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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- REMOVAL OF MUNICIPAL
POLICE CHIEFS

Introduced By: Representatives Noret, Corvese, and Place

Date Introduced: April 26, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 28.11

4 REMOVAL OF MUNICIPAL POLICE CHIEF

5 **42-28.11-1. Definitions.**

6 As used in this chapter, "police chief" means the highest ranking, sworn officer
7 permanently employed by a city or town or any of the state departments, including, but not limited
8 to, the director and deputy director of the airport corporation of Rhode Island.

9 **42-28.11-2. Suspension or removal of a police chief - Hearing before a local authority.**

10 (a) A police chief may be subject to suspension with or without pay, or removal for just
11 cause only, upon receipt of written notice, specifying the grounds for suspension or removal. Upon
12 suspension or removal, a police chief shall be entitled to a hearing in their own defense, personally
13 or represented by legal counsel, at a public hearing before the appropriate local authority.

14 (b) A police chief facing suspension or removal must invoke their right to a hearing in
15 writing, addressed to the appropriate local authority, within ten (10) days of receipt of the notice
16 required by subsection (a) of this section. The written invocation shall be sent via certified mail or
17 may be delivered via electronic mail by agreement of the parties.

18 (c) A local authority shall hold the hearing not less than five (5) nor more than ten (10)

1 days after receipt of a police chief's written request for a hearing. Hearings shall be noticed in
2 accordance with chapter 46 of title 42 ("open meetings").

3 (d) A police chief who is aggrieved by a decision of a local authority may appeal to the
4 superior court in the county in which the municipality is located, or in the case of a state department,
5 the Providence superior court, pursuant to § 42-28.11-3.

6 **42-28.11-3. Appeal to the superior court - Standard of review.**

7 (a) A police chief who wishes to challenge their suspension or removal shall petition the
8 superior court within forty-five (45) days of their suspension or dismissal. Service shall be made
9 as in civil process. The appeal shall not stay enforcement of the results resulting from the decision
10 on appeal; provided, however, the court may, in its discretion, grant a stay upon appropriate terms
11 and make any other orders that it deems necessary for an equitable disposition of the appeal.

12 (b) The review of the local authority's hearing record shall be conducted by the superior
13 court without a jury. The court shall consider the record of the hearing before the local authority,
14 and, if it appears to the court that additional evidence is necessary for the proper disposition of the
15 matter, it may allow the filing party to present that evidence in open court, which evidence, along
16 with the report, constitutes the record upon which the determination of the court is to be made.

17 (c) The court shall not substitute its judgment for that of the local authority as to the weight
18 of the evidence on questions of fact. The court may affirm the decision of the local authority,
19 remand the case for further proceedings, or reverse or modify the decision if substantial rights of
20 the filing party have been prejudiced because of findings, inferences, conclusions, or decisions
21 which are:

22 (1) In violation of constitutional, statutory, or ordinance provisions;

23 (2) In excess of the authority granted to the local authority by statute or ordinance;

24 (3) Made upon unlawful procedure;

25 (4) Affected by other error of law;

26 (5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the
27 whole record; or

28 (6) Arbitrary or capricious or characterized by abuse of discretion or by clearly
29 unwarranted exercise of discretion.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- REMOVAL OF MUNICIPAL
POLICE CHIEFS

- 1 This act would establish a disciplinary review process for police chiefs, and provides for
- 2 an appeal to the superior court in the county in which the municipal police department is located.
- 3 This act would take effect upon passage.

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