

2024 -- S 2215

LC004132

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

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

Introduced By: Senators Acosta, Mack, Quezada, Kallman, Euer, Britto, Cano, Zurier,
and Bell

Date Introduced: January 24, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-28.2-6 and 42-28.2-8 of the General Laws in Chapter 42-28.2
2 entitled "Police Officers — Commission on Standards and Training" are hereby amended to read
3 as follows:

4 **42-28.2-6. Meetings — Powers of commission.**

5 [\(a\)](#) The commission on standards and training shall meet at least four (4) times in each year
6 and shall hold special meetings when called by the chairperson or, in his or her absence, by the
7 vice-chairperson. The commission shall have the control and supervision of the Rhode Island state
8 police academy in Foster, Rhode Island, to the extent necessary to effectuate the purpose of this
9 chapter; provided that control shall not interfere with the use of the academy to the state police.
10 The commission may certify the training school of any municipality as it determines that the school
11 has facilities and a program of training substantially comparable to those of the municipal police
12 training school established by § 42-28.2-2. The chairperson, with the approval of a majority of the
13 members of the commission, shall appoint such permanent and temporary staff as are necessary to
14 carry out the purpose of this chapter.

15 [\(b\) The commission has the authority and the power to:](#)

16 [\(1\) Certify qualified applicants to serve as law enforcement officers, and conduct](#)
17 [investigations of all applicants for certification;](#)

18 [\(2\) Deny an application or limit, condition, or restrict a certification for reasons the](#)

1 [commission deems reasonable;](#)

2 [\(3\) Decertify a law enforcement officer pursuant to § 42-28.6-13\(j\); and](#)

3 [\(4\) Adopt and promulgate rules and regulations necessary to effectuate the purpose of this](#)
4 [chapter.](#)

5 **42-28.2-8. Establishment of standards.**

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

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

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

17 (3) Minimum course of study, attendance requirements, equipment, and facilities required
18 at the municipal police training school, or other approved training schools certified pursuant to §
19 42-28.2-6.

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

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

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

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

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

34 (b) The commission shall establish a schedule of sessions of the school, of which there

1 shall be a minimum of one session per year.

2 (c) The commission shall authorize the establishment of police training schools by any
3 municipality which demonstrates that it can satisfactorily meet the minimum standards established
4 for police training schools.

5 SECTION 2. Chapter 42-28.2 of the General Laws entitled "Police Officers —
6 Commission on Standards and Training" is hereby amended by adding thereto the following
7 section:

8 **42-28.2-7.1. Database -- Certified and decertified police officers.**

9 The commission on standards and training shall:

10 (1) Create and maintain a database containing records for each certified and decertified law
11 enforcement officer;

12 (2) Publish on the commission website or publish an annual report reflecting the status of
13 all pending and adjudicated commission disciplinary proceedings; and

14 (3) Report all certification, revocations and suspensions to the national decertification
15 index maintained by the International Association of Directors of Law Enforcement Standards and
16 Training and the National Decertification Index (NDI).

17 SECTION 3. Section 42-28.6-13 of the General Laws in Chapter 42-28.6 entitled "Law
18 Enforcement Officers' Bill of Rights" is hereby amended to read as follows:

19 **42-28.6-13. ~~Suspensions~~ Suspensions and decertification.**

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

22 (b) Summary punishment of two (2) days' suspension without pay may be imposed for
23 minor violations of departmental rules and regulations. Appeals of suspension under this subsection
24 shall be subject to the grievance provisions of any applicable collective bargaining agreement.

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

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

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

14 (e) Suspension may be imposed by the chief or highest ranking sworn officer of the law
15 enforcement agency when the law enforcement officer is under investigation for a noncriminal
16 matter. Any such suspension shall consist of the law enforcement officer being relieved of duty,
17 and he or she shall receive all ordinary pay and benefits as he or she would receive if he or she were
18 not suspended. Suspension under this subsection shall not exceed fifteen (15) days or any other
19 time frame established under the provisions of any applicable collective bargaining agreement.

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

25 (g) Any law enforcement officer who is charged, indicted or informed against for a felony
26 or who is convicted of and incarcerated for a misdemeanor may be suspended without pay and
27 benefits at the discretion of the agency or chief or highest ranking sworn officers; provided,
28 however, that the officer's entitlement to medical insurance, dental insurance, disability insurance
29 and life insurance as is available to all other officers within the agency shall not be suspended. In
30 the event that the law enforcement officer is acquitted of any felony related thereto, the officer shall
31 be reinstated and reimbursed forthwith for all salary and benefits that have not been paid during the
32 suspension period.

33 (h) Any law enforcement officer who is convicted of a felony shall, pending the prosecution
34 of an appeal, be suspended without pay and benefits; provided, however, that the officer's

1 entitlement to such medical insurance, dental insurance, disability insurance and life insurance as
2 is available to all other officers within the agency shall not be suspended. Whenever, upon appeal,
3 such conviction is reversed, the suspension under this subsection shall terminate and the law
4 enforcement officer shall forthwith be paid the salary and benefits that would have been paid to
5 him or her during that period of suspension.

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

10 (j) Decertification of law enforcement officers by the commission on police officer
11 standards and training. Any law enforcement officer who:

12 (1) Pleads guilty to, no contest to, or is convicted of, a felony charge; or

13 (2) Who is convicted of a crime under 18 U.S.C. §§ 241, 242, 245 and 249, or 42 U.S.C.
14 §§ 3631 and 14141, shall have their certification revoked by the commission on police officer
15 standards and training pursuant to § 42-28.2-6(b)(3).

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

=====
LC004132
=====

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 expand the authority of the police officers commission on standards and
2 training to certify and decertify law enforcement officers. It would also make it applicable to the
3 city of Providence and create and maintain a database containing records for each certified and
4 decertified law enforcement officer.

5 This act would take effect upon passage.

=====
LC004132
=====