



# Barrington Police Department

100 Federal Road, Barrington, RI 02806

ORDER	ISSUE DATE	NUMBER	EFFECTIVE DATE
GENERAL	JUNE 13, 2007	410.05	OCTOBER 22, 2014
SUBJECT TITLE		SUBJECT AREA	
PUBLIC RECORDS & REQUEST PROCEDURE/REQUESTS OF ACCESS TO LAW ENFORCEMENT RECORDS		RECORDS	
RIPAC REFERENCE		PREVIOUSLY ISSUED DATES	
15.2		6/13/07, 11/1/13	
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ALL		11	

## I. POLICY

To provide procedures and criteria for the release of agency records.

## II. PURPOSE

The Attorney General's Office drafted sample procedures for law enforcement responses to requests for public information. The sample guidelines have been tailored and adopted to meet the needs of the Barrington Police Department. Included are:

- A. The Barrington Police Department shall appoint a Public Records Officer identified as the Chief of Police.
- B. The Barrington Police Department shall provide the name of its Public Records Officer, business address and phone number to the Department of Attorney General.
- C. The Barrington Police Department adopts the language of the Public Records Request Guidelines (See Exhibit A) and agrees to maintain it in a prominent place in the lobby of the police station.

- D. The Barrington Police Department adopts the Access to Public Records Procedure. See Exhibit B.
- E. The Barrington Police Department agrees to maintain copies of the Access to Public Records Procedure at the Records Clerk's office, Dispatch Center and on Police Department's website for distribution to the public.
- F. The Barrington Police Department adopts the Public Records Request Form. See Exhibit C.
- G. The Barrington Police Department agrees to maintain copies of the Public Records Request Forms in the Department Records Clerk's office, Dispatch Center and on the Police Department's website and shall make them readily available, as well as pens or pencils, to the public for completion.
- H. The Barrington Police Department understands and respects the right of the public to access public records, and will treat citizens requesting public records with courtesy consistent with the Department's Rules and Regulations.
- I. The Barrington Police Department recognizes that it must respond to a public records request within ten (10) business days. If, due to the request, we must seek an extension of an additional twenty (20) business days, we must inform the requester within the initial ten (10) day period of the need for an extension. If we do not send the extension letter or respond to the request within the initial ten (10) days, our inaction is considered a denial and we may have waived our defenses if a court action is filed.
  - 1. The following information reflecting an "initial arrest" of an adult and charge(s) shall be made available within 48 hours after receipt of the request unless the request is made on a weekend or holiday, then information shall be available within 72: The below list shall be released regarding the initial arrest within 48 hours:
    - a. Full name of the arrested adult
    - b. Home address of arrested adult, unless doing so would identify a crime victim.
    - c. Year of birth for arrested adult
    - d. Charge or charges
    - e. Date of Arrest
    - f. Time of arrest
    - g. Gender of arrested adult
    - h. Race of arrested adult.
  - 2. The police narrative is **not** required to be released within the 48 hour time period.
  - 3. Photographs of Defendant(s) shall **not** be released without authority of the Chief of Police or his/her designee.

- J. The Department Records Clerk shall collect all public records requests and forward them to the Chief of Police for approval and dissemination. If the Chief of Police is unable to determine whether a document is a “Public Record,” he/she will contact the Town Solicitor for an advisory opinion.
- K. The Chief of Police should review the initial arrest report and other public documents to ensure that the privacy rights of individuals are maintained and informants or law enforcement techniques are redacted and not disclosed, utilizing the attached reference guide “checklist”. See Exhibit D.
- L. The Department Records Clerk shall maintain a central file of all Public Records Request Forms by calendar year. The file will contain the completed request forms once the request has been fulfilled or responded to. It is understood that in many instances the Barrington Police Department provides public records that are readily available to the requester without requiring them to complete the Public Records Request Form.

### III. PROCEDURES

A packet containing these documents should be kept as a reference in the Department Records Clerk’s office, Dispatch Center, Sergeant’s Office and on the Police Department’s website.

- A. When an individual requests police documents believed to be a public record, the Dispatcher shall refer the individual to the Department Records Clerk’s office.
- B. If the Department Records Clerk is unavailable, the Dispatcher shall provide the individual with the Public Records Request packet including:
  - 1. Exhibit A – Public Records Request Placard
  - 2. Exhibit B – Access to Public Records Act
  - 3. Exhibit C – Public Records Request Form. The request form identifying the documents requested shall be filled out and then placed in the Records Clerk’s Office for processing.
- C. If the individual’s requesting the public records provides a name, it shall be logged on the Day Sheet. Because it is **not** mandatory under the Access to Public Records law that the individual making the request provide their name, then only the date and time the individual came in to request said records will be logged on the Day Sheet.



By Order of:

John M. LaCross  
Chief of Police

## Exhibit A

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### **Barrington Police Department** 100 Federal Road, Barrington, RI 02806



## **PUBLIC RECORDS REQUEST GUIDELINES**

The Barrington Police Department adheres to the Access to Public Records Act, R.I. Gen. Laws §§ 38-2-1 to -15, and has instituted the following procedures to help you obtain public records:

1. The Police Department Public Records Clerk is available to respond to records requests made either orally or in writing during regular business hours, Monday through Friday, 7:30 a.m. to 3:30 p.m. Records requests will be accepted in person, via email, US mail, telephone, or fax. Please contact the Records Clerk with any questions about availability of documents at 401-437-3930. Requests may also be hand delivered to the Department Records Clerk at the Barrington Police Department or requests may be emailed to [jlacross@barrington.ri.gov](mailto:jlacross@barrington.ri.gov).
2. In most cases, you do not need to submit a written request to inspect records as most public records, including those available pursuant to the Administrative Procedures Act (R.I. Gen. Laws § 42-35-2), are readily available for inspection during regular business hours at the Records Clerk's Office. R.I. Gen. Laws § 38-2-3(c).
3. You may be asked to submit your request in writing where it involves: search and retrieval; multiple categories of records; voluminous documents; redaction; documents in storage; or other such circumstance. You may complete a copy of the Police Department's Public Records Request Form, which may be obtained at the Records Clerk's Office, Dispatcher Center or on the Police Department's website, or you may otherwise submit your request in writing.
4. Please be advised that the Access to Public Records Act 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.
5. In the event that you wish to inspect public records that are currently in use by the Police Department or which must be retrieved from storage, the Records Clerk will contact you and arrange a time for inspection at the Barrington Police Department.
6. If you wish to obtain photocopies of public records, the cost is fifteen cents (\$0.15) per page for documents copied on standard or legal size paper. For search and retrieval, the cost is fifteen dollars (\$15.00) per hour, although there is no charge for the first hour of search or retrieval.

7. All payments for copies of records shall be paid in advance of delivery, or at such later time as the Barrington Police Department may specify. All checks/money orders shall be payable to the Town of Barrington.
8. If you feel that you have been denied access to public records, you have the right to appeal to Police Chief John LaCross. 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.
9. The Barrington Police Department is committed to providing you with public records in an expeditious and courteous manner.

## Exhibit B

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# Barrington Police Department

## ACCESS TO PUBLIC RECORDS ACT PROCEDURE

### R.I. GEN. LAWS SECTION 38-2-1 ET SEQ.

The Barrington 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 Barrington 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 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.

Pursuant to R.I.G.L. § 38-2-3(c.), the Barrington 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. Ms. Annie Agresti is the Public Records Officer for the Barrington Police Department (telephone number 437-3930). The hours for the Records Department are 7:30 AM to 3:30 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 (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. 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 “[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.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. § 38-2-2(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 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 Chief John M. LaCross. 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.***

Chief John M. LaCross

Exhibit C



Barrington 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 # \_\_\_\_\_

Office Use

Request taken by: \_\_\_\_\_ Request Number: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Records to be available on: \_\_\_\_\_ Mail: \_\_\_\_\_ Pick Up: \_\_\_\_\_

Records provided: \_\_\_\_\_

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

Barrington 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)(i.) (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.