

GENERAL ORDER

PORT WASHINGTON POLICE DEPARTMENT

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| SUBJECT: RECORDS AND PUBLIC INFORMATION | | NUMBER: 10.1.1 | |
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INDEX AS: Incident Reporting
Media Relations
Mobile Data Computer System
News Releases
Records
Records Repository
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TIME System

PURPOSE: The purpose of this Order is to establish procedures to ensure that the records of the Port Washington Police Department are gathered and maintained in a lawful manner. This Order will also establish guidelines for the release of information to the general public and news media under the Wisconsin Open Records Law.

This Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. RECORDS REPOSITORY
- IV. INCIDENT REPORTING
- V. MASTER NAME FILE
- VI. TRAFFIC CITATIONS
- VII. RELEASE OF INFORMATION
- VIII. MEDIA RELATIONS

I. POLICY

- A. It is the policy of the Port Washington Police Department that the Records Custodian has responsibility for ensuring the integrity and security of the records system. This responsibility includes processing records, maintaining a secure repository, maintaining a records retention schedule, providing records access to department personnel, and handling requests for release of information contained in department records.

- B. It is the policy of the Port Washington Police Department that official records be generated and maintained to document all police activity, whether initiated by a citizen or a department member.
- C. The Port Washington Police Department recognizes that its activities are matters of continuing interest and concern to the community. Acknowledging this fact, it is the policy of the Port Washington Police Department to provide the news media and other interested citizens with timely and accurate information regarding department activities while adhering to prescribed guidelines for information release.

II. DEFINITIONS

- A. "Record" means any incident report, supplemental report, traffic crash report, drivers record, wanted record, criminal history record, traffic citation, vehicle registration inquiry, teletype message or probation/parole record. The term "record" includes the hard copy of documents and any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved regardless of physical form or characteristics. Pursuant to § 19.32(2), Stats., "record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes) computer printouts, computer files (whether accessed by fixed or mobile computer terminals) and optical disks. However, "record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority which are available for sale, or which are available for inspection at a public library. **Questions as to what constitutes a records and which records are subject to release under the Wisconsin Open Records Law should be directed to the City Attorney prior to disclosure of a record.**

III. RECORDS REPOSITORY

- A. The City of Port Washington has named the Chief of Police as the legal records custodian for the police department on its notice of Public Records Accessibility. (See attachment.) Authorization for inspection or release of department records shall come from the Chief of Police or the Chief's designee.
- B. Records are available for request or inspection by the general public or news media during normal business hours.
- C. Police department personnel shall have access to records 24 hours per day, 7 days per week.
- D. Employees shall treat as confidential the information which they gain through their employment, safeguarding the information as privileged. Employees shall disseminate information within the guidelines contained in this Order and the Wisconsin Statutes.

- E. Records Clerks shall be responsible for the processing, updating, and storage of all original records and arrest reports with the exception of photographs and fingerprint cards. The department does not maintain photographs or fingerprints. These records are maintained by Ozaukee County Jail. Computerized records can be accessed from any department terminal, however, access is allowed only by those personnel who have been granted security to enter the system.
- F. Generally, only Administrative, Supervisory, Investigative, and Records personnel shall be allowed in the records area.
- G. Official records will not be removed from the department by any member of the organization, unless directed by court order or with the express permission of the Chief of Police.
- H. If a record is temporarily removed from a file, the record shall be returned to the file or to a records clerk for re-filing.
- I. With the exception of citations, all reports are filed in the appropriate file in the Records area by their respective incident/offense number. These files are kept in a lockable cabinet in the Records Bureau. Citations shall be filed alphabetically with related paperwork until adjudicated.
 - 1. Accident reports are kept in a file for the current year. These reports are filed by Accident Number.
- J. All dispositions of cases shall be entered into the department's Records Management System.

IV. INCIDENT REPORTING

- A. All calls for service handled by the department, whether in response to a request from a citizen or resulting from self-initiated actions, will be documented on the Daily Log and/or in the Records Management System (Records & Incident Reporting). These calls include, but are not limited to:
 - 1. A citizen reporting a crime.
 - 2. A citizen reporting an incident other than a crime.
 - 3. Criminal and non-criminal cases initiated by law enforcement employees.
 - 4. Any incident involving an arrest, citation, or summons.
 - 5. Any incident resulting in an employee being dispatched or assigned.
- B. If two or more persons report the same activity, it should be documented only once.
- C. All incident reports shall be assigned a unique sequential number.

- D. Whenever an officer creates an incident report, in addition to listing him/herself and their role on the report cover sheet, the officer shall also list the supervising shift Lieutenant at the time the report was received.
 - 1. If the shift supervisor is an OIC acting in the absence of the normally assigned shift Lieutenant, the reporting officer shall list on the incident report cover page, the Lieutenant who would normally have been scheduled to work the shift that day.
- E. All reports shall be completed using the appropriate Port Washington Police Department report writing form. These include, but are not limited to:
 - 1. Incident/Offense Report Face Sheet.
 - 2. Incident Report Narrative
 - 3. Supplemental Narrative Report.
 - 4. State Traffic Crash Form, MV4000.
 - 5. Wisconsin Municipal Court Citations.
 - 6. Wisconsin Uniform Traffic Citations.
 - 7. Parking Tickets.
- F. Officers shall telephonically dictate reports to be transcribed by a Records Clerk into the department's Records Management System.
- G. Offense and traffic crash reports, including report dictation, shall be completed prior to the end of an officer's shift, if any of the following circumstances apply:
 - 1. All death investigations.
 - 2. All investigations that result in the incarceration of a suspect held for charging.
 - 3. All major crimes, serious incidents, and serious motor vehicle crashes.
 - 4. Any report that the officer is unable to complete on the next consecutive calendar day (prior to days off or vacation).
- H. In the event of an arrest, every effort should be made by the arresting officer to issue and deliver the citation(s) at the time of the violation/offense or immediately upon completion of a thorough investigation of the incident in question. Citations are to be hand-delivered to the defendant by the arresting officer whenever possible. Citations are to be mailed to the defendant only as a last resort. Should it become necessary to mail a citation, the arresting officer must dictate a supplement to the incident/arrest report documenting the reason(s) why same was mailed and not hand-delivered to the defendant.

- I. Reports shall be reviewed on a regular basis by each shift supervisor to ensure accuracy and completeness. If changes, corrections or additional investigative follow-up are required, the shift supervisor shall refer the report back to the appropriate officer for the necessary corrections and/or investigative follow-up.
- J. Reports will be detailed and restricted to substance. The officer's report shall be directed to answer the following: Who, What, Why, Where, When, and How of the matter reported and investigated.

V. MASTER NAME FILE

- A. The department maintains an alphabetical Master Name Index (MNI) file within the department's Records Management System. This index checks all files with the exception of intelligence files for the name of the person or business specified.
- B. All contacts with persons or businesses that are documented through the use of incident/offense reports, traffic crash reports, or citations will be entered into the MNI file. Such entries include, but are not limited to: arrested, victim, complainant, suspect, witness, etc.
- C. The MNI file contains:
 - 1. Basic information including: name, current address, and telephone number for all entries. Information for individuals includes: date of birth, social security number, driver's license number and physical descriptions.
 - 2. The history of all documented department contacts with each entity in the system.
 - 3. The criminal history file for each person arrested by the police department.
 - a) The department maintains separate juvenile and adult criminal history files in the department's Records Management System. A unique processing number is assigned to each person arrested and processed by the police department. The MNI number is assigned by the records management software.
- D. The department maintains an index of stolen, found, recovered and evidentiary property in the department's Records Management System.

VI. TRAFFIC CITATIONS

- A. All traffic citation forms are kept in a secure, designated cabinet in the Records Office. Citations are issued in books of 25 citations and recorded in a log book. An inventory shall be kept of all citation books. Citation books shall be recorded and accounted for as they are removed from inventory and issued to officers. (REFER TO WILEAG 10.1.8)
- B. Citations which are issued but are subsequently lost, stolen, or voided shall be reported to the shift supervisor. Voided citations are to be given to the Administrative Secretary.

- C. All completed citations shall be given by an officer to the Records Clerk for entry into the Records Management System and forwarded to the Administrative Secretary for filing.
- D. Citations and related paperwork are filed alphabetically by the subject's name. After adjudication, citations are filed numerically by the Court Clerk, in the rolling file cabinets.

VII. RELEASE OF INFORMATION

A. General Guidelines

- 1. Reports that contain inaccessible material shall have the inaccessible material redacted (i.e., stricken and rendered unreadable) from the record prior to release.
- 2. Upon supervisor approval, law enforcement agencies may receive or inspect unedited copies of cases that are either closed or open. However, such inspection shall only be for legitimate law enforcement purposes.
- 3. A requester of a copy of a record shall be charged a fee for each photocopied page or photograph released. Such fees shall be limited to the actual, necessary and direct cost of reproduction and transcription of a record. (§ 19.35(3), Stats.) Costs associated with locating records may be charged if the costs exceed \$50. (§19.35(3)(c), Stats.).
- 4. Requests for records shall be responded to as soon as practical and without delay, usually within ten (10) days of receipt of a request. If a request for a record is made in writing and the request is denied in whole or in part, then the denial for release shall also be in writing, shall contain a statement of the reasons for denying the written request, and shall inform the requester that if the request was made in writing, the determination is subject to review by mandamus under § 19.32,(1), Stats. or upon application to the attorney general or a district attorney.

B. Open Cases

- 1. News media may inspect or receive copies of arrest cards and face sheets of open cases. Juvenile information is not required to be stricken from those records. Except upon approval of the City Attorney or a court order, media may not inspect or receive copies of narrative portions of open investigative cases, whether adult or juvenile.
- 2. The general public will not have the right to inspect or receive copies of reports (including face sheets), that are listed as open investigations, whether adult or juvenile.

C. Closed Cases

- 1. Except as provided in subpar. C.3., below, news media may inspect or receive copies of face sheets and narrative portions of cases involving ordinance violations. The media may have access to the face sheets and base report narratives involving criminal prosecution, but will not have access to the remaining criminal file until prosecution of the case is completed.

2. Except as provided in subpar. C.3., below, the general public may inspect or receive copies of face sheets and narratives of cases involving ordinance violations. The general public will not have access to cases involving criminal charges until prosecution of the case is completed.
3. Caution: Under state and federal laws, certain information contained in closed case files may not be disclosed or may need to be separated or redacted prior to release or disclosure of the records. Examples include, but are not limited to: personally identifiable information (e.g., names, address, zip code, telephone number or email address), health care information, inmate medical information, vehicle identification number, social security number), criminal history, juvenile records (including child victims and witnesses), identity of a confidential informant, coroner's blood test, records regarding abused and neglected children, elder abuse and neglect, mental health records, emergency detention, incompetency findings and protective placement information, EMT and ambulance records, drug and alcohol treatment records, tax and financial records, pupil records, welfare/AFDC/Medicaid/Medicare records. **Questions as to which records are subject to release under these laws should be directed to the City Attorney prior to disclosure of a record.**

D. Exceptions to release.

1. The following reports will not be released to the news media or general public without first having received approval of the City Attorney or a court directing its release, with the identity of the person who initially reported the information redacted from the record:
 - a) Aggravated Assault to Child by Caregiver.
 - b) Assault to Child by Caregiver.
 - c) Child Neglect.
 - d) Emergency Detention.
 - e) Intoxicated Person.
 - f) Sexual Assault of a Child.
 - g) Runaway.
 - h) Juvenile capias.
 - i) Elder Abuse and Neglect.

E. Juvenile Records

1. A juvenile record may be released to certain persons, including, but not limited to:

- a) News media representatives who wish to obtain information for the purpose of reporting news without revealing the identity of the juvenile involved.
 - b) School officials of the public or private school which the juvenile attended.
 - c) Other law enforcement agencies for the purpose of investigation.
 - d) Social welfare agencies under contract from a county.
 - e) Victim-Witness coordinator.
 - f) Fire investigators under § 165.55(15), Stats.
2. Upon approval of the City Attorney, a juvenile record may be released to the following:
- a) The victim's insurer for the purpose of seeking restitution, if the juvenile has failed to make restitution within 1 year of a court order requiring the same.
 - b) The juvenile's attorney or guardian ad litem.
 - c) The juvenile (if he/she is 14 years of age or over) or to the juvenile's parent, guardian or legal custodian.
 - d) Persons named in a written permission given by a juvenile (if he/she is 14 years of age or over), or by the juvenile's parent, guardian or legal custodian, but only as to those reports specifically identified in the written permission.
 - e) A victim of a juvenile's act, but disclosure is limited to any information relating to the injury, loss or damaged suffered by the victim seeking restitution.
 - f) Juveniles waived into adult court.
3. The department does not collect, store, or retain juvenile photos or fingerprints. They are maintained at Ozaukee County Jail.

F. Vehicle/Traffic Crash Reports

1. Accident reports including supplemental reports are considered open records and are subject to inspection or release to the news media and general public.

G. Teletype records

1. The Port Washington Police Department is prohibited from releasing records received via the TIME system that originate from DOT, CIB, NCIC or NLETS.

H. Reports of child neglect or abuse

1. Persons who may have access to cases that involve reports of child neglect or abuse (and then only after the identity of the mandated reporter or the person who initially reported the information has been redacted from the record) include, but are not limited to, the following:

- a) The subject of the report.
- b) The arrestee or suspect.
- c) The reporting person, if that person is a relative other than the child's parent, except that the only information that may be disclosed is information in the record regarding what action, if any, was taken to protect the child or unborn child who is the subject of the report.
- d) Appropriate staff of a child welfare agency under contract with the county.
- e) A person authorized to provide intake or dispositional services for the court.
- f) An attending physician for purposes of diagnosis and treatment.
- g) The child's parent, guardian, legal custodian, foster parent or treatment foster parent or the expectant mother of an unborn child.
- h) A law enforcement officer or law enforcement agency or a district attorney for purposes of investigation or prosecution.

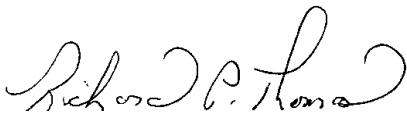
VIII. MEDIA RELATIONS

- A. The Chief of Police or the Chief's designee shall act as the public information officer (PIO). The PIO is the department's official liaison with the news media. The responsibilities of the PIO are:
 - 1. Assisting media representatives in covering newsworthy activities of the department.
 - 2. Being available for on-call responses to the media.
 - 3. Preparing and disseminating department news releases.
 - 4. Arranging for and assisting at news conferences.
 - 5. Assisting in crisis situations within the department.
 - 6. Coordinating and/or facilitating authorization for release of information about victims, witnesses, and suspects.
 - 7. Coordinating and/or facilitating authorization for release of information concerning confidential agency investigations and operations.
 - 8. Developing and/or facilitating authorization for release of information when other public service agencies are involved in a mutual effort.
- B. In the PIO's absence, the PIO's duties shall be carried out by the person designated by the Chief of Police or the Chief's designee.

- C. The Port Washington Police Department recognizes valid news personnel, and shall provide such persons with information as appropriate and permitted by law.
- D. A formal news release may be drafted and issued for events of a significant nature. The news release shall adhere to guidelines for information release contained in this Order.
 - 1. A copy of the release shall be sent to media representatives, and shall be made available to all news media at the same time.
 - 2. The Chief of Police or the Chief's designee may authorize any department member to develop and release a news release.
 - a) The person releasing the news release must ensure that a copy is directed to the PIO, informing the PIO that it has been released.
 - 3. The news release may be prepared at any time; however, whenever practicable it should be released as soon as possible after the initial incident takes place.
- E. Personal interviews by news media of department employees other than the PIO must be approved by the PIO or by the employee's supervisor. Release of information during an interview shall follow the guidelines established in this Order.
- F. The PIO may contact news media representatives to arrange a news conference in the case of a major event.
- G. News media may be allowed access at the scene of major fires, natural disasters, or other catastrophic events, provided, however, that crime scene integrity, public safety, and constitutional and civil rights shall be preserved at all time. The incident commander shall make all decisions regarding media access and mobility at such scene.
 - 1. Media requests for information regarding major incidents shall be directed to the PIO. In the PIO's absence, the incident commander shall assign the person responsible for handling matters related to the news media and media requests.

APPROVED:

DATE:



3/26/10

Chief Richard P. Thomas

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Revised 3/26/10