

RHODE ISLAND GOVERNMENT REGISTER

PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Department of Public Safety

RULE IDENTIFIER: RICR: 270-RICR-10-00-1, ERLID: 7815

REGULATION TITLE: Rules and Regulations Rhode Island State Police Sworn Members

RULEMAKING ACTION: Direct Final

If no formal objection is received on or before December 20, 2017, the Department of Public Safety will file the amendment without opportunity for public comment.

TYPE OF FILING: Amendment

Timetable for action on the proposed rule:

Public notice date: November 7, 2017

End of comment period date: December 20, 2017

SUMMARY OF PROPOSED RULE: The purpose of this amendment is to remove outdated information and clarify specific sections:

Added 1.1 Purpose and 1.2 Authority

1.5 Miscellaneous, A, 1-3: Eligibility for reenlistment including physical exam, background check, and oath of office information added

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by December 20, 2017 to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address:

Lauren Rommal

Department of Public Safety

311 Danielson Pike, North Scituate, RI 02857

Email Address:

Lauren.Rommel@risp.gov

PUBLIC HEARING INFORMATION:

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The place of the public hearing is accessible to individuals who are handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call (401) 444-1298 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.

**FOR FURTHER INFORMATION CONTACT:**

Lauren Rommal, Principal Assistant Administrator

Department of Public Safety, 311 Danielson Pike, North Scituate, RI, 02857.

Phone Number: (401) 444-1298

Email Address: Lauren.Rommel@risp.gov

**SUPPLEMENTARY INFORMATION:**

Regulatory Analysis Summary and Supporting Documentation:

We expect there to be no impact on societal costs or benefits and there will be no cost of compliance.

Authority for This Rulemaking: Pursuant to the provision of R.I. Gen. Laws § 42-7.3-9, and in accordance with the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment:

The Department of Public Safety proposes to amend 270-RICR-10-00-1 as follows:

**270-RICR-10-00-1**

**TITLE 270 – DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 10 – INTERNAL OPERATIONS**

**SUBCHAPTER 00 - N/A**

**PART 1 – Rhode Island State Police Rules and Regulations for Sworn Members**

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# RHODE ISLAND STATE POLICE



# Rules & Regulations

# Sworn Members

February 2014

THE DIVISION OF STATE POLICE

IS AN

AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER

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## 1.1 Purpose

The purpose of this regulation is to provide a guide for Sworn Members of the Rhode Island State Police in order to ensure a clear understanding of their conduct required as employees of the State Police within the Department of Public Safety.

## 1.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-28-11.

## 1.3 FOREWORDForeword

- A. Established in 1925 as a law enforcement agency, member of the Rhode Island State Police are entrusted with traffic control and safety on the state's highways, as well as criminal investigation and crime suppression throughout the state. Since its inception, Division members tirelessly performed these duties under able supervision by a succession of noteworthy superintendents. The hereby enacts this document as the official Rules and Regulations of the Rhode Island State Police.
- B. The Rules and Regulations manual is comprised of ~~five~~ the following chapters:
1. Leadership
  2. Conduct and Courtesy
  3. Duty & Performance
  4. Alcohol & Other Intoxicants
  5. Miscellaneous
- C. As a whole, this manual is intended to embody the principles of effective law enforcement that troopers have come to espouse. The Rules and Regulations manual is supplemented by the Administration and Law Enforcement Operations Manual that details the specific policies and procedures concerning internal management of the Division.
- D. Members should read these Rules and Regulations with the understanding that unforeseeable circumstances, which no provision of this manual is strictly applicable, may occur. The lack of a specific rule or regulation governing such an instance does not authorize a member's conduct to deviate from the superior standards which are the hallmark of this organization.
- E. The Superintendent, appointed by the Governor and serves at his/her pleasure, maintains authority to interpret the Rules and Regulations of the Rhode Island State Police.

## F. Violations of Rules and Regulations

1. Any violation of these Rules and Regulations or of any policy, procedure, directive, order, or command given lawfully by superior authority, may be grounds for disciplinary action. The Superintendent, or his/her designee, will determine the appropriate disciplinary action in accordance with GO 3C – Internal Investigation Procedure/Policy and the provisions of R.I. Gen. Laws § R.I.G.L. 42-28.6 Law Enforcement Officers Bill of Rights.

## 1.142 Leadership

### A. Mission Statement

The Rhode Island State Police is a full service, statewide law enforcement agency whose mission is to fulfill the law enforcement needs of the people with the highest degree of fairness, professionalism and integrity, and protect the inherent rights of the people to live their lives in freedom and safety. To this end, Division employees shall perform their respective patrol, investigative and support functions to the best of their ability and cooperate with other State agencies, as well as with local and federal authorities.

#### 1. Organizational Mission

The organizational mission of the Division is distributed among its patrol, investigative, and administrative components.

- a. The patrol component provides basic protection for life and property, promotes highway safety, investigates criminal and non-criminal activities, provides commercial vehicle enforcement, gives assistance to local and other state agencies, maintains order at demonstrations and public events, and makes public service visits to schools and community groups.
- b. The investigative component handles criminal investigations relating to all criminal violations of the Rhode Island General Laws and the processing of criminal suspects and crime scenes. This component also provides assistance to the State Attorney General's Office, and other state, local and federal agencies conducting long-term investigations.
- c. The administrative component provides support and training to ensure the efficient operation of the Division.

### B Superintendent

1. R.I.G.L. § R.I. Gen. Laws § 42-28-2 establishes and defines the Superintendent, as a qualified police administrator, who shall be appointed by the Governor of the State of Rhode Island and serve at his/her

pleasure as the head of the Rhode Island State Police and Director of the Department of Public Safety.

2. The Superintendent shall hold the rank of Colonel and shall, when in uniform, wear the insignia of that rank.
3. The Superintendent is the head of the Rhode Island State Police with all powers, rights and duties prescribed by law. He/She is responsible for the administration and discipline of the Division and is charged with and responsible for the enforcement and execution of all laws and regulations of the force.
4. Subject to pertinent laws, these regulations, and with ~~the approval of~~ the Governor's approval, the Superintendent has statutory authority to make rules, regulations and policies consistent with law, for the examination and qualifications of applicants for appointment to the Rhode Island State Police, and for the discipline, control and removal of members and employees. He/She has authority to promulgate to the Division and all of its bureaus, sections or other units such orders or instructions, written or oral, which are consistent with the law, these regulations, or any orders or instructions of the Governor for the execution of the Rhode Island State Police mission.

#### C. Duties and Responsibilities of Superintendent

1. The Superintendent shall be personally and directly responsible to the Governor for the execution of the Rhode Island State Police mission and for the recruitment and selection, training, discipline, structure, efficiency and morale of the force. At the discretion of the Superintendent, the Governor shall be kept informed of all ongoing investigations.
2. The Superintendent shall promptly investigate, or cause to be investigated, any complaints or charges brought against the Division or any member or employee thereof.
3. The Superintendent shall appoint various members to serve on personnel evaluation boards, recruit screening boards, commendation boards, and disciplinary hearing boards as may be necessary.
4. The Superintendent may, at his/her discretion, suspend from duty any member for any violation of these regulations or for any insubordination. In such an event, he/she shall promptly proceed with the necessary disciplinary procedures as set in the Administration and Law Enforcement Manual.
5. Consistent with the collective bargaining agreement, the Superintendent has the authority to assign, detail or transfer any member or employee to or from any unit or assignment.

6. The promotion of members is vested in the Superintendent. He/She shall ensure that only the best-qualified persons are promoted and that character, ability, performance, aptitude and depth of experience will determine who is to be promoted.

D. Appointment and Removal of Members

1. In accordance with ~~R.I.G.L.~~ §R.I. Gen. Laws § 42-28-10, the Superintendent shall appoint members of the Division for terms of three (3) years, and may remove any member after a hearing, in accordance with the law and these rules and regulations, and no member so removed shall be eligible for reappointment.
2. No person shall be eligible for appointment for the first time by the Superintendent unless that person is a citizen of the United States between the ages of eighteen (18) and thirty-five (35) years and shall have passed a physical and mental examination in accordance with the rules of the Division and applicable provisions of law.

E. Superior Officers

1. A superior officer who shall be the rank of corporal or higher, shall conduct personnel inspections at suitable intervals to determine that all assignments are performed as ordered; anticipated results are attained; Division resources are fully employed for the accomplishment of the police mission; and that any apparent needs or operational deficiencies of the Division are revealed.
2. A superior officer shall make an immediate, impartial report to his/her commanding officer relating any incident which he/she is aware of that involves a violation of the law or Division regulation by any subordinate member or employee of the Division. He/She shall similarly bring to the attention of his/her commanding officer any complaint lodged against any member or employee by another person.
3. A superior officer shall make certain that subordinates observe regulations, obey orders and properly execute the details, assignments and functions of the Rhode Island State Police, and otherwise maintain high standards of discipline.
4. A superior officer shall not abuse those under his/her command by disrespect for their dignity as human beings.
5. A superior officer shall inspire confidence and industriousness in his/her subordinates through tact in issuing orders and constructively correcting deficiencies in performance.



6. A superior officer shall avoid, as far as circumstances may permit, the censuring of a subordinate in the presence of others and he/she shall be fair and impersonal in evaluating the work of subordinates.
7. A superior officer shall be responsible for the development and maintenance of proper professional attitudes of his/her subordinates in their dealings with the public.
8. After the completion of his/her tour of duty, a superior officer shall report to his/her relief officer all the facts and conditions relative to ongoing investigations that may be necessary to ensure common understanding of police actions taken and those that remain for the relief section to appropriately handle.
9. Upon assignment, a superior officer shall assist, be present, or conduct shift briefings in accordance with specific orders of his/her commanding officer. A superior officer participating in shift briefing shall be held equally responsible with the superior officer calling the roll for the attendance of all subordinate members. He/She shall ensure the fitness for duty through inspection of uniforms, weapons and equipment. He/She shall be responsible for all special duty assignments, orders or special instructions necessary for the proper performance of the police mission.
10. In addition to the foregoing duties, a superior officer shall carry out all orders and directives issued to him/her on the authority of the Superintendent.

## **1.253** Courtesy and Conduct

### A. Courtesy

1. Members shall be courteous to the public. They shall be tactful in the performance of their duties, shall control their tempers, exercise the utmost patience and discretion, and shall not engage in argumentative discussions even under extreme provocation.
2. In the performance of their duties, members shall not use coarse, profane, or insolent language or gestures and shall not express any prejudice concerning race, ethnicity, sexual orientation, disability, religious belief, age, gender, politics or similar personal characteristics.
3. Members shall be dignified in appearance and conduct at all times. At times of stress or disaster, despite trying conditions, they shall maintain their composure and perform their duties in a manner, which will inspire confidence and respect.
4. When performing any official duty in public or in the presence of other law enforcement officers, members shall address superior officers by rank.

5. Members of the Division will answer questions from citizens in a courteous manner and, if unable to provide an answer, will make every effort to obtain the answer for the citizen, avoiding argument and unnecessary conversation. A member will give his/her badge number in a courteous manner to any person who requests it.

B. Conduct Unbecoming

1. Members of the Division shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Rhode Island State Police. Conduct unbecoming shall include any action that brings or may bring the Division into disrepute, discredits the member or impairs the operation or efficiency of the Rhode Island State Police.

C. Conduct

1. Members of the Division shall perform their duties in a responsible, dignified, and professional manner.
2. Members shall maintain a level of moral conduct in their personal and business affairs that is in keeping with the highest ethical standards of the law enforcement profession. Members shall not participate in any incident or activity that impairs their ability to perform as law enforcement officers or causes the Rhode Island State Police to be brought into disrepute.
3. A member will carry himself/herself in a professional manner as befits an officer of the law.

D. Harassment and Discrimination

1. At no time shall members engage in conduct which has the effect of discriminating or harassing other individuals because of race, ethnicity, sexual orientation, disability, religious belief, age, gender, politics or similar personal characteristics.

E. On-Duty Religious, Racial and Political Dispute

1. While in uniform or on duty, members shall not become publicly involved in any religious, racial, partisan, political or other controversial dispute where his/her behavior could be interpreted as the official position of the Rhode Island State Police.

F. Gratuities, Gifts, Rewards

1. Members of the Division shall not solicit or accept any gratuity or other item of value where there is any connection, however remote, between such offer or solicitation and the member's position with the Division, except as expressly approved by the Superintendent.

2. Members shall neither directly nor indirectly:
  - a. Solicit or accept any gratuities of merchandise, meals, beverages, or any other item of value which is intended to influence their or any other members' actions in any matter of police business, or which might cast an adverse reflection on the Division or any of its employees.
  - b. Solicit any discounted services or merchandise offered as a result of their employment with the Division, except as expressly approved by the Superintendent.
  - c. Solicit or accept any gift or gratuity from other members if such items would adversely affect the member's law enforcement duties.
  - d. Solicit or accept any reward for services rendered in the performance of law enforcement duties.
  - e. Solicit free admission to places of amusement for themselves or others, except as expressly approved by the Superintendent.
  - f. Identify themselves as Rhode Island State Police officers for the purpose of gaining personal advantages or avoiding the consequences of illegal acts performed by themselves or by other individuals.

G. Abuse of Position

1. Members shall not use their official position, official identification cards or badges for:
  - a. Personal or financial gain for themselves or others.
  - b. Obtaining privileges not otherwise available to them, except in the performance of duty.
  - c. Avoiding the consequences of illegal acts.
  - d. Seeking social contacts under official pretenses.
2. Members shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Superintendent.
3. Members shall not authorize their names, photographs, ranks or official titles that identify them as members of the Rhode Island State Police for use in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Superintendent.

#### H. Permitting Illegal Activities

1. Members of the Division shall not authorize any individual to violate any law, ordinance, or court order under any circumstance. When an individual requests permission to perform an act of questionable legality, the member shall inform the individual that he/she cannot authorize anyone to breach the law.
2. Members shall not create the impression that an individual may violate the law as long as the Division does not learn of the violation.

#### I. Insubordination

1. Insubordination or disrespect towards superior authority is strictly prohibited. Insubordination is defined as a failure to recognize the authority of any superior officer by disrespect or by disputing the superior officer's lawful order.
2. Members shall not publicly criticize the Division, its policies, or other employees in speech, writing, or other forms of expression. This provision is not intended to preclude the exercise of members' rights under state and/or federal law.

#### J. Soliciting Outside Intervention

1. Members shall not solicit the intervention or influence of persons outside the Division for the purpose of obtaining a promotion, advancement, change of assignment, or change of duty station or to avoid discipline, for themselves or any other member.
2. Any such attempt to solicit outside aid, whether for purposes of securing personal advancement or avoiding discipline, shall be considered equivalent to insubordination and shall be treated accordingly.

#### K. Endorsements and Referrals

1. No member shall recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service or commercial service including, but not limited to, towing service which shall be done in accordance with GO 56B3 – Tow Service.

#### L. Conflict of Interest Statement

1. Members shall have no interest, financial or otherwise, direct or indirect, nor shall they engage in any business, transaction, or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of their duties in the public interest.

2. Members shall have no interest or association, financial or otherwise, direct or indirect, with organized crime or any other illegal activity, or with any individual and/or business in any way associated with organized crime or any other illegal activity.
3. All members, including the Superintendent, may be required to complete, sign and file with the Office of the Superintendent, a financial statement as prescribed by the Superintendent, the contents of which shall not be in conflict with the requirements of the Rhode Island Code of Ethics Law, [R.I.G.L. §R.I. Gen. Laws §-36-14-16](#).

M. Use of Tobacco or Gum

1. Members may not use tobacco in any form or chew gum when performing any official duty when in contact with members of the general public. When permitted to use tobacco or gum, members must do so in a manner that will not offend others or deter from the Division's public image. The Division promotes a smoke-free workplace. Smoking in any Division facility, building, vehicle or office is prohibited.

N. Financial Responsibility

1. Members shall pay all debts when due. Members shall not undertake any financial obligations which they know or should know they will be unable to meet.
2. In instances of financial irresponsibility, bankruptcy, and/or repeated instances of financial difficulty, members may be subject to disciplinary action. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all accounts is being undertaken.
3. Members shall not co-sign a note for any superior officer or another member unless related by blood or marriage.

O. Relations with Division Employees

1. All members shall act in a professional, respectful manner toward other sworn and civilian employees.
2. Members shall never behave disrespectfully or use threatening or insulting language toward any other employee. Members shall not draw or lift a weapon toward, offer violence against, nor strike or attempt to strike any other employee.

P. Political Activity Restrictions

1. A member in his or her capacity as a private citizen is free to hold membership in and privately support a political party, to vote as he or she chooses or to express his/her opinion on any political subject or candidate, or to maintain political neutrality, or to attend political meetings as a private citizen.
2. No member shall, directly or indirectly, solicit, receive or be in any manner concerned with giving, soliciting, or receiving any assessment, subscription, or contribution for any political party or political purpose.
3. No member shall, orally or by letter, solicit or in any manner be concerned in soliciting any assessment, subscription, or contribution for any political party purpose from any person holding a position in the Rhode Island State Police.
4. No member shall seek political office.
5. No member shall accept appointment to any public office, board, commission, tribunal or other similar body without the expressed approval of the Superintendent; nor shall any member take any part in political management of affairs or in political campaigns.
6. No member shall provide a recommendation for any candidate for the judiciary without expressed approval from the Superintendent.

Q. Subversive Organizations

1. No member shall aid, assist, or be a member of any organization which advocates violence, the overthrow of the government by force or which is deemed by the Superintendent to be in contradiction to the mission of the Rhode Island State Police or to the security and well-being of the State of Rhode Island or the United States of America.

R. Associations

1. All members of the Division shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are under criminal investigation or indictment, or who have a reputation in the community or the Division for present or past involvement in felonious or criminal behavior. Such associations may be permitted when necessary for the performance of official duties or where unavoidable because of family relationships with a Division member.
2. It is the duty of every member to be familiar with the activities and descriptions of prominent and habitual criminals throughout the area.

S. Visiting Prohibited Establishments

1. No member of the Division shall visit, enter, or frequent any establishment wherein the laws of the United States, the state, or the local jurisdiction are regularly violated or suspected by the police of being regularly violated; nor shall any member visit, enter, or frequent any establishment where persons known to be or suspected of being criminals are known to frequent, except in the performance of duty or while acting under proper and specific orders from a superior officer.

T. Loitering

1. A member, when on duty, shall not loiter in a public place. Members may enter a public place to conduct official business or take an approved break.

U. Entering Liquor Establishments

1. A member, when in uniform, shall not enter any place in which intoxicating beverages are furnished or sold, except in the performance of official duty. The provisions of this regulation do not apply to uniformed members entering a restaurant or other food establishment that serves intoxicating beverages incidental to food services, when such employees are taking an approved rest break or a meal during their tour of duty.

V. Gambling

1. No member of the Division shall participate in any form of gambling while on duty or in uniform, or while in any Rhode Island State Police post, vehicle, or other facility.
2. No member shall participate in any form of illegal gambling at any time except in the performance of duty and while acting under direct and specific orders from a superior officer.

W. Unauthorized Articles

1. Members of the Division who are on duty shall not carry or use books, magazines, newspapers, radios, televisions, packages, or any other article or electronic device which may hamper the performance of their duties, except when necessary in the performance of duty.
2. Members shall not read books, magazines, newspapers, or other materials while on duty, except as may be required in the performance of duty. Where reading such materials is required in the performance of duty, members may not read the materials while on patrol or while otherwise in public view. Members shall not engage in the unauthorized use of video/electronic devices or the Internet while on duty.

X. Reports

1. Members shall complete and submit all reports on time and in accordance with established Division procedures. No member shall knowingly enter or cause to be entered any inaccurate, false, or misleading information on a report.

Y. Truthfulness

1. Members of the Division will speak the truth at all times and under all circumstances. In cases in which he/she is not allowed by the regulations of the Division to divulge facts within his/her knowledge, he/she will decline to speak on the subject. Members shall also be truthful and honest in dealing with fellow employees or members of the public.
2. Upon the order of any superior officer, members shall truthfully answer all questions asked of them that are specifically directed to the scope of employment and operations of the Division.
3. Members will truthfully state the facts in all reports as well as when he/she appears before any judicial, departmental, or other official investigation, hearing, trial, or proceeding.

Z. Interference with Discipline

1. No member shall exert or attempt to exert any influence on any of the participants in a Division disciplinary procedure.

AA. Testifying in Civil Cases

1. Members shall not testify in any civil case in which the Rhode Island State Police may have an interest without specific prior approval from the Superintendent, unless they are a party to the action or have been legally summoned to testify.

BB. Criminal Case Testimony

1. Members appearing for the prosecution shall not publicly discuss the testimony which they will give in any criminal court action, nor shall they sign any statements concerning any criminal case for a person not officially connected with the Division, except at the direction of official agencies such as the prosecuting official having jurisdiction of the case. Members subpoenaed by the defense in a criminal case shall contact the prosecuting attorney handling the case prior to the trial.

CC. Dissemination of Information



1. Members shall treat all business of the Rhode Island State Police as confidential.
2. Members will assist any member of the public who visits any Barracks/Bureaus/Units and requests public information. The member shall abide by GO 2E – Public Records Request Procedure/Request or Access to Law Enforcement Records and the applicable sections of the “Access to Public Records Act,” R.I. Gen. Laws Chapter R.I.G.L. 32-2, *et seq.*, regarding such requests.
3. Members shall not divulge the identity of persons giving confidential information except as authorized by the Superintendent.

DD. Public Speaking Engagements

1. Members of the Division must have authorization from the Superintendent or designee before engaging in public speaking on behalf of the Division. While employees of the Rhode Island State Police are encouraged to participate in community activities, including public speaking events, the Superintendent has the ultimate responsibility for formulating and interpreting Division policies and procedures in this regard. As such, members engaged in community relations activities or public speaking events, shall be responsible for accurately relating Division policy as outlined in these Rules and Regulations and other Division procedures.
2. This article shall not be interpreted to deprive members of any First Amendment rights as citizens to comment on matters of public interest.

EE. Attendance at Public Functions

1. Members are prohibited from attending public functions while on duty without prior approval of their commanding officer, unless their attendance has been requested as part of their official duties. Public functions include but are not limited to:
  - a. Court trials and hearings.
  - b. Public hearings, city/town council meetings, legislative sessions, political events, etc.
  - c. Union meetings.
  - d. Public demonstrations.

FF. Seeking Publicity

1. Members shall not directly nor indirectly seek publicity for themselves through the press, radio, television, or other news media; nor shall they

furnish information to same for the purpose of gaining personal recognition.

GG. Identification

1. Members shall carry police identification cards on their persons at all times, except when impractical, dangerous to their safety or to the success of an investigation. Members shall furnish their badge number to any person requesting that information while on duty or portraying themselves in an official capacity, except when withholding such information is necessary for the performance of police duties or is authorized by a superior officer.

HH. Expenditure of State Funds

1. Expenditures of money shall not be made or liability incurred in the name of the Rhode Island State Police by a member unless previously authorized in the manner prescribed by law or regulation.

II. Criticism of the Criminal Justice System

1. The Division shares responsibility with the judiciary, prosecutors, and other law enforcement agencies in the criminal justice system. Cooperative and harmonious working relationships are essential and may be impaired by unnecessary criticism of others.
2. Employees should be aware that comments they make might be interpreted as being critical of law enforcement, prosecuting agencies, or individual members of the judiciary.
3. This article shall not be interpreted to deprive members of any First Amendment rights as citizens to comment on matters of public interest.

JJ. Prohibited Action During Suspension

1. Suspended employees are subject to all of the Rules and Regulations of this Division. They shall not wear any part of the official uniform or act in the capacity of, or, represent themselves as, employees of the Division in any manner.

KK. Reporting for Duty

1. Every sworn member will report for duty and be present at the time and place specified by his/her Superior Officer. The sworn member will be properly equipped with the regulation weapons, equipment, and prescribed uniform or business attire.

2. Members reporting for duty must be physically and mentally fit to perform all police duties.

LL. Security of Firearms

1. A sworn member is responsible for the safekeeping and security of all firearms assigned to him/her at all times. A sworn member will not leave his/her firearm unattended or unsecured. When a firearm is left in a police locker, the sworn member will ensure that the locker is properly secured.

MM. Civil Suits for Damages or Injuries

1. No member will prosecute or enforce any claim against any person for injuries or damages while on duty until he/she has notified the Superintendent of his/her intention. In the event of such recovery for damages claimed, the member will reimburse the state for wages and medical expenses paid by the state while he/she was in an "off-duty injured" status, in accordance with state law.

NN. Statement Concerning Liability

1. A member will not make any oral or written statements to anyone concerning liability in connection with the operation of police vehicles or performance of other duties, unless specifically authorized to do so by the Superintendent.

OO. Marking or Altering Division Notices

1. A member will not mark, alter, mar, or deface any printed, written, or electronic notice, memorandum, general order, or directive relating to police business. A member will not mark, alter, mar, or deface any written or electronic notice posted on any bulletin board or blackboard maintained by the Division or within the Division's electronic information systems. All notices of a personal nature and/or of a derogatory character regarding any member or unit of the Division are prohibited.

## **1.643 Duty and Performance**

A. General Knowledge

1. Every member will familiarize himself/herself with all the laws, statutes, ordinances, and regulations necessary for the proficient execution of his/her duty as a police officer.
2. All sworn employees are responsible for knowing and understanding all Division regulations, policies, and directives. It is the responsibility of the sworn employee to seek clarification of any order or material, which is not clearly understood.

3. Upon returning from any absence from duty, every member will familiarize himself/herself with all new regulations, policies, memoranda, and all matters concerning his/her assignment.
4. Members will be familiar with the geography of the state. This includes routes of public transportation, streets, highways, and bridges. Members will also be familiar with the location and function of public buildings, hospitals, courts, transportation offices and stations, prominent office buildings, large industrial plants or commercial establishments, critical infrastructure and such other information as may be disseminated by superiors from time to time.

B. Obedience to Law

1. Members of the Division shall obey the laws of the United States and the State of Rhode Island, ordinances of local jurisdictions, and court orders. A conviction of the violation of any law shall be prima facie evidence of a violation of this rule of conduct. If it is proven that a member has violated this rule of conduct, the fact that no criminal prosecution was instituted against the member shall not bar Division disciplinary action.

C. Obedience to Rules and Regulations

1. Members of the Division shall obey the Rules and Regulations of the Rhode Island State Police and any amendment or additions thereto. A violation of these Rules and Regulations, or of any Division policy, may be sufficient cause for disciplinary action. Ignorance of these Rules and Regulations shall not be considered a justification for any such violation.

D. Obedience to Superior Officers

1. Members shall promptly obey all lawful orders given to them by a superior officer. If an order is not understood, it is the responsibility of the member to obtain clarification from the superior officer. Members who are given orders that appear to be in conflict with previously issued orders, rules, or regulations shall respectfully inform the superior officer who issued the conflicting order. The responsibility for the conflict will then be assumed by the superior officer. If the superior officer does not alter or retract the conflicting order, the member shall promptly obey the order.
2. All general or special orders, memorandums, notices or other orders that have been approved by the Superintendent, or his/her designee, shall have the force and effect of a Division regulation.
3. Members who received an unlawful order, known or perceived, shall respectfully inform the superior officer who issued the order. If the superior officer does not alter or retract an unlawful order, the member shall promptly report the unlawful order, known or perceived, to the next level

supervisor and/or the Professional Standards Unit. Nothing in these Rules & Regulations shall be construed to supersede, contravene or conflict with any federal or state law or regulation or deny a person's rights under the United States or Rhode Island Constitution and, to this extent, members may act independently in order to avoid such conflict or violation.

E. Acceptance of Responsibility

1. Members of the Division shall accept the responsibilities imposed upon them by law as to their duties and authority. They shall preserve the public peace, detect and arrest violators of the law, prevent crime, protect life and property, and enforce the criminal laws of the State of Rhode Island.

F. Requests for Assistance

1. Every member, regardless of rank or assignment, shall act instantly to protect life, liberty, or property; to enforce all laws and detect the commission of crimes; and to apprehend law violators.
2. When any person requests assistance or makes a complaint, all pertinent information shall be properly and judiciously acted upon consistent with established Division procedures.

G. Duty to Report

1. Members of the Division who observe or who have knowledge of violations of laws, ordinances, rules, regulations, official orders or is party to litigation including but not limited to criminal, civil or domestic restraining order, on the part of him or herself or another member shall immediately report such incidents to their superior officer.

H. Court Appearances

1. Members are required to attend scheduled court appearances to testify or appear before any court of law, public agency or commission, legislative body, or any other similar forum when notified.
2. Members of the Division appearing before a court or administrative hearing body as a representative of the Rhode Island State Police, shall be attired Division uniform, or neatly dressed in appropriate business attire.
3. Uniforms are not allowed during Superior Court or U.S. Federal Court appearances without permission of Superior Court and the Attorney General or the U.S. Federal Court and the U.S. Attorney's Office.

I. Falsification of Employment Applications

1. The integrity and high ethical standards of the Rhode Island State Police must be maintained; therefore, no person shall procure or retain employment by willfully misrepresenting their qualifications, character, reputation, or physical or mental condition.

J. Dereliction or Neglect of Duty

1. Members of the Division, while on duty, shall at all times remain alert and ready to respond to any situation requiring police action. While on duty, members shall not sleep, conduct personal business, attend to personal pleasures, engage in idle conversation or gossip, or take part in any other activities that would cause them to neglect or be inattentive to duty. It is the obligation of all members to devote their on-duty time to official matters only.
2. Members shall not leave their assigned duty posts during a tour of duty, except when authorized by proper authority.
3. Members on patrol shall remain in their assigned patrol areas while on duty, unless they are in pursuit of a suspect, dispatched elsewhere, or given permission to leave by a superior officer, or in case of an emergency.

K. Unsatisfactory Performance

1. Members shall perform their duties in a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the Division. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.
2. Unsatisfactory performance may be demonstrated by an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicators of unsatisfactory performance, the following shall be considered prima facie evidence of unsatisfactory performance: repeated poor performance evaluations or a record of repeated or numerous infractions of rules, regulations, directives, or orders of the Division.

L. Physical and Mental Condition

1. Members must immediately notify their superior officer if they are unable to continue to perform their duties or will be unable to report for duty as scheduled or assigned.
2. All members of the Division shall keep themselves in such physical and mental condition as will enable them to readily perform any duties

customarily assigned. When a member's physical and mental condition is such that he/she cannot efficiently perform those duties assigned to similar ranks or positions, it is the duty of the commanding officer to make notification through the chain of command.

M. Subject to Call

1. Although certain workday hours are allotted to every member of the Division for the performance of specific workday duties, a member of the force may be required to return to an "on-duty" status at all times for the preservation of the peace and the protection of life, liberty and property. A member shall be prepared at all times and under all circumstances to immediately perform a police duty whether or not the member is in uniform or off workday duty whenever the member is cognizant of a need for police service. A member of the Division shall be fit for duty at all times except when reported sick or injured.
2. Off-duty members may be called back to work at any time. Members are responsible for furnishing their commanding officer contact information, to include while on vacation, for locations other than their residence. Members are responsible for promptly reporting changes of address and telephone numbers.

N. Notification of Illness or Injury

1. Members who know they will be unable to report for duty due to illness or injury shall immediately notify their commanding officer and comply with Division policy.
2. Members injured while on duty shall report such injuries to their commanding officer as soon as possible, and shall comply with Division policy.
3. Members who become ill while on duty and find it necessary to leave an assigned post or duty shall report this fact to their commanding officer before leaving the assignment or post.

O. Members Reported Sick or Injured

1. Members who are reported sick or injured report are required to remain in their homes, unless they are given specific authorization to leave by a superior officer, or unless they must leave the home for purposes of obtaining necessary medical care.
2. Members on extended leave are not restricted to their homes during recuperation period provided that activities outside of the home do not bring disrepute to the Division.

P. Fictitious Illness or Injury Reports

1. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any member of the Division as to the condition of their health.

Q. Rest Periods/Meals

1. Approved rest breaks shall not be taken during peak traffic periods, during times of emergency, or at any other times prohibited by the superior officer.
2. No more than two members on duty shall be present at the same establishment at one time, except with the approval of a superior officer.
3. Members may stop for breaks only at locations within their patrol area. Members may not stop at any location prohibited by the Superintendent.
4. The patrol vehicle shall be properly parked and, when possible, shall be positioned to facilitate safe and easy departure in cases of emergency. Keys shall not be left in unoccupied patrol cars at any time. No attempt shall be made to hide the vehicle.
5. During approved breaks, members will still be required to answer calls for service when necessary. Members shall display a willingness to be of assistance to the public during rest periods and meals.

R. Treatment of Persons in Custody

1. No member shall mistreat any persons who are in custody. Members shall handle persons in custody of the Division, or any other law enforcement agency, in accordance with the law and established procedures.

S. Bail or Bond for Persons Arrested

1. No member shall furnish, post or assist with bail or bond for any person who has been arrested, except for members of his/her immediate family.

T. Processing Property and Evidence

1. Property or evidence which has been discovered, gathered, or received in connection with Division responsibilities shall be processed and disposed of in accordance with established Division procedures.
2. Members shall not manufacture, conceal, falsify, destroy, remove, tamper with, or convert to their own use, any property or evidence, except in accordance with established Division procedures.



U. Interference with Legal Processes: Unauthorized Investigations

1. Members shall not interfere with cases assigned to other members, persons or agencies for investigation, nor shall they interfere with any arrest or prosecution brought by other members, persons, or agencies without authorization of a superior officer.
2. Members of the Division shall not undertake any investigation or other official action outside their regular duties without obtaining permission from their commanding officer, except in exigent circumstances.

V. Recommendations Regarding Disposition of Case

1. Members shall not make any recommendation to any court or other judicial agency regarding the disposition of a pending criminal court case. Members shall refrain from making any recommendation or comment that might tend to reflect the Division's official approval or disapproval of another such agency's action.

W. Care and Maintenance of Division Property, Equipment and Vehicles

1. Members shall maintain, in good condition, all property and equipment assigned to them or under their control. They shall immediately report to their superior officer any loss or damage of Division property, equipment or vehicles assigned to them or under their control. They shall also notify their superior officer of any defects or hazardous conditions existing in any property or equipment assigned to them.
2. In those cases where state property is found bearing evidence of damage which has not been reported, the last person using the property, equipment, or vehicle will be held responsible for said damage.
3. A member shall not convert to his/her own use any property of the State of Rhode Island.

X. Operation of Official Vehicles

1. Members shall operate official vehicles in a careful and prudent manner and shall obey all state laws and the Rules and Regulations of the Rhode Island State Police pertaining to such operation. Loss or suspension of any driving license shall be reported immediately.
2. Except in emergencies or other unusual situations, the operator of the Division vehicle shall lock the ignition and the doors and remove the key from his/her vehicle when leaving it unattended.

Y. Accidents Involving Police Vehicles

1. Whenever a member of the Division is involved in an accident while operating a police vehicle, he/she shall immediately notify his/her superior officer.
2. A superior officer shall investigate said accident, complete all related reports and make notification through the chain of command without unreasonable delay.
3. In the case of a collision involving significant damage and/or serious bodily injury/death, notification shall be immediately made through the chain of command to the Superintendent.

Z. Wearing of the Division Uniform

1. As a para-military organization, the Rhode Island State Police requires uniformity among its members. The image of a well-groomed, properly uniformed force will inspire confidence and respect among the general public. The basic uniform has remained largely unchanged since the inception of the force and serves as a symbol of this organization's long-standing tradition of dedicated public service. When a member wears the uniform of the Rhode Island State Police, he/she wears the symbol of the outstanding reputation this force has gained during its years of tireless devotion in the public interest.
2. The official uniform of the Division of State Police shall consist of the items and articles described in Division General Order 29A, entitled "Guidelines of Division Issued Uniforms & Uniform Equipment Items," from which the "uniform of the day" will be prescribed as occasion demands, together with such additional accessories and equipment as the Superintendent may hereafter adopt and prescribe. Insignia, badges, service stripes, decorations, firearms, other equipment and parts of the uniform itself shall be worn as prescribed by said Division policy, and no item may be worn unless it has been specifically authorized by the Superintendent.
3. The uniform and accessories shall be kept clean and in good repair at all times. Faded or threadbare items of uniform clothing shall not be worn. Trousers/or breeches, blouses and shirts shall be of the same color and shade.
4. The uniform hat shall be set squarely on the head in military fashion, not tilted to the side nor worn on the back of the head.
5. All members in uniform shall wear the uniform hat when in public when outside of a Division vehicle, building or in public settings. Members operating Division vehicles are not required to wear their uniform hat, however, the uniform hat must be worn upon initiating a motor vehicle stop and while out of the vehicle.

6. The uniform may be worn off duty to represent the Division only with the express approval of a member of the Division Command Staff.

AA. Personal Appearance

1. Members shall be neat, clean, well groomed and present a professional appearance at all times while on duty unless otherwise prescribed by a superior officer as part of official duty performance.
2. General Regulations for Personal Grooming - Male and Female
  - a. Hair will be neatly trimmed, clean and combed or brushed in such a manner that all Division headgear (emergency, protective and uniform), of a size commensurate with the head size, may be worn.
  - b. The length, bulk or appearance of a member's hair shall not be excessive, ragged, shabby, bushy, unkempt or neglected.
  - c. Hair may not be worn in multiple braids, ponytails, cornrows, or in a Mohawk style.
3. Hair Regulations While in Uniform - Males
  - a. Hair on the forehead shall be groomed so that it does not fall within one inch of the eyebrows and will not extend below the band of properly worn headgear.
  - b. Hair on the back and sides of the head shall be cut in a tapered style so that the hair conforms to the general shape of the head.
  - c. Hair will not extend over the shirt or coat collar when the member is standing with the head in a normal posture, and will not be grown to a length greater than one-half inch at the base of the back of the head. Hair must be neatly tapered.
  - d. Sideburns may not extend below the lowest part of the exterior opening of the ear, not flared, of even width and ending with a clean-shaven horizontal line.
  - e. Hair may not cover any part of the ears nor shall the hair (when normally combed) extend outward from the skull to a depth greater than that measured by the outward protrusion of the ears.
  - f. Members are prohibited from growing beards, mustaches, or facial hair of any description unless authorized as part of their official duties.
4. Hair Regulations While in Uniform - Females

- a. Hair may not be worn longer than the bottom of the collar on the back of the head, and to the bottom of the earlobe on the sides. The total length will not interfere with the normal wearing of Divisional headgear.
  - b. A bun or twist will be permitted on the top or back of the head, provided it is worn in a neat manner and does not interfere with the wearing of Divisional headgear.
  - c. No ribbons or ornaments shall be worn in the hair except for inconspicuous bobby pins or conservative barrettes, which blend with the hair color.
5. Jewelry
- a. Any jewelry worn on duty by a member not in uniform must portray a professional appearance and be content neutral unless otherwise authorized for undercover or other authorized assignment. Earrings, necklaces and other forms of jewelry that, due to size or design, may cause injury, be disruptive or present an offensive or intimidating impression, or otherwise interfere with law enforcement actions, shall not be worn on duty. No unauthorized jewelry may be worn with a Division uniform. This regulation does not prohibit the wearing of religious jewelry underneath uniform or non-uniform clothing.
6. No body piercing, tattoos, or other body art may be visible while in Division uniform or on duty if not in uniform. The restriction on visible tattoos shall not apply to any Division member sworn in as of July 1, 2002 with an existing tattoo.
7. Cosmetics
1. Female members may wear cosmetics provided that they are natural-looking and match the natural skin color of the individual. Fingernail polish, if worn, must be clear. The wearing of false eyelashes, or excessive lipstick or mascara, is prohibited.
  8. All members of the Division not required to wear a uniform must be neatly dressed in appropriate business attire. When authorized, other forms of non-uniform attire are acceptable for undercover and/or surreptitious investigations.

## **1.475 Alcohol and Other Intoxicants**

- A. Use of Alcohol on Duty or in Uniform

1. Members shall not consume intoxicating beverages while on duty or while wearing any part of the uniform, unless required to do so while conducting an investigation under the specific authorization of their commanding officer. Members shall not appear for work, nor be on duty while under the influence of intoxicants to any degree. Members shall not consume any alcoholic beverage during the four hours prior to the start of their regular tour of duty.

B. Abuse of Alcohol Off-Duty

1. Off-duty members shall refrain from consuming intoxicants to the extent that said consumption may contribute to conduct unbecoming as described in these rules, or render them unfit to report for duty if ordered back in an emergency.

C. Alcoholic Beverages in Division Facilities

1. Members shall not possess, use, or store alcoholic beverages in any Division facility or vehicle, unless held as part of official police investigations.

D. Use of Authorized Prescription Medication

1. Members directed by competent medical authority to use a prescription drug while on-duty shall notify their superior officer if the medication prescribed indicates any side effects that could affect the ability of the member to perform their duties. Duty limitations resulting from the use of any prescription medication shall be noted. Superior officers shall determine whether the member is able to perform regular duties, be reassigned to other duty, or placed on sick leave.

E. Suspected Intoxication

1. If a superior officer has reasonable suspicion to believe a member is under the influence of an intoxicating beverage and/or drugs while on duty, the member shall be immediately required to submit to tests to determine intoxication.
2. Reasonable suspicion must be supported by specific facts which may include, but are not limited to the officer's appearance, speech, behavior or odors; reports and observations of the officer's alcohol or drug related activities; unexplained changes in behavior or work performance; observed impairment in ability to perform duties.
3. Any refusal to submit to testing shall be considered a positive result.
4. Alcohol breath testing shall be performed in accordance with Rhode Island Department of Health protocols, by certified collection personnel.

5. If a blood sample is required, a supervisor will take the member to a medical facility for extraction of the sample. The time lapse between the initial report of the member's condition and the intoxication tests shall be accurately recorded. Any person required to submit a blood sample shall be afforded the opportunity, at his/her own cost, to have an additional blood chemical test.

## **1.85 Miscellaneous**

### **A. Eligibility for Reenlistment**

1. Physical Exam - Members are required to have a physical examination by the Division Physician every three (3) years until the member is within three (3) years of edibility for retirement. The purpose of the exam is used to examine overall health and identify potential medical concerns.
2. Background Check - Members are required to undergo a background check as outlined in General Order 52H, Section C, 2.
3. Oath of Office - Members are required to take the Oath of Office every three (3) years until the member is within three (3) years of eligibility for retirement.

### **B. Residency Requirement**

1. Upon appointment to the Division of State Police, and until retirement, sworn members are required to make their residence in the State of Rhode Island.
2. Residence shall be defined as a member's fixed and true domicile where they intend to reside for an indefinite period.

### **CB. Telephone Requirement**

1. All members will maintain a telephone number that ensures 24-hour accessibility by the Division.

### **DG. Release of Personal Telephone Numbers, E-mail, and Street Addresses**

1. No member will release to the public or any public agency the home or personal telephone number(s), e-mail address(es), and street addresses of any sworn/civilian member of the Division without authorization.

### **DE. Division Letterhead**

1. Use of Division letterhead for private correspondence will not be allowed without permission of the Superintendent. No sworn member will send any communication on Division letterhead about police business to any

person, firm, or other law enforcement or public agency without the consent of his/her superior officer.

#### EF. Funeral Details

1. If a Division member is assigned to a funeral detail and this assignment creates a conflict in the assigned Division member's religious belief, he/she shall immediately contact their supervisor.
2. As soon as practical, members notified of assignment to a funeral detail should contact the funeral home for directions and time for the procession to depart the funeral home for the place of worship and/or burial location.
3. Members assigned to a funeral detail shall arrive in a clean, marked cruiser or cycle. Members shall have their leather and brass highly polished and ensure they are properly groomed. The Division fourragere shall be worn on the left shoulder placing the thicker braiding over the shoulder patch and the thinner braiding under the arm.

#### GF. Flag Procedures

1. The United States of America and State of Rhode Island flags will be flown at all Division barracks and the Headquarters Complex during daylight hours. Flags will be removed during inclement weather and/or at dusk unless they are constructed of all weather material and continuous light sources are utilized to illuminate them.
2. The flag of the United States of America will be flown at half-mast only at the direction of the President of the United States of America.
3. The State of Rhode Island flag will be flown at half-mast only at the direction of the Governor of the State of Rhode Island.

#### GH. Saluting

1. A member is required to render the hand salute to a superior commissioned officer only at the first meeting of the day.
2. Members who are driving a vehicle are not required to salute.
3. During an inspection, all members present will stand at attention, but only the Patrol Commander, or in the Patrol Commander's absence, the highest-ranking officer will salute the Inspecting Officer.
4. Members shall render the hand salute to the Governor of the State of Rhode Island in the same fashion and under the same circumstances as the salute is rendered to a commissioned officer, in both uniform or plainclothes.

5. In the event of an inspection by the Governor of the State of Rhode Island, the member who first sees the Governor will call "Attention." All members present will come to the position of attention and the senior officer alone will salute.
6. Saluting the Colors - National colors are entitled to the salute. A uniformed member salutes the colors with the hand salute. If indoors and uncovered, a member rises to attention facing the colors. A member not in uniform or a civilian facing the colors removes his/her headdress with the right hand and holds it against his/her left shoulder. With a color guard unit, the salute is to be rendered six (6) paces before and held till six (6) paces after passing.
7. National Anthem - Whenever the National Anthem is played, all persons should come to attention and face the flag if it is displayed; if no flag is displayed, they should face the music. Personnel in uniform and covered will salute at the first note of the music and hold the salute until the last note. If uncovered and indoors, the salute is not rendered.