



Madison Police Department

Shon F. Barnes, Chief of Police

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madisonpolice.com

June 12, 2024

Requestor name: Jenny Wadhwa, MuckRock News

Madison Police Department (MPD) has received your public records request dated April 10, 2024 for records related to the enforcement of the chronic nuisance premises ordinance from January 2019 to February 2024. After a search of our records, I have been able to identify responsive records for this request. This letter is an explanation of which records were identified and what is being released to you.

I have included a list of all the address that were declared chronic nuisance premises from 2019 to February 2024. I have also included an internal document that is used as guidance for MPD staff as an overview of the process. The list of properties was created based on an annual report that is provided to the Common Council each year. I have included a copy of those reports to the Common Council. For each address, I have run a calls for service query in our records database. There is one document for each address. The report includes the address, the case number, the date and time of the call, and the call type that was reported. From these lists I have redacted sensitive case types, and/or sensitive case types involving juveniles. These redactions are explained further below.

As you will see these lists can be very long. MPD may have additional reports or information about each case. If additional information is needed about a specific case, please contact us again and we can provide additional reports when possible.

I have also run a query to determine any citations that were issued to anyone at these addresses for the time period cited In your request. In your request you ask for citations that “contributed” to the declaration of a chronic nuisance premises, I am not able to determine exactly which citations would have been part of the declaration process, but these lists would include all the citations for the property between Jan 2019-Feb 2024.

I have requested from each District Captain any warning letters that were issued to property owners. Those letters are included here. From those letters I have redacted the personal address of the property owner when that address was not the address of the chronic nuisance premises. These redactions are further described below.

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.

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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.

Applying the public interest balancing test to your request, for some sensitive calls, like medical situations or crimes where victims of a sensitive crime could be identified, I have redacted the caller's reported reason for the call, but left the time and date of the call. Release of this information would reveal highly personal and private information. Both State and Federal law recognize an individual's right to privacy such that disclosure of this sensitive information would, more likely than not, have a substantial adverse effect on the reputation and privacy interests of the public without any counterbalancing benefit. In addition, callers may be chilled in their accurate reporting of sensitive information during a call for service that can result in first responders not receiving vital information needed to respond appropriately to the call. The Madison Fire Department is required to keep such information confidential. I interpret the Madison Police Department to have a likewise obligation. I find the balancing of the public's interest in redacting sensitive, private information outweighs the public's interest in the release of personal, private information and the release of that information does nothing to further the goals of the public records laws, primarily governmental transparency and accountability.

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.

When a call for service is generated, an investigation is not always completed, nor does the description of the call always summarize the full events of the call. Merely the existence of a call/call type does not mean police action was taken relating to that call regarding an individual inside an address. Also, some of these calls may generate police reports that are not ultimately releasable under the open records law given Wis. Stats 48.936 and 938.936, or the status of a case is open/active and currently being investigated.

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.

If you have any questions, please reach out to me as well at smunson@cityofmadison.com.

Sincerely,



Simone O. Munson
Records Manager and Interim Records Custodian

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