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August 4, 2015

John Lanni, Jr., City Council President
Cranston City Hall
869 Park Avenue
Cranston, RI 02910

BY MAIL AND EMAIL

Dear Mr. Lanni:

As you know, concerned about the numerous civil liberties implications of the incident, the ACLU of Rhode Island has corresponded with you and other members of the Cranston City Council a number of times since the so-called Ticketgate scandal broke more than a year and a half ago. Now that the Rhode Island State Police assessment of that scandal and other related matters has been released, I am sure that the Council shares the ACLU's deep distress and abhorrence about the innumerable abuses of power and violations of the public trust documented in the report.

The State Police investigation was certainly thorough, but the purpose of this letter is not to rehash the seriousness of the report's findings. Instead, it is to urge the Council to call for some additional investigation in order to obtain answers to questions that the report prompts, but that were beyond the scope of the State Police's investigative mission.

Many of the abuses of authority that are documented in the report address what might be called internal matters: the way that the Mayor, a former police chief and high-ranking police officials treated other officers in the Department. As serious as those abuses were – and they were very serious, involving unfounded disciplinary investigations, attempts to silence dissent, the manufacturing of evidence and the like – we are particularly concerned about abuses of police power against members of the *public*, and especially abuses that may have occurred in circumstances unrelated to those documented in the report.

Perhaps the most striking example from the report is the finding that, with the Mayor's knowledge, Chief Palombo, after having a heated dispute with a City-contracted computer technician, had the technician placed under surveillance for a brief period of time, and then obfuscated the purpose of the surveillance. This blatant abuse of power is noteworthy for at least a few reasons beyond its inherent outrageousness.

First, it appears to have been part of a pattern of questionable surveillance activities conducted within the Department, since the report cites "at least two (2) [other] instances,

[where] Colonel Palombo took the highly unusual step of hiring private investigators to conduct surveillance on members of his own Department.” (Report, page 5) In other words, the same abuses of power against the Department’s own force ended up being used against civilians as well. That such spying was more widespread than could be documented is hinted at by allegations referred to in the report from a former city Director of Personnel who believed that she too had been the subject of police surveillance.

Though her concerns could not be substantiated, they cannot be dismissed out of hand either. Instead, one is left to wonder whether any other incidents of improper surveillance of civilians or city employees took place for political, not criminal investigatory, purposes. In our view, this concern is only heightened by the fact that, in investigating the computer technician, police officials engaged in another blatant misuse of their powers, by “utiliz[ing] the Registry of Motor Vehicles database to identify the location of this individual’s residence and vehicles registered to him.” (Report, page 77). Again, if police misused their access to state databases for one political purpose, the reasonable question naturally arises whether this was the only time such databases were misused.

We therefore believe it is essential that further investigations be conducted to see if any of these troubling, and potentially unlawful, practices were utilized against others in instances unrelated to Ticketgate and the internal power struggles examined by the report.

Our concern that questionable activities used against fellow officers may have seeped into police activities against non-officers is strongly suggested by another finding of the report:

During the course of Colonel Palombo’s investigation into his allegations against his Executive Assistant, the Cranston Police Department issued various search warrants for the telephone records of both Captain Patalano and the Executive Secretary. In reviewing the affidavits in support of the court-authorized search warrants for Captain Patalano’s telephone records as well as the Executive Secretary’s telephone records, it appears that these search warrants were improperly sought. The fact pattern contained within the affidavits for the search warrants appeared to be misleading to the Court. (Report, page 49)

What makes this notable is that at about the same time this misuse of the warrant process was occurring, a Rhode Island judge was finding in a highly-publicized criminal case from Cranston (*State v. Patino*), that the defendant in that case had “made a substantial preliminary showing” that the warrant affidavits filed by Cranston police “contain certain false statements that were deliberate or made in reckless disregard for the truth.”

As I pointed out in a letter I sent to the City Council last July in urging a more thorough investigation of Police Department activities, the judge in that case found numerous other questionable actions: instances of illegal searches, a conclusion that the court testimony of at least two of the officers in the case was “suspicious,” and concerns about “questionable interrogation practices” engaged in by the police in questioning the defendant. (*State v. Patino*, September 4, 2012) Many of these dubious practices seem eerily similar to some contained in the State Police report.

Finally, of course, one cannot forget what prompted the State Police investigation in the first place – the political targeting and punishment by local police of innocent residents in two district wards because of the votes their Councilors had taken on a city police contract.

In addition to demanding answers from the Mayor and other officials about the findings contained in the State Police assessment, we urge the City Council to demand answers as to whether the police department, with or without the knowledge of the Mayor, may have engaged in other questionable activities against city residents since 2009, whether it was through improper surveillance, misuse of state databases, or other questionable undertakings such as those that have now been documented.

The State Police report emphasizes, and we do not disagree, that the vast majority of the rank-and-file police officers in the City perform their jobs admirably and should not be tainted by the abusive actions of a few. At the same time, we believe the public deserves to know whether the improper actions so thoroughly documented in this report were, somewhat incredibly, the only such abuses to take place, or whether there were other unknown victims of similar violations of the public trust.

In a coda that seems prescient in light of the report’s findings, it is worth repeating Judge Savage’s conclusion in examining all of the police conduct in the Patino case:

“In all, the Court finds that the Cranston Police Department’s actions – both with regard to the illegal search and the ensuing investigation into Defendant’s culpability – manifested an overall attitude of gross negligence, if not downright recklessness, in blatant disregard of the requirements of the law.”

We believe it would be a mistake to ignore the legitimate intimations that the findings of the State Police report are the tip of an iceberg, and may represent part of a broader pattern of police misconduct that cannot and should not be ignored lest it unintentionally promote a culture of indifference to basic civil rights that may continue to sprout in other contexts.

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The Hon. John Lanni, Jr.
August 4, 2015

Thank you in advance for considering this request.

Sincerely,

Steven Brown
Executive Director

cc: Cranston City Council
The Hon. Allan Fung, Mayor
Col. Michael Winquist
Col. Steven O'Donnell