

**CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES**

DATE: May 13, 2020

HISTORY: October 30, 1999

SUBJECT: Open Records

POLICY NUMBER: 99-008

I. POLICY

According to public policy of the State of Wisconsin all people are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees of who represent them.

II. DEFINITIONS

Record - means any material on which written, drawn, printed, spoken, visual or electromagnetic, information that is recorded or preserved, whatever physical form or characteristics, which has been created or is being kept by an authority.

Record Includes - but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, computer printouts and optical disks. Records must have some relation to the functions of the agency.

Records DOES NOT Include - drafts, notes, preliminary computations and like materials prepared for the originators 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 and have no relation to his or her office.

III. ACCESS TO RECORDS

- A. Any requester has a right to inspect any record Monday through Friday 8:00 A.M. to 4:00 P.M., excluding holidays.
- B. The right to inspect or copy a record under this policy does not apply to any of the following:
 1. Any record containing personally identifiable information collected or maintained concerning a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding, court proceeding or any such record collected or maintained concerning such an action pending.
 2. Any record containing personally identifiable information that if disclosed would do any of the following:
 - a. Endanger an individual's life or safety.
 - b. Identify a confidential informant.
 3. Any person requesting has a right to inspect a record and to make or receive a copy of a record which appears in written form. If the requester appears personally to request a copy of a record, the requester has two options:
 - a. they can request a photo copy from the department or;
 - b. may make their own handwritten copy of the record.
 1. The requester making their own copy will do so with their own supplies (i.e., pen and paper).

- c. No record will be allowed to be removed from the front lobby of the police department.

IV. RELEASE OF VIDEO

- A. It is the policy of the Oconomowoc Police Department that all recordings generated on department owned equipment is the property of the Oconomowoc Police Department. Copying or reproduction of any tape segment generated by the Oconomowoc Police Department equipment or removal of any tape outside the Oconomowoc Police Department is prohibited without the written authorization of the Chief of Police. A fee is required before release.
- B. Recordings used as evidence shall be retained by the Oconomowoc Police Department and placed in the evidence storage area until adjudication. Display of evidentiary recording contents during this time shall be limited to Oconomowoc Police Department employees and those specifically designated by the prosecutor.
- C. Unusual or exceptional incidents related to law enforcement activities generate the interests of many. However, officers shall not afford individuals outside the Oconomowoc Police Department the opportunity to review a segment of any tape without prior authorization of the Chief of Police.
- D. Recorded original videos will not be released to another criminal justice agency for trial purposes, until the actual trial date.
 - 1. A copy of the video, marked as a copy, may be released to a criminal justice agency for any pre-trial or investigative purposes.
 - 2. All copies must be returned to this Department before release of the original.
- E. All requests for copies of recorded video and/or audio tapes from persons or agencies outside the Oconomowoc Police Department shall be directed in writing to the Chief of Police or his designee. Requests for copies of videos by attorneys shall be made through the District Attorney's office on defendant cases. Request for videos on civil cases against members of the Oconomowoc Police Department shall be made through the City Attorney's office. All requests will be in writing.
- F. Recorded videos provided to persons or agencies outside the Oconomowoc Police Department will be duplicated on new media provided by the requesting person or agency that meet departmental specifications.
- G. Only that portion of a video containing a specific contact in question shall be reproduced.
- H. A request for viewing a video may be conducted only during Oconomowoc Police Department regular business hours of Monday through Friday 8:00 A.M. to 4:00 P.M. Viewing of videos will only be done within the Oconomowoc Police Department and only after a written request has been made to the Chief of Police. The viewing will occur at a mutually agreed upon time.

V. NOTICE OF AVAILABILITY OF PUBLIC RECORDS

- A. The Police Department of the City of Oconomowoc is an Authority for purposes of record keeping as defined in Section 19.32(1), Wis. Stats. The Public Safety Director is the legal custodian for the Police Department and has the authority to designate others under his supervision as legal custodians.
- B. Records, as defined under Section 19.32(2), Wis. Stats., are retained at the Police Department and are available for inspection between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

- C. The Public Safety Director or a designated employee shall accept requests for information to access records. Records will be made available to any person requesting same at a cost as set forth below. Although oral requests for records may be made, the Department prefers requests to be made in writing. The Department will respond to any request within ten (10) business days. Other regulations and restrictions on obtaining information and copies are set forth in Sections 3.07(4) through (6) of the City Code, Wisconsin Statutes and case law. A copy of the above referenced City Code is available through the City Clerk's Office for review upon request.

VI. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict