

TOWNSHIP OF OSCEOLA POLICE DEPARTMENT		POLICY: RELEASE OF INFORMATION	
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CHIEF: DONALD M. COOK		DATE: 04/10/2022	

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I. PURPOSE:

The purpose of this policy is to establish guidelines for the release of information by the Township of Osceola Police Department. The department understands that the community and media have an interest and concern with actions undertaken by members of the department, and therefore will ensure that the right to information within the established parameters and guidelines shall be followed. This policy shall be maintained to be in compliance with the requirements of State of Wisconsin laws on the release of information on individuals, and provides for the privacy and security of records.

II. POLICY:

All employees of the Township of Osceola Police Department shall generally treat the official business of the department as confidential and shall disseminate official information only to those for whom it is intended, in accordance with established and Wisconsin Statutes. Nonetheless, it shall be the policy of the Township of Osceola Police Department that when matters

of interest and concern to the community and news media arise, the department shall provide timely and accurate information regarding such matters, while adhering to the guidelines set forth.

### III. DEFINITIONS:

DEPARTMENT RECORDS: All property and things which the chief shall have received from a predecessor or other person(s), which are required by law to be filed, deposited, or kept by the department or which are in the lawful possession or control of the chief or lawfully entitled officers of Osceola Town Police Department.

JUVENILE RECORDS: Records of persons under the age of 18, unless they have been waived to adult court or emancipated.

MEDIA REPRESENTATIVES: Person(s) representing news organizations whose focus is to disseminate newsworthy events.

REQUESTOR: Pursuant to Wis. Stat. 19.32(3), a requester is defined as any person who requests inspection or copies of a record. A committed or incarcerated person is not defined as a requester unless the person requests inspection or copies of a record that contains specific references to that person or his/her minor children for whom he/she has not been denied physical placement under Chapter 767, and the record is otherwise accessible to the person by law.

### IV. RECORDS INSPECTION

- A.) Authorization for inspection of department records shall come from the chief.
- B.) The records open to inspection are those identified under Wisconsin's Open Records Law, §19.35, Wis. Stats.
- C.) Citizens may request copies of records in accordance with guidelines established in §19.35, Wis. Stats.
- D.) If such records contain restricted material, as determined by the statutes, the restricted material shall be redacted before copying is permitted.
- E.) The name of any person requesting to remain anonymous will not be released.

### V. JUVENILE RECORDS

- A.) Apart from certain statutory exceptions, it is the policy of the Township of Osceola Police Department not to allow inspection, or the release of copies, of juvenile records. Records will not be released to a parent, guardian, or legal custodian of a juvenile who is the subject of law enforcement reports, or the juvenile him/herself without an original order from the court of jurisdiction. Copies of the order will not be accepted.
- B.) Juvenile records may be released under the following statutory exceptions:
  - a. The victim of a juvenile's act may have disclosed to them any information in the police record relating to the injury, loss, or damage suffered by the victim,

- including the name and address of the juvenile and the juvenile's parents. The victim may use and further disclose the information only for the purpose of recovering for the injury, damage, or suffered as a result of the juvenile's act (§938.396(1)(c)5, Wis. Stats.).
- b. Juvenile records containing information sought by the representatives of newspapers or other reporters of news who wish to obtain it for the purpose of reporting news without revealing identifying information about the child involved (§§48.396(1) and 938.396(1)(b)1, Wis. Stats.).
  - c. Juvenile records involved in the confidential exchange of information between the police and officials of the school attended by the child or other law enforcement or social welfare agencies (§§48.396(1) and 938.396(1)(b)2, Wis. Stats.).
  - d. Juvenile records of children who are waived into adult court. Records available are limited to those associated with the case resulting in the child's waiver to adult court and are governed by §§48.396(1) and 938.396(1)(b)1, Wis. Stats.
  - e. Juvenile records relevant to the subject matter of a proceeding shall be open to inspection by a guardian ad litem or counsel for any party, upon demand, and upon presentation of releases where necessary, at least 48 hours before the proceeding. Persons entitled to inspect the records may obtain copies of the records with the permission of the custodian of the records or with the permission of the court (§§48.293(2) and 938.293(2), Wis. Stats.).
  - f. Copies of all reports by any police officer within the department, including but not limited to, such officer's memorandum and witness statements, shall be made available upon request to counsel or guardian ad litem prior to a plea hearing. The identity of a confidential informant may be withheld pursuant to §905.10 Wis. Stats. (§§48.293(1) and 938.293(1), Wis. Stats.).
  - g. A law enforcement report may be released to another person upon the written permission of the juvenile's parents or guardian (§§48.78 and 938.78, Wis. Stats.).
  - h. Juvenile records supplied to the victim-witness coordinator relating to the enforcement of rights under the constitution, Chapter 938, and §950.04 Wis. Stats., or the provision of services under §950.06 Wis. Stats. (§938.396(1)(c)6, Wis. Stats.).
  - i. Juvenile records will not be shared with the members of the county coordinated services team. However, School Resource Officers (SROs) or other officers, who are members of a county-coordinated services team and are working with a juvenile's family, may discuss relevant issues of that juvenile's history. Prior to discussions taking place, a waiver signed by the juvenile's parents authorizing the disclosure, as well as a signed confidentiality agreement from each team member, are needed.
  - j. Juvenile records requested by a fire investigator under §165.55(15), Wis. Stats., relating to a juvenile as necessary for the fire investigator to pursue his/her investigation under §165.55 Wis. Stats. (§938.396(1)(c)8, Wis. Stats.).

- C.) Chief or his/her designee will document release of any information on a juvenile in the juvenile's record file.
- D.) If any information on a juvenile was disclosed, the chief or his/her designee will ensure that the juvenile and his/her parents or guardian are informed of the release of information. Such notification will include the following:
  - a. Nature of information released.
  - b. To whom it was released (though not necessarily specific identities).
  - c. As appropriate, the statutory authority for the release of the information (that is, the release of information was specifically authorized by state law).
- E.) Chief or his/her designee will document in the juvenile's file that such notification, per C above, was made.

#### VI. REQUESTS FOR INFORMATION

- A.) Public requests for information held in department files shall be referred to the chief or his/her designee for processing. The chief or his/her designee will then review the legality and/or propriety of the request. If the request is denied, the requestor may ask for a written explanation of the denial in accordance with §19.35, Wis. Stat.
- B.) The chief of police or his/her designee will coordinate the release of information to the media.
- C.) All requests for records inspections will be handled at the department's earliest convenience, except for emergency matters and those relative to pending litigation.
- D.) Requests may be received in person, by fax, email, or by mail. Requests will not be accepted by phone.
- E.) The chief of police or his/her designee shall honor requests of any nature, whether complex or sensitive, or those dealing with department policies or procedures, only upon review. If such a review results in a delay in the delivery of the information, the requestor will be informed when the information will be available. Every effort shall be made to provide the requested information in a manner that does not preclude effective use by the person making the request.
- F.) Reasonable fees will be assessed for any copies of records as posted in the records area.
  - a. The cost for locating a record, not exceeding the actual, necessary, and direct cost of location, may be charged to the requester, if the cost is \$50.00 or more
  - b. Prepayment of copying fees may be required if the total amount exceeds \$5.00.
- G.) §905.10, Wis. Stat., grants the department the privilege to refuse to disclose the identity of a person who has furnished information to a law enforcement officer relating to, or assisting in, an investigation of a possible violation of law. Department members shall not divulge the identity of persons giving confidential information without authorization from the chief of police.
- H.) If a written request is denied, a copy of the request form will be routed to the requester with the written reasons for denial. The written denial shall inform the requester that the denial may be reviewed by writ of mandamus procedure

or upon application to the district attorney general Reasons for denial may include any of the following:

- a. The record does not exist or not in our custody.
- b. The record consists of investigative information obtained for law enforcement purposes that is required to be withheld from public access under federal law or regulations or as a condition to receipt of aids by the State of Wisconsin.
- c. The record relates to an exemption to the requirement of a governmental body to meet in open session, if there is a specific demonstration that there is a need to restrict public access at the time that the request is made to copy or inspect the record. Most commonly, the exemption would relate to personnel disciplinary matters under §19.85(1)(f), Wis. Stats., or pending or threatened litigation under §19.85(1)(g), Wis. Stats.
- d. The record is exempt from public discourse by Wisconsin juvenile statutes.
- e. The record would disclose the identity of a person who has furnished information to an employee relating to an investigation of a possible violation, or would divulge the identity of a person giving confidential information.
- f. Any other exception under state or federal statute, or limitation under the common (case) law.
- g. For a record not exempt from disclosure by statute or case law, upon the legal custodian determining, through use of the balancing test in Beckon v. Emery, 38 Wis. 2d 510 (7967), that the harm to the public interest in disclosing the record outweighs the public interest in the right to inspect.
- h. A denial of disclosure may not be made for an entire record if only a portion of the record is exempt. Records that contain both exempt and nonexempt material must be disclosed by deletion of the exempt material.

## VII. MEDIA RELATIONS

- A.) The chief or his/her designee will as needed perform the duties of an official liaison with the media. The responsibilities will be as follows:
  - a. Assisting media representatives in covering newsworthy activities of the department.
  - b. Preparing and disseminating department news releases.
  - c. Arranging for and assisting at news conferences.
  - d. Coordinating the release of information concerning confidential agency investigations and operations.
  - e. Assisting in crisis situations involving the department.
- B.) Any and all involved officers shall be responsible for the timely conveyance to the chief or his/her designee of information pertaining to newsworthy events involving the department.
- C.) Information will generally be released to the media via distribution of a formal news release or a personal interview.
  - a. For events of a significant nature, a formal news release will be drafted. A copy of the release will be posted to the department's webpage. A formal

- news release shall adhere to guidelines for information release contained in this policy.
- b. The chief or his/her designee may complete a formal news release. If completed by a different employee, a copy should be forwarded to the chief or his/her designee for use in answering follow-up questions.
  - c. In certain instances, media representatives may request to speak with department members who possess specific knowledge about a particular newsworthy topic.
    - 1.) The chief must approve such interviews.
    - 2.) Prior to granting an interview, the information that will be released must be reviewed and authorized by the chief or a senior staff member.
    - 3.) All details released in the interview must be forwarded to the chief.
    - 4.) Additionally, release of information during an interview should follow all other guidelines established in this policy.
  - d. In the case of a major event, the chief or his/her designee may contact the local media representatives to arrange a news conference.
  - e. As a general rule, employees are discouraged from releasing information over the telephone. However, recognizing the need to maintain a good working relationship with the media, the following guidelines shall be established for limited telephonic release of information:
    - 1.) Only the chief or his/her designee will release information over the telephone.
    - 2.) The person releasing the information shall ascertain the caller's name and news organization.
    - 3.) The designated person shall release only information that has been reviewed and authorized by the chief or a senior staff member for the incident in question.
    - 4.) The information shall be limited to that which would normally be included on an initial press release.
  - f. In the case of major fires, natural disasters, major crime scenes, etc., the department will make every effort to allow media access for photographs and videotape within the limitations of public safety and crime scene integrity.
    - 1.) During such situations, a single designated area will be established at which media representatives will be provided information. All inquiring media representatives will be directed to that location.
    - 2.) The chief or his/her designee will be called to the scene to handle matters related to the media as well as all media requests for information.
- D.) Investigative Information Subject to Release
- a. The chief or his/her designee can release the following information regarding an ongoing investigation:
    - 1.) Only the basic facts surrounding the crime or incident, using statutory elements as a guide.
    - 2.) Whether a person was arrested and, if so, their name and for what charge.
    - 3.) The time and place of arrest.

- 4.) The names of victims may be released unless such information will endanger their safety, hamper further investigation, is contrary to law, or the person is the victim of a sexual assault.
  - 5.) If the victim is deceased, the name can be released only after the next of kin have been notified.
- E.) Restrictions on the Release of Information
- a. The following information will not be released:
    - 1.) Observations about the arrested person's character, criminal, or arrest record or speculations of guilt.
    - 2.) Reference to culture, race, or ethnicity unless relevant to the crime.
    - 3.) Statements concerning the credibility of witness testimony.
    - 4.) Statements concerning evidence, regardless of whether such evidence may tend to implicate or exonerate a suspect.
    - 5.) Any comments regarding confessions or professed alibis or any other statement that may tend to implicate or exonerate a suspect.
    - 6.) Specific victim injuries known only to the victim and the police.
    - 7.) Any "Off the Record" remarks.
    - 8.) Any comment as to the use of specific police equipment, procedures, or investigative techniques, especially comments relative to the wearing of protective equipment or body armor by the officers.
    - 9.) The name of the victim of a sexual assault.
    - 10.) The names of parties who are merely suspects.
    - 11.) Copies of other agency reports.
  - b. Restrictions on disclosing records derived from the Department of Motor Vehicles (DMV) shall be adhered to in accordance to their policy entitled, Driver's Privacy Protection Act (DPPA).
- F.) Information Regarding Other Agencies
- a. Information involving the Township of Osceola Police Department may be released according to guidelines set forth in this policy, unless such release would adversely affect another agency in the performance of its duties.
  - b. Information requests that pertain to another agency should be directed to that agency.

#### VIII. RECORD FILING AND STORAGE

- A.) All records maintained by the Township of Osceola Police Department shall be properly filed and stored in designated areas. Juvenile records shall be kept separate from adult records and shall be designated as such. Redacted records, open record requests, request logs, and other papers relating to open record requests must be filed and maintained by the department.

06-22-16

Donald M. Cook  
Chief of Police

Date 04/10/2022