



**MIDDLETON POLICE  
DEPARTMENT**

DATE  
**May 6, 2014**

POLICY  
**10.2.01**

SUBJECT: **Open Records**

REVIEWED  
**July 9, 2018**

Refer to: SS [19.34\(1\)](#), [19.35](#), [19.356](#), [19.36](#), [DOJ Public Records Law Compliance Outline](#)

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Contents

Purpose..... 2

Policy ..... 2

Making a Request for Records..... 2

Time for Response ..... 3

Denials, Partial Denials, and Appeals..... 3

Fees and Charges ..... 4

What is a Record..... 4

    “Record” means ..... 4

    "Record" does not include ..... 4

Who is a Requester ..... 4

What is Personally Identifiable Information..... 4

Who is a Record Subject..... 5

Records Request Considerations..... 5

    1. Is the Request Sufficient..... 5

    2. Is there a Record..... 5

    3. Is the Requestor Entitled to Access ..... 6

    4. Is the Requestor Prohibited from Access ..... 6

    5. Does the Balancing Test Compel Access ..... 6

Commonly Disclosed Records..... 6

Child and Juvenile Records ..... 8

Prosecution Cases, On-Going Investigation, and Closed Investigation Records ..... 9

    Public policy considerations that might weigh against..... 9

    Public policy considerations that might weigh in favor..... 11

Public Records Notice..... 12

## **Purpose**

In our free society the public's right to access information concerning the conduct of the people's business is fundamental. Under Wisconsin Public Records Laws and Middleton Municipal Ordinance there is a strong presumption of openness. Under the law, some records are required to be disclosed and others cannot be disclosed. The purpose of this policy is to provide employees with procedures and criteria for the release of the records maintained by the Middleton Police Department, and to establish a public notice regarding the release of records.

## **Policy**

It is the policy of the Middleton Police Department to disclose records unless they are exempt from disclosure under applicable law, or the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the records. A public notice containing Open Records information required under WI Statute [19.34\(1\)](#) relating to department description, established times, places, costs and methods by which the public may obtain information shall be displayed in an appropriate location open to the public within the department and on the department's web page.

## **Making a Request for Records**

A Public Records Request Form is available to assist the public and our staff in fulfilling these requests. All requestors will be asked to complete our Public Records Request form, however, statutory limitations do not allow for a specific form that must be used to request records, nor is there any language that must be used when making a request. Requests may be made orally or in writing; either in person, through the mail, via e-mail or over the telephone. The request, however, should contain a reasonable description of the desired records in order to expedite processing of the request. The requestor need not identify themselves or state their purpose in obtaining the record. A requester generally may choose to inspect a record and/or obtain a copy. The department will provide facilities for inspection of records comparable to those used by department employees and provide copies upon request. The department may impose reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

To facilitate records requests, the department will prominently display, make available for inspection and provide a copy upon request, a notice containing a description of the department, identity of the records custodians, and the times, places and methods where the public may obtain information and access to records. Requests for records will be received by Records Bureau personnel on normal business days during normal business hours. At the discretion of department personnel or when necessary, requests for information may be forwarded to the department records custodian or deputy records custodian. The department will also post the Public Records Statutes - Wis. Stat. ss. [19.31](#) to [19.39](#).

### **Form of Records Provided**

Records shall be made available in their original form or by a true and correct copy. Audio, photographic and computer data, or any other such records, shall be exact replicas unless the department determines it is impracticable to provide exact replicas. Any reasonably segregable portion of a record shall be provided to the public after deletion of portions that are deemed exempt from disclosure.

### **Time for Response**

Upon receipt of a written or oral request for records, the department shall make the records available to the requestor as soon as practical and without delay. In cases where the records are not readily identifiable or accessible, or additional time is needed to determine whether the request in whole or in part seeks disclosable records, the department will have up to ten (10) business days to provide its determination. The ten (10) day time period shall be calculated from the date the request is received. In unusual circumstances, the department may extend its time to respond by an additional fourteen (14) calendar days. Should this occur, the department will inform the requestor in writing of the extension within the initial ten (10) day period, setting forth the reasons for the extension, along with the estimated date of the department's further response. Unusual circumstances permitting the extension of time are limited to: (1) the need to search for and collect the requested records from facilities separate from the office processing the request; (2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that have been asked for in a single request; (3) the need for consultation with another department or another agency that has a substantial interest in the response to the request; and/or (4) the need to compile data, to write programming language or a computer program, or to construct a computer report to extract data (5) staffing and priority reporting requirements of the Records Department.

### **Denials, Partial Denials, and Appeals**

If a written request for information is denied in whole or in part, the denial shall be in writing. The underlying facts supporting the reason for denial need not be revealed, however, the denial shall include the explicit reasons for the denial, as well as the names and titles or positions of each person responsible for the denial. (Reasons not stated in the response will not be considered by the court on mandamus.) If confidentiality of requested records is guaranteed by statute, citation to that statute is a sufficient explicit reason. Written denials may be appealed to the Records Custodian, who will consult with the City Attorney before making a final determination. Requester receiving a denial notice will be notified of this appeal option and, furthermore, that the denial is ultimately subject to review in an action for mandamus under Wis. Stat. 19.37(1), or by application to the district attorney or Attorney General (Wis. Stat. 19.35(4)(b)). The Chief of Police is the legal custodian for Police Department records. The Administrative Captain is the designated deputy legal custodian.

## **Fees and Charges**

The department will not charge any fees to cover the time and costs incurred in searching for, locating or collecting records, unless the cost exceeds \$50. The department, however, may charge for the “actual, necessary and direct cost” of reproduction and postage, consistent with the amounts set forth in the Schedule of Fees and Charges. The department may also charge for duplication costs in another medium (e.g. copying digital video, video tapes, cassette tapes, floppy disks, CD-ROMs, USB Flash drives). The cost of separating, or “redacting,” the confidential parts of records from the public parts generally will be borne by the department. The department shall require prepayment. The department may provide copies of a record without charge or at a reduced charge when it is in the public interest to do so.

## **What is a Record**

**“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 for official purpose or function of the department is a record. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes, (including computer tapes and disks and files), 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, materials which are purely the personal property of the custodian or employee and have no relation to his or her office or job; materials to which access is limited by copyright, patent, or bequest; and published materials in the possession of the department which are available for sale, or which are available for inspection at a public library.

## **Who is a Requester**

Generally, a requester is any person who requests inspection or a copy of a record. However, any of the following persons are defined as “requesters” only to the extent that the person requests inspection or copies of a record that contains specific references to that person or his or her minor children for whom the person has not been denied physical placement:

1. A person committed under the mental health law, sex crimes law, sex predator law, or found not guilty by reasons of disease or defect, while that person is placed in an inpatient treatment facility.
2. A person incarcerated in a state prison, county jail, county house of correction or other state, county or municipal correctional detention facility, or who is confined as a condition of probation.

## **What is Personally Identifiable Information**

Personally Identifiable Information is information that can be associated with a particular individual through one or more identifiers or other information or circumstances.

## **Who is a Record Subject**

A “Record Subject” is an individual about whom personally identifiable information is contained in a record. A requester does have a greater right of access than the general public to “any record containing personally identifiable information pertaining to the individual.” Wis. Stat. § 19.35(1)(am). If an individual or an individual’s authorized representative makes a public records request and states that the purpose of the request is to inspect or copy records containing personally identifiable information pertaining to the individual, the record custodian first should determine whether the requester has a right to access the record under the usual public records rules of Wis. Stat. § 19.35(1)(a). If the custodian determines that the requester is not entitled to access under the usual rules, the custodian then must determine if the requester has an enhanced right of access under Wis. Stat. § 19.35(1)(am). *Hempel v. City of Baraboo*, 2005 WI 120, ¶ 29, 284 Wis. 2d 162, 699 N.W.2d 551.

The balancing test does not apply to requests under Wis. Stat. § 19.35(1)(am). *Hempel*, 284 Wis. 2d 162, ¶ 27. However, the following statutory exceptions to disclosure under Wis. Stat. § 19.35(1)(am) protect the integrity of ongoing investigations and the safety of individuals (including informants):

1. Any record containing personally identifiable information collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding, or any such record that is collected or maintained in connection with such an action or proceeding. Wis. Stat. § [19.35\(1\)\(am\)1](#). This exception would most likely apply to a police investigation that remained ongoing, an investigation in which the government was still contemplating prosecution, or an investigation that overlapped with other ongoing cases. *Linzmeier*, 254 Wis. 2d 306, ¶ 18.
2. Any record containing personally identifiable information that would endanger an individual’s life or safety if disclosed. Wis. Stat. § [19.35\(1\)\(am\)2.a](#).
3. Any record containing personally identifiable information that would identify a confidential informant if disclosed. Wis. Stat. § [19.35\(1\)\(am\)2.b](#).

Wisconsin Stat. [19.365\(1\)](#) provides a procedure for an individual to challenge the accuracy of a record containing personally identifying information about that individual.

## **Records Request Considerations**

1. ***Is the Request Sufficient?*** The request must be reasonably specific as to subject matter and length of time involved. The purpose of the time and subject matter limitations is to prevent unreasonably burdening a records custodian by requiring the custodian to spend excessive amounts of time and resources responding to a request.
2. ***Is there a Record?*** The public records law does not require the department to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester. The department is not required to create a new record by extracting and compiling information from existing records in a new format. The right of access applies only to records that exist at the time the request is made - “continuing” requests are not contemplated by the public records law. If no responsive record exists, the department should inform the requester.

3. ***Is the Requestor Entitled to Access the record pursuant to Statute or Court Decision?***  
Accident reports, daily arrest logs, police blotters. Even absolute statutory rights to access can be limited if another statute allows the records to be sealed.
4. ***Is the Requestor Prohibited from Accessing the record pursuant to Statute or Court Decision.*** See Common Exemptions from Disclosure.
5. ***Does the Balancing Test Compel Access?*** The department must balance the strong public interest in disclosure of the record against the public interest favoring nondisclosure. The department must identify potential reasons for denial, based on public policy considerations indicating that denying access is or may be appropriate. Those factors must be weighed against public interest in disclosure. Specific policy reasons, rather than mere statements of legal conclusion or recitation of exemptions, must be given. Blanket exemptions will not suffice. The balancing test is a fact-intensive inquiry that must be performed on a case-by-case basis. Because the balancing test is fact-specific and involves the totality of circumstances related to the particular records sought by a specific public records request, each balancing test analysis will involve a unique constellation of public policy considerations. Other factors in addition to those listed above, but relevant to the specific circumstances presented, may weigh for or against disclosure in a particular balancing test analysis. What the balancing test ultimately requires when records are withheld is that the relevant balancing test factors are identified and explained sufficiently so that the requester is able to understand the basis for the custodian's decision, and that those factors are appropriately considered in determining whether or not to release public records.

### **Commonly Disclosed Records**

1. **Uniform Traffic Accident Reports**, including supplemental or additional reports, statements of witnesses, photographs and diagrams, retained by local authorities, the state traffic patrol or any other investigating law enforcement agency.
2. **Traffic Citations and Motor Vehicle Violation Records** (including juveniles) for violations of [chs. 340](#) to [349](#) and [351](#)
3. **Daily Arrest Logs or Police "Blotters"**
4. **Mug Shots**
5. **Closed Citizen Complaints** (Specific information about complainants and employees shall be redacted from any record furnished if necessary to protect the privacy rights and safety of individuals making complaints and employees and to protect an individual's right to petition government for redress of grievances.)
6. **Charges filed against sworn officers in police commission proceedings**
7. **Arrest and Booking records, jail records, and log-in records**
8. **Ambulance Call Records** including EMT's/First Responders, date of the call, dispatch and response times, reason for the dispatch, location, destination of the transport, and the name, age and gender of the patient must be released unless the public's interest in nondisclosure outweighs the strong presumption of disclosure. These records are NOT specifically exempted from disclosure by the federal HIPAA law. Details of the medical history, condition or emergency treatment of any patient may not be released.
9. **Radio Logs**, Internal Documents and Blood Test Records of deceased automobile driver.

## Exempt from Disclosure

1. DMV records containing DPPA protected personally identifiable information. However, the department may, but is not required to, disclose personal information obtained from DMV records which is incorporated in department records when responding to public records requests (Burke, AAG, WLEB, 6/6/08).
2. Records specifically **exempted** from disclosure **by state or federal law**
3. **Drafts, notes, preliminary documents**, and similar materials prepared for the originator's personal use or by the originator in the name of a person for whom the originator is working;
4. Records related to **pending litigation**;
5. **Published material** available for sale or at the library;
6. **Purely personal property** with no relation to the department or its purpose;
7. Material with access limited due to **copyright, patent, or bequest**;
8. **Attorney-client communications**;
9. Records relating to **investigative information** obtained for law enforcement purposes whenever **non-disclosure is required by federal law or regulations** or as a condition to receipt of aids by this state.
10. **Computer Programs**;
11. **Trade Secrets**;
12. **Identities of Certain Applicants for Public Positions**;
13. Identities of Law Enforcement **Informants** where confidentiality is requested, promised, or reasonably implied;
14. **Employee** home address, home electronic mail address, home telephone number, or social security number of an employee, unless the employee authorizes the authority to provide access to such information;
15. Contents of **e-mails which are purely personal** and evince no violation of law or policy are not about the "affairs of government" are not open to the public. ([Karen Schill v. Wisconsin Rapids School District](#)). If any aspect of the email sheds light on government functions and responsibilities, the relevant content is subject to disclosure. If a document contains both personal and non-personal content, the records custodian may redact portions of the document so that the purely personal information is not released. Once a custodian determines the contents of certain e-mails are purely personal and evince no violation of law or policy, and do not pertain to the affairs of government, the custodian need not undertake a balancing of each request.
16. Information relating to one or more specific **employees** that is used by the employer of the employees for **staff management planning**, including **performance evaluations**, judgments, or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, **promotions, job assignments**, letters of reference, or other comments or **ratings** relating to employees.
17. **Account or Customer numbers with a financial institution**;
18. **Pupil Records**;
19. **Social Security Numbers**;
20. Information relating to the **current investigation** of a possible criminal offense or possible **misconduct** connected with employment by an **employee** prior to disposition of the investigation;

21. Information pertaining to an **employee's employment examination**, except an examination score if access to that score is not otherwise prohibited;
22. Records consisting of **analyses of evidence** obtained from law enforcement officers **by the crime lab** is privileged and not available to persons other than law enforcement officers prior to trial. Wis. Stat. § 165.79(1). Upon termination or cessation of criminal proceedings, the privilege may be waived in writing by the Department of Justice and the prosecutor involved in the proceedings. Wis. Stat. § 165.79(2).
23. Records of **John Doe proceedings** that are confidential under Wis. Stat. § 968.26.
24. Records that have been ordered **sealed by a judge**—such as search warrants and supporting affidavits—should not be disclosed in response to public record requests. *Cf. State v. Cummings*, 199 Wis. 2d 721, 546 N.W.2d 406 (1996).
25. A Statement of Emergency Detention by Law Enforcement Officer (Chapter 51) in police possession is “treatment records” subject to the confidentiality and privilege provisions of s. 51.30(4), absent written informed consent or a court order [Watton v. Hegerty](#).

### **Child and Juvenile Records**

Many, but not all, records related to children or juveniles have special statutory confidentiality protections. Except as provided in Wis. Stat. § [48.396\(1\)-\(1d\)](#), [\(5\)](#), and [\(6\)](#), police records of children who are the subjects of investigations or other proceedings pursuant to Wis. Stat. ch. 48 are confidential. Subjects covered by Chapter 48 include children in need of protection and services (“CHIPS”), foster care, and other child welfare services.

Except as provided in Wis. Stat. § [938.396\(1\)](#), [\(1j\)](#), and [\(10\)](#), police records of juveniles who are the subjects of proceedings under the juvenile justice provisions of Wis. Stat. ch. 938, including matters which would be prosecuted as crimes if committed by an adult, are confidential.

Other law enforcement records regarding or mentioning children are not subject to the confidentiality provisions of Wis. Stat. § [938.396](#) or [48.396](#). These records might involve children who witness crimes, are the victims of crimes that do not lead to Chapters 48 or 938 proceedings, or are mentioned in law enforcement reports for other reasons: for example, a child who happens to witness a bank robbery or be the victim of a hit and run automobile accident. Access to these records should be resolved by application of general public records rules. Balancing test consideration may be given to public policy concerns arising from the ages of the children mentioned, such as whether release of unredacted records would likely subject a child mentioned to bullying at school, further victimization, or some neighborhood retaliation. In such cases, redaction of identifying information about children mentioned may be warranted under the balancing test.

Juvenile motor vehicle violation records for violations of chapters [340](#) to [349](#) and [351](#) or adopting municipal ordinance are not confidential, except for proceedings for violations of ss. [342.06 \(2\)](#) (false title application) and [344.48 \(1\)](#) (forged proof of financial responsibility), and ss. [30.67 \(1\)](#) (duty to render aid - boating accident) and [346.67 \(1\)](#) (duty – injury accident) when death or injury occurs.

Child and Juvenile Records shall not be open to inspection or their contents disclosed except for the following **exceptions**:

1. **Reporters, News Media;**
2. **Law Enforcement Agencies;**
3. **Officials of the school attended by the juvenile;**
4. **Social Welfare Agencies;**
5. **Domestic violence victim service organizations** that are eligible to receive grants under s. [49.165\(2\)](#) or [165.93\(2\)](#).
6. **Parent, guardian or legal custodian of a child;**
7. **If requested by the child, if 14 years of age or over;**
8. If requested by an unborn child through the unborn child's guardian ad litem.
9. Upon the **written permission of the parent, guardian or legal custodian**
10. Upon the **written permission of the juvenile, if 14 years of age or over**
11. **Department of Corrections;**
12. **Department of Health and Family Services;**
13. **Department of Justice;**
14. **District Attorney;**
15. The department, on its own initiative or on the request of the school district administrator **may disclose records to the school district administrator or designee** relating to use, possession, or distribution of **alcohol** or a **controlled substance**, illegal possession by a juvenile of a **dangerous weapon**; an act for which a juvenile was taken into custody under s. [938.19](#) based on a law enforcement officer's belief that the juvenile was committing or had committed a **violation of any state or federal criminal law**, or for an act for which a juvenile was **adjudged delinquent**.
16. If requested by a **victim** of a juvenile's act records relating to the injury, loss or damage suffered by the victim, including the name and address of the juvenile and the juvenile's parents;
17. **Insurer of the victim** if the juvenile has failed to make that restitution within one year after the entry of the (court) order, records relating to the injury, loss or damage suffered by the victim, including the name and address of the juvenile and the juvenile's parents;
18. **Victim-witness coordinator** including the name and address of the juvenile and the juvenile's parents; and
19. If requested by a **fire investigator**.

### **Prosecution Cases, On-Going Investigation, and Closed Investigation Records**

Police files of cases turned over to Prosecutors, On-Going Investigation, and Closed Investigation Records are subject to the balancing test. The department must weigh the public interest in deciding whether to release the record and cannot simply deny access to information by saying a matter is under investigation or has been referred to prosecutors. The balancing test is a fact-intensive inquiry that must be performed on a case-by-case basis.

***Public policy considerations that might weigh against public records access to police records in particular circumstances include, but are not limited to, the following:***

1. Disclosure would **interfere with an ongoing investigation or prosecution**. *Linzmeyer*, 254 Wis. 2d 306, ¶ 30 (“First and foremost, there is a strong public interest in investigating and prosecuting criminal activity, and when the release of a police record would interfere with an on-going prosecution or investigation, the general presumption of openness will likely be overcome.”); *Journal/Sentinel, Inc. v. Aagerup*, 145 Wis. 2d 818, 824-27, 429 N.W.2d 772 (Ct. App. 1988) (access to autopsy report properly denied when murder investigation remained open). For example:
  - a. Disclosure would compromise the police agency’s ability to identify or **locate witnesses**.
  - b. Disclosure would jeopardize the police agency’s ability to conduct additional or **follow-up interviews**, or to obtain accurate and truthful information in those interviews.
  - c. Disclosure reasonably might be expected to result in **destruction, concealment, or alteration of evidence** not yet obtained by the police agency.
  - d. Disclosure reasonably might be expected to result in **intimidation** of potential witnesses.
  - e. Disclosure reasonably might result in **tampering** with the testimony of potential **witnesses**, or in solicitation of perjured testimony.
  - f. Disclosure would alert potential **suspects**, who reasonably might be expected to **flee** or escape.
  - g. Disclosure reasonably might be expected to result in **retaliation** against persons who have cooperated with the investigation.
  - h. Disclosure reasonably might be expected to **discourage cooperation** with future investigations or prosecutions (and explain why).
  - i. Disclosure would compromise the prosecutor’s ability to **make charging decisions**.
  - j. Disclosure **in advance of a Preliminary Hearing in a felony case** may interfere with the District Attorney’s ability to conduct a concise, expeditious Preliminary Hearing at the front end of a felony prosecution, which is a critical portion of the prosecution (Blanchard, 5/14/2008).
  - k. Disclosure would jeopardize the prosecution’s or defendant’s ability to obtain an **unbiased jury pool**.
2. Disclosure would violate the **privacy of crime victims or their families**. Crime victims should be afforded “fairness, dignity and respect for their privacy.” Wis. Const., Art. I, § 9m. *Cf.* Wis. Stat. §§ 950.01, 950.02(4)(a). The Wisconsin Supreme Court has explained that “justice requires that all who are engaged in the prosecution of crimes make every effort to minimize further suffering by crime victims.” *Schilling v. Crime Victims Rights Bd.*, 2005 WI 17, ¶ 26, 278 Wis. 2d 216, 692 N.W.2d 623. Family members of deceased persons have personal rights of privacy, in addition to those of the deceased. “Family members have a personal stake in honoring and mourning their dead and objecting to unwarranted exploitation that, by intruding upon their own grief, tends to degrade the rites and respect they seek to accord to the deceased person who was once their own.” *National Archives and Records Admin. v. Favish*, 124 S. Ct. 1570, 1578 (2004).
3. Disclosure would be contrary to the **public interest in protecting the privacy** and reputation of individuals. “This public interest is *not* equivalent to an individual’s personal interest in protecting his or her own character and reputation.” *Linzmeyer*, 254 Wis. 2d 306, ¶ 31 (emphasis in original). Instead, “the public interest in protecting

individuals' privacy and reputation arises from the public effects of the failure to honor the individual's privacy interests," such as resulting in fewer applicants for public positions where the privacy of persons holding those positions would be intruded upon regularly. *Id.* The public interest in protecting individuals' privacy and reputation may be heightened if relevant information in the police reports derives from rumor or uncorroborated hearsay, was obtained from persons of questionable veracity, or was obtained from biased persons. *Linzmeier*, 254 Wis. 2d 306, ¶ 38. In some circumstances, disclosure of information in reports that is clearly mistaken or outright untruthful might cause sufficient damage to the reputation of an innocent person that the public interest would tip toward non-disclosure.

4. Disclosure would **expose law enforcement techniques** and procedures, or guidelines for law enforcement investigation or prosecution, if such disclosures reasonably could be expected to risk circumvention of the law. *Linzmeier*, 254 Wis. 2d 306, ¶¶ 32, 41.
5. Disclosure would **endanger persons** named in a police report. *Linzmeier*, 254 Wis. 2d 306, ¶ 30.
6. Disclosure would deprive a person of a **fair trial** or an impartial adjudication. *Linzmeier*, 254 Wis. 2d 306, ¶ 30.
7. Disclosure would **endanger public safety**. Example: Specific description of homemade explosive device from which copy cat devices could be constructed.

***Public policy considerations that might weigh in favor of disclosure also have been identified:***

1. Public **oversight** of police investigations and prosecutorial actions is important. *Linzmeier*, 254 Wis. 2d 306, ¶ 27.
2. Release could not reasonably be expected to interfere with on-going investigation or enforcement proceedings. *Linzmeier*, 254 Wis. 2d 306, ¶ 39.
3. **Information** in the police report **already has become public**. *Linzmeier*, 254 Wis. 2d 306, ¶¶ 37-38.
4. Release could not reasonably be expected to disclose the identity of confidential sources. *Linzmeier*, 254 Wis. 2d 306, ¶ 40.
5. The subject of the police investigation is a **public employee in a position of trust** or visibility, such as a school teacher, elected official or senior policy-making official. *Linzmeier*, 254 Wis. 2d 306, ¶ 28.
6. Information in the police report is **well-corroborated**. *Linzmeier*, 254 Wis. 2d 306, ¶¶ 37-38.
7. Release would not reveal techniques and procedures for law enforcement investigations or prosecutions, because the reports concern well known and widely practiced techniques. *Linzmeier*, 254 Wis. 2d 306, ¶ 41.
8. Release would not reasonably be expected to endanger the life or physical safety of any individual. *Linzmeier*, 254 Wis. 2d 306, ¶ 41.
9. Release would not deprive anyone of a fair trial or impartial adjudication. *Linzmeier*, 254 Wis. 2d 306, ¶ 39.

Because the balancing test is fact-specific and involves the totality of circumstances related to the particular records sought by a specific public records request, each balancing test analysis will involve a unique constellation of public policy considerations. Other factors in addition to

those listed above, but relevant to the specific circumstances presented, may weigh for or against disclosure in a particular balancing test analysis. What the balancing test ultimately requires when records are withheld is that the relevant balancing test factors are identified and explained sufficiently so that the requester is able to understand the basis for the custodian's decision, and that those factors are appropriately considered in determining whether or not to release public records.

### **Public Records Notice**

## **PUBLIC RECORDS NOTICE**

The Middleton Police Department is a full-service law enforcement agency for the City of Middleton. The principal components of the Police Department are: Communications Center (9-1-1 Center); Field Services (Patrol & Criminal Investigations); Court Services; Records (Accident & Police Reports); Administration & Staff Services. The legal custodians of police records are Chief Charles Foulke and Capt. Troy Hellenbrand. Chief of Police is a local public office.

### **REQUESTS FOR RECORDS MAY BE MADE DURING OFFICE HOURS:**

- In writing:                    Middleton Police Department  
7341 Donna Drive  
Middleton, WI 53562
- In Person:                    Records Service Counter, Police Department  
7341 Donna Drive  
Middleton, WI 53562
- By Phone:                    608/824-7360
- By Email:                    [policerecords@ci.middleton.wi.us](mailto:policerecords@ci.middleton.wi.us)
- Office Hours:                Monday – Friday, 8:00 AM to 4:30 PM, except holidays

The public may obtain information and access to records during the office hours specified above. Please make your request for the specific records you seek, orally or in writing, to an appropriate department official or the legal custodian. To aid in the records release process, Public Records Request Forms are available at the Police Department or can be retrieved from our website. There is no charge to inspect records, unless the cost to locate the record(s) in question is \$50.00 or more. The cost to purchase copies of records is \$.25 per page in advance. All requests will be processed as soon as practicable and without delay. Most requests are satisfied within ten business days.

Some police records are exempt from disclosure under the Wisconsin Public Records Law. If you ask to inspect or copy an exempt record, you will be told why the record is not available for public inspection and what appeal rights you may have.

**OFFICIAL NOTICE DO NOT REMOVE**