

2024 -- S 2096 SUBSTITUTE A

LC003848/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

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

Introduced By: Senators Ruggerio, Pearson, Gallo, Tikoian, LaMountain, Kallman, Cano, Britto, Bissaillon, and Euer

Date Introduced: January 12, 2024

Referred To: Senate 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:

~~CHAPTER 42-28.6~~

~~Law Enforcement Officers' Bill of Rights~~

CHAPTER 42-28.6

LAW ENFORCEMENT OFFICERS' DUE PROCESS, ACCOUNTABILITY, AND

TRANSPARENCY ACT

3
4
5
6
7
8 SECTION 2. Sections 42-28.6-1, 42-28.6-2, 42-28.6-4, 42-28.6-5, 42-28.6-6, 42-28.6-11,
9 42-28.6-13 and 42-28.6-15 of the General Laws in Chapter 42-28.6 entitled "Law Enforcement
10 Officers' Bill of Rights" are hereby amended to read as follows:

11 **42-28.6-1. Definitions — Payment of legal fees.**

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

13 (1) "Course of training in police discipline" means a course or courses of instruction
14 approved by the Rhode Island police officers commission on standards and training ("commission")
15 which shall be taught by instructors approved by the commission regarding the provisions of
16 chapter 28.6 of this title and the applicable procedure, evidence and rules that apply to police
17 discipline as provided pursuant to § 42-28.6-1.2.

18 ~~(+)~~(2) "Law enforcement officer" means any permanently employed city or town police

1 officer, state police officer, permanent law enforcement officer of the department of environmental
2 management, or those employees of the airport corporation of Rhode Island who have been granted
3 the authority to arrest by the director of said corporation. However this shall not include the chief
4 of police and/or the highest ranking sworn officer of any of the departments including the director
5 and deputy director of the airport corporation of Rhode Island.

6 ~~(2)~~(3)(i) “*Hearing committee*” means a committee acting as a deliberative body which is
7 authorized to hold a hearing on a complaint against a law enforcement officer and which consists
8 of ~~three (3)~~ five (5) members: one member appointed by the chief justice of the supreme court who
9 shall be a retired justice or judge of the supreme, superior or district court; one member appointed
10 by the chief justice of the supreme court, who is a practicing attorney in good standing with the
11 Rhode Island Bar Association, in consultation with the court's committee on racial and ethnic
12 fairness and the Rhode Island Bar Association's task force on diversity and inclusion; and three (3)
13 active or retired qualified law enforcement officers employed by or retired from the state police or
14 a municipal law enforcement agency from within the state of Rhode Island, ~~other than chiefs of~~
15 ~~police, who have had no part in the investigation or interrogation of the law enforcement officer.~~
16 ~~The committee shall be composed of three (3) members; one member selected by the chief or the~~
17 ~~highest ranking officer of the law enforcement agency, one member selected by the aggrieved law~~
18 ~~enforcement officer and the third member shall be selected by the other two (2) members. In the~~
19 ~~event that the other two (2) members are unable to agree within five (5) days, then either member~~
20 ~~will make application to the presiding justice of the superior court and the presiding justice shall~~
21 ~~appoint the third member who shall be an active law enforcement officer~~ who shall be selected at
22 random by the Rhode Island police officers commission on standards and training from the certified
23 officer pool established pursuant to § 42-28.6-1.1 at an open meeting pursuant to chapter 42 of title
24 46. No law enforcement officer shall be selected that is employed by or retired from the same law
25 enforcement agency that employs the accused law enforcement officer or who is employed by or
26 retired from the charging law enforcement agency. The retired justice or judge appointed by the
27 chief justice of the supreme court shall serve as chairperson of the hearing committee. Upon written
28 application by a majority of the hearing committee, the ~~presiding justice~~ chairperson, in ~~his or her~~
29 their discretion, may also appoint legal counsel to assist the hearing committee.

30 (ii) The law enforcement agency and the accused law enforcement officer under
31 investigation shall each be responsible to pay fifty percent (50%) of the legal fee of the appointed
32 legal counsel for the hearing committee; provided, however, that on motion made by either party,
33 the ~~presiding justice~~ chair of the hearing committee 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 ~~(3)~~(4) “Hearing” means any meeting in the course of an investigatory proceeding, other
2 than an interrogation at which no testimony is taken under oath, conducted by a hearing committee
3 for the purpose of taking or adducing testimony or receiving evidence.

4 (5) "Qualified law enforcement officer" means:

5 (i) A sworn law enforcement officer who:

6 (A) Has a minimum of five (5) years active service as a law enforcement officer with a law
7 enforcement agency within the state;

8 (B) Has successfully completed a course(s) of training in police discipline pursuant to this
9 chapter and has maintained a current certification of completed training; and

10 (C) Has not achieved the rank of chief, colonel, deputy chief, or lieutenant colonel;

11 (ii) A retired law enforcement officer who has qualified prior to retirement or during
12 retirement and has met the criteria set out herein.

13 **42-28.6-2. Conduct of investigation.**

14 (a) Whenever a law enforcement officer is under investigation or subjected to interrogation
15 by a law enforcement agency, for a non-criminal matter which could lead to disciplinary action,
16 demotion, or dismissal, the investigation or interrogation shall be conducted under the following
17 conditions:

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

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

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

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

28 (5) The accused law enforcement officer under investigation shall, prior to any
29 ~~interrogating~~ interrogation, be informed in writing of the nature of the complaint and of the names
30 of all complainants.

31 (6) ~~Interrogating~~ Interrogation sessions shall be for reasonable periods and shall be timed
32 to allow for such personal necessities and rest periods as are reasonably necessary.

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

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

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

8 (10) No statute shall abridge nor shall any law enforcement agency adopt any regulation
9 which prohibits the right of ~~a~~ an accused law enforcement officer to bring suit arising out of ~~his or~~
10 ~~her~~ their duties as a law enforcement officer.

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

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

21 ~~(13)~~(12) No law enforcement officer shall be compelled to speak or testify before, or be
22 questioned by, any non-governmental agency.

23 (b) A chief, or designee shall not be prohibited from releasing any video evidence, or from
24 making a public statement about or concerning an incident or matter of public interest involving
25 any law enforcement officer employed by the chief's law enforcement agency. Provided, however,
26 a chief, or designee shall be prohibited from releasing any video evidence, or from making a public
27 statement about or concerning an incident or matter of public interest involving any law
28 enforcement officer employed by the chief's law enforcement agency as it relates to summary
29 suspensions imposed pursuant to § 42-28.6-13(I)(b).

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

32 **42-28.6-4. Right to hearing — Notice request for hearing — Selection of hearing**
33 **committee.**

34 (a) If the investigation or interrogation of a law enforcement officer results in the

1 recommendation of some action, such as demotion, transfer, dismissal, loss of pay, reassignment,
2 or similar action which would be considered a punitive measure, then, before taking such action,
3 the law enforcement agency shall give notice to the law enforcement officer that he or she is entitled
4 to a hearing on the issues by a hearing committee. The law enforcement officer may be relieved of
5 duty subject to § 42-28.6-13 of this chapter, and shall receive all ordinary pay and benefits as he
6 or she would have if he or she were not charged.

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

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

14 (i) The nature of the charge(s) against ~~him or her~~ them and, if known, the date(s) of the
15 alleged offense(s);

16 (ii) The recommended penalty;

17 (iii) The fact that ~~he or she~~ the accused law enforcement officer has five (5) days from
18 receipt of the notice within which to submit a written request for a hearing; and

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

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

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

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

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

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

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

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

20 (d) Upon receipt of the notice requesting a hearing pursuant to the provisions of subsection
21 (c) of this section, the police chief or highest ranking officer in the law enforcement agency shall,
22 within five (5) days, notify the chief justice of the Rhode Island supreme court requesting that a
23 retired justice or judge be assigned to serve as chairperson of the hearing committee defined in §
24 42-28.6-1. Within five (5) days of receipt of the request, the chief justice shall assign a retired
25 justice or judge to serve as chairperson of the committee and an attorney to serve on the hearing
26 committee consistent with the requirements set out in § 42-28.6-1.3.

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

28 (1) Request the Rhode Island police officers commission on standards and training to
29 randomly select three (3) officers from the certified officer pool.

30 (f) The chairperson of the hearing committee shall convene an initial meeting or hearing of
31 the committee within thirty (30) days of chair's appointment pursuant to the provisions of this
32 chapter.

33 (g) Law enforcement officers selected to serve on a hearing committee under this chapter
34 shall be relieved of duty for each day of actual hearing and shall be compensated by their respective

1 agencies at their ordinary daily rate of pay for each day actually spent in the conduct of the hearing
2 hereunder.

3 ~~(h) Two (2) lists of active police officers available to serve as chairpersons of hearing~~
4 ~~committees under this chapter shall be provided annually to the presiding justice of the superior~~
5 ~~court. One list shall be provided by the Rhode Island Police Chiefs' Association; the other shall be~~
6 ~~appointed, jointly, by the Fraternal Order of Police and the International Brotherhood of Police~~
7 ~~Officers. In selecting officers to serve as chairpersons of hearing committees under this chapter,~~
8 ~~the presiding justice shall alternate between the two (2) lists so provided.~~

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

12 **42-28.6-5. Conduct of hearing.**

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

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

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

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

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

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

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

33 (e) ~~Failure by either party to comply with the provisions of subsections (c) and (d) of this~~
34 ~~section shall result in the exclusion from the record of the hearing of testimony and/or evidence not~~

1 ~~timely disclosed in accordance with those subsections.~~ If the charging agency or the accused law
2 enforcement officer fails to comply with the provisions of subsections (c) or (d) of this section,
3 then, upon the request of the other party, the chairperson shall consider the following factors in
4 assessing a discretionary sanction, if any:

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

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

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

8 (4) Any other relevant factors.

9 (f) The permissible sanctions the chairperson may impose pursuant to subsection (e) of this
10 section are: exclusion of a witness from testifying; exclusion of a witness from testifying about
11 certain matters; and/or the exclusion of written or recorded statements, documents, or other items
12 from evidence. The chairperson shall give due deference to serving the public interest and the
13 interest of justice when imposing any such sanctions and shall make findings on the record
14 consistent with the factors enumerated herein.

15 **42-28.6-6. Evidence at hearing — Hearing record.**

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

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

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

28 **42-28.6-11. Decisions of hearing committee.**

29 (a) The hearing committee shall be empowered by majority vote to sustain, modify in
30 whole or in part, or reverse the complaint or charges of the investigating authority, as provided in
31 § 42-28.6-4.

32 (b) Any decision, order, or action taken as a result of the hearing shall be in writing and
33 shall be accompanied by findings of fact. The findings shall consist of a concise statement upon
34 each issue in the case. Copies of the decision or order and accompanying findings and conclusions

1 shall be delivered or mailed promptly to the accused law enforcement officer or to ~~his or her~~ their
2 attorney or representative of record and to the law enforcement agency or to its attorney or
3 representative of record.

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

7 (d) Copies of any decision, order or action taken indicating guilt of the accused officer of
8 any offense or violation shall be transmitted promptly to the Rhode Island police officers
9 commission on standards and training established pursuant to chapter 28.2 of this title, and shall be
10 reviewed and considered with respect to any subsequent request to the commission to approve a
11 reinstatement, assignment, transfer or employment of the accused law enforcement officer.

12 (e) The chairperson shall create an administrative record of each hearing, which shall
13 include the notice provided pursuant to § 42-28.6-4(b), the request for a hearing provided pursuant
14 to § 42-28.6-4(c), any assignments and notices to members of the committee, the record of the
15 hearing, the decision of the committee and any notice of appeal. Upon completion of the hearing
16 and notification of the decision to the accused law enforcement officer and to the charging law
17 enforcement agency, the chairperson shall transmit a complete and accurate copy of the
18 administrative record to the chief justice of the Rhode Island supreme court and to the Rhode Island
19 police officers commission on standards and training.

20 (f) The Rhode Island police officers commission on standards and training shall
21 permanently maintain the administrative record of all hearings conducted pursuant to this chapter.

22 (g) The Rhode Island police officers commission on standards and training shall publish
23 on its website in analyzable machine-readable format a report reflecting the status of all pending
24 hearings in addition to any decision, order or action taken indicating guilt of the accused officer of
25 any offense or violation, including the name of the officer, the officer's employing agency, and the
26 misconduct the officer committed or is alleged to have committed. However, disciplinary actions
27 subject to § 42-28.6-13(I)(b) shall not be subject to these provisions.

28 (h) The Rhode Island police officers commission on standards and training shall report any
29 suspension, decision, order or action taken indicating guilt of the accused officer of any offense or
30 violation except those summary suspensions pursuant to § 42-28.6-13(I)(b) to the national
31 decertification index maintained by the International Association of Directors of Law Enforcement
32 Standards and Training. The commission may issue regulations identifying other similar national
33 or regional indices to which it wishes to contribute discipline information. In the event that the
34 federal government establishes a nationwide decertification index, the commission shall submit

1 [information to that index.](#)

2 **42-28.6-13. Suspensions.**

3 **I. Suspensions -- Summary punishment.**

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

6 (b) Summary punishment of ~~two (2)~~ [up to five \(5\) working](#) days' suspension without pay
7 may be imposed for minor violations of departmental rules and regulations.

8 [\(c\) Summary punishment of up to fourteen \(14\) working days without pay may be imposed](#)
9 [subsequent to a formal complaint filed with the department for the following violations of](#)
10 [departmental rules and regulations that do not result in pending criminal charges requiring](#)
11 [discipline pursuant to the remaining provisions of this section:](#)

12 [\(1\) The use of deadly force in violation of departmental rules and regulations;](#)

13 [\(2\) Excessive force or use of force that leads to serious physical injury or death in violation](#)
14 [of departmental rules and regulations;](#)

15 [\(3\) Felonious conduct, including conduct that rises to a felony domestic violence as defined](#)
16 [in § 12-29-2\(a\), in violation of departmental rules and regulations; and/or](#)

17 [\(4\) Professional dishonesty relating to the reporting, investigation, or prosecution of a](#)
18 [crime or to the reporting or investigation of misconduct by another law enforcement officer in](#)
19 [violation of departmental rules and regulations.](#)

20 [\(d\) The sole and exclusive remedy for appeals of summary punishments under subsections](#)
21 [\(b\) and \(c\) of this section shall be subject to the grievance and arbitration provisions of the accused](#)
22 [law enforcement officer's collective bargaining agreement.](#)

23 **II. Suspensions -- Disciplinary action.**

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

30 [\(b\) In cases where felonious conduct by a law enforcement officer results in a felony arrest,](#)
31 [in which the law enforcement officer is charged, indicted, or informed against, including an arrest](#)
32 [for a felony domestic violence offense, nothing shall prohibit the imposition of a suspension](#)
33 [without pay. Where the law enforcement officer is acquitted of the felony charge or where the](#)
34 [felony charge has been dismissed in its entirety, the law enforcement officer shall be entitled to be](#)

1 made whole.

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

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

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

33 ~~(f)~~(f) Any law enforcement officer who is charged, indicted or informed against for a
34 felony or who is convicted of and incarcerated for a misdemeanor may be suspended without pay

1 and benefits at the discretion of the agency or chief or highest ranking sworn officers; provided,
2 however, that the accused officer's entitlement to medical insurance, dental insurance, disability
3 insurance and life insurance as is available to all other officers within the agency shall not be
4 suspended. In the event that the law enforcement officer is acquitted of any felony related thereto,
5 the officer shall be reinstated and reimbursed forthwith for all salary and benefits that have not been
6 paid during the suspension period.

7 ~~(g)~~(g) Any law enforcement officer who is convicted of a felony shall, pending the
8 prosecution of an appeal, be suspended without pay and benefits; provided, however, that the
9 accused 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~~ them during that period of suspension.

14 ~~(h)~~(h) In the disposition of a criminal case, no matter the jurisdiction, any ~~Any~~ law
15 enforcement officer who pleads guilty, enters an Alford plea or ~~no contest~~ pleads nolo contendere
16 to a felony charge, even if followed by a sentence of probation, or who makes an admission of
17 sufficient facts to sustain the felony charge or charges, or whose conviction of a felony has, after
18 or in the absence of a timely appeal, become final ~~may~~ shall be dismissed by the law enforcement
19 agency and, in the event of such dismissal, other provisions of this chapter shall not apply. A
20 dismissal of a law enforcement officer pursuant to the provisions of this subsection shall be
21 immediately reported to the Rhode Island police officers commission on standards and training,
22 established pursuant to chapter 28.2 of this title.

23 **42-28.6-15. Exclusivity of remedy.**

24 The remedies contained herein shall be the sole and exclusive remedies for all law
25 enforcement officers subject to the provisions of this chapter. Provided that no collective bargaining
26 agreement (CBA) or contract entered into or made effective thirty (30) days after passage shall
27 contain any provision modifying, changing or contravening the provisions of this section. Any
28 provision in a CBA or contract modifying, changing or contravening the provisions of this section
29 contained within a CBA or contract entered into or made effective thirty (30) days after passage
30 shall be void as a violation of public policy.

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

33 **42-28.6-1.1. Certified officers pool and appointment to hearing panel.**

34 (a) There is hereby established a certified officers pool to be maintained by the Rhode

1 Island police officers commission on standards and training which shall consist of the names of
2 qualified law enforcement officers submitted to the Rhode Island police officers commission on
3 standards and training selected pursuant to the provisions of subsection (c) of this section.

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

6 (c) Each law enforcement agency in the state shall submit at least one but not more than
7 three (3) names of qualified law enforcement officers to the Rhode Island police officers
8 commission on standards and training. Each chief or highest ranking officer in each law
9 enforcement agency shall consult with the labor union and/or bargaining agent for the respective
10 agency and mutually agree upon the officers selected for service in the certified officers pool. If
11 the chief or highest ranking officer of a law enforcement agency and the labor union or bargaining
12 agent are unable to reach an agreement on an officer for service within the certified officers pool,
13 then the officer being considered will be disqualified from service.

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

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

22 **42-28.6-1.2. Training in police discipline.**

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

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

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

34 (d) Upon successful completion of training, the Rhode Island police officers commission

1 on standards and training shall provide a certification to the officer, after which the officer shall be
2 eligible to serve on a hearing committee.

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

6 **42-28.6-1.3. Appointment of attorney to hearing panel.**

7 The Rhode Island Bar Association, in consultation with its task force on diversity and
8 inclusion, shall annually submit names of attorneys in good standing who express an interest in
9 serving on the hearing panel to the chief justice of the supreme court. In appointing an attorney to
10 serve on the hearing panel, the chief justice shall consult the list of names submitted annually to
11 the chief justice and shall name an attorney in consultation with the court's committee on racial and
12 ethnic fairness. Compensation shall be made through the court appointed counsel procedure.

13 **42-28.6-1.4. Conflict of interest.**

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

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

27 **42-28.6-18. Reports of hearings.**

28 (a) The Rhode Island police officers commission on standards and training shall, no later
29 than December 31, 2025, and annually thereafter by December 31, submit a comprehensive report
30 to the governor, the speaker of the house and the senate president regarding all hearings conducted
31 pursuant to this chapter since the effective date of this section or the filing of the previous report,
32 whichever is later.

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

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

3 (2) The department or law enforcement agency employing the officer at the time charges
4 were initiated, including any information relative to the officer being on loan to another law
5 enforcement agency at the time of the alleged violation;

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

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

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

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

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

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

16 SECTION 4. This act shall take effect on January 1, 2025.

=====
LC003848/SUB A
=====

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 create the law enforcement officer's due process accountability and
2 transparency act. It would establish a five (5) member hearing committee consisting of three (3)
3 qualified and randomly selected law enforcement officers, a retired judge, and an attorney selected
4 in consultation with the Supreme Court's committee on racial and ethnic fairness and the Rhode
5 Island Bar Association's task force on diversity and inclusion. It would establish a two-tier summary
6 suspension structure ranging from a five (5) to fourteen (14) day summary suspension and allow a
7 police chief to make public statements and release video evidence in any instance other than
8 summary suspensions imposed under tier one. This act would also require the POST to publish on
9 its website the status and other information relating to all pending hearings. The POST would also
10 be required to report certain suspensions and other findings to National Decertification Indices.

11 This act would take effect on January 1, 2025.

=====
LC003848/SUB A
=====