



# RHODE ISLAND STATE POLICE




## INTERDEPARTMENTAL COMMUNICATION

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July 29, 2003

TO: The Honorable Donald L. Carcieri  
Governor

FROM:   
Colonel Steven M. Paré  
Superintendent

SUBJECT: *Narragansett Indian Tribe Smoke Shop*

Pursuant to your request on July 15, 2003, I have conducted an internal review regarding the investigation of the Narragansett Indian Tribe selling untaxed tobacco products.

On Saturday, July 12<sup>th</sup> and Sunday, July 13<sup>th</sup>, I engaged in several conference calls between members of the Governor's Office and the Rhode Island Department of Attorney General. During those conversations, it was clear that we would not jeopardize the personal safety of the tribal members, Rhode Island State Police Troopers, or civilian customers as a result of executing a search warrant.

The State Police were prepared to withdraw from the site, if the State Police were confronted with resistance that would cause personal injury or potential death to anyone. The State Police would have enough personnel to execute the search warrant and quell any disruption that may erupt. Safety was a vital objective in this plan, and the option to retreat and reassess our strategy in executing the search warrant would always be a consideration.

Another important factor was the information that was relayed on Sunday, July 13<sup>th</sup> that the tribal members would not resort to violence or deadly force, but that they would be uncooperative and make it difficult unless there was a federal court order.

Based upon the aforementioned, I instructed the Field Operations Major that we didn't want anyone hurt over the issue of untaxed cigarettes. We wanted to execute the search warrant peacefully without arresting anyone for the criminal tax violations.

The following information was redacted from documents appended to the internal review of the Narragansett Tribe "Smoke Shop" Incident, based on the understanding that the documents may be released to the public:

In Appendix B, specific signals used between law enforcement personnel were redacted from the Operational Plan, based on the concern that this information could disclose law enforcement techniques and procedures or guidelines and could endanger the life or safety of law enforcement personnel, if the signals were publicized.

In Appendix B, specific responses to various planned contingencies were redacted from the Contingency Plans based on the concern that this information could disclose law enforcement techniques and procedures or guidelines and could endanger the life or safety of law enforcement personnel, if the specific responses to each contemplated scenario were publicized. It would enable individuals to anticipate the specific law enforcement response to a specific scenario and provide information that should not be available to an individual who might be trying to harm a law enforcement officer.

In Appendix D, the exact amount of ammunition and information relative to weapon use by members in an undercover capacity has been deleted from General Order 79A Search Warrant Procedures- Guidelines for the Execution of Court Authorized Search Warrants, based on the concern that this information could disclose law enforcement techniques and procedures or guidelines and could endanger the life or safety of law enforcement personnel, if the information was made public.

In Appendix E, information that could reasonably be expected to constitute an unwarranted invasion of personal privacy has been deleted from the samples of the arrest reports relative to John Brown, such as identifying information, social security number, date of birth, employer, and other identifying information of individuals who were arrested. The names of victims and/or witness in connection with arrest reports have been redacted, based on potential privacy concerns of the victim and/witness, where the victim or witness was not a law enforcement officer, and information relative to a criminal history check, which is prohibited from release under federal law.

In Appendix F, information that identifies and explains each defensive tactic has been redacted from the Defensive Tactics Lesson Plan, as this information would allow an individual who wished to harm a law enforcement officer to know exactly how to perform the tactics and would provide information as to which specific tactics the law enforcement officers are trained to use. This information would disclose law enforcement techniques and procedures or guidelines and could endanger the life or safety of law enforcement personnel, if the information was made public. Also excluded are testing questions and an answer key which are not a public record.

In Appendix H, information not relevant to the issue was excluded from GO 51A Use of Force, pertaining to the Use of Force Relating to Motor Vehicles and Carrying and Use of Firearms While Off Duty. This information would disclose law enforcement techniques and procedures or guidelines and could endanger the life or safety of law enforcement personnel, if the information was made public.

In Appendix I, information not relevant to the issue was excluded from the General Order 103A Canine Operations- Canine Policy relative to the search of buildings for suspects, narcotics detection, evidence recovery, tracking for lost or missing persons, cadaver, explosive canine and matters relating to internal assignment procedures. This information would disclose law enforcement techniques and procedures or guidelines and could endanger the life or safety of law enforcement personnel, if the information was made public.

*The Honorable Donald L. Carcieri*

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These redactions are consistent with the parameters set forth in Rhode Island General Laws § 38-2-2(1) (4)(i)(D) and § 38-2-2(1) (4)(i)(L), balancing the public interest and the privacy concerns surrounding this matter.

Should you need anything additional, please let me know.

SMP/bjt