

Appendix E: Police department APRA guidelines and forms

Narragansett Police Department

Accept APRA requests by email? Yes

Email address: lpiccirilli@narragansettri.gov

Accept APRA requests by fax? Yes

Fax number: (401) 789-8819

Mailing address:

Narragansett Police Department
Public Safety Building
40 Caswell Street
Narragansett, RI 02882

Telephone number: 401-789-1091 ext. 218

APRA procedures online? Yes

APRA procedures URL: <http://www.narragansettri.gov/DocumentCenter/View/2437>



TOWN OF NARRAGANSETT
Town Hall • 25 Fifth Avenue • Narragansett, RI 02882
Tel. (401) 789-1044 Fax (401) 783-9637
www.narragansettri.gov

PROCEDURE FOR OBTAINING RECORDS

Pursuant to Rhode Island General Law §38-2-3-(d) the Town of Narragansett hereby adopts the following procedure for requesting/obtaining public records:

1. A request to inspect and/or copy public records of the Town of Narragansett may be presented orally or in writing to the following Designated Public Records Officers during normal business hours Monday through Friday as indicated below.

Fire Department

Judy Christofaro
Public Safety Building
40 Caswell Street
Narragansett, RI 02882
jchristofaro@narragansettri.gov
(8:30 a.m. to 4:00 p.m.)

Police Department

Linda Piccirilli
Records Department
Public Safety Building
40 Caswell Street
Narragansett RI 02882
lpiccirilli@narragansettri.gov
(8:30 a.m. to 12:00 p.m.)

Town Departments

Anne M. Irons, CMC-Town Clerk
Narragansett Town Hall
25 Fifth Avenue
Narragansett, RI 02882
airons@narragansettri.gov
(8:30 a.m. to 4:30 p.m.)

2. Although not required, in order to ensure compliance with the Access to Public Records Act and that you are provided with the public records you seek in an expeditious manner, the Town asks that you complete the Public Records Request Form. This form is not required if you are seeking records available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public.

TOWN OF NARRAGANSETT

PROCEDURE FOR OBTAINING RECORDS

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3. The Access to Public Records Act allows a public body ten (10) business days to respond, unless otherwise extended for good cause in accordance with the provisions of subsection §38-2-3(e). In such instance, a response will be provided within thirty (30) days of receipt of request.
4. If after review of your request, the Town determines that the requested records are exempt from disclosure for a reason set forth in RIGL § 38-2-2(4) (A) through (Y), the Town reserves its right to claim such exemption.
5. In accordance with Rhode island General Laws 38-2-4, the Town may charge for a fee of fifteen cents (\$.15) per page for copies and/or fifteen dollars (\$15.00) per hour, after the first hour, for search and/or retrieval of documents. Please advise that for purposes of search and retrieval costs, multiple requests made by you within thirty (30) days to the Town of Narragansett shall be considered one (1) request.
6. The Town of Narragansett is not obligated to produce for inspection or copying records that are not in the possession of the Town of Narragansett. Moreover, the Town of Narragansett is not required to reorganize, consolidate, or compile data that is not maintained by the Town of Narragansett in the form requested except to the extent that such records are in an electronic format and the town would not be unduly burdened in providing such data.

The Town of Narragansett is committed to providing public records in an expeditious and courteous manner consistent with the Access to Public Records Act.



TOWN OF NARRAGANSETT
Police Department •
40 Caswell Street • Narragansett, RI 02882
Chief Dean Hoxsie
Tel. (401) 789-1091 TDD (401) 782-0661
Fax No. (401) 783-6201
POLICE DEPARTMENT

PUBLIC RECORDS REQUEST FORM
UNDER THE ACCESS TO PUBLIC RECORDS ACT

In order to document the Town of Narragansett’s compliance with the Access to Public Records Act, please complete this form and forward to the public records unit at the Police Department, 40 Caswell Street, Narragansett, RI 02882. For questions related to a request for records please call: (401-789-1091 Records Dept.)

Date _____ Request Number _____

Name (optional) _____

Contact Information (Please provide at least one of the following)

Address (optional) _____

Telephone (optional) _____

Facsimile (optional) _____

Requested Records _____

I further declare that while inspecting original documents of the Town of Narragansett, I will not remove, damage, or in any way alter any original documents temporarily in my possession.

 Signature

OFFICE USE ONLY

Request taken by: _____ Request Number _____

Date: _____ Time: _____

Records to be available on: _____ Mail _____ Email _____ Pick Up _____

Record Provided: _____

Costs: _____ copies _____ search and retrieval

Forward this Document to the Police Department Record Clerk

Town of Narragansett – Public Records Request Receipt

If you desire to pick up the records they will be available on _____ at the Narragansett Police Department. If, after review of your request, the Town determines that the requested records are exempt from disclosure for a reason set forth in RIGL §38-2-2(4) (i) (A) through (Y), the Town reserves its right to claim such exemption. **Note:** If you chose to pick up the records, but did not include identifying information on this form (name, etc.) please inform the record clerk of the date you made the request, records requested and request number.

New Shoreham Police Department

Accept APRA requests by email? No

Accept APRA requests by fax? Yes

Fax number: (401) 466-3228

Mailing address:

New Shoreham Police Department
P.O. Box 307
New Shoreham, RI 02807

Telephone number: (401) 466-3220

APRA procedures online? No

NEW SHORHEAM POLICE DEPARTMENT

REQUEST FOR RECORDS UNDER THE ACCESS TO PUBLIC RECORDS ACT

Date _____ Request Number _____

Name (optional) _____
Address (optional) _____
Telephone (optional) _____

Requested Records
(Incident date & time) _____

If these records are not readily available at the time of your request, please advise whether you desire to:

_____ pick up the records or _____ regular mail

.....
Office Use

Request taken by _____ Request Number _____
Date _____ Time _____
Records to be available on _____ Mail _____ Pick up _____
Records provided _____
Costs _____ copies _____ search and retrieval _____

.....
New Shoreham Police Department – Access to Public Records Request Receipt

If you desire to pick up the records, they will be available on Monday through Friday at the front desk. If, after review of your request, the Department determines that the requested records are exempt from disclosure for a reason set forth in R.I. General Laws Section 38-2-2(4)(i)(A) through (W), the Department reserves its right to claims such exemption.

Note: If you chose to pick up the records but did not include identifying information on this form (name, etc.), please inform the officer/clerk at the front desk of the date you made the request, records requested and request number _____.

Thank you. _____



TOWN of NEW SHOREHAM
POLICE DEPARTMENT P.O. BOX 307
BLOCK ISLAND, RHODE ISLAND 02807
Telephone 401-466-3220 Fax 401-466-3228

MOTOR VEHICLE ACCIDENT INFORMATION SHEET

Under Rhode Island law, the operator of a vehicle involved in a motor vehicle accident resulting in death, personal injury or damage to the property of any one person in excess of five hundred dollars (\$500.00) must file a STATE ACCIDENT REPORT with the Rhode Island Department of Transportation within twenty one days of the date of such accident. Failure to file, as required, may result in criminal prosecution and/or suspension of the operator's license. State accident forms are available at all local Police Departments and State Police Barracks throughout the state.

Any person who wishes to view an accident report and copy any information from that report may do so at the New Shoreham Police Department located at 10 Beach Avenue, Block Island, RI.

Should an individual or insurance company request a copy of an accident report, such request shall be accompanied by a self-addressed return envelope, along with a check or money order in the amount of two dollars (\$2.00) made payable to the Town of New Shoreham. To obtain a copy of an accident report, either in person or by mail, write or respond to:

New Shoreham Police Department
Post Office Box 307
10 Beach Avenue
Block Island, RI 02807

In order to provide you with a copy of the accident report please fill out the following information and return with a check or money order.

MOTOR VEHICLE ACCIDENT REPORT REQUEST

Date of Accident: _____

Location of Accident: _____

Operator's Name: _____

Address: _____

City, State, Zip Code: _____

Payment Enclosed: (Please check one) Check _____ Money Order _____

Newport Police Department

Accept APRA requests by email? Yes

Email address: ddvorak@cityofnewport.com

Accept APRA requests by fax? Yes

Fax number: (401) 847 - 5598

Mailing address:

120 Broadway
Newport, RI 02840

Telephone number: (401) 847-1306

APRA procedures online? Yes

APRA procedures URL:

<http://cityofnewport.com/departments/police/administrative-services-division/open-records-requests>

exempt from disclosure for a reason set forth in R.I General Laws Section 38-2-2(4)(I.)(A) Through (W), the Newport Police Department reserves its right to claim such exemption. If you chose to pick up records but did not include identifying information on this form (name, etc.), please inform the officer/clerk at the front desk of the date you made the request, records requested, and report number.

Newport Police Department

Request for records under the Access to Public Records Act

RHODE ISLAND GENERAL LAWS SECTION 38-2-1 ET SEQ.

The Newport Police Department is committed to providing the public with access to public records, while protecting from disclosure information about individuals maintained that would constitute an unwarranted invasion of personal privacy. R.I. Gen. Laws Section 38-2-1. The Newport Police Department provides numerous public documents to the public, media and attorneys daily in the ordinary course of business. However, for any person, who does not desire to make an oral request, wishes to make a formal written request or the request needs clarification, please complete the written form. Pursuant to R.I. Gen. Laws Section 38-2-3(c.), the Newport Police Department has established the following procedure regarding access to public records:

1. Please inform the officer/clerk at the front desk that you wish to make a request for public records. Lieutenant Daniel Dvorak is the Public Records Officer for the Newport Police Department (telephone number 401-847-1306). The hours for the Records Department are 8:00 AM to 7:00 PM, Monday through Friday.
2. The clerk will provide you with a form to complete, which lets this Department know the precise public documents you seek and assists us in processing your request in an expeditious manner. The form is also available [online](#).
3. There are times when the public records you seek are not available at the time of your request. Please be advised that the Access to Public Records Act (APRA) allows a public body ten (10) business days to respond, which can be extended an additional twenty (20) business days for "good cause." We appreciate your understanding and patience.
4. Costs: The APRA gives you the opportunity to view and/or copy public records. The cost per copied page of written public documents will be \$.15 per page for documents on common business or legal size paper. You may elect to obtain public records in any and all media in which we are capable of providing them. The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall not exceed fifteen (\$15.00) dollars per hour with no charge for the first hour. We would be more than happy to provide you with an estimate. Upon a request, we will provide a detailed itemization of the costs charged for search and retrieval.
5. Public Records: A "public record" is defined as "documents, papers, 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." Specifically with respect to police records, in addition to other records maintained by this Department that constitute "public records", the APRA deems public "(r)ecords relating to the management and direction of law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult." R.I. Gen. Laws Section 38-2-2(4)(i)(D).

- 6. Redaction: Although a document may constitute a public record, there may be some information contained on the document that may be redacted/deleted as it is exempt from disclosure under R.I. Gen. Laws Section 38-2-2.
- 7. Exemptions: The APRA exempts some records from public disclosure. See, R.I. Gen. Laws Section 38-2-2(4). The following are some explanations as to why a document or part thereof may be exempt from disclosure:
 - o (A)(I) ...all personal or medical information relating to an individual in any files, including information relating to medical or psychological facts...R.I. Gen. Laws Section 38-2-2(4)(i.)(A)(I)
 - o (C)...records of juvenile proceedings before the family court
 - o (D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information may (a) reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c.) could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority, or private institution which furnished information on a confidential basis, or the information furnished by a confidential source, (e) would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual.
 - o (S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state rule of court, law or regulation. (i.e. information regarding juveniles, etc.)
 - o *Please be advised that this is not a complete list of documents that the Act exempts from disclosure. For a full list see R.I. Gen. Laws Section 38-2-2.
- 8. Appeal of Denial: Any person or entity denied the right to inspect a record of a public body by the Public Records Officer may petition the chief administrative officer of that public body for review of the determinations made by his or her subordinates. Any petitions from a denial should be made to Chief Gary T. Silva. A final determination whether or not to allow public inspection will be made within ten (10) business days after the submission of the review petition. R.I. Gen. Laws Section 38-2-8.
- 9. Complaint to the Attorney General: If the Police Chief determined that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General (150 South Main Street, Providence, RI 02903, telephone 401-274-4400). If you are still not satisfied, you may file a lawsuit in Superior Court.

To receive a copy of your answers, please fill out your email address below and submit.

Email Address

North Kingstown Police Department

Accept APRA requests by email? Yes

Email address: pflanagan@northkingstown.org

Accept APRA requests by fax? Yes

Fax number: (401) 294-6830

Mailing address:

North Kingstown Police Department
8166 Post Road
North Kingstown, RI 02852

Telephone number: (401)-294-3316

APRA procedures online? Yes

APRA procedures URL: <http://www.nkpolice.org/forms/access%20to%20public.pdf>

TOWN OF NORTH KINGSTOWN
PROCEOURE FOR OBTAINING RECORDS

Pursuant to Rhode Island General Law 38-2-3(d) the Town of North Kingstown hereby adopts the following procedure for requesting/obtaining public records:

1. A request to inspect and/or copy public records of the Town of North Kingstown may be presented orally or in writing to the following Designated Public Records Officers during normal business hours (8:30 a.m. to 4:30 p.m. Monday through Friday):

Police Department

Captain Patrick Flanagan
8166 Post Road
North Kingstown, RI 02852

Finances

Patricia A. Sunderland
Finance Director
80 Boston Neck Road
North Kingstown, RI 02852

Planning

Jonathan A. Reiner
Planning Director
55 Brown Street
North Kingstown, RI 02852

All Other Requests

Jeannette Alyward
Town Clerk
80 Boston Neck Road
North Kingstown, RI 02852

2. Although not required, in order to ensure compliance with the Access to Public Records Act and that you re provided with the public records you seek in an expeditious manner, the Town asks that you complete the Public Records Request Form. This form is not required if you are seeking records available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public.
3. The Access to Public Records Act allows a public body ten (10) business days to respond, unless otherwise extended for good cause in accordance with the provisions of subsection 38-2-3(e). In such instance, a response will be provided within thirty (30) days of receipt of request.
4. If, after review of your request, the Town determines that the requested records are exempt from disclosure for a reason set forth in R.I.G.L. 38-2-2(5)(i)(A) through (Y), the Town reserves its right to claim such exemption.

5. In accordance with Rhode Island General Laws 38-2-4, the Town may charge a fee of fifteen cents (\$.15) per page for copies and/or fifteen dollars (\$15.00) per hour, after the first hour, for search and/or retrieval of documents. Please advise that for purposes of search and retrieval costs, multiple requests made by you within thirty (30) days to the Town of North Kingstown shall be considered one (1) request.
6. The Town of North Kingstown is not obligated to produce for inspection or copying records that are not in the possession of the Town of North Kingstown. Moreover, the Town of North Kingstown is not required to reorganize, consolidate, or compile data that is not maintained by the Town of North Kingstown in the form requested.

The Town of North Kingstown is committed to providing public records in an expeditious and courteous manner consistent with the Access to Public Records Act.

TOWN OF NORTH KINGSTOWN

REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS FORM

In order to document the Town of North Kingstown's compliance with the Access to Public Records Act, please complete this form and forward to the public records unit at the Town Clerk's Office, 80 Boston Neck Road, North Kingstown, RI 02882. For questions related to a request for records, please call: (401) 268-1551.

Date of Request: _____

Name: _____

Records Requested: _____

Contact information (please provide at least one of the following):

Address: _____

Email: _____

Telephone: _____ Facsimile: _____

I further declare that while inspecting original documents of the Town of North Kingstown, I will not remove, damage or in any way alter any original documents temporarily in my possession.

Signature

North Providence Police Department

Accept APRA requests by email? No

Accept APRA requests by fax? Yes

Fax number: 401-233-1438

Mailing address:

North Providence Police Department, Attn: Public Records Officer
1967 Mineral Spring Ave
North Providence, RI 02911

Telephone number: (401) 233-1433

APRA procedures online? Yes



APRA procedures URL: http://www.northprovidenceri.gov/police/records_req/records_req.html



NORTH PROVIDENCE POLICE DEPARTMENT



GENERAL ORDER 520.01

SUBJECT: RELEASE OF PUBLIC INFORMATION AND MEDIA RELATIONS		
Issue Date: 01/29/14	Effective Date: 01/29/14	Distribution: All Personnel
Subject Area: Information Services		RIPAC Standard: 3.8, 7.13
Amends/Rescinds: All Previous Release of Public Information and Media Relations Policies		Review Date: 01/29/16 Pages: 6
Per order of the Chief of Police: 		Approved by the Director of Public Safety: 
<small><i>This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.</i></small>		

I. PURPOSE

The purpose of this policy is to guide personnel in the release of information to the media and to the public.

II. POLICY

It is the policy of the North Providence Police Department to provide public access to records in accordance with law and to cooperate fully and impartially with authorized and properly identified representatives of the news media in their efforts to gather and disseminate factual, public information pertaining to activities of the department. These activities, however, cannot unduly interfere with departmental operations, infringe upon an individual's rights, privacy, right to a fair and impartial trial or violate the law.

III. DEFINITIONS

- A. **APRA:** Access to Public Records Act. Rhode Island General Laws designed to provide access to public documents.
- B. **RIGL:** Rhode Island General Laws

IV. PROCEDURE

A. MEDIA RELATIONS

1. News personnel covering stories at the scene of major incidents, disasters or events will be directed to an area designated by the Officer-in-Charge (OIC) on scene.
2. This should be in an area that does not jeopardize the integrity of the investigation and also takes safety into consideration.
3. This area must be outside the perimeter of the crime scene.
4. The Chief of Police or his/her designee will periodically update the media regarding the incident, in accordance with the law and this policy.
5. If other agencies are involved in a mutual effort, the agency with primary jurisdiction will be responsible for releasing information, unless other arrangements are agreed upon.

B. NEWS RELEASES AND CONFERENCES

1. News releases and news conferences will be arranged through the office of the Chief of Police.
2. The Chief of Police will designate the appropriate division or personnel in each case, as necessary.
3. Releases and conferences will be scheduled as soon as possible after information becomes available concerning a major event or incident.
4. Releases and conferences will include all local news media requesting such notification.
5. It will be the responsibility of the Chief of Police or his/her designee to advise the Director of Public Safety or other necessary elected government official(s) prior to the announcement of a press conference. This notification should be made sufficiently in advance to allow those persons noted to be in attendance if they deem their attendance necessary.

C. AUTHORITY AND RESPONSIBILITY FOR RELEASE OF INFORMATION

1. The Chief of Police or his/her designee shall be responsible for fielding all calls and verifying the release of information to the media or the public, and will release:
 - a. Information concerning the initial arrest and charges in any case when the suspect(s) are adults;

- b. Information confirming the general facts surrounding any of the following:
 - i. Natural disasters;
 - ii. Unusual occurrences;
 - iii. Emergency situations;
 - iv. Crime and accident scenes;
 - v. Civil disturbances;
- c. The name and age of any deceased person involved in a fatal accident, homicide or other death will only be released after positive identification, and only after notification has been made to all immediate family members;
- d. Information concerning the initial arrest and charges of adults in those cases assigned to the Criminal Investigative Division;
- e. General information surrounding a completed investigation, only when such release conforms to this policy and is in accordance with law;
- f. All matters pertaining to the disposition and adjudication of cases involved with the court systems in accordance with law and department policy;
- g. Information in accordance with law and department policy concerning traffic incidents;
- h. Copies of motor vehicle accident reports that are deemed public information by state law in accordance with APRA;
- i. Crime reports and other records deemed public information by state law, only after investigations are completed, and when their release conforms to this policy and in accordance with APRA;
- j. Adult arrest log reports within 48 hours after receipt of a request unless a request is made on a weekend or holiday, in which event the information shall be made available within 72 hours. Arrest logs will include:
 - i. Full name of arrested adult;
 - ii. Home address of the arrested adult, unless doing so would identify a crime victim;
 - iii. Year of birth of the arrested adult;
 - iv. Charges;

- v. Date and time of arrest;
 - vi. Gender of the arrested adult
 - v. Race of the arrested adult;
 - vi. Name of the arresting officer, unless doing so would identify an undercover officer.
- k. Computer data deemed public information by state law when the request is properly identified and release is in accordance with this policy and APRA;
 - l. Information that is deemed public information by state law, which is not immediately available or easily accessible;
 - i. The Administrative Services Division Commander or his/her designee will inform the person to fill out a "Request for Records Under the Access to Public Records Act" form (Addendum 1) and inform the citizen when they may pick up the records, which will be as expeditiously as they may be made available;
2. Police reports under investigation or involving arrest(s) will not be released to the public until:
 - a. A "Request for Records Under the Access to Public Records Act" form is properly filled out;
 - b. The criminal investigation has concluded;
 - c. The Chief of Police or his/her designee has conducted a report review.
 3. No sworn member or civilian employee shall release any department records or information to the public or media unless specifically authorized in this directive, or designated to do so by the member authorized to release such information.
 4. Nothing in this directive is to be construed as to interfere with the providing of information to defendants and their counsel as part of "discovery", nor the giving out of information to other police departments or government agencies requesting or needing information for official purposes.
 5. The Chief of Police may release any information in accordance with law, if in his/her discretion such release best serves the public interest.
 6. Only the Chief of Police or his/her designee will release information about crisis situations or confidential investigations and operations within the police department.

D. ACCESS TO POLICE INFORMATION

1. Sworn members and civilian personnel with computer privileges are the only persons authorized to view RMS/CAD/RILETS terminals and printers.
2. Only full-time sworn members of this department are authorized to receive classified police information disseminated at roll calls and briefings.
3. Information received through departmental computer systems, roll call and briefings are for police use only, and are not for private use or release to any persons other than those law enforcement or government agencies with specific need for the information as part of its official function.
4. Only the Chief of Police or his/her designee are allowed to contact the Registry of Motor Vehicles for the purpose of obtaining information on confidential police registrations.
 - a. All requests for such information must be forwarded in writing to the Chief of Police or his/her designee.

E. REPORT AVAILABILITY

1. Whenever a police officer initiates a crime or accident report, the officer will give the reporting person the report number. The officer will inform the reporting person that the report may be obtained at the Records Office during normal business hours in accordance with APRA guidelines.
2. Records request information is also made available on the department's website.

F. INFORMATION WHICH WILL NOT BE RELEASED

1. Police reports, investigations, records or other information contrary to law or this policy;
2. The identity of any victim of sexual assault;
3. The identity of witnesses or suspects in cases under investigation or pending in court, when release of information could jeopardize the investigation;
4. Medical information relating to health history, any diagnosis, medical condition, any treatment provided or evaluation made by healthcare providers as defined in RIGL's pertaining to the "Confidentiality of Health Care Communications and Information Act", unless specific written consent under the guidelines of the act has been obtained;
5. Information relating to an arrest, detention, apprehension or disposition of any juvenile unless under the written direction by a Justice of the Family Court;

6. Information relating to the identity or address of any victim of a fatal accident, homicide or other death without permission of the Chief of Police or his/her designee. All inquiries should be made to the attending hospitals and Office of the Medical Examiner. This will in no way prevent the North Providence Police Department from assisting the above agencies in such identifications or in aiding the families of the victims;
7. Personnel data relating to any sworn member or civilian employee. Questions concerning personnel will be referred to the Chief of Police;
8. Any police information received from other agencies, which was furnished for confidential or law enforcement purposes, for example BCI, Triple "I", license checks;
9. Any information regarding confidential police registrations or unmarked police vehicles;
10. Preliminary drafts, notes, impressions, memorandums, etc.;
11. Test questions, scoring keys and other examinations data used to administer any examination for employment or promotion. The exception is that a person will have the right to review the results of his/her examination, in accordance with the department's collective bargaining agreement.
12. Any records required to be kept confidential by law or rules of court.

G. MEDIA PARTICIPATION

1. The department encourages the news media to participate in the development of changes in policy and procedure relating to the release of public information.

H. RIGHT TO APPEAL

1. If any citizen or news media personnel are denied access to any record or information, they may appeal to the Chief of Police, who will make a final determination as to release of the information within ten (10) days in accordance with law.
2. Additional recourse and appeal is available in accordance with law.



NORTH PROVIDENCE POLICE DEPARTMENT

1967 Mineral Spring Avenue
North Providence, RI 02904
Phone (401) 231-4533 Fax (401) 233-1438



REQUEST FOR RECORDS UNDER THE ACCESS TO PUBLIC RECORDS ACT

Date: _____ Request Number: _____

Name (optional): _____

Address (optional): _____

City, State, Zip Code (optional): _____

Telephone (optional): _____

Requested Records: _____

Office Use Only

Request taken by: _____

Date: _____ Time: _____

Costs: _____ Pages: _____

North Providence Police Department - Access to Public Records Request Receipt

If you desire to pick up the records, they are expected to be available on _____ at the Records Office. If after review of your request, it is determined that the requested records are exempt from disclosure for a reason set forth in R.I.G.L.'s Access to Public Records Act, the department reserves its right to claim such exemption.

North Smithfield Police Department

Accept APRA requests by email? Yes

Email address: dbourgette@nsmithfieldri.org

Accept APRA requests by fax? Yes

Fax number: (401) 766-9412

Mailing address:

575 Smithfield Road
North Smithfield, RI 02896

Telephone number: (401)762-1212 ext.17

APRA procedures online? Yes

APRA procedures URL:

http://www.nsmithfieldri.org/_resources/common/userfiles/file/Police/APRA.pdf



North Smithfield Police Department



ACCESS TO PUBLIC RECORDS ACT

R.I. GEN. LAWS SECTION 38-2-1 ET SEQ.

The North Smithfield Police Department is committed to providing the public with access to public records, while protecting from disclosure information about individuals maintained that would constitute an unwarranted invasion of personal privacy. R.I. Gen. Laws Section 38-2-1. The North Smithfield Police Department provides numerous public documents to the public, media and attorneys everyday in the ordinary course of business. However, for any person who does not desire to make an oral request, wishes to make a formal request or request or the request needs clarification, please complete the written form.

Pursuant to R.I. Gen. Laws Section 38-2-3(c.), the North Smithfield Police Department has established the following procedure regarding access to public records:

Please inform the officer/clerk at the front desk that you wish to make a request for public records. Captain Tim Lafferty, Captain Glenn Lamoureux and Darleen Bourgette are the Public Records Officers for the North Smithfield Police Department 401-762-1212. The hours for the Records Department are 8 am to 3 pm. Monday through Friday.

The officer/clerk will provide you with a form to complete, which lets this Department know the precise public documents you seek and assists us in processing your request in an expeditious manner.

If the public records are readily available, we will be more than happy to provide them. However, there are times/circumstances when the records will not be available at the time that you make the request. If the records are not readily available, they can either be mailed to you or you can pick them up on a designated date. The Access to Public Records Act grants a public body ten (10) business days to respond to your request. R.I. Gen. Laws Section 38-2-7 (a). The Act further provides that "for good cause, this limit may be extended for a period not to exceed thirty (30) business days." We thank you in advance for your understanding if it is necessary, for good cause, to request this extension. Improper release of certain information could compromise the civil rights or personal safety of your fellow citizens, and we must review documents to prevent such harm.

Costs: The Access to Public Records Act gives you the opportunity to view and/or copy public records. The cost per copied page of written public documents will be \$.15 per page for documents copyable on common business or legal size paper. You may elect to obtain public records in any and all media in which we are capable of providing them. The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour, with no charge for the first hour. We would be more than happy to provide you with an estimate. Upon a request, we will provide a detailed itemization of the costs charges for search and retrieval.

Public Records: A "public record" is defined as "documents, papers, ...or other material regardless of physical form or characteristics made or received pursuant to law or ordinance in connection with the transaction of official business by any agency." Specifically with respect to police records, in addition to other records maintained by this Department that constitute "public records", the Access to Public Records Act deems public "records relating to the management and direction of law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against and adult." R.I. Gen. Laws Section 38-2-2 (4) (i.) (D).

Redaction: Although a document may constitute a public record, there may be some information contained on the document that may be redacted/deleted as it is exempt from disclosure under R.I. Gen Laws Section 38-2-2. In *Direct Action of Rights and Equality v. Gannon*, 713 A.2d 218 (R.I. 1998) and *The Rake v. Gorodetsky*, 452 A.2d 1144 (R.I. 1982), the Rhode Island Supreme Court held that final reports on civilian complaints of police brutality were subject to disclosure in redacted form. In addition, the Rhode Island Supreme Court stated that "in passing the APRA, the General Assembly intended to limit access to certain documents in order to avoid disclosure of confidential information

**575 Smithfield Road
North Smithfield, RI 02896
401-762-1212**

to protect individuals from invasion of privacy.” Providence Journal Company v. Kane 577 A.2d 661, 663 (R. I. 1990). “There is no public interest to be weighed in disclosure of nonpublic records.” Id. A “balancing of interests arises only after a record has first been determined to be a public record.” Id.

Exemptions: The Access to Public Records Act exempts some records from public disclosure: (A)(1) ...all personal or medical information relating to an individual in any files, --including information relating to medical or psychological facts...R.I. Gen. Laws Section 38-2-2(4)(i)(A)(I);

(C.)...records of juvenile proceedings before the family court

(D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information may (a) reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could constitute an unwarranted invasion of personal privacy (d) could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority, or private institution which furnished information on a confidential basis, or the information furnished by a confidential source, (e) would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual.

(S) Records, reports, opinions, information and statements required to be kept confidential by federal law or regulation or state rule of court, law or regulation. (i.e. information regarding juveniles, etc.)

Please be advised that this is not a complete list of documents that the Act exempts from disclosure. For a full list see R.I. Gen. Laws Section 38-2-2.

Appeal of Denial: Any person or entity denied the right to inspect a record of a public body by the Public Records Officer may petition the chief administrative officer of that public body for review of the determinations made by his or her subordinates. Any petitions from a denial should be made to Chief Steven E. Reynolds. A final determination whether or not to allow public inspection will be made within ten (10) business days after submission of the review petition. R.I. Gen. Laws Section 38-2-8.

Complaint to the Attorney General: If the chief administrative officer determined that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General (150 South Main Street, Providence, RI 02903, telephone 274-4400) or may retain private counsel for the purposes of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained. The Act provides that “the court shall impose a civil fine not exceeding one thousand dollars (\$1,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and shall award reasonable attorney fees and cost to the prevailing plaintiff. The court shall further order a public body found to have wrongfully denied access to provide the public records at no cost to the prevailing party; provided further, that the plaintiff’s case lacked a grounding in fact or in existing law or in good faith argument for the extension modification, or reversal of existing law, the court may award attorneys fees and costs to the prevailing defendant.” R. I. Gen. Laws Section 38-2-9(d).

We hope this message has been of assistance.

**575 Smithfield Road
North Smithfield, RI 02896
401-762-1212**



North Smithfield Police Department



REQUEST FOR RECORDS UNDER THE ACCESS TO PUBLIC RECORDS ACT

Date Requested _____

Name _____

Address _____

Telephone _____

Records Requested: _____

A copy of the report will be available when authorized for release. There is a \$.15 per page charge for all reports. *If you would like to have the report mailed, it must be prepaid.*

Office use only:

_____ pick up records or _____ regular mail

Amt. pd: _____

Initials: _____

The North Smithfield Police Department is committed to providing you with public records in an expeditious and courteous manner.

575 Smithfield Road
North Smithfield, RI 02896
401-762-1212

Pawtucket Police Department

NOTE: APRA requests to the Pawtucket Police Department are processed by the Pawtucket City Solicitor's Office

Accept APRA requests by email? Yes

Email address: FMilos@PAWTUCKETRI.com

Accept APRA requests by fax? Yes

Fax number: (401) 727-9133

Mailing address:

Pawtucket Police Department, c/o City Solicitor
121 Roosevelt Avenue
Pawtucket, RI 02860

Telephone number: (401) 727-9100

APRA procedures online? Yes

APRA procedures URL:

<http://www.pawtucketri.com/documents/law/APRA%20-%20Guidelines%20to%20Public%20Records%20-%202012.pdf>

**CITY OF PAWTUCKET
PUBLIC RECORDS REQUEST PROCEDURE**

The City of Pawtucket has adopted the following procedure in order to assist you in requesting and obtaining public records pursuant to the Access to Public Records Act (R.I. Gen. Laws § 38-2-1, et seq.).

1. A request to inspect and/or copy public records of the City of Pawtucket may be presented orally or in writing to the Law Department located at Pawtucket City Hall, Room 209, 137 Roosevelt Avenue, Pawtucket, Rhode Island 02860 during normal business hours (8:30 a.m. to 4:30 p.m. – Monday through Friday). In order to make a public records request orally or by e-mail or facsimile, please contact the Law Department at 728-0500 ext. 308. The public records officer is City Solicitor, Frank J. Milos, Jr., Esq.
2. Although not required, in order to ensure that you are provided with the public records you seek in an expeditious manner, the City asks that you complete the City's Public Records Request Form, or otherwise provide a written request for records that clearly identifies the records you seek. A written form is not requested if you are seeking records available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public.
3. There are times when the public records you seek are not available at the time of your request. Please be advised that the Access to Public Records Act allows a public body ten (10) business days to respond, which can be extended an additional twenty (20) business days for good cause. We appreciate your understanding and patience.
4. If, after review of your request, the City determines that the requested records are exempt from disclosure for a reason set forth in the Access to Public Records Act, the City reserves its right to claim such exemption.
5. The City may charge a fee of fifteen cents (\$.15) per page for copies and/or fifteen dollars (\$15.00) per hour, after the first hour, for search and/or retrieval of documents. Please be advised that for purposes of search and retrieval costs, multiple requests made by you within thirty (30) days shall be considered one (1) request.
6. The City of Pawtucket is not obligated to produce for inspection or copying records that are not in the possession of the City of Pawtucket. Moreover, the City of Pawtucket is not required to reorganize, consolidate, or compile data that is not maintained by the City of Pawtucket in the form requested.

Additional copies of these Guidelines and the request form are available on the City of Pawtucket website at <http://pawtucketri.com/departments/law/>.

The City of Pawtucket is committed to providing public records in an expeditious and courteous manner consistent with the Access to Public Records Act.



**OFFICE OF THE CITY SOLICITOR
PUBLIC RECORDS REQUEST FORM**

In order to facilitate a prompt and accurate response to your request, we encourage you to fill out the following:

Date: ____/____/____

Name: _____

Address (optional): _____

Phone number (optional): _____

E-mail address (optional): _____

Requested Records: _____

OFFICE USE ONLY:

Request taken by: _____ Date: _____

Forward this document to the Law Department

Pursuant to R.I. Gen. Laws § 38-2-4, the City reserves the right to charge \$.15 per copy and \$15 an hour for retrieval with the first hour being free of charge.

If, after review of your request, this office determines that the requested records are exempt from disclosure for a reason set forth in R.I. Gen. Laws §38-2-2(4)(i)(A) through (Y), this office reserves its right to claim such exemption.

If, after review of your request, this office determines that the request requires extensive research and review of voluminous documents, the City reserves to right to extend the time to respond pursuant to R.I. Gen. Laws § 38-2-7 (b).

Note: If you choose to pick up the records but did not include contact information (phone, number, address, e-mail address, etc.), please contact Frank J. Milos, Jr., Esq., 728-0500 ext. 308 in order to establish a method of delivering the records to you.

Portsmouth Police Department

Accept APRA requests by email? Yes

Email address: dpappas@portsmouthri.com

Accept APRA requests by fax? Yes

Fax number: (401) 683-2020

Mailing address:

Portsmouth Police Department
2270 E. Main Road
Portsmouth, RI 02871

Telephone number: 401-683-0300

APRA procedures online? Yes

APRA procedures URL: <http://www.portsmouthri.com/327/Records-Office>



PORTSMOUTH POLICE DEPARTMENT

2270 East Main Road
Portsmouth, RI 02871

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL		500.01	
SUBJECT TITLE		SUBJECT AREA	
RELEASE OF POLICE INFORMATION AND MEDIA RELATIONS		INFORMATION SERVICE	
RIPAC REFERENCE		PREVIOUSLY ISSUED DATES	
DISTRIBUTION	REVIEW DATE	PAGES	
ALL	AS NECESSARY	6	

RELEASE OF POLICE INFORMATION AND MEDIA RELATIONS

I. PURPOSE

To establish guidelines for the release of information to the news media.

To provide the news media and public with timely and accurate information regarding Department activities while ensuring that police investigations are not jeopardized by the premature release of information.

II. POLICY

The Portsmouth Police Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest in a manner that does not hamper police operations. The Department is committed to informing the community and the news media of events within the public domain. However, certain information must be withheld from the media to protect the constitutional rights of an accused, to avoid interfering with a Department investigation, or because it is legally privileged.

III. PROCEDURE

A. PUBLIC INFORMATION FUNCTION

1. The Detective Lieutenant is designated as the Public Information Officer and is responsible for the public information function of the Department, and compliance with the Access to Public Records Act of the State of Rhode Island.
2. In the absence of the Detective Lieutenant the Detective Sergeant will be responsible for:
 - a. Assisting news personnel in covering routine news stories, and at the scene of incidents when so required.
 - b. Being available for on-call responses to the news media.
 - c. Preparing and distributing formal news releases, subject to the approval of the Deputy Chief or his designee.
 - d. Arranging for, and assisting at news conferences.
 - e. Coordinating and authorizing the release of information about victims, witnesses, and suspects.
3. It shall be the responsibility of the Chief of Police or designee to:
 - a. Coordinate and authorizing the release of information concerning:
 - 1) Confidential Department investigations and operations.
 - 2) Assisting in crisis situations within the department.
4. Police Officers who are approached by members of the news media for information concerning official activities of the Department are to refer all such inquiries to the O.I.C.

B. NEWS MEDIA / AT SCENE ACCESS

1. News personnel and photographers covering stories at the scene of major incidents, disasters, or events will be directed to an area designated by the on-scene O.I.C.
2. The area designated for the media should be convenient to the reporting of the incident so long as the investigation is not jeopardized and safety considerations are not compromised.
3. The area will be outside of the crime scene perimeter.
4. The O.I.C., should periodically update the media in accordance with this policy and Rhode Island Law.
5. If other agencies are involved in a mutual effort, the agency with primary jurisdiction will be responsible for releasing information unless other arrangements have been agreed upon.

C. NEWS RELEASES

1. News releases are divided into three (3) categories. The frequency and content of the release depends upon the objective desired. Normally releases will be provided to those media agencies that have a direct relationship with the service community. The three types of news releases are:
 - a. **ONGOING INVESTIGATIONS** - It is important that all releases contain the same information. If possible a printed release will be prepared for distribution to the media. The Chief, Deputy Chief, Detective Lieutenant, or their designee (the O.I.C. in their absence), MAY RELEASE the following information:
 - 1) The type of crime or nature of incident.
 - 2) The location (certain restrictions apply), date, time, injuries sustained, damaged property and a brief description of the incident.
 - 3) Amount and type of property taken, including value if known.
 - 4) The name, age, photograph, and address of any adult charged with a crime.
 - 5) The fact that a juvenile has been taken into custody, including sex, age, and general area of residence.
 - 6) The nature, substance or text of the charge.
 - 7) The facts, time and place of arrest.
 - 8) The next step in the judicial process.
 - 9) Requests for aid in locating evidence, a complainant, or a suspect. The identity of a suspect before arrest will not be disclosed except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect, or to warn the public of any danger. A person's gender, general physical characteristics, and race may be released as descriptive information in such cases.
 - 10) Available photographs may be released only if they serve a valid law enforcement function such as the identity of an unknown victim or to enlist public assistance in the apprehension of the offender. Release of a photograph of an unknown victim requires the authorization of the Chief of Police.
 - b. **PUBLIC RELATIONS** - The Chief of Police or his designee shall be responsible for issuing public relation news releases. Information should be provided on a regular basis to all media agencies that have contact within the Department's service area. The content of the news releases may include:
 - 1) Department accomplishments.
 - 2) New program announcements.
 - 3) Crime prevention information.
 - 4) Relevant crime problems and statistics.
 - 5) Appointments and promotions.
 - c. **EMERGENCY NEWS RELEASE** - Whenever there is an immediate need to inform the general public concerning an emergency, the on duty O.I.C. may contact the news media and issue a press release. The need for such release will depend upon the severity of the situation and the need for the public to be informed. In special situations of public concern such as natural disaster (tornadoes, severe wind, snow emergencies, floods, or rainstorms, etc.), a major fire or a chemical spill, the O.I.C. may issue a press release at their discretion. Comments to reporters should be comprised only of factual, on-the-record

information. The Deputy Chief of Police will be informed of the emergency release as soon as practical.

D. WITHHOLDING INFORMATION

1. In general, comments to the news media concerning investigations, indictments, arrests and criminal incidents should be minimal, consistent with the responsibility of keeping the public informed without jeopardizing the rights of individuals.
2. The following information **WILL NOT** be released:
 - a. Any victim, complainant, or witness information such as identity, address, phone number, age, etc., in the following instances:
 - 1) The information is contained in an on-going investigation whereby release of such information may jeopardize successful resolution and/or prosecution of the case.
 - 2) The information is contained in any sex offense or sex related investigation which, if divulged, would tend to lead to the victim's identification.
 - b) Law enforcement officers may not disclose the identity of any juvenile in releasing information to the general public as to the arrest, investigation or disposition of any case involving a juvenile, unless under the written direction of a Justice of the Family Court.
 - c) Medical information relating to health history, any diagnosis, medical condition, treatment provided or evaluation made by health care providers as defined in R.I.G.L. (5-37.3-3) unless specific consent has been obtained under the guidelines of R.I.G.L. (5-37.3-4).
 - d) The identity of any critically injured or deceased person, before notification of the next of kin.
 - e) Personnel data relating to any sworn member or employee of the department. Questions concerning personnel will be referred to the Chief of Police.
 - f) Exact information concerning an on-going investigation, whether it be a crime or traffic accident, will not be released if the information would jeopardize the investigation or prosecution of a subject.
 - g) Any police information released from other agencies which was furnished for confidential or law enforcement purposes, ex. BCI, Triple "I", license checks.
 - h) Preliminary drafts, notes, impressions, memoranda, etc.
 - i) Confidential intelligence or operations will not be disclosed except by express permission of the Chief of Police.
 - j) Sensitive or investigative information concerning internal investigations except by express permission of the Chief of Police in accordance with the RI Law Enforcement Officer's Bill of Rights.
 - k) Any records required to be kept confidential by federal or state law or rule of the court.

E. ACCESS TO PUBLIC RECORDS

1. The Portsmouth Police Department has appointed the Detective Lieutenant as the Public Records Officer.

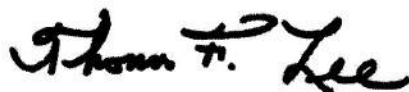
2. The Portsmouth Police Department shall provide the name of its Public Records Officer, business address and phone number to the Department of Attorney general.
3. The Portsmouth Police department adopts the language of the public notice placard and agrees to maintain it in a prominent place in the lobby of the police station.
4. The Portsmouth Police Department adopts the Access to Public Records Procedure.
5. The Cumberland Police Department agrees to maintain copies of the Access to Public Records Procedure at its front desk for distribution to the public.
 - a. If someone requests a copy of the Access to Public Records Procedure, they will be given one. These copies will be located at the front desk.
6. The Portsmouth Police Department agrees to maintain the public records request form at its front desk and shall make them readily available, as well as pens or pencils, to the public for completion.
 - a. In most cases reports will be available within 48 hours of the request on the following business day.
 - b. All requested records will be forwarded to the Records Clerk. (Example; larceny reports, arrest reports, etc.)
 - c. The Detective Lieutenant will be responsible for any redaction or refusal of the requested information. (Examples of redacted or denial of records; witness information, victim information, juvenile defendants, ongoing investigation, suspects, medical information, social security numbers etc.)
7. The Portsmouth Police Department understands and respects the right of the Public to access public records, and will treat citizens requesting public records with courtesy consistent with the department's Rules and Regulations.
 - a. Portsmouth Police Employees can ask a person requesting records for their name and the reason for the report. However, **if they refuse to give their name or the reason they are requesting a record they cannot and will not be denied access to the record requested!**
 - b. If a person requesting a report refuses to give their name, the request will be completed and the copy will be left with a description of the record requested and "anonymous request" at the top of the envelope.
8. The Portsmouth Police Department recognizes that it must respond to public record requests within 10 business days. If due to the request, we must seek an extension of up to additional 20 business days, we must inform the requester within the initial 10-day period of the need for an extension. If we do not send the extension letter or respond to the request within the initial 10 days, our inaction is considered a denial and we may have waived our defenses if a court action is filed.
9. If we need advice as to whether a document is a "public record" we will promptly contact our town solicitor. If he or she is unable to provide an answer, he or she may contact the Civil Division of the Department of the Attorney General for an advisory

opinion. If the town solicitor is for some reason unavailable, the Chief of Police may contact the Department of Attorney General directly.

10. The public records officer or his/her designee should review the initial arrest report and other public documents to ensure that privacy rights of individuals are maintained and informants or law enforcement techniques are redacted and not disclosed.
11. The Records Clerk shall maintain a central file of all public records request forms. The file will contain the completed request forms once the request has been fulfilled or responded to. It is understood that in many instances the Cumberland Police Department provides public records that are readily available to the requester without requiring them to complete the Public Records Request Form.

If someone feels they have been denied access to public records they have the right to appeal to the Chief of Police. If they are still not satisfied they may file a complaint with the Department of the Attorney General.

By Order of:

A handwritten signature in black ink that reads "Thomas F. Lee". The signature is written in a cursive style with a large, stylized "L" at the end.

Thomas F. Lee
Chief of Police

REQUEST FOR RECORDS UNDER THE ACCESS TO PUBLIC RECORDS ACT

Date _____ Request Number _____

Name (optional) _____
Address (optional) _____

Telephone (optional) _____

Requested Records: _____

If these records are not readily available at the time of your request, please advise whether you desire to:

_____ Pick up the records -or- _____ Regular mail (Postage required)

Office Use

Request taken by: _____ Request Number _____
Date: _____ Time: _____
Records to be available on: _____ Mail _____ Pick Up _____
Records provided: _____
Costs: _____ copies _____ search and retrieval

Portsmouth Police Department - Access to Public Records Request Receipt

If you desire to pick up the records, they will be available on _____ at the front desk. If, after review of your request, the Department determines that the requested records are exempt from disclosure for a reason set forth in Rhode Island General Laws Section 38-2-2(4)(i)(A) through (W), the Portsmouth Police Department reserves its right to claim such exemption.

Note: If you chose to pick up the records but did not include identifying information on this form (name, etc.), please inform the officer/clerk at the front desk of the date you made the request, records requested and request number: _____

Thank you. _____

Town of Portsmouth

2200 East Main Road
Portsmouth, Rhode Island

ACCESS TO PUBLIC RECORDS ACT PROCEDURE

R.I. Gen. Laws Section 38-2-1, et seq.

The Town is committed to providing the public with access to public records under R.I. Gen. Laws Section 38-2-2 from all Town departments. The Town's various departments and staff provides numerous documents to the public, media, and attorneys every day in the ordinary course of business. However, for any person who (1) does not desire to make an oral request; (2) wishes to make a formal written request; (3) has a request that needs clarification; or (4) has a request outside of normal business hours, please complete the "Request for Records Under the Access to Public Records Act" form available at any Town Department or by following these procedures.

Pursuant to R.I. Gen. Laws Section 38-2-3(d), the Portsmouth Town Administrator has established the following procedure regarding access to public records:

1. A request to inspect and/or copy public records of the Town of Portsmouth may be presented orally or in writing to the Public Records Officer in each department as listed below:
 - Town Administrator John Klimm, (401) 683-3255, jklimm@portsmouthri.com
 - Town Clerk Joanne Mower, (401) 683-2101, jmower@portsmouthri.com
 - Finance/Personnel Director James Lathrop, (401) 683-9118, jlathrop@portsmouthri.com
 - Building Official George Medeiros, (401) 683-3611, gmedeiros@portsmouthri.com
 - Town Planner Gary Crosby, (401) 643-0382, gcrosby@portsmouthri.com
 - Canvasser Jacqueline Schulz, (401) 683-3157, jschulz@portsmouthri.com
 - DPW Deputy Director Brian Woodhead, (401) 683-0362, bwoodhead@portsmouthri.com
 - Police Records Clerk Debbie Pappas, (401) 683-0300, dpappas@portsmouthri.com

Normal business hours may vary for each department, though in general Town Hall is open from 8:30 a.m. to 4:30 p.m. In order to receive the records you request in a prompt manner, we ask that you complete the Request for Public Records Under the Access to Public Records Act form attached to these procedures. Copies are available in each department or online following these procedures.

2. The Public Records Officer in each department will provide you with a form to complete, which permits us to know the precise public documents you seek and assists us in processing your request in an expeditious manner. Although not required, in order to ensure compliance with the Access to Public Records Act and that you are provided with the public records you seek expeditiously, the Town asks that you complete the Public Records Act Request Form. This form is not required if you are seeking records available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public.

3. There are times/circumstances when the records will not be available at the time you make your request. If the records are not readily available, they can either be mailed to you or you can pick them up on a designated date. The Access to Public Records Act grants a public body ten (10) business days to respond to your request per R.I. Gen. Laws Section 38-2-3(e). The Act further provides that for good cause, a public body may submit a written request for an extension of up to twenty (20) business days to process the request. We thank you in advance for your understanding if it is necessary to request this extension.
4. **Costs.** The Access to Public Records Act gives you the opportunity to view and/or copy public records. The cost per copied page of written public documents will be fifteen cents (\$0.15) for page copied on common business or legal size paper. You may elect to obtain public records in any and all media in which we are capable of providing them. The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall be fifteen dollars (\$15.00) per hour, with no charge for the first hour. We will be more than happy to provide you with an estimate. Upon a request, we will provide a detailed itemization of the costs charged for search and retrieval.
5. **Public Records.** A “public record” is defined as “documents, papers, . . . 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” (R.I. Gen. Laws Section 38-2-2).
6. **Redaction.** Although a document may constitute a public record, there may be some information contained on the document that may be redacted/deleted as it may be exempt from disclosure under R. I. Gen. Laws Section 38-2-2.
7. **Exemptions.** The Access to Public Records Act exempts a variety of records from public disclosure, as set forth in R.I. Gen. Laws Section 38-2-2(4).
8. **Appeal of Denial.** Any person or entity denied the right to inspect a record of a public body by the Town may petition the Town Administrator for review of the decision denying the request. Any petitions from a denial should be addressed to John C. Klimm, Town Administrator. A final determination of whether to allow public inspection will be made within ten (10) business days after the submission of the review petition per R.I. Gen. Laws Section 38-2-8.
9. **Complaint to the Attorney General.** If the Town Administrator determines the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the attorney general (150 Main Street, Providence, RI 02903; Telephone: 401-274-4400) or may retain private counsel for the purposes of instituting proceedings for injunctive or declaratory relief in the Superior Court of Providence County.

Providence Police Department

NOTE: APRA requests to the Providence Police Department are processed by the Providence Legal Department

Accept APRA requests by email? No -- but can be submitted online

Accept APRA requests by fax? Yes

Fax number: (401) 680-5520

Mailing address:

Providence Police Department, c/o Law Department
444 Westminster Street, Suite 220
Providence, RI 02903

Telephone number: 401.272.3121

APRA procedures online? Yes

APRA procedures URL: <https://www.providenceri.com/law/apra-request>



LAW DEPARTMENT

OFFICIAL WEBSITE OF THE CITY OF PROVIDENCE, RHODE ISLAND

Search ProvidenceRI.com



CITY OF PROVIDENCE Angel Taveras, Mayor

PROCEDURE FOR OBTAINING CERTAIN RECORDS

If you are seeking copies of birth, death, or marriage certificates, these are available from the [Office of Vital Statistics](#) - 401-421-7740 ext. 701.

Pursuant to Rhode Island General Law 38-2-3(d) the City of Providence hereby adopts the following procedure for requesting/obtaining public records:

1. A request to inspect and/or copy public records of the City of Providence may be presented orally or in writing to the Public Records Unit at 444 Westminister Street, Suite 220, Providence, RI 02903 during normal business hours (8:30 a.m. to 4:30 p.m. Monday through Friday) or (401) 680-5333.
2. Although not required, in order to ensure compliance with the Access to Public Records Act and that you are provided with the public records you seek in an expeditious manner, the City asks that you complete the Public Records Request Form. This form is not required if you are seeking records available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public.
3. The Access to Public Records Act allows a public body ten (10) business days to respond, unless otherwise extended for good cause in accordance with the provisions of subsection 38-2-3(e). In such instances, a response will be provided within thirty (30) days of receipt of request.
4. If, after review of your request, the City determines that the requested records are exempt from disclosure for a reason set forth in R.I.G.L. 38-2-2(4)(A) through (Y), the City reserves its right to claim such exemption. In the event that you disagree with the City's opinion regarding exemption, you may file a review petition with the chief administrative officer of the department that maintains the records that you seek. If the chief administrative officer affirms the City's position, you may then file a complaint with the Department of Attorney General. You may also file an action for injunctive or declaratory relief in Providence County Superior Court.
5. In accordance with Rhode Island General Law 38-2-4, the City may charge a fee of fifteen cents (\$.15) per page for copies and/or fifteen dollars (\$15.00) per hour, after the first hour, for search and/or retrieval of documents. Please advise that for purposes of search and retrieval costs, multiple requests made by you within thirty (30) days to the City of Providence shall be considered one (1) request.
6. The City of Providence is not obligated to produce for inspection or copying of records that are not in the possession of the City of Providence. Moreover, the City of Providence is not required to reorganize, consolidate, or compile data that is not maintained by the City of Providence in the form requested.

The City of Providence is committed to providing public records in an expeditious and courteous manner consistent with the Access to Public Records Act.

REQUEST TO INSPECT AND/OR COPY PUBLIC RECORDS FORM

To submit an online request for public records please provide the following information. A valid e-mail address and description of records requested are required.

Contact Information

(please provide the following information)

Law Department

[Meet the City Solicitor](#)

[Staff Directory](#)

[Affirmative Litigation](#)

[Nuisance Task Force](#)

[CLE Program](#)

[ADA Compliance](#)

[Public Records Request](#)

[Filing a Claim](#)

[Claim Inquiries](#)

[FAQs](#)

[News Archive](#)

[Useful Links](#)



TOP REQUESTED

Payments

Download Forms

Find Information on...

Job Postings

CITY DEPARTMENTS

Select a Department

TRANSLATE
PROVIDENCERI.COM

Select Language

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First Name **Last Name**

Address **City**

State **Zip** **Email ***

Telephone **Facsimile**

▼ **Request Info**

Date of Request

Year Month Day

Please select today's date by clicking on the calendar icon.

Records Request *

By submitting this record request form you agree to the following statement:

I further declare that while inspecting original documents of the City of Providence, I will not remove, damage or in any way alter any original documents temporarily in my possession.

[Privacy & Terms](#)

(*) Required Field

CITY OF PROVIDENCE

[Sitemap](#) | [Archive](#) | [Employee Directory](#) | [Privacy Policy](#) | ©2014 City of Providence. All rights reserved.
Providence City Hall 25 Dorrance Street Providence, Rhode Island 02903 401 421 7740 Main 401 421 2489 Mayor's Office

Richmond Police Department

Accept APRA requests by email? Yes

Email address: chief@richmondpd.org

Accept APRA requests by fax? Yes

Fax number: (401) 539-8293

Mailing address:

Richmond Police Department
1168 Main Street
P.O. Box 203
Wyoming, RI 02898

Telephone number: (401) 539-8289

APRA procedures online? Yes

APRA procedures URL: <http://www.richmondpd.org/records.htm>

Policies and Procedures

POLICE AND NEWS MEDIA

GENERAL CONSIDERATIONS AND GUIDELINES

The news media - which includes newspapers, radio and television - is the means by which the community can learn most quickly and most effectively of the activities and operations of the police department. The public has a right to the kind of news and information that the police can furnish, and the news media has the right to disseminate this information.

It is difficult to precisely define the relationship that should exist between members of the police department and representatives of the news media. It should, however, have for its basis a genuine spirit of mutual cooperation and mutual respect. The police should freely and openly provide all legitimate news items to the media and should expect in return a fair presentation of the facts. Consistent with the responsibility to protect the rights of the persons involved and the necessity to maintain the security and confidentiality of departmental records, an accurate and factual account of all incidents and occurrences of public interest should be given to the media as promptly as possible.

Because of the nature of the police service, there are times and circumstances when it is necessary to temporarily limit and control this flow of information to the public. Many criminal cases under investigation by the police are of such a nature and character that in the best interests of the public, they must be kept confidential, especially in their early stages. Great care must also be taken to avoid prejudicial pre-trial publicity based upon statements by the police or by police witnesses that could prevent a fair trial. This responsibility for protecting the constitutional guarantee of the accused for a fair trial is shared equally by the police and the news media.

The news media can provide an excellent resource for the police to reach the greatest number of people in the shortest possible time to provide advice and directions to the community in any public emergency. Because of its wide communications capability, the news media can be utilized by the police as a public service to dispel rumors and to calm community fears in the event of a major disaster or public disorder.

The news media is also the most effective channel available to the police to inform the public of police problems and objectives and to gain public acceptance and cooperation for those objectives.

PROCEDURES

1. Every effort will be made to develop a constructive, professional working relationship with all representatives of the news media.
2. The Chief of Police will act as the official spokesman for the police department in conducting and maintaining an active liaison with the news media.
3. In the absence of the Chief, it will be the responsibility of the Officer-in-Charge of the department to supply information to the news media in accordance with these procedures.
4. Officers involved in an active police operation or investigation may respond to legitimate inquiries for routine information from the news media if the time, place and circumstances permit, but if there is any doubt as to whether such information should be divulged, these inquiries will be referred to the Chief or the Officer-in-Charge of the department.
5. Official news media representatives shall be admitted within police lines but not within the actual crime scene during an active investigation.
6. Official news media representatives shall be permitted within police lines set up because of a major disaster or other public emergency, but they shall be notified of any present or potential danger and that under such conditions the police department is not responsible for their physical safety.
7. Before providing information to the news media or responding to inquiries from media representatives, the following police requirements will be carefully considered:
 - a. the necessity to prevent interference with, or the hampering of a police investigation;
 - b. the necessity to preserve evidence;
 - c. the necessity to protect the safety of the victims of crime;
 - d. the necessity to protect the identity of informants;
 - e. the necessity to successfully apprehend the perpetrators of crime;
 - f. the necessity to protect the constitutional rights of persons accused of crime; and
 - g. the necessity to avoid prejudicial pre-trial publicity.

Police and News Media
Three

8. No favoritism shall be shown in releasing news items. Newspaper, radio and television representatives shall be given equal opportunity to obtain all legitimate news. This does not prevent a reporter from developing an individual story or a feature article on his own initiative.
9. Copies of reports, records or other official departmental documents shall not be given to the news media unless the written authorization of the Chief is expressly obtained.
10. The identity of the following persons shall not be revealed to the news media except with the direct approval of the Chief:
 - a. any person under 18 years of age taken into custody or accused of crime;
 - b. any complainant under 18 years of age;
 - c. any neglected child;
 - d. any victim of a sex crime;
 - e. any person taken into custody because of mental illness.
11. In the case of sudden or accidental death or serious injury, the identity of the victims will not be revealed to the news media until the next of kin are notified, at which time the information will be promptly disseminated.
12. The following guidelines will be carefully followed in order to protect the rights of persons accused of crime:
 - a. The following information may be released to the news media (with the exceptions noted in Section 10):
 - i. the identity of the victim (after notification of next of kin);
 - ii. the name, age, residence, occupation, and family status of the accused;
 - iii. any information necessary to aid in the apprehension of the accused or to warn the public of any danger the accused may present;
 - iv. the facts and circumstances of an arrest, including the time and place of arrest, any pursuit that took place, and resistance made and any weapons used;
 - v. the identity of the investigating or arresting officers and the length of the investigation;
 - vi. the description of any evidence seized, without further comment;

Police and News Media
Four

- vii. a brief description of the offense charged;
 - viii. the time and place of any court hearing;
 - ix. whether the arrested person was bailed and the amount thereof.
- b. The following information may not be released to the news media:
- i. the prior criminal record of the accused;
 - ii. the character or reputation of the accused;
 - iii. the existence or the contents of any confession, admission or statement made by the accused or the failure or refusal of the accused to make any statement (except that it may be stated that the accused denies the charges made against him);
 - iv. the results of any examination or tests made or the failure or refusal of the accused to submit to any examination or test;
 - v. the identity, testimony or credibility of any prospective witness;
 - vi. any opinion as to the guilt or innocence of the accused or to the possibility that a plea of guilty may be made;
 - vii. any opinion as to the merits of the case or of the evidence in the case.
- c. The following is not to be authorized or permitted under any circumstances:
- i. the deliberate posing of any person in custody for photographing or televising by representatives of the news media; or
 - ii. the interviewing of any person in custody by representatives of the news media, unless the accused requests or consents in writing to such interview after being adequately informed of his right to consult with an attorney and of his right to refuse to grant such an interview.



Richmond Police Department



P.O. Box 203
1168 Main Street
Wyoming, Rhode Island 02898

Elwood M. Johnson Jr.
Chief of Police

Telephone 401-539-8289
Fax 401-539-8293

REQUEST FOR POLICE RECORDS

The cost per copied page of written public documents shall not exceed fifteen cents (\$.15) per page. Hourly costs for search or retrieval shall not exceed fifteen dollars (\$15.00) per hour, excluding the first hour, pursuant to § 38-2-4 of the Rhode Island General Laws (RIGL).

I am requesting a copy of the following police record:

ACCIDENT LOSS THEFT ARREST

OTHER: _____

DATE OF OCCURRENCE: _____ TIME OF OCCURRENCE: _____

LOCATION OF OCCURRENCE: _____

If the record you request is not immediately retrievable or if your request is to be reviewed by the Chief of Police, please print your name and complete address below. You will receive the requested record(s) through the mail or a response regarding the reason the requested record is not covered by Chapter 2; Title 38 RIGL entitled "Access to Public Records." Response to your request will be done within ten business days, per § 38-2-7 of the RIGL.

NAME: _____ PHONE: _____

ADDRESS: _____
(Street) (PO Box/Apt)

(City/Town) (State) (Zip Code)

**** Please Check Preference:** Receive by mail /// Receive by Fax /// Pick-up

POLICE DEPARTMENT USE ONLY:

Received by: _____ Date: _____ Requested Information Given: _____ YES _____ NO

_____ The records requested are enclosed.

_____ The records requested are not covered by Rhode Island Access To Public Records Act

Scituate Police Department

Accept APRA requests by email? Yes

Email address: chief@scituatepolice.necoxmail.com

Accept APRA requests by fax? No

Mailing address:

Scituate Police Department
116 Main Street
Hope, RI 02831

Telephone number:

APRA procedures online? Yes


APRA procedures URL:

<http://www.scituateri.org/police%20info%20request%20form%202013.pdf>



Scituate Police Department

GENERAL ORDER 410.30

SECTION	EFFECTIVE DATE	PAGES
400 – Support Operations	April 17, 2014	2
SUBSECTION	SPECIAL INSTRUCTIONS	
10 – Records	Rescinds Public Records Policy 6/3/98; Revised 7/22/99; Revised August 2012	
TITLE	BY ORDER OF	
410.30 ACCESS TO PUBLIC RECORDS GUIDELINES		

I. PURPOSE

To establish guidelines for access to public records held by the Scituate Police Department.

II. POLICY

It shall be the policy of the Scituate Police Department to fully comply with the provisions of Title 38, Chapter 2, Section 1 of the R.I.G.L. in a cooperative, helpful, and respectful manner.

III. DEFINITIONS

The definitions are as outlined in the Access to Public Records Act, this General Order, the General Policies and Procedures for the Request of Records, and the Public Records Request Form as adopted by the Scituate Police Department.

IV. PROCEDURES

- A. A copy of the General Policies and Procedures for the Request of Records, and the Public Records Request Form shall be posted in the foyer of the police station for public review as well as the Town of Scituate's website.
- B. The Scituate Police Department has adopted General Policies and Procedures for the Request of Records which is incorporated herein by reference. When a member of the public makes a request for a public record they are not to be questioned as to the purpose of their request. They should be provided with a request form and asked to fill it out. An incident number will be drawn and the request noted in the log. Should they wish to remain anonymous, they may contact the dispatcher by telephone at a later time to determine if their request has been processed.

- C. Requests will be forwarded to the Department Operations Commander, who is the designated Public Records Officer for the Scituate Police Department. In the absence of the Operations Commander, the Administrative Commander is the secondary Public Records Officer.
- D. Every effort will be made to comply with a request in as timely a fashion as possible. RIGL 38-2-7 provides up to ten (10) business days to comply or deny access to a record. However, if the request is for an initial arrest of an adult and charges(s), it shall be made available within 48 hours after receipt of said request unless the request is made on the weekend or a holiday, then the information shall be available within 72 hours. The "weekend" is defined as anytime after 3:00pm on a Friday and before 7:00am the next Monday, unless the Monday falls on a holiday. In that case, the 72 hours shall begin at 7:00am on the Tuesday following said holiday. Persons requesting records shall be informed of the applicable time period(s).
- E. There is a cost to copy records as provided in the R.I.G.L. 38-2-4, at \$0.15 per page and an administrative fee of up to \$15.00 per hour for more than one hour of search or retrieval. Persons requesting records shall be informed of this cost.
- F. Any person found to be in violation of this General Order shall be subject to a verbal reprimand, a written reprimand, or other disciplinary action to include termination consistent with the provisions of the collective bargaining agreement(s) if applicable, and for sworn employees the Rhode Island Police Officers Bill of Rights.

V. APPLICABILITY

This Public Records General Order and the attachments rescind all previously issued policies, orders or memorandums concerning public records.

VI. ATTACHMENTS

- A. General Policies and Procedures for the Request of Records (*Revised, August 2012*).
- B. Public Records Request Form (*Revised, August 2012*).

SCITUATE POLICE DEPARTMENT
GENERAL POLICIES AND PROCEDURES FOR THE REQUEST OF RECORDS
PURSUANT TO RIGL § 38-2 ET SEQ.

The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of these policies is to facilitate public access to public records. It is also the intent of Scituate Police Department ("Department") to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

The request to inspect or copy records of public bodies is governed by the provisions of the Rhode Island General Laws 38-2-1 *et seq.*, entitled "Access to Public Records Act" ("APRA"). There are several pertinent and applicable sections of the APRA that citizens should be aware of: RIGL §§ 38-2-2 ("Definitions"), 38-2-3 (Procedures for access"), 38-2-4 ("Cost") and 38-2-7 ("Denial of access"). For further reference, the APRA is contained in Volume 6A of the General Laws of Rhode Island and is available for review at public libraries or on-line at: <http://www.rilin.state.ri.us/Statutes/TITLE38/38-2/INDEX.HTM>

It is the policy of the Department that the Operations Commander¹ is the designated Public Records Officer for requests made to the Department. All requests to the Department pursuant to the APRA shall be made to the Operations Commander on the *Scituate Police Department Public Records Request Form*, which shall be available on line at the Town's website [www.scituateri.org] or at the Scituate Police Department, 116 Main Street, Hope, RI 02831 between the hours of 7:00 am – 3:00 pm, Monday – Friday. If the request is readily identifiable as a public records request, the Department shall not require that the requestor use a *Public Records Request Form*.

For a request made within five (5) days of an arrest, the following information reflecting an initial arrest of an adult and charge(s) shall be made available within 48 hours after receipt of said request unless request made on weekend² or holiday, then information shall be available within 72 hours:

1. Full name of arrested adult.
2. Home address of arrested adult, unless doing so would identify a crime victim.
3. Year of birth of arrested adult.
4. Charge or charges.
5. Date of the arrest.
6. Time of the arrest.

¹ In the absence of the Operations Commander, the Administrative Commander, is the secondary Public Records Officer for the Department.

² The "weekend" is defined as anytime after 3:00 PM on a Friday and before 7:00 AM the next Monday, unless the Monday falls on a Holiday. In that case, the 72 hour shall begin at 7:00 AM of the Tuesday following said holiday.

7. Gender of the arrested adult.
8. Race of the arrested adult.
9. Name of the arresting officer unless doing so would identify undercover officer.

[See: RIGL § 38-2-3.2.]

Upon receipt of an APRA request, the Department shall document the receipt of said request (i.e. date-stamped receipt), maintaining the original request in a file. This shall be done for any request where the information is not otherwise available to the Department. If the requested information is readily available, the Department shall provide the records (at no charge) and note how the request was handled on the *Scituate Police Department Public Records Request Form*.

At the option of the requestor, the Department shall provide copies of public records electronically, by facsimile, or by email, unless doing so would be unduly burdensome due to the volume of records requested or the costs that would be incurred. The requestor shall be responsible for the actual cost of delivery, if any.

If the requested information is not readily available to the Department, or if it is determined that request is such that it will require more than two (2) hours of retrieval time, or that the amount of documents requested is voluminous, the Department shall notify the requestor and provide estimated charges for retrieval time and copying costs (not to exceed the statutory limit of \$.15 per page and \$15.00 per hour, with no charge for the first hour). If the cost of production of the information is estimated to exceed ten dollars (\$10.00), the Department shall request that payment be due at the time the request is made, or before the information is compiled, so as to reduce unnecessary administrative expenses associated with gathering documents and information that is requested but not picked up.

The Department shall contact the requestor to inform him/her that the request is ready; all necessary fees shall be collected by and paid to the **Scituate Police Department**.

As set forth in the APRA, [RIGL § 38-2-3 (c)], a written request for public information need not be submitted for records available pursuant to RIGL § 42-35-2 or for those documents that are prepared for or readily available to the public. Such records that are maintained by the Department are available for inspection and may be reviewed during regular business hours set forth above.

For those records that have not been prepared for or are not readily available to the public, the requestor should submit a written request as set forth above.

If there is a question as to whether the requested records are indeed classified as “public records”, or if the request seeks information which is confidential, protected, or subject to privilege, the Department shall obtain an opinion and recommendation from the Town Solicitor’s Office. The Department shall notify the requestor in writing as to the determination of whether the requested records may properly be disclosed.

After the requested payment for any copying or retrieval charge(s) has been received by the Department, copies of records that may be properly released shall be sent to requestor according to the delivery preference. US Mail, postage pre-paid shall be the delivery option if no alternate request is made.

Revised August 2012.

Smithfield Police Department

Accept APRA requests by email? Yes

Email address: scanis@smithfieldpd.com

Accept APRA requests by fax? Yes

Fax number: 401-231-1641

Mailing address:

Smithfield Police Department
215 Pleasant View Avenue
Smithfield, RI 02917

Telephone number: (401) 231-2500 ext. 115

APRA procedures online? Yes

APRA procedures URL: <http://smithfieldpd.com/police-reports-records/>



Richard P. St.Sauveur, Jr.
Chief of Police

Smithfield Police Department

215 Pleasant View Avenue
Smithfield, Rhode Island 02917
Tel: (401) 231-2500
Fax: (401) 233-1018

PUBLIC RECORDS REQUEST INFORMATION

1. The Public Records Clerk is Sheryl Canis, telephone number (401) 231-2500, ext. 115. The regular business hours for the Records Department are Monday through Friday, 8:00 a.m. to 4:00 p.m.
2. If you come in after regular business hours, please complete a *Public Records Request Form* available in the lobby. This will be given to the Public Records Clerk the next business day.
3. The Department may ask you for identification, or for the reason for your request, as its regular course of business. However, you are not required to provide identification or the reason you seek the information, and your right to access public records will not depend upon providing identification or reasons.
4. There may be instances when the public records you seek are not available at the time of your request. Please be advised that the Access to Public Records Act gives a public body ten (10) business days to respond. To ensure that you are provided with public records you seek in an expeditious manner, we ask that you complete a *Public Records Request Form* located in the front lobby. We appreciate your understanding and patience.
5. The cost for copies of reports and public records is \$.15 cents per page.
6. You may also obtain in the lobby a handout regarding the Access to Public Records Act, which summarizes the procedures and your rights to public records.
7. If you feel that you have been denied access to public records, you have the right to appeal to Police Chief Richard P. St.Sauveur. If you are still not satisfied, you may file a complaint with the Department of the Attorney General, 150 South Main Street, Providence, RI 02903 or file suit in Superior Court.
8. The Smithfield Police Department is committed to providing you with public records in an expeditious and courteous manner.

A Nationally Accredited Agency



SMITHFIELD POLICE DEPARTMENT

ACCESS TO PUBLIC RECORDS ACT R.I. GEN. LAWS SECTION 38-2-1 ET. SEQ.

The Smithfield Police Department is committed to providing the public with access to public records, while protecting from disclosure information about individuals maintained that would constitute an unwarranted invasion of personal privacy. R.I. Gen. Laws Section 38-2-1. The Smithfield Police Department provides numerous public documents to the public, media and attorneys everyday in the ordinary course of business. However, for any person who does not desire to make an oral request, wishes to make a formal written request or the request needs clarification, please complete the written form.

Pursuant to R.I.Gen. Laws Section 38-2-3(c.), the Smithfield Police Department has established the following procedure regarding access to public records:

1. Please inform the officer/clerk at the front desk that you wish to make a request for public records. Sheryl Canis is the Public Records Clerk for the Smithfield Police Department, telephone number (401) 231-2500, extension 115. The hours for the Records Department are Monday through Friday, 8:00 a.m. to 4:00 p.m.
2. The officer/clerk will provide you with a form to complete, which lets this Department know the precise public documents you seek and assists us in processing your request in an expeditious manner.
3. If the public records are readily available, we will be more than happy to provide them. However, there are times/circumstances when the records will not be available at the time that you make the request. If the records are not readily available, they can either be mailed to you or you can pick them up on a designated date. The Access to Public Records Act grants a public body ten (10) business days to respond to your request. R.I.Gen. Laws Section 38-2-7(a). The Act further provides that "for good cause, this limit may be extended for a period not to exceed thirty (30) business days." We thank you in advance for your understanding if it is necessary, for good cause, to request this extension. Improper release of certain information could compromise the civil rights or personal safety of your fellow citizens, and we must review documents to prevent such harm.
4. Costs. The Access to Public Records Act gives you the opportunity to view and/or copy public records. The cost per copied page of written public documents will be \$.15 for documents copyable on common business or legal size paper. You may elect to obtain public records in any and all media in which we are capable of providing

them. The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall not exceed fifteen (\$15.00) per hour, with no charge for the first hour. We would be more than happy to provide you with an estimate. Upon a request, we will provide a detailed itemization of the costs charged for search and retrieval.

5. Public Records. A "public record" is defined as "documents, papers, ...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." Specifically with respect to police records, in addition to other records maintained by this Department that constitute "public records", the Access to Public Records Act deems public "[r]ecords relating to the management and direction of law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult." R.I. Gen. Laws Section 38-2-2(4)(i)(D).
6. Redaction. Although a document may constitute a public record, there may be some information contained on the document that may be redacted/deleted as it is exempt from disclosure under R.I.Gen. Laws Section 38-2-2. In Direct Action for Rights and Equality v. Gannon, 713 A.2d 218 (R.I. 1998) and The Rake v. Gorodetsky, 452 A.2d 1144 (R.I.1982), the Rhode Island Supreme Court held that final reports on civilian complaints of police brutality were subject to disclosure in redacted form. In addition, the Rhode Island Supreme Court has stated that "in passing the APRA, the General Assembly intended to limit access to certain documents in order to avoid disclosure of confidential information to protect individuals from invasion of their privacy." Providence Journal Company v. Kane, 577 A.2d 661, 663 (R.I.1990). "There is no public interest to be weighed in disclosure of nonpublic records." Id. A "balancing of interests arises only after a record has first been determined to be a public record." Id.
7. Exemptions. The Access to Public Records Act exempts some records from public disclosure. See, R.I.Gen. Laws Section 38-2-2(4). The following are some explanations as to why a document or part thereof may be exempt from disclosure:

(A)(I) ...all personal or medical information relating to an individual in any files, -
- including information relating to medical or psychological facts... R.I.Gen. Laws Section 38-2-2(4)(i)(A)(I);

(C.) ... records of juvenile proceedings before the family court

(D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information may (a) reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c.) could

reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority, or private institution which furnished information on a confidential basis, or the information furnished by a confidential source, (e) would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual..

(S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state rule of court, law or regulation. (i.e. information regarding juveniles, etc.).

Please be advised that this is not a complete list of documents that the Act exempts from disclosure. For a full list see R.I.Gen.Laws Section 38-2-2.

8. Appeal of Denial. Any person or entity denied the right to inspect a record of a public body by the Public Records Officer may petition the chief administrative officer of that public body for review of the determinations made by his or her subordinates. Any petitions from a denial should be made to Police Chief Richard P. St.Sauveur, Jr.. A final determination whether or not to allow public inspection will be made within ten (10) business days after the submission of the review petition. R.I.Gen. Laws Section 38-2-8.
9. Complaint to the Attorney General. If Chief Richard P. St.Sauveur, Jr. determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General. (150 South Main Street, Providence, RI 02903, telephone 274-4400) or may retain private counsel for the purposes of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained. The Act provides that “[t]he court shall impose a civil fine not exceeding one thousand dollars (\$1,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and shall award reasonable attorney fees and cost to the prevailing plaintiff. The court shall further order a public body found to have wrongfully denied access to [provide the] public records at no cost to the prevailing party; provided further, that in the event that the court, having found in favor of the defendant, finds further that the plaintiff’s case lacked a grounding in fact or in existing law or in good faith argument for the extension modification, or reversal of existing law, the court may award attorneys fees and costs to the prevailing defendant.” R.I.Gen. Laws Section 38-2-9(d).

We hope this message has been of assistance.



SMITHFIELD POLICE DEPARTMENT

215 Pleasant View Avenue
Smithfield, Rhode Island 02917
(401) 231-2500

PUBLIC RECORDS REQUEST FORM

Today's Date: _____

Name: (optional) _____

Address: (optional) _____

Telephone: (optional) _____

Requested Records:

- If you know the report number(s), please provide it here: _____
- If you don't know the report number, please describe in the space below the record(s)/report(s) that you wish to obtain. State what type of report you are requesting, ie: accident, incident, arrest, etc. Be as specific as possible and include the date(s) and name(s) of involved parties.

Please note: The cost for copied documents is \$.15 cents per page.

The police department has ten (10) business days to respond to your request. If these records are not readily available at the time of your request, please indicate whether you wish to:

_____ pick up records or _____ send via US mail (be sure address is listed above)

If you visit us outside of normal business hours, complete this request and leave with the clerk/dispatcher who will forward it to the Public Records Clerk. Our Records Clerk, Sheryl Canis, can be contacted by calling (401) 231-2500, extension 24 during business hours (Monday through Friday, 8:00 a.m. to 4:00 p.m.) If, after review of your request, the Department determines that the requested records are exempt from disclosure for a reason set forth in RI General Laws Section 38-2-2(4)(i.) through (W), the Department reserves the right to claim such exemption.

- - - For Office Use Only - - -	
<i>To be completed by FCC personnel:</i>	
Request taken by: _____	Date: _____ Time: _____
<i>To be completed by Records Clerk:</i>	
Records to be available on: _____	Records provided on: _____
Number of copies: _____	Search/Retrieval time: _____

South Kingstown Police Department

Accept APRA requests by email? Yes

Email address: records@skpd.org

Accept APRA requests by fax? Yes

Fax number: (401) 788-9775

Mailing address:

South Kingstown Police Department
1790 Kingstown Road
Wakefield, RI 02879

Telephone number: (401) 783-3321

APRA procedures online? No

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
OPERATIONAL POLICY		CH 6 - 610.01	2/5/08
SUBJECT TITLE		SUBJECT AREA	
INFORMATION SERVICES		COMMUNITY RELATIONS & SERVICES	
REFERENCE	PREVIOUSLY ISSUED DATES		
RIGL 38-2-1 ET. SEQ.; DEPT MEMO 97-02			
DISTRIBUTION	REEVALUATION DATE	PAGES	
DEPARTMENT MEMBERS	2/5/09	SIX (6)	

RELEASE OF POLICE INFORMATION AND MEDIA RELATIONS

I. PURPOSE

To provide the news media and public with timely and accurate information regarding Department activities while ensuring that police investigations are not jeopardized by the premature release of information.

II. POLICY

The South Kingstown Police Department actively seeks to establish a cooperative climate in which the news media may obtain information on matters of public interest in a manner that does not hamper police operations. The Department is committed to informing the community and the news media of events within the public domain. However, certain information must be withheld from the media to protect the constitutional rights of an accused, to avoid interfering with a Department investigation, or because it is legally privileged.

III. PROCEDURE

A. PUBLIC INFORMATION FUNCTION

1. The Police Chief will designate a Public Information Officer who will be responsible for the public information function of the Department, and compliance with the Access to Public Records Act of the State of Rhode Island (RIGL 38-3-1).
2. In the absence of the Public Information Officer the Officer-in-Charge, (OIC), will be responsible for:
 - a. Assisting news personnel in covering routine news stories, and at the scene of incidents when so required.
 - b. Being available for on-call responses to the news media.
 - c. Preparing and distributing formal news releases, subject to the approval of the Police Chief or a Captain or his/her designee.
 - d. Arranging for, and assisting at news conferences.
 - e. Coordinating and authorizing the release of information about victims, witnesses, and suspects.
3. It shall be the responsibility of the Police Chief or his/her designee to:
 - a. Coordinate and authorize the release of information concerning:
 - 1) Confidential Department investigations and operations.
 - 2) Assisting in crisis situations within the department.
4. Police Officers who are approached by members of the news media for information concerning official activities of the Department are to refer all such inquiries to the Public Information Officer.

B. NEWS MEDIA / AT SCENE ACCESS

1. News personnel and photographers covering stories at the scene of major incidents, disasters, or events will be directed to an area designated by the on-scene O.I.C.
2. The area designated for the media should be convenient to the reporting of the incident so long as the investigation is not jeopardized and safety considerations are not compromised.
3. The area will be outside of the crime scene perimeter.

4. The OIC, when practical, and without interfering with an investigation should update the media in accordance with this policy and Rhode Island Law.
5. If other agencies are involved in a mutual effort, the agency with primary jurisdiction will be responsible for releasing information unless other arrangements have been agreed upon.

C. NEWS RELEASES

1. News releases will be approved by the Chief or his/her designee. (Public Relations Officer, Captain, or OIC). The frequency and content of the release depends upon the objective desired. Normally releases will be provided to those media agencies that have a direct relationship with the service community. The three types of news releases are:
 - a. ONGOING INVESTIGATIONS - It is important that all releases contain the same information. If possible a printed release will be prepared for distribution to the media. The Police Chief, Public Information Officer or his/her designee MAY RELEASE the following information:
 - 1) The type of crime or nature of incident.
 - 2) The location (certain restrictions apply), date, time, injuries sustained, damaged property and a brief description of the incident.
 - 3) Amount and type of property taken, including value if known. The exception being if the release of this information may be detrimental to the on-going investigation.
 - 4) The name, age, and address of any adult charged with a crime.
 - 5) The fact that a juvenile has been taken into custody, including sex, age, and general area of residence.
 - 6) The nature, substance or text of the charge.
 - 7) The facts, time and place of arrest.
 - 8) The next step in the judicial process.
 - 9) Requests for aid in locating evidence, a complainant, or a suspect. The identity of a suspect before arrest will not be disclosed except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect, or to warn the public of any danger. A person's gender, general physical characteristics, and race may be released as descriptive information in such cases.
 - 10) Available photographs may be released only if they serve a valid law enforcement function such as the identity of an unknown victim or to enlist public assistance in the apprehension of the offender. Release of a photograph of an unknown victim or the release of a photograph of an individual already in custody. requires the authorization of the Police Chief.

- b. PUBLIC RELATIONS - The Police Chief, Public Information Officer or his/her designee shall be responsible for issuing public relation news releases. Information should be provided on a regular basis to all media agencies that have contact within the Department's service area. The content of the news releases may include:
 - 1) Department accomplishments.
 - 2) New program announcements.
 - 3) Crime prevention information.
 - 4) Relevant crime problems and statistics.
 - 5) Appointments and promotions.

- c. EMERGENCY NEWS RELEASE - Whenever there is an immediate need to inform the general public concerning an emergency, the on duty O.I.C. may contact the news media and issue a press release. The need for such release will depend upon the severity of the situation and the need for the public to be informed. In special situations of public concern such as natural disaster (hurricanes, severe wind, snow emergencies, floods, or rainstorms, etc.), a major fire or a chemical spill, the O.I.C. may issue a press release at their discretion. Comments to reporters should be comprised only of factual, on-the-record information. The Police Chief will be informed of the emergency release as soon as practical.

D. WITHHOLDING INFORMATION

- 1. In general, comments to the news media concerning investigations, indictments, arrests and criminal incidents should be minimal, consistent with the responsibility of keeping the public informed without jeopardizing the rights of individuals.

- 2. The following information **WILL NOT** be released:
 - a. Any victim, complainant, or witness information such as identity, address, phone number, age, etc., in the following instances:
 - 1) The information is contained in an on-going investigation whereby release of such information may jeopardize successful resolution and/or prosecution of the case.
 - 2) The information is contained in any sex offense or sex related investigation which, if divulged, would tend to lead to the victim's identification.

 - b) Law enforcement officers may not disclose the identity of any juvenile in releasing information to the general public as to the arrest, investigation or disposition of any case involving a juvenile, unless under the written direction of a Justice of the Family Court.

- c) Medical information relating to health history, any diagnosis, medical condition, treatment provided or evaluation made by health care providers as defined in R.I.G.L. (5-37.3-3) unless specific consent has been obtained under the guidelines of R.I.G.L. (5-37.3-4).
- d) The identity of any critically injured or deceased person, before notification of the next of kin.
- e) Personnel data relating to any sworn member or employee of the department. Questions concerning personnel will be referred to the Police Chief.
- f) Exact information concerning an on-going investigation, whether it be a crime or traffic accident, will not be released if the information would jeopardize the investigation or prosecution of a subject.
- g) Any police information released from other agencies which was furnished for confidential or law enforcement purposes, ex. BCI, Triple "I", license checks.
- h) Preliminary drafts, notes, impressions, memoranda, etc.
- i) Confidential intelligence or operations will not be disclosed except by express permission of the Police Chief.
- j) Sensitive or investigative information concerning internal investigations except by express permission of the Police Chief in accordance with the RI Law Enforcement Officer's Bill of Rights.
- k) Any records required to be kept confidential by federal or state law or rule of the court.

E. ACCESS TO PUBLIC RECORDS

1. The South Kingstown Police Department shall provide the name of its Public Records Officer, business address and phone number to the Department of Attorney General.
2. The South Kingstown Police Department adopts the language of the public notice placard and agrees to maintain it in a prominent place in the lobby of the police station.
3. The South Kingstown Police Department adopts the Access to Public Records Procedure.
4. The South Kingstown Department agrees to maintain copies of the Access to Public Records Procedure at its front desk for distribution to the public.
 - a. If someone requests a copy of the Access to Public Records Procedure, they will be given one. These copies will be located at the front desk.
5. The South Kingstown Police Department agrees to maintain the public records request form at its front desk and shall make them readily available, as well as pens or pencils, to the public for completion.

- a. In most cases reports will be available without delay and ASAP unless retrieval time is necessary. The time shall not exceed production time provided in the access to Public Records Act. Regular business hours of the record department will be 8:00 am to 4:00 pm.
 - b. Accident reports will generally be made available when the report is completed and approved by the OIC. Ask the person requesting the report to complete the request form and give it to the desk officer. The desk officer will then locate the requested accident. If the report is not yet complete tell the person requesting the report that it is not yet complete and that the request is being forwarded to the records dept. The request form will then be forwarded to the Record's Clerk who will comply with the request when the report is completed.
 - c. All requested records will be forwarded to the Record's Clerk. (Example; larceny reports, arrest reports, etc.)
 - d. The Record's Clerk upon consultation with the Police Chief or Captains will be responsible for any redaction or refusal of the requested information. (Examples of redacted or denial of records; witness information, victim information, juvenile defendants, ongoing investigation, suspects, medical information, social security numbers etc.)
6. The South Kingstown Police Department understands and respects the right of the Public to access public records, and will treat citizens requesting public records with courtesy consistent with the department's Rules and Regulations.
 - a. Officers can ask a person requesting records for their name and the reason for the report. However, **if they refuse to give their name or the reason they are requesting a record they cannot and will not be denied access to the record requested.**
 - b. If a person requesting a report refuses to give their name, the request form will be completed with a description of the record requested and "anonymous request" noted at the top and the request will be honored when report is approved and available.
 7. The South Kingstown Police Department recognizes that it must respond to public record requests within 10 business days. If an extension of up to additional 20 business days is necessary the requester will be informed within the initial 10 day period of the need for an extension. If we do not send the extension letter or respond to the request within the initial 10 days, our inaction is considered a denial and we may have waived our defenses if a court action is filed.
 8. If advice is needed as to whether a document is a "public record" the Town Solicitor will be contacted through the Police Chief or his/her designee. If necessary the Solicitor or the Police Chief may seek an advisory opinion from the Department of Attorney General.
 9. The public records officer or his/her designee should review the initial arrest report and other public documents to ensure that privacy rights of individuals are

maintained and informants or law enforcement techniques are redacted and not disclosed, utilizing the attached “checklist”.

10. The Public Record’s Clerk shall maintain a central file of all public records request forms. The file will contain the completed request forms once the request has been fulfilled or responded to. It is understood that in many instances the South Kingstown Police Department provides public records that are readily available to the requester without requiring them to complete the Public Records Request Form.

If someone feels they have been denied access to public records they have the right to appeal to the Police Chief. If they are still not satisfied they may file a complaint with the Department of the Attorney General.

F. MEDIA REVIEW

1. The South Kingstown Police Department will involve the news media in the development of changes in policies and procedures relating to the public information function by allowing them to review and comment on this procedure.

G. RIGHT TO APPEAL

1. If any citizen or news media personnel are denied access to any record or information, they may appeal to the Police Chief, who will make a final determination as to release of the information with ten (10) days in accordance with law.
2. Additional resource and appeal is available in accordance with law.


Vincent Vespia
Chief of Police

*The Do's and Don'ts
of releasing information*

It is the policy of the Department of Attorney General

**NOT TO DISCUSS INVESTIGATIONS
WHETHER OR NOT THEY ARE ONGOING**

Following the arrest of an adult

Do

- Provide name, age, address, occupation, family status & charges.
- Provide information about when and where the arrest was made
- Provide date, time and location of next court appearance
- Provide names of investigating and arresting agencies & officers .
- Provide general information of the nature of the crime (i.e. armed robbery of the Shell gas station)
- Warn of danger to the public when there is reason to believe that danger exists

Don't

- Discuss whether a defendant has made any statements or admissions .
- Reveal or discuss evidence, or information that led to an arrest
- Reveal or discuss testing, test results, or presence of forensic evidence .
- Discuss a person's character, background or associations except to the extent it is charged in the information or indictment and is a matter of public record
- .Discuss a person's past criminal record unless it is part of the current charge (i.e. prior felony if felon in possession is charged)
- Discuss on-going investigations, suspects, or potential arrests unless, (1) the nature of the crime requires that the public be assured that law enforcement is responding or (2) public safety requires release of the information, such as the description of a fugitive
- Comment on a pending case, particularly not a case at trial
- Criticize judicial decisions or actions

Juvenile Cases

- Don't reveal names
- Don't release photographs or allow the media to photograph juveniles.
- Don't release or discuss past criminal record or police contact
- Don't discuss whether a waiver will or can be sought

Remember *The police and the prosecutor are a team as a matter of law, and what you say may be used against the prosecution.*

Published August 1999 by the Rhode Island Department of Attorney General For assistance contact Jim Martin, Public Information Officer (401) 274-4400 extension 2336

Tiverton Police Department

Accept APRA requests by email? Yes

Email address: mmiguel@tivertonpoliceri.com

Accept APRA requests by fax? Yes

Fax number: 401-625-6721

Mailing address:

20 Industrial Way
Tiverton, RI 02878

Telephone number: (401) 625-6722

APRA procedures online? No



**TIVERTON POLICE DEPARTMENT
20 INDUSTRIAL WAY
TIVERTON, RHODE ISLAND 02878
PHONE: (401) 625-6717 FAX: (401) 816-5551
ACCESS TO PUBLIC RECORDS ACT
R.I. GENERAL LAWS SECTION 38-2-1 ET SEQ.**

The Tiverton Police Department is committed to providing the public with access to public records, under R.I. Gen. Laws Section 38-2-1, while protecting from disclosure information about individuals maintained that would constitute an unwarranted invasion of personal privacy. The Tiverton Police Department provides numerous public documents to the public, media and attorneys every day in the ordinary course of business. However, for any person who does not desire to make an oral request, wishes to make a formal written request, the request needs clarification, or it is requested after normal business hours, please complete the "Request For Records Under The Access To Public Records Act" form available at the Clerks window.

Pursuant to R.I. Gen. Laws Section 38-2-3(c.), the Tiverton Police Department has established the following procedure regarding access to public records:

1. Please inform the clerk at the Records window that you wish to make a request for public records. The Patrol Division Commander, Captain Patrick Jones, is the Public Affairs Officer for the Tiverton Police Department and can be reached at (401) 625-6717 extension #106. The normal business hours for the Records Department are 7:00 AM to 3:00 PM Monday thru Friday. The Records Office is closed on all holidays.
2. The clerk will provide you with a form to complete, which lets this Department know the precise public documents you seek and assists us in processing your request in an expeditious manner.
3. If the public records are readily available, we will be more than happy to provide them. However, there are times/circumstances when the records will not be available at the time you make your request. If the records are not readily available, they can either be mailed to you or you can pick them up on a designated date. The Access to Public Records Act grants a public body ten (10) business days to respond to your request. R.I. Gen. Laws Section 38-2-7(a). The Act further provides that "for good cause, this limit may be extended for a period not to exceed thirty (30) business days." We thank you in advance for your understanding if it is necessary, for good cause, to request this extension. Improper release of certain information could compromise the civil rights or personal safety of your fellow citizens, and we must review documents to prevent such harm.
4. **Costs.** The Access to Public Records Act gives you the opportunity to view and/or copy public records. The cost per copied page of written public documents will be fifteen cents (\$.15) for documents copied on common business or legal size paper. You may elect to obtain public records in any and all media in which we are capable of providing them. The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall be fifteen (\$15.00) per hour, with no charge for the first hour. We would be more than happy to provide you with an estimate. Upon



**TIVERTON POLICE DEPARTMENT
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TIVERTON, RHODE ISLAND 02878
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R.I. GENERAL LAWS SECTION 38-2-1 ET SEQ.**

a request, we will provide a detailed itemization of the costs charged for search and retrieval.

5. **Public Records.** A "public record" is defined as "documents, papers, ...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." Specifically with respect to police records, in addition to other records maintained by this Department that constitute "public records", the Access to Public Records Act deems public "[r]ecords relating to the management and direction of law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult." R.I. Gen. Laws Section 38-2-2(4)(I)(D).
6. **Redaction.** Although a document may constitute a public record, there may be some information contained on the document that may be redacted/deleted as it is exempt from disclosure under R.I. Gen. Laws Section 38-2-2. In *Direct Action for Rights and Equality v. Gannon*, 713 A.2d 218 (R.I. 1998) and *The Rake v. Gorodetsky*, 452 A.2d 1144 (R.I.1982), the Rhode Island Supreme Court held that final reports on civilian complaints of police brutality were subject to disclosure in redacted form. In addition, the Rhode Island Supreme Court has stated that "in passing the APRA, the General Assembly intended to limit access to certain documents in order to avoid disclosure of confidential information to protect individuals from invasion of their privacy." *Providence Journal Company v. Kane*, 577 A.2d 661, 663 (R.I.1990). "There is no public interest to be weighed in disclosure of nonpublic records." *Id.* A "balancing of interests arises only after a record has first been determined to be a public record." *Id.*
7. **Exemptions.** The Access to Public Records Act exempts some records from public disclosure. See, R.I.Gen. Laws Section 38-2-2(4). The following are some explanations as to why a document or part thereof may be exempt from disclosure:
 - (A)(I) ...all personal or medical information relating to an individual in any files, -- including information relating to medical or psychological facts... R.I.Gen. Laws Section 38-2-2(4)(i)(A)(I);
 - (C.) ... records of juvenile proceedings before the family court
 - (D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information may:(a) reasonably be expected to interfere with investigations of criminal activity or with enforcement



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R.I. GENERAL LAWS SECTION 38-2-1 ET SEQ.

proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c.) could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority, or private institution which furnished information on a confidential basis, or(d.)the information furnished by a confidential source, or (e) would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or(f) could reasonably be expected to endanger the life or physical safety of any individual.

(S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state rule of court, law or regulation. (i.e. information regarding juveniles, etc.).

NOTE: Please be advised that this is not a complete list of documents the Act exempts from disclosure. For a full list see R.I.Gen.Laws Section 38-2-2.

8. **Appeal of Denial.** Any person or entity denied the right to inspect a record of a public body by the Public Records Officer may petition the chief administrative officer of that public body for review of the determinations made by his or her subordinates. Any petitions from a denial should be addressed to Chief Thomas Blakey, Tiverton Police Department, 20 Industrial Way, Tiverton RI 02878 (401-625-6717). A final determination whether or not to allow public inspection will be made within ten (10) business days after the submission of the review petition. R.I.Gen. Laws Section 38-2-8.
9. **Complaint to the Attorney General.** If the chief administrative officer determined the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General. (150 South Main Street, Providence, RI 02903, telephone 401-274-4400) or may retain private counsel for the purposes of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained. The Act provides that "[t]he court shall impose a civil fine not exceeding one thousand dollars (\$1,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and shall award reasonable attorney fees and cost to the prevailing plaintiff. The court shall further order a public body found to have wrongfully denied access to [provide the] public records at no cost to the prevailing party; provided further, that in the event that the court, having found in favor of the defendant, finds further that the plaintiff's case lacked a grounding in fact or in existing law or in good faith argument for the extension modification, or reversal of existing law, the court may award attorney's fees and costs to the prevailing defendant." R.I.Gen. Laws Section 38-2-9(d).

Warren Police Department

Accept APRA requests by email? Yes

Email address: michaelmarcello@warrenripd.com

Accept APRA requests by fax? Yes

Fax number: 401-245-8220

Mailing address:

1 Joyce Street
Warren, RI 02885

Telephone number: 401-245-1311

APRA procedures online? No

Warren Police Department

1 Joyce Street Warren, RI 02885

ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	May 1, 2014	500.01	May 1, 2014
SUBJECT TITLE		SUBJECT AREA	
Public Information Policy		Community Relations & Services	
CALEA REFERENCE		PREVIOUSLY ISSUED DATES	
N/A		July 23, 1999	
DISTRIBUTION	REEVALUATION DATE	PAGES	
ALL	AS NECESSARY	6	

This written directive is for the internal governance of the Warren Police Department and is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

I. PURPOSE

To establish and maintain guidelines for Department members, regarding the release of information to the public and news media.

II. POLICY

The Department recognizes its obligation to inform the public and news media of events that affect the lives of citizens in the community with openness and candor. Therefore, it is the policy of the Warren Police Department, pursuant to R.I.G.L. 38-2-3, to provide the public with access to public records while protecting an individual's right to privacy, the administration of justice, individual's right to a fair and impartial trial and the value and integrity of information that is vital in a pending investigation.

Public documents will be provided to the general public and media upon written or oral request. Such requests will be satisfied with factual information in a cooperative and impartial manner. The policy of the Warren Police Department is to ensure that factual information is appropriately disseminated in a timely fashion consistent with state and federal laws, and guidelines enumerated in this policy.

III. DEFINITIONS

- A. *PUBLIC RECORDS* – Defined by Rhode Island General Law, Title 38 as: "All documents, papers, letters, maps, books, tapes, photographs, film, sound recordings, or material regardless of physical form or characteristics, made or received pursuant to law or ordinance with the transaction of official business by any agency."
- B. *CLASSIFIED INFORMATION* – Information designated by law to remain private and not subject to public access or information designated by the Chief of Police pursuant to law, which will not be released as "Public Information" consistent with state law. (See R.I.G.L. 38-2-2).

IV. **PROCEDURE**

The Chief of Police will designate a Public Information Officer (PIO) who shall be responsible for the dissemination of public information for the department, in compliance with consistent state law.

A. Persons Authorized to Release Information;

1. Chief of Police or his/her designee.

B. Media Relations:

News/media personnel that are reporting / broadcasting from the scene of major accidents, crime scenes, disasters or events will be collectively directed to a designated area by an Incident Commander (on scene-OIC).

2. The media staging area will be outside the perimeter of the incident or scene.
3. The media staging area will be an area that allows optimal news reporting without compromising the integrity of the scene, safety of the public, media and police personnel.
4. The Incident Commander shall assist members of the media reporting from scenes of incidents in accordance with state law and policy.

C. The Officer in Charge will be available for on – call responses to the media at any time during non-business hours. The (OIC) will forward requests from the media to the Chief of Police or his/her designee.

D. In a mutual – aid effort, the agency with primary jurisdiction will be responsible for media relations and the release of information.

E. Information relating to a subject's name, address, date of birth, telephone number, arrest, charge or bond will not be released at the scene unless released by the PIO.

V. **ACCESS TO POLICE RECORDS AND INFORMATION**

- A. Only sworn members and civilian personnel with computer privileges are authorized to view the agencies Records Management System: IMC, RILETS/NCIC terminals and printers.

- B. Only sworn members of this Department, or those persons designated by the Chief of Police are authorized to receive classified information disseminated at roll calls and briefings.
- C. Classified information received from the department computer systems, roll calls, and briefings are for police use only and are not for private use or release to any persons other than law enforcement and government agencies, acting in an official capacity with a specific need for the information that is being requested.

VI. **REPORT REQUESTS FOR RECORDS AND FORMS**

- A. Requests from the public to access records will be followed in the following manner:
 - 1. Persons who have filed a complaint/accident report with this department will be issued a receipt by the reporting officer/dispatcher. The receipt will indicate the type of report and the number of the report that the individual is requesting as well as the cost of the report (as defined in RIGL 38-2-1) and the reporting officer/dispatcher's name.
 - 2. Records that do not have criminal involvement may be released by the on-duty dispatcher.
 - 3. Records that are criminal, under investigation, or have juvenile involvement will not be released until they are reviewed by the designated Open Records Sergeant or other higher ranking officer.
- B. Open records requests should never be denied by the designated Open Records' Officer. If the Open Records' Officer is unsure of the legality in releasing a request, the request shall be forwarded to the Chief of Police or his/her designee and if necessary, the Town Solicitor who is the only authority to deny a records request.
- C. Right to Appeal:

If any citizen or media personnel are denied access to any records or information, an appeal may be made to the Town of Warren Solicitor, who will make a final determination as to the release of the information within ten (10) days.

 - 1. The Town of Warren Solicitor will supply the requesting person or agency with a written reason for the denial and shall indicate the procedures for appealing the denial (R.I.G.L. 38-2-7).
 - 2. If the Town of Warren Solicitor denies a request for records or information, the person making the inquiry may appeal to the Office of the Attorney General for the State of Rhode Island or the State of Rhode Island Judicial System.
- D. The Warren Police Department has appointed Sergeant Michael Marcello as the Public Records Officer.
 - 1. The department will provide the name of the Public Records Officer, business address and phone number to the Department of Attorney General.

2. The Warren Police Department adopts the Access to Public Records Procedure enumerated in Title 38 of R.I.G.L.

VII. **NEWS RELEASES AND CONFERENCES**

Formal news releases, press responses or conferences will be arranged through the Public Information Officer (PIO).

- A. The PIO will conduct a formal news release, press conference or Department response to media inquiries on a case-by-case basis.
- B. The department will schedule releases and conferences in an expeditious manner when information is received or a response is requested concerning a major event or incident.
- C. Releases and conferences will include all local news agencies requesting such notification.
- D. It shall be the responsibility of the Chief of Police, or his/her designee, to advise the Town of Warren Manager of press releases or conferences prior to their scheduling and announcement. This notification should be made sufficiently in advance to allow those interested to properly prepare if they so desire to attend.
- E. Only the Chief of Police or his/her designee may release information concerning another jurisdiction or agency.
- F. Only the Chief of Police, or his/her designee, may release information concerning internal investigations and disciplinary actions in accordance with the law.

VIII. **AUTHORITY AND RESPONSIBILITY FOR RELEASE OF INFORMATION**

The Uniform Patrol Division Officer in Charge (OIC) is available for calls from the media at any time and will forward all requests through the Public Information Officer during normal business hours.

- A. The OIC receiving authorization from the Public Information Officer shall provide a **prepared statement** to the media.
 1. The OIC shall prepare a **written** press release for all facets of the media, after compiling factual information he/she shall transcribe the release on Warren Police Department Letter Head.
 2. The transcribed press release shall only be faxed, mailed, delivered or couriered to the requesting media agency.
- B. Authorized Statements to the Media:
 1. Information concerning the initial arrest of an adult and the charge (s) against an adult along with other collective information.

2. Information concerning general facts or information surrounding incidents i.e. natural disasters, unusual occurrences, emergency situations, crime and accident scenes, civil disturbances, etc.
3. The name and age of the deceased in fatal accidents or crimes will only be released after positive identification and all immediate family members have been notified.

IX. **CLASSIFIED INFORMATION**

A. Police information that is considered classified consists of:

1. Police reports, investigations, records, or any other information contrary to law or existing department policy concerning report release guidelines. (See R.I.G.L. 38-2-2).
2. The identity of any victim of a sexual assault.
3. The identity of police officers, agents, witnesses or suspects in cases under investigation or pending in court when releasing that information may jeopardize the investigation or compromise their safety.
4. Medical information relating to health history, any diagnosis, medical condition, any treatment provided or evaluation made by health care providers as defined in R.I.G.L. 5-37.3-3, unless written consent is obtained under guidelines of R.I.G.L. 5-37.3-4.
5. Information relating to the arrest, detention, apprehension or disposition of any juvenile unless under the written direction of the family Court as provided for in 14-1-64 and 14-1-66 of R.I.G.L.
6. Personnel data relating to any past or present sworn member or civilian employee of the Warren Police Department. Questions concerning personnel will be referred to the office of the Chief of Police or the Town Manager's Office.
7. Any police information provided by any law enforcement, government or public agency, furnished for confidential or law enforcement purposes, i.e., BCI, NCIC, NCIC-III, license and registration queries, etc.
8. Any and all records required to be kept confidential by law or rule of a court of law. See R.I.G.L. 38-2-2(4).
9. The Access to Public Records Act lists twenty- three (23) exceptions that exempt a record for disclosure. The Warren Police Department adheres to this requirement.
10. Information protected by the "LAW Enforcement Officers Bill of Rights" enumerated in R.I.G.L. 42-28.6-2 (M).

X. **MEDIA PARTICIPATION**

The Warren Police Department encourages the news media to participate in the development of changes in policy and procedure relating to the release of public information. This participation forges a working relationship between the Warren Police department and the media.

XI. **RESPONSIBILITY**

It shall be the responsibility of all officers to familiarize themselves and comply with this order.

By Order of:

Peter T. Achilli
Chief of Police

6

Warwick Police Department

Accept APRA requests by email? Yes

Email address: kathleen.m.goulet@warwickri.com

Accept APRA requests by fax? No

Mailing address:

Warwick Police Department
99 Veteran's Memorial Drive
Warwick, RI 02886

Telephone number: (401) 468-4285

APRA procedures online? Yes

APRA procedures URL: <http://www.warwickpd.com/index.php/surveys-reports/public-records>



REQUESTS FOR POLICE REPORTS CAN BE MADE IN PERSON AT THE WARWICK POLICE DEPARTMENT HEADQUARTERS RECORDS DIVISION WINDOW

MONDAY THROUGH FRIDAY FROM 8 AM TO 4 PM.

FORMS WITH INSTRUCTIONS ARE AVAILABLE FOR NON-BUSINESS HOURS IN THE LOBBY. The cost for reports is \$0.15 per page.

REPORTS CAN ALSO BE REQUESTED VIA PHONE (401) 468-4285 OR BY SENDING A SELF ADDRESSED, STAMPED ENVELOPE, INCLUDING a check or money order to:

Warwick Police Records Div.
99 Veteran's Memorial Drive
Warwick, RI 02886

REPORTS WILL BE RELEASED IN COMPLIANCE WITH RHODE ISLAND GENERAL LAW CHAPTER 38, SECTION 2. REQUESTS CAN TAKE UP TO 10 DAYS AND CAN BE EXTENDED TO 20 DAYS UNDER CERTAIN CIRCUMSTANCES.

A REQUEST FOR RECORDS MAY BE DENIED UNNDER CIRCUMSTANCES DEFINE IN R.I.G.L. 38-2-2(5)(D).

If your request is denied, you may ask to speak with an Administrative Services Division supervisor for further explanation. Additionally, you have the right to file an appeal of such a denial as described in R.I.G.L. 38-2-8.

WARWICK POLICE DEPARTMENT

**REQUEST FOR RECORDS UNDER
THE ACCESS TO PUBLIC RECORDS ACT**

Date: _____

Name (optional): _____

Address (optional): _____

Telephone (optional): _____

Requested Records: _____

Please advise whether you desire to:

_____ Pick up the records or _____ Regular Mail

Office Use

Request taken by: _____

Date: _____ Time: _____

Records to be available on: _____ Mail _____ Pick Up _____

Records Provided: _____

Costs: _____ copies _____ Search and Retrieval

Warwick Police Department – Access to Public Records Request Receipt

If you desire to pick up the records, they will be available at the Records counter. If, after review of your request, the department determines that the requested records are exempt from disclosure for a reason set forth in RIGL sections 38-2-2(4)(i)(A) through (W), the department reserves its right to claim such exemptions.

NOTE: If you chose to pick up the records, but did not include identifying information on this form (name, etc) please inform the officer/clerk at the front desk of the date you made the request and records requested.

West Greenwich Police Department

Accept APRA requests by email? No

Accept APRA requests by fax? Yes

Fax number: 401-397-6890

Mailing address:

West Greenwich Police Department
280 Victory Highway
West Greenwich, RI 02817

Telephone number: (401) 397-7191

APRA procedures online? No

APRA procedures URL:

WEST GREENWICH POLICE DEPARTMENT

PUBLIC RECORDS REQUEST

The West Greenwich Police Department has instituted the following procedures to help you obtain public records.

1. The Public Records Officer is Thomas Duquette. Phone number (401) 397-7191.
2. The regular business hours of the Record Department are Wednesdays from 8:00 am – 4:00 pm and Thursdays from 8:00 am – 11:00 am. If you come in after regular business hours, please complete the Public Records Request Form at the front desk and it will be given to the Public Records Officer on Wednesday.
3. The Department may ask you for identification, as its regular course of business. However, you are not required to provide identification nor will your right to access public records be dependent upon it.
4. In order to ensure that you are provided with the public records you seek in an expeditious manner, we ask that you complete the Public Records Request Form located at the front desk.
5. You may also obtain, at the front desk, a handout on the Access to Public Records Act, which summarizes the procedures and your rights to access public records.
6. There are times when the public records you seek are not available at the time of your request. Please be advised that the Access to Public Records Act gives a public body ten (10) business days to respond. We appreciate your understanding and patience.
7. If you feel that you have been denied access to public records, you have the right to appeal to Police Chief Richard Ramsay. If you are still not satisfied, you may file a complaint with the Department of the Attorney General, 150 South Main Street, Providence, RI 02903, or file suit in Superior Court.
8. The West Greenwich Police Department is committed to providing you with public records in an expeditious and courteous manner.

West Greenwich Police Department



Request Form for ALL Reports

Please print!

Richard N. Ramsay
Chief of Police

Today's Date ____ / ____ / ____

Name (optional) _____ Phone # () _____ - _____

Address (optional) _____

.....

Type of Report?

Information

Check one

____ Copy of Accident Report

Date of Accident _____

Location _____

____ Copy of Police Report

Date of Incident _____

Location _____

Additional Information: _____

How would you like to be contacted regarding your records request?

Thank you for your cooperation, it will help us serve you better!

In general, copies of accident reports will be made available within 5 days. All other reports will generally be available within 10 days, adult arrest logs with 48 hours of request. However, if the request is made on a weekend or holiday it will be within 72 hours.

West Warwick Police Department

Accept APRA requests by email? Yes

Email address: samaral@westwarwickri.org

Accept APRA requests by fax? Yes

Fax number: (401) 822-9206

Mailing address:

1162 Main Street
West Warwick, RI 02893

Telephone number: (401) 821-4323

APRA procedures online? Yes

APRA procedures URL:

<http://www.westwarwickpd.org/Other/Request%20for%20Records%20-%20Form.pdf>

West Warwick Police Department
ACCESS TO PUBLIC RECORDS ACT
R.I. GEN. LAWS SECTION 38-2-1 ET SEQ.

The West Warwick Police Department is committed to providing the public with access to public records, while protecting from disclosure information about individuals maintained that would constitute an unwarranted invasion of personal privacy. R.I. Gen. Laws Section 38-2-1. The West Warwick Police Department provides numerous public documents to the public, media and attorneys everyday in the ordinary course of business. However, for any person, who does not desire to make an oral request, wishes to make a formal written request or the request needs clarification, please complete the written form.

Pursuant to R.I. Gen. Laws Section 38-2-3(c.), the West Warwick Police Department has established the following procedure regarding access to public records:

1. Please inform the officer/clerk at the front desk that you wish to make a request for public records. Sgt. Scott Amaral is the Public Records Officer for the West Warwick Police Department (telephone number 401-827-9009). The hours for the Records Department is 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:30 p.m., Monday through Friday.
2. The officer/clerk will provide you with a form to complete, which lets this Department know the precise public documents you seek and assists us in processing your request in an expeditious manner. The form is also available online@ <http://westwarwickpd.org/Other/Request%20for%20Records%20-%20Form.pdf>
3. There are times when the public records you seek are not available at the time of your request. Please be advised that the Access to Public Records Act (APRA) allows a public body ten (10) business days to respond, which can be extended an additional twenty (20) business days for “good cause.” We appreciate your understanding and patience.
4. Costs. The APRA gives you the opportunity to view and/or copy public records. The cost per copied page of written public documents will be \$.15 for documents copy able on common business or legal size paper. You may elect to obtain public records in any and all media in which we are capable of providing them. The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall not exceed fifteen (\$15.00) dollars per hour with no charge for the first hour. We would be more than happy to provide you with an estimate. Upon a request, we will provide a detailed itemization of the costs charged for search and retrieval.
5. Public Records. A “public record” is defined as “documents, papers, 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.” Specifically with respect to police records, in addition to other records maintained by this Department that constitute “public records”, the APRA deems public “(r)ecords relating to the management and direction of law enforcement agency and records or reports reflecting the initial arrest of an adult

and the charge or charges brought against an adult.” R.I. Gen. Laws Section 38-2-2(4)(i.)(D).

6. Redaction. Although a document may constitute a public record, there may be some information contained on the document that may be redacted/deleted as it is exempt from disclosure under R.I. Gen. Laws Section 38-2-2.
7. Exemptions. The APRA exempts some records from public disclosure. See, R.I. Gen. Laws Section 38-2-2(4). The following are some explanations as to why a document or part thereof may be exempt from disclosure:
 - * (A)(I) ...all personal or medical information relating to an individual in any files, including information relating to medical or psychological facts...R.I. Gen. Laws Section 38-2-2(4)(i.)(A)(I);
 - (C) ...records of juvenile proceedings before the family court
 - (D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information may (a) reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c.) could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority, or private institution which furnished information on a confidential basis, or the information furnished by a confidential source, (e) would disclose techniques and procedures for law enforcement investigation or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual. (S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state rule of court, law or regulation. (i.e. information regarding juveniles, etc.)
 - * Please be advised that this is not a complete list of documents that the Act exempts from disclosure. For a full list see R.I. Gen. Laws Section 38-2-2.
8. Appeal of Denial. Any person or entity denied the right to inspect a record of a public body by the Public Records Officer may petition the chief administrative officer of that public body for review of the determinations made by his or her subordinates. Any petitions from a denial should be made to Colonel Richard G. Silva. A final determination whether or not to allow public inspection will be made within ten (10) business days after the submission of the review petition. R.I. Gen. Laws Section 38-2-8.
9. Complaint to the Attorney General. If the Police Chief determined that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General (150 South Main Street, Providence, RI 02903, telephone 401-274-4400). If you are still not satisfied, you may file a lawsuit in Superior Court.



**Colonel
Richard G. Silva**
Chief of Police

West Warwick Police Department

1162 Main Street
West Warwick, RI 02893-4829
Phone: (401) 821-4323 Fax (401) 822-9206

Request for Records Under the Access to Public Records Act Records will be provided within 10 Business Days

Date:

Name:

Address:

City, State Zip:

Telephone #:

Cell Phone #:

Email:

Requested records: *(Please use the report number or describe the person, location and date of the incident and/or description of the report requested.)*

If these records are not readily available at the time of your request, please advise whether you would desire to:

Pick up the Records

-or-

Mailed to Above Address

For Official Use Only

Request Taken by: _____ **Request Number:** _____

Date: _____ **Time:** _____

Records to be available on: _____ **Mailed:** _____ **or Picked Up:** _____

Records Provided: _____

Cost: _____ **for copies:** _____ **For Search and Retrieval: \$** _____ **Total**

West Warwick Police Department – Access to Public Records Receipt. If you desire to pick up the records, they will be available on _____ at the front desk. If after review of your request, the Department determines that the requested records are exempt from disclosure for a reason in RIGL 38-2-2(4)(i)(A-W), the Department reserves its right to claim such exemption

“Courage ~ Sacrifice ~ Devotion”

Westerly Police Department

Accept APRA requests by email? No

Accept APRA requests by fax? No

Mailing address:

Westerly Police Department
60 Airport Road
Westerly, RI 02891

Telephone number: (401) 596-2022

APRA procedures online? Yes

APRA procedures URL: <http://www.westerlypolice.org/records/>

WESTERLY POLICE DEPARTMENT



ORDER	EFFECTIVE DATE	NUMBER	ISSUING DATE
GENERAL	APRIL 1, 2006	520.01	MARCH 1, 2006
SUBJECT TITLE		SUBJECT AREA	
RELEASE OF POLICE INFORMATION AND MEDIA RELATIONS		INFORMATION SERVICES	
CALEA REFERENCE		PREVIOUSLY ISSUED DATES	
54.1.1, 54.1.2, 54.1.3			
DISTRIBUTION	REEVALUATION DATE	PAGES	
ALL	AS NEEDED	5 (16 with Appendix (A) RIGL's)	

RELEASE OF POLICE INFORMATION AND MEDIA RELATIONS

I. POLICY

No employee shall release any information that would jeopardize an active investigation, prejudice an individual's right to a fair trial, or violate any law. It is the policy of this department to cooperate with the news media and to maintain an atmosphere of open communication. A positive working relationship with the media is mutually beneficial. To this end, information will be released to the news media in an impartial, accurate and timely fashion. It is the responsibility of each employee to abide by this philosophy of cooperation.

II. PURPOSE

This department must have the support of the community to be successful. Establishing and maintaining an effective relationship with the news media is crucial to accomplishing this goal. This policy establishes guidelines regarding media relations and the release of information to the public through the news media.

III. RESPONSIBILITIES IN RELEASING INFORMATION

It is the ultimate responsibility of the department head to release information to the public. The Chief of Police is the primary contact for the news media. That responsibility may be delegated to the following personnel:

- a. Supervisors
- b. Other Employees- The Chief of Police or Public Information Officer (P.I.O.), may direct other employees to respond to media inquiries.

IV. ORGANIZATION OF PUBLIC INFORMATION OFFICER/FUNCTION

The Chief of Police function will support the department and it's personnel in matters involving the news media. To accomplish this, the Chief of Police will be available during normal business hours and be on-call for emergencies and critical incidents at all other times.

The Shift Commander shall be responsible for ensuring that the Chief of Police is informed of major incidents and all other events that may generate media interest.

V. PROCEDURES

A. Media Inquiries-

The agency will respond to all media inquiries in a timely and professional manner. During normal business hours, media inquiries shall be directed to the Chief of Police. The department will establish a procedure for responding to media inquiries when the Chief of Police is not on duty.

B. Interviews-

Employees contacted directly by the media shall notify the Chief of Police of any interview requests. All conversations with members of the news media should be considered "on the record" and subject to being quoted.

C. News Releases-

News releases shall be written and disseminated to the media and within the department on major incidents and events of community interest or concern.

D. News Conferences-

News conferences will be held only in connection with major events of concern to the community.

E. Access to Crime Scenes and Critical Incidents-

Agency Personnel should be courteous to news media representatives at crime and critical incident scenes.

1. At such scenes, department personnel shall ensure that the media respect the established perimeter. Members of the media have no greater or lesser access to an incident scene than members of the general public.
2. The Chief of Police may grant closer access to news personnel and their equipment, to the degree that it does not interfere with law enforcement operations.
3. No member of this department shall prohibit the media from news gathering practices, including photography and interviews, outside the established perimeter.
4. News media representatives shall not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration, the media representative should be advised of the danger and allowed to make the decision to enter on his/her volition.
5. Information at crime/critical incident scenes will be released by the Chief of Police.
6. At critical incident scenes, the scene commander will establish a media briefing area as close to the scene as safety and operational requirements allow.
7. At critical incident scenes, members of the department will work in close cooperation with the media to ensure that live broadcasts do not disclose any information that could endanger law enforcement personnel or the general public.
8. Dispatch shall refer press release inquiries to the Shift Commander or to a pre-recorded message if available. All press releases shall be faxed or emailed to the appropriate news media agencies.

F. Public Records-

This department and its members will abide by all local, state and federal laws governing the release of public records. The department will follow the established procedure outlined in Appendix A of this policy “WESTERLY POLICE DEPARTMENT - ACCESS TO PUBLIC RECORDS ACT” to regulate this process.

G. Access to Suspects-

Suspects or accused persons in custody shall not be posed or made available for media interviews by any member of this department.

H. Joint Investigations/Other Agency Involvement-

In a multi-jurisdictional investigation, the lead investigative agency is responsible for providing or coordinating the release of public information. The Chief of Police or designee for the lead agency will share that information with all involved agencies in advance of public dissemination.

VI. Information Release Guidelines

The release of information is subject to restrictions placed by applicable local, state and federal laws. Further, any information that would hamper the successful conclusion of an investigation or jeopardize the safety of affected persons will not be released.

A. Information That Shall Be Released

1. General information about a crime or incident.
2. General information about victims, except as excluded by law.
3. Descriptions of suspects.
4. General description of weapons and vehicles used.

5. General description of stolen items.
6. General description of injuries and condition of victims.
7. The full name, gender and race of arrested adult, home address, date of birth, charges, date and time of arrest.
8. Information contained in arrest affidavits and other applicable crime/incident reports.

B. Information That Cannot Be Released

1. Names, addresses or any information that would identify the victim of a sex offense, child abuse or any other crime where the privacy of the individual is protected by law.
2. Names, addresses and general information about juvenile arrestees as governed by state law.
3. Criminal investigative information, criminal intelligence information and surveillance techniques.
4. Names of informants and information provided by them.
5. Supplemental and investigative reports shall not be released until such time as the case is closed or the lead investigator deems it permissible.
6. Grand jury testimony and proceedings.
7. Active internal affairs investigations as governed by state law.
8. Names of witnesses, unless required by state law.
9. The identity of critically injured or deceased persons prior to notification of next of kin.
10. Home address, telephone numbers and familial information of law enforcement personnel.
11. Names of undercover personnel.
12. Any other information that could jeopardize the successful conclusion of an investigation and prosecution.
13. Any other information prohibited by state law from being publicly disclosed.
14. Information on Juveniles involved in any incident/arrest with this Department may not be disseminated to the news media or the general public.

VII. Ethics

It is the policy of this department to treat members of the media with professionalism and ethical behavior. It is expected that the media will respond in a like manner and follow ethical guidelines established by their industry.

Members of the department who believe they were treated unethically should contact the Chief of Police.

VIII. Meetings with the Media

Reaffirming this departments commitment to positive media relations, the Chief of Police shall meet on a regular basis with media representatives to discuss issues of mutual interest or concern. Proposed or anticipated changes in department policy or procedures dealing with the media also will be addressed at this time.

IX. Media Credentials

This agency acknowledges representatives from recognized media organizations who carry and/or display photographic identification issued by their employer. Anyone else is considered a member of the general public.

X. Alternative Methods to Disseminate Information

It is the policy of this department to pursue alternative methods of disseminating information directly to the public. These may include community newsletters, government access cable television shows, web sites, public appearances by agency members, public area bulletin boards and others.

XI. Information-Arrestee-Released by Shift Commander or Supervisor

Only the following information may be released by the Shift Commander/Supervisor without authorization from the Chief of Police:

- a. Name of Arrestee
- b. Date of Birth
- c. Address
- d. Charges against suspect
- e. Arraignment date/future court dates
- f. Status/current location of arrestee
- g. Location of Incident

This information is found in the "report." This should be printed using the records request redaction template. The narrative of an arrest shall not be released.

No Information may be released on Juveniles involved with incidents/arrests with this agency.

By Order of:



Edward W. St.Clair
Chief of Police

APPENDIX A
Westerly Police Department
ACCESS TO PUBLIC RECORDS

TITLE 38
Public Records
CHAPTER 38-2
Access to Public Records
SECTION 38-2-1

§ 38-2-1 Purpose. – The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of this chapter is to facilitate public access to public records. It is also the intent of this chapter to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

History of Section.
(P.L. 1979, ch. 202, § 1; P.L. 1998, ch. 378, § 1.)

CHAPTER 38-2
Access to Public Records
SECTION 38-2-2

§ 38-2-2 Definitions. – As used in this chapter:

- (1) "Agency" or "public body" means any executive, legislative, judicial, regulatory, or administrative body of the state, or any political subdivision thereof; including, but not limited to, any department, division, agency, commission, board, office, bureau, authority, any school, fire, or water district, or other agency of Rhode Island state or local government which exercises governmental functions, any authority as defined in § 42-35-1(b), or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of any public agency.
- (2) "Chief administrative officer" means the highest authority of the public body.
- (3) "Public business" means any matter over which the public body has supervision, control, jurisdiction, or advisory power.
- (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. For the purposes of this chapter, the following records shall not be deemed public:

(A) All records relating to a client/attorney relationship and to a doctor/patient relationship, including all medical information relating to an individual in any files.

(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.; provided, however, with respect to employees, and employees of contractors and subcontractors working on public works projects which are required to be listed as certified payrolls, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and any other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state, municipality, employment contract, or public works contractor or subcontractor on public works projects work location, and/or project, business telephone number, the city or town of residence, and date of termination shall be public. For the purposes of this section "remuneration" shall include any payments received by an employee as a result of termination, or otherwise leaving employment, including, but not limited to, payments for accrued sick and/or vacation time, severance pay, or compensation paid pursuant to a contract buy-out provision.

(II) Notwithstanding the provisions of this section, or any other provision of the general laws to the contrary, the pension records of all persons who are either current or retired members of any public retirement systems as well as all persons who become members of those retirement systems after June 17, 1991 shall be open for public inspection. "Pension records" as used in this section shall include all records containing information concerning pension and retirement benefits of current and retired members of the retirement systems and future members of said systems, including all records concerning retirement credits purchased and the ability of any member of the retirement system to purchase retirement credits, but excluding all information regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries unless and until the member's designated beneficiary or beneficiaries have received or are receiving pension and/or retirement benefits through the retirement system.

(B) Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.

(C) Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.

(D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information (a) could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, or the information furnished by a confidential source, (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual. Records relating to management and direction of a law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public.

(E) Any records which would not be available by law or rule of court to an opposing party in litigation.

(F) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.

(G) Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor.

- (H) Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.
- (I) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.
- (J) Any minutes of a meeting of a public body which are not required to be disclosed pursuant to chapter 46 of title 42.
- (K) Preliminary drafts, notes, impressions, memoranda, working papers, and work products; provided, however, any documents submitted at a public meeting of a public body shall be deemed public.
- (L) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, that a person shall have the right to review the results of his or her examination.
- (M) Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.
- (N) The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned; provided the law of eminent domain shall not be affected by this provision.
- (O) All tax returns.
- (P) All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.
- (Q) Records of individual test scores on professional certification and licensing examinations; provided, however, that a person shall have the right to review the results of his or her examination.
- (R) Requests for advisory opinions until such time as the public body issues its opinion.
- (S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law, or rule of court.
- (T) Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt from the operation of this chapter.
- (U) Library records which by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.
- (V) Printouts from TELE – TEXT devices used by people who are deaf or hard of hearing or speech impaired.
- (W) All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state. Nothing contained in this title or any other provision of law shall prevent or be construed as prohibiting the commissioner of insurance from disclosing otherwise confidential information to the insurance department of this or any other state or country, at any time, so long as the agency or office receiving the records agrees in writing to hold it confidential in a manner consistent with the laws of this state.
- (X) Credit card account numbers in the possession of state or local government are confidential and shall not be deemed public records.
- (Y) Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under Rhode Island general law § 9-1.1-6.
- (Z) Any individually identifiable evaluations of public school teachers made pursuant to state or federal law or regulation.
- (AA) All documents prepared by school districts intended to be used by school districts in protecting the safety of their students from potential and actual threats.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1980, ch. 269, § 1; P.L. 1981, ch. 353, § 5; P.L. 1982, ch. 416, § 1; P.L. 1984, ch. 372, § 2; P.L. 1986, ch. 203, § 1; P.L. 1991, ch. 208, § 1; P.L. 1991, ch. 263, § 1; P.L. 1995, ch. 112, § 1; P.L. 1998, ch. 378, § 1; P.L. 1999, ch. 83, § 85; P.L. 1999, ch. 130, § 85; P.L. 2002, ch. 65, art. 13, § 29; P.L. 2007, ch. 73, art. 18, § 3; P.L. 2011, ch. 363, § 41; P.L. 2012, ch. 423, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1; P.L. 2012, ch. 482, § 1; P.L. 2013, ch. 153, § 1; P.L. 2013, ch. 223, § 1; P.L. 2013, ch. 342, § 1; P.L. 2013, ch. 411, § 1.)

CHAPTER 38-2 Access to Public Records

SECTION 38-2-3

§ 38-2-3 Right to inspect and copy records – Duty to maintain minutes of meetings – Procedures for access.

– (a) Except as provided in § 38-2-2(5), all records maintained or kept on file by any public body, whether or not those records are required by any law or by any rule or regulation, shall be public records and every person or entity shall have the right to inspect and/or copy those records at such reasonable time as may be determined by the custodian thereof.

(b) Any reasonably segregable portion of a public record excluded by subdivision 38-2-2(4) shall be available for public inspection after the deletion of the information which is the basis of the exclusion. If an entire document or record is deemed non-public, the public body shall state in writing that no portion of the document or record contains reasonable segregable information that is releasable.

(c) Each public body shall make, keep, and maintain written or recorded minutes of all meetings.

(d) Each public body shall establish written procedures regarding access to public records but shall not require written requests for public information available pursuant to R.I.G.L. § 42-35-2 or for other documents prepared for or readily available to the public.

These procedures must include, but need not be limited to, the identification of a designated public records officer or unit, how to make a public records request, and where a public record request should be made, and a copy of these procedures shall be posted on the public body's website if such a website is maintained and be made otherwise readily available to the public. The unavailability of a designated public records officer shall not be deemed good cause for failure to timely comply with a request to inspect and/or copy public records pursuant to subsection (e). A written request for public records need not be made on a form established by a public body if the request is otherwise readily identifiable as a request for public records.

(e) A public body receiving a request shall permit the inspection or copying within ten (10) business days after receiving a request. If the inspection or copying is not permitted within ten (10) business days, the public body shall forthwith explain in writing the need for additional time to comply with the request. Any such explanation must be particularized to the specific request made. In such cases the public body may have up to an additional twenty (20) business days to comply with the request if it can demonstrate that the voluminous nature of the request, the number of requests for records pending, or the difficulty in searching for and retrieving or copying the requested records, is such that additional time is necessary to avoid imposing an undue burden on the public body.

(f) If a public record is in active use or in storage and, therefore, not available at the time a person or entity requests access, the custodian shall so inform the person or entity and make an appointment for the person or entity to examine such records as expeditiously as they may be made available.

(g) Any person or entity requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. Any public body which maintains its records in a

computer storage system shall provide any data properly identified in a printout or other reasonable format, as requested.

(h) Nothing in this section shall be construed as requiring a public body to reorganize, consolidate, or compile data not maintained by the public body in the form requested at the time the request to inspect the public records was made except to the extent that such records are in an electronic format and the public body would not be unduly burdened in providing such data.

(i) Nothing in this section is intended to affect the public record status of information merely because it is stored in a computer.

(j) No public records shall be withheld based on the purpose for which the records are sought, nor shall a public body 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.

(k) At the election of the person or entity requesting the public records, the public body shall provide copies of the public records electronically, by facsimile, or by mail in accordance with the requesting person or entity's choice, unless complying with that preference would be unduly burdensome due to the volume of records requested or the costs that would be incurred. The person requesting delivery shall be responsible for the actual cost of delivery, if any.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1984, ch. 372, § 2; P.L. 1997, ch. 326, § 168; P.L. 1998, ch. 378, § 1; P.L. 2011, ch. 363, § 41; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-3.1

§ 38-2-3.1 Records required. – All records required to be maintained pursuant to this chapter shall not be replaced or supplemented with the product of a "real-time translation reporter".

History of Section.

(P.L. 2000, ch. 430, § 1.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-3.2

§ 38-2-3.2 Arrest logs. – (a) Notwithstanding the provisions of subsection 38-2-3(e), the following information reflecting an initial arrest of an adult and charge or charges shall be made available within forty-eight (48) hours after receipt of a request unless a request is made on a weekend or holiday, in which event the information shall be made available within seventy-two (72) hours, to the extent such information is known by the public body:

- (1) Full name of the arrested adult;
- (2) Home address of the arrested adult, unless doing so would identify a crime victim;
- (3) Year of birth of the arrested adult;
- (4) Charge or charges;

- (5) Date of the arrest;
 - (6) Time of the arrest;
 - (7) Gender of the arrested adult;
 - (8) Race of the arrested adult; and
 - (9) Name of the arresting officer, unless doing so would identify an undercover officer.
- (b) The provisions of this section shall apply to arrests made within five (5) days prior to the request.

History of Section.

(P.L. 2012, ch. 448, § 2; P.L. 2012, ch. 454, § 2.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-3.16

§ 38-2-3.16 Compliance by agencies and public bodies. – Not later than January 1, 2013, and annually thereafter, the chief administrator of each agency and each public body shall state in writing to the attorney general that all officers and employees who have the authority to grant or deny persons or entities access to records under this chapter have been provided orientation and training regarding this chapter. The attorney general may, in accordance with the provisions of chapter 35 of title 42, promulgate rules and regulations necessary to implement the requirements of this section.

History of Section.

(P.L. 2012, ch. 448, § 2; P.L. 2012, ch. 454, § 2.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-4

§ 38-2-4 Cost. – (a) Subject to the provisions of § 38-2-3, a public body must allow copies to be made or provide copies of public records. The cost per copied page of written documents provided to the public shall not exceed fifteen cents (\$.15) per page for documents copyable on common business or legal size paper. A public body may not charge more than the reasonable actual cost for providing electronic records or retrieving records from storage where the public body is assessed a retrieval fee.

(b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour of a search or retrieval. For the purposes of this subsection, multiple requests from any person or entity to the same public body within a thirty (30) day time period shall be considered one request.

(c) Copies of documents shall be provided and the search and retrieval of documents accomplished within a reasonable time after a request. A public body upon request, shall provide an estimate of the costs of a request for documents prior to providing copies.

(d) Upon request, the public body shall provide a detailed itemization of the costs charged for search and retrieval.

(e) A court may reduce or waive the fees for costs charged for search or retrieval if it determines that the information requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1986, ch. 416, § 1; P.L. 1991, ch. 263, § 1; P.L. 1998, ch. 378, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-5

§ 38-2-5 Effect of chapter on broader agency publication – Existing rights – Judicial records and proceedings. – Nothing in this chapter shall be:

(1) Construed as preventing any public body from opening its records concerning the administration of the body to public inspection;

(2) Construed as limiting the right of access as it existed prior to July 1, 1979, of an individual who is the subject of a record to the information contained herein; or

(3) Deemed in any manner to affect the status of judicial records as they existed prior to July 1, 1979, nor to affect the rights of litigants in either criminal or civil proceedings, including parties to administrative proceedings, under the laws of discovery of this state.

History of Section.

(P.L. 1979, ch. 202, § 1.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-6

§ 38-2-6 Repealed. –

History of Section.

(P.L. 1979, ch. 202, § 1; Repealed by P.L. 2012, ch. 448, § 3, effective September 1, 2012; P.L. 2012, ch. 454, § 3, effective September 1, 2012.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-7

§ 38-2-7 Denial of access. – (a) Any denial of the right to inspect or copy records, in whole or in part provided for under this chapter shall be made to the person or entity requesting the right in writing giving the specific reasons for the denial within ten (10) business days of the request and indicating the procedures for appealing the denial. Except for good cause shown, any reason not specifically set forth in the denial shall be deemed waived by the public body.

(b) Failure to comply with a request to inspect or copy the public record within the ten (10) business day period shall be deemed to be a denial. Except that for good cause, this limit may be extended in accordance with the provisions of subsection 38-2-3(e) of this chapter. All copying and search and retrieval fees shall be waived if a public body fails to produce requested records in a timely manner; provided, however, that the production of records shall not be deemed untimely if the public body is awaiting receipt of payment for costs properly charged under § 38-2-4.

(c) A public body that receives a request to inspect or copy records that do not exist or are not within its custody or control shall, in responding to the request in accordance with this chapter, state that it does not have or maintain the requested records.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1991, ch. 263, § 1; P.L. 1998, ch. 378, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-8

§ 38-2-8 Administrative appeals. – (a) Any person or entity denied the right to inspect a record of a public body may petition the chief administrative officer of that public body for a review of the determinations made by his or her subordinate. The chief administrative officer shall make a final determination whether or not to allow public inspection within ten (10) business days after the submission of the review petition.

(b) If the custodian of the records or the chief administrative officer determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general shall determine that the allegations of the complaint are meritorious, he or she may institute proceedings for injunctive or declaratory relief on behalf of the complainant in the superior court of the county where the record is maintained. Nothing within this section shall prohibit any individual or entity from retaining private counsel for the purpose of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained.

(c) The attorney general shall consider all complaints filed under this chapter to have also been filed pursuant to the provisions of § 42-46-8(a), if applicable.

(d) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1981, ch. 279, § 2; P.L. 1998, ch. 378, § 1; P.L. 2006, ch. 378, § 1; P.L. 2006, ch. 472, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-9

§ 38-2-9 Jurisdiction of superior court. – (a) Jurisdiction to hear and determine civil actions brought under this chapter is hereby vested in the superior court.

(b) The court may examine any record which is the subject of a suit in camera to determine whether the record or any part thereof may be withheld from public inspection under the terms of this chapter.

(c) Actions brought under this chapter may be advanced on the calendar upon motion of any party, or sua sponte by the court made in accordance with the rules of civil procedure of the superior court.

(d) The court shall impose a civil fine not exceeding two thousand dollars (\$2,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and a civil fine not to exceed one thousand dollars (\$1,000) against a public body found to have recklessly violated this chapter and shall award reasonable attorney fees and costs to the prevailing plaintiff. The court shall further order a public body found to have wrongfully denied access to public records to provide the records at no cost to the prevailing party; provided, further, that in the event that the court, having found in favor of the defendant, finds further that the plaintiff's case lacked a grounding in fact or in existing law or in good faith argument for the extension, modification, or reversal of existing law, the court may award attorneys fees and costs to the prevailing defendant. A judgment in the plaintiff's favor shall not be a prerequisite to obtaining an award of attorneys' fees and/or costs if the court determines that the defendant's case lacked grounding in fact or in existing law or a good faith argument for extension, modification or reversal of existing law.

History of Section.

(P.L. 1979, ch. 202, § 1; P.L. 1988, ch. 87, § 1; P.L. 1991, ch. 263, § 1; P.L. 1998, ch. 378, § 1; P.L. 2012, ch. 448, § 1; P.L. 2012, ch. 454, § 1.)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-10

§ 38-2-10 Burden of proof. – In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the record in dispute can be properly withheld from public inspection under the terms of this chapter.

History of Section.

(P.L. 1979, ch. 202, § 1.)

CHAPTER 38-2
Access to Public Records

SECTION 38-2-11

§ 38-2-11 Right supplemental. – The right of the public to inspect public records created by this chapter shall be in addition to any other right to inspect records maintained by public bodies.

History of Section.
(P.L. 1979, ch. 202, § 1.)

CHAPTER 38-2
Access to Public Records

SECTION 38-2-12

§ 38-2-12 Severability. – If any provision of this chapter is held unconstitutional, the decision shall not affect the validity of the remainder of this chapter. If the application of this chapter to a particular record is held invalid, the decision shall not affect other applications of this chapter.

History of Section.
(P.L. 1979, ch. 202, § 1.)

CHAPTER 38-2
Access to Public Records

SECTION 38-2-13

§ 38-2-13 Records access continuing. – All records initially deemed to be public records which any person may inspect and/or copy under the provisions of this chapter, shall continue to be so deemed whether or not subsequent court action or investigations are held pertaining to the matters contained in the records.

History of Section.
(P.L. 1986, ch. 345, § 1.)

CHAPTER 38-2
Access to Public Records

SECTION 38-2-14

§ 38-2-14 Information relating to settlement of legal claims. – Settlement agreements of any legal claims against a governmental entity shall be deemed public records.

History of Section.
(P.L. 1991, ch. 263, § 2; P.L. 1998, ch. 378, § 1)

CHAPTER 38-2

Access to Public Records

SECTION 38-2-15

§ 38-2-15 Reported violations. – Every year the attorney general shall prepare a report summarizing all the complaints received pursuant to this chapter, which shall be submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints.

History of Section.
(P.L. 1998, ch. 378, § 2.)



WESTERLY POLICE



REQUEST FOR RECORDS UNDER THE ACCESS TO PUBLIC RECORDS ACT

DATE: _____ REQUEST # _____

NAME (optional): _____

ADDRESS (optional): _____

City/Town, State, Zip: _____

Home Telephone (optional):

Work Telephone (optional):

Records Requested: _____

If these records are not readily available at the time of your request, please advise whether you desire to:

Pick up records

Records to be sent regular mail

*****Note: Records Requested by Regular Mail require a self- addressed, stamped envelope for return service**

For Official Use Only

Request Taken By: _____ Request # _____

Date: _____ Time: _____ Records Available on: _____

Records Provided: _____

Date response provided if any exemptions are claimed: _____

Cost of Records: Copies = \$ _____ Search & Retrieval = \$ _____

Westerly Police – Access to Public Records Request Receipt

If you desire to pick up the records, they will be available at the Records Department. If, after review of your request, the Department determines that the requested records are exempt from disclosure for a reason set forth in R.I.G.L. § 38-2-2 (4)(i)(A) thru (W), the Department reserves its right to claim such exemptions.

Note: If you choose to pick up the records but did not include identifying information on this form (name, etc.), please inform the Records Clerk of the date you made the request, records requested and request number _____.

Woonsocket Police Department

Accept APRA requests by email? Yes

Email address: jPaone@woonsocketri.org

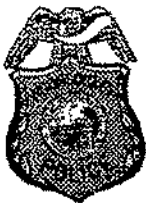
Accept APRA requests by fax? No

Mailing address:

Woonsocket Police Department
242 Clinton Street
Woonsocket, RI 02895

Telephone number: (401) 767-8859

APRA procedures online? No



WOONSOCKET POLICE DEPARTMENT

GENERAL ORDER

DATE ISSUED:

NUMBER:

PUBLIC INFORMATION POLICY

I. PURPOSE

To establish guidelines and regulations for the dissemination of information by members of the Woonsocket Police Department.

II. DEFINITIONS

- A. Public Information: Information that may be of interest to the general public regarding policy, procedures, events or other newsworthy happenings that are not legally protected; or, which do not unduly interfere with the mission of the Department, infringe upon the rights of a defendant or compromise the legitimate safety and privacy interests of the officers, victims, witnesses or others.
- B. News Media Representatives: Individuals who are directly employed by an official news media agency. Freelance workers in this field are to be regarded as members of the general public unless otherwise designated by the Chief of Police.
- C. Public Information Officer: The spokesperson for the Woonsocket Police Department who will serve as liaison to the news media. He / she will be a central source of information released by the Department and shall respond to requests for information by the media and community.

III. POLICY

The Woonsocket Police Department is committed to informing the community of events within the public domain. It is essential for the Police Department to develop a relationship built on trust, respect and cooperation with the citizens of this city. The news media will be utilized to achieve this goal. Therefore, it is the policy of this agency to provide the media with accurate and timely information. Keeping in mind the privacy rights of individuals and the importance of respecting the integrity of criminal investigations, authorized personnel will be expected to release public information with impartiality, openness, and candor.

IV. PROCEDURES

A. Public Information Officer .

- 1) The public information function of the department will be coordinated by the Chief of Police. The Chief will act as, or designate a member of the Department to serve as, the Public Information Officer.
- 2) The Public Information Officer will be responsible for:
 - a) Assisting news media personnel in covering routine stories;
 - b) Assisting the news media at the scene of incidents;
 - c) Preparing and distributing news releases;
 - d) Arranging for and assisting at news conferences;
 - e) Coordinating and authorizing the release of information about victims, witnesses and suspects; and
 - f) Coordinating the release of authorized information concerning confidential agency investigations and operations.

B. News Media

- 1) The Department will recognize proper press identification presented by members of the news media. Failure to present proper identification may be the grounds for restricting access to requested information or to incident scenes.
- 2) Public information shall be released to the media as promptly as circumstances allow.

- 3) Before providing information to the news media the following requirements will be carefully considered:
 - a) The necessity to prevent interference with a police investigation;
 - b) The necessity to preserve evidence;
 - c) The necessity to protect the safety of the victim;
 - d) The necessity to protect the identity of informants;
 - e) The necessity to successfully apprehend the perpetrators of a crime;
 - f) The necessity to protect the constitutional rights of a person accused of a crime; and
 - g) The necessity to avoid prejudicial pretrial publicity.
- 4) When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.
- 5) Written press statements shall only be released with prior approval of the Chief of Police.
- 6) In instances where more than one law enforcement agency is involved in a mutual effort, the agency having primary jurisdiction should be responsible for the release of information.
- 7) Department personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and equipment than is available to the general public to the degree that it does not interfere with the police mission or the movement of traffic.
- 8) The news media shall not be allowed access to any area or scene where there is a possibility that evidence may be damaged, altered, destroyed or otherwise prejudiced by its existence being published or portrayed.

C. Investigative Information

- 1) From the initial stage of a police investigation until the completion of a trial or disposition without trial, all requests for information shall be referred to the Public Information Officer.
- 2) Information which may be released in connection with an active investigation includes, but is not limited to, the following:
 - a) Type or nature of event or crime;
 - b) Location, date and time, injuries sustained, damages, and a general description of how the incident occurred;
 - c) Type and quantity of property taken; and
 - d) Number of officers or people involved in an event or investigation;
- 3) Investigative information of a sensitive nature or that which is protected by law shall not be released to the news media unless authorized by the Chief of Police. Examples of this information include, but are not limited to, the following:
 - a) Identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of a potential danger;
 - b) The identity of victims or witnesses if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim or witness in personal danger;
 - c) The identity of any juvenile, 18 years of age or younger, who is a suspect or defendant in a case subject to the jurisdiction of the juvenile court;
 - d) The identity of any critically injured or deceased person prior to the notification of the next of kin;
 - e) The results of any investigative procedure such as lineups, polygraph tests, or medical practices;

- f) Information which, if prematurely released, may interfere with the investigation or apprehension such as the nature of leads, specifics of an MO, details of the crime known only to the perpetrator and the police, or information that may cause the suspect to flee or more effectively avoid apprehension;
 - g) Information that may be of evidentiary value in criminal proceedings;
 - h) Specific cause of death unless officially determined by the medical examiner; and
 - i) The home address or telephone number of any member of the Department.
- 4) The Law Enforcement Officers Bill of Rights will be followed in regard to the releasing of information relating to internal investigations. Information will only be released by the Chief of Police.

D. Arrest Information

- 1) Once an adult arrest has been made it shall be permissible to release the following information:
 - a) The arrestee's name, age, residence and occupation;
 - b) The specific charges brought against the arrestee;
 - c) The time and place of arrest, whether pursuit was involved, resistance encountered or weapons used; and
 - d) The identity of the arresting officers and the duration of the investigation. The names of undercover officers should not be released unless prior permission is granted by the Chief of Police.
- 2) Post arrest information of a sensitive nature or that which is protected by law shall not be released to the news media unless authorized by the Chief of Police. Examples of this information include, but are not limited to, the following:
 - a) Prior criminal record, character or reputation of the defendant;

- b) Existence or content of any confession, admission or statement of a defendant;
- c) Results of any investigatory tests;
- d) Identity, statement or expected testimony of any witness or victim;
- e) Any opinion about the guilt or innocence of a defendant or the merits of a case; and
- f) Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

E. Records and Reports

- 1) Daily crime reports shall be made available to authorized representatives of the news media. They will be released, in accordance with this policy, by the Detective Lieutenant or his designee.
- 2) Accident reports shall be made available to authorized representatives of the news media. They will be released, in accordance with this policy, by the Officer-In-Charge of the Accident Prevention Bureau or his designee.
- 3) The Bureau of Criminal Identification shall be responsible for providing copies of records and reports.
- 4) Media representatives or citizens shall be denied access to the contents of investigative or incident reports and records when the release of the information would:
 - a) Interfere with pending investigations where suspects have been named but arrests have not been made;
 - b) Deprive the arrestee of the right to a fair trial;
 - c) Constitute an unwarranted invasion of the personal privacy rights of another person;
 - d) Reveal the identity of confidential informants;
 - e) Disclose investigative techniques and procedures that would impair the future effectiveness of the department;

- f) Endanger the life or physical safety of any person; and
 - g) When the complaining party does not wish publicity.
- 4) All denials for records or reports shall be made in conformance with this policy and R.I.G.L. 38-2-2 section 4, subsection (a) through subsection (f).
 - 5) Pursuant to R.I.G.L. 38-2-4 the cost for copies of reports or records shall not exceed fifteen cents (\$.15) per page.
 - a) The Accident Prevention Bureau shall be responsible for the collection and proper accounting of all revenue earned from the dissemination of accident reports.
 - b) The Bureau of Criminal Identification shall be responsible for the collection and proper accounting of all revenue earned from the dissemination of written reports and records.

F. Supervisory Responsibilities

- 1) The Officer-In-Charge shall be responsible for ensuring that the Division Captain, Commander and / or Chief of Police are informed of events that warrant media interest.
- 2) The Officer-In-Charge of a major crime or incident scene shall designate a press area.
- 3) The Officer-In-Charge of a crime or incident scene may release information of a factual nature to the media as governed by this policy. When the officer is unsure of the facts or the propriety of releasing information, he / she shall refer the inquiry to the Public Information Officer.

V. PROVISIONS

- 1) A suspect or accused person in custody shall not be posed nor shall any arrangements be made for media interviews.

VI. CONCLUSION

This "Public Information Policy" supersedes any and all previously issued Woonsocket Police memorandums, orders, or any other written or said policies concerning the dissemination of public information.

By order of the Chief of Police



Robert H. Morris
Chief of Police

January 27, 1998

98-GO-03

Woonsocket Police Department

REQUEST FOR RECORDS UNDER THE ACCESS TO PUBLIC RECORDS ACT

Date _____
Name _____
Address _____
DOB _____
Telephone _____
E-Mail Address (optional) _____

RECORDS REQUESTED

DATE/TIME	LOCATION	CASE#/ TYPE OF CALL
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Cost is 15 cents per page and a \$15 per hour search and retrieval fee (1st hour free)

OFFICE USE ONLY

Request taken by: _____ Date: _____ Time: _____

Woonsocket Police Department-Access to Public Records Request Receipt

If you desire to pick up the records, they will be available on _____ at the front desk.

If, after review of your request, the Department determines that the requested records are exempt from disclosure for a reason set forth in R.I. General Laws Section 38-2-2(4)(i)(A) through (Y), the Department reserves the right to claim such exemption.

Please be advised that the Access to Public Records Act allows a public body ten (10) business days to respond and, with "good cause," may extend the time to respond to thirty (30) business days.

Rhode Island State Police

Accept APRA requests by email? Yes

Email address: laudette@risp.dps.ri.gov

Accept APRA requests by fax? Yes

Fax number: (401) 444-1105

Mailing address:

Department of Public Safety Legal Office
311 Danielson Pike
North Scituate, RI 02857

Telephone number: 401-539-2323 ; Direct Phone - 401 - 444 - 1335

APRA procedures online? Yes

APRA procedures URL:

<http://www.dps.ri.gov/documents/DPSAccessToPublicRecordsRegulation.pdf>

RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY



Access to Public Records Regulation

**DEPARTMENT OF PUBLIC SAFETY
ACCESS TO PUBLIC RECORDS REGULATION**

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Section I: Authority

- A. These regulations are promulgated pursuant to R.I. Gen. Laws § 38-2-1, *et seq.* (“*Access to Public Records*”), § 42-35-2 (a), and § 42-7.3-9.

Section II: Purpose

- A. To establish regulations to implement R.I. General Laws § 38-2-1, *et seq.* (“*Access to Public Records*”) relating to access to public records maintained by the Department of Public Safety and its agencies, and to comply with R.I. General Laws § 42-35-2(a) and § 42-7.3-9.
- B. To identify and delineate categories of records exempt from disclosure.
- C. To provide the public and the Department of Public Safety personnel with regulations that set forth the rules and procedures applicable to access public records maintained by the Department.

Section III: Policy

- A. The Department of Public Safety recognizes both the public’s right to access public records and the individual’s right to dignity and privacy. It is the Department of Public Safety’s policy to facilitate public access to all public records that may be disclosed in accordance with R.I. Gen. Laws § 38-2-1, *et seq.* It is also the policy of the Department of Public Safety to make all public records in the Department’s possession available for

public inspection and copying consistent with applicable state or federal law, unless otherwise prohibited by a court of competent jurisdiction.

Section IV: Scope

- A. The Department of Public Safety is responsible for the management and administration of the services provided by various divisions and agencies with the Executive Branch of state government, pursuant to R.I. General Laws § 42-7.3-3. The divisions and agencies include the Rhode Island State Police, Rhode Island Capitol Police, Division of the Rhode Island State Fire Marshal, E 9-1-1 Uniform Emergency Telephone System, Rhode Island Municipal Police Training Academy, and Rhode Island Division of Sheriffs.
- B. Members of the public may access public records maintained by the Department of Public Safety through the Access to Public Records Act, R.I. General Laws § 38-2-1 *et seq.*, by making a request consistent with the Department of Public Safety's access to public records guidelines.

Section V: Procedure for Requesting Public Records

- A. The Department of Public Safety adheres to the Access to Public Records Act, R.I. Gen. Laws § 38-2-1 *et seq.*, and has instituted the following procedures for members of the public to obtain public records.
 - 1. A written request is not required for records available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public.
 - 2. Members of the public can request public records from the Department of Public Safety by contacting the Department of Public Safety Office of Legal Counsel, which is the Department's designated public records unit.
 - 3. Written requests to inspect or copy public records should be sent to the Department that describes the records being requested. It is suggested, but not required, that requests be submitted on the forms provided by the Department (APPENDIX A-D). Records request forms are available on the Department's website, www.dps.ri.gov, at Rhode Island State Police Headquarters and Public Safety Complex, at all Rhode Island State Police barracks, and at all Department of Public Safety agencies.
 - 4. Written requests may be mailed, hand-delivered, e-mailed or sent via facsimile. Requests by mail should be sent to Department of Public Safety, Office of Legal Counsel, 311 Danielson Pike, North Scituate, RI 02857. Hand-delivered requests may be made during the Department's regular business hours, Monday through Friday, 8:00 a.m.-4:30 p.m.; however, requests may be delivered to Rhode Island State Police barracks at all times they are open.

5. In order to ensure that the Department is able to respond to the request as efficiently as possible, the request should identify the documents or information being requested with as much specificity as possible. If the description of records being requested is not sufficient to allow the Department to identify and locate the requested records, the Department will notify the person requesting such records that additional information is needed in order to properly respond to the request.
6. Statewide Uniform Crash Reports for Motor Vehicle Accidents can be purchased for a fee, pursuant to R.I. Gen. Laws § 42-28-37, either on-line from the website www.GetCrashReports.com, or by mail through the Rhode Island State Police Accident Bureau, 311 Danielson Pike, North Scituate, RI 02857.
 - i. Requests for Statewide Uniform Crash Reports that have not been placed on the above mentioned website for the public shall be reviewed by Legal Counsel to determine whether the an investigation is on-going and whether criminal charges are pending. Non-public information will be redacted prior to release.
 - a. Statewide Uniform Crash Reports shall be provided to individuals involved in the accident or their legal representative regardless of the status of the investigation, pursuant to R.I. Gen. Laws § 42-28-37.
7. You are not required to provide identification or the reason you seek the information. Your right to access public records will not depend upon providing identification or reasons.
 - i. However, any parent, guardian, or attorney requesting records on a juvenile they represent will be required to provide identification prior to receiving the requested record.
8. Copies of public records will be provided electronically, by facsimile or by mail in accordance with the requesting party's choice, unless complying would be unduly burdensome due to the volume of records requested or the costs that would be incurred. The requesting party is responsible for the actual cost of delivery, if any.
9. The Access to Public Records Act allows a public body ten (10) business days to respond to a request for records, which can be extended an additional twenty (20) days for good cause, which will be explained in writing by the Department.
10. Any denial of access to records, in whole or in part, will be provided through a written response to the requestor indicating the reasons for the denial of access to records or for the denial of certain information contained in a record that is otherwise public pursuant to R.I. Gen. Laws § 38-2-2. The written response will also include the process for appeals outlined in R.I. Gen. Laws § 38-2-8.

11. Any individual who receives a denial for copies of requested records or the ability to inspect records may petition the Commissioner of the Department of Public Safety for a review of the determinations. The Commissioner shall make a final determination whether or not to allow public inspection within ten (10) business days. If the denial is confirmed, the individual may file a complaint with the Office of the Attorney General, who will then investigate and make a determination. The individual may also file a lawsuit in Superior Court.

Section VI: Guidelines for Requests for Public Records

- A. R.I. Gen. Laws § 38-2-2, (“*Access to Public Records*”) specifies records which, for the purposes of that chapter, **are public**.

1. **Public record(s) means all:**

- i. Documents
- ii. Papers
- iii. Letters
- iv. Maps
- v. Tapes
- vi. Photographs
- vii. Films
- viii. Sound recordings
- ix. Magnetic or other tapes
- x. Electronic data processing records
- xi. 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)
- xii. 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.

2. **Arrest Logs:** the following information reflecting an initial arrest of an adult will be made available within forty-eight (48) hours after receipt; seventy-two (72) hours if the request is made on a weekend or holiday, to the extent that such information is known by the Department, for arrests made within five (5) days prior to the request:

- i. Full name of the arrested adult
- ii. Home address of the arrested adult, unless doing so would identify a crime victim
- iii. Year of birth of the arrested adult
- iv. Charge or charges
- v. Date of arrest
- vi. Time of arrest

- vii. Gender of the arrested adult
- viii. Race of the arrested adult
- ix. Name of arresting officer, unless doing so would identify and undercover officer

3. The Access to Public Records Act requires public bodies apply a case-by-case balancing test to non-exempt records to determine whether the privacy interests of individuals outweigh the public's interest in disclosure. That balancing requires a public body to consider both "the public's right to access to public records and the individual's right to dignity and privacy..." R.I. Gen. Laws § 38-2-1.

B. R.I. Gen. Laws § 38-2-2, ("*Access to Public Records*") specifies records which, for the purposes of that chapter, **are not public**.

1. Records that **are not deemed public** are:

- i. Records relating to a client/attorney relationship
- ii. Records relating to a doctor/patient relationship
 - a. Including all medical information relating to an individual in any files.
- iii. 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.
 - a. However, records of employees, and employees of contractors and subcontractors working on public works projects which are required to be listed as certified payrolls that **are deemed public** include:
 - (1) Name
 - (2) Gross salary
 - (3) Salary range for position
 - (4) Total cost of paid fringe benefits
 - (5) Gross amount received in overtime and any other remuneration in addition to salary
 - (6) Job title
 - (7) Job description
 - (8) Dates of employment
 - (9) Positions held with the state, municipality, or public works contractor or subcontractor on public works projects
 - (10) Employment contract
 - (11) Work location
 - (12) Business telephone number
 - (13) City or town of residence
 - (14) Date of termination

- iv. Any information in pension records regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries.
 - a. Unless and until the member's designated beneficiary or beneficiaries have received or are receiving pension and/or retirement benefits through the retirement system.
- v. Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.
- vi. Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.
- vii. All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual compiled in the course of a criminal investigation by any law enforcement agency.
 - a. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information:
 - (1) Could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings;
 - (2) Would deprive a person of a right to a fair trial or an impartial adjudication;
 - (3) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;
 - (4) Could reasonably be expected to disclose the identity of a confidential source, including a state, local or foreign agency or authority, or any private institution which furnished information on a confidential basis or the information furnished by a confidential source;
 - (5) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions;
 - (6) Could reasonably be expected to endanger the life or physical safety of any individual.
 - b. However, law enforcement records relating to management and direction of a law enforcement agency, and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult **are deemed public.**

- viii. Any records which would not be available by law or rule of court to an opposing party in litigation.
- ix. Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.
- x. Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor.
- xi. Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.
- xii. Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.
- xiii. Any minutes of a meeting of a public body which are not required to be disclosed pursuant to chapter 26 of title 42.
- xiv. Preliminary drafts, notes, impressions, memoranda, working papers, and work products.
 - a. Provided, however, any documents submitted at a public meeting of a public body shall be deemed public.
- xv. Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations.
 - a. Provided, however, that a person shall have the right to review the results of his or her examination.
- xvi. Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.
- xvii. The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned.

- a. Provided the law of eminent domain shall not be affected by this provision.
- xviii. All tax returns.
- xix. All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.
- xx. Records of individual test scores on professional certification and licensing examinations.
 - a. Provided, however, that a person shall have the right to review the results of his or her examination.
- xxi. Requests for advisory opinions until such time as the public body issues its opinion.
- xxii. Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law, or rule of court.
- xxiii. Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 18 of title 8 are exempt from the operation of this chapter.
- xxiv. Library records which by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.
- xxv. Printouts from TELE-TEXT devices used by people who are deaf or hard of hearing or speech impaired.
- xxvi. All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state
- xxvii. Credit card account numbers in the possession of state or local government.

- xxviii. Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under Rhode Island General Law § 9-1.1-6.
- xxix. Any records regarding a juvenile, arrest or other are not a public record; however:
 - a. A parent, guardian, or attorney of a juvenile may inspect and copy a police report relating to the arrest or detention of that juvenile
 - b. After disposition of an offense, a parent, guardian, or attorney of the juvenile involved may inspect a copy records relating to the arrest, detention, apprehension, and disposition, as provided for in R.I.G.L. § 14-1-64.
 - c. The identity of a juvenile waived to be tried as an adult under R.I.G.L. § 14-1-7.1, or certified and convicted pursuant to R.I.G.L. § 14-1-7.2, is public record
- C. The Department is not required to reorganize, consolidate, or compile data not maintained in the form requested, except the extent that such records are in an electronic format and the Department would not be unduly burdened in providing such data.
- D. All records initially deems to be public records which any person may inspect and/or copy shall continue to be public records whether or not subsequent court action or investigations are held pertaining to the matters contained in the records.

Section VII: Hours and Supervision of Inspections

- A. Individuals who request to inspect records, as opposed to obtain copies, deemed to be public pursuant to R.I. Gen. Laws § 38-2-3, will be advised of when the records will be available for inspection, or an appointment will be made for them to inspect the requested records.
- B. The time frame for the Department to respond to requests to inspect public records is the same time frame applicable to responding to requests for copies of public records as set forth in Section (V) above.
- C. The inspection of public records must be accomplished in a manner which will provide for general supervision by authorized Departmental staff. This is necessary to prevent the misplacement or unauthorized removal of records or any other action that may impair the integrity of the public record.

Section VIII: Fees

- A. The cost for documents that are able to be copied on common business or legal size paper is fifteen cents (15¢) per page. The fee for electronic records or retrieval fees from a storage facility is not more than the reasonable actual cost of those records.
- B. The cost for a Statewide Uniform Crash Report requested through the Department is fifteen dollars (\$15.00), pursuant to R.I.G.L. § 42-28-37.
- C. There is no fee for the first hour of search and retrieval of documents by the Department. There will be a fee of fifteen dollars (\$15.00) per hour for each additional hour spent for search and retrieval. Multiple requests made within a thirty (30) day time period from the same requesting party for records from one of the Department's agencies shall be treated as one request.
- D. The Department will provide an estimate of the cost of a request for documents prior to providing copies. Upon request, a detailed itemization of the costs charged for search and retrieval will be provided.
- E. If a court determines the information requested is in the public interest, it may reduce or waive fees for search and retrieval costs.
- F. Department personnel will make copies of requested records. The Department does not have a copy machine available for use by the public to make copies.
- G. Official publications prepared by the Department in the discharge of their duties to inform the public on matters of public interest will be furnished free of charge when available.
- H. The Department will supply one (1) copy of any of its rules and regulations to an individual free of charge. All promulgated rules and regulations for the Department and its agencies are on file at the Office of the Secretary of State, and certified copies, thereof may be obtained through that office. They are also available on-line at the following websites:
 - 1. www.sos.ri.gov
 - 2. www.dps.ri.gov

Section IX: Severability

- A. If any provision of this regulation or the application thereof to any individual or circumstances, is held invalid, such invalidity shall not affect the provisions or application of the remaining portions of the regulation which can be given effect. The provisions of these rules and regulations are declared to be severable

APPENDIX

- APPENDIX A: Department of Public Safety Public Records Request Form**
- APPENDIX B: Rhode Island State Police Public Records Request Form**
- APPENDIX C: Rhode Island Capitol Police Public Records Request Form**
- APPENDIX D: Rhode Island Division of the State Fire Marshal Public Records Request Form**
- APPENDIX E: Rhode Island Division of Sheriffs Public Records Request Form**
- APPENDIX F: Public Safety Grants Administration Office Public Records Request Form**
- APPENDIX G: E 9-1-1 Uniform Emergency Telephone System Public Records Request Form**
- APPENDIX H: Rhode Island Municipal Police Training Academy Public Records Request Form**



RHODE ISLAND STATE POLICE PUBLIC RECORDS REQUEST FORM



Date: _____ Request Number: _____

Location: _____

Name (optional): _____

Address (optional): _____

City/Town, State, Zip Code (optional): _____

Telephone Number (optional): (Home): _____ (Work): _____

Requested Records:

If these records are not readily available at the time of your request, please advise whether you would like to:

Pick up the records Records to be sent regular mail
 Records to be faxed to Fax Number: () _____

For Office Use Only

Request Taken By: _____ Request Number: _____

Date: _____ Time: _____ Records Available On: _____

Records Provided: Yes No In Part

Date response provided if any exemptions are claimed: _____

Costs for Records: Copies \$ _____ Search and Retrieval \$ _____

Department of Public Safety – Access to Public Records Request Receipt

If you desire to pick up the records, they are expected to be available on _____ at the Department of Public Safety, Rhode Island State Police Headquarters, at the front desk in the main lobby. If, after review of your request, it is determined that the requested records are exempt from disclosure for a reason set forth in R.I.G.L. § 38-2-2(4)(i)(A) through (Y), the department reserves its right to claim such exemptions.

Note: If you choose to pick up the records but did not include identifying information on this form (name, etc.), please inform the officer at the front desk of the date you made the request, records requested and request number. Any parent, guardian or attorney of an involved juvenile requesting records must show identification in order to obtain records, pursuant to R.I.G.L. § 14-1-64.