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March 1, 2023

Walter Craddock, Administrator
R.I. Division of Motor Vehicles
600 New London Avenue
Cranston, RI 02920

Dear Administrator Craddock:

I am writing to follow up on correspondence I sent you on a few occasions over a year ago regarding questionable guidance on the topic of motor vehicle stops that is contained in the DMV's official "Driver's Manual." I never received a response to those letters. Recent developments regarding the collection and analysis of traffic stop data to address the issue of racial profiling brought this matter back to my attention, prompting me to once again seek action by your agency to address the issues I wrote about.

Rather than repeat the concerns I have previously expressed, I have enclosed a copy of my October 19, 2021 letter to you that outlines our objections to certain information and advice contained in the manual. Unfortunately, a review of the DMV's website reveals that no changes have been made to the manual since I first pointed out the need for revisions.

We believe the time has long since passed for the Division to address the important issues raised by the manual's dubious content. The Division of Motor Vehicles simply should not be in the position of propagating misleading and inappropriate information to new drivers, but that is precisely what the DMV's current handbook does. I would therefore request that you take action at the earliest opportunity to delete from the manual the particular provisions cited in my previous letters to you.

Your prompt attention to this request would be appreciated. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is written in a cursive, flowing style.

Steven Brown
Executive Director

Enclosure



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October 19, 2021

Walter Craddock, Administrator
R.I. Division of Motor Vehicles
600 New London Avenue
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Dear Administrator Craddock:

In July of this year, the ACLU of Rhode Island sent to you, and to officials at CCRI and RIDE, a letter raising concerns that information about the rights of motorists in encounters with the police was not being taught in drivers' education classes as required by R.I.G.L. §31-10-20(c). That letter also referenced questionable guidance on the topic of motor vehicle stops that was contained in your Division's official "Driver's Manual." CCRI officials have since updated us on their actions to comply with the statute in drivers' ed courses. However, that response leaves untouched the concerns that we raised about the DMV Manual.

We believe that the Manual appendix titled "General Notice to Motorists" (a copy of which is enclosed for ease of reference) must be revised in order to ensure that motorists are being provided fair, appropriate and accurate information about their rights. These necessary revisions include, but go beyond, the two specific provisions in the appendix that were cited in my earlier letter to you, which I noted minimized the problem of racial profiling.

Those two particularly egregious provisions advised drivers to:

7. Avoid any assumptions that the stop was based on gender, race, nationality, religion, sexual orientation, or ethnic origin. Wait for the officer's explanation. All officers know that this type of traffic stop violates federal civil rights laws.

*33. Teach your children to respect and speak to law enforcement officers when they meet them in the community. Help them understand that police officers serve and protect everyone in the community. **We must continue to pass on respect for professional law enforcement officers.** (emphasis in original)*

As I noted then, "considering the lived experiences of many BIPOC community members, who may have experienced discriminatory treatment during traffic stops, such language comes across as condescending and dismissive of the apprehension that such individuals may legitimately experience during these incidents." But other sections of this appendix are just as problematic in providing questionable advice to motorists – especially BIPOC drivers who, the statistics have consistently shown, are disproportionately stopped and searched by police.

For example, #13 advises drivers to “turn off your cell phone.” But motorists have a legal right to record their encounters with police, and it may sometimes be in their best interests to do so. And while it may often be true, as #10 states, that officers “do[] not mean to intimidate you,” some officers most assuredly *do* intend to do that.

In addition, other than providing appropriate documentation relating to their driving status, motorists maintain a critical constitutional right to remain silent, but #20 and #22 in the appendix advise the driver to “answer the officer’s questions” and “provide a straight, honest explanation” about any “special circumstances.” That may or may not be good advice in any particular situation, but it is definitely not, we submit, generic counsel that the DMV should be providing new drivers.

We appreciate the general goal of this appendix, but whenever it was written, it is time for it to be revised, and we would urge you to consider the above concerns in modifying it. We would also suggest that revisions to this section of the manual take into account input from representatives of community groups and the criminal defense bar.

Thank you in advance for your prompt attention to this, and I look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is written in a cursive, flowing style.

Steven Brown
Executive Director

Enclosure

cc: Guillermo Tello, Director of Revenue
Bradford Booth, Head of Legal Services
Kim Ahern, Deputy Counsel, Governor’s Office

XVII. Appendices

A. Miscellaneous Motor Vehicle Laws

R.I.G.L. 31-23.3-2: Nontransparent Windshield and Windows:

No person shall own and operate any motor vehicle upon any public highway, road or street with transparent or sunscreen material, window application, reflective film or non-reflective film used in any way to cover or treat the front windshield, the side windows immediately adjacent to the right and left of the operator's seat, the side windows immediately to the rear of the operator's seat and the front passenger seat and the rear windows unless this vehicle meets one of the criteria set forth in 31-23.3-3. The fine for a violation of this law is \$250.00. Rhode Island follows the Federal Motor Vehicle Safety Standards of a total visible light transmittance of not less than seventy percent (70%).

R.I.G.L. 31-23-13.1: Altering height of or operating a motor vehicle with an altered height prohibited:

No person shall alter the height of or operate a motor vehicle with an altered height that has an original manufacturer's gross vehicle weight rating of up to and including ten thousand pounds (10,000 lbs.), by elevating or lowering the chassis or body by more than four inches (4") from the original manufacturer's specified height by use of so called 'shackle lift kits' for leaf springs or by use of lifts for coil springs, tires, or any other means or device.

R.I.G.L. 31-45-1: Noise Limits:

(a) No person shall operate a motor vehicle, nor shall the owner of any vehicle allow the vehicle to be operated, at any time, or under any condition of grade, load, acceleration, or deceleration, in such a manner as to exceed the following noise limit based on a distance of fifty feet (50') from the center of the lane of travel within the speed limit. For the purposes of this section, "dbA" means decibels measured with a calibrated sound level meter weighted to the "A" scale.

(b) In speed zones of thirty-five miles per hour (35 mph) or less, not more than eighty-six (86) dbA. In speed zones of more than thirty-five miles per hour (35 mph), not more than ninety (90) dbA.

Note: This law also allows local cities and towns to develop other means to deal with noise regulations.

R.I.G.L. 31-24-22: Multiple beam lamps required:

Except as provided, the head lamps, or the auxiliary driving lamps, or combination of them on motor vehicles other than a motorcycle or a motor-driven cycle, shall be arranged so that selection may be made between distributions of light projected to different elevations.

R.I.G.L. 31-24-47: Regulation and certification of light devices:

The Administrator of the Division of Motor Vehicles is authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation and aiming. The regulations shall correlate with and, so far as possible, conform to the current standards and specifications of the Society of Automotive Engineers applicable to the equipment.

B. General Notice to Motorists

1. Carry proper identification: a valid driver's license, vehicle registration, and proof of insurance.
2. When being signaled to pull over, look for nearest place to position your vehicle as far out of the lane of traffic as possible. Generally, pull off to the right side of the road or to where the shoulder is widest, unless otherwise directed. Use your signal, and then turn on your hazard lights.
3. Never attempt to outrun a patrol vehicle or ignore the lights and siren.
4. Stay in your vehicle. If you are asked to exit the vehicle, do so slowly.
5. Remain calm. If there are passengers, ask them to remain quiet and cooperate with all reasonable requests. Do not let anyone in your vehicle make threatening statements or gestures to the officer.
6. Keep your seatbelt fastened until the officer has seen you wearing it.

7. Avoid any assumptions that the stop was based on gender, race, nationality, religion, sexual orientation, or ethnic origin. Wait for the officer's explanation. All officers know that this type of traffic stop violates federal civil rights laws.
8. Turn on the interior lights if the stop occurs when it is dark so the officer can easily see you and that all is in order.
9. For safety purposes understand that an officer will leave his/her headlights and spotlights on when it is dark. It helps to illuminate the interior of your car.
10. An officer does not mean to intimidate you. Occasionally, an officer has to speak loudly because there may be traffic noise or other distractions.
11. Keep your hands in view, preferably on the steering wheel. Ask your passengers to place their hands in plain view, such as on their laps.
12. Do not duck down or make sudden movements, especially toward the floor, rear seats, or passenger seats. The officer may interpret these movements as an attempt to obtain a weapon or hide illegal goods.
13. Turn off your engine. Also, if in use, turn off your cell phone and radio.
14. Completely roll down your window, so you and the officer can communicate.
15. Ask for identification if the officer is not in uniform or does not have a marked patrol car.
16. Remember the name of the officer.
17. It is important to remember, the first words spoken by you and the officer may very well determine the tone of the conversation.
18. Do not immediately reach into your glove box, console, or backseat. Wait for the officer to request your identification, and then move to get it. Tell the officer where it is, if it is out of reach.
19. Give the officer a chance to explain the violation. They will typically ask for identification before explaining the stop.
20. Answer the officer's questions to the best of your knowledge.
21. If the charge or citation is unclear, ask for an explanation in a respectful manner.
22. There is no need to excessively apologize. This essentially will act as if you are testifying against yourself. Simply be civil and polite and if there are any special circumstances surrounding the situation, provide a straight, honest explanation.
23. Avoid provoking the officer or showing off in front of your occupants. Do not interfere with the questioning or arresting of other occupants. Comply with the officer first then, if needed, seek an explanation.
24. Do not argue with the officer at the roadside. If you disagree with the citation or the officer's actions, discuss it later with the law enforcement agency or a judge.
25. Let the officer know if you are carrying a properly registered weapon. In these cases, the officer may have you follow a special procedure, for example, identifying the location of the weapon, stating if the weapon is loaded, etc. In addition, the officer may ask for your permit number to compare it to the serial number on the weapon. In some states, weapons are registered for specific purposes such as hunting or target practice, so the officer may be required to question you about your activities.
26. Report the incident to the officer's agency if you feel the officer has acted irresponsibly. Document the officer's misconduct in a written statement and submit it within a week of the incident. Also, consult an attorney or law enforcement agency representative who is familiar with laws and agency policies, since traffic enforcement procedures may vary from state to state.
27. If you receive a citation, you will be asked to sign it. This is not an admission of guilt. It only means that you received the citation. Any refusal to sign the citation could result in arrest or being asked to go to the station to post collateral and pay for the offense.

28. Don't be surprised if another patrol car appears. Since many law enforcement agencies use one-person patrol cars, this is done to assure the officer's safety.
29. Do not resist a pat down search. This will be done only if the officer has a reasonable suspicion that you may be carrying an illegal weapon.
30. Be flexible. There are many issues of safety and officer concerns that may be unique to your traffic stop. Cooperate with the officer and follow instructions.
31. Remember the golden rule: Treat the officer as you would like to be treated.
32. Treat law enforcement officers with respect. In fact, say hello to an officer the next time you see one in your community. Write the agency when an officer is exceptionally kind and helpful.
33. Teach your children to respect and speak to law enforcement officers when they meet them in the community. Help them understand that police officers serve and protect everyone in the community. **We must continue to pass on respect for professional law enforcement officers.**

C. Construction and Work Zone Safety Requirements

Each work zone presents a specific set of challenges to motorists, therefore, it is important to remain alert, slow down, and be prepared for the potential hazards, which may present themselves as you pass through the construction work zone. Construction signs are orange in color, diamond or rectangular in shape, and posted prior to, within, and after the work zones. Orange construction signs warn motorists of potential hazards ahead such as detours, lane closures, uneven pavement, flaggers, police officers, etc.

- Drive within the posted construction speed limits. Note: Fines are doubled for speeding tickets issued within these designated areas twenty-four (24) hours a day.
- Slow down and pay attention. Speed and inattention are two (2) of the most common causes of work zone crashes.
- Dedicate full attention to the roadway.
- Refrain from distracting activities such as taking on the cell phone, changing radio stations, and conversations with passengers.
- Pay close attention to merge signs and flaggers and do not change lanes within the work zone.
- Watch out for workers in the zone as well as their equipment.
- Be aware of potential night work zones.
- Expect the unexpected; work zones change hourly.
- Do not tailgate; most work zone crashes are rear-end collisions.
- Merge as soon as possible; motorists can help maintain traffic flow by moving to the appropriate lane at first notice.
- Stay calm. Roadwork is not your personal inconvenience; it is for the improvement of the roads for everyone.
- Flaggers or police officers use hand signals or signs to instruct motorists to slow down or stop, as required. Flaggers have the legal authority to control traffic.

Motorists should be aware of other warning devices used in the work zone such as cones, barrels, tubes, panels, barricades, flashing arrow boards, and temporary roadway markings.