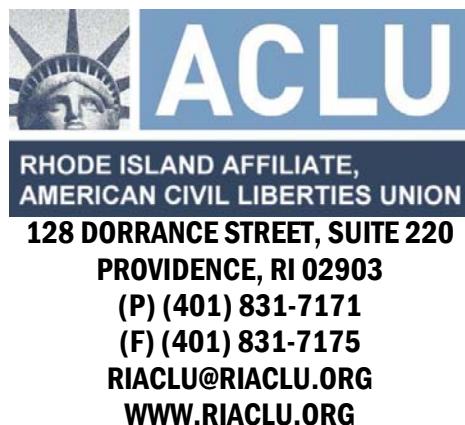


PUBLIC ACCESS TO POLICE COMPLAINT FORMS AND PROCEDURES

**Local Police Department Compliance With
the Web-Posting Provisions of
the Racial Profiling Prevention Act of 2004**

*A REPORT PREPARED BY THE RHODE ISLAND AFFILIATE,
AMERICAN CIVIL LIBERTIES UNION*

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Executive Summary

Some police departments – erroneously, in the ACLU’s view – view their internal complaint processes as a useful gauge of the extent of alleged misconduct by their officers. Regrettably, the evidence is clear that, for a variety of reasons, only a very small percentage of people who believe they are the victims of police misconduct bother to file complaints with departments’ internal affairs divisions. Thus, one can actually glean very little from such data.

Nonetheless, the Racial Profiling Prevention Act of 2004 sought to address police departments’ interest in promoting the internal complaint process by requiring them to develop complaint forms and procedures to address alleged police misconduct, and to post these materials on their website for ease of public access. In light of police interest in this mechanism, the Rhode Island ACLU decided to examine those materials.

As this report documents, many agencies have made their complaint procedures much more difficult or intrusive for complainants than they should be and, even more troubling, almost half of the police departments in the state that are subject to the statute’s posting requirements are, three years later, in violation of that law.

Specifically, our findings included the following:

- Only seventeen of thirty-two police departments with operating websites post both their complaint procedures and complaint forms online as required by the racial profiling law.
- Of those seventeen, only eleven departments – Bristol, Lincoln, Middletown, Narragansett, North Kingstown, North Providence, Providence, Scituate, Smithfield, Woonsocket and the R.I. State Police – do not require complainants to submit unnecessary, extraneous and potentially intrusive information in order to file a complaint.

- Six police departments – Foster, Glocester, Richmond, South Kingstown, Tiverton and West Warwick – completely ignore the statute by posting neither their police complaint form nor their complaint procedures on their websites.

- Nine departments – Burrillville, Central Falls, Charlestown, Cranston, Cumberland, East Providence, Hopkinton, Johnston and Newport – post online only one of the two documents that are required to be posted under the Racial Profiling Prevention Act. Five of the departments post procedures with no complaint form, while four post their complaint forms but not their procedures.

- In four cities or towns for which complaint forms were online – Barrington, Coventry, Jamestown and Portsmouth – anyone wishing to file a complaint is required to supply a social security number. There is absolutely no reason for a police department to be asking for a complainant's social security number, as that information is completely superfluous to the matter of police misconduct. By requesting an SSN, these complaint forms subtly suggest that the complainant him- or herself may be investigated.

- Four police departments with their forms online – Barrington, Newport, Warwick and Westerly – require the complaint to be notarized. This too is a completely unnecessary, and potentially burdensome, requirement. One should not have to get a document notarized merely to file a complaint with a government agency about alleged misconduct by one of its employees.

- There are significant differences in the *amount of detail* provided complainants as to how the complaint process works. On some websites, the information provided gives complainants virtually no meaningful insight about the process.

- Some departments that include their forms and/or procedures on their websites make it very difficult for a complainant scouring the website to find them.

The results of this examination are especially troubling considering the faith that some police departments unrealistically place on their complaint process as a representation of the number of people who have had inappropriate experiences with their officers.

Although we are confident that this report will prompt departments to review their websites to comply with the statute, it must be emphasized that there are inherent limits to the value of internal police complaint procedures. But in light of the confidence that some police departments seem to place in their internal procedures, it is eye-opening – and disheartening – to discover that so many fail to meet even minimal standards to make the process user-friendly.

I. INTRODUCTION

Three years of compelling statistics from all police departments in Rhode Island have demonstrated that racial minorities are much more likely than whites to be stopped for traffic violations and much more likely to be searched once stopped, even though they are less likely to be found with contraband. In attempting to downplay or even deny what the data clearly show, some police departments have on occasion pointed out that they have received no complaints of racially-discriminatory conduct against their officers through their internal complaint process.

To those in the minority community, this is not a surprise. It is no slight to police departments to note the obvious: few victims of police misconduct have much faith in a process where police officers judge their colleagues. As a result, only a small percentage of people who believe they are the victims of police misconduct bother to file complaints.¹ For those that do, the likelihood of their complaint being sustained is also quite small.²

Further, the internal complaint process is generally shrouded in secrecy, and the names of the police officers identified in complaints of misconduct are kept confidential, so it is impossible for complainants or the public to know whether certain individual officers are consistently being named as perpetrators of misconduct. In fact, attempts to obtain even non-identifiable police misconduct data have resulted in lengthy, expensive, time-consuming legal battles in Rhode Island.³

¹ According to a 2002 U.S. Department of Justice survey investigating “use of force” complaints about police, “although 75% of citizens experiencing force thought the level of force used was excessive,” only about 11% filed a formal complaint. “Citizen Complaints about Police Use of Force,” Bureau of Justice Statistics Special Report, June 2006, page 4. Available online at <http://www.ojp.usdoj.gov/bjs/pub/pdf/ccpuf.pdf>.

² For example, in a review by the community group DARE of complaints against 221 officers filed with the Providence Police Department in 1997 and 1998, only three times were officers found guilty, and one of those three findings was overturned by the police chief. A nationwide analysis has concluded that “use of force” complaints are sustained at only about an 8% rate. See “Citizen Complaints,” fn. 1.

³ See *The Rake v. Gorodetsky*, 452 A.2d 1144 (R.I. 1983); *Direct Action for Rights and Equality v. Gannon*, 713 A.2d 218 (R.I. 1998); 819 A.2d 651 (R.I. 2003).

The common reaction by police chiefs to individual allegations of misconduct hardly inspires confidence in the process either. Almost inevitably, the first response of police officials to a public allegation of racial profiling (or similar misconduct) is to immediately deny the possibility and to defend the conduct of the officers, no matter how facially plausible the claim or how serious the allegations.⁴ This speaks volumes to the community about the general futility of the internal complaint process.

Nonetheless, it is worth at least briefly examining this issue on the police departments' own terms, for one quickly discovers that many agencies have made their complaint procedures much more difficult or intrusive for complainants than they should be. Even more troubling is the fact that almost half of the police departments in the state that are subject to very minimal statutory requirements relating to the filing of misconduct complaints are in violation of those requirements.

The Racial Profiling Prevention Act of 2004,⁵ the first Rhode Island law to substantively begin to address the deep-seated problem of bias-based policing, tried to address, in an admittedly small way, the police chiefs' interest in promoting the internal complaint process with the public. The 2004 law required police departments across the state to develop complaint forms and procedures to address alleged police misconduct, and to post these materials on their website.

⁴ For two very recent examples, see "Critics Say Johnston Police Breached Racial-Profiling Law," by Mark Reynolds, *Providence Journal*, September 18, 2007 and "Johnston Debate, Search Go On," by Mark Reynolds and Bruce Landis, *Providence Journal*, September 19, 2007 (immediately following criticism by the NAACP and RI ACLU that a car stop that led to the eleven-day disappearance of a developmentally disabled black man may have been racially motivated, the police chief is quoted as saying that he will "back the officer 100 percent" and the vice-president of the R.I. Police Chiefs Association calls the stop appropriate); "State Police Defend Identity Check," by Karen Lee Ziner, *Providence Journal*, August 4, 2006 (R.I. State Police officials defend a traffic stop and detention of a van with 14 Guatemalans despite numerous concerns raised by community groups. Not surprisingly, a subsequent internal investigation cleared the officer involved; for a brief critique of that investigation by community groups, see <http://www.riaclu.org/20060928.html>).

⁵ R.I.G.L. §31-21.2-1 *et seq.*

Specifically, the statute provides:

R.I.G.L. § 31-21.2-8 – Complaint procedures. – (a) Each state and municipal law enforcement agency shall establish a procedure to investigate complaints of police misconduct by members of the public against personnel of these agencies, and shall make a written description of the procedure available to the public. Copies of any departmental complaint forms shall be available in at least one governmental location other than the police department. The procedure and forms shall also be made available on any website of a law enforcement agency.

Until recently, the RI ACLU had just taken on good faith that departments had complied with this section of the law. After all, these are hardly burdensome requirements, especially in light of police departments' purported reliance on internal complaints to measure the conduct of their officers. However, in September 2007 our office received an inquiry regarding the police complaint process in the city of Pawtucket. It was brought to our attention that anyone wishing to file a complaint against a police officer there needed to sign a waiver allowing the police department access to "any and all" of the **complainant's** "employment files or records, performance evaluations, disciplinary records, background investigation files, psychological reports, medical records, financial records, credit history, military records, arrest or criminal records, and/or traffic citations."⁶

Learning of Pawtucket's remarkable overreach for information (which has now been changed), we decided to see exactly what residents in other communities were being asked to do in order to file a police misconduct complaint. The gathering of this information, we felt, would be made easy by the posting requirements of the state law cited above.⁷

⁶ In response to a complaint filed by the ACLU about this, the department recently removed this waiver form from its complaint process, as well as other problematic procedures that are discussed in Section III.

⁷ Interestingly, in our search for compliance with this provision of the racial profiling statute, we discovered that the Pawtucket Police Department had no website where either these forms or its complaint procedures could be retrieved. As noted *infra*, Pawtucket is one of seven police departments in the state without a website.

Fortunately, no police department's forms that we were able to find online were nearly as intrusive as those that had been used by Pawtucket. However, we found that only seventeen of thirty-two police departments subject to the statute were in compliance with its provisions. Further, of those seventeen, only eleven departments – the R.I. State Police, Bristol, Lincoln, Middletown, Narragansett, North Kingstown, North Providence, Providence, Scituate, Smithfield and Woonsocket – did not require complainants to submit unnecessary, extraneous and potentially intrusive information in order to file a complaint.

What follows is a brief examination of some of the problems we encountered and uncovered in reviewing police department websites.⁸ Before engaging in that review, however, a general note about website format is in order here. Many police department websites are self-contained and have their own direct URL, while others appear to be adjuncts of the city or town's general website. Regarding the latter type of sites, in all but a few instances there is clearly sufficient information posted regarding, and input provided by, the police department that we consider it to be the agency's website for purposes of complying with the web-posting statute.

⁸ All of the police department websites were accessed on September 5 and October 9, 2007.

II. COMPLIANCE WITH THE STATUTE

A. Disregard for the Law

The online availability of both police complaint forms and procedures is important if the goal of police departments in attempting to encourage residents to file internal complaints is to be even minimally meaningful. Having the form on the department website underscores the utility of making the document readily accessible to victims of misconduct, and accessible in a way that preserves a complainant's privacy and freedom from the inconvenience and intimidation that might arise from having to obtain the form from the police station itself (or even from another government agency). Most victims of police misconduct who want to file a complaint understandably feel uneasy obtaining forms like these by walking into police stations, and the safety and comfort of one's computer cannot be minimized. Technologically, of course, it is extremely easy for a police department to place the form on its website.

It would seem just as important to have the police department's *procedures* for investigating complaints posted online. Many complainants will be anxious to know how the complaint process works, and whether, when and how they might expect to be contacted in response to any complaint they file. In addressing some of a complainant's expectations, an online posting of procedures can provide at least some reassurance to a victim of misconduct that a submitted complaint is not simply going into a black cyber-hole. We assume that is the rationale underlying this statutory requirement.

It is discouraging to note that, fully three years after passage of the racial profiling law, six police departments completely ignore the statute by posting neither their police complaint form nor their complaint procedures on their websites. These departments are: Foster, Gloucester,

Richmond, South Kingstown, Tiverton and West Warwick.⁹ We cannot comment on the content of their forms and procedures, as we have relied solely on website-provided information for this report. But it is troubling, to say the least, to discover that there are *any* police departments in the state in total non-compliance with the simple requirements of the statute.

B. Partial Compliance

Only slightly less problematic is that a number of police departments' websites complied with only half of the statute's requirements – by posting only the complaint form *or* the complaint procedure.

Police Department	Procedures Only	Form Only
Burrillville		X
Central Falls	X	
Charlestown		X
Cranston	X	
Cumberland	X	
East Providence		X
Hopkinton		X
Johnston	X	
Newport	X	

As the chart above indicates, of nine departments that post online one, but not both, of the documents required by the Racial Profiling Prevention Act, five list their procedures but no forms, while four offer forms but no procedures.¹⁰ Of the five that have been designated “procedures only,” it’s questionable whether the information provided on police websites such as those of Central Falls or Cumberland truly fulfill even the “procedures” requirement. The “procedures” are listed briefly in the format of an answer to a question in their websites’

⁹ The South Kingstown Police Department link is part of the Town’s general website, but what has been posted on the Department’s behalf is detailed enough that we believe the agency clearly is subject to the Racial Profiling Prevention Act’s website posting requirements.

¹⁰ Like South Kingstown, information about the East Providence Police appears to be posted as part of the City’s website. However, since the website contains information about the department, and includes police forms, we consider it subject to the statutory posting requirements.

“F.A.Q.” section, and in both instances, the minimal information provided there addresses the procedures for *filing* a complaint, rather than the department’s procedures for *investigating* a complaint. For purposes of this survey, however, we have listed them as complying with that particular aspect of the law, however minimal or debatable that compliance is.

The Newport Police Department’s failure to post a complaint form is specifically worth noting. Instead of finding a form online, visitors to the site are instructed to pick up a form at the police station or to e-mail the Internal Affairs Division “to provide information.” A departmental brochure adds that, at a citizen’s request, the form “may be mailed or fax” to the complainant. This process suggests a deliberate decision by the police department *not* to post its complaint form online, in direct contravention of the statute.

The Johnston Police Department’s site is also worth mentioning. A link on the site’s home page is labeled “Johnston Police Department Citizen Complaint Form.” However, the link leads only to a description of the department’s complaint process. We were unable to actually find a complaint form anywhere on the site.

C. Technical Difficulties

An issue that arose on two departmental websites – Central Falls and Smithfield – involved inactive or “broken” links to information. The websites were checked twice, a month apart, to confirm that these were not temporary glitches.

It is uncertain whether the inactive links on Central Falls’ website would even lead to the information we seek for this report, for the broken link there is to a general “Forms” button on their website which, if active, may or may not contain a complaint form. We have already noted the relative inutility of the “procedures” that this department has posted on its website.

The broken link on Smithfield’s website is problematic because it makes it virtually impossible for a person to find the complaint information that is, in fact, posted on the website. If one clicks on an “information” button on the home page, one finds a link to an “F.A.Q.” section. That section directs the visitor to a separate “Complaint Procedures” page, but the link to that page from the F.A.Q. page does not function.¹¹ However, there is another way – though no more straightforward – to get to the complaint information: by clicking on an “Index & Search” button on the home page and then finding a link there to “complaints.” Anyone coming across the information first under “F.A.Q.”, though, will find themselves at a dead end. For this report, we have nonetheless considered Smithfield to be in compliance with the statute because it provides both procedures and a form on its website, although the department’s website is not without concern in light of the broken link.¹²

Finally, two communities – New Shoreham and West Greenwich – listed their websites as “Under Construction.”¹³ We do not know how long that has been the case, but we expect that when they are up and running, the complaint form and procedures will be featured on these newly revamped pages. For purposes of this report, both departments are simply listed as not having websites and therefore not subject to the statute’s posting requirements.

¹¹ Smithfield’s link should be a very easy fix, however. The broken link is due to a typo in, ironically enough, the URL for the separate “Complaint Procedures” section. That page’s URL is <http://www.smithfieldpd.com/civiliancomplaint.htm>. The broken link correctly spells the word “civilian” with an “n” and not an “m.”

¹² In another cause for confusion, it is worth noting that although the Lincoln Police Department’s website is in compliance with the law, the link for the department’s website as listed on the *Rhode Island State Police* website leads to a different URL, <http://www.lincolnpolice.com>, that simply contains the words “Lincoln Police,” and no links or other way to navigate off of it. We assume this erroneous or outdated link for Lincoln is also listed elsewhere.

¹³ It is unclear whether the New Shoreham Police Department will have its own web site or just a page that is an adjunct of the towns’ website.

III. ADDITIONAL BARRIERS IMPOSED ON COMPLAINANTS

A. The Case of Pawtucket

In early September of this year, the Urban League of Rhode Island was helping a client who wanted to file a complaint of misconduct against officers of the Pawtucket Police Department. Quite surprised and troubled by the procedures that the Department had in place for accepting complaints from the public about alleged police misconduct, League staff contacted the R.I. ACLU. The ACLU agreed with the validity of those concerns and, in response, wrote Police Chief George L. Kelley III to urge significant revisions to the Department's complaint process. This incident also prompted the ACLU to examine more broadly other police departments' complaint procedures and their compliance with the Racial Profiling Prevention Act's website provisions, leading to this report.

In order to file a complaint about an officer in the Pawtucket Police Department, the individual was, until this month, first required to sign an "Authorization to Release Information and Waiver" form. Among other things, the form asked complainants to provide their Social Security Number, and then required them to essentially waive their entire right to privacy. Without limitation, the release form authorized the police to obtain, from any source whatsoever, any and all copies of the complainant's employment records, medical records, financial records and credit history. The form also released both the City and the disseminating agencies from any and all liability for distributing and collecting this information.

Upon reviewing this release form, the average complainant might well wonder exactly who was being investigated. This waiver and release form was not only unnecessary, it served as an obvious disincentive for any individual to pursue a complaint of misconduct with the Department.

As if that weren't enough, the Department further required complainants to file a separate notarized form acknowledging that any statement they made "which falsely accuses a member of the Pawtucket Police Department of any form of police misconduct or criminal activity" could lead to criminal charges or civil liability. This too could only have the effect of deterring individuals from formally lodging legitimate complaints.

First, the filing of a "false" accusation is hardly the same as the maliciously deliberate filing of a complaint that the complainant knows to be untrue. To give a common example, if an individual files a complaint that charges a police officer with failing to read him his *Miranda* rights when he was arrested, he has filed a "false" accusation since, unknown to most people, *Miranda* rights do not have to be read to an arrestee unless and until the individual is questioned.

The form was doubly misleading because Rhode Island has specifically enacted an anti-SLAPP suit law that *protects* individuals from being sued for petitioning a government agency for the redress of grievances unless the petition can be shown to be a "sham." In other words, not only could the complainant *not* be sued for such petitioning, but *the police officers* themselves might be liable for bringing a lawsuit against the complainant. Some other police departments also warn complainants of perjury, but at least they preface their comments with a recognition that any falsehoods must be knowing and deliberate.¹⁴

Shortly before the printing of this report, Pawtucket Police Chief Kelley advised the ACLU that the forms had been modified to eliminate all the problematic provisions.

B. Other Intrusive Requests for Information

In four cities or towns for which we were able to obtain complaint forms online – Barrington, Coventry, Jamestown and Portsmouth – anyone wishing to file a complaint is

¹⁴ See, e.g., the forms and/or complaint procedures for Cranston, Johnston, North Providence, Providence, Scituate and Warwick.

required to supply a social security number. There is absolutely no reason to ask for a complainant's social security number on these forms, as that information is completely superfluous to the matter of police misconduct. By requesting an SSN, these complaint forms subtly suggest that the complainant him- or herself may be investigated. The Jamestown Police Department complaint form even goes so far as to seek the SSN's of any *witnesses* listed by the complainant.¹⁵

As the result of the skyrocketing problem of identity theft, people are being urged by many consumer agencies to limit disclosure of their SSNs to only those transactions where it is absolutely necessary. Obviously, filing a complaint with the police department is not one of them. In fact, in April of this year, a federal task force acknowledged that SSNs are "the most valuable commodity" for identity thieves, and urged a policy to "reduce the unnecessary use of Social Security Numbers by federal agencies."¹⁶

Of course, if the victim of police misconduct is not a citizen and therefore does not have a social security number, that person also will no doubt be deterred from filing a complaint when they discover the need to provide that information. No police department should have a complaint process that, however unintentionally, implies that its officers can engage in misconduct with impunity against undocumented immigrants.

Finally, in addition to a social security number, the complaint form in Coventry asks complainants to declare their place of employment or school. Again, this extra information has a potential chilling effect, as it could easily make victims fearful of their job security if they file a complaint. There is simply no legitimate basis for a police department to be seeking such information.

¹⁵ Independently of this study, we have further confirmed that the Warren Police Department's complaint form, which is not posted online, also seeks Social Security Numbers from complainants.

¹⁶ The task force report is available online at <http://www.identitytheft.gov/reports/StrategicPlan.pdf>.

C. Notary Requirements

Residents or anyone else having the unfortunate experience of a less-than-professional encounter with police in Barrington, Newport, Warwick or Westerly face an additional hurdle.

First of all, as previously noted, Newport's website does not contain a complaint form, and actually appears to subtly coerce complainants to pick up forms at the police station. Barrington, Westerly and Warwick, on the other hand (and notwithstanding other problems), include both a form and procedures on their websites. What is commonly problematic about all four municipalities, however, is that they require the complaint form to be notarized.

This is both unnecessary and burdensome. The complainant must go through the bother of finding a notary public and possibly paying a fee. Those in poorer communities may find the requirement particularly arduous.

Westerly's complaint form alleges that the notary requirement is mandated by state law, citing R.I.G.L. §42-28.6-2(d) of the Law Enforcement Officers' Bill of Rights. But this is not so. That statute requires a notarized complaint only if and when a police officer is brought before a "Bill of Rights" hearing committee. Of course, few complaints make it to that stage. In any event, police chiefs have the authority to impose minor discipline against officers without reaching the hearing process, so a notarization requirement as an initial step in the complaint process is unnecessarily onerous. One should not have to get a document notarized merely to file a complaint with a government agency about alleged misconduct by one of its employees.

D. Departments Without Websites

This leaves one final category: police departments without websites. We were unable to find any websites for the police departments in North Smithfield, Pawtucket and Warren, either independently or as part of a municipal website. As noted earlier, New Shoreham and West

Greenwich do not have operating websites, but are working on establishing them. East Greenwich and Little Compton have police department pages housed on their municipal websites, but they contain only minimal contact information with no substantive police department input. This is unlike other police departments whose websites are also housed as part of a municipal site, but which contain more detailed information provided by the department and which, therefore, have been analyzed in this report.¹⁷

It bears emphasis that because we do not know what the complaint procedures and forms for departments without websites look like, we do not know if there are independent grounds for concern. Pawtucket is a perfect example, as its police department has no website, but the complaint form and procedure it had been using spawned this report.

¹⁷ See, e.g., Barrington, East Providence, Gloucester, South Kingstown and Tiverton.

IV. FURTHER CONCERNS

Finally, although not directly related to compliance with the statute, there are two further aspects to the web postings by police departments that are worth commenting on – the variety in terms of the detail that police departments provide in describing their complaint procedures, and the ease of access to the forms and procedures from the website.

A. Explaining the Complaint Procedures

The racial profiling law requires only that police departments post on their websites the procedures and forms they use for investigating complaints; the law says nothing about the substance of either. We have spent ample time outlining the differences in complaint *forms*, so it should come as no surprise that a look at the police departments' postings show a wide array of *procedures* in place as well. A quick glance through them will particularly reveal significant differences in the *amount of detail* provided complainants as to how the complaint process works.¹⁸

Of those departments listing some procedures on their websites, we have previously noted how two communities – Central Falls and Cumberland – provide virtually no information whatsoever. A few others, such as Jamestown and Middletown, provide only slightly more, with a relatively bare-bones overview of the process. On the other hand, some police departments, such as Cranston, Johnston, North Providence and Warwick, to point out a few, go into great detail in describing exactly how the complaint process works and what they can expect from it.

¹⁸ Also worth noting in passing are the differences among police departments as to whether they accept anonymous complaints. Although there are obvious limitations to the thoroughness of an investigation when the complainant is anonymous, some police departments do advise individuals that they will accept anonymous complaints and investigate them to the extent feasible. These include: Coventry, Cranston, North Kingstown, North Providence, Scituate and Warwick. Most, however, do not seem to consider that possibility.

The potential utility of anonymous complaints, though admittedly limited, should not be discounted. At the very least, they can call attention to any negative perceptions – whether founded or not – of a particular officer's conduct or that of a department in general, and this additional monitoring can be a positive, worthwhile endeavor for police departments.

The Providence Police Department provides a downloadable brochure that nicely outlines the process and even includes a timeline so the complainant has an idea of when to expect a resolution.

B. Locating the Complaint Forms and Procedures

Also not addressed by statute, the location of the complaint form and procedures on police department websites varies greatly. Ten departments include directly on their homepages a clearly-labeled link to the complaint form and procedures. These departments are: Bristol, Coventry, Jamestown, Lincoln, Middletown, Narragansett, North Kingstown, North Providence, Portsmouth and Scituate.¹⁹ In the case of these departments, we feel complainants can, with considerable ease, navigate to the information they need to file a complaint.

What about other police department websites that contain information on filing a complaint? Several include the information as an answer to a “F.A.Q.,” though finding even those pages is not necessarily the easiest task. Take Central Falls, for example, whose “Frequent Questions” link is arrived at only after clicking on the “Patrol Division” button on the homepage – not exactly where someone would likely think to find it.²⁰

Complaint forms and procedures are also difficult to come by on other websites, including Barrington and Smithfield. A complainant in Barrington will find the complaint form and procedures only after navigating to the “Department News” page, where one then clicks a “Police Conduct” link. The problem for a potential complainant, of course, is coming to the conclusion that “Department News,” which one would normally assume was for current events

¹⁹ In addition, the complaint forms on the websites for the Burrillville and Hopkinton police can be found rather easily by choosing a “Forms” link on their main pages. However, neither of these departments has posted their procedures as well.

²⁰ As previously noted, the actual information that Central Falls police provide about their complaint procedures barely qualifies as complying with the statute.

and announcements, is actually where one would go to be led to the complaint form and procedures. Finally, the difficulties accessing the Smithfield Police Department's complaint form and procedures have been previously noted in the section addressing technical difficulties.

Two other popular locations for the information are "Professional Standards" or "Internal Affairs/Investigations." Given a moment to think about it, a person might readily recognize that going to the latter link could lead them to a complaint form. But a reference to "professional standards" sounds more like an inventory of police officer qualifications than a place to find information about complaint procedures.

Once again, neither of the issues that we bring up in this section is addressed by the statute. However, detailed procedures and easy access to the complaint form make the complaint process a more meaningful one in terms of complying with both the spirit and the letter of the Racial Profiling Prevention Act's mandate. Providing adequate, easy-to-access information on the Internet is essential if the police department's true goal is to encourage the public to file legitimate complaints of misconduct with internal affairs divisions.

V. CONCLUSION

The Racial Profiling Prevention Act of 2004 was enacted over three years ago. As part of the Act, police department websites were required to include both the complaint procedures and complaint form for that department. Only seventeen departments, out of 32 that have websites, comply with these provisions. Only eleven of those departments don't impose additional and intrusive informational requirements from complainants in order to conduct an investigation.

These are not good statistics. But it's not just that police departments are failing to comply with R.I.G.L. §31-21.2-8(a). A number of them are often asking for more information than should ever be necessary to report an incident when a person has been the victim of police misconduct, intruding upon his or her privacy and perpetuating fear and suspicion around law enforcement.

The results of this examination are especially troubling considering the faith that some police departments unrealistically place on their complaint process as a representation of the number of people who have had inappropriate experiences with their officers.

We are confident that this report will prompt departments to review their websites to comply with the statute. However, as noted at the beginning of this report, there are inherent limits to the value of internal police complaint procedures. Absent extraordinary changes in public perception, they are likely to continue to be viewed with cynicism by victims of misconduct for years to come. But in light of the confidence that some police departments seem to place in their internal procedures, it is eye-opening – and disheartening – to discover that so many fail to meet even minimal standards to make the process user-friendly.²¹

²¹ This report was prepared by RI ACLU Program Coordinator Amy Vitale.

Appendix A

R.I. Police Department Websites

- **State Police:** <http://www.risp.state.ri.us/>
- **Barrington:** <http://www.ci.barrington.ri.us/government/police/police.htm>
- **Bristol:** <http://www.bristolri.us/government/police/>
- **Burrillville:** http://www.burrillville.org/Public_Documents/BurrillvilleRI_Police/index
- **Central Falls:** <http://www.centralfallspolice.com/>
- **Charlestown:** <http://www.charlestownpolice.org/>
- **Coventry:** <http://www.coventrypd.org/>
- **Cranston:** <http://www.cranstonpolice.com/>
- **Cumberland:** <http://www.cumberlandpolice.com/>
- **East Greenwich:**
<http://www.eastgreenwichri.com/matriarch/MultiPiecePage.asp?PageID=84&PageName=TownDeptPolice>
- **East Providence:** <http://www.eastprovidenceri.net/citygov/police.php>
- **Foster:** <http://www.fosterpd.com/>
- **Glocester:** <http://www.glocesterri.org/policedept.htm>
- **Hopkinton:** <http://www.hopkintonpolice.org/>
- **Jamestown:** <http://www.jamestownri.net/police/>
- **Johnston:** <http://www.johnstonpd.com/>
- **Lincoln:** <http://www.lincolnri.org/publicsafety/police/>
- **Little Compton:** <http://www.little-compton.com/public/public.htm>
- **Middletown:** <http://www.middletownri.com/departments/police.php>
- **Narragansett:** <http://www.narragansettri.gov/police.htm>
- **Newport:** <http://www.cityofnewport.com/departments/police.aspx>
- **New Shoreham:** Unknown, possibly http://new-shoreham.com/Public_Safety/public_safety.htm
- **North Kingstown:** <http://www.nkpolice.org/>
- **North Providence:** <http://www.nppolice.com/>
- **North Smithfield:** None
- **Pawtucket:** None
- **Portsmouth:** <http://www.portsmouthri.com/police/>
- **Providence:** <http://www.providencepolice.com/>
- **Richmond:** <http://www.richmondpd.org/>
- **Scituate:** <http://scituateri.org/police.htm>
- **Smithfield:** <http://www.smithfieldpd.com/>
- **South Kingstown:** http://www.southkingstownri.com/code/d_012801_130317.cfm
- **Tiverton:** <http://www.tiverton.ri.gov/government/policedept.html>
- **Warren:** None
- **Warwick:** <http://www.warwickpd.org/>
- **Westerly:** <http://www.westerlypolice.org/>
- **West Greenwich:** <http://www.wgtownri.org/police/> (Still under construction)
- **West Warwick:**
http://www.westwarwickri.org/index.asp?Type=B_BASIC&SEC=%7BBED829BE-3BCF-4B4A-B373-4B604C00D1D7%7D
- **Woonsocket:** <http://www.woonsocketpolice.com/>

Appendix B
Police Compliance With Web Posting Requirements of the Racial Profiling Prevention Act

Department	Status
State Police	Compliance with the statute
Barrington	Compliance with the statute, but the Complaint Form requires a social security number and must be notarized
Bristol	Compliance with the statute
Burrillville	Complaint Form only
Central Falls	Complaint Procedures only
Charlestown	Complaint Form only
Coventry	Compliance with the statute, but the complaint form requires a social security number as well as employer/school
Cranston	Complaint Procedures only
Cumberland	Complaint Procedures only
East Greenwich	No explicit police department website
East Providence	Complaint Form only
Foster	No Complaint Procedures or Form on website
Glocester	No Complaint Procedures or Form on website
Hopkinton	Complaint Form only
Jamestown	Compliance with the statute, but the Complaint Form seeks a social security number for both the complainant and witnesses
Johnston	Complaint Procedures only
Lincoln	Compliance with the statute
Little Compton	No explicit police department website
Middletown	Compliance with the statute
Narragansett	Compliance with the statute
Newport	Complaint Procedures only, but the form (available for pick up at the police department) must be notarized
New Shoreham	Web site under construction
North Kingstown	Compliance with the statute
North Providence	Compliance with the statute
North Smithfield	No website
Pawtucket	No website, but the forms used until recently by the department required a social security number and a waiver to release personal information including, for example, the complainant's employment and medical records
Portsmouth	Compliance with the statute, but Complaint Form requires a social security number
Providence	Compliance with the statute
Richmond	No Complaint Procedures or Form on website
Scituate	Compliance with the statute
Smithfield	Compliance with the statute, but there is a broken link to the Complaint Form in one of the two places it can be found on the website
South Kingstown	No Complaint Procedures or Form on website
Tiverton	No Complaint Procedures or Form on website
Warren	No website
Warwick	Compliance with the statute, but the Complaint Form must be notarized
Westerly	Compliance with the statute, but the Complaint Form must be notarized
West Greenwich	Website "Under Construction"
West Warwick	No Complaint Procedures or Form on website
Woonsocket	Compliance with the statute

Appendix C
Racial Profiling Prevention Act Website Posting Compliance:
A Comparison by Police Department

Department	Website	Complaint Procedures	Complaint Form	SSN Required	Must be Notarized
State Police	X	X	X		
Barrington	X	X	X	X	X
Bristol	X	X	X		
Burrillville	X		X		
Central Falls	X	X			
Charlestown	X		X		
Coventry	X	X	X	X	
Cranston	X	X			
Cumberland	X	X			
East Greenwich					
East Providence	X		X		
Foster	X				
Glocester	X				
Hopkinton	X		X		
Jamestown	X	X	X	X	
Johnston	X	X			
Lincoln	X	X	X		
Little Compton	X				
Middletown	X	X	X		
Narragansett	X	X	X		
Newport	X	X			X
New Shoreham					
North Kingstown	X	X	X		
North Providence	X	X	X		
North Smithfield					
Pawtucket					
Portsmouth	X	X	X	X	
Providence	X	X	X		
Richmond	X				
Scituate	X	X	X		
Smithfield	X	X	X		
South Kingstown	X				
Tiverton	X				
Warren					
Warwick	X	X	X		X
Westerly	X	X	X		X
West Greenwich					
West Warwick	X				
Woonsocket	X	X	X		