

2021 -- S 0122

LC000974

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

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

Introduced By: Senators Quezada, Cano, Kallman, McCaffrey, Mack, Acosta, Calkin,  
Bell, and Euer

Date Introduced: January 26, 2021

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.**

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~~ 2022, is authorized  
7 to and shall conduct a study of routine traffic stops made and searches conducted by the Rhode  
8 Island state police and each municipal police department in order to determine whether racial  
9 disparities in traffic stops exist, and to further examine whether searches of vehicles and motorists  
10 are being conducted in a racially disparate manner.

11 (b) The office of highway safety of the Rhode Island department of transportation or its  
12 designee shall, no later than January 1, ~~2016~~ 2022, develop a form or electronic equivalent to be  
13 used by each police officer when making a traffic stop and/or search to record the data required  
14 under this chapter, which form shall include for each motor vehicle stop and/or search, the race and  
15 ethnicity of the driver based on the officer's perception, and the information listed in § 31-21.1-4.

16 (c) The office of highway safety of the Rhode Island department of transportation or its  
17 designee shall advise the Rhode Island state police and each municipal police department of the  
18 date that data collection shall commence. Data collection shall begin not later than January 1, ~~2016~~

1 [2022](#), but may begin prior to that time upon notification to police departments from the office of  
2 highway safety of the Rhode Island department of transportation or its designee.

3 (d) A traffic stop [and search](#) data collection card or electronic equivalent shall be completed  
4 for each routine traffic stop [and/or search](#) by the Rhode Island state police and municipal police  
5 department ~~during the term of this study~~.

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

12 (f) Appropriate funding ~~may~~ [shall](#) be made available to implement [data collection by the](#)  
13 [Rhode Island state police and each municipal police department on an ongoing basis. Appropriate](#)  
14 [funding may be made available to conduct a detailed study of the collected data as described in](#) the  
15 ~~provision~~ [provisions](#) of this chapter and completion of this study shall be contingent upon such  
16 funding.

17 (g) The study shall include a multivariate analysis of the collected data in accordance with  
18 general statistical standards, [including analysis of data at both the eight-five percent \(85%\) and](#)  
19 [ninety-five percent \(95%\) confidence levels](#), and shall be substantially similar to the study prepared  
20 pursuant to chapter 21.1 of this title. The study shall be prepared by an organization, company,  
21 person, or other entity with sufficient expertise in the field of statistics, and [expertise in](#) the study  
22 of traffic stop [and search](#) data ~~collection~~ [and/or the study of data related to racial disparities](#), to  
23 assist with the implementation of this chapter, and chosen by the office of highway safety of the  
24 Rhode Island department of transportation or its designee, [with input from the community review](#)  
25 [board described in subsection \(n\) of this section](#). The study shall be released on an annual basis,  
26 with the first release not later than eighteen (18) months after commencement of data collection  
27 under this chapter. The report, findings, and conclusions submitted pursuant to this subsection shall  
28 be a public record.

29 [\(h\) On an annual basis, the office of highway safety of the Rhode Island department of](#)  
30 [transportation or its designee shall present all data submitted in accordance with subsections \(d\)](#)  
31 [and \(e\) of this section in an online interface designed to enhance public interaction with the data.](#)  
32 [In providing a visual presentation of the data, the interface shall allow for user-generated analysis](#)  
33 [of the data points collected in accordance with § 31-21.1-4 for each traffic stop and search. The](#)  
34 [interface shall generate analyses of the data such that the public may view the data by race or](#)

1 [ethnicity in conjunction with any of the data points collected, and shall allow users to view the data](#)  
2 [statewide and for individual municipal law enforcement agencies both cumulatively and by year.](#)  
3 [Within one year of enactment of this chapter, the interface shall include all the annual data collected](#)  
4 [since enactment of this chapter.](#)

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

8 ~~(h)~~(j) On a quarterly basis, a summary report of the monthly data provided by each police  
9 department and the state police for that quarterly period shall be issued [by the office of highway](#)  
10 [safety of the Rhode Island department of transportation, or its designee.](#) The report shall be a public  
11 record. The summary report shall include, at a minimum, a monthly breakdown by race, age,  
12 gender, and outcome for operators for each police department of the number of traffic stops made  
13 and of searches conducted. For those police departments collecting data through the use of mobile  
14 display terminals in police vehicles, the report shall also include a breakdown by race and outcome  
15 for operators. The report shall be released not more than ninety (90) days after the end of each  
16 quarterly period. No information revealing the identity of any individual shall be contained in the  
17 report.

18 ~~(j)~~(k) ~~Every~~ [The head of every](#) law enforcement agency collecting data pursuant to this  
19 chapter shall ensure that supervisory personnel ~~review~~ [have reviewed](#) each officer's stop and search  
20 documentation and data results on a monthly basis to ~~ensure~~ [verify](#) compliance with all policies,  
21 prohibitions, and documentation requirements. [On a monthly basis, said personnel shall submit in](#)  
22 [writing to the head of the agency documentation of any disparities found through review.](#)

23 ~~(k)~~(l) The head of every law enforcement agency subject to this chapter, or his or her  
24 designee, shall [regularly](#) review the data ~~on a regular basis~~ in an effort to determine whether any  
25 racial disparities in the agency's traffic stops [or searches](#) ~~enforcement exists~~ [exist](#), and to  
26 appropriately respond to any such disparities. [On a quarterly basis, confirmation of this review,](#)  
27 [along with the monthly submissions made pursuant to subsection \(k\) of this section and any](#)  
28 [responses to disparities presented by the data, shall be documented and verified under oath on a](#)  
29 [form prepared by the Rhode Island department of transportation or its designee in consultation with](#)  
30 [the community review board.](#) It is understood that disparities may or may not equate to racial  
31 profiling.

32 ~~(l)~~(m) An organization chartered for the purpose of combating discrimination, racism, or  
33 of safeguarding civil liberties, or of promoting full, free, or equal employment opportunities, and/or  
34 a governmental or quasi-governmental entity may seek appropriate relief in a civil action against

1 any police department for failing to collect or transmit the data required in this chapter, or for  
2 otherwise failing to comply with any other requirements of §§ 31-21.2-5(c) or (e), 31-21.2-6 or 31-  
3 21.2-7 and may be awarded its costs, including attorney's fees, for bringing such an action. ~~As a~~  
4 ~~condition precedent to the filing of a civil action by an organization under this section, the~~  
5 ~~organization shall send a notice to the office of highway safety of the Rhode Island department of~~  
6 ~~transportation or its designee identifying the police department which is failing to collect or~~  
7 ~~transmit the data and the organization shall then allow fifteen (15) days to elapse.~~

8 (m)(n) The office of highway safety of the Rhode Island department of transportation or  
9 its designee shall consult with community, police and civil rights representatives in the  
10 development of the form required by subsection (b) and shall appoint a community review board  
11 comprised of representatives of civil rights and community organizations. The board shall advise  
12 and be consulted on the format, scope and other matters relating to the statistical study, meet with  
13 any police departments under review, and engage in the other duties established by this chapter.  
14 The office on at least a quarterly basis shall consult on other issues that arise relating to the  
15 implementation and enforcement of this chapter including the information generated by the  
16 issuance of the reports required by subsection (i)(j).

17 **31-21.2-7. Data collection and use.**

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

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

30 (c) ~~All police departments shall submit to the office of highway safety of the department~~  
31 ~~of transportation, or its designee, on an annual basis beginning on July 15, 2016, and for four (4)~~  
32 ~~years following the conclusion of data collection, a report indicating what action, if any, has been~~  
33 ~~taken, to address any racial disparities in traffic stops and/or searches documented in the studies~~  
34 ~~authorized by §§ 31-21.1-4 and 31-21.2-6, and to otherwise implement any recommendations of~~

1 ~~those studies, including, but not limited to, any changes to agency policies; revisions to traffic~~  
2 ~~enforcement practices; detailed analysis and review of traffic stop data and the results of such~~  
3 ~~review; or the initiation of any disciplinary action. Any reference to disciplinary action shall not~~  
4 ~~identify the officer. The office of highway safety of the department of transportation or its designee~~  
5 ~~shall issue guidelines for police departments to follow in preparing these reports. The reports shall~~  
6 ~~be public records and shall contain a certification that the department has complied with § 31-21.2-~~  
7 ~~6(j) and (k). All police departments shall submit on an annual basis beginning on July 15, 2022, a~~  
8 report to the office of highway safety of the department of transportation or its designee, and to the  
9 community review board established pursuant to § 31-21.2-6, on a form prepared by the office and  
10 the board. This report shall indicate what actions, if any, have been taken to address any racial  
11 disparities in traffic stops and/or searches documented in each department's ongoing data collection  
12 and, if such research has been done, in the studies authorized by §§ 31-21.1-4 and 31-21.2-6, and  
13 to otherwise implement any recommendations of the data collection and/or traffic studies.  
14 Information provided in this report shall include, but not be limited to, a summary of the annual  
15 and monthly departmental statistics on traffic stops and searches; any changes to agency policies;  
16 revisions to traffic enforcement practices; detailed analysis and review of the traffic stop and search  
17 data and the results of such review; steps taken to present the data and recommendations with the  
18 local community; the initiation of any disciplinary action; and, where no remedial action has been  
19 taken in response to documented racial disparities, an explanation for the agency's inaction. Any  
20 reference to disciplinary action shall not identify the officer. The office of highway safety of the  
21 department of transportation or its designee, in consultation with the community review board, shall  
22 issue guidelines for police departments to follow in preparing this annual report. The reports shall  
23 be public records and shall contain a certification that the department has complied with § 31-21.2-  
24 6(j) and (k). Any department that has failed to comply with this chapter or whose search data show  
25 racial disparities at or above the ninety-five percent (95%) level of statistical significance shall be  
26 barred from seeking or renewing accreditation through any state or private accreditation agency.

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

1 ~~records, and shall contain a certification that the department has complied with § 31-21.2-6(j) and~~  
2 ~~(k).~~

3 SECTION 2. This act shall take effect upon passage.

=====  
LC000974  
=====

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 require data collection and a study of traffic stops and searches to determine  
2 whether racial disparities in stops and/or searches exist. The data acquired may be used in civil or  
3 criminal proceedings in accordance with the rules of procedure. This act would further require the  
4 appointment of a community review board.

5           This act would take effect upon passage.

=====  
LC000974  
=====