

Judge sees fault in disciplinary process for Providence sergeant

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PROVIDENCE —The three panelists who would govern the career of Providence police Sgt. Joseph Hanley heard from a witness during a closed disciplinary hearing earlier in 2024.

Ultimately, two of the panelists would decide that Hanley should not lose his job for his simple assault on a handcuffed prisoner in 2020.

But at this phase of their work, the panel took testimony from witnesses. And one of those witnesses was the sergeant himself.

The sergeant's appearance as a witness at his own disciplinary hearing is now a focal point of proceedings in Superior Court, where the city is mounting a legal effort to resist the disciplinary panel's decision to order Hanley's return to work.

In a bench decision that was favorable to the city, Judge Brian Stern said on Wednesday, Sept. 17, that Hanley's appearance as a witness before the disciplinary panel violated state law due to

the particular circumstances.

Also, due to that violation, the city's overall appeal of Hanley's reinstatement is likely to prevail on the merits, according to Stern.

The judge's observation only applies to a request by the city for a stay, which Stern granted. He ordered Hanley back to unpaid leave following a brief stint on paid leave.

But the see-sawing on Hanley's pay status, as well as Stern's strong comments on issues central to the legal arguments of the city's lawyer, Vincent F. Ragosta Jr., signal potential success in the city's effort to resist Hanley's return to work.

Stern also said he thought he can decide the overall case in 35 to 40 days.

"We're disappointed," Hanley's lawyer, Michael Colucci said, referring only to the judge's decision on the stay.

"I think the court felt that the safest thing was to maintain the status quo until ... the appeal could be heard," Colucci said. "That'll take place later this fall."

Colucci said he remained confident that Hanley can defend the outcome of a disciplinary process that unfolded earli-

er in 2024, under the auspices of the Law Enforcement Officers' Bill of Rights.

"The appeal is a different animal," he said.

Panel's ruling on reinstatement 'subject to reversal'

For his part, Ragosta seemed confident that the appeal could succeed and reverse the ruling of the disciplinary panel.

In arguments before Stern, Ragosta asserted that Hanley's appearance as a witness, during the LEOBOR proceeding, was not disclosed properly in advance.

Afterward, Ragosta said that the failure amounted to more than a technicality.

The law called for Hanley's witnesses to be listed five days before the proceeding and for the city's witnesses to be listed 10 days before the proceeding, according to Ragosta.

"That's what we argued," Ragosta said. "We followed the process that required our witnesses to be disclosed 10 days before the hearing. Hanley did not

comply with the statutory requirement that he be listed as a witness."

Hanley's appearance, said Ragosta, came as a "complete surprise" on its own and it also introduced some surprising testimony, including his assertion that the city had offered him discipline of a 45-day suspension.

Ragosta also asserts that both Providence Police Chief Oscar Perez Jr. and his predecessor, Col. Hugh T. Clements Jr., had both recommended termination, not suspension, for Hanley.

"It was not authenticated," Ragosta said, referring to the Hanley's comment on an offer of suspension during the LEOBOR proceeding. "There was no foundation for that," Ragosta added.

"That prejudiced the city," he said. "As routinely happens in all litigation, offers of compromise or offers of settlement are inadmissible," Ragosta said after Stern's ruling, adding that the outcome of a case can be subject to "reversal" based on such "errors in law."

Colucci has argued that a 45-day suspension was in line with similar cases. Ragosta and the city have contested that.