



**REPORT OF INDEPENDENT INVESTIGATION OF  
CONNECTICUT STATE POLICE**

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## **I. Executive Summary of Findings**

### **A. Failures by CSP**

There have been significant failures by the Connecticut State Police (“CSP”) with respect to the reporting of racial profiling data (“RPD”) under the Alvin W. Penn Racial Profiling Prohibition Act (the “Alvin Penn Law”), including (i) a failure to respond effectively to known Trooper falsification of traffic stop data in 2018, (ii) a failure to address information available in 2018 that indicated potentially broader problems with the accuracy of CSP’s RPD, and (iii) a failure to supervise Troopers’ entry of RPD and to properly train Troopers on appropriate data-entry practices.

### **B. Remedial Measures Are Required to Ensure Accuracy of Racial Profiling Data**

The foregoing failures contributed to the data inaccuracies identified in the audit of CSP’s RPD conducted by the Connecticut Racial Profiling Project Advisory Board (“CTRP3”). The inaccuracies in the data are significant, and remedial measures must be undertaken by the CSP to ensure the accuracy and reliability of its RPD going forward.

### **C. The Scope of Intentional Falsification of Records by Active Troopers and Constables Is Far More Limited than Initially Suggested by CTRP3’s Audit**

The CTRP3 Audit results suggested that as many as 81 active Troopers and Constables may have engaged in the intentional falsification of traffic stop data, based on the audit’s identification of RPD entries that could not be matched to infraction data maintained by the Connecticut Centralized Infraction Bureau (“CIB”). We conclude that this suggestion is not supported by the evidence. Rather, our investigation found that 74 of the 81 active Troopers and Constables identified in the Audit process are not likely to have engaged in intentional misconduct. Moreover, we found no evidence that any Trooper or Constable engaged in conduct with the intention of skewing racial profiling data, or of concealing their own racial profiling.

One active Trooper (currently assigned to desk duty) is confirmed to have intentionally entered verbal warnings as infractions to appear more productive to his supervisors and was previously found to have done so in 2018 by CSP Internal Affairs (“IA”). In addition, we found that five other active Troopers and one active Constable may have falsified traffic stop data. We have referred all seven individuals to CSP for further investigation by IA.<sup>1</sup> Other than the single Trooper described above, we did not find a reliable basis to conclude that the other six individuals engaged in intentional misconduct. Nor did we find any evidence that the seven individuals intended to skew racial profiling data or conceal racial profiling. However, we have determined that further scrutiny of their conduct by IA is warranted, as discussed herein.

Our review of the potential misconduct of Troopers and Constables was conducted through a two-stage analysis.

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<sup>1</sup> CSP has committed to referring the active Troopers and Constable in this group for IA investigation.

First, CSP reviewed a large volume of RPD and infraction data maintained by CIB for the Troopers and Constables. This review, discussed in more detail herein, reconciled a large number of discrepancies identified in CTRP3's audit by matching infractions in CIB's records to RPD entries that were previously unmatched by CTRP3 or by identifying other legitimate policing activity that corresponded to unmatched RPD entries. CSP's review determined that the discrepancies of 60 of the 81 active Troopers and Constables flagged in the CTRP3 Audit were reconciled below CTRP3's audit threshold. We found that CSP's review provided objective evidence that these 60 active Troopers and Constables were not likely to have engaged in intentional misconduct. We undertook our own review to vet CSP's reconciliation process which included interviewing certain reconciled Troopers to further assess their conduct and data-entry practices that led to discrepancies identified in the audit. These interviews confirmed that the reconciled Troopers are not likely to have intentionally falsified traffic stop data.

Second, we interviewed the remaining 21 active Troopers and Constables whose RPD discrepancies were not reconciled by CSP below CTRP3's audit threshold. Based on these interviews as well as our review of each Trooper's individual traffic stop data and other factors discussed below, we concluded that all but six active Troopers and one Constable are not likely to have engaged in intentional misconduct. Instead, discrepancies were more likely caused by (i) inattention and carelessness, particularly in distinguishing properly between warnings, infractions, and other dispositions in the traffic stop "disposition" field when entering data; (ii) a lack of training on appropriate data-entry practices; (iii) various other mistakes and miscommunications with or errors by dispatchers; and (iv) malfunctions and connectivity issues with mobile data terminals and electronic-ticket printers. However, many of the Troopers and Constables who we found are unlikely to have engaged in intentional misconduct nonetheless submitted inaccurate RPD, reflecting deficient data-entry practices and deficient training that must be addressed by CSP.

Our ability to make findings regarding the 49 Troopers flagged in CTRP3's audit who are retired was more limited. As these Troopers are no longer in law enforcement, they were not required to cooperate with our investigation. Further, CSP has not completed its reconciliation review of 12 of these Troopers. To date, CSP has reconciled the RPD discrepancies of 29 retired Troopers. For the reasons described above, we found that these Troopers are unlikely to have engaged in intentional misconduct. Three retired Troopers whose data was not reconciled consented to interviews. Based on information provided in their interviews and other factors, we determined that they are not likely to have engaged in intentional misconduct. Three additional retired Troopers have already been found by IA to have falsified traffic stop records in 2018. We are unable to make findings regarding the remaining 14 retired Troopers flagged in the audit because they did not respond or agree to our request for an interview, and/or because CSP has not completed its reconciliation review of their RPD discrepancies.

In short, as a result of this review, we found that:

- 74 of the 81 active Troopers and Constables flagged in CTRP3's audit are unlikely to have intentionally falsified traffic stop data.
- Six active Troopers and one Constable have been referred to CSP for further investigation by IA of potential falsification of traffic stop data.

- 32 of the 49 retired Troopers flagged in CTRP3’s audit are unlikely to have intentionally falsified traffic stop data.
- Three retired Troopers flagged in CTRP3’s audit were previously found by IA to have falsified traffic stop data in 2018.
- We are unable to make findings regarding the 14 remaining retired Troopers flagged in CTRP3’s audit.

## **II. Background and Events Precipitating This Investigation**

Connecticut’s anti-racial profiling statute, the Alvin Penn Law, prohibits traffic stops motivated solely by considerations of the race, color, ethnicity, age, gender, or sexual orientation of the individual stopped. CTRP3 was established to advise the Connecticut Office of Policy and Management (“OPM”) in analyzing annual traffic stop data and providing reports to the Governor and General Assembly on law enforcement agencies’ compliance with the Alvin Penn Law. Since October 2013, all law enforcement agencies in Connecticut, including the CSP, have been required by statute to submit traffic stop data for analysis by CTRP3 and OPM. The RPD submitted by CSP, as relevant here, includes the perceived race, ethnicity, age, and gender of individuals stopped by Troopers and Constables,<sup>2</sup> and the disposition of the traffic stops (*i.e.*, whether they resulted in the issuance of an infraction, written or verbal warning, or misdemeanor). The RPD is submitted by Troopers and Constables through CSP’s internal Nexgen Record Management System (“Nexgen”),<sup>3</sup> and the data is then transmitted by CSP to CTRP3.

In Fall 2022, it came to CTRP3’s attention that four CSP Troopers (three of whom had by that time retired) had been subject to IA investigations for falsifying Nexgen traffic stop data in 2018. The previously undisclosed conduct caused CTRP3 to be concerned with the accuracy and reliability of the RPD submitted to CTRP3 by CSP, and led CTRP3 to begin an audit of CSP’s RPD for the years 2014 to 2021.

On June 28, 2023, CTRP3 released its Connecticut State Police Traffic Stop Data Report 2014-21 (the “CTRP3 Audit”). The CTRP3 Audit focused on determining whether the RPD—particularly the designated dispositions of the traffic stops recorded in the data—matched infraction data maintained independently by CIB.<sup>4</sup> The CTRP3 Audit identified significant

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<sup>2</sup> Constables are peace officers appointed by the towns within which they work and have specified policing authority. Constables are supervised by CSP Resident Town Troopers (as well as local elected officials), but are compensated by the towns where they are appointed. Most Constables (and all Constables at issue in this investigation) are retired CSP Troopers.

<sup>3</sup> Troopers and Constables generally (but not exclusively) enter RPD relating to a traffic stop through a mobile data terminal (“MDT”) in their vehicle. In certain cases, Troopers and Constables may also communicate relevant information regarding a traffic stop to a dispatcher, who then enters the RPD in Nexgen.

<sup>4</sup> CIB is a unit of the State of Connecticut Judicial Branch, Superior Court Operations Division, and is responsible for administrative matters relating to infractions. While CIB’s database includes infractions issued by CSP, CIB’s database is maintained independently of CSP and does not rely on the data stored in CSP’s Nexgen database.

discrepancies between traffic stops in the RPD that were designated as resulting in the issuance of infractions and the infractions in CIB's database. According to CTRP3, 25,966 traffic stops reported in the RPD with a disposition of infraction had no corresponding infraction record at CIB (the "Over-Reported Records").<sup>5</sup> CTRP3 concluded that the audit revealed "[a] historical pattern and practice among some Troopers and Constables of submitting infraction records that were likely false or inaccurate to the racial profiling system." The CTRP3 Audit found that 130 Troopers and Constables had, according to CTRP3, (1) more than eight Over-Reported Records in a single year that (2) represented more than 20% of that Trooper's or Constable's infraction records in the RPD in that year (the "Audit Threshold"). These 130 Troopers and Constables are referred to herein as the "Flagged" Troopers and Constables.

### III. Scope of the Investigation

On July 24, 2023, the Office of Governor Ned Lamont announced that it had retained Deirdre M. Daly and the law firm of Finn Dixon & Herling LLP to conduct an independent investigation and make factual findings, to the extent adequate evidence is available, regarding (i) whether CSP Troopers and Constables falsified traffic stop records during the period of 2014-2021; (ii) how and why any such falsification occurred; and (iii) how any such falsification went undetected and unreported during those years. The Governor's Office also requested that we provide recommendations regarding any remedial measures that should be implemented to prevent any future misconduct.

We collected over 50,000 e-mails belonging to relevant custodians at CSP and the Department of Emergency Services and Public Protection ("DESPP"). We also collected and reviewed (i) many other documents, including IA reports, CSP policies and procedures, data from Nexgen, and other historical data files; (ii) data from CSP and CIB relating to the reconciliation of infractions reported in the RPD to infractions recorded in CIB's database; (iii) the CTRP3 Audit Report, and various other data and analyses provided by CTRP3; and (iv) eleven submissions to our confidential tip hotline and website that were established for purposes of the investigation.<sup>6</sup>

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<sup>5</sup> A detailed discussion of CTRP3's methodology in conducting the audit (*e.g.*, the process employed to attempt to match infraction records in the RPD to the CIB database) is set forth in the CTRP3 Audit. CTRP3 also concluded that at least some infractions issued by CSP (and found in the CIB database) were not reported in the RPD when they should have been (the "Under-Reported Records"). CTRP3 concluded that "[i]t is challenging to fully understand the extent of possible underreporting" in the RPD, but that "it appears that at least some records are not being reported to the racial profiling database that should be." Potential underreporting was not a focus of our investigation because we concluded that Over-Reported Records, rather than Under-Reported Records, were more likely to have been the result of intentional misconduct by Troopers and Constables, as the only plausible motive identified for the falsification of records was to inflate a Trooper's productivity, not to skew data regarding the race or ethnicity of the motorists stopped by a Trooper. Potential Under-Reported Records are nonetheless a legitimate concern because they implicate the accuracy and reliability of the RPD. In any event, many of the recommendations we make as a result of this investigation address conduct and issues that could have led to both Over-Reported and Under-Reported Records and, therefore, we expect that implementation of these recommendations will address both problems.

<sup>6</sup> Most tips we received did not fall within the scope of our investigation. We referred some of these tips, with the tipper's permission, to IA for further review.

We interviewed 89 individuals, including:

1. 31 active Troopers and retired Troopers currently working as Constables, and three retired Troopers, who the data indicated were most likely to have engaged in potential intentional falsification of traffic stop data;
2. 33 active or retired CSP leaders;
3. Three current or retired senior DESPP personnel;
4. 13 current and former State prosecutors and inspectors;
5. The CTRP3 Project Manager;
6. A representative of CIB;
7. Three Nexgen employees; and
8. One Chief of Police of a municipal police department.

The interviewees included most all management-level CSP/DESPP personnel with apparent knowledge of or involvement in matters related to the potential misconduct. We interviewed all active Troopers and Constables and three retired Troopers whose data indicated they were most likely to have engaged in intentional falsification of traffic stop data.<sup>7</sup>

CSP fully cooperated with us throughout the investigation. CSP supplied a large number of documents and information relevant to the investigation, replied promptly to numerous inquiries from the investigative team, and helped to coordinate certain interviews. CSP's internal review and reconciliation of traffic stops with a disposition of infraction recorded in the RPD to CIB's database was shared with us on an ongoing basis and helped to guide and target our investigation of certain Troopers and Constables. No active Troopers or Constables refused requests for interviews. Almost all Troopers and Constables were accompanied by representatives of the CSP Union in the interviews. The CSP Union representatives were cooperative throughout the interview process.

Our investigation was limited in certain respects.

First, to comply with the timeline for the completion of this investigation and to reasonably control costs, we did not review all of the approximately 50,000 e-mails collected from

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<sup>7</sup> The Troopers and Constables we interviewed included all active Flagged Troopers and Constables whose Over-Reported Records were not reconciled below the Audit Threshold by CSP, as well as certain reconciled Troopers and Constables whose data raised particular concerns, despite their reconciliation below the Audit Threshold. We cannot rule out the possibility that Troopers and Constables who were not flagged in the CTRP3 Audit, or who were flagged but reconciled below the Audit Threshold, falsified a traffic stop. But we believe that discrete Over-Reported Records can be plausibly explained by a variety of unintentional conduct and technical errors discussed below, and that the Flagged Troopers and Constables whose Over-Reported Records were not reconciled are those who were most likely to have engaged in intentional misconduct.

CSP/DESPP. CSP also withheld a number of e-mails and documents due to certain privilege and confidential intelligence concerns. Based on our targeted review,<sup>8</sup> we do not believe that further review of the available e-mails, or review of the withheld e-mails and documents, would have produced information that would have significantly changed our investigative findings.

Second, our mandate in this investigation was focused on (i) potential intentional misconduct by Troopers and Constables, and (ii) potential systemic failures within CSP, rather than on the statistical impact on the RPD of errors and deficient (but not intentionally wrongful) data-entry practices.

Third, our ability to make findings regarding retired Flagged Troopers was limited by our inability to interview certain retired Troopers, and the fact that CSP had not completed its reconciliation review of all of the retired Flagged Troopers' Over-Reported Records by the date of this report. While these limitations impacted our ability to make findings as to particular retired Troopers, we do not believe these limitations had a meaningful impact on our other investigative findings and recommendations.

#### **IV. Investigation Findings**

##### **A. CSP Failures**

In Fall 2018, CSP leadership learned that four Troopers falsified Nexgen records in order to, at bottom, appear more active or “productive” to their supervisors. The four Troopers were referred for IA investigations, and soon after the misconduct surfaced, CSP leadership initiated an internal audit and analysis that revealed potentially broader inaccuracies in CSP’s Nexgen data and, by extension, in the RPD reported to CTRP3.

However, CSP leadership failed to respond effectively to the identified misconduct or to the indications of potentially broader problems with the accuracy of the Nexgen data and RPD. Specifically, CSP leadership:

1. Failed to refer the four identified Troopers for criminal investigation by any State’s Attorney Office (“SAO”) despite the fact that the Troopers’ more immediate supervisors recognized that the conduct implicated certain state criminal statutes, or to impose appropriate discipline on the two Troopers who did not retire before completion of the IA investigations, which substantiated their misconduct;<sup>9</sup>
2. Failed to pursue effectively the findings of an internal CSP audit that indicated a potentially broader problem with the accuracy of Nexgen records and potential

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<sup>8</sup> We targeted our review of these documents based on information learned during interviews, indicating particularly relevant custodians and time periods, and by using search terms.

<sup>9</sup> Two of the four Troopers retired shortly after the misconduct surfaced, thereby avoiding any possible discipline. The IA investigations proceeded and the two Troopers who remained active received short suspensions (two days and ten days) and were transferred to a different Troop. One of those Troopers subsequently retired, and one remains active.

misconduct by other Troopers, and failed to determine at the time why there were significant discrepancies in the Nexgen data;

3. Failed to implement appropriate training and remedial measures to ensure that (i) Troopers understood and complied with their racial profiling reporting obligations, and (ii) accurate RPD was being reported to CTRP3; and
4. Failed to alert and collaborate with CTRP3 regarding the four Troopers' falsified records or the potential broader problems with the accuracy of the RPD reported to CTRP3.

The failures demonstrate inadequate leadership, judgment, and initiative. The CSP leaders who were closely involved in this episode retired in late 2018 or early 2019. However, the failures nonetheless demonstrate a need for current CSP leadership to demonstrate and encourage cultural change within the CSP to prioritize transparency and diligent self-evaluation in response to indications of potential problems or misconduct.

Moreover, our investigation revealed other organizational and leadership failures related to RPD:

1. Troopers had limited understanding of their RPD reporting obligations or the purpose of the data;
2. CSP provided Troopers with little or no training on how or when to enter the data;
3. Line supervisors exercised little oversight over Troopers' data entry practices on an ongoing basis; and
4. There was no internal audit function within CSP to assess the accuracy of the RPD being reported to CTRP3.

Overall, both before and after revelation of the four Troopers' misconduct in 2018, there was little attention paid by CSP to the importance of accurate and reliable RPD reporting, and this inattention was reflected in various deficient data-entry procedures and practices among Troopers and Constables that has negatively impacted the accuracy of the RPD relied upon by CTRP3.

## **B. CSP Data Reconciliation**

Over the course of approximately six months after the CTRP3 Audit was issued, CSP undertook a detailed review of the Flagged Troopers' Over-Reported Records identified in the CTRP3 Audit. This process involved the comparison, on an infraction-by-infraction basis, of Nexgen data to CIB's database to determine whether traffic stops designated as infractions in Nexgen could be matched to infractions in CIB's database, or whether the Over-Reported Records identified in the CTRP3 Audit could be otherwise explained (the "CSP Reconciliation"). We found that the CSP Reconciliation was diligently conducted in good faith and was an appropriate process for identifying Over-Reported Records that (i) could, in fact, be reasonably matched to infractions in CIB's database, or (ii) corresponded to legitimate policing activity that was entered incorrectly into Nexgen (and, by extension, reported incorrectly in the RPD). Due to time and



resource constraints, the CSP Reconciliation analyzed data for a Trooper or Constable only in the years in which the individual exceeded CTRP3's Audit Threshold.

To date, CSP has completed its review of all active Flagged Troopers and Constables, and 37 of the 49 retired Flagged Troopers. The results of the CSP Reconciliation to date are as follows:

<b>CSP Reconciliation<sup>10</sup></b>		
<b>Category</b>	<b>Reconciled</b>	<b>Unreconciled</b>
Active Flagged Troopers	50 (75%)	17 (25%)
Active Flagged Constables	10 (71%)	4 (29%)
Retired Flagged Troopers	29 (78%)	8 (22%)
<b>Total</b>	<b>89 (75%)</b>	<b>29 (25%)</b>

Over-Reported Records were reconciled by CSP in a number of ways, including:

1. Identification of badge number or Nexgen ID number changes or variations that caused CTRP3 to fail to match RPD entries to infractions in CIB's database;
2. Identification of town tickets, which were not in CIB's database and unavailable to CTRP3, but which matched RPD entries;
3. Identification of paper handwritten tickets that were not matched by CTRP3 due to data inaccuracies (*e.g.*, missing or inaccurately transcribed badge numbers, inaccurate motorist age data, and date of ticket variations) or because the tickets were not transmitted to CIB; and
4. Identification of evidence indicating that warnings, misdemeanors, or voided electronic tickets were inadvertently designated as infractions in the RPD.

Despite the reconciliation of 89 of the 130 Flagged Troopers and Constables to date, certain of the reconciled Troopers' and Constables' data was inaccurate, and these inaccuracies were caused in significant part by inadequate training. For example, many of the reconciled Over-Reported Records were not matched to CIB's database by CTRP3 because the age of the motorist reflected in the RPD differs significantly from the motorist's actual age. To take another example, some Troopers frequently generated RPD entries reflecting a traffic stop and issuance of an infraction when, in fact, they issued a parking or non-moving violation, which are not traffic stops for which RPD should be entered.

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<sup>10</sup> These figures exclude the sixteen retired Flagged Troopers who were not reviewed by CSP by the date of this report.

As discussed above, these data problems are reflective of a failure by CSP to ensure that accurate data was reported to CTRP3, and substantial remedial measures must be taken to address these deficiencies.

The CSP Reconciliation nonetheless also indicates that:

1. The number of Troopers and Constables with Over-Reported Records above the Audit Threshold is significantly lower than the CTRP3 Audit initially indicated;
2. The overall number of Over-Reported Records initially identified in the CTRP3 Audit overstates the number of such records in the RPD; and
3. Over-Reported Records are often caused by issues that have nothing to do with the creation of fictitious traffic stops or other intentional misconduct, and such Over-Reported Records reflect legitimate policing activity (albeit activity that was potentially recorded inaccurately in Nexgen).

We find that there is little reason to believe that the reconciled Flagged Troopers and Constables created fictitious traffic stops or otherwise engaged in intentional misconduct. The Audit Threshold was set by CTRP3 to “hone [its] analysis to identify the troopers with the most significant discrepancies.”<sup>11</sup> The Audit Threshold was a reasonable initial means of identifying Troopers and Constables who had the most concerning data and were most likely to have *potentially* engaged in intentional misconduct.<sup>12</sup> The objective analysis reconciling a Trooper or Constable below that threshold removed that basis for suspicion. Our investigation further confirmed that a number of issues, aside from intentional misconduct, likely caused the reconciled Flagged Troopers’ Over-Reported Records.

However, the data-entry practices of certain reconciled Troopers and Constables were concerning and, in our view, warranted further investigation. Accordingly, we interviewed 10 reconciled Troopers. These interviews corroborated that the Troopers were not engaged in intentional misconduct. Rather, to the extent they entered data in Nexgen incorrectly, they likely did so due to a lack of training, carelessness, and/or a misunderstanding of their reporting requirements, rather than an effort to falsely report their activity.

### **C. Investigation of Unreconciled Troopers and Constables**

In addition to the above-referenced 10 reconciled Troopers, we attempted to interview:

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<sup>11</sup> CTRP3 Audit, at 28.

<sup>12</sup> We cannot conclude definitively that there was no intentional misconduct among Troopers and Constables who were not flagged in the CTRP3 Audit, as they were not a focus of our investigation. However, it is reasonable to conclude that, because the Flagged Troopers and Constables were those most likely to have engaged in intentional misconduct, it is less likely that a significant number of Troopers or Constables that were not flagged were engaged in such misconduct. Further, as discussed further below, we identified a variety of causes of Over-Reported Records that do not implicate intentional misconduct.

1. The 17 unreconciled active Flagged Troopers;
2. The four unreconciled active Flagged Constables; and
3. Seven unreconciled retired Flagged Troopers.

We interviewed each of the twenty-one active Troopers and Constables in this group, but only three of the retired Troopers agreed to be interviewed.

The primary objectives of our interviews were to (i) determine whether a Trooper's or Constable's Over-Reported Records indicate intentional misconduct and identify the motive for any such misconduct; or (ii) identify alternative, unintentional potential causes of the Over-Reported Records.

The Troopers and Constables interviewed consistently and credibly reported a lack of concern that their Nexgen data would indicate that they were engaged in prohibited racial profiling. And there is no evidence that any Troopers or Constables engaged in any conduct with the intention of impacting the RPD reported to CTRP3 generally, or of concealing their own racial profiling. The only plausible motive identified in the course of our investigation for any Trooper or Constable to falsify Nexgen data was to appear more "productive" or curry favor with supervisors. But, as described below, we determined this motive to be implausible for a number of the Troopers and Constables interviewed due to various factors, including the individual's position and/or assignment within the CSP, and their overall levels of motor vehicle enforcement activity.

In assessing whether Over-Reported Records were indicative of potential intentional misconduct, we considered a number of factors, including:

1. The quantity, persistence, and time period of the individual's Over-Reported Records;
2. Whether the individual was issuing written or electronic tickets during the relevant period;<sup>13</sup>
3. The individual's credibility and demeanor during the interview;
4. The plausibility of alternative explanations offered for Over-Reported Records, assessed relative to the individual's Nexgen data;

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<sup>13</sup> Although the CSP Reconciliation attempted to identify written infractions that matched RPD entries, written infractions—which were more prevalent in the early years covered by the CTRP3 Audit—create a number of opportunities for data transcription and transmission errors (by Troopers, clerks, or CIB) that could cause an infraction to be lost or to not be matched to a corresponding traffic stop in the RPD. For this reason, discrete numbers of Over-Reported Records in years in which a Trooper did not have an electronic ticket printer suggest that intentional misconduct is less likely.

5. Any suspicious patterns in the individual's Nexgen data (*e.g.*, clusters of stops within an implausibly short period of time); and
6. The plausibility that the individual would be motivated to falsely inflate their productivity, taking into account the individual's circumstances and position within CSP during the relevant period, and their overall level of unquestioned motor vehicle activity.

The Troopers and Constables often differed significantly with respect to these factors. For example, one Trooper may have a relatively small number of Over-Reported Records in a single year during which he was in a secure position (*e.g.*, a Resident Trooper) and lacked any apparent motive to inflate his productivity, while another Trooper may have significant numbers of Over-Reported Records over multiple years while on patrol and seeking promotion.

Based on our assessment of each individual's factors, as well as their Nexgen data and information learned during our interviews, we conclude that the Over-Reported Records of 17 of the Troopers (retired and active) and Constables we interviewed were likely caused by a combination of (i) inattention and carelessness, particularly in distinguishing properly between warnings, infractions, and other dispositions in the traffic stop "disposition" field when entering data on the MDT; (ii) a lack of training on appropriate MDT and data-entry practices; (iii) various other mistakes and miscommunications with or errors by dispatchers; and (iv) malfunctions and connectivity issues with MDTs and electronic-ticket printers. While misdesignations of warnings as infractions could be part of an effort by a Trooper to inflate their "productivity," we concluded in many cases based on our interviews and the Troopers' particular circumstances (*e.g.*, their overall Nexgen data, and the nature of their position within CSP) that such a motive was unlikely. There is little if any basis to believe that the Over-Reported Records for these 11 Troopers, three Constables, and three retired Troopers are indicative of intentional misconduct.

#### **D. Referrals to Internal Affairs**

We have recommended that CSP refer six active Troopers and one active Constable to IA for further investigation; and CSP has committed to these IA investigations. We made these referrals based on our conclusion that:

1. The Trooper or Constable failed to offer any plausible alternative explanation for their Over-Reported Records; and/or
2. The Over-Reported Records were so large in number or persistent that they were unlikely to be explained by mistakes, technical failures, or another of the various innocent explanations that were identified in our investigation.

In making each referral, we also concluded that no other factors, such as the Trooper's lack of motive, sufficiently mitigated our concerns. We did not conclude that the individuals we referred to IA engaged in intentional misconduct, but only that further scrutiny by IA is warranted.

CSP leadership has also independently determined, based on the CSP Reconciliation, that between five and eight additional active Troopers will be referred to IA for a lower-level administrative inquiry, which could be elevated for additional investigation based on IA's review

of facts and circumstances. While our assessment is that these Troopers are unlikely to have engaged in intentional misconduct, CSP has concerns regarding the number, nature, and/or persistence of their Over-Reported Records such that further inquiry is warranted.

**E. No Findings Are Made with Respect to Certain Retired Troopers**

Three of the 18 retired Flagged Troopers were already found by IA to have falsified traffic stop data in 2018. We are unable to make findings regarding the remaining 14 retired Flagged Troopers, either because they did not respond or agree to our request for an interview, or because CSP has not completed its reconciliation review of their Over-Reported Records.

**V. Recommended Remedial Measures**

Consistent with our assignment by the Governor’s Office, we have identified a number of remedial measures that we believe should be implemented to address the failures identified above, and to ensure that accurate and reliable RPD is provided to CTRP3 going forward. CSP has begun implementing reforms addressing a number of these recommendations below, and is in the planning stages for the implementation of some others.

**A. Enhanced Supervision and Auditing by CSP**

1. Conduct comprehensive annual audits of RPD to ensure reliability and accuracy.
2. Conduct rotating audits of specific Troops, including data review, supervisory practices, and Trooper data-entry practices.
3. Ensure adequate resources and staffing to complete effective audits.
  - a. Consider returning CSP CAD/RMS unit to previous staffing levels, including internal audit function.
4. Require Troop commanders to regularly review Trooper Nexgen data for inaccuracies or discrepancies.
  - a. Collaborate with Nexgen to ensure supervisors have technological tools required for effective data review.

**B. Enhanced Communication and Collaboration with CTRP3**

1. Proactively engage with CTRP3 on annual and rotating audit findings, and any issues uncovered by supervisors.
2. Collaborate with CTRP3 on formulating training and policy documents to ensure there is agreement on expectations of Troopers.

**C. Implement Training for Troopers and Dispatchers**

1. Provide in-person, mandatory training for Troopers on (i) the Nexgen system, including appropriate call types; (ii) the Alvin Penn Law and its requirements; and (iii) appropriate RPD-entry practices.
2. Provide in-person, mandatory training for dispatchers on proper call creation, clearance, and RPD entry.

**D. Technology and Policy Changes to Improve Tracking of Trooper Activity**

1. Consider requiring Troopers to create written record of verbal warnings issued, for internal retention by CSP, and retain copies of written warnings.
2. Retain GPS tracking (automated vehicle locator) data for Trooper vehicles, taking into account privacy considerations relating to Troopers' personal use of vehicles, to allow additional verification of Trooper activity as needed.
3. Require entry of paper ticket number in Nexgen when disposition is "infraction," to allow matching of written infractions to Nexgen/RPD entries.
4. Continue efforts to minimize use of written tickets, such as equipping additional vehicles with MDTs and electronic-ticket printers.

**E. Internal Affairs Improvements**

1. Clearly define policy and procedures to follow in assessing whether to refer IA matter for possible criminal investigation or decertification (consistent with any legislative action pursuant to recommendation below).
2. Complete IA investigations within timeline required by April Accord (120 days of learning of potential misconduct), and increase staffing and minimize turnover as required to timely complete investigations.

**F. Legislative Action**

1. Consider adoption of a criminal statute (in consultation with Office of the Chief State's Attorney ("CSAO")) specifically addressed to the falsification of traffic stop data and RPD.
2. Consider adoption of a statute (in consultation with CSAO and Police Officer Standards and Training Council ("POST")) requiring that CSP refer serious misconduct by Troopers to (1) the State's Attorney with jurisdiction for criminal investigation, and (2) POST for potential decertification.
3. Consider requiring Connecticut Department of Motor Vehicles to code racial profiling information into licenses, in order to improve accuracy of RPD and reduce data-entry burden on Troopers.

4. Allocate resources and funding needed by CSP to effectively implement the recommendations directed to CSP.

#### **G. Appointment of Compliance Consultant**

1. Consider appointment of a compliance consultant on a short-term basis (approximately six months, extended as needed to ensure compliance) to supervise and assist in CSP's implementation of remedial measures.

### **VI. Conclusion**

Our investigation has corroborated the CTRP3 Audit's findings that there are significant deficiencies in CSP's compliance with the reporting requirements of the Alvin Penn Law that must be addressed to ensure that the data provided to CTRP3 is accurate. CTRP3's concerns regarding the reliability of the RPD submitted by CSP are legitimate, and are attributable in large part to CSP's failures to adequately train and supervise Troopers in their entry of RPD.

The investigation identified serious failures by CSP that allowed deficient data-entry practices to develop and persist. An effective, transparent response to the misconduct identified in 2018 and indications of more systemic problems with the accuracy of CSP's RPD could have significantly improved CSP's compliance with its obligations under the Alvin Penn Law and likely avoided the events prompting the CTRP3 Audit, which have distracted CSP from its core mission and caused damage to its reputation.

We conclude that many of the Over-Reported Records identified in the CTRP3 Audit are the result of deficient data-entry practices, rather than intentional falsification of traffic stop data.

Of the 81 active Troopers and Constables flagged in the CTRP3 Audit as having Over-Reported Records above the Audit Threshold, 60 of them were reconciled below the threshold. While the RPD of some of these Troopers and Constables is nonetheless deficient or inaccurate, we conclude that the reconciled Troopers and Constables were engaged in legitimate policing activity and are unlikely to have intentionally falsified records. Further, of the 21 active Troopers and Constables who were flagged in the CTRP3 Audit and not reconciled by CSP, we conclude, after further investigation and interviews, that 14 of them are unlikely to have engaged in intentional falsification of traffic stop data.

We conclude that six active Troopers and one Constable should be investigated further by IA. We did not find evidence supporting a conclusion that these individuals engaged in intentional misconduct (with the exception of the Trooper who was already found by IA to have falsified records in 2018). However, the possibility that any Trooper or Constable falsified records raises serious concerns regarding credibility and truthfulness, in addition to the impact on the RPD reported to CTRP3. Based on the information available to us, we were not able to determine whether these Troopers' and Constable's Over-Reported Records were likely caused by unintentional conduct or mistakes, and therefore further scrutiny is warranted.

We were limited in our ability to make findings with respect to the retired Troopers who were flagged in CTRP3's Audit. We conclude that three retired Troopers who were not reconciled by CSP and submitted to interviews with us are unlikely to have engaged in intentional falsification

of traffic stop data. Three retired Troopers were already found by IA to have falsified traffic stop records in 2018. We are unable to make findings regarding the remaining 14 retired Troopers flagged in the audit, either because they did not respond or agree to our request for an interview, or because CSP has not completed its reconciliation review of their Over-Reported Records.

The possibility of misconduct by the seven individuals referred for investigation by IA, or by any of the 14 retired Troopers regarding whom we were unable to make findings, is a serious matter. CSP has committed to pursuing the IA investigations of the active Troopers and Constables (CSP has no jurisdiction over the retired Troopers). However, the implication initially raised by the CTRP3 Audit that as many as 130 Troopers and Constables may have engaged in intentional falsification of traffic stop data is not supported by the evidence. Further, the issues identified by the CTRP3 Audit can be largely addressed by CSP's diligent implementation of the recommended remedial measures relating to training, technological and policy changes, and more effective supervision. The appointment of a compliance consultant to oversee CSP's remedial efforts will help ensure that they are implemented in an effective and timely fashion. We believe that the legislative action discussed above—formalizing CSP's obligations to report Trooper misconduct appropriately—will also help restore trust in the agency that may have been lost as a result of these events.

DMD  
DRA