

January 25, 2022

Testimony in support of 21-H 6602 on behalf of ACCESS/RI, Common Cause Rhode Island, League of Women Voters of Rhode Island, New England First Amendment Coalition and Rhode Island Press Association

Our organizations strongly support H 6002, which clarifies that the internal affairs reports of law enforcement agencies are public records, notwithstanding personally identifiable information therein, regardless of how the investigation was initiated. We believe that the public interest is paramount with respect to how law enforcement investigate complaints, regardless of their origin.

As the ACLU's testimony explains in detail, the goal of this legislation is to reverse a finding in Piskunov v. Town of Narragansett (PR 2017-05). In that decision by the Attorney General's office a distinction is made between internal affairs reports that are the result of public complaints versus those initiated by law enforcement agencies. The result is that complaints initiated internally are more difficult for the public to obtain.

Without transparency about internal affairs complaints the public will not know whether law enforcement agencies are able to police their own effectively. If a complaint is initiated internally it does not diminish the public's interest in knowing the results. From the standpoint of accountability for alleged misconduct, how can the origin of a complaint matter?

Our organizations have been involved with the Access to Public Records Act (APRA) for decades, including various amendments to the statute. We have long believed that internal affairs reports are public documents. We ask that you clarify that by passing H 6602.