



COVENTRY POLICE DEPARTMENT
ACCESS TO PUBLIC RECORDS ACT
R.I. GEN. LAWS SECTION 38-2-1 ET SEQ.
Handout

The Coventry 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. General Laws Section 38-2-1)

The Coventry 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 but wishes to make a formal written request or the request needs clarification, please complete the written form.

Pursuant to R.I. General Laws Section 38-2-3(D), the Coventry 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 Public Records Officer for the Coventry Police Department can be reached at (401-826-1100). The hours for the Records Department are Monday through Friday, 8:00 AM to 4:00 PM (closed holidays and during inclement weather).
2. The officer/clerk will provide you with an optional form to complete, which lets the 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 be mailed, faxed, emailed, or placed on a DVD and 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. Gen. Laws Section 38-2-3(e)). The Act further provides that "for good cause", this limit may be extended for a period not to exceed twenty (20) 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 fifteen cents (.15¢) for documents copied on common business or legal size paper. 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. For purposes of calculating search and retrieval time, multiple requests from same person or entity during a 30 day time period shall be considered one request. 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. Delivery. At the option of the person making the request, the public body shall provide copies of public records electronically, by facsimile, or by email, unless doing so would be unduly burdensome due to the volume of records requested or the costs that would be incurred. The person requesting delivery shall be responsible for the actual cost of delivery, if any. (R.I. Gen. Laws § 38-2-3(k))
6. Public Records. A "public record" is defined as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities) 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." (R.I. Gen. Laws § 38-2-2(4)).
7. Redaction. Although a document may constitute a public record, there may be some information contained in 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.
8. 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)(a) All records relating to client/attorney and doctor/patient relationships, including all medical information. R.I. Gen. Laws § 38-2-2(4)(A)(I)(a).
 - (A)(I)(b) Individually-identifiable records, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy pursuant to the Freedom of Information Act. R.I. General Laws § 38-2-2(4)(A)(I)(b).

- (C) Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court. R.I. General. Laws § 38-2-2(4)(C).

- (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 constitute an unwarranted invasion of 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. RI General Laws § 38-2-2(4)(D).

- (S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law, rule of court. (i.e. information regarding juveniles, etc.) RI General Laws § 38-2-2(4)(S).

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.

9. Appeal of Denial. Any person or entity denied the right to inspect a record of a public body may petition the chief administrative officer (Chief of Police) of that public body for review of the determinations made by his or her subordinates. 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.

10. Complaint to the Attorney General. If the custodian of the records or the chief administrative officer determined that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General, telephone 274-4400, 150 South Main Street, Providence, RI 02903, 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 "The court shall impose a civil fine not exceeding two thousand dollars (\$2,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and a civil fine not to exceed one thousand dollars (\$1000) against a

public body found to have recklessly violated this chapter and shall award reasonable attorney fees and cost to the prevailing plaintiff. The court shall further order a public body found to have wrongfully denied access to public records to provide the 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 attorneys fees and costs to the prevailing defendant. A judgment in the plaintiff's favor shall not be a prerequisite to obtaining an award of attorneys' fees and/or costs if the court determines that the defendant's case lacked grounding in fact or in existing law or good faith argument for extension, modification or reversal of existing law. "R.I. Gen. Laws Section 38-2-9(d).

We hope this handout has been of assistance.