



Michael Marcello, Partner
One Citizens Plaza, Suite 1120
Providence, Rhode Island 02903
Michael.Marcello@lewisbrisbois.com
Direct: 401.406.3317

February 6, 2024

Ms. Jessica Machado
Fall River Reporter
91 Washington Avenue
Somerset, Massachusetts 02760
jessicab0315@gmail.com

Re: [REDACTED] Records Request

Dear Ms. Machado:

On or about February 1, 2024, you made an access to Public Records Request to the Tiverton Police Department seeking a report from that agency involving [REDACTED]. The date of the requested report is noted to be October 1, 2016.

The matter was referred to my office for review. Under the Rhode Island Access to Public Records Act, a public record is defined as:

(4) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities), or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Act also contains specific exclusions from the general definition of a public record. One of the specific exclusions includes:

(b) Personnel and other personal individually identifiable records otherwise deemed confidential by federal or state law or regulation, or the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to 5 U.S.C. § 552 et seq.; (Emphasis added).

R.I. Gen. Laws Section 38-2-2.

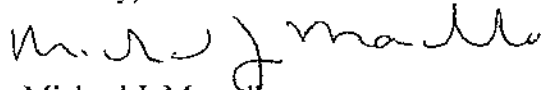
In interpreting these provisions, the Rhode Island Attorney General's Office has consistently held that when a law enforcement agency investigates a complaint and determines that an arrest is not warranted, there exists a strong presumption that records arising out of that investigation would invade the subject's privacy. See, Marco v. Cumberland Police Department, No. PR 16-23 (2016).

Having reviewed the subject incident report and confirmed that no arrest was made incident to that report/investigation, the Tiverton Police Department, after consultation with my office, has determined that the record requested is not a public record as the disclosure would constitute an unwarranted invasion of the subject's personal privacy.

Therefore, your request for the record is being denied. As you know, if you disagree with these findings, you have a right to appeal the decision pursuant to R.I.G.L. 38-2-8 to the department's chief administrative officer and/or to the Office of the Rhode Island Attorney General.

Thank you for your inquiry.

Sincerely,



Michael J. Marcello
Solicitor, Town of Tiverton

CC: Patrick Jones, Tiverton Police Chief
Captain Michael Miguel