

**CHAPTER 2021-31**

**No. 349 AN ORDINANCE AMENDING CHAPTER 2 "ADMINISTRATION",  
ARTICLE XXIV "JUVENILE HEARING BOARD" OF THE PROVIDENCE  
CODE OF ORDINANCES**

**Approved August 2, 2021**

*Be it ordained by the City of Providence:*

Section 1. Chapter 2, "Administration", Article XXIV "Juvenile Hearing Board" is hereby amended as follows:

**ARTICLE XXIV. - JUVENILE HEARING BOARD**

Sec. 2-371. - Establishment.

There is hereby established within the City of Providence a juvenile hearing board with the powers set forth in this article for the purpose of hearing all cases referred to such board by the chief of the police department, with respect to persons resident in the City of Providence, under the age of eighteen (18) years, who are charged with violating the criminal laws of the State of Rhode Island of the City of Providence.

Sec. 2-372. - Referral.

Any person who is a resident of the City of Providence and under the age of eighteen (18) years who allegedly shall have committed a juvenile offense which if committed by an adult would be a misdemeanor, may request a hearing before the juvenile hearing board rather than being referred to the family court; provided, however, that said referral to the juvenile hearing board is made with the approval of the Chief of Police of the City of Providence, or his or her designee, and further provided, however, that referral to said juvenile hearing board shall not be offered to any juvenile:

- (1) Who has been charged with the crime of assault or battery, except that in the case of simple assault, the chief, or assigned designee, may use his or her discretion in determining a referral; or
- (2) Who shall have been twice previously referred to the board or who shall have been once previously referred to the board and refused or failed to abide by the sanctions imposed or to make the restitution recommended by the board; or
- (3) Who at the time of commission of such juvenile offense was within the custody and control of the family court, not to include guardianship matters.

The chief of police, or assigned designee, may offer referral to the juvenile hearing board to any other juvenile where, in the opinion of the chief of police, or assigned designee, such referral would be beneficial to the juvenile concerned and the community at large. No referral to the board shall be made until such person, together with his/her legal guardians, shall have, in writing, waived such person's right to a hearing in the family court with respect to the offense charged, shall have admitted guilt to the offense charged, and shall have agreed to abide by the decision of the board; provided, however, that failure to comply with the decision of the board may result in the referral of said juvenile to the family court by the chief of police, or assigned designee.

Sec. 2-373. - Refusal of referral.

During a hearing as described in Section 2-376, the board, after investigation, may refuse to hear any case in which it appears that a juvenile was wrongfully referred in violation of section 2-372 above. In addition, the board may refuse to hear any case in which the juvenile refuses to supply the board with requested information, fails to appear when requested or refuses to cooperate with the proceedings of the board. The board shall immediately notify the chief of police, in writing, of any case which it refuses to hear, and the chief of police shall take whatever further action that is deemed necessary, including referral to the family court.

Sec. 2-374. - Duties.

- (a) The board shall hear all cases referred to it by the chief of police or assigned designee and shall recommend sanctions (other than incarceration), and shall direct restitution for any injuries resulting from the commission of such offense.
- (b) Sanctions imposed by the board shall be for a period of time not to exceed six (6) months and may consist of, but not be limited to, public service, referral to counseling, curfews, restrictions on association with other juvenile's with cases before the board, or restrictions on employment.
- (c) In those cases in which the board shall order restitution, it shall attempt to assist the juvenile and his/her parents in providing a means whereby the juvenile may make such restitution. In ordering restitution, the board shall take into account the juvenile's ability to pay and the amount of actual damages caused as a result of the commission of such offense.
- (d) In any such proceeding, the board, prior to imposing sanctions, shall request the juvenile and his/her parents to agree to the sanctions imposed and to agree to the amount of restitution and manner of making the same. In imposing sanctions or ordering restitution, the board shall consider the nature of the offense, the prior record of the juvenile, and any mitigating circumstances involved.
- (e) Every member of the board, as well as the juvenile hearing board coordinator, the Providence Police Department, and any other individuals involved in the operation of the board shall sign confidentiality agreements prepared by the city solicitor's office prior to handling any materials associated with juvenile cases.

Sec. 2-375. - Meetings.

- (a) At the beginning of each calendar year, the board shall conduct an organizational meeting. For purposes of any organizational meeting of the board, a majority of the members of the board shall constitute a quorum. The board shall elect by simple majority one (1) from its members as its chairperson and one (1) as its vice-chairperson. In the absence of the chairperson, the vice-chairperson shall be the presiding officer. A majority of the members present shall be required to take any action. The board shall have the power from time to time to convene an organizational meeting to draft rules governing its proceedings or to amend or repeal any rules theretofore adopted, with the approval of the chief of police, and not inconsistent with this article.

Sec. 2-376. - Hearings

- (a) The board shall meet not less than once each month for purposes of hearing cases referred to the board pursuant to Section 2-372. The board shall give written notice of the matters to be heard before it to the chief of police, and/or assigned designee, the juvenile officer, and the juvenile and his/her parents, not less than ten (10) days prior to the date of the hearing. Said notice shall set forth the nature of the offense, the time and place of the hearing, and the juvenile's right to be represented by counsel at the juvenile's expense. Said ten (10) day notice requirement may be waived by the express written consent of the juvenile.
- (b) For purposes of conducting hearings, or multiple hearings on a given day, as described in this section, a maximum of five (5) board members may be present and a total of three (3) members shall constitute a quorum. All hearings shall be conducted pursuant to Section 2-374 and shall be closed to the public.
- (c) The chairperson, and in their absence the vice-chairperson, shall have the discretion to assign members to conduct hearings as described in this Section.
- (d) Hearings conducted pursuant to this Section shall be limited to a maximum of thirty (30) minutes per case. In the event the members determine that a particular case requires additional time for consideration, this time limit may be extended for an additional fifteen (15) minutes by affirmative vote of the members present for the hearing.

- (e) During the course of a hearing, members shall limit the scope of their questions to those areas that are directly pertinent to the case file before them.

Sec. 2-377. - Composition.

- (a) The membership of the board shall consist of fifteen (15) members to be appointed by the city council president, none of whom shall run for elected office at the municipal, state, or federal level, hold an elected office in any capacity, or belong to or be appointed to any partisan organization in any city or town during their term as a member of the board. The composition of the board shall consist of citizens of Providence who have background in and of the related fields of education, probation and parole, human services community youth programs, members of the clergy, former law enforcement or judicial officials, or any citizen who the council deems has the credentials that would be an asset to the board.
- (b) Terms. Members shall be appointed by the City Council President and shall serve for a term of three (3) years. Upon expiration of these initial terms, members shall continue to serve on the board until a new member is appointed to replace them. All three-year terms shall expire at the end of their respective third calendar year (December 31) notwithstanding the actual date of appointment. Vacancies shall be filled as necessary. Members serve at the pleasure of the City Council President and may be removed at any time.
- (c) No member of the board shall be entitled to receive any compensation by reason of his or her service on the board. An attorney from the city solicitor's office shall be assigned as necessary in an advisory role to the board.
- (d) Any proposed appointee shall first obtain a BCI background check conducted by the Rhode Island Attorney General's office. Prior conviction(s) shall not result in automatic disqualification from appointment to the board unless the underlying crime or crimes directly relate to the work to be performed as a member of the board. All board members shall have an affirmative obligation to immediately inform the City Council President and the chairperson of the board in the event they are arrested during their term as a board member, and the failure to do so shall result in automatic removal from the board.

Sec. 2-378. - Juvenile hearing board coordinator.

- (a) *Purpose.* The purpose of the juvenile hearing board coordinator is to organize meetings, locate available services and provide follow up assistance for juveniles seen by the board.
- The coordinator:
- (1) Acts as the link to service agencies that can provide needed mental health/social service evaluations and services to juveniles.
  - (2) Serves as the link between the board and the police, receiving notifications about referrals and scheduling appropriate meetings.
  - (3) Reports vacancies to the city council.
  - (4) Assists the Board with the process of assigning sanctions as may be determined pursuant to Section 2-374, and monitors each case file to ensure compliance with any and all sanctions imposed by the Board.
- (b) *Appointment.* The city council president shall appoint a coordinator, and may consider recommendations from the board. The coordinator shall be an employee of the City Council with extensive knowledge of social services, community services, counseling and mental health resources, management, or equivalent training or experience in one or more of those areas.
- (c) *Eligibility.* The coordinator must meet eligibility requirements prescribed in this Section.
- (d) *Relationship to board.* The coordinator is not a voting member of the board and may not be counted for establishing a quorum.

(e) *Reporting.* The coordinator shall file an annual report with the City Clerk detailing:

1. The number of cases handled by the board for the prior calendar year;
2. The outcomes for the cases handled by the board;
3. Recommendations for any improvements to the ordinance, by-laws, or practices and procedures that may improve the work of the board; and
4. Such other relevant statistics and information as may be required by the City Council that assist the review and improvement of the juvenile hearing board process.

Section 2. The terms of any existing Juvenile Hearing Board members shall be terminated upon passage of this Ordinance.

Section 3. This Ordinance shall take effect upon passage.

IN CITY COUNCIL  
 JUL 15 2021  
 FIRST READING  
 READ AND PASSED

*Tina L. Mastrosianni* CLERK  
 ACTING

IN CITY  
 COUNCIL  
 JUL 21 2021  
 FINAL READING  
 READ AND PASSED

*John J. Iglizzi*  
 JOHN J. IGLIOZZI, PRESIDENT  
*Tina L. Mastrosianni* CLERK  
 ACTING

I HEREBY APPROVE.

*[Signature]*  
 \_\_\_\_\_  
 Mayor  
 Date: *8/2/21*