

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- POLICE TRAFFIC STOP DATA
COLLECTION

Introduced By: Representatives Ajello, Tanzi, Speakman, Morales, Henries, Knight,
Cruz, Diaz, Felix, and Hull

Date Introduced: March 01, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER VEHICLES"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 21.3

4 POLICE TRAFFIC STOP DATA COLLECTION

5 **31-21.3-1. Data collection.**

6 (a) The office of highway safety of the Rhode Island department of transportation or
7 designee, shall, no later than January 1, 2024, develop a form or electronic equivalent to be used
8 by each police officer when making a traffic stop to record the data required under this chapter,
9 which form shall include for each motor vehicle stop, and/or search the following data:

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

11 (2) The race and ethnicity, gender, and approximate age of the driver stopped; provided
12 that, the identification of these characteristics shall be based on the observation and perception of
13 the police officer making the stop and the information shall not be requested of the person stopped;

14 (3) The reason for the stop;

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

16 (5) The scope of any search conducted;

17 (6) Whether the search was conducted pursuant to consent, probable cause, or reasonable
18 suspicion of the commission of a crime;

1 (7) Whether any contraband, including money, was seized in the course of the search, and
2 if so, the nature of the contraband;

3 (8) Whether any warning or citation was issued as a result of the stop;
4 (9) Whether an arrest was made as a result of either the stop or the search;
5 (10) The approximate duration of the stop; and
6 (11) Whether the vehicle is registered in Rhode Island or out of the state.

7 (b) For those motor vehicle stops or searches where a citation was issued or an arrest was
8 made, the data collection form shall include a citation or arrest number. It shall also include the
9 name or badge number of the officer completing the form; provided, however, that the name and
10 the badge number of the officer shall not be public.

11 (c) The office of highway safety shall advise the Rhode Island state police and each
12 municipal police department as to the date that data collection shall commence. Data collection
13 shall begin not later than January 1, 2024; provided, however, that collection may begin prior to
14 that time upon notification to police departments from the office of highway safety of the Rhode
15 Island department of transportation, or designee.

16 (d) A traffic stop data and search collection card or electronic equivalent shall be completed
17 for each routine traffic stop and/or search by the Rhode Island state police and each municipal
18 police department.

19 (e) Upon commencement of data collection, and monthly thereafter, each municipal police
20 department and the Rhode Island state police shall transmit to the office of highway safety all forms
21 or electronic data collected to date of motorists who were stopped, and/or searched and any other
22 information the police department or the Rhode Island state police deem appropriate.

23 (f) Within ninety (90) days of the effective date of this chapter, each municipal department
24 and the Rhode Island state police shall transmit all traffic stop and search data collected between
25 July 1, 2021 and June 30, 2023 for analysis in the annual study required by § 31-21.3-4.

26 (g) Appropriate funding shall be made available to implement the provisions of this chapter
27 and completion of the annual study shall be contingent upon such funding. Additional funding may
28 be made available to the advisory committee established by § 31-21.3-7 to assist police
29 departments, community groups and others in training, research, and community outreach to further
30 the goals of this chapter.

31 (h) The office of highway safety shall be exempt from the provisions of chapter 2 of title
32 37 in connection with its procurement of equipment and services necessary to the implementation
33 of this chapter.

34 (i) The office of highway safety shall consult the comprehensive community police

1 relationship act ("CCPRA") advisory committee on at least a quarterly basis and shall consult on
2 other issues that arise relating to the implementation and enforcement of this chapter including the
3 information generated by the issuance of the reports required by this chapter.

4 **31-21.3-2. Data use and enforcement.**

5 (a) Data acquired under this chapter may be used in any civil proceeding to establish or
6 rebut an inference of discrimination in accordance with the rules of civil procedure. It is understood
7 that disparities may or may not equate to racial profiling.

8 (b) All data collected and the reports and studies compiled pursuant to this chapter shall be
9 public, except information identifying any specific law enforcement officer.

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

13 (d) The office of highway safety in consultation with the CCPRA advisory committee, shall
14 issue guidelines for police departments to follow in preparing the annual reports required by § 31-
15 21.3-6, including establishing a form for the certification of compliance to be verified under oath.

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

25 **31-21.3-3. Quarterly data reports by the office of highway safety.**

26 (a) On a quarterly basis, a summary report of the monthly data provided by each police
27 department and the state police for that quarterly period shall be issued by the office of highway
28 safety. The summary report shall include, at a minimum, a monthly breakdown by race, age, gender,
29 and the outcome for vehicle operators for each police department regarding the number of traffic
30 stops made and of searches conducted. For those police departments collecting data through the
31 use of mobile display terminals in police vehicles, the report shall also include a breakdown by race
32 and outcome for vehicles operators.

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

1 report.

2 **31-21.3-4. Annual study and data interface by the office of highway safety.**

3 (a) The office of highway safety, to be chosen by the department of transportation, shall,
4 with input from the CCPRA advisory committee, select an organization, company, person, or other
5 entity with sufficient expertise in the field of statistics, and expertise in the study of traffic stop and
6 search data collection and/or the study of data related to racial disparities to conduct an annual
7 study.

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

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

18 (d) On an annual basis, the office of highway safety shall present all data submitted in
19 accordance with § 31-21.3-1 in an online interface designed to enhance public interaction with the
20 data. In providing a visual presentation of the data, the interface shall allow for user-generated
21 analysis of the stop and search data points required to be collected pursuant to this chapter. The
22 interface shall generate analyses of the data such that the public may view the data by race or
23 ethnicity in conjunction with any of the data points collected, and shall allow users to view the data
24 statewide and for individual municipal law enforcement agencies both cumulatively and by year.
25 Within one year of the effective date of this section, the interface shall include all the annual data
26 collected since enactment of this chapter.

27 **31-21.3-5. Monthly review.**

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

31 (b) The head of every law enforcement agency shall ensure that supervisory personnel have
32 conducted monthly verifications of each officer's stop and search documentation and officer
33 specific data results to verify compliance, or document any noncompliance, with all policies,
34 prohibitions, and documentation requirements. Such monthly verifications shall include whether a

1 review of an officer's stop or search documentation and data results indicate the presence of racial
2 disparities.

3 **31-21.3-6. Annual report by law enforcement agency heads.**

4 (a) The head of every law enforcement agency shall submit a traffic stop and search report
5 which includes the information in § 31-21.3-5 to the office of highway safety and to the CCPRA
6 advisory committee on an annual basis beginning on September 1, 2023.

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

10 (c) Additionally, the annual report shall indicate what action, if any, has been taken, to
11 address any racial disparities in traffic stops and/or searches documented in each department's
12 ongoing data collection and, in the study authorized by § 31-21.3-4, and to otherwise implement
13 any recommendations of the data collection and/or traffic studies, including, but not limited to:

14 (1) Any changes to agency policies;

15 (2) Revisions to traffic enforcement practices;

16 (3) Detailed analysis and review of traffic stop data and the results of such review;

17 (4) Steps taken to present the data and recommendations to the community;

18 (5) The initiation of any disciplinary action; and

19 (6) Where no remedial action has been taken in response to documented racial disparities,
20 an explanation for the department's inaction.

21 (d) The annual report, including any reference to disciplinary action, shall not identify
22 specific officers

23 **31-21.3-7. Advisory committee - Establishment - Duties.**

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

26 (1) One of whom shall be appointed by the governor;

27 (2) One of whom shall be appointed by the senate president;

28 (3) One of whom shall be appointed by the speaker of the house;

29 (4) One of whom shall be the attorney general, or designee;

30 (5) One of whom shall be the public defender, or designee;

31 (6) One of whom shall be the director of the department of public safety, or designee;

32 (7) One of whom shall be the executive director of the Rhode Island Police Chiefs
33 Association, or designee;

34 (8) One of whom shall be the executive director of the Rhode Island commission for human

1 rights, or designee;

2 (9) One of whom shall be the executive director of Rhode Island for Community & Justice,
3 or designee, or other organization chartered for the purpose of combating discrimination, racism or
4 of safeguarding civil liberties;

5 (10) One of whom shall be the president of the NAACP Providence branch, or designee;
6 and

7 (11) Two (2) of whom shall be community members; one of whom shall be appointed by
8 the speaker of the house and the second of whom shall be appointed by the president of the senate.

9 (b) The members of the advisory committee shall be appointed for terms of three (3) years;
10 provided, however, that, with regard to the initial appointments, four (4) members shall be
11 appointed for terms of one year; four (4) members shall be appointed for a term of two (2) years;
12 and four (4) members shall be appointed for a term of three (3) years. Members may be reappointed,
13 and their appointments shall continue until their successors are appointed. A vacancy other than by
14 expiration shall be filled in the manner of the original appointment, but only for the unexpired
15 portion of the term.

16 (c) The members of the advisory committee shall receive no compensation.

17 (d) The governor's appointee shall be the chairperson; a vice-chairperson and secretary
18 shall be elected by the advisory committee members annually. All officers of the advisory
19 committee shall serve until their successors have been duly appointed or elected.

20 (e) The advisory committee shall meet at least quarterly at the call of the chairperson of the
21 committee.

22 (f) The advisory committee shall have the following purposes and duties:

23 (1) Advise the office of highway safety, on all matters pertaining to the duties and powers
24 of the committee, including evaluating and making recommendations regarding plans, programs,
25 and strategies relating to the CCPRA;

26 (2) Provide input to the office of highway safety, to choose an organization, company,
27 person or entity to conduct an annual traffic stop and search study;

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

29 (4) Consult with the office of highway safety, on guidelines for police departments to
30 follow in preparing the reports required pursuant to § 31-21.3-2(d);

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

32 (6) Receive, review and discuss each law enforcement agency's annual report required
33 pursuant to § 31-21.3-6(a);

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

- 1 (8) Recommend appropriate assessments for the studies;
2 (9) Recommend policies for stops, searches and seizures;
3 (10) Recommend appropriate enforcement mechanisms to address any study results; and
4 (11) Promote the involvement and investment of the public in CCPRA research, the annual
5 studies, and the work of the CCPRA advisory committee.

6 (g) The office of highway safety or the department of administration shall provide space
7 and secretarial services to the advisory committee without charge to the committee.

8 SECTION 2. Section 31-21.2-6 of the General Laws in Chapter 31-21.2 entitled
9 "Comprehensive Community-Police Relationship Act of 2015" is hereby amended to read as
10 follows:

11 **31-21.2-6. Continued data collection.**

12 (a) The office of highway safety of the Rhode Island department of transportation or a
13 designee to be chosen by the department of transportation by January 1, 2017, and until January 1,
14 2024, is authorized to and shall conduct a study of routine traffic stops by the Rhode Island state
15 police and each municipal police department in order to determine whether racial disparities in
16 traffic stops exist, and to examine whether searches of vehicles and motorists are being conducted
17 in a disparate manner.

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

23 (c) The office of highway safety of the Rhode Island department of transportation or its
24 designee shall advise the Rhode Island state police and each municipal police department of the
25 date that data collection shall commence. Data collection shall begin not later than January 1, 2016,
26 but may begin prior to that time upon notification to police departments from the office of highway
27 safety of the Rhode Island department of transportation or its designee.

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

31 (e) Upon commencement of data collection, and monthly thereafter, each municipal police
32 department and the Rhode Island state police shall transmit to the office of highway safety of the
33 Rhode Island department of transportation or its designee all forms or electronic data collected to
34 date of motorists who were stopped, and any other information the police department or the Rhode

1 Island state police deem appropriate. Data collection shall continue for forty-eight (48) months
2 following commencement of data collection.

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

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) 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 in the development
11 of the form required by subsection (b) and on at least a quarterly basis shall consult on other issues
12 that arise relating to the implementation and enforcement of this chapter including the information
13 generated by the issuance of the reports required by subsection (i).

14 SECTION 3. Chapter 31-21.2 of the General Laws entitled "Comprehensive Community-
15 Police Relationship Act of 2015" is hereby amended by adding thereto the following section:

16 **31-21.2-9. Sunset clause.**

17 Any and all powers, duties, rights, obligations and authorities of the office of highway
18 safety as it pertains to this chapter shall sunset as of January 1, 2024.

19 SECTION 4. This act shall take effect upon passage.

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LC001368
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO MOTOR AND OTHER VEHICLES -- POLICE TRAFFIC STOP DATA
COLLECTION

1 This act would make revisions to the Comprehensive Community-Police Relationship Act
2 of 2015 (CCPRA) with regard to the continued collection of data for routine police traffic stops by
3 transferring that responsibility to the office of highway safety as of January 1, 2024 and would
4 create a twelve (12) member advisory committee to assist the office in the analysis and reporting
5 of the data collected.

6 This act would take effect upon passage.

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