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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Representatives Batista, Sanchez, Knight, Morales, Potter, and Cruz

Date Introduced: January 26, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-21.2-5 of the General Laws in Chapter 31-21.2 entitled
2 "Comprehensive Community-Police Relationship Act of 2015" is hereby amended to read as
3 follows:

4 **31-21.2-5. Law enforcement practices.**

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

10 (b) No operator or owner-passenger of a motor vehicle shall be requested to consent to a
11 search by a law enforcement officer of his or her motor vehicle, ~~that is stopped solely for a traffic~~
12 ~~violation,~~ unless there exists reasonable suspicion or probable cause of criminal activity. No
13 passenger of a motor vehicle or pedestrian shall be requested to consent to a search by a law
14 enforcement officer of his or her person, unless there exists reasonable suspicion or probable cause
15 of criminal activity. No juvenile shall be requested to consent to a search by a law enforcement
16 officer unless there exists reasonable suspicion or probable cause of criminal activity. In those
17 instances in which a warrant would be required, a law enforcement officer must advise the juvenile
18 that he or she may refuse to consent to, or limit the scope of, any requested search. The

1 determination of age of the individual shall be based on the perception of the officer making a good
2 faith effort in advance of requesting consent. Nothing contained in this subsection shall be
3 construed to prohibit a law enforcement officer from conducting a pat down search for weapons
4 based upon a reasonable belief [that the person is armed and](#) that the officer's personal safety may
5 be jeopardized.

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

18 (d) With the exception of operators who are subject to federal motor carrier regulations, no
19 operator of a motor vehicle shall be requested to provide any documentation or identification other
20 than a driver's license, motor vehicle registration, and/or proof of insurance when the motor vehicle
21 has been stopped solely for a traffic violation, unless there exists reasonable suspicion or probable
22 cause of criminal activity or the operator has failed to produce a valid driver's license. [No passenger
23 of a stopped motor vehicle or pedestrian shall be required to identify themselves to law enforcement
24 unless there exists reasonable suspicion or probable cause that the passenger or pedestrian is
25 engaged in criminal activity.](#)

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

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

1 any search otherwise based upon any legally sufficient cause.

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

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

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

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

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

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

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

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

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

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

1 any appeal;

2 (6) The policy shall explicitly prohibit any violation of these requirements, including any
3 attempts to disengage or tamper with the video/audio surveillance equipment, deliberately and
4 prematurely erase or alter a recording, or to otherwise fail to record stops as specified herein barring
5 the aforementioned limited exceptions; and

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

10 (h) Law enforcement officers shall advise any motorist or pedestrian who is stopped of the
11 reason for the stop prior to engaging in any questioning related to the traffic violation or other
12 investigation. The officer shall document the reason for the stop on any citation or police report
13 resulting from the stop.

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

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

22 (k) A peace officer shall disclose the reason for a traffic or pedestrian stop before engaging
23 in questioning related to a criminal investigation or traffic violation, unless the officer reasonably
24 believes that withholding the reason for the stop is necessary to protect life or property from
25 imminent threat, and shall document the reason for the stop on any citation or police report resulting
26 from the stop.

27 SECTION 2. 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 -- COMPREHENSIVE COMMUNITY --
POLICE RELATIONSHIP ACT OF 2015

- 1 This act would mandate a police officer to disclose the reason for a traffic stop or pedestrian
- 2 stop before engaging in questioning related to a criminal investigation or traffic violation.
- 3 This act would take effect upon passage.

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