



## **Connecticut Racial Profiling Prohibition Project**

Thursday, December 6, 2012

10am – 12pm

Legislative Office Building

Hearing Room 1B

### **Draft Minutes**

Present: John DeCarlo, Chris Sedelmaier, Andrew Clark, Ken Barone, Werner Oyandel, Michael Gailor, Sean Thakkar, Aaron Swanson, Jim Fazzalano, Deborah Del Prete Sullivan, Sandra Staub, Stephanie Johnson, Commissioner Bradford, Stephen Cox, Chief Doug Fuchs, Nick Boulter, Mui Mui Hin-McCormick, Glenn Cassis, Gabriel Cano, Joseph Cristalli

The meeting was called to order at 10:05 am

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

Co-Chairs Bill Dyson and John DeCarlo welcomed members to the meeting and thanked them for their participation.

#### **II. Approval of November 9, 2012 minutes**

A motion was made by Chris Sedelmaier and seconded by Michael Gailor to approve the minutes from the meeting of November 9, 2012 and were approved by a unanimous voice vote.

#### **III. Data elements update**

##### **a. Post-Stop joint meeting update**

Ken Barone provided an update on the post-stop data elements that have been discussed at the working group meetings. There are still data elements to be considered in the coming month.

There was consensus on the following data elements:

1. Authority for Search
  - a. Consent
  - b. Inventory

2. Search Disposition
  - a. Contraband and or Evidence Discovered
  - b. Driver Arrested
  - c. Penal Code Violation

The below data elements required more information:

1. Authority for Search
  - a. Probable Cause
  - b. Incident to Arrest
  - c. Reasonable Suspicion
  - d. Exigent Circumstance
  - e. Plain View Contraband
  - f. Other
  - g. Was Driver Frisked
2. What was Searched
  - a. Driver
  - b. Passenger
  - c. Property/Vehicle
3. Search Disposition
  - a. Drugs/Alcohol/Paraphernalia
  - b. Duration of Stop- Range/Actual

The working groups will meet in the coming month to discuss the items that required more information.

#### **IV. Report to the Legislature**

- a. Legislative changes to P.A. 12-74

Jim Fazzalano presented possible recommendations for changes to the legislature for the upcoming session. There were several areas outlined in the current law that suggested changes were discussed. Those recommendations are outlined below:

##### **Sec. 1(a)—Written Policies Prohibiting Profiling**

Modify requirement for a written policy prohibiting profiling in traffic stops to include the other agencies to be brought under the law as explained below.

##### **Sec. 1 (b)(1)—Scope of Law and Data to Be Collected**

Modify first sentence to include under the scope of the law, besides municipal and State Police, any other entities with police powers who make traffic stops while enforcing motor vehicle laws (DMV inspectors, State Capitol Police, college and university police departments, etc.)

**NOTE: This change will have to be reflected throughout the law whenever the reference to “municipal police department and the Department of**

**Emergency Services and Public Protection” appears. There are many such references throughout the law.**

Modify subdivision (B) on location of stop to say “geographic location of the alleged violation that caused the stop to be made

Modify subdivision (C) to say “name and badge or other unique identifying number” (Some departments, including State Police, reuse badge numbers. This would allow departments that do this to use a unique identification number, such as the employee number, to identify an individual officer.)

Modify subdivision (F) to include (1) additional information related to the performance of searches such as the authority for the search and the results of the search and (2) require specification of the citations for any charges resulting from the stop. (The current law requires citations for the alleged violation that caused the stop to be made but does not require identification of the charges that result from the stop.)

#### **Sec. 1 (c ) (h)—Reporting Requirements**

As this subsection currently reads, assuming OPM has the standardized method in place, police agencies must “not later than October 1, 2013, and annually thereafter,” submit to OPM a summary report of the information recorded pursuant to the law. This wording creates inconsistency in the way traffic stop data historically has been submitted to AAAC that makes effective analysis of it extremely difficult.

We are proposing that the reporting requirement be rewritten to accomplish these objectives:

- Establish a periodic rather than annual reporting requirement (monthly reporting would be preferred but in no case should it be less than quarterly)
- Submissions should show data for all stops individually and not be summaries
- To the maximum practicable extent, submissions should be made in the form of an electronic document acceptable to OPM. The law should also establish a date, possibly the end of 2014 by which all data submissions are made in electronic form.

#### **Sec. 1 (c )(i)—Analysis of Traffic Stop and Complaint Data by OPM**

The law currently states that OPM must submit a report to the Governor, General Assembly and any other entity deemed appropriate reviewing the prevalence and

disposition of traffic stops and complaints reported pursuant to the law. This must be done “not later than January 1, 2014, and annually thereafter”

There is some concern that this report deadline may not afford collection of a sufficient amount of data to make the initial report to the governor and General Assembly a meaningful one. Departments have until October 1, 2013 to begin submitting data and the law is not specific as to how far back they must go in the data they submit. Thus, by the end of 2013, OPM may have as little as three months of data on which to base its initial evaluation.

- We are recommending that the January 1, 2014 reporting deadline be changed to at a minimum, March 1, 2014, and preferably to July 1, 2014.

b. Definition of Traffic Stop

A comprehensive definition of a traffic stop still needs to be developed by the working groups. It was proposed that this be the subject of the December working group meetings.

## **V. Public Awareness Update**

The Project team will be hosting another public forum in Bridgeport, CT on December 12, 2012. The event will be hosted by Rep. Andres Ayala and will be attended by Mayor Finch. Future public forums will be scheduled for the New Year.

## **VI. 2013 Advisory Board Meeting Calendar**

A calendar for the 2013 year for all advisory board and working group meetings has been established and shared with all members. It is also posted on the project website, [www.ctrp3.org](http://www.ctrp3.org).

## **VII. General Discussion**

Sandra Staub shared with the advisory board the report published by the ACLU about complaints filed with Connecticut Police Departments. The 2012 report is called, “Protect, Serve and Listen: accepting civilian complaints at Connecticut police departments.”

The meeting was adjourned at 12:10pm and the next meeting will take place on January 3, 2013 at 10:00am