

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

JAMES BRADY, (Detective, Retired) <i>Plaintiff,</i>	:	
	:	
	:	
v.	:	C.A. No. 17-cv-0475
	:	
RICHARD TAMBURINI, individually and in his capacity as CHIEF, JOHNSTON POLICE DEPARTMENT and TOWN OF JOHNSTON, <i>Defendants.</i>	:	
	:	
	:	

CONSENT JUDGMENT

By agreement of the parties, this Consent Judgment is hereby entered in favor of Plaintiff James Brady (hereinafter “Plaintiff”) against Defendants Richard Tamburini, the Johnston Police Department, and the Town of Johnston (hereinafter “Defendants”), on the following terms:

1. On February 9, 2021, this Court granted Plaintiff’s motion for partial summary judgment on this issue of liability.. As a result of that Memorandum and Order, the parties agree to the terms set forth herein.

2. The Court determined that JPD Policy #520.02(a), “Public information/Media Relations,” is an impermissible prior restraint on speech, is unconstitutional on its face and shall be deemed invalid and of no force and effect.

3. The Court determined that JPD Policies #520.02(E)(1) “Internal Investigations,” #100.04(D)(1)(b) “Conduct Unbecoming an Officer,” and #100.04(D)(1)(v) “Dissemination of Information,” were unconstitutionally applied to Plaintiff.

4. Defendants agree to revoke and amend the existing JPD Policy #520.02(a), “Public information/Media Relations,” within ten (10) days of the entry of this Consent Judgment.

5. Defendants shall revoke the two-day discipline imposed upon Plaintiff that was the subject of this lawsuit and remove any record of such discipline from Plaintiff’s personnel file.


6. Defendants shall issue a payroll check to Plaintiff in the amount of \$488.82 to compensate him for the two-day unpaid suspension. Plaintiff’s pension contributions will be updated to reflect the restoration of the two days’ payroll and Defendants will recalculate Plaintiff’s pension entitlement to determine and pay amounts due, if any, as a result of the restoration of the two days’ payroll.

7. Defendants shall pay Plaintiff’s counsel, Elizabeth Wiens, \$57,625.00 in full satisfaction of Plaintiff’s claims for costs and attorneys’ fees under 42 U.S.C. § 1988 and Fed. R. Civ. P.54(d).

8. The sharing of the tribunal-approved award with the American Civil Liberties Union Foundation of Rhode Island is consistent with this Court’s decision in *Inmates of the R.I. Training School v. Martinez*, 465 F. Supp. 2d 131 (D.R.I. 2006) and Rhode Island R.P.C. 5.4(a)(4).

9. This is a final judgment that resolves all pending claims and closes the case.

So ordered:



United States District Judge

Date: June 2, 2021

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