



April 30, 2017

Dear Fellow East Siders:

As the Red Sox square off against the Chicago Cubs, this week's letter will discuss the Community Safety Act and the neighborhood meeting that discussed the proposed suboxone doctor's office.

In a special meeting on Thursday night, the City Council voted to table the Community Safety Act (CSA) for 30 days. This followed a vote in favor of initial passage the previous week. Eight members who voted for initial passage (including me) voted in favor of the motion to table. I took this vote in response to a direct request from Police Chief Hugh Clements. He said the rank and file officers found the current version to be demoralizing, and if it were imposed without further consideration, it may damage much of the Department's successful current work. His assessment was consistent with a letter issued by the President of the Fraternal Order of Police. The FOP letter contained some inaccuracies and intemperate language; however, it was the Chief's concerns (rather than the letter) that caused a major shift in my understanding of the Police Department's position *vis a vis* the CSA.

More specifically, during the week before the CSA reached the City Council, the Commissioner of Public Safety (who supervises the Police Chief and the Fire Chief) announced he supported the current draft. Based on that statement, I assumed that the Chief of Police also supported it, and I assumed the Chief could gain the cooperation and support of the rank and file. When Chief Clements spoke to me on Wednesday night, he said the current draft, if approved, would create morale issues which could impact the Police Department's community relations programs that currently work well. While our city's police-community relations can be improved, Providence is a very different place from Chicago or Baltimore, and a large reason for that is Chief Clements. Because the CSA, by its terms, will not go into effect until January, I decided that I would support giving the Chief a limited window of 30 days to propose modifications that would allow him and the Department's rank and file to give the new legislation their full support.

With that said, this was not an easy vote, because it did not fully validate the hard work and many improvements that community members, City Council staff and City Council members contributed to the original CSA. For example, the original draft mandated civilian review and approval of the Police Department budget and labor contracts. These mandates would violate the City Charter and State law. In my early meetings with supporters, they said I could vote to approve the mandates, and let court decide at a later time whether they were illegal. Had the final version of the CSA contained these mandates, I could not have voted for it even once, because that would have violated my oath of office to uphold the Home Rule Charter. Fortunately, both were removed through the legislative process, so I did not have to face that difficult issue. This experience demonstrates an important distinction between supporting the general principles of the CSA and the demands some make for blanket, unconditional approval of every specific provision or word or phrase it contains. I remain supportive of the general principles of the CSA, and I am willing to give Chief Clements a chance to propose alternatives that will retain and enhance those basic principles while broadening acceptance within the Police Department, so that its passage will be compatible with the Police Department's currently successful programs while bringing about the successful implementation of valuable changes.

Last Monday, around 60 neighborhood members discussed the proposed suboxone office with City and State officials. Jeffrey Lykins, the head of the Bureau of Inspection and Standards, noted the distinction between a doctor's office that writes prescriptions and a pharmacy that dispenses medicine. He stated that he informed the owner that the variance permitted the former but prohibited the latter. The State official also noted that the State had separate licensing requirements for drug clinics, whereas the State's regulation of doctor's offices was limited to the licensing of the individual doctors. Participants expressed concern that the office, once open, could start dispensing drugs in violation of the zoning laws, and asked how the City would prevent that from happening. Mr. Lykins said that he could inspect the interior if external evidence (such as reports from neighbors) provided a sufficient basis for obtaining a warrant. This disappointed some neighbors, who questioned why they had to be burdened with watching and reporting to the City before inspectors went in. Their question reminded me of the notorious history of the Cianci administration, during which inspectors went into the residences and businesses of political enemies to find violations for the purpose of harassment. The Cianci inspectors continued a rich tradition that began with British troops in colonial times, which helped lead to the American Revolution and the Bill of Rights. The officials also stated that the owner's criminal background, while a source of concern, does not provide a legal basis for abridging these property rights, and that the sign, while misleading, is protected by the First Amendment. It appears this owner is walking as close as he can to the line of what is legally permitted without crossing it. With that said, I have asked the City officials to consider sending a letter to the owner (or his attorney) repeating Mr. Lykins's previous statement about the limits of the property's variance, which allows doctor's offices (where medicine is prescribed) but not a pharmacy (where it is dispensed.) I hope to learn within the next week whether such a letter can be issued, and I will share it with you if and when it goes out.

Sincerely,