



Appendix B

Westerly Police Department

ACCESS TO PUBLIC RECORDS ACT PROCEDURE

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

The Westerly 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.G.L. § 38-2-1. The Westerly 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 at the Police Station, over the telephone, in a formal written, email or fax request, or the request needs clarification, please complete the Request for Public Records written form that can be found at the Records department or Department website.

Pursuant to R.I.G.L. § 38-2-3(c.), the Westerly Police Department has established the following procedure regarding access to public records:

1. Please inform the Department Records Clerk/Dispatcher at the front desk that you wish to make a request for public records. The Chief of Police or his designee is the designated Public Records Officer for the Westerly Police Department (telephone number 596-2022). The hours for the Records Department are Monday thru Friday 8:30 AM to 4:00 PM.
2. The Department Records Clerk or Dispatcher 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 you request an accident report or a complaint that you were involved in, they will be provided. 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, faxed 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.G.L. § 38-2-7(a). The Act further provides that “for good cause, this limit may be extended for a period not to exceed thirty (20) 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 (not to exceed \$.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 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 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 an adult.” R.I.G.L. § 38-2-2(4)(i)(D).
6. Exemptions. The Access to Public Records Act exempts some records from public disclosure. See, R.I.G.L. § 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.G.L. § 38-22(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 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.G.L. § 38-2-2.

7. Appeal of Denial. Any person or entity denied the right to inspect a record of a public body by the Department Records Clerk may petition the Chief of Police of that public body for review of the determinations made by his or her subordinates. Any petitions from a denial should be made to the Chief of Police. 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.G.L. § 38-2-8.
8. Complaint to the Attorney General. If the Chief of Police 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.

We hope this information has been of assistance to you.