



PERA

Providence External Review Authority

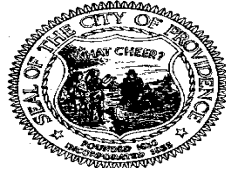
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**BI-ANNUAL REPORT
FOR FISCAL YEAR
2007**

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Kevin E. Deary
Executive Director
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David N. Cicilline
Mayor

City of Providence, RI PROVIDENCE EXTERNAL REVIEW AUTHORITY

February 7, 2008

Officers

Chair

Artin H. Coloian, Esq.

Vice Chair

Rochelle Lee

Treasurer

John Hearn

Secretary

Kohei Ishihara

Board Members

Stanley A. Bleecker

Kenneth Brown

Gladys Gould

Mary Jones

David Marshall

Ines Merchan

Brother Everett Muhammad

Frederick J. Price

George Thomas

Honorable Mayor and Members of the City Council
25 Dorrance Street
Providence RI 02903

Dear Mayor Cicilline and Members of the City Council,

Enclosed is the Providence External Review Authority (PERA) 2007 Bi-Annual final report submitted for your review. This report focuses on the statistical analysis of complaint data and the year's events.

I would like to acknowledge Mayor Cicilline, Council President Peter Mancini and the members of the City Council for your continued support for the Providence External Review Authority and the civilian oversight process. I want to also again thank the members of the City's Law Department who have responded to our questions and needs under the leadership of Joseph Fernandez. I want to thank the members of my staff at PERA and their contributions to the civilian oversight process this past year. I want to acknowledge the efforts of the PERA Board for their tireless efforts in support of the civilian oversight process. I would especially like to thank Luz Bravo-Gleicher who served as Chairperson, Dr. Arthur Jones who served as Vice-Chairperson and Phillip McKendall who had served as Treasurer as well as board members for their tireless efforts over the year to bring PERA to where it is today. Without their efforts and board members like them the civilian oversight process would still be on the drawing board. I would also like to recognize the efforts of the Providence Police Department, particularly Inspector Francisco Colon and the Internal Investigations and Inspection Division, for providing their ongoing cooperation.

Respectfully submitted,

Handwritten signature of Kevin E. Deary in black ink.

Kevin E. Deary, Executive Director

Handwritten signature of Artin H. Coloian in black ink.

Artin H. Coloian, Chairperson

Kevin E. Deary
Executive Director
Phone (401) 228-6989
Fax (401) 228-6998



David N. Cicilline
Mayor

City of Providence, RI

PROVIDENCE EXTERNAL REVIEW AUTHORITY

550 Broad Street
Providence, RI 02907

“The Purpose and the Mission of PERA”

The purpose of the Providence External Review Authority (PERA) is to investigate allegations of misconduct on the part of officer(s) of the Providence Police Department, to make findings of fact and to make findings of fact and to make recommendations of potential disciplinary action to the Chief of Police.

PERA was established in 2002 by Providence City Ordinance No. 614 (Chapter 2002-39), to provide for a system of Civilian Oversight over the Providence Police Department. PERA has the mission and the authority to investigate and conduct hearing concerning allegations of misconduct on the part of sworn officers of the Providence Police Department.

If you believe that you have been the victim of misconduct committed by a sworn officer of the Providence Police Department, you have the right to report the incident to PERA. You may contact PERA at the address and telephone number provided above or you can email (PERA) at Pera@providenceri.com

PERA BOARD MEMBERS

Officers:

Artin Coloian, Chair:

Communication from Council President John Lombardi dated October 24, 2006, informing the City Clerk that he is this day appointing Mr. Artin Coloian as a member of the Providence External Review Authority (PERA) to serve the remaining term of the Reverend James Cook that expires in March 2008.

Artin H. Coloian, Esq. was elected chair of the PERA board by unanimous vote on November 6, 2007. He is a lawyer who areas of practice are in Criminal Law and he is a member of the business community. Mr. Coloian also is the proprietor of a downtown restaurant here in Providence RI, called the "Side Bar and Grill."

Rochelle Lee, Vice Chairperson:

Communications from Thomas P. Whitten, Chairman, Providence Human Relations Commission, dated August 17, 2006, informing the City Clerk that he is this day appointing Rochelle Lee to the Providence External Review Authority (PERA), for a three (3) year term to expire in August 2009.

Ms. Lee is an urban planner with specialized expertise in real estate financing and property management. She has worked with non-profit, municipal and community-based sponsors to develop more than \$20 million in affordable housing in Rhode Island and Massachusetts. She taught English, U.S. History and Social Studies in the Boston Public Schools for five years; three years in a private school located in Watertown, Massachusetts and held various teaching posts at Northeastern University and Wheelock College. She currently serves on the board of several community-based organizations whose missions are to improve low and moderate-income neighborhoods, provide services to children and the elderly and the preservation of public services (such as recreational and library programs). She currently serves on the boards of Good News Housing/Community Land Trust, the RI HUD Tenant Project, the Library Reform Committee and Save Our Branches, (a coalition member of the Providence Public Library Reform Group) and is a founding board member of MUSIC ONE, a youth music enrichment program.

In 2006, she was appointed to the board of the Providence External Review Authority, (PERA) and as of January 28th of 2008 she has been elected Vice-Chairperson; she was appointed Commissioner for the RI Commission for Human Rights, the state's civil rights enforcement agency. Ms. Lee also volunteers as a Loan Committee member of the Minority Investment Development Corporation and serves as a volunteer with the Rhode Island based Parent Leadership Training Institute, (PLTI), dedicated to promoting parent engagement in public policy and social change. Ms. Lee is a Wellesley College alumna and holds a B.A. degree from the University of Massachusetts, (magna cum laude), a Masters of Art from Boston University and a Masters of City Planning from the School of Architecture at the Massachusetts Institute of Technology. She was a recipient of a HUD Fellowship to attend MIT. While completing her Master's Degree at Boston University; she studied at the University of West Indies in Kingston Jamaica and also spent time in Port au Prince, Haiti volunteering with a street arts program.

John Hearn, Treasurer:

Communication from Councilman Patrick Butler, dated January, 2005, informing the City Clerk that he is this day re-appointing John Hearn to the Providence External Review Authority (PERA), for a three (3) year term to expire in January, 2008.

John Hearn is currently a Providence resident. His parents are Irish immigrants who moved to Providence in 1946. His wife's grand parents are Italian immigrants who moved to Providence in the 1920's. He married his high school sweetheart, and they have two children, Amanda and Elliot. Mr. Hearn attended grade school at St. Raymond's. From there he attended Our Lady of Providence, and graduated from Hope High School in

Providence. It was nine years ago that he had an opportunity to take a job in management for a large tile manufacturer, Daltile, and he did. Today he handles commercial sales for greater Boston, Southeastern MA and RI. He is on the board of governors at Triggs Golf Club in Providence, and he is on a fund raising committee for Save Sight Rhode Island. As far as his outlook on the future of PERA, he is confident.

Kohei Ishihara, Secretary:

Communication from Councilman Miguel Luna dated June 29, 2005, informing the City Clerk that he is this day re-appointing Kohei Ishihara to the Providence External Review Authority (PERA), for a 3-year term to expire in June 2008.

Kohei D. Ishihara grew up in Rockville, Maryland where he first started analyzing race and oppression through his peer leadership work at St. Andrews Episcopal High School. Kohei moved to Providence, Rhode Island in the fall of 1998 to attend Brown University. Kohei then made the important decision to stay in Providence, RI and work to develop and empower the Southeast Asian community. Kohei is the co-founder and Executive Director of the Providence Youth Student Movement (PrYSM), a grassroots Southeast Asian youth organization committed to anti-racist organizing, youth empowerment, and community development (visit www.prysm.us). He is a founding PERA board member who joined PERA because he wanted to find a way to honor the community struggle for police accountability that started years before the death of Sgt. Cornell Young, Jr. "This country and nation is responding to terrorism by taking away the rights of ordinary citizens, by denigrating the lives of poor and struggling immigrants, and by building a police state where violence is institutionally enforced to preserve the American status quo." He feels that he is on PERA to enforce justice against police officers who have abused their power, or have used any size, shape, or form of illegal profiling. He sees PERA as strengthening the relationship between the community and the police, and preserving the respect and sanctity of both. In the future, he envision the Providence Police Department and PERA working harmoniously to create alternative forms of policing, and working to build stronger, healthier, and safer communities.

Board Members:

Stanley A. Bleecker:

Communication from Councilwoman Rita M. Williams, dated March 8, 2006, informing the City Clerk that she is this day re-appointing Mr. Stanley Bleecker to the Providence External Review Authority (PERA), for a term to expire in March, 2009.

He was born in Providence, Rhode Island. He has a son and daughter and three grandchildren. His primary and secondary education was within the Providence school system including graduation from Classical High School. He is a graduate of Brown University with a Bachelor of Science in Electrical Engineering and obtained a law degree from Boston University. Upon graduation from college he worked for three years at the Westinghouse Electric Company, a company that no longer exists. Upon graduation from law school he went to work for the Providence Law Firm of Tillinghast, Collins and Graham for twenty-seven years. For most of those years he was a partner. He currently is a solo practitioner with an office in the city of Providence. Over the years he has held a number of positions in community and charitable organizations including President of the Board of Directors of Alias Stage, board member of Brown University, Rhode Island School of Design, Hillel, Board Member and Vice President of Rhode Island Community Mediation Center. He finds that working for PERA as a Board Member to be extremely worthwhile.

Kenneth Brown:

Communication from Councilman Kevin Jackson, dated June 1, 2006, informing the City Clerk that he is this day re-appointing Mr. Kenneth Brown, to the Providence External Review Authority (PERA), for a term to expire in June 2009.

Mary Jones

Communications from Councilman Terrence Hassett, dated July 27, 2006, informing the City Clerk that he is this day appointing Ms. Mary Jones to the Providence External Review Authority (PERA), for a three (3) year term to expire in July 2009.

Ms. Jones is a lifelong resident of Rhode Island and has been active in community affairs for many years.

David A. Marshall

Communications from Councilman John J. Igliazzi dated July 18, 2005, informing the City Clerk that he is this day appointing David A. Marshall to the Providence External Review Authority (PERA), for a three (3) year term to expire in July 2008.

Mr. Marshall is 47 years of age, married with (2) children- Bryan (18) and Jennifer (23). He is employed for 31 years with the Providence College Security Department as a Sergeant on the 11pm-7am shifts. He commands approximately 22 officers. He attended LaSalle Academy, graduating in 1975, went to Roger Williams College and CCRI and is now attending Providence College SCE. He is very active in the neighborhood and well respected by many. He entered the political arena with an unsuccessful bid for the 2002 City Council. He is interested in PERA because he believe that public voices should have a chance for fair actions and it should be known that everyone should be at least heard with interest and understanding. A fair judgment should be always made for BOTH PARTIES in all cases.

Frederick J. Price:

Communication from Councilwoman Josephine DiRuzzo, dated November 10, 2006, Informing the City Clerk that she is this day appointing Mr. Frederick James Price as a member of the Providence External Review Authority (PERA) term to expire in March 2008. (Mr. Price will replace Oscar Vargas, who was appointed March 14, 2005, who has been removed from the committee, for the remainder of the term).

Mr. Price is a retired prison guard having been employed at the Adult Correctional Institution. He is a life long Rhode Island resident.

Gladys Gould:

Communication from Councilman Luis A. Aponte dated April 26, 2007, informing the City Clerk that he is this day appointing Gladys Gould as a member of the Providence External Review Authority, for a three (3) year term to expire in July 2009.

Ines Merchan:

Communication from Councilwoman Balbina A. Young dated May 16, 2007, informing the City Clerk that she is this day appointing Ms. Ines Merchan as a member of the Providence External Review Authority (PERA) to expire in March 2008. (Ines Merchan will replace Mary K. Harris, who was appointed March 14, 2005, who has resigned from her three (3) year term).

Ines Merchan lives right in the community on Comstock Street. She is the mother of three teenagers. Ines has just recently graduated from URI. She has been living in Providence for at least 20 years. She has worked with non-profit every since she has had her children. Currently she works at the RI Foundation. She also has worked at DARE (Direct Action for Rights and Equality) for approximately 5 years.

Brother Everett Gomes-Muhammad:

Communication from Councilman John J. Lombardi dated April 9, 2007, informing the City Clerk that he is this day appointing Everett Gomes-Muhammad to the Providence External Review Authority (PERA), for a three (3) year term to expire in July of 2010.

Eva C. Hulse-Avila:

Communication from Honorable David N. Cicilline dated July 26, 2007, informing the City Clerk that he is this day appointing Ms. Eva C. Hulse-Avila as one of the three mayoral appointees to the Providence External Review Authority (PERA), for a term to expire in July 2010.

Mr. George Thomas:

Communication from Council President Peter S. Mancini dated December 19, 2007, informing the City Clerk that he is this day appointing George Thomas as a member of the Providence External Review Authority to fulfill a three- year term, which expires June, 2008. (George Thomas will replace Phillip McKendall).

STAFF

Mr. Kevin E. Deary, Executive Director

The PERA Board of Directors appointed him Executive Director on March 27, 2006. Mr. Deary is a retired FBI Agent with 25 years of service to the United States. He has served in numerous communities across America to include Minneapolis, New Mexico, Miami and Rhode Island. He has conducted numerous federal civil rights violation cases over the years. Mr. Deary has worked in the insurance industry investigating fraud, the tobacco litigation field and the private investigations field to include sensitive government background investigations since his federal retirement in 1994. Due to his 12 years of residency in Rhode Island he is familiar with the ethnic makeup of the various communities. Mr. Deary in his short time has brought PERA through the lawsuit by the FOP, developed solid working relationships with the Attorney General's Office, the Command Staff of the Providence Police Department, especially the Internal Investigations and Inspection Division, and the Rhode Island Chiefs of Police Association, the Roundtable of the Urban League, as well as community organizations throughout Providence. Mr. Deary is developing a Manual of Operations for PERA so its important work can continue on in an organized manner. Mr. Deary has supervised the staff at PERA so that the daily operations move smoothly. He has met with the Mayor and his staff, City Council members, numerous department heads and employees in order that PERA attain its goals within the city. He has assisted in training PERA Board Members as to their expected duties. He continues to meet with community support members and develop new advocates throughout the Rhode Island network.

Mr. Kevin E. Deary was officially appointed Executive Director April 11, 2007.

Mr. Roderick J. Kennedy, Case Investigator

He was appointed as the Investigator under Mr. Deary in May 2006. He brings 25 years of experience with the FBI to PERA. Mr. Kennedy investigated numerous federal civil rights cases in Rhode Island and Massachusetts during his career. Mr. Kennedy is a native of Rhode Island having been raised in Providence and attended Providence public schools and Providence College. He was a US Army helicopter pilot attaining the rank of Captain. Since his retirement from the FBI he has been involved in numerous investigations in Massachusetts and Rhode Island. His father still resides in Rhode Island. In addition Mr. Kennedy brings a strong knowledge of computers and data collection systems to PERA. He has been heavily involved with the IT department of the city in upgrading PERA's IT network. Mr. Kennedy is also involved in the development of a Manual of Operations for PERA so that PERA's investigative staff will have guidelines to follow.

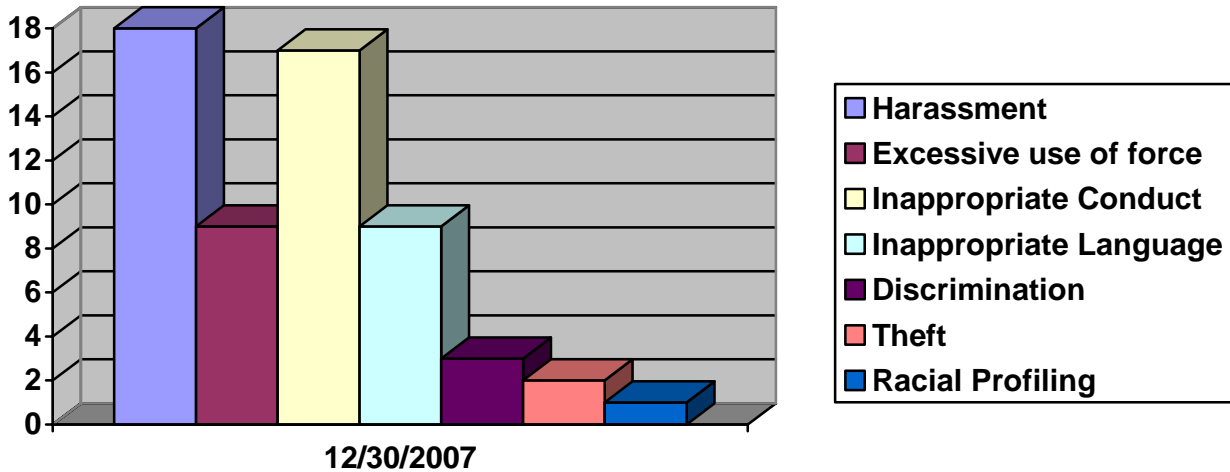
Mr. Roderick J. Kennedy was officially appointed Full-time Case Investigator March 7, 2007.

Ms. Kathy Gee, Confidential Secretary

She was appointed in December 2004, as the Confidential Secretary of PERA. She reports directly to the Executive Director, which investigates allegations of police misconduct in the City of Providence. Ms. Gee assist the Executive Director and his investigators in handling all duties of the PERA office as they pertain to emergency and non-emergency situations and complaints. She is not only the Confidential Secretary but also the PERA point of contact for the community. She is a licensed Notary Public, instrumental in developing the PERA website, has produced PERA informational pamphlets and brochures, and runs the overall daily operations of the office with the daily dealings with departments at City Hall. She is also responsible for performance of complex and difficult, duties concerning highly confidential law enforcement matters. She along with Mr. Kennedy has been developing a data system for PERA and a Manual of Operations guideline. Ms. Gee in her short tenure has developed close working relationships with strategic members of departments at City Hall, which offer expertise to PERA. Ms. Gee accepted the position at PERA because she believes in the mission and purpose of PERA, and is willing to offer her support as well as her skills to make this a functioning and productive organization.

DATA ANALYSIS

During the calendar year 2007, PERA has received 31 complaints from the community. These 31 complaints contain 59 allegations of Harassment, Excessive Use of Force, Inappropriate Conduct, Inappropriate Language, Discrimination, Theft, and Racial Profiling. Of these 31 complaints 3 do not currently meet the criteria for a complaint as set forth in the Ordinance and the Administrative Rules of PERA.



	2007
Cases Open – 31	Allegations
Category 1 – Harassment	18
Category 2 – Excessive use of force	9
Category 3 – Inappropriate conduct	17
Category 4 – Inappropriate language	9
Category 5 – Discrimination	3
Category 6 – Theft	2
Category 7 – Racial Profiling	1
For the Year of 2007 we have 31 cases and 59 Allegations	

PERA began interviewing sworn police officers of the Providence Police Department directly after the RI Supreme Court did not allow a stay against PERA. To date 39 police officers have been formally interviewed on 15 cases.

Additional officers have been spoken to but do not necessarily fall within the guidelines of an officer who has had an allegation against him or her.

There are also officers who have been asked to interview but are currently serving in the U.S. Armed Forces abroad. They will be interviewed upon their official return to police duties.

PERA conducted its first ever Evidentiary Hearing on December 10, 2007 regarding Inappropriate Conduct and Use of Unnecessary Force. A panel of 5 board members, randomly selected, heard testimony from a complainant, who refuse representation by counsel provided by PERA, and a sworn officer of the Providence Police Department, also represented by counsel.

The deliberations for the hearing were held on December 28, 2007 and the panel recommended meeting on January 17, 2008 after holiday commitments and the transcription of the hearing would be unavailable. The panel met on January 17, 2008 and is providing their findings of fact to the Chief of Police with their recommendations. Additional Evidentiary Hearings are being scheduled in several complaints.

TRENDS

PERA has addressed the initial slow process of acquiring Providence Police Department (PPD) data. PERA staff now obtains police records without the necessity of contacting the Internal Investigations and Inspection Unit, and Internal Affairs Bureau (IAB). However, beyond public record data it is still necessary to involve IAB to acquire such items as audio, video, booking data etc. Other divisions of the department also continue to be helpful.

A second trend continues to be one of training. PERA still see complaints where police officers have no specialized training in dealing with individuals who suffer a mental illness due to alcohol, drugs, or other disease. These situations usually escalate to an arrest for disorderly conduct when with additional training these individuals could be assisted to their needs and not face arrest.

Thirdly complainants are still not aware of the police officers' names and in some instances badge numbers. A policy of identification and reasons for stop or arrest should be adopted where the officers fully identify themselves and the reason for the stop or arrest.

COMMUNITY OUTREACH

Mr. Deary sits on the Minority Outreach Committees to the Urban League Civil Rights Roundtable and RI Chiefs of Police.

During the past legislative session a compromise was being sought between the community and the Chiefs as to language acceptable to both for a law to continue data collection statistics with relevance to motor vehicle stops (Title 31 Chapter 21.2).

He continues on these panels and has met with Senator Rhoda Perry and Representative Joe Alves on Racial Profiling legislation for the 2008 session.

PERA continues to give out palm cards to the community and Board Member address community groups on a personal basis to advertise PERA. The Outreach Committee continues to meet and discuss new ways to reach the community such as TV ads, radio and newspaper advertising.

INFORMATION TECHNOLOGY

Based on the victory of PERA over the Providence FOP in November 2006 the upgrade of PERA office equipment was undertaken. First an office copier, printer, fax and e-mail device was purchased capable of handling all PERA's business as can be seen by the PERA Annual Report of 2006 and 2007 which were totally prepared, printed and bound by PERA staff; an estimated savings in the thousands of dollars.

Research was conducted by staff as to the best management software program available to handle PERA casework. A decision was reached to purchase IAProfessional from CI Technologies, the same system being utilized by hundreds of police departments including the Providence Police Department. Initial attempts to purchase the software were considered somewhat high at \$10,000, but after negotiations by staff the program was purchased for \$2,500. Also with PERA staff connections with Boston Massachusetts Police Department we were able to receive initial up front training for free.

PERA staff attended the CI Technologies Training Seminar in November 2007 for additional training. A new server was purchased to handle the IAPRO software. The installation process is still continuing. The process has been slowed down by necessary purchases for additional support supplies, and scheduling difficulties with the IT department of the city. PERA's office network had to be redesigned. Currently the server and software are in place and our network is complete. The complete files of PERA are being downloaded into the software program.

RESOURCES

Initially when PERA was founded PERA was authorized 2 investigators. The second investigator position has never been filled. PERA returned thousands of budget dollars to the city during this time 2002-2006. However, the second investigator position was not funded again in the 2008 budget. PERA continues to operate at a loss of one full person for the year making it all but impossible to adhere to time lines prescribed by ordinance. Hopefully funding for this position will be forthcoming in the 2009 budget. Currently the investigator is also doing all the IT work for the PERA office.

PERA continues to address the situation where representatives of sections of the city have claimed they have complaints but they are afraid to come to PERA offices. Along this avenue PERA has begun to look for additional office sites throughout the city.

LAWSUIT

Attorneys for PERA have filed a brief with the RI Supreme Court in support of our position regarding the constitutionality of the Providence External Review Authority (See Appendix A).

*Please contact Providence External Review Authority for
copies of these legal documents at (401) 228-6989*