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ACLU OF RI POSITION: SUPPORT/AMEND

TESTIMONY ON 21 – H 6104, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – POLICE OFFICERS – COMMISSION ON STANDARDS AND TRAINING April 13, 2021

Despite the enormous implications for public safety, social justice, and institutional accountability, Rhode Island remains one of the only states which does not employ a state-level certification or decertification system for its municipal police officers. Only a few months ago, one of the other previously outstanding states – our neighbor, Massachusetts – officially codified a certification process. The ongoing public upswell of support for more stringent requirements on the qualifications of law enforcement personnel indicates that it is finally time for Rhode Island to follow Massachusetts' belated lead and institute a similar certification 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. Appropriately, this legislation would establish a commission – which would include representatives with expertise in diversity and equity – to maintain the processes for obtaining certification. It would additionally ensure that the hiring of police officers is uniform across the state and subject to the types of occupational guidelines which hundreds of other jobs, including barbers, childcare professionals, and more, are currently subject to.

Critically, this legislation would also propose a process for revocation of certification for a variety of offenses, including for excessive use of force involving chokeholds and for failure to intervene with another officer applying excessive use of force. Currently, we are one of only four states which does not have the ability to decertify officers at the state level (the others are California, Hawaii and New Jersey) and this legislation would close this gap in state law.

Although we are not in a position to comment on all the specifics of the bill, we would encourage the adoption of two amendments. First, although we recognize that a significant amount of the certification process will be delegated to the commission to create and produce, this legislation would officially codify a process by which law enforcement officers may receive

financial bonuses for exceeding their minimum training requirements. Included among this optional training which would render an officer eligible for a bonus are courses in subjects such as “Advanced de-escalation techniques” or “Advanced training in bias-free policing.” Such training is undoubtedly critical; however, these courses should be central to an officer’s mandatory training and should not be offered on a discretionary basis nor offered as an opportunity for monetary gain on the part of the officer, especially when they are so important to ensuring community safety and health.

Second, we would urge that the legislation make clear that training and certification materials cannot be considered exempt from disclosure under the Access to Public Records Act’s “law enforcement” exemption. While we don’t think they would be exempt under the statute’s wording, affirmative language to that effect would avoid any disputes.

Across the country, states have been seriously reevaluating their statutory policing processes and recognizing the need for significant change in these systems. One of the ways that Rhode Island can establish a uniform approach to the hiring, training, and ongoing employment of police officers is through a comprehensive certification process. We urge that the legislature codify such a practice and ensure that there is a guaranteed system of standards which the public community can rely upon and which police officers, who wield enormous power, can be held accountable to.

Thank you for your consideration of our views.