

State of Rhode Island  
Before a Hearing Committee  
Appointed Pursuant to the  
Law Enforcement Officers Due Process and Transparency Act

Town of Tiverton and	:	
Tiverton Police Department	:	
	:	
v.	:	LEODPATA Case No. 2025-1
	:	
Officer Jacob Thomas Rapoza	:	

**INTRODUCTION**

Consistent with the provisions of the Law Enforcement Officers’ Due Process and Transparency Act, R.I. GEN. LAWS §§ 42-28.6-1 to -18 [LEODPATA or the act], after an internal investigation, Jacob Thomas Rapoza, a law enforcement officer employed by the Town of Tiverton, was charged with multiple violations of the Tiverton Police Department’s regulations and policies. The Chief of the department gave notice to Officer Rapoza of its intention to recommend that the town terminate his employment. Officer Rapoza exercised his right to a hearing.

A hearing committee was properly appointed in the manner provided by the act. The hearing committee held evidentiary hearings on May 20, 2025, and July 8, 9, 15 and 16, 2025; the hearing committee heard closing arguments on July 18, 2025. The evidentiary hearing and closing arguments are referred to in

this Decision as “the trial.”<sup>1</sup>

The department’s complaint against Officer Rapoza sets forth 69 individual charges on which the department based its decision to terminate Officer Rapoza’s employment. The individual counts of the complaint are addressed below.

After the hearing transcripts were completed, the hearing committee deliberated on September 2 and 3, 2025. The committee made findings of fact, determined whether the facts constituted violations of the department’s rules and regulations as charged, and considered the appropriate sanction for the violations the committee found. Based on the committee’s findings of fact and conclusions concerning application of the rules and regulations to Officer Rapoza’s conduct, for the reasons set forth in greater detail below, the hearing committee concludes:

1. Officer Rapoza engaged in activities which brought into question his conduct as a police officer.
2. Most but not all of Officer Rapoza’s activities violated one or more of the police department’s rules and regulations.
3. Based on the nature of the violations, the department’s decision to terminate Officer Rapoza’s employment is sustained as the only

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1. The hearing committee expresses its appreciation for the successful efforts by counsel to streamline the trial, to the benefit of the committee and the parties. The willingness of the parties, through counsel, to stipulate to certain facts, and the lawyers’ cooperation in the orderly presentation of witnesses and exhibits, was exemplary and provides a model for preparation for trial and presentation of witnesses and evidence at LEODPATA trials.

appropriate resolution of the charges against Officer Rapoza.

## PROCEDURAL BACKGROUND<sup>2</sup>

Pursuant to sections 4(a) and (b) of the act, on April 4, 2025, the then-Chief of the Tiverton Police Department, Patrick W. Jones, gave written notice to Officer Rapoza that he was the subject of numerous administrative charges for violations of the Tiverton Police Department's Rules and Regulations and policies and procedures. With the Chief's notice, Officer Rapoza received a copy of the "charging document," titled "Complaint and Notice."

Pursuant to § 4(c) of the act, on April 11, 2025, Officer Rapoza timely requested a hearing before a hearing committee. On April 15, 2025, Interim Chief of Police, James Costa, timely notified the Chief Justice of the Rhode Island Supreme Court of the charges against Officer Rapoza and requested appointment of a chairperson and an attorney for the hearing committee, as provided by § 4(d) of the act. The Chief Justice timely appointed District Court Judge Walter Gorman (Ret.) as Chair of the hearing committee and Mark B. Morse, Esq., as the attorney-appointee to the hearing committee.

As provided in § 4(e) of the act, Judge Gorman timely requested the Rhode Island Police Officers' Commission on Standards and Training [POST] to randomly select three law enforcement officers, as provided by § 1(3)(i) of the

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2. All documents referred to in this decision are included in the administrative record.

act. POST held a public meeting on April 24, 2025. The three police officers randomly selected by POST were Lt. Kyle Edwards, Narragansett Police Department; Lt. Heather Palumbo, Rhode Island State Police; and Capt. Ellen Lamoreaux, North Smithfield Police Department. Lt. Palumbo disclosed a conflict that precluded her being a member of the hearing committee. She was replaced by the first alternate selected by POST, Sgt. Christopher Brusco, Charlestown Police Department.

The hearing committee requested appointment of counsel to represent it, as provided by § 1(3)(i) of the act. The chair retained Lauren E. Jones as counsel to the committee. Both Officer Rapoza and the department were represented by counsel.

Due to difficulties in scheduling among the parties and their counsel and the hearing committee and its counsel, the hearing committee was unable to schedule its first “meeting”—actually, the first trial date—within 30 days of the appointment of the chair, that is, by May 17, 2025, as provided by § 4(f) and § 5(a) of the act. Finding good cause to do so, as allowed by § 5(b), the committee chair extended the first trial date by 30 days, to June 18, 2025.

The hearing committee began the trial on May 20, 2025. The committee completed the trial, including closing arguments, on July 18, 2025, within the 60-day period provided by § 5(b) of the act. During the trial, the committee heard testimony from 7 witnesses and admitted 45 exhibits as full exhibits: 5 Joint

exhibits, 30 Department exhibits, and 10 Officer exhibits. The testimony at the trial was recorded stenographically. The transcripts are part of the record of this proceeding.

Pursuant to § 5(b) of the act, the hearing committee was to complete its decision within 30 days of the completion of the trial, that is, by August 18, 2025. Because the hearing committee requested the transcripts of the trial before deliberating, and the committee could not schedule a time for deliberations before September 2, 2025, the chair again found good cause to extend the 30-day period by 90 days, to November 17, 2025. The hearing committee deliberated on September 2-3, 2025.

### THE CHARGES

The Complaint and Notice sets forth 69 charges of violations of department rules, regulations, policies, and procedures. Many sets of the charges are based on a single incident: the department alleges multiple violations for each such incident. Some of the underlying incidents involve the same or similar conduct. For its findings of fact, the hearing committee considered the charges in groups based on the conduct underlying each group or set of charges.

For purposes of this decision, the hearing committee's findings of fact, conclusions, and disposition are largely tied to those groupings. The groupings, to be addressed specifically later in this decision, are generally as follows:

1. Charges 1-6 arise out of allegations that Officer Rapoza was involved in a

series of incidents that occurred on December 18-19, 2022, at Tiverton High School, where Officer Rapoza was the School Resource Officer [SRO]. The charges involve improper communications with high school students through use of social media, and use of force based on Officer Rapoza's alleged actions with his taser.

2. Charges 7-9 arise out of allegations that in late 2022, Officer Rapoza moved a cot from the school nurse's storage area and placed it in his office at Tiverton High School.
3. Charges 10-12 arise out of allegations that Officer Rapoza left his marked patrol car unattended and running in the school parking lot or outside of the high school for excessive and unreasonable periods of time.
4. Charges 13-14 arise out of allegations that Officer Rapoza was romantically involved with the [REDACTED] of the high school when the [REDACTED] was married to another person, and that Officer Rapoza used his department-issued cell phone for private and personal use.
5. Charges 15-16 arise out of allegations that Officer Rapoza contacted a potential witness to his alleged misconduct while the internal investigation into his conduct was underway.
6. Charges 17-24 arise out of allegations that Officer Rapoza improperly used his taser during a seminar for high school students held in the Tiverton

High School library on September 30, 2022.<sup>3</sup>

7. Charges 25-32 arise out of allegations that Officer Rapoza improperly used his taser on October 21, 2022, during a homecoming football game at Tiverton High School.
8. Charges 33-59 arise out of allegations that on multiple other occasions between September 30, 2022, and December 17, 2022, Officer Rapoza improperly used his taser and did not report such uses.
9. Charge 60 arises out of allegations that Rapoza failed to maintain his weapon and ammunition properly.
10. Charge 61 arises out of allegations that Officer Rapoza did not testify truthfully at the district court criminal trial where he was the defendant.
11. Charges 62-64 arise out of allegations that Officer Rapoza engaged in criminal conduct involving his son.
12. Charge 65 arises out of allegations that Officer Rapoza failed to inform the department of an investigation by the Department of Children Youth and Families into his conduct while caring for his son.
13. Charge 66 arises out of allegations that Officer Rapoza's text-message conversations with the mother of his son, which were posted on social

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3. Tasers are broadly identified as “electronic control weapons”—ECWs—in the department’s rules and regulations. *See* Exhibit 10, Gen. Ord. 390.25 § III, defining “Electronic Control Weapon (ECW).”

media, were inappropriate.

14. Charge 67 arises out of allegations that Officer Rapoza photographed Tiverton police officers and the police department's attorney outside the Newport County Courthouse while his trial was on-going.
15. Charge 68 arises out of allegations that Officer Rapoza knew of a fellow officer's misconduct and failed to report it.
16. Charge 69 arises out of allegations that in his capacity as SRO Officer Rapoza improperly handled seized property or evidence.

#### FINDINGS OF FACT AND APPLICATION OF FACTS TO REGULATIONS<sup>4</sup>

During deliberations the hearing committee reviewed the trial testimony and the exhibits that were admitted as full exhibits, assessed which evidence had probative value, applied the appropriate standard of proof, and finds that the evidence in the record supports the following findings of fact by at least a preponderance of the evidence. The committee also finds that the facts in the

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4. Section 18 of LEODPATA requires POST to report annually to the legislature and governor regarding all hearings conducted under the act, including “[t]he specific charges and/or allegations brought against the accused law enforcement officer” and “[t]he finding or conclusion with respect to each charge and/or allegation[.]” (Emphasis added.) Accordingly, in this decision the hearing committee identifies each charge against Officer Rapoza and the committee's findings and conclusions on each charge.

record support violations of the Tiverton Police Department regulations.<sup>5</sup> In every instance, the hearing committee is unanimous in its findings and conclusions.

1. Charges 1-6 — Underlying facts:

Officer Rapoza's conduct that led to these charges began just before Christmas in 2022, when a high school student complained about interactions between Officer Rapoza and certain high school students. The student alleged an inappropriate social media post and a use of force event. The interactions are detailed in department's Exh. 2, the student's complaint: screenshots of the Instagram conversation were introduced as Exhibit 7. The student's father's angry communication with Officer Rapoza after the incident was introduced as Exhibit 19.

Officer Rapoza acknowledged engaging with students on Instagram about Christmas decorations that the students had been putting up in the hallway of the high school. After Officer Rapoza intervened because he thought the decorations were a safety hazard, the students disagreed. Officer Rapoza then

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5. Each charge against Office Rapoza in Tiverton's Complaint and Notice includes a "specification" laying out the facts the department considered supportive of the charge. Although the complaint is an exhibit in the record, the committee gives no weight whatsoever to the factual allegations in the specifications, which were nothing more than allegations of fact. The committee's findings of fact are drawn solely from the trial evidence and reasonable inferences that can be drawn from the trial evidence.

contacted the fire marshal, who agreed with him. The students took down the decorations, but then used them to “decorate” the door area to Officer Rapoza’s office. *See* Exhibit 14. The students had also prepared a “Cease and Desist” notification that they taped to Officer Rapoza’s door. *See* Exhibit 15.<sup>6</sup> Lest there be any doubt who the pranksters were, the students had also photographed themselves in front of the festooned door, all smiling and with identical hand gestures. *See* Exhibit 17. All of the photographs had been posted on Instagram.

Officer Rapoza acknowledged engaging with one or more of the students through his Instagram account about the students’ prank, including at least the comment, “But should you be really messing with someone who can deck your driving record with citations?”<sup>7</sup> No one disputed that as an SRO, Officer Rapoza had the authority to issue citations, making his comment to the students a legitimate threat.

In Charges 1-6 Officer Rapoza was also charged with improper use of force for “plac[ing] his hand on his duty weapon and \* \* \* remov[ing] the weapon from its holster during an incident in the senior class courtyard.” The charge was

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6. The students had also put a sprig of mistletoe above the vice principal’s office door, which was perceived as an indication of the students’ awareness of Officer Rapoza’s relationship with her. *See* Exhibit 18.

7. The conversation Officer Rapoza had with “██████████” (identified in Exhibit 2 as ██████████) that led to his “deck your license” comment was equally inappropriate. Officer Rapoza confronted and sarcastically demeaned the student.

drawn from the student's complaint: although Officer Rapoza acknowledged that "one hand was rested on my firearm" while the other was on his hip, he denied ever removing his weapon from its holster. No evidence was introduced at the trial supporting the allegation in the complaint. The hearing committee ruled that the allegations concerning use of force were unrelated to Charges 1-6. The student's complaint on this event, without more, lacked probative value, and Officer Rapoza's own testimony was insufficient to meet the burden of proof that Officer Rapoza removed the weapon from its holster. The hearing committee found that the use of force allegations in Charges 1-6 were not proven by the preponderance of the evidence.

Officer Rapoza admitted making the posts on his personal Instagram account. He justified it based on the on-going interaction with the students surrounding the Christmas decorations, and that it was intended as a play on the word "deck." He testified that he believed the media post was appropriate based on his understanding of the role of SRO, that it was important to establish trust between the students and the police. He testified that he thought his use of social media in that context did not violate any department rule or regulation.

Charges 1-6 — Basis for charges and conclusions:

The department asserted in Charges 1-6 that Officer Rapoza's conduct violated provisions of two of the department regulations:

1. The department's regulation on "Personal Use of Social Media," Gen. Ord.

230.30 § VI(A)(1)(a) to (c) (Charge 1) and § VI(A)(7)(a) and (g) (Charge 2).

General Order 230.30 was admitted as Exhibit 8.

2. The department's "General Rules of Conduct," Gen. Ord. 100.10 § III(B)(3) (Charge 3), § III(B)(4) (Charge 4), § III(B)(8) (Charge 5), and § III(C)(2) (Charge 6).<sup>8</sup>

Based on its findings of fact, the hearing committee considers and applies the regulations to Officer Rapoza's conduct with respect to each charge (in the context of this proceeding, these are the committee's "conclusions of law").

Charge 1:

Gen. Ord. 230.30 § VI(A)(1)(a) to (c) addresses "Personal Use of Social Media." Officers are permitted to use social media, as long as their "speech" does not "a. [i]mpair the working relationships of this Department for which loyalty and confidentiality are important," "b. [i]mpede the performance of duties," or "c. [n]egatively impact the public perception of the Department."

The hearing committee sustains this charge in part. Officer Rapoza's social media post violated subsections (a) and (c), but not (b). Officer Rapoza's online posts impaired the department's working relationship with the public and, as perceived by the students and the parent, had a clear negative impact on public perception of the Department. Whether Officer Rapoza's post was, in fact,

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8. The department introduced copies of all of the general orders referred to in this decision as exhibits in the trial.

intended to threaten the students or was only a play on words in the course of an on-going conversation, makes no difference to the committee's assessment of Officer Rapoza's conduct.<sup>9</sup> Officer Rapoza's Instagram post closely followed the events of the day and followed the students' posting the photographs. His Instagram post was a retort to the students' online posts and was perceived by the students as a threat, was perceived by a parent as a threat, and led to a significant negative response. As reflected in the student's complaint, Exhibit 2, Officer Rapoza's post plainly impaired his working relationship with the high school and its students, irreparably damaging his ability to continue as SRO, making his on-going service as the SRO impossible. His actions while he was assigned the SRO position more likely than not caused a negative public perception of the department, established, especially, by the father's communication to Officer Rapoza, Exhibit 19.

Charge 2:

Officer Rapoza was charged with violating Gen. Ord. 230.30 § VI(A)(7), which addresses "Personal Use of Social Media." It prohibits Tiverton police officers from online posting "on any social networking platform" "[a]ny material that brings discredit to, or may adversely affect the efficiency, reputation or

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9. The hearing committee notes, however, that despite Officer Rapoza's justification of his online activity, the tone of Officer Rapoza's posts does not appear to the committee to do anything to help establish trust between the students and the police.

integrity of the Department” and “[a]ny comment, discussion, text, photograph, audio, video or any other multimedia or digital technology media file included that infers, implies, states, opines or otherwise expresses the employee’s views on the public which would be detrimental to the Department’s overall mission.”

The hearing committee sustains this charge as violating § VI(A)(7)(a) and (g). Officer Rapoza’s Instagram posts brought “discredit to \* \* \* the efficiency, reputation or integrity of the Department” and “express[ed] \* \* \* views on the public which would be detrimental to the Department’s overall mission.” The committee bases its ruling not only at the “deck your drivers license” comment, but also on Officer Rapoza’s sarcastic and demeaning Instagram conversation that preceded that comment. Officer Rapoza’s public posts were inappropriate public statements that reflected poorly on the reputation and integrity of the department. His “deck your license” comment, perceived as a threat, was inconsistent with the proper role of an SRO and detrimental to the department’s mission.

Charge 3:

Gen. Ord. 100.10 § III(B)(3) requires department officers to “abide by all laws, regulations, agency policies, rules, and procedures.” Having found that Officer Rapoza’s conduct in his response to the high school students violated department regulations, the hearing committee finds that Officer Rapoza’s conduct in these events violated § III(B)(3).

Charge 4:

Officer Rapoza was charged with violating Gen. Ord. 100.10 § III(B)(4), which prohibits conduct by an officer, on or off duty, that “(a) [c]asts doubt on their integrity, honesty, moral judgement, or character; (b) [b]rings discredit to this agency; or (c) [i]mpairs the agency’s efficient and effective operation.” Officer Rapoza’s conduct violated all sections of § III(B)(4).

The hearing committee sustains this charge. Officer Rapoza’s interactions with the students showed a clear lack of judgment and raised substantial concerns about his character. His interactions brought discredit to the department, as discussed in Charge 2, above. His conduct and its aftermath affected the effective operation of the department, and, in particular, its involvement with the high school students, teachers, and administration.

Charge 5:

Officer Rapoza was charged with violating Gen. Ord. 100.10 § III(B)(8), which requires officers to “interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with procedural justice.” Specifically, it requires officers to “treat individuals with courtesy, respect, and dignity,” and prohibits officers from “employ[ing] an officious or overbearing attitude or us[ing] language that might belittle, ridicule, or intimidate individuals.”

The hearing committee sustains this charge. Officer Rapoza’s online

interactions with the students were unprofessional. His Instagram posts in the on-going “conversation” with the students lacked respect, at least, and did not treat the students with dignity. His online statements were more than simply a poor choice of words. His language was belittling and demeaning and was reasonably perceived by the students and others as intimidating. The committee rejects Officer Rapoza’s contention that his text message was only an attempt to be humorous—just a little word-play. The committee finds that the students—and their parents—were reasonable in taking Officer Rapoza’s words, not as a joke, but, rather, as a threat and an effort to intimidate.

Officer Rapoza’s language and communications are particularly inappropriate as they were aimed at high school students whose relationship with law enforcement is only developing. Officer Rapoza had an opportunity to show grace toward children who had engaged in a pointed but harmless prank. He had an opportunity to further the department’s interest in fostering positive impressions of law enforcement among students—“to foster public trust and cooperation.” Instead, he adopted a confrontational posture. Rather than acting as an adult and a professional, he engaged in back-and-forth with the students as if he was one of them.

Charge 6:

Officer Rapoza was charged with violating Gen. Ord. 100.10 § III(C)(2), which governs “Public Statements, Appearances, and Endorsements”; § III(C)(2)(a)

prohibits an officer from “mak[ing] any public statement that could be reasonably interpreted as having an adverse effect upon agency morale, discipline, operations, or public perception[.]”

The hearing committee sustains this charge. Officer Rapoza’s Instagram communications violated this regulation. As discussed earlier, Officer Rapoza’s communications had an adverse effect on public perception, whether intended or not.

Charges 7-9 — Underlying facts:

These charges arise out of allegations that in late 2022, Officer Rapoza moved a cot from the school nurse’s storage area and placed it in his office at Tiverton High School. Officer Rapoza admitted moving the cot, but testified that it was to provide a place for students to sit when meeting with him, because the chairs in his office were dated and one of them had a problem with the back of the chair such that it rocked too far backwards and was unsafe. He testified that he got rid of that chair when he moved the cot. Obviously, based on Officer Rapoza’s admission at trial that he moved the cot, that portion of the factual allegations underlying these charges was proven. The factual question to be assessed was why he did it.

The committee rejects Officer Rapoza’s testimony that he took the cot from the nurse’s office and placed it in his office to use as a place for students to sit in his office. The department’s Internal Affairs Narrative, Exhibit 1, recounts

Officer Rapoza's admission that the reason he moved the cot was so that he could nap if he had been ordered in for overnight details the night before his day shift as SRO. The committee finds that the recitation of Officer Rapoza's statement was evidence that was sufficiently reliable to be considered by the committee.<sup>10</sup>

In addition, the department's narrative reiterates statements made by the school nurse, [REDACTED] the principal, [REDACTED] and a third person, [REDACTED], about what Officer Rapoza told them. With respect to these charges, because Officer Rapoza admitted during the investigation that his purpose was to use the cot to nap during his SRO shift after a night-time detail, the committee credits the third-party reports in the investigative narrative as accurately reflecting what Officer Rapoza had told them.

Based on that evidence, the committee concludes that it is more likely than not that Officer Rapoza's real reason for moving the cot was so he could nap during his day-time SRO shift, that is, while on duty. But even if the hearing committee accepted Officer Rapoza's testimony that he had no intention of using the cot to nap while on duty, the committee finds that type of "furniture" had no place in the office of an SRO.

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10. In general, the committee mostly did not rely for its findings on the department's investigative narrative, although it was admitted as a full exhibit.

Charges 7-9 — Basis for charges and conclusions:

Charge 7:

Rapoza was charged with violating Gen. Ord. 100.10 § III(B)(4) (conduct unbecoming). The hearing committee sustains this charge, finding that Officer Rapoza's conduct violated each section of § III(B)(4). By admitting that his intention in taking the cot was to be able to nap while on duty, and telling others at the high school that he intended to use it for that purpose, he "cast[] doubt on his own integrity, moral judgment, and character." That same conduct brought discredit to the department because third-parties were aware of his intention, which was plainly inconsistent with his duties as SRO officer. And, by planning to sleep while on duty, he impaired the department's efficient and effective operation. Officer Rapoza's failure to appreciate that having the cot in his office was inappropriate is further evidence of lack of judgment.

Charge 8:

Officer Rapoza was charged with violating Gen. Ord. 100.10 § III(B)(5), which provides that:

All employees shall perform their duties faithfully and diligently and shall take responsibility for and exhibit attentiveness, care, and thoroughness in the conduct of assignments and responsibilities.

The hearing committee sustains this charge. Although no evidence was presented to show that, in fact, Officer Rapoza had used the cot to sleep during his SRO duty, Officer Rapoza's conduct in moving the cot for that expressed purpose

showed disregard for his obligation to perform his duties faithfully and diligently and for his duty to be attentive, careful, and thorough in conducting his assignment as SRO. His proposed use of the cot for naps is plainly a neglect of duty.

Charge 9:

Officer Rapoza was charged with violating Gen. Ord. 100.10, § III(B)(6), which required Officer Rapoza to “remain awake and alert while on duty.” If he was “unable to do so,” he was required to report that to his immediate supervisor \* \* \*. The hearing committee sustains this charge. Again, although no evidence was presented to show that, in fact, Officer Rapoza had used the cot to sleep during his SRO duty, the committee concludes that Officer Rapoza’s conduct in moving the cot for that expressed purpose showed his intention to do so and thus a disregard of his obligations under III(B)(6).<sup>11</sup>

Charges 10-12 — Underlying facts:

These charges are all based on allegations that Officer Rapoza improperly left his marked patrol car unattended for excessive and unreasonable periods of

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11. Because no evidence was presented to show that, in fact, Officer Rapoza used the cot to nap on duty, the hearing committee does not base its conclusion on Officer Rapoza’s violation of his duty to report his inability to perform his services to his immediate supervisor.

time while parked and running in the parking lot and outside the school.<sup>12</sup> The evidence showed that department officers leave vehicles running and unattended in various places for various purposes and for various times, including activities such as eating and writing reports, which suggest substantial time periods. While the evidence sufficiently supports a finding that Officer Rapoza left his vehicle running and unattended at times, the department did not meet its burden of showing that Officer Rapoza's conduct with his vehicle was unreasonable of that it violated department rules and regulations. The hearing committee finds no probative evidence to support the department's allegation that Officer Rapoza had left his unattended vehicle parked and running for several hours: the committee declines to consider the statements of third parties to that effect in the internal affairs narrative.

Charges 10-12 — Basis for charges and conclusions:

Based on the findings of fact above, the hearing committee concludes that all of these charges were unfounded.

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12. Charge 11 was based on Officer Rapoza's alleged violation of the department's rules and regulations regarding "motor vehicle operations" at the "scene of a crime, collision, or other incident \* \* \*." The department's claim on this charge was based on the specification under Charge 10. The hearing committee rejects Charge 11 out-of-hand. Nothing in the supporting factual specification relates in any way to Officer Rapoza's improperly parking or leaving his vehicle unattended at those locations.

Charges 13-14 — Underlying facts:

These charges were based on the claim that Officer Rapoza had engaged in a romantic relationship with [REDACTED] [REDACTED] at the high school, though [REDACTED] was married at the time. Officer Rapoza forthrightly admitted at trial that he had a boyfriend-girlfriend relationship with [REDACTED]. Based on his admission, the hearing committee finds that Officer Rapoza had engaged in the relationship.

However, under cross-examination, Deputy Chief Joseph Costa<sup>13</sup> conceded that other Tiverton police officers had engaged in romantic relationships with married members of the public. In one instance at least, an officer had a relationship with an unmarried employee of the police department. He acknowledged that in that instance, the only action that had been taken was to try to keep the officer and the employee separated during work hours. Deputy Chief Costa admitted, as well, that he could not cite a department rule or regulation that prohibited officers from engaging in romantic relationships with

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13. At the time of his testimony, Costa was Interim Chief, but he was promoted to Chief during the course of the trial. In this decision, the hearing committee identifies the witnesses by the positions they held at the time of the internal affairs investigation.

anyone other than witnesses.<sup>14</sup>

The charges were also based on an allegation that Officer Rapoza had used his department-issued cell phone for personal use, including having pictures on the work cell phone showing [REDACTED] at a bar and alcoholic beverages visible on the table. Exhibit 20 consisted of screen shots taken from Officer Rapoza's work phone.<sup>15</sup> Officer Rapoza acknowledged at trial that he used his work cell phone for personal use, but asserted without contradiction that other officers used their work phones for personal use.

The evidence showed that in the instance for which Officer Rapoza was charged, he had not initiated the call: the text conversation had been initiated by a third party, the [REDACTED] [REDACTED]. Officer Rapoza testified that [REDACTED] was among many school department employees who had his work cell number, which he believed to be consistent with his work as SRO. He admitted that he took the photographs from the bar and texted them to [REDACTED] [REDACTED] in the on-going text conversation. He did not believe that he violated rules and regulations in doing so, because he thought that in his role as SRO officer it was appropriate to speak with school officials on a personal as well as

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14. As discussed in the analysis of Charge 16, Gen. Ord. 100.10 § III(10)(d) provides that “[e]mployees shall not knowingly engage in social or romantic relationships with confidential informants, victims, or witnesses involved with active investigations.”

15. The text conversation in Exhibit 20 was from February 2022.

professional basis.

Charges 13-14 — Basis for charges and conclusions:

Charge 13:

As noted, the department could not point a regulation prohibiting department employees from engaging in romantic relationships like the one here. Accordingly, the hearing committee rejects this charge as being unfounded.

Charge 14:

The department charged Officer Rapoza with violating Gen. Ord. 100.10 § III(B)(6), which requires department employees to “utilize agency supplies, property, and equipment only for their official purpose and in accordance with established agency rules, policies, and procedures \* \* \*.”

The hearing committee rejects this charge as unfounded. Based on his admissions, the hearing committee finds that Officer Rapoza had used his department-issued cell phone for personal use. Based on the uncontradicted evidence, the committee also finds that while the text conversation had occurred, Officer Rapoza had not initiated the conversation and that more likely than not [REDACTED] had mistakenly sent the message to Officer Rapoza on his work telephone. The committee gives some credence to Officer Rapoza’s explanations and finds that his use of the department-issued cell phone for this communication did not rise to the level of a violation.

Charges 15-16 — Underlying facts:

These charges were based on the allegation that after being aware that the department was investigating his conduct, Officer Rapoza was in contact with [REDACTED] and [REDACTED] both potential witnesses in the department's investigation of him, to find out "what he was going to charged with and why." The department introduced copies of at least some of the texts. Exhibit 21. Officer Rapoza acknowledged that the texts were his. In general, Officer Rapoza related to [REDACTED] what he had learned about the investigation from [REDACTED]. In one of the texts, Officer Rapoza asked [REDACTED] if she had been interviewed. Plainly, Officer Rapoza knew that [REDACTED] and [REDACTED] were potential witnesses in the department's investigation.

Officer Rapoza testified that he did not believe he was violating any rule or regulation in his communications with [REDACTED] or with [REDACTED]. On cross-examination Officer Rapoza failed to respond directly to questions about whether he was trying to find out what was going on in the investigation.

Charges 15-16 — Basis for charges and conclusions:

Charge 15:

The department pointed to Gen. Ord. 100.10 § III(B)(4) as the basis for this charge. Officer Rapoza admitted that the texts were his. His attempt to evade admitting the purpose of the contacts was not credible. Officer Rapoza knew or should have known that because he was under investigation, he should not have

been seeking information about the investigation from potential witnesses.

The hearing committee sustains the charge, concluding that the conduct charged in this count violated § III(B)(4)(c): conduct that “impair[ed] the department’s efficient and effective operation.”

Charge 16:

The department charged Officer Rapoza with violating Gen. Ord. 100.10 § III(10)(d), which provides that “[e]mployees shall not knowingly engage in social or romantic relationships with confidential informants, victims, or witnesses involved with active investigations.” The hearing committee rejects this charge because the relationship existed before the investigation was initiated. The hearing committee finds that the regulation was intended to relate to “active investigations” into possible criminal activity and that the department’s initiation of the internal affairs investigation into Officer Rapoza’s conduct was not the type of investigation that would trigger this provision. Thus, this charge was unfounded.

Charges 17-59 — generally:

These charges all arise, in one way or another, out of allegations that Officer Rapoza misused his Axon Taser 7—that he had “armed events” that he did not report. The department alleged taser misuse on 11 specific dates and times: in some instances the event involved more than one alleged misuse. After identifying the date and time of each charged event, the department then asserted

violations of various rules and regulations for each event. In two instances, Officer Rapoza's alleged misuse of his taser occurred during incidents that involved other conduct for which he was charged (Charges 17-24 and 25-32).

The evidence presented to the hearing committee established, beyond a shadow of the doubt, that Officer Rapoza had, in fact, engaged his taser on the dates alleged by the department. An Axon Taser 7's battery is a type of hard drive that can be removed and the information taken from it. The data is then uploaded to Axon from which reports can be generated. Exhibit 23 is Axon's Conductive Energy Weapons log—identified as the “CEW Log” in the record—for the taser assigned to Officer Rapoza. Officer Rapoza did not question the validity of the log and stipulated to the incidents shown in the log. Thus, for all of the taser incidents and charges, the fact that Officer Rapoza engaged his taser at those dates and times is not in dispute. Officer Rapoza disagreed with characterizations of some of the events and offered “exculpatory” reasons for his use of the taser during some of the events, but the hearing committee starts from a finding that each incident had, in fact, occurred.

#### A Short Detour: The Axon Taser and What a Pre-Shift Spark Test Is:

Charges 17-59 all include allegations that, in one way or another, Officer Rapoza misused the Axon Taser 7 that had been assigned to him by the department. For most of the incidents, Officer Rapoza's defense was that he activated his taser to perform a “pre-shift spark test.” The specific charges will be

addressed individually and sequentially, but setting forth the hearing committee's findings of fact on how the taser works and conclusions about what a pre-shift spark test is, sets the factual foundation for the taser-based charges.

The department's taser regulation, Gen. Ord. 390.25 § IV(D)(4), provides: "To ensure the device is functioning properly, the ECW shall be subjected to a pre-shift 'spark test' consisting of a full, five-second cycle." The general order does not define the terms "pre-shift spark test" or "spark test."

The Axon Taser looks somewhat like a handgun. It has a central trigger beneath the barrel, which, when the taser is armed, causes the taser to fire its "projectile." It also has two buttons, one on either side of the weapon. When the taser is armed, and one of the buttons is pressed, a "spark" lights (an "arc") and a loud crackling noise occurs, but no projectile is fired. This is used as an intimidation tool for compliance. In every incident for which Officer Rapoza was charged for misusing his taser, his action was a "right button press."

Then-Lieutenant Palagi<sup>16</sup> was the department's primary witness on this issue: he distinguished a "right button press" from a "pre-shift spark test":

[T]he pre-shift spark test is a test to ensure that the taser is working properly. In order to properly do a pre-shift spark test, you need to remove the cartridge from the end of the handle, defeat the safety, which turns the unit on, and then you need to apply the trigger.

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16. Lieutenant Palagi was promoted to deputy chief while the trial was on-going.

After you hold the trigger until the unit turns itself off after five seconds to ensure that it is working properly, and that's based upon a lawsuit from Axon from years ago where they basically were found liable when officers were holding the trigger and it was constantly tasing someone. That's why they have that five seconds in there. \* \* \*

The right button press \* \* \* is basically another feature of the TASER 7 that is supposed to allow you to, again, quell the need for force. So if you take out the taser and you are pointing it at somebody and that's not enough to get them to comply with your orders, you can utilize the button press on either side to again spark the laser, which gives that visual an audible fact that the taser is in front of you and you could be hit with it.

So it's meant as an intimidation tactic to try to quell the need for further use of force, the actual use of projectiles, and so forth.

Officer Rapoza presented Detective Joshua Pelletier on this issue. Detective Pelletier was a former Tiverton police officer, employed by the Fall River police department at the time of his testimony. Prior to leaving the Tiverton police department he had been a certified taser instructor and had trained Officer Rapoza. Detective Pelletier described "methods that can be utilized to test whether or not the laser is operating properly":

The TASER 7 has a function test mode. There is [*sic*] two arc switches on the taser itself, on the body of the taser. You simultaneously press both of those buttons together, and it puts it into function mode. You then turn the taser on, and you press either of these arc switches on the side of the taser and it will do a five-second continuous spark, and that will be considered a test of your taser to see if its working properly or not.

Another method, he said, to determine whether a "taser is operating properly" was to "power the device on" and "[p]ress either arc switch, and you will determine if the arc is arcing or not": if the taser is operating properly "you will

see the spark” and hear the noise it gives off.

Detective Pelletier was familiar with Gen. Ord. 390.25 § IV(D)(4). By his reading, either method he proposed fit the regulation. Because the regulation did not specify a function test, only a spark test, “[r]egardless of how you conduct that, if you put it into function test mode to do that, or conduct it as a spark by holding the arc button on the side of the taser,” he believed it was sufficient under the regulation. He did not testify, one way or the other, whether his alternate method of spark-testing, a right-button press without putting the taser in function mode, had to be for the full five seconds to be sufficient under the regulation.

Detective Pelletier also testified that there had been a long-term common practice within the Tiverton police department of accepting the “button spark test” as a sufficient spark test.

Detective Pelletier and Lieutenant Palagi described different means of preparing the taser for testing and how to initiate the function test. Lieutenant Palagi described removing the cartridge, turning the taser on, and doing the five-second test using the trigger. Detective Pelletier denied that the cartridge had to be removed, and said the function test was done by putting the taser into function test mode by pressing both “arc buttons” simultaneously, turning the device on, and pressing either arc switch, not the trigger.

Detective Pelletier agreed that there would be no reason for an officer to

do a right button press during a shift, nor any reason for an officer to engage multiple right button presses during a shift, and agreed that such an incident during a shift would likely be reportable.

The hearing committee considered the language of Gen. Ord. 390.25 § IV(D)(4) and considered Lieutenant Palagi's and Detective Pelletier's testimony. The law enforcement officers on the hearing committee—all of whom have been trained to use and have carried tasers—brought their specialized knowledge and experience to the deliberation. See R.I. GEN. LAWS § 42-28.6-10 (hearing committee “may take notice of general, technical, or scientific facts within its specialized knowledge”). The hearing committee unanimously determines that for a proper pre-shift spark test under the regulation, the taser had to be in “function mode” and the test had to be for the full five seconds, whether the spark test was done as described by Lieutenant Palagi (trigger pull after the cartridge was removed) or as described by Detective Pelletier (right or left button push after the taser was put in function mode using the arc buttons). The hearing committee rejects Detective Pelletier's testimony regarding an alternate method of doing a spark test, and finds that a right button press when the taser was not in function mode was not the “spark test” contemplated by the regulation. While an officer would be able to determine whether the taser was operating at all using the right button press and observing the arc and hearing the sound, an officer would not be able to determine if the taser was operating *properly* and would not

know if the taser would cut off after five seconds, as intended.<sup>17</sup>

Charges 17-24 — Underlying facts:

The events surrounding these charges occurred around 10:00 a.m. on September 30, 2022, when a “Signs of Suicide Prevention” seminar for the senior class was underway at the high school. Officer Rapoza heard a conversation about the behavior of the students and took it upon himself to go to the library. According to the charging document, Officer Rapoza displayed his taser and then activated it using a right button push, causing it to spark and “crackle.”

Officer Rapoza described an unruly group of students gathered in the school library—according to him, a lot of students yelling and screaming. He admitted that he removed his taser from its holster, pointed it toward the ground, defeated the safety, and pressed the right button, sparking the taser. According to Officer Rapoza, the students quieted down and the seminar started.

On cross-examination Officer Rapoza acknowledged that he sparked his taser twice, two minutes apart. He gave no explanation for the second spark. He admitted he did not complete a use of force report after the event and that he did not report the event to anyone. Officer Rapoza did not think it was a

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17. A complete five-second spark test was necessary to determine that the taser was properly operational. A taser in actual use is supposed to stop after five seconds and not continuously stun the person on whom the taser is being used. A critical part of the pre-shift spark test is to make sure that, in fact, it stops after five seconds.

“reportable event.”

For his conduct in this event, in March 2023 Officer Rapoza was charged with a misdemeanor disorderly conduct.<sup>18</sup> He was released on bail. In March 2024, he was found guilty at trial in the district court. Officer Rapoza appealed to the superior court from the district court conviction. In the superior court, on July 11, 2024, Officer Rapoza entered a plea with a disposition: not guilty with a six-month filing.

The hearing committee finds that Officer Rapoza used his taser for “crowd-control.” The hearing committee also finds that the taser was not given to Officer Rapoza so he could use it to control crowds.

Charges 17-24 — Basis for charges and conclusions:

Charge 17:

The department asserted that Officer Rapoza violated Gen. Ord. 100.10 § III(B)(3)(a), which requires employees to “abide by all laws, regulations, agency policies, rules, and procedures.” The hearing committee sustains the charge, concluding that Officer Rapoza’s use of his taser for crowd control in these circumstances was a violation of law. As developed below, that use of the taser was contrary to department regulations, policies, rules, and procedures.

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18. The hearing committee is cognizant that the attorney general declined to charge Officer Rapoza with a felony—assault with a dangerous weapon—for this conduct: the misdemeanor charges were brought by the department itself, using an outside attorney to prosecute them.

Charge 18:

The department asserted that Officer Rapoza's conduct violated Gen. Ord. 100.10 § III(B)(4) (conduct unbecoming). The hearing committee sustains the charge, determining that Officer Rapoza's use of his taser for an improper purpose violated each section of § III(B)(4). Officer Rapoza knew or should have known that using the taser for crowd control was inappropriate, and his failure to recognize that casts doubt on his moral judgment and his character. Officer Rapoza's misuse of the taser for crowd control—especially in the context of a high school library with approximately 100 students present—and the public criminal charges that flowed from it—brought discredit to the department and impaired the department's efficient and effective operation.

Charge 19:

The department charged Officer Rapoza with violating Gen. Ord. 100.10 § III(B)(6), which requires employees to “utilize agency supplies, property, and equipment only for their official purpose and in accordance with established agency rules, policies, and procedures and shall not intentionally abuse, destroy, dispose of, or damage these items.” The hearing committee sustains the charge, determining that Officer Rapoza's inappropriate use of the taser was not for its official purposes and was not in accordance with the department's regulations.

Charge 20:

The department charged Officer Rapoza with violating Gen. Ord. 100.10 § III (B)(8), which requires employees to “interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with procedural justice,” including “treat[ing] individuals with courtesy, respect, and dignity,” and “not employ[ing] an officious or overbearing attitude or us[ing] language that might belittle, ridicule, or intimidate individuals.” The hearing committee sustains this charge. Officer Rapoza’s conduct was neither civil nor professional. He intended to intimidate the students and he failed to treat the students with dignity. Moreover, his attitude was officious and overbearing.

Charge 21:

Officer Rapoza was charged with violating General Order 390.25 § IV(D)(4), which provides: “[t]o ensure the device is functioning properly, the ECW shall be subjected to a pre-shift ‘spark test’ consisting of a full, five-second cycle.” The hearing committee rejects this charge in this context because the specification of facts in the department’s complaint was not about failing to conduct a pre-shift spark test but, instead, about Officer Rapoza’s active misuse of the taser during his shift.

Charge 22:

The department charged Officer Rapoza with violating Gen. Ord. 390.25

§ IV(I)(1), which addresses an officer's obligation to report use of a taser:

The deploying officer shall notify his or her supervisor or the Patrol Shift Officer in Charge (OIC) as soon as practical after using the device, and the appropriate response to resistance report shall be completed in accordance with General Order 390.10, "Use of Force." Data from the ECW, including audio and video recordings if the ECW is so equipped, shall be downloaded as soon as practical following use, and the file shall be considered a part of the use-of-force review.

The hearing committee sustains this charge. Officer Rapoza testified that he did not report his use because he thought it was not a "reportable event." The hearing committee disagrees, finding (in Charge 23, below) that Officer Rapoza's use of his taser was a use-of-force event that Officer Rapoza was required to report.

Charge 23:

Officer Rapoza was charged with violating Gen. Ord. 390.10 § IV(F), regulates "Reporting Uses of Force":

1. A reportable use of force is defined as any incident in which a sworn department member exercises his/her police powers and uses a force option except for those actions set forth in Subsection 3 below.
2. Reportable uses of force also include:
  - a. Drawing and pointing a firearm or ECW at a person for the purpose of obtaining and/or maintaining control of that person.

As noted under Charge 22, the hearing committee finds that Officer Rapoza's use of his taser in the library, even though Officer Rapoza had not pointed his taser at anyone, was a use of force event that was required to be reported. Thus, again, the hearing committee sustains this charge.

Charge 24:

The department charged Officer Rapoza with violating Gen. Ord. 390.25 § IV(B)(4), which provides that "Officers are responsible for the safe storage and handling of ECW's in their custody." The committee sustains this charge, finding that Officer Rapoza's use of his taser in the manner he did in the library that morning was not "safe handling."

Charges 25-32 — Underlying facts:

The events underlying these charges occurred during the evening of October 21, 2022, at the Tiverton High School homecoming football game. The event included a bonfire: Officer Rapoza was working a detail in full uniform, not working as SRO. Officer Rapoza admitted unholstering his taser, taking it in his hand, activating it, and sparking it: a school employee, [REDACTED] was nearby. The Axon log showed that Officer Rapoza had, in fact, sparked his taser twice in close succession.

The factual dispute was whether Officer Rapoza had pointed the taser at [REDACTED] or had, as he testified, pointed it down his right side at the ground when he sparked it. Although the hearing committee is not persuaded by the weight

of the evidence that Officer Rapoza had, in fact, pointed the taser at ■■■■■, the weight of the evidence supports a finding that Officer Rapoza had activated his taser in close proximity to a third person in a manner that a normal person would find dangerous. Officer Rapoza admitted that he did not report the incident, again because he did not think it was a “reportable event.”

For his conduct in this event, in March 2023 Officer Rapoza was charged with disorderly conduct and simple assault, both misdemeanors.<sup>19</sup> He was released on bail. At the trial in March 2024, the district court judge found Officer Rapoza guilty of disorderly conduct but not guilty of simple assault. This charge was part of Officer Rapoza’s appeal to superior court. As with the charge of disorderly conduct for the library event, on July 11, 2024, Officer Rapoza entered a plea with a disposition for the disorderly conduct charge arising out of this football-game event: not guilty with a six-month filing.

The hearing committee concludes that Rapoza’s misuse of his taser at the football game was careless, but was not an actual use-of-force event, unlike the library event. Officer Rapoza did not spark the taser for crowd control as he had in the library nor did he use it for intimidation: the hearing committee concludes that he was either playing with the taser or was showing it off to ■■■■■

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19. These charges were brought in the same criminal complaint as the charges identified above in Charges 17-24. These charges, too, were brought by the department itself after the attorney general declined to charge Officer Rapoza with a felonies for this conduct.

█. Neither of those uses constituted a use-of-force event.

Charge 25:

The department asserted that Officer Rapoza violated Gen. Ord. 100.10 § III(B)(3)(a), which requires employees to “abide by all laws, regulations, agency policies, rules, and procedures.” The hearing committee sustains the charge, concluding that Officer Rapoza’s use of his taser in these circumstances was a violation of law. As developed below, that use of the taser was contrary to department regulations, policies, rules, and procedures.

Charge 26:

The department asserted that Officer Rapoza’s conduct violated Gen. Ord. 100.10 § III(B)(4) (conduct unbecoming). The hearing committee sustains the charge, determining that Officer Rapoza’s use of his taser under these circumstances violated each section of § III(B)(4). Officer Rapoza knew or should have known not to remove his taser from its holster and not to spark it when a person was standing close by, whether he acted intentionally or carelessly. But even if it was carelessness, Officer Rapoza’s removal and sparking of his taser was inappropriate, and his failure to recognize that casts doubt on his moral judgment and his character. Officer Rapoza’s misuse of the taser—especially in the context of a high school football game with many people present—and the public criminal charges that flowed from it—brought discredit to the department and impaired the department’s efficient and effective operation.

Charge 27:

The department charged Officer Rapoza with violating Gen. Ord. 100.10 § III(B)(6), which requires employees to “utilize agency supplies, property, and equipment only for their official purpose and in accordance with established agency rules, policies, and procedures and shall not intentionally abuse, destroy, dispose of, or damage these items.” The hearing committee sustains the charge, determining that Officer Rapoza’s use of the taser was not for its official purposes and was not in accordance with the department’s regulations.

Charge 28:

The department charged Officer Rapoza with violating Gen. Ord. 100.10 § III (B)(8), which requires employees to “interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with procedural justice,” including “treat[ing] individuals with courtesy, respect, and dignity”: and “not employ[ing] an officious or overbearing attitude or us[ing] language that might belittle, ridicule, or intimidate individuals.” The hearing committee sustains this charge. The hearing committee concludes that Officer Rapoza’s conduct at the football game was not professional. Whatever his intention was, pulling the taser out and sparking it was inappropriate and did nothing to foster public trust. Officer Rapoza’s excuse, that he wanted to see if the taser’s green and red laser aiming lights were visible, was not credible. Regardless, officers should not pull

and use weapons in public to satisfy their curiosity.

Charge 29:

As with Charge 21, Officer Rapoza was charged with violating Gen. Ord. 390.25 § IV(D)(4), which provides: “To ensure the device is functioning properly, the ECW shall be subjected to a pre-shift ‘spark test’ consisting of a full, five-second cycle.” The hearing committee rejects this charge in this context because the specification of facts in the department’s complaint was not about failing to conduct a pre-shift spark test but, instead, about Officer Rapoza’s active misuse of the taser during this detail. Moreover, the timing of this event and Officer Rapoza’s description of his use of the taser had nothing to do with a pre-shift spark test; Officer Rapoza did not claim it was.

Charge 30:

The department charged Officer Rapoza with violating Gen. Ord. 390.25 § IV(I)(1) for failing to report his use of the taser that evening. The hearing committee rejects this charge. While the hearing committee finds Officer Rapoza’s conduct at least to have been careless, the committee concludes that the incident did not involve a use of force, and, thus, was not a reportable event.

Charge 31:

Officer Rapoza was charged with violating Gen. Ord. 390.10 § IV(F), which regulates “Reporting Uses of Force.” The hearing committee rejects this charge. Having found that Officer Rapoza’s misuse of the taser that evening was

not a use-of-force event, the hearing committee determines that Officer Rapoza had no obligation to report the incident and thus did not violate § IV(F).

Charge 32:

The department charged Officer Rapoza with violating Gen. Ord. 390.25 § IV(B)(4), which provides that “Officers are responsible for the safe storage and handling of ECW’s in their custody.” The committee sustains this charge, finding that Officer Rapoza’s use of his taser in the manner he did at the football game that evening was not “safe handling.”

Charges 33-59 — Underlying facts:

Charges 33 through 59 involve nine incidents drawn from Exhibit 23, the Axon CEW log, in which Officer Rapoza activated his taser with a right button press. Officer Rapoza stipulated that each of the events had occurred. These are separate from the charged improper use of the taser at the library event or the football game event. The department did not couple other claims of misconduct with these charges: each is a stand-alone claim that Officer Rapoza improperly activated his taser using a right button press. For each of the nine incidents, the department charged Officer Rapoza with three identical violations.

The evidence showed without doubt that an officer is expected to conduct a pre-shift “spark test” of the officer’s taser. As noted earlier, the department’s regulations specifically require a “pre-shift ‘spark test’ consisting of a full, five-second cycle.” Gen. Ord. 390.25 § IV(D)(4). The department’s witnesses

acknowledged that an officer might perform such a test after a shift has started. Detective Pelletier testified that a proper pre-shift spark test is done pre-shift, not in the middle of a shift. And he testified that a five-second test was necessary to determine that the taser was functioning properly. He agreed that sparking a taser mid-shift was not a pre-shift spark test and that multiple right button presses in quick succession could not be a proper spark test.

Officer Rapoza asserted that his use of his taser was primarily for pre-shift spark tests. He also offered several reasons for his use of the taser, including wanting to see if the aiming laser was visible at night, testing it while on shift at the Tiverton casino, and, in one instance, testing it while on a shift other than his SRO shift. Only one of the reported right button pushes tests was in the time frame of the beginning of his SRO shift, the one from September 30, 2022, at 8:30 a.m. One of them, from October 30, 2022, at 12:28 a.m., was near the beginning of one of his casino details. Officer Rapoza testified that he did not remember the specific event, but that it was likely a pre-shift test. However, there were two presses at that time, neither for anywhere near five seconds. The rest of the charged incidents were not reasonably close to the beginning of Officer Rapoza's work shift or detail to be considered pre-shift.

The hearing committee does not need to resolve the dispute about how a pre-shift spark test should be conducted, or whether Officer Rapoza's use of the taser could be excused based on his or Detective Pelletier's testimony. The

hearing committee carefully reviewed the Axon CEW log, Exhibit 23. The Axon log establishes, beyond doubt, that none of the right button presses for which Officer Rapoza was charged lasted five seconds, or anywhere close to five seconds: the longest of any of Officer Rapoza's right button presses was for 1.1 seconds. As noted, even Detective Pelletier, Officer Rapoza's witness on taser use, testified that a pre-shift spark test should be for five seconds.

Equally significant, Officer Rapoza had not put his taser in function mode before sparking it in these incidents, except for December 17, 2022. But even on December 17, Officer Rapoza made two right button presses, neither of them lasting five seconds.

The hearing committee finds that the weight of the evidence supported the department's allegations that each of the charged incidents was not a pre-shift spark test and, thus, none were appropriate uses by Officer Rapoza of his taser. The hearing committee finds that Officer Rapoza's use of the taser in these instances displayed a pattern of incompetence or carelessness, and his sparking the taser more than once in close temporal proximity to each other supports a

reasonable inference that he was “playing with” his taser.<sup>20</sup>

Charges 33-59 — Basis for charges and conclusions:

As noted, for each of Officer Rapoza’s admitted uses of the taser he was charged with three identical violations of the department’s rules and regulations. Because the hearing committee reach the same conclusions for each class of charged violations, the individual charged violations are discussed in groups below.

Charges 33, 36, 39, 42, 45, 48, 51, 54, and 57:

The hearing committee sustains each of these charges. In each the department asserts violation of Gen. Ord. 100.10 § III(B)(3): “Employees shall abide by all laws, regulations, agency policies, rules, and procedures.” Officer Rapoza’s misuse of his taser violated the regulations, policies, rules, and procedures: his multiple activations were plainly inconsistent with the regulation requiring a five-second, pre-shift spark test. Most of the taser events were not temporally pre-shift, were not consistent with a proper spark test, and were too

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20. In light of Officer Rapoza’s clear lack of understanding of what a proper pre-shift spark test is, the hearing committee has some concern that the department had not adequately monitored taser use in the department—the department only pulled the Axon CEW log after beginning its investigation—and had not adequately trained Officer Rapoza (and others?) on how to do a pre-shift spark test. These apparent failures on the part of the department do not provide any justification for Officer Rapoza’s misuse of his taser in these charged incidents. Disregarding all else, the regulation expressly requires a proper spark test to be five seconds and none of Officer Rapoza’s right button presses met that threshold.

short to provide an adequate spark test. His multiple right-button presses in the same time frame is completely inconsistent with a pre-shift spark test, which only needed to be done once per shift, and for the sole purpose of determining that the taser was properly functioning and would stop after five seconds. As noted earlier, the hearing committee concludes that the evidence supports the conclusion that Officer Rapoza was careless, incompetent, or treating his taser as a toy.

It is not clear from the charging document whether the department charges include that Officer Rapoza violated Gen. Ord. 100.10 § III(B)(3) by not reporting any of these incidents, as required by Gen. Ord. 390.10 § IV(F), “Reporting Uses of Force.” Lt. Palagi acknowledged on cross-examination that a per-shift spark test was not a reportable event; Detective Pelletier agreed. Likewise, based on the professional experience of the law enforcement members of the hearing committee, a pre-shift spark test is not required to be reported.<sup>21</sup> Giving Officer Rapoza the benefit of the doubt about his belief that his right button presses qualified as a pre-shift or at least appropriate spark tests, he would not have been required to report the incident. To the extent these charges are based on a violation of the reporting requirement, they are not

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21. The committee expresses some concern about the department’s apparent failure to monitor Officer Rapoza’s taser use on a timely or regular schedule—and, presumably, other officers’ taser use.

sustained.

Charges 34, 37, 40, 43, 46, 49, 52, 55, and 58:

The committee is not convinced that in these instances Officer Rapoza violated the department's conduct-unbecoming regulation, Gen. Ord. 100.10 § III(B)(4). The department presented no evidence that any third-party was present when Officer Rapoza triggered his taser in these incidents. Until the incidents of Officer Rapoza's misuse of his taser were discovered during the investigation, information about them was only in the battery/flash drive of Officer Rapoza's taser; when they were brought to light, they were only known within the department, not to the public. Again giving the benefit of the doubt to Officer Rapoza and his belief that his activations of the taser were spark tests, his misuse of his taser does not cast doubt on his character, etc., bring discredit to the department, or impair the department's efficient and effective operation.

Charges 35, 38, 41, 44, 47, 50, 53, 56, and 59:

Each of these charges asserts that Officer Rapoza violated Gen. Ord. 390.25 § IV(B)(4): "Officers are responsible for the safe storage and handling of ECW's in their custody." The hearing committee sustains this charge for each incident, finding that Officer Rapoza's misuse of his taser—his lack of understanding when a pre-shift spark test should be done and failure to conduct a full five-second spark test—was not "safe handling." His failure to conduct proper pre-shift tests meant that his taser was not ready for in-field use, as it should have been.

Without knowing whether the taser would stop after five seconds, Officer Rapoza had the potential to inflict significant injury if his taser turned out to be malfunctioning—preventing such an injury is one of the major purposes of the pre-shift testing.

Charge 60 — Underlying facts:

The essential factual basis for this claim—that Officer Rapoza could not account for all the ammunition that had been issued to him—appears to be undisputed. When Officer Rapoza received his notice of suspension on December 23, 2033, he surrendered his department-issued firearm. The magazine attached to the weapon only contained 11 rounds and no ammunition was in the chamber of the firearm itself. Officer Rapoza acknowledged that four bullets were missing and that no round was in the chamber of his weapon when it was surrendered to the chief: he admitted that he could not account for the missing ammunition.

Charge 60 — Basis for charge and conclusions:

The department charged Officer Rapoza with violating Gen. Ord. 390.10 § IV(D)(1), which specifies:

While on duty, police officers will carry and use only firearms and ammunition authorized by and documented with the department certified firearms instructor, department armorer, etc.

Lt. Palagi acknowledged that the department had no written policy specifically setting forth the number of rounds an officer was required to carry, but he also testified that it was covered by the “policy and training” officers receive from the

department. Chief Jones also referred to department “policies” while testifying against Officer Rapoza.<sup>22</sup>

The law enforcement officers on the hearing committee note that it is not uncommon for ammunition to be missing: as Officer Rapoza testified, he did not know where the ammunition had gone missing, but he could have left it at the shooting range, or could have used round(s) to dispatch an injured wild animal. However, Officer Rapoza should have known where the ammunition was used or lost, and he should have requested additional ammunition to have his full allotment. The hearing committee finds that Officer Rapoza’s admitted failure to maintain a round in the chamber of the firearm violated the department’s policies. Thus, this charge was sustained.

Charge 61 — Underlying facts:

Officer Rapoza testified at the criminal trial in the district court. One of the disorderly conduct charges was based on the football-game taser incident. The department did not present a transcript of Officer Rapoza’s district court testimony. However, according to Deputy Chief Costa in his testimony to the hearing committee, Officer Rapoza testified in court that he activated his taser

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22. Both Lt. Palagi and Chief Jones—who had been appointed as Town Administrator before he testified—explained why it was important for an officer to have a round in the chamber of his or her service weapon: the officer has to be “ready to go” in case that officer encounters an event possibly requiring use of lethal force.

then, in front of ██████████ in order to “see what the aiming dots would look like at night because he didn’t work at night.” Deputy Chief Costa thought that testimony was untruthful because Officer Rapoza had worked many night shifts during his career. Moreover, Deputy Chief Costa pointed out that sparking the taser was not necessary “to display the illumination dots \* \* \*.”

At the trial before the hearing committee, Officer Rapoza testified on direct examination:

Originally, I removed my taser from my holster to ensure that I could see the red and green aiming dots of the taser, because I don’t normally work a lot of outdoor details that have large crowds, especially football games.

\* \* \* \* \*

I wanted to make sure that I was ready if I had to quell a crowd or anything like that. When I pulled out the taser and I was looking at the aiming dots, ██████████ walked up the hill \* \* \* and made a comment to me \* \* \*. \* \* \* I sparked my taser up. I sparked my taser, pointed down at the ground, and then re-holstered.

Officer Rapoza contended that this was his pre-shift spark test.<sup>23</sup>

On cross-examination, although Officer Rapoza quibbled about the words he had used at the district court trial, he admitted: “I believe the verbiage I used \* \* \* was I don’t work many night details outside.”

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23. Officer Rapoza testified that when he sparked his taser at the football game, he was doing his pre-shift spark test. The hearing committee rejects this testimony for the same reason it rejected his other testimony that he conducted pre-shift spark tests: the duration of the spark was less than one second.

No one disputed that Officer Rapoza had worked many night shifts in his career. He admitted that “the majority of [his] time in patrol was spent on the midnight shift \* \* \*.” And the deputy chief testified without contradiction that Officer Rapoza had “signed up for numerous overtime shifts during that same time, in 2022.”

The hearing committee is troubled by the lack of a transcript of Officer Rapoza’s district court testimony. However, Officer Rapoza laid out what he thought his testimony had been and the hearing committee became conscious of the nuances of the parties’ description of Officer Rapoza’s district court testimony about why he sparked his taser that night:

1. Deputy Chief Costa said that Officer Rapoza testified that he sparked his taser “because he didn’t work at night.”
2. Officer Rapoza stated on direct examination at this trial that he sparked his taser because “I don’t normally work a lot of outdoor details that have large crowds, especially football games.”
3. On cross-examination, Officer Rapoza admitted that he had testified in the district court that it was because “I don’t work many night details outside.”

The hearing committee accepts Deputy Chief Costa’s description of Officer Rapoza’s district court testimony. Rapoza’s first nuance added the word “outside” to his rationale. Even assuming Officer Rapoza’s district court testimony included “outside,” the evidence showed that Officer Rapoza had worked the night shift

and taken night details throughout his career, which necessarily included “outside” events. Moreover, in assessing Officer Rapoza’s credibility on this issue, the hearing committee takes into account Officer Rapoza’s testimony in the trial in this case, in which he added another factor to his reason for sparking his taser that night—large crowds, especially football games. The hearing committee concludes that Officer Rapoza’s testimony at the district court trial was not truthful.

The hearing committee finds that the evidence would not support a finding that Officer Rapoza lied in his district court testimony—that he had consciously distorted the truth. However, the committee finds Officer Rapoza lacking in credibility on this point: his fine-tuning his reason for sparking his taser that night—from he did not work many night details, to he did not work night details outside, to he did not work outdoor details that have large crowds—was self-serving and intended to put himself in the best light possible, and in a better light in each version.

Officer Rapoza’s testimony to the hearing committee about this incident had another side the hearing committee considered in assessing Officer Rapoza’s credibility. According to Deputy Chief Costa, Officer Rapoza testified in the district court that he activated the taser to “see what the aiming dots would look like at night.” Deputy Chief Costa testified that Officer Rapoza would not have had to activate his taser to see the “illumination dots.” In his testimony before

the hearing committee, Officer Rapoza admitted that he “was looking at the aiming dots” before [REDACTED] “walked up the hill.” After a quick back-and-forth with [REDACTED] Officer Rapoza sparked his taser.

The hearing committee accepts Deputy Chief Costa’s testimony that Officer Rapoza would not have had to spark his taser to view the aiming dots. Officer Rapoza’s own testimony before the hearing committee supports that finding, since he admitted that he had observed the aiming dots before or as [REDACTED] arrived on the scene and only sparked the taser after she arrived.

The hearing committee sustains this charge. Officer Rapoza did not tell the truth, the whole truth, and nothing but the truth when he testified in the district court.

Charges 62-64 — Underlying facts:

These charges arise out of allegations that Officer Rapoza engaged in criminal conduct involving his son. The specification for these charges, redacted to omit Officer Rapoza’s son’s name, is:

On 08/10/2023, Rapoza was arrested by the Warren Police Department in regard to an incident that took place on 08/09/2023 at Tiffany Bolduc’s residence involving Rapoza’s juvenile son [RD]. Following a battery to [RD]’s face which resulted in visible trauma, Rapoza was charged with Second Degree Child Abuse, a felony under RIGL 11-9-5(b)(2). As a result of this charge, Rapoza was held as a bail violator in reference to 2<sup>nd</sup> Division District Court Case No. 21-2023-00350 filed on 03/08/2023. On 09/18/24, Rapoza plead [sic] nolo contendere in Superior Court to a lesser charge of simple assault and or battery against his son [RD]. Rapoza confirmed the facts of this specification during an interview on 02/27/25.

In Stipulation # 1, Officer Rapoza stipulated to these procedural facts.<sup>24</sup> Accordingly, the hearing committee sees no need to go into further detail about the factual basis for these charges and finds that the department proved these allegations.<sup>25</sup>

Charges 62-64 — Basis for charge and conclusions:

Charge 62:

Officer Rapoza was charged with violating Gen. Ord. 100.10 § III(B)(1):

Employees shall follow this agency's mission and values statement, oath of honor, and code of ethics. If an employee experiences an ethical conflict with these items, they should consult a supervisor for further clarification.

While Gen. Ord. 100.10 includes reference to a mission and values statement, oath of honor, and code of ethics, the department did not introduce those documents at the trial. Nonetheless, the hearing committee sustains this charge. Officer Rapoza's conduct leading to the charges, his bail violation charge, his time in the ACI, and his eventual plea clearly violate the mission of any police

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24. To the extent that Stipulation # 1, all the exhibits in the record, and the transcript have personally identifiable information concerning Officer Rapoza's son (and other private information about third-parties), the hearing committee has taken care to redact and block that information from the public record in this case.

25. Officer Rapoza offered a "defense" to his actions with his son. While the background facts Officer Rapoza testified to were somewhat compelling, Exhibit 27A suggests a much more substantial battery than Officer Rapoza described. Regardless, Officer Rapoza's excuse is meaningless in light of his *nolo* plea to the a reduced charge of simple assault.

department.

Charge 63:

The department charged Officer Rapoza for violating Gen. Ord. 100.10 § III(B)(3), which provides:

- a. Employees shall abide by all laws, regulations, agency policies, rules, and procedures.
- b. [Omitted]
- c. Employees who are arrested or come under investigation for any offense in any jurisdiction shall immediately report this fact to a supervisor.
- d. A court conviction for a crime that carries a possible sentence of incarceration shall be prima facie evidence of a violation of this policy.

For the charges relating to his son, Officer Rapoza pleaded *nolo contendere* in the superior court to a charge of simple assault and battery pursuant to R.I. GEN. LAWS § 11-5-3 and was given a deferred sentence. Under Rhode Island law, such a disposition is not a conviction. Thus, while a person convicted under § 11-5-3 “shall be imprisoned not exceeding one year or fined not exceeding one thousand dollars (\$1,000), or both,” and a conviction under § 11-5-3 would trigger subsection (d), in this matter Officer Rapoza has not been convicted and so subsection (d) does not apply.

Subsection (a) does. Officer Rapoza’s plea of *nolo contendere* constitutes a confession of guilt as a matter of law—an admission that he committed acts

sufficient to support the simple assault charge. *Armenakes v. State*, 821 A.2d 239, 246 (R.I. 2003). His admission in and of itself demonstrates beyond doubt that he did not “abide by all laws.”

Subsection (c)’s reporting requirement also applies. Officer Rapoza testified that the day after the incident with his son, the Warren police department contacted him because there was a warrant for his arrest and that he “needed to come in and clear the warrant.” He was arrested, arraigned on the felony charge, and deemed a bail violator, leading to his 7-day stay in the ACI. On cross-examination, Officer Rapoza admitted that he did not notify the department when he was contacted by the Warren police department, after he was arrested, or after he had been sent to the ACI.

The hearing committee sustains this charge with respect to subsections (a) and (c), but not (d).

Charge 64:

The department pressed that Officer Rapoza’s conduct laid out in the specification violated Gen. Ord. 110.10 § III(B)(4) (the conduct unbecoming an officer provision). The hearing committee sustains this charge on each subsection of § III(B)(4). Considering the events beginning with Officer Rapoza’s assault of his son leading through his ultimate plea of *nolo contendere*, Officer Rapoza’s conduct is plainly unbecoming of a police officer. Officer Rapoza’s conduct assaulting his son casts doubt in his integrity, moral judgment, and character; his

arrest, bail violation, and imprisonment, all part of a public record, brought discredit to the department and, if for no other reason, his seven days in the ACI impaired the department's efficient and effective operation.

Charge 65 — Underlying facts:

The department alleged that during its investigation of the events in Warren involving Officer Rapoza's son, it learned that DCYF had investigated Rapoza in July 2022. For purposes of this decision, the reason for the investigation need not be detailed.

Officer Rapoza admitted that he had been interviewed by a DCYF case worker. He testified that the case worker had led him to believe that the charge would be deemed unfounded. And DCYF later informed him that it had been deemed unfounded. *See Exhibit F.* The interview with the case worker was the only involvement with DCYF he had for this incident concerning a claim that Officer Rapoza was using an external lock to prevent his son from leaving his bedroom at night.

Officer Rapoza acknowledged that he had not reported these events to the department. He did not think they needed to be reported, because he did not think the investigation would have a "negative outcome." He also questioned whether the reporting provision applied to the DCYF investigation, but admitted that it was an investigation and that he did not report it to the department.

Charge 65 — Basis for charge and conclusions:

As in Charge 63, the department charged Officer Rapoza with a failure-to-report violation of Gen. Ord. 100.10 § III(B)(3): “Employees who are arrested or come under investigation for any offense in any jurisdiction shall immediately report this fact to a supervisor.” The hearing committee concludes that DCYF’s actions toward Officer Rapoza were an “investigation” subject to subsection (3). Officer Rapoza admitted he did not report it. The hearing committee sustains this charge.

Charge 66 — Underlying facts:

The department alleged that during its investigation, it discovered that the mother of Officer Rapoza’s son, [REDACTED] “made a public post on FaceBook which contained text message conversations she and Rapoza had exchanged.” Exhibit 27A-27I is a copy of the post: Exhibit 27 includes a page with a photograph and text (taken from an Instagram post, Officer Rapoza noted), followed by two overlapping pages with pictures and text. Following that are three overlapping pages of screen shots of text messages, and following that are three pages of comments made to the Facebook post by members of the public. Pages [REDACTED] came after Officer Rapoza’s assault on [REDACTED]. The text communications are undated but make no mention of the assault incident and appear to be unrelated. The comments appear to respond to the entire post, but that is not obvious.

The hearing committee does not need to quote the text messages or the comments. The text messages are unpleasant and reflect the poor relationship between Officer Rapoza and ██████████<sup>26</sup> The comments are a string of responses by third parties to ██████████ post, exclaiming concern for ██████ and anger and hatred toward Officer Rapoza, and in a few instances, connecting Officer Rapoza to the Tiverton police department.

Officer Rapoza acknowledged that the text messages were authentic, though he made clear that the post had been put together by ██████████ from disparate sources: the Instagram page was from August 2023, the original Facebook post (Exhibit 27B and 27C) was from January 2023, and the text messages were from the fall of 2022, and, according to Officer Rapoza, were not from the same conversation. The committee agrees that posts were not a sequential conversation and were out of order.

There was no question that Officer Rapoza had nothing to do with posting any of Exhibit 27 in a public forum: he thought they were private communications between him and ██████████ ██████████ publication of the photos and text messages was clearly intended to inflame readers against

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26. Officer Rapoza and ██████████ were never married.

Officer Rapoza and had their intended effect.<sup>27</sup>

Charge 66 — Basis for charge and conclusions:

The department asserted that Officer Rapoza's conduct violated Gen. Ord. 100.10 § III(B)(4) (conduct unbecoming). The hearing committee has some sympathy for Officer Rapoza, since he had not made the post: the committee thought it was "rotten" that the text messages had been made public. Nonetheless, Officer Rapoza knew or should have known, in this time of unbridled use of social media, that his intemperate, even ugly, communications with Ms. DaCosta had the potential to become public. They did become public. And they generated substantial negative public response in the comments, again, a feature of social media as it is known today. In many instances social media posts are intended to rile up the others who read them; generating comments is part of the game. Officer Rapoza failed to recognize the potential that his texts might become public, and failed to control his expression in those texts.

The committee notes that the conduct-unbecoming standards apply to conduct "on or off duty." The committee finds that Officer Rapoza's text messages violated each of the three conduct-unbecoming standards and sustains

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27. The hearing committee takes notice that, as reflected in the family court docket, Officer Rapoza and ██████████ had a long-term custody and child support dispute in family court that began in 2018 and continued with regular court proceedings every year after, including while this matter has been pending. See Register of Actions (docket), *Rapoza v. ██████████, ██████████*.

the charge: his messages cast doubt on his integrity, moral judgment, and character; the text messages (and the comments made by the public, after the text messages were made public, connecting Officer Rapoza to the department) brought discredit to the department; and, because the comments reflected badly on the department for having Officer Rapoza on the force, his text messages impaired the department's efficient and effective operation.

Charge 67 — Underlying facts:

The department alleged that after the second day of the trial in the district court in Newport, when Officer Rapoza approached his personal vehicle, Chief Jones, Deputy Chief Costa, Lieutenant Palagi, and Attorney Antonucci were standing on the sidewalk outside of the courthouse. Rapoza's vehicle was parked close to where they were standing. According to Deputy Chief Costa, as Officer Rapoza approached his car, he held up his cell phone and "appeared to be that he was maybe photographing us or videoing us." After Officer Rapoza entered his vehicle, he drove by the group "and started waving sarcastically." Chief Jones testified only that "[t]hat is when he took our picture."

Officer Rapoza acknowledged being aware that the group was congregated near his car, but he categorically denied holding up his phone to take a picture of the group. "No, that didn't happen." He reiterated his denial on cross-examination. When interviewed during the internal investigation, he said "he did not recall the incident."

The hearing committee finds that the department had met its burden of showing that some event occurred outside the courthouse.

Charge 67 — Basis for charge and conclusions:

The department asserted that Rapoza's conduct violated Gen. Ord. 100.10 § III(B)(4) (conduct unbecoming). The hearing committee rejects the department's charge. The evidence was insufficient to show that anything Officer Rapoza did as he walked and then drove by the assembled group met the standards under § III(B)(4). The department's proof was slim and based on speculation about what Officer Rapoza was doing as he passed by. None of what happened was witnessed by anyone else. The hearing committee finds that, even if Officer Rapoza had held up his phone as if to take a photograph or video, and even if he had given the group a "sarcastic look," Officer Rapoza's charged conduct did not rise to the level to cast doubt on his integrity, honesty, or character, did not bring discredit to the agency, and did not impair the department's effective and efficient operation. Thus, Charge 67 is unfounded.

Charge 68 — Underlying facts:

The department alleged that during the internal investigation, while interviewing ██████████ ██████████ provided screenshots from her phone. In one of them Officer Rapoza made a comment that "the last sro used to come to work drunk." According to the department, Officer Rapoza admitted that he did observe the former SRO, ████████, show up to work intoxicated and also

admitted that he never advised a supervisor.

The evidence on this charge was exceedingly thin. Other than the investigative narrative and Chief Jones<sup>28</sup> repeating in his testimony what is in the narrative, the department presented no testimony showing that Officer Rapoza had ever personally observed Officer ■ coming to work or on duty while intoxicated.<sup>29</sup> Officer Rapoza was not asked about his personal observations of Officer ■.

The hearing committee is unwilling to rely solely on the investigative narrative or Jones's reiteration of it. The hearing committee does not find sufficient evidence to support an inference that Officer Rapoza had personally observed Officer ■ in an intoxicated state at work. Based on the evidence at trial, the hearing committee concludes that it was more likely than not that Officer ■'s "drinking problem" was known within the department "rumor-mill."

Charge 68 — Basis for charge and conclusions:

The department charged Officer Rapoza with violating Gen. Ord. 100.10 § III(B)(6), which requires an officer "to intervene to prevent or stop wrongdoing

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28. Chief Jones had been named Town Manager by the time he testified at the trial.

29. Chief Jones's recollection of this charge had to be refreshed, and his testimony was about expectations, not observed events.

by another employee when it is safe and reasonable to do so,” and requires an officer “to report any misconduct of which they become aware and shall notify a supervisor as soon as possible when another member of the agency is violating law or policy.”

Based on the findings of fact, the hearing committee rejects Charge 68 as unfounded.

Charge 69 — Underlying facts:

The department alleged that Rapoza

maintained a large freezer plastic bag in his SRO office at the Tiverton High School that contained various items that were seized from juveniles. The contents of the bag were not completely known, however, [sic] most of the witnesses described the bag as containing a variety of vape pens and a taser. \* \* \* Rapoza admits to keeping a bag full of seized items in the mentioned desk drawer. He also admits that he disposed of the bag prior to the start of this investigation and that no reports were ever completed documents [sic] the seizures.

Officer Rapoza forthrightly testified that in his capacity as SRO, he would receive “contraband” taken from high school students—nine times out of ten it was a “vape,” an electronic cigarette. Mostly the items were taken from the students by the school administrators and were given to him for disposal. He kept the items in a freezer bag in a drawer of his desk, which was in Officer Rapoza’s locked office. Periodically, he caused the items to be disposed of, usually when the bag was full. Officer Rapoza described his training and his understanding of how to handle student contraband. He did not initiate an

investigation, write a report, or bring the contraband to the police station as evidence needing to be cataloged and maintained. Significantly, in one instance Officer Rapoza became aware of a student who was in possession of a taser. When it was confiscated, Officer Rapoza did not treat it as “common contraband,” but, instead, as evidence. He wrote a report, took the taser to the station, and logged it as evidence there.

Officer Rapoza testified that the school administration dealt with vape-type situation, that they “handed out any sort of consequence \* \* \*.” Officer Rapoza showed a sensitivity to the impact of filing a police report naming a student: “These kids are getting ready to move up, to go to the next level in life. They don’t need to be attached to a police report for a silly mistake like that \* \* \*.”

The hearing committee finds that the typical school contraband was not “evidence” as such. While the committee expressed some concern about the level of training that Officer Rapoza received when he became the SRO, the committee concludes that Officer Rapoza’s actions with respect to the school contraband were consistent with the SRO role.

Charge 69 — Basis for charge and conclusions:

The department charged Rapoza with violating General Order 380.10 § IV(A) and (B), relating to “Evidence Collection and Preservation.” The hearing committee need not detail the department’s rules and policies laid out in the general order. Because the hearing committee determines that the typical

contraband that came into Rapoza's custody as the SRO was not "evidence," the committee concludes that the department's charge was unfounded.

### DISPOSITION

In considering the appropriate sanction to be imposed on Officer Rapoza for his violations of regulations, in its deliberations the hearing committee recognized that it was not bound by the sanction the department recommended. *See* LEODPATA § 11(a). In its deliberations, in determining the appropriate sanction, the committee did not consider for any purpose any of the charges that the committee deemed unfounded.

The committee recognizes that some of the charges that were sustained, standing alone, would not lead to termination. However, under the circumstances here, as discussed below, termination is the only appropriate sanction for Officer Rapoza's serious violations.

While the committee's decision is not dependent on Officer Rapoza's prior disciplinary history, the committee notes that these charges were not Officer Rapoza's first experience with departmental discipline. *See* Exhibit 24.

1. In September 2017, while on probationary status, Officer Rapoza was found asleep in his police vehicle on private property. He was given a 4-

day suspension and a 60-day extension of his probation.<sup>30</sup>

2. In 2018, officer Rapoza was admonished for failing to report to duty when scheduled.
3. In November 2018, Officer Rapoza was given a 2-day suspension for leaving early or failing to report to details at what was then Twin River Casino.
4. In 2020, Officer Rapoza was given a formal “Letter of Warning” and was admonished for driving, off-duty, to the home of the department dispatcher and taking pictures of a car parked in her driveway that belonged to one of the other officers on the force. He then shared those photos with members of the department and employees at the casino. The letter of warning was placed in Officer Rapoza’s permanent employment file.
5. Officer Rapoza was given another “Letter of Warning” for having twice contacted the Westport, Massachusetts, police department, while off-duty, concerning an active investigation. Again, he was admonished and the letter was placed in his permanent file.

With respect to the charges in this case, the hearing committee considers these factors and events in affirming the proposed termination:

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30. Officer Rapoza’s misconduct in this incident is particularly telling as it came shortly after a scandal was uncovered when then-Captain Jones discovered the entire midnight shift sleeping in the back of the parking lot at the police station.

1. Officer Rapoza's decision to move a cot into his office at the high school so he could nap when needed shows Officer Rapoza's inability to conform his behavior to the requirements of the department. The fact that Officer Rapoza had been admonished early in his career for sleeping on the job should have been enough for him to know that moving the cot was inappropriate.
2. Officer Rapoza's use of social media in his dealings with the students showed a deep lapse in judgment. As a result of his actions, he betrayed the objective of establishing rapport among the school department, the police department, and, perhaps most important, the students. His text messages to the students have been discussed earlier, but his decision to make those comments suggests that he was acting more as a peer than as a positive example for soon-to-be adult high school students.
3. Officer Rapoza knew or should have known that his private social media communications with [REDACTED] might be made public by her. His lack of judgment in sending such texts is, again, indicative of the lack of mature

judgment expected of a police officer.<sup>31</sup>

4. Officer Rapoza's use of his taser for crowd control in the library incident and sparking it at the football game shows Officer Rapoza's lack of understanding about his authority and how to exercise that authority.
5. Officer Rapoza was not fully truthful in district court and, in some respects, before the committee. While perhaps understandable in these circumstances, Officer Rapoza did his best to avoid responsibility and was not genuine in some of his testimony to the committee.
6. Officer Rapoza's failure to report to the department that he was under investigation by DCYF shows a lack of understanding of his responsibilities as a police officer. He was required to report it to his supervisor, but did not. He needed to be forthright with the department from the beginning, but was not. An officer is obligated to tell his superior what is happening.
7. Officer Rapoza's testimony about his misuse of his taser was not impressive, at best. Although given the benefit of the doubt in the findings

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31. During the trial before this hearing committee, Officer Rapoza acknowledged that he had made derogatory comments about the department on his personal FaceBook page (which he kept in the name of "J.R. Thomas," not his own). Among the things Officer Rapoza had posted was: "Just saw the pigs flying down 177, the blinky lights and siren. Anybody know what going on?" The hearing committee finds this comment, and particularly the reference to police officers as "pigs," to be extraordinarily inappropriate and suggests that Officer Rapoza only thought himself a police officer while on duty.

that he thought he was performing “pre-shift spark tests,” the number of times Officer Rapoza engaged in a quick series of “right button presses,” and the fact that most of the times he sparked his taser, it was not near the beginning of a shift, the hearing committee has serious doubt that Officer Rapoza could ever be trusted with a taser. His conduct with his taser is completely disqualifying.

8. Officer Rapoza’s failure to maintain his service weapon with a chambered round is no small thing. Officer Rapoza’s failure to keep his weapon ready for immediate use put himself and other officers at risk. His lack of judgment is startling, and his lack of respect for the potential risk to other officers is unacceptable. Even in his testimony, Officer Rapoza did not seem to understand the seriousness of this failure.
9. Officer Rapoza’s involvement in the criminal cases is completely disqualifying. The charges relating to his conduct with his son, although not leading to a conviction, are egregious. His plea of *nolo contendere* to the disorderly conduct charges is an admission that he committed criminal acts, even if the charges have not led to a conviction. He spent seven days in the ACI as a violator of the terms of his bail release. None of this is acceptable for a police officer in general, but, significantly, the committee’s findings would likely discourage a prosecutor from calling Officer Rapoza as a witness. His effectiveness as a police officer is destroyed by these

events.

The committee concludes that Officer Rapoza cannot and should no longer be a police officer; the committee finds that the only appropriate sanction in these circumstances is termination.

While upholding the department's recommendation that Officer Rapoza's employment be terminated, the committee is troubled by what appear to be multiple failures by the department in its involvement with Officer Rapoza. None of these considerations can be considered in mitigation of Officer Rapoza's failure to comply with department regulations, or to benefit him, but the committee was concerned that:

1. Officer Rapoza's misuse of his taser many times prior to December 2022 was not discovered until after the event: earlier intervention might have provided Officer Rapoza the information he lacked regarding a proper pre-shift spark test. The department might also have discovered what may be a department-wide misunderstanding, if Detective Pelletier's testimony is given any credence.
2. The department apparently did not conduct regular appraisal reports of Officer Rapoza's work. Annual assessment might have helped Officer Rapoza overcome his serious lack of judgment.
3. The department appears not to have adequately trained Officer Rapoza to be School Resource Officer. His conduct in that role was clearly

inappropriate; the committee wonders why it took so long for the department to realize that Officer Rapoza was not well-suited for that position.

### CONCLUSION

Based on the findings fact and the conclusions that Officer Rapoza committed multiple violations of the department's regulations, for the reasons that are set forth in detail above, the hearing committee unanimously upholds the department's charges to the extent laid out in this Decision and unanimously upholds the department's recommendation to the Town of Tiverton that Officer Rapoza's employment with the department be terminated.

Issued as the Decision of this Hearing Committee on November 13, 2025.



Walter Gorman, Chair  
Associate Judge (Ret.)  
Rhode Island District Court



Mark B. Morse, Esq.  
Attorney Appointee



Lt. Kyle Edwards  
Narragansett Police Department



Captain Ellen Lamoureux  
North Smithfield Police Department



Sgt. Christopher Brusio  
Charlestown Police Department

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### CONCLUSION

Based on the findings fact and the conclusions that Officer Rapoza committed multiple violations of the department's regulations, for the reasons that are set forth in detail above, the hearing committee unanimously upholds the department's charges to the extent laid out in this Decision and unanimously upholds the department's recommendation to the Town of Tiverton that Officer Rapoza's employment with the department be terminated.

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Associate Judge (Ret.)  
Rhode Island District Court

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Mark B. Morse, Esq.  
Attorney Appointee

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Lt. Kyle Edwards  
Narragansett Police Department

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Captain Ellen Lamoureux  
North Smithfield Police Department



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Sgt. Christopher Brusco  
Charlestown Police Department

CERTIFICATION

I certify that on November 13, 2025,

I served a true copy of this Decision on the following counsel of record by email:

Stephen Antonucci, Esq.  
Gary Gentile, Esq.

I certify that on November 14, 2025, I served a true copy of this Decision on the Rhode Island Police Officers' Commission on Standards and Training by email to:

Colonel Michael Winquist, Chair

*/s/ Lauren E. Jones* \_\_\_\_\_