



# 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

#### *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.