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May 23, 2023

Representative Robert Craven
Chair, House Judiciary Committee
Rhode Island State House
Providence, RI 02903

Re: ***Opposition to 2023-H 6181- An Act Relating to State Affairs and Government-Law
Enforcement Officers Screening, Discipline, and Decertification***

Dear Chairman Craven:

As the Chair of the Rhode Island Police Officers' Commission on Standards and Training (POST), please accept this letter on behalf of the POST in **opposition** to **H-6181**. The POST is statutorily charged with promulgating standards of training and hiring requirements for all municipal police departments, except for the Providence Police Department. In addition, under the current statutory framework, certain functions of the POST are subject to the authority of the Director of the Department of Public Safety. For example, although the POST sets training standards, the Department of Public Safety operates and staffs the Rhode Island Municipal Police Training Academy. POST members volunteer their time and are required to convene a minimum of four times annually. While the POST is responsible for certifying the curriculum at the Rhode Island Municipal Police Training Academy, the Commission does not have any oversight of the academies and certifications of the two largest police departments, the Rhode Island State Police and the Providence Police Department.

Members of the POST have reviewed **H-6181** and have significant concerns, including the lack of financial and human resources required to fulfill the wide breadth of new responsibilities this legislation would mandate. By way of example, the Massachusetts POST has a staff of over thirty full-time employees, including staff attorneys and administrative assistants, with a budget of several million dollars. While we recognize Rhode Island employs approximately one-third of the number of police officers as Massachusetts, the number of full-time employees required would likely be more than ten, and the funding necessary would be in the millions of dollars. The proposed legislation has no fiscal impact statement, which is a critical component when considering this bill.



As currently written, the bill would transform the POST into a quasi-judicial body responsible for conducting hearings, subpoenaing documents, and disciplining officers by suspending or removing the certifications of current police officers. It would also require the POST to conduct background investigations into potential recruits, which is best placed with the hiring agency. The current POST does not have a full-time attorney and relies on a representative from the Rhode Island Department of Attorney to provide us with legal guidance as needed. No clerical staff is dedicated solely to the POST requiring the administrative assistant for the Rhode Island Municipal Police Training Academy to assist. The current nine POST members consist of police chiefs, town managers, and a practicing attorney. Respectfully, if the proposed legislation becomes law, the current members of the POST would not be able to continue serving on the Commission due to the time commitment that would interfere with their primary employment.

From a legal perspective, the proposed bill would be in direct conflict with Rhode Island General Laws §42-28.6-15, the Law Enforcement Officers' Bill of Rights (LEOBOR), which states that LEOBOR "shall be the sole and exclusive remedies for all law enforcement officers" appealing administrative discipline. The legislation submitted would essentially circumvent the LEOBOR process and create a host of legal challenges that would likely be sustained and costly to the state. In recent years, the POST has proactively sought to increase public trust in law enforcement officers. For example, the POST amended its policy so that the POST certification of any officer lapses when that officer leaves their agency, regardless of the reason. If that officer then seeks employment with another police department, the POST must first review and approve a package of information, including a psychological test, to ensure the officer did not leave under questionable circumstances and still possesses the requisite integrity, demeanor, and skill to remain a law enforcement officer. With that said, the POST is open to discussing ways it can be part of the solution to increase public trust in law enforcement. As it relates to **H-6181**, under the current parameters of LEOBOR, if the POST were charged with decertifying or taking adverse action against a POST-certified officer, we believe such a process should occur after the conclusion of the LEOBOR process that results in termination. The POST could then review all related documents to determine if action regarding the officer's certification is warranted. This review could add another layer to prevent a person not suited to be a law enforcement officer from being employed as one in this state.

As POST members, we recognize the need for police accountability and are committed to ensuring that the nearly 3000 police officers who serve our state maintain the highest standards of training and professionalism. We are always available to engage in further dialogue about the mission of the POST and how we can best serve our fellow citizens.



I appreciate your time and the time of your committee members in reviewing my written testimony, and I stand available if you have any questions and can be reached at (401) 477-5001.

Sincerely

Col. Michael J. Winkist

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Chair, POST
Chief of Police

