



**West Greenwich Police Department
GENERAL ORDER 320.17**

SECTION	RIPAC STANDARD	EFFECTIVE DATE	PAGES
300 – Law Enforcement Operation	2.8	January 23, 2023	17
SUBSECTION	REVIEW DATE	PREVIOUSLY ISSUED	
20 – Bias	As Needed Rescinds 320.17 Previously Issued February 20, 2014	February 20, 2014	
TITLE	BY ORDER OF		
320.17 Biased Based Profiling	Richard N. Ramsay Chief of Police		

I. PURPOSE

The purpose of this policy is to unequivocally state that profiling based solely on race, ethnicity, sexual orientation, disability; religious belief, age or gender in law enforcement is expressly prohibited. The purpose of this policy is to provide guidelines for officers to prevent such occurrences and to provide appropriate guidelines and procedures for the investigation of complaints of disparate treatment of citizens at either traffic stops or other citizen-police encounters that will be fair to both citizen and officer. It will be the intent of this policy to abide to the *Comprehensive Community – Police Relationship Act of 2015* Rhode Island Public Laws, Chapters 214 and 235.

II. POLICY

It is the policy of the West Greenwich Police Department that all members are strictly prohibited from engaging in racial/biased policing activities with regard to any law enforcement efforts – including traffic contacts, field contacts, asset seizure, and forfeiture efforts.

Members of this department will ensure that all citizens shall be treated fairly and will not participate in, nor condone, the disparate treatment or policing based solely on race, ethnicity, sexual orientation, disability, religious belief, age, or gender. Biased

policing undermines legitimate law enforcement efforts and fosters distrust among the community it serves. Citizens will only be stopped or detained when there exists a reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.

In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, or while conducting activities in connection with a specific investigation, officers may never rely on generalized stereotypes, attitudes or beliefs about the propensity of any racial, ethnic, or national origin group to engage in unlawful activity.

Officers may not consider race or ethnicity of a person in the course of any enforcement action unless the officer is seeking to detain, apprehend, or otherwise be on the lookout for a specific suspect sought in connection with a specific crime that has been identified or described in part by race or ethnicity.

Officers shall not consider race/ethnicity to establish reasonable suspicion or probable cause except that officers may take into account the reported race/ethnicity of a potential suspect(s) based on trustworthy information, relevant to the locality or time frame that links a persons of particular race or ethnicity to an identified criminal incident.

This policy is not intended to preclude officers from engaging in community care-taking functions, such as observing a substance leaking from a vehicle or a flat tire; checking on someone who appears to be ill, lost, or confused; or considering a person's apparent age when investigating curfew regulations, graduated driver's license provisions, or liquor law violations.

III. DEFINITIONS

- A. **Biased Policing** – The detention, interdiction, or other disparate treatment of an individual on the basis, in whole or part, of the racial or ethnic status of such individual, except when such status is used in combination with other identifying factors in seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect, which description is timely and reliable.
- B. **Articulate/Reasonable Suspicion** – It is based on a specific, articulable set of facts and circumstances that leads a law enforcement officer to believe criminal activity is involved and these facts and circumstances can lead to a stop and temporary detention of a person for questioning. Information must be more substantial than a mere hunch but can be less than probable cause. A frisk (i.e., terry rule) may be appropriate under this definition.

C. **Probable Cause** – Sufficient knowledge of articulable facts and circumstances that would lead a reasonable law enforcement officer to believe that a person has either committed or is about to commit an offense. Probable cause is a necessary element to place a person under arrest and/or to apply for a search warrant to conduct a search of a home or a person’s property.

D. **Comprehensive Community-Police Relationship Act** - requires all police departments to continue to collect data on race at traffic stops and to submit to the Department of Transportation’s Office of Highway Safety an annual report indicating what action has been taken to address any racial disparities in traffic stops and searches documented in previous reports. The legislation also prohibits “consent searches” of juveniles without reasonable suspicion or probable cause of criminal activity.

IV. DISCUSSION

- A. Municipal and state law enforcement officers play a vital role in protecting the public from crime. Traffic crashes are a leading cause of death, injury, and property damage to innocent persons. Citizens consistently cite traffic violations in neighborhoods as a major community policing concern. Aggressive driving and road rage are rated in public opinion surveys as a major concern of the traveling public on our highways. Homeland security depends on the observations of police officers because persons who are planning to damage critical infrastructure or who are intending to undertake other terrorist acts generally travel to the scenes of their crimes by motor vehicle, often conducting target surveillance months or even years in advance. Active, visible traffic enforcement sends a strong deterrent message that reduces the incidence of crime and crashes and keeps the streets safe. Police officers must be alert and observant at all times during patrols in order to identify and act upon unusual occurrences and violations of the law.
- B. The use by police officers of race, ethnicity, or national origin solely in deciding which persons should be subject to traffic stops, searches and seizures is improper. A fundamental right guaranteed by the U.S. Constitution and the Bill of Rights is equal protection under the law. Everyone – citizen and alien alike – is entitled to walk, drive, and move about in public free from government interference, so long as he/she obeys the law. Likewise, innocent citizens are entitled to be free from crime and to move about freely without fear of those who do not abide by the law.
- C. In many communities, nonwhite drivers in Rhode Island, subjected to discretionary searches, are twice as likely as whites to be searched. In some instances, law enforcement practices may have the unintended effect of promoting racially disparate stops and searches. Those who commit infractions must receive equal and fair treatment, regardless of their race, color, ethnicity, gender, sexual orientation, physical handicap, religion, or other belief system.

- D. Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and criminal law, and thereby undermining law enforcement efforts and ability to solve and reduce crime. Moreover, racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment, and cynicism when they are unjustifiably treated as criminal suspects.

V. TRAINING

- A. Agency officers will receive initial and periodic training in subjects that promote and encourage impartial policing. Applicable training subjects may include, but are not limited to officer safety, courtesy, cultural diversity, search and seizure, interpersonal communication skills, and constitutional and case law.
- B. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- C. On an annual basis, the prohibition against bias based profiling will be reinforced with supervisors continuously reviewing officers' performance, in-service trainings such as through policy review, video training and/or presentations by staff within or outside the department and/or community leaders.

VI. MONITORING

Supervisors shall monitor officers' activity for any obvious or subtle signs of bias or improper selective enforcement and insensitivity. The department will utilize proactive methods appropriate to resources and community characteristics to ensure compliance with this policy. Examples of methods that may be employed include-but are not limited to the following measures:

1. Field Supervision
2. Training.
3. IMC Case Activity/Report Review.
4. Analysis of Officer/Unit Activity.
5. Citizen Complaint Process.
6. Early Intervention System.
7. Traffic Stop Data Collection.
8. Performance Evaluations.
9. Opinion Surveys

VII. PROCEDURES

A. Stopping and Approaching Traffic Violators

Officers will, as necessary and professionally appropriate, use techniques and strategies to advance the reality of impartial policing. These techniques include, but are not limited to:

1. Being courteous, polite, and professional.
2. Ensure the lengths of traffic stops, investigative detentions, field contacts, etc., are no longer than necessary to take appropriate actions.
3. Explaining the credible, reliable, or locally relevant information that leads to stops or contacts when no enforcement actions were taken.
4. Requesting a supervisor to allow citizens to voice their field contact or enforcement related concerns or complaints; and
5. Explaining the Agency's complaint process.

B. All officers are instructed not to abuse their discretion and selectively target specific groups and individuals based solely on their race or other illegitimate factors.

C. Refer to General Order #320.60 entitled, "Traffic Enforcement", and specifically Section III, "Procedures Stopping and Approaching Traffic Violators."

D. Officers will comply with RIGL 31-21.2-5

1. No motor vehicle stopped will be detained beyond time needed to address the traffic violation unless either reasonable suspicion or probable cause for criminal activity exists.
2. No operator or passenger of a stopped motor vehicle shall be requested to consent to a search of if stopped solely for a traffic violation unless there exists reasonable suspicion or probable cause of criminal activity.

E. All police officers involved in making traffic stops of motor vehicles will adhere to the traffic stop data collection procedures outlined in Appendix A – Traffic Stops Data Collection.

VIII. CORRECTIVE MEASURES

- A. Adherence to this policy will be mandated by consistent, on-going supervision.
- B. Members found to violate the prohibition against profiling may be subject to the following corrective measure to include, but not limited to, counseling, re-training, disciplinary action, and/or dismissal.

IX. COMPLAINTS OF BIASED POLICING

A. Any individual who alleges a violation of this policy may file a complaint with this department by means of in person, mail, or electronic communication, which can be obtained at the police station, the police department's website, at the Town Clerk's Office and/or requested will be mailed to the complaining party.

B. Information on the complaints received by each law enforcement agency shall be compiled on an annual basis by the state police and each municipal law enforcement agency and published in each agency's annual report and/or on its website. The information compiled by each department shall include the total number of complaints received from the public, a breakdown by category of the type of complaint, and a further breakdown by category of the disposition of the complaints.

a. Any and all records will be released, subject to Open Records Laws Exemptions, as listed by law.

b. Any and all complaints will be thoroughly investigated by the Chief of Police or his designee.

c. Any employee contacted by a person who wishes to file such a complaint, shall provide the citizen with a copy of the West Greenwich Police Department Citizen Complaint Form and / or a copy of our complaint via internet.

d. The Chief / Designee will ensure yearly administrative reviews are conducted to examine the Agency's commitment to impartial policing. Dynamics that are to be included in these reviews include, related agency directives, practices and citizen complaints or bias policing practices.

X. DISSEMINATION

This general order shall be prominently placed in all relevant departmental policy and training manuals. Staff may access this directive through the departments computerized documentation system.

By Order Of:

Chief Richard Ramsay

Attachment: Appendix A: WGPLD Traffic Stop Data Collection

Appendix B: WGPLD Racial Profile Form

Appendix C: RIGL – Comprehensive Community-Police Relationships Act 2015

APPENDIX A
WEST GREENWICH POLICE DEPARTMENT
TRAFFIC STOPS DATA COLLECTION PROCEDURE

I. PURPOSE

The purpose of this procedure is to establish guidelines for gathering data required for the above study. The intent of this data collection project is to address concerns raised across the Nation and here in Rhode Island regarding racial profiling. Evaluating the data will help determine the possible occurrence of bias based policing in our jurisdiction.

II. POLICY

The West Greenwich Police Department shall collect data for a descriptive analysis of routine traffic stops including demographic description of the driver, passengers and juveniles circumstances associated with the stop and outcome of the stop in order to assess department-wide officer practices, as required by law.

III. EXPECTATION

All sworn personnel shall comply with Department Traffic Stop Data Collection efforts to include, accurately recording and entering data collection information for each traffic stop executed. For purposes of this procedure, a routine traffic stop is defined as any motor vehicle violation, investigatory traffic stop, or motorist assists.

IV. PROCEDURE

- A. The procedures outlined herein shall be implemented and remain in effect until further directed by the Chief of Police.
- B. Traffic Stop Data shall be captured utilizing the Departments Management Information System (IMC) and in accordance with provided training instructions.
- C. Traffic stops data will be collected and submitted in accordance with the following protocol:

1. Traffic stop data entry is expected each time an officer conducts a routine traffic stop based on one or more of the circumstances identified below. IMC entries shall be made regardless of the traffic stop disposition.

<ul style="list-style-type: none"> - Speeding - Other Traffic Violations - Equipment/Inspection Violation - Violation of City Ordinance - Warrant 	<ul style="list-style-type: none"> - Registration Violation - Call for Service - APB - Suspicious Person - Special Detail/Directed Patrol
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2. Traffic stops data collection information is not entered in situations involving traffic accidents or contact with person(s) not in control of a motor vehicle.

3. In the event an officer is unable to initiate a data entry utilizing a Mobile Data Terminal (MDT), i.e., equipment malfunction, diverted for priority call, he/she shall record the required data on the "Racial Profiling Citation Supplement Sheet" (appendix A). The officer is required to enter the data in IMC, utilizing available desktop computers, by the end of his/her tour of duty.

4. Officers assigned to traffic enforcement details shall comply with the procedures outlined herein. The exception being, the officer may elect to enter the required data via available MDT and submit them to the Record Clerk upon returning to Headquarters. The number of forms submitted shall correspond with the total number of traffic stops initiated during the detail period, not just those stops resulting in violations being issued.

5. Accreditation Manager will be responsible to view the data on a regular basis in an effort to determine whether any racial disparities in the department's traffic stops enforcement exists, and to appropriately respond to any such disparities.

6. It will be the duty of the Accreditation Manager to submit to the Chief of Police, a monthly review of the data to identify any signs of bias policing and/or the current practices are achieving or exceeding any state or federal mandates.

APPENDIX – B

In the event that a motor vehicle stop occurs and the mobile computer system is not operating, officers will fill out the following form:

Officer: Officer's Name and Rank

Call Number: Call number issued for the stop

Date: Date of the stop

Time: Time of the stop

Reason for the Stop: Check off the reason for the reason for the stop

Pat-down: If it occurred, was it the driver, passenger or both will be checked off.

Search: Conducted on Person(s) or Vehicle or both.

Result of Stop: Officer issued warning verbal or written, citation, arrest or notice and demand.

Race: What officer perceives is the race of person involved

Sex: What the person perceives their sex to be

Age: What is their age

Narrative: Officers will articulate the reason for the stop and any interaction between the officer and the person(s) involved. Officers will include the action resulting from the stop.

**Officers will submit the report
to the Accreditation Manager at the end of their shift.**

Racial Profile Report

Officer: _____	Call Number: _____
Date: _____	Time: _____
Location: _____	

Reason for Stop:
<input type="checkbox"/> Speeding
<input type="checkbox"/> Motor Vehicle Violation
<input type="checkbox"/> Investigation
<input type="checkbox"/> Other: _____

Pat-down:
<input type="checkbox"/> Driver
<input type="checkbox"/> Passenger

Search:
<input type="checkbox"/> Persons
<input type="checkbox"/> Vehicle

Result of Stop: _____

Race: _____	Sex: _____	Age: _____
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Narrative:

APPENDIX C – COMMUNITY COMMUNITY-POLICE RELATIONSHIP ACT 2015**TITLE 31****Motor and Other vehicles****CHAPTER 31-21.2**

Comprehensive Community-Police Relationship Act of 2015

[Effective January 1, 2016]

SECTION 31-21.2-5

§ 31-21.2-5 Law enforcement practices. [Effective January 1, 2016]. – (a) Unless there exists reasonable suspicion or probable cause of criminal activity, no motor vehicle stopped for a traffic violation shall be detained beyond the time needed to address the violation. Nothing contained herein shall prohibit the detention of a motor vehicle for a reasonable period of time for the arrival of a canine unit or subsequent criminal investigation if there is reasonable suspicion or probable cause of criminal activity.

(b) No operator or owner-passenger of a motor vehicle shall be requested to consent to a search by a law enforcement officer of his or her motor vehicle that is stopped solely for a traffic violation, unless there exists reasonable suspicion or probable cause of criminal activity. No pedestrian shall be requested to consent to a search by a law enforcement officer of his or her person, unless there exists reasonable suspicion or probable cause of criminal activity. No juvenile shall be requested to consent to a search by a law enforcement officer unless there exists reasonable suspicion or probable cause of criminal activity. In those instances in which a warrant would be required, a law enforcement officer must advise the juvenile that he or she may refuse to consent to, or limit the scope of, any requested search. The determination of age of the individual shall be based on the perception of the officer making a good faith effort in advance of requesting consent. Nothing contained in this subsection shall be construed to prohibit a law enforcement officer from conducting a pat down search for weapons based upon a reasonable belief that the officer's personal safety may be jeopardized.

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

(d) With the exception of operators who are subject to federal motor carrier regulations, no operator of a motor vehicle shall be requested to provide any documentation or identification other than a driver's license, motor vehicle registration, and/or proof of insurance when the motor vehicle has been stopped solely for a traffic violation, unless there exists reasonable suspicion or probable cause of criminal activity or the operator has failed to produce a valid driver's license.

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

(f) Any evidence obtained as a result of a search prohibited by subsection (a) or (b) shall be inadmissible in any judicial proceeding. Nothing contained herein shall be construed to preclude any search otherwise based upon any legally sufficient cause.

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

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

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

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

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

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

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

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

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

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

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

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

(h) Law enforcement officers shall advise any motorist who is stopped of the reason for the stop.

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

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

History of Section.

(P.L. 2004, ch. 331, § 1; P.L. 2004, ch. 356, § 1; P.L. 2015, ch. 214, § 2; P.L. 2015, ch. 235, § 2.)

TITLE 31
Motor and Other vehicles
CHAPTER 31-21.2
Comprehensive Community-Police Relationship Act of 2015
[Effective January 1, 2016]

SECTION 31-21.2-6

§ 31-21.2-6 Continued data collection. [Effective January 1, 2016]. – (a) The office of highway safety of the Rhode Island department of transportation or a designee to be chosen by the department of transportation by January 1, 2017, is authorized to and shall conduct a study of routine traffic stops by the Rhode Island state police and each municipal police department in order to determine whether racial disparities in traffic stops exist, and to examine whether searches of vehicles and motorists are being conducted in a disparate manner.

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

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

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

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

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

(g) The study shall include a multivariate analysis of the collected data in accordance with general statistical standards and shall be substantially similar to the study prepared pursuant to chapter 21.1 of this title. The study shall be prepared by an organization, company, person, or other entity with sufficient expertise in the field of statistics and the study of traffic stop data collection to assist with the implementation of this chapter, and chosen by the office of highway

safety of the Rhode Island department of transportation or its designee. The study shall be released on an annual basis, with the first release not later than eighteen (18) months after commencement of data collection under this chapter. The report, findings, and conclusions submitted pursuant to this subsection shall be a public record.

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

(i) On a quarterly basis, a summary report of the monthly data provided by each police department and the state police for that quarterly period shall be issued. The report shall be a public record. The summary report shall include, at a minimum, a monthly breakdown by race, age, gender, and outcome for operators for each police department of the number of traffic stops made and of searches conducted. For those police departments collecting data through the use of mobile display terminals in police vehicles, the report shall also include a breakdown by race and outcome for operators. The report shall be released not more than ninety (90) days after the end of each quarterly period. No information revealing the identity of any individual shall be contained in the report.

(j) Every law enforcement agency collecting data pursuant to this chapter shall ensure that supervisory personnel review each officer's stop and search documentation and data results on a monthly basis to ensure compliance with all policies, prohibitions, and documentation requirements.

(k) The head of every law enforcement agency subject to this chapter, or his or her designee, shall review the data on a regular basis in an effort to determine whether any racial disparities in the agency's traffic stops enforcement exists, and to appropriately respond to any such disparities. It is understood that disparities may or may not equate to racial profiling.

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

(m) The the office of highway safety of the Rhode Island department of transportation or its designee shall consult with community, police and civil rights representatives in the development of the form required by subsection (b) and on at least a quarterly basis shall consult on other issues that arise relating to the implementation and enforcement of this chapter including the information generated by the issuance of the reports required by subsection (i).

History of Section.

(P.L. 2004, ch. 331, § 1; P.L. 2004, ch. 356, § 1; P.L. 2015, ch. 214, § 2; P.L. 2015, ch. 235, § 2.)

TITLE 31
Motor and Other vehicles
CHAPTER 31-21.2
Comprehensive Community-Police Relationship Act of 2015
[Effective January 1, 2016]

SECTION 31-21.2-7

§ 31-21.2-7 Data collection and use. [Effective January 1, 2016]. – (a) Data acquired under this chapter shall not be used in any civil proceeding to establish or rebut an inference of discrimination except by court order or when otherwise admissible in accordance with rules of civil procedure. It is understood that disparities may or may not equate to racial profiling. All data collected pursuant to this chapter shall be public. For those motor vehicle stops where a citation was issued or an arrest was made, the forms prepared pursuant to § 31-21.2-6(b) of this chapter shall include a citation or arrest number for reference. The data collection form shall not include the name or badge number of the officer completing the form. The report from the department of transportation or its designee shall not be officer specific.

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

(c) All police departments shall submit to the office of highway safety of the department of transportation, or its designee, on an annual basis beginning on July 15, 2016, and for four (4) years following the conclusion of data collection, a report indicating what action, if any, has been taken, to address any racial disparities in traffic stops and/or searches documented in the studies authorized by §§ 31-21.1-4 and 31-21.2-6, and to otherwise implement any recommendations of those studies, including, but not limited to, any changes to agency policies; revisions to traffic enforcement practices; detailed analysis and review of traffic stop data and the results of such review; or the initiation of any disciplinary action. Any reference to disciplinary action shall not identify the officer. The office of highway safety of the department of transportation or its designee shall issue guidelines for police departments to follow in preparing these reports. The reports shall be public records and shall contain a certification that the department has complied with § 31-21.2-6(j) and (k).

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

TITLE 31
Motor and Other vehicles
CHAPTER 31-21.2
Comprehensive Community-Police Relationship Act of 2015
[Effective January 1, 2016]

SECTION 31-21.2-8

§ 31-21.2-8 Complaint procedures. [Effective January 1, 2016]. – (a) Each state and municipal law enforcement agency shall establish a procedure to investigate complaints of police misconduct by members of the public against personnel of these agencies, and shall make a written description of the procedure available to the public. Copies of any departmental complaint forms shall be available in at least one governmental location other than the police department. The procedure and forms shall also be made available on any website of a law enforcement agency.

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

(c) Information on the complaints received by each law enforcement agency shall be compiled on an annual basis by the state police and each municipal law enforcement agency and published in each agency's annual report and/or on its website. The information compiled by each department shall include the total number of complaints received from the public, a breakdown by category of the type of complaint, and a further breakdown by category of the disposition of the complaints.

(d) The state police and all municipal law enforcement agencies shall make available as a public record subject to the access to public records act, § 38-2-2(4)(D), law enforcement exemptions:

(1) Copies of any formal or informal arrangements between the state police or a municipal law enforcement agency and the bureau of immigration and customs enforcement/homeland security investigations concerning the questioning, detention, investigation, arrest, apprehension, stopping, referral or processing of individuals within the state of Rhode Island, including copies of any agreements entered into pursuant to 8 U.S.C. § 1357(g); and

(2) Any policies or procedures governing the circumstances under which an inquiry to federal authorities is made to determine a person's immigration status.

History of Section.

(P.L. 2004, ch. 331, § 1; P.L. 2004, ch. 356, § 1; P.L. 2015, ch. 214, § 2; P.L. 2015, ch. 235, § 2.)