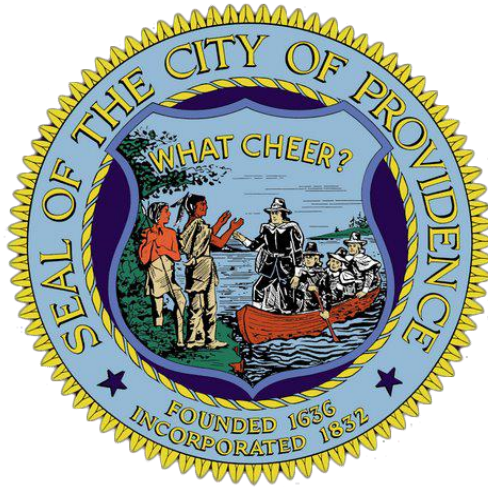


***CITY OF PROVIDENCE
RHODE ISLAND***



DOCKET OF THE SPECIAL MEETING

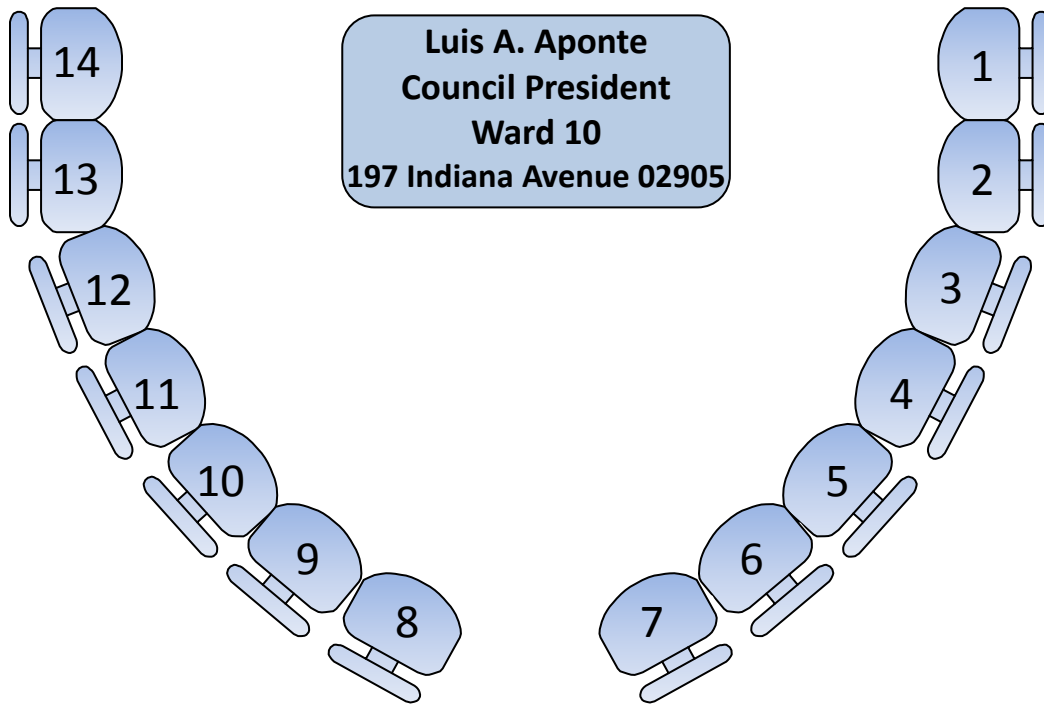
OF THE CITY COUNCIL

ON

THURSDAY, APRIL 20, 2017

***COUNCIL PRESIDENT
LUIS A. APONTE***

PRESIDING



1. Sabina Matos
Council President Pro Tempore
Councilwoman Ward 15
55 Pocasset Avenue 02909

2. Bryan Principe
Majority Leader
Councilman Ward 13
89 Hudson Street 02909

3. Nicholas J. Narducci, Jr.
Councilman Ward 4
36 Langdon Street 02904

4. Wilbur W. Jennings, Jr.
Councilman Ward 8
115 Sinclair Avenue 02907

5. Michael J. Correia
Deputy Majority Leader
Councilman Ward 6
195 Sisson Street 02909

6. Seth Yurdin
Councilman Ward 1
148 Governor Street 02906

7. Terrence M. Hassett
Senior Deputy Majority Leader
Councilman Ward 12
15 Higgins Avenue 02908

8. Kevin E. Jackson
Councilman Ward 3
91 Jenkins Street 02906

9. Jo-Ann Ryan
Majority Whip
Councilwoman Ward 5
590 Pleasant Valley Parkway 02908

10. Carmen Castillo
Councilwoman Ward 9
381 Potters Avenue 02907

11. Mary Kay Harris
Councilwoman Ward 11
304 Pearl Street 02907

12. Samuel D. Zurier
Councilman Ward 2
330 Grotto Avenue 02906

13. David Salvatore
Councilman Ward 14
250 Nelson Street 02908

14. John J. Igliazzi
Councilman Ward 7
19 Legion Memorial Drive 02909

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

COUNCIL PRESIDENT LUIS A. APONTE

1. Request filed with the City Clerk, April 18, 2017, Requesting a Special Meeting of the City Council to be Called on the 20th day of April 2017, Upon The Rise of the 7:00 o'clock P.M. Regular City Council Meeting, in the City Council Chamber, Third Floor, City Hall.
-

WARRANT FOR SPECIAL MEETING

2. Warrant of the City Clerk to David Tassoni, City Sergeant with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 20th day of April, 2017, Upon The Rise of the 7:00 o'clock P.M. Regular City Council Meeting, in the City Council Chamber, Third Floor, City Hall.
-

APPOINTMENT BY THE PRESIDENT OF THE CITY COUNCIL

3. Communication from Council President Luis A. Aponte, dated April 18, 2017, Informing the City Clerk of his appointment of Councilwoman Jo-Ann Ryan as a member of the Special Committee on State Legislative Affairs.

REPORT FROM COMMITTEE

COMMITTEE ON ORDINANCES COUNCILMAN TERRENCE M. HASSETT, Chairman

**Transmits the Following with Recommendation the Same be Adopted,
As Amended:**

4. An Ordinance in Amendment of Chapter 18 ½ of the Code of Ordinances of the City of Providence Entitled "Police," Adding Section 18 ½-4, "Community Safety Act." (*Sponsored by Council President Aponte, Councilwoman Castillo, Councilmen Correia, Jackson, Jennings and Councilwoman Matos, by request*)

CONVENTION

The City Council will Convene in the Chamber of the City Council, City Hall
Upon The Rise of the 7:00 o'clock P.M. Regular City Council Meeting.



**LORI L. HAGEN
CITY CLERK**

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER

No. **AN ORDINANCE IN AMENDMENT OF CHAPTER 18 ½ OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "POLICE," ADDING SECTION 18 ½-4, "COMMUNITY SAFETY ACT"**

Be it ordained by the City of Providence:

SECTION 1: An ordinance amending Chapter 18 ½, "Police," of the Code of Ordinances of the City of Providence, to add a new section entitled "Community Safety Act."

Sec. 18 ½.4 – Community Safety Act.

(a) Definitions.

For the purposes of this section, the following terms shall be defined as follows:

(1) *Racial and other forms of discriminatory profiling* is defined as the reliance on race, ethnicity, color, national origin, use of a foreign language, as a ~~basis for suspecting that a person has committed or is about to commit a crime.~~ Other forms of discriminatory profiling include using gender, gender identity and/or expression, sexual orientation, political affiliation, religion, housing status, physical or mental disability, or serious medical condition as a basis, in whole or in part, for suspecting that a person has committed or is about to commit a crime or is about to commit a crime, unless the officer's decision is based on a specific and reliable suspect description as well.

(2) *Law enforcement officer, or police officer* means any member of the Providence Police Department, duly sworn and vested with police power.

(3) ~~*Standardized Encounter Form*~~ *Electronic Data Collection Report* means ~~forms, designed to produce a facsimile at the time it is filled out, with a unique number identifying the original and its copy, and including prompts and space to record the following information~~ a report produced from the electronic documentation of the following information:

- i) The date, time and general location of the stop;
- ii) The race or ethnicity, gender, and approximate age of the individual(s) stopped; provided that the identification of these characteristics shall be based on the observation and perception of the police officer making the stop and the information shall not be requested of the person(s) stopped;
- iii) ~~The~~ In the law enforcement officer's own words, the reasonable suspicion and/or probable cause, if such exists, giving rise to the stop;
- iv) Whether a search was executed as a result of the stop ~~and the probable cause giving rise to the search;~~
- v) The scope of any search conducted;

- vi) Whether the search was conducted pursuant to probable cause ~~of and/or~~ reasonable suspicion, and what the probable cause and/or reasonable suspicion prompting the search was in the officer's own words to suspect a crime;
- vii) Whether any contraband, including money, was seized in the course of the search, and if so, the nature of the contraband;
- viii) Whether any warning or citation was issued as a result of the stop;
- ix) Whether an arrest was made as a result of either the stop or the search;
- x) The approximate duration of the stop; and
- xi) The name and badge number of the officer.

(4) *Investigatory Activity* means any traffic stop, pedestrian stop, interview, interrogation, detention, frisk, pat-down, or any search of a person or property.

~~(5) *Stop* means an encounter between one or more police officers and one or more civilians in which the conduct of the police communicates to the person being confronted that they was not free to ignore the police and go about their business.~~

~~(6) *Frisk* is a pat-down of outer clothing strictly limited to the purpose of discovering weapons.~~

~~(7) *Probable Cause* means the facts and circumstances known to a police officer at that time that would make a reasonable person think the individual in question has committed, is committing, or is about to commit a crime, or in the case of a search, that evidence of a crime can be found in that cation.~~

~~(8) *Reasonable Suspicion* means the belief, based on some articulable facts, that the person in question has been, is, or is about to be involved in criminal activity.~~

~~(9) *Limited English Proficient Individual* means to a person who does not speak, or understand English, or who does not speak, or understand English proficiently any person whose primary language is not English and/or who does not have the ability to adequately understand or communicate effectively in English.~~

~~(10) *Qualified Interpreter* means an individual who is able to interpret simultaneously and consecutively and sight translate from English into a foreign language and from said language into English, in accordance with RI General Laws §8-19-2. A qualified interpreted must also uphold a code of ethics and professional responsibility, and is required to take an oath to interpret accurately, faithfully, and impartially~~

~~(7) *Transgender* is an umbrella term that describes individuals whose gender identity is different from their assigned sex at birth.~~

(b) Prohibition on racial and other forms of discriminatory profiling and other forms of profiling. When conducting any ~~routine or spontaneous~~ investigatory activity, law enforcement shall not rely on race, ethnicity, color, national origin, use of a foreign language, limited English proficiency, gender, gender identity and/or expression, sexual orientation, political affiliation, religion, housing status, physical or mental disability, or serious medical condition as a basis, in whole or in part, for reasonable suspicion or probable cause suspecting that a person has committed or is about to commit a crime, unless the officer's decision is based on a specific and

reliable suspect description that includes not just these characteristics, but other identifying characteristics or information as well.

(c) Documentation.

(1) ~~Standardized Encounter Forms~~ Electronic Data Collection Report

- i) An officer completing an Electronic Data Collection Report shall record the information identified in subsection (a) (3) of this ordinance.
- ii) The Providence Police Department shall establish policies clearly outlining the definition of “stop” and shall require the completion of an Electronic Data Collection Report the completion of all stops. Said policies shall be public documents and shall be made available on the Police Department website. The Providence External Review Authority shall be notified of any changes to this policy and shall have the power to review and make recommendations for improving the policy. ~~Police must document all traffic and pedestrian stops on a Standardized Encounter Form.~~
- iii) ~~The information recorded must include all fields~~ The subject of a traffic or pedestrian stop shall be able to request and receive, at the police station ~~or through the Providence External Review Authority,~~ a physical copy of the report which includes all of the data elements identified in subsection (a)(3) within ~~twenty four~~ ~~seventy-two(2472)~~ hours of the stop.
- iv) ~~At~~ No later than one (1) year after the passage of this ordinance, it shall be required that, at every stop encounter, the officer shall provide a the subject with information regarding the stop including a reference number to access their report, the officer’s name and badge number, and the contact information for the Providence External Review Authority. ~~copy of the form to the subject of the vehicle or pedestrian stop. The form must be completed and the copy provided so as not to prolong the stop any longer than necessary.~~
- iv) ~~Completed Standardized Encounter Forms shall be retained by the Police Department and shall be considered public records.~~

(2) Video and Audio Recording

- i) The Providence Police Department shall adopt written procedures regarding the use of video and/or audio recording devices such as, but not limited to, dashboard cameras, body cameras, and digital audio recorders, should the Department utilize these devices. These policies shall be public records and shall include, ~~but not be limited to~~ without limitation, the following standards:
1. ~~All stops conducted by police officials with such equipment shall be recorded. The recording shall begin no later than when an officer first signals the vehicle or individual to stop or arrives at the scene of an ongoing stop begun by another law enforcement officer, and the recording shall continue until the stop is completed and the subject departs, or until the officer's participation in the stop ends.~~ Standards setting forth when the

device is required to be activated and when the device must not be activated.

2. The subject of a stop shall be advised by the officer that the encounter is being recorded.

3. A chain of custody record of the recordings shall be maintained.

4. Once a video/audio recording of a stop has been preserved by the Police Department for further investigation, the subject of said stop shall be notified by the Police Department of this action and shall be informed that they, and or their legal counsel, shall have the right to request to view and listen to the recording involving them at a reasonable time and location within ten (10) business days of the request provided that such notification does not adversely impact imminent law enforcement action. Copies of such recordings shall be deemed public documents, subject to the Access to Public Records Act, R.I. Gen. Laws 38-2-1 et seq. ;

~~A subject of a stop that was recorded by a video/audio surveillance camera, and/or their legal counsel, shall have the right to view and listen to the recording at the police station and to obtain a copy of the recording involving them within ten (10) business days of the request.~~

5. The policy shall establish a minimum period of retention for such recordings of no less than sixty (60) days, and procedures to ensure that the recording equipment is in proper working order, and shall bar the destruction of any recording related to an incident that is the subject of a pending complaint, misconduct investigation or civil or criminal proceeding. Such recordings shall be retained for a minimum of ten (10) days after the final resolution of such investigation or proceeding, including the time for any appeal;

6. The policy shall explicitly prohibit any violation of these requirements, including any attempts to disengage or tamper with the video/audio surveillance equipment or to otherwise fail to record stops as specified ~~herein~~ in the policy;

ii) While on duty and in interactions with the public, police shall be prohibited from using personal audio or video recording devices. Only devices subject to the policy outlined above shall be permitted.

iii) Police shall not interfere with, harass, demand identification from, or otherwise intimidate members of the public making video or audio recordings of police activity in any place the individual who is recording has a legal right to be present. Law enforcement officers shall not intentionally block or obstruct cameras or other recording devices. Law enforcement officers shall not damage or destroy recording devices or cameras, and deleting and/or altering recordings or photographs under any circumstances shall be prohibited. However, nothing contained within this section shall limit the ability of an officer to take appropriate

action, if the actions of those recording interfere with the officer's official duties or with the safety of the officer or others.

~~1. Law enforcement officials shall not intentionally block or obstruct cameras or other recording devices. Law enforcement officials shall not damage any recording device nor alter nor erase its content.~~

~~2. Any officer found in violation of subsection (c)(2)(iii) may be subject to a fine of up to \$5,000 and/or a jail term of no longer than fifteen (15) days. Violations of this section may also be the subject of appropriate remedy, and may be enforced by a civil cause of action by the person making or attempting to make the recording.~~

(d) Traffic Stops

(1) Prior to asking the subject of a vehicle stop for their license, a law enforcement officer must, when practicable and consistent with ensuring officer safety or the safety of others, describe to the subject the suspected violation that prompted the stop.

(2) No operator of a motor vehicle shall be requested to provide any documentation or identification other than a driver's license or a form of identification listed in subsection (f)(7), motor vehicle registration, and/or proof of insurance when the motor vehicle has been stopped solely for a traffic violation, unless there exists reasonable suspicion and/or probable cause of criminal activity, or the operator has failed to produce a valid driver's license, or the particular type of vehicle stopped requires other types of documentation specified under ~~R.I.G.L.~~ Title 31 of the R.I. Gen. Laws or under Federal Law.

(3) No passenger of a motor vehicle shall be requested to provide identification or any other documentation by a law enforcement officer when the motor vehicle has been stopped solely for a traffic violation, unless there exists reasonable suspicion and/or probable cause of criminal activity.

~~(4) No law enforcement officer shall use violations of the traffic laws in Title 31 of the R.I. General Laws as a pretext for stopping a motor vehicle for investigatory or other reasons unless there exists reasonable suspicion or probable cause of criminal activity.~~

~~(5)~~ Unless there exists reasonable suspicion and/or probable cause of criminal activity, no motor vehicle stopped for a traffic violation shall be detained beyond the time needed to address the violation.

~~(6)~~ When an individual is cited for driving without a valid license under §31-11-18-18.1 of the R.I. General Laws and this constitutes the only criminal charge resulting from the traffic stop, the individual may be issued a court summons but may not be arrested, provided that the individual can show identification including alternative forms of identification as described in subsection (f)(7). However, in accordance with §31-11-18.1(a) of the R.I. General Laws nothing in this section shall prohibit the arrest of an individual cited for driving when his or her license to operate is suspended, revoked, or cancelled for:

(i) operating under the influence of a narcotic drug or intoxicating liquor;

(ii) refusing to submit to a chemical test; reckless driving;

(iii) manslaughter from the operation of a motor vehicle or operating so as to endanger resulting in death; or

(iv) three (3) moving violations within a one-year period.

(e) Searches

~~(1) No individual shall be requested to consent to a search by a law enforcement officer of their motor vehicle, person, or belongings. The officer shall document in writing on a Standardized Encounter Form their "probable cause" grounds for conducting a search, and shall also, where practicable, call in such information to a dispatcher or supervising officer prior to a search.~~ Any individual requested to consent to a search by a law enforcement officer of their motor vehicle, person, or belongings shall be informed by the officer of their right to refuse consent to the search. An individual's choice not to consent to a search shall not be deemed reasonable suspicion to conduct a search.

~~(2) Prior to performing a search of any individual, and w~~ When practicable and consistent with ensuring officer safety or the safety of others, searches shall be performed by an officer of the same gender identity as the individual being searched shall perform the search. law enforcement officers must inform the individual of the right to request that the search be performed by an officer of the gender of the individual's choosing. Officers must comply with such requests in the performance of searches. If an officer of the requested individual's gender identity is not present at the time, one will be called to the scene as soon as possible so as not to unnecessarily delay the time required to perform the search. Individuals who identify as transgender or gender non-conforming have the right to indicate their preference to be searched by either a male or female identified officer. If the individual's gender request can be reasonably and expeditiously accommodated without risk to officer safety, the request should be granted. The Providence Police Department shall develop and maintain policies and protocols for how officers shall conduct searches of transgender and gender non-conforming individuals. Said policies shall be public documents, available on the Police Department website, and shall be subject to review by the Providence External Review Authority.

~~(3) Police may not use canines to engage in investigatory activity absent probable cause of criminal activity for which that particular canine is likely to provide investigatory assistance.~~

(f) Surveillance and Privacy

(1) Providence Police Department shall not engage in targeted electronic surveillance or physical efforts to collect or retain information about the lawful activities of targeted individuals or groups without reasonable suspicion that such activities relate to criminal activity or a judicial warrant specific to the time, place, and target of such surveillance.

~~(2) Police may not engage in undercover infiltration of groups pursuing First Amendment protected activities without probable cause~~ Police may not engage in an undercover capacity with groups in non-public places based solely on the exercise of First Amendment rights.

(3) Police may not consider an individual's lack of proof of identification or failure to respond to a request for identifying information as probable cause or reasonable suspicion of criminal activity, unless the police have a lawful reason to require identification.

(4) When attempting to determine the identity of a person appearing to be under eighteen (18) years of age, police or their representatives must accept ~~as true~~ any statement of that youth that they do not have any form of identification ~~and~~ in their possession and may not repeat ~~the~~ a request for the same form of identification once a juvenile has stated that they do not have that form of identification.

(5) Police may not photograph ~~juveniles~~ individuals under eighteen (18) years of age or, in the event that age identification cannot be confirmed, individuals who appear to be under eighteen (18) years of age, in accordance with subsection (f)(4), except:

i) As part of formal booking procedures ~~if the juvenile is charged with a delinquency;~~

ii) To document evidence of a crime;

iii) When there is reasonable suspicion and/or probable cause to believe that the juvenile is engaged in criminal activity;

iv) Pursuant to a court order;

v) During large scale public events;

vi) Via ~~automated~~ video or audio recording equipment used in compliance with subsection (c)(2) ~~3(b)~~; or

~~iii~~vii) For the specific purpose of documenting injury sustained by the juvenile.

However any photographs taken of juveniles shall be destroyed within ninety (90) days, unless otherwise prohibited by law, or unless a specific investigation pertaining to the juvenile remains open or specific charges against the juvenile have been filed and a case remains pending against the juvenile.

(6) Police may not inquire about an individual's immigration status.

(7) Any valid identification issued by a foreign government including but not limited to consular identification, foreign driver's license, or passport, shall be considered acceptable identification to the same extent as identification issued by a domestic government agency.

(8) No police officer shall identify any individual as a member of a gang in any list or database maintained by any law enforcement agency, nor in any written notes, reports, memoranda or other document, without identifying criteria for inclusion on a so-called "gang list" or "gang database" that apply to that individual. The list of criteria used to determine inclusion on the "gang list" or "gang database" shall be public information, shall be subject to review by the Providence External Review Authority, and shall not include:

i) Association with other people identified as gang members or any substantially equivalent factor;

ii) Race;

iii) ~~Physical characteristics;~~

iv) ~~Location of domicile; nor~~

iv) Location of encounter.

(9) Gang list/database notification.

(i) Any individual shall have the ability to inquire whether he or she whose name has been included on a “gang list” or “gang database.” If such disclosure does not adversely impact imminent law enforcement action, the individual shall be informed if he or she is in the database by written notice no later than ten (10) business days after the inquiry is received. Additionally, the written notice shall explain the right to appeal and the process to appeal the individual’s inclusion on the “gang list” or “gang database” as prescribed in this ordinance. The fact that an individual inquired about their inclusion on the “gang list” or “gang database” shall not be considered evidence that the individual is a member or associate of a gang, nor shall it be included in the criteria for inclusion on the “gang list” or “gang database.”

(ii) ~~The Police Department shall establish policies for ensuring the safety of the individuals under eighteen (18) years of age notified of their inclusion on the “gang list” or “gang database, in accordance with (f)(9)(ii). Said policies shall be publicly posted on the Police Department website and shall be subject to review by the Providence External Review Authority. Prior to adding any individual under eighteen (18) years of age to the “gang list” or “gang database,” the Providence Police Department shall provide written notice, pursuant to the aforementioned policies, of the designation and the basis for the designation by notarized letter delivered via certified mail to the person and his or her parent or guardian, unless such disclosure would adversely impact imminent law enforcement action,. Additionally, the written notice shall explain the right to appeal and the process to appeal the individual’s inclusion on the “gang list” or “gang database” as prescribed in this ordinance. shall be notified of that fact by notarized letter delivered via certified mail. The letter shall include an explanation of what evidence police have used in alleging that a person is a member of a gang, and a form which the individual may fill out and return in person or by mail initiate an appeal process to remove their name from the “gang list.”~~

(iii) The Police Department shall establish policies governing the handling of the requests and notifications set forth in (f)(9)(i) and (ii), and for ensuring the safety of the individuals notified. Such policies shall be public documents, available on the Police Department website, and subject to review by the Providence External Review Authority.

(10) Gang list/gang database appeals.

(i) The Police Department shall establish policies allowing for the administrative removal of individuals from the gang list or gang database in the event that an individual and the Police Department mutually agree that said individual was added to the gang list or gang database in error. Such policies shall be public documents, available on the Police Department website, and subject to review by

the Providence External Review Authority.

(ii) Upon request, the an individual whose name has been included on a gang list or gang database may challenge that designation through a formal appeal to the Providence External Review Authority, described in section (i)(6). A hearing shall be scheduled within thirty (30) days at which the Police Department shall carry the burden of proof to convince a simple majority of the board establish that the inclusion of the challenging individual on the gang list or gang database was consistent with the established Police Department policy. If a simple majority of the Providence External Review Authority (PERA) finds that the inclusion of the challenging individual on the gang list or gang database was not consistent with established Police Department policy, the challenging individual shall be removed from the gang list or gang database. Such hearings shall not be open meetings and under no circumstances shall evidence or information related to on-going investigations presented at such hearings be shared with any individual beyond the members of PERA, necessary PERA staff, the appellant, and the appellant's legal counsel.

(11) In the event that an appeal is not successful, a notation will be made in the file and in any of transmission of the information concerning that individual, that the person denies the allegation of gang membership or association. The appellant in an unsuccessful appeal shall not be permitted to appeal again for at least one (1) calendar year.

(12) No information related to on-going appeals or successfully contested allegations of gang membership or association shall be shared with any third party unless required by law. Under no circumstances shall contested allegations of gang membership or association be shared with any third party, courts, prosecutors, or schools. Nothing in this section shall be construed to mean that records concerning alleged gang membership shall be withheld from the person whose membership is thereby alleged.

(13) If an individual has no convictions within a two-year period after their name has been placed on the "gang list," and no new evidence meeting the criteria for inclusion on the "gang list" has been found, the name shall be removed and all related records destroyed. A letter confirming that the individual's name has been removed from the gang list shall be sent to the person at their last known address. However, the two-year period shall not include any time the individual spent incarcerated or serving a suspended sentence.

(14) Each year, the Providence Police Department shall produce a report providing the total number of individuals whose names are included on the "gang list," with demographic detail including age, race, ethnicity, and gender, and a total of how many of those individuals have challenged their inclusion on the "gang list."

(15) Each year, the Providence Police Department shall engage an independent auditor, selected by PERA, in consultation with the City Solicitor, and the Commissioner of Public Safety, to audit the "gang list," identify any errors, and make recommendations for improving the operations and use the "gang list." A full report of the results of the audit shall be provided to the Commissioner of Public Safety, the Chief of Police, and to PERA

for its review. The identity of the auditor shall remain confidential.

(g) Language access for Limited English Proficient (LEP) individuals

(1) The Police Department shall ~~establish~~ maintain a language access hotline to connect police officials in the field with qualified interpreters in a timely manner. Officers who wish to question an LEP individual for any reason and are not fluent in a language spoken proficiently by that individual, shall not question that individual without the aid of the aforementioned language access hotline or until without a qualified interpreter is present, except in emergency situations. Police shall not use family members, friends or bystanders as interpreters, except when the aforementioned language access hotline is unavailable or in emergency situations and/or for the purposes of explaining to an individual that they are securing an interpreter or the language access hotline.

~~(2) Police shall not use family members, friends or bystanders as interpreters except in emergency situations.~~ The Police Department shall establish and maintain policies for the use of the language access hotline, setting standards for determining language fluency among officers, and clearly defining emergency situations. Such policies shall be public documents, available on the Police Department website, and subject to review by the Providence External Review Authority.

~~(3) No employee of the Providence Police Department shall serve as interpreter during interrogation. Interpreters must be contracted from outside agencies. All custodial interrogations in police stations or substations involving LEP individuals must be recorded and such recording shall be made available to the interrogated individual and/or their attorneys. Whenever an officer equipped with a body camera conducts a custodial interrogation of an LEP individual in the field, that interrogation shall be recorded. Recordings made pursuant to this subsection shall be made available to the interrogated individuals and/or their attorneys, unless doing so would impede an ongoing investigation.~~

~~(4) (3)~~ Miranda Warnings, and all other vital written materials, will be available to the suspect or witness in their primary language in the five (5) most commonly spoken languages in Providence, according to the most recent Census data. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to the a suspect or witness in their his or her primary language using the contracted interpretation services.

~~(5) (4)~~ At each police building with direct public access, signs shall be posted in the five (5) most commonly spoken languages in Providence, according to the most recent Census data, at each public access point or lobby stating that interpreters are a language access hotline will be provided is available free of charge to LEP individuals.

(h) Collaboration with other law enforcement agencies

(1) Any formal agreements addressing cooperation and mutual assistance between Providence Police and other law enforcement agencies shall be deemed public.

documents, subject to the Access to Public Records Act, R.I. Gen. Laws 38-2-1 et seq., and posted on the City's website unless it adversely impacts investigatory activities.

~~comply with the following conditions:~~

- ~~i) The proposed agreement shall be submitted to the Providence City Council for review and approval.~~
- ~~ii) The outside agency shall agree to comply with all the terms of this ordinance as a precondition for the approval of the proposed agreement.~~
- ~~iii) The text of the agreement shall be posted to the Providence Police Department website.~~

(2) A law enforcement officer shall not detain an individual on the basis of a request from another agency or pursuant to an administrative warrant, after the individual is eligible for release from custody, unless the agency has a criminal warrant, issued by a judicial officer, for the individual, or the detention is otherwise constitutional. ~~A law enforcement officer shall not detain an individual on the basis of a civil immigration detainer request or an ICE administrative warrant after the individual is eligible for release from custody, unless ICE has a criminal warrant, issued by a judicial officer, for the individual.~~ No department, agency, commission, officer or employee acting on behalf of the City of Providence shall use any City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information on the immigration status of individuals in the City of Providence.

~~(3) Police may not arrest individuals based on noncriminal requests by the United States Immigration and Customs Enforcement (ICE).~~

~~(4) The Providence Police Department will not honor requests by ICE to detain or prolong the detention of any individual for suspected violations of federal civil immigration law.~~

(3) Providence Police are not permitted to accept comply with requests by ICE or other agencies to support or assist in immigration enforcement operations conducted solely for the purpose of enforcing federal civil immigration law, including but not limited to requests to establish traffic perimeters related solely to immigration enforcement.

(4) Nothing in this chapter prohibits or restricts any official from sending to, or receiving from federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(5) All joint activities undertaken between Providence Police Department and other law enforcement agencies not governed by formal agreements as covered in this Section shall publicly report as soon as practicable upon completion of the operation.

(6) The Providence Police Department shall abide by the provisions of this ordinance at all times, including when working in collaboration with outside law enforcement agencies.

(i) Accountability and Enforcement:

(1) Generally

i) When conducting a stop or search, a police officer must provide their name and badge number.

ii) Any member of the public may ask an on-duty law enforcement officer for a business card containing the officer's name and badge number. The officer must comply with the request, when practicable and consistent with ensuring officer safety and the safety of others. Such requests shall not be deemed reasonable suspicion of criminal activity. When in uniform, Providence Police officers must wear both their badge number and their name on their uniform.

(2) An individual subjected to any violation of this ordinance, other than a violation of subsection (i)(5), may ~~enforce is law in~~ file a civil action for injunctive and declaratory relief, as well as compensatory ~~or punitive~~ damages against:

i) Any governmental body that employs any law enforcement officer who has engaged, is engaging, or continues to engage in violations of any section of this ordinance; and

ii) Any law enforcement officer who has engaged, is engaging, or continues to engage in violations of any section of this ordinance.

~~(3) In any action or proceeding to enforce this ordinance, the court shall may allow a prevailing plaintiff reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fees.~~

~~(4)~~ (3) Preservation of rights. This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, Section 1983 of Title 42 of the United States Code, the Constitution of the State of Rhode Island and all other federal law, state law, municipal law and all preexisting civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

~~(5)~~ (4) The chief of police shall prepare and make available on the city's website, as well as to the Providence External Review Authority, the City Council and the public, a quarterly report commencing with the city's fiscal year containing the following information:

i) ~~Data compilation of Standard Encounter Forms, prepared by a qualified academic institution, and~~ Compilation of the data collected pursuant to subsection (c)(1), providing at a minimum statistical descriptions of individuals stopped, results of the stop, analyzed by direct and cross-tabulation of race, ethnicity, gender, and age (as perceived by the officer initiating the stop).

ii. Maps or other graphic representations providing approximate geographical locations of aggregate stops ~~based on Standard Encounter Forms~~.

iii. Complaints received by the Office of Professional Responsibility involving alleged violations of one or more provisions of this ordinance.

iv. A summary of all pending civil and criminal litigation against the Providence Police Department or any of its employees, or the City of Providence, alleging violations of any provision of this ordinance.

v. Copies of any new policies or revisions to existing policies enacted during the report period.

(65) The Providence External Review Authority, upon review of all data described in subsection (i)(5)(i), may recommend diversionary reinvestments that would, if implemented, reallocate City funding from the Police Department Budget as a whole, and from the funds specifically allocated to the office of Public Safety Commissioner, to municipal recreation, youth programming and employment opportunities.

- i) A written description of these recommendations shall be submitted to the Mayor and the City Council no later than the last day of January.
- ii) The Mayor and or the Public Safety Commissioner shall provide a written response to the recommendations no later than 20 days after receiving them.
- iii) The Finance Committee of the City Council, or any other Committee within the City Council most responsible for preparing a budget proposal to be considered by the Council as a whole, shall review and respond to the recommendations during its budget deliberations. It shall conduct a public hearing at which members of the public may present their responses to the recommendations. For any city Department potentially affected by a diversionary reinvestment, the Director or their designee must attend the public hearing described in this subsection.

(76) The Providence External Review Authority shall be authorized to review proposed labor agreements between the City of Providence and any labor union representing sworn officers employed by the City at the time tentative signed agreements are submitted to the City Council, and to make recommendations to either or both parties negotiating the labor contract.

(87) The Providence External Review Authority shall be specifically authorized to accept complaints relating to any violation of the Community Safety Act, as well as complaints about improper or inappropriate use of canines.

(j) No provision or violation of this ordinance shall be used as an independent basis to suppress evidence in a criminal proceeding.

(k) Appropriate funding shall be made available to implement the provisions of this chapter.

(j) Severability.

The provisions of this Ordinance shall be severable. If any phrase, clause, sentence or provision of this Ordinance is declared by a court of competent jurisdiction to ~~violate the Constitution of the United States or the Constitution of the State of Rhode Island, or if its applicability to any agency, person or circumstance is held~~ be invalid, the validity of the remainder of the Ordinance and its applicability to any other agency, person or circumstances shall not be affected.

SECTION 2: This act shall take effect on January 1st, 2018.