

ACLU SETTLES CASE ON BEHALF OF THIRD GRADER SEARCHED AND ARRESTED WITHOUT CAUSE CASE HIGHLIGHTS DANGERS OF SCHOOL OVER-POLICING

The ACLU of RI has favorably settled a federal lawsuit against Tiverton police and school officials over an incident in which an 8-year-old girl was removed by police from a school bus, taken alone to the police station without her parents' knowledge, and then held and questioned at the station for several hours before being released. The lawsuit argued that the Tiverton officials' actions violated the child's constitutional rights to due process and freedom from unreasonable searches and seizures.



The suit stemmed from an incident in 2014 when a student falsely told a school bus attendant that the girl and another student had "chemicals" in their backpacks. The bus was stopped and Tiverton police officers and school officials were called to the scene. Police removed the two 8-year-old girls from the bus, and upon searching their bags, found no evidence of chemicals or anything else suspicious. Despite having no grounds to believe the two children had done anything wrong, the police still took them to the police station and accused them of not telling the truth before contacting their parents.

That evening, the school robo-called all elementary school parents, wrongly informing them that two students had made threats to set a school bus on fire. No further action was taken against the accused students, while the girl who made the false accusations was disciplined.

Under the settlement, the Town agreed to pay \$40,000 in damages to the family, and also adopted a formal protocol to deal with any similar incidents in the future. Among other things, the protocol requires police to immediately inform and involve school officials when an officer wants to remove an elementary school student from a school bus. The policy also bars, absent a likelihood of imminent harm, any police or school official interrogation of children until their parents are present.

Amato DeLuca, the lead ACLU volunteer attorney in the case, said: "I am very pleased that we were able to reach an agreement with the Town. The enacted protocols will provide children and their families with necessary protections against unreasonable and unwarranted searches and seizures, while also ensuring that the police department will still be able to perform its duties to insure the safety of the town's young residents."

ACLU of RI executive director Steven Brown added: "The ACLU is hopeful that this new protocol will prevent any other student from going through what this child endured. This case is a concrete reminder that over-policing of our schools and our students must stop."

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FROM THE DESK OF THE EXECUTIVE DIRECTOR

Since January, we've been working tirelessly testifying on legislation that will impact civil liberties in Rhode Island. As this issue of our newsletter highlights, we've also been continuing our legal and public education work at the state and local level. Taken together, these efforts are our best means of protecting our fundamental rights from the mess that is playing out at the federal level.

Fortunately, we've had a number of key legal victories in the past two months. On the student rights front, we successfully settled the case of a Tiverton third-grader who was arrested and held for questioning without her parents present. We also won an important case on behalf of a medical marijuana cardholder whose offer of a job was rescinded when the company found out about her use of medical marijuana.

And even though summer is upon us, there's never a slow day at the ACLU of RI. In June, we sued the Town of Smithfield over a burdensome and restrictive medical marijuana ordinance - just as many other RI municipalities consider similar ways to undermine the State's medical marijuana law. Amidst news of an arrest by ICE agents at a Providence courthouse, we sent letters to top state officials calling on them to use their power to protect RI's immigrants. And we recently released two new reports - one on the privacy of school-loaned laptops, and another on transgender policies in RI schools. Now that school is out, we hope that you -and education officials - will take the time to read and consider the reports' recommendations.

Of course, no June would be complete without a celebration of Pride! On that note, I hope you will read on for more information on our recent proud work to protect civil liberties in RI. And as always, thank you for standing with us.

- Steven Brown

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COURT RULING PROTECTS MEDICAL MARIJUANA PATIENTS FROM DISCRIMINATION

In an important ACLU of Rhode Island lawsuit dealing with the rights of medical marijuana patients, R.I. Superior Court Justice Richard Licht ruled that a Westerly fabrics company unlawfully discriminated against Christine Callaghan when the offer of a paid internship was rescinded solely because of her participation in the state's medical marijuana program.

At the time, Callaghan was studying textiles and working towards a masters' degree in that field at URI. She had participated in the medical marijuana program for almost two years to deal with frequent, debilitating migraine headaches when she applied for a paid internship at Darlington Fabrics Company. Although she was initially offered the internship, the company withdrew it after finding out about her medical status.



The judge agreed with arguments made by ACLU volunteer attorney Carly Beauvais Iafate that the failure to hire Callaghan because of her status as a medical marijuana user violated the medical marijuana law, which bars employment discrimination against "cardholders," and constituted disability discrimination in violation of the RI Civil Rights Act. The company plans to appeal the decision.

ACLU SUES TOWN OF SMITHFIELD OVER RESTRICTIVE MEDICAL MARIJUANA ORDINANCE

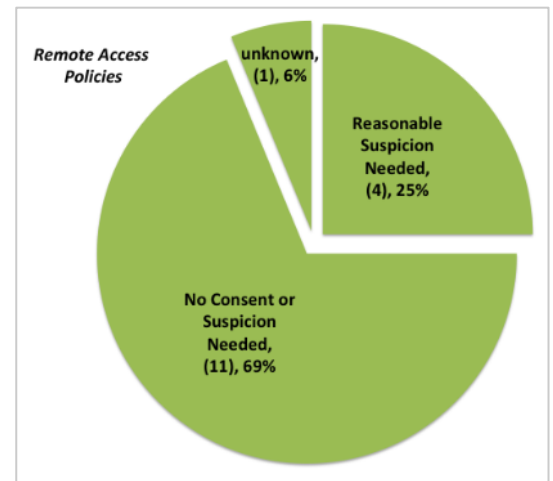
In its first legal push to counter municipal efforts to undermine the state's medical marijuana law, the ACLU of RI has sued the Town of Smithfield over a new ordinance that imposes significant burdens on medical marijuana patients' access to treatment. The suit, filed by volunteer attorneys C. Alexander Chiulli, John Meara and Matthew Plain, argues that the restrictions are directly contrary to stringent regulations already in place under Rhode Island's medical marijuana law.

Among the conflicts cited: the ordinance limits the growing of medical marijuana to two mature plants and two seedlings, and only at a patient's primary residence, even though Rhode Island law specifically allows for the cultivation of 12 mature plants and outlines where medical marijuana can be grown. The ordinance also bars caregivers from growing medical marijuana anywhere in the town.

The ACLU is considering filing additional lawsuits against other municipalities with similarly restrictive ordinances that conflict with the state's medical marijuana law.

REPORT HIGHLIGHTS SCHOOL OFFICIALS’ ABILITY TO SPY ON STUDENTS AT HOME

Raising alarm about the lack of privacy for students and their families, the ACLU of RI released a report showing that many school districts in the state give themselves the right to remotely spy on students through the use of school-loaned laptop computers. The report, “*High School Non-Confidential: How School-Loaned Computers May be Peering into Your Home*,” highlights that, in many districts, school computer loan policies require students and parents to give up any right to privacy in order to participate. The report’s recommendations include restricting remote access to the content of the devices, banning remote activation of the computers’ webcam or microphones, and requiring reasonable suspicion of misconduct for laptop searches.

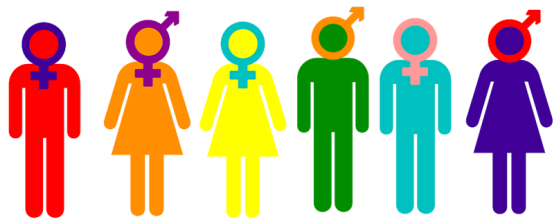


REPORT FINDINGS:

- Most school district policies require students and parents to acknowledge they have no expectation of privacy regarding loaned devices at any time – even if students are allowed to use them for non-school purposes and even if parents are encouraged to use them too.
- Most school district policies allow school officials to remotely access and/or search the content of the devices at any time – including activating webcams – in the absence of any suspicion of misconduct.
- The majority of policies also allow school administrators and teachers to physically inspect the devices at any time and for any reason.

REPORT EMPHASIZES NEED FOR STATEWIDE POLICY TO PROTECT TRANSGENDER STUDENTS

In the wake of the Trump administration’s repeal of federal guidance addressing the rights of transgender and gender non-conforming students, the ACLU of RI has released a report, “*Beyond Bathrooms: Trans-gender and Gender Non-Conforming Student Policies in Rhode Island*,” which



revealed that only 60% of RI school districts have policies in place to protect the rights of transgender

students. Of those districts with policies, most have adopted the RI Department of Education’s (RIDE) detailed guidance on the issue. But the report notes that schools are not required to adopt any policy at all, and this situation leaves too many students at risk of discrimination. Accordingly, the report calls on RIDE to require every school district to adopt a policy addressing transgender and gender non-conforming student needs. The ACLU plans to formally petition RIDE to impose this requirement. The report also urges school districts to regularly evaluate their schools’ gender-based activities, policies and rules to ensure they have a pedagogical purpose.

RIDE’s comprehensive policy addresses numerous issues facing trans and gender non-conforming students, including:

- School efforts to work with students who are actively transitioning
- Protecting students’ privacy in regards to their trans or gender non-conforming status
- Respecting a student’s right to be addressed by their preferred name and gender pronoun
- Allowing student participation in sex-segregated athletic and other gender-based activities that are consistent with their gender identity

WESTERLY YMCA SUED FOR VIOLATING WOMAN'S RIGHT TO BREASTFEED

The ACLU of RI has filed a lawsuit against the Ocean Community YMCA in Westerly on behalf of Elizabeth Gooding, a mother of three, for violating her right to breastfeed in public. The suit claims that the facility repeatedly prohibited Gooding, who was employed there, from breastfeeding her baby, in violation of state anti-discrimination laws and a statute specifically allowing breastfeeding in public.

The complaint claims that in February 2015, while nursing her one-year-old infant in the YMCA's daycare area, YMCA employees told Gooding that she could not breastfeed her child. After the incident, several YMCA supervisors confirmed that she would not be allowed to breastfeed in public due to "concerns about young boys." A month later, Gooding attempted to breastfeed there again, and again was rebuffed by staff and supervisors. She then spoke directly with the Ocean Community YMCA President, who, the suit claims, denied that there was any need to change the center's breastfeeding policy, refused to hold a training for employees, and added that Gooding should be "more discreet."



Plaintiff Elizabeth Gooding with her daughter

In filing the suit, being handled by ACLU volunteer attorney H. Jefferson Melish, Gooding said: "I am speaking out for women who have been shamed, degraded, harassed, or otherwise prevented from nurturing their children by breastfeeding. Following these extremely upsetting incidents, I decided to take a stand in hopes of enacting effective change in support of one of our most natural civil rights."

RI state law specifically protects the right of women who are breastfeeding to do so in public.

ORGANIZATIONS CALL ON TOP STATE OFFICIALS TO PROTECT RI IMMIGRANTS

In the face of the federal government's attack on immigrants, the ACLU and a dozen other non-profit organizations – all of which regularly interact with the state's immigrant communities – sent letters to the state's Governor, Attorney General and Chief Justice, calling on them to use their power to protect RI's immigrants.

At a news conference announcing these requests, Javier Juarez, a recently-graduated DACA student (DACA is the



DACA student Javier Juarez speaks at the ACLU's news conference.

federal program that protects from deportation youth who came to the U.S. as children) from RI College, explained how he was able to finish school only because of the state's in-state tuition policy for people like himself, emphasizing the importance of state officials taking strong stands to support immigrants.

Notably, a handful of other Attorneys-General and state Chief Justices across the country have taken the steps requested by the Rhode Island groups. This community effort comes amid reports of heavy-handed immigration enforcement actions at courthouses, including the recent arrest by ICE agents of an undocumented immigrant at a Providence courthouse.

Specifically, the letters ask:

- Governor Gina Raimondo to issue an executive order that would limit state agency collaboration with federal immigration officials in a variety of lawful ways.
- Attorney-General Peter Kilmartin to call for a halt to ICE courthouse arrests and repudiate provisions in President Trump's Executive Orders that would deputize local police to act as immigration officers.
- RI Supreme Court Justice Paul Suttell to send a letter to the U.S. Department of Homeland Security, urging ICE agents to refrain from conducting enforcement actions at or near state courthouses.

NEWS BRIEFS

RI DEPARTMENT OF HUMAN SERVICES STILL FAR BEHIND IN PROCESSING SNAP BENEFITS

RI's poorest families are still suffering as a result of delays caused by UHIP, the state's troubled new computer system established for processing benefits. That is the upshot of recent reports sent by the state Department of Human Services to the ACLU and the National Center for Law and Economic Justice (NCLEJ), required as part of a settlement agreement in the organizations' legal challenge to DHS's failure to timely process SNAP applications. When the class action lawsuit was filed in December 2016, the ACLU and NCLEJ argued that the "systematically inadequate and faulty statewide implementation" of UHIP was causing "thousands of households to suffer the imminent risk of ongoing hunger as a result of

being denied desperately needed assistance to help them feed their families." In response to the state's continued deficiency in meeting the settlement agreement's goals, the ACLU and NCLEJ are considering next steps.



ACLU SUES OVER SELECTIVE ENFORCEMENT OF CRANSTON SIGN ORDINANCE

The ACLU of Rhode Island has filed a federal lawsuit against the City of Cranston, challenging its blatantly selective enforcement of an ordinance that bars the placement of commercial advertisements on city property. The suit was filed by ACLU attorney Richard Sinapi on behalf of Stephen Hunter, a lawyer who was threatened with fines if he did not take down signs advertising his business – even though there were dozens of other advertising signs posted at

the same locations. The lawsuit argues that the City's conduct violates Hunter's rights to freedom of speech and equal protection of the laws. The lawsuit seeks an injunction to prevent the City from continuing to interfere with his right to post signs.



38 STUDIOS GRAND JURY OPEN RECORDS DECISION



In a blow to open government, R.I. Superior Court Judge Alice Gibney rejected Governor Raimondo's petition, joined by the ACLU, for the release of grand jury records relating to the 38 Studios investigation. The decision comes after years of effort on the part of numerous groups advocating for the release of the documents on this taxpayer scandal. The Governor has indicated that she plans to

appeal the decision to the R.I. Supreme Court, and the ACLU expects to participate in the appeal.

In the meantime, the ACLU also plans to assist the Governor's defense of a separate lawsuit filed by the Attorney General, in which he is seeking to halt the disclosure of State Police records of their investigation of the scandal.

IS OUR INFORMATION ABOUT YOU CORRECT?

Please take a look at your address label – is your contact information listed correctly?

If not, please call or email our office so we can correct it:

info@riaclu.org OR (401) 831-7171

Also, you can check the label to determine your membership status and eligibility to vote in ACLU of RI Board elections this fall. If you are a member (as opposed to a non-member donor), your membership expiration date will appear on the top line of the mailing label, on the right. If you have any questions about your membership status, feel free to call the ACLU of RI office.

ANNUAL MEETING PROGRAM BOOK Ad Submission Form

Every year, people place ads in our Annual Meeting Program Book to promote their businesses, remember loved ones, express congratulations, and much more. Submitting an ad is easy! Just send us your camera-ready art, or compose a message and have us design your ad for you. (Email digital artwork (.gif, .jpg, or .pdf files) to ads@riaclu.org or mail hard copies to the address below.)

DETAILS

- Please submit your ad by August 31, 2017.
- The size of a full-page ad is 6" wide by 7 ½" high. The grid below shows the prices and size options.
- Don't want to buy an ad, but want to show your support? List your name on our Supporter List for \$30.
- Questions? Call the ACLU of RI office at (401) 831-7171.

Send this form along with your check made payable to "ACLU Foundation of Rhode Island" (or provide a credit card number below) to:

**ACLU OF RHODE ISLAND
128 Dorrance Street, Suite 400
Providence, RI 02903**

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Exp. Date CVV (3-digit security code)

Full page: \$350

<p>1/4 \$130 (3 x 3¾)</p>	
	<p>1/8 (Bus. Card Size) \$80 (3 x 1⅞)</p>
<p>1/2 \$225 (6 x 3¾)</p>	

ORGANIZATIONAL NEWS

RI PRIDE FEST 2017

Thank you to everyone who joined us this year for Pride Fest on June 17th! As in years past, the ACLU of RI had a bustling booth with information on LGBT civil liberties and related issues. This year we invited visitors to do the Limbo, and it was a rousing success! We distributed more than 500 give-a-way bags with fact sheets, stickers and other Pride-related goodies. Special thanks to all the volunteers who helped with preparations and staffing the table – we could not have done it without all of you!



“If we had not had the ACLU, there would be no Pride Fest.”

-Belle Pellegrino
1976 Pride Parade Participant

“THE VISITOR” SCREENING WITH SPECIAL GUEST RICHARD JENKINS

On May 19, we held an exclusive screening of *The Visitor* with special guest Richard Jenkins, who was nominated for an Academy Award for his leading role in the film. Originally released in 2008, *The Visitor* looks at the personal impact of immigration issues – especially timely given the Trump administration’s recent attack on immigrants in the U.S.

Jenkins joined us for a meet-and-greet prior to the screening, and following the film, we held an audience Q&A with him and immigration attorney Carl Krueger. Thank you to Richard, Carl and everyone who attended – and to the Cable Car Cinema for hosting!



HOUSE PARTY!

A HUGE thank you to ACLU of RI members Tony Houston and Michael Crooks! In May, Tony and Michael held a house party at their Cranston residence to raise money for the ACLU of RI. More than 50 people attended, and in addition to refreshments, the pair distributed ACLU swag and information on pressing civil liberties issues.

Interested in throwing a house party to raise funds for the ACLU of RI? Call the office for more info (401) 831-7171.



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UPCOMING EVENTS

JOIN US!

2017
Legislative Wrap-Up &
Dessert Evening

WHEN:
Tuesday, August 1, 2017
6:30-8:00 PM

WHERE:
Cranston Central Library
*140 Sockanosset Cross Road
Cranston, RI 02920*

SAVE THE DATE

ACLU of RI
ANNUAL MEETING
Friday, October 13, 2017
Omni Providence

Preparations are already underway for the 2017 ACLU of RI Annual Meeting. Our 2017 Meeting is slated for Friday, October 13, 2017 at the Omni Providence. We hope you will join us as we honor a dedicated civil libertarian and review the year's civil liberties victories (and battles!) **Please stay tuned for more details and ticketing information.**

In the meantime, consider placing an ad in our Annual Meeting Program Book. It's an excellent way to showcase your business or send a message, and it offers us invaluable support in our defense of civil liberties. See the Ad Form included in this issue for further details and an easy way to sign up.