



OFFICE OF THE COMMISSIONER OF PUBLIC SAFETY
Steven M. Paré, Commissioner of Public Safety | Jorge O. Elorza, Mayor

October 28, 2020

Jose F. Batista, Esquire
Executive Director
Providence External Review Authority
807 Broad Street, Suite 224
Providence, RI 02907

Dear Mr. Batista:

The incident of October 18, 2020 where a scooter driven by Jhamal Gonsalves crashed on Elmwood Avenue at Bissell Street that resulted in near fatal injuries to Mr. Gonsalves prompted an immediate criminal investigation. The Rhode Island Attorney General's Protocol for the Review of Incidents Involving the Use of Deadly Force, Excessive Force and Custodial Deaths (Issued June 17, 2020) guides us when there is an in-custody death or while in the apprehension of a suspect that results in death or serious bodily injuries. Providence Police invoked the protocol immediately notifying the Rhode Island Attorney General's office. Under the protocol, the Rhode Island State Police joins in the criminal investigation along with the Providence Police Department overseen by the Rhode Island Department of Attorney General. The Providence Police also contacted and invited the Department of Justice, United States Attorney's Office into the investigation. As you know, pursuant to PERA ordinance 18 ½-2(h), the executive director's authority is "to monitor internal investigation(s) by the police department." Therefore, it is important to note that this is *not* an "internal investigation" that the Providence Police Department is investigating at this point. Rather, it is a larger criminal investigation being conducted in conjunction with other outside criminal investigatory entities and not exclusively "by the police department." Therefore, and respectfully, PERA does not have the authority – at this point - to monitor this active criminal investigation involving the state Attorney General and the other investigatory entities.

On a practical level, and understanding PERA's interest and demand to be "an equal partner" to this investigation with the Rhode Island Attorney General's office, Rhode Island State Police and the Department of Justice, it is not practical nor feasible with active criminal investigations. Criminal investigations are best accomplished and completed when there is a strategy on seeking the facts, evidence and witnesses in a confidential setting among authorized criminal investigators. If PERA or PERA's investigator were embedded in the investigation, it would have an adverse impact on the criminal investigation and the criminal prosecution in many ways.

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While you suspect and believe we do not want PERA to know certain facts or circumstances that may not be favorable to the Providence Police Department, I can assure all of the facts, circumstances and evidence will ultimately be shared with PERA. The integrity of the criminal investigation is our primary goal. We have made it publicly and privately clear, this investigation will be thorough, honest and transparent to the public at the appropriate time.

Notwithstanding the foregoing, and consistent with the spirit of the PERA ordinance, the Providence Police Department availed a daily briefing to PERA by Major Oscar Perez of our Office of Professional Responsibility. We believe providing a daily verbal briefing to PERA about the progress, direction and status of the criminal investigation will allay some fear that this investigation is not thorough or comprehensive. If and when this matter becomes an "internal investigation by the police department" (PERA Ordinance 18-1/2(h)), the Providence Police Department will cooperate with PERA's requests.

Please let me know if PERA is interested in this daily briefing.

Very truly yours,



Steven M. Paré
Commissioner of Public Safety