

EXECUTIVE ORDER

In accordance with the authority granted to the Chief Justice of the Rhode Island Supreme Court pursuant to G.L. 1956 § 8-15-2, and in order to effectuate those provisions of G.L. 1956 § 42-28.6-1 *et seq.* as amended by Public Laws 2024, ch. 70, Section 1 *et seq.*, effective on January 1, 2025 and thereafter known as the “Law Enforcement Officers’ Due Process, Accountability, and Transparency Act” (“the Act”), it is hereby ordered as follows.

Regarding the composition of a hearing committee, G.L. 1956 § 42-28.6-1(3)(i), as amended, states in relevant part:

“‘Hearing committee’ means a committee acting as a deliberative body which is authorized to hold a hearing on a complaint against a law enforcement officer and which consists of five (5) members: one member appointed by the chief justice of the supreme court who shall be a retired justice or judge of the supreme, superior or district court; one member appointed by the chief justice of the supreme court, who is a practicing attorney in good standing with the supreme court, in consultation with the court's committee on racial and ethnic fairness and the Rhode Island Bar Association and its committee on diversity, equity and inclusion; and three (3) active or retired qualified law enforcement officers employed by or retired from the state police or a municipal law enforcement agency from within the state of Rhode Island, who shall be selected at random by the Rhode Island police officers commission on standards and training from the certified officer pool established pursuant to § 42-28.6-1.1 at an open meeting pursuant to chapter 42 of title 46. * * * The retired justice or judge appointed by the chief justice of the supreme court shall serve as chairperson of the hearing committee.”

1. Notice to the Chief Justice.

All notice to the Chief Justice as required by the Act, including a request for a hearing pursuant to G.L. 1956 § 42-28.6-4(d), shall be made by e-mail addressed to: LEODPATA@courts.ri.gov.

2. Appointment of a Retired Justice or Judge of the Supreme, Superior, or District Court as Chairperson of a Hearing Committee.

a. Recall of Retired Justices and Judges.

In accordance with G.L. 1956 § 42-28.6-1(3)(i), retired Justices or Judges of the Supreme, Superior, or District Courts may be appointed as a hearing committee Chairperson, and such service shall be in accordance with G.L. 1956 § 8-3-7 and § 8-3-8.

b. Provision of Administrative Support to the Appointed Chairperson of the Hearing Committee.

The Administrative Office of State Courts shall provide administrative support for the Chairperson of a hearing committee as needed.

3. Appointment of an Attorney-Appointee to a Hearing Committee.

a. Selection of Attorney-Appointee.

Regarding the appointment of an attorney-appointee as a member of a hearing committee, G.L. 1956 § 42-28.6-1.3, as amended, titled “Appointment of attorney to hearing panel,” states in full:

“The Rhode Island Bar Association, in consultation with its committee on diversity, equity, and inclusion, shall annually submit names of attorneys in good standing who express an interest in serving on the hearing panel to the chief justice of the supreme court. In appointing an attorney to serve on the hearing panel, the chief justice shall consult the list of names submitted annually to the chief justice and shall name an attorney in consultation with the court's committee on racial and ethnic fairness.”

Furthermore, G.L. 1956 § 42-28.6-1.3, as amended states, in relevant part, that “[c]ompensation shall be made through the court appointed counsel procedure[.]”

i. Annual Rhode Island Bar Association List.

In accordance with G.L. 1956 § 42-28.6-1.3, the Rhode Island Bar Association (“the Bar Association”) shall submit names of practicing attorneys in good standing who express an interest

in serving on a hearing committee to the Chief Justice of the Supreme Court annually. The names of all such attorneys shall be submitted to the Chief Justice on or before December 31, 2024, and then again annually on or before December 31st of each successive year. The Bar Association, in consultation with its committee on diversity, equity, and inclusion may also supplement said list from time to time during the year. The Chief Justice shall forward the names of all such attorneys received from the Bar Association to the Supreme Court’s Committee on Racial and Ethnic Fairness in the Rhode Island Courts (“CREF”). The annual Bar Association list will be maintained in the Chief Justice’s Chambers.

ii. Procedure for Selection of an Attorney-Appointee by the Chief Justice.

Upon receipt of a request for a hearing pursuant to G.L. 1956 § 42-28.6-4(d), the Chief Justice shall appoint, in consultation with CREF, an attorney to serve on the hearing committee within five (5) days of the receipt of the request. Said attorney shall be selected from among the names submitted by the Bar Association.

b. Payment of Attorney-Appointee.

In accordance with G.L. 1956 § 42-28.6-1.3, as amended, the attorney-appointee shall be paid by the Administrative Office of State Courts at an hourly rate equal to the Supreme Court “Miscellaneous Appeals and Petitions” court appointment panel. The rate of compensation shall apply to all time spent and all the hearings required in a particular matter to reach adjudication. In addition to the fees set forth above, the attorney-appointee shall be entitled to all reasonable expenses incurred as a result of their service on a hearing committee, as approved by the Chairperson, up to a threshold amount equal to that of the Supreme Court “Miscellaneous Appeals and Petitions” court appointment panel.

All requests for payment for the attorney-appointee shall be made online via the Payment for Indigent Defense Services Portal. Submission of request for payment online is mandatory. The accuracy and veracity of the information shall be attested to by the requesting attorney-appointee. Attorney-appointees seeking payment should submit such requests: 1) within thirty (30) days after the matter has concluded; or 2) within thirty (30) days after the attorney-appointee's service on the hearing committee is discontinued.

Entered as an Executive Order on the *6th* day of *December 2024*.

BY ORDER:

/s/

Paul A. Suttell
Chief Justice