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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- POLICE OFFICERS --
COMMISSION ON STANDARDS AND TRAINING

Introduced By: Representative Jose F. Batista

Date Introduced: March 03, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 Legislative findings.

2 SECTION 1. The General Assembly hereby finds and declares the following:

3 (1) That a serious need for improvement in the administration of local law enforcement
4 exists in order to better protect the health, safety and welfare of its citizens;

5 (2) That police work, a basic adjunct of law enforcement administration, is professional
6 in nature, and requires proper educational and clinical training in a state whose population is
7 increasing in relation to its physical area, and in a society where greater reliance on better law
8 enforcement through higher standards of efficiency is a paramount need;

9 (3) That the present need for improvement can be substantially met by the creation of a
10 compulsory educational and training program for persons who seek to become permanent law
11 enforcement officers wherein such persons will be required, while serving in a probationary
12 capacity prior to permanent appointment, to receive efficient training in this profession provided at
13 facilities selected, approved and inspected by a commission created for such purpose; and

14 (4) That by qualifying and becoming proficient in the field of law enforcement such
15 persons shall individually and collectively better insure the health, safety and welfare of the citizens
16 of this state in their respective communities.

17 SECTION 2. Sections 42-28-25 and 42-28-30 of the General Laws in Chapter 42-28
18 entitled "State Police" are hereby amended to read as follows:

1 **42-28-25. State and municipal police training school established.**

2 (a) Within the Rhode Island state police there is hereby created and established a state and
3 municipal police training school.

4 (b) The ~~superintendent of the state police~~ police officer standards and accreditation
5 commission established under § 42-28-2.3 shall have supervision of the state and municipal police
6 training academy and shall establish standards for admission and a course of training. ~~The~~
7 ~~superintendent shall report to the governor and general assembly a plan for a state and municipal~~
8 ~~police training academy on or before December 31, 1993.~~ The ~~superintendent~~ commission shall, in
9 consultation with the department of public safety, the Police Chiefs' Association and the
10 chairperson of the Rhode Island commission on standards and training make all necessary rules
11 and regulations relative to the admission, education, physical standards and personal character of
12 the trainees and such other rules and regulations as shall not be inconsistent with law.

13 (c) Applicants to the state and municipal police training academy shall pay an application
14 fee in the amount of fifty dollars (\$50.00); provided, however, the superintendent may waive such
15 application fee if payment thereof would be a hardship to the applicant.

16 (d) Trainees shall pay to the division an amount equal to the actual cost of meals consumed
17 at the state police and municipal police training academy and the actual cost of such training
18 uniforms which remain the personal property of the trainees.

19 (e) All fees and payments received by the division pursuant to this section shall be
20 deposited as general revenues.

21 **42-28-30. Certificate of completion of training course.**

22 Upon the satisfactory completion of the prescribed course of training, the ~~superintendent~~
23 police officer standards and accreditation commission shall issue to each candidate a certificate of
24 merit and shall forward to the appointing authority certification of the candidate's qualifications for
25 appointment.

26 SECTION 3. Sections 42-28.2-2, 42-28.2-3, 42-28.2-7 and 42-28.2-8 of the General Laws
27 in Chapter 42-28.2 entitled "Police Officers - Commission on Standards and Training" are hereby
28 amended to read as follows:

29 **42-28.2-2. Municipal Police Training Academy School established.**

30 There is hereby created and established, under the authority of the director of the
31 department of public safety, a municipal police training school, for the use of all municipal police
32 departments ~~with the exception of the Providence police department~~. The municipal police training
33 academy shall also be used by the division of enforcement of the department of environmental
34 management, or any other recognized police authority approved by the police officer's commission

1 on standards and training and shall be maintained by the state and located at a facility maintained
2 and approved by the director of public safety. The municipal police training academy may utilize
3 other state property for special courses of instruction when deemed necessary by the police officer's
4 commission on standards and training with the consent of the governor.

5 **42-28.2-3. Commission established -- Appointment and terms.**

6 (a) ~~Starting in January, 1970 and annually thereafter the governor shall appoint members~~
7 ~~to the commission to serve~~ There is hereby established a police officer standards and accreditation
8 commission within the department of public safety. All appointments of members to the
9 commission shall be for a term of three (3) years commencing the first day of February next
10 following their respective appointment(s) and until their respective successors shall be appointed
11 and qualified to succeed the person or persons whose term next expires. ~~At least one person serving~~
12 ~~on the commission shall be appointed from a list of five (5) names submitted to the governor by~~
13 ~~the Rhode Island League of Cities and Towns and at least three (3) persons serving on the~~
14 ~~commission shall be chiefs of local police departments.~~ There shall be fifteen (15) members of said
15 commission as follows:

16 (1) The colonel of the Rhode Island state police, or designee;

17 (2) The commissioner of public safety for the city of Providence, or designee;

18 (3) One chief of police selected by the Rhode Island Police Chiefs' Association;

19 (4) One law enforcement officer selected by the Rhode Island Minority Police Association;

20 (5) One law enforcement officer below the rank of sergeant appointed by the governor;

21 (6) One law enforcement officer of any rank appointed by the governor;

22 (7) The attorney general, or designee;

23 (8) Seven (7) non-law enforcement persons appointed by the governor. A minimum of
24 three (3) whom shall be from the office of diversity, equity and opportunity.

25 (b) Members of the commission shall be eligible for reappointment.

26 (c) The governor shall appoint a chairperson of the commission. The secretary of the
27 department of public safety shall appoint an executive director of the commission, with the approval
28 of the governor.

29 **42-28.2-7. Reports.**

30 The commission on standards and training shall make an annual report to the director of
31 public safety which will include pertinent data regarding the standards established and the degree
32 of participation of municipalities in the training programs; an annual appropriation for the
33 administration of the commission; for the operations of the municipal police training academy
34 school; and the delivery of standardized training at the municipal police training academy school.

1 **42-28.2-8. Establishment of standards.**

2 (a) The commission on standards and training shall prepare and publish mandatory training
3 standards, ~~not applicable to the city of Providence~~, and to be promulgated with due consideration
4 to varying factors and special requirements of local police agencies, the division of enforcement of
5 the department of environmental management and the board of regents relative to:

6 (1) Minimum standards of physical, educational, mental and moral fitness which shall
7 govern the recruitment, selection, and apportionment of police officers; provided, however, that the
8 minimum height and weight standards for local police officers shall be determined by each
9 municipality.

10 (2) The commission with the approval of the director of public safety will establish the
11 courses of training, and set rules and regulations relative to the education, physical standards, and
12 personal character of candidates and trainees.

13 (3) Minimum course of study, attendance requirements, equipment, and facilities required
14 at the municipal police training school, or other approved training schools certified pursuant to §
15 42-28.2-6.

16 (4) Minimum qualification for instructors at the municipal police training school, or other
17 approved training schools certified pursuant to § 42-28.2-6.

18 (5) Minimum basic training requirements which police officers appointed to probationary
19 terms shall complete before being eligible for continued or permanent employment, and the term
20 within which that basic training must be completed following such appointment to a probationary
21 term.

22 (6) Minimum basic training requirements which police officers not appointed for
23 probationary terms but appointed on other than a permanent basis shall complete before being
24 eligible for continued employment.

25 (7) Categories or classifications of advanced in-service training programs and minimum
26 courses of study and attendance requirements for those categories or classifications.

27 (8) The establishment of subordinate regional training centers in strategic geographic
28 locations in order to serve the greatest number of local police agencies that are unable to support
29 their own training programs.

30 [\(9\) The establishment of guidance for meeting the requirements set forth in this section](#)
31 [through training provided by the commission or other independent educational entities.](#)

32 (b) The commission shall establish a schedule of sessions of the school, of which there
33 shall be a minimum of one session per year.

34 (c) The commission shall authorize the establishment of police training schools by any

1 municipality which demonstrates that it can satisfactorily meet the minimum standards established
2 for police training schools.

3 (d) The commission shall set policies and standards for background investigations for all
4 persons appointed to committee-certified academies and initial appointments of those persons,
5 which investigations shall require at a minimum verification against the national decertification
6 index and the database maintained by the police officer standards and accreditation committee.

7 (e) The commission shall maintain records of training for all law enforcement officers,
8 issue confirmation of satisfactory completion of training, and provide for extensions or waivers of
9 training requirements for good cause and maintain records of any such extension or waiver and the
10 reason. The commission shall provide records of completion of training to the director of public
11 safety.

12 (f)(1) The commission shall establish a bonus program whereby any certified law
13 enforcement officer shall also be eligible to receive each fiscal year a bonus for exceeding the
14 minimum training requirements established pursuant to subsection (a) of this section. The
15 commission shall establish through rules and regulations the curriculum of courses that may result
16 in a bonus under this section, and may offer such courses through the municipal police training
17 academy school or establish a process by which independent educational institutions can be
18 accredited for providing such courses. Such courses shall be in addition to, and not in place of,
19 course work that is part of any law enforcement officer's annual in-service training requirement as
20 set forth in subsection (a) of this section. The courses may cover such subjects as the committee
21 deems appropriate, but shall at a minimum cover:

22 (i) Proficiency in a foreign language relevant to police work in the jurisdiction in which
23 the individual licensed officer is employed;

24 (ii) Advanced first aid;

25 (iii) Advanced domestic violence and sexual violence training;

26 (iv) Advanced de-escalation techniques;

27 (v) Narcotics training; and

28 (vi) Advanced training in bias-free policing.

29 (2) Annual base salary increases shall be awarded in the following increments per level of
30 achievement:

31 (i) Level 1: one thousand dollars (\$1,000);

32 (ii) Level 2: two thousand five hundred dollars (\$2,500);

33 (iii) Level 3: five thousand dollars (\$5,000).

34 (3) The commission shall determine what courses or sequences of courses will result in

1 attainment of the levels set forth in subsection (f)(2) of this section. A bonus shall be paid by the
2 municipality, payable in bi-weekly increments, for the remainder of the fiscal year upon completion
3 of the coursework required for such bonus, and shall be paid for coursework completed during that
4 fiscal year, but shall not roll forward to subsequent fiscal years. Law enforcement officers shall not
5 receive credit in a fiscal year for courses completed in a prior fiscal year, and may not receive an
6 incentive for re-taking a course the officer has previously taken. Law enforcement officers may not
7 receive payment for more than one level in one fiscal year.

8 (4) The commission shall establish quality guidelines, including, but not limited to,
9 standards and review processes, for courses that are eligible for bonuses under this section. The
10 commission shall certify annually that any independent educational institution offering the courses
11 meets or exceeds the academic standards established herein. The commission shall consult with the
12 Rhode Island department of education as part of its certification process of any independent
13 educational institution.

14 (5) The commission shall establish a program of qualifying courses offered pursuant to this
15 section not later than June 1 of each calendar year.

16 **42-28.2-10. Discretionary powers of commission.**

17 (a) The commission on standards and training may:

18 (1) Visit and inspect the police training school, or examine the curriculum or training
19 procedures, for which application for approval has been made.

20 (2) Authorize the issuance of certificates of graduation or diplomas by the approved police
21 training school to police officers who have satisfactorily completed minimum courses of study.

22 (3) Cooperate with state, federal, and local police agencies in establishing and conducting
23 local or area schools or regional training centers for instruction and training of police officers of
24 this state, its cities or towns.

25 (4) Adopt such rules and regulations as are necessary to carry out the purpose of this
26 chapter.

27 (5) Make recommendations to the director of public safety on matters pertaining to
28 qualification and training of police officers.

29 (6) Approve the use of training schools certified pursuant to § 42-28.2-6 by the departments
30 of any municipality pursuant to an agreement between that municipality and the municipality
31 operating the facility.

32 (b) The commission shall have the power to certify, renew, revoke or otherwise modify the
33 certification of any law enforcement officer.

34 SECTION 4. Chapter 42-28.2 of the General Laws entitled "Police Officers - Commission

1 on Standards and Training" is hereby amended by adding thereto the following sections:

2 **42-28.2-15. Certification of law enforcement officers.**

3 (a) No person shall be appointed as a law enforcement officer unless certified by the police
4 officer standards and accreditation commission.

5 (b) A person who completes a certified municipal police training academy or training
6 program, shall be certified by the police officer standards and accreditation commission.

7 (c) The commission shall maintain a database containing the following records for each
8 law enforcement officer certified:

9 (1) The dates of certification, renewal of certification, decertification, suspension of
10 certification, or reprimand;

11 (2) Records of completion of training;

12 (3) The date of any separation from employment with an appointing authority, and the
13 nature of the separation, including, but not limited to, suspension, resignation, retirement, and
14 termination;

15 (4) The reason for any separation from employment, including, but not limited to, whether
16 the separation was based on misconduct, or whether the separation occurred while the appointing
17 authority was conducting an investigation of the certified individual for a violation of an appointing
18 authority's rules, policy, procedure, or other misconduct or improper action;

19 (5) The date of any criminal conviction and the charge of conviction; and

20 (6) The date of any sustained internal affairs complaint, and the charge sustained.

21 (d) All information in the database shall be made available to an appointing authority for
22 the purpose of a background investigation for appointment as a law enforcement officer, and the
23 commission shall set standards for such background investigation for appointments subsequent to
24 the initial appointment. The information in the database shall be a public record pursuant to chapter
25 3 of title 38.

26 (e) The police officer standards and accreditation commission shall determine the form and
27 manner of issuance of a certification. A certification shall expire three (3) years after the date of
28 issuance.

29 (f) Each person who is certified as a law enforcement officer shall, prior to the date of
30 expiration of the certification, renew the certification for the ensuing three (3) year period by
31 demonstrating satisfactory completion, over the preceding three (3) year period, of one hundred
32 twenty (120) hours of in-service training approved by the police officer standards and accreditation
33 commission. The police officer standards and accreditation commission shall permit law
34 enforcement officers who have not completed the required in-service training to maintain their

1 certification for good cause shown and upon demonstration by the officer of approval by the
2 municipal police training academy school of both a plan for the completion of the in-service
3 training hours and the reasonable amount of time in which to do so.

4 **42-28.2-16. Revocation of certification of law enforcement officers.**

5 (a) The police officer standards and accreditation commission shall revoke a certification
6 if:

7 (1) The certification was issued by administrative error;

8 (2) The certification was obtained through misrepresentation or fraud;

9 (3) The certified officer falsified any document in order to obtain or renew any certification;

10 (4) The certified officer has had a certification or other authorization revoked by another
11 jurisdiction on grounds which would authorize revocation under the provisions of this section;

12 (5) The certified officer is convicted of a felony;

13 (6) The certified officer is found not guilty of a felony by reason of lack of criminal
14 responsibility;

15 (7) The certified officer is terminated based upon intentional conduct performed under the
16 color of office to:

17 (i) Obtain false confessions;

18 (ii) Make a false arrest, create or use falsified evidence, including false testimony or
19 destroying evidence to create a false impression;

20 (iii) Engage in conduct that would constitute a hate crime; or

21 (iv) Directly or indirectly receive a reward, gift, or gratuity on account of his or her official
22 services;

23 (8) The certified officer is convicted of a misdemeanor or felony which would render that
24 officer ineligible for a license to carry a firearm pursuant to chapter 47 of title 11; or

25 (9) The certified officer has sustained an internal affairs complaint based upon conduct
26 consisting of:

27 (i) Excessive use of force involving the use of a lateral vascular neck restraint or similar
28 chokehold that restricts free movement of the neck and head;

29 (ii) Failing to stop, or to attempt to stop, another law enforcement officer from applying
30 excessive force in the presence of the certified officer;

31 (iii) Excessive use of force resulting in serious bodily injury as defined under § 11-5-2;

32 (iv) Conduct that would constitute a hate crime pursuant to § 12-19-38;

33 (v) Intimidation of a witness pursuant to § 11-32-5;

34 (vi) Tampering with a record for use in an official proceeding;

- 1 (vii) Perjury pursuant to §11-33-1; or
- 2 (viii) Files a written police report containing a false statement, knowing the statement to
3 be materially false.
- 4 (b) The commission may revoke a certification if:
- 5 (1) The certified officer has been convicted of any misdemeanor or felony; or
- 6 (2) The certified officer has repeated sustained internal affair complaints, for the same or
7 different offenses.
- 8 (c) The commission may require an appointing authority to provide information reasonably
9 necessary to determine whether to initiate revocation proceedings.
- 10 (d) The commission shall conduct revocation proceedings and hearing, and promulgate
11 rules and regulations for such proceedings and hearing. Any revocation hearing shall take place
12 before a panel of the commission composed of seven (7) members as follows:
- 13 (i) Three (3) members of the commission shall be police officers, selected by the
14 chairperson;
- 15 (ii) Three (3) members of the commission shall be members who are not police officers,
16 selected by the chairperson; and
- 17 (iii) One member of the bargaining unit to which the officer who is the subject of the
18 revocation hearing belongs, selected by that officer.
- 19 (e) The chairperson shall select a member of the commission if the officer does not select
20 a representative or does not belong to a bargaining unit.
- 21 (f) Not fewer than three (3) of the commission members serving on the panel shall be from
22 the office of diversity, equity and opportunity.
- 23 (g) The commission shall revoke a certification upon a finding by a preponderance of the
24 evidence, by majority vote of the hearing panel, of any grounds set forth in subsection (a) of this
25 section. Any decision pursuant to this subsection shall be appealable pursuant to § 42-28.6-12.
- 26 (h) The commission may revoke or suspend a certification, or issue a reprimand, upon a
27 finding by a preponderance of the evidence, by majority vote of a hearing panel, of any grounds set
28 forth in subsection (i) of this section and that there is good cause to revoke or suspend a certification
29 or to issue a reprimand. The commission may set conditions including the completion of additional
30 training if a certification is suspended or a reprimand is issued. Any decision issued pursuant to this
31 subsection shall be appealable pursuant to § 42-28.6-12.
- 32 (i) No adverse action taken against a certification by the commission pursuant to this
33 section shall be appealable to any civil court of jurisdiction.
- 34 (j) No employment action taken by an appointing authority that results from a revocation

1 by the commission pursuant to subsection (a) of this section shall be appealable to any civil court
2 of jurisdiction.

3 (k) The commission shall publish any revocations and findings. The commission shall
4 provide revocation information to the national decertification index. No officer may apply for
5 certification after that officer's certification has been revoked pursuant to this section.

6 SECTION 5. This act shall take effect upon passage.

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LC002011
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- POLICE OFFICERS --
COMMISSION ON STANDARDS AND TRAINING

1 This act would require all police officers in Rhode Island to be certified through the
2 municipal police training academy and complete mandatory continuing education. This act would
3 further create a process in which the police may be decertified for failure to maintain proper
4 certification.

5 This act would take effect upon passage.

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