

STATE OF RHODE ISLAND  
PROVIDENCE, SC

SUPERIOR COURT

GREGORY PEHRSON :  
 :  
 :  
 v. : PC 08-  
 :  
 :  
 STEVEN E. REYNOLDS, in his capacity :  
 as Chief of Police of the Town of NORTH :  
 SMITHFIELD :

### COMPLAINT

- 1) The Plaintiff is a private citizen, and executive director of Fuerza Laboral, an organization which promotes workers' rights.
- 2) The Defendant, Steven E. Reynolds, is the Chief of the Police Department North Smithfield.
- 3) On November 6, 2008, one Jose I. Hernandez was traveling as a passenger in a motor vehicle being operated by Maximiliano Antonio Lopez, when said vehicle was pulled over by the North Smithfield Police.
- 4) Identification was requested from both occupants of the vehicle.
- 5) Jose I. Hernandez produced a non- official document (identified on its face as such) which gave Mr. Hernandez' correct name and address.
- 6) Mr. Hernandez was subsequently charged with a violation of R.I.G.L. 3-8-6.2, fictitious identification.
- 7) Plaintiff Gregory Pehrson went to the North Smithfield Police Headquarters to obtain a copy of Mr. Hernandez' arrest report.
- 8) The North Smithfield Police dispatcher on duty, acting in his official capacity informed the Plaintiff that he could not obtain a copy of the arrest report until the criminal charges were resolved.
- 9) Plaintiff was also told that even the subject of the report could not obtain a copy without an attorney.
- 10) On November 12, 2008, the Rhode Island Affiliate of the American Civil Liberties Union ("ACLU") sent a letter, appended hereto as Exhibit "A," pointing out that Mr. Hernandez' arrest report is a public record subject to the Rhode Island Access to Public Records Act, R.I.G.L. §38-2-1 et seq., ("APRA"), and further requesting that a copy be produced for the Plaintiff.

- 11) Said request from the ACLU was ignored by the Defendant.
- 12) No information in the report is in any way exempt from the provisions of APRA.
- 13) Plaintiff is ready, willing and able to pay the statutory fees associated with retrieval and copying of the requested document.

COUNT ONE - APRA

- 14) Plaintiff incorporates the allegations of Paragraphs 1- 13 into this count as if set forth in full.
- 15) Plaintiff requests that this Court order the Defendant to produce the arrest report dated November 6, 2008, concerning Jose I. Hernandez forthwith.
- 16) Plaintiff further requests that the Court award the Plaintiff statutory damages of \$1,000, plus attorneys fees and costs pursuant to the statute.

COUNT TWO - LACK OF JUSTICIABLE ISSUE

- 17) Plaintiff incorporates the allegations of Paragraphs 1- 13 into this count as if set forth in full.
- 18) The Defendant has no defense of fact or law to this complaint, and no justiciable issue exists.
- 19) Plaintiff requests an award of attorneys fees and costs pursuant to R.I.G.L. §9-1-45.

Plaintiff, by his attorney,  
R.I. Affiliate, American Civil Liberties Union

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Dated: December 4, 2008