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July 1, 2026

Lieutenant Melissa Rand
Department of Public Safety
311 Danielson Pike
North Scituate, RI 02857
melissa.rand@risp.gov

Re: Proposed Amendments to 270-RICR-60-00-2, Section 2.5.12(C)

Dear Lieutenant Rand:

I am writing to note my strong opposition to the proposed amendments to Section 2.5.12(C) of the Rules and Regulations Establishing Statewide Policy for the Use and Operation of Body-Worn Cameras. As the long-time Director and Supervising Attorney of the Roger Williams University Criminal Defense Clinic, I have been an attorney within the Rhode Island criminal justice system for over thirty years. It is in that latter capacity that I submit these objections.

The policy as presently written sets up a transparent and reliable system for the investigation of police use of force incidents. It requires an officer under investigation provide a description of the incident, which must be recorded, prior to viewing any camera footage associated with the incident. Only then, once the officer's recollection and perception has been duly recorded, may the officer have access to any recording of the incident. After viewing the video, the officer is then provided with the opportunity to "note, address, and/or explain any discrepancies or differences between the officer's original statement and what is shown or heard" on the recording. This process makes perfect sense.

The proposed amendments would significantly weaken the initial reporting stage of this process, deleting the requirement that the officer's statement be recorded. It is hard to fathom any legitimate purpose for eliminating the recording requirement; a recorded statement will always be a more reliable and credible memorialization than "another type of written . . . witness statement or report" that would be acceptable under the amendment. Moreover, the proposed amendments would permit an officer under investigation to view his or her body-worn camera recording prior to providing a "formal audio and/or video recorded statement," further eroding the very design and structure of the present system.

If the goal of these amendments is to protect an officer under investigation at the expense of preserving the legitimacy, integrity, and public perception of the process, adopting these amendments will serve that goal. If the goal is to maintain a sensible process for the investigation of a use of force incident that is designed to ferret out the truth, to maintain the integrity of the investigation, and to maintain the public trust, these amendments should be rejected. The system presently in place, requiring a recorded and detailed description of the incident in the first instance, prior to viewing any video footage, is well-designed and well-constructed to suit its purposes and should be maintained.

Thank you for your consideration of my views.

Sincerely,

Andrew Horwitz
Professor of Law