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R.I. State Police revise policy to allow filing of anonymous requests for public records

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The change comes a week after The Providence Journal reported that the state police were asking all visitors to the barracks to show IDs so they can be identified and checked for warrants.

The identification policy, which the Col. Steven G. O'Donnell said he'd enhanced after attacks on law enforcement officers in other states, conflicted with the state open-records law for those seeking public records. The law says people do not have to identify themselves to obtain public records.

O'Donnell said he has updated the policy so troopers will no longer ask for identification of anyone seeking public records. Instead, someone who makes a request will be assigned a call number in the computer-aided dispatch system.

That number will be matched to the request, and the trooper will take down a physical description of the person asking for the report.

O'Donnell said that a description helps verify the same person is getting his or her requested reports, in case the call number is lost. Otherwise, he said, there's no way of ensuring the state police have fulfilled the request.

Justin Silverman, executive director of the New England First Amendment Coalition, called the policy an "improvement," but said in an email that he was concerned that the state police would now record the descriptions of people asking for records.

The state Access to Public Records law specifies that a public body shall not require, "as a condition of fulfilling a public records request, that a person or entity provide a reason for the request or provide personally identifiable information about him/herself."

The law protects the public by allowing anonymous requests, Silverman said. Taking down the descriptions of people asking for records makes it hard for anonymity to exist, he said.

"Under this policy, identification could occur based on appearance alone and individuals may be deterred from making requests," Silverman said. "If a requester's description is always recorded, then it also becomes possible to profile that individual, track him or her and the type of information requested, as well as the frequency of requests. This could provide state police an incentive to withhold certain information or, worse, discourage the requests from being made in the first place."

The colonel responded that he wanted to verify that people get the reports they ask for. "There's a balance," O'Donnell said Tuesday, adding that he'd welcome a conversation with open-records advocates. People asking for public records are the only ones who won't be asked for identification when entering the headquarters building. Although a sign in the lobby requiring visitors to show identification has since been removed, the state police will continue logging in all visitors into the buildings and verifying their identities.

Anyone who doesn't show an ID is not allowed past the lobby.

The practice stems from a general order that O'Donnell signed in December 2011 that laid out the guidelines for a daily log of all the activity at the state police barracks throughout Rhode Island. The policy includes logging in the names of all personnel on duty, the prisoners, incoming phone calls, and the names of all citizens entering and leaving the barracks.

O'Donnell said the policy also followed the Federal Bureau of Investigation's requirements for any facility that houses its criminal justice information services and equipment. A spokeswoman for the FBI bureau in Boston said the state police were in compliance with the security policy required for the FBI's criminal justice information services.

The colonel said he made the policy more strict several months ago in response to the fatal shootings of officers on the streets of New York City, Paris and outside a state police barracks in Pennsylvania.

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Rhode Island State Police Colonel Stephen O'Donnell (AP PHOTO)

