



Providence External Review Authority

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For Immediate Release

9/2/2025

Providence External Review Authority's (PERA)

Response to FOP Lodge #3's "Statement."

It seems we struck a nerve. As the adage says, the truth hurts. Instead of accepting the truth and moving forward looking for ways to improve, Providence FOP instead decided to release an unprofessional written temper tantrum devoid of fact or reason. It seems that this statement is intended to deliberately mislead the public with facts not in the record provided to PERA by the police department and desperately makes the case for a subjective standard of analysis for investigations into police conduct, instead of the universally accepted objective standard utilized by PERA and any investigative body intending to conduct serious investigations. We wonder if the FOP would advocate for their department to adopt this same subjective standard in their enforcement and investigative operations. The FOP conveniently ignores the clear BWC policy violations, flawed accident investigation, and the fact that the officers on scene essentially did ICE's job for them. Once Providence police were on scene, they objectively took over the entire operation and coordinated efforts to get the ICE subject out of the house and into ICE custody. What did ICE have to do other than wait around with a nice quiet border of about three houses in either direction, provided by PPD at ICE's request, and then go to the back door at LT. Brown's command to pick up their quarry so quickly and thoughtfully delivered by the Providence police. This statement clearly demonstrates why objective external police oversight is needed. The FOP is unable to objectively assess their own actions and is incapable of honest self-reflection. Maybe the FOP should spend more time reading their policies and city ordinances and less time writing fiction and giving interviews.

PERA was asked to review the actions of the Providence police officers and their involvement with ICE agents to determine if their actions violated city ordinance and or police policy. Simply stated, the question presented was did the Providence police violate city law and/or police policy by assisting ICE agents in conducting civil immigration enforcement operations? PERA conducted an objective investigation and answered that question in the affirmative. The investigation was based on an unbiased and objective review of the facts as they relate to the written law and police policy that expressly prohibit the Providence police from assisting federal agencies in civil immigration enforcement.

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It's clear that the FOP lodge #3 is dissatisfied with this analysis and levies heavy criticism of our findings, but their reasoning is "fatally flawed." They allege the report, "is inaccurate and overlooks the reasons behind the police actions that day." Our analysis was based on the facts contained in the police reports and videos. The subjective intent of the officers (which clearly is of great importance to the FOP and appears to be the focus of their criticism) is not relevant. Whatever the officers' intentions do not change the fact that their actions were in direct violation of law and policy.

Providence FOP further complains that our report, "lacks any acknowledgement of the brave, professional and thoughtful actions taken by the officers given the heightened concerns for public safety" and goes on to list facts not supported by the police reports and videos they provided. Our report never implied, nor can it be reasonably inferred that the responding officers behaved in an unprofessional manner. However, professionalism is not relevant to the fundamental question regarding the violation of this law and policy. It seems that the FOP thinks they should get special consideration for acting professionally. Isn't that part of their job requirements?

These are the "facts" they allege we did not acknowledge:

- The Providence police officers initially reported to the incident scene due to a violent traffic accident involving the ICE agents, caused in part by the fleeing male subject.
- The ICE Agents on scene informed the Providence police officers that the male subject was potentially violent, had fled and led them on a car pursuit, and had been arrested for murder in Honduras.
- The ICE Agents stated they were awaiting a criminal warrant from United States authorities to arrest the subject, and thus were willing to wait "several hours" to apprehend the subject thereby creating a potential armed standoff.
- A large crowd of people and neighbors began to form outside of the residence where a standoff was occurring; and
- The owner of the involved residence requested that Providence police try to de-escalate the situation and help resolve it as quickly and peacefully as possible, with no harm to the owner's family or damage to the residence.

Our report clearly accounts for the police department's response to the accident. It is important to note that the "violent" accident was caused by an ICE Agent crashing his vehicle into two unoccupied vehicles at the conclusion of his pursuit. He could not maintain control of his vehicle

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or operate it safely on a narrow and crowded residential street, but the police department failed to list his name on the official accident report as required or even speak to an eyewitness of the accident to correctly list the sequence of events in the report.

The FOP's allegation that the suspect was potentially violent was not supported by any facts contained in their reports or videos.

The fact that ICE was willing to wait several hours for a warrant to arrest the subject did not create a potential for an "armed standoff" as listed in their statement. Police **had no evidence that the subject was armed or dangerous**. This is a mischaracterization of the facts contained in the officers' reports. The police did not document any threats of violence and did not act as if they were concerned about an armed threat as they can be seen standing and walking around in the open on the premises and around the premises during the entire incident. There are no objective facts to support this newly concocted fear of armed conflict.

Police provided video clearly shows an orderly crowd of people outside of the residence. There was no standoff, and the crowd posed no threat and were not under threat. They were only moved after ICE repeatedly asked for assistance with crowd control and Providence police agreed to help them.

The homeowner's girlfriend and Sgt. Salmons engaged in negotiations on how to get the subject out of the house with minimal damage to her property as was accurately reflected in our report.

If the FOP held on to evidence (that was not turned over to us when we conducted our investigation) that supports any of their allegations, we would be happy to review it and amend our findings if necessary.

Finally, our report did not denigrate any officers or even criticize the police department in any way. It was an objective review of the actions of the department as they relate to established city ordinance and police policy.

A review of our recommendation that the department establishes and releases clear operational guidelines on the department's response to ICE or other federal agency requests for assistance related to immigration enforcement activities within 10 days. And that the guidelines should include express instructions to department personnel that they are not to render any services that directly or indirectly assist federal agencies in conducting civil immigration enforcement, should have revealed to the FOP lodge #3 that PERA was not blaming the officers

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for this violation of the law and policy but acknowledging, as LT. Brown did in his memo, that this was a novel issue that the officers were unsure of how to handle and the department should provide proper guidance on how to handle these issues going forward.

The idea that PERA is political or anti-police is ridiculous. Our Executive Director is a retired police Deputy Chief and an attorney, and our Lead Investigator is a retired RI State Trooper who served in numerous investigative roles throughout his career. They are well versed in police operations and investigative techniques as well as policy and legal analysis. PERA has been and remains committed to improving police and community relations through transparency and accountability. We will continue to support the officers that do an amazing job for the city every day and be honest and steadfast in our obligation to hold those that violate law or policy accountable. It is what the community deserves.

The Providence External Review Authority is a civilian led police oversight body for the city of Providence. It is charged with reviewing and investigating police misconduct complaints as well as reviewing and making recommendations for changes to the department's policies and procedures and implementing community outreach programs. The board is comprised of 9 civilian members appointed by the city council and the Mayor of Providence. More information can be found on our website: www.providenceri.gov/PERA. Inquiries should be directed to the Executive Director, Ferenc Karoly at pera@providenceri.gov or (401) 680-5790.