



## Madison Police Department

Shon F. Barnes, Chief of Police

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May 29, 2024

Bill Lueders,

This letter and the attached are reply to your public records request dated 4.5.2024 for Madison Police Department Internal Investigations 22PSIA-0162, 23PSIA-0064, 23PSIA-0115, 24PSIA-0019 and 23PSIA-0176/0158. For records you are receiving, I have redacted other officer identities including union representatives, excluding supervisors, and members of the public listed in the records including suspects in criminal investigations. I have redacted any medical information, including information related to mental health concerns. I have also redacted information that would impact the life and safety of victims and/or witnesses, as well as sensitive case details. I have redacted MUNIS numbers. MUNIS numbers are employment related numbers that together with additional information allow access to employment files that contain personally identifiable information. Finally, I have redacted personally identifiable information like street address, date of birth and phone number and medical information. Please reach out if you have any questions about this reply to [smunson@cityofmadison.com](mailto:smunson@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 wrongdoing 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 be withheld. *Wisconsin Newspress, 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, ¶31, 254 Wis. 2d 306, 327-328, 646 N.W.2d 811, 820 (2002) quoting *Vill. of Butler v. Cohen*, 163

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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.

Under WIS. STATS. §103.13 you are entitled to view records used in determining your qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical records subject to the statutory exemptions provided by law. In this case the names of other officers, unless supervisors, have been withheld under 103.13 (6)(e). I have given that same courtesy to members of the public listed in these records.

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 as well as MUNIS#'s. A MUNIS# is not a badge number and this number along with only one other piece of information opens employee information like home address, medical status, social security # etc. 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 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.

As noted above, victims have special rights under the Wisconsin Constitution and under Wis. Stats. § 950.04, including the right to privacy. Release of these records without redaction may serve some virulent interests but would only do so at the cost of the important public interests set forth above.

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.

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Sincerely,

Simone Munson  
Records Manager and Interim Records Custodian