



Providence External Review Authority

Finding of Facts and Determination

Case

PCM-2023-0005

Complainant:

[REDACTED]

Respondent

Sgt. [REDACTED]

Hearing Panel

Chair Susan DeRita, Vice-chair Machiste Rankin, Ivan Montañez Montoya

Executive Director

Ferenc Karoly, Esq.

Lead Investigator

John A'Vant

Procedural history

Complainant filed complaint with the Providence External Review Authority (PERA) and the Providence police department Office of Professional Responsibility (OPR) in February of 2023. PERA held the complaint in abeyance to allow the completion of OPR investigation. OPR concluded their investigation but initially refused to release any information beyond that they had sustained the complaint against Sgt. Rampone.

PERA met with the department and Mayoral staff to gain access to the outcome of the complaint and received a formal response on 9/22/23 from Major Remolina that revealed that the police department had conducted a civilian complaint hearing on 5/3/23 and sustained a complaint against Sgt. [REDACTED] for violating department rules and regulations 200.13 Demeanor, and rule 200.15 Conduct towards the public. He was issued a verbal reprimand by Chief Oscar Perez.

PERA upon being informed of the outcome of the OPR investigation and subsequent discipline, ordered a review of the case to ascertain if the charges were complete and if the discipline was appropriate.

PERA did not receive access to the OPR case file until December 9, 2024, when PERA investigator John A'Vant was given access to review the file and related footage at the Providence Police Department.

In accordance with Providence Municipal Ordinance 18 ½ -2 PERA, the evidence was presented to a PERA review panel consisting of Chairwoman Susan DeRita (foreperson), Vice Chair Machiste Rankin, and Ivan Montañez Montoya on May 6, 2025. The panel finds the following:

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Finding of Facts

On 2/17/23 on Broad Street in Providence near the Salvation Army building, Complainant approached officers who were in the process of arresting an unrelated third-party and began to videotape the encounter from about 20 feet away. He verbally criticized the officers but did not approach them or in any way impede their activity.

During the incident he was approached by Sgt. [REDACTED] who threatened him with arrest for impeding the investigation and disorderly conduct. The complainant maintained that he was engaged in a first amendment protected activity and was not interfering with the officer's duties. We concur. The complainant always remained about 20 or more feet away from the officers and did not pose a threat to them or impede their ability to carry on their activity. Sgt. [REDACTED] was visibly frustrated and kept engaging with the complainant and escalating the situation, at one point bumping him with his chest. The complainant narrated this interaction by saying that the officer "assaulted him by pushing him with his chest" to which the Sgt replied, "Yup, I did." The complainant never approached the officers and continued to maintain his right to record their public activities. Sgt. [REDACTED] ordered officers on scene to arrest him, and he was charged with disorderly conduct. Criminal charges were later dismissed.

The original submitted video was available at:

<https://www.youtube.com/live/HPa7pMiq2xQ?feature=share> and was viewed by the board but has been removed at the time of this writing.

[REDACTED]'s body-worn camera footage captured the entirety of the interaction, including his own verbal aggression and escalation of the incident, and the absence of any disruptive conduct on the complainant's part.

OPR Investigation

OPR conducted an internal investigation that culminated in a civilian complaint hearing on May 3, 2023. After hearing, the hearing officer (Lt. David Tejada) found that Sgt. [REDACTED] violated department rules and regulations 200.13 Demeanor, and rule 200.15 Conduct towards the public. They did not address any other potential violations of law or policy. The case was referred to the Chief of police for discipline. Sgt. [REDACTED] was issued a verbal reprimand by Chief Oscar Perez.



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PERA Review

After reviewing the facts of this case and the findings of the internal OPR investigation and civilian complaint hearing we find by a preponderance of the evidence that the charges against Sgt. [REDACTED] were properly **SUSTAINED** but were not all inclusive of the violations that should have been levied against him. We further find by a preponderance of the evidence that the following violations have been **SUSTAINED**:

Violations

First Amendment Rights (U.S. Constitution): Guarantees individuals the right to free speech, including criticism of public officials, and the right to record public officials in public spaces. The complainant's recording and verbal critique were protected expressions.

Fourth Amendment Rights (U.S. Constitution): Prohibits unreasonable searches and seizures. The complainant's arrest was not supported by probable cause and constituted an unlawful seizure.

General Order 102.2 – Supervisors: Requires supervisors to model and enforce proper professional conduct, issue lawful orders, and develop respectful public interactions. Sgt. [REDACTED]'s unprofessional conduct, escalation of the situation, and unlawful order to arrest the complainant, were in direct violation of this directive.

General Order 200.1 – Knowledge of Laws and Rules: Requires officers to understand and uphold constitutional rights. Sgt. [REDACTED] demonstrated ignorance or willful disregard of the First and Fourth Amendments as well as the G.O. 520.02 and Ordinance 18 ½ -4(2)(c) in violation of this directive.

General Order 520.02 – Public Recording of Law Enforcement: Affirms the right of civilians to record police conduct in public spaces so long as they do not interfere. This policy speaks specifically to the facts presented in this case and expressly states the public's right to record police activity with reasonable restrictions. The complaints' actions were clearly within this policy's protections and the Sgt. violated this policy.



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Providence Code of Ordinances § 18½-4(2)(c): Prohibits officers from intimidating or interfering with individuals who are legally recording police activity. Sgt. [REDACTED]'s conduct—threatening, mocking, and arresting the complainant, directly violated this ordinance.

Recommendations

It is important to note that Sgt [REDACTED] has 4 prior disciplinary records:

1. 2011-Civil Complaint: Found guilty for "Obedience to Laws & Rules," 1 day suspension.
2. 2013-Unsustained complaint
3. 2014-Administrative Investigation: "Cruiser Pursuit Violation," 1 day suspension.
4. 2014-Unknown: mediated, no discipline.

It is also important to note that the police department utilizes a progressive discipline model as detailed in G.O. 130.03 Progressive Discipline that lists the following escalation scale:

1. **First Violation** – verbal warning, documented in the employee's personnel file.
2. **Second violation** – written warning, documented in the employee's personnel file.
3. **Third violation** – written reprimand, documented in the employee's personnel file.
4. **Fourth violation** – One (1) day suspension without pay, forwarded to the employee's personnel file.
5. **Fifth or subsequent violations** – Two (2) day or greater suspension, and/or a RI Law Enforcement Officer's Bill of Rights hearing.

Providence Municipal Ordinance 18 ½ -2 (u) "Finding of fact and determination" refers to a disciplinary matrix, "Within thirty (30) days of the completion of an evidentiary hearing, the hearing panel shall issue a written report containing findings of fact; a determination of whether or not the complaint has been sustained by a preponderance of the evidence; if applicable the level of violation described in the disciplinary matrix developed by PERA and the chief of police, and a recommendation of discipline."

In rendering this recommendation, we are not able to refer to the matrix because although PERA has previously submitted a disciplinary matrix to the police department, they have still failed to agree to it. The department indicated that city legal was reviewing the matrix but has never followed up on our requests to finalize the matrix despite numerous requests.



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Considering these factors, it is our recommendation that the discipline previously rendered to Sgt. [REDACTED] by Chief Oscar Perez be upgraded from a verbal reprimand to the following:

A 5-day suspension without pay, to be served consecutively.

An 8-hour training block to include remedial training on First and Fourth Amendment considerations in policing as well as review of all General Orders and ordinances referred to in this decision.

Ordinance 18 ½ -2 (u) also requires “the chief shall impose discipline based upon the level of violation as found in the disciplinary matrix to be promulgated by the authority in accordance with subsection (e)(1). The chief of police shall, also provide the authority, the city council, and the mayor with a written explanation of the reason(s) for his/her disciplinary decision.”