

STATE OF RHODE ISLAND
PROVIDENCE, S.C.

SUPERIOR COURT

OLNEYVILLE NEIGHBORHOOD
ASSOCIATION, INC.,
Plaintiff

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vs

C.A. No.

RHODE ISLAND DEPARTMENT OF
CORRECTIONS,
and
RHODE ISLAND STATE POLICE
Defendants

COMPLAINT

PARTIES

1. Plaintiff Olneyville Neighborhood Association, Inc., is a registered Rhode Island non-profit corporation doing business at 122 Manton Avenue, Unit 611, Box 8, Providence, Rhode Island 02909.

2. Defendant Rhode Island Department of Corrections is a Rhode Island state agency located at 40 Howard Avenue, Cranston, Rhode Island 02920.

3. Defendant Rhode Island State Police is a division of the Rhode Island Department of Public Safety and is headquartered at 311 Danielson Pike, North Scituate, Rhode Island, 02857.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter pursuant to R.I.G.L. § 38-2-9.

5. This Court has proper venue for this matter, based upon the principal place of business of all parties.

ALLEGATIONS

6. Plaintiff is a non-profit corporation with the mission to take a leadership role in improving the lives of people of color, immigrants and families living in poverty.

7. Plaintiff, along with a national non-profit corporation, requested information regarding enforcement of so-called Immigration and Customs Enforcement (ICE) "holds" from the Defendants, as well as the Providence Police Department, the Cranston Police Department, the Warwick Police Department, the Pawtucket Police Department and the Central Falls Police Department, through the Access to Public Records Act, R.I.G.L. Ch. 38-2.

8. Plaintiff requested the above information because the state of Rhode Island entered into a Memorandum of Understanding with ICE in January of 2011, establishing a "Secure Communities" agreement between parties. Secure Communities mandated the data-sharing of biometric information of immigrants arrested by RI law enforcement agencies with ICE, leading to an expanded use of ICE "holds" in order to facilitate the transfer of detainees from law enforcement to ICE custody.

9. Plaintiff alleges that without access to the requested records in possession of the Defendants, the practice will in all likelihood continue and not be accurately reported and/or disclosed to the public.

10. Plaintiff requested a fee waiver pursuant to R.I.G.L. §38-2-4(e) from all of the above departments. Providence, Cranston, Warwick, Pawtucket and Central Falls all provided the requested information at no cost to the Olneyville Neighborhood Association. The Department of Corrections and the State Police refuse to provide the requested information at no cost.

11. Defendant Department of Corrections requested an estimated amount of \$593.00 for the requested documents.

12. Defendant State Police requested a pre-payment of \$1,500.00 prior to any search for the requested documents.

13. Plaintiff alleges that Defendants' refusal to waive the fee and costly demands actually denies public access to the documents and is counter to the goals and objectives of the Access to Public Records Act.

14. Plaintiff alleges that the requested documents should shine light on police procedures regarding ICE "holds" and how the Defendants interact with the Federal government in enforcing said "holds." This disclosure will be beneficial to the general public because it would allow the public to see how the Defendants are interacting with Federal agencies and what costs are associated with these "holds."

15. Plaintiff has requested the information from the Defendants multiple times and is left with no option but to seek relief from this honorable court to order the Defendants to waive any fees to obtain the information and, under the statute, grant attorneys' fees to the Plaintiff for having to resort to filing this complaint.

16. Plaintiff plans to use the information gathered to help educate the public and governmental agencies about the consequences of ICE "holds." Furthermore, Plaintiff would like to use the information to advocate ending the Defendants' practice of submitting to ICE "hold" requests by compiling a report of the data and sharing this report with the Governor and additional policy-makers. This information will likely "contribute significantly to [the] public[s] understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."

WHEREFORE Plaintiff seeks this Court to order the Defendants to waive the fees for the requested documents pursuant to R.I.G.L. §38-2-4(e), and award attorneys' fees to Plaintiffs pursuant to R.I.G.L. §38-2-9(d).

PLAINTIFF, by its attorneys:

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