



Madison Police Department

Shon F. Barnes, Chief of Police

City-County Building

211 S. Carroll St.

Madison, WI 53703

Phone: (608) 266-4022 | Fax: (608) 266-4855

madisonpolice.com

October 9, 2023

Bill Lueders

This letter and the attached are reply to your 4th and 5th public records requests made on April 10th 2023. Request #4 is for seven Professionals Standards and Internal Affairs (PSIA) investigations you identified by case number. For these cases we agreed to letterhead documents. Request #5 is for all PSIA investigations that closed in the first quarter of 2023 regardless of outcome, “including those that did not lead to discipline.” For this request, we agreed to documents showing complaint and disposition.

Before addressing your specific requests, I will note that we have spent the summer attempting to clear our personnel records request backlog starting in June, including adding two full overtime days for the public records staff to redact the approximately 6483 pages and 20 hours of media that were in line in front of your request for personnel records made in April. To give you a sense of our public records volume, one request for a full personnel file was accompanied by a request for all records related to a 2016 toddler homicide. The homicide itself involved reviewing an additional 1816 pages and an estimated 50 hours of media (including over 150 jail calls, multiple interview videos, surveillance footage, hundreds of photos, and squad video) associated with that request.

We anticipate being caught up very soon with our request backlog. When you first made your request, I noted I had just hired two additional program assistants to help with processing requests and with redaction, including one position created in the Mayor’s budget that received Common Council approval for hire on April 3, 2023. As I shared at the time of these requests, I believed we would be able to clear the personnel records backlog once our new employees had the training needed to process public records requests. That catchup has nearly happened, as anticipated. We have worked hard to clear the backlog of personnel records requests even when we are still replying to simple public records requests for case reports and video in 6-8 weeks and requests for police contacts, calls for service and call notes in 2 weeks or less. Between your first requests on April 4th and September 5th of this year MPD Records Services received 13,864 public records requests for police records, just in between the time of your first request until the lawsuit.

From the records you will receive, I have redacted the name of officers for PSIA investigations where the result of the investigation was not sustained, exonerated or no finding. I have provided several investigative memos for these investigations to fulfill the public’s right to know that these complaints were thoroughly investigated by MPD. I have left the case numbers if you would like to challenge any redactions by investigation number. I am releasing the names of officers in all of the sustained violations, not just those that imposed discipline on officers. I have included in this reply an investigation in which there was no finding because it resulted in the

resignation of an employee, therefore I have determined the public interest extended further than knowing an investigation happened.

From the records you will receive, I have redacted the names of other MPD employees both commissioned and civilian, and those that could identify them by association. I have also redacted the names of complainants and all other community members from these reports. I have redacted the MPPOA representatives listed in these records. I have redacted MUNIS numbers for all records as MUNIS numbers are not badge numbers and they are a key piece of information for City confidential employee records kept in the City employment system. Additionally, I have redacted exact shift assignments as a life and safety redaction. I have redacted medical information included in the records. I have redacted a driver's license number included in the records. I have redacted juvenile law enforcement records included in these records. Finally, I have redacted personally identifiable information like street address, date of birth and phone number. All of these redactions, including the redaction of officer names in some not sustained investigations, are explained further below. Please reach out if you have questions directly to jlaundrie@cityofmadison.com

Under the Wisconsin Public Records Laws, records custodians must carefully weigh the competing public interests involved when deciding to release any record in their possession. Custodians begin with a presumption of complete public access to such records. However, custodians must consider whether inspection of the record could result in harm to the public interest that would outweigh the benefits of such inspection. When such harm substantially outweighs the benefits of public inspection, such records or portions thereof, must remain confidential.

All complaints of wrong doing are treated as serious and investigated by personnel in the MPD trained to investigate complaints. Sometimes these allegations are found to be not supported by fact, sometimes they are abandoned by the complainant, and sometimes they are found to be false. Where an allegation is made and an investigation yields a decision that the complaint is not supported with evidence to pursue discipline action, I have determined it is in the best interest of the public that these records re withheld. *Wisconsin Newspaper, Inc. v. School District of Sheboygan Falls*, 199 Wis. 2d 768, 788-79, 546 N.W.2d 143 (1996) ("the public has a particularly strong interest in being informed about public officials who have been 'derelict in [their] duty.' But there is a public policy interest in not unduly damaging reputations.)

The nature of policing means our officers have contact with citizens on often the worst days of their life; there will be unhappy customers. A citizen may be unhappy with their police encounter but that does not mean an officer violated SOP. Disclosure of these records could result in fewer qualified applicants if every mistake an imperfect person made at work saw the light of day. See *Linzmeier v. Forcey*, 2002 WI 84, ¶131, 254 Wis. 2d 306, 327-328, 646 N.W.2d 811, 820 (2002) quoting *Village of Butler v. Cohen*, 163 Wis. 2d 8190, 831, 472 N.W.2d 5790 (Ct. App. 1991). Similarly, officers may be reluctant to testify in court if cross examination included a history of their personnel mistakes. Id. I have redacted information in these records because the content would reveal highly personal and private information concerning a sensitive investigation, the disclosure of which would likely have a substantial adverse effect on important public interests without any counterbalancing benefit for the public. Release of this information would deter persons from reporting allegations and cooperating in investigations and prosecutions.

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I have redacted information in this report due to the fact that it contains confidential juvenile material. Wis. Stats. 48.396 and 938.396 relating to peace officers records of juveniles prohibit the release of such records except in certain circumstances.

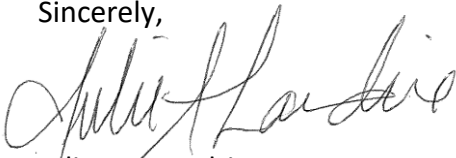
I have redacted information from this report under Wis. Stats. 19.35(1)(am)2.a. which states that the right to inspect does not extend to records where release could endanger the life or safety of an individual.

I have redacted portions of these records that relate to a medical diagnosis and drug information. Multiple state and federal statutes protect the sensitive nature of medical information by declaring such records confidential. These statutes require the Madison Fire Department to keep such protected health information confidential. I interpret the Madison Police Department to have a likewise obligation. Therefore, I have redacted the details/description relating to any medical conditions and treatment.

I have redacted personally identifiable information composed of birth dates, home addresses and private telephone numbers relating to cooperating contacts. Release of this information would facilitate identity theft crime and thus would be contrary to the well-established public interests in crime prevention and reduction (19.36(13) Wis. Stats.). Additionally, releasing this information would be contrary to the public interests in crime detection and crime fighting in that witnesses may be reluctant to report what they know to the police if they have the fear that this personal and sensitive information is subject to release upon a public records request.

I have reached the above conclusions after weighing the reasons for nondisclosure against the public interest in disclosure and taking into consideration laws which either require or prohibit the release of certain records or information. For the reason(s) set forth above, I have concluded that the public interest in nondisclosure of the redacted information outweighs the public interest in disclosure. Pursuant to Sec. 19.35(4)(b) Wis. Stats., I advise you that this determination not to disclose the information described above is subject to review by Mandamus under Sec. 19.37(1) Wis. Stats., or upon application to the Wisconsin Attorney General or the Dane County District Attorney. I have consulted with the City Attorney regarding the denial of access for a portion of this record per 3.70(6) MGO.

Sincerely,



Julie A. Laundrie

Madison Police Department Records Custodian