SCITUATE POLICE DEPARTMENT
GENERAL POLICIES AND PROCEDURES FOR THE REQEUST OF RECORDS PURSUANT TO RIGL § 38-2 *ET SEQ.*

The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of these policies is to facilitate public access to public records. It is also the intent of Scituate Police Department ("Department") to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

The request to inspect or copy records of public bodies is governed by the provisions of the Rhode Island General Laws 38-2-1 *et seq.*, entitled "Access to Public Records Act" ("APRA"). There are several pertinent and applicable sections of the APRA that citizens should be aware of: RIGL §§ 38-2-2 ("Definitions"), 38-2-3 (Procedures for access"), 38-2-4 ("Cost") and 38-2-7 ("Denial of access"). For further reference, the APRA is contained in Volume 6A of the General Laws of Rhode Island and is available for review at public libraries or on-line at: http://www.rilin.state.ri.us/Statutes/TITLE38/38-2/INDEX.HTM

It is the policy of the Department that the Operations Commander[1] is the designated Public Records Officer for requests made to the Department. All requests to the Department pursuant to the APRA shall be made to the Operations Commander on the *Scituate Police Department Public Records Request Form*, which shall be available on line at the Town's website [www.scituateri.org] or at the Scituate Police Department, 116 Main Street, Hope, RI 02831 between the hours of 7:00 am – 3:00 pm, Monday – Friday. If the request is readily identifiable as a public records request, the Department shall not require that the requestor use a *Public Records Request Form.*

For a request made within five (5) days of an arrest, the following information reflecting an initial arrest of an adult and charge(s) shall be made available within 48 hours after receipt of said request unless request made on weekend[2] or holiday, then information shall be available within 72 hours:

1. Full name of arrested adult.
2. Home address of arrested adult, unless doing so would identify a crime victim.
3. Year of birth of arrested adult.
4. Charge or charges.
5. Date of the arrest.
6. Time of the arrest.

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[1] In the absence of the Operations Commander, the Administrative Commander, is the secondary Public Records Officer for the Department.

[2] The "weekend" is defined as anytime after 3:00 PM on a Friday and before 7:00 AM the next Monday, unless the Monday falls on a Holiday. In that case, the 72 hour shall begin at 7:00 AM of the Tuesday following said holiday.

7. Gender of the arrested adult.
8. Race of the arrested adult.
9. Name of the arresting officer unless doing so would identify undercover officer.

[See: RIGL § 38-2-3.2.]

Upon receipt of an APRA request, the Department shall document the receipt of said request (i.e. date-stamped receipt), maintaining the original request in a file. This shall be done for any request where the information is not otherwise available to the Department. If the requested information is readily available, the Department shall provide the records (at no charge) and note how the request was handled on the *Scituate Police Department Public Records Request Form.*

At the option of the requestor, the Department 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 requestor shall be responsible for the actual cost of delivery, if any.

If the requested information is not readily available to the Department, or if it is determined that request is such that it will require more than two (2) hours of retrieval time, or that the amount of documents requested is voluminous, the Department shall notify the requestor and provide estimated charges for retrieval time and copying costs (not to exceed the statutory limit of $.15 per page and $15.00 per hour, with no charge for the first hour). If the cost of production of the information is estimated to exceed ten dollars ($10.00), the Department shall request that payment be due at the time the request is made, or before the information is compiled, so as to reduce unnecessary administrative expenses associated with gathering documents and information that is requested but not picked up.

The Department shall contact the requestor to inform him/her that the request is ready; all necessary fees shall be collected by and paid to the **Scituate Police Department**.

As set forth in the APRA, [RIGL § 38-2-3 (c)], a written request for public information need not be submitted for records available pursuant to RIGL § 42-35-2 or for those documents that are prepared for or readily available to the public. Such records that are maintained by the Department are available for inspection and may be reviewed during regular business hours set forth above.

For those records that have not been prepared for or are not readily available to the public, the requestor should submit a written request as set forth above.

If there is a question as to whether the requested records are indeed classified as "public records", or if the request seeks information which is confidential, protected, or subject to privilege, the Department shall obtain an opinion and recommendation from the Town Solicitor's Office. The Department shall notify the requestor in writing as to the determination of whether the requested records may properly be disclosed.

After the requested payment for any copying or retrieval charge(s) has been received by the Department, copies of records that may be properly released shall be sent to requestor according to the delivery preference. US Mail, postage pre-paid shall be the delivery option if no alternate request is made.

Revised August 2012.

SCITUATE POLICE DEPARTMENT
PUBLIC RECORDS REQUEST FORM
(Pursuant to RIGL § 38-2 et seq.)

*** FORM TO BE SUBMITTED TO OPERATIONS COMMANDER OR THE ADMINISTRATIVE COMMANDER, IN THE ABSENCE OF THE OPERATIONS COMMANDER ***

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Facsimile: _____

Email: _____

Date of Request: _____

INFORMATION REQUESTED:

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((SCITUATE POLICE DEPT. USE ONLY))

Request Received By: _____ Date: _____

Cost of Records: _____

Records Returned to Requestor (Date): _____

NOTES: _____
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