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VIA MAIL AND EMAIL

June 16, 2021

The Hon. Jorge Elorza  
Mayor  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

Commissioner Steven Paré  
Department of Public Safety  
City of Providence  
325 Washington Street  
Providence, RI 02903

Dear Mayor Elorza and Commissioner Paré:

I am writing in response to the controversy that arose last week over the encampment of individuals at 72 Wilson Street. We are pleased that you have agreed to halt any attempt to evict them from the property, and to look for short- and long-term solutions to the homelessness problem that has led to this encampment. We are therefore hopeful that this will indeed be resolved in a positive manner for all involved.

At the same time, we are deeply concerned about how the City's intervention in this matter transpired. It raises very troubling issues, and to fail to acknowledge and address them now is to leave the door open for something similar happening again.

There are two major concerns in particular that we wish to raise and urge you to address. First, we find that the initial effort to evict these individuals from the property was, from both a legal and policy standpoint, extremely dubious. The three-sentence written notice that was issued gave them 48 hours to vacate the premises or else face "consequences to include civil and criminal prosecution." What is striking about this cursory warning is that it provided absolutely no information whatsoever as to the exact basis for the eviction, failed to include any reference whatsoever to the "civil or criminal" laws that were being violated, and made no mention of a method for appealing the notice. Rather, the only guidance the letter provided was for the affected individuals to contact a private social service provider that was not even aware they were being offered as a referral, and whose staff was already connected with the majority of the persons staying there.

In short, the notice was missing the most rudimentary elements of due process. It was eviction by fiat. Indeed, if it were not for the media attention that was brought to bear on the situation, these individuals undoubtedly would have been removed from the encampment by now. We respectfully question whether the City would be so cavalier in taking such questionably expeditious action against individuals who were not homeless. We would appreciate learning the legal basis for this approach.

This intimidating intervention seemed especially problematic in light of questions that surround the ownership of the property. It does not appear that the police intrusion was generated

in response to a lawful owner of the property claiming that those staying on the lot were trespassing. Instead, the police were allegedly responding to complaints from some neighbors, hardly grounds for this swift and draconian action. According to news reports, the City's stated motivation for intervening was to protect those at the lot from unsafe conditions. But, as has been pointed out by just about everybody since police first burst onto the property, little concern was shown for their safety in summarily trying to roust them from the site with nowhere to go.

In addition, these peremptory actions by the City are contrary, and stand in marked contrast, to the detailed procedural steps laid out in state law to address unsafe housing structures or units, procedures which involve judicial proceedings and also bar orders to vacate an unsafe property "until persons occupying the dwelling at the time the compliance order is issued have been offered housing accommodations in a decent, safe, and sanitary dwelling..." R.I.G.L. §§ 45-24.3-17, 45-24.3-19(d).

This leads to our second concern. According to reports of those staying on the lot, when police first came to the site, they unilaterally entered tents and demanded identification from the occupants, even while acknowledging they were not acting at the behest of a property owner. Such invasive conduct not only raises constitutional concerns, it fails to comport with the state's Homeless Bill of Rights, which specifically guarantees homeless individuals "the right to a reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence." R.I.G.L. §34-37.1-3(7).

Again, we welcome your recent comments recognizing the need to find housing solutions for the people staying at the Wilson Street site rather than literally throwing them back onto the street. But it is critical that, in taking remedial rather than punitive steps, the City also review and address the initial actions and constitutionally suspect procedural shortcuts it took last week which *did* have the goal of throwing them onto the street. At a minimum, the police department's adoption of clear written policies and additional training would seem to be in order.

In light of the serious nature of what transpired, we would appreciate a response to our concerns about both the propriety of the 48-hour-notice given to those encamped at Wilson Street and the searches of their property that took place, along with information about any steps you will be taking to prevent a repeat of this conduct in the future. We will share it with those affected.

Thank you in advance for your prompt attention to this request and our concerns.

Sincerely,

Steven Brown  
Executive Director

cc: Chief Hugh Clements, Jr.  
Bonnie Nickerson, Director of Planning  
Lieutenant Ernest Forlini  
Laura Jaworski, House of Hope