



City of Pawtucket

City Hall
137 Roosevelt Avenue
Pawtucket, RI 02860

Office of the City Solicitor

Donald R. Grebien
Mayor

Frank J. Milos, Jr., Esq.
City Solicitor ext. 274
Lisette Gomes, Esq.
Assistant City Solicitor ext. 331

April 30, 2018

Jennifer C.
Aprawatch@riaccountabilityproject.com

Dear Jennifer C:

This office is in receipt of your Access to Public Records Act ("APRA") request received on April 16, 2018 in which you requested "the last 10 completed Internal Affairs reports" (see attached). In response to your request, the Police Department has provided me with copies of reports regarding the last ten (10) investigations completed by the Office of Professional Standards, specifically, Reports # 17-100-IA, # 18-005-IA, # 18-008-IA, # 18-012-IA, # 18-014-IA, # 18-017-IA, # 18-030-IA, # 18-031-IA, # 18-032-IA, and # 18-033-IA.

After reviewing each of the aforementioned reports, the City is providing a copy of the following reports: # 18-014-IA, # 18-017-IA, # 18-032-IA, and # 18-033-IA. These reports are field inspection reports generated by Internal Affairs at the request of the City Clerk's office regarding claims filed with the City, and were introduced at an open meeting of the City Council's Committee on Claims and Pending Suits on April 11, 2018. Please be advised that after balancing the public and private interests as the APRA requires us to do regarding the specific information contained in any public record, this office has redacted certain personally identifiable information contained in the reports such as dates of birth, home/ mailing addresses, telephone numbers, vehicle registration numbers, and social security numbers. See Couture v. Coventry Police Department, PR 04-05 and J. Brian Day v. City of Pawtucket, PR 17-08.

The City respectfully denies your request for the remaining six (6) reports: # 18-005-IA, # 18-008-IA, # 18-030-IA, # 18-031-IA, # 17-100-IA, and # 18-012-IA. Report # 18-005-IA concerns an investigation performed in response to issues raised by a citizen, however, the citizen ultimately stated that she was not interested in pursuing a formal complaint. Report # 18-008-IA concerns a formal complaint by a citizen that was withdrawn and/or not pursued by said citizen. Reports # 18-030-IA and 18-031-IA concern complaints filed by citizens who are known to the police and who are suspected of suffering from mental illness. The City contends that these reports are not subject to disclosure, and that there is little if any public interest to be advanced in the disclosure of these reports, even if redacted.

The two remaining reports, # 17-100-IA and # 18-012-IA, were generated as a result of citizens' complaints, however, after balancing the public interest in disclosure against any competing privacy interest, the City has determined that the disclosure of the requested records,

in whole or in part, “would constitute a clearly unwarranted invasion of personal privacy[.]” R.I. Gen. Laws § 38-2-2(4)(A)(I)(b). In fact, another “APRA Watch Team Member” previously expressed an interest in the subject matter of the investigation memorialized in Report # 17-100-IA and/or the two officers involved in that matter. Therefore, it would appear that the identity of the two officers, who were the subject of the investigation, are known to the APRA Watch. As a result, the City believes that the Department of Attorney General’s finding in Lyssikatos v. City of Pawtucket, PR 16-18 is controlling regarding that report. See also Piskunov v. Town of Narragansett, PR 17-05 (“Even if we were to isolate the three citizen-initiated reports, see R.I. Gen. Laws § 38-2-3(b), the remaining situation far more closely resembles Lyssikatos, where a single citizen-initiated internal affairs report was deemed exempt, than DARE, where years of citizen-initiated internal affairs reports concerning police misconduct were deemed public with the citizens' and officers' identities redacted.”).

Last, disclosure of the single remaining report, # 18-012-IA, would not, in and of itself, serve to shed light on how the Office of Professional Responsibility operates or performs investigations. In the absence of a specifically articulated public interest, the City respectfully denies your request for these reports.

As per R.I. Gen. Laws §38-2-8, if you believe that the City has not been responsive to your request, you may appeal to Mayor Donald R. Grebien, 137 Roosevelt Avenue, Pawtucket, RI 02860. You may also file a complaint with the Department of Attorney General, 150 South Main Street, Providence, RI 02903, or the Providence County Superior Court. Additional information concerning the Access to Public Records Act is available through the Attorney General’s website at www.riag.ri.gov. The City of Pawtucket has been and will continue to be an open, honest, accessible government under this Administration in accordance with the Access to Public Records Act.

Very truly yours,

/s/ Frank J. Milos, Jr.
Frank J. Milos, Jr., Esq.
City Solicitor