

2020 IN REVIEW

To state the obvious, 2020 was a year like no other. And despite all the curveballs, the ACLU of RI was hard at work defending civil liberties from all manner of threats prompted by the pandemic, highly publicized incidents of racial injustice, and unprecedented election challenges. In fact, we filed more than a dozen impactful lawsuits, and despite the abnormally short legislative session, we lobbied on more than 100 bills. **Here are a few highlights from our work this year.**

VOTING RIGHTS

* Our successful lawsuit that went all the way up to the U.S. Supreme Court allowed hundreds of thousands of RI residents to vote during a pandemic by waiving a requirement that people voting by mail needed to have two witnesses or a notary sign their ballot envelope.

* Thanks to another lawsuit prompted by the pandemic, candidates running for office in 2020 were allowed to collect and submit electronic, rather than in-person, signatures in order to qualify for the ballot.



COVID-19 & CIVIL LIBERTIES

* In response to our class-action lawsuit, a federal judge ordered the release of dozens of immigrant detainees at the Wyatt Detention Center who were particularly vulnerable to death or serious health risks if they contracted Covid-19.

* After the state Department of Labor and Training froze weekly unemployment insurance benefits, without notice, to thousands of Rhode Islanders who were out of work due to the pandemic, our lawsuit led to the restoration of the payments.

FIRST AMENDMENT

* After we intervened, the Barrington School District dropped a lawsuit it had filed against one of its own students who had successfully challenged his unlawful suspension from school.

* We successfully defended a controversial blogger who, without notice, was slapped with a judicial “gag order” requiring him to remove from his website any reference to a person who was suing him for defamation.

(continued on next page)

LOOK INSIDE

License Plate Victory	4
Voting & Election News	5
News Briefs	6
Title IX Settlement Nears Approval	7
INSERT: 2020 LEGAL DOCKET	

FROM THE DESK OF THE EXECUTIVE DIRECTOR

In the past year, your support enabled us to protect voting rights and the democratic process. **THANK YOU.** In fact, if our poll monitors' recent reports suggest anything, it's that this election went far more smoothly than anticipated.

With the election behind us, we must turn the page on the truly dark era that civil liberties have endured over the past four years. Out of that era has erupted a resounding call for justice, and now we must seize the opportunity: the time has come to boldly and decisively advance equality for all Rhode Islanders - in the courts, at the Statehouse and through public education and advocacy.

As we have for more than 60 years, we will continue to defend freedom with behind the scenes work in addition to our legal, legislative and communications efforts. But thanks to you – our supporters and members – we are in a unique position to proactively bend the arc of history towards a freer, more equal Ocean State.

With your continued support, that is what we resolutely intend to do. And I hope that, to help us with those efforts, you will use the enclosed envelope to make an end-of-year donation today. You can be assured it will be put to good use.

-- Steven Brown

ACLU FOUNDATION of RI

128 Dorrance Street, Suite 400

Providence, RI 02903

(401) 831-7171

info@riaclu.org

www.riaclu.org

YEAR IN REVIEW (Cont'd)

DISCRIMINATION

* We filed a federal lawsuit charging the Providence Police Department with discriminating against Michael Clark, a Black recruit who was involuntarily dismissed from the Police Academy after enduring months of harassment from trainers.



Michael Clark

* We joined RI Legal Services in filing a lawsuit challenging the inadequate educational services being provided by the Providence School District to English Language Learner students.

* The Affiliate favorably settled a pair of gender discrimination lawsuits on behalf of two EMT/firefighters, including Kim Perreault (right), who had been terminated from a fire district after raising concerns about the way they and other female firefighters were treated.



Kim Perreault

IMMIGRANT RIGHTS

* We filed a brief challenging the federal government's claim that a person who will likely be tortured if extradited back to his home country could not rely on that fact to prevent his return there.

* Agreeing with a "friend of the court" brief we filed in support of a legal challenge brought by the cities of Providence and Central Falls, an appeals court struck down a federal policy conditioning their receipt of law enforcement funds on municipal collaboration with immigration officials.

PRIVACY

* We filed a successful "friend of the court" brief in a case upholding the constitutionality of the Reproductive Privacy Act, enacted in 2019 to codify the protections of *Roe v. Wade* into state law.

* In conjunction with a strong push for a legislative remedy, we issued a detailed report warning of the dangers posed to family privacy by school district policies allowing administrators access to the microphones and cameras of school-loaned laptop computers.



YEAR IN REVIEW (Cont'd)

STUDENT RIGHTS

* We filed suit on behalf of a Narragansett High School student with special education needs who was thrown to the ground, choked and falsely arrested by a school resource officer (SRO) over a rude hand gesture the student gave the officer.

* In a similarly egregious case of school police misconduct, we filed a lawsuit over a Pawtucket SRO's gratuitous and unlawful handcuffing and arrest of a 13-year-old Black honors student.



From video footage of SRO incident at Narragansett High School.

DUE PROCESS

* In settling our third class-action lawsuit related to the UHIP computer system debacle, the state agreed to address the inadequacy of notices it sent to some SNAP recipients that erroneously demanded reimbursement for benefit overpayments that they supposedly received years earlier.

* Joining with Disability Rights RI, we filed a lawsuit against the R.I. Department of Corrections, alleging multiple constitutional violations of the rights of prisoners with serious and persistent mental illness, including the prison's pervasive use of solitary confinement on them.

* We obtained the release of an inmate who had been granted parole by the R.I. parole board but remained held at the ACI based on a retroactive change made by prison officials in calculating eligibility dates for parole.



Solitary confinement, ACI

THE 2020 LEGISLATIVE ... SESSION?

After most of the 2020 legislative session was postponed due to Covid-19, few bills of substance were enacted. But the fate of various provisions in the delayed FY 2021 state budget, which is expected to be voted on by the end of the year, remains up in the air. In the past month, we provided commentary at legislative hearings on two critical issues that have been proposed in the budget:

RECREATIONAL MARIJUANA

The FY 2021 budget contains a proposal for the legalization of adult recreational marijuana. Our commentary focused on the need to ensure that criminal justice and social justice measures were included in the budget article, including automatic expungement of marijuana-related charges from criminal records and using revenues from legalization to fund social justice initiatives for communities long impacted by marijuana criminalization.

GENDER RATING IN HEALTH INSURANCE

We testified in support of a new budget article which would ban gender rating in health insurance. This ban, proposed by the Governor in response to ACLU advocacy, would prohibit health insurers in RI from setting discriminatory rates based on the gender of the insured individual.

In the meantime, we eagerly await signals from legislative leaders about how the 2021 session will be conducted as the pandemic continues and in-person hearings are likely to be few and far between.

COURT RULES THAT BAN ON “OFFENSIVE” LICENSE PLATES LIKELY VIOLATES FIRST AMENDMENT

A federal judge has issued a preliminary injunction in a lawsuit challenging a state law that gives the DMV Administrator carte blanche authority to deny vanity license plates that “might carry connotations offensive to good taste and decency.”

In her ruling, Judge Mary McElroy agreed with ACLU of RI cooperating attorneys Thomas W. Lyons and Rhiannon Huffman that the statute is unduly vague and violates the First Amendment by giving the DMV unbridled discretion to ban speech based on the viewpoint of the message.



**“I AM THRILLED...TO
CONTINUE TO SEE ALL THE
SMILES, LAUGHTER,
THUMBS UP AND FIST
BUMPS IN THE REAR-VIEW
MIRROR AS PEOPLE...GET
THE HUMOR IN MY
MESSAGE.”**

**- SEAN CARROLL,
PLAINTIFF**

The suit was filed earlier this year on behalf of Sean Carroll, a Tesla owner who was ordered by the DMV to turn in his license plate “FKGAS” or else have his car registration cancelled. The DMV’s action was in response to an anonymous complaint it received about the plate months after it had been issued.

The DMV has approved over 41,000 vanity license plates, denied dozens of others, and maintains a list of more than 1,000 prohibited license plate combinations. The suit pointed out the completely arbitrary nature of the list and the DMV’s decisions, and Judge McElroy’s ruling did as well, as she noted:

“[T]he DMV has prohibited such combinations as AIDS, CHRIST, GAY, JESUS, LESBIAN, REDNECK and YANKEE. But it has issued plates that read CHRIST, JEWISH, REDNEC, and REDNEK. It has prohibited words that are typically denigrating,

such as CHUBBY and SLOB, but allowed FATT and OLDFRT.”

The lawsuit noted that Carroll obtained the “FKGAS” license plate last year “because he wished to convey, through the license plate, a personal philosophical and political message concerning his views about gasoline-powered automobiles and the environment.”

LEGAL BRIEFS

- A judge has rejected the federal government’s effort to decertify the ACLU’s class-action lawsuit on behalf of ICE detainees at the Wyatt Detention Center, which has thus far resulted in the release of dozens of detainees in order to protect them from Covid-19. ICE had claimed that conditions at the prison had materially improved since the judge first issued her order in the case during the summer. Noting that a major breakout of Covid-19 took place at another part of the facility the week of the hearing, the judge indicated she would continue holding bail hearings for the ICE detainees.

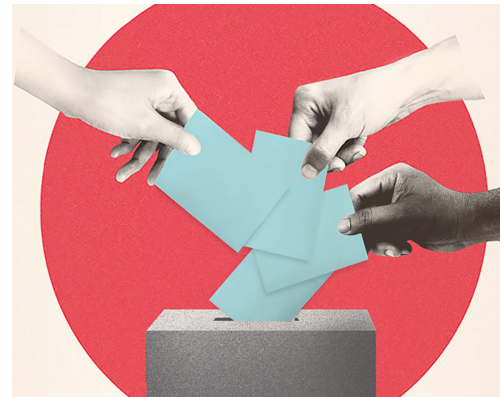
- In a case dating back to Governor Gina Raimondo’s first election campaign, a judge ordered a trial in an ACLU lawsuit on behalf of two protesters who were ordered by police to move away from where a fundraiser for Raimondo was being held. The judge this month denied both parties’ motions for a ruling without the need for a trial.

VOTING & ELECTION NEWS

ACLU CHALLENGES POLLING PLACE RELOCATIONS ADVERSELY AFFECTING LOW-INCOME AND NON-WHITE VOTERS

In the leadup to the November election, the ACLU of Rhode Island raised objections to last-minute actions separately undertaken by Boards of Canvassers (BOC) in Newport and Woonsocket that moved polling places with a large number of non-white and low-income voters to a location outside their district, making it harder for some of them to access the polls on Election Day.

Agreeing with the concerns raised by the ACLU and local residents, the state Board of Elections (BOE) rejected Newport's efforts to move a polling place. Due to time constraints, however, Woonsocket's controversial relocation was allowed to proceed.



In response, ACLU of RI cooperating attorney Armando Batastini has filed a petition with the BOE, proposing the adoption of regulations designed to prevent future controversies like these. Among other remedies, the ACLU petition seeks a requirement that any approval of a polling location change occur only after advance notice to all affected candidates of the proposed move; a formalized hearing process subject to the Open Meetings Act; and written notice to all registered voters in an affected district at least two weeks before the deadline for mail ballots that a polling place is being relocated outside the district.

After hearing from ACLU attorney Batastini, the Board of Elections agreed to work on drafting regulations to address the issue, which will come back before the agency for consideration in 2021.



DMV / VOTER ID

Noting the closure of DMV offices since the pandemic, the ACLU successfully argued before the Board of Elections for adoption of an emergency regulation allowing all drivers' licenses that had expired since March 1st to be deemed "current and valid" for voter ID purposes. Without the Board's action, thousands of eligible voters might have found themselves disqualified from voting due to the state's photo ID requirement for elections.

THANK YOU, POLL MONITORS!

As we have done in past election years, we had ACLU volunteers actively monitoring polling locations across the state for any problems that arose as individuals exercised their right to vote on November 3rd.

Surprisingly, apart from a few minor issues that got quickly resolved, our volunteers reported that the day's events went smoothly, a welcome departure from past elections.

We'd like to thank our volunteers who agreed to help us out with this very important task during a pandemic!

NEWS BRIEFS

Civil Rights Groups Decry Downplaying of Racial Disparities in Police Stops & Searches

Frustrated by the release of annual reports that continually minimized racial profiling patterns shown by police traffic stop and search data, the ACLU, the RI Commission for Human Rights, and R.I. for Community and Justice issued a letter opposing, in the absence of significant amendments, reinstatement of an expired law requiring formal analysis of that data and issuance of those reports.

The law, which expired in June 2020, required all police departments to record detailed information about traffic stops and searches and further required issuance of annual reports analyzing that data for racial disparities. The groups' letter describes in detail how the reports, prepared by researchers at Central Connecticut State University, consistently, and dubiously, vindicated police departments against any allegations of racial bias despite clear evidence of racial disparities. The groups emphasized their support for the continued collection of data, but urged stronger requirements to guide police departments' response to documented disparities, and stronger standards for independent analysis of the data.



National ACLU Report Calling for Decriminalization of Sex Work Cites RI's History

The National ACLU has issued a report calling for the decriminalization of sex work, relying in part on evidence gathered from a period of time in Rhode Island when indoor sex work was technically legal in the state.

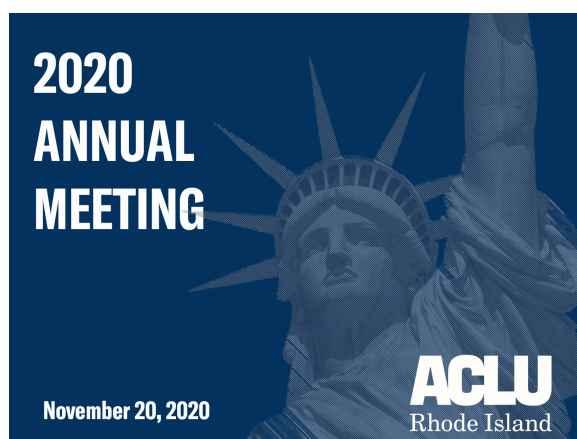
A comprehensive review of more than 80 studies on the criminalization of sex work, the report found that decriminalization will improve public health and safety and increase economic stability for sex workers. Though the gap in Rhode Island's law, resulting from a 1980 court decision, may not have been wholly intended, the report, citing a 2014 study examining the experience, noted several residual benefits emanating from the legality of the practice, including significant decreases in reported rape offenses against sex workers and reductions in rates of sexually transmitted diseases.

ACLU Responds to Investigation of Alleged Police Officer Assault of Civilian

In response to the release of an official report investigating an assault charge against Providence police Sgt. Joseph Hanley, the ACLU highlighted a number of troubling issues on the part of police during the incident. They included the failure of other officers on the scene to restrain Hanley while he was assaulting the handcuffed suspect and the failure by two of the three officers to activate their body-worn cameras - in violation of departmental policy.

The ACLU noted that the failure of Providence police officers to activate their cameras has happened in other high-profile incidents and amounts to a serious undermining of transparency. Yet in the past two years, only 20 Providence officers were disciplined for failing to activate their body cameras, and none received anything more than a verbal reprimand for this serious violation of departmental policy. The ACLU urged the Providence City Council to take action on this issue.





2020 (VIRTUAL) ANNUAL MEETING

From our living rooms to yours, this year's Annual Meeting was a bit different – but every bit a success! Thank you to everyone who tuned in via Zoom to hear an update on our work this year, peppered with some truly awe-inspiring spoken word performances.

If you missed it, you can watch a recording of the meeting on our YouTube channel (@riaclu). Special, heart-felt thanks to Charlotte Abotsi, Muggs Fogarty and Bert Crenca for their inspiring performances, and to our awesome plaintiffs who shared their experiences that led to several of this year's biggest court victories.

PRELIMINARY SETTLEMENT IN TITLE IX LAWSUIT AGAINST BROWN UNIVERSITY AWAITING FINAL APPROVAL

A federal court is shortly scheduled to hear any objections to a preliminarily approved settlement agreement between Brown University and lawyers representing women student-athletes at the school who brought a class-action lawsuit following cuts to the varsity athletics program. The suit, filed in June by the ACLU of Rhode Island, Public Justice and two private law firms, alleged that the cuts violated a decades-old consent agreement that the University entered to comply with Title IX, the federal law that guarantees equal access to athletic programs for female athletes. A handful of students have objected to the agreement, but the ACLU is confident it will be approved.

Under the proposed settlement, Brown has agreed to:

- Reinstate its women's varsity equestrian and fencing teams;
- Maintain full support for those teams and not reduce future support as compared to men's teams' support; and
- Not eliminate or reduce the status of any women's varsity team or add any men's team for at least the next four years.



Earlier this year, Brown announced it was eliminating five varsity women's teams, a decision that violated the 1998 court-ordered requirement that "intercollegiate level participation opportunities for male and female students" be provided "in numbers substantially proportionate to their respective enrollments." The cuts announced by Brown this summer would have had a disproportionate impact on women's sports participation in violation of the original consent decree.

A series of internal emails and documents from the University, made public as part of the legal proceedings, revealed an intentional plan by Brown officials to undermine the long-standing agreement, thankfully thwarted by the ACLU's lawsuit.



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

Non-Profit Org
U.S.
POSTAGE
PAID
PROV. RI
PERMIT #230

RETURN SERVICE REQUESTED

YOUR SUPPORT HAS A REAL IMPACT –
THIS ENTIRE NEWSLETTER IS PROOF OF THAT.
THANK YOU!

WANT TO DO MORE? HERE'S HOW:

MAIL YOUR YEAR-END TAX-DEDUCTIBLE DONATION

Use the return envelope in this newsletter to mail us a check made out to “ACLU Foundation of RI.” *You don’t even need a stamp!*

MAKE A GIFT ONLINE

Visit www.riaclu.org/get-involved/donate to make a one-time gift or set up a recurring donation.