



128 DORRANCE STREET, SUITE 400
PROVIDENCE, RI 02903
401.831.7171 (t)
401.831.7175 (f)
www.riaclu.org | info@riaclu.org

May 1, 2017 (by e-mail)

Dear Providence City Council Ordinance Committee Members:

I am writing in response to the item on your committee agenda today entitled “Resolution Establishing a Working Group to ensure the proper implementation and enforcement of the Community Safety Act.”

We know there is some confusion about the status of this resolution. News reports have stated that it was passed by the City Council last week when the vote on the CSA was postponed. However, the resolution’s presence in your committee suggests that it was only introduced, not approved, and therefore referred to this committee for action.

Either way, we wish to make the Committee aware of our concerns with the resolution in its present form. First, I assume that Committee members are well aware of the legitimate outrage among members of the community supporting the CSA over the make-up of the working group established by the resolution. Although the working group’s mandate is to “make recommendations to the City Council for amendments and/or ordinances changes that would help achieve proper implementation and enforcement” of the Act, it has no explicit representation by any community members or organizations that worked for years in drafting the CSA, even as it reserves three of eight seats for law enforcement representatives. The unfairness is obvious. We hope the Committee does not have an interest in supporting a resolution to establish a working group whose legitimacy will be undermined from the start.

Having said that, we wish to raise a much more substantive concern with the resolution that, as far as we know, has not been touched on at all. There can be no question that this working group, once established, will be a public body subject to the state’s Open Meetings Act (OMA). We are therefore perplexed by a sentence contained within the resolution stating that the working group “shall be permitted to enter executive session.” We are perplexed for two reasons.

First, as a public body, the working group will have *all* of the rights and responsibilities of every other public body under the OMA, including posting timely agenda notices and allowing members of the public to record meetings. It is difficult to understand why the right to enter executive session – assuming the criteria for holding one under the statute are met – is the only OMA matter singled out by the resolution. It strikes us as an encouragement to the working group to meet in secret.

That leads to our second point. Frankly, we are unable to think of *anything* the working group might discuss that would fit within any of the OMA exemptions allowing for executive

sessions. To the contrary: The working group's mission of recommending how to help "achieve proper implementation and enforcement" of the CSA is precisely the sort of policy discussion that is meant to occur in open session, not behind closed doors.

Because we fear the current language might give working group members a misleading impression, we urge that this sentence be deleted. But if the issue is to be addressed at all, we would suggest that the resolution instead specify the opposite – that the working group "*shall not* be permitted to enter executive session."

Thank you in advance for considering our views.

Sincerely,

Steven Brown
Executive Director