



SUN PRAIRIE POLICE DEPARTMENT

POLICY AND PROCEDURE

A-27
Records System: Creation, Access &
Release
Administrative

POLICY NUMBER: A-27	DATE: March 15, 2015
SUBJECT: Records System: Creation, Access & Release	APPROVED BY: Sgt. Jason Lefebber
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RECORDS MANAGEMENT STATEMENT: Replaces: A-2011, A-5002, G291, G-292, G-295, & G-297	

[POLICY](#) | [OBJECTIVE](#) | [DEFINITION](#) | [PROCEDURE](#) | [ATTACHMENTS](#) | [HISTORY](#)

Policy

[BACK TO TOP](#)

The Sun Prairie Police Department recognizes the importance of a properly maintained records system, which encompasses records from the time they are created, how they are accessed and how they are disseminated. The department's records system will be computerized and have a process for incident numbering, with provisions for assigning a unique number to every case, which is to ensure that all cases have a number, no numbers are omitted, and no numbers are duplicated. Additionally, the records system will have an alphabetical master name index which includes the names of people identified during the regular course of business by the members of the department (incident reports, citations, etc.).

Furthermore, the department recognizes that providing citizens information about government operations is one of the most important fundamental rights in a democratic society. The department is committed to upholding the public's right to know about records which are maintained by the department, while at the same time realizing the exceptions which, under certain circumstances, limit dissemination.

Additionally, the department recognizes the balance of maintaining the confidentiality of juvenile records with the need to protect the public through the exchange of information about juveniles to other persons and agencies.

Objective

[BACK TO TOP](#)

To provide the framework for the department's records system as well as the guidelines for juvenile records and the release of records.

Definitions

[BACK TO TOP](#)

Adult:

A person who is 18 years of age or older, except that for the purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means a person who has attained 17 years of age.

Informant:

An individual who has requested confidentiality from a law enforcement agency, or pursuant to an express promise of confidentiality by a law enforcement agency, or under circumstances in which a promise of confidentiality would be reasonably implied, provides information to a law enforcement agency, per state statute 19.36(8).

Juvenile:

A person who is less than 18 years of age, except that for the purpose of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "juvenile" does not include a person who has attained 17 years of age.

Law Enforcement Records:

Official law enforcement officer's reports or statements and written documents from others providing information related to an incident/allegation that is contained in a person's file.

Open Records Team:

A group of department personnel who are granted with the authority to process and release open records requests. The team is comprised of the Support Services Lieutenant, Records Supervisor, the designated Redaction Team (one or more records staff members), and Video/Audio Processing (Dispatch supervisor & records staff member).

Records:

Defined under state statute 19.32 (2) as 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 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. "Record" does not include materials in which access is limited by copyright, patent or bequest; published materials in the possession of the authority other than public library which are available for sale, or which are available for inspection at a public library.

Procedure

[BACK TO TOP](#)

A. RECORDS SYSTEM GUIDELINES

1. Accessibility of Records

- All department personnel have 24-hour access to records through the Sun Prairie Police Department computer system (Global RMS).
- The computerized system uses authentication to provide the appropriate access rights to each individual user.
- Certain records are restricted, which includes but is not limited to juvenile data, reports deemed of a sensitive nature, and certain reports from other MPSIS Agencies (see Policy [A-04 Case Reports](#)).
- While most recent and all new records are created electronically, any paper records being kept will be stored within the secured storage areas for the Records Department.

2. Records Availability

- The Records Bureau will be available via staffed personnel for intra-department use from 8:00am through 4:30pm on normal business days.
- After hour needs will be communicated through the OIC who may contact the Records Supervisor after hours for special needs.
- The Records public window is secured during non-business hours. Physical access to records areas is restricted through coded access doors.

B. CASE NUMBERING SYSTEM

1. Incident Numbering System

- The computer aided dispatching system (CAD) is capable of generating a unique incident number for every case/incident.
- The format for the unique number is:
 - SP to signify *Sun Prairie Police*
 - The last two digits of the calendar year
 - An eight digit sequential number
 - Example: for the 525th incident of the 2013 calendar year is recorded as SP130000525.

2. Errors

- In the event of a computer shutdown, error, or other failure, Dispatch Personnel shall solely generate incident numbers for all cases/incidents.
- Any other types of problems will be remedied between the finder of the error and Dispatch Personnel.

C. ALPHABETICAL MASTER NAME INDEX (MNI)

1. Within the computerized records system, a master name index exists which includes the names of all persons noted in documented field reports.
2. The Master Name Index may be restricted for viewing by software parameters to persons not qualified to view designated records.
3. Each person listed in the Master Name Index is given a unique identification number (MNI Number) by the computer system.
4. Exceptions to listings in the master index file include those confidential informants whose identity is maintained by Investigative Services.

D. RELEASE OF RECORDS GUIDELINES

1. It will be the policy of the Sun Prairie Police Department to allow public access to records and to furnish records to the public under WI SS 19.35. There are however statutory exceptions to this, these exceptions are:
 - This department will not allow access to any record of an ongoing investigative matter. This exception comes from state statute 19.36(2), limitations on access of law enforcement records. It is our policy to carefully consider the potential detrimental effects that may result from an improper or untimely release of information that could put a person in jeopardy or compromise a case in court.
 - This department will not provide any record, if the release of which would do any of the following per state statute 19.35 (1)(am):
 - Endanger an individual's life or safety.
 - Identify a confidential informant.
 - Endanger the security of any state correctional institution.
 - It will be the policy of this department to release juvenile records within the guidelines of state statute and department policy. Members of this department should be familiar with department policy pertaining to juveniles, as well as state statute 938.396.
 - All health care records shall remain confidential. This exception is per state statute 146.82(1). This includes records obtained by this agency from any health care facility in the investigation of any case. It further includes information obtained by members of the department or the Emergency Medical Services from the completion of an EMS medical ambulance sheet.
 - All personnel records within the police department are the custody of the Office of the Chief of Police and any requests for access by employees or non-employees will be directed to the Office of the Chief of Police who will then process the request.
 - Records are processed and released by authority as granted within the Open Records Team.
 - Release of Records to other law enforcement agencies:
 - Police Records may only be released after approval of a supervisor.
 - The requesting Police Officer must provide adequate identification.
 - Release of Drivers and Vehicle Information:
 - Department personnel will comply with Drivers Privacy Protection Act 18U.S.C.2721 et. Seq. This federal law prohibits the disclosure of personal information obtained by state department of motor vehicles in connection with a motor vehicle record. It is however important to be familiar with a number of important exceptions to this prohibition.
 - The Act does not prohibit use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State or local agency in carrying out its functions. This means that the act does not prohibit the members of this agency to release personal information obtained from motor vehicle records if the request involves a legitimate police function i.e. parking complaints, landlord requests, etc. You must be able to articulate a department interest or need in releasing said information to an outside individual or agency. You must also be aware that you should only release the amount of information that is needed to satisfy this request (i.e. a landlord needs information to determine if a vehicle belongs to a tenant or not. In that instance you would not need to release address or driving record.)

- Providing notice to owners of towed or impounded vehicles.
- For use by any licensed private investigative agency or licensed security service.
- Release of Records from other Agencies
 - The department shares a records management system with other agencies, in which any user can view records from another agency. Department personnel are authorized to release Sun Prairie records only, but may verbally disclose that contacts from other agencies exist. In those situations, Department personnel shall direct any open records requests to those departments for proper release.

2. CUSTODY AND PRESS RELEASE:

- Custodian:
 - The Chief of Police is the official custodian of records at the Sun Prairie Police Department. The Chief of Police may designate another officer as co-custodian of the records. A request for records may be either in writing or verbal. It is important to know that the department has 10 days from the time of a written request to advise the requester of the acceptance or denial of their request. All denials for records will come from the Chief of Police or his/her designee.

3. PRESS RELEASE

- Press Releases:
 - See Policy [A-03 Media Relations and Information Releases](#)

E. JUVENILE RECORDS

1. General Policy on Juvenile Records

- The Global RMS system will indicate "JUVENILE" in the contacts section if the person is under age 18. This will alert personnel to the fact that the case involves a juvenile.
- Officer's reports and other law enforcement records of juveniles shall be kept separate from records of adults and shall not be open to inspection or content disclosure unless approved in this policy or by order of the Juvenile Court.
- Retention periods for juvenile records will follow State and Federal guidelines.
- Wisconsin Statutes 938.396 and 48.396 provide access to, and release of, certain information contained in juvenile records to various parties.

2. Exceptions Regarding Juvenile Records

- Representatives of the news media may review law enforcement juvenile records for the purpose of reporting the news. It is the news media's responsibility not to reveal the identity of the juvenile unless otherwise permitted by statute.
- A victim of a juvenile's act may receive the name and address of the juvenile and the juvenile's parent(s) for the limited purpose of recovering losses from injury, or damage to property caused by the juvenile.
 - This request will be directed to the Chief of Police or his/her designee. Exceptions to disclosure to the victim are as follows:
 - The investigation related to the incident is still to be completed.
 - A referral has been sent to the District Attorney for a charging decision but that decision is still pending.
 - Disclosure of the information would constitute an imminent danger to someone.
- The victim's insurance company may receive the name and address of the juvenile and the juvenile's parent(s) and other information related to the loss, damage or injury suffered by the victim for the sole purpose of investigating a claim involving the juvenile only if the juvenile has been ordered to make restitution and has failed to do so within one year after entry of the court order.
- Law enforcement agencies may receive departmental juvenile records on request.

- The release and exchange of juvenile information with school district administration is allowable within the requirements and restrictions outlined in Wisconsin Statutes 938.396(1).
- Human services may obtain juvenile records for their investigations or for ongoing supervision of the juvenile and their families.
- A parent, guardian, or legal custodian of a juvenile who is the subject of an officer's report may receive a copy of the report if:
 - The investigation related to the juvenile has been completed and/or the release of information in the record will not compromise further investigations.
 - Names or other identifying information of witnesses, complainants, victims are to be deleted.
 - Records will generally not be released if the case is still active with the District Attorney.
 - Records for open cases involving the Municipal Court may be released within the guidelines of open records law.
 - Records will not be released if the release would cause the imminent danger to someone. Requests for juvenile records will be directed to the Chief of Police or his/her designee. Parent, guardian or legal custodian will submit proof of claimed status to the department. This department will not release reports or records contrary to statutory provisions which prohibit doing so, i.e. child neglect/abuse investigations.
- A victim-witness coordinator may receive information relating to the enforcement of rights under the constitution, chapter 938, Wisconsin Statutes, and section 950.04, Wisconsin Statutes, or the provision of services under section 950.05, Wisconsin Statutes, upon request.
 - It is the responsibility of the victim-witness coordinator to ensure that he/she uses the information only for the purposes of enforcing those rights and providing those services set forth in chapter 950, and that the information is made available to victims or witnesses only as necessary to ensure that the victims and witnesses receive the rights and services to which they are entitled.
- Any person who presents written permission of the parent, guardian, or legal custodian of a juvenile who is the subject of a law enforcement officer's report, or who presents the written permission of the juvenile, if he/she is 14 years of age or over, may receive copies of any reports specifically identified by the parent, guardian, legal custodian, or juvenile in the written permission (subject to other policy provisions i.e., if releasing information will compromise an on-going investigation, etc. as already set forth in exceptions of the Juvenile Records policy.)

3. Appeal of Denial

- In the event the request for information is denied, the person making the request may request the Juvenile Court review the request and determine whether or not to order the department to provide access to the information requested.
- Requests for this review should be directed to the Dane County Juvenile Court Commissioner. At a minimum, the request shall contain the following information:
 - A description of the type of information sought.
 - The reason the information is being sought.
 - The basis for the petitioner's belief that the information is contained in the requested records.
 - The relevance of the information sought to the reason for seeking the information.
 - The petitioner's efforts to obtain the information from other sources.

Attachments
None

[BACK TO TOP](#)

VI. HISTORY:

[BACK TO TOP](#)

Date Published	Statement
March 15, 2015	Replaces: A-2011, A-5002, G291, G-292, G-295, & G-297
March 4, 2015	Replaces: A-2011, A-5002, G291, G-292, G-295, & G-297

