



Appendix A

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.

The Westerly Police Department adheres to the Access to Public Records Act, R.I. Gen. Laws §38-2-1, et. seq., and has instituted the following procedures for the public to obtain public records.

1. Requests for records must be mailed to the Records Department, which is the section within the Westerly Police Department designated to handle these matters, except as provided in paragraph 4 below. The mailing address is: Westerly Police Department, ATTN: Records Department, 60 Airport Road, Westerly, RI 02891. Requests may also be hand delivered to the Westerly Police Department at the front desk (60 Airport Road).
2. The hours for the Records Department is 8:30 a.m. to 4:00 p.m., Monday through Friday and the clerk can be reached by telephone at 401-348-6192. **Lt. Robert Warner** is the Public Records Officer for the Westerly Police Department. 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 Records Division the following day.
3. 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. In order to ensure that you are provided with the public records you seek in an expeditious manner, unless you are seeking records available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public, we ask that you

complete the Public Records Request Form located at the front desk, or on our website, www.westerlypolice.org or otherwise submit your request in writing. If you are seeking documents available pursuant to the Administrative Procedures Act or other documents prepared for or readily available to the public and do not wish to submit a written request, you must contact **Lt. Robert Warner** to make your request.

5. There are times when the public records you seek will not be 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.

6. 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 copy able 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 APRA 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.

7. 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 “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. Gen. Laws Section 38-2-2(4)(D).

8. 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.

9. 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.

10. 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 **in writing** to **Chief Richard G. Silva, Westerly Police Department, 60 Airport Road, Westerly, RI 02891**. 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.

11. 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). You may also file a lawsuit in Superior Court.

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

We hope this information has been of assistance to you.



Appendix B

Westerly Police Department

REQUEST FOR PUBLIC RECORDS FORM

Date of Request: _____ 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 _____ regular mail _____ fax # _____

For Official Use

Request taken by: _____ Request Number: _____

Date: _____ Time: _____

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

Records provided: _____

Costs: \$ _____ copies \$ _____ search and retrieval

Westerly 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.G.L. § 38-2-2(4)(A) through (W), the 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.