

ACCESS/RI



Access Limited:

An Audit of Compliance with the Rhode Island Public
Records Laws

September 15, 2014

Table of Contents

Introduction	4
About this audit	4
About ACCESS/RI	4
About MuckRock	5
Executive Summary	6
The Rhode Island Access to Public Records Act and the 2012 reforms	16
Purpose of the audit	17
Agencies surveyed	18
Request tracking	19
Findings	22
APRA training and certification	22
State agencies	24
Municipalities as a whole	27
Municipal records custodians	30
Police departments	33
School districts	36
Conclusion and recommendations	39
Written APRA procedures	40
State agencies	41
Municipal records custodians	46
Municipal police departments	52

School districts	58
Conclusion and recommendations	64
State and quasi-public agency records	65
Employee contracts	67
Payout records	70
Conclusion and recommendations	73
Police department records	74
Dispatch logs	77
Arrest logs	84
Arrest reports including narrative	90
Arrest logs, requested in person	96
Conclusion and recommendations	104
School Districts	105
Superintendent contract	108
Layoff letters	112
Conclusion and recommendations	115
Conclusion and recommendations	116
Summary Tables	122

Introduction

About this audit

The board of ACCESS/Rhode Island decided to test compliance with the state's Access to Public Records Act (APRA), as well as a number of amendments to APRA adopted in 2012. Because the board is a small group of professionals, no one could devote the time to conduct an audit of this scale so ACCESS/RI used a grant from the National Freedom of Information Coalition to hire MuckRock, a Boston-based organization with expertise in public records survey projects, to conduct the audit. ACCESS/RI selected the cross-section of agencies to be audited and retained editorial control of the project.

About ACCESS/RI

ACCESS/Rhode Island is a 501(c)(3) coalition of non-profit organizations and First Amendment advocates in the state dedicated to ensuring government at all levels be accessible to the public.¹ Founded in 1996, ACCESS/RI stands for "All Citizens Committed to Ending Secrecy within our State." Member organizations have included the Rhode Island Press Association, the ACLU of Rhode Island, Common Cause Rhode Island, the Rhode Island League of Women Voters and the Rhode Island Library Association along with journalism professors, television journalists and other First Amendment advocates.

Over the years, ACCESS/RI has received a number of grants to hold forums and other educational activities, conduct audits of public records and publish a booklet of essays on the importance of access to government in the state. Members of ACCESS/RI also have worked with state legislators sympathetic to open government to strengthen the state's Access to Public Records Act.

¹ For more information about ACCESS/RI, see <http://www.accessri.org/>.

Members of the board of ACCESS/RI are Steven Brown, executive director, ACLU of Rhode Island; Joseph V. Cavanagh, First Amendment attorney, Blish and Cavanagh, Providence; Rosanna Cavanagh, attorney and representative of the New England First Amendment Coalition; Jane W. Koster, president, Rhode Island League of Women Voters; Linda Lotridge Levin, professor emeritus, journalism, the University of Rhode Island and ACCESS/RI president; John Marion, executive director, Common Cause Rhode Island; and Tim Murphy, assistant managing editor for public policy, *The Providence Journal*.

About MuckRock

MuckRock is a collaborative news site and public records request platform.² Since 2010, MuckRock's users and investigative team have submitted thousands of records requests to agencies at the federal, state and local level. The MuckRock team have also conducted a number of public records survey projects on such diverse topics as library censorship, unmanned aerial vehicles and rejected vanity license plates. For the present audit, MuckRock projects editor Shawn Musgrave spearheaded the overall design, APRA request language drafting, submission and tracking of all APRA requests for this audit, as well as analysis of documents received pursuant to APRA requests submitted to government offices across Rhode Island. MuckRock reporter Beryl Lipton also contributed to project logistics, APRA request submission and preparation of this report.

² For more information about MuckRock, see <https://www.muckrock.com/about/>.

Executive Summary

On June 26, 2012, amidst much fanfare, Governor Lincoln Chafee signed into law the first major changes to Rhode Island's Access to Public Records Act (APRA) in fourteen years. Open government leaders and politicians alike praised the reforms as a vehicle to bring more openness to a state in need of a positive image for government accountability. Kenneth Bunting, Executive Director of the National Freedom of Information Coalition, wrote that the revisions "will bring about greater accountability and more transparency for the citizens of Rhode Island...the important reforms in this bill will help to ensure that the principle of open transparent government is more than a platitude in the state..." Attorney General Peter Kilmartin wrote that "democracy is built on the principle of transparent, open and accessible government, which is the key to maintaining the public's trust of its elected officials... Government must be accountable to the people." Legislation co-sponsors Sen. James Sheehan and Rep. Michael Marcello wrote in an op-ed about the legislation in the North Kingstown Patch, "Good governments provide their citizens with as much accurate and easily obtainable information as possible. We believe our changes will make it easier for the public to seek and receive information and make more information that is pertinent to the public readily available." Even press groups were complimentary of the legislation; Lucy Dalglish, then Executive Director of the Reporters Committee for Freedom of the Press, wrote that the changes in the law "provid[e] critical, much-needed amendments to the Act to ensure access to records that have been widely recognized as valuable to the public."

Two years later, this audit finds that the reality on the ground in Rhode Island is far different from what was hoped for when the legislation passed. The reason for the disconnect could be an apathy or unwillingness by public agencies to take the requirements of the law seriously. Or it could be the result of a lack of understanding on the part of state and municipal agency records officers, who are on the frontlines in responding to public records requests — this despite the fact that one of the reforms to APRA was mandated training of those records officers by the Office of the Attorney General. Additionally, weak enforcement appears to be a contributing factor, as monitoring and vigilance are the keys to ensuring that the Access to Public Records Act achieves its high aim of keeping Rhode Island government agencies transparent and accountable to the people they serve. This audit has identified major areas of compliance deficiencies by state and municipal agencies as discussed below, and also offers a number of recommendations for consideration.

Certifications

The revised APRA requires that the chief administrator of each agency certify to the Attorney General that each individual charged with responding to public records requests has been appropriately trained on the law. This certification is due by the first of the year, and has now been in effect for two cycles, but with disappointing results.

- More than a third of government agencies surveyed (56 out of 137) failed to meet this basic requirement of the law. Specifically, 10 of 24 state and quasi-public agencies, 13 of 39 municipal records custodians, 16 of 38 municipal police departments and 17 of 36 school districts failed to certify a single employee for 2014.
- In six communities — Charlestown, East Greenwich, Johnston, Newport, Richmond and Warren — there is no Attorney General's record of a municipal employee being certified to respond to open records requests for any of the city or town's departments.
- Ironically, the Office of the Auditor General, which is charged with improving "performance and accountability of government" failed to comply with the requirement for either 2013 or 2014.

Such failures have important ramifications in terms of the level of preparedness of the records officers who interact with members of the public seeking information.

Online APRA Procedures

The revised law requires each agency to adopt written APRA procedures and post them on their websites. Such procedures must include: identification of designated public records office or unit, how to make a public records request, and where a public records request should be made.

- Nearly a quarter of agencies surveyed (32 out of 137) failed to post these procedures online as required by law. Police departments appear to be the worst offenders in this regard: 14 out of 38 did not have their APRA procedures online.
- Seven agencies (2 municipal records custodians, 2 municipal police departments and 3 school districts) had yet to develop any APRA procedures at all.
- For those agencies that had posted their procedures online, the ease with which the procedures could be found on their website varied significantly.

Due to the lack of compliance with posting provisions of the APRA, members of the public cannot easily find the information they need on where to access governmental records to which they are entitled.

Response Times to Record Requests

One of the most fundamental aspects of APRA is that, except in special circumstances, public bodies must respond to requests for records within ten business days. APRA recognizes that it is not just enough for agencies to make records available to the public; they must be provided within in a short time period. Otherwise, agencies can stall and prevent requesters from making use of public records in a timely way. Unfortunately, the audit shows that the APRA requirement is all too often honored in the breach.

- Dozens of agencies violated the 10 business day response window when asked for routine documents such as employee contracts, arrest reports, and even their own APRA procedures.
- At the state level, the Department of Business Regulation, Department of Corrections, Department of Health and Department of Labor and Training failed to provide a response to a request for employee contracts within ten business days as required by APRA. Notably, they did not have any contracts to provide, yet it took them longer than the statutory window merely to provide a negative response to the request.
- The Department of Administration, Department of Labor and Training, Department of Public Safety, Division of Motor Vehicles, Lottery Commission and Office of the Auditor General also failed to respond to requests for employee pension/payout data within the statutory window. Notably, the Office of the Auditor General took the longest to respond, 49 business days.
- The majority of the police departments examined (26 out of 39, including the Rhode Island State Police) failed to respond to an APRA request for public information in the statutory window for at least one of the three requests made to each department for dispatch logs, arrest logs and arrest reports including narrative. Four police departments failed to respond to all three requests within the time required by statute: Hopkinton, New Shoreham, Warren and West Greenwich. Fourteen departments — Bristol, Charlestown, Cumberland, East Greenwich, East Providence, Gloucester, Lincoln, Little Compton, Middletown, Narragansett, Newport, North Smithfield, Richmond and Smithfield — responded to all requests submitted within the statutory window. The majority of

the departments were somewhere in the middle, failing to respond to either one or two requests within the time allowed by statute.

- School districts fared only slightly better. Fourteen of 36 school districts failed to respond in a timely manner to one of two requests for school information sought — superintendent contracts and teacher layoff letters. An additional two school districts — Cumberland and West Warwick — failed to respond in a timely manner to both requests.

State Employee Contracts and Payout Data

The APRA reforms of 2012 codified that public employee contracts and “any payments received by an employee as a result of termination, or otherwise leaving employment” are public documents.

- Only five out of twenty four state and quasi-public agencies provided contracts in response to requests for employment contracts for the ten agency employees with the highest salaries. All others indicated that no such contracts existed. It is beyond the scope of this audit to determine if these responses are in fact accurate. It is surprising, however, that so many of the agencies operate without a single employee contract.
- In terms of response times, eight of the twenty-four state and quasi-public agencies surveyed failed to respond to one of the two requests in a timely manner.
- The Department of Labor and Training failed to respond to both requests within ten business days as required by APRA.

Police Arrest Records

The audit tested the compliance of the 39 police departments with a longstanding provision of APRA that makes records of the initial arrest of an adult public. (The Attorney General's office has issued two opinions confirming that the narrative portions of such records are public information, as well.)

- None of the departments rejected the request for all arrest records during a 24 hour period preceding the request. However, one department, the New Shoreham Police Department, completely failed to respond to the request after several attempts at follow up.

- The major issue with compliance in regards to the police arrest records was the lack of a timely response: 13 of the 39 Departments did not respond in the statutory window, as referenced above. The Barrington Police Department took the longest to respond at 39 business days, followed by the Providence Police Department at 22 business days and the Rhode Island State Police at 19 business days.
- It is encouraging that no department attempted to withhold narrative portions of the initial arrest reports in their entirety. It is outside of the scope of this audit to determine whether or not the narrative portions were complete or whether they were properly or improperly redacted, which could indicate another type of violation of the provision.

Police Arrest and Dispatch Logs

As a result of the 2012 reforms, police departments are now required to provide certain basic arrest information, what are known as “arrest logs,” to the public on a quicker timeframe than the usual 10 business days for public records requests. Arrest logs are required to be provided within 48 hours of a request made on a weekday or 72 hours if made on a weekend or holiday. The basic information to be provided under the statute includes, with minor exceptions, such things as the full name and address, gender, race and year of birth of the arrested adult, charge or charges brought against him or her, the date and time of arrest, and the name of the arresting officer. Motivating this change was the belief that the public deserves to have timely information when individuals are removed from the community by the police.

- Discouragingly, nearly half of police departments (19 out of 39) failed to provide arrest logs within the statutory window for a response.
- One department — Hopkinton — failed to respond to the request at all.

The audit also requested from every police department a week’s worth of dispatch logs — a record of the service calls and responses conducted by patrol officers.

- Twelve police departments failed to provide the logs in a timely manner. Central Falls Police Department took 52 business days to do so.
- The Woonsocket Police Department refused to turn over any portion of the logs, claiming that they were all exempt from disclosure.

In-Person Police Record Requests

Besides the electronic requests made to all departments, nine were additionally tested by submitting in-person requests. Such visits revealed a lack of understanding of public records officers as to the requirements of the law as well as a general insufficiency of the format of the arrest logs to meet the statutory requirements for information. For example:

- The clerk of the Cranston Police Department initially indicated to the requestor that arrest log information “is confidential,” though it was later released.
- Similarly, the clerk at the East Providence Police Department was uncertain whether the arrest log should be made public.
- Both of the above clerks asked if the requestor worked for a local media establishment, which should have no bearing on the release of the records according to the statute.
- The clerk at the Rhode Island State Police also incorrectly informed the requestor that “no one gets that” as to his request for police log data. Only after the requestor handed him the relevant section of the Attorney General APRA guidelines did the State Police accept the APRA request for processing.
- The Providence Police Department refused to accept an in-person request.
- An insufficient format of police logs produced by the police departments appears to be a common problem contributing to inefficient processing of records requests. Five of the nine police departments — Cranston, Cumberland, Pawtucket, Warwick and Woonsocket — had clerks handwrite information on the police log forms, usually after the requestor notified the clerk of the insufficiency of their forms to address the information required by statute. The Providence Police Department posted online police logs that were legally insufficient according to the statutory format. The same insufficient arrest log format issue was identified at the Coventry and East Providence police departments, which pulled and redacted the arrest records instead of having a police log readily available.

School District Compliance

As discussed above, the 2012 APRA reforms cemented that public employee contracts are public documents. The reforms also established a balancing test to weigh personal privacy in personnel records against the public interest in their disclosure. The audit tested the compliance of school districts on two separate records requests: 1) superintendent contracts, and 2) teacher layoff letters.

- Only one district rejected the request for the superintendent contract. The Warwick Public Schools asserted that “superintendents’ contracts are generally not public documents,” but provided a heavily redacted copy with basic information on wages, benefits and job duties of the superintendent.
- More commonly, school departments faltered on compliance with the contract requests by failing to respond in a timely manner; fourteen districts failed to respond within ten business days.
- More than a third of the school districts (14 out of 36) invoked the public-interest-versus-privacy balancing test in rejecting an APRA request for teacher layoff letters — eleven rejected the request as far as a preliminary list of laid-off teachers, while three districts rejected even the request for a teachers that had received final layoff letters. This indicates a general lack of agreement as to school departments in the application of the new balancing test to a common issue of layoff letters.

Successful Areas of Compliance

All was not bleak. In a few areas, public bodies generally showed widespread compliance with the law.

- APRA gives requesters the option of deciding in what format they would like to receive documents (e.g., electronic or hard copy), and public bodies overwhelmingly complied with this provision.
- APRA allows requesters to remain anonymous. With few exceptions, public bodies did not request identifying information in agreeing to fulfill requests.
- On the whole, public bodies did not charge fees for records in those very few instances when fees could have been lawfully imposed. Only the Rhode Island State Police and the Pawtucket Police Department charged potentially questionable fees in providing access to various police records.

Overall Agency Compliance

- Eight of 24 state and quasi-public agencies performed well with the audit. The worst agency by far was the Office of the Auditor General.
- At the local level, Narragansett was the only municipality that had no violations at the town clerk, police or school district level. At the other end, West Warwick had a total of nine violations, and East Greenwich, New Shoreham and Warren had seven each.
- Looking discretely at police departments, Bristol, Cumberland, Little Compton, Middletown, Narragansett and North Smithfield performed well. However, New Shoreham and Warren violated APRA in six of seven audited categories for police departments.
- Among school districts, Coventry, Exeter-West Greenwich, Chariho, Lincoln, Narragansett, North Kingstown, and South Kingstown were the best performers. West Warwick stands out with the worst compliance among school districts.

Recommendations

Enhanced Oversight by the Office of the Attorney General

The troubling level of non-compliance with APRA's certification requirements should be an impetus to the Attorney General to enhance enforcement efforts around the certification and training of employees.

- As an initial step, the Office of the Attorney General should post publicly a list of those public bodies that do not comply with the certification requirement in the first month of the year.
- There should be a strong presumption that any public body without APRA-certified employees is deemed to have engaged in a knowing and willful violation of the law. Such a finding by the Superior Court is necessary for a fine of up to \$2,000 to be imposed against the public body or agency.
- Beyond simply keeping records of who is complying with the certification requirement, the Attorney General's office should follow up with those agencies that have not complied by the first of the year and seek ways to address the compliance standard.

- The widespread existence of police log records that have yet to be updated to include the information required to be released by the 2012 reforms should prompt the Attorney General's Office to collaborate with the police departments to develop a legally adequate police log form.
- A report issued last year by the ACLU of Rhode Island documented the rarity of legal action by the Attorney General in seeking penalties against agencies found to have violated the law. As this report confirms, the violations of APRA that most often occur involve basic requirements of the statute, not complicated issues of law. The absence of strong enforcement can only encourage a lackadaisical attitude among public bodies that compliance with APRA simply need not be a priority. It is critical that the office responsible for enforcing APRA become much more aggressive in seeking penalties against violators.

Enhanced oversight by Agency Directors

- The leaders responsible for the agencies identified in this audit that have failed to adopt written APRA procedures ought to ensure that such procedures are developed immediately. If such procedures have been developed but not posted online, agency heads should work to ensure they are posted with alacrity.
- Agency heads must also ensure that all appropriate personnel have been properly certified as trained to implement APRA.

Strengthened Enforcement Provisions

ACCESS/RI examined some of the enforcement provisions utilized in other states with regards to the public records statutes. We recommend that the General Assembly consider further reforms to the APRA to strengthen compliance. These could include creating penalties for non-compliance that would accrue on a daily basis and otherwise increasing the fines against violators, and authorizing courts to award compensatory and punitive damages to successful plaintiffs in public records cases.

Independent Commission

The results of the audit also raise the question of the effectiveness of Rhode Island's current enforcement regime, which relies on the Office of the Attorney General to enforce the APRA against fellow state agencies. A highly successful alternative regime in our neighboring state of

Connecticut instead charges an independent commission, the Connecticut Freedom of Information Commission, with overseeing public records disputes. This commission has independence from the Governor and other state agencies and thus has a more neutral standpoint from which to consider the disputes it resolves. The General Assembly should study creating such a commission in Rhode Island as a way of helping our state live up to its potential for a truly open and transparent government. In the alternative, consideration should be given as to whether enforcement powers would be more appropriately housed with the Secretary of State. That office does not have the same conflicts of interest as the Attorney General, who on a daily basis legally defends, advises and, in many instances, collaborates with the same state and municipal bodies that are the subjects of the open record complaints he or she investigates.

A Change in Culture

There can be little question that a culture of indifference — if not outright hostility — to the public's right to know is a key reason for the less-than-stellar results detailed in this audit. Too many agencies appear to consider complying with open records requests a burden rather than what it actually is and should be — a core mission of their agency. Ultimately, it is incumbent on state agency directors, mayors, town clerks, police chiefs, school district superintendents and the heads of all other public bodies to make clear to personnel that compliance with APRA is a priority, to emphasize the critical importance of transparency, and to reverse a deep-rooted attitude of secrecy that seems embedded in too many agencies.

The Rhode Island Access to Public Records Act and the 2012 reforms

Enacted in 1979, the Rhode Island Access to Public Records Act (APRA, R.I. Gen. Laws § 38-2³) establishes the public right to obtain, examine and scrutinize the documents and data of government agencies within Rhode Island.

As made explicit in the Act's purpose, "The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society." APRA defines what is considered a public record, enumerates which entities are subject to public records requests and outlines procedures each agency must follow to uphold transparency.

On June 26, 2012, Rhode Island Governor Lincoln Chafee signed a number of amendments to APRA into law, marking the first major reforms to the state's public access law in fourteen years. The amendments made a number of concrete changes to APRA,⁴ including:

- Requiring agencies to designate a public records officer or unit, as well as to post written public records request procedures online if the agency has a website.
- Requiring agencies to certify that each individual with authority to grant or deny APRA requests has been trained on appropriately processing such requests.
- Allowing individuals to request a public record in a preferred format (including electronic or digital), as long as providing documents in said format is not burdensome to the agency.
- Ensuring that individuals may submit requests anonymously.
- Establishing a privacy-versus-public-good balancing test modeled after the federal Freedom of Information Act that agencies must use to determine whether personnel records must be released or can be withheld.
- Cementing public employee contracts and pension data, which were already public under case law, as public information within the statute.
- Requiring police departments to release particular details of an arrest within 48 hours for requests submitted on weekdays and within 72 hours of requests submitted on weekends.

³ Rhode Island General Laws, Chapter 38-2, "Access to Public Records." See <http://webserver.rilin.state.ri.us/Statutes/title38/38-2/INDEX.HTM>.

⁴ National Freedom of Information Coalition, "Important changes in Rhode Island's Access to Public Records Act." See <http://www.nfoic.org/important-changes-in-rhode-island-access-to-public-records-act>.

Purpose of the audit

A handful of reviews of state public records statutes have rated Rhode Island high relative to other states' statutes. Reviews by the Better Government Association in 2008⁵ and 2013⁶ rated Rhode Island's in the top ten of freedom of information statutes nationwide based on APRA's required response time, appeals process, fee structure and various other metrics. However, such reviews were restricted to theoretical matters, rather than measuring agencies' actual compliance.

This study submitted APRA requests to a cross-section of Rhode Island state and municipal agencies to provide the most comprehensive look to date as to whether promises of greater transparency have truly taken hold. In particular, this audit examined the following broad categories of agencies' obligations under APRA, including particular reforms put in place in 2012:

The records request process:

- Agencies must respond to public records requests within 10 business days.
- Agencies must designate a public records officer(s), establish written procedures for access to public records and post clear APRA request instructions online, provided it has a website.
- Requesters can remain anonymous.
- Agencies cannot require using an official form to submit an APRA request provided the request is clearly identified as a request for public records.
- Agencies must release records in preferred format so long as doing so is not burdensome.

Records required to be released:

- Police departments must release arrest logs with particular information about arrested adults.
- Agencies must release employee contracts and pension data.

⁵ Better Government Association, 2008 BGA-Alper Integrity Index. See http://www.bettergov.org/2008_bga-alper_integrity_index/

⁶ Better Government Association, 2008 BGA-Alper Integrity Index. See http://www.bettergov.org/action_policy/bgaalper_services_integrity_index_2013.aspx.

Balancing test:

- Agencies must conduct a privacy-versus-public-good balancing test to determine whether personnel records must be released, and must justify withholding records only on the grounds that their release would constitute a “clearly unwarranted invasion of personal privacy.”

Agencies surveyed

This report examines APRA certification compliance for a total of 137 government agencies across Rhode Island: 24 state and quasi-public agencies, 39 municipal records custodians, 38 municipal police departments and 36 school districts across Rhode Island.

State public and quasi-public agencies

A cross-section of state and quasi-public agencies were surveyed:

- Airport Corporation
- Board of Elections
- Commerce Corporation
- Department of Administration
- Department of Business Regulation
- Department of Corrections
- Department of Education
- Department of Health
- Department of Labor and Training
- Department of Public Safety
- Department of Revenue
- Department of Transportation
- Division of Motor Vehicles
- General Assembly
- Judiciary
- Lottery Commission

- Office of the Auditor General
- Office of the Attorney General
- Office of the General Treasurer
- Public Transit Authority (RIPTA)
- Rhode Island Housing and Mortgage Finance Corporation
- Rhode Island State Police
- Secretary of State
- Turnpike and Bridge Authority (RITBA)

These agencies were chosen because they represent a balance of state, quasi-public, legislative, and judicial agencies.

Municipal agencies

The following municipal agencies in each of the 39 cities and towns were also surveyed:

- Every principal records custodian (The city/town clerk, manager or solicitor, as relevant.)
- Every police department (There are 38 municipal police departments. The town of Exeter does not have a municipal police department.)
- Every school district (The 36 school districts surveyed include four consolidated districts: Bristol-Warren; Exeter-West Greenwich; Foster-Glocester (although Foster and Glocester also have separate districts); and Charlestown, Richmond, Hopkinton (Chariho).)⁷

Request tracking

For all requests, MuckRock carefully tracked and recorded the response time, request success or rejection, released document format (i.e., electronic vs. printed), number of released pages and fees charged for request fulfillment.

⁷ Rhode Island Department of Education, "Rhode Island School Districts." See <http://www.ride.ri.gov/StudentsFamilies/RIPublicSchools/SchoolDistricts.aspx>.

The primary metric tracked for all requests is the response time. APRA requires that government agencies provide a response to requests for public records within ten business days. Agencies may have up to an additional twenty business days to respond to a request “if it can demonstrate that the voluminous nature of the request, the number of requests for records pending, or the difficulty in searching for and retrieving or copying the requested records, is such that additional time is necessary to avoid imposing an undue burden on the public body.”⁸ Response time for each request was calculated as the number of business days between the date the agency received a given request to the date the agency sent a final response. The response clock was stopped whenever an agency asked for clarification, payment or other additional input for a given request, and restarted once MuckRock responded or complied.

For the majority of agencies surveyed that accept APRA requests by email, by fax or via online submission portal, the agency was considered to have received a given request on the date that it was sent. For agencies that require APRA requests to be submitted by postal mail, the agency was considered to have received a given request three business days after it was sent from MuckRock’s office in Boston. For agency responses sent by mail, the postmark date of the final communication was taken as the date of response.

MuckRock also recorded all fees charged for document duplication, review and provision. APRA allows agencies to charge fees to recoup some of the cost of fulfilling requests. Specifically, agencies may charge:

- (a) a maximum of fifteen cents (\$.15) per page for a document copyable on common business or legal size paper;
- (b) a maximum of fifteen dollars (\$15.00) per hour for search and retrieval, with the first hour free, and;
- (c) no more than the reasonable actual cost for providing electronic records or retrieving records from storage where the public body is assessed a retrieval fee.⁹

⁸ Rhode Island General Laws, Chapter 38-2-3(e), “Access to Public Records: Right to inspect and copy records – Duty to maintain minutes of meetings – Procedures for access.” See <http://webserver.rilin.state.ri.us/Statutes/title38/38-2/38-2-3.HTM>.

⁹ Rhode Island Office of the Attorney General, “The Attorney General’s Guide to Open Government In Rhode Island, 6th Edition,” p. 30. See <http://www.riag.ri.gov/documents/opengov/guidetoopengovernmentbookletfullpagetext.pdf>.

MuckRock closely monitored the format in which agencies provided responsive documents. APRA provides that an individual may obtain public records “in any and all media that the public body is capable of providing,” and that an agency “shall provide copies of the public record electronically, by fax, or by mail in accordance with the requesting person or entity’s choice, unless complying with that preference would be unduly burdensome due to the volume of records requested or the costs that would be incurred.” The Office of the Attorney General has issued at least one opinion finding that an agency violated APRA by failing to provide electronic access to records.¹⁰ In all requests save those submitted in person, MuckRock included a clear statement of preference for electronic provision of records.

APRA provides that requests for public records “need not be made on a form established by a public body if the request is otherwise readily identifiable as a request for public records.” Each APRA request submitted by MuckRock was readily identifiable as such via prominent statute citations. As such, in all requests save those submitted in person and via the Providence Law Department online portal, MuckRock did not use any agency APRA forms to submit document requests, and tracked whether agencies attempted to require such forms.

Additional metrics were tracked for particular categories of request, such as whether the privacy-versus-public-interest balancing test was invoked or whether an agency attempted to require identification to submit a request.

See Appendix A posted online for the MuckRock URL for each request submitted for this audit.¹¹

¹⁰ Rhode Island Office of the Attorney General, “PR 14-12 Fitzgerald v. East Providence Police Department,” June 2014. See <http://www.riag.ri.gov/civilcriminal/show.php?id=1036>.

¹¹ See <http://www.accessri.org/foi-audits.html>.

Findings

APRA training and certification

An examination of compliance with the APRA certification requirement — one of the most basic requirements of the law and one of the easiest for public bodies to comply with — hardly provides cause for celebration.

As of January 1, 2013, the chief administrator of each agency and each public body must certify to the Attorney General that each individual with authority to grant or deny APRA requests has been trained on appropriately processing such requests.¹² Authorized trainings must be conducted by staff from the Department of the Attorney General. A given employee may attend such trainings in person or view by video. Individuals must be certified each calendar year.

To assess agencies' compliance with the APRA certification provision, MuckRock submitted two APRA requests to the Office of the Attorney General for the following document: "A list of all certifications of training under the Access to Public Records Act by public bodies for calendar years 2013 and 2014." MuckRock submitted these requests to the Office of the Attorney General on March 31, 2014 for an initial list, and on June 25, 2014 for an updated list. The certification log obtained from the Attorney General can be found posted online as Appendix B to this audit.¹³

An agency was determined to be compliant with the certification requirement for a given year if at least one individual within the agency was listed as certified on the Attorney General spreadsheet

¹² Rhode Island Office of the Attorney General, "Rules and Regulations Regarding Training under the Access to Public Records Act." See <http://www.riag.ri.gov/documents/opengov/APBATrainingRulesandRegulations.pdf>.

¹³ See <http://www.accessri.org/foi-audits.html>.

for that year. An agency was determined to be in ongoing violation of APRA if none of its employees was listed as certified for 2013 or 2014.

While seemingly technical in nature, the certification requirement serves important purposes. It ensures that public bodies have formally determined who within their agency has responsibility for addressing APRA requests, and thus promotes public accountability and prevents situations where public bodies “lose” requests when they are shuffled to different individuals in the absence of a clear command chain. Further, by guaranteeing that anyone given responsibility for turning down a records request has received training about APRA, the requirement helps to eliminate “ignorance of the law” as an excuse by public bodies for failing to properly respond to an APRA request.

Partly as a result of this certification requirement, hundreds of state and municipal employees attend the attorney general’s annual open government summit, the major avenue for receiving the necessary APRA training that allows for an individual to be certified as APRA-compliant.

More than a third of agencies surveyed did not complete APRA certification requirements for 2014 for even a single employee. This includes ten state and quasi-public agencies, as well as thirteen municipal records custodians, sixteen police departments and seventeen school districts. Six municipalities failed to complete APRA certification for even a single municipal employee for 2014, per the Attorney General’s documentation.

Table 1: Summary of compliance with certification requirements by type of entity (2014)

Agency type	Number of agencies surveyed	In violation of APRA certification
State and quasi-public agencies	24	10
Municipal records custodian	39	13
Police department	38	16
School district or department	36	17
Total	137	56

Source: APRA training and certification records, Office of the Attorney General, 8 July 2014. Available at <https://www.muckrock.com/foi/rhode-island-82/rhode-island-public-bodies-apra-certification-list-june-2014-12294/>.

State agencies

At the state level, compliance with the APRA certification requirement is less than encouraging. More than a third of surveyed state and quasi-public agencies have not completed APRA certification as required under the 2012 reforms.

Notably, the Attorney General initiated a lawsuit in July 2014 for reckless violation of APRA against the Department of Business Regulation, which, perhaps not coincidentally, failed to comply with APRA certification requirements for 2013 or 2014.

Of the state and quasi-public agencies reviewed, only three — the Department of Health, the Office of the General Treasurer and the Office of the Attorney General — completed APRA certification for 2013 as required. The remaining agencies, including the Secretary of State, the Department of Public Safety and the Department of Administration, failed to meet the certification requirement in 2013 for even a single employee authorized to grant or deny APRA requests. It is particularly ironic that the Office of the Auditor General failed to comply in either 2013 or 2014 with this requirement — and, as will be seen later on, with other basic APRA requirements — considering that its designated mission statement is “to help improve the performance and accountability of government.”

Substantially more agencies completed the required certification for 2014, but more than a third (10 out of 24) still failed to do so for even a single employee. While some agencies, such as the Department of Health, the Department of Revenue and the Office of the General Treasurer, submitted certification documentation for several employees, eleven agencies failed to submit any APRA training certifications whatsoever.

Table 2: State and quasi-public agencies, APRA certification compliance (2013-2014)

Agency	APRA certified for 2013	Currently certified for 2014
Airport Corporation	No	No (VIOLATION)
Board of Elections	No	No (VIOLATION)
Commerce Corporation	No	Yes
Department of Administration	No	No (VIOLATION)
Department of Business Regulation	No	No (VIOLATION)
Department of Corrections	No	No (VIOLATION)
Department of Education	No	No (VIOLATION)
Department of Health	Yes	Yes
Department of Labor and Training	No	No (VIOLATION)
Department of Public Safety	No	Yes
Department of Revenue	No	Yes
Department of Transportation	No	Yes
Division of Motor Vehicles	No	Yes
General Assembly	No	No (VIOLATION)
Judiciary	No	Yes
Lottery Commission	No	Yes
Office of Auditor General	No	No (VIOLATION)
Office of the Attorney General	Yes	Yes
Office of the General Treasurer	Yes	Yes
Public Transit Authority (RIPTA)	No	Yes
Rhode Island Housing and Mortgage Finance Corporation	No	No (VIOLATION)
Rhode Island State Police	No	Yes
Secretary of State	No	Yes
Turnpike and Bridge Authority (RITBA)	No	Yes

Source: APRA training and certification records, Office of the Attorney General, 8 July 2014. Available at <https://www.muckrock.com/foi/rhode-island-82/rhode-island-public-bodies-apra-certification-list-june-2014-12294/>.

Figure 1: State and quasi-public agencies, APRA certification compliance: 2013

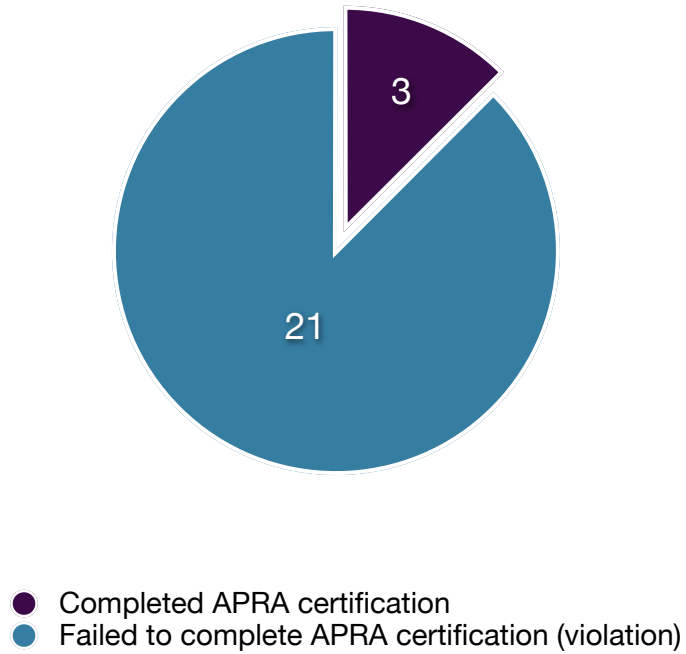
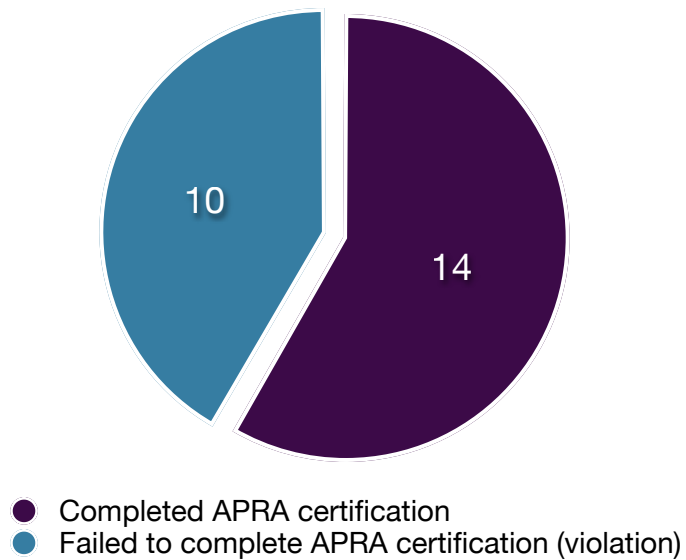


Figure 2: State and quasi-public agencies, APRA certification compliance: 2014



Municipalities as a whole

Discerning APRA training and certification compliance requires much more sleuthing and cross-reference at the municipal level. First, a handful of municipalities centralize APRA request processing within the municipal records custodian, including for the police department and school district. This is the case, for instance, in Providence and Pawtucket, where each city's legal department processes APRA requests for all municipal offices. In order to determine whether a given agency within a municipality fulfilled the APRA certification requirement, then, it first needed to be determined whether each agency is responsible for processing APRA requests internally. As outlined in the following section, "Written APRA Procedures," this was the case for the majority of municipal agencies surveyed, as revealed by their APRA procedures and policies. The handful of exceptions among municipal police departments and school districts are noted in the table below with a single asterisk.

Determining which agencies are subject to the APRA certification requirement — as well as enforcement of this requirement — would be much simplified by an Attorney General's log that indicates all agencies comprehensively, rather than simply individuals who have completed certification.

The Attorney General's log also contained vague entries that further complicated determining whether a particular agency had completed APRA certification. A handful of entries failed to clearly specify the agency for which a designated individual had jurisdiction. For instance, the certification record lists certain individuals as certified for "Cumberland" and "Foster - Town of" without any detail as to respective office. These ambiguous entries needed to be tracked to each certified individual's employing agency.

The majority of communities (26 out of 39 municipalities) failed to complete APRA certification for one or more of the agencies surveyed. In six communities — Charlestown, East Greenwich, Johnston, Newport, Richmond and Warren — there is no Attorney General's record of any municipal employee being certified to respond to open records requests in either 2013 or 2014. In only ten municipalities — Bristol, Central Falls, Coventry, Hopkinton, Little Compton, Narragansett, Providence, Smithfield, Warwick and Woonsocket — did all municipal agencies reviewed submit certifications for at least one APRA responder for 2014. (Note that this count does not include joint school districts as municipal agencies.)

Table 3: Municipalities, APRA certification compliance (2014)

Municipality	Municipal records custodian certified, 2014	Police department certified, 2014	School district certified, 2014
Barrington	Yes	Yes***	No (VIOLATION)
Bristol	Yes	Yes	No (VIOLATION)**
Burrillville	Yes	No (VIOLATION)	Yes
Central Falls	Yes	Yes*	Yes
Charlestown	No (VIOLATION)	No (VIOLATION)	Yes**
Coventry	Yes	Yes	Yes
Cranston	Yes	No (VIOLATION)	Yes
Cumberland	Yes	Yes	No (VIOLATION)
East Greenwich	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)
East Providence	No (VIOLATION)	No (VIOLATION)	Yes
Exeter	Yes	N/A	No (VIOLATION)**
Foster	Yes	No (VIOLATION)	Yes**
Glocester	Yes	No (VIOLATION)	Yes**
Hopkinton	Yes	Yes	Yes**
Jamestown	Yes	Yes	No (VIOLATION)
Johnston	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)
Lincoln	No (VIOLATION)	No (VIOLATION)	Yes
Little Compton	Yes	Yes	Yes
Middletown	No (VIOLATION)	Yes	No (VIOLATION)
Narragansett	Yes	Yes	Yes
New Shoreham	Yes	No (VIOLATION)	No (VIOLATION)
Newport	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)
North Kingstown	No (VIOLATION)	No (VIOLATION)	Yes
North Providence	Yes	Yes	No (VIOLATION)
North Smithfield	Yes	Yes	No (VIOLATION)
Pawtucket	Yes	Yes*	No (VIOLATION)
Portsmouth	Yes	Yes	No (VIOLATION)
Providence	Yes	Yes*	Yes*

Municipality	Municipal records custodian certified, 2014	Police department certified, 2014	School district certified, 2014
Richmond	No (VIOLATION)	No (VIOLATION)	Yes**
Scituate	No (VIOLATION)	Yes	No (VIOLATION)
Smithfield	Yes	Yes	Yes
South Kingstown	Yes	Yes	No (VIOLATION)
Tiverton	No (VIOLATION)	No (VIOLATION)	Yes
Warren	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)**
Warwick	Yes	Yes	Yes
West Greenwich	Yes	Yes	No (VIOLATION)**
West Warwick	Yes	No (VIOLATION)	No (VIOLATION)
Westerly	No (VIOLATION)	Yes	Yes
Woonsocket	Yes	Yes	Yes

Source: APRA training and certification records, Office of the Attorney General, 8 July 2014. Available at <https://www.muckrock.com/foi/rhode-island-82/rhode-island-public-bodies-apra-certification-list-june-2014-12294/>. Single asterisks denote agencies for which the municipal records custodian is responsible for processing APRA requests. Double asterisks denote municipalities which share a consolidated school district with at least one other municipality. Triple asterisks denote that, while the Barrington Police Department APRA policy lists the chief as its APRA officer, the Attorney General log specifically lists the Barrington town manager as certified on behalf of the police department as well as the municipality.

At the municipal level overall, the APRA certification requirement has yet to be met. Per the Attorney General's record of certifications, several communities have not trained any employees on proper application of APRA provisions. The majority of municipalities failed to complete APRA certification for one or more of the agencies surveyed in this audit. APRA compliance for each category of municipal agency is examined in greater detail below.

Municipal records custodians

Municipal records custodians — whether the city or town clerk, law department, manager or other primary administrator — are a gatekeeper to most documents at the municipal level. But more than a quarter of municipal records custodians (12 out of 39) have not completed APRA training certification with the Attorney General as required by the 2012 reforms.

Of the thirty-nine municipalities, only nine municipal records custodians completed APRA certification for 2013 as required.

Seventeen additional municipalities completed the required certification for 2014, leaving more than a quarter that failed to do so for even a single employee. Certain municipalities such as Providence, Warwick and West Greenwich, submitted certification documentation for multiple employees, but thirteen towns and cities failed to submit any APRA training certifications for 2014.

Table 4: Municipal records custodians, APRA certification compliance (2013-2014)

Municipal records custodian	Listed as APRA certified for 2013	Listed as APRA certified for 2014
Barrington, Town Manager	No	Yes
Bristol, Town Clerk	No	Yes
Burrillville, Town Clerk	Yes	Yes
Central Falls, Legal Department	No	Yes
Charlestown, Town Clerk	No	No (VIOLATION)
Coventry, Town Clerk	No	Yes
Cranston, Law Department	No	Yes
Cumberland, Town Clerk	Yes	Yes
East Greenwich, Town Clerk	No	No (VIOLATION)
East Providence, City Clerk	No	No (VIOLATION)
Exeter, Town Clerk	No	Yes
Foster, Town Clerk	No	Yes
Glocester, Town Clerk	Yes	Yes
Hopkinton, Town Clerk	No	Yes
Jamestown, Town Clerk	No	Yes

Municipal records custodian	Listed as APRA certified for 2013	Listed as APRA certified for 2014
Johnston, Town Clerk	No	No (VIOLATION)
Lincoln, Town Clerk	No	No (VIOLATION)
Little Compton, Town Clerk	No	Yes
Middletown, Town Clerk	No	No (VIOLATION)
Narragansett, Town Clerk	No	Yes
New Shoreham, Town Clerk	No	Yes
Newport, City Clerk	No	No (VIOLATION)
North Kingstown, Town Clerk	No	No (VIOLATION)
North Providence, Town Clerk	Yes	Yes
North Smithfield, Town Clerk	No	Yes
Pawtucket, Law Department	Yes	Yes
Portsmouth, Town Clerk	No	Yes
Providence, Law Department	Yes	Yes
Richmond, Town Administrator	No	No (VIOLATION)
Scituate, Town Clerk	No	No (VIOLATION)
Smithfield, Town Clerk	Yes	Yes
South Kingstown, Town Clerk	Yes	Yes
Tiverton, Town Clerk	No	No (VIOLATION)
Warren, Town Clerk	No	No (VIOLATION)
Warwick, City Clerk	No	Yes
West Greenwich, Town Clerk	No	Yes
West Warwick, Town Clerk	No	Yes
Westerly, Town Clerk	No	No (VIOLATION)
Woonsocket, City Clerk	Yes	Yes

Source: APRA training and certification records, Office of the Attorney General, 8 July 2014. Available at <https://www.muckrock.com/foi/rhode-island-82/rhode-island-public-bodies-apra-certification-list-june-2014-12294/>.

Figure 3: Municipal records custodians, APRA certification compliance: 2013

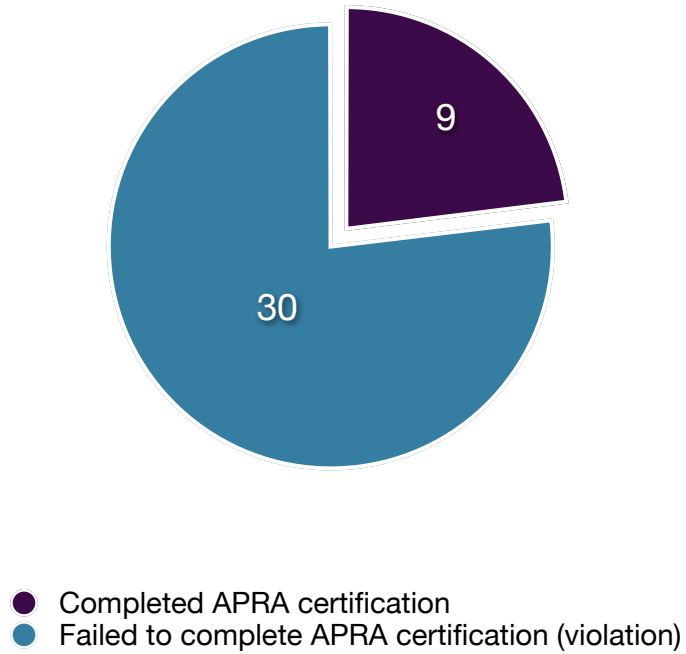
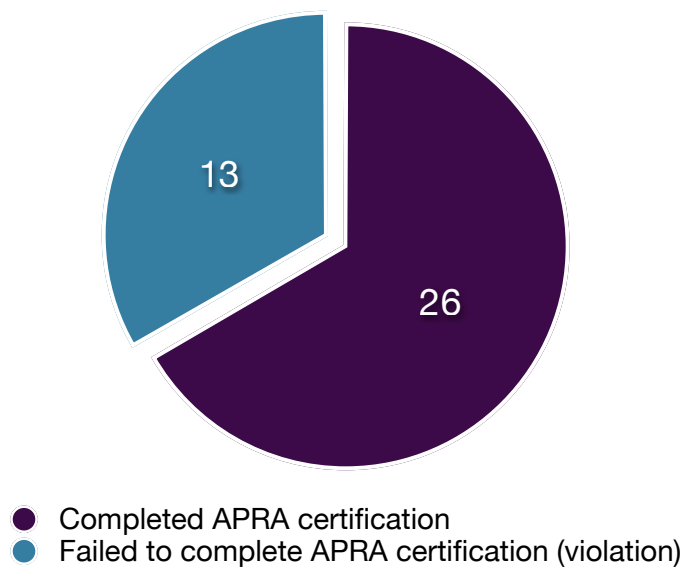


Figure 4: Municipal records custodians, APRA certification compliance: 2014



Police departments

With the exception of Central Falls, Pawtucket and Providence, municipal police departments in Rhode Island process APRA requests internally. APRA requests submitted to the remaining three departments are processed by each municipality's primary records custodians. The certification spreadsheet received from the Attorney General indicates that 16 out of 38 municipal police departments, over 40%, have not completed the APRA certification requirement established by the 2012 APRA reforms.

Of the thirty-eight police departments reviewed, only seven completed APRA certification for 2013 as required. Two of these departments — Pawtucket and Providence — do not handle APRA requests internally, so their certifications reflect compliance by the municipal records custodian of these cities for 2013, rather than by the departments themselves. The remaining departments failed to meet the APRA certification requirement for even a single employee in 2013.

Fifteen more departments completed the APRA certification requirement for 2014, meaning that more than a third still failed to certify even a single employee for the current year. While certain departments such as Middletown, Smithfield and Woonsocket certified several employees, sixteen police departments failed to submit any APRA training certifications whatsoever for 2014.

Table 5: Police departments, APRA certification compliance (2013-2014)

Police department	Listed as APRA certified for 2013	Listed as APRA certified for 2014
Barrington Police Department	No	Yes**
Bristol Police Department	No	Yes
Burrillville Police Department	No	No (VIOLATION)
Central Falls Police Department*	No*	Yes*
Charlestown Police Department	No	No (VIOLATION)
Coventry Police Department	Yes	Yes
Cranston Police Department	No	No (VIOLATION)
Cumberland Police Department	No	Yes
East Greenwich Police Department	No	No (VIOLATION)
East Providence Police Department	No	No (VIOLATION)

Police department	Listed as APRA certified for 2013	Listed as APRA certified for 2014
Foster Police Department	No	No (VIOLATION)
Glocester Police Department	No	No (VIOLATION)
Hopkinton Police Department	No	Yes
Jamestown Police Department	No	Yes
Johnston Police Department	No	No (VIOLATION)
Lincoln Police Department	No	No (VIOLATION)
Little Compton Police Department	No	Yes
Middletown Police Department	No	Yes
Narragansett Police Department	No	Yes
New Shoreham Police Department	No	No (VIOLATION)
Newport Police Department	No	No (VIOLATION)
North Kingstown Police Department	No	No (VIOLATION)
North Providence Police Department	Yes	Yes
North Smithfield Police Department	No	Yes
Pawtucket Police Department*	Yes*	Yes*
Portsmouth Police Department	Yes	Yes
Providence Police Department*	Yes*	Yes*
Richmond Police Department	No	No (VIOLATION)
Scituate Police Department	Yes	Yes
Smithfield Police Department	No	Yes
South Kingstown Police Department	No	Yes
Tiverton Police Department	No	No (VIOLATION)
Warren Police Department	No	No (VIOLATION)
Warwick Police Department	No	Yes
West Greenwich Police Department	No	Yes
West Warwick Police Department	No	No (VIOLATION)
Westerly Police Department	Yes	Yes
Woonsocket Police Department	No	Yes

Source: APRA training and certification records, Office of the Attorney General, 8 July 2014. Available at <https://www.muckrock.com/foi/rhode-island-82/rhode-island-public-bodies-apra-certification-list-june-2014-12294/>. Note that since the police in Central Falls, Pawtucket and Providence do not handle APRA requests internally, entries for these three departments reflect the certifications of the municipal records custodian for these three cities. Also note that, while the Barrington Police Department maintains a separate APRA policy and lists the chief as its APRA officer, the Attorney General log specifically lists the Barrington town manager as certified on behalf of the police department as well as the municipality.

Figure 5: Police departments, APRA certification compliance: 2013

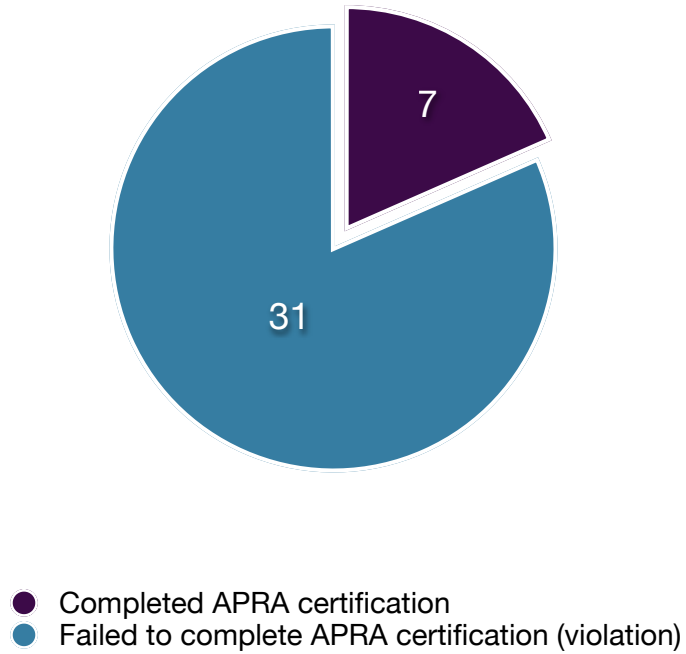
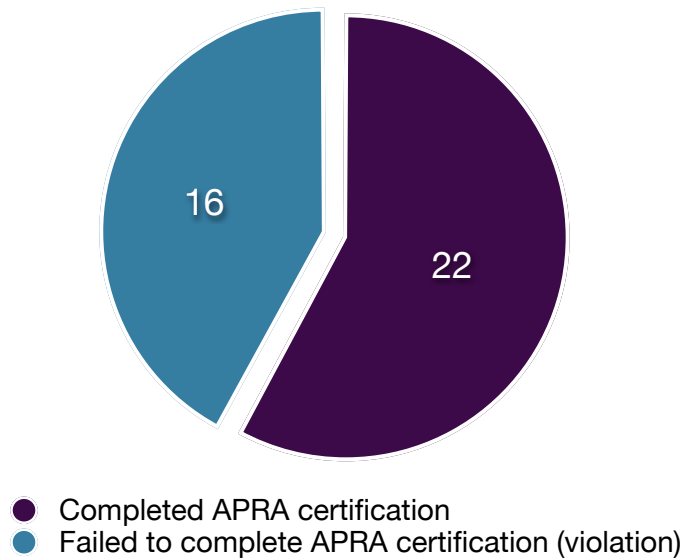


Figure 6: Police departments, APRA certification compliance: 2014



School districts

Nearly half of all school districts and departments did not complete APRA certification paperwork for 2014 for even a single employee. This rate was higher than those for municipal records custodians and police departments.

Of the thirty-six school districts reviewed in this audit, only eight completed APRA certification for 2013 for any employees. As noted above, two of these eight districts — Gloucester and Providence — do not handle APRA requests internally, so their certifications reflect compliance by the municipal records custodian of these cities. The remaining districts did not submit APRA training certification paperwork 2013 for even a single employee.

Eleven additional school districts completed the APRA certification for 2014, which means that half had not done so for even a single employee. Where a handful of districts such as Cranston and Tiverton submitted certification documentation for multiple employees, seventeen school districts failed to submit any APRA training certifications for 2014.

As the chart below shows, the non-compliant school districts include those large and small, urban and rural, rich and poor.

Table 6: School districts, APRA certification compliance (2013-2014)

School district	APRA certified for 2013	APRA certified for 2014
Barrington Public Schools	No	No (VIOLATION)
Bristol Warren Regional School District	No	No (VIOLATION)
Burrillville School Department	No	Yes
Central Falls School District	No	Yes
Chariho Regional School District	No	Yes
Coventry Public Schools	Yes	Yes
Cranston Public Schools	Yes	Yes
Cumberland School Department	No	No (VIOLATION)
East Greenwich Public Schools	No	No (VIOLATION)
East Providence School District	Yes	Yes

School district	APRA certified for 2013	APRA certified for 2014
Exeter - West Greenwich School District	No	No (VIOLATION)
Foster School District	No	Yes
Foster - Gloucester Regional Schools	No	Yes
Gloucester School Department*	Yes*	Yes*
Jamestown School Department	No	No (VIOLATION)
Johnston Public Schools	No	No (VIOLATION)
Lincoln Public Schools	No	Yes
Little Compton Public Schools	Yes	Yes
Middletown Public Schools	No	No (VIOLATION)
Narragansett School System	No	Yes
New Shoreham School Department	No	No (VIOLATION)
Newport Public Schools	No	No (VIOLATION)
North Kingstown School Department	No	Yes
North Providence School Department	No	No (VIOLATION)
North Smithfield School Department	No	No (VIOLATION)
Pawtucket School Department	No	No (VIOLATION)
Portsmouth School Department	No	No (VIOLATION)
Providence Schools*	Yes*	Yes*
Scituate School Department	No	No (VIOLATION)
Smithfield Public Schools	No	Yes
South Kingstown School Department	No	No (VIOLATION)
Tiverton School District	No	Yes
Warwick Public Schools	Yes	Yes
West Warwick Public Schools	No	No (VIOLATION)
Westerly Public Schools	Yes	Yes
Woonsocket Education Department	No	Yes

Source: APRA training and certification records, Office of the Attorney General, 8 July 2014. Available at <https://www.muckrock.com/foi/rhode-island-82/rhode-island-public-bodies-apra-certification-list-june-2014-12294/>. Note that since the Gloucester and Providence Schools do not handle APRA requests internally, entries for these two districts reflect the certifications of the municipal records custodian that is responsible for each.

Figure 7: School districts, APRA certification compliance: 2013

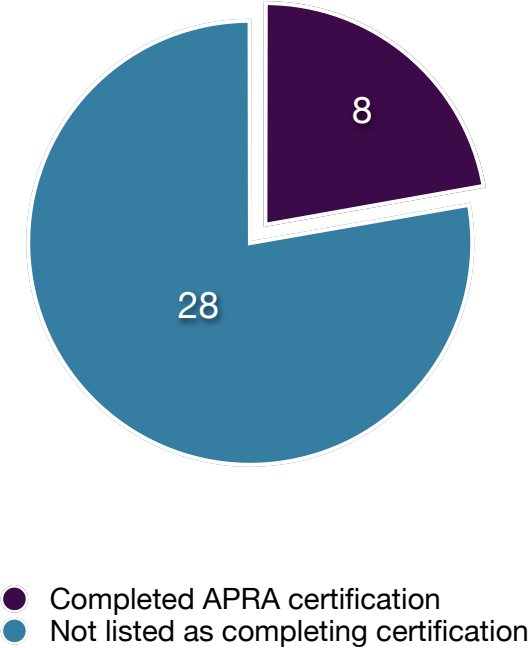
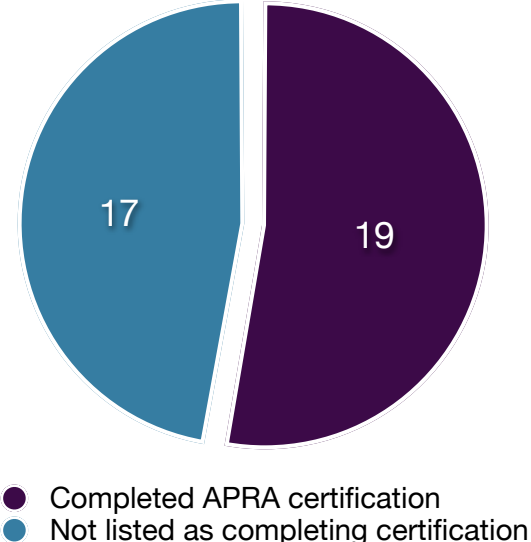


Figure 8: School districts, APRA certification compliance: 2014



Conclusion and recommendations

More than a third of the 137 government agencies examined have failed to meet the minimum training and certification requirements as established under the 2012 APRA reforms. Nearly half of the school districts and more than 40% of the police departments in the state still fail to meet the certification requirement two years after the law's approval. Compliance at the state level, at least based on the cross-section of agencies studied, is somewhat better, but still quite troubling.

Because Rhode Islanders must be assured that agencies are taking their obligations under APRA seriously, ACCESS/RI believes that the Attorney General should make a public record of those public bodies that don't comply with the certification requirement. Further, there should be a strong presumption that any public body without APRA-certified employees found to have committed an APRA violation should be deemed to have engaged in a knowing and willful violation of the law. Such a finding by the Superior Court is necessary for a fine of up to \$2,000 to be imposed against the public body or agency.

Vague entries on the Attorney General's certification log cast doubt as to the verification process for ensuring that individuals authorized to grant or deny APRA requests receive appropriate training regarding the statute's provisions. ACCESS/RI believes the Attorney General should require more specificity on the certification forms so it is clear what jurisdiction that designated employees have over the various departments in their municipality.

Written APRA procedures

APRA also requires each government agency to establish written procedures regarding access to public records.¹⁴ At minimum, such procedures must include:

- (1) Identification of a designated public records officer or unit;
- (2) How to make a public records request; and
- (3) Where a public records request should be made.

Per the 2012 APRA amendments, each agency must also post these procedures on its website, provided it has one. The Office of the Attorney General has issued a handful of advisory opinions finding that agencies violated APRA by failing to post their APRA procedures online.^{15 16}

To assess compliance with these provisions, MuckRock first compiled APRA contact information from each agency's website. If APRA contact information was not posted online as required, MuckRock staff contacted the agency to ascertain the appropriate contact information for submitting APRA requests, and noted the agency's failure to post APRA procedures.

MuckRock then submitted an APRA request to each agency above for the following: "Written procedures for access to the agency's public records, including any records request forms required or suggested by the agency."

Depending on the category of agency (i.e., state/quasi-public, municipal records custodian, police department or school district/department), these requests for written APRA procedures were submitted between March 31 and April 27, 2014.

All surveyed state and quasi-public agencies have written APRA procedures as required by the statute, although one — the Office of the Auditor General — failed to provide a copy despite weeks

¹⁴ Rhode Island Office of the Attorney General, "The Attorney General's Guide to Open Government In Rhode Island, 6th Edition," p. 28. See <http://www.riag.ri.gov/documents/opengov/guidetoopengovernmentbookletfullpagetext.pdf>.

¹⁵ Rhode Island Office of the Attorney General, "PR 14-06 Novak v. Western Coventry Fire District," February 2014. See <http://www.riag.ri.gov/civilcriminal/show.php?id=1000>.

¹⁶ Rhode Island Office of the Attorney General, "PR 13-23 Buckley, Flanders, Marsh v. Rhode Island Turnpike and Bridge Authority," November 2013. See <http://www.riag.ri.gov/civilcriminal/show.php?id=1026>.

of followup. A number of municipal agencies have yet to develop written APRA procedures: two municipal records custodians, two police departments and three school districts do not have written APRA procedures as required by the statute.

Nearly a quarter of surveyed agencies failed to publish their APRA procedures online as required: one state agency, eight municipal records custodians, fourteen police departments and nine school districts do not have procedures posted online that fulfill the statute requirements.

Table 7: Summary, compliance with written procedures requirements by type of entity (2014)

Agency type	Number of agencies surveyed	No written APRA procedures	No APRA procedures online
State and quasi-public agencies	24	0	1
Municipal records custodian	39	2	8
Police department	38	2	14
School district or department	36	3	9
Total	137	7	32

State agencies

The vast majority of state and quasi-public bodies released their APRA procedures within the statutory window of ten business days. The Office of the Auditor General has yet to provide copies of its APRA procedures as of August 21, 2014, more than four months after the request was submitted. The OAG has failed to fulfill the request despite a number of followup emails and calls and confirmation of the appropriate contact information. It took more than three months to get a simple acknowledgement of receipt from the OAG.

Besides the Auditor General, only two other agencies failed to provide APRA procedures within ten business days as required: the Department of Corrections took 27 business days to respond, while the Turnpike and Bridge Authority took 23 business days. Upon followup, the Turnpike and Bridge Authority confirmed that the request was ignored initially on the assumption that the APRA request was a spam attempt, despite clear formatting and specific address to RITBA's APRA custodian. Neither agency requested additional time to process the request.

Notably, the emailed response from the Department of Transportation's Office of Legal Counsel asserted, "The Rhode Island Department of Transportation does not have written APRA procedures." However, the same staffer provided a copy of the department's APRA submission form. Because that form contains information which meets the bare minimum requirements for APRA procedures as outlined by the Office of the Attorney General, we have deemed DOT to comply with that provision. The failure of the Office of the Auditor General to respond, as well as the response of the Department of Transportation, suggest that some state and quasi-public agencies may have lingering confusion as to their obligations under APRA to establish written procedures for both public and internal clarity.

No agency charged a fee for providing copies of its APRA procedures. In accordance with the stated preference in the request letter, all agencies provided documents electronically.

The Office of the Auditor General is the only surveyed state or quasi-public agency that does not have written APRA procedures posted on its website, as of August 21, 2014.

The remaining state agencies have posted their APRA procedures in various sections on their websites, some more prominently than others. The Department of Administration, for instance, has a "Procedures Regarding Access to Public Records" dedicated tab on its website navigation bar, while the Rhode Island Housing and Mortgage Finance Corporation has posted the procedures within a "Public Information" tab found within its "About Us" section. The Airport Corporation procedures, meanwhile can be found only by searching its website for "public records," and the Department of Health procedures can be found only by conducting a web search for "public records."

Table 8: State and quasi-public agencies, compliance with APRA written procedures requirements (2014)

Agency	Has written APRA procedures?	Business days to response	APRA procedures on website?
Airport Corporation	Yes	6	Yes
Board of Elections	Yes	1	Yes
Commerce Corporation	Yes	1	Yes
Department of Administration	Yes	1	Yes
Department of Business Regulation	Yes	7	Yes
Department of Corrections	Yes	27 (VIOLATION)	Yes
Department of Education	Yes	2	Yes
Department of Health	Yes	3	Yes
Department of Labor and Training	Yes	7	Yes
Department of Public Safety	Yes	3	Yes
Department of Revenue	Yes	4	Yes
Department of Transportation	Yes	4	Yes
Division of Motor Vehicles	Yes	1	Yes
General Assembly	Yes	10	Yes
Judiciary	Yes	5	Yes
Lottery Commission	Yes	7	Yes
Office of Auditor General	Failed to respond (VIOLATION)	Failed to respond (VIOLATION)	No (VIOLATION)
Office of the Attorney General	Yes	7	Yes
Office of the General Treasurer	Yes	1	Yes
Public Transit Authority (RIPTA)	Yes	1	Yes
Rhode Island Housing and Mortgage Finance Corporation	Yes	1	Yes
Rhode Island State Police	Yes	3	Yes
Secretary of State	Yes	3	Yes
Turnpike and Bridge Authority (RITBA)	Yes	23 (VIOLATION)	Yes

Source: APRA requests for APRA procedures and forms submitted to each agency. See Appendix A posted online for the MuckRock URL for each request. Note that since APRA requests submitted to the State Budget Office and the State Controller are processed by the Department of Administration, these offices were not included in the table above.

Figure 9: State and quasi-public agencies, Response time for APRA procedures

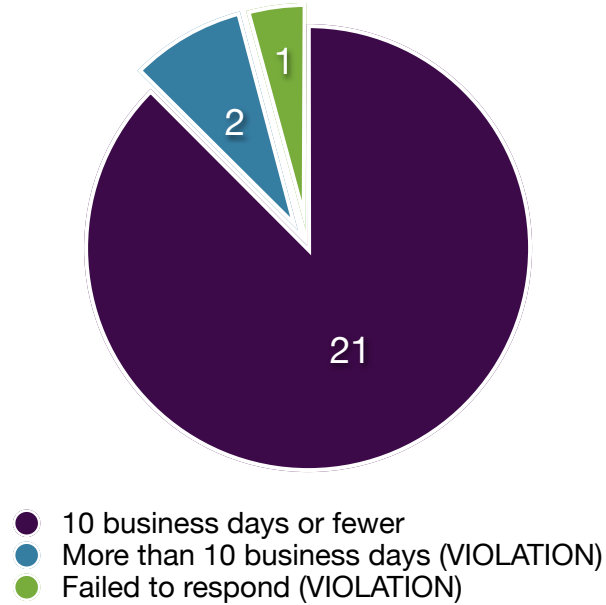
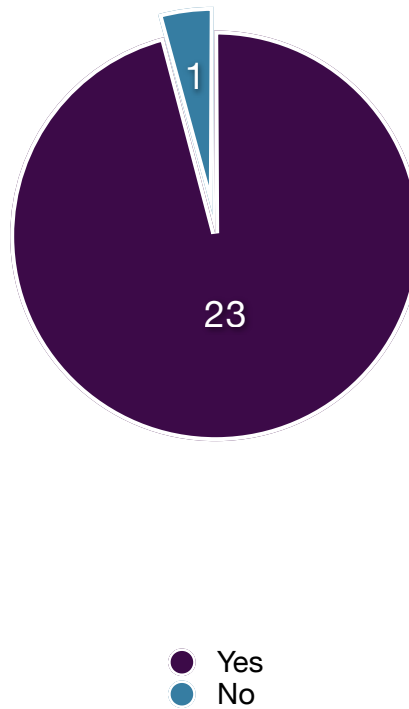


Figure 10: State and quasi-public agencies, APRA procedures posted online



The requirement to maintain written procedures for APRA requests is largely fulfilled across all state and quasi-public agencies surveyed, as is the requirement to post such policies and procedures online. However, even records staff at some agencies seem unaware that such procedures exist, a fact which casts doubt on whether these procedures are well understood or consistently applied.

See Appendix C posted online for a compilation of state and quasi-public agency APRA procedures and forms, as well as contact information for submitting requests.¹⁷

¹⁷ See <http://www.accessri.org/foi-audits.html>.

Municipal records custodians

Two municipal records custodians do not have written APRA procedures that fulfill the statutory requirement. Upon request, the Warren Town Clerk researched the matter and discovered that the town lacks written procedures as required by the statute. The Scituate Town Clerk provided only an APRA form in response to the request, which fails to provide basic information such as mailing address, fax number or email address.

Somewhat disturbingly, the town clerks in North Kingstown and North Providence likewise replied that no such procedures exist in response to the request, when in fact those municipalities have explicit APRA procedures posted online.

Seven municipalities failed to respond to the request for APRA procedures within ten business days as required by APRA:

- Central Falls Legal Department
- Cranston Law Department
- Providence Law Department
- Richmond Town Administrator
- Smithfield Town Clerk
- Tiverton Town Clerk
- Westerly Town Clerk

None of the above municipal records custodians requested additional time to process the request.

In accordance with the stated preference in the request letter, all municipalities provided responsive documents electronically with the exception of the Central Falls Legal Department, which mailed its APRA procedure and form without any justification for doing so. This decision was doubly odd since the department's letter included a URL link to its APRA procedures as posted online, in addition to a printed copy of the same.

Five municipalities do not have written APRA procedures posted on their websites as of August 21:

- Coventry Town Clerk
- Exeter Town Clerk
- Tiverton Town Clerk
- Warren Town Clerk
- West Warwick Town Clerk

Another three municipalities have APRA forms or procedures posted on their websites without sufficiently detailed instructions for submitting an APRA request, per the Attorney General guidelines:

- Gloucester Town Clerk
- Jamestown Town Clerk
- Scituate Town Clerk

The remaining municipal records custodians have posted their APRA procedures in various sections on their websites, some more prominently than others. The Providence Law Department, for instance, maintains a clear, dedicated “Public Records Request” tab on its website navigation bar, from which an individual can submit an APRA request online or view contact information for submitting a request by mail or fax. Similarly, the Richmond Town Clerk’s website includes a “Records Request” link under the “Services” drop-down menu. The APRA form for the Jamestown Town Clerk, meanwhile, is hidden within the town website, and was found only through a site-specific Google search.

Table 9: Municipalities, compliance with APRA written procedures requirements (2014)

Municipality and records custodian	Has written APRA procedures?	Business days to response	APRA procedures on website?
Barrington, Town Manager	Yes	1	Yes
Bristol, Town Clerk	Yes	1	Yes
Burrillville, Town Clerk	Yes	1	Yes
Central Falls, Legal Department	Yes	11 (VIOLATION)	Yes
Charlestown, Town Clerk	Yes	10	Yes
Coventry, Town Clerk	Yes	2	No (VIOLATION)
Cranston, Law Department	Yes	12 (VIOLATION)	Yes
Cumberland, Town Clerk	Yes	1	Yes
East Greenwich, Town Clerk	Yes	1	Yes
East Providence, City Clerk	Yes	1	Yes
Exeter, Town Clerk	Yes	3	No (VIOLATION)
Foster, Town Clerk	Yes	1	Yes
Glocester, Town Clerk	Yes	1	No, just form (VIOLATION)
Hopkinton, Town Clerk	Yes	4	Yes
Jamestown, Town Clerk	Yes	1	No, just form (VIOLATION)
Johnston, Town Clerk	Yes	1	Yes
Lincoln, Town Clerk	Yes	2	Yes
Little Compton, Town Clerk	Yes	1	Yes
Middletown, Town Clerk	Yes	1	Yes
Narragansett, Town Clerk	Yes	1	Yes
New Shoreham, Town Clerk	Yes	1	Yes
Newport, City Clerk	Yes	4	Yes
North Kingstown, Town Clerk	Yes, but did not provide	5	Yes
North Providence, Town Clerk	Yes, but did not provide	2	Yes
North Smithfield, Town Clerk	Yes	1	Yes
Pawtucket, Law Department	Yes	7	Yes
Portsmouth, Town Clerk	Yes	1	Yes
Providence, Law Department	Yes	11 (VIOLATION)	Yes

Municipality and records custodian	Has written APRA procedures?	Business days to response	APRA procedures on website?
Richmond, Town Administrator	Yes	12 (VIOLATION)	Yes
Scituate, Town Clerk	No, just form (VIOLATION)	1	No, just form (VIOLATION)
Smithfield, Town Clerk	Yes	11 (VIOLATION)	Yes
South Kingstown, Town Clerk	Yes	1	Yes
Tiverton, Town Clerk	Yes	14 (VIOLATION)	No (VIOLATION)
Warren, Town Clerk	No (VIOLATION)	1	No (VIOLATION)
Warwick, Town Clerk	Yes	1	Yes
West Greenwich, Town Clerk	Yes	1	Yes
West Warwick, Town Clerk	Yes	1	No (VIOLATION)
Westerly, Town Clerk	Yes	11 (VIOLATION)	Yes
Woonsocket, Town Clerk	Yes	1	Yes

Source: APRA requests for APRA procedures and forms submitted to each agency. See Appendix A posted online for the MuckRock URL for each request.

Figure 11: Municipal records custodians, Written APRA procedures compliance



Figure 12: Municipal records custodians, Response time for APRA procedures

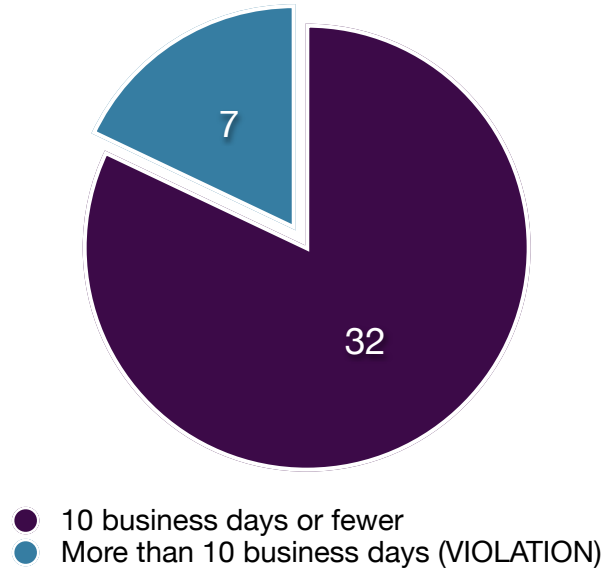
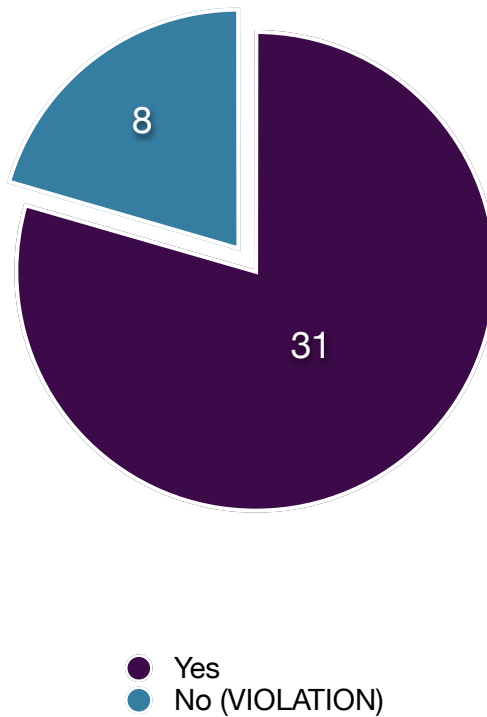


Figure 13: Municipal records custodians, APRA procedures posted online



As with state and quasi-public agencies, the majority of municipal records custodians have fulfilled the statutory requirement to maintain written APRA procedures. However, a significant number do not have the minimum information posted online. Additionally, even records staff in two municipalities seem unaware that such procedures exist, a fact which casts doubt on whether these procedures are well understood or consistently applied.

See Appendix D posted online for a compilation of municipal records custodian APRA procedures, forms and contact information for submitting requests to municipal records custodians.¹⁸

¹⁸ See <http://www.accessri.org/foi-audits.html>.

Municipal police departments

With the exception of Central Falls, Pawtucket and Providence, police departments in Rhode Island process APRA requests internally. Those three municipal police departments, whose APRA requests are processed by each municipality's primary records custodians, are not included in the analysis of written APRA procedures below.

Two municipal police departments do not have written procedures that meet the minimum requirements outlined in the statute: Charlestown Police Department and New Shoreham Police Department. Both departments released only an APRA request form in response to the request, neither of which included directions on how to submit requests or the mailing address, fax number or email address for submission. The Charlestown chief replied that a policy would be drafted as part of a state accreditation process, but did not indicate a timeline for doing so.

Twelve police departments, nearly a third of all surveyed, failed to provide a response to the request for APRA procedures within ten business days as required:

- Barrington Police Department
- Cranston Police Department
- East Greenwich Police Department
- East Providence Police Department
- North Providence Police Department
- Richmond Police Department
- Scituate Police Department
- Smithfield Police Department
- Warren Police Department
- Warwick Police Department
- West Greenwich Police Department
- West Warwick Police Department

The Barrington Police Department took the longest to respond at 28 days, followed closely by the Warren Police Department at 27 days and the West Greenwich Police Department at 21 days. No police department requested additional time to process the request.

No department charged a fee for providing copies of its APRA procedures. The majority of departments provided responsive documents electronically, per the stated preference in the

request letter. The following five departments mailed their APRA procedures and form without providing justification for doing so:

- Cranston Police Department
- Johnston Police Department
- New Shoreham Police Department
- Smithfield Police Department
- West Greenwich Police Department

Eleven departments do not have written APRA procedures posted online as of August 21, 2014:

- Charlestown Police Department
- East Greenwich Police Department
- Foster Police Department
- Gloucester Police Department
- Lincoln Police Department
- New Shoreham Police Department
- South Kingstown Police Department
- Tiverton Police Department
- Warren Police Department
- West Greenwich Police Department
- Woonsocket Police Department

Another three police departments have APRA forms posted on their websites without the required contact information for submitting an APRA request, such as appropriate address, fax number or email address for submission:

- Barrington Police Department
- Cranston Police Department
- Hopkinton Police Department

The remaining police departments have posted their APRA procedures in various sections on their websites, some more prominently than others. The Bristol Police Department, for instance, has a “Request for Records” dedicated tab on its website navigation bar, while the Burrillville Police

Department maintains an “Access to Public Records” link to its APRA procedures on its homepage. The Newport Police Department has an online APRA submission portal under its “Administrative Services” drop-down menu. Meanwhile, the Warwick Police Department procedures are less prominently posted under the “Surveys and Reports” drop-down menu, within the “Public Records” section.

Table 10: Municipal police departments, compliance with APRA written procedures requirements (2014)

Police department	Has written APRA procedures?	Business days to response	APRA procedures on website?
Barrington Police Department	Yes	28 (VIOLATION)	No, just form (VIOLATION)
Bristol Police Department	Yes	1	Yes
Burrillville Police Department	Yes	2	Yes
Charlestown Police Department	No, just form (VIOLATION)	4	No (VIOLATION)
Coventry Police Department	Yes	1	Yes
Cranston Police Department	Yes	14 (VIOLATION)	No, just form (VIOLATION)
Cumberland Police Department	Yes	1	Yes
East Greenwich Police Department	Yes	11 (VIOLATION)	No (VIOLATION)
East Providence Police Department	Yes	12 (VIOLATION)	Yes
Foster Police Department	Yes	1	No (VIOLATION)
Glocester Police Department	Yes	1	No (VIOLATION)
Hopkinton Police Department	Yes	8	No, just form (VIOLATION)
Jamestown Police Department	Yes	5	Yes
Johnston Police Department	Yes	2	Yes
Lincoln Police Department	Yes	1	No (VIOLATION)
Little Compton Police Department	Yes	4	Yes
Middletown Police Department	Yes	1	Yes
Narragansett Police Department	Yes	2	Yes
New Shoreham Police Department	No, just form (VIOLATION)	5	No (VIOLATION)

Police department	Has written APRA procedures?	Business days to response	APRA procedures on website?
Newport Police Department	Yes	1	Yes
North Kingstown Police Department	Yes	2	Yes
North Providence Police Department	Yes	15 (VIOLATION)	Yes
North Smithfield Police Department	Yes	1	Yes
Portsmouth Police Department	Yes	8	Yes
Richmond Police Department	Yes	17 (VIOLATION)	Yes
Scituate Police Department	Yes	11 (VIOLATION)	Yes
Smithfield Police Department	Yes	12 (VIOLATION)	Yes
South Kingstown Police Department	Yes	1	No (VIOLATION)
Tiverton Police Department	Yes	3	No (VIOLATION)
Warren Police Department	Yes	27 (VIOLATION)	No (VIOLATION)
Warwick Police Department	Yes	11 (VIOLATION)	Yes
West Greenwich Police Department	Yes	21 (VIOLATION)	No (VIOLATION)
West Warwick Police Department	Yes	13 (VIOLATION)	Yes
Westerly Police Department	Yes	3	Yes
Woonsocket Police Department	Yes	5	No (VIOLATION)

Source: APRA requests for APRA procedures and forms submitted to each agency. See Appendix A posted online for the MuckRock URL for each request. Note that since the police in Central Falls, Pawtucket and Providence do not handle APRA requests internally, these three departments are not included in the above table. See the municipal records custodian section above for results on APRA procedures for each of these departments.

Figure 14: Municipal police departments, Written APRA procedures compliance

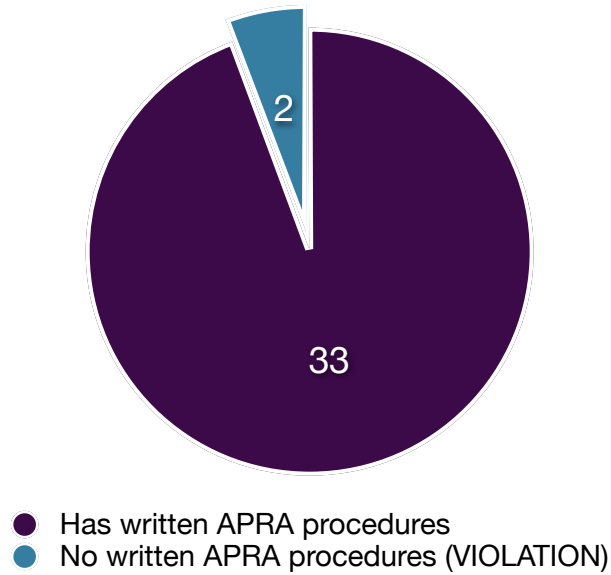


Figure 15: Municipal police departments, Response time for APRA procedures

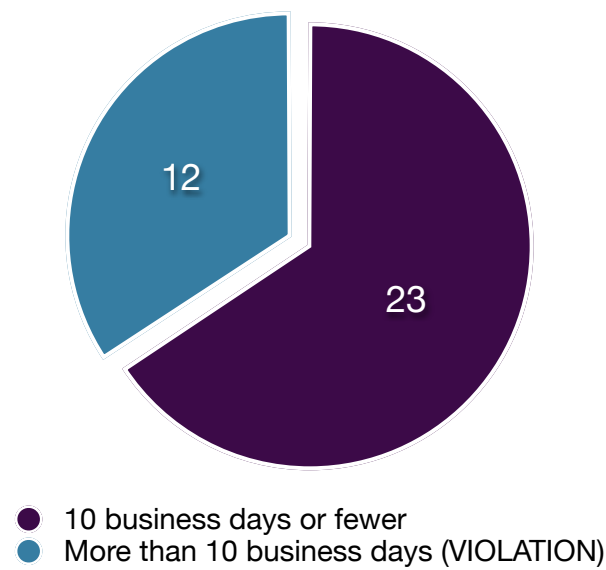
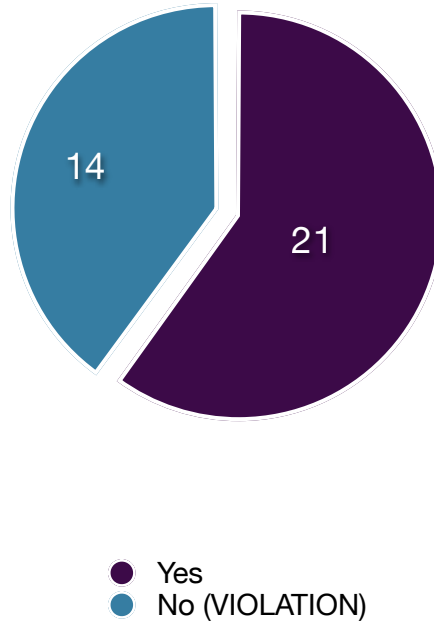


Figure 16: Municipal police departments, APRA procedures posted online



Most municipal police departments maintain written procedures for APRA requests as required by the statute, but a substantial number do not have such policies and procedures posted online. That so many departments would take longer than the statutory ten business days to respond to such a simple request is also concerning.

See Appendix E posted online for a compilation of police department procedures, forms and contact information to submitting APRA requests.¹⁹

¹⁹ See <http://www.accessri.org/foi-audits.html>.

School districts

With the exception of Glocester School Department and Providence Schools, the 36 school districts and departments in Rhode Island handle their own APRA requests. The Glocester Town Clerk and Providence Law Department process APRA requests submitted to the school districts within their municipalities, and so are not included in the analysis within this section.

Three school districts and departments do not have written APRA procedures as required:

- East Greenwich Public Schools
- Newport Public Schools
- West Warwick Public Schools

In response to the APRA request, East Greenwich Public Schools promptly provided a section from its school committee handbook that summarizes the public records law, but confirmed after several weeks of followup that the district does not have “a separate identifiable procedure for submitting and processing APRA requests.” Newport Public Schools indicated that it would be drafting procedures as part of revising the school committee manual, as did West Warwick.

Notably, the New Shoreham School Department responded in April that it “does not have written procedures or policy regarding access to public records” but has “operated using state statute as guidance.” In late July, the department adopted an APRA policy and procedure.

Interestingly, a number of the remaining school districts seem to have drawn their APRA guidelines and forms from a common template. The Pawtucket School Department, for instance, initially provided only a template policy with blanks in place of the district name as its response. More than a dozen other district’s guidelines contain identical formatting and common phrasing.

Six school districts failed to provide a response to the request for APRA procedures within ten business days as required by APRA:

- East Greenwich Public Schools
- Newport Public Schools
- Pawtucket School Department
- Tiverton School District
- West Warwick Public Schools
- Westerly Public Schools

East Greenwich Public Schools took the longest to respond to the request for APRA procedures at 41 business days despite several followups, followed by Newport Public Schools and Westerly Public Schools at 29 days, and Tiverton School District and West Warwick Public Schools at 27 days each. None of the districts above requested additional time to process the request.

No school district charged a fee for providing copies of its APRA procedures. In accordance with the stated preference in the request letter, all districts provided responsive documents electronically.

Nine school districts do not have written APRA procedures posted online as of August 21:

- Central Falls School District
- East Greenwich Public Schools
- Exeter - West Greenwich School District
- Foster School District
- Little Compton Public Schools
- Newport Public Schools
- Scituate School Department
- West Warwick Public Schools
- Westerly Public Schools

The remaining school districts have posted their APRA procedures in various sections on their websites, some more prominently than others. The North Smithfield School Department, for instance, has a “Procedures for Access to Public Records” link on its homepage. The Bristol Warren Regional School District guidelines, meanwhile, can only be found via a website search for “public records” or by navigating directly to the policy via the School Committee handbook.

Table 11: School districts, compliance with APRA written procedures (2014)

School district	Has written APRA procedures?	Business days to response	APRA procedures on website?
Barrington Public Schools	Yes	1	Yes
Bristol Warren Regional School District	Yes	4	Yes
Burrillville School Department	Yes	3	Yes
Central Falls School District	Yes	3	No (VIOLATION)
Chariho Regional School District	Yes	1	Yes
Coventry Public Schools	Yes	1	Yes
Cranston Public Schools	Yes	1	Yes
Cumberland School Department	Yes	1	Yes
East Greenwich Public Schools	No (VIOLATION)	41 (VIOLATION)	No (VIOLATION)
East Providence School District	Yes	2	Yes
Exeter - West Greenwich School District	Yes	1	No (VIOLATION)
Foster School District	Yes	1	No (VIOLATION)
Foster - Gloucester Regional Schools	Yes	4	Yes
Jamestown School Department	Yes	1	Yes
Johnston Public Schools	Yes	3	Yes
Lincoln Public Schools	Yes	1	Yes
Little Compton Public Schools	Yes	1	No (VIOLATION)
Middletown Public Schools	Yes	1	Yes
Narragansett School System	Yes	3	Yes
New Shoreham School Department	Yes, but did not provide	1	Yes
Newport Public Schools	No (VIOLATION)	29 (VIOLATION)	No (VIOLATION)
North Kingstown School Department	Yes	1	Yes

School district	Has written APRA procedures?	Business days to response	APRA procedures on website?
North Providence School Department	Yes	1	Yes
North Smithfield School Department	Yes	1	Yes
Pawtucket School Department	Yes	23 (VIOLATION)	Yes
Portsmouth School Department	Yes	1	Yes
Scituate School Department	Yes	1	No (VIOLATION)
Smithfield Public Schools	Yes	1	Yes
South Kingstown School Department	Yes	5	Yes
Tiverton School District	Yes	27 (VIOLATION)	Yes
Warwick Public Schools	Yes	5	Yes
West Warwick Public Schools	No (VIOLATION)	27 (VIOLATION)	No (VIOLATION)
Westerly Public Schools	Yes	29 (VIOLATION)	No (VIOLATION)
Woonsocket Education Department	Yes	1	Yes

Source: APRA requests for APRA procedures and forms submitted to each agency. See Appendix A posted online for the MuckRock URL for each request. Note that since Glocester School Department and Providence Schools do not handle APRA requests themselves, these two departments are not included in the above table.

Figure 17: School districts, Written APRA procedures compliance

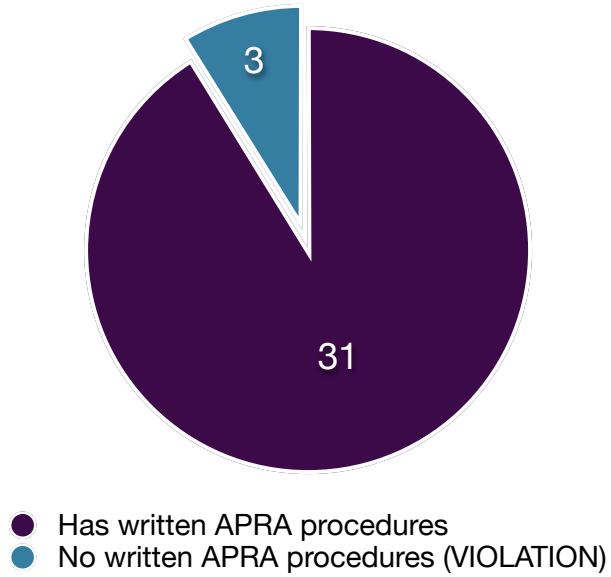


Figure 18: School districts, Response time for APRA procedures

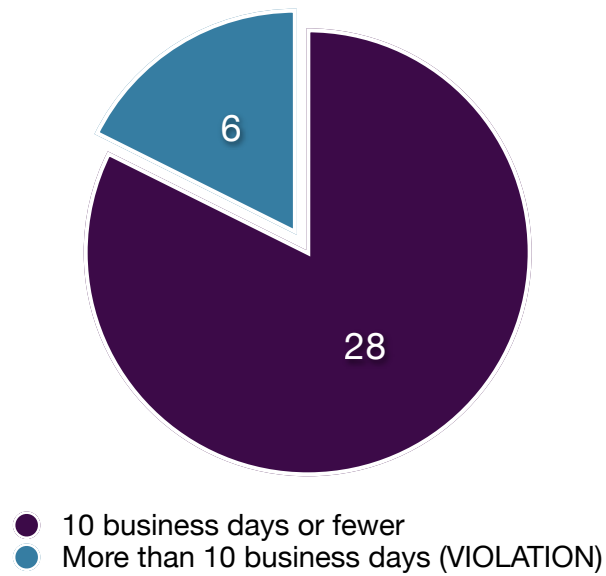
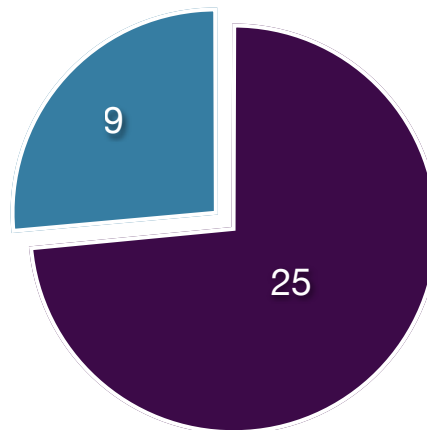


Figure 19: School districts, APRA procedures posted online



- Yes
- No (VIOLATION)

Most school districts and departments maintain written procedures for APRA requests as required by the statute, but a substantial number — more than a quarter — do not have such policies and procedures posted online. A concerning number also took considerably longer than the ten business days allowed under APRA to respond to such a simple request.

See Appendix F posted online for a compilation of school district procedures, forms and contact information to submitting APRA requests.²⁰

²⁰ See <http://www.accessri.org/foi-audits.html>.

Conclusion and recommendations

Written APRA procedures and policies are critical for consistent application of the statute and of Rhode Islanders' right to transparent government. While the majority of agencies surveyed have developed such procedures, there ought to be absolutely no agencies that fail to meet this basic obligation or fail to post them online for easy public access.

Those agencies identified above that have yet to adopt written APRA procedures ought to develop them immediately. Similarly, all agencies that have failed to post APRA procedures online must do so as soon as possible. Adopting and publishing such procedures assists government agencies to coordinate around transparency, and helps the public direct their requests for documents to the appropriate individual or office within a particular agency. In order to make this requirement, all agencies should also work to make the website link to their APRA procedures as prominent and accessible as possible.

State and quasi-public agency records

In a previous section, we noted that state and quasi-public agencies generally responded in a timely manner to requests for copies of their APRA procedures. However, overall APRA responses ranged from stellar to sluggish in the context of requests for other specific documents in the agencies' possession. In response to two APRA requests for certain employee contracts and payout data, a handful of exemplary agencies answered within a single business day. In turn, a number of agencies failed to respond within the statutory window of ten business days, in violation of APRA obligations.

Of the twenty-four state and quasi-public agencies surveyed, only the Department of Labor and Training failed to respond within ten business days as required by APRA for both requests submitted in this section. An additional eight agencies failed to comply within the statutory window for one of the two requests, while the remaining fifteen agencies responded to both requests within ten business days as required. Thus, approximately one-third of the surveyed state and quasi-public agencies failed to respond in a timely manner to one or both requests.

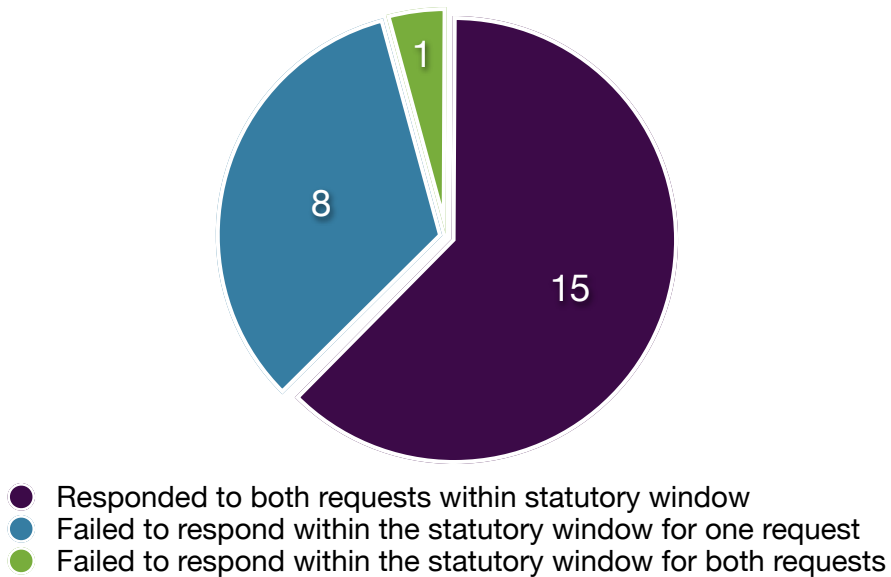
Table 12: State and quasi-public agencies, responses to APRA contracts and payout requests (2014)

Agency	Response days: contracts	Response days: payout data
Airport Corporation	5	9
Board of Elections	2	2
Commerce Corporation	10	10
Department of Administration	8	15 (VIOLATION)
Department of Business Regulation	18 (VIOLATION)	2
Department of Corrections	11 (VIOLATION)	19*
Department of Education	4	1
Department of Health	19 (VIOLATION)	9
Department of Labor and Training	11 (VIOLATION)	17 (VIOLATION)
Department of Public Safety	1	12 (VIOLATION)

Agency	Response days: contracts	Response days: payout data
Department of Revenue	1	1
Department of Transportation	2	1
Division of Motor Vehicles	9	11 (VIOLATION)
General Assembly	1	7
Judiciary	3	7
Lottery Commission	1	11 (VIOLATION)
Office of the Auditor General	1	49 (VIOLATION)
Office of the Attorney General	8	10
Office of the General Treasurer	9	4
Public Transit Authority (RIPTA)	2	1
Rhode Island Housing and Mortgage Finance Corporation	1	6
Rhode Island State Police	2	10
Secretary of State	1	10
Turnpike and Bridge Authority (RITBA)	2	8

**The Department of Corrections duly requested an extension of twenty business days for the APRA request for its payout data, and so did not violate APRA despite exceeding the ten business day window for this request.*

Figure 20: State and quasi-public agencies, Number of APRA response time violations



Employee contracts

The 2012 APRA reforms cemented that public employee contracts are public records, specifically excluding employment contracts from consideration under privacy-versus-public-interest balancing tests.²¹

To test compliance with this provision among state and quasi-public agencies, MuckRock submitted a request to the selected agencies for the ten highest-paid employees. Specifically, on April 29, 2014, MuckRock submitted an APRA request to each state and quasi-public agency for the following documents: “Contracts for the ten (10) employees with the highest salaries.”

Most agencies responded that no such contracts exist, as none of these agencies’ employees are under individual contract. It is not the province of this report to determine the accuracy of those responses. All five agencies that have any contracted employees provided documents within the statutory time window. In all five cases the sole contracted employee was the chief administrator, executive director or agency head.

Four agencies failed to provide a response within ten business days as required by APRA:

- Department of Business Regulation
- Department of Corrections
- Department of Health
- Department of Labor and Training

Notably, none of the agencies that failed to respond to the APRA request within the statutory time window had any employee contracts to provide in response to this request. The Department of Health took the longest to provide its negative response at 19 business days, followed by the Department of Business Regulation at 18 days, and the Department of Corrections and the Department of Labor and Training at 11 business days. None of these four agencies requested additional time to process the request.

None of the five agencies that provided contracts charged a fee for duplication or review. In accordance with the preference stated in the request, all five agencies provided documents electronically.

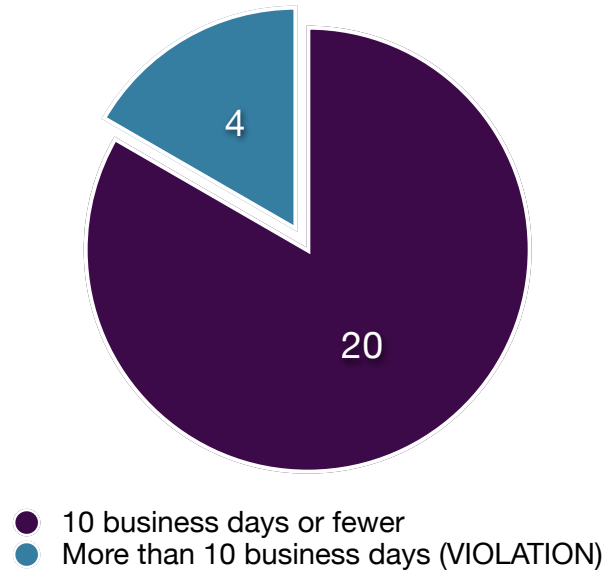
²¹ Rhode Island General Laws, Chapter 38-2-3.2(A)(l)(b), “Access to Public Records” See <http://webserver.rilin.state.ri.us/Statutes/title38/38-2/38-2-3.2.HTM>.

Table 13: State and quasi-public agencies, response to contracts APRA request (2014)

Agency	Had documents?	Business days to response
Airport Corporation	Yes	5
Board of Elections	No	2
Commerce Corporation	No	10
Department of Administration	No	8
Department of Business Regulation	No	18 (VIOLATION)
Department of Corrections	No	11 (VIOLATION)
Department of Education	Yes	4
Department of Health	No	19 (VIOLATION)
Department of Labor and Training	No	11 (VIOLATION)
Department of Public Safety	No	1
Department of Revenue	No	1
Department of Transportation	No	2
Division of Motor Vehicles	No	9
General Assembly	No	1
Judiciary	No	3
Lottery Commission	No	1
Office of the Auditor General	No	1
Office of the Attorney General	No	8
Office of the General Treasurer	No	9
Public Transit Authority (RIPTA)	Yes	2
Rhode Island Housing and Mortgage Finance Corporation	Yes	1
Rhode Island State Police	No	2
Secretary of State	No	1
Turnpike and Bridge Authority (RITBA)	Yes	2

Source: APRA requests for contracts for the ten employees with the highest salary for each agency. See Appendix A posted online for the MuckRock URL for each request. Note that requests submitted to the State Budget Office and the State Controller were consolidated and processed by the Department of Administration, so these requests have been omitted from the table.

Figure 21: State and quasi-public agencies, Response time for employee contracts



Given the simplicity of the request and the fact that most agencies do not maintain individual contracts, it should not be surprising that the majority of agencies provided a final response within the statutory window of ten business days. It is disconcerting, however, that four agencies without any contracts to release nonetheless failed to respond within the statutory window.

Payout records

The 2012 APRA reforms also confirmed that public employee payout data are releasable. The revised statute specifically indicates that “any payments received by an employee as a result of termination, or otherwise leaving employment” are public and releasable. Per the statute, remuneration details subject to release include “payments for accrued sick and/or vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision.”²²

To test compliance with this provision, MuckRock requested payout data from the surveyed state and quasi-public agencies. Specifically, on June 9, 2014, MuckRock requested the following document from each agency: “A spreadsheet, database or other summary indicating all employees who received payout upon leaving the agency in 2013, as well as what those payouts were.”

Many agencies indicated that they did not maintain this information separate from the Department of Administration’s human resources records. Just over half of surveyed agencies (13 out of 24) had payout data to provide.

Six state and quasi-public agencies failed to provide a response to the request for payout data within ten business days as required by APRA:

- Department of Administration
- Department of Labor and Training
- Department of Public Safety
- Division of Motor Vehicles
- Lottery Commission
- Office of the Auditor General

The Department of Corrections provided a response more than ten business days from receipt of the request, but invoked the APRA provision allowing agencies up to an additional twenty business days, citing the volume of information requested.

Notably, the Department of Administration replied after considerable back-and-forth that it could provide only a summary by pay period of severance payouts for the 920 state employees that retired or were terminated in 2013. Given that the Department of Administration is charged with

²² *Ibid.*

managing personnel for the state, and that APRA requires public bodies to provide “any data properly identified” unless doing so would be unduly burdensome, this response suggests further investigation into the department’s APRA compliance around data requests.

The Office of the Auditor General took the longest by far to provide the requested documents, at 49 business days.

None of the six agencies above requested additional time to process the request.

Of the twelve agencies that provided payout records, only two charged a fee. The Judiciary charged \$37.50 for the three and a half hours required to compile the data (\$15 per hour, with the first hour being free, as allowed under APRA), which was provided in electronic format. The Office of the Attorney General charged \$0.90 for six pages of payroll adjustment forms (\$0.15 per page, as allowed under APRA), which were scanned into digital format and sent by email. In accordance with the preference stated in the request, the remaining ten agencies provided documents electronically and at no charge.

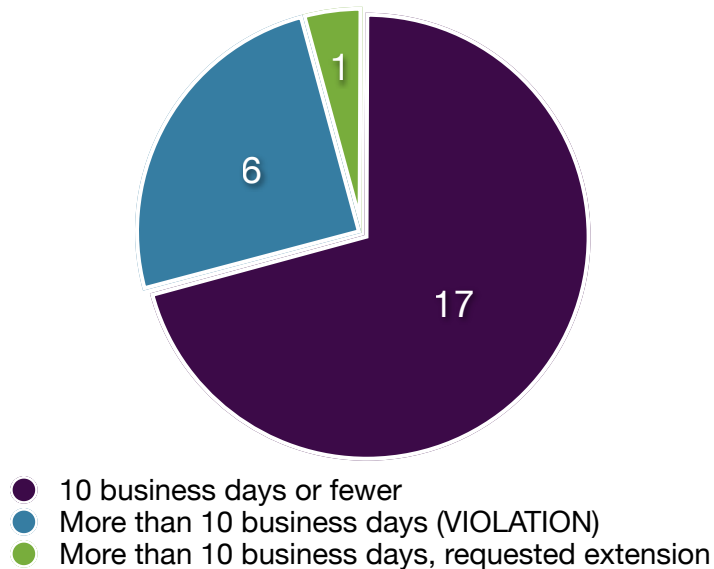
Table 14: State and quasi-public agencies, response to payouts APRA request (2014)

Agency	Had documents?	Business days to response	Fee charged for records
Airport Corporation	Yes	9	None
Board of Elections	No	2	
Commerce Corporation	No	10	
Department of Administration	Yes	15 (VIOLATION)	None
Department of Business Regulation	No	2	
Department of Corrections	Yes	19*	None
Department of Education	No	1	
Department of Health	No	9	
Department of Labor and Training	No	17 (VIOLATION)	
Department of Public Safety	No	12 (VIOLATION)	
Department of Revenue	No	1	
Department of Transportation	No	1	
Division of Motor Vehicles	No	11 (VIOLATION)	
General Assembly	Yes	7	None
Judiciary	Yes	7	\$37.50

Agency	Had documents?	Business days to response	Fee charged for records
Lottery Commission	Yes	11 (VIOLATION)	None
Office of the Auditor General	Yes	49 (VIOLATION)	
Office of the Attorney General	Yes	10	\$0.90
Office of the General Treasurer	Yes	4	None
Public Transit Authority (RIPTA)	Yes	1	None
Rhode Island Housing and Mortgage Finance Corporation	Yes	6	None
Rhode Island State Police	No	10	
Secretary of State	Yes	10	None
Turnpike and Bridge Authority (RITBA)	Yes	8	None

Source: APRA requests for payout data for employees that retired or left the agency in 2013. See Appendix A posted online for the MuckRock URL for each request. Note that requests submitted to the State Budget Office and the State Controller were consolidated and processed by the Department of Administration. The Department of Corrections duly requested an extension of twenty business days, and so did not violate APRA despite exceeding the ten business day window.

Figure 22: State and quasi-public agencies, Response time for payout data



Substantially more state and quasi-public agencies provided payout data than provided employee contracts, and most did so within the statutory response window of ten business days. Nearly a third of agencies, however, failed to respond within the window required under APRA.

Conclusion and recommendations

A majority of the 24 state and quasi-public agencies surveyed here complied with their obligations under APRA for these two relatively simple requests for personnel and human resources documents. However, too many agencies that did not have records to provide for one or the other request nonetheless failed to respond within the timeframe required under APRA. Selective APRA response as exhibited by the Office of the Auditor General, for example, which replied to the request for employment contracts within a single business day but took 49 business days to release payout data, undermine the spirit of government accountability. State and quasi-public agencies ought to strive to improve their responsiveness to APRA requests. In turn, the transparency community within Rhode Island ought to continue to hold agencies at the state level to high standards of responsiveness to public records requests.

Police department records

The APRA statute exempts certain specified law enforcement documents from release. However, the statute specifically defines as public any “records relating to management and direction of a law enforcement agency” as well as “records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult.” To assess police department compliance with APRA, MuckRock requested three types of routine police documents: dispatch logs, arrest logs and arrest reports. (Dispatch logs are the daily activity records of the department, encompassing service calls and responses conducted by officers on patrol; arrest logs contain the basic factual details about an arrestee, such as his or her name, address, gender, race and charges brought against him or her; and an arrest report is the initial report filed by an arresting officer that includes the circumstances of the arrest.) MuckRock staff also assessed how a selection of police departments handled APRA requests submitted anonymously in person, a matter assessed separately below.

Note that, while the Rhode Island State Police was included among the state and quasi-public agencies for the above sections dealing with APRA certification and written APRA procedures, RISP was also included in the analysis for this section, in addition to municipal police departments.

Out of the thirty-nine police departments, four departments failed to respond within the statutory window established by APRA for all three requests submitted to them:

- Hopkinton Police Department
- New Shoreham Police Department
- Warren Police Department
- West Greenwich Police Department

Another nine departments failed to respond within the statutory window for two of the three requests submitted. Only fourteen departments responded to all three requests in compliance with the APRA statutory window.

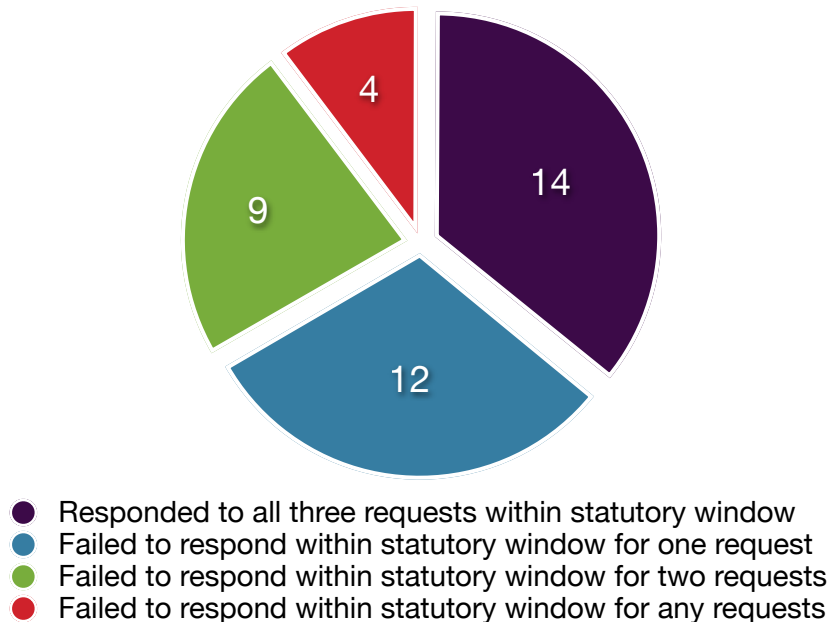
Table 15: Police departments, response to dispatch log and arrest record APRA requests (2014)

Police department	Response: Dispatch logs	Response: Arrest logs	Response: Arrest reports incl. narrative
Barrington Police Department	22 (VIOLATION)	2	39 (VIOLATION)
Bristol Police Department	1	1	6
Burrillville Police Department	4	2	18 (VIOLATION)
Central Falls Police Department	52 (VIOLATION)	6 (VIOLATION)	18*
Charlestown Police Department	1	1	1
Coventry Police Department	2	3 (VIOLATION)	4
Cranston Police Department	2	1	18 (VIOLATION)
Cumberland Police Department	4	2	1
East Greenwich Police Department	1	1	1
East Providence Police Department	4	1	1
Foster Police Department	25 (VIOLATION)	3 (VIOLATION)	8
Glocester Police Department	4	1	1
Hopkinton Police Department	15 (VIOLATION)	Failed to respond (VIOLATION)	18 (VIOLATION)
Jamestown Police Department	11 (VIOLATION)	10 (VIOLATION)	1
Johnston Police Department	4	11 (VIOLATION)	5
Lincoln Police Department	1	1	1
Little Compton Police Department	1	1	2
Middletown Police Department	3	1	1
Narragansett Police Department	1	1	2
New Shoreham Police Department	21 (VIOLATION)	3 (VIOLATION)	Failed to respond (VIOLATION)

Police department	Response: Dispatch logs	Response: Arrest logs	Response: Arrest reports incl. narrative
Newport Police Department	10	1	4
North Kingstown Police Department	1	9 (VIOLATION)	1
North Providence Police Department	18 (VIOLATION)	4 (VIOLATION)	3
North Smithfield Police Department	1	1	1
Pawtucket Police Department	23 (VIOLATION)	10 (VIOLATION)	10
Portsmouth Police Department	1	4 (VIOLATION)	1
Providence Police Department	10	2	22 (VIOLATION)
Richmond Police Department	7	1	1
Scituate Police Department	25 (VIOLATION)	6 (VIOLATION)	4
Smithfield Police Department	5	1	6
South Kingstown Police Department	1	3 (VIOLATION)	1
Tiverton Police Department	1	9 (VIOLATION)	1
Warren Police Department	18 (VIOLATION)	6 (VIOLATION)	12 (VIOLATION)
Warwick Police Department	3	3 (VIOLATION)	4
West Greenwich Police Department	39 (VIOLATION)	15 (VIOLATION)	11 (VIOLATION)
West Warwick Police Department	1	6 (VIOLATION)	11 (VIOLATION)
Westerly Police Department	1	3 (VIOLATION)	2
Woonsocket Police Department	11 (VIOLATION)	1	13 (VIOLATION)
Rhode Island State Police	23*	1	19 (VIOLATION)

**The Rhode Island State Police duly requested an extension of twenty business days for the APRA request for its dispatch logs, and so did not violate APRA despite exceeding the ten business day window for this request. Similarly, the Central Falls Police Department duly requested an extension of twenty business days for the APRA request for its arrest reports including narrative, and so did not violate APRA despite exceeding the ten business day window for this request.*

Figure 23: Municipal police departments, Number of APRA response time violations



Dispatch logs

Dispatch logs are basic records of the daily activity of a police department and its officers, including service calls and response conducted by officers on patrol.

On May 7, 2014, MuckRock submitted a request to each municipal police department and the Rhode Island State Police for the following: “A copy of the police log for the past week (7 days).” In response to the handful of departments that requested additional detail, this request was clarified to cover the dispatch log for the past seven days from the date of the request.

Notably, Woonsocket Police Department refused to release its dispatch log in any form, as its records staff insisted that to do so would “potentially interfere with on-going investigations, identify witnesses and reporting parties, and contains other confidential information.” Woonsocket Police Department records staff refused to redact portions of the log and to provide releasable sections

as other departments did, per their obligations under APRA. Given the basic role that dispatch logs play in the management of police departments, Woonsocket's response suggests further investigation into its compliance with APRA.

Twelve police departments failed to provide a response to the request for dispatch logs within ten business days as required by APRA:

- Barrington Police Department
- Central Falls Police Department
- Foster Police Department
- Hopkinton Police Department
- Jamestown Police Department
- New Shoreham Police Department
- North Providence Police Department
- Pawtucket Police Department
- Scituate Police Department
- Warren Police Department
- West Greenwich Police Department
- Woonsocket Police Department

The Rhode Island State Police provided a response more than ten business days from receipt of the request, but invoked the APRA provision allowing agencies up to an additional twenty business days, citing the volume of information requested.

The Central Falls Police Department took the longest to respond to the request, at 52 business days. Much of its delay seems to have been due to confusion as to whether the department itself or the Central Falls Law Department was taking the lead on the request: where initially a police department administrator responded to the request and provided a fee estimate, midstream the city solicitor assumed processing responsibility. West Greenwich Police Department, in turn, took 39 business days to respond to the request, followed by the Foster Police Department and Scituate Police Department at 25 business days each. None of the twelve departments above requested additional time to process the request.

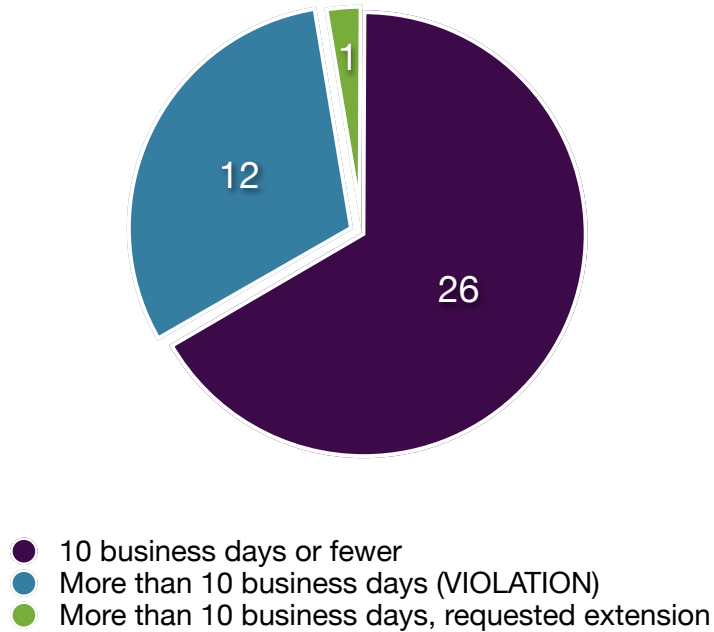
Table 16: Police departments, response to dispatch logs APRA request (2014)

Police department	Provided documents?	Business days to response
Barrington Police Department	Yes	22 (VIOLATION)
Bristol Police Department	Yes	1
Burrillville Police Department	Yes	4
Central Falls Police Department	Yes	52 (VIOLATION)
Charlestown Police Department	Yes	1
Coventry Police Department	Yes	2
Cranston Police Department	Yes	2
Cumberland Police Department	Yes	4
East Greenwich Police Department	Yes	1
East Providence Police Department	Yes	4
Foster Police Department	Yes	25 (VIOLATION)
Glocester Police Department	Yes	4
Hopkinton Police Department	Yes	15 (VIOLATION)
Jamestown Police Department	Yes	11 (VIOLATION)
Johnston Police Department	Yes	4
Lincoln Police Department	Yes	1
Little Compton Police Department	Yes	1
Middletown Police Department	Yes	3
Narragansett Police Department	Yes	1
New Shoreham Police Department	Yes	21 (VIOLATION)
Newport Police Department	Yes	10
North Kingstown Police Department	Yes	1
North Providence Police Department	Yes	18 (VIOLATION)
North Smithfield Police Department	Yes	1
Pawtucket Police Department	Yes	23 (VIOLATION)
Portsmouth Police Department	Yes	1
Providence Police Department	Yes	10
Richmond Police Department	Yes	7
Scituate Police Department	Yes	25 (VIOLATION)
Smithfield Police Department	Yes	5
South Kingstown Police Department	Yes	1

Police department	Provided documents?	Business days to response
Tiverton Police Department	Yes	1
Warren Police Department	Yes	18 (VIOLATION)
Warwick Police Department	Yes	3
West Greenwich Police Department	Yes	39 (VIOLATION)
West Warwick Police Department	Yes	1
Westerly Police Department	Yes	1
Woonsocket Police Department	No, rejected	11 (VIOLATION)
Rhode Island State Police	Yes	23*

Source: APRA requests for dispatch logs for the last 7 days. See Appendix A posted online for the MuckRock URL for each request. Note that requests submitted to police in Pawtucket and Providence are processed through the law department for each municipality. The Rhode Island State Police duly requested an extension of twenty business days, and so did not violate APRA despite exceeding the ten business day window for this request.

Figure 24: Municipal police departments, Response time for dispatch logs



Twelve departments mailed their dispatch logs in response to the request, rather than sending documents electronically per the stated preference in the request letter:

- Hopkinton Police Department
- Johnston Police Department
- New Shoreham Police Department
- Newport Police Department
- North Smithfield Police Department
- Scituate Police Department
- Warren Police Department
- West Greenwich Police Department
- New Shoreham Police Department
- Newport Police Department
- North Smithfield Police Department
- Rhode Island State Police

Newport Police Department and North Smithfield Police Department indicated that the size of their responsive files, 32 pages and 54 pages, respectively, made sending them electronically prohibitive, while the New Shoreham Police Department indicated that unreliable Internet service necessitated sending by post. The nine other departments provided no justification for sending responsive documents by mail rather than electronically. The remaining police departments sent their responses electronically, per the request letter. Many of these departments' logs exceeded 50 and even 100 pages, which potentially undercuts claims that providing these documents electronically is unduly burdensome.

While a fair number of departments released their dispatch logs for free, including departments such as East Providence, Lincoln and South Kingstown that released 100 pages or more without any charge, nine departments required fees payments to release their dispatch logs. These fees varied widely, primarily based on whether a given department charged for review time versus solely for duplication. Foster Police Department, for instance, charged \$5.80 to duplicate 58 pages, where Scituate Police Department charged a fee of \$40.15 for 37 pages of duplication plus three hours of review and redaction. The highest fees were charged by the Rhode Island State Police, which charged \$291.15 for 441 pages of dispatch logs plus 16 hours of review, and Pawtucket Police Department, which charged \$237.15 for 381 pages and 13 hours of review and redaction.

Table 17: Police departments, dispatch logs APRA response details (2014)

Police department	Method of providing documents	Number of pages released	Fee charged
Barrington Police Department	Electronic	1	None
Bristol Police Department	Electronic	20	None
Burrillville Police Department	Electronic	6	None
Central Falls Police Department	Electronic	87	\$28.05
Charlestown Police Department	Electronic	8	None
Coventry Police Department	Electronic	17	None
Cranston Police Department	Electronic	93	None
Cumberland Police Department	Electronic	23	None
East Greenwich Police Department	Electronic	64	None
East Providence Police Department	Electronic	161	None
Foster Police Department	Electronic	58	\$5.80
Glocester Police Department	Electronic	36	None
Hopkinton Police Department	Mail	6	None
Jamestown Police Department	Electronic	22	None
Johnston Police Department	Mail	110	\$15.75
Lincoln Police Department	Electronic	108	None
Little Compton Police Department	Electronic	19	None
Middletown Police Department	Electronic	77	None
Narragansett Police Department	Electronic	26	None
New Shoreham Police Department	Mail	5	None
Newport Police Department	Mail	34	\$4.80
North Kingstown Police Department	Electronic	24	None
North Providence Police Department	Electronic	193	\$28.80
North Smithfield Police Department	Mail	54	None
Pawtucket Police Department	Electronic	381	\$237.15
Portsmouth Police Department	Electronic	48	None
Providence Police Department	Electronic	20	None
Richmond Police Department	Electronic	52	None

Police department	Method of providing documents	Number of pages released	Fee charged
Scituate Police Department	Mail	37	\$40.15
Smithfield Police Department	Electronic	42	None
South Kingstown Police Department	Electronic	122	None
Tiverton Police Department	Electronic	22	None
Warren Police Department	Mail	68	\$7.00
Warwick Police Department	Electronic	79	None
West Greenwich Police Department	Mail	12	None
West Warwick Police Department	Electronic	3	None
Westerly Police Department	Electronic	8	None
Rhode Island State Police	Mail	441	\$291.15

Source: APRA requests for dispatch logs for the last 7 days. See Appendix A posted online for the MuckRock URL for each request. Note that requests submitted to police in Pawtucket and Providence are processed through the law department for each municipality. Since Woonsocket Police Department rejected the request for its dispatch log outright, it has been omitted from the table above.

Arrest logs

Although the general default response time for APRA requests is ten business days, the 2012 APRA provisions require police departments to release particular information regarding the arrest of an adult within 48 hours if the request is made on a weekday, or within 72 hours if the request is made on a weekend.²³ Under this provision, police departments must release the following information regarding arrests under this shorter response window:

- 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 arresting officer unless doing so would identify an undercover officer.

Per the revised statute, this provision applies to arrests made within five days prior to the request.

To test police department compliance with this new provision and particularly to see whether departments would comply with the 48-hour response requirement, MuckRock submitted requests to each department for arrest logs for the past 24 hours. Specifically, on July 30, 2014, MuckRock staffers submitted an APRA request for the following documents:

“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;

²³ Rhode Island General Laws, Chapter 38-2-3.2, “Access to Public Records: Arrest logs.” See <http://webserver.rilin.state.ri.us/Statutes/title38/38-2/38-2-3.2.HTM>.

9) Name of the arresting officer unless doing so would identify an undercover officer.

Some departments had no arrests over the previous 24 hours, and thus did not provide any documents on this basis. No department rejected the request for arrest logs, and a number provided them same-day. However, one department — Hopkinton Police Department — failed to respond to the request as of August 26, 2014, weeks beyond the 48-hour response window established under the 2012 APRA amendments.

An additional eighteen departments failed to provide documents for basic arrest information within 48 hours, as required under APRA:

- Central Falls Police Department
- Coventry Police Department
- Foster Police Department
- Jamestown Police Department
- Johnston Police Department
- New Shoreham Police Department
- North Kingstown Police Department
- North Providence Police Department
- Pawtucket Police Department
- Portsmouth Police Department
- Scituate Police Department
- South Kingstown Police Department
- Tiverton Police Department
- Warren Police Department
- Warwick Police Department
- West Greenwich Police Department
- West Warwick Police Department
- Westerly Police Department

None of the eighteen departments above requested additional time to process the request.

Table 18: Police departments, response to arrest reports APRA requests (2014)

Police department	Provided documents	Business days to response
Barrington Police Department	Yes	2
Bristol Police Department	Yes	1
Burrillville Police Department	No, no arrests	2
Central Falls Police Department	Yes	6 (VIOLATION)
Charlestown Police Department	Yes	1
Coventry Police Department	No, no arrests	3 (VIOLATION)
Cranston Police Department	Yes	1
Cumberland Police Department	Yes	2
East Greenwich Police Department	Yes	1
East Providence Police Department	Yes	1
Foster Police Department	Yes	3 (VIOLATION)
Glocester Police Department	No, no arrests	1
Hopkinton Police Department	No, failed to respond	Failed to respond (Violation)
Jamestown Police Department	Yes	10 (VIOLATION)
Johnston Police Department	Yes	11 (VIOLATION)
Lincoln Police Department	Yes	1
Little Compton Police Department	No, no arrests	1
Middletown Police Department	Yes	1
Narragansett Police Department	Yes	1
New Shoreham Police Department	Yes	3 (VIOLATION)
Newport Police Department	Yes	1
North Kingstown Police Department	Yes	9 (VIOLATION)
North Providence Police Department	Yes	4 (VIOLATION)
North Smithfield Police Department	Yes	1
Pawtucket Police Department	Yes	10 (VIOLATION)
Portsmouth Police Department	Yes	4 (VIOLATION)
Providence Police Department	Yes	2

Police department	Provided documents	Business days to response
Richmond Police Department	No, no arrests	1
Scituate Police Department	Yes	6 (VIOLATION)
Smithfield Police Department	Yes	1
South Kingstown Police Department	Yes	3 (VIOLATION)
Tiverton Police Department	Yes	9 (VIOLATION)
Warren Police Department	Yes	6 (VIOLATION)
Warwick Police Department	Yes	3 (VIOLATION)
West Greenwich Police Department	Yes	15 (VIOLATION)
West Warwick Police Department	Yes	6 (VIOLATION)
Westerly Police Department	Yes	3 (VIOLATION)
Woonsocket Police Department	Yes	1
Rhode Island State Police	Yes	1

Source: APRA requests for arrest logs for the past 24 hours. See Appendix A posted online for the MuckRock URL for each request. Note that requests submitted to police in Central Falls, Pawtucket and Providence are processed through the law department for each municipality.

Figure 25: Police departments, Response time for arrest log for the past 24 hours



Four departments mailed their arrest reports in response to the request, rather than sending them electronically in accordance with the stated preference in the request letter:

- Johnston Police Department
- New Shoreham Police Department
- North Providence Department
- West Greenwich Police Department

Only four departments charged for the documents, and none charged more than \$3.00.

Table 19: Police departments, arrest reports APRA response details (2014)

Police department	Method of sending	Number of pages	Fee charged for records
Barrington Police Department	Electronic	7	None
Bristol Police Department	Electronic	8	None
Central Falls Police Department	Electronic	4	None
Charlestown Police Department	Electronic	5	None
Cranston Police Department	Electronic	4	None
Cumberland Police Department	Electronic	1	None
East Greenwich Police Department	Electronic	1	None
East Providence Police Department	Electronic	3	None
Foster Police Department	Electronic	1	None
Jamestown Police Department	Electronic	2	None
Johnston Police Department	Mail	2	\$0.30
Lincoln Police Department	Electronic	3	None
Middletown Police Department	Electronic	10	None
Narragansett Police Department	Electronic	8	None
New Shoreham Police Department	Mail	1	\$0.67
Newport Police Department	Electronic	5	None
North Kingstown Police Department	Electronic	1	None
North Providence Police Department	Mail	18	\$2.25
North Smithfield Police Department	Electronic	4	None

Police department	Method of sending	Number of pages	Fee charged for records
Pawtucket Police Department	Electronic	9	None
Portsmouth Police Department	Electronic	6	None
Providence Police Department	Electronic	5	None
Scituate Police Department	Electronic	2	None
South Kingstown Police Department	Electronic	13	None
Tiverton Police Department	Electronic	4	None
Warren Police Department	Electronic	6	\$0.90
Warwick Police Department	Electronic	2	None
West Greenwich Police Department	Mail	4	None
West Warwick Police Department	Electronic	8	None
Westerly Police Department	Electronic	1	None
Woonsocket Police Department	Electronic	2	None
Rhode Island State Police	Electronic	21	None

Source: APRA requests for arrest logs for the past 24 hours. See Appendix A posted online for the MuckRock URL for each request. Note that requests submitted to police in Central Falls, Pawtucket and Providence are processed through the law department for each municipality.

The 2012 APRA reforms made clear that police departments must release basic arrest information with minimal delay. More than half of police departments (20 out of 39) failed to comply with the response window of 48 hours, including one department that failed to acknowledge the request whatsoever. This is unacceptable for so many law enforcement agencies to fail to comply with APRA requirements for such a basic request.

Arrest reports including narrative

An arrest report is the initial report filed by the arresting officer that includes the circumstances of a given arrest, the relevant charges and basic information about the given suspect. In addition to the provisions in the APRA statute classifying initial arrest reports as public,²⁴ the Rhode Island Attorney General has issued two opinions confirming that the narrative portions of such initial arrest reports are releasable.²⁵

On June 9, 2014, MuckRock submitted a request to each police department for the following: “All arrest records, including narrative, for the past 24 hours.”

Four departments had no arrests over the previous 24 hours, and thus did not provide any documents on this basis. No department rejected the request for arrest reports including narrative, although the New Shoreham Police Department failed to provide documents by this writing after several weeks of back-and-forth communications.

An additional ten police departments failed to provide a response to the request for arrest records including narrative within ten business days as required by APRA:

- Barrington Police Department
- Burrillville Police Department
- Cranston Police Department
- Hopkinton Police Department
- Providence Police Department
- Warren Police Department
- West Greenwich Police Department
- West Warwick Police Department
- Woonsocket Police Department
- Rhode Island State Police

²⁴ Rhode Island General Laws, Chapter 38-2-3.2(D)(f), “Access to Public Records.” See <http://webserver.rilin.state.ri.us/Statutes/title38/38-2/38-2-3.2.HTM>.

²⁵ Rhode Island Office of the Attorney General, “PR 12-17 WPRI v. Woonsocket Police Department,” June 2012. See <http://www.riag.ri.gov/civilcriminal/show.php?id=781>.

Rhode Island Office of the Attorney General, “ADV PR 99-02 Narragansett Police Initial Arrest Records,” September 1999. See <http://www.riag.ri.gov/civilcriminal/show.php?id=179>.

The Central Falls Police Department provided a response more than ten business days from receipt of the request, but invoked the APRA provision allowing agencies up to an additional twenty business days, citing the volume of information requested.

The Barrington Police Department took the longest to respond at 39 business days, followed by the Providence Police Department at 22 business days and the Rhode Island State Police at 19 business days. None of the ten departments above requested additional time to process the request.

Table 20: Police departments, response arrest records including narrative APRA request (2014)

Police department	Provided documents	Business days to response
Barrington Police Department	Yes	39 (VIOLATION)
Bristol Police Department	Yes	6
Burrillville Police Department	Yes	18 (VIOLATION)
Central Falls Police Department	Yes	18*
Charlestown Police Department	No, no arrests	1
Coventry Police Department	Yes	4
Cranston Police Department	Yes	18 (VIOLATION)
Cumberland Police Department	Yes	1
East Greenwich Police Department	Yes	1
East Providence Police Department	Yes	1
Foster Police Department	No, no arrests	8
Glocester Police Department	No, no arrests	1
Hopkinton Police Department	Yes	18 (VIOLATION)
Jamestown Police Department	Yes	1
Johnston Police Department	Yes	5
Lincoln Police Department	Yes	1
Little Compton Police Department	No, no arrests	2
Middletown Police Department	Yes	1
Narragansett Police Department	Yes	2
New Shoreham Police Department	Failed to respond (VIOLATION)	Failed to respond (VIOLATION)

Police department	Provided documents	Business days to response
Newport Police Department	Yes	4
North Kingstown Police Department	Yes	1
North Providence Police Department	Yes	3
North Smithfield Police Department	Yes	1
Pawtucket Police Department	Yes	10
Portsmouth Police Department	Yes	1
Providence Police Department	Yes	22 (VIOLATION)
Richmond Police Department	Yes	1
Scituate Police Department	Yes	4
Smithfield Police Department	Yes	6
South Kingstown Police Department	Yes	1
Tiverton Police Department	Yes	1
Warren Police Department	Yes	12 (VIOLATION)
Warwick Police Department	Yes	4
West Greenwich Police Department	Yes	11 (VIOLATION)
West Warwick Police Department	Yes	11 (VIOLATION)
Westerly Police Department	Yes	2
Woonsocket Police Department	Yes	13 (VIOLATION)
Rhode Island State Police	Yes	19 (VIOLATION)

Source: APRA requests for arrest records including narrative for the past 24 hours. See Appendix A posted online for the MuckRock URL for each request. Note that requests submitted to police in Central Falls, Pawtucket and Providence are processed through the law department for each municipality. The Central Falls Police Department duly requested an extension of twenty business days for the APRA request for its payout data, and so did not violate APRA despite exceeding the ten business day window for this request.

Figure 26: Police departments, Response time for arrest records including narrative



The following four departments mailed their arrest reports in response to the request, rather than sending electronically in accordance with the stated preference in the request letter:

- East Greenwich Police Department
- Johnston Police Department
- Smithfield Police Department
- West Greenwich Police Department

A fifth department, Cranston Police Department, faxed its documents, citing issues with email. The remaining departments sent their responses electronically.

Six departments charged fees ranging from less than \$1 to more than \$50 for copies of their arrest records. The Rhode Island State Police charged the highest fee for these records at \$51.75 for 45 pages of duplication and 4 hours of review. Note that Johnston Police Department provided 72 pages of arrest logs covering 20 days rather than seven days as requested, for which its staff charged \$10.20.

Table 21: Police departments, response to arrest records including narrative APRA response details (2014)

Police department	Method of sending	Number of pages	Fee charged for records
Bristol Police Department	Electronic	2	None
Burrillville Police Department	Electronic	2	None
Central Falls Police Department	Electronic	4	None
Coventry Police Department	Electronic	7	None
Cranston Police Department	Fax	18	None
Cumberland Police Department	Electronic	1	None
East Greenwich Police Department	Mail	22	None
East Providence Police Department	Electronic	1	None
Hopkinton Police Department	Electronic	2	None
Jamestown Police Department	Electronic	1	None
Johnston Police Department	Mail	72	\$10.20
Lincoln Police Department	Electronic	3	None
Middletown Police Department	Electronic	18	None
Narragansett Police Department	Electronic	7	None
Newport Police Department	Electronic	5	\$0.75
North Kingstown Police Department	Electronic	9	None
North Providence Police Department	Electronic	193	\$0.90
North Smithfield Police Department	Electronic	2	None
Pawtucket Police Department	Electronic	24	None
Portsmouth Police Department	Electronic	5	None
Providence Police Department	Electronic	2	\$15.00
Richmond Police Department	Electronic	4	None
Scituate Police Department	Electronic	2	None
Smithfield Police Department	Mail	11	None
South Kingstown Police Department	Electronic	4	None
Tiverton Police Department	Electronic	6	None

Police department	Method of sending	Number of pages	Fee charged for records
Warren Police Department	Electronic	7	\$1.05
Warwick Police Department	Electronic	38	None
West Greenwich Police Department	Mail	6	None
West Warwick Police Department	Electronic	3	None
Westerly Police Department	Electronic	5	None
Woonsocket Police Department	Electronic	35	None
Rhode Island State Police	Electronic	45	\$51.75

Source: APRA requests for arrest records including narrative for the past 24 hours. See Appendix A posted online for the MuckRock URL for each request. Note that requests submitted to police in Central Falls, Pawtucket and Providence are processed through the law department for each municipality.

It is encouraging that no department attempted to withhold narrative portions of the initial arrest reports. However, a full third of departments (13 out of 39) failed to respond within the statutory window of ten business days. Once again, that police departments would fail to comply with APRA provisions regarding such a routine request strongly indicates that police need to be held to a higher standard of responsiveness.

Arrest logs, requested in person

The 2012 APRA reforms enshrine the principle of anonymity in requesting government documents. The revised statute provides that “No public records shall be withheld based on the purpose for which the records are sought,” as well as that a government agency cannot require “as a condition of fulfilling a public records request, that a person or entity provide a reason for the request or provide personally identifiable information about him/herself.”²⁶

To assess compliance with this provision as well as each department's processing of in-person requests overall, MuckRock staffers submitted APRA requests in person to the following nine police departments:

- Coventry Police Department
- Cranston Police Department
- Cumberland Police Department
- East Providence Police Department
- Pawtucket Police Department
- Providence Police Department
- Warwick Police Department
- Woonsocket Police Department
- Rhode Island State Police

These particular departments were chosen based on population served: the Rhode Island State Police and the police for the eight largest municipalities in Rhode Island.

Specifically, MuckRock staffers submitted APRA requests in person for the following documents:

“The log of arrests made over the past seven (7) days, including:

- (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;

²⁶ Rhode Island General Laws, Chapter 38-2-3(j), “Access to Public Records: Right to inspect and copy records – Duty to maintain minutes of meetings – Procedures for access.” See <http://webserver.rilin.state.ri.us/Statutes/title38/38-2/38-2-3.2.HTM>

- (5) date of the arrest;
- (6) time of the arrest;
- (7) gender of the arrested adult;
- (8) race of the arrested adult; and
- (9) name of the arresting officer.”

MuckRock staffers declined to provide identification or rationale for requesting the documents, but provided only a phone number for necessary followup or clarification as well as the address to which documents were to be sent.

Note that these requests submitted in-person to nine police departments differ from the requests for arrest logs sent to all police departments in that the present requests comprise the arrest log for the past week, where the APRA request submitted to all departments via email, fax or mail in the previous section covered only the past 24 hours. As revised in 2012, APRA requires police departments to release this basic arrest log information within 48 hours only for arrests made in the past five days from the date of the request submission. Since these in-person requests covered seven days of arrests, the standard APRA response window of ten business days applies.

Coventry Police Department

On May 19, 2014, a MuckRock staffer visited the Coventry Police Department. Finding the records counter closed for lunch at 12:30 pm, the staffer returned at 1 pm. After noting that the department’s APRA procedure was clearly posted just next to the counter, the staffer requested a printout of the department’s arrest log for the past week.

When the records clerk asked for a name, the MuckRock staffer declined, and the clerk proceeded without requiring identification, and entered “Anonymous” in the ledger. The clerk did not have the MuckRock staffer fill out any APRA request form.

The initial five-page arrest log printout, which the clerk provided at a cost of \$0.75, did not include the name of the arresting officer, the race of the arrested adult or the gender of the arrested adult for each log entry. When the MuckRock staffer pointed this out, the clerks conferred and determined that the initial arrest reports themselves would need to be printed and redacted in

order to provide this information. Approximately 45 minutes later, the clerks provided an additional 23 pages of redacted arrest reports at a cost of \$3.45.

Cranston Police Department

On May 15, 2014, a MuckRock staffer visited the Cranston Police Department and requested a copy of the arrest log for the past week. The clerk initially indicated that the arrest log is confidential, then asked the purpose for the request and whether the MuckRock staffer worked for a local media publication. The staffer declined to provide this information, at which point the clerk provided an APRA request form and indicated that she would need to check with a supervisor on releasing the log.

The staffer filled out the APRA request form without providing a name, but indicated a phone number for followup as well as the address to which documents were to be sent. The staffer also indicated on the request form the minimum information to be provided in the arrest log, as outlined in the APRA statute.

Having received no confirmation or documents, the MuckRock staffer called the Cranston Police Department on May 23. The records supervisor indicated that responsive documents would be mailed without fee, and that the name of the arresting officer, the race of the arrested adult and the gender of the arrested adult would be written by hand onto each log entry.

A total of 11 pages was mailed and postmarked on May 23.

Cumberland Police Department

On May 19, 2014, a MuckRock staffer visited the Cumberland Police Department. Upon asking the receptionist about submitting a records request, the staffer was instructed to fill out a form and leave it for processing. The staffer filled out the APRA request form without providing a name, but indicated a phone number for followup as well as the address to which documents were to be

sent. The staffer also indicated on the request form the minimum information to be provided in the arrest log, as outlined in the APRA statute.

The next day, a records clerk called to request an email address, which the MuckRock staffer provided. That afternoon, Deputy Chief George Stansfield of the Cumberland Police Department emailed arrest logs for the previous five days from the date of the request, a total of three pages. The name of the arresting officer, the race of the arrested adult and the gender of the arrested adult were written by hand onto each log entry. There was no charge for these documents.

When the MuckRock staffer emailed back five times to request the remaining two days of arrest log documents, Deputy Chief Stansfield replied that APRA only required the department to release arrest log data for the past five days. (While the 2012 APRA reforms added a provision requiring police departments to provide arrest log information within 48 hours for arrests made within five days of the request, the revised statute does not allow departments to refuse to provide arrest log documents older than five days.) While he did finally provide the final two days of arrest logs at no charge, Deputy Chief Stansfield remained adamant that he was under no obligation to provide arrest documentation older than five days from the date of the request.

East Providence Police Department

On May 15, 2014, a MuckRock staffer visited the East Providence Police Department and requested a copy of the arrest log for the past week. The clerk was uncertain whether the arrest log could be released, then asked whether the MuckRock staffer worked for a local media publication. The staffer declined to provide this information, at which point a supervising clerk provided an APRA request form and said that the requested information would take a few days to compile.

The MuckRock staffer filled out the APRA request form without providing a name, but indicated a phone number for followup as well as the address to which documents were to be sent. The staffer also indicated on the request form the minimum information to be provided in the arrest log, as outlined in the APRA statute.

On May 23, a clerk called to confirm that the report was ready, and directed that a check for \$18.30 be mailed to the department. MuckRock mailed a check for the indicated amount, and 107

pages of responsive documents were mailed and postmarked on May 29. The mailed documents included the initial arrest report for all arrests over the indicated time period, rather than the arrest log itself.

Pawtucket Police Department

On May 15, 2014, a MuckRock staffer visited the Pawtucket Police Department and requested a copy of the arrest log for the past week. After conferring with a coworker to confirm that the arrest log was releasable, the records clerk printed an initial copy of the 14-page report for \$2.10. As the documents printed, the clerk asked whether the MuckRock staffer worked for a media outlet, which the staffer declined to answer. The clerk did not ask for identification or require a form to be filled out.

The initial printed report did not include the name of the arresting officer, the race of the arrested adult or the gender of the arrested adult for log entries. When the MuckRock staffer pointed this out, the clerk indicated that this information would take a few days to compile. The MuckRock staffer left a phone number as well as the address to which documents were to be sent.

On May 23, the MuckRock staffer called the Pawtucket Police Department to follow up on the request. A clerk indicated that the missing information was being compiled and would be mailed to the address provided. On May 29, the department postmarked final responsive documents with the missing information written by hand alongside each log entry, along with an invoice for \$5.00 for review and duplication costs.

Providence Police Department

On May 15, 2014, a MuckRock staffer visited the Providence Police Department and requested a copy of the arrest log for the past week. A records clerk indicated that all arrest logs are available online. The MuckRock staffer checked the department website on her phone, and found that it did not yet have logs posted for the four previous days. The logs posted online also did not include the

name of the arresting officer, the home address of the arrested adult, the race of the arrested adult or the gender of the arrested adult for each entry.

When the MuckRock staffer pointed out these deficiencies in the arrest logs posted online and again asked to submit a records request for the full arrest log for the past week, the receiving clerk referred her to a supervisor. After a lengthy wait, a detective indicated that APRA requests must be submitted via the city's online request portal, and that the department was unable to accept any requests submitted in person. When the MuckRock staffer asked to submit a written request that could be passed on to the Providence Law Department for processing, the detective indicated that he did not have any of the appropriate forms on hand. After more than an hour, the detective made clear that he would not accept a request submitted in-person, and the MuckRock staffer left the department without having submitted the APRA request.

Warwick Police Department

On May 15, 2014, a MuckRock staffer visited the Warwick Police Department and requested a copy of the arrest log for the past week. When the records clerk asked for a name, the MuckRock staffer declined, and the clerk proceeded without requiring identification. The clerk did not have the MuckRock staffer fill out any APRA request form.

The initial three-page arrest log printout, which the clerk provided at no cost, did not include the race or the gender of the arrested adult for each log entry. When the MuckRock staffer pointed this out, the clerk looked up the missing information and wrote it by hand onto each log entry.

Woonsocket Police Department

On May 19, 2014, a MuckRock staffer visited the Woonsocket Police Department and requested a copy of the arrest log for the past week. The clerk did not have the MuckRock staffer fill out any APRA request form.

The initial ten-page arrest log printout, which the clerk provided at no cost, did not include the name of the arresting officer, the race of the arrested adult or the gender of the arrested adult for each log entry. When the MuckRock staffer pointed this out, the clerk indicated that this information would take a few days to compile. The MuckRock staffer left a phone number for followup as well as the address to which documents were to be sent.

On May 23, the department postmarked the same ten-page arrest log printout, with the missing information written in by hand for each log entry. These records were provided at no charge.

Rhode Island State Police

On May 19, 2014, a MuckRock staffer visited the Rhode Island State Police headquarters and requested a copy of the arrest log for the past week. The intake officer provided an APRA request form, which the MuckRock staffer completed without providing a name, indicating a phone number for followup as well as the address to which documents were to be sent.

When the intake officer reviewed the APRA form, he asked the MuckRock staffer the purpose for the request. The MuckRock staffer declined to provide this information. The intake officer conferred with fellow officers, then returned the APRA form to the MuckRock staffer and indicated that the requested records were not releasable, saying “no one gets that.”

Only when the MuckRock staffer provided a copy of the relevant section of the Attorney General APRA guidelines did the officer make a photocopy of the request form and confirm that he would pass the request on to the appropriate records clerk.

On May 23, the Rhode Island State Police postmarked 58 pages of responsive documents along with an invoice for \$23.70, which included duplication as well as two hours of review.

Table 22: Police departments (select), response to in-person anonymous APRA arrest records (2014)

Police department	Provided documents	Business days to response	Number of pages	Fee charged
Coventry Police Department	Yes	6	28	\$4.20
Cranston Police Department	Yes	6	11	None
Cumberland Police Department	Yes	8	5	None
East Providence Police Department	Yes	7	107	\$18.30
Pawtucket Police Department	Yes	10	14	\$7.25
Providence Police Department	No	N/A	N/A	N/A
Warwick Police Department	Yes	1	3	None
Woonsocket Police Department	Yes	4	10	None
Rhode Island State Police	Yes	4	58	\$23.70

Source: APRA requests submitted in person for arrest logs for the past 7 days. See Appendix A posted online for the MuckRock URL for each request. Note that requests submitted to police in Pawtucket and Providence are processed by the law department for each municipality.

Conclusion and recommendations

When it comes to providing the public access to documents, analyses since the 1990's have regularly documented how police departments in Rhode Island have been among the least compliant of agencies. Unfortunately, the results of this latest audit do little to counter that reputation.

Only 15 of 39 police departments responded in a timely manner to all three APRA requests made to them. Four departments failed to provide a timely response to any of the requests, and an additional nine departments improperly delayed providing requested records two out of three times.

The in-person requests provided an interesting window into the difficulties faced by the general public in obtaining from police departments records that are indisputably public. With the glaring exception of the Providence Police Department, the departments selected for anonymous, in-person requests ultimately complied with their APRA obligations and fulfilled the requests within ten business days as required. But often they did so only because the requesters knew their rights under the law and persisted in demanding access to the records they were entitled to.

In addition to the Providence Police Department's refusal to accept the request, staffers at a number of the departments indicated a general lack of familiarity with the 2012 APRA revision requiring basic arrest information to be released. Some police records staff initially expressed doubt that such information could be released at all, and needed to consult with supervisors before proceeding with providing the documents. The most extreme example of this was the reception officer at the Rhode Island State Police, who physically returned the APRA request form to the MuckRock staffer. While MuckRock staff had a solid grounding in APRA provisions and so were able to assert their rights, requesters who are less familiar with Rhode Island law would likely have been much more easily turned away. Police records staff need to be familiar with the particular information that they are required by statute to provide, and to represent their obligations truthfully to members of the public who request their documents.

School Districts

The 2012 APRA reforms made explicit that employment contracts are public records, and further established a balancing test for various other types of personnel records, requiring agencies to weigh personal privacy interests against the public interest of their disclosure. In addition to a more basic request for employment contracts of school district superintendents, this audit submitted a request for teacher layoff letters to each district in an attempt to see how different officials interpret this new balancing test provision.

Two school districts failed to respond within ten business days as required under APRA for both requests:

- Cumberland School Department
- West Warwick Public Schools

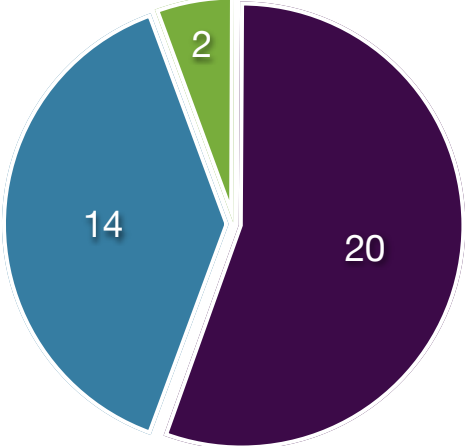
Another fourteen districts failed to respond within the statutory window for one of the two requests, while the remaining twenty districts responded to both requests in compliance with the APRA statutory window.

Table 23: School districts, response to superintendent contract and layoff letters APRA requests (2014)

School district	Response days, Superintendent contract	Response days, Layoff letters
Barrington Public Schools	1	8
Bristol Warren Regional School District	9	9
Burrillville School Department	17 (VIOLATION)	8
Central Falls School District	1	8
Chariho Regional School District	1	1
Coventry Public Schools	1	4
Cranston Public Schools	13 (VIOLATION)	2
Cumberland School Department	13 (VIOLATION)	13 (VIOLATION)
East Greenwich Public Schools	1	Failed to respond (VIOLATION)
East Providence School District	7	28 (VIOLATION)

School district	Response days, Superintendent contract	Response days, Layoff letters
Exeter - West Greenwich School District	1	1
Foster School District	1	7
Foster - Gloucester Regional Schools	11 (VIOLATION)	1
Gloucester School Department	2	5
Jamestown School Department	8	9
Johnston Public Schools	5	1
Lincoln Public Schools	5	9
Little Compton Public Schools	17 (VIOLATION)	2
Middletown Public Schools	2	2
Narragansett School System	5	1
New Shoreham School Department	1	10
Newport Public Schools	2	1
North Kingstown School Department	1	5
North Providence School Department	22 (VIOLATION)	1
North Smithfield School Department	14 (VIOLATION)	7
Pawtucket School Department	1	8
Portsmouth School Department	3	8
Providence Schools	11 (VIOLATION)	9
Scituate School Department	11 (VIOLATION)	1
Smithfield Public Schools	11 (VIOLATION)	2
South Kingstown School Department	2	1
Tiverton School District	20 (VIOLATION)	9
Warwick Public Schools	12 (VIOLATION)	1
Westerly Public Schools	24 (VIOLATION)	3
West Warwick Public Schools	26 (VIOLATION)	15 (VIOLATION)
Woonsocket Education Department	4	7

Figure 27: School districts, Number of APRA response time violations



- Responded to all three requests within statutory window
- Failed to respond within statutory window for one request
- Failed to respond within statutory window for both requests

Superintendent contract

The 2012 APRA reforms cemented that public employee contracts are public records. To test compliance with this provision for school districts and departments, MuckRock submitted an APRA request to each district on June 12, 2014 for the following document: “The current contract for the district superintendent.”

Only one district rejected the request for the superintendent’s contract. Notably, while APRA designates employment contracts specifically as public documents, Warwick Public Schools asserted that “superintendents’ contracts are generally not public records in Rhode Island” and provided a heavily redacted “version of the contract voluntarily that includes all information on wages, benefits and entitlements and job duties.” Note that at the time this request was submitted, Pawtucket School Department and the Woonsocket Education Department had interim superintendents, for whom there was no contract to provide.

Fourteen school districts failed to provide a response to the request for the superintendent’s contract within ten business days as required by APRA:

- Burrillville School Department
- Cranston Public Schools
- Cumberland School Department
- Foster - Glocester Regional Schools
- Little Compton Public Schools
- North Providence School Department
- North Smithfield School Department
- Providence Schools
- Scituate School Department
- Smithfield Public Schools
- Tiverton School District
- Warwick Public Schools
- West Warwick Public Schools
- Westerly Public Schools

None of the fourteen districts above requested additional time to process the request.

No school district charged a fee for a copy of the superintendent's contract. In accordance with the stated preference in the request letter, all municipalities provided responsive documents electronically with the exception of the South Kingstown School Department, which mailed the contract without justification for using this method.

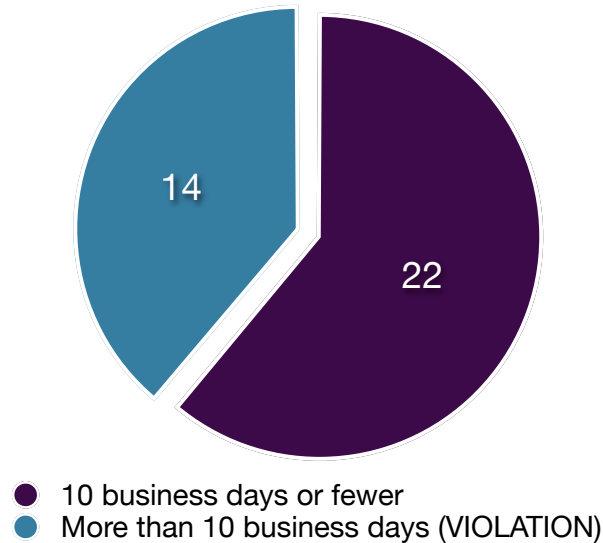
Table 24: School districts, response to superintendent contract APRA request (2014)

School district	Provided documents?	Business days to response
Barrington Public Schools	Yes	1
Bristol Warren Regional School District	Yes	9
Burrillville School Department	Yes	17 (VIOLATION)
Central Falls School District	Yes	1
Chariho Regional School District	Yes	1
Coventry Public Schools	Yes	1
Cranston Public Schools	Yes	13 (VIOLATION)
Cumberland School Department	Yes	13 (VIOLATION)
East Greenwich Public Schools	Yes	1
East Providence School District	Yes	7
Exeter - West Greenwich School District	Yes	1
Foster School District	Yes	1
Foster - Glocester Regional Schools	Yes	11 (VIOLATION)
Glocester School Department	Yes	2
Jamestown School Department	Yes	8
Johnston Public Schools	Yes	5
Lincoln Public Schools	Yes	5
Little Compton Public Schools	Yes	17 (VIOLATION)
Middletown Public Schools	Yes	2
Narragansett School System	Yes	5
New Shoreham School Department	Yes	1
Newport Public Schools	Yes	2
North Kingstown School Department	Yes	1
North Providence School Department	Yes	22 (VIOLATION)

School district	Provided documents?	Business days to response
North Smithfield School Department	Yes	14 (VIOLATION)
Pawtucket School Department	No, no contract	1
Portsmouth School Department	Yes	3
Providence Schools	Yes	11 (VIOLATION)
Scituate School Department	Yes	11 (VIOLATION)
Smithfield Public Schools	Yes	11 (VIOLATION)
South Kingstown School Department	Yes	2
Tiverton School District	Yes	20 (VIOLATION)
Warwick Public Schools	Yes	12 (VIOLATION)
West Warwick Public Schools	Yes	26 (VIOLATION)
Westerly Public Schools	Yes	24 (VIOLATION)
Woonsocket Education Department	No, no contract	4

Source: APRA requests for the contract for the superintendent of each agency. See Appendix A posted online for the MuckRock URL for each request. Note that Gloucester School Department and Providence Schools do not handle APRA requests themselves.

Figure 28: School districts, Response time for superintendent contract



Only one district failed to comply with the request for the superintendent's contract, but more than a third (14 out of 36) failed to comply with the APRA response window of ten business days. This is concerning for such a basic request.

Layoff letters

The 2012 APRA reforms established a balancing test to weigh personal privacy in personnel records against the public interest of their disclosure. Previously, most personnel records were automatically exempt from disclosure. Specifically, the revised statute exempts individually identifiable records “the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The Attorney General’s latest APRA guide notes that “there has not been an opportunity to interpret this statute in its most current form” when it comes to the new balancing test provision.²⁷

To investigate how different agencies might invoke and interpret this balancing test, MuckRock submitted an APRA request on June 27, 2014 to each school district and department listed above for the following document: “A full list of the teachers who have received layoff letters for the 2014-2015 school year, as well as the full list of teachers’ names submitted to the Rhode Island Department of Education for possible layoff for the 2014-2015 school year.”

Some districts did not have any layoffs for the upcoming school year, and so did not provide any documents for this reason.

Four districts failed to respond to the APRA request for teacher layoff letters within ten business days as required by APRA:

- Cumberland School Department
- East Greenwich Public Schools
- East Providence School District
- West Warwick Public Schools

As of August 26, 2014, East Greenwich Public Schools had failed to even acknowledge the APRA request for layoff letters. None of the four districts above requested additional time to process the request.

The split on invoking the balancing test was roughly half: fourteen districts and school departments asserted that releasing the names of teachers that received layoff letters would constitute an invasion of personal privacy, while fifteen provided the requested documents without any such

²⁷ Rhode Island Office of the Attorney General, “The Attorney General’s Guide to Open Government In Rhode Island, 6th Edition,” p. 20. See <http://www.riag.ri.gov/documents/opengov/guidetoopengovernmentbookletfullpagetext.pdf>.

assertion. Eleven districts invoked the balancing test solely for the preliminary list of teachers but provided the final list of teachers that had been laid off for the upcoming school year. Three of the districts that invoked the balancing test — Barrington Public Schools, Cumberland School Department and Warwick Public Schools unlawfully rejected the request in its entirety. (Even before the 2012 amendments, the Rhode Island Supreme Court made clear that records identifying the names of laid-off employees are subject to disclosure once termination becomes final.²⁸)

No district charged a fee for providing documents regarding teacher layoffs. In accordance with the stated preference in the request letter, all municipalities provided responsive documents electronically with the exception of the Cranston Public Schools, which mailed its responsive documents without justification for using this method.

Table 25: School districts, response to layoff letters APRA request (2014)

School district	Provided documents?	Business days to response
Barrington Public Schools	No, rejected	8
Bristol Warren Regional School District	Yes	9
Burrillville School Department	Yes	8
Central Falls School District	Yes	8
Chariho Regional School District	Yes	1
Coventry Public Schools	Yes	4
Cranston Public Schools	Yes	2
Cumberland School Department	No, rejected	13 (VIOLATION)
East Greenwich Public Schools	Failed to respond (VIOLATION)	Failed to respond (VIOLATION)
East Providence School District	Yes	28 (VIOLATION)
Exeter - West Greenwich School District	Yes	1
Foster School District	Yes	7
Foster - Glocester Regional Schools	Yes	1
Glocester School Department	Yes	5
Jamestown School Department	No, no layoffs	9
Johnston Public Schools	Yes	1

²⁸ *Providence Journal Co. v. Sundlun*, 616 A.2d 1131 (R.I. 1992). See <http://law.justia.com/cases/rhode-island/supreme-court/1992/616-a-2d-1131.html>.

School district	Provided documents?	Business days to response
Lincoln Public Schools	Yes	9
Little Compton Public Schools	Yes	2
Middletown Public Schools	Yes	2
Narragansett School System	Yes	1
New Shoreham School Department	No, no layoffs	1
Newport Public Schools	Yes	10
North Kingstown School Department	Yes	5
North Providence School Department	No, no layoffs	1
North Smithfield School Department	Yes	7
Pawtucket School Department	Yes	8
Portsmouth School Department	Yes	8
Providence Schools	No, no layoffs	9
Scituate School Department	Yes	1
Smithfield Public Schools	Yes	2
South Kingstown Public Schools	No, no layoffs	1
Tiverton School District	Yes	9
Warwick Public Schools	No, rejected	1
West Warwick Public Schools	No, no layoffs	15 (VIOLATION)
Westerly Public Schools	Yes	3
Woonsocket Education Department	Yes	7

Source: APRA requests for teacher layoff letters. See Appendix A posted online for the MuckRock URL for each request. Note that Gloucester School Department and Providence Schools do not handle APRA requests themselves.

Figure 29: School districts, Response time for layoff letters



On the whole, school districts complied with their obligation to respond within ten business days. The split on releasability of the preliminary layoff list is an interesting example of the new balancing provision as established under the 2012 APRA reforms.

Conclusion and recommendations

While a number of school districts failed to comply with their obligation under APRA to respond within ten business days for the much simpler request for the superintendent's contract, the majority provided final responses within the statutory window for the more complex request for layoff letters. Many districts' responses to the request for layoff letters indicated a familiarity with the new balancing test provision.

Conclusion and recommendations

In response to APRA requests submitted as part of this audit, Rhode Island agencies at the state and municipal levels alike demonstrated a divergent commitment to transparency and obligations under the statute. Some government entities proved to be more responsive than others, and some parts of the newly amended APRA seem to be working better than others two years after they became effective. While agencies at the state and municipal levels ultimately provided the documents that were requested in almost all cases, the number of times that the responses exceeded APRA's time deadlines was unacceptably high and deeply troubling. Also disconcerting is the number of state and municipal agencies that have failed to certify an APRA records custodian or post their APRA procedures online, both explicitly required under the law.

Who is complying and who is not?

Compliance with the audit varied widely by agency. On the one hand, there are laggard agencies like the Office of the Auditor General, which failed to release its APRA procedures after more than five months, failed to post its APRA procedures online as required, failed to complete APRA certification for even a single employee in 2013 or 2014, and took 49 business days to provide payout data. On the other hand, there are exemplary agencies like the Little Compton Police Department, which certified its record staff as required for 2014 and answered all APRA requests within four business days.

Among the 24 state and quasi-public agencies audited, eight did not have any violations: the Commerce Corporation, Department of Revenue, Department of Transportation, Judiciary, Office of the Attorney General, Office of the General Treasurer, RIPTA, and the Office of the Secretary of State. It's important to note that while the Department of Public Safety did not have any violations in the context of "state agency" requests, during the more limited in-person audit of select police departments, as well at the audit of police departments, the agency was not a model of

compliance. One would expect that the Offices of the Attorney General and Secretary of State would perform well given their significant responsibilities with enforcement of APRA and role as the keeper of records respectively, and they did so.

With eight of 24 agencies in full compliance, a majority failed in at least one instance to comply in keeping with the APRA. Besides the aforementioned Office of the Auditor General, there were significant entities with more than two violations: the Department of Corrections and the Department of Labor and Training. Another noteworthy violation included the Department of Administration's slow response for payout data, despite their central role in managing the executive branch's payroll.

There was only a single unblemished municipality across the board; Narragansett. Laggards included East Greenwich, New Shoreham, Warren (seven total violations each), and West Warwick (with nine total violations). All other municipalities had at least one violation. Looking separately at school districts and police departments there is considerable variation. For the police, Bristol, Cumberland, Little Compton, Middletown, Narragansett and North Smithfield performed well. On the other end of the spectrum, New Shoreham and Warren violated APRA in six of the seven categories for which all police departments were audited. Among school districts, Coventry, Exeter-West Greenwich, Chariho, Lincoln, Narragansett, North Kingstown, and South Kingstown were the best performers. West Warwick stands out with the worst compliance among school districts.

What is effective?

Too many agencies fall short on matters as simple as posting complete APRA procedures online and indicating full contact information for designated public records officers. On procedural matters such as the right to anonymity and preferred document formats, the picture is much more encouraging. No agency required identification, refused to provide records unless the purpose of a given APRA request was divulged, or enforced the use of a particular form in order to submit an otherwise identifiable request for public records.

Similarly, in most cases agencies provided electronic or native electronic copies of documents upon request, although a handful of agencies did insist on mailing hard copies without adequately justifying this decision. With only a few possible exceptions, public bodies did not seek to impose unauthorized fees for complying with APRA requests.

But key APRA revisions enacted in 2012 have yet to take root. It is simply unacceptable that 56 out of 137 public bodies studied have failed to comply with basic APRA certification requirements. Each year, hundreds of state and municipal employees attend the Attorney General's annual open government summit, the major avenue for completing the necessary APRA training that allows for an individual to be certified as APRA-compliant under the law. It is quite possible that the summit includes attendees from some agencies that do not have any certifications listed with the Attorney General's office. This means there may be some employees who have technically received the "training" required by the law, but who have not have filled out the necessary form to confirm their compliance with the training requirement. If so, that is far from a "technical" violation of the law. Indeed, there is something very troublingly ironic about employees who have allegedly been "trained" in complying with APRA, yet have failed to comply with the law's procedures to be formally certified as trained. If they have neglected that requirement, how confident can the public be about their implementation of the substantive provisions of APRA when dealing with formal requests for records?

Government employees can access the archived video of the open government summit online in order to meet the training requirement. We believe it is incumbent upon the Attorney General to not only be the repository of the certifications, but to take affirmative steps to inform public bodies of this obligation and to post publicly a list of those that don't comply. Further, there should be a strong presumption, rebuttable only for the most compelling reasons, that any public body without APRA-certified employees found to have committed an APRA violation should be deemed to have engaged in a knowing and willful violation of the law, and be subject to the most stringent penalties available under the statute. Only in this way can the public be given some assurance that public bodies are taking the Access to Public Records Act as seriously as it needs to be taken.

When it comes to release of specific categories of documents clarified to be public in the 2012 reforms, agencies largely complied with release requirements. In only one instance did an agency refuse to provide personnel documents such as employment contracts and remuneration data cemented as public in the 2012 revisions, although many school districts did invoke the new balancing provision in refusing to release preliminary layoff lists.

The timeliness of responses by municipal agencies, however, remains a great cause of concern. Seven municipal records custodians, twelve police departments and six school districts failed to provide within ten business days a copy of their APRA procedures, a document that every agency must maintain and should have very readily available.

In a similar vein, thirteen school districts failed to provide in a timely manner a copy of their superintendent's contract, once again a discrete document that one would think every school district would be able to easily transmit within ten working days.

Police departments largely complied with requests for routine documents such as dispatch logs, arrest logs and arrest reports including narrative, although their response times for doing so often violated APRA requirements. In particular, police largely failed to comply with the 48-hour response window enacted for basic arrest information in 2012. Many police department APRA staff failed to recognize that a request for the basic arrest information as outlined in the revised APRA provision triggers an alternate response window. Even with requests allowing for a ten day response time, a significant number of police departments failed to comply in a timely manner. Twelve of 38 police departments failed to provide dispatch logs within ten business days, and ten of 38 took too long to provide requested arrest reports.

Recommendations

Enhanced Oversight by the Office of the Attorney General

The troubling level of non-compliance with APRA's certification requirements should be an impetus to the Attorney General to enhance enforcement efforts around the certification and training of employees.

- As an initial step, the Office of the Attorney General should post publicly a list of those public bodies that do not comply with the certification requirement in the first month of the year.
- There should be a strong presumption that any public body without APRA-certified employees is deemed to have engaged in a knowing and willful violation of the law. Such a finding by the Superior Court is necessary for a fine of up to \$2,000 to be imposed against the public body or agency.
- Beyond simply keeping records of who is complying with the certification requirement, the Attorney General's office should follow up with those agencies that have not complied by the first of the year and seek ways to address the compliance standard.
- The widespread existence of police log records that have yet to be updated to include the information required to be released by the 2012 reforms should prompt the Attorney General's Office to collaborate with the police departments to develop a legally adequate police log form.

- A report issued last year by the ACLU of Rhode Island documented the rarity of legal action by the Attorney General in seeking penalties against agencies found to have violated the law. As this report confirms, the violations of APRA that most often occur involve basic requirements of the statute, not complicated issues of law. The absence of strong enforcement can only encourage a lackadaisical attitude among public bodies that compliance with APRA simply need not be a priority. It is critical that the office responsible for enforcing APRA become much more aggressive in seeking penalties against violators.

Enhanced oversight by Agency Directors

- The leaders responsible for the agencies identified in this audit that have failed to adopt written APRA procedures ought to ensure that such procedures are developed immediately. If such procedures have been developed but not posted online, agency heads should work to ensure they are posted with alacrity.
- Agency heads must also ensure that all appropriate personnel have been properly certified as trained to implement APRA.

Strengthened Enforcement Provisions

ACCESS/RI examined some of the enforcement provisions utilized in other states with regards to the public records statutes. We recommend that the General Assembly consider further reforms to the APRA to strengthen compliance. These could include creating penalties for non-compliance that would accrue on a daily basis and otherwise increasing the fines against violators, and authorizing courts to award compensatory and punitive damages to successful plaintiffs in public records cases.

Independent Commission

The results of the audit also raise the question of the effectiveness of Rhode Island's current enforcement regime, which relies on the Office of the Attorney General to enforce the APRA against fellow state agencies. A highly successful alternative regime in our neighboring state of Connecticut instead charges an independent commission, the Connecticut Freedom of Information Commission, with overseeing public records disputes. This commission has independence from

the Governor and other state agencies and thus has a more neutral standpoint from which to consider the disputes it resolves. The General Assembly should study creating such a commission in Rhode Island as a way of helping our state live up to its potential for a truly open and transparent government. In the alternative, consideration should be given as to whether enforcement powers would be more appropriately housed with the Secretary of State. That office does not have the same conflicts of interest as the Attorney General, who on a daily basis legally defends, advises and, in many instances, collaborates with the same state and municipal bodies that are the subjects of the open record complaints he or she investigates.

A Change in Culture

There can be little question that a culture of indifference — if not outright hostility — to the public's right to know is a key reason for the less-than-stellar results detailed in this audit. Too many agencies appear to consider complying with open records requests a burden rather than what it actually is and should be — a core mission of their agency. Ultimately, it is incumbent on state agency directors, mayors, town clerks, police chiefs, school district superintendents and the heads of all other public bodies to make clear to personnel that compliance with APRA is a priority, to emphasize the critical importance of transparency, and to reverse a deep-rooted attitude of secrecy that seems embedded in too many agencies.

Summary Tables

Table 26: State and quasi-public agencies, summary of APRA compliance

Agency	2014 AG certified	Written APRA procedure	APRA procedure online
Airport Corporation	No (VIOLATION)	Yes	Yes
Board of Elections	No (VIOLATION)	Yes	Yes
Commerce Corporation	Yes	Yes	Yes
Department of Administration	No (VIOLATION)	Yes	Yes
Department of Business Regulation	No (VIOLATION)	Yes	Yes
Department of Corrections	No (VIOLATION)	Yes	Yes
Department of Education	No (VIOLATION)	Yes	Yes
Department of Health	Yes	Yes	Yes
Department of Labor and Training	No (VIOLATION)	Yes	Yes
Department of Public Safety	Yes	Yes	Yes
Department of Revenue	Yes	Yes	Yes
Department of Transportation	Yes	Yes	Yes
Division of Motor Vehicles	Yes	Yes	Yes
General Assembly	No (VIOLATION)	Yes	Yes
Judiciary	Yes	Yes	Yes
Lottery Commission	Yes	Yes	Yes
Office of Auditor General	No (VIOLATION)	Failed to respond (VIOLATION)	No (VIOLATION)
Office of the Attorney General	Yes	Yes	Yes
Office of the General Treasurer	Yes	Yes	Yes
Public Transit Authority (RIPTA)	Yes	Yes	Yes
Rhode Island Housing and Mortgage Finance Corporation	No (VIOLATION)	Yes	Yes
Rhode Island State Police	Yes	Yes	Yes
Secretary of State	Yes	Yes	Yes
Turnpike and Bridge Authority (RITBA)	Yes	Yes	Yes

Note that the Rhode Island State Police received additional requests submitted to all police departments in Rhode Island which are not represented in the table above.

Table 27: State and quasi-public agencies, summary of APRA response time

Agency	Response violations	Response days: APRA procedures	Response days: contracts	Response days: payout data
Airport Corporation	0	6	5	9
Board of Elections	0	1	2	2
Commerce Corporation	0	1	10	10
Department of Administration	1	1	8	15 (VIOLATION)
Department of Business Regulation	1	7	18 (VIOLATION)	2
Department of Corrections	2	27 (VIOLATION)	11 (VIOLATION)	19*
Department of Education	0	2	4	1
Department of Health	1	3	19 (VIOLATION)	9
Department of Labor and Training	2	7	11 (VIOLATION)	17 (VIOLATION)
Department of Public Safety	1	3	1	12 (VIOLATION)
Department of Revenue	0	4	1	1
Department of Transportation	0	4	2	1
Division of Motor Vehicles	1	1	9	11 (VIOLATION)
General Assembly	0	10	1	7
Judiciary	0	5	3	7
Lottery Commission	1	7	1	11 (VIOLATION)
Office of Auditor General	2	Failed to respond (VIOLATION)	1	49 (VIOLATION)
Office of the Attorney General	0	7	8	10
Office of the General Treasurer	0	1	9	4
Public Transit Authority (RIPTA)	0	1	2	1
Rhode Island Housing and Mortgage Finance Corporation	0	1	1	6
Rhode Island State Police	0	3	2	10
Secretary of State	0	3	1	10
Turnpike and Bridge Authority (RITBA)	1	23 (VIOLATION)	2	8

*Note that the Rhode Island State Police received additional requests submitted to all police departments in Rhode Island which are not represented in the table above. *The Department of Corrections duly requested an extension of twenty business days for the APRA request for its payout data, and so did not violate APRA despite exceeding the ten business day window for this request.*

Figure 31: State and quasi-public agencies, Number of APRA response time violations

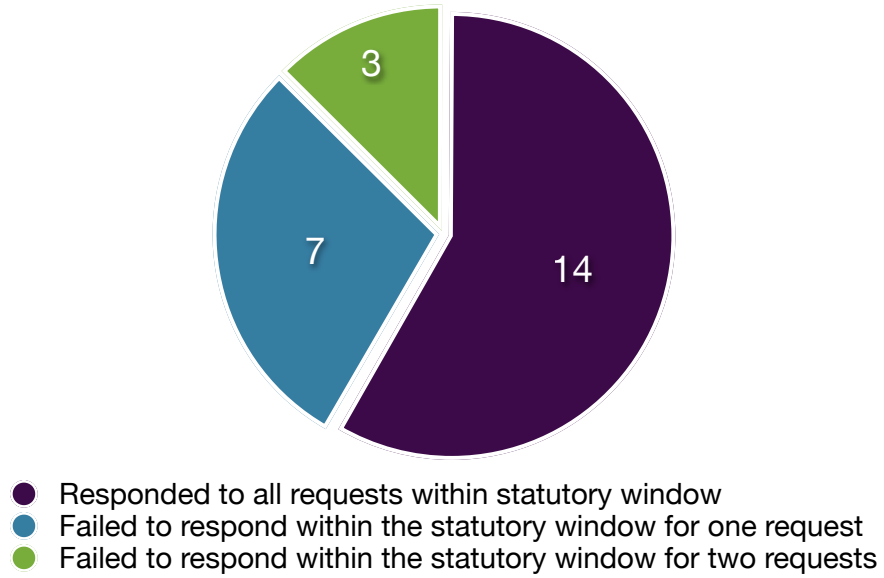


Table 28: Municipal agencies, summary of APRA compliance

	Municipal records custodian				Police department				School district	
	2014 AG certified	Written APRA procedure	APRA procedure online	2014 AG certified	Written APRA procedure	APRA procedure online	2014 AG certified	Written APRA procedure	APRA procedure online	
Barrington	Yes	Yes	Yes	Yes****	Yes	No, just form (VIOLATION)	No (VIOLATION)	Yes	Yes	
Bristol	Yes	Yes	Yes	Yes	Yes	Yes	No** (VIOLATION)	Yes**	Yes**	
Burrillville	Yes	Yes	Yes	No (VIOLATION)	Yes	Yes	Yes	Yes	Yes	
Central Falls	Yes	Yes	Yes	Yes*	N/A*	N/A*	Yes	Yes	No (VIOLATION)	
Charlestown	No (VIOLATION)	Yes	Yes	No (VIOLATION)	No, just form (VIOLATION)	No (VIOLATION)	Yes**	Yes**	Yes**	
Coventry	Yes	Yes	No (VIOLATION)	Yes	Yes	Yes	Yes	Yes	Yes	
Cranston	Yes	Yes	Yes	No (VIOLATION)	Yes	No, just form (VIOLATION)	Yes	Yes	Yes	
Cumberland	Yes	Yes	Yes	Yes	Yes	Yes	No (VIOLATION)	Yes	Yes	
East Greenwich	No (VIOLATION)	Yes	Yes	No (VIOLATION)	Yes	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)	
East Providence	No (VIOLATION)	Yes	Yes	No (VIOLATION)	Yes	Yes	Yes	Yes	Yes	
Exeter	Yes	Yes	No (VIOLATION)				No** (VIOLATION)	Yes**	No** (VIOLATION)	
Foster	Yes	Yes	Yes	No (VIOLATION)	Yes	No (VIOLATION)	Yes***	Yes***	No*** (VIOLATION)	
Glocester	Yes	Yes	No, just form (VIOLATION)	No (VIOLATION)	Yes	No (VIOLATION)	Yes***	N/A*	N/A*	
Hopkinton	Yes	Yes	Yes	Yes	Yes	No, just form (VIOLATION)	Yes**	Yes**	Yes**	

	Municipal records custodian			Police department			School district		
	2014 AG certified	Written APRA procedure	APRA procedure online	2014 AG certified	Written APRA procedure	APRA procedure online	2014 AG certified	Written APRA procedure	APRA procedure online
Jamestown	Yes	Yes	No, just form (VIOLATION)	Yes	Yes	Yes	No (VIOLATION)	Yes	Yes
Johnston	No (VIOLATION)	Yes	Yes	No (VIOLATION)	Yes	Yes	No (VIOLATION)	Yes	Yes
Lincoln	No (VIOLATION)	Yes	Yes	No (VIOLATION)	Yes	No (VIOLATION)	Yes	Yes	Yes
Little Compton	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No (VIOLATION)
Middletown	No (VIOLATION)	Yes	Yes	Yes	Yes	Yes	No (VIOLATION)	Yes	Yes
Narragansett	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
New Shoreham	Yes	Yes	Yes	No (VIOLATION)	No, just form (VIOLATION)	No (VIOLATION)	No (VIOLATION)	Yes, but did not provide	Yes
Newport	No (VIOLATION)	Yes	Yes	No (VIOLATION)	Yes	Yes	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)
North Kingstown	No (VIOLATION)	Yes, but did not provide	Yes	No (VIOLATION)	Yes	Yes	Yes	Yes	Yes
North Providence	Yes	Yes, but did not provide	Yes	Yes	Yes	Yes	No (VIOLATION)	Yes	Yes
North Smithfield	Yes	Yes	Yes	Yes	Yes	Yes	No (VIOLATION)	Yes	Yes
Pawtucket	Yes	Yes	Yes	Yes*	N/A*	N/A*	No (VIOLATION)	Yes	Yes
Portsmouth	Yes	Yes	Yes	Yes	Yes	Yes	No (VIOLATION)	Yes	Yes
Providence	Yes	Yes	Yes	Yes*	N/A*	N/A*	Yes*	N/A*	N/A*
Richmond	No (VIOLATION)	Yes	Yes	No (VIOLATION)	Yes	Yes	Yes**	Yes**	Yes**

	Municipal records custodian		Police department		School district	
	2014 AG certified	Written APPRA procedure	APPRA procedure online	2014 AG certified	Written APPRA procedure	APPRA procedure online
Scituate	No (VIOLATION)	No, just form (VIOLATION)	No, just form (VIOLATION)	Yes	Yes	No (VIOLATION)
Smithfield	Yes	Yes	Yes	Yes	Yes	Yes
South Kingstown	Yes	Yes	Yes	Yes	No (VIOLATION)	Yes
Tiverton	No (VIOLATION)	Yes	No (VIOLATION)	No (VIOLATION)	Yes	Yes
Warren	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)	No** (VIOLATION)	Yes**
Warwick	Yes	Yes	Yes	Yes	Yes	Yes
West Greenwich	Yes	Yes	Yes	Yes	No** (VIOLATION)	Yes** (VIOLATION)
West Warwick	Yes	Yes	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)	No (VIOLATION)
Westerly	No (VIOLATION)	Yes	Yes	Yes	Yes	No (VIOLATION)
Woonsocket	Yes	Yes	Yes	Yes	No (VIOLATION)	Yes

Single asterisks denote agencies for which the municipal records custodian is responsible for processing APPRA requests. Double asterisks denote municipalities which share a consolidated school district with at least one other municipality. Triple asterisks denote that Foster and Gloucester have municipal school districts as well as the shared Foster-Gloucester Regional Schools. The municipal school district response time is shown in the table above for these two communities. Quadruple asterisks denote that, while the Barrington Police Department APPRA policy lists the chief as its APPRA officer, the Attorney General log specifically lists the Barrington town manager as certified on behalf of the police department as well as the municipality.

Table 29: Municipal agencies, summary of APRA response times

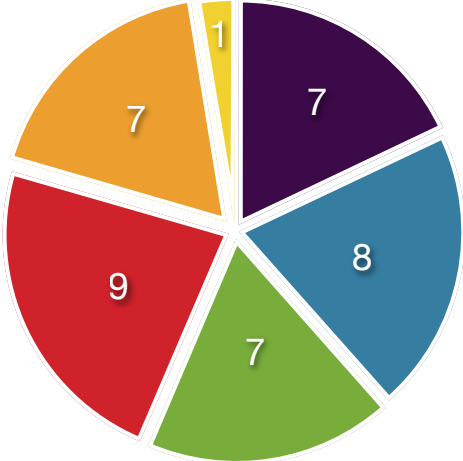
	Records custodian		Police department					School district		
	Total violations	APRA procedures	APRA procedures	Dispatch log	Arrest log	Arrest reports	APRA procedures	Contract	Layoff letters	
Barrington	3	1	28 (VIOLATION)	22 (VIOLATION)	2	39 (VIOLATION)	1	1	8	
Bristol	0	1	1	1	1	6	4**	9**	9**	
Burrillville	2	1	2	4	2	18 (VIOLATION)	3	17 (VIOLATION)	8	
Central Falls	3	11 (VIOLATION)	N/A*	52 (VIOLATION)	6	18*	3	1	8	
Charlestown	0	10	4	1	1	1	1**	1**	1**	
Coventry	1	2	1	2	3	4	1	1	4	
Cranston	4	12 (VIOLATION)	14 (VIOLATION)	2	1	18 (VIOLATION)	1	13 (VIOLATION)	2	
Cumberland	2	1	1	4	2	1	1	13 (VIOLATION)	13 (VIOLATION)	
East Greenwich	3	1	11 (VIOLATION)	1	1	1	41 (VIOLATION)	1	Failed to respond (VIOLATION)	
East Providence	2	1	12 (VIOLATION)	4	1	1	2	7	28 (VIOLATION)	
Exeter	0	3					1**	1**	1**	
Foster	2	1	1	25 (VIOLATION)	3	8	1***	1***	7***	
Glocester	0	1	1	4	1	1	N/A*	2***	5***	
Hopkinton	3	4	8	15 (VIOLATION)	Failed to respond (VIOLATION)	18 (VIOLATION)	1**	1**	1**	
Jamestown	2	1	5	11 (VIOLATION)	10 (VIOLATION)	1	1	8	9	
Johnston	1	1	2	4	11 (VIOLATION)	5	3	5	1	
Lincoln	0	2	1	1	1	1	1	5	9	

	Records custodian		Police department					School district		
	Total violations	APRA procedures	APRA procedures	Dispatch log	Arrest log	Arrest reports	APRA procedures	Contract	Layoff letters	
Little Compton	1	1	4	1	1	2	1	17 (VIOLATION)	2	
Middletown	0	1	1	3	1	1	1	2	2	
Narragansett	0	1	2	1	1	2	3	5	1	
New Shoreham	3	1	5	21 (VIOLATION)	3 (VIOLATION)	Failed to respond (VIOLATION)	1	1	1	
Newport	1	4	1	10	1	4	29 (VIOLATION)	2	10	
North Kingstown	1	5	2	1	9 (VIOLATION)	1	1	1	5	
North Providence	4	2	15 (VIOLATION)	18 (VIOLATION)	4 (VIOLATION)	3	1	22 (VIOLATION)	1	
North Smithfield	1	1	1	1	1	1	1	14 (VIOLATION)	7	
Pawtucket	3	7	N/A*	23 (VIOLATION)	10 (VIOLATION)	10	23 (VIOLATION)	1	8	
Portsmouth	1	1	8	1	4 (VIOLATION)	1	1	3	8	
Providence	3	11 (VIOLATION)	N/A*	10	2	22 (VIOLATION)	N/A*	11 (VIOLATION)	9	
Richmond	2	12 (VIOLATION)	17 (VIOLATION)	7	1	1	1**	1**	1**	
Scituate	4	1	11 (VIOLATION)	25 (VIOLATION)	6 (VIOLATION)	4	1	11 (VIOLATION)	1	
Smithfield	3	11 (VIOLATION)	12 (VIOLATION)	5	1	6	1	11 (VIOLATION)	2	
South Kingstown	1	1	1	1	3 (VIOLATION)	1	5	2	1	
Tiverton	4	14 (VIOLATION)	3	1	9 (VIOLATION)	1	27 (VIOLATION)	20 (VIOLATION)	9	

	Records custodian		Police department					School district		
	Total violations	APRA procedures	APRA procedures	Dispatch log	Arrest log	Arrest reports	APRA procedures	Contract	Layoff letters	
Warren	4	1	27 (VIOLATION)	18 (VIOLATION)	6 (VIOLATION)	12 (VIOLATION)	4**	9**	9**	
Warwick	3	1	11 (VIOLATION)	3 (VIOLATION)	3 (VIOLATION)	4	5 (VIOLATION)	12 (VIOLATION)	1	
West Greenwich	4	1	21 (VIOLATION)	39 (VIOLATION)	15 (VIOLATION)	11 (VIOLATION)	1**	1**	1**	
West Warwick	6	1	13 (VIOLATION)	1 (VIOLATION)	6 (VIOLATION)	11 (VIOLATION)	27 (VIOLATION)	26 (VIOLATION)	15 (VIOLATION)	
Westerly	4	11 (VIOLATION)	3	1	3 (VIOLATION)	2	29 (VIOLATION)	24 (VIOLATION)	3	
Woonsocket	2	1	5 (VIOLATION)	11 (VIOLATION)	1 (VIOLATION)	13 (VIOLATION)	1	4	7	

Single asterisks denote agencies for which the municipal records custodian is responsible for processing APRA requests. Double asterisks denote municipalities which share a consolidated school district with at least one other municipality. Triple asterisks denote that Foster and Glocester have municipal school districts as well as the shared Foster-Glocester Regional Schools. The municipal school district response time is shown in the table above for these two communities. Also note that Exeter does not have a municipal police department.

Figure 32: Municipal agencies, Number of APRA response time violations



- Responded to all requests within statutory window
- Failed to respond within the statutory window for one request
- Failed to respond within the statutory window for two requests
- Failed to respond within the statutory window for three requests
- Failed to respond within the statutory window for four requests
- Failed to respond within the statutory window for six requests