

March 24, 2026

RE: Support for H8272 - “An Act Relating to Criminal Offenses – Law Enforcement Sexual Misconduct”

To the House Committee on Judiciary,

I would like to express my support of H8272, which prohibits law enforcement sexual penetration and sexual contact when the victim is in police custody, under arrest, or subject to an investigation and thus cannot consent. I am an attorney and policy expert on national laws relating to criminal justice, with a specific focus on police sexual misconduct as well as issues relating to prostitution and human trafficking laws.

You have received extensive written testimony on why this legislation is necessary; particularly because of the unique power imbalance between law enforcement and civilians (especially members of marginalized groups), as well as the increased community trust that is built with law enforcement when civilians know that police officers are able to hold bad actors accountable. Instead of being duplicious with the other testimony, I will provide some context on similar legislation nationally and an analysis of the bill.

Rhode Island is one of only 16 states that does not prohibit sexual contact between law enforcement and civilians. The only related law currently on the books is § 11-25-24, which prohibits correctional employees and inmates from having sexual relations; the legislature thus has already identified a need to make laws that govern scenarios in which someone is interacting with authority entities separate from existing sexual assault laws.

The most robust police sexual misconduct laws cover a multitude of police encounters, including custody, questioning, and investigations. The majority of states that passed police sexual misconduct laws many years ago initially only protected civilians in police custody; many states are now expanding those laws to include more police interactions. Vermont expanded its law to not only protect people in police custody but also subjects of investigations and confidential informants in 2023;¹ Massachusetts and New York legislators are currently considering similar legislation.² Because Rhode Island does not yet have a police sexual misconduct law on the books, there is an opportunity to create a robust and complete policy with one bill. H8272 prohibits law enforcement sexual penetration and law enforcement sexual contact with any person who has been seized, is detained, has been placed in custody, has been placed under arrest, is confined in a correctional or law enforcement facility or vehicle, and/or is the subject of an investigation or questioning.

This bill also addresses consent, which is another critical issue in police sexual misconduct policy. Subsection (d) in both the sexual penetration and sexual contact statutes prohibits the

¹ 13 V.S.A. § 3259, <https://legislature.vermont.gov/statutes/section/13/072/03259>.

² H2634, Massachusetts 2025-2026, <https://malegislature.gov/Bills/194/H2634>; S4404/A5399, New York 2026, <https://www.nysenate.gov/legislation/bills/2025/S4404>.

use of consent of the victim as a defense to prosecution. Nearly every existing police sexual misconduct law in other states also address consent; ultimately, someone in a police interaction cannot earnestly consent to sexual contact, and victims often do not report their experience for fear that the perpetrator will claim that the interaction was consensual.

You can find an extensive resource on enacting effective police sexual misconduct laws, including every US state's existing laws here: <http://bit.ly/4t6RNeu>
The resource provides much more detail on many of the policy questions addressed above.

H8272 is a complete, robust, and effective piece of legislation that would protect Rhode Island's most vulnerable while empowering law enforcement officers to build more trusting relationships with the communities they so honorably serve. I urge you all to support the passage of H8272.

Please do not hesitate to reach out to me with additional questions or clarifications; I am also happy to share additional resources or really get into the policy weeds here.

Thank you very much for your advocacy for your constituents and for taking time to consider this critical legislation.

Best,
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