

jcullen@rcfp.com

March 5, 2020

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

RE: Appeal of October 2, 2019 Denial of Request for Records from the Town of Narragansett
Police Department
Our File No. 5588-1

Dear Sir:

Please consider this an appeal, pursuant to R.I. Gen. Laws § 38-2-8(b), of a denial of a request for public records by the Town of Narragansett Police Department. I file this appeal as a cooperating attorney for the ACLU of Rhode Island on behalf of Mr. Dimitri Lyssikatos and his organization, the Rhode Island Accountability Project, in relation to the Town of Narragansett Police Department's response to a September 7, 2019 public records request he filed.

The Town of Narragansett Police Department's response is a flagrant breach of Rhode Island's Access to Public Records Act. Further, we believe the Department's denial highlights the faulty and problematic nature of an opinion issued by your office two years ago in *Piskunov v. Town of Narragansett* (PR 17-05), and which has become an increasingly-used tool by police departments to shield themselves from public accountability.¹

The facts of this appeal are as follows. On September 7, 2019, Mr. Lyssikatos submitted a request for "all final reports of investigations into police misconduct, whether initiated internally or by members of the public completed between 1/1/15 and 12/31/18." See Exhibit A.²

¹ See, e.g., *Lyssikatos v. Goncalves* (C.A. No. PC 2017-3678, R.I. Superior Court), where the Pawtucket Police Department has relied on *Piskunov* to deny Mr. Lyssikatos access to records relating to alleged police misconduct.

² Please note, Exhibit A has been redacted to remove attorney-client privileged material.

The Town of Narragansett Police Department sent its initial response on September 16, 2019. In his response, Lt. Robert S. Barber requested “additional time to compile and review the requested documents.” See Exhibit A.

Subsequently, on October 2, 2019, Lt. Barber sent a letter (via email) to Mr. Lyssikatos stating, “the records your organization has requested are exempt from public disclosure pursuant to R.I.G.L. § 38-2-2(4)(A)(I)(b).” See Exhibit B. This general, unsupported assertion that the requested documents are not public records does not comply with the APRA and is an erroneous interpretation of the law.

The Town of Narragansett Police Department’s position that the internal affairs reports requested by Mr. Lyssikatos are not public documents is unsupported by any statutory or legal authority. Rhode Island law is clear that internal affairs reports—whatever their source—are public records and must be disclosed pursuant to an appropriate request, although personally identifiable information may be redacted from them.³ See The Rake v. Gorodetsky, 452 A.2d 1144 (R.I. 1982), and Direct Action for Rights and Equality v. Gannon, 713 A.2d 218 (R.I. 1998) (“DARE”). As such, the Town of Narragansett Police Department should be compelled to provide the internal affairs reports at issue in this appeal.

Further, to the extent your office’s opinion in Piskunov – making a distinction between citizen-generated and internally-generated complaints of police misconduct, and claiming the latter records may be kept confidential – is applicable, we request that its reasoning and holding be reconsidered and rejected as contrary to both the spirit and letter of the APRA, and The Rake and DARE decisions.

I. Argument:

i. The APRA is a disclosure statute and must be construed in a manner that promotes its purpose of ensuring the free flow and disclosure of information to the public

The purpose of the APRA is undisputed and indisputable; it is a disclosure statute intended to “enlarge the scope of the public’s access to documents in the possession of governmental agencies.” DARE, 713 A.2d at 222. See also Pawtucket Teachers All. Local No. 920, AFT, AFL-CIO v. Brady, 556 A.2d 556, 558 (R.I. 1989) (stating “[w]e are mindful that the **basic policy of the act is in favor of disclosure.**” (Emphasis added)); In re New England Gas Co., 842 A.2d 545, 548 (R.I. 2004) (emphasizing the “strong public policy in the APRA in favor of public disclosure”); and Providence Journal Co. v. Rhode Island Dep’t of Pub. Safety ex rel. Kilmartin,

³ R.I. Gen. Laws § 38-2-3(b) requires agencies to release “[a]ny reasonably segregable portion of a public record ... after deletion of the information which is the basis of the exclusion.”

136 A.3d 1168, 1173 (R.I. 2016), (recognizing that the underlying policy of the APRA favors the “free flow and disclosure of information to the public.”). All provisions of the APRA must be reviewed with this primary goal—*disclosure*—in mind. This is the lens through which this appeal should be analyzed.

ii. Internal affairs reports are public records subject to disclosure under the APRA

R.I. Gen. Laws § 38-2-3(a) provides that “[e]xcept as provided in § 38-2-2(4), all records maintained or kept on file by any public body, whether or not those records are required by any law or by any rule or regulation, shall be public records and every person or entity shall have the right to inspect and/or copy those records at such reasonable time as may be determined by the custodian thereof.” In this case, the Internal Affairs reports requested by Mr. Lyssikatos qualify as a record maintained by a “public body” and are therefore public.

Public records are defined as:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities), or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

R.I. Gen. Laws §38-2-2(4). Further, the Town of Narragansett Police Department clearly meets the definition of an “agency” which is defined as:

any executive, legislative, judicial, regulatory, or administrative body of the state, or any political subdivision thereof; including, but not limited to: any department, division, agency, commission, board, office, bureau, authority; any school, fire, or water district, or other agency of Rhode Island state or local government that exercises governmental functions; any authority as defined in § 42-35-1(b); or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of any public agency.

R.I. Gen. Laws Ann. § 38-2-2(1). As such, a plain reading of the statute mandates the conclusion that these records are public records unless they fall within one of the exemptions enumerated in section 38-2-2(4). The only potentially applicable exemption is found in 38-2-2(4)(A)(I)(b)—the

personnel and individually identifiable records exemption. However, the exemption is not applicable here.

In analyzing the exemptions under the APRA, the decision maker is required to construe all exemptions narrowly because they conflict with the “dominant public-disclosure objective of APRA.” Providence Journal Co. v. Convention Ctr. Auth., 774 A.2d 40, 53 (R.I. 2001).

a. The personnel and individually identifiable records exemption is inapplicable in this case

Analyzing the plain language of the personnel and individually identifiable records exemption in R.I. Gen. Laws § 38-2-2(4)(A)(I)(b), it is clear that this exemption has no application if the records are redacted pursuant to R.I. Gen. Laws 38-2-3(b) (“[a]ny reasonably segregable portion of a public record excluded by subdivision 38-2-2(4) shall be available for public inspection after deletion of the information which is the basis of the exclusion.”) and The Rake and DARE.

§ 38-2-2(4)(A)(I)(b) provides that the following may be exempt from disclosure, “Personnel and other personal **individually identifiable records** otherwise deemed confidential by federal or state law or regulation, **or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.**” (Emphasis added).

In The Rake, students and editors of the Brown University publication requested copies of reports concerning civilian complaints of police brutality from the Providence Police Department. 452 A.2d at 1146. The Providence Police Department rejected this request and a lawsuit ensued. Id. In opposing the plaintiff’s requests for the release of the records, the Providence Police Department, in essence, asserted that the records were protected from disclosure by the personnel records/privacy exemption in the APRA. Id. at 1147-48. The Rhode Island Supreme Court rejected the application of this exemption, noting that:

[t]he statute requires that the records must be identifiable to an individual applicant in order for the exemption to take effect. In the present case, the reports do not identify the citizen complainants or the police officers because the names of both have been deleted as ordered by the Superior Court justice. Consequently, an important prerequisite for application of the exception has not been met.

Id. at 1148. This analysis is not changed by the nature of the reports in question; the statutory question remains the same whether the reports are generated as a result of citizen complaints or

internal complaints. If the reports are redacted such that they are not individually identifiable, then the exemption does not apply and no balancing is necessary.

The Supreme Court arrived at an identical conclusion in DARE, holding that the defendant must disclose internal affairs reports that are substantively identical to the records at issue in this case, 713 A.2d at 225, on the basis that “a rule has evolved that **permits the disclosure of records that do not specifically identify individuals** and that represent final action.” Id. at 224 (emphasis added). In so holding, the Rhode Island Supreme Court cited its decision in The Rake with approval, noting that, “[in The Rake] we also held that the personnel records exemption was inapplicable **because the information identifying the police officers or the civilian complainants had been redacted.**” DARE, 713 A.2d at 223 (emphasis added).

While the exemption at issue in The Rake and DARE, §38-2-2(d)(1)—which provided that an agency or public body was not required to disclose “records which are **identifiable** to an individual ... employee; including, but not limited to, *personnel*, medical treatment, welfare, employment security, and pupil records and all records relating to a client/attorney relationship and to a doctor/patient relationship” (emphasis added)—was amended in 2012 to create § 38-2-2(4)(A)(I)(b), the legislature retained the concept of identifiability as an *essential prerequisite* to the application of the exception. Therefore The Rake and DARE apply with equal, if not greater, force today, and are dispositive in this case.

While both The Rake and DARE required redaction of the internal affairs reports at issue in order to justify their disclosure, redaction is no longer necessary; § 38-2-2(4)(A)(I)(b) explicitly allows a public body to disclose un-redacted records. A comparison of § 38-2-2(4)(A)(I)(b) with its predecessor is instructive.

Prior to 2012, § 38-2-2(d) provided an exemption for:

All records which are **identifiable to an individual** applicant for benefits, clients, patient, student, or employee; including, but not limited to, personnel, medical treatment, welfare, employment security, and pupil records and all records relating to a client/attorney relationship and to a doctor/patient relationship.

(Emphasis added). This exemption applied to “all records which are identifiable to an individual” and, as such, did not contemplate the production of records that were identifiable to an individual. This has now changed; while § 38-2-2(4)(A)(I)(b) continues to mandate identifiability as a prerequisite to the application of the exception, it also created a class of individually identifiable records that are deemed to be public under the statute despite the privacy interests of the identified individuals. The statute provides:

Personnel and other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.

The legislature, therefore, explicitly contemplated circumstances where the public interest in the records would be such that their disclosure would be appropriate even in the absence of redaction. This legislative gloss is significant because it explains why the balancing test (“clearly unwarranted invasion of privacy”) is included in § 38-2-2(4)(A)(I)(b). The balancing test should be employed to determine whether a requestor is entitled to records that contain information that identifies individuals. Whereas when the records are requested with redactions, no balancing test is necessary and the Supreme Court’s holdings in The Rake and DARE are controlling.⁴

It is also significant that the legislature, when it amended the personnel records/privacy exemption in the APRA, stated that the exemption for personnel and individually identifiable records would only apply if the disclosure would result in a “**clearly** unwarranted invasion of personal privacy.” See § 38-2-2(4)(A)(I)(b) (emphasis added). This represents an explicit departure from the hortatory language contained in § 38-2-1 which states that:

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. The purpose of this chapter is to facilitate public access to public records. It is also the intent of this chapter to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute **an unwarranted invasion of personal privacy**.

(Emphasis added). The clear implication of this deviation from the default is that the legislature is willing to tolerate a greater invasion of privacy in situations where personnel and other individually identifiable records are requested than in other circumstances under the act. This should guide the Attorney General in analyzing appeals like this, as the legislative intent is clear—a thumb should be placed on the scale in favor of disclosure.

- b. **The Attorney General should reverse the opinion in Piskunov v. Town of Narragansett on the grounds that it was wrongly decided and draws a false distinction between internal affairs reports generated as a result of citizen complaints and internal affairs reports generated from other sources. There is no rational basis for distinguishing between internal affairs reports based on the source of the complaint.**

⁴ However, Mr. Lyssikatos does not seek to invoke the balancing test here to obtain the names of police officers or other identifying information in the reports.

It is anticipated that the Town of Narragansett Police Department will attempt to justify its decision to withhold some/all of the internal affairs reports on the basis of the Attorney General's opinion in *Piskunov v. Town of Narragansett*, PR 17-05, wherein it was held that there was a distinction between citizen generated internal affairs reports and non-citizen initiated internal affairs reports and that there was less public interest in the non-citizen generated internal affairs reports. This, however, is a false dichotomy. In this appeal, we respectfully request that the Attorney General reverse its earlier opinion in order to align it with the legislature's purpose and intent.

The decision in *Piskunov* appears to be based on a mistaken assumption that a balancing test is required under § 38-2-2(4)(A)(I)(b) in all circumstances. This is simply incorrect. As we have seen, a comparison of the personnel and other individually identifiable records exemption under the APRA with its federal counterpart reveals a significant difference between the two; the application of § 38-2-2(4)(A)(I)(b) hinges on the concept of identifiability.⁵

The Rhode Island Supreme Court's analysis of the personnel and other individually identifiable records exemption in The Rake and DARE is based on a plain reading of the statutory text. No distinction can or should be drawn between internal affairs reports based on their origin—the same statutory language applies whether they are generated as a result of a citizen complaint or from an internal complaint. As such, identifiability is the hallmark of the analysis. If the records are redacted, then the exemption does not apply and no balancing is required—regardless of the source of the complaint. On the other hand, if the records are identifiable to individuals then they must be produced unless there is a “clearly unwarranted” invasion of personal privacy.

In addition, the Attorney General's opinion in *Piskunov* appears to suggest that internal affairs reports are not discoverable under the APRA because they do not reveal anything about the agencies' own conduct. See *Piskunov*, 2017 WL 1154201, *2. This is incorrect. Unlike the situation in United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749, at 743 (1989), which the Attorney General relies on for this proposition, the records of the internal affairs investigations conducted by any police force reveal a lot about what the police force is doing; indeed, they are the records of its doings! In Reporters Committee, the Supreme Court of the United States concluded that “rap sheets” represented a compilation of data created by a government agency that revealed more about the individuals identified therein than the FBI itself. Here, however, the internal affairs reports tell us what the Town of Narragansett

⁵ While the 2012 amendments to the APRA brought it into closer alignment with the federal Freedom of Information Act, 5 U.S.C. § 552 et. seq. (the “FOIA”), there remains a significant and dispositive distinction between the two acts. While both § 38-2-2(4)(A)(I)(b) and its equivalent under FOIA, 5 U.S.C. § 552(b)(6), call for a balancing test when exploring the disclosure of personnel and similar records, FOIA's personnel records/privacy exemption does not contain the prerequisite that the records be individually identifiable before the balancing applies.

Police Department has been doing. Indeed, they provide significant amounts of important information for the public. Disclosure of all internal affairs reports will allow the public to analyze the conduct of its police forces by demonstrating: (1) the types of complaints being made against its police officers; (2) the number of complaints that are being made; (3) the types of complainant;⁶ (4) how those complaints are investigated and handled; (5) whether the complaints are treated differently depending upon who the complainant is; (6) the outcomes of the complaints and (7) whether the outcomes are fair. At base, the significant public interest in those reports remains the same no matter who the complainant is.⁷

In addition, the Attorney General's conclusion in Piskunov appears to have been reached because Mr. Piskunov did not provide a description of the public interest that would be served by disclosure of the non-citizen initiated internal affairs report—a fact that is referenced on at least six occasions in the Attorney General's opinion. Unlike in Piskunov, here, Mr. Lyssikatos has, by way of this letter, explained the public interest in the disclosure of all internal affairs reports that would justify disclosure – with or without redactions.

While some may try to justify the decision in Piskunov by pointing to a concern that redaction may not protect some officers from identification, such concerns about incidental identification have been rejected by the Rhode Island Supreme Court. Acknowledging that “the facts set forth in each report could be matched with newspaper accounts that gave rise to the complaint” resulting in the identification of the parties involved, the Rhode Island Supreme Court rejected the argument that such a concern would justify withholding the records in question: “While recognizing that the scenario defendant presents us with could occur, we feel that on balance the public's right to know outweighs such a possibility.” The Rake, 452 A.2d at 1149. Similarly, in Brady, 556 A.2d 556, the Rhode Island Supreme Court held that “the public's right to know under APRA, we stated, outweighed the fortuitous possibility that police officers' identities might be ascertained by matching the reports with newspaper accounts of the incidents.” Id. at 559 (emphasis added).

Further, the position taken by the Attorney General in Piskunov is in tension with §38-2-3(j), which bars agencies from requiring requestors to provide a reason for a records request, particularly where there is no legitimate claim of a clearly unwarranted invasion of privacy to be

⁶ The type of complainant—whether a citizen, a police officer or someone else—as well as a comparison between the scrutiny given to internally generated complaints when compared with that given to citizen complaints will provide important and useful information regarding the management and direction of a police department. The fact that this analysis would serve to enhance the public's understanding of the management and direction of Rhode Island police departments further bolsters the need for disclosure of the reports at issue in this case.

⁷ Piskunov also invites police departments to open parallel investigations, one generated internally and the other based on a citizen complaint, and generate parallel reports, one for public consumption and the other for internal use only. This should not be allowed.

rebutted. In any event, and despite having no obligation to do so, Mr. Lyssikatos has provided a description of the interests served by the release of the reports in question.

c. An analysis of § 38-2-2(4)(D) supports the release of all internal affairs reports requested in this case.

The Rhode Island Supreme Court has held that legislation should not be given a meaning that leads to an unjust, absurd, or unreasonable result. In re John Doe, 435 A.2d 330 (R.I. 1982). In addition, it has stated that, “we presume that the drafters intended each word or provision of a statute to express a significant meaning, and the court will give effect to every word, clause, or sentence, whenever possible.” Prew v. Employee Ret. Sys. of City of Providence, 139 A.3d 556, 561 (R.I. 2016) (quotations omitted). Indeed, “it is a well-settled principle of statutory interpretation that an isolated part of a particular statute cannot be viewed in a vacuum; rather, each word and phrase must be considered in the context of the entire statutory provision.” Power Test Realty Co. P'ship v. Coit, 134 A.3d 1213, 1221 (R.I. 2016).

Reading § 38-2-2(4)(A)(I)(b) in a vacuum, and ignoring the specifics of § 38-2-2(4)(D) in Piskunov was, therefore, a mistake. § 38-2-2(4)(A)(I)(b) must be considered in the context of the full statutory scheme. In this regard, the provisions of § 38-2-2(4)(D) are telling. § 38-2-2(4)(D) explicitly excludes from its ambit records “relating to management and direction of a law enforcement agency.”

In addition, because § 38-2-2(4)(D) is specific, dealing directly with records relating to the management and direction of a law enforcement agency, its provisions should prevail over less specific provisions in § 38-2-2(4)(A)(I)(b). See R.I. Gen. Laws § 43-3-26; S. Cty. Post & Beam, Inc. v. McMahon, 116 A.3d 204, 215 (R.I. 2015). As such, § 38-2-2(4)(A)(I)(b) is inapplicable in this case.

There can be no question that records “relating to management and direction of a law enforcement agency” include internal affairs reports like those at issue in this case. Indeed, in DARE, the Rhode Island Supreme Court stated that:

DARE also directs our attention to § 38-2-2(d)(4), as amended by P.L.1991, ch. 208, § 1. In pertinent part this provision excludes from disclosure:

“All records maintained by law enforcement agencies for criminal law enforcement; and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency * * * *provided, however, records relating to management and direction of a law enforcement agency and*

records reflecting the initial arrest of an adult and the charge or charges brought against an adult *shall be public*.” (Emphases added.)

Here DARE argues that the emphasized portion of this subsection was added by the General Assembly in 1991 “**in recognition of the overwhelming public interest in allowing open scrutinization of the Providence police department's civilian complaint process**” and thus provides additional evidence supporting the disclosure of the requested records. With respect to request (d) [Reports on all disciplinary action that's *[sic]* been taken as a result of recommendations made by the Hearing Officers[] Division since 1986 to present.] **we agree**.

DARE, 713 A.2d at 224 (emphasis in italics original, emphasis in bold added).

The Court in DARE concluded that “**the manner in which a law enforcement agency addresses the concerns of its citizens regarding civilian complaints ‘relat[es] to management and direction of a law enforcement agency.’**” Id. at 224 (emphasis added). The same rationale can, and must, be applied to *all* investigations conducted by internal affairs. In one sentence, and with no analysis, the Piskunov opinion stated that this quote from DARE “has no application to ... non-citizen initiated complaints.” If anything, however, complaints generated internally would seem to implicate the agency’s “management” *even more* than citizen-generated complaints. As such, the requested records clearly and indisputably relate directly to the Department’s management and direction and fall within the provisions of § 38-2-2(4)(D). Thus, the documents sought by Mr. Lyssikatos should be disclosed, with the understanding that the Police Department may redact personally identifiable information.

II. Conclusion:

Under the APRA, the public body has the burden of proof; it must show that the requested records are not subject to disclosure. R.I. Gen. Laws § 38-2-10 states that, “[i]n all actions brought under this chapter, the **burden shall be on the public body** to demonstrate that the record in dispute can be properly withheld from public inspection under the terms of this chapter.” (Emphasis added). Further, it has the obligation of producing “[a]ny reasonably segregable portion of a public record excluded by subdivision 38-2-2(4)[.]” § 38-2-3(b). The Town of Narragansett Police Department has failed to meet this burden and the internal affairs reports for the period from 1/1/15 to 12/31/18 should be produced to Mr. Lyssikatos without charge.

In addition, we believe that the Piskunov opinion has cast a pall over police department accountability and transparency and is being used to hinder the public’s right to know in significant ways. We request that your office take this opportunity to reconsider and reverse that

Sean Lyness, Special Assistant Attorney General
March 5, 2020
Page 11

pronouncement, and conclude that the text and intent of the APRA, as well as The Rake and DARE decisions, compel the conclusion that internally-generated reports regarding alleged police misconduct, no less than citizen-generated reports, are public records.

Sincerely yours,



James D. Cullen

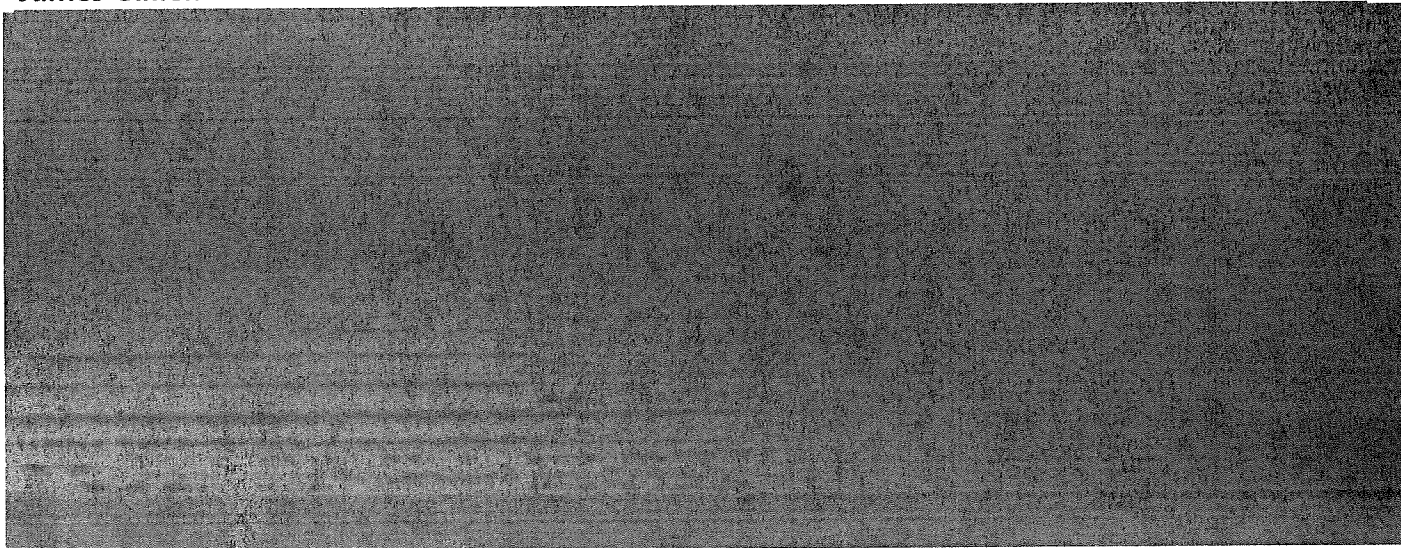
JDC/kag

Enclosures

cc: The Hon. Peter Neronha
Miriam Weizenbaum, Esq.

EXHIBIT A

James Cullen



From: Rob Barber
Sent: Monday, September 16, 8:36 AM
Subject: APRA request
To: APRA WATCH
Cc: lpiccirilli@narragansetttri.gov

Rhode Island Accountability Project,
In regards to the below APRA request received on 09/07/19, the Narragansett Police Department Records Division will need additional time to compile and review the requested documents. Per R.I.G.L. 38-2-3-(e) we are advising you of the reason for the extended time frame needed to retrieve these documents. The documents requested are for the time frame of 4 years (01/01/15 through 12/31/18), there are only a small number of department members who have access to the records requested and a scheduled time would be needed to search, retrieve and inspect the documents requested thoroughly. Due to this difficulty in searching, retrieving and reviewing the documents and the voluminous nature of the request (4 years of records) it would exceed the 10 day time frame to respond to your records request. If you have any questions feel free to contact me directly.

Respectfully Submitted,



Lieutenant Robert S. Barber
Prosecution Division
Narragansett Police Department

40 Caswell St. Narragansett, RI 02882
401-789-1091 (ext. 306)
401-789-2819 (Fax)
rbarber@narragansett.ri.gov

From: APRA WATCH <Aprawatch@riaccountabilityproject.com>
Sent: Saturday, September 7, 2019 8:56 PM
To: Linda Piccirilli
Subject: APRA request.

To whom it may concern,
I am seeking records under the Access to Public Records Act, R.I.G.L. 38-2.
In particular, I am requesting all final reports of investigations into police misconduct, whether initiated internally or by members of the public completed between 1/1/15 and 12/31/18. Please include an index of the reports by report number and classification.
I prefer to receive these documents via e-mail. Please contact me if you have any questions or concerns about this request. I look forward to receiving these documents within ten business days.
Thank you for your time and attention to this matter.
Thank You,
The Rhode Island Accountability Project

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EXHIBIT B



TOWN OF NARRAGANSETT
POLICE DEPARTMENT

40 Caswell Street • Narragansett, RI 02882 • Chief Sean Corrigan
Tel. (401) 789-1091 • TDD (401) 782-0661 • Fax (401) 789-8819

October 2, 2019

The Rhode Island Accountability Project

Via email attachment (APRAWATCH@RIACCOUNTABILITYPROJECT.COM)

RE: APRA Record Request dated September 7, 2019

Dear Sir or Madam:

I have reviewed your record request dated September 7, 2019, seeking, "[A]ll final reports of investigations into police misconduct, whether initiated internally or by members of the public completed between 1/1/15 and 12/31/18."

Pursuant to the Access to Public Records Act ("APRA"), the records your organization has requested are exempt from public disclosure pursuant to R.I.G.L. § 38-2-2(4)(A)(I)(b). This section of APRA excludes the following documents from the general requirement of disclosure: "Personnel and other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 *et seq.*"

Pursuant to R.I.G.L. § 38-2-8, you may appeal this decision to Chief Sean Corrigan of the Narragansett Police Department, 40 Caswell Street, Narragansett, RI 02882. If Chief Corrigan denies your appeal, you may then file a complaint with the Department of the Attorney General, 150 South Main Street, Providence, RI 02903, or file a lawsuit in the Superior Court.

Kindest regards,

A handwritten signature in ink, appearing to read "Robert Barber".

Lt. Robert Barber
Narragansett Police Department

CC: Sean Corrigan, Chief, Narragansett Police Department
Andrew Berg, Asst. Town Solicitor