

RHODE ISLAND GOVERNMENT REGISTER

PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Department of Public Safety

RULE IDENTIFIER: RICR: 270-RICR-10-00-2, ERLID: 7825

REGULATION TITLE: Division of Sheriffs Rules and Regulations

RULEMAKING ACTION: Direct Final

If no formal objection is received on or before November 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: October 12, 2017

End of comment period date: November 20, 2017

SUMMARY OF PROPOSED RULE: The purpose of this amendment is to remove outdated information and clarify specific sections:

2.1: Reduced volume of foreword

2.3, C, 2: added directives to notices, clarified chain of command

2.3, E, 2: clarified chain of command

2.3, E, 3: clarified chain of command

2.3, P, 2: clarified prohibited items

2.3, DD, 1: removed members of the public

2.3, EE, 1: clarified chain of command, clarified is needed.

2.3, JJ, 1: Moved requirement to report changes in address and telephone to 2.4, C, 1, a.

2.3, KK, 2: clarified timeframe for reporting illness

2.3, KK, 4: clarified time off requests cannot leave Division short-staffed

2.3, OO, 1: added location to record

2.3, PP, 1: clarified chain of command

2.3, QQ, 1: clarified chain of command

2.3, UU, 4: clarified chain of command

2.3, UU, 5: clarified chain of command

2.3, EEE, 1: added directives to notices

2.3, HHH, 4: clarified chain of command, removed information about setting specifics of division uniform

**COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed regulations by November 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 FUTURE 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-10-00-2 as follows:

**270-RICR-10-00-2**

**TITLE 270 – Department of Public Safety**

**CHAPTER 10 – Internal Operations**

**SUBCHAPTER 00 - N/A**

**PART 2 – Division of Sheriffs Rules and Regulations**

RHODE ISLAND

DIVISION OF SHERIFFS



Rules and Regulations Manual

May 2012

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## FOREWORD

~~The Rhode Island Division of Sheriffs was originally established in 1663 by the General Assembly of “His Majesty’s Colony of Rhode-Island and Providence-Plantations”. At that time there was one Sheriff whose responsibility was to have the care and custody of “His Majesty’s” jail in Newport. Since that time many centuries ago, the size and responsibilities of the Division of Sheriffs have grown. It was consolidated within the Rhode Island Department of Public Safety in July 2011. The Division is responsible for courtroom security and cellblocks in all state courthouses, training of personnel, extradition and civil service, and transportation of individuals charged with crimes.~~

~~The current Commissioner of the Department of Public Safety, Colonel Steven G. O’Donnell Superintendent of the Rhode Island State Police, hereby enacts this document as the official Rules and Regulations of the Rhode Island Division of Sheriffs. The Commissioner, who is appointed by the Governor and serves at the Governor’s pleasure, has authority to interpret these rules and regulations.~~

~~—————The Rules and Regulations manual is comprised of three (3) chapters:~~

~~Leadership~~

~~Conduct and Courtesy~~

~~Miscellaneous~~

~~—————~~

~~All Division members are reminded that no set of rules or regulations can be established that will cover every aspect of security work that may. Many problems are resolved based on a member’s training and common sense. All members have the responsibility to learn the rules and regulations in this manual and are expected to know and assume the duties and obligations set forth herein.~~

~~All members must uphold and abide by the laws of the United States and the State of Rhode Island, and all local ordinances. All members must follow R.I.G.L. § 36-14-5, the Code of Ethics for Rhode Island State Employees, and all Rhode Island Department of Public Safety policies,~~

~~rules, objectives, and orders. Members are expected to carry out all lawful directives issued by superiors and supervisors.~~

~~All members are to act at all times in conformity with R.I.G.L. § 36-14-1, which states, “It is the policy of the State of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage.”~~

~~Failure to comply with any rule or regulation in this manual, any subsequent policy or procedure, or any conduct that is detrimental to this Division, may result in disciplinary action.~~

~~Serving as a guide, the regulations herein contained should provide all sworn and civilian, union and non-union, line, supervisory, and managerial employees with a clear understanding of the conduct required of them as employees of the Division of Sheriffs within the Department of Public Safety.~~

## **2.1 Purpose**

- A. The purpose of this regulation is to provide a guide for Division of Sheriffs employees in order to ensure a clear understanding of their conduct required as employees of the Division of Sheriffs within the Department of Public Safety.

## **2.2 Authority**

- A. These regulations are authorized pursuant to R.I. Gen. Laws § 42-7.3-9 and R.I. Gen. Laws § 42-7.3-6.

## **2.3 Foreword**

- A. All Division members are reminded that no set of rules or regulations can be established that will cover every aspect of security work that may arise. Many problems are resolved based on a member's training and common sense. All members have the responsibility to learn the rules and regulations in this manual and are expected to know and assume the duties and obligations set forth herein.
- B. All members must uphold and abide by the laws of the United States and the State of Rhode Island, and all local ordinances. All members must follow R.I. Gen. Laws § 36-14-5, the Code of Ethics for Rhode Island State Employees, and all Rhode Island Department of Public Safety policies, rules, objectives, and orders. Members are expected to carry out all lawful directives issued by superiors and supervisors.
- C. All members are to act at all times in conformity with R.I. Gen. Laws § 36-14-1, which states, "It is the policy of the State of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage."
- D. Failure to comply with any rule or regulation in this manual, any subsequent policy or procedure, or any conduct that is detrimental to this Division, may result in disciplinary action.
- E. Serving as a guide, the regulations herein contained should provide all sworn and civilian, union and non-union, line, supervisory, and managerial employees with a clear understanding of the conduct required of them as employees of the Division of Sheriffs within the Department of Public Safety.

## **2.14 Leadership**

- A. Mission Statement



1. It is the mission of the Rhode Island Division of Sheriffs to provide the highest level of services to the Rhode Island Judiciary and Rhode Island Criminal Justice System while maintaining the greatest degree of integrity, impartiality, and confidentiality; to treat all individuals with the utmost respect, dignity, and fairness; to work with the Department of Corrections and all law enforcement agencies in a spirit of cooperation; to protect and provide security for all who enter the Rhode Island Courts while maintaining the highest degree of professionalism and decorum.

## B. Organizational Mission

1. The organizational mission of the Rhode Island Division of Sheriffs is distributed among its members.
2. The primary duties of the Rhode Island Division of Sheriffs are to provide and maintain security for judges at all state courts; to provide and maintain security in all courtrooms and other public areas within state courthouses; to provide and maintain security in the cellblocks in all state courts, and exercise all powers as required and prescribed in all other provisions of the general laws and public laws relating to the powers and duties of sheriffs.
3. The Division shall also be responsible for statewide transportation of prisoners to and from police departments, the adult correctional institutions, all courthouses, and other places of detention; transportation of persons arrested by state and local police departments to places of detention; supervising the conduct of and maintain order and discipline of the prisoners in their custody; the custody and safety of prisoners while being transported to and from court sessions, places of detention, and outside hospitals prior to commitment to the adult correctional institutions; security of prisoners during the hearing of their cases, and while in outside hospitals prior to commitment to the adult correctional institutions; the safety and welfare of prisoners in their custody; to provide security in connection with transportation in the execution of extraditions; and to perform matters related to civil process, as prescribed by law.
4. Proficiency in operation demands that the Division's form and organization be quasi-military. It must have a chain of command properly suited to its own unique demands and for the proper execution of its mission.
5. Consistent with this organizational mission, Division members shall not knowingly engage in actions, conduct or associations, either on or off duty, which compromise the authority of the member or other members, or which give appearance of improper influence on the Division member's judgment when making decisions affecting the Division, offenders or staff, or which bring discredit on the Division or undermine its goals and objectives in any way. Such action may be subject to disciplinary action.

C. Appointment of Members

1. The ~~Commissioner~~Director of Public Safety shall appoint qualified persons to serve as members of the Rhode Island Division of Sheriffs.

D. Superior Officers

1. A superior officer, who shall be the rank of sergeant or higher, shall conduct personal 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 Division's mission; and that any apparent needs or operational deficiencies of the Division are revealed.
2. A superior officer shall supervise and allocate responsibilities to subordinate officers, maintain discipline, and enforce Division rules, regulations, policies and procedures. A superior officer plans, supervises, and reviews the work of all Division of Sheriffs personnel and reports all to ~~their~~his/her Commanding Officer.
3. A superior officer shall make an immediate, impartial report to his/her commanding officer relating any incident that he/she is aware of that involves a violation of the rules and regulations of the Division by any subordinate member 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.
4. A superior officer shall not abuse those under his/her command by disrespect of their dignity as human beings.
5. A superior officer shall inspire confidence and industriousness in his/her subordinates by the use of tact in giving orders and by constructively correcting mistakes.
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. Upon assignment, a superior officer shall assist at, be present for, or conduct shift briefings in accordance with specific orders of his/her commanding officer. He/She shall be responsible that all special duty assignments, orders or instructions necessary for the proper performance of the Division's mission are carried out.

## 2.52 Conduct and Courtesy

### A. Obedience to Law

1. Members of the Division of Sheriffs shall obey the laws of the United States and the State of Rhode Island, ordinances of local jurisdictions, and court orders. 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 internal disciplinary action. A conviction of the violation of any law shall be *prima facie* evidence of a violation of this rule of conduct.

### B. Obedience to Rules and Regulations

1. All members of the Rhode Island Division of Sheriffs shall promptly obey, without reservation, the Rules and Regulations of this Division. A violation of these Rules and Regulations, or of any Division policy or directive, may be sufficient cause for disciplinary action. Ignorance of these Rules and Regulations shall not be considered a justification for any such violation.

### C. Obedience to Superior Officers

1. Members shall promptly obey all lawful orders given to them by a superior officer. The chain of command will be followed and respected at all times. 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 resolving 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, directives, memorandums, notices or other orders printed on authorized Division of Sheriffs forms that have been approved by the ~~Commissioner~~Director, Chief Sheriff, Major, Commanding Officer, Department of Public Safety; ~~and/or Special Assignment Officer~~ shall have the force and effect of a Division of Sheriffs regulation.

### D. Acceptance of Responsibility

1. Members of the Division of Sheriffs shall accept the responsibilities imposed upon them by law as to their duties and authority. All members are required to be calm and firm in their actions at all times, and will act together to protect the public and each other from danger.

### E. Reporting Requirements

1. Members shall immediately report any information received, either on or off duty, which may have an impact on the safety and security of Division

staff, the Judiciary, or Departmental operations. Even if a member is uncertain about the significance of information received, the member shall immediately report it to his/her immediate supervisor.

2. Members of the Division of Sheriffs who observe or who have knowledge of violations of laws, ordinances, rules, regulations, or official orders on the part of another member shall immediately report such incidents to their immediate supervisor. If for any reason, members fear that providing this information to his/her immediate supervisor may place them at risk of personal harm, they may report this information directly to the ~~Department of Public Safety, Special Assignments Captain who oversees the Division of Sheriffs~~Chief Sheriff.
3. Supervisors are required to relay any information described above to the ~~appropriate authority~~Chief Sheriff.

#### F. Courtesy

1. Members of the Division of Sheriffs shall treat members of the public, visitors to Division offices and facilities, and individuals who call the Division on the telephone ~~shall be treated~~ with courtesy, dignity, and respect at all times.
2. Members 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 in the face of extreme provocation. Members shall not use coarse, profane, or insolent language or gestures, and shall not express any prejudice concerning race, ethnicity, sexual orientation, gender identity, disability, religious belief, age, gender, politics or similar personal characteristics when speaking to or about members of the public. This prohibition shall also apply to communications via radio or telecommunications equipment, electronic and voice mail, the Internet, and all integrated computer networks.

#### G. Conduct Unbecoming

1. Members of the Division of Sheriffs shall conduct themselves at all times, both on and off duty, in such a manner as to bring credit to the Division. Conduct unbecoming in a member shall include any misconduct, on or off duty that violates federal, state, or local criminal codes, as well as any activity, on or off duty, that undermines the work or authority of the member or other members, brings discredit on the Division, compromises the Division's mission or operations, or adversely affects the public trust.

#### H. Conduct

1. Members of the Division of Sheriffs shall constantly perform their duties in a responsible, dignified, and professional manner.

2. Members of the Division of Sheriffs shall not participate in any incident involving moral turpitude that impairs their ability to perform as members of the Division of Sheriffs or cause the Rhode Island Division of Sheriffs to be brought into disrepute.

I. Harassment and Discrimination

1. Members of the Division of Sheriffs shall not use language, engage in conduct, or prepare written communication intended to harass, discriminate against, ridicule, taunt, demean, embarrass, insult, or provoke other members of the Division, members of the offender population, or members of the public because of race, ethnicity, sexual orientation, gender identity, disability, religious belief, age, gender, politics or similar personal characteristics.

J. Use of Alcohol on Duty or in Uniform

1. Members of the Division of Sheriffs shall neither consume nor purchase intoxicating beverages while on duty or while wearing the Division uniform. The presence or consumption of alcohol on Division premise, in Division vehicles, or while wearing a uniform or article of clothing with identifying insignia (e.g. badge or patch) that give the appearance of being on duty at the Division of Sheriffs, is strictly prohibited.

K. Abuse of Alcohol Off-Duty

1. Members of the Division of Sheriffs, while off-duty, shall refrain from consuming intoxicants to the extent that it could constitute unbecoming conduct as described in these rules, or render them unfit to report for duty if they are called back in an emergency. Members shall not consume any alcoholic beverage during the four hours prior to the start of their regular shift.

L. Alcoholic Beverages in State Facilities and Vehicles

1. Members of the Division of Sheriffs shall not possess, use, or store alcoholic beverages in any state facility or vehicle at any time.

M. Use of Drugs

1. The presence or consumption of controlled substances is strictly prohibited unless they are being taken pursuant to a valid medical prescription.
2. Members who are in possession of prescription medication while on duty must take steps to assure that these substances are stored in such a way that they are not accessible to the offender population.

3. Members of the Division of Sheriffs shall not consume excessive medications before or during a duty shift. Any member taking prescription medication that may affect his/her performance on duty is obligated to notify his/her supervisor.
4. Division members may not be in the possession of a weapon while under the influence of any medication that impairs judgment.

N. Notification of Contact with Law Enforcement and Administrative Agencies

1. Members are required to provide their superior officer with written notification of arrests, and notice of arraignment dates by law enforcement authorities.
2. Members are required to provide their superior officer with written notification of Restraining Orders, No Contact Orders, driver license suspensions or expirations, or any professional license expirations or suspensions issued against them.
  - a. Professional license suspensions or expirations shall only apply to members who need a specific license in the performance of their duty.
3. Members are required to provide their superior officer with notification of any non-duty related contact with law enforcement.

O. 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. An officer subject to reasonable suspicion testing shall be entitled to union representation throughout the process if requested.
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, competent personnel 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~~ requesting to submit a blood sample shall be afforded the opportunity, at his/her own cost, to have an additional blood chemical test.

P. Gratuities, Gifts, Rewards

1. Members of the Division of Sheriffs shall not knowingly solicit or accept any gratuity or any other item of value where there is any connection, however remote, between such offer or solicitation and the member's position with the Division of Sheriffs.
2. Members of the Division of Sheriffs shall not directly nor indirectly solicit or accept from any member of the public, member of the offender population, members of the immediate families, visitors, representatives, or business associates of offenders, former offenders, or immediate families, visitors, representatives, or business associates of former offenders any gratuities, gifts or rewards, nor shall they:
  - a. Solicit or accept any gratuities of merchandise, meals, beverages, or any other item of value that is intended to influence their or any other member's actions in any matter of Division of Sheriffs business, or which might cast an adverse reflection on the Division of Sheriffs or any of its employees.
  - b. Solicit or accept any gift or gratuity from other members if such items would adversely affect the member's duties.
  - c. Solicit or accept any reward for services rendered in the performance of the member's duties.
  - d. Solicit free admission to places of amusement for themselves or others.
3. Members of the Division of Sheriffs shall not directly or indirectly identify themselves as Division of Sheriffs officers for the purpose of gaining personal advantages or avoiding the consequences of illegal acts performed by themselves or by other individuals.
4. Solicit any discounted services or merchandise offered as a result of their employment with the Division of Sheriffs. This rule shall not apply to gratuities or discounts offered to members of the Division of Sheriffs which are offered to all law enforcement officials (or government employees), so long as the gratuity or discount is not actively solicited by the member of the Division of Sheriffs.

Q. Abuse of Position

1. Members of the Division of Sheriffs shall not use their official position, official identification cards, badges or uniform 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 of the Division of Sheriffs shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced.

R. Permitting Illegal Activities

1. Members of the Division of Sheriffs shall not authorize any individual to violate any law, ordinance, or court order under any circumstances. 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 of the Division of Sheriffs shall not create the impression that an individual may violate the law as long as the Division of Sheriffs does not learn of the violation.

S. 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 exhibit abusive behavior toward a superior officer, including but not limited to, displaying a disrespectful, insulting, or threatening attitude by use of language, expressions or gestures.
3. Members shall not refuse to attend, cooperate with, or answer questions truthfully during interviews or in requested reports with the Division or Department of Public Safety. Members are prohibited from impeding, obstructing or otherwise interfering with an official investigation of the Division of Sheriffs or Department of Public Safety.
4. Members shall not publicly criticize the Division of Sheriffs or the Department of Public Safety, its policies, or other employees in speech, writing, or other forms of expression. Members shall never speak



maliciously about the Division, its' policies or members. Any complaints shall be sent through proper channels. This provision is not intended to preclude the exercise of members' rights under state and/or federal law. This provision shall not apply to union officers speaking on behalf of union members regarding working conditions.

5. Nothing herein shall be interpreted as to interfere with, contradict or prohibit a member of the Division of Sheriffs from exercising their rights under the First and Fifth amendments of the United States Constitution. Nothing herein shall prohibit a member of the Division of Sheriffs from invoking their rights under *Garrity v. N.J.* 385 U.S. 493 (1967).

#### T. Conflicts of Interest

1. Members of the Division of Sheriffs 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 of the Division are forbidden to take part in the selection or promotion of any member of their households, immediate families, or of the immediate families of spouses or children.
  - a. Immediate family (to include blood, marriage, and step relationships) is defined as parent, grandparent, spouse, including common law, brother, sister, child, and grandchild.
3. No favoritism will be shown by any Division member to any subordinate or vendor as a result of a personal relationship.

#### U. Use of Tobacco

1. Members of the Division of Sheriffs may not use tobacco in any form when performing any official duty in direct or immediate contact with members of the general public. When permitted to use tobacco, members must do so in a manner that will not offend others. All members will comply with the Governor's smoking policy and all state laws regarding smoking while on duty. Smoking in any state facility, building, vehicle, or office is prohibited.

#### V. Relations with Division of Sheriffs Employees

1. Relationships between members of the Division of Sheriffs shall be characterized by respect, courtesy, patience and cooperation. Members shall never behave disrespectfully or use language toward or about any other Division employee that is degrading, abusive, profane, or refers to an individual's race, religion, ethnicity, national origin, gender, age, disability, sexual orientation, or gender identity in a demeaning or

derogatory manner. Members shall not draw or lift a weapon toward, offer violence against, nor strike or attempt to strike any other employee. These prohibitions shall also apply to the use of communications via radio or telecommunications equipment, electronic and voice mail, the Internet and all integrated computer networks.

2. All interactions with fellow employees, all Division of Sheriffs members, and Department of Public Safety employees shall be conducted in a professional, respectful manner.

#### W. Relations with Offenders

1. Division members shall protect the civil and legal rights of each member of the offender population. Members shall be firm, fair, and consistent in their conduct toward the offender population.
2. The actions and judgments of members in the exercise of duties that brings them in contact with the offender population shall not be influenced by personal feelings, attitudes, or prejudices toward an individual or group.
3. Language that is degrading, abusive, profane, or refers to an individual's race, religion, ethnicity, national origin, gender, age, disability, sexual orientation, or gender identity in a demeaning or derogatory manner shall not be used in speaking to or about the offender population. This prohibition shall also apply to communications via radio and telecommunications equipment, electronic and voice mail, the Internet, and all integrated computer networks.
4. Members shall not discuss Division operations with the offender population or within hearing range of the offender population. Members shall not permit access to Division reports, policies, orders, or memoranda, unless such information is necessary in order for the offender to understand what is expected of him/her.

#### X. Unauthorized Physical Conduct

1. Fighting with fellow employees of the Division of Sheriffs is strictly prohibited. Expressing present or future intent to cause harm against fellow Division members, members of the offender population, and/or members of the public is strictly prohibited.
2. Excessive use of force or use of force that does not conform to the Division's Use of Force policy is strictly prohibited.
3. Horseplay or rowdiness with other staff, members of the offender population, and/or members of the public is strictly prohibited.

#### Y. Conveyance of Contraband

1. Conveying or allowing conveyance of any unauthorized items, food, substances, or materials to or from offenders is strictly prohibited.
2. Conveying or allowing conveyance of any authorized items, food, substances, or materials to or from offenders in a manner other than that permitted by Division policy, directives, or post orders, is strictly prohibited.
3. Members are required to permit inspection by superiors or designated staff of packages, envelopes, briefcases, or other containers that are being taken into or out of secure facilities or vehicles.

Z. Associations

1. All members of the Division of Sheriffs shall, on or off duty, avoid regular or continuous associations or dealings with persons whom they know are under criminal investigation or indictment, or who have a reputation in the community for present or past involvement in criminal behavior. Such associations may be permitted where unavoidable because of family relationships with a Division employee.
2. It is the duty of every Division member to familiarize himself/herself with the activities and descriptions of prominent habitual criminals with whom they have contact.

AA. Loitering

1. A member of the Division of Sheriffs, when on duty, may enter or frequent a public place only for the purpose of taking an approved rest break or a regular meal.

BB. Gambling

1. No member of the Division of Sheriffs shall participate in any form of gambling while on duty or in uniform, or while at a Division of Sheriffs post, in a vehicle, or other facility.

CC. Reports

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

DD. Truthfulness

1. Members of the Division of Sheriffs shall speak, document and/or memorialize the truth at all times and under all circumstances. Members

shall also be truthful and honest in dealing with fellow members ~~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 of Sheriffs.
3. Members shall not provide false or misleading statements or representations, either verbal or written, on any official forms, reports, logs, affidavits, or other documents.

#### EE. Outside Employment

1. Any Division member who would like to engage in outside employment shall provide notification to the ~~Commanding Officer~~ Chief Sheriff of the Division of Sheriffs. The member shall indicate the nature of the employment, location, anticipated hours of work, and the means by which he/she may be contacted while employed elsewhere. Requests for outside employment must meet with approval of the Chief Sheriff.
2. It shall be understood that the needs of the Division shall take precedence over any other employment.

#### FF. Falsification of Employment Application

1. No person shall procure or retain employment by willfully misrepresenting their qualifications, character, reputation, or physical or mental condition. Statements or representations made in interviews, employment or examination forms found to be false or intentionally misleading may be cause for dismissal from the service of the Division.

#### GG. Dereliction of Duty

1. Members of the Division of Sheriffs, while on duty, shall at all times remain alert and ready to respond to any situation requiring action by the Division. Reading, writing, using a computer, telephone, cellular telephone, or watching television while on a security post or other Division assignment are allowed for job-related activities only, and as authorized by a superior.
2. While on duty members shall not:
  - a. Sleep, lounge, conduct personal business, attend to personal pleasures, or loiter
  - b. Talk excessively to other members, employees, or members of the public, or take part in any other activities that would cause them to neglect or be inattentive to duty.

- c. Engage in excessive use of a telephone for personal communication or other activity.
  - d. Create distractions for other employees that jeopardize the security or order of Division operations.
3. Members of the Division of Sheriffs shall not dedicate any time while on duty to any activity that does not relate to Division business.

#### HH. Neglect of Duty

1. All members of the Division of Sheriffs will patrol their assigned post in a proper manner. Any member, through reason of neglect, who fails to report unusual circumstances or incidents, will be subject to disciplinary action.
2. Members of the Division of Sheriffs must immediately notify their superior officer if they are unable to continue to perform their duties or will be unable to report duty as scheduled or assigned.

#### II. Unsatisfactory Performance

1. Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Unsatisfactory performance may be demonstrated by an unwillingness or inability to perform assigned tasks; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving Division of Sheriffs attention; or absence without leave.

#### JJ. Subject to Call

1. Off-duty members of the Division of Sheriffs may be called back to work at any time deemed an emergency by the Department of Public Safety. Members are responsible for furnishing their commanding officer with a list of places and phone numbers where they may be reached or if they are temporarily staying at a location other than their residence. ~~Members are responsible for promptly reporting changes of address and telephone numbers.~~

#### KK. Notification of Illness, Injury, Vacation, or Personal Days

1. All members of the Division of Sheriffs are required to report all scheduled and unscheduled absences to their supervisor. The supervisor will ensure notification is made to the Commanding Officer or his/her designee.
2. Illness must be reported at least 1 hour prior to the start of the shift.

3. Members of the Division of Sheriffs injured while on duty shall immediately report such injuries to their commanding officer, and shall comply with such provisions of existing regulations pertaining to such injuries. Members who become ill while on duty and find it necessary to leave an assigned post or duty shall report this fact to their superior officer before leaving the assignment or post.
4. Vacation and personal days will be awarded based on availability of personnel. If a member requests a day off and no one can be found to fill the shift, or the request will leave the Division short-staffed, then that member will report for duty.

LL. Fictitious Illness or Injury Reports

1. Members of the Division of Sheriffs 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.

MM. Leaving Duty Post/Assignment

1. Members of the Division of Sheriffs will not leave their posts or assignments unless it is for the discharge of duty or when properly relieved. If relief does not arrive on time, the member will notify his/her supervisor. Members who are not relieved will maintain their post or assignment until proper relief is located.
2. Members will not depart from duty without authorization prior to the completion of a shift.

NN. Rest Periods/Meals

1. No member of the Division of Sheriffs shall leave his/her building at mealtime or rest period unless they have been properly relieved and have the permission of a supervisor.
2. Approved rest breaks shall not be taken during peak activity periods, during times of emergency, or at any other times prohibited by a supervisor. Members must be available for duty at all times in an emergency.
3. Members shall return from scheduled rest periods and meals in a timely manner.
4. Members of the Division of Sheriffs shall willingly be of assistance to the Division of Sheriffs and the public during rest periods and meals.

OO. Processing Confiscated, Lost, or Found Items

1. All confiscated, lost or found items will be recorded with day, date, location, and time of action, in addition to any other vital information.
2. Members of the Division of Sheriffs will not take for his/her personal use any confiscated, lost, or found item.

PP. Dissemination of Information

1. Members of the Division of Sheriffs shall not, at any time, discuss the policies of the Division nor divulge any of its dealings to any unauthorized person. The written policies, rules, regulations, and communications are for Division use only. They are not to be shared or given to the public without the permission of the ~~Special Assignment Officer~~Chief Sheriff. All questions pertaining to Division of Sheriffs business will be directed to the ~~Special Assignment Officer~~Chief Sheriff or his/her designee.
2. Requests by the public for incident reports shall be directed to a commissioner officer. Confidential or privileged information or information regarding pending investigations (i.e., information the disclosure of which would violate federal or state confidentiality laws, would endanger courthouse security, or would constitute an unwarranted invasion of personal privacy) shall never be disclosed to the media, the public, or other agencies.
3. Access by other Division members, employees of other agencies or members of the public to records concerning staff or a member of the offender population will only be granted subject to the procedures established by the custodian of those records.
4. The Executive Committee of Council 94 is permitted to speak to the media about legitimate union business or matters which relate to collective bargaining or contract administration.

QQ. Public Pronouncements

1. No member of the Division of Sheriffs will speak for publication, be interviewed, or make public speeches on behalf of the Division without the consent of the ~~Special Assignment Officer~~Chief Sheriff.

RR. Attendance at Public Functions

1. Members of the Division of Sheriffs are prohibited from attending any of the following functions while on duty without prior approval from their supervisor, unless their attendance has been requested as part of their official duties:
  - a. Public hearings, city/town council meetings, legislative sessions, political events, etc.

- b. Union meetings.
- c. Public demonstrations.

SS. Identification

1. Uniform members of the Division of Sheriffs, when on duty and in uniform, shall at all times wear in plain sight their badge number and a badge, inscribed with the words "Rhode Island Sheriff's Department." Non-uniformed staff shall carry their badges and Division credentials while on duty.
2. All members must allow an identification photograph to be taken and retaken as necessary to maintain Division records.
3. Members shall furnish their badge number, last names, job titles, and name of immediate supervisor to any person requesting that information when they are on duty or while portraying themselves in an official capacity.

TT. Saluting

1. Members are required to render the hand salute to a superior commissioned officer (lieutenant or higher) within the Division of Sheriffs only at the first meeting of the day. Members who are driving a vehicle are not required to salute. Members who are seated will stand and render the proper salute.
2. Members shall render the hand salute to the Governor of the State of Rhode Island and the ~~Commissioner~~Director of the Department of Public Safety in the same fashion and under the same circumstances as the hand salute is rendered to a superior commissioned officer, whether the member is in uniform or plain clothes.
3. Saluting the National Colors and National Anthem– Members in uniform will render a hand salute at the presentation of colors and at the playing of the National Anthem.

UU. Care and Maintenance of State Property and Division Property, Equipment, and Vehicles

1. Members of the Division of Sheriffs shall maintain, in good condition, all property and equipment assigned to them or under their control. They shall immediately report to their supervisor any loss or damage of Division of Sheriffs property, equipment or vehicles assigned to them or under their control. They shall also notify their supervisor of any defects or hazardous conditions existing in any property or equipment assigned to them. In those cases where state property is found bearing evidence of damage



that has not been reported, the last person using the property, equipment, or vehicle will be held responsible for said damage.

2. Members shall not use state or Division property, either by intention or through negligence, in a manner that may cause damage or injury, or unnecessarily diminished its value.
3. Members shall not lend, borrow, sell or duplicate any state or Division property, including but not limited to security items, without the permission of their supervisor. Removing state property from Division premises without the permission of a superior is strictly prohibited, unless this action is required for the performance of the member's duties.
4. Members shall not carry or utilize personal or donated equipment in lieu of or in addition to Division issued equipment without the authorization of the ~~Special Assignment Officer~~ Chief Sheriff or his/her designee.
5. All property donated to the Division must be preapproved by the ~~Special Assignment Officer~~ Chief Sheriff.

#### VV. Operation of Official Vehicles

1. Members of the Division of Sheriffs shall operate official vehicles in a careful and prudent manner and shall obey all state laws and the Rules and Regulations of the Division of Sheriffs pertaining to such operation. Loss or suspension of any driving license shall be reported immediately.

#### WW. Accidents Involving Division of Sheriffs Vehicles

1. Whenever a member of the Division of Sheriffs is involved in an accident while operating a Division of Sheriffs vehicle, he/she shall immediately notify his/her supervisor.
2. All accidents occurring within the State of Rhode Island will be investigated by the Division of State Police. The member or the member's supervisor will ensure the Division of State Police is immediately contacted for all accidents involving a Division of Sheriffs vehicle within the State of Rhode Island.

#### XX. Responsibility for Division Vehicle

1. Except in emergencies or other unusual situations, the operator of a Division of Sheriffs vehicle shall lock the ignition and the doors and remove the key from his/her vehicle when leaving it unattended.

#### YY. Violations

1. Violations of these Rules and Regulations or of any procedure, directive, order given by supervisor, and published and/or posted policy may be grounds for disciplinary actions.

#### ZZ. Prohibited Action During Suspension

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

#### AAA. Knowledge of Division of Sheriffs Directives

1. All members of the Division of Sheriffs are responsible for knowing, understanding, and following all Division of Sheriffs regulations, policies, protocols, and post orders. It is the responsibility of the member to seek clarification of any order or material that is not clearly understood.

#### BBB. Reporting for Duty

1. All members of the Division of Sheriffs shall report for duty at the proper time and at the properly assigned location. The member will be in proper uniform with Division-issued equipment. The member must be alert, and mentally and physically prepared to perform his/her duties throughout his/her assigned work assignments. There will be no exceptions.
2. For reasons of safety, security and mutual protection of employees, the offender population and the public, if at any time or for any reason an employee feels that either he/she or a fellow employee is unprepared to adequately perform his/her assigned duties, it is the employee's responsibility to inform their immediate supervisor and seek relief and/or assistance as soon as possible.

#### CCC. Security of Firearms

1. A member of the Division of Sheriffs is responsible for the safekeeping and security of his/her firearm at all times. A member will not leave his/her firearm unattended and unsecured at any time.
2. Unauthorized possession of weapons, as well as the improper use or storage of authorized weapons is strictly prohibited.

#### DDD. Questions of Citizens

1. Members of the Division of Sheriffs 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.

#### EEE. Awareness of Activities

1. Upon returning from any absence from duty, every member of the Division of Sheriffs will familiarize himself/herself with all new regulations, policies, directives, memoranda, and all matters concerning his/her assignment.

#### FFF. General Knowledge and Performance

1. Every member of the Division of Sheriffs will familiarize himself/herself with all the laws, statutes, ordinances, and regulations necessary for the proficient execution of his/her duty as a member of the Division of Sheriffs.
2. All members of the Division of Sheriffs will familiarize themselves with the procedures and contact people in their assigned building.

#### GGG. Marking or Altering Division Notices and Information

1. Members of the Division of Sheriffs will not mark, alter, mar, or deface any notices posted on any bulletin board, or information in any files, records, or databases maintained by the Division of Sheriffs. All notices of a personal nature and/or of a derogatory character regarding any member are prohibited.

#### HHH. Wearing of the Uniform

1. Members of the Division of Sheriffs will wear only the prescribed uniform of the Division. ~~The Special Assignment Officer will set the style, color, material, and manufacturer of the division uniform~~Division insignias, badges, wreaths, stripes, and all other authorized decorations will be worn as issued. Members shall not make any additions or modifications to any uniform, badge or other identification/insignia unless authorized by the Special Assignment Officer/Chief Sheriff.
2. Uniforms will be kept neat, clean, pressed, and in good repair at all times. Threadbare or faded items will be replaced accordingly.
3. Coats, overcoats, raincoats, and sweaters will be kept in good condition and will be Division-issue only to match the uniform.
4. The uniform cap will be worn squarely on the head, not tilted back, to the side, or worn in any other fashion.
5. Ties, mock turtle neck shirts or dark blue t-shirts may be worn with the winter shirt. Winter shirts will be buttoned to the top when worn with a tie. All buttons on the sleeves will be buttoned. Winter shirts, when worn

without the tie and summer shirts will be worn with all buttons, except for the top one, fastened. Ties will not be worn with the summer shirt.

6. Leather gear will be maintained and polished. Worn or tattered gear will be replaced.
7. It is up to the individual member to notify their supervisor of any equipment needs.
8. The Rhode Island Division of Sheriffs uniform shall not be worn by any member of the Division engaged in outside activities or employment. The uniform will not be worn to social functions or public events.

### III. Personal Appearance

1. A Division of Sheriffs member shall be neat and clean about their person. They shall maintain good hygiene and be presentable in uniform at all times.
2. Hair regulations - Males
  - a. Hair shall be trimmed and presentable at all times. The hair will not touch the collar except for the close cut hair on the back of the neck. Hair in front will be cut so it does not hang over the forehead and does not protrude below the band of a proper work duty hat. The length and bulk of the hair will not be so excessive as to display a ragged appearance. The hair above the ears shall be sufficiently trimmed so it does not hang over the ear.
  - b. Sideburns in excess are not allowed. The sideburns length will not exceed halfway down a member's ear and will end in a clean horizontal line.
3. Hair regulations - Females
  - a. Hair shall be clean and neatly arranged. It shall be styled so as not to get in the way of Division of Sheriffs duties. Hair will not be worn in any style longer than shoulder length, and must be worn so as to present a proper appearance while wearing the uniform hat.
  - b. Excessive ribbons or ornaments shall not be allowed. Pins, combs, barrettes, or clips similar to the hair color may be worn.
4. Jewelry/Body Art
  - a. Excessive or ornamental jewelry shall not be worn while on duty. Male members are not allowed to wear earrings. Female members

are allowed to wear simple studs or post style earrings. Bracelets, necklaces, earrings and rings are not to be worn in excess.

- b. No body piercings, tattoos, or other body art may be visible while in Division uniform
  - (1) Existing tattoos, as of June 11, 2012, are allowed.
  - (2) Effective June 11, 2012, members who do not have existing tattoos that are visible while in uniform are restricted from having tattoos on any area that is visible while in Division uniform.

## **2.63 Miscellaneous**

### A. Telephone Requirements

- 1. Members shall immediately notify their immediate supervisor of any change in telephone number.

### B. Division Letterhead and Supplies

- 1. Use of Division of Sheriffs letterhead for sending official correspondence out to the Division will not be allowed without permission from the Chief Sheriff. No member will send any written communication about Division of Sheriffs business to any person, firm, or other public agency without the consent of his/her supervisor.
- 2. The use of Division letterhead, official stamps, postage, photocopying machines, materials, equipment or other supplies for personal reasons is strictly prohibited.

### C. Change of Vital Personal Data

- 1. Employees are responsible for notifying the Office of Human Resources with in five (5) calendar days of the following:
  - a. Any changes in address and/or telephone number;
  - b. Change in marital or family status;
  - c. Other information which may affect eligibility for health care coverage or related benefits.