

Questionnaire for People's Forum with Mayoral Candidates, 10/22/14

Please respond to each item in the survey with a clear “Yes” or “No” answer. Please note that there are three separate proposals: the Community Safety Act; the Public Resources/Our Vision Community Benefits proposal; and the Community Agenda to Address Violence. Each proposal includes multiple sections, and your response is required on each section. You may use the comment space after each section to elaborate on or explain your answer, but make sure to check the appropriate Yes or No box for each section. Submitting a complete survey, correctly filled out, will give you greater flexibility in the use of your response time at the forum.

Community Safety Act

Summary: The Community Safety Act takes its name from the urgent need to make our communities safer – for our children, our extended families, and our neighbors. The clear reasonable guidelines for police community interactions that this ordinance includes are basic first steps to reducing anger at police misconduct, increasing trust and communication, and most importantly – shifting the focus from criminalizing people of color, to addressing the root causes that perpetuate violence in our communities. The **Community Safety Act** addresses critical areas, including several in which the Providence Police have no existing policies to guide them. The Act was introduced in the City Council on June 19, 2014 after nearly two years of community-based planning including housemeetings, workshops, and a youth forum.

Will you support each of the following sections of the Community Safety Act?

1. Prohibition on racial profiling and other forms of profiling

When conducting any routine or spontaneous investigatory activity, law enforcement shall not rely on race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, or serious medical condition as a basis for reasonable suspicion or probable cause that a person has committed or is about to commit a crime.

Yes No Comment:

Racial profiling is illegal and will not be tolerated under any circumstances in my administration. As a person of color who grew up in Providence’s West End, I am keenly aware that too many residents of our city have personal experience with unfair and frightening interactions with law enforcement without evidence of criminal activity. On this crucial issue, Providence cannot afford to go backward to the corrupt past. Under Mr. Cianci, the Providence Police Department was named the 2nd most brutal in America, according to Human Rights Watch:

<http://www.columbia.edu/itc/journalism/cases/katrina/Human%20Rights%20Watch/uspohtml/uspo123.htm>

2. Standardized Encounter Forms

- i. Police must document all traffic and pedestrian stops on a Standardized Encounter Form.
- ii. The information recorded must include all of the following fields:
 - a. The date, time and general location of the stop;
 - b. The race or ethnicity, gender, and approximate age of the individual(s) stopped, provided that the identification of these characteristics shall be based on the observation and perception of the police officer making the stop and the information shall not be requested of the person(s) stopped;
 - c. The probable cause giving rise to the stop;
 - d. Whether a search was instituted as a result of the stop and the probable cause giving rise to the search;
 - e. The scope of any search conducted;
 - f. Whether the search was conducted pursuant to probable cause of or reasonable suspicion to suspect a crime;
 - g. Whether any contraband, including money, was seized in the course of the search, and if so, the nature of the contraband;
 - h. Whether any warning or citation was issued as a result of the stop;
 - i. Whether an arrest was made as a result of either the stop or the search;
 - j. The approximate duration of the stop; and
 - k. The name and badge number of the officer.
- iii. At every encounter, the officer shall provide a copy of the form to the subject of the vehicle or pedestrian stop. The form must be completed and the copy provided so as not to prolong the stop any longer than necessary.
- iv. Completed Standardized Encounter Forms shall be retained by the Police Department and shall be considered public records.

Yes No Comment: _____

I am committed to standardized procedures that promote accountability to the highest professional standards for pedestrian and traffic stops. Data collection is an important tool in this effort. It is likely that filling out this form, particularly when a search is conducted, will cause excessive delay to the subject who has been stopped. I will work with public safety officials and community advocates to reach consensus on the language of this provision.

3. Video recording by Police

The Providence Police Department shall adopt written procedures regarding the use of video and/or audio recording devices such as, but not limited to: dashboard cameras, body cameras, and digital audio recorders. These policies shall be public records. and shall include, but not be limited to, the following standards:

- a) All stops conducted by police officials with such equipment shall be recorded. The recording shall begin no later than when an officer first signals the vehicle or individual to stop or arrives at the scene of an ongoing stop begun by another law enforcement officer, and the recording shall continue until the stop is completed and the subject departs, or until the officer's participation in the stop ends.
- b) The subject of a stop shall be advised by the officer that the encounter is being recorded.
- c) A chain-of-custody record of the recordings shall be maintained.
- d) A subject of a stop that was recorded by a video/audio surveillance camera, and/or his or her legal counsel, shall have the right to view and listen to the recording at the police station and to obtain a

- copy of the recording involving him or her within ten (10) business days of the request;
- e) The policy shall establish a minimum period of retention for such recordings of no less than sixty (60) days, and procedures to ensure that the recording equipment is in proper working order, and shall bar the destruction of any recording related to an incident that is the subject of a pending complaint, misconduct investigation or civil or criminal proceeding. Such recordings shall be retained for a minimum of ten (10) days after the final resolution of such investigation or proceeding, including the time for any appeal;
- f) The policy shall explicitly prohibit any violation of these requirements, including any attempts to disengage or tamper with the video/audio surveillance equipment or to otherwise fail to record stops as specified herein;

While on duty and in interaction with the public, police shall be prohibited from using personal audio or video recording devices. Only devices subject to the policy outlined above shall be permitted.

Yes No Comment: _____

Privacy concerns must also be addressed so that video and audio recordings are not released to the public in violation of the law. I will work with public safety officials and community advocates to reach consensus on the language of this provision. The additional cost of agreed upon measures will likely require a multiyear phasing in.

4. Video recording by the public

Police shall not interfere with, harass, demand identification from, or otherwise intimidate members of the public making video or audio recordings of police activity in any place the individual who is recording has a legal right to be present..

- a) Law enforcement officials shall not intentionally block or obstruct cameras or other recording devices. Law enforcement officials shall not damage any recording device nor alter nor erase its content.
- b) Any officer found in violation of (the above) section may be subject to a fine of up to \$5,000 and/or a jail term of no longer than fifteen (15) days. Violations of this section may also be the subject of appropriate remedy, and may be enforced by a civil cause of action by the person making or attempting to make the recording.

Yes No Comment: _____

All citizens are within their legal rights to record the police as a public form of government oversight so long as they are within plain view.

5. Traffic stops

- a) Prior to asking the subject of a vehicle stop for his or her license, a law enforcement officer must describe to the subject the suspected violation that prompted the stop.
- b) No operator of a motor vehicle shall be requested to provide any documentation or identification other than a driver's license, motor vehicle registration, and/or proof of insurance when the motor vehicle has been stopped solely for a traffic violation, unless there exists probable cause of criminal activity, or the operator has failed to produce a valid driver's license, or the particular type of vehicle stopped requires other types of documentation specified under R.I.G.L. Title 31.

- c) No passenger of a motor vehicle shall be requested to provide identification or any other documentation by a law enforcement officer when the motor vehicle has been stopped solely for a traffic violation, unless there exists probable cause of criminal activity.
- d) No law enforcement officer shall use violations of the traffic laws in Title 31 of the R.I. General Laws as a pretext for stopping a motor vehicle for investigatory or other reasons unless there exists reasonable suspicion or probable cause of criminal activity.
- e) Unless there exists probable cause of criminal activity, no motor vehicle stopped for a traffic violation shall be detained beyond the time needed to address the violation.
- f) When an individual is cited for driving without a valid license under §§31-11-18 - 18.1 and this constitutes the only criminal charge resulting from the traffic stop, the individual may be issued a court summons but may not be arrested, providing that the individual can show identification including alternative forms of identification issued by a foreign government including but not limited to consular identification, foreign driver's license, or passport.

Yes No Comment: _____

I agree that law enforcement officers must be required to describe to the subject of a routine traffic stop the suspected violation that prompted the stop, and police must be prohibited from requesting anything but a driver’s license, vehicle registration and proof of insurance during routine traffic stops. I will work with public safety officials and community advocates to ensure that police aren’t put into unsafe situations when making routine traffic stops.

6. Searches

- a) No individual shall be requested to consent to a search by a law enforcement officer of his or her motor vehicle, person, or belongings. The officer shall document in writing on a Standardized Encounter Form his or her "probable cause" grounds for conducting a search, and shall also, where practicable, call in such information to a dispatcher or supervising officer prior to a search.
- b) Prior to conducting a search of any individual, law enforcement officers must inform the individual of the right to request that the search be performed by an officer of the gender of the individual's choosing. Officers must comply with such requests in the performance of searches. If an officer of the requested gender is not present at the time, one will be called to the scene as soon as possible so as not to unnecessarily delay the time required to perform the search.
- c) Police may not use canines to engage in investigatory activity absent probable cause of criminal activity of criminal activity for which that particular canine is likely to provide investigatory assistance.

Yes No Comment: _____

7. Respect for Juveniles

- a) Police or their representatives may not ask juveniles for proof of identification beyond name and address.
- b) Police may not photograph juveniles except as part of formal booking procedures if the juvenile is charged with a delinquency; or via automated recording equipment used in compliance with policies described above in Section 3.

Yes No Comment: _____

8. Respect for Immigrants

- a) Police may not inquire about an individual's immigration status.
- b) Any identification issued by a foreign government including but not limited to consular identification, foreign driver's license, or passport, shall be considered acceptable identification to the same extent as identification issued by a domestic government agency.

Yes No Comment: _____

9. Due Process and Gang Profiling

- a) No police officer shall identify any individual as a member of a gang in any list or database maintained by any law enforcement agency, nor in any written notes, reports, memorandum, or other document, without identifying criteria for inclusion on a so-called "gang list" or "gang database" that apply to that individual. The list of criteria used to determine inclusion on the "gang list" or "gang database" shall not include:
 - 1. Association with another people identified as gang members or any substantially equivalent factor;
 - 2. Race;
 - 3. Physical characteristics;
 - 4. Location of domicile; nor
 - 5. Location of encounter.
- b) Any individual whose name has been included on a "gang list" or "gang database" shall be notified of that fact by notarized letter delivered via certified mail. The letter shall include a form which the individual may fill out and return in person or by mail to initiate an appeal process to remove his or her name from the "gang list."
- c) Upon request, the individual whose name has been included on a gang list or gang database may challenge that designation through a formal appeal to the Community Safety Review Board. A hearing shall be scheduled within thirty days at which the Police Department shall carry the burden of proof to convince a simple majority of the Board.
- d) In the event that an appeal is not successful, a notation will be made in the file and in any of transmission of the information concerning that individual, that the person denies the allegation of gang membership or association.
- e) Under no circumstances shall contested allegations of gang membership or association be shared with any third party, including courts, prosecutors, or schools.
- f) If an individual has no convictions within a two-year period after his or her name has been placed on the "gang list," the name shall be removed and all related records destroyed. A letter confirming that the individual's name has been removed from the gang list shall be sent to the person at his or her last known address.
- g) Each year, the Providence Police Department shall produce a report providing the total number of individuals whose names are included on the "gang list," with demographic detail including age, race, ethnicity, and gender, and a total of how many of those individuals have challenged their inclusion on the "gang list."

Yes No Comment: _____

No one supports organized violence, and every resident of Providence deserves to live in a safe neighborhood, free of gang activity. The PPD Gang Unit uses these types of associations to identify retaliations. Our police must have the confidence of Providence's residents that they are employing legal tactics and working in partnership with community partners to address the problem of gang violence in our community.

10. Language access for Limited English Proficient (LEP) individuals

- a) The Police Department shall establish a language access hotline to connect police officials in the field with qualified interpreters in a timely manner. Officers who wish to question an LEP individual for any reason and are not fluent in a language spoken proficiently by that individual, shall not question that individual until a qualified interpreter is present, except in emergency situations.
- b) Police shall not use family members, friends or bystanders as interpreters except in emergency situations.
- c) No employee of the Providence Police Department shall serve as interpreter during interrogation. Interpreters must be contracted from outside agencies.
- d) Miranda Warnings, and all other vital written materials, will be available to the suspect or witness in his or her primary language. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using the contracted interpretation services.
- e) At each police building with direct public access, signs shall be posted in the most commonly spoken languages at each public access point or lobby stating that interpreters are available free of charge to LEP individuals.

Yes No Comment: _____

The medical field routinely uses external interpreter services. This should be replicated for police questioning. The practice should be phased in if costs are a barrier to immediate implementation.

11. Collaboration with other law enforcement agencies

- a) Any formal agreements addressing cooperation and mutual assistance between Providence Police and other law enforcement agencies shall comply with the following conditions:
 - 1. The proposed agreement shall be submitted to the Providence City Council for review and approval.
 - 2. The outside agency shall agree to comply with all the terms of this ordinance as a precondition for the approval of the proposed agreement.
 - 3. The text of the agreement shall be posted to the Providence Police Department website.
- b) No department, agency, commission, officer or employee acting on behalf of the City of Providence shall use any City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information on the immigration status of individuals in the City of Providence.
- c) Police may not arrest individuals based on non-criminal requests by the United States Immigration

- and Customs Enforcement (ICE).
- d) The Providence Police Department will not honor requests by ICE to detain or prolong the detention of any individual for suspected violations of federal civil immigration law.
- e) All joint activities undertaken between Providence Police Department and other law enforcement agencies not governed by formal agreements as covered in this Section shall publicly report upon completion of the operation.

Yes No Comment: _____

I support the PPD’s current practices and procedures, under which the Department does not coordinate with ICE on the arrest and deportation of undocumented residents.

12. Accountability and Enforcement

- a) When conducting a stop or search, a police officer must provide his or her name and badge number.
- b) Any member of the public may ask an on-duty law enforcement officer for a business card containing the officer's name and badge number. The officer must comply with the request. Such requests shall not be deemed reasonable suspicion of criminal activity.
- c) An individual subjected to any violation of this ordinance may enforce this law in a civil action for injunctive and declaratory relief, as well as compensatory or punitive damages against:
 - 1. Any governmental body that employs any law enforcement officer who has engaged, is engaging, or continues to engage in violations of any section of this ordinance; and
 - 2. Any law enforcement officer who has engaged, is engaging, or continues to engage in violations of any section of this ordinance.
- d) In any action or proceeding to enforce this ordinance, the court shall allow a prevailing plaintiff reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fees.
- e) Preservation of rights. This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, Section 1983 of Title 42 of the United States Code, the Constitution of the State of Rhode Island and all other federal law, state law, municipal law and all pre-existing civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.
- f) There shall be established a Community Safety Review Board. Its membership shall consist of five (5) individuals to be appointed in the following manner:
 - 1. One individual to be named by DARE Direct Action for Rights and Equality;
 - 2. One individual to be named by Providence Youth and Student Movement (PrYSM);
 - 3. One individual to be named by Olneyville Neighborhood Association (ONA);
 - 4. One individual to be named by the City Council President;
 - 5. One individual to be named by the Mayor.
- g) The chief of police shall prepare and make available on the city's website, as well as to the Community Safety Review Board, the City Council and the public, a quarterly report commencing with the city's fiscal year containing the following information:
 - 1. Data compilation of Standard Encounter Forms, prepared by a qualified academic institution, and providing at a minimum statistical descriptions of individuals stopped, results of the stop, analyzed by direct and cross-tabulation of race, ethnicity, gender, and age (as perceived by the officer initiating the stop).
 - 2. Maps or other graphic representations providing approximate geographical locations of aggregate stops based on Standard Encounter Forms.

3. Complaints received by the Office of Professional Responsibility involving alleged violations of one or more provisions of this ordinance.
 4. A summary of all pending civil and criminal litigation against the Providence Police Department or any of its employees, or the City of Providence, alleging violations of any provision of this ordinance.
- h) The Community Safety Review Board, upon review of all data described above, may institute diversionary reinvestments by re-allocating City funding from the Police Department Budget as a whole, and from the funds specifically allocated to the office of Public Safety Commissioner, to municipal recreation, youth programming and employment opportunities.
 - i) The Community Safety Review Board shall be authorized to review proposed labor agreements between the City of Providence and any labor union representing sworn officer employees of the Providence Police Department.
 1. The Community Safety Review Board may make recommendations to the parties negotiating the labor contract.
 2. The Community Safety Review Board must approve, by majority vote, any proposed labor contract between the City of Providence and any labor union representing sworn officer employees of the Providence Police Department before that contract has legal effect.

Yes No Comment: _____

I will work with the public safety officials and community advocates to reach consensus on the language of this provision.

Public Resources, Our Vision(PROV) Public Money for the Public Good

Summary: Providence is struggling. In spite of the wealth of talent based in our communities, mass unemployment, fueled by exclusion from basic opportunities, is wreaking havoc on our city. For far too long, the best solution city officials seem to be able to come up with is offering tax breaks to any corporation that promises jobs, jobs, jobs, without evaluating the actual benefit these projects bring to the community. Unfortunately, our city has no way of tracking whether or not those jobs actually materialize. On top of that, many of the jobs that our tax dollars fund at these project sites, leave workers living in poverty.

Rhode Island Jobs With Justice has convened a coalition of community organizations, building trades unions, environmental groups, and service sector unions, to develop and call for a uniform set of standards companies receiving public subsidies and operating in the city of Providence have to abide by. We believe that public money should be used to further the public good. During campaign season, we hear a lot of promises of jobs, and development projects that will be good for the city. We want to know where you stand on the following benefits we see as essential in order to ensure these development projects actually do provide tangible benefits for our communities.

Will you support each of the following sections of *Public Resources, Our Vision*?

Do you support requiring all companies receiving tax subsidies in the city of Providence to:

1. Create at least one new full-time job for every \$35,000 given in subsidies, and maintain those jobs as long as the subsidy is in effect, or five years, whichever is longer?

Yes No Comment: _____

Tax subsidies should be used to create jobs and grow our economy. I will work with the City Council to develop an administrative process that codifies the specific terms of eligibility and provides the city enforcement ability once tax subsidies are granted.

2. Hire any new employees so that they reflect the racial and gender demographics of the city of Providence?

Yes No Comment: _____

3. As described in the pending lawsuit DARE et al. v Taveras et al, CA 14-3510: Do you commit to take the following steps to enforce the First Source law:

- a. Send written notice to any entity receiving aid?

Yes No Comment: _____

- b. Publicize the existence of the First Source List and the method of registering on that list to the residents of Providence no less than every three months?

Yes No Comment: _____

Under my administration, residents who register for unemployment will automatically be put on the First Source List.

- c. Institute and publicize an alternative means of registering that does not require computer and internet access?

Yes No Comment: _____

- d. Require covered employers to get permission from the First Source Director to hire elsewhere if none of the employees referred are deemed suitable according to procedures described in Section 21-94?

Yes No Comment: _____

- e. Create a job description for the position of Director that includes her/his duties described in the Ordinance?

Yes No Comment: _____

- f. Develop and promulgate regulations to implement the Ordinance within 30 days after you take office, including procedures for sanctions against employers who fail to comply with their obligations under the Ordinance?

Yes No Comment: _____

- g. Implement sanctions against employers who fail to comply with their obligations under the Ordinance?

Yes No Comment: _____

Additional sanction could include revocation of liquor and entertainment licenses, revocation of TSA, etc. It's important that the program be administered fairly. While I agree that some employers have not been constructive partners with the City, many employers have been very good partners and see real value in the First Source Office as another vehicle to identify potential workers.

4. Have or participate in a registered apprenticeship program?

Yes No Comment: _____

All large development projects that receive a tax subsidy must be required to have or participate in a registered apprenticeship program. Building Futures currently handles the City's apprenticeship utilization reporting, and the City has made progress to implement a system for tracking and evaluating apprenticeships. For instance, redevelopment of 122 Fountain Street into the Dean Hotel reached 16% M/WBE contracting using 21% Providence residents in its construction workforce, including apprenticeships.

5. Hire a workforce made up of a significant portion of residents from high poverty, high crime and high unemployment census tracts?

Yes No Comment: _____

It is critical that job opportunities attached to public subsidies reach into economically distressed neighborhoods.

6. Not discriminate against job applicants based on their race, ethnicity, country of origin, religion, sexual orientation, gender, and/or criminal record status?

Yes No Comment: _____

7. Hire a significant number of individuals with a criminal record?

Yes No Comment: _____

For certain jobs, yes. But it depends on the nature of the conviction.

8. Provide job training for local residents, partnering with local agencies to do so whenever possible?

Yes No Comment: _____

I will explore the inclusion of funding for job training programs for residents on the First Source list as a provision of tax stabilization agreements.

Pay their workers a living wage of at least \$15 per hour, ensuring that no tips are taken from employees by managers?

Yes No Comment: _____

I believe in the principle that all workers deserve a living wage. State law currently prohibits the

City from setting its own minimum wage.

9. Provide their workers at least 12 days per year of paid sick leave?

Yes No Comment: _____

10. Provide health benefits to their employees and cover at least half the cost of the premiums?

Yes No Comment: _____

11. Contribute to a “Community Benefits Fund,” a pot of money overseen by community members that can be used to finance projects of benefit to the community, such housing rental subsidies, library or school renovation?

Yes No Comment: _____

I am generally supportive but have not fully explored this concept.

Set wage and benefits standards for workers providing services?

Yes No Comment: _____

Yes, to the extent allowed by state and federal law.

12. Provide monthly reports of job creation numbers, wages, and health benefits to an enforcement agency?

Yes No Comment: _____

13. In Addition, do you support taking back a developer’s subsidy if they fail to live up to the above standards?

Yes No Comment: _____

14. Do you support having community members selected by members of RI Jobs With Justice and member organizations being appointed to a review board responsible for ensuring compliance with said agreement, with the power to ‘claw back’ subsidies if companies are found to be not in compliance?

Yes No Comment: _____

I am generally supportive but have not fully explored this concept.

15. Do you support having community members selected by members of RI Jobs With Justice and member organizations be involved in the hiring process to hire an enforcement officer?

Yes No Comment: _____

The hiring process is the responsibility of the administration, but should include mechanisms that allow for community guidance.

Community Agenda to Address Violence

Summary: Following a five-person shooting in the Chad Brown section of Providence, and in response to a Call to Action by the Providence Branch of the NAACP, a number of concerned community members have been meeting to develop a strategy to effectively address these issues within the Providence and Rhode Island community. The ultimate fruit of these efforts has been the development of a Community Agenda to Address Violence to serve as a roadmap for success. The Agenda that has been developed is detailed below.

Will you support each of the following sections of the Community Agenda to Address Violence?

1. Hosting a Community Stakeholder Summit to identify key resources/supports and to develop a short/long term strategy to address the causes of violence in the City of Providence?

Yes No Comment: _____

2. Evaluating the Providence Recreation Dept., in partnership with Youth and Adult Community Members, to gauge its effectiveness in providing services and opportunities to Providence City Youth?

Yes No Comment: _____

3. Providing more and better programs/services for youth ages 15 to 21 in the City of Providence?

Yes No Comment: _____

4. Requiring the Providence Economic Development Office to compile a listing of all job training and placement programs available and effectively promote them to Providence City Residents?
 - a. Programs/Efforts should target high unemployment areas

Yes No Comment: _____

One of the biggest hurdles regarding the public workforce development system is the reporting requirements to the federal Dept. of Labor. Because the city must meet placement and retention goals, and wage goals, the system creates adverse incentives to only train individuals that are guaranteed to be placed in employment after training.

5. Investing more resources and supports in organizations, individuals and initiatives that have a proven track record of proactively addressing violence in the City of Providence?

Yes No Comment: _____

The City should play a role in identifying new sources of funding for these programs.

6. Effectively enforcing current legislation, such as the First Source Ordinance, aimed at providing employment opportunities to residents of communities in the City of Providence that are in most need?

Yes No Comment: _____

7. Establishing Community Liaisons with the Providence Public Safety Dept.?

a. Youth and Adult Community Members should be directly involved in selections of Community Liaisons.

Yes No Comment: _____