



## News

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## Five-O for the ProPo

Policing the Providence Police

. . . by *James deBoer*

On Friday, November 8, interim Mayor John J. Lombardi signed into law the Providence External Review Authority, PERA for short. PERA will consist of twenty citizens who will hear cases of excessive police force and issue recommendations for discipline. At the moment, more than forty of our nation's fifty largest cities, including Baltimore, Minneapolis, Chicago, New Orleans, and Albuquerque, have similar institutions.

This landmark piece of legislation was the result of several years of hard work. Direct Action for Rights and Equality (DARE) and the Center for Police Accountability led the campaign, but many other groups were involved, including the Rhode Island Minority Police Association, Youth In Action, The State Council of Churches, and the Rhode Island Civil Rights Round Table.

The first calls for some sort of review authority came after many instances of excessive force on the part of the Providence police force during the last decade; in the late nineties, there were about 15 to 20 complaints brought to the Internal Affairs office each year. Widespread recognition of the need for PERA did not come until the 2000 killing of Sergeant Cornel Young, Jr., however. Sergeant Young was trying to break up a fight at a restaurant while off duty when two fellow officers called to the scene, not recognizing him, shot him. A crowd of 800 people shut down City Hall in February of 2000, in response to Young's murder.

During the next year, proponents for PERA met with a number of city officials to build up support. While establishing a favorable majority on the City Council, they also spoke with then-Police Chief Richard Sullivan and members of the Fraternal Order of Police in order to develop a plan for the Review Authority with input not just from activists, but from the police themselves. Then-Mayor Buddy Cianci also indicated he might support the

measure, or at least withhold his veto.

### **Cianci flip-flops; Lombardi high-steps it**

City Council hearings and committee meetings came to a close on May 16 this year, when PERA passed by a vote of 11 to 4. The story was far from over, though. The Providence City Charter mandates that any bill appearing before the City Council must pass on two separate occasions before it can be brought to the mayor for his signature. Therefore, the PERA bill would have to be passed a second time. And, according to the City Charter, if the mayor refuses to sign a bill into law, a two-thirds City Council majority vote would be needed to override his veto. PERA sponsors therefore wanted a two-thirds majority going into this process, so that Cianci would be less likely to renege on his support, in order to avoid risking the embarrassment of seeing his veto overridden. Also, since a mayor's veto often pushes indecisive fence sitters to vote against the bill, it's hard to pass legislation without a two-thirds majority from the start.

However, PERA lost its two-thirds majority by the second passage on June 20. Of the 11 Councilors who originally voted for the bill, two were not present when the second vote took place. With less than a two-thirds majority supporting PERA, Mayor Buddy Cianci had no qualms vetoing it on July 1, despite both his previous statements and the recommendations for its passage by the Governor's Selection Commission on Race and Police/Community Relations and the Blue Ribbon Commission, a municipal body charged with finding ways to reduce police/community hostility.

But PERA was not long gone. In early September, after Buddy Cianci was sentenced to Federal prison for six years, President of the City Council and full-fledged PERA supporter John J. Lombardi assumed the mayor's office. In October, Councilwomen Patricia Nolan and Balbina Young re-introduced the PERA proposal, which this time passed by a 9-4 margin. Two weeks ago, on November 7, the second vote succeeded and Mayor Lombardi signed it the day after.

### **P-town's power over the PPD**

Once the City Council decides whom it will appoint to the twenty-person Review Authority, it will then meet and appoint an executive director, as well as legal, administrative, and investigative staffs. As victims and their family members, witnesses, and residents file their grievances, the executive director will decide what action to recommend to the Authority for every complaint, from the options of dismissal, informal mediation, and full investigation. If the Authority chooses to investigate, a panel of five of its members, selected at random, will hear the evidence gathered by the Authority's civilian investigative staff. They will hear the arguments from both the complainant and the police officer, and will have the power to subpoena witnesses and documents.

If the panel finds that the officer in question did act out of line, it will recommend to the chief of police the appropriate punishment based on a soon-to-be-developed matrix. While the term "recommendation" is used in the language of the ordinance, the police chief will in most cases be obliged to follow it; this binding power is at the heart of PERA, and it will ensure that police power is ultimately accountable to civilian authority.

An interesting part of PERA will assist this body even further in the reformation of Providence's police force: Section nine allows the Authority to examine "police policies, trends, or practices, and issue recommendations for change," and orders the police department to cooperate with its requests. Mary Kay Harris, community organizer at DARE and a 3-year veteran of the PERA campaign, believes that this ability, as well as the general review power, will "cause less misconduct" among the police. With the election of liberal-minded Mayor David Cicilline, Harris said, "we're optimistic and very positive that we will have a chief that will help us implement this plan."

### **Copping an attitude**

Not everyone is pleased with PERA. Many police officers point to the Rhode Island Police Bill of Rights, which automatically entitles them to an internal hearing if they are given a discipline exceeding two days' suspension.

Although PERA will not directly curtail that right, the discipline matrix will make it harder to contest decisions, since the Chief of Police will be obliged to pursue the discipline dictated by the Review Board.

Section 12 of PERA presents another difficulty for police officers; all complaints, regardless of their eventual outcome, will be kept on file for the public to examine. This will make it hard for wrongly accused police officers to maintain completely clear records. (Even though the final results of the investigation will also be available, any complaint, even if eventually dropped, is not good for a police officer's record.) The final fear of the Police Department is that PERA may become a politicized body, making hearings and procedures inherently unfair. If appointees to the Authority are not made on the basis of merit, but instead given out to friends of the Councilors, it will be difficult for PERA to operate effectively and equitably.

Hard work on the part of PERA advocates will be necessary to prevent this from happening in the coming weeks; however, Harris and many others she's worked with are confident that PERA will succeed and bring Providence closer to becoming the Renaissance City it claims to be.

*Whatever James deBoer B'05 got to be, he's got to be funky.*

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