



# 2020 ANNUAL REPORT

*Office of the Attorney General*



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Saying 2020 was a year unlike any other is perhaps the understatement of the century. **I have never been prouder of the more than 230 public servants in this Office** who continued – despite some of the toughest circumstances imaginable – to protect and advocate on behalf of Rhode Islanders. –AG Neronha



# Letter from the Attorney General

A mere two months into 2020, a pandemic affected nearly every aspect of our daily lives, and the criminal justice system was no exception. On our streets, in the courts, and within the corrections system, the coronavirus outbreak changed the way we interacted with the public and carried out our law enforcement mission.

COVID-19 – and our collective response to it – only underscored our critical contribution to our state’s operations. Our attorneys and staff were on the legal frontlines of the pandemic from the start, regularly issuing public legal guidance documents to help government, law enforcement, businesses and the public navigate the quickly changing legal landscape. We issued guidance about open government law modifications, the enforcement of executive orders, illegal self-help evictions, protection of federal stimulus payments to nursing home residents, illegal debt collection practices of stimulus payments, and student loan forgiveness options.

Throughout 2020, our consumer protection team helped thousands of Rhode Islanders navigate through new challenges. New scams were emerging all the time – from stimulus checks to price gouging to unemployment benefits fraud. I’m proud of the way our Office was able to help people during an uncertain time, and I know that work is far from over.

Amid the public health crisis, we had to ensure that our criminal justice system continued to function uninterrupted. Out of 50 states, only two other offices – Alaska and Delaware – share the same broad criminal mission that our Office does. With no district attorneys, our Office prosecutes all felonies, as well as a significant number of misdemeanors. Meeting this challenge came down to our ability to adapt quickly. You can read more about how we were able to rapidly adjust our typical systems in the interest of public health on **page 4**.

At the same time, we confronted rising racial tensions in communities across the state, amplifying the need to build trust between law enforcement and the community and expediting some of the criminal justice reforms we had already been working on. You can read about some of the progress we made – including creating a dedicated civil rights team within the office to handle hate crimes and police misconduct cases – in the civil rights section of this report on **page 10**.

Through all the challenges, 2020 had its share of triumphs. Our Office took important steps to protect the environment, securing the largest penalty ever for violations of the state’s Clean Air Act and ensuring



that the communities affected by the violations would see the greatest benefit. We expanded our capacity to protect Rhode Islanders’ access to safe, quality, affordable healthcare and asked the tough questions when we had to so our hospital systems could continue to effectively serve patients.

One promise I made when I took office was to aggressively pursue companies that deny employees hard-earned wages or attempt to cheat the system by misclassifying their workers. Using the Office’s sworn investigators, we brought three of these cases in 2020 and are actively working on more. We charged 19 contractors in 2020 (7 with felonies) in cases involving substandard or unfinished construction work, part of this Office’s expanded focus on protecting Rhode Island homeowners.

Still, much work remains. I am forever grateful for the dedication shown by our employees during an extremely difficult year. It continues to be my honor to serve as Attorney General on behalf of the people of Rhode Island. Together, we will build on our achievements and keep fighting for what matters.

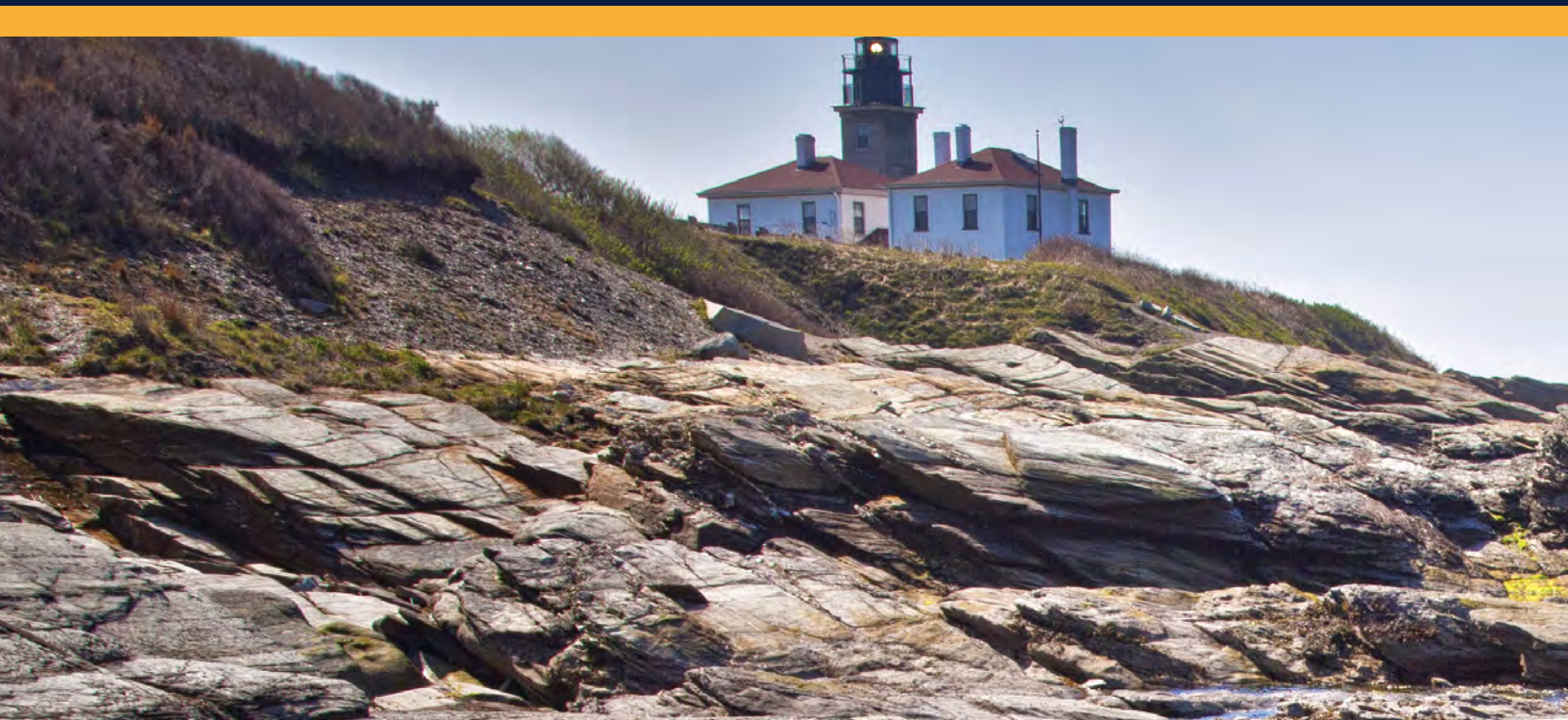


A handwritten signature in blue ink, which appears to read 'P. Neronha'.

Peter F. Neronha  
Attorney General

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At the end of the day, my approach to making decisions is guided by the same two questions: “Can we?” and “Should we?” Those simple questions invoke both an objective and a subjective analysis when confronting any decision. **I am confident that the decisions made by my Office throughout the COVID-19 pandemic have reflected that approach.** –AG Neronha



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# Keeping RI Safe Amid a Pandemic

**From the beginning, our challenge was clear. How could we make sure we were balancing important public safety and public health considerations within a system that can't stop or be taken offline, even for a moment?**

During the state of emergency, our Office played an essential role in managing the unique public safety and criminal justice challenges posed by the outbreak. We provided guidance to law enforcement to ensure compliance with the Governor's executive orders and have worked with our partners in government to limit the use of criminal sanctions and create civil enforcement alternatives.

We have worked with our law enforcement partners to limit, whenever possible, arrests and pre-trial detention for lower level offenses to limit exposure within the ACI. We also took the initiative to offer our Cranston facility as the location for a statewide centralized facility for arraigning COVID-19 positive or suspected positive individuals, which was both cost-effective and safer for state and local law enforcement agencies and the courts.

## KEEPING THE SYSTEM GOING

Due to COVID-19 guidelines, Rhode Island's grand jury facilities did not meet the space requirements for social distancing. Early in the pandemic, our Office assisted the Superior Court in finding new space for grand jury matters and the Statewide Grand Jury was back up and

running on May 18, 2020. Based on the volume of cases that needed to be presented to a grand jury, we worked with the Superior Court to also find a new location for the Providence County grand jury. Thanks to these efforts, the Providence County Grand Jury began hearing cases again on September 28, 2020.

## A BROAD CRIMINAL MISSION

Out of 50 states, only two other offices – Alaska and Delaware – share the same broad criminal mission that our Office does. With no district attorneys, our Office prosecutes all felonies, as well as a significant number of misdemeanors. We take this critical function seriously – dedicating more than 60% of our Office's staff and resources to our criminal work.

While during the early months of the epidemic we saw a decline in new cases, the trend quickly reversed over the summer, when we saw a significant uptick in felony arrests—particularly domestic violence cases.

Our Special Victims Unit prosecutors, who handle cases involving domestic violence, sexual assault, child abuse or molestation, and elder abuse, carried an average of 167 felony cases each (up from 133 in 2019). Prosecutors in our Narcotics and Organized Crime Unit each carried an average of 214 felony cases that included murder, felony assault, firearms cases, drug distribution and sex trafficking cases.



# KEEPING RI SAFE AMID A PANDEMIC

## INTAKE UNIT

The Intake Unit is one of the Office's top priorities, as it is where felony cases begin and many of these cases involve victims. Despite staff working remotely for a sizable portion of 2020, cases remained up-to-date and there is currently no backlog of cases to be reported out or screened.

### Best practices

One thing we learned from the backlog of cases we overcame in 2019 was that we needed to improve communications with police departments. In May 2020, we created an automated e-mail notification system that sends weekly emails to each police department at regular intervals to keep them informed of pending cases. The system also sends a weekly email to police chiefs with a list of any cases that are 12 months or older.

## NARCOTICS AND VIOLENT CRIME

There is often a close relationship between narcotics-related offenses and the use of firearms, and 2020 was no exception. Most of these cases involved the possession, use, and discharge of firearms, often during other violent crimes. We worked closely with state and federal law enforcement in 2020 to identify and prosecute individuals who illegally distribute firearms in Rhode Island.

## ELDER ABUSE

During the pandemic, our Elder Abuse Unit has prioritized outreach to a population whose isolation

was only exacerbated by COVID restrictions. After holding 20 in-person community presentations before March, we then pivoted to host virtual presentations and became an active member with Age Friendly Rhode Island. In addition, we provided presentations to AARP, Age Friendly RI, Blue Cross and Blue Shield of RI, Estate Planning Council of RI, NEARI, RI Victim Assistance Academy, and others.

## MEDICAID FRAUD CONTROL AND PATIENT ABUSE

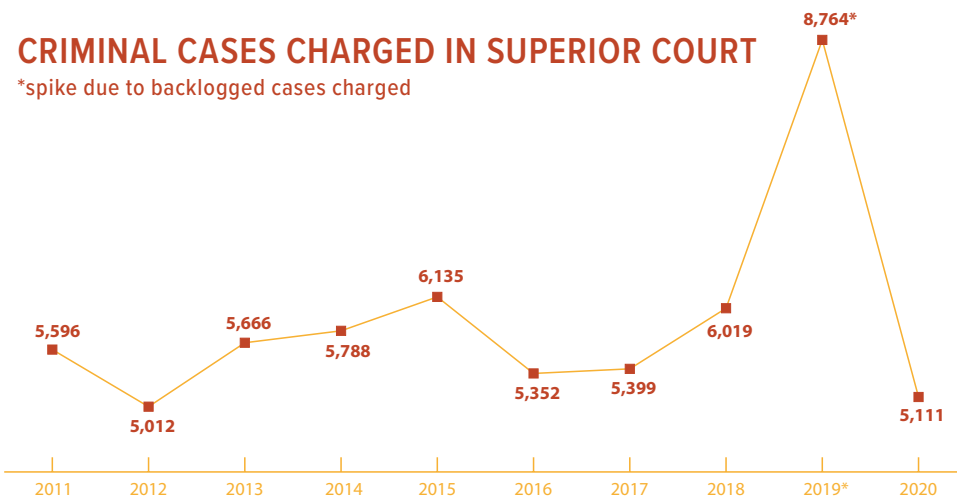
The Medicaid Fraud Control and Patient Abuse Unit enforces the laws pertaining to fraud in the state Medicaid program and prosecutes cases of abuse, neglect or mistreatment of patients in all state health-care facilities. The Unit prosecutes criminal activity, pursues civil remedies where appropriate and participates with federal and state authorities in a variety of inter-agency investigations.

## VICTIM SERVICES

The Victim Services Team provides guidance and support to victims and their families through the criminal justice process—informing them of their rights, notifying them of the status of the offender's case, providing personal assistance at court appearances and helping them better understand and participate in the criminal justice process. Advocates accompanied victims to various court proceedings and arranged virtual meetings with prosecutors during the pandemic.

## CRIMINAL CASES CHARGED IN SUPERIOR COURT

\*spike due to backlogged cases charged



There has been an emphasis by this Office, the courts, and the General Assembly on steering first-time and low-level offenders from the criminal justice system when possible through diversion. In 2019, we referred 696 cases to diversion – a 50% increase over 2018. In 2020, 998 cases were referred to diversion, 488 of which were referred before they were criminally charged in the Superior Court (and therefore not reflected in the chart).

## KEEPING RI SAFE AMID A PANDEMIC

In March of 2020, the Attorney General launched VOICE, a new interactive online victim notification system that provides victims with access to real-time case information 24/7. In 2020, approximately 5,000 victim accounts were created in the new VOICE System, giving victims access to critical information and services during the pandemic.

### GUN SAFETY MEASURES

The Attorney General plays a key public safety role in targeting violent crime throughout the state. Our Office prosecutes all felony gun crimes in Rhode Island, including homicides, assaults, domestic violence, illegal gun sales, and illegal possession.

In 2020, AG Neronha worked closely with the governor's office and legislative leaders to pass legislation banning undetectable and untraceable firearms, also known as "ghost guns" and "3-D guns," in Rhode Island. He also called for firearm purchase applications to be submitted to the police departments where the buyer lives, not just where the gun is purchased, increasing the likelihood that any safety concerns with the buyer would be identified – legislation that passed in 2020.

During the most recent legislative session, AG Neronha introduced a package of critical gun safety reforms that would ban assault weapons, ban high-capacity magazines, prohibit concealed-carry weapons on school grounds, require firearms to be stored safely, ban the open carry of rifles/shotguns, and strengthen penalties for those who purchase a firearm on behalf of an individual known to be prohibited from purchasing one.

### SIGNIFICANT CASES

#### Firearms

**Theodore Braxton** was arrested after it was discovered through an investigation that he was distributing firearms legally purchased by his co-conspirator girlfriend. He and his co-conspirator developed a scheme in which she would purchase firearms, then sell them to individuals who were prohibited by law from purchasing and/or possessing firearms. When police executed a search warrant, they found Braxton in possession of a Springfield .380 pistol, one of the pistols that his girlfriend purchased for him. He was sentenced to 20 years, with 12 years to serve, and eight years suspended with probation.

In March 2019, **Jose Rodriguez, Pedro Gomez, and Andre Savage** committed a home invasion in Providence, forcing entry and holding the occupants hostage at gunpoint for hours before police convinced them to surrender. Rodriguez was sentenced to 50 years, with 30 years to serve, plus a consecutive non-parolable 20 years to serve as a habitual offender, and a consecutive 10 years suspended sentence with probation. Gomez was sentenced to 40 years, with 30 years to serve, with a consecutive 10 years suspended sentence with probation. Savage was sentenced to 30 years, with 25 years to serve, with a consecutive 10 years suspended with probation.





## KEEPING RI SAFE AMID A PANDEMIC

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### Narcotics

In November 2018, the Rhode Island State Police executed a search warrant in Providence, seizing 2,521 grams of cocaine, 5,294 grams of marijuana, 509 marijuana oil vaping cartridges containing Tetrahydrocannabinol, several fentanyl and oxycodone pills, \$10,602, a Taurus Ultralight .38 caliber revolver, a loaded Colt Walther pistol, a Glock 9mm pistol, and loose ammunition. **Corey Almeida** escaped and was apprehended in November 2019 in Providence, where police seized 236 grams of cocaine, 363 pills weighing 34 grams of fentanyl, 594 pills weighing 84 grams of a mixture of fentanyl and valeryl fentanyl, and \$25,329. Almeida was sentenced to 33 years, with 18 years to serve, and 15 years suspended with probation, and forfeited the seized cash and two vehicles used in drug trafficking.

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### Sexual Assault

**James White** was convicted of first-degree sexual assault of a victim who was known to him at a home in Providence. A neighbor heard the victim's cries for help. White was sentenced to 38 years at the ACI with 23 years to serve, the balance suspended, and is required to register as a sex offender for the remainder of his life upon his release.

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### Child Molestation

80-year-old Bruce MacNeil pleaded nolo contendere to 10 counts of first-degree child molestation and eight counts of second-degree child molestation.

MacNeil was already serving seven years at the ACI due to a probation violation from his 2016 conviction on one count of second-degree child molestation. He was sentenced in Kent County Superior Court to 40 years with 25 to serve and the balance suspended with probation for committing multiple acts of child molestation against a lone victim over a 5-year period. MacNeil is additionally subject to community supervision.

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### Murder

Juan Gibson was found guilty by a Providence County Superior Court jury in January 2020 of one count of murder, one count of assault with a dangerous weapon in a dwelling, one count of discharging a firearm while committing a crime of violence, and two counts of conspiracy to commit robbery. During trial, the State proved beyond a reasonable doubt that Gibson and another individual burglarized Jeffrey Lebrun's home in Pawtucket, entering the home armed with a knife and materials to be used to commit a robbery. Lebrun fought off both intruders but sustained several cuts from the knife during the struggle.

Two months later, Gibson and the second individual returned to Lebrun's home where they broke in and shot and killed him. Lebrun's daughter was at home during the home invasion and heard the gunshots while she hid in her bedroom closet.

Gibson was sentenced to two consecutive life sentences at the ACI, in part with an additional 40 years to serve.



**We know that illegal firearms are a critical driving factor in violent crime in Rhode Island,** which is why my Office and our partners in law enforcement have made a concerted effort to make these cases. This indictment is the second major example in just the last month of this kind of dangerous criminal conduct. These defendants ran a significant operation involving dozens of illegal guns, including some that made their way into our communities. –AG Neronha

## KEEPING RI SAFE AMID A PANDEMIC

“**My office will continue our efforts to hold accountable individuals who divert the all-too-limited available Medicaid dollars from Rhode Islanders who need it. –AG Neronha**

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### Elder Abuse

**Angel Fernandez** pled to one count of Domestic Assault of a Person Over 60 Resulting in Serious Bodily Injury and was sentenced to a full term of 20 years with 11 to serve at the ACI, the balance suspended with probation. The court also issued a No Contact Order between Fernandez and the victim. He is required to complete a batterers' intervention program, undergo a mental health and substance abuse evaluation, and comply with any additionally recommended treatment. The charges stem from a 2017 incident during which the defendant attacked his longtime domestic partner, 62, in her home, causing significant and serious injury.

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### Medicaid Fraud

**Brian Mooney** (age 36), was given a five-year deferred sentence and ordered to repay \$21,797.61 in restitution after pleading to one count of Medicaid fraud and seven counts of exploitation of adults with severe impairments while he worked as a manager at a group home for adults with developmental disabilities. Mooney would submit falsified time sheets and frequently skim money from residents' personal needs accounts and provide falsified bank records to his supervisors.

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### Fraud

**Alicia Pierini** (age 39) pleaded to one count of obtaining money under false pretenses over \$1,500 and was ordered by the Providence County Superior Court to repay over \$26,000 to family members, friends, and GoFundMe, after she falsely claimed she had cancer and solicited donations to cover medical expenses for treatment.

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### Failure to Comply with Contractors' Registration and Licensing Board Order

In February 2020, AG Neronha charged 19 contractors with failure to comply with CRLB Order involving substandard or unfinished construction work. Seven of those contractors faced felony charges, including **Anthony Arena of Northwest Construction and Maintenance**. After entering into a contractual agreement to perform work on a homeowner's basement, Arena cashed the checks provided by the homeowner and did not perform any of the work. The amount totaled over \$10,000.00.



# BY THE NUMBERS

## NARCOTICS AND VIOLENT CRIME

**1,268**  
narcotics-related cases

**210**  
firearms-related cases

## ELDER ABUSE

**300**  
complaints received

**25**  
investigations opened independent of police investigations

**900**  
Telephone calls fielded.  
Of those calls, some matured into criminal complaints while others were referred to the appropriate agency or resource to provide services

## MEDICAID FRAUD CONTROL AND PATIENT ABUSE

**147**  
Investigations conducted into fraud and abuse in 2020

## VICTIM SERVICES

**4,000**  
referrals received for services

**40,000**  
approximately 40,000, generated case status notices to victims

**2,500**  
more than 2,500 referrals to other agencies for further assistance

**5,000**  
more than 5,000 email and telephone interactions on victim-related matters

The Appellate Unit represents the State in all criminal cases before the Rhode Island Supreme Court, responding to post-conviction relief applications in the Superior Court, responding to petitions for writs of habeas corpus in federal court, and providing research and other assistance to trial prosecutors both before and during trial.

**90%**  
success

Our Appellate Unit has an overall success rate above 90% in contested appeals in the Rhode Island Supreme Court

# Prioritizing Civil Rights

## AG NERONHA ESTABLISHES CIVIL RIGHTS TEAM, ANNOUNCES NEW APPROACH TO INVESTIGATIONS

In 2020, AG Neronha created a dedicated Civil Rights Prosecution Unit to work with the Office's Civil Rights Advocate, using a joint investigation model to investigate and prosecute hate crimes, police misconduct and excessive use of force cases.

The Civil Rights Team provides a consistent presence in the community through a robust training and education program in partnership with community organizations, including the Jewish Alliance, the Rhode Island Commission on Prejudice and Bias, and several police departments across the state.

The Office issued law enforcement guidance for identifying and reporting hate crimes and conducts regular training for officers on this topic.

In partnership with the Commission on Prejudice and Bias, the team presented **15 trainings to over 220 people in 2020.**

## HATE CRIMES

The Civil Rights Team's joint investigation approach has already been put into action with the filing of three hate crime sentencing enhancements this past year, after the tool had not been used in the last five years.

### State v. Richard Gordon

Richard Gordon was charged with simple assault and disorderly conduct following an altercation with a neighbor on August 3, 2020 in Barrington. Gordon was found guilty in District Court and appealed the case to Superior Court in February 2021. The State refiled the hate crimes sentencing enhancement on March 3, 2021.

### State v. Christine Longo

Christine Longo was charged with disorderly conduct following an altercation in June 2020 with patrons at a restaurant in Narragansett. Longo was found guilty in District Court on June 9, 2021 and appealed to Superior Court.

### State v. Joseph Francis

Joseph Francis was charged with felony and misdemeanor counts following an alleged road rage incident on July 12, 2020 in East Greenwich. The defendant was arraigned in Superior Court and the State filed a sentencing enhancement on March 6, 2021. This case is pending.



## Did You Know?

**In Rhode Island, there is no free-standing hate crime law.** Rather, a defendant must first be convicted of a criminal offense. Once a defendant is convicted of a criminal offense, a separate sentencing hearing is held at which the State must prove that the criminal offense was motivated by “the actor’s hatred or animus toward the actual or perceived disability, religion, color, race, national origin or ancestry, sexual orientation, or gender of that person.” If the court determines beyond a reasonable doubt that the criminal offense was so motivated, the penalty can be increased pursuant to the Rhode Island Hate Crimes Sentencing Act.

## PRIORITIZING CIVIL RIGHTS

The updated protocol is significant because it expands our review authority to allow for independent review of most police use of force incidents.

**Our collective goal is to identify, and hold accountable, those officers who use excessive force before it results in death, as happened in the case of George Floyd. –AG Neronha**

### 100 PERCENT: CIVIL RIGHTS LIAISONS IN ALL POLICE DEPARTMENTS

Every police department in Rhode Island – including on college campuses – has now appointed a Hate Crimes and Civil Rights Liaison Officer as part of AG Neronha’s initiative to prioritize civil rights work and protect Rhode Island’s diverse communities from crimes motivated by hate.

The Attorney General’s Office is collaborating with community partners to provide training for officers that offers diverse perspectives and best-practice policing strategies.

### RHODE ISLAND LEADERS ANNOUNCE A FIRST-OF-ITS-KIND STATEWIDE PROGRAM TO PUT BODY-WORN CAMERAS ON EVERY UNIFORMED POLICE OFFICER

State leaders and law enforcement announced an innovative, statewide program to put body-worn

cameras on every frontline police officer and supervisor in Rhode Island. The statewide body-worn camera program is designed to equip approximately 1,700 of Rhode Island’s uniformed patrol officers—across every police department and the Rhode Island State Police—with body-worn cameras over the next 12-18 months.

The Attorney General’s Office began developing this plan in Fall 2020—researching best practices, engaging with body camera vendors, and working closely with the Rhode Island Police Chiefs’ Association and the Rhode Island State Police to explore the opportunity with departments across the state.

The Office introduced legislation, that establishes the duties and responsibilities of how the program will be funded and will require a statewide policy regarding the use of the body-worn cameras.

### GREATER ACCOUNTABILITY IN POLICING

In June 2020, AG Neronha unveiled the first update to *The Attorney General’s Protocol for the Review of Incidents Involving the Use of Deadly Force, Excessive Force and Custodial Deaths* in over 13 years.



## PRIORITIZING CIVIL RIGHTS

Police are authorized to use reasonable force as necessary. However, police may not use excessive force. Doing so may be a violation of departmental policy, in certain circumstances, or criminal law. Under the revised protocol, law enforcement agencies are required to immediately report certain use of force incidents to the Attorney General, who then leads an independent review of the incident and makes charging decisions where appropriate.

### OFFICERS CHARGED WITH EXCESSIVE USE OF FORCE

#### State v. Joseph Hanley

At trial, the State proved beyond a reasonable doubt that on the night of April 19, 2020, Sergeant Joseph Hanley (age 49) repeatedly kicked and struck Rishod Gore while Gore was handcuffed and lying on the ground. The court found Sgt. Hanley guilty of simple assault and sentenced him to one year of probation and anger management classes. The court also issued a No Contact Order between Sgt. Hanley and the victim. Sgt. Hanley gave notice to the court that he will appeal the verdict to the Rhode Island Superior Court.

#### State v. Andrew Leonard

At trial, the State proved beyond a reasonable doubt that on March 5, 2020, Officer Andrew Leonard (age 40) punched and kneed Gian Mattiello while Mattiello was in custody at the Cranston Police Department. The court

found Officer Leonard guilty of simple assault, issuing a one-year suspended sentence with probation and a No Contact Order between him and the victim. Officer Leonard gave notice to the court that he will appeal the verdict in Rhode Island District Court.

Another noteworthy investigation that employed the joint model was a motor vehicle crash involving Providence police officers in October 2020. As a result of the crash, the victim – Jhamal Gonsalves – sustained serious bodily injuries. After a comprehensive investigation, this Office concluded that the evidence did not support bringing criminal charges against the officers involved.

We released an in-depth report regarding our findings and conclusions, as well as materials considered during the investigation, to the victim's family and to the public. The Rhode Island State Police Collision Reconstruction Report, which detailed how the crash occurred, was also released and made available on our web site for public viewing.

### LEGISLATIVE EFFORTS

The Office introduced civil rights legislation that allows the Attorney General the authority to conduct pattern and practice investigations.

In addition, we proposed updates to Rhode Island's Hate Crimes Sentencing Act, which would clarify that petty misdemeanors can be hate crimes and removes mandatory periods of incarceration.



**Public should know they have a place to go with their concerns.**

If you have allegations concerning civil rights matters, we want to hear from you. We want to know about them. And if there is action to be taken, we will take it. –AG Neronha

# Making Smart Reforms

## DIVERSION: AN ALTERNATIVE TO INCARCERATION

There has been an emphasis by this Office, the courts, and the General Assembly on steering first-time and low-level offenders from the criminal justice system when possible through diversion.

2020 marked the first year of implementation for the Superior Court's diversion program. This key criminal justice reform initiative, developed in conjunction with the Attorney General's Office, provides an alternative to traditional conviction and incarceration with a framework of supervision and services.

## ADULT DRUG COURT

In 2020, our Office continued to represent the State before the Superior Court's Adult Drug Court, which handles cases involving offenders with substance abuse disorders. Participants are subject to random

weekly drug screens and are closely monitored through case reviews. The goal is to integrate substance abuse treatment within the criminal justice system and divert non-violent felony defendants facing drug or drug-related charges.

## RECLASSIFICATION OF SIMPLE DRUG POSSESSION FOR PERSONAL USE

AG Neronha continued to champion legislation that recognizes—like many other states already have—simple drug possession isn't felony conduct. Common-sense drug policy reforms can reduce the impact that drug addiction or a conviction can have on a Rhode Islander's ability to get a job, find housing, and turn their life around. Under AG Neronha's leadership, the Office has worked to re-focus law enforcement resources on stopping violent crime and drug dealers, instead of locking up users and those suffering from addiction.

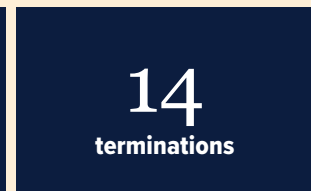
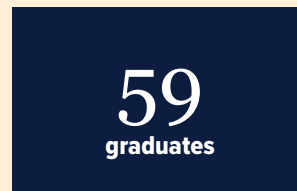
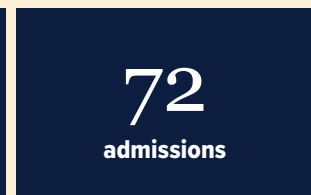
The Office will continue to build on its criminal justice reform initiatives already underway, including a greatly expanded diversion program and expungement open houses, which have **already helped hundreds of Rhode Islanders determine their eligibility for expungement of their criminal records** and begin the filing process.

## BY THE NUMBERS

### DIVERSION



### ADULT DRUG COURT (as of December 31, 2020)



# MAKING SMART REFORMS

“If you’re entitled to expungement under the law, **getting it done shouldn’t be driven by where you live, what language you speak, or what your economic means are.** – AG Neronha

## A FRESH START: EXPUNGEMENTS

AG Neronha knew that there were plenty of Rhode Islanders who could exercise their right to expungement, but they just did not know how to get started. He knew his office could provide this service by meeting directly with community members.

Enter the AG’s open house events, where attorneys would meet one-on-one with members of the public and run their records to help them determine eligibility.

From 52 people at the Office’s first expungement open house in December 2019 to more than 225 people in February 2020, the interest in Rhode Island’s expungement process – and what the expungement of a criminal record represents – was clear.

When the pandemic hit in 2020 and in-person events were no longer an option, the AG Office shifted the process online. **As of April 2021, over 360 applications had been processed or are actively pending online.** Of the applications processed, 63% were eligible for expungement.





# EXPUNGEMENT NUMBERS

\*numbers as of May 1, 2021

631

TOTAL EXPUNGEMENT APPLICATIONS

processed overall since December 2019

417

Total number of expungement applications

PROCESSED IN PERSON  
(December 2019 – March 2020)

361

Total number of expungement applications

PROCESSED OR PENDING ONLINE

since June 2020 (when online processing became available)

327 (52%)

of the total expungement applicants **processed overall**, qualify for at least one of their records to be expunged

192 (46%)

of total expungement applicants **processed in person**, qualify for at least one of their records to be expunged

135 (63%)

of total expungement applicants **processed online**, qualify for at least one of their records to be expunged

The expungement and sealing of records is the hallmark of a society which acknowledges the importance of tempering justice with mercy. **Attorney General Neronha's initiative to increase online access and simplify the process affords those who have faltered and recommitted to a productive life a chance to remove a very significant barrier to employment, education and acceptance in society.** I have seen these tangible benefits our veterans have experienced by being able to utilize the expungement process to put behind them the often-singular lowest moment in their otherwise honorable lives. –Erik Wallin, Executive Director of Operation Stand Down Rhode Island

# Bureau of Criminal Identification and Investigation (BCI)

The Bureau of Criminal Identification and Investigation (BCI) is a critical function of the Office of the Attorney General, providing state and national background check services to the public, reviewing and issuing licenses for concealed carry permits in Rhode Island, and maintaining multiple law enforcement databases.

Even during the pandemic, BCI's operations could not stop. We modified BCI's operational procedures to ensure that Rhode Islanders could continue to safely access background checks for employment, housing, and other purposes, remaining open throughout 2020. Importantly, BCI prioritized background checks for healthcare and other essential workers to ensure these crucial workers were able to assist in the pandemic response.

## BY THE NUMBERS

Using the Rhode Island Computerized Criminal History (RICCH) database, BCI maintains the criminal history records of **307,954 individuals** and approximately **1.37 million** arrest charges.

31,603

civil fingerprints processed

7,292

Approximately 7,292 criminal record expungements processed; notified FBI to remove charges out of its database

19,642

dispositions manually entered into the system by BCI personnel and thousands generated from the courts and auto-populated from our interface

200

Served an average of 200 people in person each day (down due to COVID guidelines and restrictions)

25,567

National background checks processed, for various employment and licensing requirements, including school employee applicants, nursing licenses, security guards, Twin River and Tiverton Casino employment, and medical marijuana caregivers and purchasers

5,488

Approximately 5,488 remaining active restraining orders, no contact orders and modifications in Restraining Order/No Contact Order database.

1927

Active pistol permits as of December 31, 2020

39

Security guard business licenses issued and

82

precious metals licenses

349

pistol and revolver permit applications processed, of which 100 were new applications and 249 were renewals.

247

Entered 247 warrants into the system and personally verified accuracy of information contained in the entered warrants each month

# BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION (BCI)

“We remain committed to serving the public during these challenging times and to **working with our government and law enforcement partners** to ensure public health and safety. –AG Neronha

## INVESTIGATIVE

The Attorney General has a total of six criminal investigators tasked with a wide array of duties involving the investigation and prosecution of criminal cases. These investigators, in addition to assisting prosecutors, are assigned to work on a part-time basis with federal law enforcement task forces. The Office also has an investigator assigned to handle financial crime.

### IN 2020, THESE INVESTIGATORS INITIATED:

99  
criminal investigations,

RESULTING IN  
78 referrals for  
prosecution,

TOTALING  
79 defendants, 137 arrests and the  
execution of 33 search warrants.

Served 121 witness subpoenas

Interviewed 94 individuals  
seeking to either lodge complaints with the  
AG or needed assistance



**Photo:** The Julius C. Michaelson Customer Service Center, located at 4 Howard Ave. in Cranston, officially opened in July 2018. This state-of-the-art facility houses the BCI Unit, Consumer Protection, Diversion and attorney office space. Centrally located with free parking and multiple service windows, this building makes it easy to engage with our Office.

# Protecting Consumers as New COVID-Related Issues Arose

“From the beginning, COVID-19 created a perfect storm for scammers seeking to take advantage of vulnerable people. From stimulus checks to price gouging to unemployment benefits fraud to false promises of a ‘cure,’ calls to our consumer protection team in the past year have skyrocketed. In addition to scams, the pandemic caused a whole host of new consumer concerns. People couldn’t go to their gyms, restaurants for which people had gift cards closed, travel was cancelled, events were postponed. **I’m proud of the way our Office was able to help people during this time and I know that work is far from over.** –AG Neronha

Throughout the pandemic, our Consumer Protection Unit remained fully operational and assisted thousands of Rhode Islanders with complaints ranging from unemployment insurance fraud, price gouging, refunds, to other issues.

Of the over 4,500 complaints that made up our top five consumer issues from the last year, more than half (56 percent) concerned scams or other COVID-related problems such as cancelled events or travel.

**Another 900 complaints (or nearly 20 percent) concerned fraudulent unemployment claims.**

## Top 5 consumer complaints 2020

1. Scam calls/text/e-mails–1,543
2. COVID-related
3. Auto repairs and billing issues
4. Contractors – substandard work
5. Internet and phone service billing issues

## BY THE NUMBERS

10,235

Phone calls received

810

resolved complaints

\$669,185.40

Recovered in refunds and resolution value

\$2.4M

Collected in multistate litigation settlements

## PROTECTING CONSUMERS AS NEW COVID-RELATED ISSUES AROSE

### CONSUMER TRAVEL ISSUES – SUCCESS STORIES:

#### Grand Circle Travel

A consumer booked a River Boat Cruise in November 2019 for travel in May 2020. The business cancelled the cruise and rebooked the trip for May 2021 without contacting the consumer. The new travel date was un-acceptable and the consumer repeatedly attempted to contact the business for a refund. After receiving no response, the consumer filed a complaint with our Office. Our efforts resulted in a full refund in the amount of \$11,800.00.

#### Viking Cruise

Due to the pandemic, a couple had to cancel their planned cruise. Two days after they cancelled, the cruise line cancelled and offered a 125% voucher or full refund. Since the consumers cancelled first, they were only offered a 75% voucher and 25% refund. Our team was able to obtain a refund for the consumers in the full amount of \$11,570.

### AG NERONHA CONTINUED LOOKING OUT FOR RI'ERS THROUGHOUT COVID

#### March 2020

**Immediate consumer alert regarding price gouging, other scams during COVID-19 outbreak**

In the initial days of the pandemic, AG Neronha was one of the first attorneys general in the country to identify potential risks to consumers and proactively warn Rhode Island residents to watch out for scams or price gouging stemming from the outbreak of COVID-19.

#### April 2020

#### **Guidance to law enforcement on illegal 'self-help' evictions**

AG Neronha issued guidance to local law enforcement on illegal self-help evictions, in which landlords circumvent the required court process and attempt to forcibly remove tenants or prevent tenants from accessing the property.

#### **Guidance to Protect CARES Act payments for Rhode Islanders**

AG Neronha reminded creditors, debt collectors and financial institutions that stimulus payments from the CARES Act were exempt from seizure or garnishment by debt collectors.

#### **Reminder to all Rhode Island gym owners**

AG Neronha reached out after hearing that some gyms were still charging members even when they were not operational due to the pandemic, reminding gym owners that if the club had closed because of the pandemic, members have the option to cancel gym memberships due to a substantial change of operation and are entitled to a refund of any prepaid membership.



## PROTECTING CONSUMERS AS NEW COVID-RELATED ISSUES AROSE

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May 2020

### **Guidance on Payment Protections for Rhode Island Student Loan Borrowers**

AG Neronha provided guidance to student loan borrowers on new protections available to them during the COVID-19 pandemic.

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June 2020

### **Guidance on Federal Stimulus Payments for Nursing Home Residents**

AG Neronha reminded nursing homes, assisted living facilities, and long-term care facilities that they were not permitted to seize, retain, or confiscate a resident's federal stimulus payment.

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March 2021

### **Guidance to Protect American Rescue Plan Act payments for Rhode Islanders**

As he had done with the CARES Act, AG Neronha again reminded creditors that the American Rescue Plan Act payments were a lifeline for the many Rhode Island families who had been devastated by the pandemic and were not fair game for debt collectors.

## EXPANDING THE OFFICE'S AUTHORITY TO BETTER PROTECT RI'ERS

DTPA

AG Neronha proposed legislation in 2020 (and again in 2021) that would restore the legislatively intended scope of the state's consumer protection law to reach unfair and deceptive practices impacting consumers.

The National Consumer Law Center refers to Rhode Island's statute as one of the "terrible two" that, along with Michigan's, have been gutted by court decisions interpreting the law as being applicable to almost no consumer transactions.

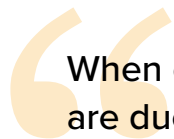
### **Safeguarding Rhode Island's elections in an uncertain time**

In advance of the 2020 presidential election, AG Neronha and Secretary of State Nellie Gorbea developed a "Know Your Rights" voter guide to inform voters of their rights and let them know that help was available. The AG's Office also staffed a hotline on Election Day for people to report voter intimidation at the polls.



**There is no right more fundamental and critical to our democracy than the right to vote.** That right is personal to you – who you vote for is your choice. You have the right to make that choice safely and free from intimidation. –AG Neronha

# Standing Up for RI's Workers



When employers cheat workers by failing to pay them the wages they are due, **it's theft, plain and simple** –AG Neronha

## AG NERONHA INTRODUCES BILL TO STRENGTHEN PENALTIES FOR WAGE THEFT, LABOR VIOLATIONS

Currently, both wage theft and employee misclassification are misdemeanor offenses. The Attorney General's bill would make these practices felony conduct (currently both are misdemeanors) and significantly increase penalties as follows:

- Wages \$1,500 - \$5,000 for first offense of knowingly misclassifying an employee: Up to 3 years in prison, and a fine the greater of two times the wages or \$10,000.
- Wages in excess of \$5,000 or a second/subsequent offense of knowingly misclassifying an employee: Up to 5 years in prison, and a fine the greater of three times the wages or \$20,000.

## TAKING ACTION

AG Neronha has aggressively pursued companies, using the Office's sworn investigators, that deny employees hard-earned wages or attempt to cheat the system by misclassifying their workers.

- In September 2020, David Pelino, a former Warwick business owner, was sentenced to 18 months of

probation and ordered by the court to pay restitution, after failing to pay over \$7,000 in wages to former employees of Bright Sky Solar, LLC in 2018.

- In July 2020, AG Neronha charged Marcello Pompa, owner of M&M Cleaning of MA, LLC, with wage theft; failing to maintain workers' compensation insurance coverage; and workers' compensation insurance premium fraud, alleging that Pompa failed to pay approximately \$10,885 in wages to 16 former employees before the company went out of business in March 2019. This case remains pending.
- In March 2020, AG Neronha charged Obed and Irene Rodriguez, owners of JJC Remodeling, a Texas-based construction company that operated as a subcontractor on a hotel construction project in Warwick, with wage theft. It is alleged that the business owners did not pay wages, including overtime wages, to three employees for approximately three weeks of pay, totaling more than \$12,700. At least one employee alleges that he was mandated to work 10-hour days, seven days per week, without being offered overtime pay as required by law. This case is also pending.

Additional matters are currently under investigation by our Office.



There is an underground economy in Rhode Island where people are misclassified as independent contractors when they are really employees.

**That's cheating workers and it's cheating the state's taxpayers.** –AG Neronha

# Demanding Accountability for RI's Opioid Epidemic

For the past three years, the Office has been working diligently and aggressively to ensure meaningful accountability on the part of those companies and individuals responsible for the opioid epidemic. The lawsuit is currently in the discovery phase.

As part of those efforts, we have also been working to maximize the recovery to ensure that those responsible pay as much as they can and should, and that Rhode Island gets its fair share relative to other states.

## RECENT STEPS:

### August 2019

Rhode Island's opioid lawsuit moves forward after Superior Court ruling in *State v. Purdue Pharma*. The State's ongoing litigation against the nation's top opioid manufacturers and distributors for their alleged role in creating the public health crisis by marketing, producing, promoting and distributing opioids in Rhode Island will proceed.

### September 2019

AG Neronha does not agree with proposed settlement framework with Purdue Pharma, citing the need to know more information about the financial holdings of Purdue and the Sacklers.

### September 2019

AG Neronha files complaint against additional members of the Sackler family.

### March 2021

AG Neronha expresses disappointment in the plan Purdue Pharma filed in bankruptcy court, saying Purdue needs to amend its plan to provide for:

- A prompt and orderly wind-down of the company that does not excessively entangle it with states and other creditors
- Additional value from the Sacklers to creditors, including the states, to confront the opioid crisis
- Transparency in the form of robust document disclosures so the public understands the extent of Purdue's and the Sacklers' misconduct to make sure it never happens again
- Protections for nonprofits over naming rights for charitable gifts





## DEMANDING ACCOUNTABILITY FOR RI'S OPIOID EPIDEMIC



### RHODE ISLAND TO RECEIVE \$2.59 MILLION AS PART OF MULTI-STATE SETTLEMENT WITH MCKINSEY & CO. FOR THE FIRM'S ROLE IN "TURBOCHARGING" THE OPIOID EPIDEMIC

In March 2021, AG Neronha joined a coalition of attorneys general from 47 states, the District of Columbia and five U.S. territories in a \$573 million settlement with one of the world's largest consulting firms, McKinsey & Company, resolving investigations into the company's role in working for opioid companies, helping those companies promote their drugs, and profiting from the opioid epidemic.

Rhode Island will receive \$2.59 million from the multi-state settlement, which will be used solely to address the impact of the

opioid epidemic on Rhode Islanders through treatment, rescue, recovery, and prevention programs. This is the first multi-state opioid settlement to result in substantial payment to the states to address the epidemic. Proceeds for each state were determined by a formula based mainly on population.

In addition to providing funds to address the crisis, the agreement calls for McKinsey to prepare tens of thousands of its internal documents detailing its work for Purdue Pharma and other opioid companies for public disclosure online.



Right now, millions of people across the country are desperately suffering from opioid addiction. They need help and they need it now. **We are committed to working with all parties in the bankruptcy to improve this plan and serve our constituents.** Our focus remains delivering critically needed assistance to the people of our states. – AG Neronha

# Leading the Way in Environmental Enforcement

## AFTER ITS PEOPLE, RHODE ISLAND'S GREATEST RESOURCE IS ITS ENVIRONMENT. HERE ARE SOME HIGHLIGHTS FROM 2020:

- We reached a settlement in a significant enforcement action against a local metal shredder for violations of Rhode Island's Clean Air Act, resulting in the largest penalty ever assessed by the state under our Clean Air Act.
- A federal circuit court of appeals decided that Rhode Island's lawsuit against major fossil fuel companies, which seeks damages for the effects of climate change, will be heard in state court – a positive step forward!
- From protecting public access to our state's coastal and waterfront resources to making sure major energy facilities are properly regulated to protect the public, we have ramped up our environmental enforcement efforts. We continue to ensure that the public is accurately informed about projects that could impact Rhode Island communities.
- We stepped up where our federal government stepped back in environmental protection – participating in more than 20 multi-state actions aimed at holding the federal government accountable when it comes to protecting our environment.
- Our Office lead a multi-state effort with New York in support of Baltimore's climate change lawsuit, to which 20 states signed on.

The regulatory oversight of energy facilities in our state, including their growth and activities, **is necessary because of the direct impacts that those facilities have on our environment, health, and public safety.** That oversight is especially critical in communities that have historically borne an unfair share of Rhode Island's pollution, like the communities surrounding the Port of Providence. –AG Neronha



## LEADING THE WAY IN ENVIRONMENTAL ENFORCEMENT



### STATE REQUIRES JOHNSTON METAL SHREDDING COMPANY TO REDUCE AIR POLLUTION AND PAY LARGEST PENALTY EVER ASSESSED FOR CLEAN AIR ACT VIOLATIONS

In 2020, this Office and the Rhode Island Department of Environmental Management reached a settlement in a significant enforcement action against SMM New England Corporation (SMMNEC) for the company's violations under the Rhode Island Clean Air Act.

The SMMNEC metal shredder shreds end-of-life automobiles, appliances and other light gauge recyclable metal-bearing materials. This process generates enough heat to melt or burn plastics, paints, surfactants, and oils – causing harmful emissions of volatile organic compounds (VOCs), particulate matter (PM), and toxic air contaminants (TACs).

SMMNEC violated the Clean Air Act by: 1) starting construction of a metal shredding

operation without applying for a major source air permit, and 2) failing to install the required pollution control equipment for emissions of harmful pollutants.

Under the consent judgment, SMMNEC was ordered to pay \$875,000 to the State and, if it does not meet required conditions, an additional \$1,125,000 in penalties. The penalty is divided into three parts: a cash payment, Supplemental Environmental Projects (SEPs) in affected communities, and a suspended portion.

To correct the identified deficiencies and meet its obligations under the Clean Air Act, SMMNEC was also required to install state-of-the-art emission control technology to stop further air pollution.



The bottom line is, we are not requiring that SMMNEC do anything beyond what they should be doing. Enforcing compliance with Rhode Island's environmental laws...**preserves Rhode Islanders' health, protects the state's natural beauty – one of our greatest assets – and levels the playing field for those businesses that do make the necessary investments in pollution control technology and follow the rules.** –AG Neronha

# Expanding our role as RI's Health Care Advocate

## OUR OFFICE PLAYS AN IMPORTANT ROLE IN ENSURING THAT QUALITY HEALTH CARE IS ACCESSIBLE AND AFFORDABLE FOR ALL RHODE ISLANDERS

From serving as a regulatory authority in major hospital transactions to advocating on behalf of all Rhode Islanders, the Office continued to make important strides in 2020 when it comes to health care:

- We put affordability front and center when insurance companies pushed to increase insurance rates during the middle of a massive public health crisis.
- We worked to ensure that vaccine distribution was guided by public health and done in accordance with the guidelines provided by the CDC and that entities charged with vaccine administration did so in an equitable and transparent manner.
- We took steps to build a top-notch healthcare team in the Office to execute our crucial role under the Hospital Conversions Act (HCA) as one of the main regulators of potential hospital mergers in the state.
- AG Neronha introduced legislation passed by the General Assembly that strengthened the Office's oversight role under the HCA by adding antitrust review, extending the monitoring period after a transaction, increasing the monetary fine for violations, and simplifying the judicial review process.

I think the...takeaway is this. We're going to do our job, and we're going to look at these transactions carefully. And, **if we feel that we need to fight on behalf of the people of the State of Rhode Island, we are going to do that.**

—AG Neronha



## EXPANDING OUR ROLE AS RI'S HEALTH CARE ADVOCATE



### ATTORNEY GENERAL IMPOSES UNPRECEDENTED CONDITIONS ON HOSPITAL OWNERSHIP CHANGE TO ENSURE FUTURE OPERATIONS

AG Neronha granted conditional approval of an ownership change of Roger Williams Medical Center and Our Lady of Fatima Hospital. The sale was subject to conditions that will ensure future operational stability of local hospitals, including \$80 million in escrow.

Concluding a comprehensive review that began in late 2019 and continued throughout 2020, AG Neronha issued a decision in June 2021 imposing unprecedented conditions on the approval of a transaction that would allow a change in ownership of two local safety net hospitals.

At their core, the conditions imposed by the Attorney General ensure the continuity of healthcare services and operations at the hospitals for at least the next five years.

**Conditions of the transaction, among a list of more than 30, include:**

- A full financial commitment to the Rhode Island hospitals that **covers operational and capital expenses for the next five years**
- Escrow accounts or irrevocable letters of credit **totaling \$80 million**, to be drawn upon if Prospect Medical Holdings fails to provide for its full financial commitment to cover operating and capital expenses
- Extension of payment date of a \$113 million loan by five years and **removal of the sale and lease back of the Rhode Island hospitals** as an option to pay back that loan during that time

“Since our review of this proposed transaction began over a year ago, we have been guided by one principle: **ensuring the delivery of quality, accessible, and affordable healthcare for all Rhode Islanders**. During the course of our review, it became apparent that Roger Williams Medical Center and Our Lady of Fatima Hospital have historically been – and remain today – entirely dependent on Prospect Medical Holdings for their financial security. PMH covers their operating costs. PMH pays for the capital improvements necessary to keep any hospital functioning at a level capable of delivering high quality care. The current financial health of PMH is thus of critical importance to the health of Roger Williams and Fatima Hospitals – and our review raised real concerns about that. –AG Neronha

# Transparent and Open Government

AG Neronha is committed to open and accessible government to build confidence in government and the work that we do. Our Open Government Unit enforces the Open Meetings Act (OMA) and Access to Public Records Act (APRA) statewide by:

- Investigating complaints against public bodies in Rhode Island for alleged violations of these statutes
- Issuing findings and filing lawsuits to enforce the statutes when appropriate
- Processing APRA requests for public documents maintained by the Office of the Attorney General
- Providing guidance and training on OMA and APRA requirements
- In 2020, our Office provided updated guidance to cities, towns and the public on new APRA/OMA guidelines during the pandemic.

## BY THE NUMBERS

107

Open Government  
complaints received

1

lawsuit Initiated against the  
City of Pawtucket

119

findings issued

550

Over 550 participants at the 2020 Open Government Summit in July, which was held completely virtually for the first time in its history. We once again welcomed remarks from the New England First Amendment Council.



# TRANSPARENT AND OPEN GOVERNMENT

## OMA

The Open Meetings Act (OMA) is designed to ensure that the peoples' business is conducted in an open manner so that the public may participate in their government and that government will be accountable to the public.

### Significant Findings:

**Pierson v. Coventry Town Council** – The Complainant alleged the Council violated the OMA when it improperly convened into executive session to discuss the search for a new Town Manager and vote on an increase in salary for the position, which was not reported in open session. Our review of the executive session minutes revealed that the Council reached a “consensus” regarding the salary increase, which was not disclosed in an open session. For these reasons, we found the Council violated the OMA and instructed the Council to unseal the relevant executive session minutes and disclose any votes taken. VIOLATION FOUND

**Governor's Commission on Disabilities v. Board of Elections** – The Complainant alleged the Board violated the OMA when it held a meeting at a facility that did not comply with the OMA's accessibility requirements for persons with disabilities. VIOLATION FOUND.

This case acknowledges a crucial part of the Open Meetings Act: accessibility requirements. Our Office strictly enforced these requirements to ensure that every member of the public has an equal opportunity to participate in government public meetings.

*“That’s my overarching message to you – if you’re making the decisions, do them in sunlight. Be in a position to explain and if you’re not ready to explain them, then you’re probably not ready to make them”*

–AG Neronha

## APRA

The Access to Public Records Act (APRA) is designed to provide the public an opportunity to obtain and inspect public records. Citizens gain increased accountability from their elected and appointed representatives and can offer direct input about decisions being contemplated.

### Significant Findings:

#### **Providence Journal v. Office of the Governor**

The Complainant alleged the Governor's Office violated the APRA when it withheld documents responsive to a request for documents related to the proposed extension of the IGT contract. Based on this Office's in camera review, we concluded that the Governor's Office properly withheld a number of documents and improperly withheld a number of other documents. There was insufficient evidence to support a finding of a willful and knowing, or reckless violation, but this Office directed the Governor's Office to produce documents and/or provide a supplemental submission with additional information regarding why particular documents should be exempt. VIOLATION FOUND

**All of our Open Government findings are available on our web site: [www.riag.ri.gov](http://www.riag.ri.gov).**



When government decisions are debated in public and made open to inspection, **the result is a more engaged citizenry that is invested in its community.** –AG Neronha

# Improving Public Integrity and Accountability

The Public Integrity Unit investigates and prosecutes crimes committed by state employees and officials in the course of their duties, including crimes related to violations of elections and campaign laws.

## 2020 CASES

### **State v. Laufton Ascencao**

The Office successfully prosecuted a former state representative-elect who was accused of embezzling over \$16,000 from the Rhode Island Chapter of the Sierra Club and campaign finance violations. The case against Laufton Ascencao was referred to the Office of the Attorney General and the Rhode Island State Police by the Rhode Island Board of Elections.

### **State v. John Gibbs**

The Office successfully prosecuted a former Rhode Island State Police Lieutenant who was accused of conducting private business activities while on official duty. Lt. John Gibbs pleaded no contest to filling a false document and violating Rhode Island's ethics code.

### **State v. Richard Gamache**

The Office successfully prosecuted a former Middletown police officer who was accused of altering law enforcement records to help his significant other obtain public housing. Lt. Richard Gamache was found guilty by

a Superior Court jury of multiple counts of altering computer data and filing a false document.

## UPDATE ON CLERGY REVIEW

In 2019, the Office began a review of allegations of clergy child sexual abuse and the Roman Catholic Diocese of Providence's handling of such allegations. In connection with that review, the Office gained access to nearly 70-years' worth of records of the Diocese and the review remains ongoing.

In November 2020, a grand jury indicted a former Woonsocket priest with multiple counts of first and second-degree child molestation stemming from alleged incidents that occurred in the 1980's while he served as an assistant pastor at Holy Family Parish.

The prosecution of the case remains ongoing.

## GRAND JURY LEGISLATION

Under Rhode Island law, grand juries have the authority to investigate crimes and return indictments. However, aside from returning indictments, they have no mechanism for reporting on their findings. AG Neronha continues to champion legislation that would allow Rhode Island grand juries to issue reports on their investigations, even if they don't lead to indictments. While rare, there are times when a grand jury does not return an indictment, but it is in the public's interest that there be an accounting of what occurred.



There is **nothing more critical to the mission of my Office than to deliver justice on behalf of victims and of the people of Rhode Island**, regardless of the time that has passed after the alleged offense. Our ongoing review of alleged misconduct by clergy in Rhode Island is intended to achieve that result wherever possible. –AG Neronha



# Fighting for Issues that Matter to Rhode Islanders

The Office of Attorney General is charged with defending the State in civil litigation. These cases typically seek monetary damages, changes to state policies or practices, or declarations that certain statutes are unconstitutional.

## HERE ARE A FEW OF THE ISSUES WE DEFENDED IN 2020:

### Campaign Disclosure

The Gaspee Project and the Illinois Opportunity Project filed a lawsuit challenging the constitutionality of Rhode Island's Independent Expenditures and Electioneering Communications Act, which requires certain disclosures related to campaign and election expenditures. The State filed a Motion to Dismiss, arguing that the Plaintiffs' arguments were foreclosed by binding precedent and the fundamental importance of such laws to promote transparent elections and an informed electorate. The District Court granted the State's motion and Plaintiffs appealed to the United States Court of Appeals for the First Circuit.

### Reproductive Privacy Act

In 2019, the General Assembly enacted the Reproductive Privacy Act, which guarantees, independent of the United States Constitution, a woman's statutory right to choose

to terminate a pregnancy prior to fetal viability. This Office successfully defended in the Rhode Island Superior Court a challenge to the Reproductive Privacy Act seeking to declare the statute unconstitutional. This matter is presently on appeal and expected to be heard by the Rhode Island Supreme Court during the 2021-2022 term.

### Voting Rights

During the summer of 2020, a lawsuit was brought challenging the statutory requirement that mail-in ballots contain on the certifying envelope either the signatures of two witnesses or a notary public. Due to COVID-19, the Plaintiffs sought a declaration that these requirements were unconstitutional. All parties reached an agreement that the challenged provisions would not be enforced for the November 2020 election, given the pandemic. The State and National Republican Party sought to intervene into proceedings to challenge the agreement, but the agreement was approved by the District Court. In response to an emergency stay sought by the Republican Party, the United States Supreme Court ruled 6-3 that it would not stay the court-approved agreement and Rhode Islanders voting by mail ballot did not have to comply with the witness or notary public signature requirements for the November 2020 election.



# Investing in a Pipeline to Build Our Future Workforce

“Growing up, I don’t think I ever saw a lawyer who looked like me. **I never thought becoming a lawyer was a real possibility.** –Mario McClain Jr., a second-year law student at Roger Williams University and clerk with the 2020 inaugural class

The Clifton Clerkship Program, named for Judge William C. Clifton, Sr., the first African American Special Assistant Attorney General in the Rhode Island Attorney General’s Office, was established in January 2020 and is designed to attract talented, underrepresented law students to careers in public service. Both the 2020 Summer Intern Program and the Clifton Clerkship advanced as scheduled in 2020, despite COVID-19 challenges.

The Clifton Clerkship Program provides first- and second-year law students from historically underrepresented populations with the opportunity to spend the summer working on substantive legal matters while building valuable career experience.

The 2020 class of clerks worked on sundry issues ranging from election protection to environmental

and healthcare policies. For their capstone project, the clerks developed and proposed an election protection initiative that ultimately informed AG Neronha’s election protection efforts.

## 2020 SUMMER LEGAL INTERNSHIP PROGRAM

In addition to the three Clifton Clerks, 14 first- and second-year law students participated in the Office’s Summer Legal Internship Program. The Office was also awarded in 2020, for the first time, a summer legal fellow through the American Bar Association’s Janet D. Steiger Fellowship Project, to focus on consumer protection issues. Between the summer legal programs, nearly 140 law students from around 40 different law schools applied for the 17 summer positions.

“My brother was a fighter. **What these students are all doing is so vital – they come to this place with a different perspective.** They can put that perspective into their work here. –Retired Judge, Edward C. Clifton, brother of William C. Clifton Sr.

# INVESTING IN A PIPELINE TO BUILD OUR FUTURE WORKFORCE



Both of these programs are important initiatives that provide real opportunities for law students who might not have considered working in the Attorney General’s Office to get on-the-job experience in public service. **We are investing in a pipeline to build our future workforce, and our Office benefits from a talented and diverse group of students** who bring new viewpoints and approaches to this work. Just like Judge William C. Clifton, Sr., we fight for what is best for the people of Rhode Island. Our clerks and interns share that principle. –AG Neronha

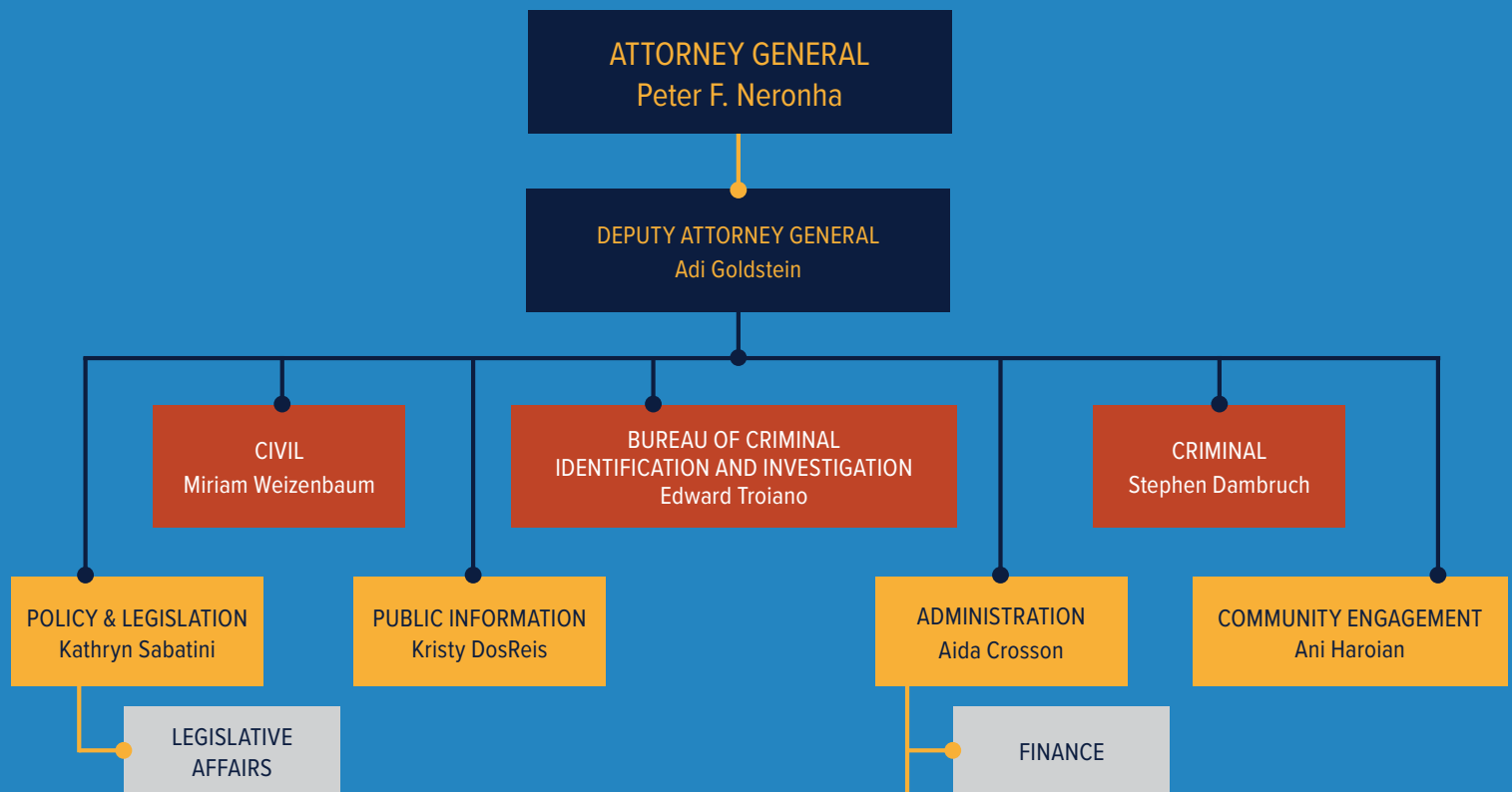


# About the Office

The Attorney General is one of five statewide general officers elected by the people of Rhode Island. As the top legal official in the Ocean State, the Attorney General oversees a multi-faceted office that is responsible for both criminal and civil legal matters on behalf of Rhode Islanders. The Attorney General prosecutes all felony criminal cases and misdemeanor appeals, as well as misdemeanor cases brought by state law enforcement agencies. Responsibilities include safeguarding the public from violent criminals, helping victims of crime, preserving Rhode Island's natural resources, protecting consumers, and addressing illegal business practices.

Additionally, the Attorney General represents all agencies, departments, and commissions in litigation, and initiates legal action where necessary to protect the interests of Rhode Island citizens. The Office is also charged with operating and maintaining the Bureau of Criminal Identification and Investigation, which is the central repository for all criminal records in the State.

Since its inception in 1650, the Attorney General has been an elected position (save for a period between 1740 and 1742), whose powers and duties are derived from the Rhode Island Constitution, the General Laws of Rhode Island, and common law.



BUDGET BREAKDOWN	
SPENDING CATEGORY	FY20 ACTUALS
Salary and Benefits	27,504,464
Operating Supplies and Expenses	2,680,950
Contract Professional Services	2,414,219
Capital Purchases And Equipment	1,879,342
Assistance and Grants	166,667
<b>Grand Total</b>	<b>34,645,642</b>

# ABOUT THE OFFICE

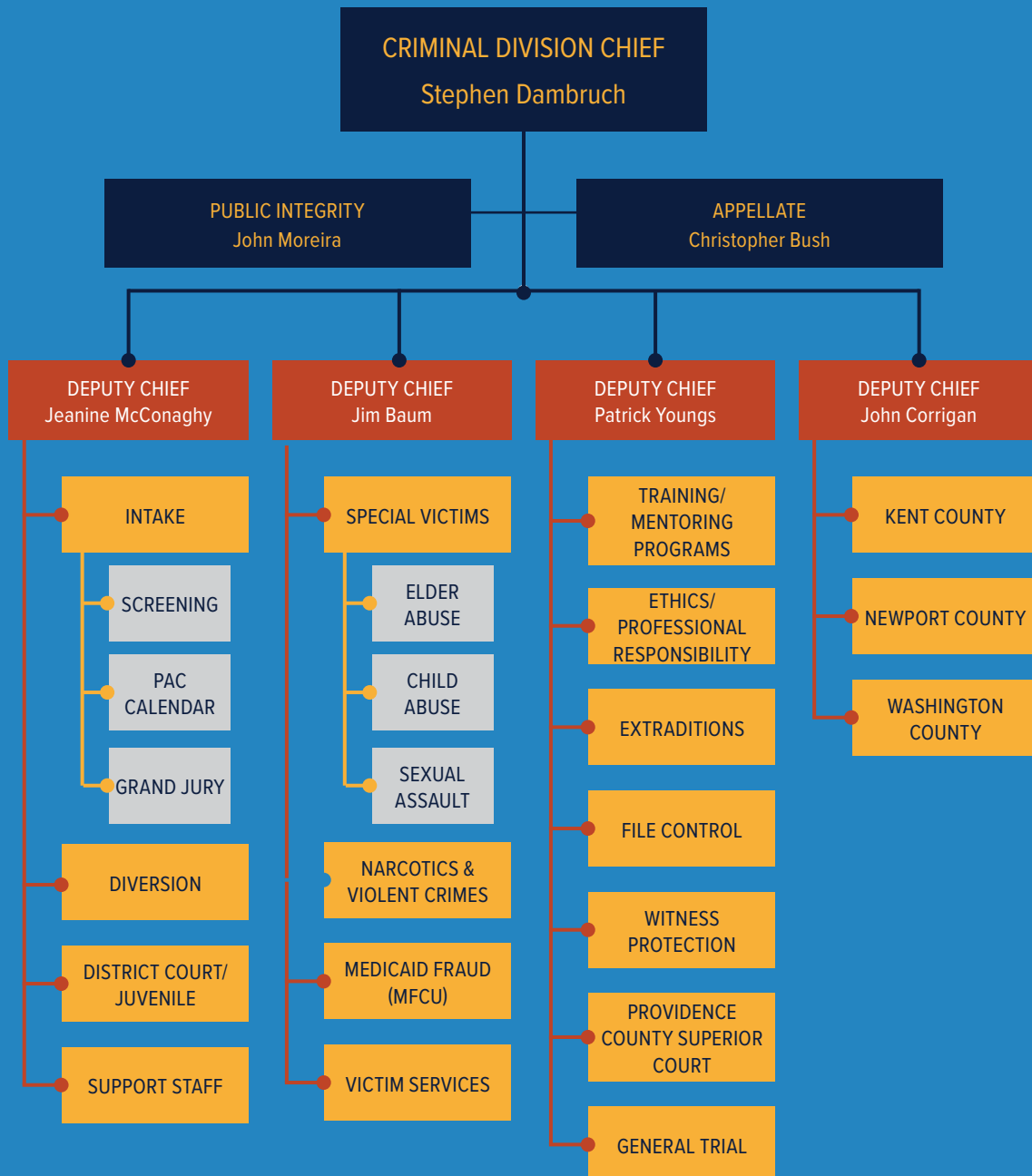
## CRIMINAL DIVISION

The Attorney General is responsible for prosecuting all felony criminal offenses occurring in Rhode Island, all misdemeanor criminal cases brought by State law enforcement agencies, all misdemeanor cases appealed to the Superior Court, and all violations of probation or bail, including violations of misdemeanor probation.

The Criminal Division works closely with local law enforcement, assigning Superior Court prosecutors to

act as liaisons to each of the law enforcement agencies in the State to provide legal assistance. Together with our federal partners, the Criminal Division makes joint decisions on which office should assert jurisdiction where there are both viable state and federal charges.

Prosecutors from the Criminal Division are available to law enforcement 24 hours a day, seven days a week to assist in serious matters and complex investigations.



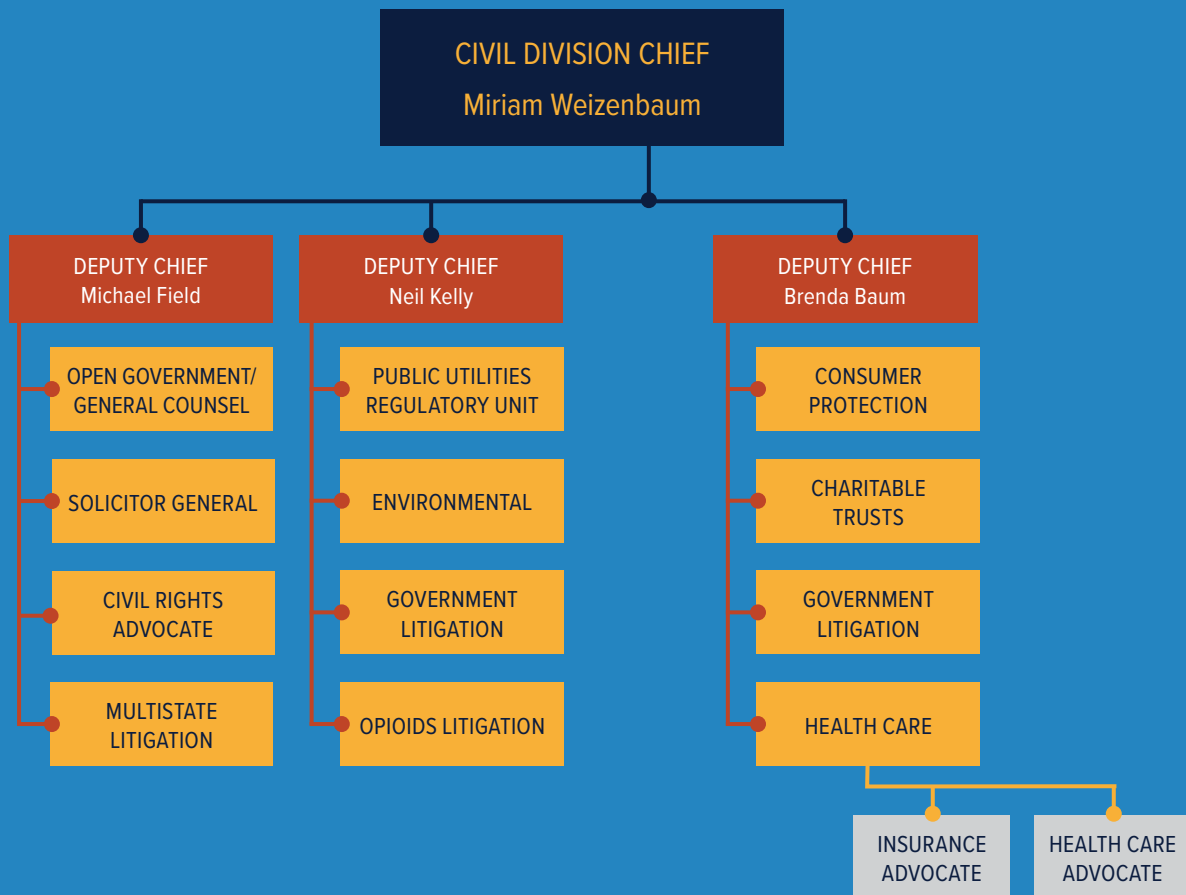
# ABOUT THE OFFICE

## CIVIL DIVISION

By law, the Attorney General represents the State, its agencies, and employees in all state and federal courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an

appropriate governmental officer; and represents the interests of the people of Rhode Island.

The Civil Division handles significant civil actions involving environmental, public health, public utilities and consumer protection issues.



# Law Enforcement Statistics

FROM: 01/01/2020 TO: 12/29/2020

SUPERIOR COURT CASE STATISTICS									
	Filed			Disposed			Active Pending SC		
COUNTY	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL
KENT	29	585	614	25	295	320	134	2194	2328
NEWPORT	10	319	329	8	191	199	19	670	689
PROVIDENCE	124	3731	3855	91	2270	2361	310	10237	10547
WASHINGTON	44	203	247	35	119	154	54	872	926
STATEWIDE	207	4838	5045	159	2875	3034	517	13973	14490

AGE AT DISPOSITION										
	Less Than 90 Days		91- 180 Days		181- 270 Days		271- 360 Days		Over 360 Days	
COUNTY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY
KENT	247	107	5	63	4	51	6	51	1	51
NEWPORT	73	61	1	43	0	34	1	34	1	32
PROVIDENCE	458	581	29	484	18	386	6	386	18	547
WASHINGTON	345	21	8	29	8	17	1	17	4	42
STATEWIDE	1123	770	43	619	30	488	14	488	24	672

MANNER OF DISPOSITIONS - FELONIES										
COUNTY	GUILTY	NOT GUILTY	NGRI	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	OTHER
KENT	1	1	0	2	238	31	0	0	0	13
NEWPORT	0	0	0	0	138	46	1	0	0	3
PROVIDENCE	6	2	0	0	1758	450	1	0	0	16
WASHINGTON	1	0	0	0	83	14	0	0	0	2
STATEWIDE	8	3	0	2	2217	541	2	0	0	34

MANNER OF DISPOSITIONS - MISDEMEANOR APPEALS										
COUNTY	GUILTY	NOT GUILTY	NGRI	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	OTHER
KENT	0	0	0	1	19	4	0	0	0	0
NEWPORT	0	0	0	0	8	0	0	0	0	0
PROVIDENCE	0	0	0	0	56	33	0	0	0	2
WASHINGTON	0	0	0	0	19	5	0	0	0	3
STATEWIDE	0	0	0	1	102	42	0	0	0	5

MANNER OF DISPOSITIONS - STATEWIDE TOTALS										
COUNTY	GUILTY	NOT GUILTY	NGRI	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	OTHER
KENT	1	1	0	3	257	35	0	0	0	13
NEWPORT	0	0	0	0	146	46	1	0	0	3
PROVIDENCE	6	2	0	0	1814	483	1	0	0	18
WASHINGTON	1	0	0	0	102	19	0	0	0	5
STATEWIDE	8	3	0	3	2319	583	2	0	0	39

Statistics were prepared by the Criminal Division based upon Case Management System (CMS) data on December 29, 2020. AG Trial Verdict Statistics were maintained manually within the Criminal Division and include all cases tried throughout the calendar year, regardless if sentencing or appeal is pending.



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