

## PROTECTING RHODE ISLAND

We will continue to champion your rights and liberties in the Ocean State

Dear Members and Supporters,

As 2024 comes to a close, we also end our Affiliate's 65th year. More than ever, I am grateful for our community, those who have just joined us and those who have been in the fight for civil liberties for decades. And we have quite a fight ahead: We face an incoming presidential administration that has vocally declared war on some of our most fundamental rights and liberties. While I cannot confess to know the future, I know we are uniquely positioned across a wide array of issue areas to protect the rights of Rhode Islanders from the dangers that lie ahead.

Safeguarding our existing statewide civil liberties protections, and expanding them, is going to be a critical part of the coming years. Here at our Affiliate, that means continuing to advocate for stronger open government reforms and free speech safeguards, and protections for vulnerable populations – including the immigrant and LGBTQ+ communities – in the upcoming legislative session; continuing to file cases on behalf of those unfairly targeted by our criminal justice system; and continuing our seemingly-mundane day-to-day work flagging and addressing local violations of our rights.

This is the time that we need everyone to engage in our community – not step away. Talk to friends and family, follow what's happening in your local school committee or city council, and contact your state legislators on issues of importance. We're here to keep you up to date on some of the most critical issues and actions you can take as we face the coming years – together. Thank you for your continued support, engagement, and trust in our work to protect our fundamental freedoms.

With perseverance and gratitude,  
Steven Brown, Executive Director

### DISABILITY RIGHTS

#### **Advocates Sue Over Lack of Mental Health Care for Medicaid-Eligible Children**

Following years of glaring failures in Rhode Island's behavioral health system for children and youth, the ACLU of RI filed a class action lawsuit against the State for denying Medicaid-eligible children and youth their right to appropriate mental health care. The lawsuit, filed in federal court with Disability Rights Rhode Island and the national organization Children's Rights, was brought on behalf of Medicaid-eligible children under the age of 21 whose behavioral health needs require intensive home and community-based services – not institutionalization – to allow them to live successfully at home with their families or caregivers. *Cont'd on p. 2*

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## Advocates Sue the State of Rhode Island *(Cont'd from p. 1)*

The complaint alleges that the state's failure to build an adequate behavioral health system for children and youth violates key federal laws designed to provide children with appropriate mental health services in the least restrictive setting. The plaintiffs, Rhode Island youth who have often been unnecessarily institutionalized for lengthy periods of time, are seeking to compel the State to provide medically necessary behavioral health services in a community-based setting as required under the law.



Rebecca Almeida, mother of three plaintiffs

### JUSTICE REFORM

## ACLU of RI Sues Department of Corrections Over Violations of Attorney-Client Privilege

A lawsuit filed by ACLU of Rhode Island alleges that the R.I. Department of Corrections (RIDOC) is interfering with the rights of ACI prisoners and their attorneys to share information confidentially and, in the process, violating state laws requiring the adoption of rules through a public process, and basic principles underlying the confidentiality that is inherent to the attorney-client privilege. The suit seeks both a declaration that the RIDOC practices are unlawful and a court order halting their continued use.



For some time, RIDOC has had in place formally adopted policies governing attorney mail and visits. Those policies, adopted after public notice and input, acknowledge that "privileged mail, whether it is incoming or outgoing, cannot be read by RIDOC staff," and that incoming privileged mail can only be opened and inspected for contraband "in the presence of the inmate." Privileged mail includes correspondence between ACI prisoners and attorneys, court officials, elected officials, and the ACLU.

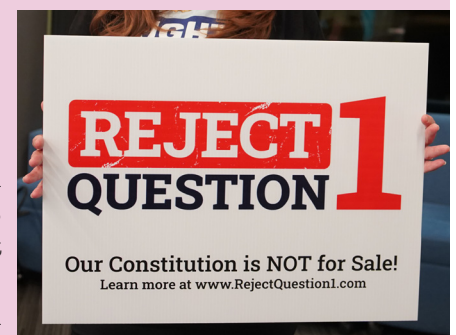
However, the lawsuit, filed by ACLU cooperating attorneys Sonja Deyoe and Lynette Labinger, alleges that in the past year, RIDOC has informally adopted new practices in violation of those policies, which have allowed RIDOC staff to repeatedly seize written communications and inspect and copy them out of the presence of the client or attorney. The suit further alleges that the new protocols and practices "are not consistently applied by RIDOC correctional staff, and fail to accord prisoners and their legal representatives" the protections that their formally promulgated policies guarantee. The suit cites various examples of these violations, including the seizure of documents to prisoners in the preparation for this lawsuit.

### PROTECTING FUNDAMENTAL RIGHTS

## VICTORY: Voters Reject Question 1

### *State Constitutional Convention Avoided for Another Decade*

One victory from the November 5 election was that over 60% of Rhode Island voters rejected the call for a state Constitutional Convention. Had the ballot question passed, it would have required the diversion of enormous resources and significant funding from the civil rights community to prevent the passage of dangerous and regressive constitutional amendments, something that happened in the last Constitutional Convention held in the state back in 1986. And unlike that Convention, there would have been no limits on how much dark money could be spent on the convention process by out-of-state special interests seeking to push their agendas into our state. That is why over three dozen community, labor, and civil rights groups joined with the ACLU as coalition partners against the measure as the Rhode Island Citizens for Responsible Government. The coalition's tireless work against the measure ensures that we will not be distracted from the critical work that lies ahead due to November 5th's other election results.



# RECENT LETTERS AND TESTIMONY

**FIRST AMENDMENT** One day in October, two Rhode Island residents held a banner in Kennedy Plaza with the words “USA Stop Arming Israel,” and distributed literature to people waiting for buses. They were approached first by a RIPTA supervisor who told them they were not allowed to engage in this activity, and then two police officers who ordered them to stop. In response, we sent a letter to RIPTA and Providence police officials about this clear violation of their First Amendment rights. We called for an investigation and a reminder to RIPTA supervisory personnel and local police of the right of individuals to peacefully display signs and distribute non-commercial materials on the Plaza. In the absence of a positive response, litigation will follow.

**FIRST AMENDMENT** We await a response to detailed objections we submitted to a proposed University of Rhode Island policy regulating the use of campus property. We argued that the policy undermines the free speech rights of students by inappropriately limiting their ability to post signs, leaflet, and protest.

**FIRST AMENDMENT** We sent a letter to the South Kingstown Town Council after being apprised that the Town’s website displayed prominently on the home page a warning to residents to comply with an unconstitutional ordinance that prohibits residents from displaying political signs more than 60 days before an election. In response, the Town has agreed to repeal the ordinance.

**DUE PROCESS** In an on-going issue in Narragansett, we sent a letter to the Narragansett Building Official after he issued municipal code violation citations to a number of landlords, relying on a now-unenforceable ordinance limiting to three the number of unrelated people who can live in an apartment. After laying out the reasons their existing ordinance is in conflict with a new state law, we asked the Town to immediately rescind any violation notices. Legal proceedings on those violations have now been put on hold.

**LGBTQ+ RIGHTS** After the school district received a notice that an injunction had been issued in a national lawsuit challenging recently adopted Title IX regulations dealing with transgender students, the ACLU sent a letter to the Warwick School Committee calling on them to reaffirm their policy that follows state Department of Education guidelines and protects those students from discrimination. At this point, the school district has stood its ground and refused to weaken its policy providing strong anti-discrimination protections.

**ECONOMIC JUSTICE** The ACLU and five other local organizations sent a letter to the Cranston City Council, asking them to reject yet another punitive anti-homelessness ordinance proposed by the Mayor that would allow the police and Department of Public Works to clear encampments and destroy personal property with only 24 hours’ notice. As this newsletter went to press, the City Council was scheduled to hold a hearing on the proposal, and the ACLU was planning to testify against it.



## THANK YOU, POLL MONITORS!

We want to thank the many volunteers who spent part of their day at polling locations on Election Day to observe the voting processes and make notes on any violations of the law. Thanks to their help, we had feet on the ground across the state, and were able to respond to some issues as they arose.





# ACLU OF RHODE ISLAND YEAR IN REVIEW

While the U.S. Supreme Court once again continued to chip away at fundamental civil liberties and overturn long-standing precedents – its rulings on presidential immunity and abortion-related issues perhaps being among the most prominent and disturbing – 2024 was also marked by a number of critical home state victories that affirmed many important constitutional rights for residents of the Ocean State.

In our **docket of more than 30 cases**, we led a number of important lawsuits to successful resolution. We also lobbied on **over 330 pieces of legislation** during the 2024 General Assembly session. Here is a small sampling of highlights from our work this year.

## FIRST AMENDMENT RIGHTS

**LEGAL VICTORY** – The Affiliate successfully represented shoreline access proponent Caroline Contrata after she was sued by a local fire district solely for exercising her First Amendment rights to contest the district's closure of a right-of-way to the beach.

**SUCCESSFUL ADVOCACY** – Facing the threat of ACLU lawsuits, Burrillville and South Kingstown agreed to repeal local ordinances restricting the placement of political signs on residential property.

## POLICE PRACTICES

**NEW CASE** – The ACLU took legal action on behalf of an African American man who was unlawfully arrested and jailed twice by Woonsocket police based on the filing of a knowingly false warrant affidavit.

**EDUCATION & COMMUNITY** – The Affiliate shone a light on local police departments whose officers took privately-run training courses that promoted the use of unconstitutional policing tactics for motor vehicle stops.



Caroline Contrata,  
First Amendment advocate

## ECONOMIC JUSTICE

**LOBBYING VICTORY** – The Affiliate successfully lobbied in support of legislation that removed a decades-old exemption for domestic workers from the state's minimum wage law.

**SUCCESSFUL ADVOCACY** – ACLU advocacy obtained temporary caregiver benefits for a resident who was initially deemed ineligible for the benefits because she sought to care for her extremely ill father abroad and did not have a U.S.-based doctor.

## OPEN GOVERNMENT

**NEW REPORT** – The ACLU issued a detailed report examining the policies of every city and town council and school committee governing the ability of the public to speak at their meetings, prompting some entities to liberalize their public comment practices.

**NEW CASE** – The ACLU filed suit against the RI Department of Corrections for failing to properly follow the state law requiring a public process to adopt rules, when they unilaterally implemented a new mail policy that interferes with the rights of ACI prisoners to confidentially share information with their attorneys.

## CHILDREN'S RIGHTS

**NEW CASE** – The ACLU filed a class-action lawsuit with two other organizations on behalf of Medicaid-eligible youth in Rhode Island who have been institutionalized rather than receiving the community-based mental health care they need and that they are legally entitled to.

**NEW CASE** – The Affiliate has filed a challenge to a Warwick school district policy that charges families for the repair and replacement of school-loaned Chromebooks regardless of the family's ability to pay.

**RIGHTS OF THE INCARCERATED**

**LEGAL VICTORY** – The ACLU sued the Department of Corrections for refusing to reasonably accommodate the religious practices of a Native American prisoner who was denied access to a religious headband.

**NEW CASE** – The ACLU filed separate negligence-related lawsuits on behalf of the families of three individuals who, in the space of five months, died by suicide at the ACI due to the negligence of prison officials.

**JUSTICE REFORM**

**LEGAL VICTORY** – ACLU litigation led to a court ruling upholding “Mario’s Law,” the state statute allowing juvenile offenders with lengthy sentences to be considered for early parole. The decision led to the release of Mario Monteiro and a handful of other men who had spent more than two decades in prison for crimes they committed while teenagers.

**SUCCESSFUL ADVOCACY** – Relying upon ACLU arguments, the Governor vetoed a dangerous bill that would have given the Attorney General broad powers to engage in intrusive investigatory practices against individuals and organizations without the presence of any meaningful guardrails.

**LOBBYING VICTORY** – The ACLU successfully lobbied against an Attorney General bill that would have given him veto power over a criminal defendant’s legal right to waive their right to a jury trial and have their case decided by a judge.



Mario Monteiro, namesake of “Mario’s Law”

**RIGHT TO PRIVACY**

**LEGAL VICTORY** – The ACLU favorably settled a lawsuit on behalf of five Pawtucket firefighters whose personal lockers at the fire station were searched by police without their knowledge or consent.

**LOBBYING VICTORY** – The ACLU joined with a large coalition of organizations for the successful passage of a law protecting providers of reproductive and gender-affirming health care services from liability for providing care to people from states banning these services.

**EQUAL PROTECTION OF THE LAWS**

**LOBBYING VICTORY** – ACLU amendments strengthened a bill passed by the General Assembly designed to make name changes easier for LGBTQ+ individuals and others.

**ADVOCACY** – The ACLU testified before Cranston and West Warwick public bodies to oppose the passage of cruel and ineffective anti-encampment ordinances aimed at the homeless.

**LEGAL VICTORY** – A 30-year-old legal battle with Brown University over a lack of gender equity in the school’s athletics programs finally wrapped up with the University in full compliance with the terms of a consent decree correcting the problem.

**STUDENT RIGHTS**

**SUCCESSFUL ADVOCACY** – In response to ACLU objections, the Warwick School Committee reversed a proposed policy that would have given school administrators broad powers to censor student publications.

**LOBBYING VICTORY** – The ACLU successfully lobbied against a broadly worded bill imposing up to a five year prison sentence on students (and parents) who directly or indirectly threatened a public school employee.

**CONSTITUTIONAL CONVENTION**

**SUCCESSFUL ADVOCACY** – The Affiliate helped lead a coalition of three dozen civil rights, community, and labor organizations to resoundingly defeat a ballot question that would have authorized the calling of a state constitutional convention and put fundamental civil rights and civil liberties at risk.

For more information about any of these issues or other 2024 activities, feel free to visit our website at [www.riaclu.org](http://www.riaclu.org).

## DEVELOPMENT CORNER

Hello fellow members and supporters!

I want to take a moment to thank you all for being on this journey of unwavering principles with us. It is because of each of you that we have been able to achieve such a momentous 2024. This very newsletter is a testimony to what your philanthropic support has helped us achieve. Not only did we hold well-received events all across the state for our 65th Anniversary, we also quadrupled our membership goals, and helped enshrine additional protections for Rhode Islanders into the law.

We didn't stop there. This year, we spearheaded the "Reject Question 1" campaign to protect against the dangers of a constitutional convention. Months of public engagement, media outreach, op-eds, and coalition-building paid off: Rhode Islanders overwhelmingly rejected this harmful measure for the *fourth* time in a row.

Now, our focus turns to what lies ahead.

The results of the general election have brought about another sobering reality: Donald Trump will return as President of the United States. While the ACLU does not endorse or oppose candidates, there is nothing partisan in acknowledging that a second Trump Administration represents a clear and present danger to civil liberties.

For 65 years, the ACLU Foundation of Rhode Island has been a steadfast defender of civil rights and liberties, weathering crises through 12 presidential administrations. This moment is no different—we will rise to the challenge.

But we cannot do it without you.



You are the reason we have the strength to fight these battles. As the threats to freedom intensify, your continued support is more critical than ever. *Can we count on you to stand with us and equip us for the fight ahead by making a tax-deductible donation to the ACLU Foundation of RI today?* Please use the return envelope in this newsletter to help us move forward. Thank you!

–Monica Smith, Development Coordinator



### WELCOMING MADALYN MCGUNAGLE, POLICY ASSOCIATE

Madalyn McGunagle is thrilled to join the ACLU of RI as a Policy Associate. Madalyn has a B.A. in Interdisciplinary Studies: Communications, Legal Institutions, Economics, and Government from American University and a J.D. from Roger Williams University School of Law. Born and raised in the Ocean State, Madalyn is excited to work on issues impacting her fellow Rhode Islanders.

In her free time, Madalyn enjoys traveling, seeing live music, and anything that combines both of those activities.



# EVENTS & COMMUNITY

**UPCOMING: Free Advocacy Training**  
**Saturday, January 25, 10:30am - 12:30pm**  
**William Hall Public Library, 1825 Broad St, Cranston\***

**LEARN HOW TO ADVOCATE!**

Join us to learn how to advocate at the State House this legislative session, with skills that could translate into speaking in front of any public body. The presentation will include take-home materials, an explanation of the Rhode Island legislature website, and more. Free and open to the public, pastries and coffee included! \*This information was updated for our digital version.

## RECAP: 2024 Annual Meeting

We gathered in downtown Providence to recap the year and honor three civil libertarians: Caroline Contrata, Dee Jensen, and Marianne Mirando. Thank you to our sponsor and supporters of the 2024 Annual Meeting, and everyone who joined us!



Civil Libertarians of the Year, L-R: Marianne Mirando, Dee Jensen, Caroline Contrata

## RECAP: The Gala PVD Benefit

The Gala PVD was a beautiful celebration of queer joy! The benefit, including drag performances and a three-course meal, raised money to support work here at the ACLU Foundation of Rhode Island, and was organized by The Stable, a bar in downtown Providence. We want to thank Steve Leonard, The Stable staff, and the drag performers who donated their time and talents for inviting us to be the beneficiary, and for all their work in making this benefit possible!



LEFT: ACLU of RI board members and guests enjoying the performances



RIGHT: 12 drag queens and Steve Leonard of The Stable pose at The Gala

Photos by Ryan Welch

BELOW: Thanks to the Sponsors of The Gala PVD

**ACLU**  
Rhode Island

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**ON THE FRONT PAGE:**  
Read the letter from  
our Executive Director  
about the year ahead.

**We have our work cut out for us in the year ahead.  
You can help us continue to protect your rights and liberties!**

If you'd like to help us continue our work of protecting and defending civil liberties across Rhode Island, consider making a special tax-deductible gift:

**MAIL A DONATION                      OR**

Mail a check made out to  
"ACLU Foundation of RI" to:

ACLU Foundation of Rhode Island  
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