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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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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, and Mattiello

Date Introduced: June 18, 2020

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 neither of the last mentioned member three (3) selectees shall be
19 active or retired law enforcement officers, or active or former members of any labor organization
20 ("citizen selectees"). Any of the citizen 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 recommended discipline is less than termination, then
17 the law enforcement agency shall make no public statement about any charges against a law
18 enforcement officer until after a decision is rendered by the hearing committee, and even then, only
19 if that decision found that the law enforcement officer deserved some form of discipline. The
20 prohibitions contained herein do not apply to the law enforcement agency's defending or filing of
21 any civil action necessary to invoke the superior court's jurisdiction.

22 (ii) If a law enforcement agency's recommended 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 and](#)
31 [Towns, the executive director of the Rhode Island commission of human rights, and the presiding](#)
32 [justice of the superior court, advising them to make their respective selections to](#) the hearing
33 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.~~

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

18 **42-28.6-5. Conduct of hearing.**

19 (a) The hearing shall be conducted by the hearing committee selected in accordance with
20 § 42-28.6-4 of this chapter. Both the law enforcement agency and the law enforcement officer shall
21 be given ample opportunity to present evidence and argument with respect to the issues involved.
22 Both may be represented by counsel. Upon petition and for good cause shown, the presiding justice
23 of the superior court may order a hearing under this chapter to be held in abeyance pending the
24 outcome of any criminal investigation and/or criminal charges against a law enforcement officer.

25 (b) The hearing shall be convened at the call of the chair; shall commence within thirty
26 (30) days after the selection of a chairperson of the hearing committee; and shall be completed
27 within sixty (60) days of the commencement of the hearing. The hearing committee shall render a
28 written decision within thirty (30) days after the conclusion of the hearing. The time limits
29 established in this subsection may, upon written application, be extended by the presiding justice
30 of the superior court for good cause shown. Any written application made under this subsection
31 may take the form of a letter to the presiding justice. When acting in response to any written
32 application made under this subsection, the presiding justice shall be acting in an administrative
33 role and not exercising traditional judicial authority of the superior court.

34 (c) Not less than ten (10) days prior to the first hearing date, the charging law enforcement

1 agency shall provide to the law enforcement officer:

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

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

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

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

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

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

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

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

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

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

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

25 (4) Any other relevant factors.

26 The permissible sanctions the hearing committee may impose are: exclusion of a witness
27 from testifying; exclusion of a witness from testifying about certain matters; and exclusion of
28 written and/or recorded statements, documents, or other items from evidence; provided however,
29 the hearing committee shall give due deference to serving the interests of justice by imposing such
30 sanctions rarely and sparingly, permitting evidence to be adduced liberally, absent a compelling
31 public interest to the contrary.

32 **42-28.6-6. Evidence at hearing -- Hearing record.**

33 (a) Evidence which possesses probative value commonly accepted by reasonable and
34 prudent persons in the conduct of their affairs shall be admissible and shall be given probative

1 effect. The hearing committee conducting the hearing shall give effect to the rules of privilege
2 recognized by law, and may exclude incompetent, irrelevant, immaterial, and unduly repetitious
3 evidence. All records and documents which any party desires to use shall be offered and made part
4 of the record.

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

7 (c) All proceedings before the hearing committee shall be recorded by stenographic record,
8 the expense of which shall be borne equally by the charging law enforcement agency and the
9 accused officer or his or her labor organization. A copy of the record shall be provided to the law
10 enforcement officer or his or her attorney or representative of record upon request.

11 **42-28.6-8. Witness fees.**

12 Witness fees and mileage, if claimed, shall be allowed the same as for testimony in the
13 superior court. Witness fees, mileage, and the actual expenses necessarily incurred in securing
14 attendance of witnesses and their testimony shall be itemized, and shall be paid by the law
15 enforcement agency if the officer is ultimately found innocent of all charges.

16 **42-28.6-11. Decisions of hearing committee.**

17 (a) The hearing committee shall be empowered to sustain, modify in whole or in part, or
18 reverse the complaint or charges of the ~~investigating authority~~ law enforcement agency, as provided
19 in § 42-28.6-4; provided however, the hearing committee shall give complete deference to the
20 discipline imposed by the chief of police, and is not empowered to modify it to any degree or extent,
21 unless it finds, by clear and convincing evidence, that the imposition of employment disciplinary
22 action, such as demotion, transfer, loss of pay, reassignment, suspension or termination was
23 arbitrary and capricious.

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

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

33 **42-28.6-13. Suspensions.**

34 (a) The provisions of this chapter are not intended to prohibit suspensions by the chief or

1 the highest ranking officer of the law enforcement agency.

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

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

19 (d) Suspension may be imposed by the chief or highest ranking sworn officer of the law
20 enforcement agency when the law enforcement officer in under investigation for a misdemeanor
21 criminal matter. Any such suspension shall consist of the law enforcement officer being relieved
22 of duty, and he or she shall receive all ordinary pay and benefits as he or she would receive if he or
23 she were not suspended. Suspension under this subsection shall not exceed thirty (30) days;
24 provided, however, that if an officer is charged with a misdemeanor offense the chief or highest
25 ranking sworn officer of the law enforcement agency may continue said suspension ~~with~~ without
26 pay up to a total of one hundred and eighty (180) days. If the disposition of the criminal matter does
27 not take place within one hundred eighty (180) days of the commencement of such suspension, the
28 law enforcement officer may continue to be suspended without pay and benefits; ~~provided,~~
29 ~~however, that the officer's entitlement to such medical insurance, dental insurance, disability~~
30 ~~insurance and life insurance as is available to all other officers within the agency shall not be~~
31 ~~suspended.~~ The law enforcement officer may petition the presiding justice of the superior court for
32 a stay of the suspension without pay, and such stay shall be granted upon a showing that said delay
33 in the criminal disposition was outside the law enforcement officer's control. ~~In the event the law~~
34 ~~enforcement officer is acquitted of any misdemeanor related thereto, the officer shall be forthwith~~

1 ~~reinstated and reimbursed all salary and benefits that have not been paid during the suspension~~
2 ~~period.~~

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

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

16 (g) Any law enforcement officer who is charged, indicted or informed against for a felony
17 or ~~who is convicted of and incarcerated for~~ a misdemeanor may be suspended without pay and
18 benefits at the discretion of the agency or chief or highest ranking sworn officers; ~~provided,~~
19 ~~however, that the officer's entitlement to medical insurance, dental insurance, disability insurance~~
20 ~~and life insurance as is available to all other officers within the agency shall not be suspended.~~ In
21 the event that the law enforcement officer is acquitted of any felony related thereto, the officer shall
22 be reinstated and reimbursed forthwith for all salary and benefits that have not been paid during the
23 suspension period; provided however, that reinstatement and reimbursement shall not be required
24 if the agency proceeds with employment disciplinary action with charges, notice and hearing under
25 the provisions of this chapter.

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

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

5 **42-28.6-14. ~~Retaliation for exercising rights~~ Retaliation for exercising rights or denial**
6 **of rights.**

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

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

16 **42-28.6-15. ~~Exclusivity of remedy~~ Exclusivity of remedy -- Retention of discipline**
17 **records and reporting of same.**

18 The remedies contained herein shall be the sole and exclusive remedies for all law
19 enforcement officers subject to the provisions of this chapter. A law enforcement agency shall
20 retain all records of an officer's disciplinary history, including, but not limited to, oral and written
21 reprimands, up to and including all records of suspension(s) and termination. A law enforcement
22 agency shall fully comply with any reporting obligations imposed by federal law to report and
23 document a law enforcement officer's misconduct. No provision or section in this chapter shall be
24 construed or applied to conflict with or impede any such reporting obligations.

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

27 **42-28.6-18. Title.**
28 This chapter shall be known as the "Law Enforcement Officers' Accountability Act."

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

- 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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