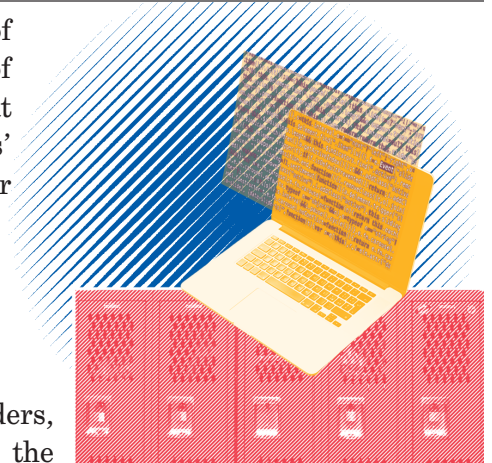


## PROTECTING PRIVACY IN RHODE ISLAND

“Privacy” can take many forms in our digital age, as can breaches of privacy. From a major digital data leak affecting tens of thousands of state employees, to something as “simple” as an unlawful locker search at a local fire station, the ACLU of RI is working to protect Rhode Islanders’ privacy across the state – and potentially set important precedents for the future.

### Judge Refuses to Dismiss Lawsuit Over RIPTA Breach of Personal Data of More Than 20,000 State Employees Last Year

In an important victory for the privacy rights of Rhode Islanders, state Superior Court Judge Brian Stern rejected efforts by the Rhode Island Public Transit Authority (“RIPTA”) and UnitedHealthcare New England (“UHC”) to dismiss the ACLU’s pending class-action lawsuit over an August 2021 data breach that compromised the Social Security numbers and other personal and healthcare information of more than 20,000 current and former state employees, including many with no connection to RIPTA. (Cont’d on p. 2)



### ACLU Sues Pawtucket Over Unlawful Search of Firefighters’ Personal Lockers

ACLU of RI cooperating attorneys have filed a federal lawsuit against Pawtucket city officials on behalf of five firefighters whose personal lockers at the fire station were searched by police without their knowledge or consent. The lawsuit argues that the search violated both the firefighters’ Fourth Amendment right to be free from unreasonable searches and a state law protecting privacy.

The unlawful searches took place after a Pawtucket police officer obtained a search warrant for a car owned by firefighter Patrick White based on a complaint that White was illegally transporting firearms from the vehicle. The search led to White’s arrest for firearms violations. The warrant did not authorize a search of White’s fire station locker, much less those of any other firefighters, nor was there any allegation that other firefighters were involved in White’s alleged illegal activities. (Cont’d on p. 2)

#### LOOK INSIDE

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#### UPCOMING EVENTS

##### January 25: ACLU of RI 65<sup>th</sup> Anniversary Kickoff!

*Join us for stories about defending justice from your favorite ACLU-ers, and enjoy pizza and a drink on us.*

##### January 27: Legislative Advocacy Training

*Our popular advocacy training is back again – learn how to be an effective advocate in front of any public body!*

READ MORE ON PG. 7

## FROM THE DESK OF THE EXECUTIVE DIRECTOR

Yet another year over – another cycle of injustices, eclipsed only by the bright light of victories we've achieved, together.

In our return to the office in 2023 and at public events, one thing was clear: after so much uncertainty in the world, our ACLU community shows up. From drag fundraisers to postcard writing, celebrating banned books and debriefing after harrowing SCOTUS decisions, we saw so many faces, new and seasoned, united in our fight for Rhode Islanders' rights.

Inside these pages you will see the enduring impact that we made. When you read our "year in review" (which is just a selection of our wins this year), I want to highlight that your support is the only reason we can accomplish all that we do. No matter the program area or issue you support, thank you for showing up for the ACLU.

2024 is just around the corner, promising new challenges and opportunities. Between another intense legislative session, a pivotal election year, we'll be celebrating our 65th anniversary on top of our regular events and advocacy programming... you can bet we're diving into this year feet first. And we need you right there with us.

I invite you to check out our upcoming events on page 7, keep any eye out our website and social media platforms for updates, and join us for events and action, all year long.

– Steven Brown

### ACLU FOUNDATION of RI

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## LAWSUIT UPDATES (CONTINUED)

### PRIVACY

#### **RIPTA Breach** (Cont'd from p. 1)

RIPTA and UHC sought to have the suit dismissed on the grounds that none of the plaintiffs had standing to sue. However, in a 46-page ruling, the court found that allegations describing the identity theft and hacking of bank and credit card accounts that some plaintiffs experienced after the breach were sufficient to establish standing to proceed with the lawsuit.

The court also found that various claims of the plaintiffs – including allegations of violations of the state's health care confidentiality law, defendants' negligence in failing to properly safeguard the data, and breach-of-contract-related claims for not protecting the privacy of the information that was hacked – should be allowed to proceed. The judge rejected claims of violations of the state's identity theft law and deceptive trade practices act on the troubling grounds that those statutes do not authorize any private remedy for violations.

As a result of the decision refusing to dismiss the lawsuit, the plaintiffs will proceed with preparation of the case, including their pending motion to have it certified as a class-action lawsuit and seek relief for all who were injured by the defendants' actions. The lawsuit is being handled by ACLU of RI cooperating attorneys Peter Wasylyk and Carlin Phillips.

### PRIVACY

#### **Firefighters' Privacy** (Cont'd from p. 1)

Nonetheless, the police, with the approval of Fire Chief John Trenteseaux, searched the plaintiffs' personal lockers without their consent when they were away from the station.

As the lawsuit points out, the private residential areas of the station – where firefighters often stay for 24 hours at a time – are "effectively the firefighters' home away from home during their long shifts and are an essential area of private and personal space which allows them to perform their job duties and work for such long and continuous periods of time." Among the items kept in their personal lockers are prescription medicine, clothing, wallets, laptops, and personal mail, including bank and credit card statements and correspondence. The lockers are secure, and are designed to be opened only with a key fob.

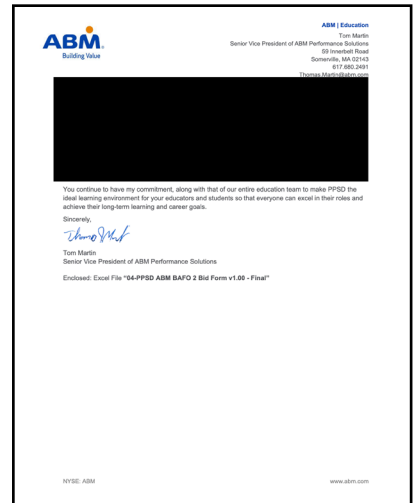
The suit seeks a court order declaring the searches unconstitutional, a ban on any future searches of the firefighters' personal lockers without a warrant, the destruction of any information obtained from the unlawful searches, and an award of compensatory and punitive damages. The suit was filed by ACLU of RI volunteer attorneys Danilo Borgas and Richard Sinapi.

GOVERNMENT TRANSPARENCY

**ACLU and GoLocalProv Sue Providence Public School District Over Failure to Disclose Public Contract Information**

ACLU cooperating attorneys have filed a lawsuit against the Providence Public School District (PPSD) and the City of Providence on behalf of GoLocalProv, LLC, for providing inappropriately redacted public records information about a controversial bidding process for a multimillion-dollar “integrated facilities services” for the school district that a losing bidder claimed was unfairly awarded.

The suit comes after months of controversy around the bidding process for the over-70-million-dollars-a-year contract. GoLocal, a digital news organization that has been investigating the story, made an Access to Public Records Act (APRA) request to PPSD for the bids made by the three prospective contractors. The documents that PPSD eventually provided were heavily redacted, and appeared to completely remove financial information from the bids – the very information that GoLocal wanted to review and report on to taxpayers.



A page of the proposal redacted by PPSD; several pages were completely blacked out.

The lawsuit, filed in R.I. Superior Court by ACLU of RI cooperating attorneys Fausto C. Anguilla and Lynette Labinger, argues that GoLocal “has a legal right to obtain the requested documents withheld and the requested documents redacted without redactions, and no legal basis exists for Defendants’ failure to disclose them in full.” The suit seeks a court order requiring that all the records be turned over immediately, and the imposition of a fine and award of attorneys’ fees. A decision is expected in the next month or two.

**NEWS BRIEFS**

FIRST AMENDMENT

**Middletown Fire Station Community Room Policy**

In October, the Middletown Town Administrator revoked approval for residents’ use of a community room at the local fire station. The residents sought to hold a public discussion of a school bond issue appearing on the ballot on the grounds that the room was deemed off-limits for “political” meetings. The ACLU sent a letter to the Town Administrator, expressing constitutional concerns over this limitation on public access to the public space. The letter argued: “To make decisions on access to the community room based solely on its political content is anathema to basic First Amendment principles. Further, ‘political’ meetings, no less than educational, civic or cultural ones, are fully deserving of First Amendment protection.” After receiving the letter, the Town reversed its position and allowed the group to meet in the space.

GOVERNMENT TRANSPARENCY

**Weekapaug Fire District’s Website Transparency**

In September, we discovered that the Weekapaug Fire District’s website required users to create an account with their email or a third-party website, and to be approved, in order to access information on the site. This included items as simple as a community calendar of events. In response to this finding, we sent a letter to fire district officials demanding they remove this barrier to the public website. The letter had its desired effect, and the website no longer requires login information to be accessed by the public.





While the U.S. Supreme Court continued to chip away at fundamental civil liberties and overturn long-standing precedents – its rulings on affirmative action perhaps being the most prominent – 2023 was also marked by a number of critical home state victories that affirmed many important constitutional rights for residents of the Ocean State.

In court, our vibrant legal docket of more than 30 cases included a number of important lawsuits that led to successful resolution, and at the Statehouse we lobbied on over 340 pieces of legislation during the 2023 General Assembly session. **Here is a small sampling of highlights from our work this year...**

**— PRIVACY —**



Photo of EACA supporters in 2022.

**LOBBYING VICTORY** – The ACLU worked in a broad coalition for the successful passage of the Equality in Abortion Coverage Act (EACA), providing Medicaid coverage for abortions and ensuring that state employees can access these benefits through their insurance.

**PRELIMINARY LEGAL VICTORY** – A judge refused to dismiss our class action lawsuit against RIPTA and United Healthcare on behalf of thousands of people who were victims of a data breach that put their personal and health care information at risk.

**— VOTING RIGHTS —**

**LOBBYING VICTORY** – Emphasizing that every vote counts, the Affiliate helped defeat a Board of Elections’ bill that would have eliminated the counting of most write-in votes.

**LOBBYING VICTORY** – In response to a well-intended but misguided response to the events of January 6, 2021, the ACLU successfully lobbied against a bill that would have taken away the voting rights of any person alleged to have engaged in vaguely defined “insurrection” or “sedition.”



**— FIRST AMENDMENT RIGHTS —**



**LOBBYING VICTORY** – Fighting the state’s own version of the frightening book censorship raging across the country, the ACLU successfully lobbied against a proposed bill that would have sent librarians to prison for providing “indecent” books to minors.

**(FIRST AMENDMENT RIGHTS CONT'D)**

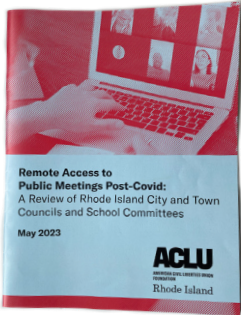
**SUCCESSFUL ADVOCACY** – The threat of an Affiliate lawsuit prompted Middletown officials to overturn their initial decision to bar a group opposing a divisive school bond referendum from using a town community room for a meeting.

**LEGAL VICTORY** – In *Cote v. Travis*, the ACLU obtained a court order against the Warwick City Council after it barred resident Robert Cote from speaking at a meeting when he raised questions about a Councilor’s ethical conduct.



Video screenshot of Robert Cote being removed from a Warwick City Council meeting in **Cote v. Travis**.

**OPEN GOVERNMENT**



**NEW CASE** – The Affiliate filed an open records lawsuit on behalf of a local media entity after Providence officials refused to release unredacted copies of bidding documents that led to the signing of a controversial school services contract.

**NEW REPORT** – The Affiliate released a report analyzing how city and town councils and school committees were addressing the public’s post-Covid remote access to public meetings, and urged municipal policy revisions to promote greater access.

**We build. We advocate. We fight. We educate. We inform.**

**All thanks to you.**

**Thank you for keeping us in this fight!**

**CRIMINAL JUSTICE**



Photo of Mario Monteiro in **Monteiro v. Rhode Island**.

**PRELIMINARY LEGAL VICTORY** – In *Monteiro v. R.I.*, the ACLU obtained a favorable ruling on behalf of Mario Monteiro, a reformed juvenile offender who is still serving a lengthy sentence and remains in prison despite a new law authorizing his early parole.

**LEGAL VICTORY** – After an eight-year battle, the Affiliate received a favorable decision in its legal challenge to the state’s ineffective and counter-productive residency restriction law for people who have been convicted of certain sex offenses.

**STUDENTS’ RIGHTS**

**LEGAL VICTORY** – The ACLU favorably settled a case, *Blanchette v. Narragansett*, on behalf of a student requiring special education who was thrown to the ground, choked and arrested by a school resource officer without cause.

**NEW REPORT** – The Affiliate issued a detailed report documenting significant disparities in the use of out-of-school suspensions against Black and Latino students, and students with disabilities, and pressed for passage of a law to address this long-standing problem.



Video screenshot from school altercation between officer and student in **Blanchette v. Narragansett**.



## POLICE AND PRISON MISCONDUCT

**LOBBYING VICTORY** – The ACLU successfully lobbied against a bill that could have allowed police officers who engaged in severe misconduct against civilians to collect PTSD benefits.

**PRELIMINARY LEGAL VICTORY** – A preliminary settlement agreement in an ACLU case set numerous limitations on the Department of Corrections’ use of solitary confinement as punishment.



## DISABILITY RIGHTS



**LEGAL VICTORY** – An ACLU lawsuit obtained relief on behalf of hundreds of children with disabilities between the ages of three and five in Providence who were not receiving critical special education services they were entitled to.

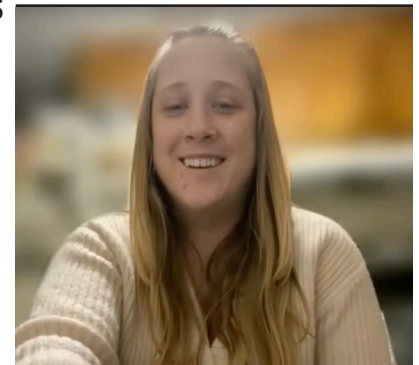
**NEW CASE** – The Affiliate and RI Legal Services filed a series of complaints against two school districts for excessively and unlawfully restraining young children, resulting in mental health trauma and physical injury.

## EQUAL PROTECTION OF THE LAWS

**LEGAL VICTORY** – In *Schultz v. Merry Maids*, we obtained substantial monetary damages on behalf of a professional cleaning service employee who was immediately terminated after the company learned she was pregnant.

**EMERGENCY LAWSUIT** – The ACLU filed an emergency lawsuit on behalf of numerous protesters, some who were people experiencing homelessness. Together, they camped outside the Statehouse to draw attention to the housing crisis.

**SUCCESSFUL ADVOCACY** – A proposed ordinance to ban drag shows in Bristol was rejected based on arguments provided by the ACLU.



Plaintiff Julia Schultz in **Schultz v. Merry Maids**.



### MEMBER SPOTLIGHT: Katherine “Kate” Itacy

A long-time civil rights advocate, Kate Itacy has been a dedicated ACLU of RI member and volunteer since 2010. After graduating law school, she began volunteering with the ACLU, jumping straight into reviewing a case of LGBTQ+ discrimination as a cooperating attorney.

Kate has dedicated countless hours testifying at the State House in support of privacy and Fourth Amendment rights, and rallying against harmful criminal justice bills. Specifically, she spent many years fighting legislation that would make rehabilitation more difficult for people who have been convicted of sex offenses and speaking out against warrantless DNA testing on felon arrestees.

As the current chair of the ACLU of RI’s Board of Directors, Kate has led the organization with a true commitment to civil liberties.

# EVENTS

## Stories of Defending Justice

Thursday, January 25 at 5:30pm  
 At Pizza J's, 967 Westminster St, Providence RI



We're asking some long-time ACLU of RI supporters to share their ACLU stories: Why did they get involved? Why do they put their time and energy into our work? And what's their favorite story of their time working with us? We'll be gathering for a lively and cozy evening at Pizza J's – keep an eye out for our postcard invitation in early January!

This is the kickoff event to our Affiliate's 65th year! Join us for this personal look back at our history through the stories of local people before we jump into the next year of protecting civil liberties. Free and open to the public, food and a drink on us, with a cash bar available.

## Free Legislative Advocacy Training

Saturday, January 27 at 10:00am-12:00pm  
 Cranston Public Library, 1400 Sockanosset Rd, Cranston RI

Join us to learn how to be an effective advocate, whether you're at the Statehouse, your city or town council, or in front of any other public body! Beginner-friendly and open to the public, we'll take you step-by-step through everything you need to know to start advocating in your local government. We'll also have guest legislators to provide their insights and perspectives.



Photo from our 2023 Advocacy Training

## RECAP: 2023 Annual Meeting

Thank you to everyone who joined us for our Annual Meeting in November! We honored two exceptional cooperating attorneys, Sonja Deyoe and Ellen Saideman, for their long-standing commitment to, and exceptional work in, defending civil liberties. Attendees also heard remarks from Affiliate staff members.



Development Coordinator Monica Smith at the 2023 Annual Meeting



Civil Libertarian of the Year honorees, Ellen Saideman (left) and Sonja Deyoe (right)



Board of Directors Chair Kate Itacy gives opening remarks; photo credit Zev Hoover

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Rhode Island

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**Want to know the secret to the ACLU’s work  
— defending disability rights, defeating voter  
suppression, fighting book bans, and more?**

**The answers are right inside this newsletter: It’s our supporters like YOU that  
ensure we can keep fighting. Thank you for making this work possible!**

**MAIL A DONATION**

**OR**

**MAKE A GIFT ONLINE**

Mail a check made out to  
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