

UW Whitewater Police



Release of Records

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Special Instructions:

Approved By: Chief Kiederlen	Effective Date: 6/9/2004	Revised Date: 10/11/2022	Revision number: 2
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I. Purpose

The purpose of this general order is to provide procedures for release of records.

II. Policy

As a public agency, UW-Whitewater Police Department (UWWPD) is required to comply with the provisions of Wisconsin's open records statutes (Chapter 19, Subchapter II) and Executive Order 189.

Records may be withheld only as permitted by law. This requires UWWPD to balance the right of the public to know, against the harm created by disclosure. Great weight must be given to the public interest pursuant to statute. The public interest is presumed because the applicable statutes reflect a legislative determination that the public interest favors inspection of records.

The law was intended to be a means by which citizens could more effectively monitor the activities of the government. Every effort will be made to fulfill a record request.

III. Procedure

- A. Persons requesting information should be referred to the full-time clerical staff during normal business hours (8:00am – 4:30pm Monday-Friday, holidays excluded) or email police@uww.edu. Records may be requested orally or in writing. If an email request is made, an acknowledgement of the request will be replied to the sender within the next business day following receipt of the request.
- B. Requester may request documents or information. Requests for information must be limited to a reasonable subject matter and time. UWWPD is not required to create records that are not normally kept.
- C. Accident reports should generally be obtained through the State of Wisconsin Department of Transportation by accessing their website (<https://app.wi.gov/crashreports>). Electronic copies of other reports will normally be available within ten business days after the request is made.
- D. Requests by other law enforcement agencies for immediate release of records shall be referred to a supervisory officer.

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- E. Any small and straight forward open records request will be processed within 10 business days of receipt whenever it is practicable to do so.
- F. Some requests of a complex nature may require considerable processing time and may result in a delay in honoring the request for information. Every effort will be made to fulfill the request in a manner that does not preclude effective use of the material requested.
- G. Generally, whenever practicable, UWWPD will provide electronic copies of department reports or other materials free of charge. If there are any fees for obtaining an open records request, UWWPD will follow Chapter 19.35(3) of the state statute when imposing that fee. In general, fees will be waived if they amount to less than \$50.00.
- H. Should a requester ask for an update on the status of his or her request, a response to the requester will be provided within 5 business days.
- I. Materials need to be reviewed by the Administrative Specialist or his/her designee to determine if the material can be released or if portions of the material need to be redacted. If portions of material are redacted, a written explanation of the specific reason for doing so, including specific citations to the legal authority relied upon for each kind of information redacted will be provided.
- J. If a written open records request is denied, it will be denied in writing.
- K. In some instances, Wisconsin Statutes may specifically require that certain records be kept confidential and thus not disclosed. If not classified as confidential, then UWWPD balances the right of the public to know, against possible harm created by disclosure. In general, UWWPD will withhold records only under the following circumstances:
 - 1. The case is still under investigation or referred to the District Attorney's Office and release of information may jeopardize the investigation or efforts to prosecute.
 - 2. Juvenile police records. Law enforcement records relating to juveniles are controlled by SS. 48.396(1), which generally says, subject to exceptions, are to be confidential.
 - 3. Information relating to confidential police informants.
 - 4. Reports concerning reference to polygraph examinations.
 - 5. When information in the report could be harmful to the character of persons in the report and/or possibly harmful to other individuals.
 - 6. Personnel files of any department employee. Internal investigation documents.
 - 7. Materials prepared for the originator's personal use or prepared by the originator in the name of the person for whom the originator is working.
 - 8. The Chief of Police or his/her designee shall honor requests of a sensitive nature, or those dealing with department policies or procedures, only upon review.
- L. If portions of material are not disclosed or released, a written explanation of the specific reason for doing so, including specific citations to the legal authority relied upon for each kind of information record withheld will be provided.
- M. The Administrative Specialist should consult with a supervisory officer if they are unsure if a record can be released. Any time the department is unsure if a record may be released, the matter will be forwarded to the UW System General Counsel for opinion.

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- N. UWWPD will provide the Department of Administration a listing and any updates of the public records custodian(s) designated under section 19.33 of the statutes. This information will be sent in a letter to:

Office of the Secretary
PO Box 7864
Madison, WI 53707