



State of Rhode Island

DIVISION OF STATE POLICE

State Police Headquarters, 311 Danielson Pike, North Scituate, Rhode Island 02857
OFFICE OF THE SUPERINTENDENT AND DIRECTOR OF PUBLIC SAFETY

Colonel Darnell S. Weaver
Superintendent

February 8, 2024

The Honorable Robert E. Craven, Sr., Chair
House Committee on Judiciary
Rhode Island House of Representatives
82 Smith Street
Providence, RI 02903

RE: 2024-H 7312– An Act Relating to State Affairs and Government – Police Officers – Commission on Standards and Training

Dear Chairman Craven:

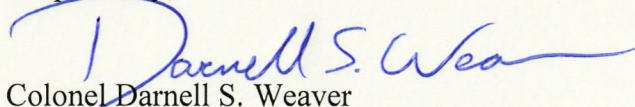
On behalf of the Department of Public Safety and the Rhode Island State Police (RISP), please accept this letter expressing strong concerns regarding legislation currently before the House Committee on Judiciary entitled, “Police Officers – Commission on Standards and Training,” which would not only expand the authority and power of the Rhode Island Police Officers Commission of Standards and Training (RIPOST) but would also be in conflict with other provisions of Rhode Island law. It is my understanding that the RIPOST submitted its own letter of concern. Rather than reiterate the same concerns, which are shared by the RISP, this letter focuses on specific RISP issues.

First, the RISP operates its own 24-week academy exclusively for prospective RISP troopers. At the conclusion of the RISP academy, the Superintendent of RISP certifies the graduates as law enforcement officers. See R.I. Gen. Laws 42-28-1 et seq. Separately, all municipal police officers, with the exception of the Providence Police Department, must graduate the Rhode Island Municipal Police Training Academy (RIMPTA) and are certified as law enforcement officers through the RIPOST. See R.I. Gen. Laws § 42-28.2-2. Although RIMPTA falls within the Department of Public Safety and members of the RISP are full-time instructors at RIMPTA, the RIPOST does not certify sworn members of the RISP. With this as a backdrop, if the proposed legislation becomes law, there would be a clear conflict between various provisions of Rhode Island General Laws. Frankly, it is the position of the RISP that because the RIPOST does not certify sworn members of the RISP, the RIPOST does not have the authority to decertify members of the RISP. The Superintendent of the RISP must maintain complete control over any discipline decision for a member of the RISP, which of course must be in accordance with the Law Enforcement Officers’ Bill of Rights (LEOBOR), if applicable. If the proposed legislation becomes law, it will inevitably lead to costly litigation which is likely to result in a judicial decision that the RIPOST does not have broad authority over all law enforcement officers.

Second, the proposed legislation would require the creation of a database “containing records” of all law enforcement officers. It is not known what is intended to be included as part of these records. Currently, each department maintains its own personnel records for its own officers. RIMPTA, with the assistance of Department of Public Safety personnel, maintains a file for all candidates at RIMPTA. After a candidate graduates RIMTPA, RIMPTA does not receive copies of in-service training, qualification records, disciplinary records or other personnel records. It would be an enormous burden on the Department of Public Safety if the intention of proposed legislation is to have the RIPOST, and by extension the staff at RIMPTA, maintain personnel records for all law enforcement officers in Rhode Island. In addition, the proposed legislation seemingly would make all of these records public while under the Access to Public Records Act, personnel records are typically exempt from public release. See R.I. Gen. Laws 38-2-2(4)(A)(I)(b). For these reasons, as well as the reasons articulated by the RIPOST, I must express my strong concerns regarding the proposed legislation.

I thank you for the opportunity to express the position of the Rhode Island State Police on legislation currently before the House Committee on Judiciary, H-7312 entitled, “Police Officers – Commission on Standards and Training.”

Respectfully,



Colonel Darnell S. Weaver
Superintendent, Rhode Island State Police
Director of Public Safety

cc: House Committee on Judiciary
Major Ronald Longolucco
Adam Sholes, Esq. – DPS Chief Legal Counsel
Nicole McCarty, Esq.
Governor’s Office