

An ordinance amending Chapter 18 ½, "Police," of the Code of Ordinances of the City of Providence, to add a new section entitled "Community Safety Act."

**Section 18 ½-4      Community Safety Act**

A.      Definitions as referred to in this section:

1.      Racial profiling is defined as the reliance on race, ethnicity, color, national origin, language, as a basis for suspecting that a person has committed or is about to commit a crime. Other forms of discriminatory profiling include using gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, or serious medical condition as a basis for suspecting that a person has committed or is about to commit a crime except when such status is used in combination with other identifying factors 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.
2.      Law enforcement officer, or police officer, means any member of the Providence Police Department, duly sworn and vested with police power.

B.      Prohibition on racial profiling and other forms of profiling

No law enforcement officer shall engage in racial profiling.

C.      Documentation and Training

1.      Video Recording
  - a.      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.
  - b.      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:

- i. 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;
- ii. Law enforcement agencies that acquire video and/or audio surveillance cameras for use in their vehicles shall:
  - a. 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;
  - b. Issue a press release advising the public that such equipment will be in use; and
  - c. post notice on their website that such equipment will be in use;
- c. A chain-of-custody of the video/audio recordings, hereafter referred to as "recording(s)", shall be maintained;
- d.
  - (i) A driver of a motor vehicle that 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 that 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;
- e. 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;

- f. 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
- g. 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.

## 2. Mobile Display Terminals

Law enforcement agencies with mobile display terminals in police vehicles shall adopt policies and procedures governing their use, which 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).

## 3. Officer Training

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.

## D. Traffic Stops

- 1. 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.
- 2. Each search conducted by a law enforcement officer which 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 which 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, and which electronically records information on call taking, dispatching, location verification, mapping and other functions for public safety.

3. 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.
4. 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.
5. Nothing contained herein shall be construed to preclude any search otherwise based upon any legally sufficient cause.
6. When conducting a stop or search, a police officer must provide their name and badge number.
7. Any member of the public may ask an on-duty law enforcement officer for a business card containing the officer's name and badge number. The officer must comply with the request. Such requests shall not be deemed reasonable suspicion of criminal activity.
8. Law enforcement officers shall advise any motorist who is stopped, of the reason for the stop.

E. Searches

1. 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 which 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.

F. Accountability and Enforcement

1. The chief of police shall prepare and make available on the city's website, as well as to the Providence External Review Authority, the City Council and the public, a quarterly report commencing with the city's fiscal year containing the following information:
  - a. All information provided to the State Office of Highway Safety pursuant to R.I.G.L. §31-21.2-7;
  - b. Complaints received by the Office of Professional Responsibility involving alleged violations of one or more provisions of this ordinance.
  - c. A summary of all pending civil and criminal litigation against the Providence Police Department or any of its employees, or the City of Providence, alleging violations of any provision of this ordinance.
2. The Providence External Review Authority, upon review of all data described in Subsection (1), may recommend diversionary re-investments that would, if implemented, reallocate City funding from the Police Department Budget as a whole, and from the funds specifically allocated to the office of Public Safety Commissioner, to municipal recreation, youth programming and employment opportunities.
3. The Providence External Review Authority shall be specifically authorized to accept complaints relating to any violation of the Community Safety Act.

G. Severability

The provisions of this Ordinance shall be severable. If any phrase, clause, sentence or provision of this Ordinance is declared by a court of competent jurisdiction to violate the

Constitution of the United States or the Constitution of the State of Rhode Island, or if its applicability to any agency, person or circumstance is held invalid, the validity of the remainder of the Ordinance and its applicability to any other agency, person or circumstances shall not be affected.