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May 10, 2016

Chief Richard Tamburini  
Johnston Police Department  
1651 Atwood Avenue  
Johnston, RI 02919

Dear Chief Tamburini:

We recently received a complaint about your police department's enforcement of a Town ordinance banning "aggressive begging." Ord. 210-5. Specifically, a panhandler who was holding a sign at the corner of Plainfield and Atwood Avenue a month or two ago contacted us to tell us he was twice told by a Johnston police officer that he would be arrested if he didn't move. Fearing arrest, he has not gone back there to panhandle since he had that encounter.

We believe that the Town ordinance raises significant constitutional concerns by impinging on the First Amendment rights of the homeless and the poor. In the past year, in fact, at least three courts elsewhere have struck down laws very similar to the Town's "aggressive begging" ban. *See Thayer v. City of Worcester*, 2015 WL 6872450 (D.Mass. 2015); *Browne v. City of Grand Junction*, 2015 WL 5728755 (D.Colo. 2015); and *McLaughlin v. City of Lowell*, 2015 WL 6453144 (D.Mass. 2015). The unsuccessful defense of these laws has come at great financial expense to those cities.

I would note that, in recognition of its dubious constitutionality, City of Providence officials recently agreed to halt enforcement of a very similar ordinance that had been enacted some years earlier.

I am therefore writing in the hope that you will take similar action and advise all officers to immediately halt enforcement of this ordinance. May I hear from you by May 17th that officers have been apprised of the questionable legality of these ordinances and will refrain from charging, or threatening to charge, anybody under them?

Thank you in advance for your prompt attention to this matter, and I look forward to your timely response.

Sincerely,

Steven Brown  
Executive Director

cc: The Hon. Joseph Polisena  
William Conley, Jr.