

RHODE ISLAND STATE LODGE FRATERNAL ORDER OF POLICE

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April 13, 2021

Re: Opposition to H6104

Dear Chairman Craven and the Honorable Judiciary Committee,

I write today in opposition to H6104 as drafted. This bill seeks to bind the hands of Chiefs of local departments in their selection, retention and termination of officers in favor of a new commission – a majority of which are individuals who are untrained, unqualified, and unfamiliar with the nuances of police work and the high stakes, dangerous, and complicated situations within which police officers operate on a daily basis. The RIFOP strongly objects to this legislation as it opens the selection and discipline of officers to an arbitrary and capricious process lacking clear standards.

The proposed legislation allows for an officer's "certification" to be "revoked" for, among other reasons, if, "The certified officer is found not guilty of a felony by reason of lack of criminal responsibility." The FOP fails to understand how an officer exonerated of criminal wrongdoing, regardless of the situation, is subsequently prohibited from employment as a police officer without consideration of all the facts and circumstances surrounding the case. It allows an officer's certification to be revoked if, "The certified officer has repeated sustained internal affair complaints, for the same or different offenses." An officer who oversleeps or is otherwise late to work, and is involved in a minor at-fault accident, then, would face revocation of their police powers if these minor infractions are sustained by internal affairs. Preposterous.

The legislation affords no due process to officers by denying an officer appellate rights regarding an adverse decision of the panel, a layer of deference that is reserved for the Supreme Court of the United States.

The legislation enumerates a "bonus" program for particular skills a law enforcement officer might possess. The FOP does not object.

Additionally, the FOP objects to displaying internal affairs records into a searchable public database. Internal Affairs complaints filed by citizens, including those filed anonymously, are already public record and subject to release under APRA. The results of these investigations are also public.

Officers accused in civil or criminal proceedings are entitled to the exact same due process protections as any private citizen. Releasing these reports will subject officers to conviction in the courts of public opinion and social media.

The FOP is prepared to work with members of the General Assembly to draft reasonable legislation that we can support.

Respectfully,

John Donley
President
RI FOP

