



SOUTH MILWAUKEE POLICE

GENERAL ORDER 20-21

INDEX AS: Public Information
Open Records Law

REPLACES: G.O. 17-26
EFFECTIVE: 03-24-17

WILEAG: 8.1.1, 8.1.2, 6.2.13, 10.1.1, 10.1.6

PURPOSE: The purpose of this General Order is to establish guidelines for the release of information by the South Milwaukee Police Department, in compliance with the Open Records Law of the State of Wisconsin.

POLICY: Members of the South Milwaukee Police Department shall generally treat the official business of the Department as confidential information and shall disseminate information with established procedures and Wisconsin State Statutes.

However, the South Milwaukee Police Department also recognizes that its undertakings are matters of continuing interest and concern to the community. Acknowledging this fact, it shall be the policy of the 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.

This order consists of the following numbered sections:

I. DEFINITIONS

II. PROCEDURES

III. EFFECTIVE DATE

I. DEFINITIONS

A. Department Records: 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 the Department. "Record" includes but is not limited to, handwritten, typed, electronic or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes) and computer printouts. "Record" **DOES NOT** include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working. See Wisconsin State Statute 19.32(2) for a more detailed description of "Record".

- B. Department Juvenile Record: Records of juveniles shall be kept separate from records of persons 18 or older and shall not be open to inspection or their contents disclosed except under Wisconsin State Statute 48.396(5) or by order of the court assigned to exercise jurisdiction under this chapter. This subsection shall not apply to the confidential exchange of information between the police and officials of the school attended by the juvenile or other law enforcement or social welfare agencies or to juveniles 14 or older who are transferred to the criminal courts (in some instances juveniles 10 or older) or victim/witness coordinators, victim's insurance companies, juvenile's attorneys or guardian-ad-litem, victims of crimes, or the parent, guardian, legal custodian or juvenile (or an individual so named in writing).
- C. Confidential Investigations: Investigations involving organized crime, undercover operations, and Internal Affairs cases.
- D. Incident Reports: The Department's daily incident reports. Incident reports will be stored electronically in the department Record Management System (RMS). For purposes of this General Order, the supervisor's approval is defined as:
 - 1. Verifying that the information on the above form appears correct.
 - 2. The release of the information will not adversely affect an on-going or pending investigation.
- E. Information: Information differs from records in that information about an incident or event may be passed on to the media prior to the reports being completed and actual real records about the incident or event are completed.

F. News Media: Person(s) representing local, national, independent or international news organizations; either reporters or photographers (still or video) whose product is used to disseminate newsworthy events.

G. News Releases: Informational releases designed to:

1. Inform/update the community of criminal or internal investigations.
2. Inform/educate the community of department services/activity.
3. Promote the department's image in the community.

H. Public Information Officer (PIO): The Chief of Police or his/her designee will act as the Public Information Officer. Their primary duty is to report on newsworthy incidents and situations, subject to the restrictions of the Wisconsin State Statutes: Chapters 19 and 48.

I. Records Custodian: The person who has been appointed as having the authority for control and dissemination of the department's records.

J. Records Inspection: Release of records shall be in accordance with Wisconsin State Statutes.

K. Requester: Means any person who requests inspection or copies of a record.

II. PROCEDURES

A. Records Inspection

1. Authorization for inspection of department records shall come from the Chief of Police, or their designee. In the absence of these individuals, the ranking on-duty supervisor shall have authority to authorize inspection of department records.
2. The records open to inspection are those identified under Wisconsin's Open Records Law, Wisconsin State Statute 19.35. Copies of records may be

obtained by citizens making a request following guidelines established in Wisconsin State Statute 19.35.

3. Records will be available for inspection and copying during business hours 0700 hours to 1800 hours Monday through Friday (except holidays). Police Department personnel will have access to records 24 hours per day, 7 days per week.
4. A requester shall be permitted to use facilities comparable to those available to city employees to inspect, copy, or abstract a record.

B. Juvenile Records

Apart from certain statutory exceptions, juvenile records (those pertaining to persons under the age of 18 years) shall not be subject to inspection. The following are some of the more common statutory exceptions permitting inspection of juvenile records.

1. Juvenile records containing information sought by the representatives of newspapers or other reporters of news who wish to obtain it for the purpose of reporting news without revealing identifying information about the juvenile involved.
2. Juvenile records involved in confidential exchange of information between the police and the School District Administrator of a public School District or the Administrator of a private school of the school attended by the juvenile or other law enforcement or social welfare agencies. The information should not be released to the School District Administrator of a public school or the Administrator of a private school when there is reason to believe that the information sought will not, or could not, practically be kept confidential as required by law.
3. Juvenile records of a juvenile who is waived into adult court: records available are limited to those associated with the case resulting in the juvenile's waiver to adult court and are governed by Wisconsin State Statute 48.396.

4. Juvenile records relevant to the subject matter of a proceeding under Wisconsin State Statute; Chapter 48, shall be open to inspection by a guardian-ad-litem or counsel for any juvenile, upon demand, and upon presentation of an authorized release.
5. Juvenile records may be released to: victim/witness coordinators, victim's insurance companies (after 1 year and ordered restitution was not made), victims, or the parent, guardian, legal custodian of the juvenile (or individual so named in writing).
6. Copies of all reports by any police officer within the department including, but not limited to, such officer's memorandum and witnesses statements that constitute juvenile records shall be subject to record inspection by counsel in a Chapter 48 proceeding, or by the guardian ad litem of the juvenile involved, upon request made prior to a plea hearing. The identity of a confidential informant, shown therein, may be withheld pursuant to Wisconsin State Statute 905.10.

C. Requests for Information

1. Incident reports and Daily Logs will be open to inspection by the media as requested. Should the news media have questions regarding a report, the supervisor on duty will attempt to answer their questions within guidelines established by this policy.
2. Public requests for information held in department files shall be referred to the Records Section for processing. An ample supply of the Request for Records Form shall be maintained at the counter area of the Records Section. Individuals requesting such information shall be asked to complete a Request for Records Form.
 - a. Requests for records can be received in person or by mail. Requests can be accepted over the phone. The requester must be advised to send a request by mail, with prepayment if costs exceed \$5.00, or by appearing in person.
 - b. The legality and/or propriety of the request will then be reviewed by the Records Custodian.

- (1). If the request is approved, it shall then be forwarded to the Records Section, or section that contains the record. The Records Section shall then advise the requester of the approximate length of time for the records search. Upon locating the record requested, the Records Section shall contact the requester saying that the records are available for reviewing.
 - (a). This shall be accomplished as soon as possible, keeping in mind that police department personnel must perform all their normal duties, as well as, special assignments and, consequently, an immediate search may not always be possible.
- (2). A fee will be assessed for any copies made. This fee is determined by the Administrative Fee Schedule adopted by the Common Council. The Administrative Fee Schedule shall set the fee costs associated with copies, and photographic costs (CD, DVD or Video Tape reproductions). Mailing or shipping costs can be assessed along with other charges when records are mailed.
- (3). If the request is denied, a copy of the Request for Records Form will be returned to the requester along with the reason, in writing, for the denial. When denied, the requester shall also be informed, in writing, that the denial can be reviewed by writ of mandamus procedure or upon application to the District Attorney of Milwaukee County, or the Attorney General of the State of Wisconsin. The following are reasons for denial:

- (a). Record(s) requested does not exist or is not within custody of the South Milwaukee Police Department.
- (b). Record requested is exempt from disclosure by Wisconsin State Statute 905.09 as such record involves an ongoing or pending investigation which might be adversely affected by record disclosure at this time.
- (c). Record exempt from disclosure by Wisconsin State Statute 19.36(2). (Confidentiality of this record is a requirement under a federal grant.)
- (d). Record exempt from disclosure by Wisconsin State Statute 19.85(f). (Personnel disciplinary records)
- (e). Records exempt from disclosure by Wisconsin State Statute 19.85(g). (Applies to records from attorneys relating to pending or threatened litigation.)
- (f). Records exempt from disclosure by Wisconsin State Statute 48.396. (Records of juveniles).
- (g). Wisconsin State Statute 19.36(1)(6) - the Statutory Embodiment of Act 335, Laws of 1981 provide that nonexempt material in an otherwise exempt record must be disclosed by deletion of exempt material. Pursuant to these provisions, you may not simply exempt a record which is only partially covered by one of the above reasons.

(h). Wisconsin State Statute 905.10 grants the department the privilege to refuse to disclose the identity of a person who has furnished information relating to or assisting in an investigation of a possible violation of law to a law enforcement officer. Department members shall not divulge the identity of a person giving confidential information without authorization from the Chief of Police.

3. The rule of "first come - first served" will apply to all information requests and requests for records inspections. All such matters will be handled at the department's earliest convenience except for emergency matters and those relative to pending litigation.

4. Requests of a sensitive nature, or those dealing with department policies or procedures, shall be honored only upon review by the Chief of Police or his/her designee. If such a review results in a delay in the delivery of the information, the requester will be informed when the information will be available. Every effort shall be made to provide the requested information in a manner that does not preclude effective use by the person making the request.

D. Media Relations

1. The Public Information Officer (Chief of Police or his/her designee) is the department's liaison with the media. The responsibilities of this position include:
 - a. Assisting media representatives in covering newsworthy activities of the department. The Public Information Officer will be available for all on call responses to the news media.
 - b. Preparing and disseminating department news releases.

- c. Arranging news conferences, when necessary.
- d. Coordinating the release of information concerning confidential agency investigations and operations.
- e. Assisting in crisis within the department.
- f. Coordinating media worthy information when an event involves additional agencies other than the South Milwaukee Police Department.
- g. Coordinating and authorizing the release of information about victims, witnesses, and suspects.

2. Supervisors shall be responsible for the timely conveyance to the Public Information Officer of information pertaining to newsworthy events involving the department.
3. The South Milwaukee Police Department recognizes valid news personnel, and will assist them in obtaining information where appropriate and allowable. Media personnel will not be allowed to interfere with or obstruct any police officer engaged in preserving the peace, maintaining order, or protecting life and property.
4. In the absence of the Public Information Officer, his/her duties will be assumed according to the chain of command, unless otherwise directed by the Chief of Police.
5. Information will generally be released to the media in one of three fashions; review of daily logs, distribution of a formal news release, or personal interview.
 - a. Media representatives will have access to the daily logs and may also request to view incident reports in accordance with policy and applicable law.
 - b. For events of a significant nature, a formal news release will be drafted. A copy of the release

will be placed at the Communications Center. A formal news release shall adhere to guidelines for information release contained in this policy. News releases will be made available to all news media at the same time.

(1). A formal news release may be prepared under the following circumstances:

- (a). Where there is a concern for public safety.
- (b). When the department needs the assistance from the public with a crime/investigation.
- (c). When the department is receiving media inquiries.

- c. The Chief of Police or his/her designee may authorize any department member to develop a news release and also to release it if that is more practicable. The release may be done at any time, but department members are encouraged to have them ready for release as soon as possible after the initial incident takes place. If a release is given by someone other than the Public Information Officer, the person releasing it must see that a copy is directed to the Public Information Officer advising them that it has been released. The original news release will be filed with the original report.
- d. In certain instances, media representatives may request to speak with department members who possess specific knowledge about a particular newsworthy topic. Such interviews must be approved by the officer's supervisor. Release of information during an interview should follow guidelines established in this policy.
- e. One additional method of information release may be applied in the case of a major event. For such situations, the Chief of Police will contact the local media representatives to

arrange a news conference.

- f. Information may be released to representatives of the news media over the telephone when the information would be releasable under this policy and the identity of the party calling can be assured. When available, the Public Information Officer will be the primary contact person for the news media. As a general rule, employees are discouraged from releasing information over the telephone. However, recognizing the need to maintain a good working relationship with the media, the following guidelines shall be established for limited telephone information.
 - (1). Information will be released over the telephone by a tele-communicator, or a supervisor.
 - (2). The person releasing the information shall ascertain the caller's name and news organization.
 - (3). Tele-communicators shall release only that information for the incident in question.
 - (4). Supervisors and the Public Information Officer shall limit the information released to that which would normally be included on an initial press release.
6. In the case of major fires, natural disasters, major crime scene, etc. police department members will extend every courtesy to recognized news media representatives who are at the scene actively covering an incident. These courtesies will generally permit closer access to the scene than that granted to the public and will provide for vehicles and equipment to be located closer so long as such courtesy does not interfere with either the mission of the police or the general traffic flow. Also, where there is danger of personal injury, access will be restricted until the officer in charge determines the area is safe.

- a. During such situations, a single designated area will be established at which media representatives will be provided information. All inquiring media representatives will be directed to that location.
7. Direct access to a crime scene by media personnel will be allowed only after all known evidence has been processed and the on-site investigation has been completed. Approval for access to the actual crime scene has to be granted by a supervisor. This restriction is necessary to preserve the evidentiary integrity of the scene. Once such integrity is ensured, media mobility will not be restricted except that permission must be obtained from owners or their representatives when photographs, films, or video are to be taken on private property.
8. News media personnel will be allowed to freely photograph, film, or video an incident so long as their activity does not significantly interfere with the investigation. The police will assist the media so long as the investigation or its prosecution is not compromised or jeopardized. Officers may take protective measures, such as humanely covering a body in order to prevent photographing or televising if such actions are deemed necessary by the person in charge.
9. Suspects or persons in custody will not be deliberately posed for photographs, telecasts, or interviews. Neither will department members pose themselves with a suspect or accused, nor enter into any agreement to have a suspect or person in custody at a prearranged time and place to be photographed, televised, or interviewed. No action will be directed against the news media to prevent or impede a lawful right to photograph such persons at incident scenes or in other public places.
10. The Chief of Police or his/her designee shall be called to the scene of major emergencies to handle matters related to the media, and all media requests for

information should be directed to the Public Information Officer. In the absence of the Public Information Officer, all media inquiries shall be directed to the scene commander or other designated department member.

11. All decisions governing media mobility at the scene of an incident or event, rest with the judgment of the officer in command. Every effort should be made to accommodate the news media's needs, but tempered with due regard for safety and the mission of the department.
12. Representatives of the media may be provided photographs by the department when the release will not jeopardize an investigation. Booking photographs will generally be available. Accident or crime scene photographs or video may be available on a case by case basis, but only with permission of the Records Custodian or his/her designee.
13. Should a citizen request that information on an incident not be released or reported to the media, officers will explain that crime information is generally considered public information, and therefore, available to the news media. Officers will explain that the request will be noted in the incident report. The decision to publish unrestricted information about the event will be left to the media.
14. When weather conditions, traffic accidents, road conditions, or any other event that causes motor vehicle travel problems the news media may be notified and requested to assist with broadcast information to the public.
15. Investigative Information Subject to Release

The following information regarding an ongoing investigation can be released by the Public Information Officer, supervisor, or otherwise designated department member:

- a. Only the basic facts (nature, location, time) surrounding the crime or incident, using

statutory elements as a guide.

- b. Whether a person was arrested and, if so, for what charge. As a general rule, the name of the arrested person should not be released until after that person has been formally charged.
- c. The time and place of arrest.
- d. The names of victims may be released unless such information will endanger their safety, hamper future investigation, is contrary to law, or the person is the victim of a sexual assault.
- e. If the victim is deceased, the name can be released only after the next of kin have been notified.
- f. In all cases, no information will be released on confidential investigations or operations without the authorization and approval of the Chief of Police or his/her designee.
- g. On all cases that are “open” pending review of the case by the Milwaukee County District Attorney’s Office no reports/documents/videos etc. will be released until a charging decision has been made unless there is a Court Order.

16. Restrictions on the Release of Information

The following information will not be released:

- a. Observations about the arrested person’s character, criminal or arrest record or speculations of guilt.
- b. Statements concerning the credibility of witness testimony.
- c. Statements concerning evidence, regardless of whether such evidence may tend to implicate or exonerate a suspect.

- d. Any comments regarding confessions or professed alibis or any other statement that may tend to implicate or exonerate a suspect.
- e. Specific victim injuries known only to the victim and police.
- f. Any "Off the Record" remarks.
- g. Any comment as to the use of specific police equipment, procedures, or investigative techniques, especially comments relative to the wearing of protective equipment or body armor by the officers.
- h. The name of the victim of a sexual assault.
- i. The names of parties who are merely suspects.
- j. Copies of other agency reports.
- k. Under **NO** circumstances will the telephone number or address of a member of the department be released.
- l. Records of cases currently under investigation.

17. Information Regarding Other Agencies:

- a. Information involving the South Milwaukee Police Department may be released according to guidelines set forth in this policy, unless such release would adversely affect another agency in the performance of its duties.
- b. Information requests that pertain to another agency should be directed to that agency.
- c. The agency having primary jurisdiction will be responsible for coordinating any release of information, when multiple service agencies, i.e., other police departments, fire departments, coroner's office, etc., are involved.

III. EFFECTIVE DATE

The effective date of this order is April 8, 2020.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 18-31

INDEX AS: Records Section

REPLACES: G.O. 15-24

EFFECTIVE: 12-02-15

WILEAG: 1.7.4, 6.1.9, 10.1.1, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.8, 10.1.9, 10.1.10, 10.1.11, 11.2.5

SUBJECT: Records Section

PURPOSE: The purpose of this General Order is to establish the records component of the South Milwaukee Police Department, as well as the responsibilities and procedures associated with the records function.

POLICY: It is the policy of the South Milwaukee Police Department that the Records Section has the responsibility for ensuring the integrity and security of the centralized records system. This responsibility includes reviewing all reports submitted to the Records Section for content and accuracy, processing records, maintaining a secure repository, maintaining a records retention schedule, providing records access to department personnel, maintaining department computer equipment and software programs, and handling requests for release of information contained in department records.

To ensure that all records are gathered and maintained in a lawful manner, all members of the South Milwaukee Police Department will adhere to the following procedures set forth in this General Order.

This order consists of the following numbered sections:

I. PROCEDURES

II. EFFECTIVE DATE

I. PROCEDURES

A. Records Security

1. To facilitate records security, the South Milwaukee Police Department has committed to a centralized records system. To maintain integrity within this centralized system, all original incident reports/records shall be maintained electronically in the Records Section, with the exception of intelligence records.
 - a. The Investigations Section will be the only operational component authorized to maintain original records outside the Records Section.
 - b. Refer to General Order ADM -26: Crime Analysis for guidelines governing intelligence records.
2. Only department personnel shall be allowed in the Records Section files.
3. If a record is pulled from a file, the record will be returned to the file, to the re-file basket or a clerk for re-filing.

B. Records Repository

1. It shall be the responsibility of the Records Section to process all records. All reports will be maintained electronically within the Phoenix Records Management System (RMS). Supplemental attachments to reports (Miranda Forms, written statements, OWI related paperwork, etc.) will be scanned into the records management system and attached to the appropriate case by Records Section personnel.
2. The following records shall be routinely forwarded to the Records Section for processing and filing:
 - a. Wisconsin Uniform Traffic Citations

- b. Affidavits
 - c. Motor vehicle crash reports
 - d. Fingerprint cards
 - e. Warrants
- 3. The Records Section will be open to the public from 0700 hours to 1800 Monday through Friday (except holidays). Police department personnel will have access to records 24 hours per day, 7 days per week.
- 4. The Records Section shall be responsible for processing all requests from the general public for release of information contained in department records.
 - a. Requests for records shall be processed in accordance with the following:
 - (1). Sec. 19.35, Wisconsin State Statutes- Access to Records.
 - (2). Sec. 48.396, Wisconsin State Statutes- Juvenile Records (938.396).
 - (3). General Order RCD – 1: Public Information

C. Juvenile Records

- 1. Accountability for Collection, Dissemination and Retention of Juvenile Records
 - a. The Records Section will maintain physical control of all departmental records on juveniles taken into custody for delinquent acts, dependency, neglect and in need of supervision. All juvenile records will be maintained in conformance with the Children's Code requirements for separate storage, release and confidentiality.

- b. Records shall be clearly marked and access dissemination strictly controlled in accordance with state law.
 - c. Juvenile records shall be processed and maintained in the Records Section.
2. **Photographing and Fingerprinting Juveniles:** Records on juveniles, including fingerprints and photographs are maintained separately from records of adults in accordance with Wisconsin State Statute 165.83(2).

D. Field Reporting System

1. It is the policy of the South Milwaukee Police Department that official records be generated and maintained to document all police activity; whether originated by a citizen or a department member. If two or more persons report the same activity, it should be documented only once.
2. The following incidents will be documented by written report.
 - a. If an officer is dispatched to a citizen reported crime or complaint and the officer determines that a crime or complaint to be reportable (a Part I or Part II crime, or as determined by a supervisor) then a written report will be completed (daily incident report/supplementary report).
 - b. The officer initiates the report or complaint (criminal and/or non-criminal cases) and determines the crime or complaint to be reportable, then a written report will be completed.
 - c. Incidents involving arrests, citations, or summonses will require a written report.
3. The documentation that is required in written reports will include the following information:
 - a. Date & time of the initial reporting.

- b. Name (if available), address and phone number of the citizen requesting the service, or the victim, or complainant's name.
 - c. The nature of the incident, and the date and time of action (if any) by South Milwaukee Police Department personnel.
4. All reports will be completed using South Milwaukee Police Department report writing forms. These include:
 - a. Offense/Incident Face Sheet Report - generated by the "Phoenix" software program.
 - b. Supplementary Report - generated by the "Phoenix" software program.
 - c. State Traffic Crash Form, MV4000-electronic form via TRACS
 - d. Wisconsin Municipal Court Citations
 - e. Wisconsin Uniform Traffic Citations-electronic form via TRACS
 - f. South Milwaukee Police Warning Forms-electronic form via TRACS
5. All other reports shall be generated using the "Phoenix" software, or because of malfunction, may type the report narrative or supplementary using other word processing software. Narratives or supplementary reports are not to be handwritten.
6. Offense and accident reports shall be completed prior to the end of an officer's shift if any of the following circumstances apply:
 - a. All death investigations
 - b. All investigations that result in the incarceration of a suspect held for charging.

- c. All major crimes, serious incidents, and serious motor vehicle crashes.
- d. Any report that the officer is unable to complete on the next consecutive calendar day (prior to off days or vacation).

7. The South Milwaukee Police Department Incident/Report Forms will be maintained electronically. Information will be shared with the media in accordance with procedures set forth in General Order RCD 1: Open Records.

8. All reports shall be reviewed by the reporting officer who will submit the report. After this is completed, the report(s) are then reviewed by the shift supervisor to ensure accuracy and completeness, and in a timely manner. If the report meets all guidelines, then the supervisor approves the completed report within the RMS. If changes or corrections are required, the supervisor shall refer the report back to the appropriate officer for the necessary corrections. Reports are approved on a daily basis by supervisors as time permits.

9. If an officer determines no report is necessary, the officer must assure all pertinent information is entered into the CAD system.

E. Placement of Reports

1. The South Milwaukee Police Department Records Section maintains all reports (i.e.: offense/ arrest reports, crash reports, citations, etc.). Incident reports will be maintained electronically within the RMS. Crash reports are filed in the appropriate file by their respective incident/offense number. Citations will be filed alphabetically.

- a. Crash reports are kept in a file for the current and previous month. These reports are filed by date of occurrence.
- b. Upon the month changing the crash report is then filed in the central record system

according to the incident/offense number.

2. All dispositions on cases shall be entered into the computerized system.

F. Incident Reporting

1. 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 in the CAD system. These calls include but are not limited to:
 - a. A citizen reporting a crime
 - b. A citizen complaint
 - c. Criminal and non-criminal cases initiated by law enforcement employees
 - d. Any incident involving an arrest, citation, or summonses
 - e. Any incident resulting in an employee being dispatched or assigned
2. Each call for service will be assigned a unique complaint number by the computer. The complaint numbers are assigned as following:
 - a. Annually- the first two numbers will reflect the year.
 - b. Serially- the remaining numbers denote the sequence in which the complaint number was assigned.
 - c. The incident number will be written on any paperwork that is generated by this call for service.

G. Alphabetical Master Name Index

1. The South Milwaukee Police Department maintains

an alphabetical master name index on the computer system. All files (name/business/or other entity specified) with the exception of Intelligence Files, may be accessed through the in house computer system.

2. This file will contain:
 - a. Basic master name index information including: name, address, and phone number for all entries. Information on individuals includes date of birth, Social Security Number, driver's license number and physical descriptions.
 - b. The master name index also includes a history of all documented department contacts with each entity in the system.
3. All names entered into the computer system, with the exception of the Intelligence File, are included in the master name index. These include, but are not limited to: victims, complainants, suspects, witnesses, etc.
4. All contacts with persons or businesses that are documented through the use of incident/offense reports, accident reports, or citations will be entered into the master name index.
5. The South Milwaukee Police Department maintains an index of stolen, found, recovered and evidentiary property on the computer system.
6. The South Milwaukee Police Department maintains an adult and juvenile arrest criminal history file on the computer system. Information contained in the criminal history file is updated upon each arrest, therefore keeping information current on persons arrested.
 - a. A unique arrest number is assigned to each person entered into the arrest files at the time of entry.
 - b. This file will contain a fingerprint card,

photograph, and arrest number.

- c. A copy of any transcripts will be attached to the corresponding arrest report located in the Records Section.
- d. Each person custodially arrested will be assigned an arrest number.

H. Traffic Citations

- 1. All traffic citations will be issued using the e-citation module of the TRACS program. Paper citations are only to be used in the event that the e-citation module in TRACS is malfunctioning. Squads equipped with an MDC, and the booking room computer are assigned a designated number of citations (by citation number) by the Records Custodian. These citation numbers must be accounted for within the TRACS system. If the need for paper citations arises, traffic citation books are issued to the officer by a supervisor from the locked storage cabinet. The supervisor in turn logs the disbursement of the citation book in the log which is also kept in the locked cabinet. The log book contains the control number of the book and the date issued to which officer.
- 2. Any lost, stolen, or voided citations issued will be reported to the Municipal Clerk of Courts and the Records Custodian.
- 3. Adjudicated citations are maintained in the Records Section under the direction and authority of the Municipal Clerk of Courts. These adjudicated citations supply data on court dispositions, amended citations, or dismissed citations.
- 4. All completed citations are forwarded by the officer to the Records Section for entry into the computer system and filing.
- 5. Citations may be cross referenced by citation number or the subject name.

- I. Maintenance of Warrant/Commitment and Wanted Person Files
 1. The Clerk of Courts and the TIME Validation Officer are responsible for maintaining an accurate and current warrant/commitment file.
 2. The warrant/commitment file shall be accessible to department personnel on a 24 hour basis, and shall be located in the Communications Center.
 3. Arrest warrants obtained from a Circuit Court Judge as a result of criminal investigations (felony and misdemeanor) by officers of the Department will be held by the Milwaukee County Sheriff's Department, pending arrest of the subject named in the warrant. The authenticity of a warrant from the Milwaukee County Sheriff's Department must be verified through the TIME system and the Sheriff's Department.
 4. Procedures for processing warrants/commitments.
 - a. The Municipal Clerk of Courts shall prepare a warrant/commitment folder for local traffic and municipal ordinance violation warrants.
 - b. Municipal warrant/commitment information is entered into the Department computer system.
 - c. Upon receipt of a warrant/commitment from the Clerk of Courts the TIME Validation Officer is responsible for entering all warrants/commitments into the TIME system. Warrants/commitments will be entered into CIB. Verification of entry will be kept in the warrant/commitment folder. Upon entering the warrant/commitment into CIB the warrant/commitment shall be filed in the warrant/commitment cabinet by alphabetical order. All information/records of entry shall be placed into the warrant/commitment file to show the warrant/commitment was entered into the system. Any correspondence, concerning a wanted subject in custody with another

jurisdiction, pertaining to an active warrant/commitment will be placed in the warrant/commitment file until the subject is released or transferred to the Milwaukee County Jail.

- d. As new warrants/commitments are processed, updated copies of warrant/commitment lists shall be made available to all South Milwaukee Police Department officers. The South Milwaukee Police Department shall provide adjoining jurisdictions with copies of warrant/commitment lists.
5. Procedures for Local Service of Warrants/Commitments
 - a. To assure that there is a record of service or attempted service of a warrant/commitment a CAD event will be made. The following information shall be included:
 - (1). Date & time served
 - (2). The officer who initiated the event
 - (3). Whom the warrant was executed on
 - (4). Location of arrest
 - b. When an arrest is made, the arresting officer shall advise the Communications Center to cancel the warrant/commitment from the TIME system.
 - c. The arresting officer must prepare an offense report documenting the arrest. All warrant/commitment arrests shall be photographed and fingerprinted.

- d. After a warrant/commitment has been canceled, the Records Section shall document such information in the Department computer system. The original warrant/commitment and cancellation of said warrant/commitment shall be scanned and attached to the electronic record.
6. When an arrest of a suspect is made on a warrant/commitment by another jurisdiction, the following procedure should be followed:
 - a. The arresting agency shall be required to provide the South Milwaukee Police Department with a teletype message advising they have a person in custody on a South Milwaukee warrant/commitment.
 - b. The South Milwaukee Police Department shall teletype the arresting agency with verification of the warrant/commitment and the conditions needed to settle the warrant/commitment.
 - c. If the arresting agency accepts bond, the Communications Center personnel shall immediately cancel the warrant/commitment from the TIME system. The bond shall be forwarded to the South Milwaukee Clerk of Courts for processing.
 - d. If bond cannot be posted a teletype message shall be sent to the arresting agency requesting a time/date the arrested subject will be available for transport to the Milwaukee County Jail or if a PR bond is applicable. If a PR bond is not applicable the subject should be transported to the Milwaukee County Jail and the Communications Center personnel shall cancel the warrant/commitment from the TIME system. The primary officer assigned to the transport shall generate an incident report documenting the warrant/commitment arrest (which agency arrested), and the prisoner transport to CJF. The warrant/commitment

cancellation will be scanned and attached to the electronic record.

- e. If the subject is not available for transport, because the other jurisdiction has their own charges/warrants or the subject was taken to the Milwaukee County Jail a detainer shall be added to the warrant. Upon the subjects release/transfer from custody the warrant shall be canceled. Warrants with detainers shall be kept in a different colored warrant folder.
- f. The Records Section shall then enter all warrant/commitment cancellation information into the Department computer.

7. Procedures for Service of Warrants/Commitments by the South Milwaukee Police Department from another jurisdiction

- a. Communications Center personnel shall teletype the issuing agency advising them that the subject named in their warrant/commitment is in custody. The message shall request warrant/commitment confirmation and conditions for settlement of the warrant/commitment. The reply outlining confirmation and conditions for settlement should be received via teletype so as to eliminate any misunderstanding regarding the warrant/commitment.
- b. If bond is posted at the South Milwaukee Police Department, the arrested person will be released. The agency that issued the warrant/commitment will be notified that bond has been posted and that the money will be forwarded to their agency.
- c. If bond cannot be posted, or the warrant/commitment has no bond provision, the arrested person shall be confined in municipal lock-up until the responsible agency picks up the subject. If there is a substantial time delay in picking up the subject, the subject

will be transported to the Milwaukee County Jail and held until the responsible agency picks up the subject.

- d. The officer shall complete an offense report documenting the arrest and attach any relevant paperwork. The Records Section shall then enter all information into the Department computer system.
- e. All paperwork related to the warrant/commitment shall be scanned and attached to the electronic report.

8. Warrants/Commitments Received From Other Agencies

- a. Any lists of warrant/commitment subjects sent to the South Milwaukee Police Department will be forwarded to all shifts.
- b. If the subject no longer resides in South Milwaukee the issuing agency will be notified that the subject no longer resides in our jurisdiction.
- c. When an officer makes an attempt to serve a warrant/commitment they shall have the Communication Center create a CAD entry documenting the incident. Subsequent attempts at service shall result in a follow-up screen being initiated. If an attempt is unsuccessful, the reason for non-service shall be recorded in the remarks section. If the warrant/commitment is served, the officer shall complete an offense report as discussed in Section II. 7 d/e.

J. Records Retention Schedule

1. Records of the Department will be kept in accordance with Wisconsin State Statutes and City Ordinance. In the event an open record request is made for a record, or a record is part of a case file that results in charges filed, charges pending, or is an open investigation, the record will be retained. Refer to the

Records Retention Schedule maintained by the Records Custodian for the location of files and history of destroyed records along with applicable approvals and ordinances. The destruction of any official record will be recorded and documentation maintained in the Records Retention Schedule indefinitely or until approval is granted and new retention guidelines implemented.

2. The following retention schedule is for reference purposes only. The complete history of each record is part of the Record Retention Schedule maintained by the Records Custodian:

Bicycle Registration Records - 7 Years
Bicycle Violation Tickets - 1 Year
Cash Receipts - 7 Years
Chemical Test/Reports - 7 Years
General Correspondence - 7 Years
Department Notices - 7 Years
Employment Applications - 3 Years
Field and Courtesy Warnings - 1 Year
Fingerprints - Indefinitely
Investigation Bureau Case Files - Indefinitely
Incident Reports:

1. Electronically - indefinitely
2. Paper copies – serious felonies indefinitely, all others 7 years

Injunction and Restraining Orders - 7 Years
Mug Shots - Indefinitely
NCIC Purged Files - Indefinitely
Parking Violation Tickets - 1 Year
Payroll Time Records - 7 Years
Personnel Files - Indefinitely
Police and Fire Commission Minutes - Indefinitely
Property Inventory Records - 7 Years
Radar Reports - 7 Years
Tape Recordings of Radio Frequency - 4 Months
Tape Recorded Statements - 4 Months
Tape Recordings of Telephone Lines - 4 Months
Vehicle and Radio Assignment Logs - 1 Year
Vehicle Inspection Reports - 7 Years
Vehicle Maintenance Records - 7 Years
Video/Digital Recordings - 4 Months
Vouchers, Purchase Orders - 7 Years

II. EFFECTIVE DATE

The effective date of this order is December 5, 2018.

William R. Jessup
Chief of Police



SOUTH MILWAUKEE POLICE

GENERAL ORDER 19-19

INDEX AS: Driver's Privacy Protection Act (DPPA) **REPLACES:** G.O. 16-39
EFFECTIVE: 11/10/2016

WILEAG:

SUBJECT: Driver's Privacy Protection Act (DPPA)

PURPOSE: The purpose of this General Order is to establish guidelines for the release of records derived from the Department of Motor Vehicles to third parties. The Driver's Privacy Protection Act (hereinafter "DPPA") was created to protect people from the personal dangers resulting from the disclosure of sensitive personal information and highly restricted personal information by governmental entities to third parties. Further, the disclosure of this type of personal information amounts to an unwarranted invasion of the individual's privacy and can have a chilling effect on the public's willingness to communicate with government officials. The DPPA is to be applied in conjunction with the Wisconsin Open Records Law, which presumes complete public access to public records consistent with the conduct of governmental business unless denial of such access is in the public interest or required by the DPPA. The further purpose of this policy is to provide guidance as to what personal data should be redacted from records derived from the Department of Motor Vehicles while still providing the public with all relevant information needed for public safety purposes without compromising the personal safety/privacy protection interests that lie at the heart of the DPPA.

POLICY: The South Milwaukee Police Department adopts the policy underlying the DPPA which was enacted in 1994 and codified at 18 U.S.C. § 2721, et. seq. The DPPA was enacted to prohibit states' Department of Motor Vehicles and any officer, employee or contractor thereof from knowingly disclosing or making available personal information about any individual obtained in connection with a motor vehicle record without the person's

express consent, except as specifically allowed in relevant exceptions outlined in the DPPA. The South Milwaukee Police Department adopts the Declaration of Policy found in Wisconsin Statute § 19.31, which construes the Wisconsin Open Records Law with a presumption of complete public access to public records consistent with the conduct of governmental business, unless denial of such access is in the public interest and is not violative of the Driver's Privacy Protection Act.

This order will consist of the following sections:

- I. ADMINISTRATIVE RULES OF ACCESS
- II. DEFINITIONS
- III. LIMITATIONS ON DISCLOSURE OF INFORMATION DERIVED FROM THE DEPARTMENT OF MOTOR VEHICLES
- IV. PERMISSABLE DISCLOSURE OF INFORMATION DERIVED FROM THE DEPARTMENT OF MOTOR VEHICLES
- V. RELEASE OF RECORDS DERIVED FROM THE DEPARTMENT OF MOTOR VEHICLES
- VI. AUTHORITIES
- VII. EFFECTIVE DATE

I. ADMINISTRATIVE RULES OF ACCESS

The Chief of Police is the official "custodian" of the records of the Police Department. Other Department members may be appointed by the Chief as designees.

II. DEFINITIONS UNDER THE DRIVER'S PRIVACY PROTECTION ACT (DPPA)

- A. Motor Vehicle Record: Any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a Department of Motor Vehicles.
- B. Person: An individual, organization or entity, but does not include a state or agency thereof.
- C. Personal Information: Information that identifies an individual; Including an individual's photograph, social security number, driver

identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.

- D. Highly Restricted Personal Information: An individual's photograph or image, social security number, medical or disability information.
- E. Express Consent: Consent in writing, including consent conveyed electronically that bears an electronic signature as defined in section 106(5) of Public Law 106-229.

III. LIMITATIONS ON DISCLOSURE OF INFORMATION DERIVED FROM THE DEPARTMENT OF MOTOR VEHICLES

- A. Information obtained through the Department of Motor Vehicles that should not be disclosed or otherwise made available to non-exceptioned third parties. The following personal information should be redacted from any official records prior to release to non-exceptioned third parties.
 - 1. Name
 - 2. Addresses, including home addresses
 - 3. Telephone numbers (cell or hard line)
 - 4. Date of birth
 - 5. Driver's license number and driver's ID number
 - 6. Any record identifying any individual when that identification would invade the person's privacy and discourage full cooperation in reporting accidents
 - 7. An individual's photograph
 - 8. An individual's social security number
 - 9. 9-digit zip code (but not the 5-digit zip code)
 - 10. Medical or disability information
 - 11. Any information that would compromise the safety of victims or witnesses of a crime. See Wis. Stats. Chapter 950, Rights of Victims and Witnesses of Crime
 - 12. Any record that would endanger an individual's life or safety, Wis. Stat. § 19.35;
 - 13. Any record that would identify a confidential informant, Wis. Stat. § 19.35
 - 14. Any record, the release of which would not be in the public interest under the Wisconsin Open Records Law (G.O. RCD-1: Open Records Law).

B. Information obtained primarily from a source other than through the Department of Motor Vehicles, such as verbal identification, etc, and then verified using Department of Motor Vehicles information may be released without redaction. (See Wisconsin Court of Appeals, New Richmond News v. City of New Richmond, 2014 AP 1938(Ct.App. 5/10/2016, publication recommended)

IV. PERMISSIBLE DISCLOSURE OF INFORMATION DERIVED FROM THE DEPARTMENT OF MOTOR VEHICLES

The DPPA does allow release of records with the exclusion of any of the personal information derived from Department of Motor Vehicle records. All other non-personal information contained within records can be released to a requesting third party. For example, personal information does not include factual information as to where, when or how an incident occurred.

V. PERMISSIBLE DISCLOSURE OF PERSONAL INFORMATION DERIVED FROM THE DEPARTMENT OF MOTOR VEHICLES

The DPPA allows personal information derived from the Wisconsin Department of Motor Vehicles records to be used in fourteen (14) specific exceptions. Seven (7) of these exceptions are most relevant to this policy. They are as follows:

- A. For use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories.
- B. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private persons or entity action on behalf of a federal, state, or local agency in carrying out its functions.
- C. For the purpose of bulk distributions for surveys, marketing or solicitations **if the State has obtained the express consent of the person to whom such personal information pertains.**
- D. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court.

- E. For any other use specifically authorized under the laws of the state that holds the records, if such use is related to the operation of a motor vehicle or public safety.
- F. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating or underwriting.
- G. For any use authorized under Wisconsin law specifically Wisconsin Statute 346.70(4)(f) which provides that any person may with proper care, during office hours, and subject to such orders or Regulations as the custodian thereof proscribes, examine or copy such uniform accident reports, including supplemental or additional reports, statements of witnesses, photographs, and diagrams, retained by local authorities, the state traffic patrol or any other investigating law enforcement agency. Release of these reports is permissible since the Wisconsin Court of Appeals, New Richmond News v. City of New Richmond, 2014 AP 1938(Ct.App. 5/10/2016, publication recommended) has decided such use is related to the operation of a motor vehicle or public safety, and can be released without redaction.

VI. RELEASE OF RECORDS DERIVED FROM THE DEPARTMENT OF MOTOR VEHICLES

If there is a question as to the release of a record derived from the Department of Motor Vehicles, the request shall be referred through chain of command and to the City Attorney's Office for an opinion. No release of records derived from the Department of Motor Vehicles is permitted without the consent of the Chief of Police or the Chief's designee. All releases of records shall be consistent with City of South Milwaukee ordinances and applicable state and federal laws. All releases of records derived from the Department of Motor Vehicles shall be in writing.

VII. AUTHORITIES

Wisconsin State Statutes: 19.21(1) Custody of Records; 19.33 Legal Custodians; 19.34 Procedural Information; 19.35 Access to Records; fees 19.36 Limitations Upon Access and Withholding; 19.365 Rights of Data Subject to Challenge; 19.85 Exemptions to the Open Meetings Law 48.396 Confidentiality of Children's Records; 51.30 Medical Treatment Records; 146.82 Confidentiality of Patient Health Care Records 938.396 Confidentiality of Juvenile Records; 950.01 Legislative Intent/Rights of Victims and Witnesses of Crime;

Federal Case Law: Senne v. Village of Palatine, Illinois, 695 F.3d 597 (7th Cir. 2012); Maracich, et al. v. Spears, et al., U.S. Supreme Ct. Dkt. No. 12-25. (Opinion pending; Oral Argument 01/09/2013)

Other Authorities:

18 U.S.C. § 2721, et. seq. Federal Driver's Privacy Protection Act
18 U.S.C. § 2725, et. seq. Federal Driver's Privacy Protection Act – Definitions
42 U.S.C. § 1320d, et. seq. Health Insurance Portability and Accountability Act (HIPAA)

Wisconsin Court of Appeals, New Richmond News v. City of New Richmond, 2014 AP 1938(Ct.App. 5/10/2016, publication recommended)

VIII. EFFECTIVE DATE:

The effective date of this order is March 28, 2019

William Jessup
Chief of Police