



State of Rhode Island and Providence Plantations

OFFICE OF THE ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903
(401) 274-4400

Peter F. Neronha
Attorney General

July 30, 2019

Via Electronic Mail: lindalevin@uri.edu

Linda Lotridge Levin, President
ACCESS/RI
282 Doyle Avenue
Providence, RI 02906

Dear Ms. Levin:

Thank you for your letter dated July 29, 2019 and for the opportunity to respond to your questions regarding certain provisions of the Memorandum of Understanding (“MOU”) with the Diocese of Providence.

As you observe, the MOU contains a provision that the records provided to or produced by this Office or the Rhode Island State Police as part of our review of sex abuse allegations constitute criminal law enforcement records relating to the investigation and detection of crime within the meaning of R.I. Gen. Laws § 38-2-2(4)(D). That these records are maintained by law enforcement agencies (this Office and the Rhode Island State Police) and concern the investigation and detection of crime cannot be debated.

As you are likely aware, the APRA provides that criminal law enforcement records are only exempt from disclosure “to the extent that the disclosure of the records or information” could or would result in any of the consequences contemplated in (a) through (f) of subsection (D). The MOU makes no representation as to whether any of the circumstances in (a) through (f) will be implicated and makes no representation that these records will be withheld from public inspection. Those determinations must be made on a case-by-case (and document-by-document) basis. Furthermore, as the Rhode Island Supreme Court has made clear, even if records are exempt from public disclosure, the public body still maintains the discretion to disclose otherwise exempt documents. See *In re New England Gas Co.*, 842 A.2d 545, 551 (R.I. 2004). The MOU contains no waiver of that discretion.

In sum, nothing within the MOU alters this Office’s approach to public records or pre-determines that documents maintained and falling within R.I. Gen. Laws § 38-2-2(4)(D) will be categorically withheld from public disclosure. I hope that this letter provides you with the clarification you were seeking.

Linda Lotridge Levin, President
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Please do not hesitate to be in touch with me or my staff should you have additional questions or concerns.

Sincerely,



Peter F. Neronha
Attorney General

Copied: Steven Brown, Executive Director (via electronic mail)
American Civil Liberties Union of Rhode Island
sbrown@riaclu.org

John Marion, Executive Director (via electronic mail)
Common Cause Rhode Island
john_marion@commoncauseri.org

Jane W. Koster, President (via electronic mail)
League of Women Voters of Rhode Island
president@lwvri.org

Justin Silverman, Executive Director (via electronic mail)
New England First Amendment Coalition
justin@nefac.org