



1           (f) Racial profiling harms individuals subjected to it because they experience fear,  
2 anxiety, humiliation, anger, resentment and cynicism when they are unjustifiably treated as  
3 criminal suspects.

4           (g) Racial profiling damages law enforcement and the criminal justice system as a whole  
5 by undermining public confidence and trust in the police, the courts, and criminal law, and  
6 thereby undermining law enforcement efforts and ability to solve and reduce crime.

7           (h) A comprehensive solution is needed to address racial profiling at the state and local  
8 levels.

9           **31-21.2-3. Ban on racial profiling.** – No state or municipal law enforcement officer or  
10 law enforcement agency shall engage in racial profiling. For purposes of this chapter, "racial  
11 profiling" means the detention, interdiction or other disparate treatment of an individual on the  
12 basis, in whole or in part, of the racial or ethnic status of such individual, except when such status  
13 is used in combination with other identifying factors seeking to apprehend a specific suspect  
14 whose racial or ethnic status is part of the description of the suspect, which description is timely  
15 and reliable.

16           **31-21.2-4. Enforcement.** – (a) Any individual who is a victim of racial profiling or a  
17 violation of this chapter may file a civil action for damages and any appropriate and equitable  
18 relief in state or federal court. The court may allow a prevailing plaintiff reasonable attorneys'  
19 fees as part of the costs, and may include expert fees as part of the attorneys' fee.

20           (b) In any action brought pursuant to this chapter, relief may be obtained against any law  
21 enforcement agency that employed an officer who engaged in racial profiling; any officer who  
22 engaged in racial profiling; and any person with supervisory authority over such officer.

23           (c) Data acquired under this chapter and chapter 21.1 of this title may be used in any legal  
24 or administrative proceeding to establish a rebuttable inference of discrimination on the basis of  
25 particular identifying characteristics.

26           **31-21.2-5. Law enforcement practices.** – (a) No law enforcement officer shall use  
27 violations of the traffic laws in this title as the basis for stopping a motor vehicle for other reason.

28           (b) No operator of a motor vehicle shall be requested to consent to a search by a law  
29 enforcement officer of his or her motor vehicle which is stopped solely for traffic violations.

30           (c) No law enforcement officer shall detain an automobile or its passengers to provide  
31 time for arrival of a canine unit, or otherwise extend a traffic stop beyond the time necessary to  
32 address the traffic violation, unless there exists reasonable suspicion or probable cause of criminal  
33 activity.

34           (d) Any evidence obtained as a result of a search prohibited by subsections (a), (b) or (c)

1 shall be inadmissible in any judicial proceeding. Nothing contained herein shall be construed to  
2 preclude any search based upon any legally sufficient cause other than consent.

3 (e) The use of video and or audio surveillance cameras in state or local law enforcement  
4 vehicles shall conform to the following standards:

5 (1) All motor vehicle stops conducted by police vehicles with such equipment shall be  
6 recorded. The recording shall begin no later than when an officer first signals the vehicle to stop  
7 or arrives at the scene of an ongoing motor vehicle stop begun by another law enforcement  
8 officer. The recording shall continue until the motor vehicle stop is completed and the stopped  
9 vehicle departs, or until the officer's participation in the motor vehicle stop ends;

10 (2) The driver of a stopped vehicle shall be advised by the officer that the encounter is  
11 being recorded;

12 (3) The tapes shall only be accessible to and retrieved by a superior officer and a chain-  
13 of-custody record shall be maintained;

14 (4) An operator or passenger of a motor vehicle which was recorded by a video and/or  
15 audio surveillance camera, and/or his or her legal counsel shall have the right to obtain a copy of  
16 the recording involving him or her;

17 (5) All tapes shall be retained for a period of at least ninety (90) days. Any tape that  
18 records and incident that is the subject of a pending complaint, misconduct investigation or civil  
19 or criminal proceeding shall be retained a minimum of ten (10) days after the final resolution of  
20 such investigation or proceeding; and

21 (6) Law enforcement agencies using video and or audio surveillance cameras in their  
22 vehicles shall adopt written policies and procedures, which shall be public records, in accordance  
23 with this chapter.

24 (f) The policies and procedures established by this section shall be added to and  
25 prominently placed in all relevant departmental policy and training manuals, which shall be  
26 revised to eliminate any contrary information. Other appropriate training about the requirements  
27 of this chapter shall also be provided to all officers.

28 **31-21.2-6. Continued data collection.** – (a) Law enforcement agencies shall continue to  
29 collect data for all traffic stops in accordance, at a minimum, with the format and procedures  
30 established in 31-21.1-4.

31 (b) A study shall be conducted of the data collected for a period of twenty-four (24)  
32 months after passage of this act. The study shall include a multi-variate analysis of the collected  
33 data in accordance with general statistical standards, and shall be substantially similar to the study  
34 prepared pursuant to chapter 21.1 of this title. The study shall be prepared by an organization

1 company, person or other entity with sufficient expertise in the field of statistics to assist with the  
2 implementation of this chapter, and chosen by the attorney general. The study shall be released  
3 not later than thirty (30) months after the commencement of the collection of data under this  
4 chapter. The report, findings and conclusions submitted pursuant to this subsection shall be  
5 deemed a public record.

6 (c) On a quarterly basis a summary report of the monthly data provided by each police  
7 department and the state police for that quarterly period shall be issued. The report shall be a  
8 public record. The summary report shall include a monthly breakdown by race for each police  
9 department of the number of traffic stops made and of searches conducted, and any other  
10 information deemed appropriate by the attorney general with the advice of the committee. The  
11 report shall be released not more than ninety (90) days after the end of each quarterly period. No  
12 information revealing the identity of any individual shall be contained in the report.

13 (d) Every law enforcement agency collecting data pursuant to this chapter shall ensure  
14 that supervisory personnel review each officer's stop and search documentation and data results  
15 on a weekly basis to ensure compliance with all polices, prohibitions and documentation  
16 requirements.

17 (e) The head of every law enforcement agency subject to this chapter, or his or her  
18 designee, shall review the data on a regular basis in an effort to determine whether any racial  
19 disparities in the agency's traffic stops enforcement exists, and to appropriately respond to any  
20 such disparities.

21 (f) An organization chartered for the purpose of combating discrimination, racism, or of  
22 safeguarding civil liberties, or of promoting full, free, or equal employment opportunities, may  
23 seek appropriate relief in civil action against any police department for failing to collect or  
24 transmit the data required in this chapter, and may be awarded its costs, including attorneys' fees  
25 for bringing such an action.

26 **31-21.2-7. Analysis of prior data.** – (a) Every law enforcement agency subject to this  
27 chapter shall analyze the data previously collected under chapter 21.1 of this title in an effort to  
28 determine the origin and causes of any racial disparities found by the study issued pursuant to this  
29 chapter. Within one hundred twenty (120) days of passage of this chapter, each agency shall  
30 submit to the Select Commission on Race and Police-Community Relations a public report  
31 affirming that it has engaged in this analysis, and containing any actions taken or findings or  
32 conclusions made as a result of that analysis. This report shall be in addition to the annual report  
33 required under subsection 42-137-5(g).

34 **31-21.2-8. Complaint procedures.** – (a) Each state and municipal law enforcement

1 agency shall establish a procedure to investigate complaints of police misconduct by members of  
2 the public against personnel of these agencies, and shall make as written description of the  
3 procedure available to the public. The description shall also be made available on any website of  
4 a law enforcement agency.

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

6 (c) Information on the complaints received by each law enforcement agency shall be  
7 submitted on an annual basis under uniform criteria established by the Select Commission on race  
8 and Police-Community Relations. The information provided by each department shall include  
9 the total number of complaints received a breakdown by category of the type of complaint, and a  
10 further breakdown by category of the disposition of the complaints.

11 SECTION 2. Section 31-21.1-6 of the General Laws in Chapter 31-21.1 entitled "Traffic  
12 Stops Statistics" is hereby amended to read as follows:

13 **31-21.1-6. Data collection and use.** -- (a) ~~Except as otherwise specified in this chapter,~~  
14 ~~data acquired under this section shall be used only for research or statistical purposes. Data~~  
15 ~~acquired under this chapter shall not be used in any legal or administrative proceeding to establish~~  
16 ~~an inference of discrimination on the basis of particular identifying characteristics, except by~~  
17 ~~court order. However, during the collection of data, the information and forms collected pursuant~~  
18 ~~to this chapter shall be public for~~ For those stops where a citation was issued or an arrest was  
19 made, ~~and~~ the forms shall include a citation or arrest number for reference. All data collected  
20 pursuant to this chapter shall be ~~made~~ public ~~upon the completion of the study and the submission~~  
21 ~~of the report~~; provided, that any complaints filed pursuant to section 31-21.1-4(c)(2) shall be  
22 subject to the provisions of chapter 28.6 of title 42.

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

26 SECTION 3. Section 42-137-5 of the General Laws in Chapter 42-137 entitled "The  
27 Select Commission on Race and Police-Community Relations Act" is hereby amended to read as  
28 follows:

29 **42-137-5. Duties.** -- The select commission shall:

30 (a) Analyze and recommend changes that will improve police-community relations in  
31 Rhode Island.

32 (b) Study and recommend changes needed to statutes, ordinances, institutional policies,  
33 procedures and practices deemed necessary to:

34 (1) Improve law enforcement work and accountability;

- 1 (2) Reduce racism;
- 2 (3) Enhance the administration of justice; and
- 3 (4) Affect reconciliation between diverse segments of the statewide community.

4 (c) Study, recommend, promote and implement methods to achieve greater citizen  
5 participation in law enforcement policy development, review of law enforcement practices, and  
6 advocacy for the needs of law enforcement agencies, officers, and the public at large in the  
7 prevention of crime, administration of justice and public safety.

8 (d) Study, recommend, promote and assist in the incorporation of evolving homeland  
9 security needs with effective models of neighborhood-oriented community policing, crime  
10 prevention and public safety.

11 (e) Promote greater understanding of the need to incorporate cultural diversity in  
12 everyday as well as extraordinary activities involving law enforcement, public safety and the  
13 administration of justice.

14 (f) Analyze, review, recommend, assist in and monitor changes to police policies,  
15 procedures and practices related to:

- 16 (1) Recruitment, hiring, promotion and training of police officers;
- 17 (2) The level and quality of diversity training, sensitivity awareness and cultural  
18 competency;
- 19 (3) The level and quality of efforts related to building and improving overall community  
20 relations;
- 21 (4) The use of firearms by on-duty and off-duty police officers;
- 22 (5) The use of force, the use of excessive force or the excessive use of force;
- 23 (6) The use of racial profiling and other forms of bias based policing; and
- 24 (7) Legislation reforming police policies, practices, or procedures involving community  
25 relations.

26 (g) To assist the select commission in its duties pursuant to subsection (f), all police  
27 departments shall submit to the select commission on an annual basis beginning on January 15,  
28 2004, and for ~~three (3)~~ six (6) years thereafter, a report indicating what action, if any has been  
29 taken, to address any racial disparities in traffic stops and/or searches documented in the study  
30 authorized by sections 31-21.1-4 and 31-21.2-6, and to otherwise implement any  
31 recommendations of that study. The Select Commission shall also ensure receipt of the reports  
32 required by section 31-21.2-7. The reports shall be public records.

33 (h) Collect and publish data regarding complaints of police misconduct pursuant to  
34 section 31-21.2-8.

1 SECTION 4. 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

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1           This act would place a ban on racial profiling in traffic stops by state and municipal law  
2 enforcement agencies to report and would set up a system requiring law enforcement agencies to  
3 collect data and complete regular reports of findings and statistics regarding traffic stops.

4           This act would take effect upon passage.

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