think, amongst those include the Department of Motor Vehicle inspectors, State Capitol Police, College and University Police Departments. It's along those lines that it was intended to include.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

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Thank you, Mr. Speaker. And through you, Mr. Speaker, I notice that there's some written policies also, that there's some changes to the written policies. It explains some of the requirements of what needs to be written.

Through you, Mr. Speaker, if the Representative can highlight what some of those new policies are.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I think what it does is, it follows up on the, expanded on those who are required to report. It includes those agencies as well. They would also adopt the written policies. Through you.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, we're also clarifying the identification of where these stops occur.

Through you, Mr. Speaker, what is the problem that has led us to have to be more specific in that regard?

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Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, and through you. It's, what the Advisory Board concluded is that while there is information that was being acquired by those who would make traffic stops, it did not include the specific geographical area where the stop occurred and they felt that including that information as well would be beneficial going forward.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. In addition, too, I notice that one of the changes that we are making previously, any officer and now that we've expanded that definition, anyone who would fall under the expansion of the definition, would have had to provide their name and badge number.

However, we're now changing that. It's my understanding with the bill that's before us, they would have to still continue to provide their badge

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number but also another unique identifying number for that particular employee.

What type of number are we looking for? What type of identification are we then looking for in addition to the badge number? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, the Representative is correct. That is one of the recommendations and I think perhaps the reasoning for that was to allow, the previous requirement was that the officer would provide their name and badge number, and I think what this would do is allow the officer to provide their badge number and another identifying number that they have and I am not completely, I presume that the reason for that is to allow the officer to avoid the use of his or her name during the course of the stop.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, we're also in this bill making changes to the

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information that needs to be gathered at these stops,
and I notice that one is as a result of what the stop
for a search may be.

What type of identification or description are we
requiring these law enforcement officials to provide?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Amongst the information
that they want them to include would be, one of the
things that I can think of is this statutory citation
that was the basis for the stop.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and that statutory
citation, would that also include any type of warning?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I believe it would,
because oftentimes a warning would reference the

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reason for the warning and the statutory reference,
the statutory basis for the warning.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, if an officer or one of the other mandated people that have to provide this information, if they were to stop an individual and let's say, for example, it was for a lack of seatbelts, and they decided not to charge the driver that did not have his seatbelt on, but also decided not to provide a warning. It may be a verbal warning.

Would that officer have to also record the stop?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I do believe they should be recording the stops that they make, so I would think that the answer to that would be yes.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

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Thank you, Mr. Speaker. And just to think about this procedurally, how would these law enforcement officials be required to be providing this information and/or taking this information? Would this be something that would have to be done with the individual that's being stopped? Are they going to be questioned on their race, gender, et cetera, or is this something that's going to be subjective based on the law enforcement official that's stopping the individual? Through you, Mr. Speaker.

REP. FOX (146th):

Through you, Mr. Speaker, my recollection on that is that it can be subjective based on the officer's observations.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, if that officer were to make a mistake regarding the race or ethnicity of the person that's being stopped, what kind of liability or ramifications will the officer have?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

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Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, once again it's my recollection, but I do believe as long as the officer makes a good faith effort, they have met their obligation.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, who's going to determine whether or not there was a good faith effort on the part of the law enforcement to make the determination?

So, if the person happens to be, let's say a Latino and the person, and the officer records it that it's a white Caucasian. Who makes the determination, and clearly let's say that it wasn't a mistake and he purposely is altering the information, who makes that determination?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

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Through you, Mr. Speaker, if there is, if the information is somehow submitted falsely, let's see, through you, Mr. Speaker, off the top of my head I'm not clear.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, is there any type of action, whether criminal action or civil action that the individual who's being stopped, if they're falsely characterized and let's say that there is some type of charge that then the individual has to go to court, and during the court proceedings they're able to obtain a copy of a police report or whatever the charges might be, and within that data that's being recorded, they've been mischaracterized.

And let's say that the person for one reason or another is offended by the characterization. Through you, Mr. Speaker, does that person have any civil or criminal abilities to hold the officer responsible?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

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REP. FOX (146th):

Through you, Mr. Speaker, they could file their complaint and if it was determined that there had been some sort of intentional miss, for some reason that was not, if the officer for some reason made a determination that they were not going to provide accurate information then there would be a potential claim by the person, I would presume, against the officer, if it was found that that was for some reason, intentional.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, who will have access to this information, or where does this information get reported to? Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, it would get reported to, well OPM is the entity that will be gathering the information and they are the entity that will be

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processing all of the respective traffic stop
information.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr.
Speaker, will that information also have the name of
the individual with all the characterizations and data
that's collected at the stop? Through you, Mr.
Speaker.

REP. FLEISCHMANN (18th):

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I don't believe it
would have the name of the individual.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr.
Speaker, I do notice also in the bill that's before us
that there are certain exceptions at which time a law
enforcement officer or any other individual that falls
within the definition of having to take down the
information from the stop, there are certain

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exceptions that they do not need to take down the information at that time.

Through you, Mr. Speaker, if the kind Representative can highlight the exception.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Through you, there is an exception if the officer is required to leave the scene for some reason due to perhaps additional police business or something like that, but if an exigent circumstance exists that requires him to leave the scene, he would be, he or she would be exempt from obtaining the respective information.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, would that exemption be for no reporting whatsoever, or is there an exemption for a specific time period, but then the officer does have to report the information? How long is that exemption for or is it completely not providing any of the information for the stop? Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I think it does provide an exception if the officer wanted to attempt to make, report their findings as a result of the stop they perhaps could, but the exception seems to allow them, upon exigent circumstances to not be required to provide the reporting data.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, currently the requirements for reporting this information, how often does that information need to be reported absent the bill that's before us? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, one of the things that the bill does is it makes it clear that the reporting should be monthly.

DEPUTY SPEAKER GODFREY:

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Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And what was it prior to the bill before us that now requires it to be monthly?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I only, what I do know was that it was not reported on a consistent basis so I think what this bill is tries to make sure that it is reported consistently by making it monthly.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, is there a fiscal note related to this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, there is a potential cost to the extent that the agencies may potentially

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incur, some of the additional agencies may potentially incur some minimal costs, but it's not significant.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and I'd like to thank the Representative for his response.

I think it's hard for us to determine whether or not, what type of minimal or potential fiscal impact that this may have based on the fact that if reportedly this was not done in a consistent basis and now we're asking for it to be done on a monthly basis.

I think that certainly the potential fiscal impact could be considerable. Unfortunately, it's one that we don't currently then know or establish and I'm not exactly sure why it hasn't been determined. We probably already have some information regarding the numbers of stops that officers make, and now we're also requiring them to do then, take down this information. It should be readily available what type of fiscal impact that this may have.

So it's unfortunate that as this bill moves forward, we don't know what the fiscal impact is, especially in light of the fact that we don't know if

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this has been allocated appropriately with any future budget that might be coming down the pipeline in that regard.

Through you, Mr. Speaker, a few more questions to the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Proceed.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you, this bill does require some type of an electronic reporting. What is the requirement regarding electronic reporting and what provisions, if any, are we allowing for any type of, and I would say police department, but certainly this extends to University officers as well and DMV inspectors, what type of timing do they have in order to be able to comply with the electronic reporting requirements in this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. It's the intention that all of the agencies be in a position to do their reporting by the end of 2014. They would encourage

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electronic reporting now until 2014 in as many manners
as possible.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you, Mr.
Speaker, do we have any idea of how many police
departments, and now that we've expanded the
definition of the mandated reporters in this regard,
how many of these different departments do not have
currently, this ability for electronic filing?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Through you, I don't
have a specific number. I would presume that most can
do it. However, there must be some who, we're asking
for additional time because it will give them until
the end of 2014.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

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Thank you, Mr. Speaker. Through you, Mr. Speaker, in this bill, do we allocate any funds for any of those departments to be able to, for those that are not already connected electronically for this type of reporting, are we allocating any funds to those departments in order to apply for? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, there's no funds allocated in the bill.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. I think, Mr. Speaker, we are highlighting that the fiscal impact in this regard certainly could be extensive. One, certainly providing the technology necessary in order to then transmit this information to the required OPM and other commissions of cognizance, as well as the intake of this information in order to gather to be able to transmit it. So that's certainly concerning as well.

I do want to highlight that this bill, a very well intended recognized bill. It did pass the Judiciary unanimously and it did pass the Senate unanimously because I believe that every individual truly believes that racial profiling should be illegal, and those who illegally racially profile anyone should also be stopped, and hopefully if it's a lack of training, will then be trained.

And certainly, this has been identified as a problem and an issue and one that has been supported in a bipartisan manner on both sides of the aisle.

What we're trying to do is recognize a problem, identify the problem and hopefully gather this information in order to address the problem because I think most of us are sensitive and care about the individuals in the State of Connecticut, whether they're here legally or undocumented, that we take the time that each and every person gets treated with respect and according to their rights, individual rights.

And we are here with that responsibility and we've done, it certainly passed in the Senate and the Judiciary, in order to make sure that our laws are developed and framed in a way that we can protect

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those rights of each and every human being in the State of Connecticut, and I'm proud, Mr. Speaker, that I do support this bill that's before us.

I do believe in order for it to be a very good bill moving forward, we need to acknowledge the fact that there is going to be a fiscal impact. It's been provided through testimony that this wasn't done on a regular basis, although it was already required.

But now, there was a requirement, and not we're expanding on that requirement. So not only were they not doing this in a consistent regular basis, but now they have to actually do it even more so with additional information.

We need to make sure that the people that we are asking to collect this information, gather this information, transmit this information, have the proper resources and technology in order to do so.

If we are simply passing laws here today that say you have to do something but you don't have the resources to do it, then what are we doing?

I certainly hope that it will be acknowledged and in order to comply with this, that either we're going to be providing the funding that goes with this, or some type of incentive or respectful time to allow

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these departments to be able to then carry on these mandates that we're putting on them.

Again, I am in support of the bill. I did vote for it in Judiciary. We have identified racial profiling as being a problem in the State of Connecticut, shamefully, but I hope that as we move forward and identify this and gather the necessary information, this is something that everyone in a bipartisan manner on both sides of the aisle could work together in order to make sure that it gets prevented and it gets appropriately addressed.

Thank you, Mr. Speaker, and I'd like to thank the kind Representative for all of his responses.

DEPUTY SPEAKER GODFREY:

Thank you, madam. The gentleman from the 86th, Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. Mr. Speaker, if I may, a few questions to the Chairman of the Judiciary Committee?

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. CANDELORA (86th):

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Thank you, Mr. Speaker. I see that we're adding a bunch of different agencies, and I guess employees of those agencies under the new provision of this bill, and in Lines, I guess specific in Lines 9 through, 9 and beyond, we're bringing in a bunch of different departments.

As I understand the underlying law that we have, the current law on the books, it currently applied to sort of municipal officers in my mind making traffic stops to maybe pull somebody over for a broken tail light or you know, some sort of moving violation that they pulled them over for.

And my question is, specifically the language here brings in department with authority to conduct a traffic stop, and I'm wondering in circumstances where the Department of Transportation may be working on a roadway and they have police officers doing work at that scene and sort of directing traffic and stopping traffic, does that end up falling under the provisions of this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

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Through you, Mr. Speaker, I would think not. I would only think if they're acting in their professional capacities.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So when the bill is referring to, and I guess it's current law, in Lines 5 through 7, when it's referring to, shall adopt a written policy that prohibits the stopping, detention or search of any person that when we're contemplating that term stopping and detention, it's in the, it's contemplated for the purposes of issuing a citation or making an arrest, and not for the purposes of directing traffic? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes, I would agree with that.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

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Thank you, Mr. Speaker, and I notice that we're also bringing in police officers under the Department of Motor Vehicles, and as I understand it, I think we have weigh stations throughout the State of Connecticut where I think that we have employees, individuals that are employed by the Department of Motor Vehicles that have police authority.

And would they be covered under the, or pulled in under the provisions of this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I would not think that those who turn into a weigh station are, and are then subject to a stop are the ones that the bill would be aimed at. It's for those who are pulled over by someone who has the authority to conduct a traffic stop and most likely for a motor vehicle violation.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I specifically refer to Lines 21 through 24, which references the

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Commissioner of Motor Vehicles, each Deputy
Commissioner, the Department of Motor Vehicles and any
salaried inspector of Motor Vehicles designated by the
Commissioner pursuant to Sections 14-8.

Does the gentleman know the purpose then, of why
we're including those individuals under this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I believe the reason
they are included is because they do have the
authority to make traffic stops. At least that's my
recollection of the testimony from the Committee.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. That's helpful. So I
guess these individuals, it's not only the title of
the positions they hold, it also contemplates the
duties they are performing.

So again, when we refer back to the policy
relating to the stopping, detention and searching of
vehicles, this is in the context of arresting

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authority or the issuance of citations as opposed to performing administrative duties like stopping vehicles at a weigh station, or stopping trucks at a weigh station?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I would agree with that.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I notice in the fiscal note there was a reference that there could be a revenue loss to municipalities or to these agencies if they fail to comply with the reporting provisions, and there was a reference to a loss of state revenue.

And I was wondering, because I don't see in this bill in particular, any type of penalty for not complying. I'm wondering what the, maybe where that fiscal note determination came into play of how there's some sort of revenue loss potentially?

Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. In my review of the fiscal note it does say simply, various state agencies would have a potential cost and I think the reason for that is that we're incorporating additional agencies who would be subject to the requirements of profiling.

I don't think the testimony was that in any sense that the cost would be significant.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I did see those references. Maybe I could find the language in here. Okay, I'll have to come back to that. I guess I don't see it here right now.

My other question was also in, we're modifying the location that needs to be reported to require that it be a specific location, and I was wondering why we're making that change and what type of information, I guess, what is contemplated by that change?

It seemed to me that the underlying statute sufficiently provided that the location needed to be

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supplied and I'm wondering why we're modifying that to require a specific location? Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I believe the initial, the current law is, requires that location be provided. The Advisory Board did conclude is that they also wanted geographical area to be considered as a criteria to be recorded as part of the stop.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So I see. So geographical area we're contemplating here, we want to make sure that the officers report street location and town as opposed to maybe just a street location, which wouldn't necessarily provide the particular area?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Through you, I think that's the rationale behind it.

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DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you. That certainly makes sense. And then, under this provision where we're requiring a transition to electronic reporting, which certainly makes sense and can provide efficiencies for anybody, I notice that we're requiring that this electronic, this reporting be submitted electronically by January 1, 2015.

Do we have the current means to be able to submit this information, or was this date selected because we're still working on being able to have a sort of central data base where this can be submitted?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you. Mr. Speaker, I believe that if you can record electronically earlier, it is certainly encouraged. I think the reason for pushing the date out was just to make sure that everyone would have an opportunity to do what they need to do so.

DEPUTY SPEAKER GODFREY:

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Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I don't think the fiscal note spoke to this.

Do we know that towns and these agencies already have the capability to report electronically? Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I think most cities and towns have the capability and I think for those smaller towns who may have State Police as opposed to their own local police, State Police certainly would have the capability as well.

I'm not aware specifically of a town that can't do it, so I don't know that it would be a challenge for them to be able to do this by 2015.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And was there any type of testimony or concerns from municipalities that they would, you know, that this would be too costly of a

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mandate for them or that they would be unable to accomplish this?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Through you, there was none. In fact, there was no opposition testimony to the bill at all.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And then, getting back to the financial piece. I was looking through the OLR summary and there was a sentence here that stated that the bill subjects the departments to the potential loss of state funds for noncompliance as with the State Police and local police departments under current law.

When I read the body of this bill, I don't see that, any type of provision that would subject agencies or local police departments to a loss of state funds. Is that provision contained within the bill?

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Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I also, I don't see that in the bill, either. So, you know, I'm sure the OLR report would be accurate in its reference. I just don't see it in the bill.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And Mr. Speaker, I know under this current bill, and this might help answer the financial question, under the current bill, I think as I read this, we're eventually going to be requiring the monthly reporting of this data.

Does this particular data get reported along with the data that municipalities or police departments submit to OPM that provide for like the number of arrests and the number of thefts that might occur in a community? Does all this data get submitted together?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

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REP. FOX (146th):

Through you, Mr. Speaker, no, it does not.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I appreciate the answer. I ask that question because I recall a bill that we had here previously addressing the issue of a town being able to be penalized if they don't submit their monthly reports to the Office of Policy and Management, and we had codified that, and as part of the codification we had stated that OPM needs to submit a letter to the municipality to let them know they need to come into compliance before they might lose their state and any state grants.

And as part of those discussions, I think it was represented that the Office of Policy and Management has the authority to withhold state funds already if police departments don't submit the required data to them.

And so I'm wondering, because this is another bill that's requirement reporting to OPM under a very similar type of circumstance, with here we're dealing with racial profiling. In the other scenario we're

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dealing with the submittal of general criminal data, you know, arrests and things of that nature, that I guess under either of those scenarios it's probably logical to conclude that OPM would have the ability to withhold state funding if a municipality or state agency doesn't comply with these reporting requirements. Would that be a logical conclusion?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes, and actually it is in the bill. Well, it's under current law that OPM may withhold funding for those that fail to comply.

It also now includes those additional agencies that we discussed who are now incorporated under this requirement.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And does the gentleman know as part of that withholding of the money, are there any notice requirements that need to be

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submitted to these agencies prior to withholding?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I'm not aware of, I actually don't believe that they've determined the process yet. I don't believe the intention is to withhold funds. The intention is to encourage compliance, but, so they will adopt procedures that would be fair to the towns and cities.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I agree. I certainly would hope so, because there would be many unhappy municipalities and Legislators certainly if we start hearing that money might be withheld.

But under the provisions of this bill, do we know of any type of notice requirements that might be contained that an agency or municipality would have to be notified prior to going to that step of withholding funding?

Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, not off the top of my head, but I do know at least in other instances, OPM would encourage compliance rather than, or at least well in advance of withholding funds.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I appreciate that. I think that we probably would all come to that same conclusion, especially, I think in past practice the office certainly would want to cooperate, not only with the municipalities but with their own agencies that are going to be pulled under the purview of this particular bill.

Mr. Speaker, I did have a question, in Lines 19 through 20, we're also subjecting special policemen under the provisions of this act, and in particular, I was looking at policemen acting under the provisions of Sections 29 through 19 of the act and in looking at that Section 29 through 19, it appears that these are individuals that may work for private utility

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companies or private businesses that have this sort of special designation to sort of act as police officers.

Do we know of the existence of any of these type of police officers under this state?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I know that the law enforcement members of the Advisory Board particularly were involved in establishing who should be part of this additional, adding these additional members who have the ability to make traffic stops to the list here.

So I specifically don't know, but I do know that it was something that was vetted through the law enforcement members, particularly of the Advisory Board.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I'd hope so. But in looking at Lines 20, Sections 29 through, 29-19 of our statutes, these individual officers are specifically

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designated for the purposes of being on premises of such company and I guess patrolling the area where that company is occupied and operating its business.

It certainly does include the highways in which the company is located, so I'm just wondering how this type of individual would play into the underlying reporting of the bill, because if this is contemplating traffic stops for the purpose of arrest if we for instance have a security guard that's working at a company like an Electric Boat and the person's pulling up to the gate and this officer is there to stop every vehicle to get their identification to see if they're on the list to even be allowed to enter into the premises, and if not they are turned away rather than taken into custody, would that type of activity require that officer to fall under the provisions of this bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I don't believe simply checking someone at a gate would be what was intended here.

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I believe the reason that the Advisory Board, and particularly the law enforcement members of the Advisory Board added this to their list is because under statute, they have the ability to make stops, traffic stops, or some sort of motor vehicle stop, and because of that statutory authority, that they should also be included with respect to this bill.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And just, I guess specifically operating under this type of scenario, because I certainly think the good Representative is absolutely correct. Under that statute, that employee is given arrest authority, so I could contemplate a scenario where there may be a traffic stop at the entrance that could provoke an arrest.

And so, at the time that it may provoke an arrest because somebody refused to turn around because they weren't on the list and said no, I demand to go into the premises and becomes belligerent and the officer deems them to, you know, being a threat and they make that arrest, would that type of scenario then subject them to the reporting requirement under this bill?

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Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

I think if an arrest were made pursuant to a motor vehicle incident, or an incident that involved someone that included a traffic stop, then yes, that would be reported.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And then, just I think globally the mechanical operation of this, in that type of circumstance, I can't imagine there would be very many opportunities for there to be an arrest under these type of circumstances with a private company.

But by virtue of there potentially being that scenario, and they're potentially obligated to comply with the provisions of this bill, would they be required to make this monthly report to OPM just stating we've made zero stops and sort of just filling out with all blanks, or would they only merely be

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required to make these reports if some type of arrest activity occurred?

And I guess specifically in that circumstance, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I would think that the Representative is correct. In many instances the monthly report would include zero because it's simply something that would have happened very rarely, if at all, and perhaps the Advisory Board would want to address whether or not monthly statements were required in those types of instances, but I don't believe there's an exception for them on the reporting.

So I think they would report. However, the Advisory Board may consider that the reporting is unnecessary, you know, if they do one stop or two stops a year. That may be quite a bit for them, and maybe there's a way they can work that out going forward.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

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REP. CANDELORA (86th):

Thank you, Mr. Speaker. I appreciate that answer. I think this could be a little bit problematic for all the sort of, we've really pulled in the whole kitchen sink under this bill.

And I understand, certainly in the broad context of wanting municipalities and State Police to report racial profiling in their day-to-day operations.

I guess at some point we make a cost benefit analysis, does it really make sense to be looking for private businesses that have police officers sitting at a gate stopping each car that comes through, now falling under the obligations of making these monthly reports.

It may have been inadvertent, and it may not have been, but I think it's something that we certainly should revisit because it may not seem like a big deal, but when I look at the ability of the Office of Policy and Management to withhold funds, I guess another question.

These private companies that have these special police officers, how will they know that they fall under the provisions of this statute? Is this something that they're going to need to seek out, or

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does the bill contemplate somehow letting these companies know that they need to submit the information? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. I do know that a website has been created. I'm not saying that everyone would check that website. I would think also that because these entities would have police powers, there is a way to notify them of their obligations that they must maintain pursuant to their police powers, and this would be one of those obligations.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I guess that is one of my concerns with this underlying bill. It's certainly, I think, providing some clarity and probably appropriately, bringing in certain agencies that weren't originally contemplated but that maybe we should contemplate in the future.

I do get concerns of pulling in private businesses into these provisions, which we're

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effectively doing in Lines 20 through 21, because certainly police officers that are out there in the public performing a public service for everybody within the State of Connecticut, it behooves us to have a policy on racial profiling, not just in the suburbs but in the cities as well.

But what this bill is doing is, it's pulling in a requirement. We may perceive it as small but another requirement that a business is going to have to comply with that I'm not sure what utility we're really going to gain out of it because this is really only affecting individuals that are entering the premises of a private, a private property of a private company.

Maybe they're there to visit. I'm not sure. I've read in the newspaper in the near future or can recall in my life ever reading in the newspaper about individuals complaining about being racially profiled when they're trying to enter a company, or any arrests being made in that context.

And so, I think we should be doing a little bit of a cost benefit analysis here and maybe doing a little bit of a better check with our agencies when they're starting to submit legislation that we all agree with the principle of it. It has good, common,

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bipartisan support but the agency just goes a little bit too far. I think they get a little bit too crazy and we start forgetting about the burdens that we're putting on the private sector.

And so I could see a business looking at this and just throwing their hands up in aggravation and finding this a bit offensive because they've never had this problem to address. It's not something, I think they're already covered in statute under our discrimination laws, appropriately, that we're sort of now pulling a public function, a public reporting requirement into an obligation that a private business is now going to be required to subject themselves to.

And so, I'm probably going to support the underlying bill, but I think it's an important point to make that this is just a terrible direction for us to go in, I think as a state. I think we need to refrain from putting any of these type of regulations on the private sector if it's not there to support an important public obligation, and I just don't see the public policy in pulling these type of special police officers and private companies into these provisions.

And I guess my last thought on this, if I could, and my last question. Under this type of scenario,

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OPM has the ability to withhold state funds. I envision that these companies that employ these special police officers are probably our larger companies, that my guess is, that probably does business with our Department of Economic and Community Development.

And would OPM have the ability to withhold grant money that might be issued through DEDD or through CI under this provision? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I don't see a situation where OPM would withhold grant funding with respect to this.

I think the Representative raises some good points in his comments with respect to perhaps making a business do more than it would otherwise be necessary. However, they do also have police powers and they have employed individuals who have police powers and that is the reason why I believe the Advisory Board sought to include them in the definition of those who should report traffic stops.

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The Advisory Board will continue to evaluate this but it was something that they felt would make it clear, and I think essentially what they were trying to do was include all agencies who have that authority to make traffic stops.

Through you.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I appreciate that answer. So the intent to pull them in was because of the arresting authority.

So I guess for the purposes of the legislation intent under the provisions of this bill, OPM's ability to withhold money, we're dealing with arresting authority, the intent there is probably then specifically dealing with the grant money that pertains to our local police departments as opposed to grant money that might be for some other purpose?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

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Through you, Mr. Speaker, that's how I would envision this, yes.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I don't have any further questions. I think the dialogue was helpful in sort of clarifying the bill and I thank the Representative for all the answers.

DEPUTY SPEAKER GODFREY:

Thank you, sir. The gentleman from the 74th, Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good evening, sir.

DEPUTY SPEAKER GODFREY:

Good evening.

REP. NOUJAIM (74th):

Mr. Speaker, through you, I do have a few questions to Representative Fox, if I may?

DEPUTY SPEAKER GODFREY:

Proceed.

REP. NOUJAIM (74th):

To Representative Fox, a fact, sir. Several months ago I was stopped by a police officer. It does

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not matter the reason or where, but I was stopped by a police officer and simply he was very polite. He came to the passenger side of my vehicle and he simply provided me with his name. Did not show me a badge. Did not give me his identification number or anything else, just his name.

Under this legislation if it passes and is signed by the Governor, what would the difference be between what he has done then as to what he will be doing after this bill passes?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Through you, on the complaint ticket it would be contemplated to also have an area where it could be filled in by the individual who is pulled over where if they wanted to make some type of a complaint they could do so.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

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Thank you, Mr. Speaker. Perhaps I was not clear in my question. Allow me to repeat my question, through you, Mr. Speaker.

The officer did not give me a citation. He simply told me his name and we had a conversation for about 15 seconds and then he simply just walked away without any other notification.

So if this bill passes, what else would he have to do in order to fulfill the requirements of this legislation?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. A badge number and other form of identifying ID. If there was a verbal warning, also there's a notice that goes with that.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, and in this case, through you, Mr. Speaker, there was no verbal warning, just casual conversation. So if this bill passes, the

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officer would have to provide his badge number and any other identification? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Any, through you, Mr. Speaker, any stop would also, a notice would go with it. That's what the Advisory Board is contemplating.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, on that specific incident, and I am reading here this piece of legislation, the officer who stopped me did not offer any instructions on how to file a complaint.

If this bill passes, would every stop, even though if it does not involve a violation, a written warning, a verbal warning or a summons, would the officer have to provide instructions on how to file a complaint in this case? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

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Thank you, Mr. Speaker. The way it's being contemplated by the Advisory Board is that they would, even for any stop you would get a notice.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Mr. Speaker, please accept my apology, I did not hear the answer of Representative Fox.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. What the Advisory Board is contemplating is that they would provide a notice for all stops.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker, I appreciate the answer. And for clarification and legislative intent, through you, Mr. Speaker, I am looking at Lines 21 through 23. Am I to read here that the Commissioner of Motor Vehicle and each Deputy Commissioner is also

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authorized to make stops and issue summons and perhaps
make arrests?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes, that is correct.
I'm not sure of how many they've done, but that is
something that is within their powers.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you. I truly appreciate the clarification,
Mr. Speaker.

Mr. Speaker, on Lines 159 to 161, through you, I
read that a monthly report should be given to the
Office of Policy and Management. And through you, Mr.
Speaker, I would like to know the cost associated with
such a report and who would be paying for those,
paying to initiate the report? Through you, Mr.
Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

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Through you, Mr. Speaker, these are electronic reports and the costs should be minimal.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, I realize that through the piece of legislation electronic reports will begin on 2015, if I'm correct. So this will be, I presume a paper report or written reports between now and then. Through you, Mr. Speaker, am I correct?

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, actually I would anticipate that a number of them would be filing electronic reports very soon and those, if they have to complete a paper report they can do so, but I would anticipate that most of the reports will be electronic.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

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Thank you, Mr. Speaker. And through you, Mr. Speaker, does this mean, to Representative Fox, that we do have right now the means to file electronic reports, because whenever there is an initiative to be made, then a computer program has to be developed, training has to be taking place and people would know what to do with those reports.

Am I accurate? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker, the effective date for the monthly reports would begin in October of this year and it's anticipated that electronic reports could be done, they'll be ready to do so at that time.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, does this mean that we are developing the capabilities to do electronic report or we do already have the resources and we do have the computer programs and the capabilities to do those reports? Through you, Mr. Speaker.

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DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. The Advisory Board did receive some grant funding that is helping them to put together a report form that will be used uniformly.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And through you, Mr. Speaker, the bill as I read it is really silent on what to do with those reports after they are received by OPM.

Through you, Mr. Speaker, what is the process after they are received by OPM? Do they do anything with them or do they just simply file them for future reference?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. The reports, first we need to gather the information. That's what the purpose of the monthly reporting is.

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We will then analyze that information. A report will be submitted to the General Assembly and we will get an idea as to how our traffic stops are being conducted.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. So, through you, Mr. Speaker, so am I to understand that this report is the responsibility of OPM to disseminate that information to the General Assembly? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Yes, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. I truly appreciate the answers that Representative Fox is providing me.

And I do have one final question to ask, if I may, through you, Mr. Speaker. Obviously, I'm sure you're looking at me, from my accent, from my language, I am an immigrant, you can see that.

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So through you, Mr. Speaker, to Representative Fox, would this bill make it more difficult for a police officer to profile someone like me who is an immigrant in this country? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I don't know if I would say more or less difficult, but it would be the objective, as stated by some of the other speakers earlier, is to eliminate racial profiling and the problem of racial profiling that we have seen in our community does in fact occur and as we all are aware, there was a federal investigation not very long ago into a Connecticut police department.

So what I would think is, it would certainly bring about an awareness amongst the police and I think that awareness is also there now in many aspects, but it would allow us to gather information and hopefully find that stops are, and especially those stops that may be a subject of racial profiling are diminishing as time goes on.

DEPUTY SPEAKER GODFREY:

Representative Noujaim.

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REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And I think the word that I should have used is more restrictive, and I appreciate that very much. I think our jobs here at the General Assembly as lawmakers is to make laws that will support and help the public and the safety and the protection of the innocent.

So I am honored to support this piece of legislation and I would like to extend the gratitude to Representative Fox and to Representative Rebimbas and everyone who has worked on this piece of legislation. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir. The gentleman from the 66th, Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker, and good evening. I have some questions for the proponent of the bill, if I might, through you, please.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. MINER (66th):

Trying to get a sense of what the whole population is that we're dealing with here in terms of

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who would be the subject of the report and who wouldn't, and I tried to listen very closely to the conversation, questions asked by Representative Candelora and answered.

So these would be moving violations only?
Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Mr. Speaker, it would be any traffic stop.
Through you.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

And through you, Mr. Speaker, so not being a police officer and not being an attorney is a traffic stop, would that include an accident investigation?
Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, it would, I would think a traffic stop would be more along the lines of a moving violation.

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DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

All right. And if the gentleman knows, from time to time there are DUI checkpoints. Would those qualify as a traffic stop? Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, yes, they would. However, if it was a DUI checkpoint and everybody is being checked, then I don't know that that would fall under racial profiling.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Okay, thank you, Mr. Speaker. And so I would concur that I'm not sure that's racial profiling. I'm not aware that this is an attempt to predetermine whether it's going on. I think it's an attempt to quantify mathematically, through a series of tests, whether or not an individual may be more prone to stopping one subject to race and so in the case of the DUI inspection, if it was every third person that

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actually was tested or questioned, would someone then fill the form out for every third person? Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I mean, it would be a traffic stop. There are, it is something along the lines, as I understand it, of blind enforcement and I don't know if the form, the forms are not all finalized yet, but that might be a criteria that would be important for the form, so that way it was reflected that the stop was not, it was a stop that was done more on a calculated, on a basis predetermined and irrespective of the person's actual operation of a motor vehicle.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And with regard to the questions about weigh stations, when I've seen them in operation, it appears that everyone's required to pull over into the weigh station, and is not that a similar situation, through you, Mr. Speaker, under which

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someone could actually do a similar calculation to make a determination whether there was an attempt to more stringently scrutinize someone of color, let's say, rather than someone who wasn't? Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I'm not completely familiar with weigh stations, but I don't necessarily envision them as being the type of stop that would be the one that this bill would be, or the traffic stops or the work of the Advisory Board is aimed at.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. So as far as I understand it from that answer, the gentleman doesn't believe those would be included in terms of the statistical data that someone presumably at OPM would be looking at.

If the gentleman knows, are traffic stops on private property, would they be subject to this statute?

Through you.

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DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

If they are a traffic stop by an entity that has the authority to perform traffic stops, then I think they could be, yes, or would be.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. If the gentleman would, I guess state whether he believes they would be, or could be. Through you, please.

DEPUTY SPEAKER GODFREY:

That's an opinion, Representative Miner, and not allowed under Mason's. Perhaps you would like him to repeat his answer so you could clarify whether it was a C or a W? Would that work?

REP. MINER (66th):

Well, I can't really hear you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox, could you please repeat your answer?

REP. FOX (146th):

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Thank you. Thank you, Mr. Speaker. If the stop is performed by one who has the ability, the lawful authority to make a traffic stop, then yes, it would be included.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

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

I'm not familiar, there's a series of seems to be definitions that attempt to kind of qualify who is or isn't required under this statute to be a part of this process under special policemen, State Policemen and so on, and if the gentleman knows, would DEEP enforcement personnel, that would be either their EnConn officers or I guess they would be individuals that do law enforcement for wildlife, would they be considered in this as well?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I know it includes things such as State Capitol Police, college and

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University police departments, the Department of Motor Vehicle inspectors. I'm not sure if DEEP officers have the ability to make traffic stops. I just don't know off the top of my head.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. I believe they do and presumably if they're not in this, I guess we could add them, so I'll leave that alone for now. But I do think that on more than one occasion I think they, I believe they have been engaged in that process.

And if the gentleman knows, higher education units, UConn, private college institutions, would they also be included in this? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, that one I can answer, yes. They do have the authority to make traffic stops and they are included.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

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Thank you, Mr. Speaker. And I know our own Connecticut State Police have the ability to drive their vehicles home when off duty and from time to time I believe may be responsible for traffic stops off duty.

In those circumstances, would they also be required to fulfill their obligation under this statute?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, if they are making a traffic stop under their authority to do so, then yes.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And so I'm trying to, I guess, figure out how this process of determining whether or not we're actually making a difference in racial profiling will work.

I remember a time when I was First Selectman, I had a constituent who called me on two occasions, having been stopped by a trooper from Troop L on the

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way home from work in the evening and she was a woman of color and I think she believed she was stopped based on racial profiling.

If the gentleman knows, when OPM gets this information, is it going to be the subject then, of some calculation so, by badge number or police department, someone will know what the frequency is with which stops seem to be or are not made based on race?

Through you.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker, I believe the model would contemplate, certainly contemplate that the stop, making a determination as to whether or not the stop was based on race so that is something that would be considered.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker, and that's what I'm trying to understand in terms of all this data that will be collected.

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So in Troop L, for instance, if Troop L is required to develop this information and forward it to OPM, so everyone who has the authority under this statute to do traffic stops, what is the mechanism that will be used to determine whether or not someone with a badge of some number is in a higher percentile of stops with a certain race rather than someone else? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Fox.

REP. FOX (146th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, the way it's contemplated is that there will be certain benchmarks established, that if there are, if there's a diversion from what the benchmark is in a specific location or area, then that will be something that will be recognized and noticed as far as the information that is being gathered.

DEPUTY SPEAKER GODFREY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And so, once that, Mr. Speaker, was that a signal, or, it was. Would you like me to yield? Thank you.

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DEPUTY SPEAKER GODFREY:

Thank you, Representative Miner. The distinguished Majority Leader, Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Good evening, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good evening, sir.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move we pass this bill temporarily.

DEPUTY SPEAKER GODFREY:

The question is on passing this bill temporarily. Is there objection? Hearing none, this item is passed temporarily. The House will stand at ease.

(CHAMBER AT EASE.)

SPEAKER SHARKEY:

The House will come back to order.

Representative Nafis. I'm sorry, Representative Morin. Okay, I'm sorry. Representative Nafis. I'm calling, yes, for what purpose do you rise, madam?

All right, Mr. Clerk.

THE CLERK:

Yes, Mr. Speaker.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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**VOL.56
PART 18
5882 – 6232**

Please proceed, Sir. If you could lower the volume for a minute. Representative Noujaim has an announcement. Please proceed, Sir.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And Mr. Speaker, I rise for the purpose of an announcement. Today is a very special day for one of our colleagues in the City of Waterbury. On behalf of the entire delegation of the City of Waterbury would like to offer our colleague, Representative Larry Butler, from the 73rd -- 72nd District our best wishes for his birthday. Today is his birthday. Let's wish Representative Butler a happy birthday.

SPEAKER SHARKEY:

Thank you, Representative. And happy birthday, Mr. Chairman. We're glad that you can spend your birthday with all of us, your extended family.

Are there any other announcements or introductions? If not, let's return to the Calendar. Mr. Clerk, would you please call Calendar 616.

THE CLERK:

On page 35, Calendar 616, favorable report of the joint standing Committee on Judiciary, substitute Senate Bill 1143, AN ACT CONCERNING TRAFFIC STOP

INFORMATION.

SPEAKER SHARKEY:

Representative Jerry Fox, the distinguished Chairman of the Judiciary Committee, you have the floor, Sir.

REP. FOX (146th):

Thank you, Mr. Speaker. I move for the acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER SHARKEY:

The question is on acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate. Will you remark, Sir?

REP. FOX (146th):

Thank you, Mr. Speaker. As the members will recall this bill was passed temporarily yesterday evening. It's a bill that was a product of a significant amount of work by the Racial Profiling Advisory Board. It's one that passed out of Judiciary Committee unanimously as well as it came out of the Senate unanimously. It will continue to improve and takes steps towards improving our efforts to eliminate racial profiling in our State and I would urge passage

of the bill.

SPEAKER SHARKEY:

Thank you, Sir. Would you care to remark further on the bill that's before us? Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and good afternoon.

SPEAKER SHARKEY:

Good afternoon, Madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. As the Representative just represented we certainly did have a lengthy discussion and dialogue regarding the bill that's before us and I do stand in support of the bill. I'd also like to just highlight for purposes -- I know that during that discussion some people had some concerns regarding the financial impact that this potentially could have in implementing the technology that would be necessary. But since then we certainly have received information and if I could just clarify through you, Mr. Speaker, to the proponent of the bill.

SPEAKER SHARKEY:

Please proceed, Madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, just to clarify and confirm it is expected that there will be some federal funding that will be the funds utilized to provide the necessary technology for the respective departments that would be responsible with the data gathering. Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Fox.

REP. FOX (146th):

Through you, Mr. Speaker. I am aware that the advisory board has actively pursued federal grants and that is their expectation that they can utilize those grants to offset the cost to our local towns and cities.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And I appreciate the clarification and I do rise in support of the bill that's before us.

SPEAKER SHARKEY:

Thank you, Madam. Would you care to remark

further on the bill that's before us? Representative Miner of the 66th.

REP. MINER (66th):

Thank you, Mr. Speaker. I think folks may remember that late last evening I had a number of questions on this bill and prior to the Appropriations Committee I had an opportunity to communicate with some individuals I think that are more familiar with the bill than probably more of us -- most of us. And -- and I was satisfied with the answers.

So I rise in support of the bill. I am a little concerned about some of the costs to municipalities but I think in -- in an effort to try to get to the bottom of some of this I think it's just what we're going to have to go through. So thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, Sir. Would you care to remark further on the bill that's before us? Representative Verrengia of the 20th District.

REP. VERRENGIA:

Good afternoon, Mr. Speaker. I would just like to echo the comments of the proponent of the bill. And also acknowledge the hard work of the members of

the taskforce. There was a lot of work put into this bill and I believe at the end of the day it's a good bill. I must admit I was privy of some earlier versions of the bill in which I was very critical of. I thought that in some ways we were actually bringing race into a stop in a situation where that certainly wasn't the case. So I -- I urge the passage of this bill. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, Sir. Would you care to remark further on the bill that's before us? Do you care to remark further? If not, staff and guests to the well of the House. Members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

SPEAKER SHARKEY:

If all the members voted, if all the members would the members please check the board to make sure your vote is properly cast. If all the members have voted the machine will be locked and the Clerk will take a tally. The Clerk please announce the tally.

THE CLERK:

Substitute Senate Bill 1143 in concurrence.

Total Number Voting 130

Necessary for Adoption 66

Those voting aye 130

Those voting nay 0

Absent and not voting 20

SPEAKER SHARKEY:

The bill passes in concurrence with the Senate.

Representative -- do we have any announcements or introductions? Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I would wish for the record to reflect my vote on the last bill as being in the affirmative. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, Madam. The transcript will so reflect your vote in the affirmative -- in the affirmative.

Are there any other announcements or introductions?

If not, will the Clerk please call Calendar number 93.

THE CLERK:

On page 39, Calendar 93, favorable report of the joint standing Committee on Approps, House Bill 6561,

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COMMITTEE
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questions? Thank you.

SENATOR BARTOLOMEO: Thank you, sir.

REP. FOX: Next is Senator Joe Markley. I was told that he's been called into a meeting. So we'll continue on the public officials list. Attorney Kevin Kane. Well, we're working on the lights, as you can see.

CHIEF STATE'S ATTORNEY KEVIN KANE: I've been in the dark before. Thank you Representative Fox, Senator Coleman, and Members of the Committee. First, I'm here on behalf of the Criminal Justice Division. I'm Kevin Kane, the Chief State's Attorney. I'm here on behalf of the Criminal Justice Division. And I'm here to testify concerning some bills on the -- on the agenda today.

HB 6659

HB 6665

The first, and I'll just go through them quickly, and then come back, and I just want to identify them first.

I'm here to support Senate Bill 1122 CONCERNING EXTRADITION OF FUGITIVES, that's a bill that we have suggested.

I'm here to support 1143, AN ACT CONCERNING TRAFFIC STOP INFORMATION. That's the bill that was the product of an intense amount of work between the committee that was appointed to work on this, and it was a very good committee and a balanced committee. They came up with a balanced proposal that we are in support of.

I'm here in support of Raised Bill 6510 CONCERNING THE DUTIES OF THE DEPARTMENT OF CORRECTIONS OFFICIALS AS PEACE OFFICERS who are engaged in -- while they're engaged in the performance of their duties.

whatever. We take into consideration the burden on the taxpayer in deciding that. And this would be a burden that belongs on the bail bondsman, not the taxpayer of the State of Connecticut.

I think that's it. Any questions?

REP. FOX: Thank you, Attorney Kane. Are there any questions for Mr. Kane? Just so I'm correct, and I know you submitted testimony, but on the traffic stop, you're supportive of 1143, and you've got some questions on House Bill 6665.

CHIEF STATE'S ATTORNEY KEVIN KANE: Yes. Yes, I have concerns about 6665. But we are supportive of 1143. Yes.

REP. FOX: Okay. Okay, well, thank you.

CHIEF STATE'S ATTORNEY KEVIN KANE: That's the product of the committee. One thing, and I didn't mean to say that's all, I forgot something. I read it quickly in one of the bills. We have, and the committee should be aware of this. In the Sentencing Commission has proposed a -- a bill dealing with the sentencing of juveniles, and making them eligible for parole.

(HB 6581)
(SB 123) (HB 6657)

In that bill there is language that part of that bill, and part of the compromise, part of that recommendation is the Sentencing Committee has recommended that the standards of the parole board must be used to determine who is suitable to release must be changed. And must take into consideration the purpose -- all of the purposes of sentencing contained in 54-300(c), which sets out the purposes of sentencing.

The provisions in the bill and the statute now for parole of adults do not contain that change,

REP. BUCK TAYLOR: Thank you Mrs. Chair - - excuse me, I have a cold. I want to thank you for your courage to be here today to let us know about this trauma that happened to your family. I also want you to thank on my behalf your daughters, because it takes a lot of courage to talk to people about what occurred, go through the trials and part of what they were doing, if I understand correctly is to make sure he doesn't do it to someone else.

So this type of - - the risk reduction credit program, kind of is a slap in the face to them, because they're letting this person out. So I want you to know that this bill has my full support and please give my personal gratitude to your children.

BARBARA HANSON: Thank you very much.

SENATOR ERIC COLEMAN: Are there other questions. Thank you. I also wanted to add my sentiments to, I think it takes a lot of courage for you to come and share your story with us and I appreciate that you took the time to do so.

BARBARA HANSON: My daughters would be here too, except it's midterm week. Thank you.

SENATOR ERIC COLEMAN: Okay. Sandra Staub?

SANDRA STAUB: Good afternoon Senator Coleman, members of the committee. I'm Sandra Staub and I'm a legal director at the American Civil Liberties Union at Connecticut. And I'm here to testify in support of House Bill 1143, an act concerning traffic stop information and 6659, an act concerning civil immigration detainers.

Both bills will help Connecticut prevent racial profiling. In James Baldwin's letter to my

nephew on the 100th anniversary of the emancipation in *The Fire Next Time*, he wrote if the word integration means anything this is what it means, that we with love shall force our brothers to see themselves as they are, to seize fleeing from reality and begin to change it.

As you know the ACLU of Connecticut has long advocated (inaudible) enforcement of the Pen Act and last year you passed amendments and the racial profiling advisory project has been working since that time, very hard to find the best way to collect and analyze the data on traffic stops. When we finally have meaningful data about the problem of racial profiling, we can start to see ourselves as we really are. Seize fleeing from the reality and begin to change it.

The ACLU of Connecticut participates fully in the project on racial profiling prohibition and supports the legislative changes that are proposed in this Bill 1143. Specific - - specifically I note the amendment that - - the part of the amendment that will require all police officers in the state to that make traffic stops to collect that.

All the other states that we've studied, if you don't have complete data collection you don't have integrity in your results. And so that's an important addition. We also, specifically note that the addition of certain post op data elements is an important piece of this bill. The use of race or ethnicity as a factor in the exercise of discretion is not limited to the initial stop, but also has been shown to be a factor over and over again in the exercise of discretion to search, to site or to arrest.

We will remain watchful of the timeliness of this project, but we know and we agree with the

goal to come up with the best practices for data collection. And this bill will help achieve that goal and we hope that you will act favorably on the bill, so as not to cause any further delay.

With respect to secure communities bill, the trust act, an act concerning civil immigration detainers, if I have more time. We support this bill because with it Connecticut will demonstrate respect for civil rights, increased public safety and restore local government control. S-Comm as we referred to secure communities undermined public safety by eroding trust between police and immigrant communities.

HB 6659

Everyone in the community is less safe when people are afraid to report crimes or suspicious activity. Law enforcement officials - - if I may conclude, thank you. S-Comm detainers are issued without any evidence demonstrating that the fourth amendment and due process requirements of the US Constitution have been met.

Law enforcement agencies in Connecticut, under S-Comm are being asked to deprive people of their liberty without any indication from ICE that the detainer satisfied these important constitutional requirements. These detainers also promote racial profiling. Under a study that I cite in my testimony, done in 2011, it was found that Latinos comprise 93 percent of the individuals caught up in the S-Comm program.

Connecticut residents deserve to live in safe communities supported by fair transparent and responsible policing. And we need to avoid the culture of fear created by S-Comm and to build trust. So I urge you to vote positively on that. Thank you.

SENATOR ERIC COLEMAN: Thank you. Are there questions? Rep. Rebimbas?

REP. REBIMBAS: Thank you Mr. Chair and thank you for your testimony. Specifically regarding 1143, your organization, how do you foresee that you guys will be analyzing the information? Is there any type of evaluation you'll be doing? And then seeing that you've looked at studies in other states is this something that they put in place and it still continues or is there a point in time that in those states it was no longer necessary and this was no longer information that was gathered?

SANDRA STAUB: I do believe on the schedule today there are quite a few people from centrals institute on public policy who can talk to that, but I believe people work very diligently under Andrew Clark and OPM at the Chairman Dyson and Chairman Di Carlo investigating all what the other states are doing in terms of studying traffic stops and collecting the data. And they are working very hard to implement a system where the information will be readily and easily available to be analyzed.

And what we anticipate at the ACLU of Connecticut in participating in this is the ability of Connecticut itself to be able to study the patterns, for chiefs of police to be able to study the patterns of traffic stops in their own department, and for OPM to be able to study the patterns across the state and for people like me or anybody else in the public to be able to look at the results of this data collection.

And as for what other states are doing, it seems to me there's - - there have been - - use Rhode Island as an example, they did a traffic study in 2004 or 2003, collected the data, analyzed it

and then they made changes in their law based on what they found. But they haven't stopped collecting the data as far as I know. They have altered their practices both within the police, you know, and outside of the police, to make things better, to stop it.

REP. REBIMBAS: And through your organization, cause when I look at this and it's going to be a police officer who's going to be making a decision regarding - - based on police officer, his or her observation, my race ethnicity. Do you see any issues or problems regarding that? I mean, I guess, having the data is certainly a very important factor for the allegations that are occurring that are before us.

With, certainly that again, racial profiling, my question is, what if the information gathered is incorrect? And then how does that play in the analysis of the information that's gathered? Because I could tell you right now that based on race and ethnicity, even just looking around this room, it would be hard, very difficult to determine someone's race and ethnicity when they look white.

And so an officer who may record someone as being white versus Latino versus Portuguese versus Italian versus something else, how does that impact the analysis and the information gathering?

SANDRA STAUB: Well I'll answer your question or try to answer your question in two parts. The law in the Penn Act, the requirement that an officer collect data, which with respect to the officer's perception of race, ethnicity and variety of other factors that particular aspect in the Penn Act has been there since 1999. It effected since 2000, I believe.

And it's important to note that the law has remained consistent in that regard. It doesn't require the officer to determine the ethnicity of the driver. It doesn't request the officer to do some kind of due diligence on the ethnicity or race of the driver. It requires the officer to report the perception of the race or ethnicity.

So if I were stopped by the police and I will make sure to say this is hypothetical, of course, if I were stopped by the police, I'm not sure whether in the data collection form that's being used now or that is anticipated to be used in future, you know, what the officer would put down, but I assume the officer would probably put down white.

And so, you know, in good faith, collecting that perception. That doesn't mean that I am white. That doesn't mean that he's established that I'm white, that just means that the officer is obligated to put down the perception. And with respect to potential for misreporting and that's come up in previous hearings on this - - this act before.

The idea is, if there is misreporting, which I'm not saying there is or there isn't, if you have complete data collection and someone reports me as being a black driver or a Latina driver. And, you know, we can look at all the data and identify what - - where the records are for that stop of me, you can determine whether it was accurately reported or not, because you could compare those two things.

But all I'm saying in answer to your first part of your question is that it's the perception, it's not the actual race that's required. And then - - and then you look at the whole to find out if you see patterns, that's the idea.

REP. REBIMBAS: And I appreciate your testimony and granted these are things that have been already, previously recorded in other ways. But I guess one of my concerns is that what this information, the analysis of this information now is going to be used and maybe it's impossible to have the exact information. And I'm not convinced that there is a way of going back and confirming that because short of contacting that person that had been stopped and questioning them specifically on whether or not the officer was correct or not. I don't think there's any way of guaranteeing it.

And again hopefully the benefits will outweigh any of the misinformation that's provided. But I think we need to, you know, be sensitive to the fact that that is going to happen as well.

SANDRA STAUB: And I think, also an answer to that last comment, you know, what's going to be used with the information. I'd like to go back to the example of East Haven Police Department, in terms of patterns. If all the data had been collected in the East Haven Police Department with respect to stop and this data were analyzed, one would have found out that there was an overwhelming number of people pulled over in East Haven for taillights out.

And almost all, but of those people were Latinos. So, you know, that's a pattern that you can get if you have the data. And so the question for the justice department posed to the ACLU when they were doing the investigation is anyone in this state complying with the data collections? And that's how we got involved.

And that's the reason for collecting the data, so that you can determine what those patterns are and then do something about it, even from

within your own department.

REP. REBIMBAS: Sure and I appreciate your testimony and I won't comment as to whether or not if there was data collection at that time that those people who - - if they were in fact doing something inappropriate as I haven't been following it that closely, that they're not going to continue to do it in some other way. But I definitely appreciate your - - your points to that regard. So thank you.

SENATOR COLEMAN: Others with questions? If not, thank you for your testimony.

SANDRA STAUB: Thank you very much.

SENATOR COLEMAN: Mary Yanik?

MARY YANIK: Good morning. Thank you to Senator Coleman, Rep. Fox and the entire committee for the opportunity to speak to you today. My name is Mary Yanik. I am a law student interim with a Worker and Immigrant Rights Advocacy Clinic at Yale Law School. Also with me today is Annie Ly, she's one of my supervising attorney's at the Law School Clinic.

HB6659

Our clinic provides representation on a range of legal needs to individuals and organizations otherwise would be unable to afford a lawyer. For several years we have been representing clients who have been harmed by the entanglement of federal, civil immigration enforcement and a local criminal law enforcement.

We have met and representing Connecticut residents who have be detained, transferred to the custody of US Immigration and Customs Enforcement or ICE, and placed in deportation proceedings after being arrested for minor offenses. A mother of three who was arrested

SENATOR KISSEL: Absolutely, you're definitely doing a lot of great work at the Journal Inquire. Give my best to Chris Pow. And as you probably heard earlier this afternoon I don't like that section either, I don't see any good purpose for it and I'll do whatever I can to see it stripped from the bill.

ALEXANDER WOOD: Thank you Sir.

SENATOR COLEMAN: Are there other members with questions or comments?

SENATOR KISSEL: Thank you Mr. Wood.

SENATOR COLEMAN: Bill Dyson?

BILL DYSON: Thank you Mr. Chair. I'm bringing a group of people with me, all part of the same undertaking (inaudible). You guys want to sit to my right here?

SENATOR COLEMAN: Some things never change; wherever you go there is a group to follow.

BILL DYSON: Thank you very much Sir. I appreciate that.

SENATOR COLEMAN: You're welcome.

Bill Dyson: Pleasure being here and thanks for the opportunity to come before the committee here. What I will do, I recognize that you have an issue with time here and other people to speak, what I will do is that remind the committee that much of what I was going to say has been said previously. Andrew read it when we had the previous session, so I will not go into that.

I just wanted to let you know that we are here in support of Bill - - Senate Bill 1143 and we've been working long and hard on this. And

we're trying to build trust among all the players involved and they're a bunch of players involved here. And we're still trying to figure out just how we're going to approach it and the resources necessary for doing it.

And so without further ado I will allow Ken to give you the bits and pieces on what it is that we're asking for in 1143. And Andrew and Jim, who are running the project and Jim and Ken and Andrew, so without further ado, go ahead Ken.

KEN BARON: Thank you Bill, Ken Baron, part of the project staff for the racial profiling prohibition advisory board. The advisory board has been meeting for the last 11 months to develop the system to implement Public Act 1274. In many of those meetings we've determined that there were some technical aspects of the law that could use some enhancement and that is what is reflected in Senate Bill 1144.

(SB1143)

You'll just notice that the law expands who is required to report traffic stops beyond just municipal police and state police, anybody who can conduct a traffic stop. It also clarifies where a stop occurs. Previously police officers were collecting information on location of stop, but it meant the town in which the stop was made as opposed to the actual street location. And in order for us to do a proper benchmark we'd need to know more specifics.

We're asking to broaden the language about badge and name of an officer to a unique identifying number. For some departments that might mean a badge number, for other departments they their own system of identifying officers. And we just ask that that be used.

One of the more substantial portions of the bill is asking for additional information on stops,

particularly focused on post stop data collection. For instance, additional information related to searches, the result of the search and the statutory citation as a result of the search. That information will be very useful in an analysis of what happens as a result of the stop.

You'll also notice there's an exemption for reporting data, which I believe Chief Fuchs will be able to address. I believe he's testifying next. The exemption is important because there are some instances, not many, but there are some, where a police officer will - - will pull somebody over and they will get almost immediately called away to another incident.

And so in those cases the police agencies that are a part of our process ask that - - ask that in those cases they not need to sit on the side of the road to record that information. So there is some limited exemption data in there for situations that might involve that. Also requiring monthly reporting as opposed to yearly recording data on the actual individual stop as opposed to summary data. And we're encouraging electronic reporting.

And we also are requesting the changing of the deadline for the first report from January 1st to July 1st to allow for a substantial amount of information to be gathered to do a proper analysis as opposed to a three to four month window; we'd have an eight to twelve month window of data to analyze.

So, with that, I think the only other issue that we just want to mention briefly is that an issue was brought before the committee that has been discussed at length about profiling based on religion. The committee has grappled with that for several months and the - - the consensus has

been that we would take Massachusetts and Rhode Island's lead on this, and they have - - they have made the step of adding another category under race and ethnicity to include Middle Eastern or East Indian.

And so we are recommending, as an administrative change that OPM will put in place to - - for perception of the officer, not only to include the other categories of races that were previously under the old law, but also to add Middle Eastern, East Indian to that race/ethnicity designation. Also we're encouraging the use of the electronic citation system, which really allows a more rapid collection and transmittal of data.

And also we've been working hard to determine how to work with the judicial branch, DMV and police agencies to develop a uniform charging process, which would help us facilitate the notice requirement of Public Act 1274 that requires each motorist who gets pulled over to receive a notice of their rights and where to file a complaint if they feel that they have been profiled during that stop.

BILL DYSON: Thank you very much. Are there any questions? Andrew you want to comment here? And Jim you don't have a need to and so what I want to point out is that on the - - the hardware side of our undertaking is Shawn Beck and I think you probably know Shawn here. So Shawn is deeply involved and we're working together. And needless to say that we are working with every major player that we can find to try to come up with remedy to deal with this issue.

So we're well at work. And as I said previously well at work on building trust that then we can share and be able to take the list that we need

to take care in doing so. Then - - any other comments here? We're open for questions.

SENATOR COLEMAN: Are there any questions from members of the committee? Senator Kissel?

SENATOR KISSEL: Thank you Mr. Chairman. Great to see you all. I think I overheard - - I want to thank Rep. Dyson that he had to cancel some kind of reservation, hopefully it wasn't like a trip to a beautiful place or vacation or something like that?

BILL DYSON: Well, I'll work it out.

SENATOR KISSEL: Okay. I guess my own - - just what is East Indian contemplate? I just have no idea what that might mean.

BILL DYSON: Well, part of what we had that - - and you guys can respond is that the situation in Milwaukee, I think, it (inaudible) and that became an issue for some people who approached us. How do we deal with that? You know, so - - and we wrestle with it and as Ken pointed out and I like to point out to, at this point, Ken is a product of central Connecticut University.

He's one of Connecticut's own young people that - - that we're trying to bring along and he's an exception. He's very good. I just want to point that out, Ken Baron. He's - - not to put Jim down here, but Ken - - Ken works hard here. And so it came out of that. And so we're still wrestling with it.

SENATOR KISSEL: I would just caution it, if you say he's from Central and he's an exception. I think it should be more like Lake Woebegone where everyone is above average. Thank you.

BILL DYSON: Thank you.

SENATOR COLEMAN: Are there others with questions or comments? Let me just say that I appreciate the time and effort that the committee has taken on this issue and the project. And also I appreciate the approaches that you've taken.

There was one question I did - - I missed the other - - you mentioned, Ken, Massachusetts and some other state, Rhode Island. Okay, thank you. But yes much appreciate the work that Andrew and the rest of the group has done on this issue.

ANDREW CLARK: I would just like to mention, if I may, that we really appreciate your willingness to work with us, cause you know this has been a process and I know people have questions; why are they coming back again to make more changes? But your willingness to work with them on this is very appreciated on our end as well.

BILL DYSON: And part of the team we've had as ACLU's a part of that. And you're going to hear from Chief Fuchs in a minute, he's a part of that. State police is part of that. Judicial, just the whole gamut of people who are a part of the group that we're working with to try to get this done.

SENATOR COLEMAN: I appreciate that. Thank you. So thank you for your presentation.

BILL DYSON: Thank you.

SENATOR COLEMAN: Doug Fuchs?

MATTHEW REID: Good afternoon distinguished members of the committee, Senator Coleman, Rep. Fox. I'm Matthew Reid, chief of police for the South Windsor Police Department and legislative co-chair for the Connecticut Police Chief's

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Association. We are here today to speak on, specifically two bills, 1143, which we support and Bill 6665, which we oppose it.

And we oppose some very specific language in that bill. Connecticut chiefs of police appreciate the concerns that have been voiced regarding the inquiry into the immigration status of certain persons. And we accept the proposal that police not question a person regarding their immigration status. However, specifically in Bill 6665 there is an outright prohibition stated against simply asking a passenger for identification.

And we feel that that standard is a crushing blow to the investigative ability of our Connecticut law enforcement officers. We're not suggesting that law enforcement be able to compel the production of any identification, we know that that is forbidden, absent and valid reason. However this proposal in 6665 outright prohibits even asking for the identification of passengers in a motor vehicle that's been stopped.

Chief Doug Fuchs from the Redding Police Department is the Connecticut Police Chief Association's representative on the racial profiling prohibition advisory council. As you know CPCA supports the work of the council and Chief Fuchs has been our representative. I now turn my mic over to Chief Fuchs.

DOUG FUCHS: Good afternoon Senator Coleman, Rep. Fox and members - - members of the committee. I'm here to discuss Bill 1143 and 6665. Concerning 6665 I would urge you all to please oppose the bill as is currently written. This bill as proposed limits what documentation an officer can ask for when interviewing the driver and outright prohibits an officer from acquiring

And we made a conscious decision to try and utilize whenever possible the electronic transmission of this data in an effort to reduce paperwork, increase data purity and accuracy and efficiency. There are posed legislation raised in this bill seems to be a duplication of efforts in which the racial profiling advisory board has already been engaged.

These issues have been thoroughly discussed, thoroughly vetted and voted upon and to raise them elsewhere seems inappropriate at best. Providing Bill 1143, in short, I support the bill as written. The work which the racial profiling board has done and will continue to do has been stellar. We have remained on task. We have had open and frank discussions. We have been inclusive and we have made decisions which we believe are in the best interest of all involved.

While we agree that there is still work to be done to fine-tune some of the process and data analysis, the proposed legislative changes, which we are asking for your support are one which I believe we could and should all approve. I thank you for your time.

SENATOR COLEMAN: Thank you both. Are there questions for the chief's? Rep. Shaban?

REP. SHABAN: Thank you Mr. Chairman. I just wanted to thank the chief for coming up as he is my chief. I'm always careful to acknowledge and give my police chief praise when he's here, sitting next to him. But I also want to recognize him for the fine work he's done in our community, some of the recent events that happened down our way. And thanks for coming to weigh in.

DOUG FUCHS: Thank you.

SENATOR COLEMAN: Are there others, Chairman Fox?

REP. G. FOX: Thank you Mr. Chairman. I want to thank the chiefs for their continued involvement in this issue. I think it's very helpful when you're working together with all of the parties that one Rep. Dyson mentioned, because it really - - it is coming together.

It is something that, with everybody working towards these - - towards a goal that we're going to make some progress here. And - - but your input and your involvement is very important and we do recognize it here in the legislature. So thank you.

DOUG FUCHS: You're welcome. And if I may just respond to a question that was kind of asked previously by a Rep. on the verification of validation of the data. That's something which we have struggled with a great deal, because data purity is very important to this process. And at some point we are hoping that embedded in the electronic, or e ticketing, we're going to call it, and or a single charging process will be that data.

So when we hand a violator their summons or an e ticket, their racial and profiling data will be - - will be there for them to review. So you really have two complaint processes, if you will, one that you don't feel that the officer had the correct perception of you, which could be an honest mistake or could be an issue that a police chief would have to be apprised of. And then two your ability to make a complaint if you feel that there was a profiling issue as well.

SENATOR COLEMAN: Let me just echo the sentiments that were expressed by Chairman Fox. I think

the two of you have contributed mightily to this progress and are very much responsible for whatever progress has been made to this point. Particularly in alleviating whatever fears the law enforcement community may have about traffic stops and the application of the provisions of the legislation that was passed. So I want to just express my personal gratitude to you, for your willingness to be involved and for the insights that you've been able to bring to the table.

DOUG FUCHS: Thank you Sir.

SENATOR COLEMAN: Thank you. Rep. O'Dea has a question.

REP. O'DEA: I just want to know for the record, the fact the Rep. Shaban has such a clean record, actually speaks rather poorly to Redding's investigative skills, but I thank you for your testimony here today, Sir.

DOUG FUCHS: No comment.

SENATOR COLEMAN: John Cluny? Is John Cluny here? If not, Hens Suarez? Anna Maria Rivera?

ANNA MARIA RIVERA: Good afternoon Senator Coleman, Rep. Fox and members of the committee. Thank you for the opportunity to be here today and testify in support of House Bill 6659 an Act concerning civil immigration retainers. My name is Anna Maria Rivera and I work for Home (inaudible) Progressive Action, the oldest Latino community based non-profit organization in the city of New Haven.

We serve over 6,000 individuals and their families a year. These families come from over 10 different countries, seeking to participate of one of the many programs we offer, including

for the gentleman? Seeing no questions, thank you very much for your testimony.

SUJITNO SAJUTI: Thank you.

SENATOR COLEMAN: Mary Sanders.

MARY SANDERS: Thank you, Senators and members of the committee for your long day and service to the community. I am here specifically to speak on the traffic stop bills, but after sitting through a few testimonies, I'd just like to comment on a couple other things.

HB 6665

As the director -- I'm a resident of Hartford, but I'm the director of the Spanish-speaking center in New Britain, and I've worked with immigrant communities for 30 years, basically in adult education and training capacity, helping people learn English, get credentials and become productive members of our communities.

I have worked with a lot of people that have had to have their status adjusted. Either they came here and got married or they came here and family members have claimed them and helped them to do that and most of them are much more law-abiding citizens than natural-born citizens because they're so afraid to get in trouble that they are keeping their noses clean. So I am in favor of 6659 for the record.

I appreciate Bill Dyson's work, and the Racial Profiling Advisory Committee. I have sat in some of their meetings, but I am against Raised Bill 1143. Specifically because it does not contain language giving a copy of the traffic report stop to the motorist. There were questions earlier regarding the data purity.

I sat through -- this is the third year I'm here on this issue. And I actually submitted the --

some of the language that's being considered a year ago. If a copy of the traffic stop report goes to the motorist, and the race is mismarked, the motorist has a chance to address that.

That is the only way that that will be challenged. We heard numerous testimonies of people who were given tickets, you know, citations, summons, and their race was very obvious and it was misrepresented on the form. If they go into the electric data collection and submission and there's no paper generated, there's going to be no way to challenge that data integrity.

The other thing is 1143 gives too many outs to some of this. In numerous places it says if they need to respond to an emergency, they do not have to stop and do their report, and if they need to respond to an emergency or some other circumstances, they do not have to give the motorist a copy of the information on how to file a complaint on racial profiling.

That is why I am encouraging you instead to go with Bill 6665, which gives a copy of the report to the motorist and also includes immigration language. There is no reason for passengers in a car to be questioned about their immigration status. You know, there is absolutely no reason for passengers in a car to be questioned about their immigration status, and even the motorist of the car, unless committing a crime, should only be asked for license, registration and proof of insurance.

I have other issues I would like to talk on, like promoting responsible re-integration, but I realize I'm over my time and I appreciate your indulgence.

SENATOR COLEMAN: Thank you. Are there questions

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March 22, 2013

Hon. Eric D. Coleman, Co-Chair
Hon. Gerald M. Fox, Co-Chair
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: **Raised Bill 6665**

Dear Chairmen Coleman and Fox:

CCDLA is a not-for-profit organization of approximately three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is a statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA endorses the written testimony submitted by the Office of the Chief Public Defender requesting that this Committee refer the concepts articulated in **Raised Bill No. 6665, An Act Concerning Review of Traffic Stop Complaints and the Collection of Traffic Stop Information with Respect to Immigration Status** to the Racial Profiling Project for further review and discussion. Currently, the recommendations of the Racial Profiling Project are contained in **Raised Bill No. 1143, An Act Concerning Traffic Stop Information**.

Thank you for your time and consideration.

Sincerely,

Elisa L. Villa
Secretary- CCDLA
(860) 589-5976



State of Connecticut

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Testimony of Deborah Del Prete Sullivan, Legal Counsel Office of Chief Public Defender

R. B. No. 6665, An Act Concerning Review of Traffic Stop Complaints and the Collection of Traffic Stop Information With Respect to Immigration Status

Judiciary Committee Public Hearing - March 22, 2013

The Office of Chief Public Defender requests that this Committee consider whether to refer the concepts raised in Raised Bill No. 6665, An Act Concerning Review of Traffic Stop Complaints and the Collection of Traffic Stop Information with Respect to Immigration Status to the Racial Profiling Project for further review and discussion. Currently, the recommendations of the Racial Profiling Project are contained in Raised Bill No. 1143, An Act Concerning Traffic Stop Information which this office supports.

The proposed bill raises certain issues and concerns this office believes should be addressed. Specifically, the new language contained in subsection (2) of Section 1 appears to be inconsistent as it appears to permit an officer to question the passenger, but not the driver, regarding the person's immigration status merely because the officer has a "reasonable suspicion" that a crime has been committed. This office supports the concept that a police officer should be prohibited from questioning any person about their citizenship or immigration status who is stopped, detained or searched as a result of a traffic stop, regardless of whether he/she is the driver or a passenger, even if the officer has such a "reasonable suspicion". In fact, under current law, even the court is prohibited from asking a defendant if he/she is a citizen. The defendant is advised by the court at the time of a plea that if he or she is not a citizen, pleading to the offense(s) may have an impact upon his/her immigration status. If the court is prohibited from making such an inquiry, so should the police who are acting upon only their "reasonable suspicion". The new language regarding paper complaints made to the CHRO should also be referred for discussion.



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Testimony to the Joint Committee on Judiciary, March 22, 2013
Chief Douglas S. Fuchs, Redding Police Department &
Connecticut Police Chiefs Association
Bills 6665 and 1143

Senator Coleman, Representative Fox and distinguished members of the Committee, I am here today to testify in regards to Bill 6665 – An Act Concerning Review of Traffic Stop Complaints and the Collection of Traffic Stop Information with Respect to Immigration Status as well as Bill 1143 – An Act Concerning Traffic Stop Information (also referred to as Racial Profiling Legislation).

Regarding Bill 6665 – An Act Concerning Review of Traffic Stop Complaints and the Collection of Traffic Stop Information with Respect to Immigration Status:

I **OPPOSE** the bill as currently written. This bill, as proposed, limits what documentation an officer can ask for when interviewing the driver and outright prohibits an officer from inquiring as to the identity of any passengers in the vehicle absent reasonable suspicion that the passenger or passengers have been involved in any crime. So much of what law enforcement does on a daily basis revolves around our ability to talk to people, ask questions, and identify those who are seeking to violate the criminal statutes of our state in an effort to keep all of our residents safe. While we certainly understand the limits by which we are constrained, prohibiting a police officer from asking the most basic of questions would seriously hinder that ability and our responsibility to the residents of our communities.

Given the events which haunt all of our communities these days, and of which I am personally all too familiar I offer the following scenario:

A police officer on patrol observes a vehicle in the geographic proximity of a school. While the officer does not have a specific and immediately articulable reason to be suspicious of this vehicle, based on their training and experience this officer has a heightened reason for concern. The police officer observes that this vehicle has a defective brake light and, now having probable cause to stop this vehicle for a motor vehicle violation, does so. In the vehicle the officer encounters two occupants. The sole passenger seems a bit nervous and further raises this officer's suspicions or concerns but certainly not yet to a level which would reach an articulable suspicion. The officer asks the operator for his license and makes the same request of the passenger. While the operator checks out fine, the passenger turns out to be a registered sex offender with an active warrant out for his arrest and is not suppose to be in such close proximity to a school to begin with.

Had that officer not been able to engage this passenger in a conversation relative to his identity, although his training and experience would have told him otherwise (and correctly so) he would have issued the operator a warning or a ticket for the brake light and allowed them to continue.

This outcome is obviously not acceptable and not one which any of you would like to think possible – but given these proposed restrictions – it is more likely than not.

Section 1 paragraph (b)(1) at section (G)(i) adds new language that requires a *“copy of the traffic stop statistic form be provided to the person stopped.”* This requirement hinders the current electronic submission method in that there is not a paper traffic stop statistic sheet generated. This “requirement” is something which the Racial Profiling Advisory Board (of which I am a charter member) has discussed at great length and I would suggest, as a whole, this body would oppose.

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This Advisory Board spent many hours wrestling with a great many elements with respect to data collection and the amount of time which we would like a police officer to spend on a traffic stop and how to best advise that operator of their right to file a complaint regarding the stop.

We made a conscience decision to not have the police officer hand a separate piece of paper to the violator which indicates the officer's perception of that individual's race, ethnicity, etc...

We made a conscience decision to limit the duration of the stop by not requiring the collection of data which we did not feel germane to our mission.

And, we made a conscience decision to try to utilize, whenever possible, the electronic transmission of this data in an effort to reduce paperwork and increase data purity, accuracy and efficiency.

The proposed legislation raised in this bill seems to be a duplication of effort in which the Racial Profiling Advisory Board has already been engaged. These issues have been thoroughly discussed, vetted and voted upon and to raise them elsewhere seems inappropriate at best.

Regarding Bill 1143 - An Act Concerning Traffic Stop Information (also referred to as Racial Profiling Legislation)

In short, I **SUPPORT** the bill as written. The work which the Racial Profiling Advisory Board has done and will continue to do has been stellar. We have remained on task, we have had open and frank discussions, we have been inclusive, and we have made decisions which, we believe, are in the best interest of all involved. While we agree that there is still work to be done to fine tune some of the process and data analysis, the proposed legislative changes are something which I believe we all can and should support.

END

Pachkovsky, Alex

From: g m <hawwkredtailed@hotmail.com>
Sent: Friday, March 22, 2013 3:39 PM
To: Jud Testimony
Subject: testiomy for H.B. NO, 6665 and S.B.1143

I am Gregg Marchand from Willimantic I agree with H.B. No. 6665 and with S.B. 1143 should also include not pulling people over for not wearing a seatbelt. It's a discriminatory law because firstly it's against our (1),4th, 5th and 9th Amendments. "Laws are made to stop crime. A crime is an intentional act. Laws and punishment should be reserved for when actual crimes have been committed. If there's no harm, injury, or loss to any person or property with intent, there has been no crime to charge anyone." Ponder this, if anyone dies due to the seat belt being jammed by an accident and drown burn or be suffocated by the pull of it [the seatbelt] or gets their neck broken from the strap the government by law, forces me to wear it, should government not be charged with full liability and / or murder?" I was in an accident I ducked because a tree limb was coming through the windshield, if my seat- belt was on I would have been dead. Showing proof of another frivolous law made by lawmakers without using common sense. The seatbelt takes lives too. The mandatory seat-belt law should be revoked. Common sense shows it mustn't be a law and should be a freedom of choice because the seat-belt law doesn't guarantee life or limb. It's creating fascism. A driver shouldn't ever get pulled over for not wearing a seat belt especially [IN A FREE COUNTRY]. It doesn't breach anyone's safety so it's not a crime. For example, I'm driving down the road not wearing a seat belt and you're driving in the opposite direction, I'm not affecting your ability to drive safely. Therefore it's not a hazard for the public, police should not be involved. When a driver is over the yellow line driving toward oncoming traffic, passing in a no-passing zone, clearly public-safety hazards, for a police pull you over. Take this into common sense when dummies are used for seat - belt safety, dummies don't react people do therefore individuals don't get the same after effect during an accident as a dummy. When a person is about to collide with something instinct and / or reaction will make that person move out of the way, duck or do some sort of a body movement. While being seat belted in this instinctive action to move from an impact may injure the person more if he wasn't seat belted in. It's an obvious double standard when the government lets me strap two boards on my feet and go down a side of a snowy mountain, jump out of an airplane, ride a wild bull, go in a cage and beat someone up on T.V. and ride a motor cycle, a machine where I sit on the motor and in between two tires. That's freedom. Yet I must wear a seat -belt, ridiculous! Our country was based on freedom of choice, I thought. Lawmakers having police checking for seat-belts is total misuse of proper policing and is actually harassment and gives police a false probable cause bringing at the least a violation of our right to privacy. If someone is old enough to drive, the decision should be up to that individual as to wear it or not. Insurance companies lobbied to pass this law, which increases their profit at the expense of our freedoms of choice. Our Constitution states "laws are made by the people for the people within the union." The laws are not supposed to be made by corporations. Two other incidents a friend of mine dropped someone off after work the police pulled him over for no reason [he was in a so called bad neighborhood] the officer checked everything out with the driver and said well I have to give you a ticket for not wearing a seatbelt even though they were wearing seatbelts. The officers excuse was 'I pulled you over I have to give you some sort of ticket.' How's that for our public safety in action? I've asked EMT Professionals about this ridiculous law of being forced to wear a seatbelt and I was told it's a 50/50 chance wearing a seatbelt. So, lawmakers are god making people be strapped in. Its money making scheme that must stop I'm surprised you don't have thousands of lawsuits for this unconstitutional law. Actually lawmakers should be ashamed of this law. Seat belt laws represent unabated tyranny on the march as in each year law enforcement is expanded. As mentioned above this seatbelt law infringe on a person's rights as guaranteed in the Fourth, Fifth, and the Ninth Amendments, and the Civil Rights section of the Fourteenth Amendment. The Ninth Amendment to the U.S. Constitution reads: The enumeration in the Constitution, of certain rights, shall not be construed to

deny or disparage others retained by the people. The Ninth Amendment is used to protect the citizenry from any expansion of governmental power because of the limited nature of the Bill of Rights. Because every right of the people of the United States could not possibly be mentioned in the Constitution, the Ninth Amendment was added to supplement the rights already mentioned. The amendment protects many rights implied in a universal civil code, and those which are linked to other rights already declared. It protects these personal liberties from state and federal infringement.

4th amendment [The right of the people to be secure in their persons], houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. 5th amendment No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.^[1]

Gregg Marchand p.o. box 244 North Windham ,CT 06226



**Written Testimony In Support of Raised Bill No. 1143
An Act Concerning Traffic Stop Information
March 22, 2013**

Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Sandra J. Staub and I am the Legal Director for the American Civil Liberties Union of Connecticut. I'm here to testify in support of House Bill No. 1143, An Act Concerning Traffic Stop Information.

In James Baldwin's Letter to My Nephew on the One Hundredth Anniversary of the Emancipation, which is included in *The Fire Next Time* (1963), he wrote "if the word *integration* means anything, this is what it means: that we, with love, shall force our brothers to see themselves as they are, to cease fleeing from reality and begin to change it." The ACLU of Connecticut has long advocated for enforcement of the Penn Act's prohibition of racial profiling and its long-disregarded mandate for reporting and analysis of data for all traffic stops in Connecticut. When we finally have meaningful data about the problem of racial profiling we can start to see ourselves as we really are, cease fleeing from reality and begin to change it.

In pursuit of this goal, we advocated last year for changes to the Penn Act. Since the amendments passed last year, the Racial Profiling Prohibition Advisory Project has been working very hard to find the best way to collect and analyze the data on traffic stops. The ACLU of Connecticut participates in this project and supports the legislative changes it has proposed in this bill.

We support the proposed amendments that will require all police officers who make traffic stops in Connecticut to be subject to the data collection requirement. Almost every state that has collected and reported on traffic stop data has acknowledged the importance of having complete data for all traffic stops in order for the analysis as a whole to have integrity. Unless we include all police who can make a traffic stop, the data will be incomplete.

We support the proposed amendment specifying that certain post-stop information be included in the data reporting for each stop. The use of race or ethnicity as a factor in the exercise of discretion is not limited to the initial decision to make the stop, but also has been shown to be a factor in the exercise of discretion to search, to cite or to arrest. The state Office

of Policy and Management may arguably include these additional data points in any form that it ultimately decides to mandate for collection, but this bill gives OPM specific authority to include them.

Studies in many other states demonstrate the value of this post-stop data. Arrest on the basis of warrant is a good example of a post-stop data element that, when collected and amenable to segregation, provides for better analysis and understanding. In the Miami Dade traffic stop study, where there was a significant disparity based on race for post-stop arrest, it was the warrant, not the exercise of discretion by the officer during the stop, that explained the decision to arrest. In the analyses from other states, these post-stop categories provide useful ways to segregate the data and understand when the disparity is from an unlawful exercise of discretion and when it is not. As the Miami Dade study puts it, inventory searches are low-discretion searches and pat downs and probable cause searches are high-discretion. If we do not parse out the post-stop reasons for searches and collect the relevant data elements, we will not be able to analyze the significant racial or ethnic disparities in the exercise of discretion.

The ACLU of Connecticut will remain watchful on the question of timeliness of implementation for this project. After all, as was recounted by numerous witnesses last session, the state has not had a good record regarding implementation of the Penn Act's requirements since the law first was enacted in 1999. The goal of the project is to come up with best practices for data collection and analysis using all available resources. This proposed bill will contribute to attaining this goal. The ACLU of Connecticut hopes that this committee and the legislature will act favorably on this bill, giving no cause for any further delay in the implementation of the new data collection and analysis system by OPM.

CCDLA
"READY IN THE DEFENSE OF LIBERTY"
FOUNDED IN 1988

Connecticut Criminal Defense
Lawyers Association
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March 22, 2013

Hon. Eric D. Coleman, Co-Chair
Hon. Gerald M. Fox, Co-Chair
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: **Raised Bill 1143**

Dear Chairmen Coleman and Fox:

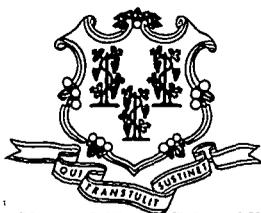
CCDLA is a not-for-profit organization of approximately three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is a statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA endorses the written testimony submitted by the Office of the Chief Public Defender supporting **Raised Bill No. 1143, An Act Concerning Traffic Stop Information.**

Thank you for your time and consideration.

Sincerely,

Elisa L. Villa
Secretary- CCDLA
(860) 589-5976



**Connecticut
Racial
Profiling
Prohibition
Project
Advisory
Board**

www.ctrp3.org

Honorable William
Dyson, Co-Chair

Dr. John DeCarlo, Co-
Chair

Andrew J. Clark, Project
Director

James Fazzaloro, Project
Manager

Ken Barone, Project
Staff

Arthur Kureczka, Project
Staff

TESTIMONY IN SUPPORT OF RAISED BILL NO. 1143

AN ACT CONCERNING TRAFFIC STOP INFORMATION

By Hon. William Dyson and Dr. John DeCarlo
Connecticut Racial Profiling Project Advisory Board Co-Chairs

Good morning Senator Coleman, Representative Fox, Senator Kissel,
Representative Rebimbas and members of the Judiciary Committee.

As co-chairs of the Racial Profiling Prohibition advisory board, we are
here to testify on behalf of the advisory board in support of Senate Bill
1143, AN ACT CONCERNING TRAFFIC STOP INFORMATION.

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

Over the past eleven months, through a grant made available by the
Connecticut Department of Transportation and the National Highway
Safety Administration, the advisory board has worked to establish
standardized methods for the collection and analysis of traffic stop
information. Additionally, the grant supports the advisory board's
efforts to train law enforcement personnel and engage the public as
the project evolves.

Senate Bill 1143 is a product of the advisory board for recommended
changes in the legislation to allow for the best possible collection and
analysis of information.

The new standardized method for collection and analysis of traffic stop
data is envisioned to more efficiently and effectively inform
government officials, the public at large and police agencies of the
information that is available through the data collection process.
Among other things, this method will serve as an early warning system
for police chiefs to better understand and respond to traffic stop
trends within their departments. The collection and analysis of traffic
stop information in real time should allow them to respond more
effectively to the communities they serve, enabling them to use the

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information as a powerful tool to enhance relationships between police agencies and their communities.

The advisory board came to consensus on the ten recommendations listed below; many of these recommendations are reflected in the provisions of S.B 1143. This is significant because the advisory board consists of 26 members including the Departments of Public Safety, Transportation, and Motor Vehicle, the African American, Latino and Puerto Rican, and Asian Pacific Affairs Commissions, Chief State's Attorney, Office of the Public Defender, Connecticut Police Chiefs Association, Commission on Human Rights and Opportunities, American Civil Liberties Union, National Association for the Advancement of Colored People, Central Connecticut State University, the University of New Haven, and other law enforcement. The recommended changes in the legislation will give the Office of Policy and Management the tools necessary for overall management of the law. All of these recommendations are explained in greater detail in our 2013 Progress Report to the General Assembly.

1. **Expand who is required to report:** Expand the current requirement for state and municipal police to collect racial profiling data to include other entities with police powers who make traffic stops while enforcing motor vehicle laws (Department of Motor Vehicle inspectors, State Capitol Police, college and university police departments, others)
2. **Written Policies:** Expand the requirement for a written policy prohibiting racial profiling to include the new agencies recommended for inclusion under the law.
3. **Clarify 'where' a stop occurs:** Clarify the law with respect to recording the location of a stop to mean the actual geographic location where the stop is made.
4. **Allow unique ID:** Modify the requirement that the name and badge number of the officer making the stop be recorded to allow police to use either the badge number or any other unique identifying number for the employee.
5. **Require additional information on stops:** Modify the section of the law that specifies the types of information police must record for traffic stops to include, (1) additional information relating to searches specifying the authority for and results of the search, and (2) providing the statutory citations for any charge resulting from the traffic stop.

6. **Exemption for reporting data:** Provide an exception to the data collection and reporting requirements for traffic stops made by police in instances where the officer making the stop is required to leave the scene due to exigent or other circumstances.
7. **Require monthly reporting:** To eliminate inconsistencies in reporting, clarify the law to establish monthly.
8. **Require individual stop data:** The submission of traffic stop data should include data for each individual stop rather than a summary of stops information.
9. **Encourage electronic reporting:** Specify that to the maximum practicable extent, submissions should be made in the form of an electronic document acceptable to OPM and that all agencies be capable of submitting data electronically by the end of 2014.
10. **Change deadline for first report:** Change the deadline for OPM to submit its first report to the governor and General Assembly analyzing traffic stop and complaint data from January 1, 2014 to July 1, 2014 to allow sufficient data to accumulate under the new requirements. The project team also recommends submitting another progress report to the Judiciary Committee of the General Assembly on January 1, 2014.

Although it has not been reflected in S.B. 1143, the advisory board has addressed the issue of possible profiling based on religious affiliation. This has been a difficult issue to address and the approach is a two pronged effort- (1) we will be adding a new Middle Eastern/East Indian category for race/ethnicity; and (2) training to enhance sensitivity of police officers regarding this issue.

Another important area worth noting is the need to be efficient and not overly burdensome to the police collecting data, and to make data easy to deal with when it has been submitted. Police agencies in Connecticut are at various levels of sophistication and technology with respect to the ways in which they collect and report the data. The advisory board's overall goal is that all police agencies be recording and submitting their required data electronically by the end of 2014. We are in full support of the electronic citation system that is currently used in a small number of police agencies. We also support the migration to a uniform charging process in Connecticut.

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

E-Citation requires the police vehicle to be equipped with a printer and associated mounting hardware at a cost of approximately \$800-\$1000 per vehicle. E-Citation proponents estimate that equipping all police vehicles with E-Citation would cost approximately \$3.2 million. The rate at which E-Citation propagates through the law enforcement community will depend on provision of that funding. The faster E-Citation can be implemented, the sooner more police agencies can meet the requirements of PA12-74 in the most efficient manner.

Uniform Charging Process: involves the development of a uniform charging process, which, if used by all law enforcement entities, would provide an avenue to accomplish several specific goals of PA 12-74. Law enforcement has voiced support for standardizing and streamlining charging processes to accomplish similar tasks – specifically citations, misdemeanor summons, and written warnings. While the advisory board is not the only entity tasked with collecting and analyzing traffic stop data in the interest of developing and instituting a uniform charging process, the motivation to do so is unique to this group. We have met with the members of the Judicial Branch and Department of Motor Vehicle to begin discussing this possibility.

Lastly, the advisory board has been working to implement the provisions in Public Act 12-74 that improve the complaint process for citizens that feel they have been racially profiled. Focus has been given to the development of a best practice policy for how departments should handle profiling complaints. The advisory board is also developing a standardized method for reporting and investigating complaints of profiling to be used by all police agencies in Connecticut. A process for filing complaints will also include a review of each complaint and the department's handling of the complaint by the Chief State's Attorney. Citizens will have ready access to information regarding the complaint process on the OPM website.

A focus on the collection and analysis of data was necessary to bring these recommendations to light for the 2013 CGA legislative session. However, the project team and advisory board understand the important nature of public awareness, education and training to be developed in the coming months. Public outreach has been a useful and necessary component to the project development to date. Training for police agencies will focus on. (1) implementation of the changes in the Alvin W. Penn Act, (2) unconscious bias, and (3) proper citizen and police interactions. All of these

efforts combined are designed to most effectively prevent the occurrence of racial profiling in traffic stops and enhance trust between communities and law enforcement.

Through the use of national experts, the maximization of newly developed technological capabilities, and the collaboration with relevant statewide initiatives, the project team and advisory board are developing a model that will not only be beneficial for Connecticut, but has the potential to set the standard for racial profiling prohibition initiatives nationally.

We believe the changes being recommended in S.B. 1143 will create the statutory framework within which Connecticut will have a fully functional traffic stop law capable of serving all parties interested in the effective collection and meaningful analysis of traffic stop information. We are prepared to answer any questions you may have.



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

S.B. NO. 1143: AN ACT CONCERNING TRAFFIC STOP INFORMATION

IN OPPOSITION TO:

**H.B. NO. 6665: AN ACT CONCERNING REVIEW OF TRAFFIC STOP COMPLAINTS
AND THE COLLECTION OF TRAFFIC STOP INFORMATION WITH RESPECT TO
IMMIGRATION STATUS**

JOINT COMMITTEE ON THE JUDICIARY
March 23, 2013

The Division of Criminal Justice respectfully recommends the Committee's **JOINT FAVORABLE REPORT** for **S.B. No. 1143, An Act Concerning Traffic Stop Information**, and **NO ACTION** on **H.B. No. 6665, An Act Concerning Review of Traffic Stop Complaints and the Collection of Traffic Stop Information With Respect to Immigration Status**. The Division wishes to express its appreciation to the Committee, the members of the Connecticut Racial Profiling Prohibition Project Advisory Board, and all others who have devoted so much time and effort to developing the concepts incorporated in **S.B. No. 1143**.

S.B. No. 1143 reflects the consensus judgment of the Connecticut Racial Profiling Prohibition Project Advisory Board, a diverse group of 26 members including representatives from law enforcement, the Departments of Transportation and Motor Vehicles, the African American Affairs Commission, the Latino and Puerto Rican Affairs Commission, the Asian Pacific American Affairs Commission, the Division of Public Defender Services, Commission on Human Rights and Opportunities, the American Civil Liberties Union, the NAACP, Central Connecticut State University and the University of New Haven, on how to make the collection and analysis of traffic stop information more meaningful.

S.B. No. 1143 addresses shortfalls in the current law by requiring all law enforcement agencies that conduct traffic stops to collect and submit data regarding those stops. Presently, several agencies that conduct stops are not required to collect data. The bill requires the collected data to be submitted to the Office of Policy and Management (OPM) on a monthly basis and in a form specified by OPM so that it can be properly analyzed. As the Committee is aware, the failure to require data to be submitted in a standardized fashion made analysis of the data difficult, if not impossible.

The bill also requires the police to collect new data elements which should allow for more meaningful analysis by OPM. The Committee should be aware that care was taken to make sure that the new requirements were not so burdensome to police as to prevent them from performing their law enforcement functions. In short, the Division of Criminal Justice supports S.B. No. 1143.

The Division does not, however, support H.B. No. 6665, the provisions of which were not considered by the advisory group. Rather than identifying what information should be collected and how that information should be analyzed, H.B. No. 6665 attempts to limit what investigative steps an officer can take during a traffic stop. The provision of the bill which seeks to prevent an officer from requesting any identification or documentation other than an operator's license, certificate of motor vehicle registration, or automobile insurance card makes no sense. There are many times when an officer stops someone for a motor vehicle violation and a person has neither a driver's license, a registration, or an insurance card. This bill would seem to prevent the officer from making a reasonable request for other identifying information simply so the officer could identify the person to whom he or she is speaking.

Further, H.B. No. 6665 would prevent the officer from inquiring about the immigration status of the driver, seemingly under any circumstances - at least the bill would authorize the police to inquire about the immigration status of the passenger upon reasonable suspicion to believe that the passenger had committed a crime. While the question of a person's immigration status is not normally the subject of inquiry at a traffic stop there certainly could be circumstances where it could be relevant. It is important to note that traffic stops for seemingly minor motor vehicle violations can result in investigations and arrests for major offenses. It should be noted that three of the 9/11 hijackers - Hani Hanjour, Ziad Jarrah, and Mohammad Atta - were stopped by local or state police officers for traffic violations in the months leading up to 9/11, including Jarrah on September 9, 2001, just two days before the murders of 3,000. We have spent hundreds of millions of dollars to now provide police officers with more information on subjects of police encounters. To do anything that would deny them access to that information or to limit their ability to use it is dangerous and foolish. Given the scope of what can result from a traffic stop the legislature should not limit the ability of the police to take appropriate investigative measures. The Division recommends NO ACTION on H.B. No. 6665.



Testimony of

City of New Britain Public Safety Telecommunications Director

James P. Donnelly

RE: Raised Senate Bill 1143

March 22, 2013

Senator Coleman, Senator Doyle, Representative Fox and Representative Ritter and members of the Judiciary Committee, thank you for the opportunity to remark on pending legislation regarding the prohibition of racial profiling involving traffic stops in Connecticut. The Racial Profiling Prohibition Advisory Board has provided the legislature with an outstanding report on the issues associated with enforcement of the state's policy prohibiting such profiling by police officers. The policy has long been well intentioned and broadly understood by the Connecticut law enforcement community. Indeed, racial profiling by police is a rare exception but one that requires continuing vigilance to deter unprofessional conduct. Having been involved the public safety community for over four decades I can attest that Connecticut chiefs of police support the prohibition policy and have only differed on the means and method of data collection required.

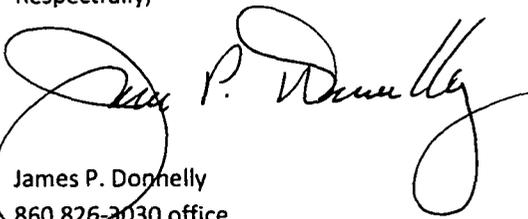
The legislation proposed prescribes new procedures that are best accomplished via mobile data systems that already exist in the overwhelming majority of marked police vehicles in Connecticut. However, in order for the process to be efficient and consistent, mobile printers are required for every marked police vehicle. These printers, first initiated in pilot electronic citation programs developed in conjunction with the Judicial Branch by the Capitol Region Council of Governments and the Connecticut State Police Division, have been an overwhelming success. The Department of Transportation Office of Highway Safety won a national "Best Practice" award for the collaboration among the parties to the project. These e-citation printers coupled with a statewide browser-based data collection application could facilitate the uniform implementation of the proposed legislation. While the cost for the introduction of the printers is not insignificant, the return on investment will be rapid, broadly based, and will contribute to additional law enforcement and criminal justice efficiencies. Where the electronic ticket systems have been implemented, the traffic enforcement activity of the assigned officers and troopers has been intensified. This leads to less crashes, reasonable revenue increases, and a safer highway system. A simple productivity increase of 15% in issued citations would pay the full cost of the mobile printers within one year. Moreover, it would provide a consistently printed document to motorists involved in traffic stops whether they were issued a citation or not. In addition, it would pave the way for electronic warning tickets and broader use of the summons procedure for selective misdemeanor arrests.

Without electronic means of printing notices to motorists involved in a traffic stop, police officers will be required to complete paper forms and to retain copies of these documents in manual file systems. This adds an additional burden to frequently understaffed police agencies. Moreover, it does nothing to improve data collection accuracy. Using the automated systems available in most mobile communications systems, the exact geographic coordinates can be easily obtained and automatically recorded by simple application software. In addition, required data fields like date and time of stop, officer ID, and whether a citation was issued can all be accomplished seamlessly via a modest computer interface to the existing electronic citation applications operating in local communities and the state police.

While the price to outfit every marked police car in Connecticut with electronic citation software, traffic stop software, and a mobile printer could cost as much as \$3.5 million dollars in new bonding; this is an investment that would likely last at least five years and over that period generate \$17.5 million dollars in additional citation revenue at the conservative rate of a 15% increase in citations issued. It would be difficult to find another investment that would yield such a significant benefit and pay for itself so rapidly.

I urge your strong consideration of the fiscal support to install the technology to enable not only the spirit of the Senator Penn's vision of fair and effective traffic law enforcement but also its efficiency.

Respectfully,



James P. Donnelly
860 826-3030 office

James P. Donnelly is Director of Public Safety Telecommunications for the City of New Britain. As part of his duties he has led the public safety information system technology efforts of the Capital Region Council of Governments for the past fifteen years. Most recently, he directed the e-Citation project for CRCOG which has been piloted in fifteen communities. He is a former City of Hartford police captain.



State of Connecticut

African-American Affairs Commission

State Capitol
210 Capitol Avenue – Room 509
Hartford, CT 06106
860-240-8555

March 22, 2013

Good afternoon Senator Coleman, Rep. Fox and members of the Judiciary Committee. My name is Glenn A. Cassis and I am the Executive Director of the African-American Affairs Commission (AAAC). The mission of the Commission is to promote and improve the economic, educational, health, safety and political well-being of the African-American community in Connecticut. The AAAC is non-partisan and provides comment on legislation to the General Assembly. I wish to submit testimony in support of S.B 1143 – An Act Concerning Traffic Stop Information.

Since the passage of P.A. 12-74 - An Act Concerning Traffic Stop Information in June of 2012, the African-American Affairs Commission has been an active member of the Racial Profiling Prohibition Advisory Board. In addition the AAAC has been very involved with the Public Awareness and Data Methodology and Analysis Working Groups. When the Training Work Group meets, the AAAC will be represented. The AAAC has hosted and organized public awareness forums around the state to inform the public and law enforcement of the statute and to receive feedback from the public on ways to address issues with the statute.

The Commission supports the amendments recommended in S.B. 1143. During the past months it came to the Advisory Board's attention that the definition of the "department with authority to conduct a traffic stop" was not comprehensive. We found that certain departments were inadvertently missing. Clarifying the definition of a police officer will reduce ambiguity.

Our Mission

To improve and promote the economic development, education, health and political well-being of the African-American community in the State of Connecticut

In section b (1), we found that there may be extenuated circumstances or emergencies where an officer may not be able record a traffic stop. The Commission views this as a measure to help discourage unreasonable stops because law enforcement would have to account for all other traffic stops. Adding date, time and location to the form are necessary to assure that the data will be reliable and accurately represented when it is benchmarked with demographic data during analyzed.

The AAAC believes that the work of the Advisory Board has been transparent. These amendments will continue that effort. Thank you for accepting my testimony.

Submitted by,

Glenn A. Cassis

Glenn A. Cassis
Executive Director



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of
Deborah Del Prete Sullivan, Legal Counsel
Office of Chief Public Defender

Raised Bill No. 1143
An Act Concerning Traffic Stop Information

Judiciary Committee Public Hearing - March 22, 2013

The Office of Chief Public Defender supports Raised Bill 1143, An Act Concerning Traffic Stop Information. The proposed language would amend C.G.S. §54-1m and clarify the statute. In addition, the new language would provide for consistency throughout the state utilizing a standardized form to collect information pertaining to traffic stops, including the basis for any search conducted, the result of such search and the statutory citation of any citation issued

The proposed changes are the result of numerous meetings between members of the Connecticut Racial Profiling Project which included law enforcement, the Chief State Attorney's office and this office. The proposed bill makes important changes to the type of data to be collected and would require reports to be filed with the Office of Policy and Management. The data collected will ensure that the state will have the information necessary to identify whether racial profiling is being conducted by law enforcement.

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. This Office urges support of this bill



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March 22, 2013

Senator Eric Coleman
Representative Gerald Fox, III
Judiciary Committee
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Jack K. Hasegawa
Theodore Hsu
Laurie Julian
Uswah Khan
Dr Jagat Patel
Thomas Nguyen-Phuoc
Arvind Shaw
Henry C Lee
(Honorary)

Executive Director
Mui Mui Hin-McCormuck

APAAC Interns
Kyle Barrette
Nan Hu

RE: Testimony In Support of Raised Bill No. 1143 An Act Concerning Traffic Stop Information

Dear Senator Coleman, Representative Fox and members of the Judiciary Committee

My name is Mui Mui Hin-McCormuck, Executive Director of Asian Pacific American Affairs Commission (APAAC) On behalf of the Asian Pacific American Affairs Commission I submit testimony supporting Raised Bill No. 1143 recommending Asian Pacific American Affairs Commission be added to section (j) as one of the agencies that OPM submits reports to Asian Pacific American Affairs Commission sits on the Connecticut Racial Profiling Prohibition Project Advisory (CRPPA) Board representing the Asian Pacific American communities

Our Commission represents one of the fastest growing minority populations. U S Census reported Asian Pacific American (APA) population grew in Connecticut from 95,368 in 2000 to 157,088 in 2010, which is remarkable as this is a 65% increase in just ten years APAAC represents almost fifty countries and numerous Asian languages. APAAC makes recommendations to the Governor, General Assembly, state agencies, service providers, etc. on health, safety, education, economic self-sufficiency and efforts to remain free from discrimination within the APA community in Connecticut. APAAC focuses on APA issues; partnering with various agencies, groups, and communities to address the various issues such as racial profiling The APA community has experienced an increase of racial profiling after September 11th. Unfortunately most of our APA community will not report issues, especially with law enforcement due to various reasons; some would include distrust of government due to negative experiences in their native country, fear of retaliation, not knowing the rights they have and the process of filing a complaint, lack of English proficiency, etc.

The Connecticut Racial Profiling Prohibition Project Advisory Board has been working diligently and meeting regularly for the past eleven months. The board composition is diverse and rich in knowledge. We have reached consensus on ten recommendations (1 Expand who is required to report, 2 Written policies, 3 Clarify where a stop occurs, 4 Allow unique ID, 5 Require additional information on stops, 6. Exemption for reporting data, 7. Require monthly reporting, 8. Require individual stop data, 9. Encourage electronic reporting, and 10. Change deadline of first report) that our Co-Chair, Honorable William Dyson will be testifying on. Additionally our board has discussed at length the impact of these proposed policy changes on each of our communities and safe guards that can be implemented, in hopes of fostering a

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STATE OF CONNECTICUT

*ASIAN PACIFIC AMERICAN AFFAIRS
COMMISSION*

more positive relationship with law enforcement.

I urge you to support Raised Bill No. 1143 as this legislation will improve our current system and protect community members and police officers. Thank you for your consideration.

Sincerely,

Mui Mui Hin-McCormick

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**CONNECTICUT
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Thank you.

Mr. Clerk.

THE CLERK:

Page 25, Calendar 532, Substitute for Senate Bill
Number 1143, AN ACT CONCERNING TRAFFIC STOP
INFORMATION, Favorable Report of the Committee on
Judiciary.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Thank you, again, Madam President.

I move acceptance of the joint committee's Favorable Report and passage of this bill.

THE CHAIR:

The motion is on acceptance and passage. Will you remark, sir?

SENATOR COLEMAN:

Madam President, and members of the Senate, this bill has to do with recommendations that are coming from the Connecticut Racial Profiling Prohibition Project Advisory Board. And I'm sure everyone will recall that that board was established, I believe it was last session, in connection with our passage of modifications to the Alvin W. Penn Racial Profiling Prohibition Act.

What this bill seeks to do is to make the data collection during a traffic stop more efficient and effective, as well as to make the analysis more useful, the analysis of that data.

The bill does a few things. First, it expands the number of departments that are subject to the racial profiling law, and it makes any department with

authority to conduct a traffic stop subject to the requirements of our traffic-stop law.

Secondly, it seeks to modify the standardized method of recording information that's obtained during a traffic stop. It requires an officer to record that information but it does provide an exception and excuse the officer from obtaining that information if the officer is called upon to respond to an emergency or some other exigent circumstance.

In terms of the modifications that are included, the officer making the or conducting the traffic stop would now be required to record the specific geographic location of the stop. The officer would be required to report his own unique identifying number or in the absence of a badge number, his name and title. If there is a search, the officer would be required to cite the authority for any search, as well as the results of that search. If a citation or summons or warning is issued, the officer would be required to refer to the statute or regulation that provides for the issuance of such warning citation or summons.

The departments, police departments and others officials that are entrusted with making traffic stops are required under this bill to make monthly reports, beginning October 1, 2013. And on January 1st of 2015, such reports are to be submitted in electronic form.

The Office of Policy and Management would be required to review traffic-stop information and to report annually the results of their review as well as any recommendations. Those reports would now be required to be made July 1st, the year 2014, instead of January 1, 2014. Additionally, OPM would be required -- required to report to committees of the General Assembly, including the Judiciary Committee and the Public Safety Committee, as well as the African American Affairs Commission, the Latino and Puerto Rican Affairs Commission, the Connecticut Legislative Black and Puerto Rican Caucus, and the reports that they would make to these entities would be concerning the development of the standardized method and guidelines for traffic stops and the obtaining of

information during traffic stops. And these reports would now be required to be made by January 1, 2014, instead of January 1, 2013.

Madam President, I'd ask the members of the Senate to support the bill.

Thank you.

THE CHAIR:

Will you remark?

Senator Kissel.

SENATOR KISSEL:

Thank you, very much, Madam President.

This bill actually modifies what has come to be called the "Alvin Penn Act," which was our step in trying to benchmark where we stood as a state in an effort to try to eliminate racial profiling, especially as it pertains to traffic stops.

Some of the changes, I think most everybody agrees are -- are reasonable. I did offer an amendment in the Judiciary Committee to go back to the quarterly reporting as opposed to monthly; that failed in committee. I haven't heard from my local police departments regarding that particular matter, so I'm guessing it's not overly burdensome to them.

And, indeed, to their credit, the police departments throughout the State of Connecticut appear to be willingly complying with the requirements of the underlying law. And I think that as a step forward, one of the things that the bill does acknowledge is that if a law enforcement officer engaged in obtaining information in the event of a traffic stop is called to another scene, through his or her radio or dispatch, that they don't have to just robotically collect the information but that they are relieved from that duty so that they can go to where there's another emergency or crime occurring to best serve the -- the public interest with an eye towards we only have so many resources out there in the field.

I would like to also thank our friend and -- and former colleague from the House, the Honorable William Dyson -- had the pleasure of working with him and serving with him for a number of years -- came and gave us information regarding this, this week, bring us up to speed regarding this matter. Both he and Andrew Clark are hard at work, working on this particular matter and made a lot of good headway in the matter.

And I'm happy to stand in support of the bill, although at this time it's my understanding that there is at least one individual in my caucus that may have some questions regarding this but has expressed to me personally that he may be voting no. And so just so that this Chamber knows, I don't think this can be moved to the Consent Calendar.

THE CHAIR:

Okay.

SENATOR KISSEL:

Thank you.

THE CHAIR:

All right. Will you remark further? Will you remark further?

If not, Mr. Clerk, will you please call -- oops -- call for -- and what, did you want to speak, sir? Hold on a minute.

Senator Coleman; sorry.

SENATOR COLEMAN:

The final comment, I just -- Senator Kissel reminded me that former-Representative Dyson and Andrew Clark, as well as the other members of the advisory board deserve our gratitude and appreciation for all the hard work that they've contributed to not only this bill but all of the efforts in connection with eliminating racial profiling in the State of

Connecticut. So I -- I add my thanks and gratitude to those individuals.

Thank you, Madam President.

THE CHAIR:

Thank you.

This time, at this time, Mr. Clerk, will you call for a roll call vote, and the machine will be open.

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 have voted? If all members voted, the machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

Senate Bill 1143.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Absent, not voting	0

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

On Page 26, Calendar 534, Senate Bill Number 1157, AN ACT REQUIRING THE INCLUSION OF THE GRANTEE'S MAILING ADDRESS IN A DOCUMENT CONVEYING LAND, Favorable Report of the Committee on Judiciary.