

POST Commission Meeting Minutes

A meeting of the Rhode Island Police Officer's Commission on Standards & Training was held Wednesday, March 8, 2006 at the Community College of Rhode Island, Flanagan Campus, Lincoln, RI in the President's Conference Room at 10 am.

Present: Colonel Stephen McCartney - Chairman

Chief J. David Smith - Vice Chairman

Major Joseph Miech - (representing Colonel Pare)

Mr. Anthony J. Silva - Director

Mr. Glenford J. Shibley -Administrative Assistant

Mr. David A. Ricciarelli -Coordinator of Instruction & Testing

Mr. Richard B. Woolley, Esq. -Legal Counsel

Absent: Mr. Robert Driscoll- Commission Member

Colonel Steven Pare -Commission Member

At 10:05 am, Colonel McCartney called the meeting to order. He mentioned that Major Joseph Miech was sitting in for Colonel Pare who was out of state.

The first item on the agenda was a discussion concerning a request from Mr. Robert Silva of the Rhode Island Harbormaster's Association for assistance from the POST with training in reference to R.I.G.L. 46-4-2.

Chief Smith stated that Mr. Silva is the new Harbormaster for

Narragansett and has many areas of responsibility. Chief Smith also said that this required training for harbormasters in Rhode Island (42-4-2) is another unfunded state mandate, and places many cities and towns in a difficult position. Director Silva then referred to the efforts made during the past few years to attempt to unify training throughout the State so as not to be so fragmented.

R.I.G.L. 46-4-2 requires that all harbormasters shall attend the Rhode Island Harbormasters Training Academy. Mr. Richard Woolley stated that this statute gives them no authority and places no burden on the POST Commission whatsoever. He added that every city and town has different ways of using their harbormasters. All agreed.

Colonel McCartney asked whether it would be appropriate to have someone from the Academy serve as a liaison to the Harbormasters Training Committee.

Mr. Ricciarelli said that if we are going to be represented, it should be someone from the staff for accountability purposes. Mr. Ricciarelli added that this statute, as written, really sets no oversight and gives no direction. He added that this could be a problem. The Rhode Island Harbormasters should have a job task analysis done to define duties and functions and establish boundaries.

Chief Smith made a motion to have the RI Municipal Police Training Academy staff forward a letter to the representatives of the RI Harbormaster's Association stating the Police Academy's interest in establishing a relationship to assist them in their mission. Major Miech seconded motion. Vote unanimous (3-0). It was also recommended that POST should request that the RI Police Chiefs

designate a representative.

Second item on the agenda was a discussion of requests from Chief Seale and Colonel Serpa regarding training requirements for retired/reserve police officers.

Colonel McCartney explained the background of the issues confronting both the Portsmouth P.D. (Prudence Island) and Bristol P.D. (Fourth of July parade) and their use of reserve officers. Colonel McCartney also referred to the letter sent out by the RI Interlocal Risk Management Trust regarding the matter.

Mr. Richard Woolley stated that Bristol and Portsmouth should specify exactly how they plan to use these officers. Without the specifics it is too broad of a question. Mr. Woolley said that the RI Supreme Court's ruling as mentioned by Mr. Paul Dutra, Esq., Senior Claims Representative, only refers to prohibiting cities and towns (except Providence) from sending their police officers to a police academy other than the RI Municipal Police Training Academy without approval of the RI Police Officer's Commission on Standards & Training. (Phelps Case)

Colonel McCartney emphasized that individual police chiefs must make decisions as to how they plan to use their retired/reserve officers. He then explained how they are used in Warwick on a limited basis.

Chief Smith suggested that we place the letter from the Interlocal Trust on file and send a copy to every city and town police department whether they belong to the Trust or not. We could state that if departments use reserve officers in a full-time law

enforcement capacity and have not been POST certified that the Commission does not recognize them as police officers. Discussion ensued.

Mr. Ricciarelli asked if POST would be liable by being asked by the respective agencies and by not responding? Mr. Woolley said POST could not be at risk if cities and towns use their reserve officers against the advice of the letter.

Mr. Glen Shibley re-emphasized the important difference between a police officer being state certified as compared to not state certified. Mr. Shibley also referred to the 3- Year Rule that is promulgated and relevant to the matter being discussed. Mr. Woolley suggested that the Commission might want to send the letter only to those specific agencies asking the questions.

Chief Smith stated that he believed all agencies should receive the letter. He mentioned that Chief Mello -Westerly P .D. has similar concerns with summer help. All agreed that if police officers are being used by cities and towns and have powers of arrest these officers should be state certified.

Chief Smith made a motion to have the Director and staff draft a letter for Commission review regarding this matter. Major Miech seconded motion. Vote unanimous (3-0).

Next item on the agenda, was discussion of the RIMPTA Firearms Policy. Mr. Ricciarelli distributed copies of the letter he received from Lt. Lareto Guglietta concerning the Firearms Qualifications for RIMPTA and the firearms staff requests to upgrade the qualification

requirements. The instructors are recommending only 12 attempts to qualify and then the Chief from the sponsoring police department can request that his candidate be allowed to retake the 80-hour firearms training during the next class. Mr. Ricciarelli explained how the Police Academy has operated in the past. He also recommended that more time during the program should be used in training the recruits to assure them passing.

Colonel McCartney said that he considered this letter only as a briefing and that the Police Academy administrative staff will make the final decision. Director Silva said that he would write a response letter to Lt. Guglietta on this matter. Commission decided that no formal action would be taken at this time.

Next on the agenda was discussion of S.W.A.T. standards. Copies of the Basic

Tactical Officers Standards & Certification Report were distributed to the Commission.

Chief Smith made a motion to approve the standards. Major Miech seconded motion.

Vote unanimous (3-0).

Next, Mr. Ricciarelli gave a report on the Police Recruit Class 2006-I. Graduation will be Friday, March 10, 2006. U.S. Attorney Robert C. Corrente -District of Rhode Island will be the principal speaker.

There was no old business reported.

Under new business, Director Silva mentioned that a Police Academy Website is

being developed.

Director Silva also mentioned that the Police Academy will be continuing to receive Byrne Grant funding and said he will be sending out a letter to police chiefs

asking them if they have any requests for programs.

Next, Mr. Glen Shibley stated that the upcoming Police Recruit Class 2006-II should consist of 37 police recruits as well as 4 sit-in candidates representing 16 police agencies. The class will begin March 13, 2006 and is scheduled to graduate on June 23, 2006.

Motion was made to adjourn by Major Miech. Motion seconded by Chief Smith.

Vote unanimous (3-0). Meeting adjourned at 11 :35 am.

Submitted by,

Glenford J. Shibley Administrative Assistant