

STATE OF RHODE ISLAND

SUPERIOR COURT

PROVIDENCE, SC

MICHAEL BILOW and

NOBLE BRIGHAM,

Plaintiffs;

v.

C.A. No.: PC-2025-

BROWN UNIVERSITY DEPARTMENT OF

PUBLIC SAFETY, by and Through

BROWN UNIVERSITY,

Defendant.

VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

I. NATURE OF THE CASE

1. Notwithstanding that every municipal police department in the State of Rhode Island routinely provides arrest reports, Brown University's Department of Public Safety ("BDPS") refuses to produce arrest reports for arrests made by its police force. Plaintiffs, two journalists working independently of each other, made requests under the Access to Public Records Act ("APRA"), R.I. Gen. Laws §38-2-1 *et seq.*, for arrest records for individuals arrested by BDPS. Brown University ("Brown") and BDPS contend the Department has no obligation to provide Plaintiffs with arrest reports because BDPS is a private agency. Plaintiffs maintain that Brown's police function as a public agency when they exercise police powers and arrest an individual, that the reports documenting these arrests are public records, and Brown should be

compelled to produce them in accordance with APRA. Through this action, Plaintiffs seek a permanent injunction compelling BDPS to provide arrest reports in accordance with APRA and a declaration that BDPS arrest reports and other documents created or maintained in place of a public agency are subject to APRA.

II. PARTIES

2. Plaintiff Michael Bilow is a resident of Rhode Island and at the time of the incidents that gave rise to this complaint, a reporter for Motif Magazine.

3. Plaintiff Noble Brigham was a resident of the State of Rhode Island at all times relevant to the facts that give rise to this Complaint. Mr. Brigham was a reporter with the *Brown Daily Herald*, a daily newspaper that has served the Brown community since 1891.

4. Brown is a university located in Providence, Rhode Island. Brown has established and maintains a police department, the BDPS, which is a fully functioning police department consisting of approximately sixty-five (65) trained members serving the Brown community. BDPS is sued by and through Brown University and is hereafter referred to as BDPS.

III. FACTUAL BACKGROUND

A. Michael Bilow

5. Plaintiff Michael Bilow is a journalist with *Motif* magazine.

6. On December 11, 2023, BDPS arrested forty-one (41) students for trespassing while protesting university investment practices and refusing to leave a university building after hours.

7. BDPS officers are required to submit to the Providence Police Department reports concerning arrests made by its officers. R.I. Gen. Laws §12-2.1-5.

8. Bilow filed an APRA request with the City of Providence for copies of the December 11, 2023 arrest reports, but the City responded that it had no responsive records.

9. On April 23, 2024, Bilow filed an APRA request with BDPS for copies of the arrest records relating to the arrested students.

10. BDPS failed to respond to Plaintiff Bilow's APRA request, and Bilow thereupon filed an APRA complaint with the Attorney General, alleging BDPS had violated APRA by failing to provide a response within ten (10) business days.

11. In response to that complaint, BDPS argued that it was not subject to APRA as a private agency and therefore had no obligation to respond to the request.

12. On or about January 10, 2025, the Attorney General's office issued a written opinion, PR 25-02, concluding that the BDPS did not violate APRA because BDPS is not a "public body" or "agency" subject to that statute.

13. Bilow ultimately and belatedly obtained the arrest reports from the City of Providence after city officials discovered that the reports had been provided to the City Solicitor rather than the Providence Police Department.

14. A public body is not relieved of its obligation to provide public records because they can be obtained from another public body.

B. Noble Brigham

15. On or about December 9, 2022, Plaintiff requested, through APRA, that BDPS provide him with the arrest reports for Thony Greene, who had been charged on more than one occasion by BDPS with willful trespass and/or unlawful breaking and entering on the Brown campus.

16. Plaintiff Brigham's investigation and reporting were stymied by BDPS's failure to provide the arrest reports.

17. Brigham sought these arrest reports because he was covering cases relating to Thony Greene for the *Brown Daily Herald* newspaper.

18. After initially ignoring Brigham's request, BDPS responded by stating that APRA does not apply to BDPS because Brown is a private university.

19. In response, on or about January 24, 2023, Plaintiff filed with the State of Rhode Island Office of the Attorney General an APRA complaint.

20. On or about January 10, 2025, the Attorney General's office issued a written opinion, PR 25-02, concluding that the BDPS did not violate APRA because the BDPS is not a "public body" or "agency" subject to APRA.

IV. APRA and BROWN'S POLICE

21. The APRA defines a "public body" or "agency" as:

"any executive, legislative, judicial, or administrative body of the State, or any political subdivision thereof...; 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 §38-2-2(1) (emphasis added).

22. APRA thus expressly provides that a private person or entity acting in place of a public agency shall be subject to its terms.

23. APRA expressly mandates that arrest reports "*shall* be made available" under its terms. R.I. Gen Laws §38-2-3.2 (emphasis added).

24. In effectuating arrests, BDPS functions precisely as a public law enforcement agency within the State of Rhode Island.

25. BDPS police officers are sworn law enforcement officers and are explicitly vested with the same powers and authority that are vested in a state or municipal police officer:

"the person so designated as a special police officer shall have the

same immunities and may exercise...the same powers and authority of a police officer as are conferred by the laws of this state upon members of the division of state police, including the power to arrest...”
R.I. Gen. Laws §12-2.1-2.

26. Officers of BDPS are sworn, state certified special police officers who exercise plenary police power on Brown’s campus and upon the streets and highways adjacent to the campus. R.I. Gen. Laws §12-2.1-2.

27. Officers of BDPS are explicitly designated by state law as “peace officers” with state-authorized arrest powers. R.I. Gen. Laws §12-7-21.9.

28. The superintendent of state police appoints the police officers of BDPS. R.I. Gen Laws §12-2.1-1. BDPS officers are required by statute to attend a state-certified police academy. *Id.* Also, the superintendent of state police may revoke an appointment of a BDPS police officer. *Id.*

29. BDPS exercises a function of government, namely the basic police power of enforcing laws and maintaining peace within its jurisdiction. BDPS police have the power to search for and confiscate property, to detain, search, and arrest people, and to carry deadly weapons.

30. Defendant has acknowledged that BDPS is a “fully functioning police department” and its officers “enforce the laws of the State of Rhode Island and the Ordinances of the City of Providence and have police jurisdiction on campus and upon the streets and highways adjacent to the campus.” <https://dps.brown.edu/about>

31. By engaging in one of the most fundamental functions of government – the enforcement of criminal laws and exercising the power to search and seize individuals – BDPS is acting on behalf of and/or in place of a government agency or public body.

32. Defendant BDPS is an “agency” or “public body” for purposes of the Access to Public Records Act.

33. In addressing records maintained by “law enforcement agencies,” APRA specifies that “records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult *shall* be public.” R.I. Gen. Laws §38-2-2(4)(D). (emphasis added)

COUNT I

VIOLATION OF ACCESS TO PUBLIC RECORDS ACT

34. Plaintiffs incorporate as if set forth in full all the averments made in paragraphs 1 through 33 of this Complaint.

35. Each Plaintiff submitted a valid request for public records to BDPS.

36. Defendant BDPS failed to provide Plaintiffs with the requested arrest records as mandated by APRA.

WHEREFORE, Plaintiffs respectfully demand:

A. That the Court issue a declaratory judgment determining that BDPS is a public body or agency within the meaning of APRA and must comply with its terms as to requests for arrest and other law enforcement records, and further declare that BDPS violated APRA when it failed to comply with Plaintiffs’ requests for arrest records.

B. That the Court issue a permanent injunction requiring BDPS to provide the records requested by each Plaintiff within 10 days and further enjoin BDPS to hereinafter comply with APRA requests for arrest records and other public records maintained by BDPS.

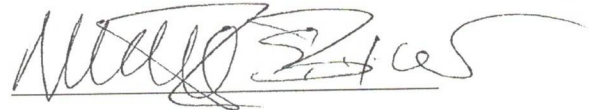
C. That Plaintiffs be awarded reasonable attorney fees and costs;
and

D. That the Court Order such other relief that is just under the circumstances of this case.

VERIFICATIONS

I, Michael Bilow, verify that the statements made in paragraphs five (5) through thirteen (13) of this Verified Complaint are true and correct to the best of my knowledge.

Date: 30 May 2025


Michael Bilow

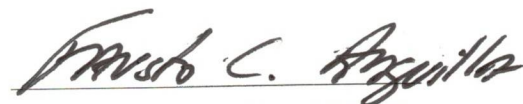
I, Noble Brigham, verify that the statements made in paragraphs fifteen (15) through twenty (20) of this Verified Complaint are true and correct to the best of my knowledge.

Date: 6/2/25


Noble Brigham

Plaintiffs

By their attorney,



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Foundation of Rhode Island