

2024 -- H 7576

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT--- RIGHTS AND PROTECTIONS
OF MUNICIPAL POLICE CHIEFS

Introduced By: Representatives Noret, Dawson, J. Lombardi, Casey, Solomon, McEntee,
J. Brien, Craven, Serpa, and Vella-Wilkinson

Date Introduced: February 09, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 28.11

4 RIGHTS AND PROTECTIONS OF MUNICIPAL POLICE CHIEFS

5 **42-28.11-1. Police chief power and responsibility.**

6 Subject to the written formal policies as may be adopted by the appointing authority, the
7 chief of police, or active head of any police department, of any city or town, shall have authority,
8 as granted in the city or town's charter and/or by its ordinances, to direct and control all employees
9 of the police department in the chief's normal course of duty and shall be responsible for the
10 efficient and economical use of all department equipment.

11 **42-28.11-2. Procedure for dismissal.**

12 No chief of police or active head of any police department of any city or town shall be
13 dismissed unless there is a showing of just cause by the authority having the power of dismissal
14 and the chief or active head of the police department has been provided notice in writing of the
15 specific grounds for dismissal and the chief or active head of the police department has had an
16 opportunity to be heard in their own defense, personally or by counsel, at a public hearing before
17 the authority. The public hearing, unless otherwise specified by charter or ordinance, shall be held
18 not less than five (5) nor more than ten (10) days after service of the notice, unless a longer period

1 is requested for good cause.

2 **42-28.11-3. Appeals.**

3 Any person so dismissed pursuant to § 42-28.11-2 may appeal within thirty (30) days
4 following the dismissal to the superior court for the county in which city or town is located. Service
5 shall be made as in civil process. The court shall review the record of the public hearing pursuant
6 to § 42-35-15, and, if it appears that testimony is necessary for an equitable disposition of the
7 appeal, it may take evidence or appoint a master to take evidence as the court directs, and report
8 back to the court with the master's findings of fact. The report by the master shall constitute a part
9 of the proceedings upon which the determination of the court shall be made. The court, after a
10 hearing thereon, may affirm the action of the authority, or may vacate the dismissal if the court
11 finds that the authority acted illegally or arbitrarily, or in the abuse the authority's discretion, or
12 acted with bad faith, malice, or without just cause.

13 SECTION 2. 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--- RIGHTS AND PROTECTIONS
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1 This act would provide protections to appointed police chiefs of cities and towns and
2 provides that they would be entitled to a hearing and due process before termination. It would also
3 provide for an appeal of an adverse decision under the administrative procedures act.

4 This act would take effect upon passage.

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