



POLICY & PROCEDURE

LUXEMBURG POLICE DEPARTMENT

SUBJECT: **OPEN RECORDS**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statutes: §19.32(2), §19.34(1),
§19.35, §165.55(15), §938.02(1),
§938.396(1), §938.396(2)(a)

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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 Luxemburg 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: 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 §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.
- B. 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.
- C. 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 release 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.
- D. 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); refer to Policy & Procedure 10.04: DPPA.
- E. 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 §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.

III. RECORDS ACCESSABILITY

- A. Generally, the Luxemburg Police Department will accept release of information requests between the hours of 7:45 a.m.- 4:15 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 may be made by photocopy at the Village's current rate.

VI. ASSOCIATED/APPLICABLE FEES

- A. **Copy Fees.** Copies of documents/transcription fees will be charged at the rate of \$0.25 per page. [See WI § 19.35(3)(a)].
- B. **Copies of Photographs/Tapes, Etc.** Fees for photographs, tapes, etc. will be charged. [See WI §19.35(3)(b)].
- C. **Location Costs.** Fees will be charged. [See WI §19.35(3)(c)].
- D. **Mailing and Shipping Fees.** Fees will be charged. [See WI §19.35(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 §19.35(3)(e)].
- F. **Prepayment.** The Department may require prepayment for any request that will result in anticipated charges of Forty-Five Dollars (\$45.00) or more. [See WI §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.

Chris A. Gulbrand
Chief of Police

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

Initial 02/25/2022