Connecticut Racial Profiling Prohibition Project
Advisory Board Meeting
Thursday, March 13, 2014
10am – 12pm
Legislative Office Building, Room 2B

Draft Minutes

Present: William Dyson, Glenn Cassis, Chris Sedelmaier, Chief Douglas Fuchs, Michael Gailor, Tamara Lanier, Sean Thakkar, Aaron Swanson, Sandra Staub, Colonel Danny Stebbins, Stacey Manware, Major Mark Panaccione, Jim Fazzalaro, Andrew Clark, Ken Barone, Commissioner Schriro.

The meeting was called to order at 10:15am.

I.   Welcome

Bill Dyson welcomed the advisory board thanked them for attending. He also introduced the new Commissioner of DESPP, Dora B. Schriro.

II.   Approval of January 23, 2014 minutes

A motion was made by Glenn Cassis and seconded by Andrew Clark to approve the minutes from January 23, 2014. The minutes were approved by a unanimous voice vote.

III.   March 2014 Final Report

The advisory board was provided with a copy of the final progress report for the General Assembly. The report outlines the work of the advisory board in 2013 and informs the General Assembly of the compliance rate for law enforcement agencies. As of the publishing date of the report, 103 of 104 agencies are in compliance with the law.

IV.   Benchmark Update

Jim presented a concept of validating the benchmarks by using license plate readers in select towns. The proposal presented is below:

How to validate our benchmarks?

One of the issues the project staff has been considering, in consultation with Chris Sedelmeir, is devising a method for validating the benchmarks we create for traffic stop analysis. The proposal is to use License Plate Readers (LPR) as a method for achieving this goal.

Validating benchmarks in Rhode Island:

In Rhode Island, the estimated driving population benchmarks were validated through a series of observational surveys conducted over a period of time—a time consuming and fairly expensive process. However, Rhode Island had the advantage of not being under the time constraints that Connecticut is with respect to meeting the requirements of the Alvin Penn Act.

Why use LPR's?

The use of LPR technology is becoming more common in the law enforcement community and could provide an alternative to simplify the validation process. One of the primary benchmarks we are creating is an estimated weekday/daytime driving population that uses census data to estimate who may typically be driving on a community's roads during these hours. The benchmark is made of both the community's resident driving age population and an estimate of nonresidents who could be on the community's roads at any given time because they work in the community but live in other communities.

The project staff recently met with several police chiefs to discuss their concerns with the current benchmarking approach. Many were concerned that the presence of major traffic generators such as large shopping malls would not be properly accounted for. The outcome of that meeting was a decision to consider the possible use of LPRs to both validate the benchmark and to refine the benchmarking process. This validation process will also help with the benchmark being developed using CERC data. The CERC data will explore economic factors that contribute to driving patterns and help create comparison groups for the analytical process.

The key to estimating driving populations is to get the appropriate mix of resident and nonresident drivers likely to be using a community's roads at any given time. LPRs could prove useful in this regard. The project staff is fully aware that the growing use of LPRs by law enforcement is a controversial issue. Our potential interest is strictly with regard to being able to identify communities of origin of motor vehicles in a typical traffic stream. We are NOT looking to collect information on the vehicles' owners.

Using LPRs could have several benefits to the benchmarking process:

1. Validating the weekday/daytime estimated driving population
2. Help to develop driving models for other periods, in particular, weekends.
3. Help to develop information with respect to seasonal variations in driving populations such as for our shoreline communities.

4. Useful in estimating the "drive through" effect of those who may be traveling through one community to get to work in another.

Consequently, we are asking members of the Advisory Board to help identify the parameters that would be necessary to make use of LPRs for these purposes. We are interested in hearing (1) what safeguards and limitations would need to be put into place, such as limits on record retention, and what would be necessary to make use of this technology for acceptable research purposes and (2) how their use should be structured to meet some of these goals.

V. Racial Profiling Definition Discussion

The advisory board was updated on the status of the working group looking into the current statutory definition of racial profiling. Below is the current working definitions being discussed by the working group:

Current Connecticut Statutory Definition:

Sec. 54-1l. Short title: Alvin W. Penn Racial Profiling Prohibition Act. (a) This section and section 54-1m shall be known as the "Alvin W. Penn Racial Profiling Prohibition Act".

(b) For the purposes of this section, "racial profiling" means the detention, interdiction or ~~other~~ disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual.

(c) No member of the Division of State Police within the Department of Emergency Services and Public Protection, a municipal police department or any other law enforcement agency shall engage in racial profiling. The detention of an individual based on any noncriminal factor or combination of noncriminal factors is inconsistent with this policy.

(d) The race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

Michael Gailor explained that he believes that sub-section C appropriately deals with many of the concerns of the working group. The group will continue to meet to discuss this matter.

VI. General Discussion

Members of the advisory board that attended the Fair and Impartial Policing training seminar in February debriefed the advisory board on their experience with the training.

There was no other general discussion and the meeting was adjourned at 12:05pm.