

2024 -- H 7099 SUBSTITUTE A

LC003712/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

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

Introduced By: Representatives Ajello, Craven, Tanzi, Cruz, Batista, Felix, Knight,
McEntee, Bennett, and Biah

Date Introduced: January 10, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-21.2-1, 31-21.2-5, 31-21.2-6 and 31-21.2-7 of the General Laws
2 in Chapter 31-21.2 entitled "Comprehensive Community-Police Relationship Act of 2015" are
3 hereby amended to read as follows:

4 **31-21.2-1. Title.**

5 This chapter may be cited as "~~Racial Profiling Prevention Act of 2004~~ The Comprehensive
6 Community-Police Relationship Act of 2015."

7 **31-21.2-5. Law enforcement practices.**

8 (a) Unless there exists reasonable suspicion or probable cause of criminal activity, no motor
9 vehicle stopped for a traffic violation shall be detained beyond the time needed to address the
10 violation. Nothing contained herein shall prohibit the detention of a motor vehicle for a reasonable
11 period of time for the arrival of a canine unit or subsequent criminal investigation if there is
12 reasonable suspicion or probable cause of criminal activity.

13 (b) No operator or owner-passenger of a motor vehicle shall be requested to consent to a
14 search by a law enforcement officer of his or her motor vehicle, that is stopped solely for a traffic
15 violation, unless there exists reasonable suspicion or probable cause of criminal activity. No
16 pedestrian shall be requested to consent to a search by a law enforcement officer of his or her
17 person, unless there exists reasonable suspicion or probable cause of criminal activity. No juvenile
18 shall be requested to consent to a search by a law enforcement officer unless there exists reasonable

1 suspicion or probable cause of criminal activity. In those instances in which a warrant would be
2 required, a law enforcement officer must advise the juvenile that he or she may refuse to consent
3 to, or limit the scope of, any requested search. The determination of age of the individual shall be
4 based on the perception of the officer making a good faith effort in advance of requesting consent.
5 Nothing contained in this subsection shall be construed to prohibit a law enforcement officer from
6 conducting a pat down search for weapons based upon a reasonable belief that the officer's personal
7 safety may be jeopardized.

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

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

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

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

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

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

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

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

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

17 (iii) Post notice on its website that such equipment will be in use;

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

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

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

27 (5) The policy shall address the period of retention for such recordings, and procedures to
28 be used to ensure that the recording equipment is in proper working order, and shall bar the
29 destruction of any recording of an incident that is the subject of a pending complaint, misconduct
30 investigation, or civil or criminal proceeding. Such recordings shall be retained for a minimum of
31 ten (10) days after the final resolution of such investigation or proceeding, including the time for
32 any appeal;

33 (6) The policy shall explicitly prohibit any violation of these requirements, including any
34 attempts to disengage or tamper with the video/audio surveillance equipment, deliberately and

1 prematurely erase or alter a recording, or to otherwise fail to record stops as specified herein barring
2 the aforementioned limited exceptions; and

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

7 (h) Law enforcement officers shall advise any motorist who is stopped of the reason for
8 the stop.

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

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

17 **31-21.2-6. Continued data collection.**

18 (a) The office of highway safety of the Rhode Island department of transportation or a
19 designee ~~to be chosen by the department of transportation by January 1, 2017;~~ is authorized to and
20 shall conduct a [an ongoing](#) study of routine traffic stops by the Rhode Island state police and each
21 municipal police department in order to determine whether racial disparities in traffic stops exist,
22 and to examine whether searches of vehicles and motorists are being conducted in a disparate
23 manner.

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

29 (c) The office of highway safety of the Rhode Island department of transportation or its
30 designee shall advise the Rhode Island state police and each municipal police department of the
31 ~~date that data collection shall commence. Data collection shall begin not later than January 1, 2016,~~
32 ~~but may begin prior to that time upon notification to police departments from the office of highway~~
33 ~~safety of the Rhode Island department of transportation or its designee~~ [ongoing data collection and](#)
34 [reporting requirements of this chapter.](#)

1 (d) A traffic stop data collection card or electronic equivalent shall be completed for each
2 routine traffic stop by the Rhode Island state police and municipal police department during the
3 term of this study.

4 (e) ~~Upon commencement of data collection, and~~ [On a monthly thereafter basis](#), each
5 municipal police department and the Rhode Island state police shall transmit to the office of
6 highway safety of the Rhode Island department of transportation or its designee all forms or
7 electronic data collected to date of motorists who were stopped, and any other information the
8 police department or the Rhode Island state police deem appropriate. ~~Data collection shall continue~~
9 ~~for forty eight (48) months following commencement of data collection.~~

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

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

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

25 (i) On a quarterly basis, a summary report of the monthly data provided by each police
26 department and the state police for that quarterly period shall be issued. The report shall be a public
27 record [and shall be published in a searchable format on the department of transportation website](#).
28 The summary report shall include, at a minimum, a monthly breakdown by race, age, gender, and
29 outcome for operators for each police department of the number of traffic stops made and of
30 searches conducted. For those police departments collecting data through the use of mobile display
31 terminals in police vehicles, the report shall also include a breakdown by race and outcome for
32 operators. The report shall be released not more than ninety (90) days after the end of each quarterly
33 period. No information revealing the identity of any individual shall be contained in the report.

34 (j) Every law enforcement agency collecting data pursuant to this chapter shall ensure that

1 supervisory personnel review each officer's stop and search documentation and data results on a
2 monthly basis to ensure compliance with all policies, prohibitions, and documentation
3 requirements.

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

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

18 (m) The office of highway safety of the Rhode Island department of transportation or its
19 designee shall consult with community, police and civil rights representatives in the development
20 of the form required by subsection (b) and on at least a quarterly basis shall consult on other issues
21 that arise relating to the implementation and enforcement of this chapter including the information
22 generated by the issuance of the reports required by subsection (i).

23 **31-21.2-7. Data collection and use.**

24 (a) Data acquired under this chapter shall not be used in any civil proceeding to establish
25 or rebut an inference of discrimination except by court order or when otherwise admissible in
26 accordance with rules of civil procedure. It is understood that disparities may or may not equate to
27 racial profiling. All data collected pursuant to this chapter shall be public. For those motor vehicle
28 stops where a citation was issued or an arrest was made, the forms prepared pursuant to § 31-21.2-
29 6(b) of this chapter shall include a citation or arrest number for reference. The data collection form
30 shall not include the name or badge number of the officer completing the form. The report from the
31 department of transportation or its designee shall not be officer specific.

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

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

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

23 **SECTION 2. This act shall take effect on January 30, 2025.**

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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 make the data collection and reporting requirements of the comprehensive
- 2 community-police relationship act of 2015 permanent.
- 3 This act would take effect on January 30, 2025.

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