

ACLU OF RI PROTECTING OUR IMMIGRANT COMMUNITIES MODEL IMMIGRATION ORDINANCE SENT TO ALL RI MUNICIPALITIES

The ACLU of Rhode Island urged officials in all 39 of the state's municipalities to adopt a comprehensive ordinance to protect their immigrant communities from constitutionally dubious federal immigration requests.

A FEW KEY POINTS OF THE MODEL IMMIGRATION ORDINANCE

- Law enforcement agents cannot stop or interrogate people based on their suspected immigration status.
- Absent a judicial warrant, law enforcement shall not honor ICE or CPB “detainers” except in limited circumstances.
- Local agency resources cannot be used to create a registry based on race, gender, sexual orientation, gender identity or expression, religion, ethnicity, or national origin.
- Municipalities must limit collection of immigration-related information and ensure nondiscriminatory access to benefits and services.
- Municipal school districts shall adopt policies on dealing with immigration agency requests for information about students’ immigration status and cooperate with such requests only to the extent required by law.

fact, may face legal liability for doing so. Recently, the ACLU of RI successfully sued on behalf of a Providence resident and U.S. citizen who was subjected to a humiliating strip-search and held overnight by the RI Department of Corrections – the result of the state honoring an unlawful federal immigration detainer. (Continued on next page.)

Many Rhode Island residents and public officials have expressed serious concerns about the federal administration's efforts to compel local jurisdictions to



support its immigration agenda. A draft ordinance sent by the ACLU to Rhode Island’s mayors, police chiefs and city councils includes such provisions as requiring judicial warrants before honoring ICE detainers; rejecting participation in a program, known as 287(g), that essentially deputizes local police to serve as immigration agents; and avoiding other forms of engagement in immigration enforcement that can adversely affect public safety and undermine good police-community relations.

In a letter accompanying the draft ordinance, the ACLU noted that “ordinances like this one promote public safety by maintaining and encouraging positive police-community relations. Residents serve as witnesses, report crime, and otherwise assist law enforcement. The foundation for this cooperation can often be destroyed when local police are viewed as an extension of the immigration system.”

Furthermore, the letter pointed out, many officials are unaware that they have no legal obligation to honor immigration civil detainer requests, and in

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FROM THE DESK OF THE EXECUTIVE DIRECTOR

As we anticipated, in the past two months the Trump administration has continued to threaten civil liberties on multiple fronts. In response, we've worked diligently at the state and local levels to defend those liberties.

As this newsletter notes, we have responded to the Administration's constitutionally dubious immigration agenda by urging all of RI's city and town councils to pass ordinances aimed at protecting our immigrant communities, and by suing immigration officials for access to documents relating to local implementation of the "Muslim ban."

And when the President repealed federal guidance protecting transgender students, we banded together with 14 other local organizations and sent a letter to Rhode Island's school superintendents, calling on them to reaffirm their district's commitment to providing safe learning environments for those students.

Of course, these efforts were in addition to all of our other ongoing legal, legislative and public education work to protect and promote civil liberties in the state.

So, yes, we've been very busy. Hearteningly, so have many of you – by becoming ACLU members, volunteering with us, participating in rallies, organizing fundraisers, and more. On behalf of all of us here at the ACLU of RI, thank you. It makes our work a little easier – and more rewarding. Let's keep it up, together.

– Steven Brown



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(Continued on previous page.) In response to the Trump Administration's threat to withhold funds from jurisdictions that fail to direct resources towards federal immigration priorities, the ACLU of Rhode Island pointed out that the Administration is likely to encounter substantial constitutional hurdles if it attempts to follow through on that pledge.

LAWSUIT DEMANDS DOCUMENTS ON IMPLEMENTATION OF TRUMP MUSLIM BAN

As part of a nationwide effort, the ACLU of Rhode Island and five other New England ACLU affiliates filed a lawsuit demanding government documents about the on-the-ground implementation of President Trump's Muslim bans.

The lawsuit is seeking records from the Boston field office of U.S. Customs and Border Protection (CBP) related to CBP's implementation of President Trump's Muslim bans at T.F. Green, Bradley, Bangor, Burlington, Logan and Manchester airports.



"As a number of courts have already ruled, President Trump's 'Muslim Ban' executive orders are discriminatory and unconstitutional, and as such are an attack on our country's most fundamental values," said Steven Brown, executive director at the ACLU of Rhode Island. "Another fundamental principle of our democracy is the public's right to know – and that's where this lawsuit comes in."

The ACLU first sought this information through multiple Freedom of Information Act (FOIA) requests submitted to CBP offices around the country on February 2, 2017. Since the government has failed to substantively respond, the ACLU is now suing to enforce the request.

This more recent action includes 13 FOIA lawsuits across the country. Each lawsuit seeks unique local information regarding how CBP implemented the executive orders at specific airports and ports of entry in the midst of rapidly developing, and sometimes conflicting, government guidance. Media reports indicate that even after federal courts ordered officials to stop enforcing the executive order following a court challenge from the ACLU and other organizations, CBP officials nonetheless detained and deported individuals.

The ban has affected many Rhode Islanders. One that has been widely reported involves a Syrian doctor who had been tortured in the civil war there, came to Brown University last fall, and got stranded in Turkey, where he was checking on a humanitarian project he had started there, when the travel ban was issued, and is now unable to return to the states.

ACLU OF RI FILES BRIEF IN SUPPORT OF RELEASE OF 38 STUDIOS GRAND JURY RECORDS

The ACLU of Rhode Island filed a “friend of the court” brief in R.I. Superior Court this month in support of Governor Gina Raimondo’s petition to have the court release the grand jury records of the 38 Studios investigation.

While acknowledging that grand jury records should ordinarily be protected from disclosure, the ACLU’S brief, filed by Roger Williams University School of Law Professors Jared Goldstein and Andrew Horwitz, argues that the 38 Studios investigation “presents a truly exceptional circumstance that justifies disclosure.”

The brief explains, “Unlike a typical grand jury investigation involving allegations of private crime by private individuals, the investigation of 38 Studios addressed a matter of public policy of extraordinary importance that involved the decision by the state to invest \$75 million in public funds. In a well-functioning democracy, the people have a need to know how the state decides to spend public funds, and this need vastly outweighs any minimal interests in secrecy present here.”

The brief also responds to various arguments made by RI Attorney General Peter Kilmartin, who has objected to release of the records. The AG brief seeks to distinguish some of the cases cited by the Governor where grand jury records were released by noting that disclosure occurred after the witnesses were dead. However, the ACLU brief

argues, “Rhode Islanders need to understand today what went wrong with 38 Studios so that they can properly oversee state government, prevent future abuses, and avoid a recurrence of the mistakes that were recently made. It is not enough that our grandchildren may someday understand what happened. For representative democracy to work, Rhode Islanders need to know now what led public officials to make crucial decisions on how to spend the state’s money.”



ACLU volunteer attorney Goldstein said, “This case is about preventing misuse of government power. The people of Rhode Island can only stop the State from abusing power if they know how disasters like 38 Studios happened.” ACLU of RI executive director Steven Brown added: “Many questions still swirl around the 38 Studios fiasco. The grand jury documents may not answer all of them, but their release will help bring some finality to this unfortunate chapter in Rhode Island’s history.”

ACLU PREPARES LAWSUIT OVER LATEST CRANSTON PANHANDLING LAW



Following up on a successful legal challenge last year to a Cranston anti-panhandling ordinance, the ACLU of RI is preparing a lawsuit on a new one that the ACLU believes is just as unconstitutional.

Passage of the latest ordinance prompted protesters to spend an afternoon at a busy intersection defying the new law and getting cited for it. However, other protesters simply standing on medians holding signs – something not illegal under the ordinance – were also cited with violating a totally irrelevant state law that bans the “cross[ing] of any freeway.” The ACLU is considering filing a separate legal challenge to those improper citations.

2017 LEGISLATIVE UPDATE: ANTI-CIVIL LIBERTIES LEGISLATION

The 2017 General Assembly session is more than halfway done, and the ACLU has already weighed in on hundreds of bills. In our last newsletter, we highlighted some of the positive civil liberties legislation under consideration; this month, we're discussing some of the bills that pose the greatest threats to your rights. Below is just a sampling of them and, with many more weeks to go, the worst of the legislation may have yet to be introduced. For updates on these and other bills, visit our website at www.riaclu.org.

FIRST AMENDMENT RIGHTS

Panhandling (*H 5210* and *H 5258*)

These two bills, which are clearly aimed at panhandling, would have a much broader impact on the exercise of First Amendment rights generally. *H 5210* makes it illegal for a driver or passenger in a motor vehicle to "stop on any public highway to give any person any item," while *H 5258* bans loitering on a public highway under certain circumstances.

The ACLU has been a persistent critic of municipalities trying to pass ordinances aimed at criminalizing panhandling. So far, all but Cranston have backed down from passing constitutionally dubious proposals.

Revenge Porn (*H 5304*)

After being vetoed by Governor Raimondo last year, The Attorney General's so-called "revenge porn" legislation has once again passed the House. The bill, which requires neither revenge nor porn, would make it a crime to electronically transmit any nude or sexually explicit images without the person's consent.



The Media Coalition and the R.I. Press Association have joined the ACLU to oppose the bill, noting that it is so broadly worded it would make it a crime to disseminate some of the graphic Abu Ghraib photos and the award-winning Vietnam "napalm girl" photo. Only Reps. Edith Ajello and Jason Knight voted against the bill on the House floor.

IMMIGRATION

During the past couple of months there have been several bills introduced which aim to promote discrimination against the immigrant community and encourage municipalities to partake in federal immigration enforcement.

In March, the House Judiciary Committee heard testimony on three immigration bills, two of which (*H 5093* and *H 5394*) aimed to require assistance from state and municipal government in the enforcement of immigration laws. On the other hand, *H 5515*, introduced by Representative Shelby Maldonado, would set in place protections against any federal mandates to enforce immigration detainers. The ACLU as well as dozens of other individuals and organizations testified in opposition to the anti-immigrant bills and in support of *H 5515*.

The ACLU has been a vocal opponent of any legislation or executive orders aimed at forcing municipalities or state police agencies to enforce immigration laws. Our concerns have included the potential increase in racial profiling in enforcing the law and the unlawful arrest of individuals on constitutionally problematic immigration detainers.

In a similar fashion, during the month of March the House Labor committee heard testimony about a bill trying to make E-Verify use mandatory by all Rhode Island employers. The ACLU noted that E-Verify continues to be an error-prone system since it disproportionately disqualifies legal workers with Hispanic and Arabic last names, is used by employers to discriminate against potential workers, and fails to prevent many undocumented workers from obtaining employment.

CRIMINAL JUSTICE

“Blue Lives Matter” (H 5260)

This legislation would enhance the penalties for crimes committed against a police officer by making them “hate crimes.” Treating crimes against police officers as hate crimes devalues the discrimination that truly marginalized communities such as members of the LGBTQ community and people of color have faced for decades. FBI reports demonstrate that crimes committed against police, regardless of motive, are at an all time low.

A related bill (H 5690) would provide immunity to any motorist who “negligently” runs over street protesters!

Unauthorized Computer Access (H 5543, S 592)

As part of a package of computer crimes legislation put forward by the Attorney General’s office, whistleblowers would be treated the same as malicious hackers, and be subjected to felony penalties for gaining “unauthorized access” to a computer.

PRIVACY

Automated License Plate Readers (ALPRs) (H 5531)

This legislation authorizes the installation of automated license plate readers (ALPRs), which are as many as five cameras mounted to police cruisers or other vehicles, capable of capturing images at high speeds and across several lanes of traffic. ALPRs examine license plate data against a series of databases and store this information, along with the date, time, and GPS location of the vehicle. Prior to any use of ALPRs, the ACLU believes it is critical that the State implement clear and specific restrictions on the use of this technology, particularly by law enforcement. A separately introduced bill (H 5989) attempts to do that.

Prescription Drug Database (H 5469, S 656)

Just a few years ago, the General Assembly took some important steps to protect the privacy of individuals by requiring law enforcement to have a warrant before accessing records in the state’s prescription drug monitoring program (PMP). However, this Attorney General legislation seeks to undo that protection. During March, the ACLU and the Rhode Island Medical Society testified against

this bill, stating that the legislation would leave the prescription information of thousands of Rhode Islanders open for scrutiny by police without judicial oversight.

RIGHTS OF EX-OFFENDERS

Background Checks

As in past sessions, numerous bills have been introduced this year to expand the required use of criminal background checks for a wide variety of employees, professionals and volunteers, and disqualify those individuals based on broad standards. All of these bills would make it more difficult for ex-offenders to reenter the workforce and community.

Those bills include H 5229, requiring national criminal checks for volunteers at youth serving agencies, and S 661, authorizing such checks for people working or volunteering in religious organizations.

H 5084, H 5733, and H 5451 would require national checks on individuals seeking to receive medical laboratory licenses (even though they have no direct contact with the public), become CASA volunteers, and obtain a contractor’s license.

Sex Offenders

Several bills were heard in the Senate and House Judiciary Committee in efforts to once again place barriers in the way of former sex offenders trying to reintegrate themselves into the community.

H 5159 would bar residential facilities receiving state assistance from providing more than 10% of its units to sex offenders, H 5207 and S 55 would establish penalties for homeless shelter personnel who fail to report the presence of a sex, H 5722 would limit how many days certain sex offender scan stay in a hotel, and H 5724 requires school departments to notify parents of students whose bus stop is within 1,000 feet of a sex offender’s residence.

There is a good deal of irony in bills to bar sex offenders from staying in shelters or hotels. Some of those offenders are there because of laws the General Assembly has passed, limiting the locations where they can reside. The ACLU is presently in court challenging one of those laws.



15 ORGANIZATIONS CALL ON R.I. SCHOOL DISTRICTS TO REAFFIRM RIGHTS OF TRANSGENDER STUDENTS

In the wake of the Trump Administration's repeal of federal guidance that clarified the protections available to transgender students under federal law, fifteen Rhode Island organizations supporting the rights of LGBTQ students have sent a letter to all school district superintendents in the state asking them to "forcefully and publicly reaffirm" their school district's commitment "to providing a safe, protective and non-discriminatory space" for those students. Saying that the repeal action sent a "troubling message" to transgender

youth, the groups called it crucial for superintendents to "urgently counter" it.

Some school districts – including Providence, East Greenwich, Cumberland and South Kingstown – have already done so, as has the RI Department of Education. But many have not, and the letter called on those districts that do not yet have a formal policy protecting transgender students to "adopt one expeditiously." As a supplement to the letter, the ACLU of Rhode Island has filed a separate open records request with each school district to obtain a copy of their policies addressing the rights and protections afforded transgender students.

NEWS BRIEFS

ACLU and RIDLC Call for Updated Police Policies for Deaf and Hard of Hearing

The ACLU of Rhode Island and the Rhode Island Disability Law Center have sent a letter to every police chief in Rhode Island urging them to ensure their policies comply with federal anti-discrimination laws regarding accommodations for people who are deaf or hard of hearing. The letter was prompted by the organizations' recent settlement of a federal lawsuit on behalf of Woonsocket resident David Alves. In July 2015, Alves, who is profoundly deaf, was unlawfully arrested and detained overnight by Woonsocket police and was never provided an interpreter or any other services to allow him to communicate.

As part of that settlement agreement, the Woonsocket Police Department agreed to adopt and implement a detailed policy that provides guidance to officers on how to meet their legal obligations in working with people who are deaf or hard of hearing. The letter that has been sent to all of Rhode Island's police chiefs urges them to review their practices and policies to ensure that they also are in line with federal anti-discrimination laws, since the organizations suspect that many of them are not in compliance.

Testimony for Anti-Profilng Ordinance

The ACLU testified in support of the Community Safety Act in Providence, an anti-racial profiling ordinance that community groups have been pushing for years. Supporters are hopeful for a City Council vote in the coming weeks that approves the compromise ordinance now before them.

Housing Authority Ex-Offender Rules Revisited

The Affiliate testified at a Providence Housing Authority public hearing on revised rules that would ease the agency's current harsh policies banning many people with criminal records from qualifying for public housing.

Courts Hear Arguments in Medical Marijuana, Housing Discrimination Cases

Oral arguments were heard in two ACLU cases in Superior Court this month. One is our lawsuit on behalf of a job applicant denied employment because of her status as a medical marijuana patient. The other is a challenge to a Providence zoning ordinance banning more than three unrelated college students from living together in certain locations. Decisions in the cases may be issued in the next month or two.

ORGANIZATIONAL NEWS

THANK YOU!!!

A huge thank you to all the local businesses, bands and organizations that have recently taken it upon themselves to host fundraisers for the ACLU of RI – including:



Marika Van Vessem, Pam Steager and Sally Mendzela at RESIST.

- The Sanctuary Sessions at the Parlour
- Providence Hoot at Carpenter Street Gallery
- Pub Sing at Bucket Brewery
- RESIST - Sandywoods Center for the Arts
- RESIST - VanVessem Gallery
- The Cable Car Cinema
- Salvation Music Series at the Salvation Café
- Headmaster Magazine
- Kathrine Lovell Studio & Gallery

1984 MOVIE SCREENING

On April 4th the Cable Car Cinema hosted a sold out screening of the movie *1984* to benefit the ACLU of RI. A lively panel discussion about Orwell and the current state of civil liberties followed. Thank you to the Cable Car Cinema and to all who attended!

VOLUNTEER TRAININGS

We've hosted a number of volunteer trainings in the past few months to accommodate new members who have expressed interest in helping out at the ACLU of RI. Attendees learned about ACLU history, discussed what it means to be an ACLU supporter and ate treats.



UPDATE FROM THE BROWN UNIVERSITY ACLU CHAPTER

The Brown University Chapter of the ACLU of RI is thriving! The group currently has about 45 regular members, a 6-person executive team and more than 450 students on their mailing list. Right now they are planning a fundraiser for the ACLU of RI and meeting with local non-profits to expand community outreach. In addition, here are a few of the other initiatives they've been working on:

- **Prisoner Rights:** The group partnered with the Center for Prisoner Health and Human Rights, pledging to read their overwhelming prisoner mail. They will be responsible for reading and responding to the mail as well as informing the Executive Director of any unique circumstances.
- **Reproductive Rights:** They researched the Reproductive Health Care Act, meant to codify the federal standard for reproductive rights in state law, and assembled a list of lawmakers to contact to express support. The group is planning on conducting a phone bank and meeting with lawmakers.
- **Know Your Rights:** This project focuses on distributing information to the greater Providence area. This semester, they created pamphlets with information outlining individual rights when interacting with an ICE agent or participating in a protest. These pamphlets will be distributed on College Hill, and to various Providence community groups.
- **Facebook:** You can stay up to date on their activities by following them on Facebook – they are **Brown ACLU!**

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ONE PERSON'S TRASH IS THE ACLU'S TREASURE

Over the years, the ACLU of Rhode Island has received numerous donations from Eastside Marketplace's charitable giving program, the Friendship Fund. If you shop there, please take just a moment after completing your shopping to set aside your receipt. When the ACLU returns receipts to Eastside Marketplace, we receive a check for 1% of the total register receipts redeemed. The more receipts we redeem, the more money we raise! Please mail your receipts to ACLU of RI, 128 Dorrance Street, Suite 400, Providence, RI 02903. Thank you!

IS OUR INFORMATION ABOUT YOU CORRECT?

Please take a look at your address label - was the information listed correctly? If not, please contact our office so we can correct it:

info@riaclu.org OR (401) 831-7171

SAVE THE DATE: PRIDE FEST: Saturday, June 17, 2017



As usual, the ACLU of Rhode Island will be celebrating Pride Month with a table at this year's Pride Fest in Providence. The

ACLU has a long history at this event; in fact, it was only because of ACLU legal intervention that the first annual Pride Fest was able to occur in 1976. We invite you to visit our table, take some info and do the LIMBO! If you would like to volunteer at our Pride Fest table this year, contact the office at (401) 831-7171.