

1 No pedestrian shall be requested to consent to a search by a law enforcement officer of his or her
2 person, unless there exists reasonable suspicion or probable cause of criminal activity. No
3 juvenile shall be requested to consent to a search by a law enforcement officer unless there exists
4 reasonable suspicion or probable cause of criminal activity. In those instances in which a warrant
5 would be required, a law enforcement officer must advise the juvenile that he or she may refuse
6 to consent to, or limit the scope of, any requested search. The determination of age of the
7 individual shall be based on the perception of the officer making a good faith effort in advance of
8 requesting consent. Nothing contained in this subsection shall be construed to prohibit a law
9 enforcement officer from conducting a pat down search for weapons based upon a reasonable
10 belief that the officer's personal safety may be jeopardized.

11 (c) Each search conducted by a law enforcement officer which does not result in criminal
12 charges shall be documented in a computer-aided dispatch (CAD) entry or other police-generated
13 report. Each search conducted by a law enforcement officer which results in criminal charges
14 shall be documented in a police-generated report. The CAD entry or formal police report shall
15 include the date, time and location of the stop/search, along with the "reasonable suspicion" or
16 "probable cause" leading to the search. The CAD entry or formal police report shall also include
17 the race, age and gender of the individual(s) searched and the results of the search. The document,
18 exclusive of information identifying the law enforcement officer, shall be a public record, subject
19 to the access to public records act, § 38-2-2(4)(D), law enforcement exemptions. For purposes of
20 this section, "computer-aided dispatch" (CAD) means an electronic system used by public safety
21 agencies to facilitate incident response and communications in the field, and which electronically
22 records information on call taking, dispatching, location verification, mapping and other functions
23 for public safety.

24 (d) With the exception of operators who are subject to federal motor carrier regulations,
25 no operator of a motor vehicle shall be requested to provide any documentation or identification
26 other than a driver's license, motor vehicle registration, and/or proof of insurance when the motor
27 vehicle has been stopped solely for a traffic violation, unless there exists reasonable suspicion or
28 probable cause of criminal activity or the operator has failed to produce a valid driver's license.

29 (e) If a violation of the traffic laws in this title is used to stop a motor vehicle for non-
30 related investigatory reasons, the law enforcement officer shall document in writing or
31 electronically the investigatory basis for the stop. The documentation of such stops shall
32 commence no later than twelve (12) months after passage of this act and shall be assessed every
33 six (6) months by the respective police department as to whether the suspicion was justified and
34 the data be made publicly available, subject to the access to public records act, § 38-2-2(4)(D),

1 law enforcement exemptions.

2 ~~(e)~~(f) Any evidence obtained as a result of a search prohibited by subsection (a) or (b)
3 shall be inadmissible in any judicial proceeding. Nothing contained herein shall be construed to
4 preclude any search otherwise based upon any legally sufficient cause.

5 ~~(d)~~(g) Law enforcement agencies using video and/or audio surveillance cameras in their
6 vehicles shall adopt written policies and procedures regarding the use of such cameras, which
7 shall be public records- , and which shall include, but not be limited to, the following standards:

8 (1) All motor vehicle stops conducted by police vehicles with such equipment shall be
9 recorded barring exceptions outlined below. In an effort to objectively memorialize relevant
10 observations, the recording shall begin no later than when an officer first signals the vehicle to
11 stop; and, barring conditions that could compromise a sensitive investigation, jeopardize the
12 safety of a vehicle occupant or cooperating victim/witness and/or unforeseen equipment
13 malfunction, the recording shall continue until the motor vehicle stop is completed and the
14 stopped vehicle departs, or until the officer's participation in the motor vehicle stop ends;

15 (2) Law enforcement agencies that acquire video and/or audio surveillance cameras for
16 use in their vehicles shall:

17 (i) Notify the office of highway safety of the Rhode Island department of transportation
18 that such equipment has been acquired and will be in use and the department of transportation
19 shall post notice of such use on its website;

20 (ii) Issue a press release advising the public that such equipment will be in use; and

21 (iii) post notice on their website that such equipment will be in use;

22 (3) A chain-of-custody of the video/audio recordings, hereafter referred to as
23 "recording(s)", shall be maintained;

24 (4)(i) A driver of a motor vehicle that was recorded by a video/audio surveillance camera,
25 and/or his or her legal counsel, shall have the right to view the in-car recording at the police
26 station, provided that the viewing does not compromise an active investigation;

27 (ii) A passenger of a motor vehicle that was recorded by a video/audio surveillance
28 camera, and/or his or her legal counsel, shall have the right to view the in-car recording at the
29 police station if that passenger became the subject of the police interaction recorded, provided
30 that the viewing does not compromise an active investigation;

31 (5) The policy shall address the period of retention for such recordings, and procedures to
32 be used to ensure that the recording equipment is in proper working order, and shall bar the
33 destruction of any recording of an incident that is the subject of a pending complaint, misconduct
34 investigation or civil or criminal proceeding. Such recordings shall be retained for a minimum of

1 ten (10) days after the final resolution of such investigation or proceeding, including the time for
2 any appeal;

3 (6) The policy shall explicitly prohibit any violation of these requirements, including any
4 attempts to disengage or tamper with the video/audio surveillance equipment, deliberately and
5 prematurely erase or alter a recording, or to otherwise fail to record stops as specified herein
6 barring the aforementioned limited exceptions; and

7 (7) The video/audio surveillance recordings regulated by this section shall not be deemed
8 public records under the access to public records act, § 38-2-1, et seq. A court may impose any
9 appropriate remedy in any civil or criminal proceeding where a knowing and willful violation of
10 these standards is found to have been committed.

11 (h) Law enforcement officers shall advise any motorist who is stopped, of the reason for
12 the stop.

13 (i) Law enforcement agencies with mobile display terminals in police vehicles shall adopt
14 policies and procedures governing their use, which shall include the criteria necessary to initiate a
15 record check on a motor vehicle license or registrant. All law enforcement agencies must comply
16 with state and federal guidelines related to the use and access of Rhode Island law enforcement
17 telecommunication system (RILETS) and National Criminal Identification Center (NCIC).

18 ~~(e)~~(j) The policies and procedures established by this section shall be added to, and
19 prominently placed in, all relevant departmental policy and training manuals. Other appropriate
20 training about the requirements of this chapter shall also be provided to all officers.

21 **31-21.2-6. Continued data collection.** -- (a) The office of highway safety of the Rhode
22 Island ~~Justice Commission~~ department of transportation or a designee to be chosen by the
23 department of transportation by January 1, 2017, is authorized to and shall conduct a study of
24 routine traffic stops by the Rhode Island State Police and each municipal police department in
25 order to determine whether racial ~~profiling is occurring~~ disparities in traffic stops exist, and to
26 examine whether searches of vehicles and motorists are being conducted in a disparate manner.

27 (b) The office of highway safety of the Rhode Island ~~Justice Commission~~ department of
28 transportation or its designee shall, ~~not later than forty five (45) days after enactment of this act,~~
29 no later than January 1, 2016, develop a form or electronic equivalent to be used by each police
30 officer when making a traffic stop to record the data required under this chapter, which form shall
31 include for each motor vehicle stop, the race and ethnicity of the driver based on the officer's
32 perception, and the information listed in § 31-21.1-4.

33 (c) The office of highway safety of the Rhode Island ~~Justice Commission~~ department of
34 transportation or its designee shall advise the Rhode Island State Police and each municipal police

1 department of the date that data collection shall commence. Data collection shall begin not later
2 than ~~October 1, 2004~~ January 1, 2016, but may begin prior to that time upon notification to police
3 departments from the office of highway safety of the Rhode Island ~~Justice-Commission~~
4 department of transportation or its designee.

5 (d) A traffic stop data collection card or electronic equivalent shall be completed for
6 each routine traffic stop by the Rhode Island State Police and municipal police department during
7 the term of this study.

8 (e) Upon commencement of data collection, and monthly thereafter, each municipal
9 police department and the Rhode Island State Police shall transmit to the office of highway safety
10 of the Rhode Island ~~Justice-Commission~~ department of transportation or its designee all forms or
11 electronic data collected to date of motorists who were stopped, and any other information the
12 police department or the Rhode Island State Police deem appropriate. Data collection shall
13 continue for ~~twelve (12)~~ forty-eight (48) months following commencement of data collection.

14 (f) Appropriate funding ~~shall~~ may be made available to implement the provision of this
15 chapter, and completion of this study shall be contingent upon such funding.

16 (g) The study shall include a multivariate analysis of the collected data in accordance
17 with general statistical standards, and shall be substantially similar to the study prepared pursuant
18 to chapter 21.1 of this title. The study shall be prepared by an organization, company, person or
19 other entity with sufficient expertise in the field of statistics and the study of traffic stop data
20 collection to assist with the implementation of this chapter, and chosen by the office of highway
21 safety of the Rhode Island ~~Justice-Commission~~ department of transportation or its designee. The
22 study shall be released on an annual basis, with the first release not later than eighteen (18)
23 months after commencement of data collection under this chapter. The report, findings and
24 conclusions submitted pursuant to this subsection shall be a public record.

25 (h) The office of highway safety of the Rhode Island ~~Justice-Commission~~ department of
26 transportation or its designee shall be exempt from the provisions of chapter 2 of title 37 in
27 connection with its procurement of equipment and services necessary to the implementation of
28 this chapter.

29 (i) On a quarterly basis a summary report of the monthly data provided by each police
30 department and the state police for that quarterly period shall be issued. The report shall be a
31 public record. The summary report shall include at a minimum a monthly breakdown by race,
32 age, gender and outcome for operators for each police department of the number of traffic stops
33 made and of searches conducted, ~~and any other information deemed appropriate by the Rhode~~
34 ~~Island Justice-Commission~~. For those police departments collecting data through the use of

1 [mobile display terminals in police vehicles, the report shall also include a breakdown by race and](#)
2 [outcome for operators.](#) The report shall be released not more than ninety (90) days after the end of
3 each quarterly period. No information revealing the identity of any individual shall be contained
4 in the report.

5 (j) Every law enforcement agency collecting data pursuant to this chapter shall ensure
6 that supervisory personnel review each officer's stop and search documentation and data results
7 on a ~~weekly~~ [monthly](#) basis to ensure compliance with all policies, prohibitions and documentation
8 requirements.

9 (k) The head of every law enforcement agency subject to this chapter, or his or her
10 designee, shall review the data on a regular basis in an effort to determine whether any racial
11 disparities in the agency's traffic stops enforcement exists, and to appropriately respond to any
12 such disparities. [It is understood that disparities may or may not equate to racial profiling.](#)

13 (l) An organization chartered for the purpose of combating discrimination, racism, or of
14 safeguarding civil liberties, or of promoting full, free, or equal employment opportunities, ~~and/or~~
15 ~~the Rhode Island Justice Commission~~ [and/or a governmental or quasi-governmental entity](#) may
16 seek appropriate relief in a civil action against any police department for failing to collect or
17 transmit the data required in this chapter, and may be awarded its costs, including attorneys' fees,
18 for bringing such an action. As a condition precedent to the filing of a civil action by an
19 organization under this section, the organization shall send a notice to the [office of highway](#)
20 [safety of the](#) Rhode Island ~~Justice Commission~~ [department of transportation or its designee](#)
21 identifying the police department which is failing to collect or transmit the data and the
22 organization shall then allow fifteen (15) days to elapse.

23 (m) The [office of highway safety of the](#) Rhode Island ~~Justice Commission~~ [department of](#)
24 [transportation or its designee](#) shall consult with community, police and civil rights
25 representatives, ~~as the executive director deems appropriate,~~ in the development of the form
26 required by subsection (b) and [on at least a quarterly basis shall consult](#) on other issues that arise
27 relating to the implementation and enforcement of this chapter [including the information](#)
28 [generated by the issuance of the reports required by subsection \(i\) of this section.](#)

29 **31-21.2-7. Data collection and use.** -- (a) ~~Data acquired under this chapter shall not be~~
30 ~~used in any legal proceeding to establish an inference of discrimination except by court order;~~
31 ~~provided, however, that use of the data for this purpose shall be allowed only upon completion of~~
32 ~~the study authorized by § 31-21.2-6.~~ [Data acquired under this chapter shall not be used in any](#)
33 [civil proceeding to establish or rebut an inference of discrimination except by court order or when](#)
34 [otherwise admissible in accordance with rules of civil procedure. It is understood that disparities](#)

1 may or may not equate to racial profiling. All data collected pursuant to this chapter shall be
2 public. For those motor vehicle stops where a citation was issued or an arrest was made, the
3 forms prepared pursuant to § 31-21.2-6(b) of this chapter shall include a citation or arrest number
4 for reference. The data collection form shall not include the name or badge number of the officer
5 completing the form. The report from the department of transportation or its designee shall not be
6 officer specific.

7 (b) Any police officer who in good faith records traffic stop information pursuant to the
8 requirements of this chapter shall not be held civilly liable for the act of recording the information
9 unless the officer's conduct was reckless.

10 (c) All police departments shall submit to the office of highway safety of the department
11 of transportation or its designee on an annual basis beginning on July 15, 2016, and for four (4)
12 years following the conclusion of data collection, a report indicating what action, if any, has been
13 taken, to address any racial disparities in traffic stops and/or searches documented in the studies
14 authorized by §§ 31-21.1-4 and 31-21.2-6, and to otherwise implement any recommendations of
15 those studies, including, but not limited to, any changes to agency policies; revisions to traffic
16 enforcement practices; detailed analysis and review of traffic stop data and the results of such
17 review; or the initiation of any disciplinary action. Any reference to disciplinary action shall not
18 identify the officer. The office of highway safety of the department of transportation or its
19 designee shall issue guidelines for police departments to follow in preparing these reports. The
20 reports shall be public records, and shall contain a certification that the department has complied
21 with subsections (j) and (k) of § 31-21.2-6.

22 (d) Every twelve (12) months, each state and municipal law enforcement agency shall
23 submit to the office of highway safety of the Rhode Island department of transportation or its
24 designee, on a brief form prepared by that office or its designee, information summarizing what,
25 if any, actions were taken by the agency in response to any racial disparities documented in the
26 previous reports issued pursuant to § 31-21.2-6(i). The summary shall include, but not be limited
27 to: any changes to agency policies; revisions to traffic enforcement practices; detailed analysis
28 and review of traffic stop data, and the results of such review; or the initiation of any disciplinary
29 action. Any references to disciplinary action shall not identify the officer. The forms shall be
30 public records, and shall contain a certification that the department has complied with subsections
31 (j) and (k) of § 31-21.2-6.

32 **31-21.2-8. Complaint procedures.** -- (a) Each state and municipal law enforcement
33 agency shall establish a procedure to investigate complaints of police misconduct by members of
34 the public against personnel of these agencies, and shall make a written description of the

1 procedure available to the public. Copies of any departmental complaint forms shall be available
2 in at least one governmental location other than the police department. The procedure and forms
3 shall also be made available on any website of a law enforcement agency.

4 (b) At a minimum, complaints shall be accepted in person by mail or by facsimile.

5 (c) Information on the complaints received by each law enforcement agency shall be
6 ~~submitted~~ compiled on an annual basis ~~under uniform criteria established by the Select~~
7 ~~Commission on Race and Police Community Relations~~ by the state police and each municipal
8 law enforcement agency and published in each agency's annual report and/or on its website. The
9 information ~~provided~~ compiled by each department shall include the total number of complaints
10 received from the public, a breakdown by category of the type of complaint and a further
11 breakdown by category of the disposition of the complaints.

12 (d) The state police and all municipal law enforcement agencies shall make available as a
13 public record subject to the access to public records act, § 38-2-2(4)(D), law enforcement
14 exemptions:

15 (1) Copies of any formal or informal arrangements between the state police or a
16 municipal law enforcement agency and the bureau of immigration and customs
17 enforcement/homeland security investigations concerning the questioning, detention,
18 investigation, arrest, apprehension, stopping, referral or processing of individuals within the state
19 of Rhode Island, including copies of any agreements entered into pursuant to 8 U.S.C. § 1357(g);
20 and

21 (2) Any policies or procedures governing the circumstances under which an inquiry to
22 federal authorities is made to determine a person's immigration status.

23 SECTION 3. This act shall take effect on January 1, 2016.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES -- COMPREHENSIVE COMMUNITY-
POLICE RELATIONSHIP ACT OF 2015

1 This act would rename the Racial Profiling Act to the Comprehensive Community Police
2 Relationship Act and would repeal those provisions prohibiting law enforcement from requesting
3 consent to search of pedestrians; would require each search whether resulting in arrest or not, to
4 be documented in a computer-aided dispatch (CAD); would enact guidelines and regulations
5 relative to any motor vehicle stop that is recorded including the initiation, maintenance and
6 availability of the recording for use by the person or his/her attorney. It would also require the
7 continued collection of data and the completion of reports to determine whether there are
8 disparities in traffic stops with race as a factor. Further, this act would require to police
9 departments to report disparities and to implement recommendations to address those disparities
10 or impermissible profiling. It would also amend the complaint procedure and would prohibit
11 police from requesting consent to search from juveniles unless there is reasonable suspicion or
12 probable cause to do so.

13 This act would take effect on January 1, 2016.

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