



STATE OF RHODE ISLAND JUDICIARY

SUPREME COURT
OFFICE OF GENERAL COUNSEL

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March 24, 2026

Via Electronic Mail (HouseJudiciary@rilegislature.gov)

Chair Carol Hagan McEntee
House Committee on Judiciary
Rhode Island State House
House Lounge
Providence, Rhode Island 02903

RE: House Bill #8118: An Act Relating to State Affairs and Government – Law Enforcement Officers’ Due Process, Accountability, and Transparency Act

Dear Chair Carol Hagan McEntee:

I write on behalf of the Rhode Island Judiciary to express the Judiciary’s concerns on House Bill #8118, scheduled to be heard this evening before the House Committee on Judiciary. If enacted, this bill would amend R.I. Gen Laws §§ 42-28.6-1, which provides “Definitions - Payment of legal fees” under the Law Enforcement Officers’ Due Process, Accountability, and Transparency Act (“LEODPATA”). Currently, R.I. Gen. Laws § 42-28.6-1 permits the appointment of legal counsel upon the written application by a majority of the hearing committee and with the discretion of the chairperson. House Bill #8118 seeks to remove this authority from the hearing committee and chairperson. In place of this removal, the proposed legislation would only permit the appointment of legal counsel if both the law enforcement agency and the accused law enforcement officer, submit a written application for the appointment of legal counsel to assist the hearing committee. This appears to be an unlikely alliance given the nature of LEODPATA hearings and associated costs. The failure to appoint counsel will hinder the statutorily enacted LEODPATA process and place an additional burden on the Judiciary.

During the 2024 legislative session, R.I. Gen Laws § 42-28.6, *et seq.* was amended. A key amendment required LEODPATA hearings to be conducted before a retired judicial officer, the chairperson by statute, and permitted the appointment of legal counsel to assist in all facets of the LEODPATA hearing. For each LEODPATA hearing conducted in 2025, legal counsel was appointed.

Legal counsel served a vital role throughout the LEODPATA hearings assisting both the hearing committee and the appointed judicial officer at all phases of the matter before the committee. For example, legal counsel organized motion practice, assisted in scheduling hearings and stenographers, conducted legal research, reviewed hearing transcripts, assisted in drafting resulting

opinions, which have been voluminous, and insured that exhibits are produced in an appropriate manner so as to not prejudice the hearing committee and judicial officer, if they are not entered into evidence. Further, and arguably most importantly, the appointed counsel attends every hearing to assist as needed as the hearing progresses. Retired judicial officers who have overseen LEODPATA hearings have found the services of the appointed counsel to be extremely beneficial in all facets of the matter presented. If counsel is not appointed, it is unknown how the many tasks listed above, which are not exhaustive, would be accomplished.

Additionally, as you are aware, under the current LEODPATA framework, the appointed judicial officer has a substantial administrative role. The retired judicial officer is required to create an administrative record of each hearing, and historically there are multiple hearings per matter, conduct the hearings, and issue a decision. See R.I. Gen. Laws § 42-28.6-11(e). Further, upon completion of a hearing and notification of the decision, the appointed judicial officer, is also required to gather the record and transmit a complete and accurate copy to Chief Justice Paul A. Suttell and the Rhode Island Police Officers Commission on Standards and Training. Id. The appointed legal counsel assists in all facets of this process.

It is foreseeable that if legal counsel is not appointed to the committee, the responsibilities enumerated above would then be placed on the Rhode Island Supreme Court's legal staff to assist in the LEODPATA hearings. Transferring these responsibilities to the Supreme Court's legal staff creates potential conflict and at least the appearance of impropriety under the Code of Judicial Conduct. Further, the Supreme Court's legal staff does not have the capacity, or statutory authority, to take on additional matters that are outside of the Judiciary.

While the fiscal impact of appointing legal counsel is a legitimate concern, the value of legal counsel to assist with all aspects of LEODPATA matters cannot be understated.

Thank you for the opportunity to express the Judiciary's concerns for this bill.

Sincerely,



Chrisanne Wyrzykowski
General Counsel