


HALES CORNERS POLICE DEPARTMENT

	GENERAL ORDER			
	OPEN RECORDS - PUBLIC INFORMATION			
		09/15/03	03/09/20	14
	DISTRIBUTION All	REVIEW PERIOD Biennial	REFERENCE	

NOTE: This General Order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this General Order is to establish guidelines for the release of information by the Hales Corners Police Department, in compliance with the Open Records Law of the State of Wisconsin.

II. POLICY

Members of the Hales Corners Police shall generally treat the official business of the Department as confidential information and shall disseminate information with established procedures and in compliance with Wisconsin State Statutes. However, the Hales Corners Police Department also recognizes that its undertakings are matters of continuing interest and concern to the community. Acknowledging this fact, it shall be the policy of the Department to provide the news media and other interested citizens with timely and accurate information regarding Department activities while adhering to prescribed guidelines for information release.

III. DEFINITIONS

Confidential Investigations: Investigations involving organized crime, undercover operations, and internal affairs cases.

Department Records: Any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by the department. "Record" includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recording, tapes (including computer tapes) and computer printouts. "Record" DOES NOT include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working. See Section 19.32(2) Wisconsin Statutes for a more detailed description of "Record".

Department Juvenile Records: Records of children shall be kept separate from records of persons 17 years of age or older and shall not be open to inspection or their contents disclosed except under Section 48.396 (5) Wisconsin Statutes or by order of the court assigned to exercise jurisdiction under this chapter. This subsection shall not apply to: the representatives of newspapers or other reporters of news who wish to obtain information for the purpose of reporting news without revealing the identity of the child involved; or to the confidential exchange of information between the police and officials of the school attended by the child; or other law enforcement or social welfare agencies; or to children 14 or older who are transferred to the criminal courts (in some instances children 10 or older); or victim/witness coordinators; victim's

insurance companies; children's attorneys or guardian-ad-litem; victims of crimes; or the parent, guardian, legal custodian or juvenile (or an individual so named in writing).

Information: Information differs from Records in that information about an incident or event may be passed on to the media prior to the reports being completed and actual real records about the incident or event are completed.

Investigative Reports (IR's): These are copies of the department's daily case reports. Case reports will be made available to the media after having been approved for filing by a supervisor. For purposes of this General Order, supervisors shall be required to verify that the information contained in reports appears correct and that the release of the information will not adversely affect an on-going or pending investigation.

News Media: Person(s) representing local, national, independent or international news organizations; either reporters or photographers (still or video) whose product is used to disseminate newsworthy events.

News Releases: Informational releases designed to: 1) Inform/update the community of criminal or internal investigation; 2) Inform/educate the community of department services or activity; 3) Promote the department's image in the community.

Public Information Officer: The Chief of Police or his/her designee will act as the Public Information Officer. The primary duty will be to report on newsworthy incidents and situations, subject to the restrictions of Wisconsin State Statutes, Chapters 19 and 48.

Records Custodian: The person who has been appointed as having the authority for control and dissemination of the Department's records.

Records Inspection: Release of records shall be in accordance with state statutes. Requester's may inspect releasable records without having to purchase copies of same.

Requester: Any person who requests inspection or copies of police records.

IV. PROCEDURES

A. Records Inspection

1. Authorization for inspection of department records shall come from the Chief of Police, or his/her designee. The Lieutenant be responsible for accommodating requests for inspection of department records.
2. The records open to inspection are those identified under Wisconsin's Open Records Law, Section 19.35, of the Wisconsin Statutes. Copies of records may be obtained by citizens making a request orally or in writing and in accordance with guidelines established in Section 19.35, Wisconsin Statute. If such records contain material that is not releasable as determined by the statutes, the records not subject to release shall be blocked out, or otherwise stricken, before copies will be released.
3. Records will normally be available for inspection and copying between 8AM and 4PM on weekdays.

4. Requesters who wish to view records may do so, but precautions shall be taken to ensure records are not removed from the custody of the police department.

B. Juvenile Records

1. Apart from certain statutory exceptions, juvenile records (those pertaining to persons under the age of 17 years) shall not be subject to inspection. The following are some of the more common statutory exceptions permitting inspection of juvenile records.
 - a. Juvenile records containing information sought by the representative of newspapers or other reporters of news who wish to obtain it for the purpose of reporting news without revealing identifying information about the child involved.
 - b. Juvenile records involved in confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies. The information should not be released to school officials when there is reason to believe that the information sought will not, or could not, practically be kept confidential as required by law.
 - c. Juvenile records of children who are waived into adult court. Records available are limited to those associated with the case resulting in the child's waiver to adult court and are governed by Wisconsin Statute 48.396.
 - d. Juvenile records relevant to the subject matter of a proceeding under Chapter 48, Wisconsin Statutes, shall be open to inspection by a guardian-ad-litem or counsel for any child, upon demand, and upon presentation of an authorized release.
 - e. Juvenile records may be released to: victim / witness coordinators; victim's insurance companies; victims; or the parent, guardian, legal custodian or juvenile (or individual so named in writing.)
 - f. Copies of all reports by any police officer within the department including, but not limited to, such officer's memorandum and witness statements that constitute juvenile records shall be subject to record inspection by counsel in a Chapter 48 proceeding, or by the guardian-ad-litem of the child involved, upon request made prior to a plea hearing. The identity of a confidential informant, shown therein, may be withheld pursuant to Section 905.10, Wisconsin Statutes.

C. Requests for Information

1. Case reports will be open to inspection by the media. Should the news media have questions regarding a report, the supervisor on duty will attempt to answer their questions within guidelines established by this policy.
2. Public requests for information held in department files shall be referred to the Records Custodian for processing, with the exception of traffic accident reports (MVD 4000), which may be released without an Open Record Request form by any department member if a supervisor has initialed the report. An ample supply of Open Records Request forms shall be maintained in the report cabinet in the clerical area. Individuals requesting such information shall be asked to complete the Open Records Request form.

- a. Requests for records can be received in person, by fax, or by mail. Requests will not be accepted by phone.
- b. The legality and / or the propriety of the request will be reviewed by the Captain, or designee.
 - (1) If the request is approved, the Records Custodian will direct a clerk to make copies of specific records, or make copies him/herself.
 - (2) When the requested records are available, the Records Custodian, or designee, shall contact the records requester and make notification that the records can be picked up. Requested records should be made available to the requester as soon as possible, but the Wisconsin Attorney General has issued an opinion that taking up to 10 days to fulfill a request would not be unreasonable.
 - (3) The following fees will be assessed for any copies of records:
 - (a) Paper copies \$0.25 / page; Traffic Accident reports \$2.00 per report.
 - (b) The actual, necessary and direct cost of providing a photograph.
 - (c) The actual, necessary and direct cost of providing a video tape.
 - (d) The actual, necessary and direct cost of providing a transcript of a recording.
 - (e) If the cost of the search for the requested record exceeds \$50.00, a fee for the employee's time may be charged.
 - (f) If the total estimated cost of reproduction of a record exceeds \$5.00, prepayment can be required before the record is provided.
 - (g) Mailing or shipping costs will be assessed
 - (4) If the request for records is denied, a copy of the Open Records Request form will be returned to the requester along with the reason, in writing, for the denial. When denied, the requester shall also be informed, in writing, that the denial can be reviewed by writ of mandamus procedure or upon application to the District Attorney of Milwaukee County, or the Attorney General of Wisconsin. The following are reasons for denial:
 - (a) Record(s) requested does not exist or is not within custody of the Hales Corners Police Department.
 - (b) Record requested is exempt from disclosure by Wisconsin Statute Section 905.09 as such record involves an ongoing or pending investigation which might be adversely affected by record disclosure at this time.
 - (c) Record exempt from disclosure by Wisconsin Statute Section 19.36 (2). (Confidentiality of this record is a requirement under a federal grant.)

- (d) Record exempt from disclosure by Wisconsin Statute Section 19.85 (f). (Personnel disciplinary records. Contact Village Attorney's office before refusing to provide these records to requester.)
 - (e) Record exempt from disclosure by Wisconsin Statute Section 19.85 (g). (Applies to records from attorneys relating to pending or threatened litigation.)
 - (f) Records exempt from disclosure by Wisconsin Statute Section 48.396. (Records of juveniles).
 - (g) Section 19.36 (1) (6) of the Wisconsin Statutes, which are the statutory embodiment of ACT 335, Laws of 1981 provide that nonexempt material in an otherwise exempt record must be disclosed by deletion of exempt material. Pursuant to these provisions, a denial cannot be made for the entire record if only part of the record is exempt for any of the above reasons.
 - (h) Wisconsin Statute 905.10 grants the Department the privilege to refuse to disclose the identity of a person who has furnished information relating to or assisting in an investigation of a possible violation of law to a law enforcement officer. Department members shall not divulge the identity of a person giving confidential information without authorization from the Chief of Police.
 - (i) Health care records are confidential records and exempt under Sec 146.82 of the Wisconsin Statutes.
- 3. The rule of "first come; first served," will apply to all information requests and requests for records inspections. All such matters will be handled at the Department's earliest convenience except for emergency matters and those relative to pending litigation.
 - 4. Requests of a sensitive nature, or those dealing with Department policies or procedures, shall be honored only upon review by the Chief of Police or his/her designee. If such a review results in a delay in the delivery of the information, the requester will be informed when the information will be available. Every effort shall be made to provide the requested information in a manner that does not preclude effective use by the person making the request.

V. MEDIA RELATIONS

- A. The Public Information Officer (Chief of Police or his/her designee) is the Department's liaison with the media. The responsibilities of this position include:
 - 1. Assisting media representatives in covering newsworthy activities of the Department.
 - 2. Preparing and disseminating Department news releases.
 - 3. Arranging news conferences, when necessary.

4. Coordinating the release of information concerning confidential agency investigations and operations.
 5. Assisting in crisis situations involving the Department.
- B. The Shift Supervisor shall be responsible for the timely conveyance to the Public Information Officer of information pertaining to newsworthy events involving the Department.
 - C. The Hales Corners Police Department recognizes valid news personnel, and will assist them in obtaining information where appropriate and allowable. Media personnel will not be allowed to interfere with or obstruct any police officer engaged in preserving the peace, maintaining order, or protecting life and property.
 - D. In the absence of the Public Information Officer, his/her duties will be assumed according to the chain of command, unless otherwise directed by the Chief of Police.
 - E. Information will generally be released to the media in one of three fashions: review of daily reports, distribution of formal news releases, or personal interview.
 1. Media representatives will have access to the daily case reports.
 2. For events of a significant nature, a formal news release will be drafted. A copy of the release will be placed in the Dispatch Center. A formal news release shall adhere to the guidelines for information release contained in this General Order. News releases will be made available to news media at the same time.
 3. The Chief of Police or his/her designee may authorize any department member to develop a news release and to release it if that is practicable. The release may be done at any time, but Department members are encouraged to have them ready for release as soon as possible after the initial incident occurs. If a release is given by someone other than the Public Information Officer, the person releasing it must see that a copy is directed to the Public Information Officer advising that it has been released already.
 4. In certain instances, media representatives may request to speak with Department members who possess specific knowledge about a particular newsworthy topic. Such interviews must be approved by the officer's supervisor. Release of information during an interview should follow guidelines established in this General Order.
 5. One additional method of information release may be applied in case of a major event. For such occurrences, the Chief of Police will contact the local media representatives to arrange a news conference.
 6. Information may be released to representatives of the news media over the telephone when the information would be releasable under this policy and the identity of the party calling can be assured. When available, the Public Information Officer will be the primary contact person for the news media. As a general rule, employees are discouraged from releasing information over the telephone. However, recognizing the need to maintain a good working relationship with the media, the following guidelines shall be established for limited telephone information.

- a. Information may be released over the telephone by department employees when authorized by a supervisor.
 - b. The person releasing the information shall ascertain the callers' name and news organization.
 - c. Telecommunicators shall release only that information for the incident in question that they have received permission to release.
 - d. Supervisors and the Public Information Officer shall limit the information released to that which would normally be included on an initial press release.
7. In the case of major fires, natural disasters, major crime scene, etc., Police Department members will extend every courtesy to recognized news media representatives who are at the scene actively covering an incident. These courtesies will generally permit closer access to the scene than that granted to the public and will provide for vehicles and equipment to be located closer so long as such courtesy does not interfere with either the mission of the police or the general traffic flow. Also, where there is danger of personal injury, access will be restricted until the officer-in-charge determines the area is safe. During such situations, a single designated area will be established at which media representatives will be provided information. All inquiring media representatives will be directed to that location.
 8. Direct access to a crime scene by media personnel will be allowed only after all known evidence has been processed and the on-site investigation has been completed. Approval for access to the actual crime scene has to be granted by a supervisor. This restriction is necessary to preserve the evidentiary integrity of the scene. Once such integrity is assured, media mobility will not be restricted except that permission must be obtained from owners or their representatives when the media will be entering upon private property.
 9. News media personnel will be allowed to freely photograph, film, or videotape an incident so long as their activity does not significantly interfere with the investigation. The police will assist the media so long as the investigation or its prosecution is neither compromised nor jeopardized. Officers may take protective measures, such as shielding a dead body in order to prevent photographing or televising if such actions are deemed necessary by the officer-in-charge.
 10. Suspects or persons in custody will not be deliberately posed for photographs, telecasts, or interviews. Neither will department members pose themselves with a suspect or accused, nor enter into any agreement to have a suspect or person in custody at a prearranged time and place to be photographed, televised, or interviewed. No action will be directed against the news media to prevent or impede a lawful right to photograph such persons at incident scenes or in other public places.
 11. The Chief of Police or his / her designee shall be called to the scene of major emergencies to handle matters related to the media, and all media request for information should be directed to the Public Information Officer. In the absence of the Public Information Officer, all media inquiries shall be directed to the scene commander or other designated department member.

12. All decisions governing media mobility at the scene of an incident or event, rest with the judgment of the officer in command. Every effort should be made to accommodate the news media's needs, but tempered with due regard for safety and the mission of the Department.
13. Representatives of the media may be provided photographs by the Department when the release will not jeopardize an investigation. Mug photographs will generally be available. Accident or crime scene photographs or videotapes may be available on a case by case basis, but only with permission of the Records Custodian or his / her designee.
14. Should a citizen request that information on an incident not be released or reported to the media, officers will explain that the request will be noted in the incident report. The decision to publish unrestricted information about the event will be left to the media.
15. When weather conditions, traffic accidents, road conditions, or any other event that causes motor vehicle travel problems occur, the news media may be notified and requested to assist with broadcast information to the public.
16. Investigative Information Subject to Release - The following information regarding an ongoing investigation can be released by the Public Information Officer, supervisor, or otherwise designated department member:
 - a. Only the basic facts (nature, location, time) surrounding the crime or incident, using statutory elements as a guide.
 - b. Whether a person was arrested and, if so, for what charge. As a general rule, the name of the arrested person should not be released until after that person has been formally charged in court.
 - c. The time and place of arrest.
 - d. The names of victims may be released unless such information will endanger their safety, hamper future investigation, is contrary to law, or the person is the victim of a sexual assault.
 - e. If the victim is deceased, the name can be released only after the next of kin have been notified.
 - f. In all cases, no information will be released on confidential investigations or operations without the authorization and approval of the Chief of Police or his/her designee.
17. Restriction on the Release of Information - The following information will not be released:
 - a. Observations about the arrested person's character, criminal or arrest record, or speculations of guilt.
 - b. Statements concerning the credibility of witness testimony.


- c. Statements concerning evidence, regardless of whether such evidence may tend to implicate or exonerate a suspect.
- d. Any comments regarding confessions or professed alibis or any other statement that may tend to implicate or exonerate a suspect.
- e. Specific victim injuries known only to the victim and police.
- f. Any “Off the Record” remarks.
- g. Any comment as to the use of specific police equipment, procedures, or investigative techniques, especially comments relative to the wearing of protective equipment or body armor by officers.
- h. The name of the victim of a sexual assault.
- i. The names of parties who are merely suspects.
- j. Copies of other agency reports.
- k. Under no circumstances will the telephone number or address of a member of the department be released.
- l. Records of cases currently under investigation.

18. Information Regarding Other Agencies

- a. Information involving the Hales Corners Police Department may be released according to guidelines set forth in this General Order, unless such release would adversely affect another agency in the performance of its duties.
- b. Information requests that pertain to another agency should be directed to that agency.
- c. The agency having primary jurisdiction will be responsible for coordinating any release of information, when multiple service agencies, i.e., other police departments, fire departments, medical examiner’s office, etc., are involved.

F. Open Records Notice - In accordance with Wisconsin Statute 19.35, a written notice shall be prominently displayed in the lobby of the police station containing the following information:

- 1. Identification of the records custodian;
- 2. A description of the agency;
- 3. The times and places at which the public may obtain the information and access to records in the custody of the Hales Corners Police Department;
- 4. The method of requesting records; and
- 5. The process of obtaining copies of records.

ISSUED BY:  Eric R. Cera Chief of Police	HISTORY: Effective: 09/15/2003 Reviewed: 07/20/2004 Reviewed: 06/03/2008 Reviewed: ERC 05/22/2012 Reviewed: SJM 09/12/2016 Revised: BDK 03/09/2020	Reviewed: APH 07/01/2022 Reciewed: AJJ 08/05/2024
---	---	--



RECORDS RELEASE REQUEST

TO: Custodian of Records

Per the Wisconsin Statutes Open Records law, § 19.31 through 19.39, I am requesting copies of the following records.

1. Police report(s), traffic accident report _____
(describe)
2. Database report listing all "adult" contacts with _____
(name, sex, race, date of birth)
from _____ to _____
(date) (date)
3. Database report of all Police contacts at _____
(address in Village of Hales Corners)
from _____ to _____
(date) (date)
4. Photos taken during accident/incident _____
(describe incident)
5. Other _____
(use back of form or blank sheet if needed)

Name of person/entity requesting records: _____
(Name asked for convenience of return only – not to be required per statute)

Address for return of records: _____
(Street, City, Zip)

Phone/Fax # for return of records: _____ Daytime Phone _____ Evening Phone: _____

Please expect a minimum **3-day** processing in the production of records. Reports generated from databases take more time than photocopies of existing documents. Generated records will be provided (if available) within **5 business days**.

- Return by:**
- ☐ **Pick up at window**—Call first to confirm availability – WE cannot call you.
 - ☐ **US Mail.** Self Addressed Stamped Envelope required or add \$.50
 - ☐ **Fax to above number**

Copies = \$.50/page
Accident Reports = \$2.00 per Report
Photo, Video Tape, Transcripts = Actual Costs

Costs exceeding \$50 may be pre-billed

NOTE: Criminal History (criminal arrest listings and dispositions) are **ONLY** available from the State of Wisconsin.
(A State request form is available)

Wisconsin Crime Information Bureau
Record Check Unit
PO Box 2688
Madison, WI 53701-2688
608-266-5764

Search by name, sex, race and date of birth. The fees are \$13.00 for the public, \$5.00 for government agencies, and \$2.00 for non-profit agencies.

____ pages @ .50= _____ ____ Acc Rpts @2.00 _____ ____ Mailing @.50= _____ ____ Photos \$ _____ ____ Tapes \$ _____	<u>Total Cost:</u>	Request Completed by:
	All checks payable to Hales Corners Police Department	Date:
		Comments:

Requests for Juvenile Offender Information require filing of Juvenile Offender Supplemental Record Release Form.doc



RECORDS RELEASE REQUEST

-- Reason for Denial --

This request was denied in whole / in part for the following reason:

by

Date

This denial is subject to review by mandamus under s. 19.37 (1) or upon application to the attorney general or a district attorney.

SS 19.37 (1) **Mandamus.** If an authority withholds a record or a part of a record or delays granting access to a record or part of a record after a written request for disclosure is made, the requester may pursue either, or both, of the alternatives under pars. (a) and (b).

(a) The requester may bring an action for mandamus asking a court to order release of the record. The court may permit the parties or their attorneys to have access to the requested record under restrictions or protective orders as the court deems appropriate.

(b) The requester may, in writing, request the district attorney of the county where the record is found, or request the attorney general, to bring an action for mandamus asking a court to order release of the record to the requester. The district attorney or attorney general may bring such an action.



RECORDS RELEASE REQUEST

-- Juvenile Offender Supplemental Form--

Juvenile Reports or reports containing *juvenile offender information* may be released to the following persons subject to departmental policy. To allow us to appropriately review your request, please check all of the following that apply. Documentation will be required prior to the release of information requested.

I am:

- ☐ Biological Parent
- ☐ Guardian named by court
- ☐ Legal Custodian given legal custody of the child by court order
- ☐ Husband who has consented to artificial insemination of wife
- ☐ Parent by adoption
- ☐ Non-marital biological father, where the child has not been adopted
- ☐ Juvenile (14 yrs of age or older) - requesting ones own report
- ☐ Victim of the juvenile's act (for the sole purpose of recovering injury, damage or loss suffered as a result of the juveniles act)
- ☐ Victim's insurer (when court ordered restitution has not been made within 1 year - for the sole purpose of investigating the claim).
- ☐ Insurance Company and/or representing Attorney - with a signed/written release from the Juvenile's parent, guardian, or legal custodian.

If you are a parent: My parental rights ☐ have / ☐ have not been terminated

Form of identification/Initials of person releasing records:

Signature of Person requesting the Report

Date



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

DJ-LE-250 (Rev. 3/00)

DIVISION OF LAW ENFORCEMENT SERVICES
Crime Information Bureau
Record Check Unit

WISCONSIN CRIMINAL HISTORY
SINGLE NAME RECORD REQUEST

PO Box 2688
Madison, WI 53701-2688
608/266-5764
V/TTY 608/267-8902

A self-addressed, postage-paid envelope must accompany every inquiry. Ensure sufficient postage is included. See reverse side for additional instructions and information. Please print legibly or type.

Requestor Type – Check Only One

- ☐ Government Agency \$5.00
☐ General Public \$13.00
☐ Nonprofit Org. \$2.00
Nonprofit # ES- _____
☐ Public Defender (Fee Exempt)
SPD # _____

Request Purpose - Check Only One

- ☐ General Information
☐ Public Housing
☐ Caregiver – General (Add \$2.50 DHFS fee)
☐ Child Day Care - Caregiver (Add \$2.50 DHFS fee)
Provide either Facility # _____
or Certifying Agency # _____

Payment Type – Check Only One

- ☐ Bill Account
Number # _____
☐ Amount
Enclosed \$ _____

Search for a Record on: (Please type or print legibly)

* Name : _____ / _____ / _____
(Last) (First) (Middle)

* Sex: _____ * Race: _____ * Date of Birth: _____ / _____ / _____
(MM) (DD) (YYYY)

Other Identifying Data (Social Security Number, Maiden Name(s), Additional Names, etc.)

*** Required Data**

Return request to: (Include a self-addressed, postage-paid envelope)

Name: _____ Attn: _____
Street: _____ Phone: _____
City, State, _____ FAX: _____
Zip: _____ E-mail: _____

FOR CIB USE ONLY

If an individual is requesting his or her own record **and** wishes to guarantee the correct record is furnished, a legible inked fingerprint impression of the right index finger must accompany this request.

**Right Index
Fingerprint Impression**