

2021 -- H 5993

LC002010

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RISHOD K. GORE JUSTICE IN  
POLICING ACT OF 2021

Introduced By: Representatives Batista, Williams, Morales, Felix, and Alzate

Date Introduced: February 26, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 160

4 RISHOD K. GORE JUSTICE IN POLICING ACT OF 2021

5 **42-160-1. Short title.**

6 This chapter shall be known and may be cited as the "Rishod K. Gore Justice in Policing  
7 Act of 2021".

8 **42-160-2. Definitions.**

9 As used in this chapter, the following words, terms and phrases have the meanings  
10 indicated:

11 (1) "Contacts" means an interaction with an individual, whether or not the person is in a  
12 motor vehicle, initiated by a peace officer, whether consensual or nonconsensual, for the purpose  
13 of enforcing the law or investigating possible violations of the law. "Contacts" do not include  
14 routine interactions with the public at the point of entry or exit from a controlled area.

15 (2) "Demographic information" means race, ethnicity, sex, and approximate age.

16 (3) "Peace officer" means the following individuals as defined in § 12-7-21.

17 (4) "Physical force" means the application of physical techniques or tactics, chemical  
18 agents, or weapons to another person.

1 (5) "Serious bodily injury" means physical injury that creates a substantial risk of death or  
2 causes serious permanent disfigurement or protracted loss or impairment of the function of any  
3 bodily member or organ.

4 (6) "Tamper" means to intentionally damage, disable, dislodge, or obstruct the sight or  
5 sound or otherwise impair functionality of the body-worn camera or to intentionally damage, delete,  
6 or fail to upload some or all portions of the video and audio.

7 **42-160-3. Camera use.**

8 (a) Except as provided in subsections (b) through (d) of this section, a peace officer shall  
9 wear and activate a body-worn camera or dash camera, if the peace officer's vehicle is equipped  
10 with a dash camera, when responding to a call for service or during any interaction with the public  
11 initiated by the peace officer, whether consensual or nonconsensual, for the purpose of enforcing  
12 the law or investigating possible violations of the law.

13 (b) A peace officer may turn off a body-worn camera to avoid recording personal  
14 information that is not case related; when working on an unrelated assignment; when there is a long  
15 break in the incident or contact that is not related to the initial incident; and in administrative,  
16 tactical, and management discussions.

17 (c) A peace officer does not need to wear or activate a body-worn camera if the peace  
18 officer is working undercover.

19 (d) The provisions of this section shall not apply to jail peace officers or staff of a local law  
20 enforcement agency if the jail has video cameras; however, the provisions of subsection (a) of this  
21 section, shall apply to jail peace officers when performing a task that requires an anticipated use of  
22 force, including cell extractions and restraint chairs. The provisions of this section shall also not  
23 apply to the civilian or administrative staff of the Rhode Island state police or a local law  
24 enforcement agency, the executive detail of the Rhode Island state police, and peace officers  
25 working in a courtroom.

26 (e) If a peace officer fails to activate a body-worn camera or dash camera as required by  
27 this section or tampers with body-worn or dash-camera footage or operation when required to  
28 activate the camera, there exists a permissive inference in any investigation or legal proceeding,  
29 excluding criminal proceedings against the peace officer, that the missing footage would have  
30 reflected misconduct by the peace officer. If a peace officer fails to activate or reactivate his or her  
31 body-worn camera as required by this section or tampers with body-worn or dash-camera footage  
32 or operation when required to activate the camera, any statements sought to be introduced in a  
33 prosecution through the peace officer related to the incident that were not recorded due to the peace  
34 officer's failure to activate or reactivate the body-worn camera as required by this section or if the

1 statement was not recorded by other means, creates a rebuttable presumption of inadmissibility.  
2 Notwithstanding any other provision of law, this subsection does not apply if the body-worn camera  
3 was not activated due to a malfunction of the body-worn camera and the peace officer was not  
4 aware of the malfunction, or was unable to rectify it, prior to the incident; provided, that the law  
5 enforcement agency's documentation shows the peace officer checked the functionality of the body-  
6 worn camera at the beginning of his or her shift.

7 **42-160-4. Discipline for violation.**

8 In addition to any criminal liability and penalty under the law, if a court, administrative  
9 law judge, hearing officer, or a final decision in an internal investigation finds that a peace officer  
10 intentionally failed to activate a body-worn camera or dash-camera or tampered with any body-  
11 worn or dash-camera, except as permitted in this section, the peace officer's employer shall impose  
12 discipline up to and including termination, to the extent permitted by the provisions of chapter 28.6  
13 of title 42.

14 **42-160-5. Retention of recordings.**

15 A local law enforcement agency and the Rhode Island state police shall establish and  
16 follow a retention schedule for body-worn camera recordings.

17 **42-160-6. Release of recordings.**

18 (a) For all incidents in which there is a complaint of peace officer misconduct by another  
19 peace officer, a civilian, or nonprofit organization, through notice to the law enforcement agency  
20 involved in the alleged misconduct, the local law enforcement agency or the Rhode Island state  
21 police shall release all unedited video and audio recordings of the incident, including those from  
22 body-worn cameras, dash-cameras, or otherwise collected through investigation, to the public  
23 within twenty-one (21) days after the local law enforcement agency or the Rhode Island state police  
24 received the complaint of misconduct, except as provided in subsections (b) through (g) of this  
25 section.

26 (b) All video and audio recordings depicting a death shall be provided upon request to the  
27 victim's spouse, parent, legal guardian, child, sibling, grandparent, grandchild, significant other, or  
28 other lawful representative, and such person shall be notified of his or her right, to receive and  
29 review the recording at least seventy-two (72) hours prior to any public disclosure. This subsection  
30 shall not apply to a person seventeen (17) years of age and under, unless legally emancipated.

31 (c) Notwithstanding any other provision of this section, any video that raises substantial  
32 privacy concerns for criminal defendants, victims, witnesses, juveniles, or informants, including  
33 video depicting nudity; a sexual assault; a medical emergency; private medical information; a  
34 mental health crisis; a victim interview; a minor, including any images or information that might

1 undermine the requirement to keep certain juvenile records confidential; any personal information  
2 other than the name of any person not arrested, cited, charged, or issued a written warning,  
3 including a government-issued identification number, date of birth, address, or financial  
4 information; significantly explicit and gruesome bodily injury, unless the injury was caused by a  
5 peace officer; or the interior of a home or treatment facility, shall be redacted or blurred to protect  
6 the substantial privacy interest while still allowing public release. Unredacted footage shall not be  
7 released without the written authorization of the victim or, if the victim is deceased or incapacitated,  
8 the written authorization of the victim's next of kin. Unredacted footage shall not be released to a  
9 person seventeen (17) years of age and under, unless legally emancipated.

10 (d) If redaction or blurring is insufficient to protect the substantial privacy interest, the local  
11 law enforcement agency or the Rhode Island state police shall, upon request, release the video to  
12 the victim or, if the victim is deceased or incapacitated, to the victim's spouse, parent, legal  
13 guardian, child, sibling, grandparent, grandchild, significant other, or other lawful representative  
14 within twenty (20) days after receipt of the complaint of misconduct. In cases in which the  
15 recording is not released to the public pursuant to this section, the local law enforcement agency  
16 shall notify the person whose privacy interest is implicated, if contact information is known, within  
17 twenty (20) days after receipt of the complaint of misconduct, and inform the person of his or her  
18 right to waive the privacy interest.

19 (e) A witness, victim, or criminal defendant may waive in writing the individual privacy  
20 interest that may be implicated by public release. Upon receipt of a written waiver of the applicable  
21 privacy interest, accompanied by a request for release, the law enforcement agency may not redact  
22 or withhold release to protect that privacy interest.

23 (f) Any video that would substantially interfere with or jeopardize an active or ongoing  
24 investigation may be withheld from the public; except that the video shall be released no later than  
25 forty-five (45) days from the date of the allegation of misconduct. In all cases when release of a  
26 video is delayed in reliance on this subsection, the attorney general shall prepare a written  
27 explanation of the interference or jeopardy that justifies the delayed release, contemporaneous with  
28 the refusal to release the video. Upon release of the video, the attorney general shall release the  
29 written explanation to the public.

30 (g) If criminal charges have been filed against any party to the incident, that party shall file  
31 any constitutional objection to the release of the recording in the pending criminal case before the  
32 twenty-one (21) day period expires. In cases in which there is a pending criminal investigation or  
33 prosecution of a party to the incident, the twenty-one (21) day period shall begin from the earliest  
34 of:

- 1           (1) The date of appointment of counsel;  
2           (2) The filing of an entry of appearance by counsel; or  
3           (3) The election to proceed pro se by the defendant in the criminal prosecution made on  
4 the record before a judge. If the defendant elects to proceed pro se in the criminal case, the court  
5 shall advise the defendant of the twenty-one (21) day deadline provided in subsection (a) of this  
6 section, for the defendant to file any constitutional objection to the release of the recording in the  
7 pending criminal case as part of the court's advisement. The court shall hold a hearing on any  
8 objection no later than seven (7) days after it is filed and issue a ruling no later than three (3) days  
9 after the hearing.

10           **42-160-7. Annual reports.**

11           (a) Beginning July 1, 2023, and every July 1 thereafter, the attorney general shall create an  
12 annual report including all of the information that is reported to the attorney general pursuant to  
13 subsection (b) of this section, aggregated and broken down by the law enforcement agency that  
14 employs peace officers, along with the underlying data.

15           (b) Beginning January 1, 2023, and every January 1 thereafter, the Rhode Island state police  
16 and each local law enforcement agency that employs peace officers shall provide an annual report  
17 to the attorney general containing the following information:

18           (1) All use of force by its peace officers that results in death or serious bodily injury,  
19 including:

20           (i) The date, time, and location of the use of force;

21           (ii) The perceived demographic information of the person contacted; provided, that the  
22 identification of these characteristics is based on the observation and perception of the peace officer  
23 making the contact and other available data;

24           (iii) The names of all peace officers who were at the scene, identified by whether the peace  
25 officer was involved in the use of force or not; except that the identity of other peace officers at the  
26 scene not directly involved in the use of force shall be identified by the officer's identification  
27 number unless the peace officer is charged criminally or is a defendant to a civil suit arising from  
28 the use of force;

29           (iv) The type of force used, the severity and nature of the injury, whether the peace officer  
30 suffered physical injury, and the severity of the peace officer's injury;

31           (v) Whether the peace officer was on duty at the time of the use of force;

32           (vi) Whether a peace officer unholstered a weapon during the incident;

33           (vii) Whether a peace officer discharged a firearm during the incident;

34           (viii) Whether the use of force resulted in a law enforcement agency investigation and the

1 result of the investigation; and

2 (ix) Whether the use of force resulted in a citizen complaint and the resolution of that

3 complaint;

4 (2) All instances when a peace officer resigned while under investigation for violating

5 department policy;

6 (3) All data relating to contacts conducted by its peace officers, including:

7 (i) The perceived demographic information of the person contacted; provided, that the

8 identification of these characteristics is based on the observation and perception of the peace officer

9 making the contact and other available data;

10 (ii) Whether the contact was a traffic stop;

11 (iii) The time, date, and location of the contact;

12 (iv) The duration of the contact;

13 (v) The reason for the contact;

14 (vi) The suspected crime;

15 (vii) The result of the contact, such as:

16 (A) No action, warning, citation, property seizure, or arrest;

17 (B) If a warning or citation was issued, the warning provided or violation cited;

18 (C) If an arrest was made, the offense charged; and

19 (D) If the contact was a traffic stop, the information collected, which is limited to the driver;

20 (viii) The actions taken by the peace officer during the contact, including, but not limited

21 to, whether:

22 (A) The peace officer asked for consent to search the person, and, if so, whether consent

23 was provided;

24 (B) The peace officer searched the person or any property, and, if so, the basis for the

25 search and the type of contraband or evidence discovered, if any;

26 (C) The peace officer seized any property and, if so, the type of property that was seized

27 and the basis for seizing the property;

28 (D) A peace officer unholstered a weapon during the contact; and

29 (E) A peace officer discharged a firearm during the contact;

30 (4) All instances of unannounced entry into a residence, with or without a warrant,

31 including:

32 (i) The date, time, and location of the use of unannounced entry;

33 (ii) The perceived demographic information of the subject of the unannounced entry;

34 provided, that the identification of these characteristics is based on the observation and perception

1 of the peace officer making the entry and other available data;

2 (iii) Whether a peace officer unholstered a weapon during the unannounced entry; and

3 (iv) Whether a peace officer discharged a firearm during the unannounced entry.

4 (c) The Rhode Island state police and local law enforcement agencies shall not report the  
5 name, address, social security number, or other unique personal identifying information of the  
6 subject of the use of force, victim of the official misconduct, or persons contacted, searched, or  
7 subjected to a property seizure. Notwithstanding any provision of law to the contrary, the data  
8 reported pursuant to this section shall be available to the public.

9 (d) The attorney general shall maintain a statewide database with data collected pursuant  
10 to this section, in a searchable format, and publish the database on its website.

11 (e) The Rhode Island state police and any local law enforcement agency that fails to meet  
12 its reporting requirements pursuant to this section is subject to the suspension of its funding by its  
13 appropriating authority.

14 **42-160-8. Documented excessive force.**

15 Notwithstanding any provision of law, if any peace officer is convicted of or pleads guilty  
16 or nolo contendere to a crime involving the unlawful use or threatened use of physical force, a  
17 crime involving the failure to intervene in the use of unlawful force, or is found civilly liable for  
18 the use of unlawful physical force, or is found civilly liable for failure to intervene in the use of  
19 unlawful force, the chief law enforcement officer for the offender's department shall impose  
20 discipline up to and including termination to the extent permitted by the provisions of chapter 28.6  
21 of title 42.

22 **42-160-9. Restricted force in response to protests.**

23 In response to a protest or demonstration, a law enforcement agency and any person acting  
24 on behalf of the law enforcement agency shall not:

25 (1) Discharge kinetic impact projectiles and all other non- or less-lethal projectiles in a  
26 manner that targets the head, pelvis, or back;

27 (2) Discharge kinetic impact projectiles indiscriminately into a crowd; or

28 (3) Use chemical agents or irritants, including pepper spray and tear gas, prior to issuing  
29 an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary,  
30 followed by sufficient time and space to allow compliance with the order.

31 **42-160-10. Civil action for deprivation of rights.**

32 (a) A peace officer, employed by a local government who, under color of law, subjects or  
33 causes to be subjected, including failing to intervene, any other person to the deprivation of any  
34 individual rights that create binding obligations on government actors secured by the United States

1 Constitution, or by the state constitution, is liable to the injured party for legal or equitable relief or  
2 any other appropriate relief.

3 (b)(1) Statutory immunities and statutory limitations on liability, damages, or attorneys'  
4 fees shall not apply to claims brought pursuant to this section.

5 (2) Qualified immunity is not a defense to liability pursuant to this section.

6 (c) In any action brought pursuant to this section, a court shall award reasonable attorneys'  
7 fees and costs to a prevailing plaintiff. In actions for injunctive relief, a court shall deem a plaintiff  
8 to have prevailed if the plaintiff's suit was a substantial factor or significant catalyst in obtaining  
9 the results sought by the litigation. When a judgment is entered in favor of a defendant, the court  
10 may award reasonable costs and attorney fees to the defendant for defending any claims the court  
11 finds frivolous.

12 (d) Notwithstanding any other provision of law, a peace officer's employer shall indemnify  
13 its peace officers for any liability incurred by the peace officer and for any judgment or settlement  
14 entered against the peace officer for claims arising pursuant to this section; except that, if the peace  
15 officer's employer determines that the officer did not act upon a good faith and reasonable belief  
16 that the action was lawful, then the peace officer shall be personally liable and shall not be  
17 indemnified by the peace officer's employer for five percent (5%) of the judgment or settlement or  
18 twenty-five thousand dollars (\$25,000), whichever is less. Notwithstanding any provision of this  
19 section to the contrary, if the peace officer's portion of the judgment is uncollectible from the peace  
20 officer, the peace officer's employer or insurer shall satisfy the full amount of the judgment or  
21 settlement. A public entity does not have to indemnify a peace officer if the peace officer was  
22 convicted of a criminal violation for the conduct from which the claim arises.

23 (5) A civil action pursuant to this section shall be commenced within three (3) years after  
24 the cause of action accrues.

25 **42-160-11. Use of force by peace officers.**

26 (a) Peace officers, in carrying out their duties, shall apply nonviolent means, when possible,  
27 before resorting to the use of physical force. A peace officer may use physical force only if  
28 nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing  
29 an imminent threat of serious bodily injury or death to the peace officer or another person.

30 (b) When physical force is used, a peace officer shall:

31 (1) Not use deadly physical force to apprehend a person who is suspected of only a minor  
32 or nonviolent offense;

33 (2) Use only a degree of force consistent with the minimization of injury to others;

34 (3) Ensure that assistance and medical aid are rendered to any injured or affected persons



1 as soon as practicable; and

2 (4) Ensure that any identified relatives or next of kin of persons who have sustained serious  
3 bodily injury or death are notified as soon as practicable.

4 (c) A peace officer is prohibited from using a chokehold upon another person. For the  
5 purposes of this subsection, "chokehold" means a method by which a person applies sufficient  
6 pressure to a person to make breathing difficult or impossible and includes, but is not limited to,  
7 any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake  
8 of air. "Chokehold" also means applying pressure to a person's neck on either side of the windpipe,  
9 but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

10 (d) A peace officer is justified in using deadly physical force to make an arrest only when  
11 all other means of apprehension are unreasonable given the circumstances and:

12 (1) The arrest is for a felony involving conduct including the use or threatened use of deadly  
13 physical force;

14 (2) The suspect poses an immediate threat to the peace officer or another person; and

15 (3) The force employed does not create a substantial risk of injury to other persons.

16 (e) A peace officer shall identify himself or herself as a peace officer and give a clear verbal  
17 warning of his or her intent to use firearms or other deadly physical force, with sufficient time for  
18 the warning to be observed, unless to do so would unduly place peace officers at risk of injury, or  
19 would create a risk of death or injury to other persons. Notwithstanding any other provisions in this  
20 section, a peace officer is justified in using deadly force if the peace officer has an objectively  
21 reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively  
22 reasonable grounds to believe, and does believe, that he/she or another person is in imminent danger  
23 of being killed or of receiving serious bodily injury.

24 **42-160-12. Duty to report use of force by peace officers -- Duty to intervene.**

25 (a) A peace officer shall intervene to prevent or stop another peace officer from using  
26 physical force that exceeds the degree of force permitted, if any, by the provisions of this chapter.  
27 This intervention shall include, but not be limited to, circumstances in which the other peace officer  
28 is carrying out an arrest of any person, placing any person under detention, taking any person into  
29 custody, booking any person, or in the process of crowd control or riot control, without regard for  
30 chain of command.

31 (b) A peace officer who intervenes as required by subsection (a) of this section, shall report  
32 the intervention to his or her immediate supervisor.

33 (c) At a minimum, the report required by subsection (b) of this section shall include the  
34 date, time, and place of the occurrence; the identity, if known, and description of the participants;

1 and a description of the intervention actions taken. This report shall be made in writing within ten  
2 (10) days of the occurrence of the use of such force and shall be appended to all other reports of  
3 the incident.

4 (d) A member of a law enforcement agency shall not discipline or retaliate in any way  
5 against a peace officer for intervening as required by subsection (a) of this section, or for reporting  
6 unconstitutional conduct, or for failing to follow what the officer reasonably believes is an  
7 unconstitutional directive.

8 (e) Any peace officer who fails to intervene to prevent the use of unlawful force as  
9 prescribed in this section commits a misdemeanor punishable by confinement of not more than one  
10 year and/or a fine of not more than one thousand dollars (\$1,000). Nothing in this subsection shall  
11 prohibit or discourage prosecution of any other criminal offense related to failure to intervene,  
12 including a higher charge, if supported by the evidence.

13 (f) When an internal investigation finds that a peace officer failed to intervene to prevent  
14 the use of unlawful physical force as prescribed in this section, this finding shall be presented to  
15 the attorney general in order that he or she can determine whether charges should be filed pursuant  
16 to this section; provided, however, nothing in this subsection shall prohibit the attorney general  
17 from charging an officer with failure to intervene before the conclusion of any internal  
18 investigation.

19 (g) In addition to any criminal liability and penalty under the law, when an internal  
20 investigation finds that a peace officer failed to intervene as required by subsection (a) of this  
21 section in an incident resulting in serious bodily injury or death to any person, the peace officer's  
22 employer shall subject the peace officer to discipline, up to and including termination, pursuant to  
23 the provisions of chapter 28.6 of title 42.

24 (h) In a case in which the department of the attorney general charges a peace officer with  
25 offenses related to and based upon the use of excessive force but does not file charges against any  
26 other peace officer or officers who were at the scene during the use of force, the attorney general  
27 shall prepare a written report explaining the attorney general's basis for the decision not to charge  
28 any other peace officer with any criminal conduct and shall publicly disclose the report to the  
29 public; except that if disclosure of the report would substantially interfere with or jeopardize an  
30 ongoing criminal investigation, the attorney general may delay public disclosure for up to forty-  
31 five (45) days. The attorney general shall post the written report on its website. Nothing in this  
32 section is intended to prohibit or discourage criminal prosecution of an officer who failed to  
33 intervene for conduct in which the facts support a criminal charge, including under a complicity  
34 theory, or for an inchoate offense.

1           **42-160-13. Training.**

2           Each law enforcement agency in the state shall train its peace officers regarding compliance  
3 with the provisions of this chapter.

4           **42-160-14. Peace officer -- Involved death investigations -- Disclosure.**

5           Notwithstanding any other law to the contrary, with respect to a peace officer involved in  
6 an investigation resulting in death, if the attorney general refers the matter under investigation to  
7 the grand jury, the attorney general shall release a statement at the time the matter is referred to the  
8 grand jury disclosing the general purpose of the grand jury's investigation. If a no true bill is  
9 returned, the grand jury shall issue and publish a report.

10           **42-160-15. Profiling -- Officer identification.**

11           (a) If a peace officer shall make a contact, whether consensual or nonconsensual, for the  
12 purpose of enforcing the law or investigating possible violations of the law, then after making  
13 contact, a peace officer shall report to the peace officer's employing agency:

14           (1) The perceived demographic information of the person contacted; provided, that the  
15 identification of these characteristics is based on the observation and perception of the peace officer  
16 making the contact and other available data;

17           (2) Whether the contact was a traffic stop;

18           (3) The time, date, and location of the contact;

19           (4) The duration of the contact;

20           (5) The reason for the contact;

21           (6) The suspected crime;

22           (7) The result of the contact, such as:

23           (i) No action, warning, citation, property seizure, or arrest;

24           (ii) If a warning or citation was issued, the warning provided or violation cited;

25           (iii) If an arrest was made, the offense charged;

26           (iv) If the contact was a traffic stop, the information collected, which is limited to the driver;

27           (6) The actions taken by the peace officer during the contact, including, but not limited to,  
28 whether:

29           (i) The peace officer asked for consent to search the person, vehicle, or other property, and,  
30 if so, whether consent was provided;

31           (ii) The peace officer searched the person or any property, and, if so, the basis for the search  
32 and the type of contraband or evidence discovered, if any;

33           (iii) The peace officer seized any property, and, if so, the type of property that was seized  
34 and the basis for seizing the property;

1 (iv) A peace officer unholstered a weapon during the contact; and  
2 (v) A peace officer discharged a firearm during the contact.  
3 (b) A peace officer shall provide, without being asked, the peace officer's business card to  
4 any person whom the peace officer has detained in a traffic stop but has not cited or arrested. The  
5 business card shall include identifying information about the peace officer, including, but not  
6 limited to, the peace officer's name, division, precinct, and badge or other identification number; a  
7 telephone number that may be used, if necessary, to report any comments, positive or negative,  
8 regarding the traffic stop; and information about how to file a complaint related to the contact. The  
9 identity of the reporting person and the report of any such comments that constitute a complaint  
10 shall initially be kept confidential by the receiving law enforcement agency, to the extent permitted  
11 by law. The receiving law enforcement agency shall be permitted to obtain some identifying  
12 information regarding the complaint to allow initial processing of the complaint. If it becomes  
13 necessary for the further processing of the complaint for the complainant to disclose the  
14 complainant's identity, the complainant shall do so or, at the option of the receiving law  
15 enforcement agency, the complaint may be dismissed.

16 **42-160-15. Public integrity -- Patterns in practice.**

17 (a) It shall be unlawful for any governmental authority, or any agent thereof, or any person  
18 acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by peace  
19 officers or by officials or employees of any governmental agency that deprives persons of rights,  
20 privileges, or immunities secured or protected by the constitution or laws of the United States or  
21 the state of Rhode Island.

22 (b) Whenever the attorney general has reasonable cause to believe that a violation of this  
23 section has occurred, the attorney general, for or in the name of the state of Rhode Island, may in a  
24 civil action obtain any and all appropriate relief to eliminate the pattern or practice. Before filing  
25 suit, the attorney general shall notify the government authority or any agent thereof, and provide it  
26 with the factual basis that supports his or her reasonable cause to believe a violation occurred. Upon  
27 receipt of the factual basis, the government authority, or any agent thereof, has sixty (60) days to  
28 change or eliminate the identified pattern or practice, if the identified pattern or practice is not  
29 changed or eliminated after sixty (60) days, the attorney general may file a civil lawsuit.

30 SECTION 2. Chapter 11-1 of the General Laws entitled "General Provisions" is hereby  
31 amended by adding thereto the following section:

32 **11-1-12. Criminal offenses for conduct of a peace officer.**

33 It shall be a felony punishable by imprisonment for not more than ten (10) years if serious  
34 injury results, and in the event that serious bodily injury does not result, punishment shall be

1 imprisonment for not more than three (3) years for any peace officer that uses the following force  
2 when said force is not justified pursuant to § 42-160-11:

3 (1) Conducting a "chokehold" on an alleged suspect or criminal assailant which is defined  
4 pursuant to § 42-160-11(c).

5 (2) Using their foot as a weapon to kick an alleged suspect or criminal assailant in the head  
6 and/or head area.

7 (3) Using a motor vehicle to drive in the immediate direction of an alleged suspect or  
8 criminal assailant in the manner as to use said vehicle as a weapon against an alleged suspect or  
9 criminal assailant.

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

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LC002010  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RISHOD K. GORE JUSTICE IN  
POLICING ACT OF 2021

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- 1           This act would provide police reform by requiring body cameras and makes certain
- 2 methods of restraint a felony such as chokeholds and using the foot as a weapon.
- 3           This act would take effect upon passage.

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LC002010  
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