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November 17, 2025

The Hon. Frank Picozzi
Mayor
Warwick City Hall
3275 Post Road
Warwick, RI 02886

VIA MAIL AND EMAIL

Dear Mayor Picozzi:

This letter is prompted by your recent introduction of a resolution for City Council consideration that requests “the General Assembly amend the jurisdiction, powers, procedures, and penalties of the Warwick Municipal Court.” I understand that the City Council’s Intergovernmental Committee will be meeting later today to discuss this resolution.

In addition to seeking to expand the jurisdiction of your city’s municipal court, the resolution requests adoption by the General Assembly of an amendment to the current statute establishing the court that would eliminate its ability to jail ordinance violators. The ACLU of Rhode Island strongly supports this repeal, and we commend you for recommending that the statute be amended in this way.

At the same time, of course, the City need not wait for the General Assembly to act in order to amend its own ordinances and remove the *local* provisions that authorize jailing of violators for offenses that are in the jurisdiction of the Municipal Court.¹ We therefore believe this would mark an appropriate occasion for the City to take this additional action as it seeks to pursue the formal repeal of that power at the state level.

Some years ago, the Rhode Island Homeless Bill of Rights Defense Committee mounted a campaign that urged every municipality in the state with municipal courts to revise their ordinances to eliminate prison penalties. The committee consisted of working people with lived experience, lawyers, outreach workers, academics, and other advocates working to decriminalize homelessness and poverty. There were a number of reasons for this campaign: recognition that most of the people being subjected to short stays at the ACI for violations of municipal codes were homeless or poor; that even if limited to no more than a one month prison sentence, that period of time was enough to often severely unbalance the lives of those subject to it; and that any offense that truly warranted jail time could and should be brought in district court. As a result of that effort, a number of municipalities revised their codes to decriminalize offenses that authorized jail time.

¹ In addition to the power to impose a jail sentence appearing in the section of the city code establishing the municipal court, Sec. 42-10, a search of the code turns up a second reference to jail time for violations of an ordinance relating to animals, Sec. 4-11.

In addition to the reasons cited above, there was a strong benefit to municipalities in abolishing their authority to send people to prison. It eliminated their obligation to have legal counsel available and present to represent individuals facing possible jail time. That is because state law requires assignment of counsel in municipal court if a person is charged with an offense that contains a *potential* for sending the offender to the ACI:

If a city or town elects to prosecute a defendant with an offense that is punishable by imprisonment in any court created under the authority of this chapter, the court shall advise the defendant of his or her right to be represented by counsel and, if the defendant is indigent, the court shall assign counsel to represent the defendant at every stage of the proceeding. Rhode Island General Laws § 45-2-65(a).

I mention all this simply to confirm the wisdom of your decision to seek repeal of this jailing authority under your municipal court's enabling statute, and to encourage you to take the additional step of proposing City Council repeal of the corresponding relevant ordinances in the interim.

Thank you for your attention to this request, and I hope you and the committee will give it serious consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven Brown", with a stylized, flowing script.

Steven Brown
Executive Director

cc: City Council Intergovernmental Committee
Michael Ursillo, City Solicitor