Connecticut Racial Profiling Prohibition Project
Thursday, August 8, 2013
10am – 12pm
Legislative Office Building, Room 1A

Draft Minutes

Present: Sean Thakkar, Douglas Fuchs, Michael Gailor, Sandra Staub, Reuben Bradford, Werner Oyanadel, Aaron Swanson, Jim Fazzalaro, Art Kureczka, Andrew Clark, Ken Barone, Deborah Del Prete, Michael Lawlor, Cheryl Sharp, Tanya Hughes, Chris Seledmaier, Glenn Cassis, Chip Bistany

The meeting was called to order at 10:05am.

   I.   Welcome on behalf of Co-Chairs William Dyson and John DeCarlo

Andrew Clark welcomed the advisory board and introduced the meeting on behalf of Bill Dyson and John DeCarlo who both could not attend the meeting due to personal reasons. Andrew then asked the members of the board to introduce themselves for the CTN viewers and thanked them before continuing on to the rest of the agenda.

   II. Approval of June 13, 2013 minutes

Prior to approving the minutes, Andrew mentioned that a copy of the agenda and minutes from each meeting could be found on www.ctrp3.org. A motion was made by Deborah Del Prete and seconded by Sean Thakkar to approve the minutes from June 13, 2013. The minutes were approved by a unanimous voice vote.

   III. Definition of Traffic Stop (FINAL)

Jim Fazzalaro introduced this item by saying the changes made from previous meetings have been incorporated in the document being presented to the board today. One of the changes was the second italicized paragraph which is a response to the series of questions police departments have sent in that are "what if" questions. The generalized language is to clarify the when-in-doubt situations police officers may encounter. In instances like these, the language specifies to collect the data and submit to OPM for further

clarification. Another change incorporated into the text were the exclusions under the basic definition. The three items considered exclusions were based of the consensus of the board at previous meetings. "Security related activities" which was once excluded is now to be treated similarly to DUI checkpoints and is under category B – Blind Enforcement. Jim then opened to floor to any further discussion.

Jim Rio from Commercial Vehicle Safety Division, Department of Motor Vehicles stepped in to join the conversation. He wanted to voice his concerns about some specifics on the operations end of truck weighing stations. Because trucks at weigh stations can be singled out due to reasonable suspicion Jim Rio asked for some clarification on why racial profiling information does not have to be recorded so if down the road there were any questions he could explain the exclusion. Jim Fazzalaro explained how any ticket would go to the company not the individual and that for purposes of tracking this information it can get difficult. If truck-weighing operations chose to collect racial profiling information the data would not be rejected and it could be submitted as a category B event. Jim Fazzalaro said that in this situation truck weighing operations could feel free to make a policy decision on an agency level. Jim Rio concluded by saying they will follow what the panel has decided unless any other circumstance arises.

IV. Clarification of Data Collection Protocol (State Police)

Jim Fazzalaro introduced a document drafted as a clarification of data collection protocol for state police stops. In the discussion section of this document it describes how state police data is going to be dealt with. Because the nature of traffic enforcement on limited access highways (LAH) is different than local traffic enforcement the data is going to be handled differently. The LAH stops will be dealt with as strictly post-stop analysis because the nature of the stop is not conducive to measuring it the same way you would measure a municipal stop. In these situations, identifying if the person stopped is a resident of the municipality making the stop is irrelevant. In the case of resident trooper towns, stops made off of LAH, and towns where the state police are the police entity it would be relevant because it would be more localized traffic therefore the resident data would be required. There were a couple of options for dealing with this but the preferable way may be for state police to include a third choice in this category when modifying their CAD/RMS systems. The third choice would be "Not Applicable LAH". Having this third choice would be easier to disaggregate the LAH stops in the state police data. Chief Doug Fuchs joined the discussion by saying that CPCA holds every officer to the same standards and that if a state trooper does not have to record that data than neither should town police officers. Ken responded that state police are already being treated differently than municipal police and that their different styles of benchmarking have been agreed upon. State police data can be more pure with the LAH option. The yes or no coding should be the same for municipalities. After much discussion, it was decided that regardless of what type of officer, state or municipal, the data should be recorded and the "Not Applicable" option would be removed.

V. Complaint Notice Language (FINAL)

Ken Barone presented the final complaint notice language to the board. Werner Oyanadel facilitated the language into Spanish and CHRO's contact information was added. The notice will take the form of a tear-off book with additional highway safety information on the back. The OPM website on the notice will direct the public to CTRP3.org where they can find instructions on how to file a complaint either with CHRO or the police department that stopped them. The dimensions of the notice will allow it to also fit in an infraction envelope. Based on the group's feedback, the notice will proceed without the background image of the Capitol. Cheryl Sharp informed the group about what CHRO considers protected classes and that to make sure ethnicity is covered the language should also include ancestry. The group decided for the sake of space to have the notice read "ethnicity/ancestry". The new version of the language would be sent back to Werner for an updated translation.

There was some discussion about if police departments can modify the notice to make it specific to their own needs. Before the project staff tells police departments that it is okay to modify the notice, the advisory board needs to agree that personalized notices are acceptable. The departments would have to keep the basic requirements as part of their notice. The group had some discussion about what those requirements should be and it was agreed upon that any deviation must include this notice language in English and in Spanish, with no watermark on the side with the notice, and that it be clear and legible.

VI. Data Collection Methods Update

Ken Barone updated the group on the three data collection methods that this group is primarily focusing on which are the use of the web-based application, modifying of the electronic citation system, and the COLLECT/V2 system. The web-based system through CT Chief is almost finished and department briefings on the system should be ready by the end of the month. A MOU has been drafted and sent to state police for the COLLECT/V2 system and the project staff anticipates the modifications on that beginning in the next week or two. There have also been conversations with Judicial about modifying the electronic citation system so that by January it will be ready to capture the racial profiling data, provide the notice as part of their system and a year from now include e-warnings and e-misdemeanors summons. Also the project staff has been working with CJIS to define some of the rules in place for them to accept data and within the next week they will validate the XML schema that has been developed. All of the electronically submitted data will have to use this schema. Chief Doug Fuchs asked when the XML data schema is going to be published so that departments have enough time to let their vendors modify the CAD/RMS systems. Ken responded that hopefully no later than August 20 that schema would be published.

VII.   Public Awareness Update

Ken also provided the public awareness update. The project staff is working with the department of transportation to roll out the campaign by September, which would give

the 30-second commercial previously produced some TV airtime. The web campaign will be the big push to get people to visit CTRP3.org and there has already been a noticeable increase in web-traffic for the site. Andrew Clark reminded the members to visit the site and make recommendations if need be. He also mentioned that there are student writers at CCSU working on two online publications on racial profiling and the Alvin Penn Act. The next public awareness meeting will follow in the next two weeks. The last part of the public awareness is the training of law enforcement on the implementation of the new Alvin Penn Act changes and the final training session is at Western Connecticut State University on Tuesday August 20, 2013.

VIII.   Training Update
   a. Model Policy Guidelines

Before Ken Barone began discussing the model policy guidelines document, he reported the news that Lorie Fridell would be making a trip to Connecticut to have a fair and impartial policing seminar. The Department of Justice is funding and sponsoring the 3 day train-the-trainer program this winter hosted at CCSU and it will be open to Connecticut, Massachusetts, and Rhode Island. There will limited spots open for the training. Connecticut will get a certain number of spots and Massachusetts and Rhode Island will supplement them as well. As more information becomes available it will be shared with the advisory board.

Over the last several months, the training-working group has been developing guidelines for a model policy for departments to use when addressing racial profiling. The law requires that all departments have a policy prohibiting racial profiling. When this project first started a survey was conducted asking approximately 75 departments to submit their policy. After looking at the variety of those out there, it was determined that it would be beneficial to create a model policy that departments could look at and use as their department needed. This is not a required policy that all departments have to adopt. What was created is a resource document for when departments revise their current racial profiling prohibition policies. It meets the CALEA 1.2.9 standard and the requirements of the Alvin Penn Act. This has been the work of people from Post, State and Municipal police, and it is still a draft. The document will not be published after this meeting and members of the board will have time to dissect the document and make suggestions before it will be revised and presented again at the next meeting.

Chief Doug Fuchs began the open discussion by asking if Post had seen the document yet. Ken replied that members from Post are represented in the group that developed this document but that before it goes for approval by Post, the training group wanted to gauge the reaction from the advisory board. Chief Fuchs suggested more grammatical or legal changes but had little substance changes. Michael Gailor suggested that term political environment should be removed in the first paragraph under the note and Michael Lawlor seconded that. Cheryl Sharp asked if biased based policing was going to have a broader definition and agreed to email suggestions on this area to the project staff. Ken asked if any member wanted to submit changes to this document that it be done in the next two weeks so it can be revised before the next meeting.

The last topic mentioned under this agenda item was how long do police departments need to retain the data for. The state has already defined how long law enforcement is to retain documents pertaining to the Alvin Penn Act. Ken said that he would make that documentation available to law enforcement agencies. Sean Thakkar reemphasized that CJIS will retain the data for eternity if that is what is needed but that CJIS is not the state recorder. Whatever the state library was established as retention guidelines, those will apply. The state library also keeps guidelines for FOI and specifically the Alvin Penn Act.

IX. General Discussion
   a. Analysis of Data
   b. Next Steps

Jim Fazzalaro led the general discussion to begin talking about the analysis portion of this project. Phase one is coming to an end and there are two more big phases left. Jim wanted to kick-off phase two of developing the benchmark and how all the data coming in will be structured for analysis. Jim described how the benchmarking push/pull model developed in Rhode Island is structured because that model will be adjusted for Connecticut. This model refers to the estimated driving population for each jurisdiction which is different than using census data. Connecticut will try to develop this model first with hopes that it can be received in other ways like putting race and ethnicity back on driver's license information. After Jim finished describing the model he open the floor to questions. Sandra Staub asked who in the staff's opinion is currently performing the best with this traffic stop project and Jim responded that the only states that have taken the benchmarking process to another level is Massachusetts and Rhode Island. Ken mentioned that the Miami-Dade Country approached this project with a unique method of crash accident data. This being slightly more sophisticated and being that CT isn't collecting racial information during crashes; the push/pull model is the next best approach. More detail will be shared at the next data and system meeting August 15. All members are welcomed regardless of if they signed up or not. There was no further discussion after this point.

The meeting was adjourned at 12:06pm.