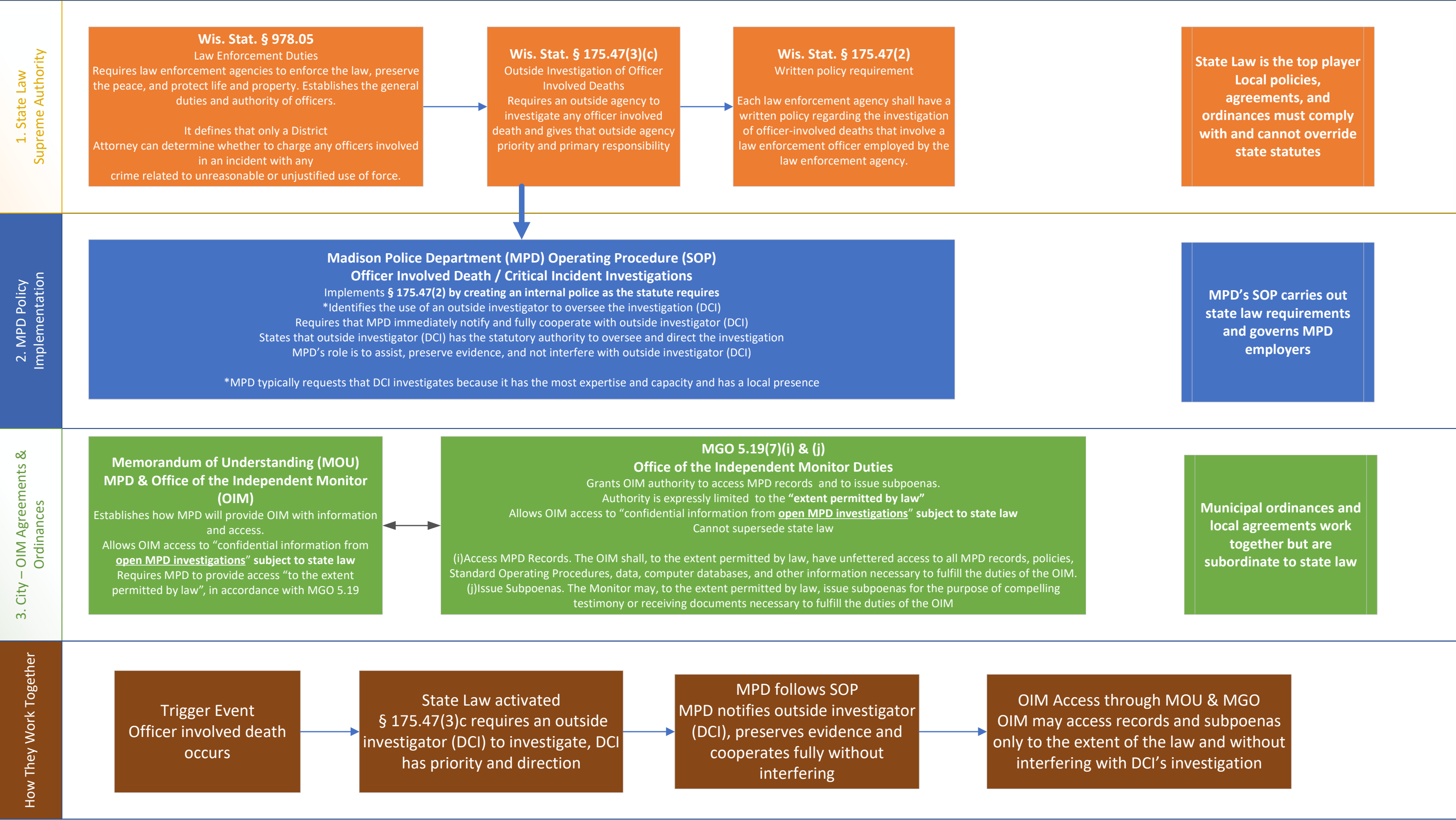


Officer Involved Death Investigations
Hierarchy & Connection to Statutes, MPD’s SOP, MOU & MGO 5.19(7)

2026-Aug



Public Records Access & Withholding
Connecting Statutes, Ordinance and MOU

Wisc Statutes & What it means	Language from Statute	How this all comes together
§19.32(1) Public Records are presumed open to the public Defines “Authority”:MPD is an authority and retains custody of its records §19.32(3) Records may be inspected or copied unless otherwise specifically provided by law “Requester” means any person who requests inspection or copies of a record. §19.35(1)(am)1 Law Enforcement Records are public, except as otherwise provided by law Not even an individual seeking public records related to themselves can have access to records during an open investigation. Law enforcement records are not automatically confidential. Other laws (e.g. §19.36(10)(b)) may make them confidential. §103.13(6)(a) Specific procedures apply to requests for personnel records Requires agencies to follow proper procedure, cite the specific law and justify any denial in writing. Address access to an employee personnel records §19.36(10)(b) Records related to an open investigation of a possible criminal offense or employee misconduct are confidential This is the key exception. Investigative records (reports, video, statements, evidence, etc.) cannot be released while the DCI investigation is open and active.	19.32 Definitions. As used in ss. 19.32 to 19.39: 19.32(1) “Authority” means any of the following having custody of a record: a state or local office, elective official, agency, board, commission, committee, council, department or public body corporate and politic created by the constitution or by any law, ordinance, rule or order; a governmental or quasi-governmental corporation except for the Bradley center sports and entertainment corporation; a special purpose district; any court of law; the assembly or senate; a nonprofit corporation which receives more than 50 percent of its funds from a county or a municipality, as defined in s. 59.001 (3), and which provides services related to public health or safety to the county or municipality; a university police department under s. 175.42; or a formally constituted subunit of any of the foregoing. 19.32 Definitions. (3) “Requester” means any person who requests inspection or copies of a record, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or his or her minor children for whom he or she has not been denied physical placement under ch. 767, and the record is otherwise accessible to the person by law 19.35 Access to records; fees. (1) Right to inspection. (am) In addition to any right under par. (a), any requester who is an individual or person authorized by the individual has a right to inspect any personally identifiable information pertaining to the individual in a record containing personally identifiable information that is maintained by an authority and to make or receive a copy of any such information. The right to inspect or copy information in a record under this paragraph does not apply to any of the following: 1. Any record containing personally identifiable information that is collected or maintained in connection with a complaint, investigation or other circumstances that may lead to an enforcement action, administrative proceeding, arbitration proceeding or court proceeding, or any such record that is collected or maintained in connection with such an action or proceeding. 103.13 Records open to employee. (6)Exceptions. The right of the employee or the employee’s designated representative under sub. (3) to inspect his or her personnel records does not apply to: (a) Records relating to the investigation of possible criminal offenses committed by that employee. 19.36 Limitations upon access and withholding. (10) Employee personnel records: Unless access is specifically authorized or required by statute, an authority shall not provide access under s. 19.35 (1) to records containing the following information: (b) Information relating to the current investigation of a possible criminal offense or possible misconduct connected with employment by an employee prior to disposition of the investigation	The public records law creates a presumption of openness, and §19.36(10)(b) protects records of open criminal/ employee misconduct investigations. MGO 5.19(7) and the MOU grant the OIM access only to the extent permitted by these laws. MGO 5.19(7) Office of the Independent Monitor Duties - OIM has the authority to access MPD records and to issue subpoenas. - This authority is expressly limited by law - Cannot override state public records laws Memorandum of understanding (MOU) MPD & OIM - MPD will provide OIM with access to confidential information from MPD investigations. - Access is granted “to the extent permitted by law”. - MOU cannot supersede statutory confidentially requirements.

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How it works together:

- Although MGO 5.19(7) and the MOU provide OIM access and subpoena authority, **these authorities are limited by the Criminal Offense investigation prioritization** in the Wisconsin Public Records Law.
- When §19.36(10)(b) applies (open and active investigation), MPD must withhold the records regardless of the MOU or OIM's subpoena until the investigation is closed or the outside investigator (DCI) says the release of information will not interfere with the investigation. MPD and the City Attorney have not denied the records to the Monitor, as has been suggested on social media and by some media outlets. Rather, MPD is complying with the **statutory restrictions governing the release of records during an active investigation** while also recognizing the OIM's subpoena. At this point, **the issue is timing**, not whether the Monitor is entitled to the records under the subpoena.