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Sent: Monday, March 23, 2026 11:06 AM
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Cc: coyote.rhodeisland@gmail.com; COYOTE RI
Subject: COYOTE RI in SUPPORT of H8272/S2157

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RE: Formal Support for House Bill 8272 and Senate Bill 2157 – Relating to Criminal Offenses – Law Enforcement Sexual Misconduct

Institutional Position of COYOTE RI

COYOTE RI, an acronym for Call Off Your Old Tired Ethics, is a Rhode Island-based organization and a member of a national coalition of current and former sex workers, trafficking survivors, and human rights allies. Since its founding in 2010, the organization has dedicated itself to advocating for policies that enhance the health, safety, and civil rights of individuals involved in the sex industry. This advocacy is rooted in a commitment to human rights, empowerment, and the belief that the voices of those most impacted by criminalization must lead the movement for policy reform. The organization formally submits this comprehensive testimony and research report to the House and Senate Judiciary Committees to advocate for the immediate passage of House Bill 8272 and Senate Bill 2157. These measures establish the criminal offense of Law Enforcement Sexual Misconduct, specifically criminalizing sexual penetration and contact by peace officers when the victim is in their custody or under their supervision.

The position of COYOTE RI is founded on the legal and sociological reality that consent is a functional impossibility in environments characterized by extreme power imbalances. When a law enforcement officer possesses the authority to deprive an individual of their liberty, the ability of that individual to provide a voluntary, uncoerced "yes" is non-existent. For eight consecutive years, versions of this legislation have been introduced to the Rhode Island General Assembly. Despite the total absence of formal opposition and the manifest moral imperative to close this legal loophole, the House and Senate Judiciary Committees have systematically denied this bill a floor vote. This report serves as both a policy analysis and a formal condemnation of the committee's procedural delay, which has allowed state-sanctioned sexual exploitation to persist in Rhode Island for nearly a decade.

The Legal Imperative for H8272 and S2157

The 2026 legislative package, consisting of H8272 and S2157, seeks to amend Title 11 of the Rhode Island General Laws by adding Chapter 71, titled "Law Enforcement Sexual Misconduct". This new chapter is designed to address a critical deficiency in the state's current sexual assault statutes, which often fail to hold officers accountable for sexual acts performed under the color of law.

Statutory Definitions and Scope of Conduct

The proposed legislation utilizes existing legal definitions to ensure continuity with the Rhode Island criminal code while creating a specific, enforceable category for custodial misconduct. The bills define "peace officer" by referencing § 12-7-21, which includes municipal police, state police, and correctional officers.

| Defined Term | Statutory Reference | Application under H8272/S2157 |
|--------------------|---------------------|---|
| Force or Coercion | § 11-37-1 | Maintains consistency with existing sexual assault standards. |
| Peace Officer | § 12-7-21 | Applies to all sworn officers on duty or acting in official capacity. |
| Sexual Contact | § 11-37-1 | Includes intentional touching for sexual arousal or gratification. |
| Sexual Penetration | § 11-37-1 | Encompasses sexual intercourse and other forms of penetration. |

Under Section 11-71-2, an officer is guilty of law enforcement sexual penetration if they engage in such an act during the course of duty with a person who has been "seized, is detained, has been placed in custody, has been placed under arrest, or is confined in a correctional or law enforcement facility". The penalty for this felony is a term of imprisonment not to exceed five years. Section 11-71-3 establishes a separate offense for "law enforcement sexual contact" under similar circumstances, classified as a misdemeanor punishable by up to eighteen months of imprisonment.

The Exclusion of the Consent Defense

Perhaps the most critical provision of H8272 and S2157 is found in subsections (d) of both 11-71-2 and 11-71-3, which state: "Consent of the victim shall not be a defense to a prosecution under this section". This clause explicitly recognizes that the custodial relationship is inherently coercive. While an affirmative defense exists if the sexual act resulted from force or coercion initiated by the victim against the officer, the standard "consent" defense—often used by officers to claim a sexual encounter was "voluntary"—is legally nullified.

The Power Imbalance: Why Consent is Impossible

The central argument of this testimony is that the authority vested in law enforcement creates a totalizing power dynamic that precludes the possibility of valid consent. In the field of criminal justice and human rights, this is understood as "implied coercion".

The Mechanism of Custodial Coercion

When an individual is seized or detained, the officer holds absolute control over their physical environment, their access to communication, and their immediate future. For marginalized individuals, particularly sex workers and drug users, the threat of arrest or the promise of leniency is a powerful

tool for sexual exploitation. Research into Rhode Island’s misdemeanor prostitution cases has shown that officers often use "sexual contact" as an investigative tactic, claiming they must engage in sexual acts to "prove" a crime is being committed. This is not an investigation; it is sexual violence facilitated by the state.

The psychological reality for a person in custody is one of survival. If an officer initiates a sexual encounter, the detainee often perceives compliance as the only way to avoid violence, extra charges, or prolonged detention. In such a scenario, any expression of "willingness" is a survival strategy, not a free expression of desire. By criminalizing these acts regardless of stated consent, H8272 and S2157 provide a necessary check on the absolute power of the badge.

Institutional Betrayal and the Social Contract

Law enforcement officers are entrusted with the monopoly on the legitimate use of force to protect the public. When an officer uses that force or the threat of that force to obtain sexual access to a person in their custody, they commit an act of institutional betrayal. This behavior undermines the legitimacy of the entire justice system. If the law allows an officer to walk away from a sexual encounter with a detainee by claiming "consent," the state is effectively sanctioning the use of public authority for private sexual gratification. The passage of H8272 and S2157 is essential to restore the integrity of the social contract between the state and its citizens.

The Narrative of Delay: Eight Years of Inaction (2018–2026)

The history of this legislation in the Rhode Island General Assembly is a profound example of legislative negligence. For eight consecutive years, identical or substantially similar bills have been introduced, only to be systematically suppressed by the House and Senate Judiciary Committees.

Chronology of Legislative Suppression

The following table outlines the persistent failure of the Rhode Island General Assembly to address custodial sexual misconduct.

| Year | Bill Number | Primary Sponsor | Committee Action | Result |
|-------------|--------------------|-------------------------|-------------------------|------------------------|
| 2018 | N/A | Advocates | Introduced | Held for Further Study |
| 2019 | N/A | Advocates | Introduced | Held for Further Study |
| 2020 | H7140 / S2233 | Rep. Ajello / Sen. Bell | Judiciary | Held for Further Study |
| 2021 | S249 | Sen. Bell | Judiciary | Held for Further Study |
| 2022 | S2233 / S2713 | Sen. Bell | Judiciary | Held for Further Study |
| 2023 | S152 / S1163 | Various | Judiciary | Held for Further Study |
| 2024 | H7833 | Rep. Hull | Judiciary | Held for Further Study |
| 2025 | S299 | Sen. Bell | Judiciary | Died in Committee |
| 2026 | H8272 / S2157 | Rep. Hull / Sen. Lauria | Judiciary | Pending |

The persistent refusal of the House and Senate Judiciary Committees to bring this bill to a floor vote is a shameful abdication of legislative responsibility. There has been zero formal opposition to this bill

from law enforcement organizations or the public since its first introduction in 2018. The use of the "held for further study" recommendation has become a tool of procedural erasure, allowing the committee leadership—specifically Representative Carol Hagan McEntee and Senator Matthew L. LaMountain—to avoid the political discomfort of a vote while effectively killing the bill every year.

This delay is not a neutral administrative act; it is a choice to prioritize the protection of "bad actors" in law enforcement over the safety of the most vulnerable citizens of Rhode Island. For eight years, survivors of police sexual violence have come to the State House to testify, sharing stories of exploitation and betrayal, only to have their words ignored by a committee that prefers the safety of inaction. The committees are reminded that every year this bill is denied a vote is another year they are complicit in the continued legality of custodial sexual misconduct.

Empirical Evidence: The Impact on Rhode Island Citizens

The necessity of H8272 and S2157 is further supported by the empirical research conducted by COYOTE RI regarding law enforcement contact and its effects on marginalized populations in Rhode Island.

Findings from the COYOTE RI Impact Study (2000–2022)

In 2023, COYOTE RI released a report analyzing 2,189 misdemeanor prostitution-related cases in Rhode Island, along with state felony trafficking cases from 2016 to 2022. The findings revealed a systemic problem with law enforcement sexual contact during undercover operations and arrests.

| Population Category | Impact Insight from Research |
|-----------------------|---|
| Asian Women | Significantly overrepresented in spa raids involving sexual contact by officers. |
| Trafficking Survivors | Often prosecuted for prostitution rather than protected, with many reporting police abuse. |
| Drug Users | Vulnerable to demands for sexual acts in exchange for not being arrested for possession. |
| Repeat Arrests | 288 people had more than one arrest; 29 had ten or more, increasing exposure to misconduct. |

The study found that law enforcement sexual contact is frequently used as a "test" to confirm the identity of a sex worker before an arrest is made. This practice is inherently abusive and would be criminalized under H8272 and S2157. The research also highlighted that 26% of sex workers surveyed reported being sexually assaulted by an officer, while 33% were threatened with arrest if they attempted to report a crime, creating a "cycle of silence" that protects predators with badges.

The Role of FOSTA-SESTA in Increasing Vulnerability

Broader national trends, such as the passage of federal FOSTA-SESTA legislation, have also impacted the safety of Rhode Islanders. By shutting down online screening platforms, these laws have forced many workers back into more dangerous "street-based" interactions or indoor settings where they are more vulnerable to police raids. In this heightened environment of risk, the need for a clear law prohibiting custodial sexual misconduct is even more urgent. The lack of such a law in Rhode Island means that the very people tasked with rescuing trafficking victims are legally permitted to engage in sexual acts with them during the "rescue" process.

Comparative Analysis: Rhode Island as a National Outlier

Rhode Island's failure to pass H8272 and S2157 is particularly egregious given the national trend toward criminalizing custodial sexual misconduct. Numerous states have already recognized the impossibility of consent in custody and have enacted specific statutes to address this form of corruption.

National Standards and Human Rights

The International Association of Chiefs of Police (IACP) and the United States Department of Justice (DOJ) have both issued guidance stating that any sexual interaction between an officer and a person in their custody is a violation of professional ethics and human rights. These organizations recognize that "custodial sexual misconduct" is a unique category of crime that requires specific statutory language to prosecute effectively.

By failing to pass this bill, Rhode Island remains in a dwindling minority of states that allow the "consent" defense to persist in custodial rape cases. This status as an outlier is not only a policy failure but a human rights crisis. The SOAR Institute, which supports survivors of human trafficking, has emphasized that custodial sexual violence is a primary reason why survivors fear and distrust law enforcement. Passing H8272 and S2157 is a necessary step toward building a justice system that is actually just.

Institutional Integrity vs. Individual Misconduct

It is often argued by opponents of police reform that such laws are unnecessary because "most officers are good." This argument misses the point of H8272 and S2157. This legislation is not an attack on the integrity of the majority of officers; rather, it is a tool to protect the integrity of the profession from the actions of the few who would abuse their power. By establishing clear boundaries and penalties, the law ensures that misconduct is handled as a crime, not merely an administrative violation. The current legislative delay only serves to shield those who commit these crimes, thereby tarnishing the reputation of the entire Rhode Island law enforcement community.

Technical Analysis of the Proposed Statutes

H8272 and S2157 provide a robust framework for prosecution while ensuring that the rights of all parties are maintained through clear definitions and sentencing guidelines.

Penalty Structure and Concurrent Sentencing

The legislation establishes a tiered approach to penalties based on the severity of the act. Sexual penetration, the most invasive form of misconduct, is a felony. Sexual contact, while still a grave breach of trust, is a misdemeanor.

| Offense Type | Potential Sentence | Classification |
|------------------------------------|------------------------------|----------------|
| Law Enforcement Sexual Penetration | Up to 5 Years Imprisonment | Felony |
| Law Enforcement Sexual Contact | Up to 18 Months Imprisonment | Misdemeanor |

Crucially, the legislation mandates that any sentence imposed under Chapter 11-71 shall run concurrently with any other sentence imposed for the same case. This ensures that the punishment is

focused specifically on the breach of custodial trust, rather than layering penalties in a way that might lead to constitutional challenges regarding double jeopardy. The bills also specify that those convicted of custodial sexual assault under these specific sections would not be subject to the state's sex offender registration law, further focusing the statute on institutional misconduct rather than traditional sexual assault paradigms.

The Affirmative Defense of Officer Coercion

Sections 11-71-2(c) and 11-71-3(c) provide a critical safeguard for officers by allowing for an affirmative defense if "the act... resulted from force or coercion by the alleged victim or victims". This provision ensures that the law cannot be used as a weapon against officers who are truly the victims of assault by detainees. However, the burden of proof for this affirmative defense rests with the accused officer, requiring a preponderance of evidence to be presented in court. This strikes a necessary balance: it protects the officer from true coercion while closing the door on the false "consent" narrative that has historically allowed for the exploitation of detainees.

Sociological and Human Rights Context

The advocacy for H8272 and S2157 is part of a broader effort to decriminalize sex work and recognize the labor rights of those in the industry. COYOTE RI views the criminalization of custodial sexual misconduct as a critical harm reduction measure.

The Stigma of Prostitution and its Legal Consequences

The term "prostitution" is frequently used to justify the dehumanization of those in the sex trade. This stigma is often used in the courtroom to discredit victims of police sexual violence. When an officer claims that a sexual encounter with a sex worker was "consensual," the judge and jury are often influenced by the preconceived notion that the worker "sells sex anyway," and therefore could not have been harmed by the encounter. This is a fundamental misunderstanding of consent. A person who sells sex has the same right to bodily autonomy and the same right to say "no" as any other citizen. In a custodial setting, that right is effectively stripped away. H8272 and S2157 correct this by making the officer's status, not the victim's profession, the determining factor of the crime.

Protecting the Most Vulnerable: A Moral Duty

The individuals most likely to be in police custody are often the most vulnerable members of society. COYOTE RI's data on misdemeanor arrests shows a high correlation between poverty, homelessness, and interaction with the criminal justice system.

| Vulnerability Factor | Connection to Custodial Misconduct |
|-----------------------------|---|
| Homelessness | Lack of stable housing makes individuals easier targets for police harassment. |
| Substance Use | Fear of withdrawal or charges for possession creates extreme leverage for officers. |
| Immigration Status | Fear of deportation often prevents victims from reporting any form of police abuse. |

The passage of H8272 and S2157 is a moral duty for the Rhode Island General Assembly. It is an act of protection for those who have been forgotten by the political process. The eight-year delay is a

testament to how easily the rights of these vulnerable populations can be ignored when they are not politically powerful.

Conclusion: A Call for Immediate Action

The Rhode Island House and Senate Judiciary Committees have a choice to make in 2026. They can continue the shameful tradition of the last eight years by holding H8272 and S2157 for "further study," or they can finally act to protect the citizens of this state from sexual exploitation by those in power.

Final Demands

COYOTE RI, on behalf of its members, trafficking survivors, and the broader human rights community, demands the following:

1. **An Immediate Floor Vote:** The committees must move H8272 and S2157 out of committee and onto the floor of the House and Senate for a full and public vote.
2. **Acknowledgment of the Power Imbalance:** The legislative record must reflect the understanding that consent is a legal impossibility in custodial settings.
3. **End to the "Study" Pretext:** The committee leadership must stop using the procedural "further study" recommendation as a way to avoid taking a stand on this critical issue.
4. **Prioritization of Human Rights:** The legislature must prioritize the bodily autonomy of detainees over the political convenience of protecting "bad actors" in law enforcement.

The delay of eight years is a stain on the record of the Rhode Island General Assembly. It is time for Representative McEntee, Senator LaMountain, and the members of the House and Senate Judiciary Committees to do their duty. The organization urges the immediate passage of H8272 and S2157. The safety and dignity of Rhode Islanders depend upon it.

Respectfully submitted,

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<https://coyoteri.org/wp/wp-content/uploads/2026/03/COYOTE-RI-in-Support-of-House-Bill-8272-and-Senate-Bill-2157-.pdf>

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