



128 Dorrance Street, Suite 400
Providence, RI 02903
Phone: (401) 831-7171
Fax: (401) 831-7175
www.riaclu.org
info@riaclu.org

June 22, 2020

Col. Hugh Clements, Jr.
Providence Police Department
325 Washington Street
Providence, RI 02903

VIA EMAIL

Dear Chief Clements:

On June 13, Providence police officers arrested three Rhode Islanders after they allegedly threw white paint at a boarded-up statue of Christopher Columbus in the Elmwood section of the city. While the public focus has been on the alleged perpetrators, one does not have to condone vandalism to be deeply troubled by the police department's response to this act. The ACLU believes that response deserves as much attention as your department has given to the alleged perpetrators, and that you should take immediate action to reverse the criminal charges lodged against these individuals.

Rather than being arrested for a misdemeanor offense of vandalism for splashing paint on plywood, all three people were instead charged with two felony offenses that carry a potential maximum sentence of six years in prison. Whether this overcharging was done to make it easier to get the defendants to waive their right to a trial and plead to a misdemeanor or just out of pure malice will likely never be known. What is clear, however, is that the underlying felony charges border on the ridiculous. Specifically, the three individuals have been charged with "desecration of [a] grave," a [statute](#) appearing in a section of the General Laws dealing with "[Graves and Corpses.](#)" The second felony charge is for conspiring to commit the first felony.

In relevant part, the "desecration" statute makes it a felony to willfully and maliciously deface any tomb or monument, or anything intended for the protection of the tomb or monument, that is "placed or designed for a memorial of the dead." It also authorizes an order of restitution for any "expense of repairing the grave." The Columbus statue may be many things, but to equate it to monuments found in cemeteries stretches the wording of the state law beyond the breaking point.

Charging people with crimes should not be a game where points are awarded for coming up with the most serious possible charge imaginable, however far-fetched. While we are confident that these three individuals will never be convicted of this offense, they will always have to live with the fact that they were arrested and charged as felons. This is not justice. It is a blatant abuse of police authority, and one that happens all too often and needs to stop.

To put this charge in more perspective, it is worth noting that in the past year, two Providence police officers have been charged with assault, one involving allegedly hitting a man several times after he had been handcuffed, and the other a domestic dispute that landed the alleged victim in the hospital. Both officers were charged with misdemeanors.

This case demonstrates that, as the city, state and country grapple with issues of police accountability, the abuse of the broad discretion that police often have in deciding what charges to lodge against suspects deserves very thorough scrutiny as well.

We ask that you immediately act to have the felony charges against these three defendants dropped. In addition, we ask that you promptly conduct a thorough review of the Department's charging practices to prevent further travesties like this from happening.

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

Sincerely,

A handwritten signature in black ink that reads "Steven Brown". The signature is written in a cursive, slightly slanted style.

Steven Brown
Executive Director

cc: Commissioner Steven Paré
The Hon. Peter Neronha