

STATE SUED OVER FOOD STAMP BENEFIT DELAYS CAUSED BY UHIP COMPUTER DEBACLE



ACLU volunteer attorney Lynette Labinger at a news conference announcing the filing of the suit, along with Gretchen Bath who described some of the hardships her clients are facing.

The ACLU of RI and the National Center for Law and Economic Justice (NCLEJ) filed a class action lawsuit this month over the state's ongoing, critical, and widespread failure to timely provide food stamp benefits to needy families, due largely to its transition to a new, and very troubled, computer system.

The lawsuit argues that implementation of the "systematically inadequate and faulty" new system designed to determine food stamp eligibility "continues to cause thousands of households to suffer the imminent risk of ongoing hunger as a result of being denied desperately needed assistance to help them feed their families."

Under federal law, states participating in the food stamp program must process food stamp applications within thirty days of the date of application, and to provide expedited food stamps to eligible households within seven days. The federal lawsuit, filed by ACLU of RI volunteer attorney Lynette Labinger and NCLEJ attorneys, was filed as a class action on behalf of all food stamp applicants affected by DHS' failure to process the applications in a timely manner. The two named plaintiffs have endured the Kafkaesque food stamp application process created by the new system, facing multiple delays in getting their food stamps due to computer glitches, lost paperwork, and other problems.

For example, plaintiff Mea Martinez, a mother on disability supporting three children, submitted her application in August. Hearing nothing, she went back to the DHS office one day in early October, where she waited in line for four hours, but never got to see anybody. When she finally heard back from a DHS worker this month, she was told that she would have to start the process over if she did not appear that day with paperwork. She did so, but was then told her benefits could still not be processed because of computer issues. Since August, she has been going to food pantries to get critically needed food for her family of five.

As of last month, the state had failed to timely process half of the food stamp applications of the neediest households that were entitled to expedited processing of their applications within seven days. The suit cites correspondence between the federal government and the state in which the federal agency repeatedly expressed concern that the computer system was not ready to go online, but the state forged ahead anyway to implement the new computer system known as UHIP.

Among other remedies, the suit seeks the issuance of a court order requiring applications to be timely processed. Notwithstanding the strict and obligatory federal timeline standards designed to protect needy families, the state has said it does not expect to have the system completely fixed until June of 2017.

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FROM THE DESK OF THE EXECUTIVE DIRECTOR

As a result of last month's election, one thing is indisputable: we will have our work cut out for us in the months and years ahead. Already, campaign rhetoric that was awash with a disregard, if not disdain, for civil liberties for free speech is being drafted into proposed federal policy.

But the ACLU has been through the dark times before, and I am confident that - with your help - we will be able to surmount the challenges that lie in front of us, as we have done in the past.

An important point to keep in mind is that with the federal branches of government unlikely to be friendly to civil liberties in the coming years, the onus falls on *our Affiliate* to prevent the rolling back of any civil liberties at the state level. We must work just as hard to *expand* the frontiers of justice, freedom and equality for Rhode Islanders if we cannot expect much progress nationally.

We stand ready to support the many groups in RI fearful of what the next four years may bring and who are looking to us to help them. But we need your help to succeed. So please consider making a special end-of-year tax-deductible donation to help us with the work that lies ahead. Thanks as always.

-- Steven Brown



ACLU Foundation
of Rhode Island
128 Dorrance St., Ste. 400
Providence, RI 02903
P: (401) 831-7171
F: (401) 831-7175
www.riaclu.org

ACLU SUES FIRE DISTRICT OVER SEX-DISCRIMINATORY FIRINGS

The ACLU of RI has filed sex discrimination lawsuits on behalf of two female EMT/firefighters, Kimberly Perreault and Linda Ferragamo, who allege that the Harmony Fire District in Glocester terminated them from their jobs because they had raised concerns about differential treatment between male and female firefighters.



ACLU plaintiff
Kimberly Perreault

Perreault's firing, the lawsuit alleges, was in retaliation for comments she made at a Harmony Fire District Board meeting in October of 2014. At the meeting, Perreault, Ferragamo, and several male firefighters expressed concerns about women not getting fair treatment in the fire department. Among other things, they alleged that the fire district had become a "boys club" and that the women had no input, and in Ferragamo's case, that her protective equipment had been taken away from her and "provided to a new male in the department which prevented her from dealing with some hazardous service calls." Three months later, Perreault was summoned to a meeting with Fire District Chief Stuart Pearson where she was terminated. The only explanation that Pearson gave was that he believed she was unhappy working there. None of the male firefighters who had raised concerns were disciplined or terminated.

Shortly after Perreault's termination, Ferragamo sent a letter to the Fire District Board of Directors complaining about the firing and expressing further concern about the way men, but not women, were being promoted. A month later, she was suspended for allegedly missing a few work shifts. She was then terminated in August 2015. Ferragamo's lawsuit alleges that male members of the department were not disciplined for similar absences and that her suspension was an act of retaliation for the concerns she had raised about the department's treatment of women at the October 2014 meeting and in her letter.

The suit seeks a court order reinstating the plaintiffs to the department, barring the department from any further violations of the cited anti-discrimination laws, and compensatory and punitive damages. Ms. Perreault said: "I am moving forward with this case because I feel I need to stand up for my rights and prevent this from happening to others."

IS OUR INFORMATION ABOUT YOU CORRECT?

Take a look at your address label was the information listed correctly? If not, please contact our office so that we can make the proper corrections.

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

ACLU OF RHODE ISLAND: 2016 YEAR IN REVIEW

Each year the ACLU of Rhode Island lobbies on more than a hundred bills at the State House, speaks at dozens of events and contacts innumerable government officials to seek redress for civil liberties violations. At any given time, we are involved in more than 30 cases before the courts and administrative agencies. The list below summarizes just a small sample of the RI ACLU's activities in 2016; we hope it provides some idea of the breadth of work that our Affiliate performs on a regular basis.

ACLU of RI Court Action

* The ACLU and the RI Disability Law Center filed suit against the Woonsocket Police Department for its illegal treatment of a deaf man who was wrongfully arrested for disorderly conduct and held overnight in jail without ever being allowed an interpreter.

* The ACLU filed discrimination lawsuits against the Harmony Fire District on behalf of two female EMT/firefighters who were terminated after raising concerns that female firefighters were treated less favorably than men.

* The ACLU scored an important court victory in a Freedom of Information Act lawsuit on behalf of a journalist who had been stymied for more than four years in obtaining access to thousands of pages of public evidence from a major prescription drug-dealing trial.

* The ACLU joined with a national anti-poverty group to sue the Department of Human Services for failing to provide essential food stamp benefits to needy families in a timely manner.

* North Kingstown officials quickly settled an ACLU lawsuit that was filed after the Town Council imposed improper restrictions on public comment at Council meetings.



FOIA plaintiff journalist Phil Eil with ACLU attorney Jessica Jewell.



ACLU plaintiff Michael Monteiro received a favorable settlement in his suit against the City of Cranston's ban on "roadside solicitations."

* The ACLU favorably settled a legal challenge to Cranston's discriminatorily enforced ban on "roadside solicitations," leading four other major municipalities in the state, including Providence, to voluntarily halt enforcement of unconstitutional ordinances prohibiting peaceful panhandling.

* As the result of an ACLU complaint, the Division of Motor Vehicles entered into a consent agreement with federal officials to provide appropriate interpreter services to individuals with Limited English Proficiency.

* The ACLU's 12-year-old complaint against the RI Judiciary's failure to provide adequate language interpreter services was formally closed after the Court implemented

numerous policies and practices to comply with U.S. Department of Justice requirements.

* The ACLU obtained a favorable court decision against the Town of North Smithfield on behalf of a resident unable to retrieve his lawfully owned weapons that had been seized by police over six years earlier.

2016: A YEAR IN REVIEW...CONT'D.

ACLU of RI Legislative Action

* The General Assembly enacted a critical privacy measure proposed by the ACLU, restricting cell phone location tracking by police without a warrant.

* Our advocacy persuaded the Governor to issue her first-ever veto of a bill – a piece of overly broad legislation sponsored by the Attorney General that would have made it a crime to send even clearly newsworthy nude photos over the Internet.

* Lobbying by the ACLU and other organizations helped prevent passage of a dangerous Attorney General bill that would have given police unfettered access to Rhode Islanders’ drug prescription information contained in a Department of Health database.

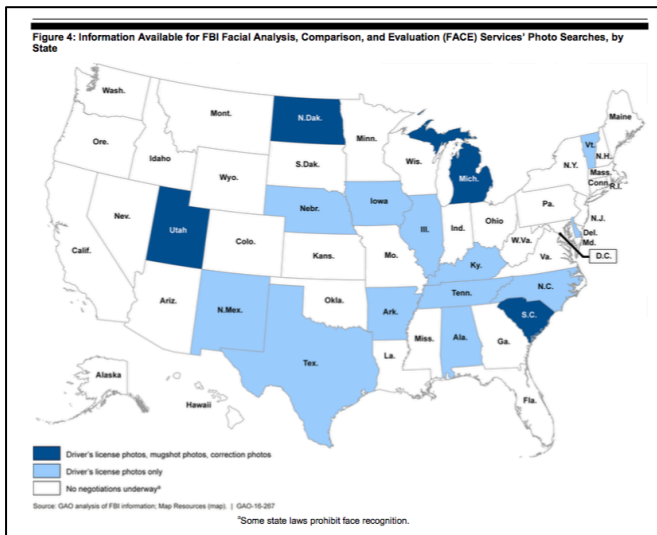
* In response to a series of ACLU reports documenting public schools’ overuse of suspensions for minor disciplinary offenses, and their disparate impact on students of color and those with disabilities, the General Assembly passed landmark legislation to limit out-of-school suspensions.

* The General Assembly approved passage of an electronic voter registration bill that makes it easier to register to vote, and also includes model language proposed by the ACLU requiring the system to be fully accessible to persons with disabilities.

* ACLU lobbying persuaded the General Assembly to enact a law that addresses problems with the overuse of Internet filters on school computers.



Other Advocacy Work



This map from a GAO report shows that, thanks to ACLU intervention, RI is not sharing drivers’ license photos with the FBI.

* A private attorney’s threat to sue two Warwick newspapers for libel for reporting on a public matter – an examination of a school district’s allegedly inadequate investigation of a complaint of sexual misconduct by a teacher – was speedily withdrawn after we publicly agreed to represent the news outlets.

* Due in part to the threat of ACLU litigation, the Westerly Yacht Club reversed a long-standing ban on women members.

* In response to Affiliate advocacy, the RI Supreme Court adopted breastfeeding accommodation policies for applicants taking the Bar exam.

* Responding to ACLU objections, Bristol and other municipalities revised proposed ordinances that would have substantially and adversely affected medical marijuana patients in those communities.

* The ACLU obtained a commitment from the DMV not to share drivers’ license photos with the FBI, despite a strong push by that federal agency for such collaboration.

ORGANIZATIONAL NOTES

ACLU MEMBERS HOST HOUSE PARTY; DONATE FUNDS TO AFFILIATE



Feeling the strong desire to do something in the wake of the results of this year's presidential election, David Abbott and Michael Merolla organized a house party for all their friends in order to raise funds for the ACLU. And they know how to throw a party! It was a huge success, and all donations collected at the party were generously donated to the Affiliate.

Having the same feelings as David and Michael? Want some help hosting your own party and having an ACLU representative attend? Contact the office at 831-7171 and we'll be happy to work with you.

(Photo: David Abbott & Michael Merolla present RI ACLU Policy Associate Marcela Betancur with the many donations collected at their house party)

AN UPDATE FROM OUR BROWN UNIVERSITY CHAPTER

The ACLU of RI's Brown University Chapter has very busy these past few months. Below is a report from Chapter President Abel Girma describing some of the initiatives they are leading on campus and discussions they have had as a group:

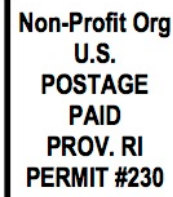
- * A discussion with professors and professionals who are actively engaged in dealing with the refugee crisis.
- * We have created a working group to clearly define the rights that every Brown University student has in regards to the Brown Department of Public Safety. We are in the process of setting up meetings and events that will aid in our process of collecting this information. Our ultimate deliverable will be a comprehensive list of rights regarding DPS.
- * We have created a working group to collect and uncover what information Brown has access to in regards to individual online computer usage. We are working with Brown resources to ensure that every student understands what their online privacy rights are with the University.
- * Generation Citizen Partnership: Opportunity to teach lessons on basic civil liberties. We discuss the Constitution and individual rights to different students in the Providence community with the goal of creating an educated and informed citizenry.
- * Roundtable discussions during meetings have included whether organizations such as the NCAA or NFL should restrict freedom of speech (in the context of Colin Kaepernick), and civil liberties concerns around the military prison at Guantánamo Bay, just to name a few.

ACLU WELCOMES NEW POLICY ASSOCIATE

The Affiliate is pleased to welcome Marcela Betancur as our new Policy Associate. A native Colombian, Marcela immigrated to the United States when she was 12. She most recently served as the Director of the Home Ownership & Asset Building Program for NeighborWorks Blackstone River Valley, and previously worked with the Providence Housing Authority where she engaged with officials at all levels to address health, safety, and economic issues. She is co-director of the New Leaders Council, a volunteer non-profit group that seeks to train the progressive leaders of tomorrow. She is looking forward to promoting civil liberties at the State House and in the community.

American Civil Liberties Union
Foundation of Rhode Island
128 Dorrance Street, Suite 400
Providence, RI 02903

RETURN SERVICE REQUESTED



KEEP US MOVING FORWARD IN 2017!

MAKE A YEAR-END DONATION TO THE ACLU FOUNDATION OF RHODE ISLAND

Year after year, the ACLU of Rhode Island works in the courts, at the State House, and in communities across the state to protect the fundamental rights of all Rhode Islanders. You may often read about the battles in the news, but just as often, we are accomplishing change quietly behind the scenes. No matter how our victories are achieved, they are always hard fought and require the support of community groups, cooperating attorneys, volunteers, and you. As a partner in our work, you have helped make us the strongest defender of civil liberties in the state.

Your support is needed now more than ever! It is no exaggeration to point to the potential for some of the most serious threats to our civil liberties in decades as we embark on a new journey with President-Elect Trump. We ask you to stand up for your rights by making a special end-of-year donation today. Your tax-deductible gift will help us remain strong as we bear the brunt of what's to come.



You can make a donation by check or credit card. Donations can be sent by mail, by calling our office (401) 831-7171), or by visiting <http://riaclu.org/get-involved/donate>. Make checks payable to ACLU Foundation of Rhode Island. Thank you!