

2023 -- S 0368

LC000422

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- COMPREHENSIVE COMMUNITY--
POLICE RELATIONSHIP ACT OF 2015

Introduced By: Senators Quezada, Cano, Euer, DiMario, Acosta, Britto, Lawson,
Valverde, Bell, and McKenney

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-21.2-6 and 31-21.2-7 of the General Laws in Chapter 31-21.2
2 entitled "Comprehensive Community-Police Relationship Act of 2015" are hereby amended to read
3 as follows:

4 **31-21.2-6. ~~Continued data collection.~~ Data collection.**

5 ~~(a) The office of highway safety of the Rhode Island department of transportation or a~~
6 ~~designee to be chosen by the department of transportation by January 1, 2017, is authorized to and~~
7 ~~shall conduct a study of routine traffic stops by the Rhode Island state police and each municipal~~
8 ~~police department in order to determine whether racial disparities in traffic stops exist, and to~~
9 ~~examine whether searches of vehicles and motorists are being conducted in a disparate manner.~~

10 ~~(b)~~(a) The office of highway safety of the Rhode Island department of transportation or its
11 designee shall, no later than ~~January 1, 2016~~ January 1, 2024, develop a form or electronic
12 equivalent to be used by each police officer when making a traffic stop and/or search to record the
13 data required under this chapter, which form shall include for each motor vehicle stop and/or search,
14 ~~the race and ethnicity of the driver based on the officer's perception, and the information listed in~~
15 ~~§ 31-21.1-4. the following data:~~

16 (1) The date, time and general location of the traffic stop;

17 (2) The race and ethnicity, gender, and approximate age of the driver stopped; provided
18 that the identification of these characteristics shall be based on the observation and perception of

1 the police officer making the stop and the information shall not be requested of the person stopped;

2 (3) The reason for the stop;

3 (4) Whether a search was instituted as a result of the stop;

4 (5) The scope of any search conducted;

5 (6) Whether the search was conducted pursuant to consent, probable cause, or reasonable

6 suspicion to suspect a crime;

7 (7) Whether any contraband, including money, was seized in the course of the search, and

8 if so, the nature of the contraband;

9 (8) Whether any warning or citation was issued as a result of the stop;

10 (9) Whether an arrest was made as a result of either the stop or the search;

11 (10) The approximate duration of the stop; and

12 (11) Whether the vehicle is registered in Rhode Island or out of the state.

13 (b) For those motor vehicle stops or searches where a citation was issued or an arrest was

14 made, the data collection form shall include a citation or arrest number. It shall also include the

15 name or badge number of the officer completing the form; provided, however, that the name and

16 the badge number of the officer shall not be public.

17 (c) The office of highway safety of the Rhode Island department of transportation or its

18 designee shall advise the Rhode Island state police and each municipal police department of the

19 date that data collection shall commence. Data collection shall begin not later than ~~January 1, 2016~~

20 January 1, 2024, but may begin prior to that time upon notification to police departments from the

21 office of highway safety of the Rhode Island department of transportation or its designee.

22 (d) A traffic stop and search data collection card or electronic equivalent shall be completed

23 for each routine traffic stop and/or search by the Rhode Island state police and each municipal

24 police department ~~during the term of this study.~~

25 (e) Upon commencement of data collection, and monthly thereafter, each municipal police

26 department and the Rhode Island state police shall transmit to the office of highway safety of the

27 Rhode Island department of transportation or its designee all forms or electronic data collected to

28 date of motorists who were stopped and/or searched, and any other information the police

29 department or the Rhode Island state police deem appropriate. ~~Data collection shall continue for~~

30 ~~forty eight (48) months following commencement of data collection.~~

31 (f) Within ninety (90) days of the effective date of this section, each municipal department

32 and the Rhode Island state police shall transmit all traffic stop and search data collected between

33 July 1, 2021 and June 30, 2023 for analysis in the annual study required by § 31-21.2-10.

34 ~~(f)~~(g) Appropriate funding ~~may~~ shall be made available to implement the ~~provision~~

1 provisions of this chapter and completion of ~~this~~ the annual study shall be contingent upon such
2 funding. Additional funding may be made available to the advisory committee established by § 31-
3 21.2-13 to assist police departments, community groups and others in training, research, and
4 community outreach to further the goals of this chapter.

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

14 (h) The office of highway safety of the Rhode Island department of transportation, or its
15 designee, shall be exempt from the provisions of chapter 2 of title 37 in connection with its
16 procurement of equipment and services necessary to the implementation of this chapter.

17 ~~(i) On a quarterly basis, a summary report of the monthly data provided by each police~~
18 ~~department and the state police for that quarterly period shall be issued. The report shall be a public~~
19 ~~record. The summary report shall include, at a minimum, a monthly breakdown by race, age,~~
20 ~~gender, and outcome for operators for each police department of the number of traffic stops made~~
21 ~~and of searches conducted. For those police departments collecting data through the use of mobile~~
22 ~~display terminals in police vehicles, the report shall also include a breakdown by race and outcome~~
23 ~~for operators. The report shall be released not more than ninety (90) days after the end of each~~
24 ~~quarterly period. No information revealing the identity of any individual shall be contained in the~~
25 ~~report.~~

26 ~~(j) Every law enforcement agency collecting data pursuant to this chapter shall ensure that~~
27 ~~supervisory personnel review each officer's stop and search documentation and data results on a~~
28 ~~monthly basis to ensure compliance with all policies, prohibitions, and documentation~~
29 ~~requirements.~~

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

34 ~~(l) An organization chartered for the purpose of combating discrimination, racism, or of~~

1 ~~safeguarding civil liberties, or of promoting full, free, or equal employment opportunities, and/or a~~
2 ~~governmental or quasi-governmental entity may seek appropriate relief in a civil action against any~~
3 ~~police department for failing to collect or transmit the data required in this chapter, and may be~~
4 ~~awarded its costs, including attorney's fees, for bringing such an action. As a condition precedent~~
5 ~~to the filing of a civil action by an organization under this section, the organization shall send a~~
6 ~~notice to the office of highway safety of the Rhode Island department of transportation or its~~
7 ~~designee identifying the police department which is failing to collect or transmit the data and the~~
8 ~~organization shall then allow fifteen (15) days to elapse.~~

9 (m)(i) The office of highway safety of the Rhode Island department of transportation or its
10 designee shall consult with ~~community, police and civil rights representatives~~ [the CCPRA advisory](#)
11 [committee](#) ~~in the development of the form required by subsection (b) and~~ on at least a quarterly
12 basis shall consult on other issues that arise relating to the implementation and enforcement of this
13 chapter including the information generated by the issuance of the reports required by ~~subsection~~
14 ~~(i)~~ [this chapter](#).

15 **31-21.2-7. Data collection and use Data use and enforcement.**

16 (a) Data acquired under this chapter shall not be used in any civil proceeding to establish
17 or rebut an inference of discrimination except by court order or when otherwise admissible in
18 accordance with rules of civil procedure. It is understood that disparities may or may not equate to
19 racial profiling.

20 (b) All data collected [and the reports and studies compiled](#) pursuant to this chapter shall be
21 public, [except information identifying any specific law enforcement officer](#). ~~For those motor~~
22 ~~vehicle stops where a citation was issued or an arrest was made, the forms prepared pursuant to §~~
23 ~~31-21.2-6(b) of this chapter shall include a citation or arrest number for reference. The data~~
24 ~~collection form shall not include the name or badge number of the officer completing the form. The~~
25 ~~report from the department of transportation or its designee shall not be officer specific.~~

26 (b)(c) Any police officer who in good faith records traffic stop [or search](#) information
27 pursuant to the requirements of this chapter shall not be held civilly liable for the act of recording
28 the information unless the officer's conduct was reckless.

29 (e)(d) ~~All police departments shall submit to the office of highway safety of the department~~
30 ~~of transportation, or its designee, on an annual basis beginning on July 15, 2016, and for four (4)~~
31 ~~years following the conclusion of data collection, a report indicating what action, if any, has been~~
32 ~~taken, to address any racial disparities in traffic stops and/or searches documented in the studies~~
33 ~~authorized by §§ 31-21.1-4 and 31-21.2-6, and to otherwise implement any recommendations of~~
34 ~~those studies, including, but not limited to, any changes to agency policies; revisions to traffic~~

1 ~~enforcement practices; detailed analysis and review of traffic stop data and the results of such~~
2 ~~review; or the initiation of any disciplinary action. Any reference to disciplinary action shall not~~
3 ~~identify the officer.~~ The office of highway safety of the department of transportation or its designee,
4 in consultation with the CCPRA advisory committee, shall issue guidelines for police departments
5 to follow in preparing ~~these reports~~ the annual reports required by § 31-21.2-12, including
6 establishing a form for the certification of compliance to be verified under oath. ~~The reports shall~~
7 ~~be public records and shall contain a certification that the department has complied with § 31-21.2-~~
8 ~~6(j) and (k).~~

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

19 (e) An organization chartered for the purpose of combating discrimination, racism, or of
20 safeguarding civil liberties, or of promoting full, free, or equal employment opportunities, and/or a
21 governmental or quasi-governmental entity may seek appropriate relief in a civil action against any
22 police department for failing to collect or transmit the data required in this chapter, or for failing to
23 comply with the other requirements of this chapter, and may be awarded its costs, including
24 attorney's fees, for bringing such an action. As a condition precedent to the filing of a civil action
25 by an organization under this section, the organization shall send a notice to the office of highway
26 safety of the Rhode Island department of transportation or its designee identifying the police
27 department which is failing to collect or transmit the data and the organization shall then allow
28 fifteen (15) days to elapse before filing a civil action.

29 SECTION 2. Chapter 31-21.2 of the General Laws entitled "Comprehensive Community-
30 Police Relationship Act of 2015" is hereby amended by adding thereto the following sections:

31 **31-21.2-9. Quarterly data reports by office of highway safety.**

32 (a) On a quarterly basis, a summary report of the monthly data provided by each police
33 department and the state police for that quarterly period shall be issued by the office of highway
34 safety of the Rhode Island department of transportation or its designee. The summary report shall

1 include, at a minimum, a monthly breakdown by race, age, gender, and outcome for operators for
2 each police department of the number of traffic stops made and of searches conducted. For those
3 police departments collecting data through the use of mobile display terminals in police vehicles,
4 the report shall also include a breakdown by race and outcome for operators.

5 (b) The report shall be released not more than ninety (90) days after the end of each
6 quarterly period. No information revealing the identity of any individual shall be contained in the
7 report.

8 **31-21.2-10. Annual study and data interface by office of highway safety.**

9 (a) The office of highway safety of the Rhode Island department of transportation or a
10 designee to be chosen by the department of transportation shall, with input from the CCPRA
11 advisory committee, select an organization, company, person, or other entity with sufficient
12 expertise in the field of statistics, and expertise in the study of traffic stop and search data collection
13 and/or the study of data related to racial disparities to conduct an annual study.

14 (b) The study shall compile and examine data of routine traffic stops made and searches
15 conducted by the Rhode Island state police and each municipal police department in order to
16 determine whether racial disparities in traffic stops and searches exist, and to further examine
17 whether searches of vehicles and motorists are being conducted in a racially disparate manner. The
18 study shall include a multivariate analysis of the collected data in accordance with general statistical
19 standards, and may include an analysis of data at and above the eighty-five percent (85%)
20 confidence level. The study shall be substantially similar to the study prepared pursuant to chapter
21 21.1 of title 31, and may include a multi-year data analysis. The annual study shall not identify
22 specific officers.

23 (c) Appropriate funding shall be made available to implement the provisions of this chapter
24 and completion of the annual study shall be contingent upon such funding.

25 (d) On an annual basis, the office of highway safety of the Rhode Island department of
26 transportation or its designee shall present all data submitted in accordance with § 31-21.2-6 in an
27 online interface designed to enhance public interaction with the data. In providing a visual
28 presentation of the data, the interface shall allow for user-generated analysis of the stop and search
29 data points required to be collected pursuant to this chapter. The interface shall generate analyses
30 of the data such that the public may view the data by race or ethnicity in conjunction with any of
31 the data points collected, and shall allow users to view the data statewide and for individual
32 municipal law enforcement agencies both cumulatively and by year. Within one year of the
33 effective date of this section, the interface shall include all the annual data collected since the
34 effective date of this chapter.

1 **31-21.2-11. Monthly review.**

2 (a) The head of every law enforcement agency collecting data pursuant to this chapter shall
3 regularly review the agency-wide data in an effort to determine whether any racial disparities in
4 the agency's traffic stops or searches exist, and to appropriately respond to any such disparities.

5 (b) The head of every law enforcement agency shall ensure that supervisory personnel have
6 conducted monthly verifications of each officer's stop and search documentation and officer
7 specific data results to verify compliance, or document any noncompliance, with all policies,
8 prohibitions, and documentation requirements. Such monthly verifications shall include whether a
9 review of an officer's stop and search documentation and data results indicate the presence of racial
10 disparities.

11 **31-21.2-12. Annual report by law enforcement agency heads.**

12 (a) The head of every law enforcement agency shall submit a traffic stop and search report
13 which includes the information in § 31-21.2-11 to the office of highway safety of the department
14 of transportation, or its designee, and to the CCPRA advisory committee on an annual basis
15 beginning on July 1, 2024.

16 (b) The head of the agency shall submit as part of each annual report, a certification of
17 compliance with this section, documentation of monthly verifications, and a summary of any racial
18 disparities found through the review.

19 (c) Additionally, the annual report shall indicate what action, if any, has been taken, to
20 address any racial disparities in traffic stops and/or searches documented in each department's
21 ongoing data collection and, in the study authorized by § 31-21.2-10, and to otherwise implement
22 any recommendations of the data collection and/or traffic studies, including, but not limited to:

- 23 (1) Any changes to agency policies;
- 24 (2) Revisions to traffic enforcement practices;
- 25 (3) Detailed analysis and review of traffic stop data and the results of such review;
- 26 (4) Steps taken to present the data and recommendations to the community;
- 27 (5) The initiation of any disciplinary action; and
- 28 (6) Where no remedial action has been taken in response to documented racial disparities,
29 an explanation for the department's inaction.

30 (d) The annual report, including any reference to disciplinary action, shall not identify
31 specific officers.

32 **31-21.2-13. Advisory committee -- Establishment -- Duties.**

33 (a) The CCPRA advisory committee is hereby established. The advisory committee shall
34 consist of twelve (12) members:

- 1 (1) One of whom shall be appointed by the governor;
- 2 (2) One of whom shall be appointed by the senate president;
- 3 (3) One of whom shall be appointed by the speaker of the house;
- 4 (4) One of whom shall be the attorney general, or designee;
- 5 (5) One of whom shall be the public defender, or designee;
- 6 (6) One of whom shall be the director of the department of public safety, or designee;
- 7 (7) One of whom shall be the executive director of the Rhode Island Police Chiefs
8 Association, or designee;
- 9 (8) One of whom shall be the executive director of the Rhode Island commission for human
10 rights, or designee;
- 11 (9) One of whom shall be the executive director of Rhode Island for Community & Justice,
12 or designee or other organization chartered for the purpose of combating discrimination, racism or
13 of safeguarding civil liberties;
- 14 (10) One of whom shall be the president of the NAACP Providence branch, or designee;
- 15 (11) Two (2) of whom shall be community members.
- 16 (b) The members of the advisory committee shall be appointed for terms of three (3) years;
17 provided, however that, with regard to the initial appointments, four (4) members shall be appointed
18 for terms of one year; four (4) members shall be appointed for a term of two (2) years; and four (4)
19 members shall be appointed for a term of three (3) years. Members may be reappointed, and their
20 appointments shall continue until their successors are appointed. A vacancy other than by
21 expiration shall be filled in the manner of the original appointment, but only for the unexpired
22 portion of the term.
- 23 (c) The members of the advisory committee shall receive no compensation.
- 24 (d) The governor's appointee shall be the chairperson; a vice-chairperson and secretary
25 shall be elected by the advisory committee members annually. All officers of the advisory
26 committee shall serve until their successors have been duly appointed or elected.
- 27 (e) The advisory committee shall meet at least quarterly and at the call of the chairperson
28 of the committee.
- 29 (f) The advisory committee shall have the following purposes and duties:
- 30 (1) Advise the office of highway safety of the department of transportation or designee on
31 all matters pertaining to the duties and powers of the committee, including evaluating and making
32 recommendations regarding plans, programs, and strategies relating to the CCPRA;
- 33 (2) Provide input to the office of highway safety of the department of transportation or
34 designee to choose an organization, company, person or entity to conduct an annual traffic stop and

1 search study;

2 (3) Advise the study consultant on the recommended design of each study;

3 (4) Consult with the office of highway safety of the department of transportation or
4 designee on guidelines for police departments to follow in preparing the reports required pursuant
5 to § 31-21.2-7(d);

6 (5) Receive, review and discuss each CCPRA study;

7 (6) Receive, review and discuss each law enforcement agency's annual report required
8 pursuant to § 31-21.2-12(a);

9 (7) Consult with the CAD/RMS board of advisors, as established in § 42-28.10-2;

10 (8) Recommend appropriate assessments for the studies;

11 (9) Recommend policies for stops, searches and seizures;

12 (10) Recommend appropriate enforcement mechanisms to address any study results; and

13 (11) Promote the involvement and investment of the public in CCPRA research, the annual
14 studies, and the work of the CCPRA advisory committee.

15 (g) The office of highway safety of the department of transportation, or designee, in
16 conjunction with the department of administration, shall provide space and secretarial services to
17 the advisory committee without charge to the committee.

18 SECTION 3. This act shall take effect upon passage.

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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 amend the comprehensive community-police relationship act of 2015 to
2 require an annual study by an outside agency chosen by the department with input from the CCPRA
3 advisory committee on traffic stop and search data related to racial disparities and would require a
4 monthly review and annual reporting by law enforcement agencies statewide on the traffic stop and
5 search data. The act would also create a twelve (12) member CCPRA advisory committee to advise
6 the office of highway safety on all matters pertaining to the committee's duties relating to stop and
7 search data.

8 This act would take effect upon passage.

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