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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 25-S 814, RELATING TO CRIMINAL OFFENSES – OBSTRUCTING JUSTICE April 1, 2025

This bill would make it a misdemeanor to knowingly file a false report of misconduct of any law enforcement official, public safety official, or hospital staff. The ACLU of Rhode Island opposes this bill, as we believe it will serve as a tool to deter individuals from filing legitimate complaints of police misconduct.

There are already numerous obstacles to holding police accountable and to filing complaints; this bill would only exacerbate the problem. From our experience, we know that many victims of police misconduct do not bother to file complaints, either because they believe it will be futile or because they are fearful of retaliation, whether that fear is justified or not. But a bill like this can only increase that fear.

We know that internal investigations rarely find an officer guilty of misconduct. Even in those gray areas where, for example, it may not be clear whether the level of force used by a police officer was warranted, the victim understandably could fear the prospect of facing criminal charges if they file a complaint and the officer is exonerated. Indeed, many of the complaints filed against officers may be in that great area, but it is the same police department that will play a part in deciding whether to bring charges against the complaint under this bill.

The imbalance that this legislation creates is best exemplified by a lawsuit we are currently handling against a local police department. An officer knowingly filed a false affidavit with a court that resulted in the arrest of an innocent man who spent a month in prison before the charges were dropped. However, the officer was not charged with a crime; he was given a ten-day suspension and, to the best of our knowledge, remains on the force. This bill would only exacerbate the double standard that this lawsuit highlights.

For all these reasons, we urge rejection of this bill. Thank you for considering our views.