

VIA ELECTRONIC MAIL ONLY

December 17, 2014

Lisa Pinsonneault, Special Assistant Attorney General
Rhode Island Office of Attorney General
150 South Main Street
Providence, RI 02903

RE: Complaint Against New Shoreham Police Department for Violations of APRA

Dear Attorney Pinsonneault:

ACCESS/RI is a broad-based, non-profit freedom of information coalition dedicated to improving citizen access to the records and processes of government in Rhode Island.

I write on behalf of ACCESS/RI to file a complaint against the New Shoreham Police Department (herein "NSPD") for violating the Access to Public Records Act (herein "APRA"), R.I.G.L. § 38-2-1 et seq.

ACCESS/RI through our contractor Muckrock requested a list from your office of those entities (see Appendix A) that certified employee(s) "who have the authority to grant or deny persons or entities access to records...[and] have been provided orientation and training" (§ 38-2-3.16). The NSPD did not appear on those lists provided by your office.

MuckRock also requested from the NSPD "Written procedures for access to the agency's public records, including any records request forms required or suggested by the agency," required by § 38-2-3(d). As the attached correspondence indicates (Appendix B), the NSPD does not possess written procedures but rather simply a request form.

MuckRock also sought to test compliance with the requirement in § 38-2-3(d) that "a copy of these procedures shall be posted on the public body's website if such a website is maintained and be made otherwise readily available to the public." A MuckRock visual review of the Town of New Shoreham websites on or before August 21, 2014 and site specific ("site:www.new-shoreham.com") Google searches ("APRA" and "public records") found no such procedures on any Town of New Shoreham website.

MuckRock also requested from the NSPD, "A copy of the police log for the past week (7 days)." As the attached correspondence indicates (Appendix C), the

NSPD took 21 days to respond to the request, violating § 38-2-3(e).

Additionally MuckRock requested, pursuant to § 38-2-3.2:

“A copy of the arrest log for the past 24 hours, to include the following information at minimum:

- 1) Full name of the arrested adult;
- 2) Home address of the arrested adult, unless doing so would identify a crime victim;
- 3) Year of birth of the arrested adult;
- 4) Charge or charges;
- 5) Date of the arrest;
- 6) Time of the arrest;
- 7) Gender of the arrested adult;
- 8) Race of the arrested adult;
- 9) Name of the arrest officer unless doing so would identify an undercover officer.”

The NSPD took 3 days (Appendix D) to respond, violating the 48-hour response timeline in § 38-2-3.2.

Finally, MuckRock requested “All arrest records, including narrative, for the past 24 hours.” The NSPD failed to respond (Appendix E), violating § 38-2-3(e).

ACCESS/RI asks your office to direct the NSPD to correct the issues raised in this complaint. Furthermore we ask that the Attorney General file suit pursuant to § 38-2-8(b) in the Superior Court and seek civil fines for these knowing and willful—or, at a minimum, clearly reckless—violations of APRA pursuant to § 38-2-9(d).

Sincerely,

Linda Lotridge Levin
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ACCESS/RI

Attachments (5)