



BI-ANNUAL REPORT 2024

THE PROVIDENCE EXTERNAL REVIEW AUTHORITY



DECEMBER 3, 2024

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Brief Overview

PERA has made significant steps in meeting our goals of improving community oversight of the police department and improving community engagement. We have successfully implemented a new electronic case management system that streamlines the process of making, tracking, and reviewing complaints, policy recommendations, compliments, and audits of police investigations. This new system allows us to keep the community informed of the progress and results of the work we are doing through a public portal. This increases transparency in the oversight process.

We have met and continue to meet with community leaders and organizations in the city to share our mission and objectives. We had the opportunity to meet with BLM-PAC, BLM, RIBBA, the State Commission on Prejudice and Bias, The Non-Violence Institute, and have done presentations at RIC and at City Council members' community meetings. Many of these organizations have extended their pledge to collaborate with PERA to accomplish similar goals and to extend our mission to the community. They have also expressed support for our effort to amend the PERA ordinance to strengthen our ability to conduct effective oversight.

We continue to meet with City Council members and City Council staff to further discuss ordinance changes that will allow PERA to have the ability to engage in effective oversight over the Providence Police Department and help us make favorable changes to the method of policing that will strengthen the relationship between the police and the community. While the City Council has expressed support for these changes in our meetings, we are still waiting for the proposed ordinance amendments to be presented in committee. We hope the City Council will soon take this important measure up so we can continue to serve the public's interest in transparency and accountability in policing. We are planning a training in the beginning of the new year 2025 for the City Council on the importance of Civilian Oversight and access to records through the National Association of Civilian Oversight for Law Enforcement (NACOLE). This will allow City Council members to receive additional information on how police accountability and transparency are conducted nationally and hopefully lead to the changes we need to improve that service within our city.

We completed the first successful independent audit of the Police Department's gang list database and uncovered some deficiencies in the record keeping practices of the department which they are working on correcting. This is a major accomplishment for the department as this has been an annual requirement since the passage of the Police Community Relations Ordinance (18 ½ -4) but has never been done. We now have an important baseline for monitoring the use of this list and the adherence of the department in removing people from the list as required by law. We are also reviewing the relevant policy for potential recommendations for changes.

Finally, we added a very experienced investigator, John A'Vant to our staff to investigate our complaint submissions. He brings over 25 years of relevant investigative experience and is a great addition to the professional team at PERA.

POLICY

The following policies have been reviewed by the PERA board and recommendations for changes has been submitted to Mayor Brett Smiley and Chief of Police Oscar Perez [Exhibit -A]:

- The 360.08 Eyewitness Identification Policy with board recommendations January 11, 2024, Second Review February 08, 2024, Final Review: 03-14-24
- 130.03 Disciplinary System reviewed on May 1, 2024. Final review: 06-13-24 (held for further study).
- 130.04 Early Warning System reviewed on May 1, 2024. Final review: 06-13-24 (held for further study).

The following policy is currently under review:

- 360.10 Intelligence Assessment Database reviewed on September 6, 2024, third review on November 18, 2024.

COMPLAINTS

PERA has received 16 complaints to date in 2024 and has 4 pending complaints from 2023 which are currently under investigation.

Complaints can contain multiple allegations:

COMPLAINT TYPE	#	DISMISSED	REFERRED FOR FULL INVESTIGATION	PENDING OPR COMPLETION
Disagrees with Police Action	2	1	0	1
Discourtesy	4	2	1	1
Dispatcher	0	0	0	0
Frivolous/no information	1	1	0	0
Harassment	1	0	0	1
Illegal arrest/excessive force	6	1	3	2
Improper release of records	0	0	0	0
Parking complaint	1	1	0	0
Illegal Search/Seizure	3	1	2	2
Inappropriate Conduct	3	1	2	1
REASON FOR DISMISSAL				
No Probable Cause				2
Lacks Sufficient information				2
No Jurisdiction				2
Not Timely				0
Not Reviewable				0

Cases pending OPR completion are held until the police department completes their internal investigation.

Cases referred for full investigation are in the process of being investigated by PERA.

YTD 2024 BUDGETARY EXPENDITURES

We remain under budget and have been very fiscally responsible in managing our expenses. Below is an accounting of our year-to-date expenses.

From January 1, 2024, to November 2024 PERA's budgetary year to date information is provided below:

	FY25 BUDGET	YTD ACTUALS		
	FY2025	FY2025	Over / (Under) Budget \$	Over / (Under) Budget %
Expenses				
50010 - Salaries	\$400,194	\$62,090	(\$338,104)	(84%)
50080 - Sick Leave	\$0	\$1,595	\$1,595	—
50090 - Vacation	\$0	\$4,140	\$4,140	—
50340 - Holiday	\$0	\$4,402	\$4,402	—
SALARIES TOTAL	\$400,194	\$72,227	(\$327,967)	(82%)
50350 - Longevity	\$3,690	\$3,690	\$0	0%
OT & SPECIAL SALARIES TOTAL	\$3,690	\$3,690	\$0	0%
SALARIES TOTAL	\$403,884	\$75,917	(\$327,967)	(81%)
51570 - Dental Insurance	\$4,460	\$407	(\$4,053)	(91%)
51573 - EMPLOYEE ASSISTANCE PROGRAM	\$107	\$15	(\$92)	(86%)
51850 - City of Providence Pension Expense	\$53,621	\$23,762	(\$29,859)	(56%)
51980 - F.I.C.A.	\$35,686	\$5,499	(\$30,187)	(85%)
59891 - Transfer to Active Medical Ins Fund	\$26,473	\$6,748	(\$19,725)	(75%)
EMPLOYEE BENEFITS TOTAL	\$120,347	\$36,430	(\$83,917)	(70%)
EMPLOYEE BENEFITS TOTAL	\$120,347	\$36,430	(\$83,917)	(70%)
53401 - Private Contractors	\$11,235	—	(\$11,235)	(100%)
53499 - Contractual Services/Other Services	\$40,000	—	(\$40,000)	(100%)
CONTRACT	\$51,235	—	(\$51,235)	(100%)

SERVICES TOTAL				
52170 - Postage	\$1,800	–	(\$1,800)	(100%)
52175 - Advertising/Marketing	\$30,000	–	(\$30,000)	(100%)
52185 - Dues & Subscriptions	\$1,080	\$580	(\$500)	(46%)
52210 - Printing	\$10,000	\$14	(\$9,986)	(100%)
G&A SERVICES TOTAL	\$42,880	\$594	(\$42,286)	(99%)
SERVICES TOTAL	\$94,115	\$594	(\$93,521)	(99%)
54000 - Office Supplies	\$5,500	\$110	(\$5,390)	(98%)
54020 - Stationery	\$2,500	\$50	(\$2,450)	(98%)
OFFICE SUPPLIES TOTAL	\$8,000	\$160	(\$7,840)	(98%)
53500 - Misc. Expenses	\$18,000	(\$25)	(\$18,025)	(100%)
OTHER SUPPLIES TOTAL	\$18,000	(\$25)	(\$18,025)	(100%)
53000 - Rental of Land and Buildings	\$49,935	\$24,369	(\$25,566)	(51%)
RENT TOTAL	\$49,935	\$24,369	(\$25,566)	(51%)
52913 - Copiers Lease and Maintenance	\$2,500	\$750	(\$1,750)	(70%)

	FY25 BUDGET	YTD ACTUALS		
	FY2025	FY2025	Over / (Under) Budget \$	Over / (Under) Budget %
REPAIRS & MAINTENANCE TOTAL	\$2,500	\$750	(\$1,750)	(70%)
52700 - Professional Development	\$22,500	–	(\$22,500)	(100%)
TRAINING & DEVELOPMENT TOTAL	\$22,500	–	(\$22,500)	(100%)
SUPPLIES TOTAL	\$100,935	\$25,253	(\$75,682)	(75%)
EXPENSES TOTAL	\$719,281	\$138,195	(\$581,086)	(81%)
EXPENSES TOTAL	\$719,281	\$138,195	(\$581,086)	(81%)

CONCLUSION & RECOMMENDATIONS

PERA has made excellent progress in developing the structure and outreach needed to engage in effective oversight. We continue to partner with the community and the police department to create a collaborative environment centered around building bridges of understanding and making the accountability process more transparent with the goal of improving the quality and effectiveness of police services. Policing should be done with the community, not done to the community. PERA is a mechanism for public access to fairness and transparency in the policing process. Through PERA, individuals can have their voices heard when it comes to police misconduct, concerns for police policies and procedures, and or distrust of internal police processes concerning accountability. PERA has the potential to open the door and allow the public to participate in the process of improving their police department. We continue to meet this mandate by improving the quality of services we provide, increasing access and collaboration with our stakeholders and reaching out to the community with our education programs, but we are missing a critical piece that hinders our ability to conduct truly effective oversight.

PERA needs to have direct access to police records to really create that window of transparency and build the trust between the community and the department relative to accountability. We are too often met with delays or redacted or incomplete information when requesting documents relative to our investigations. There is also an issue with timely release of information that can all be resolved by granting PERA the direct access to records.

We request that the City Council place our Ordinance Amendment forward to the Ordinance Committee and take a vote on granting us the access we desperately require to be able to provide the community with the transparency they deserve in the police accountability arena. We greatly appreciate the Councils' and the community's support and hope to be able to build on it by continuing to improve the quality of police services through our work.

EXHIBIT – A

Attachment A

Recommendations for changes to 360.08 – Eyewitness Identification: Photographic Line-Ups, Physical Line-Ups & Show Ups

In February 2024, PERA Board Members reviewed the current Providence Police Department policy on Eyewitness Identification (360.08). To evaluate current practices, PERA Board Members reviewed the existing evidence and recommendations available for best practices related to eyewitness identification. Specifically, we reviewed guidance provided by the National Academy of Sciences (2015) comprehensive report on eyewitness identification. We suggest the following recommendations to align the Providence Police Department practices with the five best practices issued by the report:

- 1) Train All Law Enforcement Officers in Eyewitness Identification** – We recommend all officers be trained in both administering and understanding the limitations of eyewitness identification. We also suggest the implementation of refresher training for all officers. The purpose of these trainings and refresher courses is to minimize contamination of eyewitnesses and enhance the accuracy of the identifications.
- 2) Blind Administration of Line-Ups** – We recommend the requirement of blind administration of both photo and physical line-ups. We recommend adding additional language to the policy which ensures that an independent officer will present the photographic lineup and physical line up and notifies the eyewitness that the officer has not been told which individual is the suspect. Presently, it is only recommended that an independent administrator be utilized to present photographic line-ups (see item IB9). This policy recommendation is believed to help prevent officers unintentionally conveying information to the eyewitness.
- 3) Standardized Instructions** – We recommend a set of clear and standardized instructions for eyewitnesses, and ensure these instructions include a statement notifying eyewitnesses that the investigation will continue regardless of whether they make an identification. The current policy for photo and physical line-ups allows for deviation from the standardized instructions (see items IB1 and IIB1), and for photo line-ups, it does not include a statement notifying the eyewitness that the investigation will continue. This change is recommended as it is believed to reduce the pressure on an eyewitness to make an identification to ensure the investigation continues.
- 4) Videotape the Process** – We recommend a change to the current policy to mandate video recording all line-ups, both photo and physical. The current policy suggests audio or video taping physical line-ups only when practical (see item IB4). This recommendation is made to ensure a permanent record of the procedure and can help to reinforce that all evidence-based guidelines were followed.
- 5) Assess Confidence of the Eyewitness** – We recommend a change in language to the existing policy document and an update that requires a confidence statement for both photo and physical line ups. Presently, the “Physical Line-Up Instructions” includes language asking eyewitnesses to state in their own words how confident they are after making an identification (see page 11); however, we suggest adding this language directly into the policy itself and adding this requirement for photo line ups. This change

may prevent eyewitnesses from potentially inflating their level of confidence as the investigation continues and allows for a better understanding of the eyewitness's true level of confidence.

As a Board, we understand many of these best practices may be currently in place, however, we believe these changes to the policy will help to standardize the procedures implemented and ensure Providence Police are utilizing the current best-practices recommended by experts on eyewitness identification.