



Rhode Island State Police General Order - 104R

<i>Section:</i>	Law Enforcement Operations
<i>Article:</i>	104 - Other Operations
<i>Title:</i>	Procedures for Ejecting or Excluding Individuals from Rhode Island Casinos
<i>Special Instructions:</i>	

I. PURPOSE

The purpose of this Policy is to establish procedures for members assigned to the Gaming Enforcement Unit (GEU) to follow when ejecting or excluding any individual from a casino located within the State of Rhode Island pursuant to R.I. General Laws § 42-61.3-1.

II. DEFINITIONS

- A. Gaming Enforcement Unit (GEU) refers to a Rhode Island State Police Unit created pursuant to R.I. General Laws § 42-61.3-1 et. seq. to ensure the integrity of casino gaming activities in this state.
- B. Ejection or Exclusion refers to the voluntary or involuntary act of requiring a person to leave the gaming facility or the barring of a person from entering the gaming facility.
- C. Hearing Process refers to the ability of an ejected or excluded person to appeal his or her ejection/exclusion from a gaming facility.
- D. Hearing Officer refers to the Colonel's designee.

III. POLICY

The purpose of ejecting or excluding a person from a gaming facility is based on the statutorily created responsibilities of the GEU to protect the integrity of the games and gaming process. The Rhode Island State Police will ensure that individuals ejected or excluded pursuant to the GEU statute are afforded their constitutional due process rights.

IV. GAMING ENFORCEMENT UNIT AUTHORITY UNDER RHODE ISLAND GENERAL LAW § 42-61.3-1

As cited in sub-section (5), "To eject, exclude or authorize the ejection or exclusion of a person from a gaming facility if the person allegedly violated any criminal law, or when the division of state lottery or the casino gaming unit determines that the person's conduct or reputation is such that his or her presence within the gaming facility may compromise the honesty and integrity of casino gaming activities or interfere with the orderly conduct of casino gaming activities. Nothing herein shall preclude any other law enforcement or regulatory agency from having similar authority as otherwise permitted by law or regulation."

V. PARTIES SUBJECT TO POTENTIAL EJECTION AND/OR EXCLUSION

- A. An individual, including but not limited to a gaming facility employee, who is arrested by the Rhode Island State Police GEU, especially those whose conduct victimizes the gaming facility or its vendors.
- B. A gaming facility employee arrested by any other law enforcement agency.
- C. Any individual alleged to have committed a Casino Gaming Crime as set forth in R.I. General Laws § 42-61.3-2.
- D. Patrons or any person wishing to enter the gaming facility, whose prior criminal conduct creates a conflict with the GEU's established goals of protecting the integrity of the games. Examples may include organized criminal activity, money laundering, loan sharking, extortion, or multiple convictions for drug dealing/distribution related offenses.
- E. Patrons or any person whose presence in the gaming facility may compromise the honesty and integrity of casino activities or interferes with the orderly conduct of casino gaming activities;
 - 1. A person whose presence in the gaming facility may compromise the honesty and integrity of casino activities or interferes with the orderly conduct of casino gaming activities may include:
 - a. A person who is alleged to have committed a violation of R.I. General Laws § 42-61.3-2;
 - b. A person who has been excluded by the R.I. Lottery or any other state regulatory agency;
 - c. A person whose permits, licenses, registration, certifications or other approvals from the R.I. Lottery have been revoked, suspended, or otherwise no longer valid;

- d. A person who poses a threat to the safety of the patrons, employees, or other persons on the casino property;
 - e. A person with a history of conduct involving disruption of gaming operations within a licensed facility; and
 - f. A person subject to an order by a court of competent jurisdiction in this State excluding the person, or issuing a no trespass order, no contact or other similar judicial order excluding the person from the casino.
- F. A person's race, color, religion, country of ancestral origin, disability, age, sex, sexual orientation, gender identity or expression shall not be a reason for ejection/exclusion.

VI. EJECTION AND EXCLUSION PROCESS

A. Gaming facility employees arrested by the GEU:

1. At arraignment, as a condition of bail, the GEU may request that the Court require the arrested subject to have no contact with the gaming facilities.
2. The GEU reserves the right to decide on a case-by case basis, in furtherance of the protection of the integrity of the games, when to request the Court to exclude and/or eject a person as a condition of bail. Not every arrest will be cause for ejection or exclusion.
3. The procedures of the District Court and/or Superior Court govern objections to such a condition of bail. The hearing process identified in sub-section B hereof shall not apply if an order is issued by a Court.

B. Hearing Process for patrons or persons ejected/excluded:

1. Notification in person and/or notification via US Mail sent to the last known address of the ejection or exclusion with an explanation of the determination and the hearing process to appeal the ejection/exclusion.
2. Any ejected or excluded person who wishes to appeal his or her exclusion, must do so in writing within thirty (30) calendar days of the date on the notification. However, said thirty (30) calendar day period may be extended due to exigent circumstances.
3. Upon request for a hearing from the ejected or excluded party, the GEU will set a hearing date within two weeks of being notified.
4. At least seven (7) days before the date of the hearing, the GEU shall provide written notice to the ejected/excluded person which shall include the date, time location of the hearing and the purpose of the hearing, the issue or issues

involved and the applicable statute.

5. The hearing officer will be the Colonel's designee.
6. At a hearing before a Hearing Officer, the GEU and the excluded/ejected person may present such sworn testimony and other evidence as may be relevant to the issues pending in the matter. Each side shall have the right to cross examine witnesses testifying at the hearing. The ejected/excluded person will be afforded the opportunity to have counsel present, if so chosen, present their own evidence, question the case agent presenting the evidence and present witnesses.
7. No stenographic record will be created. However, the ejected/excluded person has the ability to hire a stenographer or court reporter at his or her own expense. The Hearing Officer shall record the hearing with a digital recorder, or similar recording device.
8. The Hearing Officer will approve or deny the ejection or exclusion and provide a written decision, setting forth findings of fact and conclusions of law, to both the GEU and to the person requesting the hearing.
9. The written decision will be sent to the last known address of the ejected or excluded party via U.S. Mail.

VII. THE CASINO GAMING FACILITY, THE DEPARTMENT OF BUSINESS REGULATION (DBR), AND THE RHODE ISLAND LOTTERY ARE CAPABLE OF ISSUING THEIR OWN EJECTION OR EXCLUSION OF PARTIES FROM A GAMING FACILITY

- A. Any gaming facility, as a private business entity, may issue ejections separate and apart from the GEU.
- B. The DBR issues privileged Gaming Licenses to gaming facility employees who will be on the gaming floor or who will have a direct impact on gaming operations. DBR may choose to revoke these licenses for reasons of their choosing. The DBR has a hearing process in place for this purpose.
 1. If the GEU notifies the DBR of the arrest of a casino employee either by the GEU or by another law enforcement agency, the notification will be stated as an area of concern regarding the employee in connection with protecting the integrity of the games or serve as notification of a past arrest in which the gaming facility employee failed to disclose under penalty of perjury, while completing paperwork for a renewal of their gaming license.

By order of Colonel Manni



James M. Manni
Colonel
Superintendent

