

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 Warren 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 Warren Police Department (herein "WPD") 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 from the WPD a copy of their written APRA procedures required pursuant § 38-2-3(d). While the WPD ultimately complied with the request, as the attached correspondence indicates (Appendix A), it took 27 business days, violating § 38-2-3(e).

MuckRock also examined 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 on or before August 21, 2014 of the Town of Warren websites and site specific ("site:www.townofwarren-ri.gov") Google searches ("APRA" and "public records") found no such procedures on any Town of Warren website.

MuckRock also requested from the WPD, "A copy of the police log for the past week (7 days)." As the attached correspondence indicates (Appendix B), the WPD took 18 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 WPD took 6 days (Appendix C) 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 WPD, though ultimately responsive to the request, took 12 business days (Appendix D) to respond, violating § 38-2-3(e).

We ask that the Attorney General file suit against the Warren Police Department 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 (4)