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§ 31-21.1-1. Short title

This Chapter may be cited as the "Traffic Stops Statistics Act."

History

[P.L. 2000, ch. 251, § 1.](#)

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§ 31-21.1-2. Declaration and policy

The general assembly declares that the use of racial profiling for stopping or searching motorists on our public highways is against public policy and violates the civil rights of the motorist. For purposes of this chapter, "racial profiling" means the detention, interdiction or other disparate treatment of an individual on the basis, in whole or in 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. The purpose of this chapter is to conduct a study of the traffic stops by the police to determine whether racial profiling is occurring and to require that police prohibit the practice of racial profiling.

History

[P.L. 2000, ch. 251, § 1](#); [P.L. 2003, ch. 230, § 2](#); [P.L. 2003, ch. 240, § 2](#).

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§ 31-21.1-3. Advisory committee -- Establishment -- Duties

- (a) There is established an advisory committee to be called the "traffic stop study advisory committee." The committee shall consist of thirteen (13) members:
- (1) Three (3) of whom shall be from the house of representatives, not more than two (2) from the same political party, to be appointed by the speaker;
 - (2) Three (3) of whom shall be from the senate, not more than two (2) from the same political party, to be appointed by the president of the senate;
 - (3) Two (2) of whom shall be appointed by the governor;
 - (4) One of whom shall be the attorney general's designee, who shall be the president of the Rhode Island Police Chiefs Association;
 - (5) One of whom shall be the executive director of the Urban League of Rhode Island or his or her designee;
 - (6) One of whom shall be the executive director of the National Conference for Community and Justice (NCCJ) or his or her designee;
 - (7) One of whom shall be the executive director of the Rhode Island commission for human rights or his or her designee; and
 - (8) One of whom shall be a representative from a college or university in Rhode Island, who shall be a professor of statistics, to be appointed by the governor.
- (b) The committee shall advise the attorney general throughout the course of the traffic stop study authorized by this chapter. The attorney general shall work in cooperation with the committee and shall keep the committee informed on all matters relating to the implementation and enforcement of this chapter, including but not limited to, information on all data collected and budgetary expenditures. The committee is advisory only with all power under the chapter resting with the attorney general.

History

[P.L. 2000, ch. 251, § 1](#); [P.L. 2001, ch. 180, § 67](#).

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§ 31-21.1-4. Traffic stop study

- (a) The attorney general is authorized to and shall conduct a study of routine traffic stops by the Rhode Island state police and each municipal police department. The study shall include the collection and analysis of the data received from the police department pursuant to this section, which shall include the following information for each traffic stop conducted by the police:
- (1) The date, time and general location of the traffic stop;
 - (2) The race or ethnicity, gender, and approximate age of the driver stopped; provided that the identification of these characteristics shall be based on the observation and perception of the police officer making the stop and the information shall not be requested of the person stopped;
 - (3) The reason for the stop;
 - (4) Whether a search was instituted as a result of the stop;
 - (5) The scope of any search conducted;
 - (6) Whether the search was conducted pursuant to consent, probable cause, or reasonable suspicion to suspect a crime;
 - (7) Whether any contraband, including money, was seized in the course of the search, and if so, the nature of the contraband;
 - (8) Whether any warning or citation was issued as a result of the stop;
 - (9) Whether an arrest was made as a result of either the stop or the search;
 - (10) The approximate duration of the stop; and
 - (11) Whether the vehicle is registered in Rhode Island or out of the state.
- (b) Not later than ninety (90) days after July 13, 2000, the attorney general, with the advice of the committee, shall develop a form, in both printed and electronic format, to be used by each police officer when making a traffic stop to record the data required under this chapter.
- (c) Beginning January 15, 2001, and monthly thereafter, each municipal police department and the Rhode Island state police shall transmit to the attorney general a report containing:
- (1) All of the forms collected to date of motorists who were stopped;
 - (2) Any complaints filed by motorists who believed they were the subject of racial profiling, provided that no information revealing the identity of the complainant, witnesses or the law enforcement officer involved in the traffic stop shall be used, transmitted or disclosed in violation of the provisions of Chapter 28.6 of Title 42, the Law Enforcement Officers' Bill of Rights; and
 - (3) Any other information the police department or Rhode Island state police deem appropriate.
- (d) The study authorized under this chapter shall include a multi-variate analysis of the collected data in accordance with general statistical standards. The attorney general shall collect data for a period of not less than twenty-four (24) months and report its findings and conclusions to the governor and the general

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assembly not later than thirty (30) months after the commencement of the collection of data under this chapter. The report, findings and conclusions submitted pursuant to this subsection shall be deemed a public record.

- (e) In addition, the attorney general, with the advice of the committee, shall prepare on a quarterly basis a summary report of the monthly data provided by each police department and the state police for that quarterly period. The report shall be a public record. The summary report shall include a monthly breakdown by race for each police department of the number of traffic stops made and of searches conducted, and any other information deemed appropriate by the attorney general with the advice of the committee. 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.
- (f) Upon July 13, 2000, the attorney general with the advice of the committee shall procure the services of an organization, company, person or other entity with sufficient expertise in the field of statistics to assist with the implementation of this chapter. The organization, company, person or other entity so retained shall assist the attorney general and the committee with the design of the methodology for gathering statistics pursuant to this chapter, monitor compliance with the act throughout the study, and conduct a statistical analysis at the conclusion of the study to determine the extent to which racial profiling exists within the state.
- (g) Appropriate funding shall be made available to implement the provisions of this chapter.
- (h) The department of attorney general 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.

History

[P.L. 2000, ch. 251, § 1](#); [P.L. 2003, ch. 230, § 2](#); [P.L. 2003, ch. 240, § 2](#).

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§ 31-21.1-5. Adoption of written policies

- (a) Not later than ninety (90) days after January 1, 2004, each police department and the state police shall adopt written policies which shall prohibit the use of racial profiling as the sole reason for stopping or searching motorists for routine traffic stops.
- (b) Copies of the policies adopted pursuant to this section shall be submitted to the attorney general and the committee, and shall be public records.

History

[P.L. 2000, ch. 251, § 1](#); [P.L. 2003, ch. 230, § 2](#); [P.L. 2003, ch. 240, § 2](#); [P.L. 2010, ch. 239, § 29](#).

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§ 31-21.1-6. Data collection and use

- (a) Except as otherwise specified in this chapter, data acquired under this section shall be used only for: (1) research or statistical purposes; or (2) in any legal or administrative proceeding to establish an inference of discrimination on the basis of particular identifying characteristics, by court order. All data collected pursuant to this chapter shall be public; provided, that any complaints filed pursuant to [§ 31-21.1-4\(c\)\(2\)](#) shall be subject to the provisions of chapter 28.6 of title 42.
- (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.

History

[P.L. 2000, ch. 251, § 1](#); [P.L. 2004, ch. 331, § 2](#); [P.L. 2004, ch. 356, § 2](#).

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§ 31-21.1-7. Penalties for refusal to act

An organization chartered for the purpose of combating discrimination, racism, or of safeguarding civil liberties, or of promoting full, free, or equal employment opportunities, may seek appropriate relief in a civil action against any police department for failing to collect or transmit the data as 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 attorney general and the committee identifying the police department which is failing to collect or transmit the data and the organization shall then allow fifteen (15) days to elapse to allow the police department to come into compliance or to allow the attorney general to commence a civil action to enforce compliance with this chapter.

History

[P.L. 2000, ch. 251, § 1.](#)

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