POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **OPEN RECORDS**

NUMBER: 10.03

SCOPE: All Department Personnel

ISSUED: 03/30/2026

EFFECTIVE: 03/30/2026

DISTRIBUTION: Policy & Procedure Manual

☐ RESCINDS

☐ AMENDS

REFERENCE: WI State Statutes: 19.32(2), 19.34(1), 19.35, 19.36(8)(b),165.55(15), 938.02(1), 938.396(1),938.396(2)

WILEAG 6TH EDITION STANDARDS: 10.2.1

INDEX AS: Open Records
Release of Information

PURPOSE: The purpose of this Policy & Procedure is to provide information on the proper procedures to release information collected by the Sturgeon Bay Police Department to ensure compliance with the Wisconsin Open Records Law.

This Policy & Procedure consists of the following numbered sections:

I. DEFINITIONS

II. RELEASE OF INFORMATION BY PERMISSION OF CHIEF OF POLICE ONLY

III. RECORDS ACCESSABILITY

IV. AVAILABILITY OF RECORDS

V. ASSOCIATED/APPLICABLE FEES

I. DEFINITIONS

A. RECORD: means 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 an authority. Record includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and optical disks. "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; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library as stated in WI §19.32(2).Any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved. Records do not include drafts, notes, preliminary computations, and like materials as stated in WI Statute 19.32(2).

B. COPY OF THE REPORT: A copy of the report that was generated after all the information which the law prohibits disclosure of and all the information which the law permits law enforcement to refuse disclosure of has been removed.

II. RELEASE OF INFORMATION BY CHIEF OF POLICE ONLY

A. Since the Chief of Police bears the full responsibility for the lawful and orderly operation of the Department, any and all information will only be released by the Chief of Police or his/her authorized designee. All parties requesting a record must complete a Sturgeon Bay Police Department Open Records Request Form. This form will be retained within the Department.

B. Reports generated as a result of Chapter 51 proceedings, are protected and will not be released. Supreme Court decision, Watton v. Hegerty, 2006 AP 3092, 2008 WI 74, 751 N.W.2d 369, held that records in the custody of the police department related to the Mental Health Act, Chapter 51 of the Wisconsin Statute, preclude disclosure of duplicate copies of statements of emergency detention that are in the possession of the Department absent informed consent or a court order.

C. Furthermore, information relating to cases which may involve potential civil liability for the Department shall be withheld until prompt review and approval has been obtained from the Department legal counsel. If there is reason to believe a request involves information which concerns potential liability of the Department, the person making the request should be referred to the Chief of Police.

D. It shall be the policy of the Department that absolutely no official document and/or report, handwritten documentation, or verbal information pertaining to juveniles, driving records and criminal histories shall be released by any personnel of this Department to any party without expressed permission of the Chief of Police. The

only exception is a request from another law enforcement agency. This policy shall apply to information release requests whether juvenile or adult.

E. It shall also be the policy of the Department to follow guidelines for the release of records derived from the Department of Motor Vehicles to third parties as instructed by the Driver's Privacy Protection Act (DPPA); The Sturgeon Bay Police Department will balance Wisconsin's Open Records Statutes along with the Federal DPPA in effort to comply with both laws: also refer to Policy and Procedure 10.04 DPPA.

F. Juvenile Records

1. A juvenile record may be released to the following:

a) News media representatives who wish to obtain information for the purpose of reporting news without revealing the identity of the juvenile involved.

b) School district administrator of the school in which the juvenile attended.

c) Other law enforcement agencies for the purpose of investigation.

d) Social welfare agencies under contract from a county.

e) Victim witness coordinators.

f) Fire investigators under WI ss 165.55(15).

2. If a juvenile release form is signed, a juvenile record may be released to the following:

a) Victims' insurance companies for the purpose of seeking restitution.

b) The juvenile's attorney or guardian ad litem.

c) Records can be released to the parent, guardian, legal custodian or juvenile (age 14 or older) upon their request.

d) The victim of injury, loss or damage of a juvenile act, and only for the purpose to obtain restitution.

e) Juveniles waived into adult court.

G. Release of Informant information

1. WI §19.36(8)(b), 2023 Wisconsin Act 223 provides that if an authority receives a request to inspect or copy a record or portion of a record that contains specific information including but not limited to a name, address, telephone number, voice recording, or handwriting sample which that, if disclosed, would identify an informant, the authority shall delete the portion of the record in which the information is contained.

If no portion of the record can be inspected or copied without identifying the informant, the authority shall withhold the record unless the legal custodian of the record makes a determination at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by providing such access. Also refer to Policy & Procedure 6.12: Informants.

III. RECORDS ACCESSABILITY

A. Generally, the Sturgeon Bay Police Department will accept release of information requests between the hours of 8:00 a.m.- 4:00 p.m. (Monday-Friday). The attached "Request for Records" form should be filled out (not mandatory) by the requestor or an employee taking the request, in an effort to assist the Department in locating a record in a prompt and efficient manner.

B. In addition, according to §19.34 (1) the Department shall prominently display guidance to the public, a notice containing the established times and places at which the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof.

IV. AVAILABILITY OF RECORDS

A. The Chief of Police is designated as the legal custodian of all departmental records. Inquiries about the availability of records may be made at police headquarters during regular office hours. When records are legally available for public inspection, copies maybe made by photocopy at the City's current rate.

V. ASSOCIATED/APPLICABLE FEES

A. ***Copy Fees.*** Copies of documents/transcription fees will be charged at the rate of $0.25 per page. [See WI Statute 19.35(3)(a)].

B. ***Copies of Photographs/Tapes, Etc.*** Fees for photographs, tapes, etc. will be charged. [See WI Statute 19.35(3)(b)].

C. ***Location Costs.*** Fees will be charges. [See WI Statute 19.35(3)(c)].

D. ***Mailing and Shipping Fees.*** Fees will be charged. [See WI Statute 1935.(3)(d)].

E. ***Waiver/Reduced Rate.*** Waivers or reduced rates may be authorized at the Police Chief's discretion on a case-by-case basis. [See WI Statute 19.35(3)(e)].

F. ***Prepayment.*** The Department may require prepayment for any request that will result in anticipated charges of Five Dollars ($5.00) or more. If the anticipated charge exceeds the actual final cost, a refund shall be issued. [See WI Statute 19.35(3)(f) and *Hill v. Zimmerman,* 196 Wis. 2d 419, 538 N.W.2d 608 (Ct. App. 1995).

G. ***Adjustment of Fees.*** All fees hereunder may be adjusted from time to time.

H. ***Audio/Video Redaction fees.*** The Department may impose a fee upon a requester for the actual, necessary, and direct cost of redacting, whether by pixelization or other means, recorded audio or video content to the extent redaction is necessary to comply with applicable constitutional, statutory, or common law [See Wisconsin State Statute 19.35(3)(h), 2023 Wisconsin Act 253].

Clinton Henry
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 06/23/2020