



Town of West Greenwich
INCORPORATED 1741

ACCESS TO PUBLIC RECORDS ACT RHODE ISLAND GENERAL LAWS SECTION 38-2-1 ET SEQ.

PROCEDURES

The West Greenwich 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, Rhode Island General Law Section 38-2-1. The West Greenwich 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, wished to make a formal written request or the request needs clarification, please complete the written form.

Pursuant to Rhode Island General Laws Section 38-3-3 (c), the West Greenwich Police Department has established the following procedures regarding the access to public records:

1. Please inform the officer or dispatcher at the West Greenwich Dispatch Center that you wish to make a request for public records. Administrative Sergeant Richard Brown is the Public Records Officer for the West Greenwich Police Department (401) 397-7191 email to rbrown@wgpdr.com. Requests for records can be made 24 hours a day, seven days a week. Please be advised that the timeframe is based on business days to comply with your request.
2. The officer 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 a prompt manner.
3. If the public records are readily available, we will be more than happy to provide them. However, there are times or circumstances when the records will not be available at the time of 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. Rhode island General Law Section 38-2-7(a) provides that "for good cause, this limit may be extended for a period not to exceed thirty (30) business days." We will provide you with a written notice for the extension, within the first ten (10) business days. We wish to thank you in advance for your understanding if it is necessary, for good cause, to request this extension. Improper release of certain information would compromise the civil rights or personal safety of citizens, and we must review documents carefully to prevent any harm.

4. **Costs:**

The access to Public Records Act gives you the opportunity to view and/or public records. The cost per copied pages or written public records, will be \$.15 (15 cents) per page for documents copyable on common 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 can provide you with an estimated, on request. 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 materials regarding the 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 the Department that constitutes "public records". The Access to Public Record 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 the adult," Rhode island General 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 or deleted as it is an exemption under Rhode Island General Laws Section 38-2-2.

Direct Action for Rights and Equity v. Gannon, 713 A.2d 218 (RI 1998) and rake v. Gorodetsky, 452 A. 2d 1144 (RI 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 in "in passing the Access to Public Record Act, 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 (RI 1990). "There is no public interest to weigh in disclosure to nonpublic records." ID. A "balancing or interest 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. Please be advised that the following is not a complete list for these exemptions. For a complete list, please see Rhode Island General Laws Section 38-2-2.

(A) (I) ...all personal or medical information relating to an individuals in any file, --including information relating to medical or psychological facts ... Rhode Island General Laws 38-2-2 (4)
(i) (A) (I).

(C) ... records of juvenile proceeding 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 proceeding,
- 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 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 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....

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

9. **Appeal of Denial:**

Any person or entity denied the right to inspect a record or a public body by the Public Records Officer may petition the Chief Administrative Officer of that public body for review of the determination made by the Public Records Access Officer. Any petition from a denial should be made to Chief Richard N. Ramsay 280 Victory Highway West Greenwich, RI 02817. You can email at rramsay@wgpdrri.com. or phone at (401) 397-7191. 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, Rhode Island General Laws Section 38-2-8.

10. **Complaint to the Attorney General:**

If the Chief of Police determined that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General's Office:

Rhode Island Attorney General's Office
ATTN: Open Government Unit
150 South Main Street
Providence, RI 02903

Phone: (401) 274-400