



The Twenty • for 2020 •

TWENTY PROMISES TO ALL RHODE ISLANDERS
FROM THEIR POLICE DEPARTMENTS



Issued: June 25, 2020



WE STAND
UNITED
FOR RHODE ISLAND

The Rhode Island Police Chiefs' Association was established in 1950 and is comprised of more than 100 members; including active and retired police chiefs. As an organization we strive to work closely with citizens and community partners alike in an ongoing effort to form sustaining foundations for safe and secure communities.

The murder of George Floyd should be a national catalyst for every police department to examine its own practices around use of force and officer training. For RIPCA this cause for reflection has resulted in the 20 for 2020 campaign, an effort to ensure the public's faith in its police departments by redoubling a statewide focus on training, transparency, communication and human rights.

Every police chief from the XX number of municipal and XX number of campus police departments comprising the public safety profession of Rhode Island is committed and stands behind the principles, promises and policy amendments that we set forth in this document.

Chief Sidney Wordell (Ret.)

Executive Director of the Rhode Island Police Chiefs' Association

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STATEMENTS OF PRINCIPLES

1 **ACKNOWLEDGEMENT ABOUT THE REALITIES OF POLICE BRUTALITY IN THE WORLD**

The police of Rhode Island denounce the actions of police officers in Minnesota, who committed or were party to a murder, through their actions and inactions.

We mourn the deaths of George Floyd and every other person killed by police brutality.

In Rhode Island, we take an oath to protect life. We abhor the senseless taking of another person's life, especially at the hands of police officers.

We acknowledge that the criminal justice system requires reform at all levels to make it equitable to every individual, especially persons of color.

2 **DEFENDING THE PROFESSION OF POLICING IN RHODE ISLAND**

We do stand up for and defend the profession of policing.

Rhode Island has a rigorous, modern accreditation process, ensuring agencies and their policies are in-line with modern best practices in law enforcement.

Those seeking to “defund” the police are seeking to take funding away from police departments and invest it elsewhere.

But this argument fails to account for the changes to our profession that have already occurred.

Just as firefighting has evolved over the years—beyond the extinguishing of fires, to a heavy focus on emergency medical services, safety, and rescue—the profession of policing has evolved beyond arrests and investigations.

Today, modern police departments employ social workers, jail diversion coordinators, youth outreach workers, and recovery coaches as police, nationally, have been leading the fight against the opioid epidemic.

STATEMENTS OF PRINCIPLES



We support a dialog on increasing social services and creating new programs at all levels of government, but to cut police funding today would hurt vulnerable citizens immediately.

We stand up for the extremely dedicated, educated, well-trained and well-meaning women and men who have chosen policing—a profession that shortens the lifespan of everyone who does the job, a profession that requires that you must be ready to give your own life to save others. A profession that, when done correctly, makes our communities safer and our lives better.

The men and women in Rhode Island law enforcement are dedicated to doing the right thing, at the right time, for the right reason, for everyone.

But we acknowledge that our words are meaningless without action and without a willingness to accept feedback from the people we serve. We have a responsibility to be accountable to our communities—and are committed to listening and working together for the common good.

3 RE-EMPHASIZING TRAINING STANDARDS

Police in Rhode Island are rigorously trained. We are not trained to use chokeholds to aid in the apprehension of a suspect, and our statewide Use of Force policy prohibits it. We do not train to place a defenseless person on their face where they can't breathe. The Rhode Island Police Chiefs' Association will ensure that this training is emphasized in every agency.

1. We reaffirm our commitment to Rhode Island's statewide Police Use of Force model that has been rigorously developed over time and that meets or exceeds the nationally distributed "8 Can't Wait" and similar movements and recommendations on use of force, including prohibition of any technique intended to cut off blood flow or oxygen to the brain, including chokeholds, to apprehend a suspect.
2. Existing statewide policy requires "Duty to Intervene" when an officer witnesses excessive force.
3. Rhode Island police officers are trained to use the minimum amount of force necessary to ensure the safety of all and the safe apprehension of a suspect.
4. Every police department in Rhode Island shall train each of its officers on the following principles:
 - De-escalation
 - Implicit Bias
 - Procedural Justice
 - Police Legitimacy

PROMISES & POLICY AMENDMENTS



The men and women in Rhode Island law enforcement are dedicated to doing the right thing, at the right time, for the right reason, for everyone.

4 RIGHT TO PEACEFUL PROTEST

Every police department in Rhode Island supports the right of all people to peacefully assemble and protest.

The people of Rhode Island should feel safe and secure assembling peacefully and petitioning their government agencies without fear of reprisal, intimidation or undue aggression from police. Rhode Island Law Enforcement agencies will uphold the constitutional rights of those engaged in peaceful and lawful protests. Agencies will avoid using provocative tactics and equipment that undermines civilian trust.

5 NEWS MEDIA & OFFICER IDENTIFICATION

Every Police Department in Rhode Island pledges to respect and uphold the right of journalists and the news media to do their job and perform their duties without fear of unlawful arrest or harassment from police.

All officers in the State of Rhode Island shall provide their name and badge number at anytime if requested.

6 PUBLIC POLICIES

Every police department in Rhode Island shall post their Use of Force, Use of Force Reporting, Complaint Processing, and Bias Based Policing Prohibition policies on their respective department websites and on the Rhode Island Police Chiefs' Association website so that the public can view and access these policies anytime, without filing a public records request.

Certain policies have already been required to be posted on websites to meet accreditation standards. This extends to include more policies and all agencies, accredited or not.

7 ACCREDITATION

The Rhode Island Police Chiefs' Association and its member chiefs shall commit to every police department in Rhode Island achieving state accreditation under the Rhode Island In-State Accreditation Commission.

PROMISES & POLICY AMENDMENTS



8 FEEDBACK

Every police department in Rhode Island shall create a form on its website for citizen feedback and complaints, which will go directly to the Chief of Police or the Internal Affairs office of the agency.

All complaints, including anonymous complaints, will be investigated.

Every police department in Rhode Island will explore the creation and implementation of a verified Facebook page and Twitter account subject to any legal restrictions or municipal or university policies.

All Rhode Island Police Departments will post a link on their website to the Department of Justice's Civil Rights Reporting Portal, a new online tool to make it easier for the public to report a civil rights violation.

10 BODY & CRUISER CAMERAS

Every police department in Rhode Island shall explore establishing a body-worn camera program and a cruiser camera program. Each department shall present their research to their municipalities or governing bodies.

The Rhode Island Police Chiefs' Association shall likewise research possible statewide grants or federal funding that would reduce the cost to taxpayers, helping ensure less disparity between communities.

The Rhode Island Police Chiefs' Association has produced a whitepaper on this issue and shall publish it on its website.

9 RESTORATIVE JUSTICE

The Rhode Island Police Chiefs' Association shall seek to promote restorative justice, with the long-term goal of creating a statewide restorative justice program that all agencies can use to ensure community harmony without the stain of a criminal record for certain non-violent offenders.

Restorative justice is a voluntary process, done only with the approval of a victim, involving the whole community and the offender.

- Can repair breach caused by vandalism, property crime and quality-of-life crime without involving the court system and without giving the offender a criminal record.

11 OFFICER WELLNESS

Every police department in Rhode Island commits to a police officer wellness program that supports physical and mental health and will work with the Rhode Island Police Chiefs' Association to standardize such a program.

12 SOCIAL SERVICE MUTUAL AID

The Rhode Island Police Chiefs' Association shall establish a database of community service, social service, youth service, social workers, recovery coaches, and specialty service providers in each police department in the state.

The database shall be made available to all law enforcement agencies in the state, as well as in Connecticut and Bristol County, Massachusetts to ensure that neighboring agencies have access to "mutual aid" specialty resources whenever they are needed.

PROMISES & POLICY AMENDMENTS



13 **UNIFORM USE OF FORCE & CIVIL RIGHTS VIOLATION REPORTING**

The Rhode Island Police Chiefs' Association commits to develop and implement a statewide, uniform excessive use of force reporting system.

All use of force incidents statewide that meet the FBI's CJIS Use of Force Database requirements, including any use of force that results in the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person, shall be reported.

14 **FACE-TO-FACE INTERACTIONS**

Every Police Department in Rhode Island will host an open forum four times per year, starting on Zoom or a similar online platform and moving in-person as COVID-19 public health guidelines permit.

Whether in a formal auditorium setting or "Coffee with a Cop," all will be welcome and chiefs and officers will answer questions from the community.

15 **LAW ENFORCEMENT BILL OF RIGHTS**

The Rhode Island Police Chiefs' Association will work with state lawmakers to review and make updates to the Rhode Island Law Enforcement Officers' Bill of Rights (LEOBOR).

16 **COMMITMENT TO DIVERSITY HIRING**

The Rhode Island Police Chiefs' Association commits to the creation of a standardized outreach process for recruitment by all departments in order to reach new communities of individuals and to diversify ranks.

PROMISES & POLICY AMENDMENTS



We have a responsibility to be accountable to our communities—and are committed to listening and working together for the common good.



17 EXTERNAL TRAINING

Every Police Department in Rhode Island shall incorporate training resources or book a speaker from the Anti-Defamation League of New England or similar civil, cultural or social justice organization at least once per year.

Agencies shall welcome speakers from other local, regional and national cultural or advocacy organizations.

18 REVIEW NAACP GUIDELINES

Every Police Department in Rhode Island shall review the NAACP's "Standards Every Law Enforcement Agency Should Have" and seek to incorporate the standards into their policies and procedures.

19 ONLINE TRAINING LIBRARY

The Rhode Island Police Chiefs' Association shall maintain an open library on its website including:

- Training resources
- Diversity and bias resources
- Research and scholarly works on criminal justice
- Downloadable resources for police departments

20 IMPLICIT BIAS TRAINING

The Rhode Island Police Chiefs' Association shall seek to have chiefs and officers trained as instructors through the RITE Academy, or other program with similar curriculum, with the intention of training the entire police department on cultural bias and implicit bias.



SIGNED BY



**CHIEF DINO
DECRESCENZO**

BARRINGTON



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LYNCH**

BRISTOL



**CHIEF STEPHEN
J. LYNCH**

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**CHIEF RICHARD
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JOHNSTON



**CHIEF BRIAN
W. SULLIVAN**

LINCOLN

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In Rhode Island, we take an oath to protect life. We abhor the senseless taking of another person's life, especially at the hands of police officers.



CHIEF SCOTT N. RAYNES

LITTLE COMPTON



CHIEF WILLIAM D. KEWER

MIDDLETOWN



CHIEF SEAN CORRIGAN

NARRAGANSETT



CHIEF ANTONE MONROE

NARRAGANSETT TRIBAL POLICE



CHIEF GARY SILVA

NEWPORT



CHIEF VINCENT T. CARLONE

NEW SHOREHAM



CHIEF PATRICK FLANAGAN

NORTH KINGSTOWN



CHIEF ARTHUR J. MARTINS

NORTH PROVIDENCE



CHIEF TIM LAFFERTY

NORTH SMITHFIELD



CHIEF TINA GONCALVES

PAWTUCKET



CHIEF BRIAN PETERS

PORTSMOUTH



CHIEF HUGH T. CLEMENTS, JR.

PROVIDENCE



CHIEF ELWOOD M. JOHNSON, JR.
RICHMOND



CHIEF DONALD DELAERE

SCITUATE



CHIEF RICHARD P. ST. SAUVEUR

SMITHFIELD



CHIEF JOSEPH GEABER, JR.

SOUTH KINGSTOWN

SIGNED BY

The Twenty
for 2020



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JONES**

TIVERTON



**CHIEF ROY M.
BORGES**

WARREN



**COLONEL RICK
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LACEY**

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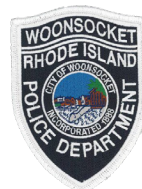
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RI STATE POLICE



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**RHODE ISLAND
COLLEGE**



**DIRECTOR
STEPHEN N.
BAKER**

**UNIVERSITY OF
RHODE ISLAND**

CHIEF'S CHECKLIST

5: PUBLIC POLICIES

- Post your department's Use of Force, Use of Force Reporting, Complaint Processing, and Bias Based Policing Prohibition policies on your department website.
- Provide electronic copies of your department's Use of Force, Use of Force Reporting, Complaint Processing, and Bias Based Policing Prohibition policies to RIPCA.

6: ACCREDITATION

- Achieve state accreditation under the Rhode Island In-State Accreditation Commission.

7: FEEDBACK

- Create a form on your department website for citizen feedback and complaints, which goes directly to the Chief of Police or the Internal Affairs office.
- Explore the creation and implementation of a verified Facebook page and Twitter account subject to any legal restrictions or municipal or university policies.

9: BODY & CRUISER CAMERAS

- Explore establishing a body-worn camera program and a cruiser camera program.
- Present research on establishing a body-worn camera program and a cruiser camera program to your municipality or governing bodies.

10: OFFICER WELLNESS

- Establish an officer wellness program that supports physical and mental health.

13: UNIFORM USE OF FORCE & CIVIL RIGHTS VIOLATION REPORTING

- Incorporate language into your policies and procedures requiring that all use of force incidents statewide that meet the FBI's CJIS Use of Force Database requirements, including any use of force that results in the death or serious bodily injury of a person, as well as when a law enforcement officer discharges a firearm at or in the direction of a person, shall be reported.

14: FACE-TO-FACE INTERACTIONS

- Schedule and host four public forums before June 2021.

17: EXTERNAL TRAINING

- Incorporate training resources or book a speaker from the Anti-Defamation League of New England or similar civil, cultural or social justice organization before June 2021.

18: REVIEW NAACP GUIDELINES

- Review the NAACP's "Standards Every Law Enforcement Agency Should Have" and seek to incorporate the standards into department policies and procedures.



Attorney General
Peter F. Neronha

FOR IMMEDIATE RELEASE
June 17, 2020

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AG Neronha issues updated protocol for Attorney General's review of use of force by law enforcement

The first update to the protocol in over 13 years expands the scope of review beyond deadly force and custodial deaths incidents and includes review of excessive force by the police

PROVIDENCE, RI – Attorney General Peter F. Neronha today issued an [updated and significantly expanded protocol](#) for the review of use of force by state and municipal law enforcement agencies. While it has been a long-standing practice for Rhode Island law enforcement agencies to report incidents of use of deadly force and custodial deaths to the Attorney General for review and investigation, under the new protocol, they must also report incidents involving alleged use of excessive force and less-than-deadly force resulting in serious bodily injury.

“Even before the tragic events of the last month, the Office had been engaged in an internal review, in consultation with Rhode Island’s chiefs of police, of the existing Attorney General protocol for review of deadly force. Current events made the release of the updated protocol all the more urgent,” said Attorney General Neronha. “The updated protocol is significant because it expands our review authority to allow for independent review of most police use of force incidents. Our collective goal is to identify, and hold accountable, those officers who use excessive force *before* it results in death, as happened in the case of George Floyd.”

The Office recognized the need to update the protocol to promote greater uniformity, accountability, and impartiality in the investigation of police use-of-force incidents involving deadly force, allegations of excessive force, less-than-deadly force resulting in serious bodily injury, or custodial death. The updated protocol provides more robust guidance about how the investigation of such incidents should proceed.

Under the [updated protocol](#), Rhode Island law enforcement agencies are required to immediately report these incidents to the Attorney General, who will then lead an independent review of the incident and make charging decisions where appropriate. The protocol had not been updated since 2007.

“I firmly believe that the Attorney General and those in law enforcement have a responsibility to build community trust,” said Attorney General Neronha. “A critical component of building that trust is to hold those officers who ignore their training, best practices, use of force policies and the law accountable.”

[The Attorney General's Protocol for the Review of Incidents Involving the Use of Deadly Force, Excessive Force and Custodial Deaths can be accessed here.](#)

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For Immediate Release
Wednesday, June 17, 2020

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Rhode Island Police Chiefs' Association Supports AG Neronha's Proposals on New Civil Rights Legislation, Update of Use of Force Protocols

PROVIDENCE -- The Rhode Island Police Chiefs' Association, representing all of the police chiefs in Rhode Island, announces its full support and endorsement of Attorney General Peter Neronha's proposal to pass new legislation allowing the AG's office to conduct civil rights pattern and practice investigations of all government and law enforcement agencies in Rhode Island and his efforts to revise and expand protocols in the review of use of deadly force and alleged excessive force by police officers in the state.

"After meeting with Attorney General Neronha on these issues earlier this week and hearing his thoughts on the matter, we unanimously support his push to broaden civil rights protections for all Rhode Islanders and to ensure that use of force by police departments in the state is something that continues to be looked at with the seriousness and scrutiny it deserves," said RIPCA President and Lincoln Police Chief Brian Sullivan. "Our job as police officers is to protect those in our communities that we serve, and that includes those in our custody or who are being detained. That commitment was broken in Minneapolis by the officers involved in the murder of George Floyd and has been broken elsewhere in our country. Here in Rhode Island we hold ourselves to the highest standards of the law enforcement profession and we need to do everything we can to ensure that those standards are not only met, but are exceeded. This proposed legislation is another step toward achieving that goal, and we thank AG Neronha for his leadership on this vital matter."

Attorney General Neronha announced on Monday, June 15, before the Senate Judiciary Committee a renewed effort to pass legislation before the Rhode Island General Assembly that would give the Attorney General enhanced authority to investigate and enforce individual instances of police misconduct as well as patterns or practices of misconduct, particularly as they relate to potential civil rights violations.

Today, Attorney General Neronha announced that in addition to his call for new legislation, that he is enacting an update and expansion of the protocol mandating the review of police use of deadly force, use of force resulting in serious bodily injury and excessive use of force.

"There has been a significant public demand for more accountability and transparency in police departments here in Rhode Island and across the country and that is something that we as police chiefs take very seriously," said Chief Sidney Wordell (Ret.) Executive Director of RIPCA. "Having an added layer of oversight will help to ensure transparency and will help in the effort to continue to build trust with our residents and those that we are sworn to serve."

About the Rhode Island Police Chiefs' Association

The Rhode Island Police Chiefs' Association (RIPCA) was established in 1950 and is comprised of more than one-hundred members; including active and retired police chiefs, and associate members – representing nearly 50 municipal, state and campus agencies that serve more than 1 million Rhode Islanders living in communities across the Ocean State.

The Rhode Island Police Chiefs' Association has been – and will continue to be – committed in its pursuit of excellence as we strive to work closer with citizens and community partners alike in an ongoing effort to form sustaining foundations for safe and secure communities; foundations formed to endure socioeconomic instability and variations in crime rates. Our active engagement on issues of public safety policy and legislation will help shape the future of law enforcement, and strengthen trust and respect of the policing profession.

State of Rhode Island and Providence Plantations OFFICE OF THE ATTORNEY GENERAL

Peter F. Neronha, Attorney General



THE ATTORNEY GENERAL'S PROTOCOL FOR THE REVIEW OF INCIDENTS INVOLVING THE USE OF DEADLY FORCE, EXCESSIVE FORCE AND CUSTODIAL DEATHS

June 17, 2020

BACKGROUND

It has been the long-standing practice in this State that when a police officer uses deadly force, or where there has been a custodial death, the law enforcement agency reports the incident to the Office of the Attorney General for review and joint investigation. This Protocol updates and expands upon the Attorney General's Protocol Regarding The Review Of Incidents Involving The Use of Deadly Force and Custodial Death (last revised in 2007). It is designed to promote greater uniformity, accountability and impartiality in the investigation of police use-of-force incidents where deadly force was employed, where there has been an allegation of excessive use of force by police, and where a custodial death occurs. **It is applicable to all Rhode Island state and municipal law enforcement agencies.** For convenience, the terms "police officer" and "police department" are used in this Protocol.

A police officer's use of deadly force, alleged use of excessive force and the death of a person in police custody are some of the most sensitive matters that law enforcement agencies investigate. These investigations frequently pose complex factual and legal issues and are closely followed by the public we serve. It is critical that the public have confidence that when police use force, and deadly force in particular, that that use of force was reasonable and lawful. This Protocol sets forth the policies and practices of the Office of the Attorney General for the investigation of deadly force and custodial death incidents and for the investigation of allegations of the use of excessive force. It also provides guidance on potential *Garrity* issues.

USE OF THE PROTOCOL

The Protocol shall be followed whenever:

A police officer uses deadly force, whether or not death or injury of any person results.

A person dies while in police custody or dies during the apprehension or attempted apprehension of a person.

A police officer uses less than deadly force that results in serious bodily injury to any person.¹

A police department receives a complaint alleging that a police officer used excessive force during his/her interaction with a person, and there is evidence, including but not limited to video or other electronic evidence, to warrant additional investigation.

This Protocol may also be followed:

Whenever a person dies or is injured as a result of a police interaction even if the police did not intentionally use force or deadly force. For example, motor vehicle accidents involving the police where there is a fatality or serious injury.

In any situation, not explicitly addressed above, where the police department and the Attorney General jointly agree that review by the Attorney General would be in the public interest.

OBLIGATIONS OF THE EMPLOYING POLICE DEPARTMENT

The police department employing the police officer whose action prompts the application of this Protocol (“Employing Police Department”) shall immediately notify the Office of the Attorney General (after hours, an Assistant Attorney General may be reached through the Bureau of Criminal Identification at 401-732-7629) and, in situations involving the use of deadly force or a custodial death, the Rhode Island State Police (401-444-1000). Where the action of a member of the Rhode Island State Police prompts the application of this Protocol, notification shall include the police department of the city or town where the action occurred.

¹ Serious bodily injury" means physical injury that: (1) creates a substantial risk of death; (2) causes protracted loss or impairment of the function of any bodily part, member, or organ; or (3) causes serious permanent disfigurement

The Employing Police Department shall limit the investigative steps taken prior to assembly of the multi-agency investigative team (see “Investigative Team” section below) to those measures necessary to secure the scene, preserve evidence, identify witnesses, and any other measures necessary to address exigent circumstances.

The Employing Police Department shall immediately collect, preserve, and turn over to the multi-agency investigative team all video and audio recordings that pertain to the incident in question. Any public release of video and audio recordings in the possession of law enforcement shall be done in accordance with the law and in a manner that preserves the integrity of the criminal investigation, protects the rights of the accused, and respects the privacy of civilians captured on the recording. Absent extraordinary circumstances, video and audio recordings should not be released until all witness statements have been collected and the criminal investigation has concluded.

The Chief of Police of the Employing Police Department, or, where the matter involves the conduct of a member of the Rhode Island State Police, the Colonel of the State Police, shall serve as the primary point of contact for media inquiries, coordinating all responses with the Attorney General and other members of the multi-agency investigative team. The Chief of Police, or, where applicable, the Colonel of the State Police, may also refer such inquiries to the Attorney General.

ROLE OF THE ATTORNEY GENERAL

The Attorney General shall assign a senior prosecutor (or prosecutors) to work with and provide legal advice to investigators throughout the course of the investigation.

As a general rule, the Attorney General will present every police-involved use of force incident resulting in death or serious bodily injury to a grand jury for its review and consideration.

Incidents involving use of force that did not result in death or serious bodily injury and where the undisputed facts indicate that the use of force was objectively reasonable under the law may be concluded without a formal grand jury presentation.

The Attorney General may, however, present any matter to a grand jury where doing so is necessary to obtain evidence, develop the testimony of witnesses, and otherwise conduct a full and complete investigation.

INVESTIGATIVE TEAM

Matters Involving the Use of Deadly Force and Custodial Death

Where a police officer uses deadly force, regardless of whether death or injury results, or where a person dies in police custody or during apprehension or attempted apprehension by police, the investigative team will be comprised of members of the Attorney General's Office, the Rhode Island State Police and the Employing Police Department.

Where a member of the Rhode Island State Police uses deadly force, regardless of whether death or injury results, or where a person dies in State Police custody or during apprehension or attempted apprehension by the State Police, the investigative team will be comprised of the Attorney General's Office, the Rhode Island State Police, and the municipal police department of the city or town where the incident occurred.

The investigative team will respond to the scene immediately after notification of the incident initiating application of this Protocol.

Matters Involving Less than Deadly Force and Allegations of Excessive Use of Force

Whenever a police officer uses less than deadly force that results in serious bodily injury to a person, or is alleged to have used excessive force and the evidence supporting such allegation, including but not limited to video or other electronic evidence is sufficient to warrant additional investigation, the Employing Police Department shall:

- Promptly notify the Attorney General; and
- Provide the Office of the Attorney General with copies of all non-compelled statements and any other evidence pertaining to the matter.

The Attorney General and the Employing Police Department will jointly review the evidence pertaining to the matter and pursue any follow up investigation as necessary. It is strongly preferable that members of the Employing Police Department's Professional Standards Unit or equivalent be assigned to the investigation.

The Attorney General will determine whether criminal charges are appropriate, and, if charges are appropriate, the nature of such charges, including whether the appropriate charge or charges constitute a misdemeanor or felony or

both. The Attorney General will determine whether presentation to a grand jury is necessary to obtain additional evidence or develop the testimony of witnesses.

GARRITY ISSUES

Pursuant to the United States Supreme Court's decision in *Garrity v. New Jersey*, 385 U.S. 493 (1967), when a police officer is compelled by a supervisor to make a statement in the course of an administrative or internal investigation or face termination, such statement and any evidence derived from that statement cannot be used in any subsequent criminal investigation or prosecution of that officer.

If a police officer agrees to provide a voluntary statement, the officer's statement may be shared with all investigators and prosecutors assigned to the matter.

If an officer is not willing to provide a voluntary statement, the investigative team, in consultation with the Attorney General, must determine whether a statement should be compelled by a supervisor. If the decision is to compel a statement, under *Garrity*, his or her statement and evidence derived from that statement cannot be used in any subsequent prosecution. Accordingly, under these circumstances, the investigative and prosecution team must be divided into two groups. The first group will be allowed access to the compelled statement and any evidence obtained as a result. The second group must be walled off from the contents of any compelled statement and the evidence derived from such statement.

The first group will be assigned to investigate any administrative and departmental violations allegedly committed by the police officer providing the compelled statement. They may also participate in the criminal investigation and/or prosecution of any other individual, including a police officer, whose statement was not compelled.

The second group will be assigned to pursue the criminal investigation and/or prosecution of any officer whose statement was compelled.



PETER F. NERONHA
ATTORNEY GENERAL



Standards Every Law Enforcement Agency Should Have

As a rule, in order to meet some minimum standards of policing, every police department should have a policy on the following:

- 1) Use of Force – stating when and how force may be used by police officers
- 2) Racial Profiling – a ban on racial profiling and data collection measures to ensure it is not happening within the agency
- 3) Citizen Complaint Procedure – a method for members of the community to file a complaint regarding an officer or an incident involving the law enforcement agency
- 4) Drawing and Displaying Firearms – stating when and how firearms can be used and displayed by officers
- 5) Vehicular Pursuits – stating when and how officers should engage in vehicular pursuits
- 6) Fleeing Felons – stating how officer will engage with felons who are fleeing
- 7) Foot Pursuits – stating when and how officers may engage in foot pursuits
- 8) Internal Review – stating the procedures of the agency's internal review mechanisms
- 9) Shooting at/from a Motor Vehicle – stating when and how officers may shoot from a motor vehicle
- 10) Use of Impact, Edged, and Other Similar Weapons – stating when and how these weapons may be used

APPENDIX



- 11) Crisis Intervention Training and Response – stating how officers should handle crisis situations (e.g. involving the mentally disturbed, hostage situations, etc.)
- 12) Investigation Procedures – detailing procedures for investigating incidents
- 13) Canine Use – stating when and how police canine should be used
- 14) Evidence Preservation and Presentation – detailing how evidence is preserved and presented to investigators (internal and external)
- 15) Use of Tasers – stating when and how a taser device may be used

NOTE: Although the NAACP has a resolution calling for a ban on taser devices, many departments still use them and, absent a ban, it is important to have a concise policy and training on when and how these devices should be used.

APPENDIX



**ADDITIONAL DOCUMENT SPACE FOR:
BODY CAMERA WHITE PAPER
STATEWIDE USE OF FORCE POLICY
NAACP STANDARDS OF POLICING**

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