

2023 -- S 1060 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT
OFFICERS' BILL OF RIGHTS

Introduced By: Senator Dominick J. Ruggiero

Date Introduced: May 19, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-28.6-1, 42-28.6-2, 42-28.6-4, 42-28.6-5, 42-28.6-6, 42-28.6-11,
2 42-28.6-13 and 42-28.6-15 of the General Laws in Chapter 42-28.6 entitled "Law Enforcement
3 Officers' Bill of Rights" are hereby amended to read as follows:

4 **42-28.6-1. Definitions — Payment of legal fees.**

5 As used in this chapter, the following words have the meanings indicated:

6 (1) "Course of training in police discipline" means a course or courses of instruction
7 approved by the commission on standards and training ("commission") which shall be taught by
8 instructors approved by the commission regarding the provisions of chapter 28.6 of this title and
9 the applicable procedure, evidence and rules that apply to police discipline as provided pursuant to
10 § 42-28.6-1.3.

11 ~~(1)~~(2) "*Law enforcement officer*" means any permanently employed city or town police
12 officer, state police officer, permanent law enforcement officer of the department of environmental
13 management, or those employees of the airport corporation of Rhode Island who have been granted
14 the authority to arrest by the director of said corporation. However this shall not include the chief
15 of police and/or the highest ranking sworn officer of any of the departments including the director
16 and deputy director of the airport corporation of Rhode Island.

17 ~~(2)~~(3)(i) "*Hearing committee*" means a committee acting as a deliberative body which is
18 authorized to hold a hearing on a complaint against a law enforcement officer and which consists

1 of ~~three (3)~~ five (5) members: one member appointed by the chief justice of the supreme court who
2 shall be a retired justice or judge of the supreme, superior or district court; one member who shall
3 be the executive director of the Nonviolence Institute, a domestic nonprofit corporation; and three
4 (3) active or retired qualified law enforcement officers employed by the state police or a municipal
5 law enforcement agency from within the state of Rhode Island, other than chiefs of police, who
6 have had no part in the investigation or interrogation of the law enforcement officer. The committee
7 shall be composed of three (3) members; one member selected by the chief or the highest ranking
8 officer of the law enforcement agency, one member selected by the aggrieved law enforcement
9 officer and the third member shall be selected by the other two (2) members. In the event that the
10 other two (2) members are unable to agree within five (5) days, then either member will make
11 application to the presiding justice of the superior court and the presiding justice shall appoint the
12 third member who shall be an active law enforcement officer who shall be selected at random by
13 the director of the department of public safety from the certified officer pool established pursuant
14 to § 42-28.6-1.1. If the accused law enforcement officer is a member of the state police, then the
15 chief justice of the supreme court shall randomly select the three (3) qualified active law
16 enforcement members from the certified officer pool. No law enforcement officer shall be selected
17 that is employed by the same law enforcement agency that employs the accused law enforcement
18 officer or who is employed by the charging law enforcement agency. The retired justice or judge
19 appointed by the chief justice of the supreme court shall serve as chairperson of the hearing
20 committee. Upon written application by a majority of the hearing committee, the presiding justice
21 chairperson, in his or her discretion, may also appoint legal counsel to assist the hearing committee.

22 (ii) The law enforcement agency and the accused law enforcement officer under
23 investigation shall each be responsible to pay fifty percent (50%) of the legal fee of the appointed
24 legal counsel for the hearing committee; provided, however, that on motion made by either party,
25 the presiding justice shall have the authority to make a different disposition as to what each party
26 is required to pay toward the appointed legal counsel's legal fee.

27 ~~(3)~~(4) "Hearing" means any meeting in the course of an investigatory proceeding, other
28 than an interrogation at which no testimony is taken under oath, conducted by a hearing committee
29 for the purpose of taking or adducing testimony or receiving evidence.

30 (5) "Qualified law enforcement officer" means an active sworn law enforcement officer
31 who meets the following criteria:

32 (i) Has a minimum of five (5) years active service as a law enforcement officer with a law
33 enforcement agency within the state;

34 (ii) Has successfully completed a course(s) of training in police discipline pursuant to this

1 [chapter and has maintained a current certification of completed training; and](#)

2 [\(iii\) Has not achieved the rank of chief, colonel, deputy chief, lieutenant colonel or major.](#)

3 **42-28.6-2. Conduct of investigation.**

4 [\(a\)](#) Whenever a law enforcement officer is under investigation or subjected to interrogation
5 by a law enforcement agency, for a non-criminal matter which could lead to disciplinary action,
6 demotion, or dismissal, the investigation or interrogation shall be conducted under the following
7 conditions:

8 (1) The interrogation shall be conducted at a reasonable hour, preferably at a time when
9 the law enforcement officer is on duty.

10 (2) The interrogation shall take place at an office within the department previously
11 designated for that purpose by the chief of police.

12 (3) The [accused](#) law enforcement officer under interrogation shall be informed of the name,
13 rank, and command of the officer in charge of the investigation, the interrogating officer, and all
14 persons present during the interrogation. All questions directed to the officer under interrogation
15 shall be asked by and through one interrogator.

16 (4) No complaint against a law enforcement officer shall be brought before a hearing
17 committee unless the complaint be duly sworn to before an official authorized to administer oaths.

18 (5) The [accused](#) law enforcement officer under investigation shall, prior to any
19 ~~interrogating~~ [interrogation](#), be informed in writing of the nature of the complaint and of the names
20 of all complainants.

21 (6) ~~Interrogating~~ [Interrogation](#) sessions shall be for reasonable periods and shall be timed
22 to allow for such personal necessities and rest periods as are reasonably necessary.

23 (7) Any law enforcement officer under interrogation shall not be threatened with transfer,
24 dismissal, or disciplinary action.

25 (8) If any law enforcement officer under interrogation is under arrest, or is likely to be
26 placed under arrest as a result of the interrogation, ~~he or she~~ [they](#) shall be completely informed of
27 all ~~his or her~~ [their](#) rights prior to the commencement of the interrogation.

28 (9) At the request of any law enforcement officer under interrogation, ~~he or she~~ [they](#) shall
29 have the right to be represented by counsel of ~~his or her~~ [their](#) choice who shall be present at all
30 times during the interrogation. The interrogation shall be suspended for a reasonable time, [not](#)
31 [exceeding seven \(7\) days](#), until representation can be obtained.

32 (10) No statute shall abridge nor shall any law enforcement agency adopt any regulation
33 which prohibits the right of a [an accused](#) law enforcement officer to bring suit arising out of his or
34 her duties as a law enforcement officer.

1 (11) No law enforcement agency shall insert any adverse material into any file of the officer
2 unless the officer has an opportunity to review and receive a copy of the material in writing, unless
3 the officer waives these rights in writing.

4 ~~(12) No public statement shall be made prior to a decision being rendered by the hearing
5 committee and no public statement shall be made if the officer is found innocent unless the officer
6 requests a public statement; provided, however, that this subdivision shall not apply if the officer
7 makes a public statement. The foregoing shall not preclude a law enforcement agency, in a criminal
8 matter, from releasing information pertaining to criminal charges which have been filed against a
9 law enforcement officer, the officer's status of employment and the identity of any administrative
10 charges brought against said officer as a result of said criminal charges.~~

11 ~~(13)~~(12) No law enforcement officer shall be compelled to speak or testify before, or be
12 questioned by, any non-governmental agency.

13 (b) Nothing in this chapter shall be construed as prohibiting a chief, or designee from
14 releasing any video evidence, or from making a public statement about or concerning an incident
15 or matter of public interest involving any law enforcement officer employed by the chief's law
16 enforcement agency.

17 (c) Nothing in this chapter shall be construed as prohibiting the accused law enforcement
18 officer from making any public statement.

19 **42-28.6-4. Right to hearing — Notice request for hearing — Selection of hearing**
20 **committee.**

21 (a) If the investigation or interrogation of a law enforcement officer results in the
22 recommendation of some action, such as demotion, transfer, dismissal, loss of pay, reassignment,
23 or similar action which would be considered a punitive measure, then, before taking such action,
24 the law enforcement agency shall give notice to the law enforcement officer that he or she is entitled
25 to a hearing on the issues by a hearing committee. The law enforcement officer may be relieved of
26 duty subject to § 42-28.6-13 of this chapter, and shall receive all ordinary pay and benefits as he
27 or she would have if he or she were not charged.

28 Disciplinary action for violation(s) of departmental rules and/or regulations shall not be
29 instituted against a an accused law enforcement officer under this chapter more than three (3) years
30 after such incident, except where such incident involves a potential criminal offense, in which case
31 disciplinary action under this chapter may be instituted at any time within the statutory period of
32 limitations for such offense.

33 (b) Notice under this section shall be in writing and shall inform the law enforcement
34 officer of the following:

1 (i) The nature of the charge(s) against him or her and, if known, the date(s) of the alleged
2 offense(s);

3 (ii) The recommended penalty;

4 (iii) The fact that he or she has five (5) days from receipt of the notice within which to
5 submit a written request for a hearing; and

6 (iv) The name and address of the officer to whom a written request for a hearing (and other
7 related written communications) should be addressed.

8 (c) The accused law enforcement officer shall, within five (5) days of ~~his or her~~ their receipt
9 of notice given pursuant to subsection (b) herein, file a written request for hearing with the officer
10 designated in accordance with ~~subdivision~~ subsection (b)(iv) of this section. Failure to file a written
11 request for a hearing shall constitute a waiver of ~~his or her~~ their right to a hearing under this chapter;
12 provided, however, that the presiding justice of the superior court, upon petition and for good cause
13 shown, may permit the filing of an untimely request for hearing.

14 ~~(d) The law enforcement officer shall provide the charging law enforcement agency with~~
15 ~~the name of one active or retired law enforcement officer to serve on the hearing committee, within~~
16 ~~five (5) days of the filing of his or her request for a hearing. Failure by the law enforcement officer~~
17 ~~to file his or her filing committee selection within the time period shall constitute a waiver of his~~
18 ~~or her right to a hearing under this chapter; provided, however, that the presiding justice of the~~
19 ~~superior court, upon petition and for good cause shown, may permit the filing of an untimely~~
20 ~~hearing committee selection by the officer. The charging law enforcement agency may impose the~~
21 ~~recommended penalty during the pendency of any such petition.~~

22 ~~(e) The charging law enforcement agency shall provide the law enforcement officer with~~
23 ~~the name of one active or retired law enforcement officer to serve on the hearing committee, within~~
24 ~~five (5) days of its receipt of the officer's request for a hearing. Failure by the charging law~~
25 ~~enforcement agency to file its hearing committee selection within that time period shall constitute~~
26 ~~a dismissal of all charges against the law enforcement officer, with prejudice; provided, however,~~
27 ~~that the presiding justice of the superior court, upon petition and for good cause shown, and permit~~
28 ~~the filing of an untimely hearing committee selection by the agency. Except as expressly provided~~
29 ~~in § 42-28.6-13 of this chapter, no disciplinary action shall be taken against the officer by virtue~~
30 ~~of the stated charges during the pendency of any such petition.~~

31 ~~(f) Within five (5) days of the charging law enforcement agency's selection of a hearing~~
32 ~~committee member, the hearing committee members selected by the officer and by the agency~~
33 ~~shall:~~

34 ~~(i) Jointly select a third hearing committee member, who shall serve as chairperson of the~~

1 ~~hearing committee;~~

2 ~~(ii) Petition the presiding justice of the superior court to select a third hearing committee~~
3 ~~member, who shall be an active law enforcement officer, and who shall serve as chairperson of the~~
4 ~~hearing committee; or~~

5 ~~(iii) Agree to an extension of time, not to exceed thirty (30) days, for the selection of a third~~
6 ~~hearing committee member.~~

7 (d) Upon receipt of the notice requesting a hearing pursuant to the provisions of subsection
8 (c) of this section, the police chief or highest ranking officer in the law enforcement agency shall
9 within five (5) days notify the chief justice of the Rhode Island supreme court requesting that a
10 retired justice or judge be assigned to serve as chairperson of the hearing committee defined in §
11 42-28.6-1. The chief justice shall assign a retired justice or judge to serve as chairperson of the
12 committee within five (5) days of receipt of the request.

13 (e) The chairperson of the hearing committee shall within five (5) days of appointment:

14 (1) Pursuant to the provisions of subsection (d) of this section, request the director of the
15 department of public safety to randomly select three (3) officers from the certified officer pool
16 established pursuant to the provisions of § 42-28.6-1.1; provided, however, if the accused law
17 enforcement officer is a member of the state police, then the chief justice of the supreme court shall
18 make the random selection of three (3) qualified active law enforcement members from the certified
19 officer pool. If the director of the department of public safety is unavailable or unable to make the
20 random selection, then the selection shall be made by the chief justice.

21 (2) Notify the executive director of the Nonviolence Institute requesting the executive
22 director's service on the hearing committee. If the executive director of the Nonviolence Institute
23 is unable to serve, then the executive director for the Rhode Island commission for human rights
24 shall serve as a member.

25 (f) The chairperson of the hearing committee shall convene an initial meeting or hearing of
26 the committee within thirty (30) days of chair's appointment pursuant to the provisions of
27 subsection (d) of this section.

28 (g) Law enforcement officers selected to serve on a hearing committee under this chapter
29 shall be relieved of duty for each day of actual hearing and shall be compensated by their respective
30 agencies at their ordinary daily rate of pay for each day actually spent in the conduct of the hearing
31 hereunder.

32 ~~(h) Two (2) lists of active police officers available to serve as chairpersons of hearing~~
33 ~~committees under this chapter shall be provided annually to the presiding justice of the superior~~
34 ~~court. One list shall be provided by the Rhode Island Police Chiefs' Association; the other shall be~~

1 ~~appointed, jointly, by the Fraternal Order of Police and the International Brotherhood of Police~~
2 ~~Officers. In selecting officers to serve as chairpersons of hearing committees under this chapter,~~
3 ~~the presiding justice shall alternate between the two (2) lists so provided. [The justice or judge](#)~~
4 ~~[appointed pursuant to §§ 42-28.6-1 and 42-28.6-4 shall serve as chairperson.](#)~~

5 (i) Whenever a law enforcement officer faces disciplinary action as a result of criminal
6 charges, the provisions of subsections (c), (d), (e) and (f) shall be suspended pending the
7 adjudication of said criminal charges.

8 **42-28.6-5. Conduct of hearing.**

9 (a) The hearing shall be conducted by the hearing committee selected in accordance with
10 § 42-28.6-4 of this chapter. Both the law enforcement agency and the [accused](#) law enforcement
11 officer shall be given ample opportunity to present evidence and argument with respect to the issues
12 involved. Both may be represented by counsel.

13 (b) The hearing shall be convened at the call of the chair; shall commence within thirty
14 (30) days after the selection of a chairperson of the hearing committee; and shall be completed
15 within sixty (60) days of the commencement of the hearing. The hearing committee shall render a
16 written decision within thirty (30) days after the conclusion of the hearing. The time limits
17 established in this subsection may be extended by the ~~presiding justice of the superior court~~
18 [chairperson](#) for good cause shown.

19 (c) Not less than ten (10) days prior to the [first](#) hearing date, the charging law enforcement
20 agency shall provide to the [accused](#) law enforcement officer:

21 (i) A list of all witnesses, known to the agency at that time, to be called by the agency to
22 testify at the hearing;

23 (ii) Copies of all written and/or recorded statements by such witnesses in the possession of
24 the agency; and

25 (iii) A list of all documents and other items to be offered as evidence at the hearing.

26 (d) Not less than five (5) days prior to the [first](#) hearing date, the [accused](#) law enforcement
27 officer shall provide to the charging law enforcement agency a list of all witnesses, known to the
28 officer at that time, to be called by the officer to testify at the hearing.

29 ~~(e) Failure by either party to comply with the provisions of subsections (c) and (d) of this~~
30 ~~section shall result in the exclusion from the record of the hearing of testimony and/or evidence not~~
31 ~~timely disclosed in accordance with those subsections. [If the charging agency or the accused law](#)~~
32 ~~[enforcement officer fails to comply with the provisions of subsections \(c\) or \(d\) of this section,](#)~~
33 ~~[then, upon the request of the other party, the chairperson shall consider the following factors in](#)~~
34 ~~[assessing a discretionary sanction, if any:](#)~~

- 1 (1) The reason for the non-disclosure;
2 (2) The extent of prejudice to the opposing party;
3 (3) The feasibility of rectifying that prejudice by a continuance; and
4 (4) Any other relevant factors.
5 (f) The permissible sanctions the chairperson may impose pursuant to subsection (e) of this
6 section are: exclusion of a witness from testifying; exclusion of a witness from testifying about
7 certain matters; and exclusion of written or recorded statements, documents, or other items from
8 evidence; provided, however, the chairperson shall give due deference to serving the public interest
9 and the interest of justice when imposing such sanctions.

10 **42-28.6-6. Evidence at hearing — Hearing record.**

11 (a) Evidence which possesses probative value commonly accepted by reasonable and
12 prudent persons in the conduct of their affairs shall be admissible and shall be given probative
13 effect. The hearing committee conducting the hearing shall give effect to the rules of privilege
14 recognized by law, and may exclude incompetent, irrelevant, immaterial, and unduly repetitious
15 evidence. All records and documents which any party desires to use shall be offered and made part
16 of the record.

17 (b) No statements, documents and/or other evidence and no copies of any statements,
18 documents and/or other evidence shall be presented to the hearing committee prior to the hearing.

19 (c) All proceedings before the hearing committee shall be recorded by stenographic record,
20 the expense of which shall be borne by the charging law enforcement agency. A copy of the record
21 shall be provided to the accused law enforcement officer or ~~his or her~~ their attorney or
22 representative of record upon request.

23 (d) The chairperson shall create an administrative record of each hearing, which shall
24 include the notice provided pursuant to § 42-28.6-4(b), the request for a hearing provided pursuant
25 to § 42-28.6-4(c), any assignments and notices to members of the committee, the record of the
26 hearing, the decision of the committee and any notice of appeal. Upon completion of the hearing
27 and notification of the decision to the accused law enforcement officer and to the charging law
28 enforcement agency, the chairperson shall transmit a complete and accurate copy of the
29 administrative record to the director of the department of public safety and to the commission on
30 standards and training.

31 (e) The director of the department of public safety shall permanently maintain the
32 administrative record of all hearings conducted pursuant to this chapter.

33 **42-28.6-11. Decisions of hearing committee.**

34 (a) The hearing committee shall be empowered by majority vote to sustain, modify in

1 whole or in part, or reverse the complaint or charges of the investigating authority, as provided in
2 § 42-28.6-4.

3 (b) Any decision, order, or action taken as a result of the hearing shall be in writing and
4 shall be accompanied by findings of fact. The findings shall consist of a concise statement upon
5 each issue in the case. Copies of the decision or order and accompanying findings and conclusions
6 shall be delivered or mailed promptly to the accused law enforcement officer or to ~~his or her~~ their
7 attorney or representative of record and to the law enforcement agency or to its attorney or
8 representative of record.

9 (c) In any proceeding under this chapter, it shall be the burden of the charging law
10 enforcement agency to prove, by a fair preponderance of the evidence, that the accused law
11 enforcement officer is guilty of the offense(s) or violation(s) of which he or she is accused.

12 (d) Copies of any decision, order or action taken indicating guilt of the accused officer of
13 any offense or violation shall be transmitted promptly to the commission on standards and training
14 established pursuant to chapter 28.2 of this title, and shall be reviewed and considered with respect
15 to any subsequent request to the commission to approve a reinstatement, assignment, transfer or
16 employment of the accused law enforcement officer.

17 (e) The commission on standards and training shall publish on its website in analyzable-
18 machine readable format a report reflecting the status of all pending hearings in addition to any
19 decision, order or action taken indicating guilt of the accused officer of any offense or violation,
20 including the name of the officer, the officer's employing agency, and the misconduct of the officer
21 committed or is allege to have committed.

22 (f) The commission on standards and training shall report any suspension, decision, order
23 or action taken indicating guilt of the accused officer of any offense or violation to the national
24 decertification index maintained by the International Association of Directors of Law Enforcement
25 Standards and Training. The commission may issue regulations identifying other similar national
26 or regional indices to which it wishes to contribute discipline information. In the event that the
27 federal government establishes a nationwide decertification index, the commission may submit
28 information to that index.

29 **42-28.6-13. Suspensions.**

30 (a) The provisions of this chapter are not intended to prohibit suspensions by the chief or
31 the highest ranking officer of the law enforcement agency.

32 (b) Summary punishment of ~~two (2)~~ up to fourteen (14) days' suspension without pay may
33 be imposed for minor violations of departmental rules and regulations. Appeals of suspension under
34 this subsection shall be subject to the grievance provisions of any applicable collective bargaining

1 agreement.

2 (c) Suspension may be imposed by the chief or the highest ranking sworn officer of the law
3 enforcement agency when the [accused](#) law enforcement officer is under investigation for a criminal
4 felony matter. Any suspension shall consist of the [accused](#) law enforcement officer being relieved
5 of duty, and ~~he or she~~ [they](#) shall receive all ordinary pay and benefits as ~~he or she~~ [they](#) would
6 receive if ~~he or she~~ [they](#) were not suspended. Suspension under this subsection shall not exceed one
7 hundred eighty (180) days.

8 (d) Suspension may be imposed by the chief or highest ranking sworn officer of the law
9 enforcement agency when the [accused](#) law enforcement officer in under investigation for a
10 misdemeanor criminal matter. Any such suspension shall consist of the [accused](#) law enforcement
11 officer being relieved of duty, and ~~he or she~~ [they](#) shall receive all ordinary pay and benefits as ~~he~~
12 ~~or she~~ [they](#) would receive if ~~he or she~~ [they](#) were not suspended. Suspension under this subsection
13 shall not exceed thirty (30) days; provided, however, that if an [accused](#) officer is charged with a
14 misdemeanor offense the chief or highest ranking sworn officer of the law enforcement agency
15 may continue said suspension with pay up to a total of one hundred and eighty (180) days. If the
16 disposition of the criminal matter does not take place within one hundred eighty (180) days of the
17 commencement of such suspension, the [accused](#) law enforcement officer may be suspended without
18 pay and benefits; provided, however, that the [accused](#) officer's entitlement to such medical
19 insurance, dental insurance, disability insurance and life insurance as is available to all other
20 officers within the agency shall not be suspended. The [accused](#) law enforcement officer may
21 petition the presiding justice of the superior court for a stay of the suspension without pay, and such
22 stay shall be granted upon a showing that said delay in the criminal disposition was outside the
23 [accused](#) law enforcement officer's control. In the event the [accused](#) law enforcement officer is
24 acquitted of any misdemeanor related thereto, the officer shall be forthwith reinstated and
25 reimbursed all salary and benefits that have not been paid during the suspension period.

26 (e) Suspension may be imposed by the chief or highest ranking sworn officer of the law
27 enforcement agency when the [accused](#) law enforcement officer is under investigation for a
28 noncriminal matter. Any such suspension shall consist of the [accused](#) law enforcement officer being
29 relieved of duty, and ~~he or she~~ [they](#) shall receive all ordinary pay and benefits as ~~he or she~~ [they](#)
30 would receive if ~~he or she~~ [they](#) were not suspended. Suspension under this subsection shall not
31 exceed fifteen (15) days or any other time frame established under the provisions of any applicable
32 collective bargaining agreement.

33 (f) Suspension may be imposed by the chief or highest ranking sworn officer of the law
34 enforcement agency upon receipt of notice or disciplinary action in accordance with § 42-28.6-4(b)

1 of this chapter in which termination or demotion is the recommended punishment. Any such
2 suspension shall consist of the [accused](#) law enforcement officer being relieved of duty, and ~~he or~~
3 ~~she~~ [they](#) shall receive all ordinary pay and benefits as he or she would receive if he or she were not
4 so suspended.

5 (g) Any law enforcement officer who is charged, indicted or informed against for a felony
6 or who is convicted of and incarcerated for a misdemeanor may be suspended without pay and
7 benefits at the discretion of the agency or chief or highest ranking sworn officers; provided,
8 however, that the [accused](#) officer's entitlement to medical insurance, dental insurance, disability
9 insurance and life insurance as is available to all other officers within the agency shall not be
10 suspended. In the event that the law enforcement officer is acquitted of any felony related thereto,
11 the officer shall be reinstated and reimbursed forthwith for all salary and benefits that have not been
12 paid during the suspension period.

13 (h) Any law enforcement officer who is convicted of a felony shall, pending the prosecution
14 of an appeal, be suspended without pay and benefits; provided, however, that the [accused](#) officer's
15 entitlement to such medical insurance, dental insurance, disability insurance and life insurance as
16 is available to all other officers within the agency shall not be suspended. Whenever, upon appeal,
17 such conviction is reversed, the suspension under this subsection shall terminate and the law
18 enforcement officer shall forthwith be paid the salary and benefits that would have been paid to
19 ~~him or her~~ [them](#) during that period of suspension.

20 (i) Any law enforcement officer who pleads guilty, [enters an Alford plea](#) or ~~no contest~~
21 [pleads nolo contendere](#) to a felony charge, [even if followed by a sentence of probation](#), or whose
22 conviction of a felony has, after or in the absence of a timely appeal, become final ~~may~~ [shall](#) be
23 dismissed by the law enforcement agency and, in the event of such dismissal, other provisions of
24 this chapter shall not apply. [A dismissal of a law enforcement officer pursuant to the provisions of](#)
25 [this subsection shall be immediately reported to the commission on standards and training,](#)
26 [established pursuant to chapter 28.2 of this title.](#)

27 **42-28.6-15. Exclusivity of remedy.**

28 The remedies contained herein shall be the sole and exclusive remedies for all law
29 enforcement officers subject to the provisions of this chapter. [Provided that no collective bargaining](#)
30 [agreement \(CBA\) or contract entered into or made effective on or after July 1, 2023 shall contain](#)
31 [any provision modifying, changing or contravening the provisions of this section. Any provision in](#)
32 [a CBA or contract modifying, changing or contravening the provisions of this section contained](#)
33 [within a CBA or contract entered into or made effective on or after July 1, 2023, shall be void as a](#)
34 [violation of public policy.](#)

1 SECTION 2. Chapter 42-28.6 of the General Laws entitled "Law Enforcement Officers'
2 Bill of Rights" is hereby amended by adding thereto the following sections:

3 **42-28.6-1.1. Certified officers pool.**

4 (a) There is hereby established a certified officers pool to be maintained by the director of
5 the department of public safety ("director") which shall consist of the names of qualified municipal
6 law enforcement officers submitted to the director and qualified state police officers selected
7 pursuant to the provisions of subsection (c) of this section.

8 (b) The certified officers pool shall be the exclusive eligibility source of law enforcement
9 officers available for appointment to a hearing committee pursuant to the provisions of this chapter.

10 (c) Each municipal law enforcement agency shall submit two (2) names of qualified law
11 enforcement officers to the director. For each municipal agency, one qualified officer shall be
12 selected by the chief or highest ranking officer in the municipal law enforcement agency and the
13 other shall be selected by a union representative within the law enforcement agency. Two (2)
14 qualified state police officers shall be members of the pool. The director shall select a qualified
15 state police officer and the other shall be selected by a union representative of the state police.

16 (d) Upon selection to the certified officers pool, a qualified law enforcement officer shall
17 remain a member of the pool until either disqualified or replaced.

18 (f) Any officer promoted to chief, colonel, deputy chief, lieutenant colonel or major, or
19 upon termination or retirement from active service, or who otherwise fails to remain a qualified
20 law enforcement officer as defined in § 42-28.6-1 shall be disqualified from the certified officers
21 pool. Upon disqualification of an officer for appointment to the pool, or annually during the month
22 of January, any appointing authority may name an alternative qualified law enforcement officer to
23 replace the officer previously named to fill the position in the pool.

24 **42-28.6-1.2. Training in police discipline.**

25 (a) Prior to qualification and eligibility for appointment to the certified officers pool
26 established pursuant to the provisions of § 42-28.6-1.1, a law enforcement officer shall successfully
27 complete a course(s) of training in police discipline to be developed in accordance with the
28 provisions of this section.

29 (b) The course(s) of instruction and the training shall be approved by the commission on
30 standards and training after consultation with the superintendent of the state police and the chief of
31 the Providence police department.

32 (c) The initial course of instruction and training shall include at a minimum six (6) hours
33 of instruction on the provisions of this chapter including the applicable hearing procedure pursuant
34 to this chapter, evidentiary standards, and standards of police conduct, including use of force and

1 racial and cultural bias.

2 (d) Upon successful completion of training, the commission on standards and training shall
3 provide a certification to the officer, and the officer shall be eligible to serve on a hearing
4 committee.

5 (e) The commission on standards and training may require that a law enforcement officer
6 attend and successfully complete two (2) hours of additional training every two (2) years to
7 maintain current certification.

8 **42-28.6-1.3. Conflict of interest.**

9 (a) The accused law enforcement officer or the representative of the law enforcement
10 agency may challenge the appointment of any member of the hearing committee for conflict of
11 interest or other substantive grounds justifying disqualification of an appointment. Any challenge
12 shall be heard and decided solely by the retired justice or judge appointed to serve as chairperson
13 unless the challenge is against the chairperson and then the challenge shall be heard by the chief
14 justice of the supreme court. If satisfactory evidence establishes conflict of interest or other
15 substantive grounds justifying disqualification of an appointed member, then a different member
16 shall be selected in the same manner as the disqualified appointment. If the executive director of
17 the Nonviolence Institute is disqualified then the executive director for the Rhode Island
18 commission for human rights shall serve as a member.

19 (b) Any individual selected as a member of the hearing committee shall immediately
20 disclose to the chairperson any circumstance likely to give rise to reasonable doubt as to the
21 member's ability to render an impartial decision including, but not limited to, bias, prejudice, or
22 financial or personal interest in the result or outcome of the hearing. The obligation to disclose shall
23 remain in effect throughout the pendency of the hearing.

24 **42-28.6-18. Reports of hearings.**

25 (a) The director of the department of public safety shall no later than January 15, 2025, and
26 biennially thereafter by January 15, submit a comprehensive report to the governor, the speaker of
27 the house and the senate president regarding all hearings conducted pursuant to this chapter since
28 the effective date of this section or the filing of the previous report, whichever is later.

29 (b) The reports to be submitted pursuant to this section shall include the following
30 information for each hearing:

31 (1) The identity, rank, assignment, or job duties of the accused law enforcement officer
32 when charges were initiated pursuant to this chapter;

33 (2) The department or law enforcement agency employing the officer at the time charges
34 were initiated, including any information relative to the officer being on loan to another law

1 enforcement agency at the time of the alleged violation;

2 (3) The department or agency, rank, assignment, position or job duty of each law
3 enforcement officer assigned to the hearing committee;

4 (4) The specific charges and/or allegations brought against the accused law enforcement
5 officer;

6 (5) The finding or conclusion with respect to each charge and/or allegation;

7 (6) The identity of all members of the hearing committee and the vote of each member
8 pertaining to each charge and/or allegation;

9 (7) If known, whether an appeal of the hearing committee decision was filed, and the status
10 of any appeal; and

11 (8) Any other information the director deems appropriate.

12 SECTION 3. This act shall take effect January 1, 2024.

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LC003055/SUB A
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT
OFFICERS' BILL OF RIGHTS

1 This act would amend the Law Enforcement Officers' Bill of Rights ("LEOBOR") by
2 expanding the number of committee members to five (5), which would include a retired judge or
3 justice, three (3) law enforcement officers and the executive director of the Nonviolence Institute.
4 The retired judge or justice would serve as chairperson of the committee. An administrative record
5 of all hearings would be provided to the director of the department of public safety and the police
6 officers commission on standards and training ("POST"). The POST would report suspensions,
7 decisions, orders or actions indicating guilt to the national decertification index maintained by the
8 International Association of Directors of Law Enforcement Standards and Training. Additionally,
9 the period of summary punishment would be extended from two (2) days to up to fourteen (14)
10 days.

11 This act would take effect on January 1, 2024.

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LC003055/SUB A
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