

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. The Prosecution Sergeant is the Public Records Officer for the West Warwick Police Department. 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. The telephone number 401-827-9009.
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. 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 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. 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.