

## RICE LAKE POLICE DEPARTMENT POLICY/PROCEDURE – OPEN RECORDS

### 19.01.10 Release of Information

#### 1. General Policy.

This department wishes to cooperate fully with, and make available to, the public and the media as much information as possible, in accordance with federal and state guidelines. The department also wishes to make any release of information factual and to assure that it would not jeopardize a continuing investigation, a court case, the right to privacy of an individual or the department's investigation methods.

#### 2. Definitions.

- a. Department Records. All records, as defined in subsection 19.32(2), Wis. Stats. which the Police Chief shall have received from his predecessor or other persons which are required by law to be deposited or kept in his office or which are in the lawful possession or control of himself or his officers, or to the possession or control of which he or they may be lawfully entitled to as officers.
- b. Records Custodian. The Police Chief or any officer designated by the department head to act as such custodian in his absence.
- c. Record Inspection. Examine and/or copying of departmental records by a requester.

#### 3. Who May Release.

- a. The Police Chief is the only person who may consider and pass upon requests for record inspections. If the department head is to be absent for an extended period of time, another person will be designated to release.
- b. No officer or employee of the department will release information without the permission of the Police Chief.

#### 4. Information to be released.

In accordance with the spirit and letter of the public records law, subsection 19.31, Wis. Stats. et. Seq., the department shall release records and information from its records in accord with its responsibilities at law. Access to records may be denied upon one or more of the following bases:

- a. Pursuant to subsection 19.36(1), Wis. Stats, where disclosure of a specific record is exempt there from by state or federal law.
- b. Whenever state or federal law or regulations require or as a condition to the receipt of aids by the state require that investigative information obtained by law enforcement purposes be withheld from public access.
- c. Upon application of the common law weighing test on a case-by-case basis where the harm to the public, which may result from the release of a record, outweighs the right of public access. Reasons for denying access to records upon this basis may include but is not limited to:
  - 1) Protection of right to fair trial.

- 2) Release might hamper the investigation of a crime or suspected crime or prosecution of a crime.
- 3) To prevent disclosure of information supplied under pledge of confidentiality, which would not have been obtained without such a pledge.
- 4) Protection of a complainant.
- 5) Protection of a victim.
- 6) Protection of a witness(s).
- 7) Protection of informant.
- 8) Nondisclosure of hearsay or rumor information, which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of the person to whom such information pertains.
- 9) Nondisclosure of law enforcement investigation techniques or procedures.
- 10) Reasonable belief in illegal purpose of request for information.

5. Children's Records.

Normally children's records (records relating to persons less than 18 years of age) shall not be subject to inspection or release.

- a. Children's records shall be subject to inspection or release if so ordered by a court order issued pursuant to Wis. Stats. 48.396(1).
- b. Children's records shall be opened to representatives of newspapers or other reporters of news who wish to obtain them for the purpose of reporting news without revealing the identity of the child involved.
- c. Children's records shall be open for the confidential exchange of information between the police and other law enforcement agencies, social welfare agencies and the school attended by the child.
- d. Children's records shall be open if they are children 16 years of age or older who are transferred to the criminal court.
- e. Children's records relevant to a proceeding Wis. Stats. Chap. 48 may be released upon order of the judge or the appropriate district attorney, corporation counsel, or city attorney relative to a discovery request by the counsel or guardian-ad-litem for the child or counsel for any party involved. Such discovery request must be in accordance with Wis. Stats. 48.293.
- f. Children's records shall be open to inspection by a guardian ad litem or legal counsel upon demand and presentation of necessary releases at least forty-eight (48) hours before proceeding under Chapter 48, Wis. Stats.

6. Mental Health Records

Release of records of the department pertaining to persons who are subject to proceedings under Chapter 51, Wis. Stats. with respect to mental illness, developmental disabilities, alcoholism or drug dependency shall be subject to the confidentiality requirements of subsection 51.30(4), Wis. Stats.

7. Administrative Restrictions.

- a. The administrative requirements of the department may require the imposition of temporary restrictions on record inspection. In such event, a requester shall be informed as to when the information in question will be made available. Bearing a determination under 4. above, that a record shall not be released, temporary restrictions on the inspection of a given record will not remain in force so long as to preclude effective use of the information being sought.
- b. Inspection of records and release of information shall be accomplished during the regular administrative hours of the department. Requests outside regular hours shall be honored only on an emergency basis, subject to the Police Chief's approval.
- c. Requests for records inspection will be handled at the department's earliest convenience on a first come-first served basis, except for emergency matters and those relative to pending litigation.
- d. All requests for access to department records, whether by telephone, in person, by mail or otherwise in writing shall be handled in accord with the procedures prescribed in subsection 19.35, Wis. Stats.

8. Information Released at the scene.

As officer at the scene shall be responsible for assuring the safety of news media, as well as assuring the privacy of the victim and the preservation of evidence. Specific information shall not be released at the scene unless the Police Chief or Captain has approved its release.

9. News Releases.

Prepared news releases or news conferences will be issued or held only with the specific authorization of the Police Chief or Captain.

10. Refusal of Record Inspection or to Release Information.

If access to a requested record is denied upon application of this policy and subsection 19.31, Wis. Stats, et. Seq., the Police Chief or his designee shall issue such denial in accord with the procedures at subsection 19.35(4), Wis. Stats.