

Rhode Island Law Enforcement Officers Bill of Rights

Current LEOBOR Questions.

Please answer the following questions as thoroughly as possible, respecting for some departments you may have had numerous disciplines handed out over the last 5 years and others have had very few. For those agencies with very few discipline incidents please consider using the last 10 disciplines you or your agency issued, regardless of timeline.

Department (optional)

Contact for survey follow up w/contact information (optional)

How many verbal or written reprimands have you had over the last 5 years?

How many suspensions have you had over the last 5 years?

Of those suspensions how many were for 2 days or less?

Of those 2 day suspensions or less, how many did you consider more severe discipline but chose not to due to the LEOBOR implications?

In the last 5 years, how many suspensions have you issued which were for more than 2 days and the officer accepted the discipline without invoking the LEOBOR?

In the last 5 years have you advised an officer that you were moving to terminate but they chose to retire/resign instead? if so how many?

In the last 5 years have you had a officer retire/resign while a LEOBOR was in process but prior to a ruling?

Does your agency have a discipline matrix? If yes, is it shared with your personnel?

If you don't have a matrix what do you use in determining discipline?

Please provide an overview of the last 10 disciplines you or your agency issued which included suspension? Please provide the following for each incident: Year of incident, brief description of charges (violation dept. policies and/or criminal charges), discipline given (including #days, and other requirements such as re-training or counseling), did officer request LEOBOR hearing, were you the issuing Chief? If a LEOBOR hearing was conducted was the discipline upheld, increased or decreased? Please submit on a separate sheet if necessary.

Current LEOBOR observations

Some Chiefs have had little experience with the LEOBOR but others have had more experience through participation as a subordinate in the department and some have actually sat on a hearing board. We ask you answer the following questions based on all of those experiences:

Based on your experiences, what area of the current LEOBOR do you believe need to be addressed? and why?

If their were two areas of the current LEOBOR that you could change what would it be? and Why?

If the current limit of 2 days summary discipline without a LEOBOR hearing could be increased what would you believe would be appropriate? 5-10 days? 10-15? 15-30? Other?

Based on your experience has the current LEOBOR hampered your ability to discipline officers under your command?

Do you believe the current composition of the LEOBOR panel should be changed? If yes, what do you believe should be the number of hearing officers? What should be their backgrounds? What other criteria do you believe would be more beneficial?

Based on your experience, what procedural requirements of the LEOBOR had a negative impact on the hearing/discipline process?

Do you believe more information about specific discipline within your department should be public? Does your opinion differ when the discipline is based on criminal charges as opposed to violations of departmental policies/procedures?

Do you believe it should be considered to have two different governing processes depending if the discipline is based on infractions that are criminal in origin as opposed to infractions based on violations of department rules and regulations only? If so explain.

How many LEOBOR hearings have been requested at your agency over the last 10 years?
How many of them were under your command?

Proposed changes to LEOBOR

Legislation has been submitted in the House of Representatives, with significant changes being suggested. There has also been public statements that RI Police Chiefs are looking for significant changes. Based on the proposed legislation I have summarized some of the changes and ask your opinion to them based on your experiences.

One of the most significant changes to the current LEOBOR is the make-up of the panel going from 3 police officers to a panel of 5, 3 of which can not be present or past law enforcement, nor can they be present or past union members! Do you support this change?

Again, considering the current make-up of the hearing panel what would be your opinion of a panel that would be in place for say 5 years, similar to the parole board or disability panel for the state? The make up of the panel would still need to be determined but the thought would be there would be more consistency in the process. Many officers have said they have sat on the hearing board with "little" guidance and as the neutral there in NO training or guidance. A semi permanent board would alleviate some of those issues?

Another significant change is in the wording required for the hearing panel to make a change to an applied discipline, "the hearing committee must give complete deference to the Chief's discipline recommendation unless by clear and convincing evidence that the discipline was arbitrary and capricious." What is your opinion to this suggested wording?

Please comment on anything which wasn't covered in the above questions which you feel are relevant to the LEOBOR?

Thank you for participating

Submit

Powered by JotForm