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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2003

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT
STANDARDS AND TRAINING

Introduced By: Senators Pichardo, Ciccone, Perry, Raptakis, and Walaska

Date Introduced: February 13, 2003

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-28-25, 42-28-26, 42-28-27, 42-28-28, 42-28-29, 42-28-30 and
2 42-28-31 of the General Laws in Chapter 42-28 entitled "State Police" are hereby repealed.

3 ~~**42-28-25. State and municipal police training school established.**~~ Within the Rhode
4 Island state police there is hereby created and established a state and municipal police training
5 school.

6 ~~The superintendent of the state police shall have supervision of the state and municipal~~
7 ~~police training academy and shall establish standards for admission and a course of training. The~~
8 ~~superintendent shall report to the governor and general assembly a plan for a state and municipal~~
9 ~~police training academy on or before December 31, 1993. The superintendent shall, in~~
10 ~~consultation with the police chiefs association and the chairperson of the Rhode Island~~
11 ~~commission on standards and training make all necessary rules and regulations relative to the~~
12 ~~admission, education, physical standards and personal character of the trainees and such other~~
13 ~~rules and regulations as shall not be inconsistent with law.~~

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

17 ~~Trainees shall pay to the division an amount equal to the actual cost of meals consumed~~
18 ~~at the state police and municipal police training academy and the actual cost of such training~~

1 uniforms which remain the personal property of the trainees.

2 ~~All fees and payments received by the division pursuant to this section shall be deposited~~
3 ~~as general revenues.~~

4 ~~**42-28-26. Location of school.** -- The municipal police training school shall be~~
5 ~~maintained by the state and located on the premises of the university of Rhode Island and such~~
6 ~~other state owned property as the superintendent of the state police, with the consent of the~~
7 ~~governor, may from time to time determine.~~

8 ~~**42-28-27. Supervision of school.** -- The superintendent of the state police shall have~~
9 ~~supervision of the municipal police training school and shall establish a course of training and~~
10 ~~make all necessary rules and regulations relative to the education, physical standards, and~~
11 ~~personal character of the candidates and trainees and such other regulations as shall not be~~
12 ~~inconsistent with law.~~

13 ~~**42-28-28. Persons admissible to school.** -- No person shall be admitted as a candidate to~~
14 ~~the municipal police training school unless he or she is a citizen of the United States and a~~
15 ~~resident of the state of Rhode Island and shall have reached the age of eighteen (18) years; nor~~
16 ~~shall any person be admitted who shall not have first been certified by a physician as being~~
17 ~~physically and mentally sound on an examination made within one month prior to the acceptance~~
18 ~~of his or her candidacy.~~

19 ~~**42-28-29. Sponsorship of school candidates by city or town.** -- Candidates meeting the~~
20 ~~physical, mental, and educational requirements of this chapter shall be admitted to the municipal~~
21 ~~police training school only upon the request of the appointing authority in the city or town of~~
22 ~~which the prospective candidate is a resident, and every such application by the appointing~~
23 ~~authority shall be accompanied by a statement that the candidate has prospects, within the~~
24 ~~reasonable future, of a permanent appointment to the police force of the city or town sponsoring~~
25 ~~him or her; provided, however, that any member of any police department of any city or town~~
26 ~~accepting the provisions of sections 42-28-25—42-28-31, inclusive, shall be eligible for training~~
27 ~~and retraining in the school.~~

28 ~~**42-28-30. Certificate of completion of training course.** -- Upon the satisfactory~~
29 ~~completion of the prescribed course of training, the superintendent shall issue to each candidate a~~
30 ~~certificate of merit and shall forward to the appointing authority certification of the candidate's~~
31 ~~qualifications for appointment.~~

32 ~~**42-28-31. Expenses of school -- Compensation of candidates.** -- No tuition fee or any~~
33 ~~other charge shall be assessed against any city or town for the training of any candidate and the~~
34 ~~expense of that training shall be borne by the state of Rhode Island. The general assembly shall~~

1 ~~annually appropriate such sum or sums as may be necessary for the proper maintenance of the~~
2 ~~municipal police training school; provided, however, that any compensation to any candidate~~
3 ~~during the period of his or her training shall be fixed and determined by the proper authority~~
4 ~~within the city or town sponsoring the candidate and such compensation, if any, shall be paid~~
5 ~~directly to the candidate by the city or town of which he or she is a resident.~~

6 SECTION 2. Sections 42-28.2-1, 42-28.2-2, 42-28.2-3, 42-28.2-4, 42-28.2-5, 42-28.2-6,
7 42-28.2-7, 42-28.2-8, 42-28.2-8.1, 42-28.2-8.2, 42-28.2-9, 42-28.2-10, 42-28.2-11 and 42-28.2-12
8 of the General Laws in Chapter 42-28.2 entitled "Police Officers - Commission on Standards and
9 Training" are hereby repealed.

10 ~~**42-28.2-1. Legislative declaration of intent.** -- The legislature hereby finds and declares~~
11 ~~that police work, a basic adjunct of law enforcement, is professional in nature, requiring proper~~
12 ~~educational and clinical training in a state as densely populated as Rhode Island; that in our free~~
13 ~~society, better law enforcement can be achieved through higher standards of efficiency in police~~
14 ~~work than in retributive measures against those who commit crime; that the protection of the~~
15 ~~health, safety, and welfare of our citizens, can best be met by the creation of an educational~~
16 ~~training and recruitment program for persons who seek careers as police officers in order that~~
17 ~~such persons while serving in a probationary capacity prior to permanent appointment will~~
18 ~~receive training at approved recruit and in-service training facilities; and that, by qualifying and~~
19 ~~becoming proficient in the field of law enforcement, those persons will individually and~~
20 ~~collectively better insure the health, safety, and welfare of the citizens of this state in their~~
21 ~~respective communities.~~

22 ~~**42-28.2-2. School established.** -- There is hereby created and established a municipal~~
23 ~~police training school, for the use of all municipal police departments except the Providence~~
24 ~~police department, for the use of the division of enforcement of the department of environmental~~
25 ~~management, for the use of the Rhode Island deputy marshals within the department of~~
26 ~~corrections and for the use of the board of governors for higher education, which shall be~~
27 ~~maintained by the state and located at the Rhode Island state police academy in Foster, Rhode~~
28 ~~Island. The school may utilize other state property for special courses of instruction when deemed~~
29 ~~necessary by the commission on standards and training with the consent of the governor.~~

30 ~~**42-28.2-3. Commission established -- Appointment and terms.** -- The governor shall~~
31 ~~appoint five (5) persons to the commission on standards and training, two (2) of whom shall serve~~
32 ~~a term expiring January 31, 1970, two (2) of whom shall serve a term expiring January 31, 1971,~~
33 ~~and one of whom shall serve a term expiring January 31, 1972, and until their respective~~
34 ~~successors shall be appointed and qualified in the month of January, 1970 and in January annually~~

1 thereafter the governor shall appoint members to the commission to serve a term of three (3)
2 years commencing the first day of February next following their respective appointment(s) and
3 until their respective successors shall be appointed and qualified to succeed the person or persons
4 whose term next expires. At least one person serving on the commission shall be appointed from
5 a list of five (5) names submitted to the governor by the Rhode Island league of cities and towns
6 and at least three (3) persons serving on the commission shall be chiefs of local police
7 departments. Members of the commission shall be eligible for reappointment.

8 ~~**42-28.2-4. Selection of chairperson and vice chairperson -- Quorum -- Summon of**~~
9 ~~**first meeting.**~~ -- The governor, upon the appointment of the members of the commission on
10 standards and training, shall select from the appointed members a chairperson and vice
11 chairperson who shall serve at his or her pleasure. Three (3) members of the commission shall
12 constitute a quorum. The governor shall summon the commission to its first meeting.

13 ~~**42-28.2-5. Compensation and expenses of members.**~~ -- Members of the commission on
14 standards and training shall receive no compensation, but shall be reimbursed for their actual and
15 necessary expenses incurred in the performance of their duties. No member of the commission
16 shall lose any pay or other benefits by reason of attendance at meetings of the commission.

17 ~~**42-28.2-6. Meetings -- Powers of commission.**~~ -- The commission on standards and
18 training shall meet at least four (4) times in each year and shall hold special meetings when called
19 by the chairperson or, in his or her absence, by the vice chairperson. The commission shall have
20 the control and supervision of the Rhode Island state police academy in Foster, Rhode Island, to
21 the extent necessary to effectuate the purpose of this chapter; provided that control shall not
22 interfere with the use of the academy to the state police. The commission may certify the training
23 school of any municipality as it determines that the school has facilities and a program of training
24 substantially comparable to those of the municipal police training school established by section
25 42-28.2-2. The chairperson with the approval of a majority of the members of the commission
26 shall appoint such permanent and temporary staff as are necessary to carry out the purpose of this
27 chapter.

28 ~~**42-28.2-7. Reports.**~~ -- The commission on standards and training shall make an annual
29 report to the governor which will include pertinent data regarding the standards established and
30 the degree of participation of municipalities in the training programs.

31 ~~**42-28.2-8. Establishment of standards.**~~ -- The commission on standards and training
32 shall prepare and publish mandatory training standards, not applicable to the city of Providence,
33 and to be promulgated with due consideration to varying factors and special requirements of local
34 police agencies, the division of enforcement of the department of environmental management and

1 the board of regents relative to:

2 ~~-(a) Minimum standards of physical, educational, mental and moral fitness which shall~~
3 ~~govern the recruitment, selection, and apportionment of police officers; provided, however, that~~
4 ~~the minimum height and weight standards for local police officers shall be determined by each~~
5 ~~municipality.~~

6 ~~-(b) The commission with the approval of the governor will establish the courses of~~
7 ~~training, and set rules and regulations relative to the education, physical standards, and personal~~
8 ~~character of candidates and trainees.~~

9 ~~-(c) Minimum course of study, attendance requirements, equipment, and facilities~~
10 ~~required at the municipal police training school, or other approved training schools certified~~
11 ~~pursuant to section 42-28.2-6.~~

12 ~~-(d) Minimum qualification for instructors at the municipal police training school, or~~
13 ~~other approved training schools certified pursuant to section 42-28.2-6.~~

14 ~~-(e) Minimum basic training requirements which police officers appointed to~~
15 ~~probationary terms shall complete before being eligible for continued or permanent employment,~~
16 ~~and the term within which that basic training must be completed following such appointment to a~~
17 ~~probationary term.~~

18 ~~-(f) Minimum basic training requirements which police officers not appointed for~~
19 ~~probationary terms but appointed on other than a permanent basis shall complete before being~~
20 ~~eligible for continued employment.~~

21 ~~-(g) Categories or classifications of advanced in-service training programs and minimum~~
22 ~~courses of study and attendance requirements for those categories or classifications.~~

23 ~~-(h) The establishment of subordinate regional training centers in strategic geographic~~
24 ~~locations in order to serve the greatest number of local police agencies that are unable to support~~
25 ~~their own training programs.~~

26 ~~-(i) The commission shall establish a schedule of sessions of the school, of which there~~
27 ~~shall be a minimum of one session per year.~~

28 ~~-(j) The commission shall authorize the establishment of police training schools by any~~
29 ~~municipality which demonstrates that it can satisfactorily meet the minimum standards~~
30 ~~established for police training schools.~~

31 **42-28.2-8.1. Educational requirements -- Hate crimes.** ~~— The commission on standards~~
32 ~~and training shall prepare and publish mandatory training standards to provide instruction for~~
33 ~~police officers in identifying, responding to and reporting all incidents of "hate crimes" pursuant~~
34 ~~to section 42-28-46. The commission shall include this training in all curricula for recruits and in~~

1 ~~service trainees, in all police academies operated or certified by the commission.~~

2 ~~**42-28.2-8.2. Educational requirements -- Gang related activity.** -- The commission on~~
3 ~~standards and training shall prepare and publish mandatory training standards to provide~~
4 ~~instructions for police officers in identifying, responding to and reporting all incidents of criminal~~
5 ~~gang activity as defined in section 11-61-3. The commission shall include the training in all~~
6 ~~curricula for recruits and in-service trainees, in all police academies operating or certified by the~~
7 ~~commission.~~

8 ~~**42-28.2-9. Agreements.** -- The commission on standards and training may enter into~~
9 ~~agreements with other agencies, colleges, and universities to carry out the intent of this chapter.~~

10 ~~**42-28.2-10. Discretionary powers of commission.** -- The commission on standards and~~
11 ~~training may:~~

12 ~~-(a) Visit and inspect the police training school, or examine the curriculum or training~~
13 ~~procedures, for which application for approval has been made.~~

14 ~~-(b) Authorize the issuance of certificates of graduation or diplomas by the approved~~
15 ~~police training school to police officers who have satisfactorily completed minimum courses of~~
16 ~~study.~~

17 ~~-(c) Cooperate with state, federal, and local police agencies in establishing and~~
18 ~~conducting local or area schools or regional training centers for instruction and training of police~~
19 ~~officers of this state, its cities or towns.~~

20 ~~-(d) Adopt such regulations as are necessary to carry out the purpose of this chapter.~~

21 ~~-(e) Make recommendations to the governor on matters pertaining to qualification and~~
22 ~~training of police officers.~~

23 ~~-(f) Approve the use of training schools certified pursuant to section 42-28.2-6 by the~~
24 ~~departments of any municipality pursuant to an agreement between that municipality and the~~
25 ~~municipality operating the facility.~~

26 ~~**42-28.2-11. Services of personnel in office of attorney general.** -- The attorney general~~
27 ~~shall, so far as compatible with other demands upon the personnel in his or her department, make~~
28 ~~available to the commission on standards and training the services of personnel to assist the~~
29 ~~commission in the execution of the duties imposed upon it by this chapter.~~

30 ~~**42-28.2-12. Expenditure of funds.** -- In exercising its functions, the commission on~~
31 ~~standards and training shall endeavor to minimize costs of administration, so that the greatest~~
32 ~~possible proportion of the funds available to it shall be expended for the purposes of providing~~
33 ~~training for local law enforcement officers.~~

34 SECTION 3. Title 42 of the General Laws entitled "State Affairs and Government" is

1 hereby amended by adding thereto the following chapter:

2 CHAPTER 28.2.1

3 LAW ENFORCEMENT STANDARDS AND TRAINING

4 **42-28.2.1-1. Short title.** -- This chapter shall be known and may be cited as the "Law
5 Enforcement Standards and Training Act."

6 **42-28.2.1-2. Definitions.** -- As used in this chapter:

7 (1) "Law enforcement officer" means any person who is elected, appointed, or employed
8 full-time by any municipality, or the state, or any political subdivision thereof; who is vested with
9 the authority to bear arms and/or to make arrests; or who is primarily responsible for prevention
10 or detection of crime and the enforcement of the criminal code, ordinances, traffic, or highway
11 laws of this state or any political subdivision of the state. The phrase includes, but is not limited
12 to, the airport police, capitol police, division of law enforcement of the department of
13 environment, Rhode Island deputy marshals within the department of corrections, sheriffs of
14 Rhode Island counties, campus police, the criminal investigation unit of the department of
15 environment and the state fire marshal investigation unit and any other person included within the
16 meaning of the term "peace officer" as defined by section 12-7-21(1) through (18).

17 (2) "Employing agency" means the state, or any of its political subdivisions, and includes
18 police and security departments of private as well as public schools, colleges and universities
19 chartered by the state of Rhode Island.

20 (3) "Diverse population" means members of cultural groups with common origins,
21 customs, and styles of living. This definition includes ethnic, racial, and religious minorities.

22 (4) "IADLEST" means the International Association of Directors of Law Enforcement
23 Standards and Training.

24 (5) "POST" means Peace Officers Standards and Training as defined by The President's
25 Commission on Law Enforcement and the Administration of Justice (1967) and the National
26 Advisory Commission on Criminal Justice Standards and Goals (1973).

27 (6) "Commission" means the commission on law enforcement standards and training
28 established by this act.

29 **42-28.2.1-3. Legislative findings and purpose.** -- The general assembly recognizes and
30 declares that law enforcement is professional in nature and requires proper educational, clinical
31 and tactical training. The best methods for modern policing necessitate "peace officer standards
32 and training" (POST) programs, or similar programs, that certify law enforcement officers and
33 other persons employed in the criminal justice system meet minimum standards of qualification,
34 competency and ethical behavior. It is the intent of the general assembly to strengthen and

1 upgrade law enforcement agencies in this state by attracting competent, highly qualified people
2 for professional careers in criminal justice and to retain well-qualified and experienced officers
3 for the purpose of providing maximum protection and safety to all persons.

4 The general assembly hereby finds that protection of the health, safety and welfare of our
5 citizens can best be met by the creation of comprehensive recruit and in-service criminal justice
6 training and educational programs for law enforcement officers administered at approved training
7 facilities. Comprehensive criminal justice training and educational programs in this state for all
8 persons having authority to make arrests for violations of law should meet or exceed model
9 minimum state standards established by the International Association of Directors of Law
10 Enforcement Standards and Training (IADLEST), or a similar model.

11 The mission and purpose of the commission on law enforcement standards and training
12 shall be to establish, administer and enforce minimum law enforcement officer selection,
13 recruitment, recruit training, in-service training, training instructor (including field training
14 officers) and professional conduct standards for all law enforcement officers and agencies in this
15 state. It is the intent of the general assembly that the commission, in the execution of its powers,
16 duties, and functions, actively provide statewide leadership in the establishment, implementation,
17 and evaluation of minimum standards and training for all law enforcement officers in this state.

18 Nothing herein however may be construed to preclude an employing agency from
19 establishing qualifications and standards for employment, appointment, training, or promotion of
20 officers that exceed the minimum requirements established by statute or the commission.
21 Qualifications of an employing agency that exceed the minimum employment standards, basic
22 recruit training course, or in-service training requirements established by the commission are
23 binding on the individuals affected and shall be recognized by the commission.

24 **42-28.2.1-4. Commission created -- Composition. --** There is hereby created within the
25 executive branch, the commission on law enforcement standards and training, hereinafter called
26 "the commission," which shall be under the jurisdiction of the governor. The commission shall be
27 the sole and exclusive POST ("Peace Officer Standards and Training") organization for this state.

28 (1) The commission shall consist of:

29 (i) the superintendent of the state police;

30 (ii) the chief of police of the Providence police department;

31 (iii) one (1) police chief (from a municipality other than Providence) appointed to a term
32 of three (3) years by the governor from a list of three (3) names submitted by the Rhode Island
33 police chiefs' association;

34 (iv) one (1) person appointed to a term of three (3) years by the governor from a list of

1 three (3) names submitted by the Rhode Island league of cities and towns;

2 (v) one (1) citizen from a civic, interfaith and/or community service organization
3 appointed to a term of three (3) years by the governor.

4 (2) The superintendent of state police and chief of police of the Providence police
5 department are ex-officio members with full voting rights and privileges, and may send, in his or
6 her place, a designated representative to a meeting and/or meetings. If the designation is made in
7 writing, the representative shall have full voting privileges.

8 (3) The citizen member shall serve an initial term expiring January 31, 2004, the
9 representative of the Rhode Island league of cities and towns shall serve an initial term expiring
10 January 31, 2005, and the police chief appointed by the governor from the list submitted by the
11 Rhode Island police chiefs' association shall serve an initial term expiring January 31, 2006, and
12 until their respective successors shall be appointed and qualified in January, 2004, and in January
13 annually thereafter the governor shall appoint members of the commission to serve a term of
14 three (3) years commencing on the first day of February next following their respective
15 appointment(s) and until their respective successors shall be appointed and qualified to succeed
16 the person or persons whose term next expires.

17 (4) The representative of the Rhode Island league of cities and towns, police chief, and
18 citizen members of the commission appointed by the governor shall serve at the pleasure of the
19 governor and be eligible for reappointment. In the event a vacancy arises it must be filled within
20 thirty (30) days for the remainder of the term in the manner of the original appointment or
21 designation.

22 **42-28.2.1-5. Powers and duties of commission. --** The commission is hereby authorized
23 to:

24 (1) establish standards for qualification of law enforcement officers and courses for
25 recruit and in-service training;

26 (2) establish and enforce standards for the assessment and certification of recruit,
27 probationary and permanent law enforcement officers;

28 (3) establish and enforce standards for the qualification and training of reserve or
29 auxiliary officers;

30 (4) establish and approve standards for field training officer programs and certify field
31 training officers;

32 (5) train and certify qualified applicants and recruits for appointment and/or employment
33 and continuing service as law enforcement officers, and provide for the suspension, revocation, or
34 restriction of the certification, in accordance with regulations promulgated by the commission;

1 (6) require all public entities or agencies that employ or appoint law enforcement officers
2 to provide records in the format prescribed by regulation of employment information of law
3 enforcement officers;

4 (7) provide by regulation for mandatory continued training of certified law enforcement
5 officers as a matter of qualification for continuing service rather than a matter of employing
6 agency discipline;

7 (8) consult and cooperate with counties, municipalities, agencies, or official bodies of this
8 state or of other states, other governmental agencies, and with universities, colleges, junior
9 colleges, and other institutions, concerning the development of law enforcement officer training
10 programs, or courses of instruction, selection, and training standards, or other pertinent matters
11 relating to law enforcement;

12 (9) accept any donations, contributions, funds, grants, or gifts from private individuals,
13 foundations, agencies, corporations, or the state and federal governments, for the purpose of
14 carrying out the mission and objectives of this chapter;

15 (10) publish or cause to be published manuals, information bulletins, newsletters, and
16 other materials to achieve the mission and purpose of this chapter;

17 (11) make such regulations as may be necessary for the administration of this chapter,
18 including the issuance of orders directing public law enforcement agencies to comply with this
19 chapter and all regulations promulgated thereunder;

20 (12) exercise all powers and perform all duties necessary and proper in carrying out this
21 chapter.

22 **42-28.2.1-6. Executive director.** -- (a) The governor shall appoint the executive director
23 from a list of three (3) candidates submitted by the commission. The executive director shall be
24 qualified for the position by appropriate training and experience in the fields of administration,
25 planning, or criminal law and justice. The unclassified pay plan board shall set the salary of the
26 executive director and staff, consistent with any compensation and pay plan established by the
27 state personnel office.

28 (b) The executive director shall:

29 (1) supervise and be responsible for the administration of standards and courses of
30 training established by the commission;

31 (2) advise and assist the commission in developing standards, policies, training programs
32 and budgets for improving the coordination, administration and effectiveness of law enforcement
33 officer standards and training in the state;

34 (3) supervise and be responsible for the administration of officer-candidate assessment,

1 recruit and continuing in-service certification and recertification;

2 (4) establish, consolidate, or abolish any administrative division and subdivision as
3 directed by the commission, and appoint and remove for cause the heads thereof, and delegate
4 appropriate powers and duties to them;

5 (5) establish and administer projects and programs for the operation of the commission;

6 (6) appoint and remove employees of the commission and delegate appropriate powers
7 and duties to them;

8 (7) make rules and regulations for the management and the administration of the
9 standards and policies of the commission and the conduct of employees under his or her
10 jurisdiction;

11 (8) collect, develop, and maintain statistical information, records, and reports as the
12 commission may determine relevant to its mission, purpose and function;

13 (9) prepare and transmit reports of the commission to the governor and general assembly;

14 (10) execute and carry out the provisions of all contracts, leases, and agreements
15 authorized by the commission with agencies of federal, state, or local government, corporations
16 or persons;

17 (11) perform such additional duties as may be assigned to him or her by the governor, the
18 commission, or bylaw; and

19 (12) exercise all powers and perform all duties necessary and proper in carrying out his or
20 her responsibilities.

21 **42-28.2.1-7. Associate directors for recruit training, in-service training, and**
22 **assessment of certification. -- The executive director, with the advice and consent of the**
23 **commission, shall appoint three (3) associate directors for recruit training, in-service training, and**
24 **for assessment and certification. Appropriate training and experience in the fields of**
25 **administration, planning, or criminal law and justice shall qualify the associate directors. The**
26 **associate director for recruit training shall assist the executive director in supervising and**
27 **coordinating standards of recruit training, instruction and courses established by the commission.**
28 **The associate director for in-service training shall assist the executive director in coordinating and**
29 **approving standards for in-service training, instruction and courses established by the**
30 **commission. The associate director for assessment and certification shall assist the executive**
31 **director in the administration of officer-candidate assessment, recruit and continuing in-service**
32 **certification, recertification, and decertification. The associate directors may perform such other**
33 **duties and functions as assigned by the executive director and the commission.**

34 **42-28.2.1-8. Recruit and in-service training divisions. -- The commission shall**

1 establish such recruit and in-service training divisions as it deems necessary to accommodate
2 diverse needs and interests in training of the state police, the Providence police, other state and
3 municipal law enforcement agencies, or federally funded programs for the training of law
4 enforcement officers. The superintendent of the state police shall appoint the director of the state
5 police training division. The chief of police of the Providence police department shall appoint the
6 director of the Providence police training division. The police chief appointed to the commission
7 by the governor from a list of names submitted by the Rhode Island chiefs of police shall appoint
8 the director of the municipal police training division. The governor shall appoint the director and
9 designate a lead agency for any training division established to facilitate a state-administered
10 federal law enforcement training and education program such as the police corps, or similar
11 program, funded by the United States department of justice. Training division directors shall
12 serve at the pleasure of their appointing authority.

13 **42-28.2.1-9. Staff.** -- Employees of the commission, other than the executive director,
14 shall be subject to the provisions of the state merit system act as set forth in chapters 3 and 4 of
15 title 36, as amended, and any further provisions of that act that are enacted by the general
16 assembly.

17 **42-28.2.1-10. Chairperson and vice-chairperson -- Quorum -- Meetings.** -- The
18 chairperson and vice-chairperson of the commission shall be appointed by the governor and shall
19 serve at the pleasure of the governor. Three (3) members of the commission shall constitute a
20 quorum. The commission shall meet at least four (4) times in each year and shall hold special
21 meetings when called by the chairperson or, in his or her absence, by the vice-chairperson.

22 **42-28.2.1-11. Compensation and expenses of members.** -- Members of the commission
23 on law enforcement standards and training shall receive no compensation, but shall be reimbursed
24 for their actual and necessary expenses incurred in the performance of their duties. No member of
25 the commission shall lose any pay or other benefits by reason of attendance at meetings of the
26 commission.

27 **42-28.2.1-12. State and municipal law enforcement training center established.** --
28 There is hereby created and established a state and municipal law enforcement training center
29 which shall be for the use of the state police, all municipal police (including the city of
30 Providence), and for all other law enforcement officers authorized to bear arms and/or to make
31 arrests; or, who are primarily responsible for prevention or detection of crime and the
32 enforcement of the criminal code, ordinances, traffic, or highway laws of this state or any
33 political subdivision of this state. The law enforcement training center created by this act shall
34 serve as the central and exclusive recruit training facility for all law enforcement officers in this

1 state.

2 **42-28.2.1-13. Supervision and organization of law enforcement training center. --**

3 The commission on law enforcement standards and training, through its executive director, shall
4 have supervision of the law enforcement training center and shall establish, administer and
5 enforce standards for admission and approve courses for recruit and in-service training. The
6 commission shall establish such recruit and in-service training divisions as it deems necessary to
7 accommodate the diverse needs and interests in training of the state police, the Providence police,
8 other state and municipal law enforcement agencies, or for federally funded programs for the
9 training of law enforcement officers.

10 **42-28.2.1-14. Location of law enforcement training center. --** The law enforcement

11 training center shall be maintained by the state and located on such state-owned or acquired
12 property as the commission on law enforcement standards and training, with the consent of the
13 governor, may from time to time determine. The commission is hereby authorized and
14 empowered to erect suitable buildings and facilities thereon for use as the law enforcement
15 training center whenever an appropriation shall become available for expenditure thereon.

16 **42-28.2.1-15. Facilities of law enforcement training center. --** The facilities of the law

17 enforcement training center shall be sufficient to accommodate the diverse needs and interests of
18 the state police, Providence police, municipal police, and such other recruit and in-service
19 training divisions as the commission may establish. Facilities shall include, but not be limited to:
20 dormitories, classrooms, cafeterias, libraries, offices, auditoriums or assembly halls, gymnasiums,
21 firearms training ranges, computer and forensic laboratories, video and teleconferencing
22 capabilities, tactical and simulation facilities, swimming pools, and emergency vehicle operator
23 certification courses.

24 **42-28.2.1-16. Persons admissible for recruit training at law enforcement training**

25 **center. --** No person shall be admitted as a candidate for recruit training at the law enforcement
26 training center unless he or she is:

27 (1) a citizen of the United States who has reached the age of twenty-one (21) years; and

28 (2) has first been certified by a licensed physician as being physically sound on a recent
29 examination made according to commission standards prior to the acceptance of his or her
30 candidacy; and

31 (3) has passed the aptitude and psychological tests required of law enforcement officers
32 by chapter 42-28.3; and

33 (4) has met or exceeded the minimum job-related physical and mental standards for the
34 training division to which he or she seeks admission as determined by the assessment division of

1 the law enforcement training center; and

2 (5) has provided satisfactory documentary evidence that he or she has completed high
3 school and received a high school diploma, or has earned the general education development or
4 high school equivalency diploma (military or other) recognized and accepted by the board of
5 regents for elementary and secondary education; and

6 (6) has provided satisfactory evidence to the commission that he or she has not been
7 convicted of any criminal offense that carries a sentence of one (1) year or more or of any
8 criminal offense that involves moral turpitude. Forfeiture of bond, a guilty plea, or a plea of nolo
9 contendere is considered the equivalent of a conviction; and

10 (7) has provided satisfactory evidence to the commission that the candidate is a person of
11 good character. This evidence must include, but is not limited to: (i) certification by the
12 candidate's sponsor, employer or employing agency that a background investigation has been
13 conducted, completed and forwarded to the commission and that the employer or sponsor is of the
14 opinion that the candidate is of good character; (ii) evidence satisfactory to the commission that
15 the candidate holds a valid current Rhode Island driver's license with no record during the
16 previous five (5) years for suspension of driver's license as a result of driving under the influence
17 of alcoholic beverages or dangerous drugs, driving while impaired (or the equivalent), reckless
18 homicide, involuntary manslaughter, or leaving the scene of an accident; (iii) evidence
19 satisfactory to the commission that a local credit check has been made with favorable results; (iv)
20 evidence satisfactory to the commission that the candidate's fingerprint record as received from
21 the Federal Bureau of Investigation and Rhode Island state police indicates no record of felony
22 convictions. In the commission's determination of good character, the commission shall give
23 consideration to all law violations, including traffic and conservation law convictions, as
24 indicating a lack of good character. The commission shall also give consideration to the
25 candidate's prior history, if any, of alcohol and drug abuse in arriving at a determination of good
26 character; and

27 (8) has provided the commission with a recent photograph of the candidate; and

28 (9) has provided the commission with a copy of his or her fingerprints; and,

29 (10) has provided the commission with satisfactory evidence (a birth certificate or other
30 legally acceptable document) that the candidate's age is not less than twenty-one (21) years; and

31 (11) has provided the commission with satisfactory documentary evidence of successful
32 completion of a course of law enforcement training as established and approved by the
33 commission, and conducted at an academy or institution approved by the commission, this
34 evidence to consist of a certificate granted by the approved institution.

1 **42-28.2.1-17. Certificate of completion of recruit training courses -- Certificates for**
2 **probationary and permanent officer status.** -- (a) Upon the satisfactory completion of the
3 prescribed course of recruit training, the commission shall issue to each candidate a certificate of
4 qualification for appointment to probationary officer status. The commission shall forward a copy
5 of the certificate of qualification to the candidate's employing agency or appointing authority.

6 (b) Upon the satisfactory completion of the prescribed commission approved field
7 training program, the commission shall issue to each probationary officer a certificate of
8 qualification for appointment to permanent officer status. The commission shall forward a copy
9 of the certificate of qualification to the officer's employing agency or appointing authority.

10 (c) A certificate of qualification for appointment to permanent law enforcement officer
11 status issued by the commission will expire three (3) years from the date of issuance or upon
12 discontinuance of employment by the officer with the employing agency. The certificate of
13 qualification for appointment to permanent law enforcement officer status issued by the
14 commission that is current on July 1, 2003, will expire in the year 2006 on the last day of the
15 month during which it was issued, or upon discontinuance of employment with the employing
16 agency. Prior to the expiration of the certificate, the certificate may be renewed upon application
17 on a form prescribed by the commission presented to the executive director and associate director
18 for assessment and certification. The executive director and associate director must receive the
19 application for renewal at least forty-five (45) days prior to the expiration of the certificate. If the
20 officer's certificate has lapsed, the commission may reissue the certificate after receipt of an
21 application and if the executive and associate director are satisfied that the officer continues to
22 meet all of the standards of qualification for appointment as a law enforcement officer.

23 **42-28.2.1-18. Expenses of training -- Compensation of candidates.** -- No tuition fee or
24 any other charge shall be assessed against any city or town for the recruit training of any
25 candidate and the expense of that training shall be borne by the state of Rhode Island. The general
26 assembly shall annually appropriate such sum or sums as may be necessary for the proper
27 maintenance of the law enforcement training center; provided, however, that any compensation to
28 any recruit candidate during the period of his or her training shall be fixed and determined by the
29 proper authority within the city or town sponsoring the candidate and such compensation, if any,
30 shall be paid directly to the candidate by his or her employing agency.

31 **42-28.2.1-19. Committees and bylaws.** -- (a) The commission may establish and the
32 chairperson may appoint such subcommittees, task forces, or advisory committees it deems
33 necessary to carry out the provisions of this chapter. Appointments to such subcommittees, task
34 forces and advisory committees are not restricted to the membership of the commission.

1 (b) The commission may delegate responsibilities and functions to subcommittees, task
2 forces, and advisory committees, as it deems appropriate.

3 (c) The commission shall promulgate and publish rules of procedure governing its
4 operations, provided they are in accordance with the provisions of the administrative procedures
5 act, chapter 35 of this title.

6 **42-28.2.1-20. Certification a prerequisite for law enforcement officers -- Exceptions -**
7 **- Qualification under equivalent programs in other states. --** (a) No law enforcement officer
8 employed or appointed on or after January 1, 2003, is authorized to enforce the laws or
9 ordinances of this state or any political subdivision thereof unless he or she has been certified as
10 qualified by the commission on law enforcement standards and training. The commission shall
11 presume, in the absence of any evidence to the contrary, that all law enforcement officers
12 employed or appointed prior to January 1, 2003, who have achieved permanent officer status, are
13 qualified. On or before January 1, 2003, the commission shall issue to all law enforcement
14 officers who have achieved permanent law enforcement status prior to January 1, 2003, a
15 certificate of qualification that shall expire on January 1, 2006. On or before January 1, 2003, the
16 commission shall issue to all law enforcement officers employed or appointed prior to January 1,
17 2003, who have achieved probationary officer status by that date a certificate of probationary
18 qualification that shall expire one (1) year from the date of said officer's appointment and/or
19 employment. After January 1, 2003, no law enforcement officer is authorized to enforce the laws
20 or ordinances of this state or any political subdivision thereof unless he or she has been certified
21 as qualified as either a probationary or permanent law enforcement officer by the commission.

22 (b) A law enforcement agency in this state may appoint or employ as a law enforcement
23 officer a person who is not certified if, within one (1) year after the date of employment or
24 appointment, the person secures certification from the commission. A person not certified who is
25 nonetheless employed or appointed as a law enforcement officer shall not perform any of the
26 duties of a law enforcement officer involving the control or direction of members of the public, or
27 exercising the power of arrest until he or she is certified. Should any such person fail to secure
28 certification within one (1) year from the date of his or her employment, he or she may not
29 perform any of the duties of a law enforcement officer until certified. Persons who fail to secure
30 certification within one (1) year from the date of employment are not eligible for employment or
31 appointment by any other agency in Rhode Island as a law enforcement officer, nor are they
32 eligible for any compensation for services performed as an officer. The commission under the
33 following circumstances may grant exceptions to the one (1) year rule:

34 (1) Military leave or injury occurring during that first year that would preclude the

1 receiving of training within the usual period of time; or

2 (2) In the event of the timely filing of an application for training, which application,
3 under circumstances of time and physical limitations, cannot be honored by the law enforcement
4 training center or other facilities approved by the commission; or

5 (3) Upon presentation of satisfactory documentary evidence that the officer-candidate has
6 successfully completed equivalent training in one (1) of the others states which by law regulate
7 and supervise the quality of law enforcement training and which require a minimum basic or
8 recruit course of duration and content substantially equivalent to that required by this chapter or
9 by standards established, administered and enforced by the commission; or

10 (4) If it is determined by satisfactory documentary evidence that the training will result in
11 undue hardship to the requesting agency, the requesting agency must propose an alternate training
12 schedule for commission approval.

13 **42-28.2.1-21. Requirements for qualification for continued employment.** -- (a) The
14 commission shall, by rule, establish a program that requires all law enforcement officers, as a
15 condition of qualification for continued employment or appointment as an officer, to receive
16 periodic commission-approved continuing training or education. Such continuing training or
17 education shall be required at the rate of not less than forty (40) hours per year and one hundred
18 twenty (120) hours over three (3) years.

19 (b) No officer shall be denied a reasonable opportunity by his or her employing agency to
20 comply with this section. The employing agency must document that the continuing training or
21 education is job-related and consistent with the needs of the employing agency. The employing
22 agency must maintain and submit, or electronically transmit, the documentation to the
23 commission, in a format approved by the commission. The commission under the following
24 circumstances may grant exceptions to the forty (40) hours per year rule:

25 (1) Military leave or injury occurring during the year that would preclude the receiving of
26 continuing training or education within the required period of time; or

27 (2) In the event of the timely filing of an application for continuing training or education,
28 which application, under the circumstances of time and physical applications, cannot be honored
29 by the law enforcement training center or at other facilities approved by the commission; or

30 (3) It is determined by satisfactory documentary evidence that the training will result in
31 undue hardship to the law enforcement officer or to the requesting agency, the requesting agency
32 must propose an alternate training schedule for commission approval.

33 **42-28.2.1-22. Committees and bylaws.** -- (a) The commission may establish and the
34 chairperson may appoint such subcommittees, task forces, or advisory committees it deems

1 necessary to carry out the provisions of this chapter. Appointments to subcommittees, task
2 forces, and advisory committees are not restricted to the membership of the commission.

3 (b) The commission may delegate responsibilities and functions to subcommittees, task
4 forces, and advisory committees, as it deems appropriate.

5 The commission shall promulgate rules of procedure governing its operations, provided
6 they are in accordance with the provisions of the administrative procedures act, chapter 35 of this
7 title.

8 **42-28.2.1-23. Certain reports made pursuant to this chapter or regulations**
9 **promulgated under this chapter not actionable for slander or libel. -- An oral or written**
10 **report, document, statement, or other communication that is written, made, or delivered**
11 **concerning the requirements or administration of this chapter or regulations promulgated under**
12 **this chapter shall not be the subject of or basis for an action at law or in equity for slander or libel**
13 **in any court of this state if the communication is between:**

14 (1) a law enforcement agency, its agents, employees, or representatives; and

15 (2) the commission, its agents, employees, or representatives.

16 **42-28.2.1-24. Violation by public law enforcement agency -- Compliance orders --**
17 **Injunctions -- Administrative and civil penalties -- Appeals. -- (a) Whenever the commission**
18 **finds that any public law enforcement agency is in violation of any provisions established**
19 **pursuant to this chapter, the commission may issue an order requiring the public law enforcement**
20 **agency to comply with the provision. The commission may issue an administrative finding of**
21 **noncompliance which shall render the public law enforcement agency ineligible to receive any**
22 **discretionary funds awarded by the Rhode Island justice commission until such time as it is**
23 **determined that the public law enforcement agency has achieved compliance. The commission**
24 **may also bring a civil action for injunctive relief or civil enforcement action in the appropriate**
25 **court. Violation of any court order issued pursuant to this section must be considered contempt of**
26 **the issuing court and punishable as provided by law. The commission may also invoke the civil**
27 **penalties as provided in subsection (b) for violation of the provisions of this chapter, including**
28 **any order or regulation hereunder. Any public law enforcement agency against which a civil**
29 **penalty is invoked by the commission may appeal to the superior court of the county where the**
30 **public law enforcement agency is located. Where original jurisdiction lies in the superior court,**
31 **an appeal may be taken as otherwise provided by law.**

32 (b) Any public law enforcement agency that fails to comply with this chapter and
33 regulations promulgated pursuant to this chapter, or fails to comply with any order issued by the
34 commission is liable for a civil penalty not to exceed three thousand dollars (\$3,000) per

1 violation. When the civil penalty authorized by this subsection is imposed upon a sheriff, the
2 sheriff is responsible for payment of this civil penalty.

3 **42-28.2.1-25. Cooperation of departments.** -- All other commissions, departments, and
4 agencies of the state government are hereby authorized and directed to cooperate with the
5 commission and to furnish such information and assistance as the commission shall require.

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

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LC02340
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- LAW ENFORCEMENT
STANDARDS AND TRAINING

- 1 This act would enact a comprehensive revision of law enforcement standards and training
- 2 to promote and foster professionalism.
- 3 This act would take effect upon passage.

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LC02340
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