

Kenneth J. Hopkins
Mayor



Colonel Michael J. Winquist
Chief of Police

"A Nationally Accredited Agency"

5 GARFIELD AVENUE
CRANSTON, RHODE ISLAND 02920
Phone (401) 942-2211 TDD 943-1410
Fax (401) 477-5113

February 5, 2024

The Honorable Robert E. Craven, Sr.
Chairman, House Judiciary Committee
Rhode Island State House
Providence, RI 02903

Re: ***Opposition to House Bill No. 7312 Relating to State Affairs and Government-Police Officers-Commission on Standards and Training***

Dear Chair 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-7312**. 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 must convene at least four times annually. While the POST certifies the curriculum at the Rhode Island Municipal Police Training Academy, the Commission has no authority to approve the curriculum of the two largest police departments, the Rhode Island State Police and the Providence Police Department.

I have reviewed **H-7312** and have significant concerns, including the need for more financial and human resources to fulfill the wide breadth of new responsibilities this legislation would mandate. For example, the Massachusetts POST has over thirty full-time employees, including staff attorneys and administrative assistants, with a budget of several million dollars. While we recognize that 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 critical 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. Additionally, the POST would be charged with creating and maintaining a database/website and generating an annual report regarding the certification status and disciplinary action for the thousands of police officers currently serving in Rhode Island. The current POST does not have a full-time attorney and relies on a representative from the Office of the Rhode Island Attorney General to provide us with legal guidance as needed. There is no clerical staff or IT support dedicated solely to the POST, requiring the administrative assistant for the Rhode Island Municipal Police Training Academy to assist. The POST is comprised of nine members who are police chiefs, town managers, and a practicing attorney. Respectfully, if the proposed legislation becomes law, the current POST members could not 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 remedy 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-7312**, 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 POST's mission and how we can best serve our fellow citizens.



I appreciate your taking the time to review my written testimony, and I am available if you have any questions. I can be reached at (401) 477-5001.

Sincerely

Col. Michael J. Winkist

Colonel Michael J. Winkist
Chair, POST
Chief of the Cranston Police Department

