

# **Community United 4 Positive Change**

**In Collaboration with The City of Pawtucket**



**March 31, 2021**

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CU4PC: Is a collaboration of local community organizations and individuals engaged with the Pawtucket Police Department (PPD) and city officials to bring about positive changes, improve community relations and ensure equity in the police policy and practices.

#### **CU4PC Members:**

Joao Goncalves, CACD	Jim Vincent, NAACP
Allesandra Soares, CACD	Khrystyne Bento, Unity Project & RI Accountability Project
Rosy Tavares, CACD & RICVH	Eric Lopez, Unity Project
Ineida Rocha, CACD & RICVH	Melissa DaRosa, Pawtucket City Council at Large
Denise DeBarros, CACD & RICVH	Eli Nixon, Member of Showing Up for Racial Justice-RI
Elmer Pina, CACD & NAACP	

#### **City of Pawtucket Members:**

Don Grebien, Mayor	Tina Goncalves, Chief of Police
Wil Arboleda, Communications	Carlos Lopez Estrada, Deputy Director of Administration

## Background

The George Floyd killing was a painful reminder of the social injustice and racial inequities in our own communities. The City of Pawtucket has had a history of questionable practices and cases handled by the police. There has not been a proper forum to discuss them, make policy changes and help the community move forward. As a community we do not want to see a “George Floyd” like incident or any non-peaceful protests in the City of Pawtucket. CU4PC asked the city officials to meet, review the demands and work together on solutions. The first meeting took place on July 1<sup>st</sup>, 2020 and they continued through October 28<sup>th</sup>, 2020.

Of significance on June 25, 2020 the RI Police Chiefs’ Association released the Twenty for 2020 Campaign. This is a list of 20 promises to all Rhode Islanders from their police departments to redouble a statewide focus on training, transparency, communication and human rights. In the document there was an acknowledgement that systemic racism exists in our society and it exists in the criminal justice system.

“Systemic racism exists in our society and it exists in the criminal justice system. Like a cancer, it grows when it is unchecked. The names of George Floyd, Breonna Taylor, and Ahmaud Arbery are etched in our minds, but many other names are not. The men and women that work in the profession of law enforcement in Rhode Island became police officers to help people, to save lives and ultimately, if called upon, to lay down their lives. We disavow anyone wearing a badge who takes or ruins a human life needlessly.”  
– Chief Sidney Wordell (Ret.), Executive Director of the RI Police Chiefs’ Association

The following topics/issues were discussed by CU4PC and the City of Pawtucket:

- 1) Immediate changes are needed to eliminate abuse of power and use of force**
- 2) Specific cases requiring action**
- 3) Policies in cases of police misconduct charges, investigation and resolution**
- 4) Reallocation of public funds/staffing**
- 5) Prioritizing and following through on meaningful commitments to greater community involvement and language equity**
- 6) Improve police training, cultural awareness, racial representation, selection process, psychological support for officers and first responders**

Each topic/issue was discussed in detail. CU4PC gave historical context for each demand and how the issues have impacted the community and caused distrust of the PPD. Many of the specific demand questions were not directly answered or detailed because of privacy concerns, current litigation, topic sensitivity, police union contract or it needs to be addressed through RI Legislation. The City of Pawtucket did reference and confirm existing police policies that are in place and some changes that are being made. Several of the topics/issues did not have a satisfactory answer from the city officials. There is an expectation that the conversations will continue with the city officials and community members through the CU4PC as well as the newly formed Community Advisory Board, its Constituent Liaison and through legislative action.

# List of Demands and Collaborative Response

## 1) Immediate changes are needed to eliminate abuse of power and use of force

- a. Ban police chokeholds: The Police Chief stated that the PPD supports the RI Police Chief's Twenty for 2020 plan which states, "Police in Rhode Island are rigorously trained. We are not trained to use chokeholds to aid in the apprehension of a suspect, and our statewide Use of Force policy prohibits it. We do not train to place a defenseless person on their face where they can't breathe. The Rhode Island Police Chiefs' Association will ensure that this training is emphasized in every agency.... including prohibition of any technique intended to cut off blood flow or oxygen to the brain, including chokeholds, to apprehend a suspect." There is an exception shared by Police Chief Goncalves, the chokehold may deem to be necessary in cases where the police officer's life is in danger.

CU4PC requests that the PPD agree to join the NAACP of NE in its pursuit to ban all police chokeholds in all situations.

- b. Demilitarize the Police. Remove police riot and military gear: The Police Chief stated that the City of Pawtucket currently does not have military grade vehicles or modern riot gear. Outdated "riot gear" (which included batons that looked like baseball bats) was used last summer in Pawtucket by PPD officers during protests in neighboring Providence. PPD responded to a call regarding an individual with a weapon and "shots fired" on Main St. in Pawtucket. The call led them to nearby Sisson St. A family felt threatened by the police presence as they made advances toward their home with the military gear and batons. After several minutes of a very strong police presence there was no incident and the police left the area.

A request was made by CU4PC to the Chief of Police to apologize to the family for the unnecessary show of police force. In the Mayor's Weekly Newsletter, there was a statement made that police were helping neighboring communities with threat of violence and riots. The police were "...required through protocol to wear their protective gear which had not been used in decades. This is not standard operational gear and will hopefully not be needed anytime soon." No direct apology has been made to date to the family on Sisson St.

- c. Request for Police officers to wear name badges to properly identify themselves: The Police Chief stated that all police officers currently have number badges, no name plate. There was a union contract negotiation to remove the name badge a couple of years ago. The Police Chief and Mayor states that the police union is not agreeing to make a

change and that it must be negotiated at the next contract discussion. It is police policy that all police officers must identify themselves when asked.

Cu4PC provided several examples with city officials where police officers refused to give their names and demonstrated hostility when asked. This “confrontation” can simply be avoided by having the police officers wear name badges. The Twenty for 2020 supports that all police officers “shall provide their name and badge number at any time if requested”. CU4PC requested that the issue be renegotiated with the Police Union. CU4PC had requested the Mayor and Chief to invite the President of the Police Union to meet. The Mayor informed us that the President of the Union was unwilling to meet with CU4PC. A member of CU4PC informed the Mayor that the President of the Police Union was interested in meeting with CU4PC. CU4PC asked the Mayor to formally invite the Police Union President to discuss concerns regarding any issues that need to be amended in the contract. No invitation was extended by the Mayor.

The Mayor and Police Chief were in agreement that the police officers should wear name badges and suggested that it was the Police Union President that was against it.

CU4PC requested that in the meantime, police officers should have business cards to be passed out to anyone who requests it. The Mayor and Police chief were agreeable to it and were going to “look into it”. To date, business cards have not been given to police officers.

## **2) Specific Cases Requiring action**

- a. Release an updated public statement on the Dominique Silva case: According to CU4PC, No public statement has been made. According to the Police Chief, the matter is closed. This case involved a police shooting of a man on March 24, 2016 that allegedly pointed a gun at a police officer. The family and community members were demanding the official police report from the City Solicitor. They were not originally given the report.

The case was investigated by the Attorney General’s office, Rhode Island State Police Department and PPD. The case went to a Grand Jury. It is unknown by the general public what was presented to the Grand Jury, which returned with no true bill (Pawtucket Officer was “Lawful and Legally Justified” in the fatal shooting) and the case was dismissed on May 9, 2016.

The release of the official report was delayed for 3 years by the City Solicitor. The city determined that the report not to be made public even in redacted form. On appeal the Attorney General's Office determined there was a public interest in releasing the report, but also determined there were countervailing privacy interests that would allow the city to substantially redact the report.

In the final Investigation report that was released via the Access to Public Reports Act (APRA) request process to Rhode Island Accountability, there were some interesting facts that were not released to the public. 1) Eyewitnesses stated that Mr. Silva had tossed the gun (bb gun) while running away from the officer before he was shot in the back. The autopsy did confirm that Mr. Silva was shot in the back from a distance 2) The bb gun was moved closer to Mr. Silva's body by a police officer.

The delay of the report, misinformation about the facts of the case by the former Public Safety Director and conflicting information that was released to the public has caused the public to question the equity and facts of the case and has led to a lawsuit against the City of Pawtucket by Mr. Silva's family. The Attorney General's office has suggested that the City Solicitor can be sued for delaying the police report.

- b. Reopen the case of Aleida DePina and investigate other involved suspects: This is a very sensitive case of a 10 year old Cape Verdean girl who was abused and beaten to death by her father. The father was found guilty and sentenced to life in prison. It is alleged by some members of CU4PC that there are others involved in the murder. The Chief of Police discussed with CU4PC that anyone with insight or knowledge pertaining to the Aleida DePina case could and should meet with detectives to voice concerns and share any information pertaining to the situation. As with any case, the department asks that anyone with any information relative to this case please provide it to the department for further investigation. In addition, all members of the public can also contact DCYF at 1-800-RI-CHILD to report suspected abuse anonymously.

As a result of the conversation, Capeverdean American Community Development (CACD) will partner with Melissa DaRosa to set up a Victims Of Crime Advocacy (VOCA) program to help serve the community. A proposal has been shared with the Board of Directors of CACD and approved to partner with VOCA service provider to begin services.

Mayor Grebien has agreed to revisit building a new Aleida Depina memorial garden. Due to Covid19, there have been delays.

CU4PC stands against violence and wants to partner with all the agencies involved to help keep our youth safe and understand that there is a need in the City of Pawtucket to have better cultural awareness and language proficiency by the police when interacting with victims, suspects and witnesses.

### **3) Policies in cases of police misconduct charges, investigation and resolution**

- a. Need protection for any individual/whistleblower who has made a formal complaint/restraining order against a Police officer: The Police Chief states that they

follow all statutes for whistleblowers and that they do not condone or accept any retaliation against whistleblowers.

CU4PC shared that there have been several complaints investigated where some Pawtucket residents felt intimidated and were retaliated against by the PPD. Some members of CU4PC believe that superiors are allegedly interfering with proper investigations of whistle blowers which serves to complicate any resolution.

CU4PC demands that this behavior should not be tolerated and requests that complaints of this nature are investigated thoroughly by Internal Affairs.

- b. Need a safe place to report any claims against the police to be handled by Internal Affairs: The Police Chief stated that in 2019, all informational pamphlets were updated to reflect current policies and practices as well as updated personnel. Complaint pamphlets are located in the front lobby of PPD Station, City Hall, Online and via email. The reports which the AG has upheld are available via APRA requirements. Known complaints receive a disposition letter. In addition, the new Community Liaison will explore other notification processes and promote the practice. (Supported by Twenty for 2020)

CU4PC requests that a safe, neutral place be used to file police complaints. CACD has been used in the past as a safe place to report Internal Affairs complaints and currently has restarted the services. CACD will work with the City of Pawtucket to ensure there is a proper process in place. CACD has also begun to partner with R.I. Accountability to assist in this process.

- c. Every police brutality or racial harassment, must be investigated by an approved investigator from outside of the PPD: Police Chief stated that complaints about police brutality or harassment are investigated by a member of Internal Affairs (IA). All individuals assigned to IA currently have at least 10 years of experience in the department, prior investigative experience, and attend Internal Affairs school when it is first available to them. IA will investigate all legitimate complaints involving the department. While each case is independent, IA will generally attempt to locate and speak with potential witnesses, attempt to locate any possible video surveillance, speak with the reporting party and interview the involved officer in accordance with LEOBOR (Law Enforcement Officer's Bill Of Rights). Other levels will go to the Attorney General and/or the State Police.

CU4PC understands that there are policies and a process in place to address police brutality and racial harassment. We expect full transparency in these cases and commitment from the city officials that these types of cases will be taken seriously and fully investigated. NAACP has been brought in on some cases to help mediate. There currently is not a sense of confidence that the complaints are being handled properly by

the city officials. We understand that the Twenty for 2020 includes a review of the LEOBOR process. LEOBOR has traditionally supported the police officer in cases of police brutality and racial harassment. We support any legislative changes that would make the process more fair and support justice for all parties involved.

CU4PC also supports the use of police body cameras to help provide additional evidence. The Twenty for 2020 also supports the use of body cameras. The RI Police Chiefs Association will research grants to help the funding of the body cameras.

- d. No promotions for an officer that has a pending complaint: The Police Chief stated that there is a current process in place where all IA complaints and the officer's personal files are reviewed when the officer is pursuing a promotion. If there is an open complaint case, that will be a factor in the delay of the promotion. In some cases a promotion may still occur with an open complaint, due to the time limit on how long a promotion job can be open.

CU4PC firmly believes that no police officer should be promoted with an existing complaint. The fact that there is a time limit on filing the position should not be a reason to promote an officer with an open complaint.

- e. Release 5 years of Internal Affairs reports: CU4PC members stated that there has been a history of the Pawtucket City Solicitor denying APRA requests and forcing litigation. The city officials stated that, "The department follows court guidelines and releases external reports according to APRA. APRA guidelines may be found on the Attorney General's website."

The city officials are not voluntarily offering the reports. An APRA request must be made. The current City Solicitor has challenged several APRA requests and forced litigation. He has been found to be in contempt of court several times. CU4PC requests that the PPD make the process simple to obtain reports that are available to the public and avoid unnecessary litigation. The Attorney General's office has suggested that the City Solicitor can be sued for delaying the police report.

- f. Any past cases of police brutality, harassment or racism complaints can be used in new cases: The Police Chief confirmed that prior complaints against an officer can be used toward progressive discipline of the officer
- g. Prosecute Police involved in unjust shootings. No Police Immunity: Qualified immunity is a judicially created doctrine. Changes must be made through the RI Legislation. (Supported by Twenty for 2020)



CU4PC will support any RI or national legislation that removes qualified immunity protections.

- h. Replace local prosecutors with federal prosecutors in all police misconduct cases: The Police Chief stated that jurisdiction is currently under the Attorney General's Office. The Attorney General's office makes the decision to involve the federal prosecutors and the State U.S. Attorney makes a final decision if they will take the case.

CU4PC recommends that all police misconduct cases be reviewed with federal prosecutors.

- i. Remove officers with a track record of racism, abuse and/or assault: According to city officials, the city does not tolerate any racial or biased acts. The PPD is aggressive in terminations through the LEOBOR process. The PPD supports continuous diversity and cultural sensitivity training to strengthen community engagement and relations. (Supported by Twenty for 2020)

CU4PC warns that these officers are a potential liability/safety/ social/financial risk to the city. CU4PC requests that the city is committed to aggressively handling these matters appropriately to uphold their zero tolerance policy which should include anti-racism and cultural sensitivity training. The Chief of Police should review cases where a police officer may be a liability in particular neighborhoods and remove the officer from policing the area.

- j. Change the culture of protecting police officers: The Police Chief stated that the PPD has an existing policy which states that any employee of the police division that observes or is aware of any act of misconduct by another employee shall immediately report the incident to the first available supervisor.

CU4PC encourages this to help change the culture. Officers need to be held accountable for their actions and not protected by other police officers, superiors or City Solicitor.

- k. Where does Pawtucket stand on the right to refuse an unlawful arrest?: The Police Chief stated that via RI Statute 12.7.10, there is no right for refusal. This can only be changed through the RI Legislature.

#### **4) Reallocate public safety funds/staffing**

- a. Remove uniformed, armed police from public schools and increase the presence of trained professionals to manage disciplinary matters: The Police Chief stated that there are 5 School Resource Officers (SRO) assigned to middle and high schools in the city - per the School Department's request. In addition, the Pawtucket City Council supports this program and has passed a resolution in support of the SRO program in our schools. PPD

states that the SRO has led to a decrease in school fights and incidents. The Chief of Police has stated that the data has shown that the SROs in schools have made a positive difference.

Request has been made to the Chief of Police to provide summary data on how the SRO has made a difference. To date we have not yet received the information. The ACLU of Rhode Island has raised concerns about how the SROs often escalate minor disciplinary incidents into major ones and turn routine school infractions to criminal matters, unnecessarily introducing children to the criminal justice system at an early age and scaring them in the process.

CU4PC requests that the SRO program be evaluated and community input be considered on whether or not police officers should be in schools. With the upcoming closing of Shea high school and temporarily being merged with Tolman High School, the topic of SRO's engagement should be examined along with other supports for student safety.

Of Note: Neighboring Providence's African American Advisory Group in early December 2020 has laid out a proposed plan to phase out the SRO's in Providence Schools.

## **5) Prioritizing and following through on meaningful commitments to greater community involvement and language equity**

- a. Create Community Review Board: CU4PC proposed that an independent Community Review Board would serve as a civilian oversight board of the police that seeks to make the PPD more transparent, accountable and responsive to the diverse community that they serve. The Mayor originally agreed to having a Community Review Board. However, instead the Mayor created a **Community Advisory Board** via Executive order to "...encourage a more cohesive environment for all citizens and visitors to the City of Pawtucket by promoting the values of diversity and inclusivity." The Mayor has also created and appointed a **Community Liaison position** at City Hall. The Mayor has tasked the liaison to partner with the Community Advisory Board and various community groups and agencies to get their feedback and concerns regarding the day to day situations happening in Pawtucket.

CU4PC applauds the efforts of the Mayor in creating the Community Advisory Board. This board would allow additional community members to be involved and follow up on any demands listed in this report that have not been resolved.

However, the Community Review Board is still needed as oversight to focus on the police related issues that are impacting the city. Therefore, CU4PC settled with the Mayor to create an exploratory committee to research and lay out the steps needed to create the Community Review Board to provide oversight of the police. Due to the Mayor's

opposition to the creation of the Community Review Board and the absurdity of creating an exploratory committee to create a Community Review Board, CU4PC will also explore an option to propose to the City Council to form a Community Review Board to provide oversight of the Police.

- b. All Police statements are reviewed by a designated committee review board member: The Police Chief stated that most police statements are part of an ongoing investigation and therefore confidential. New Community Liaison would assist in sharing information to the community.

CU4PC requests that the police public statements be made timely to help answer questions by the community and to address any concerns.

- c. Community Police relationship building with community organizations and residents of the City of Pawtucket: In the Twenty for 2020 there is a commitment from all police departments that they have quarterly community meetings. According to the Police Chief, the PPD already participates in at least 12 community meetings per year in addition to various community festivals, demonstrations and after school programs and other programs geared towards community outreach. The role of the newly created Community Liaison position should be to enact the city's commitment to improve communication with the diverse communities in Pawtucket.

CU4PC observes that there is currently little to no evidence of community policing. This is supported by Twenty for 2020. It states, "Every Police Department in Rhode Island shall incorporate training resources or book a speaker from a social justice/community relations organization at least once per year in order to strengthen law enforcement relationships with the communities they serve."

- d. Public news conference on all major cases and frequent updates to the family members of suspects or victims: According to the Chief of Police, the standard is to have news conferences held in all major cases and information is shared accordingly.

There has been a recent increase in crimes/homicides that warrant public response from the Acting Public Safety Officer and Police Chief. CU4PC observes that there were no public news conferences to address any recent crimes.

- e. Provide professional interpreters, language translation lines and documents translated in the language that the individuals can understand for both Police and Fire Department situations: The city utilizes bilingual officers (currently none speak the Cape Verdean language) and employees to assist the community with translation. Departments also provided necessary paperwork in multiple languages. The city is in the process of obtaining "Language Line", a 24-hour automated translation service. In addition, the new Community Liaison will explore additional community resources to provide

appropriate language services. The city currently provides translated documents in Spanish and Portuguese.

There is a request from CU4PC to provide documents also translated in the Cape Verdean language and encourage the hiring of police officers that speak the language.

- f. Need interpreters and translators in the Cape Verdean language for DCYF cases or domestic violence and DUI classes: According to the Chief of Police, DCYF is a State organization outside of control of the city. In cases of an investigation, the department uses reliable interpreters in order to ensure the integrity of the case.

**6) Improve police training, cultural awareness, racial representation, selection process, psychological support for police and first responders**

- a. Review current residency requirements for municipal jobs, Police and Fire. Need to have more residents from Pawtucket represented: According to Police Chief, residency requirements are not allowed under state law as of 2013. Historically the city did not previously grant points during the hiring process for Pawtucket residents. They recently made a change to allow extra points for candidates that live in the City of Pawtucket. In addition, the administration has added additional points to be awarded for speaking languages reflective of communities represented in Pawtucket.

A request has been made by CU4PC to the Chief of Police to provide a summary report of the towns the police officers live in. No personal information was requested. To date, this information has not been provided. There is an active APRA request for this information. The City Council has also recently asked for the same information. After denying the first request for a year, the Police Chief was reminded that the City Solicitor approved that a percentage can be given upon request. The Chief of Police then provided a percentage of police officers that live in the City of Pawtucket to the City Council.

- b. Oral interview board for new Police hires must include at least 2 people of color from the community with voting privileges: According to the Chief of police, the existing PPD process invites a representative of the CACD and NAACP to participate. In September of 2020, the city put out a communication seeking more diverse applicants.

It is important that the city commits to diversity hiring in its police department. Community organizations can assist in this area for the 2021 recruiting class. Diversity hiring is supported by Twenty for 2020. The Rhode Island Police Chiefs' Association commits to the creation of a standardized outreach process for recruitment by municipal departments in order to reach new communities of individuals and to diversify its ranks.

- c. Mandatory anti-racism and anti-bias training for all Police and Fire personnel done by 3rd party organization: Police Chief stated that the PPD undergoes annual training on the use of force and cultural diversity. The department also trains on conflict diffusion and de-escalation tactics. The Pawtucket Fire Department also participates in the city's diversity training.

This is supported by Twenty for 2020. It states that "Every Police Department in Rhode Island shall incorporate training resources or book a speaker from a social justice/community relations organization at least once per year in order to strengthen law enforcement relationships with the communities they serve. In addition, the Rhode Island Police Chiefs' Association shall conduct annual hate crimes training from social justice/community relations organizations like the ADL New England at least once per year. Individual agencies shall welcome speakers from other local, regional and national cultural or advocacy organizations. The Rhode Island Police Chiefs' Association shall seek to have chiefs and officers trained as instructors through the RITE Academy, or other program with similar curriculum, with the intention of training the entire police department on cultural bias and implicit bias."

- d. Social Media Training for Police and Fire Departments proposal to be done by a 3rd party organization approved by the community review board: According to the Police Chief, the PPD has rules and regulations regarding social media and code of conduct.

CU4PC members observed that the social media regulations are not being enforced. Community members have read inappropriate statements on the PPD Fraternal Order of Police website and social media from members of the PPD and Pawtucket Fire Department. A complaint was filed by a community member about the FOP social media posts. It was investigated by IA and determined that the city does not regulate the FOP site, which falls under protected political speech. Both the Police and Fire departments have social media policies as well as disciplinary processes where warranted. The issue is still under investigation.

CU4PC has seen examples of how social media has been used by Police and Fire Department members to attack community members who make complaints against city officials. CU4PC has requested the Chief of Police to take these concerns seriously and enforce current social media policies that are in place.

- e. City to hire an agency to do a psychological evaluation or provide mental therapy for police officers: The Police Chief stated that recruits are evaluated thoroughly and receive peer support throughout their career. The PPD has a psychologist on retainer. This is Supported by Twenty for 2020. Every police department in Rhode Island commits to a police officer wellness program that supports physical and mental health and will work with the RIPCA to standardize such a program.

- f. Change the policy to allow the next police chief eligible to be hired outside of the PPD: According to the Police Chief, the eligibility of Police Chief is a contractual issue and no changes can be made till the contract is changed.

CU4PC would like this to be addressed in the next contract for future Police Chief hires. Having the flexibility to hire a Police Chief from outside of the department gives more opportunity to have diverse applicants with diverse thoughts.

- g. The Public Safety Director role should be separated from the Chief of Police role. Need to have a separation of responsibilities and avoid a conflict of interest: According to the Police Chief, the Police Chief is currently the acting Public Safety Director. It is a Mayor's decision to properly fill the role.

CU4PC questions the ethics and efficacy of combining the two positions and why the Mayor appointed the Police Chief as the Acting Public Safety Director, instead of partnering on the creation of a Community Review Board as proposed by the City Council in October 2018. CU4PC would like to see a separation of the duties to have another level of accountability and greater ability to fulfill the needs of two different jobs.

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*Members of CU4PC will continue to be involved and represent their respective organizations to help make the City of Pawtucket a better place for all residents and visitors of the very diverse community. Members of CU4PC will also be involved in the Exploratory Committee toward the forming of the Community Review Board, ongoing conversations with the Community Liaison and other community groups and City of Pawtucket officials, participate in community forums and encourage City Council members to support positive changes. Two members of CU4PC have been appointed by the Mayor to the newly formed Community Advisory Board. CU4PC was not involved in the selection process of any of the appointees. CU4PC notes that the Community Advisory Board is appointed by the Mayor and can be dissolved at any time.*

*We are appreciative of the time spent by Mayor Donald Grebien and Chief Tina Goncalves. Special thank you to the members of the CU4PC team who volunteered countless hours to bring these community issues to the forefront and work toward a peaceful resolution.*