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ACLU OF RI POSITION: SUPPORT/AMEND

TESTIMONY ON 24-7312, RELATING TO STATE AFFAIRS AND GOVERNMENT – POLICE OFFICERS – COMMISSION ON STANDARDS AND TRAINING February 8, 2024

Despite the enormous implications for public safety, social justice, and institutional accountability, Rhode Island remains one of only two states in the country without a state-level certification or decertification system for police officers. In the past few years alone, neighboring Massachusetts, along with California and New Jersey, officially codified a decertification process for their law enforcement agencies, leaving Rhode Island and Hawaii as the outliers.

The ongoing public upswell of support for more meaningful scrutiny of the qualifications of law enforcement personnel indicates that it is finally time for Rhode Island to follow the lead of all these other states and institute a similar decertification requirement to assist with oversight of our policing institutions.

As public-facing personnel who carry lethal weapons and have the capacity to seriously injure or kill the people they serve, police officers and the training they are given and the qualifications they are subject to have a profound effect on the surrounding community environment. While we believe that this bill should be strengthened to accomplish its stated goal, we fully support its intent to ensure that the disciplinary results of police officer misconduct are treated in a way that recognizes the dangers that arise if officers who have engaged in misdeeds are easily allowed to move from one department to another.

To that end, we also think it is critical to note that the parameters for decertification under this bill are extremely narrow, limited only to felony convictions and certain federal crimes. In the national context of police certification and decertification, such guidelines are unusual, as “about two-thirds of the states with the power to decertify an officer do not even require a criminal conviction to boot someone from the profession,”¹ and “most POSTs with decertification power can decertify officers for misdemeanor convictions [...] and failure to meet training requirements.”² That is, under the standards of this bill, officers such as Officer Dolan – the Pawtucket officer who was acquitted of shooting at a teenager while off-duty and who faced multiple other allegations of misconduct – could not be decertified despite objectively and deeply

¹ <https://voiceofsandiego.org/2019/11/10/many-california-cops-have-kept-their-jobs-after-being-convicted-of-a-crime/>

² <https://counciloncj.foleon.com/policing/assessing-the-evidence/ix-decertification#:~:text=Most%20states%20have%20a%20process,as%20a%20deterrent%20to%20misconduct.>

concerning actions. While there should be reasonable constraints on the conduct that can lead to a serious consequence like decertification, it should not be unduly narrow either.

In conclusion, we strongly support legislation which will implement a certification and decertification process for police officers and bring Rhode Island's law enforcement practices in line with 48 other states, but we urge the committee's support of a Sub A of this bill which would do so in a way that mirrors the important standards in other states' decertification statutes.

Thank you for considering our views.