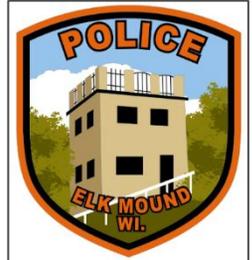


# VILLAGE OF ELK MOUND POLICE DEPARTMENT



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## Public Information about Policy 804: Records Maintenance and Release

The Elk Mound Police Department is committed to providing public access to records in a manner that is consistent with the Wisconsin Public Records Law (Wis. Stat. § 19.31 through Wis. Stat. § 19.39). The Chief of Police shall designate a Custodian of Records. Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee. Requests may be made during normal business hours. The processing of requests for any record is subject to the following:

- (a) *The Department is not required to create records that do not exist (Wis. Stat. § 19.35(1)(L)).*
- (b) *When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released (Wis. Stat. § 19.36(6)).*
- (c) *The Custodian of Records shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for nondisclosure will be provided as soon as practicable and without delay (Wis. Stat. § 19.35(4)).*
- (d) *If the request cannot be completed within 10 days from the initial date of request and unless unusual circumstances preclude doing so, the requestor shall be notified in writing of the delay.*

If a request is received from an individual or a person authorized by the individual who identifies him/herself and states that the purpose of the request is to inspect or copy a record containing personally identifiable information, the request shall be granted or denied access in accordance with Wis. Stat. § 19.35(4)(c). All requests from criminal defendants and his/her authorized representatives, including attorneys, shall be referred to the District Attorney, Village Attorney, or the courts. If a record subject to Wis. Stat. § 19.356(2) or any portion thereof, is released, the Department shall notify the affected individual before access is granted and within three days after making the decision to grant access (Wis. Stat. § 19.356(2)(a)). If a written request is denied in whole or in part, the requester shall receive a written statement of the reasons for denying the request. The denial shall inform the requester that the written request for the record release determination is subject to review by a court or upon application to the Attorney General or a District Attorney (Wis. Stat. § 19.35(4)(b)).

### **Examples of release restrictions include:**

- (a) *Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any department record, including traffic crash reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Wis. Stat. § 19.36(10)).*
- (b) *Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstance and that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding. This includes any record that is collected or maintained in connection with such an action or proceeding (Wis. Stat. § 19.35(1)(am)).*
- (c) *Any record containing personally identifiable information that, if disclosed, could result in (Wis. Stat. § 19.35(1)(am)) Endangering an individual's life or safety, Identifying a confidential informant (Wis. Stat. § 19.36(8)), Endangering security, including that of the staff or population of a detention facility.*
- (d) *Any record that is part of a records series that is not indexed, arranged or automated in a way that the record can be retrieved by use of an individual's name, address or other identifier (Wis. Stat. § 19.35(1)(am)).*
- (e) *Any record with the home, school or work address of a participant in the Wisconsin Department of Justice Address Confidentiality Program (Wis. Stat. § 19.35(1)(am)2m).*
- (f) *Crime victim and witness information (Wis. Stat. § 950.04).*
- (g) *Juvenile-related information (Wis. Stat. § 938.396; Wis. Stat. § 48.78; Wis. Stat. § 48.396; Wis. Stat. § 938.78).*
- (h) *Search warrants until they have been executed (Wis. Stat. § 968.21).*
- (i) *Investigative information obtained for law enforcement purposes, when required by federal law or regulation to be kept confidential, or when confidentiality is required as a condition to receipt of state aids (Wis. Stat. § 19.36(2)).*
- (j) *Information in employee personnel records (Wis. Stat. § 19.36(10)).*
- (k) *Patient health care records (Wis. Stat. § 146.82).*
- (l) *Records where the government's interest in nondisclosure outweighs the public's interest in disclosure.*

**Elk Mound Village Ordinances, under Title 3, Chapter 3 "Public Records," will also be followed.** A copy of the Public Records Ordinances can be found online at [http://elkmound.org/sites/default/files/sec\\_3-3\\_rev\\_7-14.pdf](http://elkmound.org/sites/default/files/sec_3-3_rev_7-14.pdf).