

PROVIDENCE YOUTH STUDENT MOVEMENT
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January 3, 2018

Jeffrey Dana
City Solicitor
Providence Law Department
444 Westminster Street, Suite 220
Providence, RI 02903

VIA EMAIL AND HAND DELIVERED

Dear Solicitor Dana:

This letter is to bring to your attention that the newly created **Providence Police Department General Order 360.10, "Intelligence Assessment Database," issued 12/22/2017, blatantly and unequivocally violates Section 18 ½ – 4 of the Code of Ordinances of the City of Providence** (titled Providence Community-Police Relations Act, colloquially known as the "Community Safety Act," hereafter referred to as the "CSA").

As you are no doubt aware, §(f)(8)(1) of the CSA *expressly* forbids the use of "[a]ssociation with other people identified as gang members or any substantially equivalent factor" from the list of criteria used to determine inclusion on the so-called gang database.¹

It was with great shock and dismay that we discovered that Section II.B. of this newly created City policy violates the CSA in at least six (6) and as many as nine (9) of the fourteen (14) "weighted criteria that shall be used to establish an individual's designation as a gang member within the database." The most egregious of these illegal criteria, II.B.13. suggests that the drafters of the policy chose to completely ignore established law:

"Documented as having had three (3) or more contacts with known gang members and/or involvements (sic) in any gang activity, to include information generated from Field Intelligence Reports."

Several additional criteria could easily implicate the illegal consideration of association with other

¹ While General Order 360.10 references an "Intelligence Assessment Database," the policy goals outlined as well as other language in the policy that does accurately reflect the text and meaning of the CSA indicate that the "Intelligence Assessment Database" and the "gang list" or "gang database" referenced in the ordinance are one and the same.

people identified as gang members, in that they rely on identification by individuals, whether informants (nos. 7, 8), law enforcement agencies (nos. 1, 2, 12, and 14) or simply as a consequence of First Amendment protected association or expression (no. 5 – appearance in photographs; no. 11 – contributor in publications).

Aside from broader Constitutional concerns, many of which our partner organizations and community members outlined during the discussions that led to the adoption of the CSA, City law is now crystal clear in forbidding the use of association to allege gang membership.

After more than five years of hard work conceiving, gestating, and finally bringing the CSA to fruition, we are not willing to see one of its most important provisions eliminated by administrative fiat, whether intentionally or not. We are charging you, as legal counsel to the City administration to **immediately** inform the Mayor that this policy is illegal, and that he should suspend it at once, while work begins to draft a new policy that complies with the law of Our City. Should you wish, we are available to assist you in that endeavor; however please be aware that we will use any and all means available to ensure that the City does not begin the new year by trampling on one of the most important pieces of legislation produced in decades.

Sincerely,

/s/Shannah Kurland

Shannah Kurland, Esq.

Legal Director, Community Defense Project

Providence Youth Student Movement

cc Mayor Jorge Elorza
... other interested parties