



April 23, 2017

Dear Fellow East Siders:

While not as established as the religious holidays observed a week ago, I invite you on this Earth Day weekend to reflect on our beautiful planet, and how we can protect it for generations to come. After taking a moment to think globally, this week's letter will discuss tomorrow's community meeting and the Community Safety Act.

On **April 24, 2017 at the Hope High School Cafeteria from 6:30 to 8:30**, I will hold a community meeting to discuss the proposed suboxone office at Lloyd and Thayer and the infrastructure bond. **The speaking portion will begin at 7:00 p.m.** The expected speakers include Jeffrey Lykins, head of the Bureau of Inspection and Standards, Megan DiSanto from the Law Department and Kevin Savage from the Rhode Island Department of Behavioral Health. I have learned that neither Mr. Dion, the owner of the property, nor his attorney will not be accepting our invitation to attend the meeting. Peter Asen, the Mayor's Director of Partnerships and Governmental Relations, will discuss the infrastructure.

On Thursday night, the City Council gave initial passage to an ordinance called the Community Safety Act. This ordinance supplements a State law called the Comprehensive Community Police Relationship Act of 2015, which takes a first pass at banning racial profiling and also creates a database that can be used for evaluating discriminatory practices by individual police officers. The Providence Community Safety Act builds on the 2015 State Act by addressing a number of other police practices that community members believe are misused in a discriminatory manner and by enhancing the database that can be used to monitor police conduct. Difficult issues arise when an important law enforcement tool can be misused in a discriminatory manner. One way to get at this problem is by using the database to identify the individuals who are profiling. The other way is to ban the law enforcement tool entirely. While the second alternative offers a "bright line" to ensure against misuse, it also can compromise the police's ability to protect the public at large.

At a public hearing on April 10, Commissioner Pare raised a few of these issues, including the proposed Act's ban on "pretextual" stops and the potential suppression of evidence for conduct not permitted under the Act. Consider the case of a police officer stopping a driver for no reason other than a (trivial) broken tail light, and finding (illegally owned) automatic weapons in the car from the stop. Under last Monday night's version of the Community Safety Act, the weapons could be excluded from evidence. Under this scenario, the gun runner (or the murderer with the dead body in the back seat, etc.) could not be prosecuted, a departure from the mainstream view across the country.

Last weekend, the parties conferred and an amended version of the Community Safety Act was presented and passed by the Ordinance Committee last night. To the credit of everyone involved, the amended version appears to restore most of the law key law enforcement tools (including "pretextual" stops and language that appears to rule out the suppression of evidence based merely on the violation of the ordinance) that had been taken away in last week's version through collaboration by City Council staff, the Police Department and the City Solicitor's office. With that said, the Attorney General's office (who had expressed concerns about the prior draft) was not present in the discussions. With that in mind, Commissioner Pare indicated last night he now supported the Community Safety Act subject to the Attorney General's review. In the opinion of the City Solicitor's office, that review is unlikely to raise any more issues, though clearly the City Solicitor cannot speak on behalf of the Rhode Island Attorney General. Both Commissioner Pare and a City Council member have asked the Attorney General to carry out the promptest possible review of the revised act presented on Monday and approved by the Ordinance Committee the same day. I voted in favor of the Act on Thursday night based on the City Solicitor's opinion that the Attorney General likely will approve the language.

At some future point, probably next week, the City Council will hold a second meeting for final passage of the Community Safety Act. (Under the City Charter, ordinances do not become law until passed by the City Council at two separate meetings at least 48 hours apart and signed by the Mayor.) I plan to review the Attorney General's comments in connection with this second vote. I am hopeful that the Attorney General's review will be positive, and/or that the City Council agree to amend the Community Safety Act to address any specific issues he identifies.

This is a complex and important piece of legislation, and I support the general goals it is trying to achieve. Each successive version of the Act has improved the balance it strikes between reducing discriminatory police practices and preserving important law enforcement tools. It appears that we are now very close to a version everyone can support, if we are not already there.

Sincerely,