

VICTORY: ACLU OF RI SLAPPS BACK

The ACLU of Rhode Island has successfully represented Westerly resident Caroline Contrata, who had been sued for monetary damages by the Weekapaug Fire District for speaking up about, and participating in, a highly contentious shore access dispute in the town. ACLU volunteer attorney Michael Rubin had argued that the Fire District had engaged in a classic SLAPP suit against her by intentionally using the legal process to retaliate against her for her freedom of speech.

SLAPP (Strategic Lawsuits Against Public Participation) refers to lawsuits brought to chill people from exercising their freedom of speech on matters of public concern. The state has a strong anti-SLAPP statute, enacted in response to a case handled by the ACLU three decades ago, that establishes a process for defendants in such lawsuits to quickly move to have the suit dismissed if it is based on a good faith exercise of their right to free speech.

The case began in December, when the Fire District filed the suit in Superior Court against more than 20 defendants, including the Attorney General and the Town of Westerly, for seeking a determination from the Coastal Resources Management Council (CRMC) that a strip of land along the beach at Weekapaug is open to the public. Contrata, who had moved to intervene in the proceedings before the CRMC as a private citizen affected by the district's denial of shore access, was the only private individual sued by the Fire District.



Plaintiff Caroline Contrata

The ACLU sought her dismissal from the case under the SLAPP statute, and in response, the Weekapaug Fire District filed a motion in March dismissing Caroline from the suit. The ACLU called the removal of Contrata from the suit before it proceeded further a victory that validated her right to petition the government without retaliation.

POLICE MISCONDUCT

ACLU of RI Open Records Request Asks: Which Police Departments Sent Officers to Blatantly Discriminatory Training Programs?

Responding to a recent report indicating that some Rhode Island-based police officers took privately-run training courses that promoted the use of unconstitutional policing tactics for motor vehicle stops and included blatantly discriminatory and offensive comments about women and people of color, the ACLU of RI filed open records requests with every police department in the state to find out how many of them sent officers to those courses. The disturbing answer: plenty. (Cont'd on p. 2)

LOOK INSIDE

Temporary Caregiver Victory	2
"Mario's Law" Case Heard	3
Bad Bills in the State House	4
Farewell to Hannah Stern	6
Affiliate Lawsuit Leads to Book	6
ACLU Events	7

FROM THE DESK OF THE EXECUTIVE DIRECTOR

When you work in a field like civil liberties, you realize you have to eventually defend every victory you've already achieved – so we try to celebrate every victory, too. That's why our win for Caroline Contrata made the front page.

What struck me most was that Caroline is just a person who wants to make her community better. She took action, going through the correct process to petition her government. That work is admirable in itself, but standing up against a SLAPP suit is even more courageous. I'm gratified we were able to take part in this case and show public officials that trying to intimidate Rhode Islanders will not be tolerated.

You, too, can take action to make a difference in our state. Make your voice heard on issues you care about, be it through phone calls to your City Councilor or submitting written testimony about a bill being heard in the State House. Just look at the handful of bad bills on pages 4 and 5 you can choose from!

I would be remiss if I didn't shout out a warm farewell to another courageous Rhode Islander, Hannah Stern, who has been our Policy Associate for over five years. She has weathered many legislative sessions, written and shared exceptional testimony on bills across our issue areas, and elevated our educational work throughout the state. We wish her the best in her future endeavors!

– Steven Brown

ACLU FOUNDATION of RI

128 Dorrance Street, Suite 400

Providence, RI 02903

(401) 831-7171 | www.riaclu.org | info@riaclu.org

ACLU of RI Open Records Request (Cont'd from p. 1)

A report issued in December by the New Jersey State Comptroller examined the content of a six-day conference conducted in that state by a privately-run police training agency known as Street Cop Training. The report documents how instructors at the conference – which the company acknowledged was representative of their training sessions generally – encouraged the almost-1,000 attendees from across the country to rely on a wide array of innocent conduct as grounds to pull over drivers for traffic stops and searches.

The conference, the report further documented, also “included over 100 discriminatory and harassing remarks by speakers and instructors, with repeated references to speakers’ genitalia, lewd gestures, and demeaning quips about women and minorities.”

The ACLU of RI asked the R.I. Police Officers Commission on Standards and Training to “determine which police departments [in R.I.] paid for and sent officers to any of this company’s trainings, to make the results of your investigation public, and to take affirmative steps to retrain any officers who attended the seminars and were provided improper and unconstitutional training.” However, the Commission demurred, claiming such an investigation was out of its jurisdiction, prompting the ACLU’s open records requests. The ACLU is examining the police department responses – which show that a majority of them participated, and sometimes even hosted, company conferences – and plans to issue a series of recommendations once the responses have been fully analyzed.

WORKERS' RIGHTS

DLT Backtracks on Temporary Caregiver Benefit Denial

The ACLU of RI has successfully obtained Temporary Caregiver Income (TCI) benefits for a Rhode Island resident who was initially denied them by the state Department of Labor and Training (DLT) solely because her extremely ill father lives abroad and was not treated by a U.S. physician.

The case, handled by cooperating attorney Richard Sinapi, was on behalf of Danijela Price, a naturalized U.S. citizen and Newport resident who was born in Croatia. In January, her 81-year-old father was rushed to the hospital after suffering heart failure. Price, a registered nurse, traveled to Croatia to help provide him care. Rhode Island’s decade-old TCI program provides up to six weeks of benefits to people who need to be out of work to care for a seriously ill family member. However, the DLT denied Price’s request for the benefits because the agency’s regulations designate only doctors licensed in the United States as “qualified healthcare providers.”

After an administrative hearing at which ACLU attorney Sinapi argued that the DLT policy was unlawful, Ms. Price received notice that her benefits were being paid. The ACLU has now called on the Department to formally repeal the questionable regulation.

CRIMINAL JUSTICE REFORM

“Mario’s Law” Case Heard at R.I. Supreme Court

The Rhode Island Supreme Court heard oral arguments in Mario Monteiro’s case in early April. The Supreme Court’s decision will determine how “Mario’s Law” – the 2021 law named after Monteiro, giving young offenders serving lengthy sentences a chance for early release on parole – will be interpreted, and whether Mario himself will be paroled, as the Parole Board has recommended, or instead be forced to wait another 15 years before his release. Monteiro has spent more than two decades in prison for a murder he was involved in when he was a minor.



The statute at issue provides that “any person sentenced for any offense prior to his or her twenty-second birthday” is eligible for parole after serving 20 years. The law was passed in recognition of the fact that, as the U.S. Supreme Court has noted, “even when they commit terrible crimes,” juveniles lack the culpability of adults due to their immaturity and underdeveloped sense of responsibility and should therefore be given a second chance. Despite the clear language of the statute, the Department of Corrections and the Attorney General have taken the position that it does not apply to people like Monteiro who are serving more than one sentence. At oral arguments before the R.I. Supreme Court, ACLU of RI cooperating attorney Lynette Labinger urged the court to reject that stilted interpretation of the law and authorize Monteiro’s release. A ruling is not expected for a few months. The court’s decision will affect dozens of other individuals also potentially affected by the state’s interpretation of the law.

FIRST AMENDMENT

Superior Court Judge Strikes Down Overbroad “Child Erotica” Law

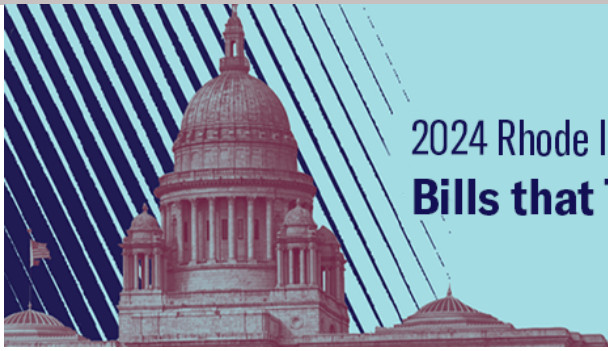
R.I. Superior Court Judge Jeffrey Lanphear has struck down as unconstitutionally vague and overbroad a 2021 “child erotica” law that the ACLU of RI strongly lobbied against and had unsuccessfully urged Governor McKee to veto. The law – which was an addition to the strong laws against child pornography already in place – criminalized the possession or display of visuals of “partially clothed” minors if they were used for the purpose of “sexual gratification.” The decision was issued in a case handled by the Public Defender.

In opposing the bill on free speech grounds, the ACLU had noted that “fashion magazines with teenage models or entertainment websites posting photos of teenagers in swimsuits face potential criminal liability if somebody claims that the photos were intended to be sexually provocative,” and even a person’s “innocent photos of their young topless nieces playing at the beach could suddenly become criminal if someone else looks at them and sees ‘erotica.’” The ACLU plans to participate in any appeal filed by the state.

LETTER: Board of Education Public Comment Requirements

The ACLU of RI received a number of complaints after a meeting of the state Council on Elementary and Secondary Education in February at which students, teachers, and parents were denied the opportunity to speak due to the Board’s restrictive and not-well-known policy requiring speakers to sign up 24 hours in advance. In response, the ACLU wrote the Board, urging them to re-examine and rescind the policy, which the Affiliate described as “burdensome, unnecessary, and detrimental to public participation.”

The large crowd had attended the meeting to oppose a Council vote on a controversial decision to close a high school, but few had been aware of the Council’s unusual 24-hour advance sign-up requirement to speak. The Council’s attorney has since defended the rule, so the ACLU plans to file a formal petition with the Board of Education to have the policy reconsidered and formally revised.



2024 Rhode Island Legislative Session Bills that Threaten Civil Liberties

The 2024 Rhode Island Legislative Session is more than halfway over, and there are many bills threatening civil liberties that have been heard but not yet voted on. Read on to learn about a handful of the bills we have been advocating against, and keep an eye out for message actions YOU can take as we get closer to the end of the legislative session sometime in June. For more info, go to riaclu.org/legislation.

RACIAL JUSTICE

Police PTSD Disability Benefits (H 7464, S 2059)

After the “Black Lives Matter” demonstrations in recent years, police accountability has rarely been more of an important issue. In addressing legislation designed to permit police officers to apply for disability benefits based on occupationally related PTSD, we opposed its scope since it could allow officers to recoup disability benefits based on misconduct that they themselves engaged in. Such concerns are not hypothetical. In one example cited by the ACLU, an Arizona police officer was temporarily rehired by his department to apply for PTSD benefits after being acquitted in the fatal shooting of an unarmed civilian who had begged the officer not to shoot him. We urged amendments to the bill so that police officers did not have the opportunity to seek compensation following these types of incidents.



PRIVACY

Noise Camera Authorization (H 7368, S 2898)

We opposed this legislation which would authorize the use of “noise violation detection systems” in municipalities in Rhode Island, as we do not believe it appropriately addresses the many practical concerns which accompany this type of technology. The bill, for example, fails to enumerate any procedural safeguards to accompany their use, including how to contest a violation or prevent their disproportionate placement in low-income communities.



DUE PROCESS

Waiver of a Jury Trial (H 7743)

The ACLU of Rhode Island strongly opposes this legislation, introduced on behalf of the Attorney General, which would give his office veto power over a criminal defendant’s current legal right to waive their right to a jury trial. We believe this legislation would undermine a basic principle of state law and the recognition that a defendant should have the right to have certain sensitive criminal cases heard by a judge rather than jury. In fact, the bill was prompted by a judge-made acquittal in a highly-publicized “hate crime” case that the ACLU argued proved the point.

Hotel Ejection of Guests (H 7065, S 2271)

In 2022, the legislature passed legislation which allows hotels to eject patrons who use “offensive or demeaning” language towards employees or guests. At the time, we raised concerns about the broad wording of this power and the dangers of it being discriminatorily enforced. As a compromise, the bill passed with a two-year sunset clause. Along with numerous other advocacy groups, we are now opposing attempts to make the law permanent, and are continuing to raise concerns that it will almost assuredly be enforced in a way that contains class and race-based biases.

CRIMINAL JUSTICE

iGaming Penalties for Young Adults (H 7745, S 2814)

We opposed legislation which would make it a misdemeanor, punishable by up to a year in prison, for a person between the ages of 18 and 21 to engage in electronic casino gaming, or iGaming. Presently, people between these ages have the right to gamble in the state’s casino, but the new iGaming law bars them from participating electronically. It would not be surprising if many of these individuals weren’t even aware of the difference and unknowingly engaged in conduct that, under this bill, carries potential incarceration. Ultimately, there is simply no reason to send young people to prison for this victimless conduct.

Increasing Penalties for Driving Offenses (H 7630, S 2936)

We opposed an Attorney General bill seeking to double and triple the prison penalties for a variety of driving offenses, noting that the approach of sending offenders to prison for longer periods of time would not deter reckless driving nor assist in the rehabilitation of offenders. Instead, we argued, increasing these penalties would only divert limited financial resources away from approaches that would better address driving behavior.



Threats to Election Officials (H 7447, S 2771)

Though very sympathetic to the interest in protecting election officials in light of the nationwide upswell of threats made to these personnel, we opposed legislation which would make it a felony, instead of a misdemeanor, to directly or indirectly threaten harm to them. A separate piece of legislation (H 7303) seeks to impose these same enhanced penalties for threats directed at school employees. While true threats do not merit First Amendment protection, these broadly written bills could ensnare people engaged in rhetorical excess by not requiring an actual intent to harm, and the imposition of severe felony penalties is unduly harsh.

STUDENTS’ RIGHTS

Bans on LGBTQ+ Healthcare and Inclusion in Sports (H 7884, H 7727)

We opposed a number of bills seeking to limit the autonomy of transgender and gender nonconforming youth by banning critical healthcare services and restricting their ability to participate in organized sports activities. These bills would only harm minors by denying them necessary and supportive healthcare and the important social lessons of team sports. Dozens of other organizations joined in opposing these bills, which are unlikely to pass but seemed to have been introduced to promote the “culture wars.”



FIRST AMENDMENT RIGHTS

Explicit Digital Images (H 7101)

As juvenile and inadvisable as it is to use artificial intelligence to create sexually explicit, but fake, digital images, broadly criminalizing the dissemination of such digitally generated content, as this bill does, raises numerous First Amendment concerns. We noted that the bill did not require any intent to harm the person who was the subject of the fake image; would make criminals of thousands of teenagers who, to give a recent example, texted to friends fake digital images of a nude Taylor Swift; and could make it a crime to use AI to create clearly fabricated images of public officials in the nude.

“Workplace Psychological Safety Act” (S 2473)

While ensuring a healthy workplace is a laudable goal, we opposed a piece of far-reaching and subjective legislation which would impose liability on employers or co-workers who, among other actions, “confuse” a person emotionally or don’t treat a fellow employee “respectfully.” We noted that the bill raised numerous First Amendment concerns in seeking to regulate and punish routine personal interactions in the workplace.

PEOPLE, PLACES, AND THINGS



A Warm Farewell to Hannah Stern

After over five years of tireless work as the ACLU of RI's Policy Associate, Hannah is leaving our office. She has been integral to pushing for positive change in the State House – including during the difficult start to the Covid pandemic.

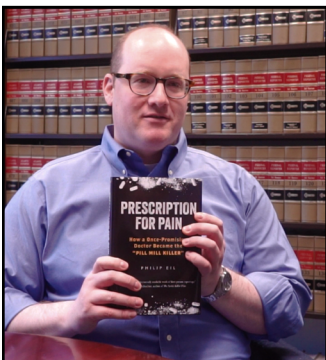
She played a role in passing important legislation for gender equality, from the 2021 Gender Rating bill which prohibits health insurance companies from charging women more than men based on their gender, to the landmark Equality in Abortion Coverage Act. Hannah also led many comprehensive advocacy trainings, equipping Rhode Islanders with information on how to advocate for their communities, and wrote three detailed reports examining racial disparities in our state, in the schools and by police. We will miss her expertise and positive spirit, and wish her the very best going forward!

"I get too much mail from the ACLU!"

Did you know you can customize your communications preferences?

This includes mailings, emails, and phone calls.

While we realize that you can sometimes feel overwhelmed by the number of mailings you get from the National ACLU, here in Rhode Island we try to keep our mailings to members at a minimum. We send you our five newsletters like this each year, invitations to upcoming events, and an annual pledge appeal in January. If you're receiving duplicate pieces of mail, or want to opt out of any of these mailings or any types of mailings you receive from the National office, please email development@riaclu.org for assistance. But if you'd like to be kept more up to date on our Affiliate-specific goings-on, we encourage you to subscribe to our email alerts at riaclu.org/SignUp.



PLAINTIFF SPOTLIGHT: Philip Eil, Journalist and Author

Back in 2015, the ACLU of RI filed a Freedom of Information Act (FOIA) lawsuit on behalf of freelance journalist Philip Eil, after the Drug Enforcement Administration repeatedly denied him access to court documents from the trial of a doctor given four consecutive life sentences for recklessly prescribing opioids that led to patients' deaths. The story of the doctor's practice and criminal trial is the subject of Eil's riveting new book, *Prescription for Pain*, released in April and based in part on the documents he received due to the ACLU's lawsuit.

"It's hard to express my gratitude to the Rhode Island ACLU, because they helped me in one of the fundamental missions of a journalist, which is telling stories that are important, that involve the wielding of government power – in this case, of prosecution – and that show people what's going on in our court and our federal agencies... The Rhode Island ACLU stood by my side, got me lawyers, and helped me fight this case and we won."

Check out our social media ([@riaclu](https://twitter.com/riaclu)) for a video of Eil telling the story of his book and the lawsuit.

EVENTS

65th Year Event

RECAP: Twilight Zone Screening & Discussion

We gathered at the Warwick Public Library to watch two still-very-relevant episodes of *The Twilight Zone* – *The Obsolete Man* (1961) and *The Monsters are Due on Maple Street* (1960). An insightful conversation about the episodes and contemporary civil liberties battles followed. Thank you to our guest panelists – Dr. Renee Hobbs of the University of Rhode Island and the Media Education Lab, and Tony Estrella of The Gamm Theatre – and to everyone who joined us!



Panelists Steven Brown, Dr. Renee Hobbs, and Tony Estrella (left to right).

UPCOMING: Trivia Night!

Monday, May 6, doors open at 6pm
 Audrey's Coffee House & Lounge
 60 S County Commons Way, South Kingstown

IT'S TRIVIA NIGHT!

Invite a friend and join us for a night of civil liberties trivia! You'll get a chance to test your civics knowledge and learn more about your rights – whether you're a civil liberties buff, or just want to engage with civics in a fun format. Free and open to all, we appreciate RSVPs. Go to riaclu.org/TriviaNight or scan the QR code with a smartphone.



JOB OPENING: Policy Associate

We're hiring a new Policy Associate! This is a full-time, in-office position that involves working on various day-to-day and long-term programmatic and organizational activities, including lobbying at the General Assembly, research and report writing, representing the ACLU in public forums, and serving as a liaison with other community groups.

If you believe in protecting civil liberties and have the skills to help propel our work forward, please send us an application. All the details are on our website at riaclu.org/jobs.

Thank you for donating during 401Gives!

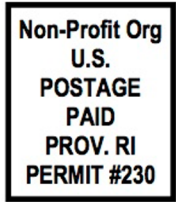


With **47 donors**, the Affiliate raised **over \$2,000 more than last year in the 2024 401 Gives campaign!** We felt the tremendous support from across Rhode Island communities, and even as far away as Australia.

We're grateful and energized as we continue through our 65th anniversary year.



ACLU FOUNDATION of RHODE ISLAND
 128 Dorrance Street, Suite 400
 Providence, RI 02903



RETURN SERVICE REQUESTED

New cases, APRA requests filed, “bad bills” in the RI Legislative Session...

...and so much more. Open this newsletter to read about our work defending a **Westerly** resident’s freedom of speech and fighting for a **Newport** resident’s workers’ rights, as well as a highlight on a **Providence** journalist’s new book that the ACLU helped make possible with an open records lawsuit in 2015.

ALSO IN THIS ISSUE:
 We’re hiring a full-time Policy Associate, details on p. 7!

If you’d like to help up continue this work of protecting and defending civil liberties across Rhode Island, consider making a tax-deductible gift:

MAIL A DONATION

Mail a check made out to “ACLU Foundation of RI” to:

ACLU Foundation of Rhode Island
 128 Dorrance Street, Suite 400
 Providence, RI 02903

OR

MAKE A GIFT ONLINE

Scan the QR code with your phone camera to make a one-time gift or set up a recurring donation, or go to: www.riaclu.org/donate

