

In amendment of Chapter 18 ½ of the Code of Ordinances of the City of Providence, Rhode Island, as amended, entitled, “Community Safety Act.”

**Whereas...**

True community safety is possible only when the civil liberties of all people are protected; Improved relations between community and police will help reduce crime and violence. Increased investment in recreation programming, services, and employment opportunities creates a more viable long-term solution to the problems of crime and violence than do punitive measures. Discriminatory policing practices undermine the Providence Police Department’s stated commitment to “preserving the peace” and “protecting human rights”; It is the responsibility of a populace to provide law enforcement agencies with clear guidelines and policies that ensure equal treatment under the law for all; The Rhode Island General Assembly has declared 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 (RIGL 31-21.1); Despite this declaration, multiple studies conducted by Northeastern University have shown that racial disparities continue to exist in stops and searches conducted by the Providence Police Department, including the 2014 finding that non-white drivers are almost twice as likely to be stopped than white drivers and, once stopped, almost twice as likely to be searched (McDevitt et al, “Rhode Island Traffic Stop Statistics Data Collection Study.”); Observation or searches unsupported by individualized suspicion are per se unreasonable and may not provide a basis for arrest, prosecution, or the collection or retention of intelligence information. Racial profiling has long-lasting negative effects on our communities, including psychological distress, racial disparities in incarceration rates, the separation of families, and increased poverty; Instituting changes in search procedure has led to the drastic decrease of racial disparities in motor vehicle stops and searches in other Rhode Island municipalities, including Narragansett and Tiverton (RI ACLU Report, 2007); The First Circuit Court of Appeals ruled in *Glik v. Cunniffe*, 655 F. 3d 78 ( 1st Cir., 2011) that individuals have a constitutional right to record the activities of police Federal courts have ruled against local enforcement of federal immigration laws, including *U.S. v. Arizona*, 132 S. Ct at 2509 (“Detaining individuals solely to verify immigration status would raise constitutional concerns”) and *Miranda-Olivares v. Clackamas County*, 3:12-cv-02317-ST (I.C.E. detainees “provide no probable cause for detention”), and the Providence City Council has previously passed a resolution [1319] urging the state to cease honoring such detainer requests; The Providence Police Department has no written policies addressing the use of video recording by civilians, language access for Limited English Speakers, the procedures for including people on “gang lists,” inquiries as to the immigration status of people questioned or detained, or collaborations with other law enforcement agencies; and

The Providence City Council has passed numerous resolutions in support of the RI Comprehensive Racial Profiling Prevention Act, most recently in 2013 for H5285, which contains many of the provisions found herein;

***Be it Resolved That...***

Section I: **Chapter 18 ½ of the Code of Ordinances, Police, shall be amended as follows.**

**Add § 18 1/2- 4. -Community Safety Act**

1. **Definitions** as referred to in this ordinance:

- (a) 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.
- (b) Law enforcement officer, or police officer, means any member of the Providence Police Department, duly sworn and vested with police power.
- (c) Standardized Encounter Form – Forms, designed to produce a facsimile at the time it is filled out, with a unique number identifying the original and its copy, and including prompts and space to record the following information:
  - i. The date, time and general location of the stop;
  - ii. The race or ethnicity, gender, and approximate age of the individual(s) 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(s) stopped;
  - iii. The probable cause giving rise to the stop;
  - iv. Whether a search was instituted as a result of the stop and the probable cause giving rise to the search;
  - v. The scope of any search conducted;
  - vi. Whether the search was conducted pursuant to probable cause of or reasonable suspicion to suspect a crime;
  - vii. Whether any contraband, including money, was seized in the course of the search, and if so, the nature of the contraband;
  - viii. Whether any warning or citation was issued as a result of the stop;
  - ix. Whether an arrest was made as a result of either the stop or the search;
  - x. The approximate duration of the stop; and
  - xi. The name and badge number of the officer.
- (d) “Investigatory Activity” means any traffic stop, pedestrian stop, interview, interrogation, detention, frisk, pat-down, or any search of a person or property.