

BILL LUEDERS,
3505 Lerdahl Rd.
Madison, WI 53704,

Petitioner,

Case No. 23-CV-

MADISON POLICE DEPARTMENT,
211 S. Carroll St.
Madison, WI 53703,

Respondent.

PETITION FOR WRIT OF MANDAMUS

This is an action to enforce Wisconsin's Open Records Law, Wis. Stat. §§ 19.31-19.39. State law declares it the public policy of this state that every citizen is presumptively entitled to complete access to the records of state and local government.

Petitioner Bill Lueders, by his Attorney, Thomas C. Kamenick, of the Wisconsin Transparency Project and Kamenick Law Office, LLC, hereby petitions this Court for a writ of mandamus directing the Respondent, Madison Police Department, to produce records requested by the Petitioner, alleging to the Court as follows:

FACTUAL ALLEGATIONS

Parties

1. Petitioner Bill Lueders is an adult resident of the State of Wisconsin with an address of 3505 Lerdahl Road, Madison, Wisconsin 53704. He is also the elected president of the Wisconsin Freedom of Information Council, an all-volunteer state group that works to protect access to public meetings and records.

2. Respondent Madison Police Department is the police department of the City of Madison with a physical address of 210 Martin Luther King, Jr., Boulevard, Madison, Wisconsin 53703 and a mailing address of 211 S. Carroll Street, Madison, Wisconsin 53703.

3. As a “local . . . department,” the Department is an “Authority” under Wis. Stat. § 19.32(1).

Venue & Jurisdiction

4. This Court has jurisdiction to hear this matter under Wis. Stat. § 19.37(1)(a), which provides record requesters a private right to “bring an action for mandamus asking a court to order release of the record.”

5. Venue is proper in this County under Wis. Stat. § 801.50(2), as the action arose in this County and the Respondent does substantial business in this County.

Facts

6. On April 4, 2023, the Department released a quarterly disciplinary summary to multiple media representatives. It showed a single disciplinary incident, case number 2022PSIA-0161, regarding a suspension imposed on a police sergeant for sending an unprofessional email.

7. Later the same day, Lueders made a written record request to the Department for “copies of your case file on 2022PSIA-0161, including any complaint, report, or letter explaining disposition” (“161 Request”).

8. On the same day, Julie Laundrie, the Department’s public records custodian, responded that “I am currently at 14 months for personnel requests to receive reply because of volume and complexity of requests in the cue [sic] of this type.”

9. On April 7, Lueders responded, objecting that 14 months was unacceptable because, given such a delay, the records would “likely have no relevance when finally

surrendered” and that if such delays were standard, “you are most certainly not fulfilling your obligations under the law.”

10. Lueders also clarified that his request did not seek all records regarding 2022PSIA-0161, just “the complaint and resolution, and any report if one was generated.”

11. Lueders also noted that the Department had recently released a 15-page list of 131 instances during the same quarterly time period in which a department officer had received positive recognition.

12. Lueders also made a new written request for “any record in your possession that tracks the requests you have received for ‘personnel’ records that are currently pending” (“Backlog Request”).

13. Later that day, Laundrie responded with an explanation of the process and backlog.

14. Later that day, Lueders responded, clarifying that for his Backlog Request, “A copy of all of the personnel requests that are still pending would suffice.”

15. Lueders also noted that he was requesting “an extremely small category of records,” that he had sued the Department twice in the past to obtain police disciplinary records, and that the Department’s delays “effectively shut off . . . public access” to such records.

16. Lueders also made a new written request for “quarterly reports from the Madison Police Department Professional Standards and Internal Affairs Discipline Summary for the four quarters of 2022” (“2022 Summary Request”).

17. On April 10, Laundrie provided a link to a website containing the records responsive to the 2022 Summary Request, and verifying Lueders was still seeking all pending

requests for personnel records and the “complaint and letterhead documents” for 2022PSIA-0161.

18. Later that day, Lueders responded, confirming those two requests.

19. Lueders also made a new written request for the “complaint and letterhead documents . . . for seven occasions in 2022 in which disciplinary action was taken against an officer,” providing case numbers for each (“2022 Complaint Request”).

20. Lueders also made a new written request for “the complaints and the letters of determination for all Professional Standards and Internal Affairs investigations that were closed in the first quarter of 2023, including those that did not lead to discipline” (“2023 Complaint Request”).

21. Later that day, Laundrie responded, indicating that all of the investigation requests would likely be 14 months, although she was working to shorten that wait, and the Backlog Request would be 12 weeks.

22. A true and accurate copy of an email thread containing the discussions related in Paragraphs 7-22 is attached as Exhibit A.

23. On May 1, 2023, Lueders published an article titled “Wrongful Delays Shield Madison Police Records from Public View” in *Isthmus* (available at <https://isthmus.com/opinion/opinion/wrongful-delays-shield-madison-police-records-from-public-vi/>).

24. In the article, Lueders objected to the Department’s 14-month timeline for fulfilling record requests, related previous lawsuits he had been involved in against the Madison Police Department, and described the problems caused when the public cannot get timely access to information about police officer discipline.

25. On June 15, 2023, Lueders asked Laundrie for a status update on his 161 Request.
26. On June 16, Laundrie responded that it was “still at the same timeline of 14 months from April 4th” and that the Backlog Request would be fulfilled “soon.”
27. On June 22, Lueders warned the Department that if basic records of complaints and dispositions could not be produced promptly, he would sue.
28. Later that day, Laundrie responded that she had asked for and received permission to move the 161 Request ahead in line.
29. A true and accurate copy of an email thread containing the discussions related in Paragraphs 25-28 is attached as Exhibit B.
30. Upon information and belief, the Department did not start substantive work (such as searching for, retrieving, and reviewing records) on the 161 Request until June 22 or later.
31. On June 23, Eleazer D. Hunt, the Department’s Director of Data, Reform, and Innovation responded on behalf of the Department. Hunt indicated that the 161 and Backlog Requests were estimated to be completed in about seven weeks, and the 2022 and 2023 Complaint Requests were estimated to be completed in 11-12 months.
32. Hunt also indicated that the Department’s record office was now “fully staffed and trained,” which would “help reduce the backlog and speed up processing time.”
33. A true and accurate copy of Hunt’s email is attached as Exhibit C.
34. On July 1, Lueders distributed a “Your Right to Know” column regarding the Department’s delay titled “July: Records Delays Are Contrary to the Law.” It was published on the Wisconsin Freedom of Information Council’s website at <http://wisfoic.org/july-record-delays-are-contrary-to-the-law/> and appeared in more than a dozen newspapers around the state.

35. The column explained the Department's delays and decried the growing problem of record delays among various government agencies.

36. The Backlog Request was fulfilled on July 13, 2023, three months and 6 days after it was made. The responsive records consisted of 47 pages and approximately 35 requests for personnel records, mostly coming from attorneys. It showed that requesters for records regarding police disciplinary matters in 2022 and 2023 were commonly advised to expect wait times of 10 to 14 months.

37. The 161 Request was fulfilled on August 2, 2023, almost four months after it was made. The responsive records consisted of 12 pages including intra-departmental correspondence and a PSIA Report summarizing the underlying incident, the complaint, and witnesses.

38. Included with the 161 Request's responsive records was a document electronically labeled "Baker note – records release," which appears to be a statement from the subject of the investigation. That statement indicates "I have never had any objection with media obtaining the email [that was the basis of the investigation] I sent" and "I believe the email should have been released without delay."

39. On August 8, 2023, Lueders published an article titled "Don't Delay on Police Records" in *The Wisconsin Examiner* (available at <https://wisconsinexaminer.com/2023/08/08/dont-delay-on-police-records/>); a version of this article also appeared on August 9 in *Isthmus* (available at <https://isthmus.com/opinion/opinion/dont-delay-on-police-records/>).

40. The article related Lueders' struggles with the Department's delays, reported about the minor infraction that led to PSIA2022-0161, and called on the Department to reduce its delays in responding to routine record requests.

41. The Department was sued in 2018 for a delay of over a year in fulfilling a record request. *See Red Card Media, LLC, d/b/a Isthmus Publishing v. Madison Police Department*, Dane County Circuit Court Case No. 2018-CV-290.

42. As of the date of this Petition, the Department has not provided any records in response to either the 2022 Complaint Request or the 2023 Complaint Request, or updated its estimated response time of 11-12 more months (from June 23, 2023).

COUNTS I & II – VIOLATIONS OF WIS. STAT. § 19.35(4)(a)
Unlawful Delay – 2022 Complaint Request & 2023 Complaint Requests

43. Under Wis. Stat. § 19.31, “it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.” The statute further provides that “[t]he denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied,” establishing “a presumption of complete public access to government records, consistent with the conduct of governmental business.”

44. The documents Lueders requested are “records” under Wis. Stat. § 19.32(2).

45. Lueders has a clear legal right to receive the records he requested and the Department has a plain legal duty to produce them. Wis. Stat. § 19.35(1)(a) and (b) provide that “any requester has a right to inspect any record” and “to make or receive a copy of a record.”

46. Wis. Stat. § 19.35(4) provides that “Each authority, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority’s determination to deny the request in whole or in part and the reasons therefor.”

47. The Attorney General has opined that “10 working days generally is a reasonable time for responding to a simple request for a limited number of easily identifiable records.” Wis.

Dep't of Justice, *Wisconsin Public Records Law Compliance Guide*, Oct. 2019, at 15. "Requests for public records should be given high priority." *Id.*

48. The 2022 and 2023 Complaint Requests are simple requests for a limited number of easily identifiable records. Lueders is not seeking all documents related to the investigations, only the initial complaints and resolution documents. Lueders believes there are fewer than 10 individual investigations between the two Requests.

49. The Department has already delayed fulfilling the 2022 and 2023 Complaint Requests for four-and-a-half months and estimates it will not fulfill those requests for another nine-to-ten months.

50. The Department's delays in fulfilling the 2022 and 2023 Complaint Requests are not due to the complexity of the requests.

51. Nor are the Department's delays attributable to the need to provide notice to employees under Wis. Stat. § 19.365, a process that takes only two weeks.

52. Rather, the Department's delays are a product of the Department's failure to devote sufficient resources to fulfilling their statutory responsibility to provide records as soon as practicable and without delay. The Department has such a backlog of record requests that even small requests generating only a handful of records take over a year to fulfill because they are put in a queue and ignored for months.

53. The Department's delays in fulfilling the 2022 and 2023 Complaint Requests are a part of a broader pattern of delays in fulfilling record requests. For example, Lueders' 161 Request and Backlog Request took three and fourth months, respectively, to fulfill. The Department has approximately three dozen personnel record requests pending, and has regularly told requesters they will have to wait 10-14 months.

54. As a freelance journalist, Lueders is unable to report about the Department in a timely manner because of the extreme delay in obtaining simple records.

55. Substantial damage results when Lueders is delayed access to records he has a statutory right to view, and he has no other adequate remedy at law to obtain these records in a timely manner.

56. “If an authority . . . delays granting access to a record or part of a record after a written request for disclosure is made, the requester may . . . bring an action for mandamus asking a court to order release of the record.” Wis. Stat. § 19.37(1)(a).

RELIEF REQUESTED

WHEREFORE, the Petitioner demands a writ of mandamus to issue against the Respondent under Wis. Stat. § 19.37(1):

1. Compelling the Respondent to produce the requested records;
2. Declaring the Petitioner’s rights and limiting the Respondent’s conduct with respect to the requested records;
3. Awarding the Petitioner reasonable attorney fees, damages of not less than \$100 for each violation, and other actual costs under Wis. Stat. § 19.37(2);
4. Awarding the Petitioner punitive damages under Wis. Stat. § 19.37(3); and
5. Awarding such other relief as the Court deems appropriate.

Dated this September 5, 2023.

Respectfully submitted,
WISCONSIN TRANSPARENCY PROJECT
KAMENICK LAW OFFICE, LLC
Attorney for Petitioner

Electronically Signed by Thomas C. Kamenick
Thomas C. Kamenick, WBN 1063682
(262) 365-7434; tom@wiopenrecords.com

1144 Noridge Trl.
Port Washington, WI 53074

Re: FW: 1st Quarter PSIA Media Summary and Employee Recognitions

Bill Lueders <blueders@gmail.com>

Mon 4/10/2023 2:18 PM

To:Laundrie, Julie <JLaundrie@cityofmadison.com>;Tom Kamenick <tom@wiopenrecords.com>

2022CPSIA-0042 is a typo; I meant 2022PSIA-0042, one of the three disciplinary cases listed in the [third-quarter 2022 report](#).

So, just to be clear: The timeline for requests #1, #2, #4 and #5 is 14 months; request #3 is satisfied by virtue of the provided link, and request #2 should be more like 12 weeks.

On Mon, Apr 10, 2023 at 1:59 PM Laundrie, Julie <JLaundrie@cityofmadison.com> wrote:

Bill,

Ok I am going to leave these all that involve personnel records at 14 months at this point(remember, I am actively working to shorten this wait as we just hired new staff that will be helping me, they are in training). Personnel records SOP: <https://www.cityofmadison.com/police/documents/sop/persFiles.pdf>

The “who is waiting” #2 will not take me that long, maybe 12 weeks, may change if it is determined I need to give notice under 19.356.

OF NOTE: the one in #4 that is “CPSIA” is civilian investigation, FYI in case you want to modify.

Let’s do 9am-12noon on 4.21.23. I am behind the GR10 window in the City County Building. You have to enter through Martin Luther King Jr doors as all others are locked now. Once you enter take an elevator or stairs down to GROUND level. Then follow the signs to GR10 window and ask for me.

Julie

Julie A. Laundrie

Madison Police Department

Public Records Custodian

jlaundrie@cityofmadison.com

608-266-6068



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GR10 window is now open normal hours M-F 8-4pm for public records requests and pick up. MPD Records is now charging the City determined fees for records: <https://www.cityofmadison.com/police/documents/RecordFees.pdf>

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Thank you, Julie. I appreciate it. You have sorted it out well into three requests. I had wondered if maybe the summaries were online; I should have checked beforehand. So on request #3. we're golden.

I am going to also ask for the "complaint and letterhead documents," to use your phrasing, for not just the one case from this quarter, 2022PSIA-0161 (request #1), but also for seven occasions in 2022 in which disciplinary action was taken against an officer. These are case nos. 2021PSIA-0185, 20PSIA-0019, 2022PSAI-0035, 2021PSIA-0175, 2020CPSIA-0042, 2022PSIA-0103, and 2022PSIA-0066.

That way, I will at some point have complaint and letterhead records from all eight cases in which disciplinary action was taken against a MPS officer since January 1, 2022. Let's call this my request #4.

I would also like to ask for the complaints and the letters of determination for all Professional Standards and Internal Affairs investigations that were closed in the first quarter of 2023, including those that did not lead to discipline. Again, I'm just asking for records showing the

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complaint and the resolution. They do not have to be filed during this period, just concluded. Let's call that request #5. (That's it, I promise!)

As for #2, for all pending personnel records requests, I really do want to minimize the demands on your time that this request will make. Let me tell you what I am trying to find out, and perhaps that will make things easier in terms of what you provide. I'd like to know, given the systems you now have in place, how long will it take for me to obtain records showing what was complained about and what was put on letterhead regarding the imposition of discipline for this small handful of cases. You said they were in a category with a 14-month waiting period. My question behind my records request is: Who else is waiting? Specifically, who else is waiting for disciplinary records kept by the office of Professional Standards?

Are records regarding officers who have been disciplined treated as belonging to a much larger category of records considered "personnel" requests? Wouldn't it make more sense to treat them separately? I am just trying to understand how the disciplinary records process works. I think that might become clearer if I tag along with you for a bit (although I do promise to not keep you from doing your job). The morning of Friday, April 21, works for me. Just tell me a time of day, and I'll be there.

I don't know if you know this, but I now make my living as a writer, and I probably will be writing about this issue for my beloved former paper Isthmus. Per my preferred practice, I will gladly check anything I use from you, with you.

On Mon, Apr 10, 2023 at 8:27 AM Laundrie, Julie <JLaundrie@cityofmadison.com> wrote:

Bill and Tom,

Just want to make sure I am clear. This is request #3 for 2022 PSIA media summaries (all four), no recognitions. #2 is for the *requests* for all pending personnel records public records requests and #1 is for 2021PSIA 161 complaint and letterhead documents.

I think we can take care of #3 easily as these are online and therefore a public records request is not necessary or applicable. Below is the direct link for your convenience. Future path; About, Assistant Chief for Investigative and Specialized Services, Professional Standards and Internal Affairs:
<https://www.cityofmadison.com/police/PSIA/>

Fridays are generally quieter for me, so they are the best days for a tour and sit along. April 21st, 28th, May 5 or May 12th are all unscheduled for me at this point. I prefer AM as by PM on Friday I am usually exhausted!

Best,

Julie

Julie A. Laundrie

Madison Police Department

Public Records Custodian

jlaundrie@cityofmadison.com

608-266-6068



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From: Bill Lueders <blueders@gmail.com>

Sent: Friday, April 7, 2023 5:08 PM

To: Laundrie, Julie <JLaundrie@cityofmadison.com>

Cc: Tom Kamenick <tom@wiopenrecords.com>

Subject: Re: FW: 1st Quarter PSIA Media Summary and Employee Recognitions

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Yes, I am looking for records that demonstrate the backlog for personnel requests and not all of the records you have amassed behind every request you have received. A copy of all of the personnel requests received that are still pending would suffice.

I am not asking and do not want to be bumped to the front of the line, ahead of others who have been waiting their turn. I would like to understand why there is a line so long that it takes 14 months to provide these records that are so essential for the public to have in regard to police accountability.

This is an extremely small category of records that I am asking about — the complaint and resolution for the one and only case in the entire first quarter of 2023 that involved a finding that an officer did something wrong and was disciplined. I have not kept track of past quarterly reports, but let's say there were three times as many complaints that led to discipline in every other quarter going back to the start of 2022. That would make it three per quarter plus the one from the last quarter (2022PSIA161), for a total of 13. That does not seem like an unmanageable amount. I have in the past received such records, after having sued the MPD twice, both times successfully, for the right to obtain them. Now I find that these records have been effectively shut off from public access due to this enormous backlog. That's a problem.

I do apologize for not being more on the ball about this before, as I would have made a fuss about it earlier. I would now like to ask, if it's not too much trouble, for you to again send me the quarterly reports from the Madison Police Department Professional Standards and Internal Affairs Discipline Summary for the four quarters of 2022, so I can see rather than guess how many of these there have been going back to the start of 2022. You don't have to send the reports of all of the praiseworthy things officers have done, just the disciplinary summaries for each quarter of 2022, previously provided to me but, alas, not retained.

I would love to spend a half-day seeing how things work on your end. Thanks for the offer. I have no doubt that you work hard and do a good job, despite many challenges. I am just trying to understand how it has come to pass that this small but vital group of records is apparently no longer publically available in anything approximating a timely fashion.

Thanks for your attention to this. I hope you have a good weekend.

On Fri, Apr 7, 2023 at 3:23 PM Laundrie, Julie <JLaundrie@cityofmadison.com> wrote:

Hi Bill and Tom,

You requested 2022PSIA161 Tuesday 4.4.23. I advised you with the current backlog I anticipated 14 months for reply and that with staffing increases I hoped that would be a shorter timeline. Your second request is for records that demonstrate personnel records backlog.

I am thinking about the best way to demonstrate backlog our office faces to more fully explain the delay in fulfilling your second request. Last year MPD Records processed 32,006 public records requests; 27,548 the year before. Law enforcement records contain a plethora of information deemed confidential by state law and/or the balancing test requiring redactions for most of the records we produce. In other words, it is not a simple process of hitting "print" and sending the report as soon as the request is received. Additionally, personnel records, by law, have certain limitations placed on them regarding what we can produce to the general public and have the additional time requirements found in Wis. Stat. §19.356 for notice to the employee.

Most of these personnel requests already have many of the files in folders that requestors are seeking.....I am assuming you do not want that, all of the materials behind the requests? I am thinking maybe be a copy of all of the personnel requests received that are still pending would suffice? I will also discuss with the City Attorney's office.

Personnel records requests, much like a request for a homicide report are large requests and go on a track that can be slower than a request for a 3 page police report. I think we have maybe 8-10 pending large requests that are for homicides including three for Zimmerman which is 3,100 pages in police reports alone (no attachments, no media). Many online resources indicate that the average reading speed of most adults is around 200 to 250 words per minute, which translates to two minutes per page. For the Zimmerman report that would be 103 hours just reading with additional hours spent redacting the report so a single request could take one person 3 weeks to complete if that was all they worked on which does not happen since we get called to provide records for reasons other than public record requests.

Generally, I can complete one request for personnel records a month; sometimes it can be two or three depending on volume and complexity. Most of the requests for records from MPD are simple police reports (3-10 pages). Larger requests like personnel, homicides and some large email requests

are processed in the order they are received....but it just takes longer. Human resources requests (personnel requests) also have a more limited group of people that can review them because of the nature of the request and these requests also have requirements in the agency and city policy and in the law.

I am always completely transparent that we triage requests to be as fair as we can and to reflect the public interest as best we can.....I understand that is a debatable process but we try to treat all community requestors equally. With the backlog we have, it does not seem fair to make one person wait longer in the queue for their request to process while we jump another person ahead in line. I'm sure you recognize that every record requester wants their record processed immediately and that receiving the record is very important to them. That said, we may process records requests from the media faster because we know that the public interest is higher when the media is asking.

Regular request reviews (simple public records requests) hold steady around 6-10 weeks processing, depending on volume, vacations etc. We recently converted a position to have another Program Assistant available to review records; and just started an additional Program Assistant this past week only because we were able to secure the funding in the MPD budget. I am hoping the additional personnel will reduce our processing time. We process a lot of requests (average more than 100 a day located, 100 reviewed a day, and 100 released every day) and the team is really proud of the access and transparency we give the public on police business. I will talk to the Chief about your first request and if he asks me to bump you ahead of others waiting in line, I will.

It is stressful for the team to be so far behind, but we can only do what is humanly possible. My goal is to get records processing to 4 weeks for reports and likely 10 weeks for requests with video that needs redaction.

Also, I want to take this opportunity to offer either of you a tour/sit along for a half day with me here in MPD Records. I feel like we do a lot with what we have and I am really proud of the team that has been built. My door is always open.

To move ahead with your second request; please confirm you are only looking for records that demonstrate the backlog and NOT the material behind these backlogged requests.

Julie

Julie A. Laundrie

Madison Police Department

Public Records Custodian

jlaundrie@cityofmadison.com

608-266-6068



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From: Bill Lueders <blueders@gmail.com>

Sent: Friday, April 7, 2023 9:33 AM

To: Laundrie, Julie <JLaundrie@cityofmadison.com>

Cc: Tom Kamenick <tom@wiopenrecords.com>

Subject: Re: FW: 1st Quarter PSIA Media Summary and Employee Recognitions

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Dear Ms. Laundrie,

Thanks for your note and well-wishes but I'm afraid that I have to object. There is no world in which "I am currently at 14 months for personnel requests" is in keeping with the statutory requirement that the MPD handle records requests "as soon as practicable and without

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delay." Any process that takes 14 months involves delay and ensures that these records will likely have no relevance when finally surrendered, in June 2024 or later. If these delays are now standard, as I understand from your reply, you are most certainly not fulfilling your obligations under the law.

I will point out that I am not asking for all records regarding case 2022PSIA-0161. I just want the complaint and resolution, and any report if one was generated. This is a small and easily manageable request.

I couldn't help noticing that the MPD's release of bare-bones information about this lone and apparently minor infraction was accompanied by the release of a 15-page, single-spaced, 131-list of occasions during this same quarterly period in which a MPD officer or officers received positive recognition. You are, so far as I know, under no obligation to compile such a list, which because of its absence of names makes it of limited utility, if any, to news organizations.

Perhaps the enormous amount of time it must take to produce this document would be better deployed responding, in a timely fashion, to the records requests you receive, as the law requires.

I would like to learn more about this 14-month backlog. To that end, I am hereby requesting, through the Open Records Law (19.31 - 19.39), any record in your possession that tracks the requests you have received for "personnel" records that are currently pending. I'll spare you the rest of the Open Records Law boilerplate.

Sorry to be a grouch about this, but I think the public has a right to these records, without delay.

On Tue, Apr 4, 2023 at 1:01 PM Laundrie, Julie <JLaundrie@cityofmadison.com> wrote:

Hey Bill,

I hope you are well. Lt Kamoske forwarded your request to me for reply. I am currently at 14 months for personnel requests to receive reply because of volume and complexity of requests in the cue of this type. We have recently hired someone to help with these requests, but at this time that is the timeline I have for reply on this. Reach out if you have any questions.

Julie

Julie A. Laundrie

Madison Police Department

Public Records Custodian

jlaundrie@cityofmadison.com

608-266-6068



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From: Bill Lueders <blueders@gmail.com>

Sent: Tuesday, April 4, 2023 12:49 PM

To: Kamoske, Angela <AKamoske@cityofmadison.com>

Subject: Re: 1st Quarter PSIA Media Summary and Employee Recognitions

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This is to request, under Wisconsin's open records law, copies of your case file on 2022PSIA-0161, including any complaint, report, or letter explaining disposition.

On Tue, Apr 4, 2023 at 12:21 PM Kamoske, Angela <AKamoske@cityofmadison.com> wrote:

Please see attached.

Lieutenant Angela Kamoske #2878

Professional Standards and Internal Affairs

City Of Madison Police Department

211 S. Carroll St. Madison, WI 53703

608-266-6502

akamoske@cityofmadison.com

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Bill Lueders

blueders@gmail.com

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Fwd: Update?

----- Forwarded message -----

From: **Bill Lueders** <blueders@gmail.com>

Date: Thu, Jun 22, 2023 at 11:16 AM

Subject: Re: Update?

To: Laundrie, Julie <JLaundrie@cityofmadison.com>

Cc: Tom Kamenick <tom@wiopenrecords.com>, Fryer, Stephanie R <SFryer@cityofmadison.com>

Thanks for this. But the issue is not about this one case; it's about the policy of including requests for records about disciplinary actions in a category that is heavily backlogged. Can we at least have a discussion about changing this policy?

On Thu, Jun 22, 2023 at 10:45 AM Laundrie, Julie <JLaundrie@cityofmadison.com> wrote:

Bill,

I have asked and received approval to move your request for 22PSIA161 ahead. I hear your concerns. Please know that we are doing our best and continually working to improve process and follow both the letter and spirit of the law. As you likely know, there are requirements in the law for release of employment records in 19.356.

Julie

Julie A. Laundrie

Madison Police Department

Public Records Custodian

jlaundrie@cityofmadison.com

608-266-6068



For more information on MPD Public Records request replies:

Pet. Ex. B-001

<https://www.cityofmadison.com/police/documents/PublicRecordsRequests.pdf>

Para mas informacion sobre respuestas a solicitudes de documentos publicos de MPD, por favor visite:

<https://www.cityofmadison.com/police/documents/PublicRecordsRequests-Sp.pdf>

GR10 window is now open normal hours M-F 8-4pm for public records requests and pick up. MPD Records is now charging the City determined fees for records: <https://www.cityofmadison.com/police/documents/RecordFees.pdf>

From: Bill Lueders <blueders@gmail.com>

Sent: Thursday, June 22, 2023 9:58 AM

To: Laundrie, Julie <JLaundrie@cityofmadison.com>

Cc: Tom Kamenick <tom@wiopenrecords.com>; Fryer, Stephanie R <SFryer@cityofmadison.com>

Subject: Re: Update?

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Julie and Stephanie,

I appreciate the update. I have one, too. After consulting with Tom Kamenick, I have reached the conclusion that your policy of putting requests for records of disciplinary actions into the longest line is contrary to the letter and spirit of the Open Records Act, and devastating to the decisions in the two lawsuits I was involved in earlier, in the 1990s. And so my plan is to ask Tom to file a mandamus action against the Madison Police Department, unless we can work out some way to avoid it, which I would earnestly like to do.

There is no reason on Earth why the already completed and just-sitting-there basic records —complaints, dispositions—of cases in which MPD has decided to impose discipline cannot be promptly if not routinely provided. The courts have recognized the public's right to this information. Your policy, as I've [written](#) in *Isthmus*, effectively ends it. If we sue, I assume we will win, as we did twice before under circumstances gnarlier than this, and the city will end up having to pay tens of thousands of dollars in fees and costs.

I don't want that and I hope that you don't, too. And so I am making this unusual gesture of

Pet. Ex. B-002

giving you a heads up, which will save us all bundles of time and cash. I'd like to give you until the end of the month to mull it over. I hope you are open to working something out.

On Fri, Jun 16, 2023 at 12:12 PM Laundrie, Julie <JLaundrie@cityofmadison.com> wrote:

Hi Bill,

For this request, request #1 in my schedule from you, we are still at the same timeline of 14 months from April 4th. We have made some progress on the backlog and I have a few possible solutions I have put forth to bring us closer faster, so I am optimistic but will not over promise at this point. The option of me requesting from the Chief to jump you in line still stands.

I am working on your "request for requests" (#2), hopefully that will be out to you soon.

My reaction to the opinion piece was exactly as you stated, I thought it was a fair/accurate opinion of our personnel records/large case backlog and I thought the graphics were not so awesome 😊

We are just over 5-6 weeks in our regular review bin which is a big improvement we are proud of. Video still takes a bit longer, but that is just going to happen. We are also turning around calls for service and police contacts in about 1 week. It seems to be subpoena season which slows everything a bit as we scramble to keep Julie out of contempt of court....

Keep in touch and email any time. Copying Stephanie Fryer, MPD PIO.

Julie

Julie A. Laundrie

Madison Police Department

Public Records Custodian

jlaundrie@cityofmadison.com

608-266-6068



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GR10 window is now open normal hours M-F 8-4pm for public records requests and pick up. MPD Records is now charging the City determined fees for records: <https://www.cityofmadison.com/police/documents/RecordFees.pdf>

From: Bill Lueders <blueders@gmail.com>

Sent: Thursday, June 15, 2023 10:41 AM

To: Laundrie, Julie <JLaundrie@cityofmadison.com>

Cc: Tom Kamenick <tom@wiopenrecords.com>

Subject: Update?

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Can you please update me on the status of this records request, from April 4?

This is to request, under Wisconsin's open records law, copies of your case file on 2022PSIA-0161, including any complaint, report, or letter explaining disposition.

Thanks for your time. I hope you thought the opinion piece was fair; I wasn't thrilled with the art.

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From: Hunt, Eleazer D EHunt@cityofmadison.com 
Subject: Records Requests
Date: June 23, 2023 at 4:30 PM
To: blueders@gmail.com
Cc: Lauten, Patricia PLauten@cityofmadison.com, Laundrie, Julie JLaundrie@cityofmadison.com

EH

EXHIBIT

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Mr. Lueders,

I am responding to your June 22, 2023 email regarding the time frame for processing public record requests for MPD personnel records. Your email refers to a “policy” of putting requests for disciplinary actions into the longest line. That is not the case. There is no MPD “policy” for processing any public record other than the policy set forth in Wisconsin law to provide the record(s) “as soon as practicable and without delay.”

When you met with Julie Laundrie on April 21, 2023, she explained to you that some MPD public record requests are more labor intensive to process than others. In the interest of transparency, the records section gives requesters their best estimate of how long it will take to process a labor intensive record request. Often, after a discussion, the request can be more narrowly tailored for a quicker processing time. Comparing requests, a 3,000 page homicide case takes longer to process than a five page police report due to the sheer volume of pages that must be reviewed. Video takes longer to process than paper records because hours of video may have to be reviewed to get to the information being requested. Personnel records take longer to process because there are multiple parts to the personnel file and we must fulfill our statutory obligations under §19.356. For large record requests, it may take one person weeks to process the request. As you can see from these examples, the record location and review process cannot be outsourced to a machine or outsourced to a labor pool of untrained personnel due to the many laws we have to comply with and the confidential nature of the documents themselves.

We processed over 32,000 public record requests last year and may have 100 or more requests pending at any one time. The fairest way to serve all our public record requesters is to process the requests in the order they are received. If one person is requesting one record and another person has a request that yields 20, 30, 40 records – that request will take longer to process than one record so even if your request is ahead of someone else in the queue, your request may take longer due to the volume of records generated from the request. In addition to the volume of requests, law enforcement and employee personnel records often contain information deemed confidential by state or federal law which must be redacted before production to the requestor which adds to processing time.

Checking with the Records Custodian the status of your request are as follows:

- 22PSIA 161 approximately seven weeks to complete
- Your request for the other personnel records requests, approximately seven weeks to complete
- Remaining two requests (seven PSIA investigations and all PSIA closed in the first quarter 2023) 11-12 months.

We do appreciate your input on this issue as we work to reduce our request processing time. To that end, I am pleased to report that the records office is finally fully staffed and trained. Additional personnel added since you toured our office with Ms. Landrie will help reduce the backlog and speed up processing time. In addition, we are looking to improve the efficiency in our process itself and exploring ways that technology may help us speed up the way we handle the many redactions we are required to make to our records before release to the public.

With regards,

Lee Hunt

Eleazer D Hunt PhD PMP (he/him/his)
Police Director Data, Reform, and Innovation

Mobile: 608-516-2140

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Madison Police Department
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