



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

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

PUBLIC RECORDS REQUEST
INFORMATION

1. To file a Public Records Request, please telephone (401) 231-2500, ext. 115 during regular business hours of Monday through Friday, 8:00 a.m. to 4:00 p.m. (excluding holidays).
2. If you come in person after regular business hours, please complete the attached *Public Records Request Form*. Forms also are available in the lobby. Your records request will be forwarded to the appropriate personnel 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*. We appreciate your understanding and patience.
5. You may be charged \$.15 per page for copies of reports and public records.
6. Attached is 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, Jr. 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.

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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 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 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. If you come to the Police Department in person, please inform the Front Desk Dispatcher that you wish to make a request for public records. Normal business hours for in-person records requests are Monday through Friday, 8:00 a.m. to 4:00 p.m. Alternatively, you may call the Records Division at (401) 231-2500, extension 115 during normal business hours, or email records@smithfieldpd.com with your request.
2. You will be provided with a Public Records Request 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, you may pick them up on a designated date, or the records can be emailed to you. 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. You may be charged a cost of \$.15 per copied page for written public 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.

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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 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 costs 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).

We hope this message has been of assistance.

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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: You may be charged \$.15 cents per page for copied documents.

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); or

email to: _____

If you visit us outside of normal business hours, complete this request and leave it with the Dispatcher who will forward it to the appropriate personnel the next business day. 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)(A) 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: _____