

It's not easy to fire police officers in Rhode Island. Some are calling for changes

By [Dan McGowan](#) Globe Staff, Updated June 5, 2020, 6:00 a.m.



Providence, RI-05/30/2020-Several thousand people angered by the death of George Floyd held a rally at Burnside Park in Downtown Providence and then marched to the steps of the Rhode Island State House where Black Lives Matter Rhode Island gave speeches. People make speeches on the steps of the State House. Photo by John Tlumacki/Globe Staff(metro) JOHN TLUMACKI/GLOBE STAFF

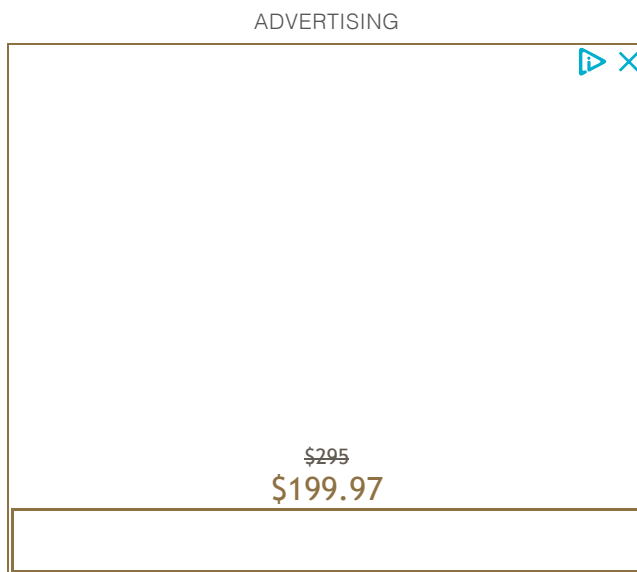
PROVIDENCE – If the incident that led to the death of a Black man at the hands of a white police officer in Minnesota last month occurred in Rhode Island, no police chief

in the state would be allowed to immediately terminate any of the officers involved, according to one of the state’s leading labor attorneys.

But while the death of George Floyd has sparked protests across the country – including another scheduled in Providence Friday afternoon – while placing a renewed focus on how police departments handle brutality cases, lawmakers have shown little appetite in recent years for overhauling the state law that determines when officers accused of wrongdoing can be fired.

“In my view, if there’s any time for the legislature to revisit the process by which police officers in Rhode Island are held accountable and discipline is opposed, it would be now,” said Vincent Ragosta Jr., a lawyer who has represented most police departments across the state in officer-misconduct cases over the last 40 years.

Although many states have laws on the books that spell out how disciplinary action can be taken against police officers, Ragosta said Rhode Island’s Law Enforcement Officers’ Bill of Rights contains some of the most pro-union provisions in the country.



That includes language about how long an officer [can be suspended](#), the kinds of benefits they’re entitled to while they are on leave, and who can serve on a three-

member disciplinary panel that ultimately rules on disciplinary action.

During a [radio interview on WPRO-AM](#) earlier this week, Ragosta said police chiefs in Rhode Island are “essentially neutered and emasculated” to the point that the most they can do is suspend officers for two days without pay for minor violations of departmental rules and regulations. Other discipline, including terminations when an officer isn’t convicted or pleads guilty or no contest to a felony, is required to be decided by a three-member panel made up of active or retired officers.

In Minneapolis, officer Derek Chauvin was suspended and quickly fired after he was seen in a video from Memorial Day pinning down Floyd with a knee to his neck, which ultimately led to Floyd’s death. Chauvin has been charged with second-degree murder, and three other officers who were present at the scene have been charged in connection with the incident. They have also been terminated.

Ragosta said that police officers in Rhode Island would be suspended under the same circumstances, but a chief would not be allowed to immediately fire an officer until a ruling on the criminal case was made.

“We have a supersized layer of both substantive and procedural due process,” Ragosta said. Even local collective bargaining agreements can’t supersede the officers’ bill of rights, he said.

Change won’t be easy.

Ragosta said he was hired by the Rhode Island League of Cities and Towns several years ago to ask the General Assembly to allow police chiefs to increase the maximum suspension that can be imposed for “minor violations of departmental rules and regulations” from two days to 30, and he couldn’t convince any lawmakers to sponsor the bill.

While Ragosta has been representing police departments in misconduct cases for four decades, attorney Joseph Penza has often found himself working for police unions during the same period.

Penza has a different view of the law.

He said that before the bill of rights was passed in the 1970s, police officers were forced to appear in front of a panel selected by management during disciplinary hearings. That meant that an officer who might have been “caught in the crosshairs” of a chief had little chance of prevailing.

“I was batting zero, zero, zero,” Penza said. “That wasn't going to get me into the attorney Hall of Fame.”

Penza said the bill of rights has treated officers fairly, but that doesn't mean that disciplinary panels of active or retired officers have been reluctant to take action when necessary. In fact, he said, he finds that there are times when the panel wants a stiffer penalty than the police chief.

Penza called Ragosta comments “grossly exaggerated,” arguing that “due process doesn't happen overnight.”

“The process has worked, the bad apples have been fired, and the bad apples will continue to be fired,” Penza said.

During a press conference on Thursday, state Representative Anastasia Williams, a Providence Democrat, called for a [statewide task force to be created](#) to review the officers' bill of rights. She said a three-strike system should be implemented for officers, and every cop should be required to wear body cameras.

“I understand there may be a struggle, a fight with the unions,” Williams said. “I am a

union member and a union supporter. But the time has come to right all the wrongs that we have had to endure unfairly.”

Later in the day, Ragosta said he’s optimistic that lawmakers will make changes to the law. But, like Williams, he said that taking on the police unions may be an uphill battle.

“Sometimes I feel like I’m the loneliest man in Rhode Island,” Ragosta said.

Dan McGowan can be reached at dan.mcgowan@globe.com. Follow him on Twitter at [@danmcgowan](https://twitter.com/danmcgowan).

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RSull

6/05/20 - 7:16AM

Great article, making points that few people know exist. I'd like a story comparing this to Mass agencies. How does this compare to MSP, BPD, and other local forces. The common denominator is the unions. They are a powerful lobbying group, which has always made me suspicious of leaders like Marty. And this extends beyond the police departments, to include other city departments. I know a DPW worker who was caught stealing, dating back years. He sued after being fired, and was rewarded his full pension.



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6/05/20 - 11:11AM



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Police unions are not recognized as unions. Not recognized by the AFL-CIO.

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