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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

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

Introduced By: Representatives Williams, Ajello, Henries, McGaw, Batista, Kislak, Biah,  
Giraldo, Alzate, and Morales

Date Introduced: March 24, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 42-28.6 of the General Laws entitled "Law Enforcement  
2 Officers' Bill of Rights" is hereby amended to read as follows:

3 ~~CHAPTER 42-28.6~~

4 ~~Law Enforcement Officers' Bill of Rights~~

5 CHAPTER 42-28.6

6 LAW ENFORCEMENT OFFICERS' ACCOUNTABILITY ACT

7 SECTION 2. Sections 42-28.6-1, 42-28.6-2, 42-28.6-4, 42-28.6-5, 42-28.6-6, 42-28.6-8,  
8 42-28.6-11, 42-28.6-13, 42-28.6-14 and 42-28.6-15 of the General Laws in Chapter 42-28.6 entitled  
9 "Law Enforcement Officers' Bill of Rights" are hereby amended to read as follows:

10 **42-28.6-1. Definitions -- Payment of legal fees.**

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

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

18 (2)(i) "Hearing committee" means a deliberative body, which is authorized, empowered,

1 and constituted as described herein to act in a quasi-judicial capacity to hear and decide whether a  
2 law enforcement officer deserved discipline and, if so, what the appropriate measure of discipline  
3 is. A hearing committee ~~which~~ is authorized to hold a hearing on a complaint against a law  
4 enforcement officer and ~~which consists~~ shall consist of five (5) individuals, including ~~three (3) two~~  
5 ~~(2) whom are~~ active or retired law enforcement officers from within the state of Rhode Island, ~~other~~  
6 ~~than chiefs of police,~~ who have had no part in the investigation or interrogation of the law  
7 enforcement officer. The committee shall be composed of ~~three (3) five (5)~~ members; : one member  
8 selected by the chief or the highest ranking officer of the law enforcement agency, one member  
9 selected by the ~~aggrieved accused~~ law enforcement officer ~~and the third member shall be selected~~  
10 ~~by the other two (2) members. In the event that the other two (2) members are unable to agree~~  
11 ~~within five (5) days, then either member will make application to the presiding justice of the~~  
12 ~~superior court and the presiding justice shall appoint the third member who shall be an active law~~  
13 ~~enforcement officer.,~~ one member selected by the executive director of the Rhode Island League of  
14 Cities and Towns, one member selected by the executive director of the Rhode Island commission  
15 for human rights, and one member selected by the presiding justice of the superior court, the last  
16 mentioned whom shall serve as chairperson of the hearing committee and be responsible to convene  
17 the hearing committee, coordinate the hearing dates and locale, and preside as chairperson at the  
18 hearing; provided however, that none of the last mentioned three (3) member selectees shall be  
19 active or retired law enforcement officers, or active or former members of any labor organization  
20 ("civilian selectees"). Any of the civilian selectees to the hearing committee member shall  
21 immediately disclose to the presiding justice of the superior court any circumstance likely to give  
22 rise to justifiable doubt as to said selectee's impartiality or independence, including any bias,  
23 prejudice, financial or personal interest in the result or outcome of the hearing. Such obligation  
24 shall remain in effect throughout the hearing. Upon written application by a majority of the hearing  
25 committee, the presiding justice, in his or her discretion, may also appoint legal counsel to assist  
26 the hearing committee. Any written application made under this subsection may take the form of a  
27 letter to the presiding justice. When acting in response to any written application made under this  
28 subsection, the presiding justice shall be acting in an administrative role and not exercising  
29 traditional judicial authority of the superior court.

30 (ii) The law enforcement agency and the law enforcement officer under investigation, or  
31 his or her labor organization, shall each be responsible to pay fifty percent (50%) of the legal fee  
32 of the appointed legal counsel for the hearing committee; provided, however, that on ~~motion~~ written  
33 application made by either party, the presiding justice shall have the authority to make a different  
34 disposition as to what each party is required to pay toward the appointed legal counsel's legal fee.

1 Any written application made under this subsection may take the form of a letter to the presiding  
2 justice. When acting in response to any written application made under this subsection, the  
3 presiding justice shall be acting in an administrative role and not exercising traditional judicial  
4 authority of the superior court.

5 (3) "Hearing" means any meeting ~~in the course of an investigatory proceeding, other than~~  
6 ~~an interrogation at which no testimony is taken under oath,~~ conducted by a hearing committee for  
7 the purpose of taking or adducing testimony or receiving evidence material to and probative of  
8 whether a law enforcement officer deserves discipline and, if so, what the appropriate discipline is.

9 **42-28.6-2. Conduct of investigation.**

10 Whenever a law enforcement officer is under investigation or subjected to interrogation by  
11 a law enforcement agency, for a non-criminal matter which could lead to disciplinary action,  
12 demotion, or dismissal, the investigation or interrogation shall be conducted under the following  
13 conditions:

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

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

18 (3) The law enforcement officer under interrogation shall be informed of the name, rank,  
19 and command of the officer in charge of the investigation, the interrogating officer, and all persons  
20 present during the interrogation. All questions directed to the officer under interrogation shall be  
21 asked by and through one interrogator.

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

24 (5) The law enforcement officer under investigation shall, prior to any interrogating, be  
25 informed in writing of the nature of the complaint and of the names of all complainants.

26 (6) Interrogating sessions shall be for reasonable periods and shall be timed to allow for  
27 such personal necessities and rest periods as are reasonably necessary.

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

30 (8) If any law enforcement officer under interrogation is under arrest, or is likely to be  
31 placed under arrest as a result of the interrogation, he or she shall be completely informed of all his  
32 or her rights prior to the commencement of the interrogation.

33 (9) At the request of any law enforcement officer under interrogation, he or she shall have  
34 the right to be represented by counsel of his or her choice who shall be present at all times during

1 the interrogation. The interrogation shall be suspended for a reasonable time until representation  
2 can be obtained.

3 (10) No statute shall abridge nor shall any law enforcement agency adopt any regulation  
4 which prohibits the right of a law enforcement officer to bring suit arising out of his or her duties  
5 as a law enforcement officer.

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

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

16 (i) If a law enforcement agency's imposed discipline is less than termination, then the law  
17 enforcement agency shall make no public statement about any charges against a law enforcement  
18 officer until after a decision is rendered by the hearing committee, and even then, only if that  
19 decision found that the law enforcement officer deserved some form of discipline. The prohibitions  
20 contained herein do not apply to the law enforcement agency's defending or filing of any civil  
21 action necessary to invoke the superior court's jurisdiction.

22 (ii) If a law enforcement agency's imposed discipline is termination, then the law  
23 enforcement agency may make a limited public statement indicating that the law enforcement  
24 officer's termination is sought, that a hearing committee will decide whether such is deserved after  
25 conducting a quasi-judicial hearing, whether and what (if any) criminal charges have been brought  
26 against the law enforcement officer, and that the law enforcement officer has (or has not) been  
27 suspended during the pendency of the hearing. After the hearing committee has decided the charges  
28 against the law enforcement officer, the law enforcement agency may make additional public  
29 statements disclosing the charges, and the hearing committee's decision, and it may also release  
30 the hearing committee's decision. The prohibitions contained herein do not apply to the law  
31 enforcement agency's defending or filing of any civil action necessary to invoke the superior  
32 court's jurisdiction.

33 (iii) In either subsection 12(i) or 12(ii) of this section, if a law enforcement officer makes  
34 a public statement about the charges against him or her, then the law enforcement agency may

1 respond with public statements of its own.

2 (iv) In a criminal matter, a law enforcement agency may make a public statement indicating  
3 whether and what, if any, criminal charges have been filed against a law enforcement officer, the  
4 officer's employment status and the identity of any administrative charges brought against the  
5 officer as a result of or related to the criminal charges.

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

8 ~~42-28.6-4. Right to hearing --- Notice request for hearing --- Selection of hearing~~  
9 ~~committee Imposition of discipline -- Right to hearing -- Notice request for hearing --~~  
10 ~~Selection of hearing committee.~~

11 (a) If the investigation or interrogation of a law enforcement officer results in the  
12 ~~recommendation~~ imposition of some employment disciplinary action, such as demotion, transfer,  
13 ~~dismissal~~, loss of pay, reassignment, suspension, termination, or similar action which would be  
14 considered a punitive measure, then, ~~before~~ after having provided the officer with a pre-deprivation,  
15 Loudermill hearing and taking such action, the law enforcement agency shall give notice to the law  
16 enforcement officer that he or she is entitled to a hearing ~~on the issues by,~~ appealing such action  
17 before a hearing committee. The law enforcement officer may be relieved of duty subject to § 42-  
18 28.6-13 of this chapter, ~~and shall receive all ordinary pay and benefits as he or she would have if~~  
19 ~~he or she were not charged.~~ Nothing herein shall be construed or implied to limit, impede or deter  
20 a law enforcement agency from reassigning or transferring a law enforcement officer for  
21 operational, performance deficiency or remedial training purposes.

22 Disciplinary action for violation(s) of departmental rules and/or regulations shall not be  
23 instituted against a law enforcement officer under this chapter more than three (3) years after ~~such~~  
24 ~~incident~~ incident(s), event(s) or circumstance(s) warranting such action, except where ~~such~~ the  
25 ~~incident~~ incident(s), event(s) or circumstance(s) involve ~~involves~~ a potential criminal offense,  
26 whether or not charged or prosecuted, in which case disciplinary action under this chapter may be  
27 instituted at any time within the statutory period of limitations for such ~~offense~~ offense(s).

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

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

32 (ii) The ~~recommended penalty~~ discipline imposed;

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

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

3 (c) The law enforcement officer shall, within five (5) days of his or her receipt of notice  
4 given pursuant to subsection (b) herein, file a written request for a hearing [appealing the imposition](#)  
5 [of discipline](#) with the officer designated in accordance with subdivision (b)(iv). Failure to file a  
6 written request for a hearing shall constitute a waiver of his or her right to a hearing under this  
7 chapter; provided, however, that the presiding justice of the superior court, upon petition and for  
8 good cause shown, may permit the filing of an untimely request for hearing.

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

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

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

29 ~~(i) Jointly select a third hearing committee member, who shall serve as chairperson of~~  
30 Jointly make written applications to the executive director of the Rhode Island League of Cities  
31 and Towns, the executive director of the Rhode Island commission of human rights, and the  
32 presiding justice of the superior court, advising them to make their respective selections to the  
33 hearing committee with fifteen (15) calendar days of their respective receipts of said applications;

34 ~~(ii) Petition the presiding justice of the superior court to select a third hearing committee~~

1 ~~member, who shall be an active law enforcement officer, and who shall serve as chairperson of the~~  
2 ~~hearing committee; or~~

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

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

9 ~~(h) Two (2) lists of active police officers available to serve as chairpersons of hearing~~  
10 ~~committees under this chapter shall be provided annually to the presiding justice of the superior~~  
11 ~~court. One list shall be provided by the Rhode Island Police Chiefs' Association; the other shall be~~  
12 ~~appointed, jointly, by the Fraternal Order of Police and the International Brotherhood of Police~~  
13 ~~Officers. In selecting officers to serve as chairpersons of hearing committees under this chapter,~~  
14 ~~the presiding justice shall alternate between the two (2) lists so provided. No collective bargaining~~  
15 ~~agreement (CBA) or contract entered into or made effective on or after July 1, 2021 shall contain~~  
16 ~~any provision modifying changing or contravening the provisions of this chapter. Any provision in~~  
17 ~~a CBA or contract modifying, changing or contravening the provisions of this chapter contained~~  
18 ~~within a CBA or contract entered into or made effective on or after July 1, 2021 shall be void as a~~  
19 ~~violation of public policy.~~

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

23 **42-28.6-5. Conduct of hearing.**

24 (a) The hearing shall be conducted by the hearing committee selected in accordance with  
25 § 42-28.6-4 of this chapter. Both the law enforcement agency and the law enforcement officer shall  
26 be given ample opportunity to present evidence and argument with respect to the issues involved.  
27 Both may be represented by counsel. Upon petition and for good cause shown, the presiding justice  
28 of the superior court may order a hearing under this chapter to be held in abeyance pending the  
29 outcome of any criminal investigation and/or criminal charges against a law enforcement officer.

30 (b) The hearing shall be convened at the call of the chair; shall commence within thirty  
31 (30) days after the selection of a chairperson of the hearing committee; and shall be completed  
32 within sixty (60) days of the commencement of the hearing. The hearing committee shall render a  
33 written decision within thirty (30) days after the conclusion of the hearing. The time limits  
34 established in this subsection may, upon written application, be extended by the presiding justice

1 of the superior court for good cause shown. Any written application made under this subsection  
2 may take the form of a letter to the presiding justice. When acting in response to any written  
3 application made under this subsection, the presiding justice shall be acting in an administrative  
4 role and not exercising traditional judicial authority of the superior court.

5 (c) Not less than ten (10) days prior to the first hearing date, the charging law enforcement  
6 agency shall provide to the law enforcement officer:

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

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

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

12 (d) Not less than five (5) days prior to the first hearing date, the law enforcement officer  
13 shall provide to the charging law enforcement agency: ~~a list of all witnesses, known to the officer~~  
14 ~~at that time, to be called by the officer to testify at the hearing.~~

15 (1) A list of all witnesses, known to the officer at that time, to be called by the officer to  
16 testify at the hearing;

17 (2) Copies of all written and/or recorded statements by such witnesses in the possession of  
18 the officer; and

19 (3) A list of all documents and other items to be offered as evidence by the officer at the  
20 hearing.

21 ~~(e) Failure by either party to comply with the provisions of subsections (c) and (d) of this~~  
22 ~~section shall result in the exclusion from the record of the hearing of testimony and/or evidence not~~  
23 ~~timely disclosed in accordance with those subsections. If the agency or the officer fails to comply~~  
24 ~~with the provisions of subsections (c) and (d) of this section, then, upon the request of the other~~  
25 ~~party, the hearing committee shall examine and balance four (4) factors in assessing a discretionary~~  
26 ~~sanction, if any:~~

27 (1) The reason for the non-disclosure;

28 (2) The extent of prejudice to the opposing party;

29 (3) The feasibility of rectifying that prejudice by a continuance; and

30 (4) Any other relevant factors.

31 The permissible sanctions the hearing committee may impose are: exclusion of a witness  
32 from testifying; exclusion of a witness from testifying about certain matters; and exclusion of  
33 written and/or recorded statements, documents, or other items from evidence; provided however,  
34 the hearing committee shall give due deference to serving the interests of justice by imposing such



1 [sanctions rarely and sparingly, permitting evidence to be adduced liberally, absent a compelling](#)  
2 [public interest to the contrary.](#)

3 **42-28.6-6. Evidence at hearing -- Hearing record.**

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

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

12 (c) All proceedings before the hearing committee shall be recorded by stenographic record,  
13 the expense of which shall be borne [equally](#) by the charging law enforcement agency [and the](#)  
14 [accused officer or his or her labor organization](#). A copy of the record shall be provided to the law  
15 enforcement officer or his or her attorney or representative of record upon request.

16 **42-28.6-8. Witness fees.**

17 Witness fees and mileage, if claimed, shall be allowed the same as for testimony in the  
18 superior court. Witness fees, mileage, and the actual expenses necessarily incurred in securing  
19 attendance of witnesses and their testimony shall be itemized, and shall be paid by the law  
20 enforcement agency if the officer is ultimately found innocent [of all charges](#).

21 **42-28.6-11. Decisions of hearing committee.**

22 (a) The hearing committee shall be empowered to sustain, modify in whole or in part, or  
23 reverse the complaint or charges of the ~~investigating authority~~ [law enforcement agency](#), as provided  
24 in § 42-28.6-4; [provided however, the hearing committee shall give complete deference to the](#)  
25 [discipline imposed by the chief of police, and is not empowered to modify it to any degree or extent,](#)  
26 [unless it finds, by clear and convincing evidence, that the imposition of employment disciplinary](#)  
27 [action, such as demotion, transfer, loss of pay, reassignment, suspension or termination was](#)  
28 [arbitrary and capricious. If the investigation determines that a law enforcement officer willfully](#)  
29 [committed or engaged in any behavior involving or constituting excessive force, violence,](#)  
30 [falsification or untruthfulness in making or submitting any report, witness statement, narrative or](#)  
31 [other document, theft of any kind, misuse of department equipment, including deliberate failure to](#)  
32 [activate body worn cameras, or engaged in a hate crime, or racist or biased behavior, the chief of](#)  
33 [police shall terminate said law enforcement officer's employment; and if a hearing committee](#)  
34 [sustains any charges of committing or engaging in such behavior, in addition to termination of](#)

1 employment, the law enforcement officer's pension, retirement and all other post-employment  
2 benefits shall be revoked and divested, ~~in toto,~~ by the appropriate pension plan administrator,  
3 retirement board or such other authority having jurisdiction over said pension, retirement and all  
4 other post-employment benefits.

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

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

14 **42-28.6-13. Suspensions.**

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

17 (b) ~~Summary punishment of two (2) days' suspension without pay may be imposed for~~  
18 ~~minor violations of departmental rules and regulations. Appeals of suspension under this subsection~~  
19 ~~shall be subject to the grievance provisions of any applicable collective bargaining agreement.~~  
20 Discipline of one to up to thirty (30) days' suspension without pay may be imposed upon a law  
21 enforcement officer for any violation(s) of departmental rules and regulations, and is not subject to  
22 this chapter's provisions pertaining to the filing of a civil action, notice, and hearings before a  
23 hearing committee. However, suspensions under this subsection may be subject to the grievance  
24 and arbitration provisions of any applicable collective bargaining agreement if it expressly allows  
25 for such; provided however, that an arbitrator shall give complete deference to the suspension  
26 imposed by the chief of police, and is not empowered to modify it to any degree or extent, unless  
27 he or she finds, by clear and convincing evidence, that the imposition of said suspension was  
28 arbitrary and capricious.

29 (c) Suspension may be imposed by the chief or the highest ranking sworn officer of the law  
30 enforcement agency when the law enforcement officer is under investigation for a criminal felony  
31 matter. Any suspension shall consist of the law enforcement officer being relieved of duty, and he  
32 or she shall receive all ordinary pay and benefits as he or she would receive if he or she were not  
33 suspended. Suspension under this subsection shall not exceed one hundred eighty (180) days.

34 (d) Suspension may be imposed by the chief or highest ranking sworn officer of the law

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

18 (e) Suspension may be imposed by the chief or highest ranking sworn officer of the law  
19 enforcement agency when the law enforcement officer is under investigation for a noncriminal  
20 matter. Any such suspension shall consist of the law enforcement officer being relieved of duty,  
21 and he or she shall receive all ordinary pay and benefits as he or she would receive if he or she were  
22 not suspended. Suspension under this subsection shall not exceed ~~fifteen (15)~~ thirty (30) calendar  
23 days; provided however, that such a suspension may be extended for ten (10) calendar days should  
24 additional time be reasonably necessary to complete such an investigation ~~or any other time frame~~  
25 ~~established under the provisions of any applicable collective bargaining agreement.~~

26 (f) ~~Suspension may be imposed by the chief or highest ranking sworn officer of the law~~  
27 ~~enforcement agency upon receipt of notice or disciplinary action in accordance with § 42-28.6 4(b)~~  
28 ~~of this chapter in which termination or demotion is the recommended punishment. Any such~~  
29 ~~suspension shall consist of the law enforcement officer being relieved of duty, and he or she shall~~  
30 ~~receive all ordinary pay and benefits as he or she would receive if he or she were not so suspended.~~

31 (g) Any law enforcement officer who is charged, indicted or informed against for a felony  
32 or ~~who is convicted of and incarcerated for~~ a misdemeanor may be suspended without pay and  
33 benefits at the discretion of the agency or chief or highest ranking sworn officers; ~~provided,~~  
34 ~~however, that the officer's entitlement to medical insurance, dental insurance, disability insurance~~

1 ~~and life insurance as is available to all other officers within the agency shall not be suspended.~~ In  
2 the event that the law enforcement officer is acquitted of any felony related thereto, the officer shall  
3 be reinstated and reimbursed forthwith for all salary and benefits that have not been paid during the  
4 suspension period; provided however, that reinstatement and reimbursement shall not be required  
5 if the agency proceeds with employment disciplinary action with charges, notice and hearing under  
6 the provisions of this chapter.

7 (h) Any law enforcement officer who is convicted of a felony or misdemeanor shall,  
8 pending the prosecution of an appeal, be suspended without pay and benefits; ~~provided, however,~~  
9 ~~that the officer's entitlement to such medical insurance, dental insurance, disability insurance and~~  
10 ~~life insurance as is available to all other officers within the agency shall not be suspended.~~  
11 Whenever, upon appeal, such conviction is reversed, the suspension under this subsection shall  
12 terminate and the law enforcement officer shall forthwith be paid the salary and benefits that would  
13 have been paid to him or her during that period of suspension; provided however, that reinstatement  
14 and reimbursement shall not be required if the agency proceeds with employment disciplinary  
15 action with charges, notice and hearing under the provisions of this chapter.

16 (i) Any law enforcement officer who pleads guilty or no contest to a felony charge or whose  
17 conviction of a felony has, after or in the absence of a timely appeal, become final may be dismissed  
18 by the law enforcement agency and, in the event of such dismissal, other provisions of this chapter  
19 shall not apply.

20 ~~42-28.6-14. Retaliation for exercising rights~~ **Retaliation for exercising rights or denial**  
21 **of rights.**

22 (a) No law enforcement officer shall be discharged, demoted, disciplined, or denied  
23 promotion, transfer or reassignment, or otherwise discriminated against in regard to his or her  
24 employment or be threatened with any such treatment, by reason of his or her exercise of or demand  
25 for rights granted in this subtitle, or by reason of the lawful exercise of his or her constitutional  
26 rights.

27 (b) Any law enforcement officer who is denied any right afforded by this subtitle may  
28 apply, either individually or through his or her certified or recognized employee organization, to  
29 the superior court where he or she resides or is regularly employed for any order directing the law  
30 enforcement agency to show cause why the right should not be afforded.

31 ~~42-28.6-15. Exclusivity of remedy~~ **Exclusivity of remedy -- Retention of discipline**  
32 **records and reporting of same.**

33 The remedies contained herein shall be the sole and exclusive remedies for all law  
34 enforcement officers subject to the provisions of this chapter. A law enforcement agency shall

1 [retain all records of an officer's disciplinary history, including, but not limited to, oral and written](#)  
2 [reprimands, up to and including all records of suspension\(s\) and termination. A law enforcement](#)  
3 [agency shall fully comply with any reporting obligations imposed by federal law to report and](#)  
4 [document a law enforcement officer's misconduct. No provision or section in this chapter shall be](#)  
5 [construed or applied to conflict with or impede any such reporting obligations.](#)

6 SECTION 3. Chapter 42-28.6 of the General Laws entitled "Law Enforcement Officers'  
7 Bill of Rights" is hereby amended by adding thereto the following section:

8 **42-28.6-18. Title.**

9 [This chapter shall be known as the "Law Enforcement Officers' Accountability Act."](#)

10 SECTION 4. This act shall take effect upon passage.

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LC000039  
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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

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- 1           This act would amend the law enforcement officers' bill of rights to provide greater
- 2   accountability in the disciplinary process over law enforcement.
- 3           This act would take effect upon passage.

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