Wisconsin Transparency Project

Kamenick Law Office, LLC
Attorney Tom Kamenick, President & Founder
1144 Noridge Trail
Port Washington, WI 53074
(262) 365-7434
www.wiopenrecords.com
tom@wiopenrecords.com

UW Police Department Record Custodian
records@uwpd.wisc.edu

VIA EMAIL

September 11, 2024

Re: Tone Madison Record Request; Video Redaction Fees

Dear UW Police Department Record Custodian,

I represent Tone Madison regarding a record request one of its reporters made to the UW Police Department. In response to that request, you insisted that neither Tone Madison nor its reporter qualified for an exemption to the Open Records Law's new provisions permitting law enforcement agencies to charge fees for redacting video recordings in limited instances. Your interpretation of those new provisions is faulty and could result in legal liability for the Department.

BACKGROUND

On May 29, 2024, Alice Herman made a record request to the UW Police Department for body camera footage from three-and-a-half hours on May 1, 2024 at two locations: the library mall and memorial union. On June 4 you responded, noting that there would be fees for redacting the videos, although an individual – but not a media organization – could qualify for a fee exemption if they did not intend to use it for financial gain and had not already made 10 requests to UW PD in the calendar year. You noted that Ms. Herman had CC'd people from Tone Madison and claimed that if she certified she was not using it for financial gain but provided a copy to Tone Madison, she could be fined $10,000.

The same day, Ms. Herman replied, indicating she was a professional reporter working in a volunteer capacity for Tone Madison and asked for an explanation of why media organizations could not seek a fee exemption. On June 5, you replied, claiming that the Wis. Stat. § 19.35(3)(h)3. exemption was available only to individuals.

Further communications occurred, including a conversation between Scott Gordon, Tone Madison's Publisher, and Marc Lovicott, your Executive Director of Communication. Mr. Gordon also explained how Tone Madison would not be using any bodycam footage for financial gain. You refused to change your position.

LEGAL ANALYSIS OF REDACTION FEES

Open Records Law Principles

The first sentences of the Open Records Law declare the state's official policy that government records are the public's records:

> In recognition of the fact that a representative government is dependent upon an informed electorate, 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. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employees whose responsibility it is to provide such information.

Wis. Stat. § 19.31. "This statement of public policy in § 19.31 is one of the strongest declarations of policy to be found in the Wisconsin statutes." *Zellner v. Cedarburg Sch. Dist.*, 2007 WI 53, ¶49, 300 Wis. 2d 290, 731 N.W.2d 240.

To serve the objectives identified in Wis. Stat. § 19.31, "ss. 19.32 to 19.37 shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business," and "only in an exceptional case may access be denied." Wis. Stat. § 19.31 (emphasis added). The Open Records Law must be construed liberally in favor of access to public records. *ECO, Inc. v. City of Elkhorn*, 2002 WI App 302, ¶23, 259 Wis. 2d 276, 655 N.W.2d 510 ("[T]he legislature's well-established public policy presumes accessibility to public records and mandates that open records law be liberally construed to favor disclosure . . ."); *Newspapers Inc. v. Breier*, 89 Wis. 2d 417, 426-27, 279 N.W.2d 179, 184 (1979) (recognizing "the legislative presumption that, where a public record is involved, the denial of inspection is contrary to the public policy and the public interest"). Access is therefore presumed and exceptions to access, including the balancing test, must be narrowly construed. *Seifert v. Sch. Dist. of Sheboygan Falls*, 2007 WI App 207, ¶31, 305 Wis. 2d 582, 740 N.W.2d 177.

Fees Under the Open Records Law

Custodians are allowed to charge only those fees expressly permitted by statute and may not impose additional charges. *Milwaukee Journal Sentinel v. City of Milwaukee*, 2012 WI 65, ¶¶35-36. The Open Records Law allows for only five types of charges: reproduction, photographic processing, location, mailing, and – solely for law enforcement agencies – video redaction. Wis. Stat. § 19.35(3)(a)-(d), (h). Custodians can only charge "the actual, necessary and direct cost" of any of those activities. *Id.*

Prior to the enactment of 2023 Wis. Act 253, custodians could not charge for time spent redacting records after they had been located. *Journal Sentinel*, 2012 WI 65. "[U]nder an ordinary understanding of the word 'locate,' the process of reviewing and deleting parts of a record has nothing to do with 'locating' the record. Reviewing a record and deleting parts of a record are separate processes that begin after the record has been located." *Id.*, ¶30. Act 253 permits such charges in strictly limited circumstances. The statutory language created by that Act reads, in full:

19.35 (3) (h) 1. In this paragraph, "law enforcement agency" has the meaning given in s. 19.36 (8) (a) 2.

2. Subject to subds. 3. to 7., an authority that is a law enforcement agency may impose a fee upon a requester for the actual, necessary, and direct cost of redacting, whether by pixelization or other means, recorded audio or video content to the extent redaction is necessary to comply with applicable constitutional, statutory, or common law.

3. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content for which all of the following apply:

a. If the requester is an individual, the requester provides written certification to the authority that the requester will not use the audio or video content for financial gain, not including an award of damages in a civil action. Any individual providing a false certification under this subd. 3. a. shall be subject to a forfeiture of $10,000 for each violation.

b. During the calendar year in which the authority receives the request, the same requester has not made more than 10 requests to the authority for records containing audio or video content, including the current request but excluding any request subject to subd. 4. or 5.

4. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content if the requester is an individual directly involved in the event to which the requested records relate, that individual's attorney or other authorized representative, or that individual's parent or guardian if the individual is under the age of 18.

5. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content if the event to which the requested records relate is a shooting involving an officer of a law enforcement agency.

6. In calculating the fee imposed under subd. 2., the rate for an actual, necessary, and direct charge for staff time spent redacting shall be based on the pay rate of the authority's lowest paid employee capable of performing the task.

7. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content unless prior to fulfilling the request the authority provides to the requester in writing an estimate of the amount of the fee to be charged.

2023 Wis. Act 253, § 1.

Analysis of Wis. Stat. § 19.35(3)(h)

Any analysis of any portion of the Open Records Law must begin with – and constantly keep in mind – the presumption of access to government records, the command that the law must be construed liberally in favor of access, and the admonition that exceptions to access (including a denial for failure to pay a fee) must be construed narrowly. Any ambiguities should be resolved in favor of greater access.

Subparagraph 1 – This Subparagraph defines who may charge redaction fees – "law enforcement agencies." The law borrows the definition of "law enforcement agency" from Wis. Stat. § 19.36(8)(a)2., which itself borrows the definition from § 165.83(1)(b) (and also includes

the State Department of Corrections). Under § 165.83(1)(b), "'Law enforcement agency' means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority."

Subparagraph 2 – This is the operative language that generally permits law enforcement agencies to charge a fee for redacting "records containing audio or video content." Commonly, this will cover bodycams, dashcams, security cams, and other recordings, but also would include things like voicemails. It uses the same "actual, necessary, and direct cost" language as the other fee provisions in the Open Records Law. *See* Wis. Stat. § 19.35(3)(a)-(d).

Two points of caution are warranted. First, the statute refers only to the "cost of redacting", not the cost of "reviewing." *See, e.g.*, *Journal Sentinel*, 2012 WI 65, ¶¶26-30 (finding that "reviewing" is distinct from other tasks expressly permitted to be charged). If, for example, it takes ten hours to watch a video to determine what needs to be redacted, and one hour to perform the actual redactions, only the hour could be charged, as that is the "direct cost of redacting," while the review time is, at most, an indirect cost of redacting that would need to be performed even if nothing was redacted. Likewise, if no portion of the record is actually redacted, nothing can be charged.

Second, law enforcement agencies can charge only for those redactions that are "necessary to comply with applicable constitutional, statutory, or common law." (Emphasis added.) This suggests that redactions that are discretionary – that is, those a custodian may, but does not have to, redact – cannot be charged to the requester. For instance, while law enforcement agencies are expressly prohibited from releasing most juvenile records, *see, e.g.*, Wis. Stat. § 938.396(1)(a), the so-called "balancing test" permits, but does not require, custodians to redact information if they conclude that the public interest in withholding the information outweighs the public interest in disclosing it, *see e.g*, *Hempel v. City of Baraboo*, 2005 WI 120, ¶¶63-81.

Particularly given the command to construe exceptions to release narrowly, these provisions should be interpreted to apply in the fewest circumstances compatible with the language. Any ambiguities should be resolved in favor of not imposing a fee.

Subparagraph 3 – Subparagraph 3 creates the first of three exemptions to redaction fees. This and the other provisions should be construed broadly to apply in as many circumstances compatible with the language. This exemption reads as follows:

> 3. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content for which all of the following apply:
>
> a. If the requester is an individual, the requester provides written certification to the authority that the requester will not use the audio or video content for financial gain, not including an award of damages in a civil action. Any individual providing a false certification under this subd. 3. a. shall be subject to a forfeiture of $10,000 for each violation.
>
> b. During the calendar year in which the authority receives the request, the same requester has not made more than 10 requests to the authority for

> records containing audio or video content, including the current request but excluding any request subject to subd. 4. or 5.

This provision creates two different classes of requesters – "individuals" and all others (which I will refer to as institutional requesters). Both can qualify for exemptions under this provision, through different means.

An institutional requester must satisfy the requirement that it not have previously made 10 audio or video requests to the same government authority in the same calendar year.

Some confusion may arise as to the scope of a single "request". If one email sent to a custodian asks for three distinct categories of records, is that one request or three? If a requester sends a request for a single record, and then immediately follows up, writing "Oh, I'd also like this second related record as well," is that one request or two? Does it matter if the categories are related to the same topic or event?

Somewhat ironically, prior to this new law custodians were incentivized to lump multiple requests together as a single request in order to exceed the $50 threshold for location fees in Wis. Stat. § 19.35(3)(c). But under this new provisions, law enforcement custodians are incentivized to divide them up in order to disqualify a requester from seeking a fee exemption.

Unfortunately courts have provided no guidance on this question. The Attorney General has warned against aggregating multiple requests into one: "Although the law is silent about aggregating fees, the law does not expressly authorize the aggregation of location costs for multiple requests from the same requester that occur close in time." Wis. Att'y Gen., *Wis. Public Records Compliance Guide* 72 (May 2024) (*citing* Wis. Stat. § 19.35(3)(c) & Thiel Correspondence (Dec. 22, 2021)).

In the Thiel Correspondence, the Department of Justice specifically approved of requesters "submit[ting] a single request seeking the same records" instead of "a number of separate requests in a short time frame." This suggests that the DOJ, at least, believes that a single request seeking multiple audio or video files could not be disaggregated into multiple request to count toward the 10 free requests. However, requesters should not seek to abuse that idea by combining large numbers of requests for unrelated records into a single request, especially if done on behalf of other people in an attempt to avoid the 10-request limit for free redaction.

An individual requester, on the other hand, is subject to stricter requirements. As well as being limited to 10 requests per year, per law enforcement agency, an individual must certify[1] that they

[1] Notably, there is no requirement that a requester certify that they have not previously made 10 requests to the same law enforcement agency for audio or video records in the calendar year. Some agencies have required requesters to certify that (in addition to the no-financial-gain certification), which is improper. It is up to the agency to keep track of record requests and determine whether the requester in front of them has made too many previous requests.

That raises a related question. Under Wis. Stat. § 19.35(1)(i), requesters may remain anonymous and "no request under pars. (a) and (b) to (f) may be refused because the person making the request is unwilling to be identified." If a person makes an anonymous request for audio or video records from a law enforcement agency, how is the agency to know whether that requester has already made 10 requests? In my opinion, an agency may refuse a request for a redaction exemption in this situation, because the agency will not be "refusing" the request, rather insisting on payment.

will not use the requested records for "financial gain" (other than an award of civil damages). False certifications subject the requester to an outrageous $10,000 fine, regardless of whether the mistake was accidental or intentional.[2]

Some law enforcement agencies have argued that institutional record requesters must also satisfy the financial gain provision, and because they are not "individuals," they cannot do so and therefore are barred from ever seeking an exemption under this provision. That reading is nonsensical. There is no reason to create a requirement that a requester is literally unable to satisfy.

The provision starts with a condition – if the requester is an individual, then certain steps must be taken. The most logical way to read that provision is that any requester that is not an individual (*i.e.*, an institutional requester), does not have to satisfy that portion.

The counter argument is that Subparagraph 3 starts by saying the exemption is available if "all of the following apply" and the provision about individuals providing a certification cannot apply to institutions. Admittedly, the language is not written with clarity. But any ambiguity must be resolved in favor of greater access to government records. The better reading is that the language "if the requester is an individual" negates the need for what follows to apply to any other entity making a request. If the legislature had intended the exemption to be unavailable to institutional requesters, it could have been written so much more simply. For example:

> An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content for which all of the following apply:
>
> a. The requester is an individual.
> b. The requester provides written certification to the authority that the requester will not use the audio or video content for financial gain, not including an award of damages in a civil action. Any individual providing a false certification under this subd. 3. a. shall be subject to a forfeiture of $10,000 for each violation.
> c. During the calendar year in which the authority receives the request, the same requester has not made more than 10 requests to the authority for records containing audio or video content, including the current request but excluding any request subject to subd. 4. or 5.

(Addition underlined.) Or the limitation could have been written into the first part of the exemption:

> An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content from an individual for which all of the following apply:
>
> a. The requester provides written certification to the authority that the requester will not use the audio or video content for financial gain, not including an award of damages in a civil action. Any individual providing a false certification under this subd. 3. a. shall be subject to a forfeiture of $10,000 for each violation.

[2] By comparison, government officials who violate the Open Records Law are subject to fines of "not more than $1,000" and only if they "arbitrarily or capriciously" delay or deny a record request. Wis. Stat. § 19.37(4).

b. During the calendar year in which the authority receives the request, the same requester has not made more than 10 requests to the authority for records containing audio or video content, including the current request but excluding any request subject to subd. 4. or 5.

The agencies' reading makes the use of "if" pointless, yet statutes should be interpreted to give effect to all of their language. *State* ex rel. *Kalal v. Circuit Ct.*, 2004 WI 58, ¶46. Finally, their reading would also raise potential equal protection problems by treating similarly situated groups differently without sufficient justification. *See generally Ferdon v. Wis. Patients Comp. Fund*, 2005 WI 125.

Another portion of this exemption deserves analysis: What is meant by "financial gain"? The term is not defined in the statute and is not a legal term of art with an established meaning. When asked about the language by State Representative Francesca Hong, the Wisconsin Legislative Reference Bureau was unable to provide additional guidance.

Given the statutory presumption of access and command to construe the Open Records Law liberally in favor of access, "financial gain" should be construed narrowly, as it acts as a barrier to access. That said, one can imagine stricter phrases that could have been used in the statute, such as being "paid for" or "selling" the records, so it can be intuited the Legislature intended something broader than the most clear and direct pecuniary transactions. On the other hand, the phrase seems narrower than "commercial purposes," which might include more indirect methods of benefiting from obtaining the record.

Note that the law expressly exempts using to content to obtain "an award of damages in a civil action" – for example, a claim of excessive force by police officers. That exemption would not be necessary if the initial scope of "financial gain" weren't broad enough to include the indirect use of a recording's content to benefit monetarily in ways other than selling the recording or monetizing the distribution of the recording. But the extent of its application is difficult to define.

Obviously, the term would apply to turning a video or audio recording around and selling it to others (a model used by some data brokers to provide easier access to certain governmental information). But <u>giving away</u> the video to others, even to others who may want to use the video for commercial purposes, would not be covered. The law does not prohibit the use of a "straw requester" – it does not say that the record may not be used for financial gain by <u>anybody</u>, only by the <u>requester</u>. Volunteers (especially for nonprofit media and advocacy organizations) should also be free and clear.

The prohibition would likely apply to somebody who obtains the video and then posts it online – for example in a YouTube video – and earns money by selling ads targeted at the people who watch the video. In fact, this was the exact use that appeared to irk so many supporters of this law in the first place. But posting the video online and <u>not</u> obtaining any ad or similar revenue would be permissible.

What about people who create and monetize content based off information found in the recording without sharing the recording itself? Think bloggers and freelance writers who sell stories to publications. The law does prohibit obtaining financial gain from the "<u>content</u>" of the

recording, which suggests the prohibition extends beyond directly reproducing or transferring the recording. But what if the content in the recording is verified in other sources? What if the content suggests a different lead that becomes the basis for a story? Such instances seem less likely to be covered, but the line may be difficult to draw.

Similarly difficult to analyze are people who earn a salary while making use of such recordings, like journalists working for large media organizations. First, you have the same questions about how much any one story relies on the recording. Second, does any one recording create financial gain for somebody who is already earning a salary? They are earning their paycheck even if they do not get the video. On the other hand, in the aggregate, part of the job they are being paid for includes gathering information from government sources like law enforcement videos.

Unfortunately, given the extreme penalties for even inadvertent mistakes, individuals are heavily incentivized to err on the side of caution and not sign the certification in close call situations. All the more reason to interpret the law as permitting those journalists' news agency employers to get their first ten recordings a year for free.

Subparagraph 4 – Subparagraph 4 creates the second of three exemptions to redaction fees. This and the other provisions should be construed broadly to apply in as many circumstances compatible with the language. This exemption reads as follows:

> 4. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content if the requester is an individual directly involved in the event to which the requested records relate, that individual's attorney or other authorized representative, or that individual's parent or guardian if the individual is under the age of 18.

This exemption is straightforward. First, identify what event or events are related to the recordings. Then determine whether the individual requester was directly involved in one or more of those events.

Nothing in the language of this exemption suggests the video or audio recording has to focus on or be "about" the individual requester. The statutory language focuses on the event to which the records relate, and whether the requester was directly involved in that event. That language needs to be broadly construed to favor greater access to public records.

Some events might have only one individual "directly involved" – like a traffic stop. In that case, people in the background who were passing by would not qualify for the exemption. Simply being in the video is not enough, they must be involved in the event recorded.

But other events might have a multitude of individuals "directly involved" – like a protest, a concert, or a government meeting. In that case, anybody participating in the large event would qualify for the exemption.

Subparagraph 5 – Subparagraph 5 creates the last of three exemptions to redaction fees. This and the other provisions should be construed broadly to apply in as many circumstances compatible with the language. This exemption reads as follows:

> 5. An authority may not impose the fee under subd. 2. with respect to a request for records containing audio or video content if the event to which the requested records relate is a shooting involving an officer of a law enforcement agency.

This exemption is also straightforward. Does the recording relate to a shooting by a law enforcement officer? If so, no redaction fee may be charged.

Note that this exemption is not limited to just recordings that capture the shooting itself. The language does not specify records containing audio or video content that "depicts" or "records" or "captures" the shooting. The exemption should include recordings of the lead-up to the shooting as well as its aftermath. It could also include recordings obtained as part of the investigation into the shooting (*e.g.*, recordings of interviews or recordings obtained from private security cameras).

Subparagraph 6 – Subparagraph 6 clarifies that the redaction fee should be based on "staff time . . based on the pay rate of the authority's lowest paid employee capable of performing the task." This is a helpful addition to the statutes, although ideally it would have been applied to the Open Records Law's fee provision governing location fees as well.

This language is consistent with attorney general guidance. *See Compliance Guide* at 72. It also is consistent with a common sense understanding of the requirement that custodians charge only those fees that are "necessary." If a lower-paid employee could do the same task, it is not "necessary" to have a higher-paid employee do it.

Subparagraph 7 – Finally, subparagraph 7 states that redaction fees may not be imposed "unless prior to fulfilling the request the authority provides to the requester in writing an estimate of the amount of the fee to be charged." This is also a helpful addition, as it avoids the ill will created when custodians send an unexpected bill to a requester after (or simultaneously with) the records are produced. Again, this would have been better if it had been applied to all of the Open Records Law's fee provisions, but to be fair, this is not an issue I have seen come up often.

TONE MADISON'S REQUEST IS EXEMPT FROM REDACTION FEES

Turning back to the genesis of this letter, the UW Police Department's refusal to recognize an exemption for Tone Madison's request is unlawful for at least three reasons.

Institutional Requester

First, Tone Madison is entitled to an exemption because it is an institutional requester that has made fewer than 10 requests to the UW Police Department this calendar year. The initial request from Ms. Herman was not explicit, but her follow-up email clarified that she was making the request in her capacity as a volunteer reporter for Tone Madison, on Tone Madison's behalf.

Individual Requester; 10 or Fewer Requests; No Financial Gain

Second, even if you disagree with my conclusion that an institutional requester may seek an exemption, Ms. Herman is entitled to an exemption because she is an individual who has made fewer than 10 requests this year and will not be using video for financial gain (and will so certify

once you acknowledge that the situation as she has described it does not result in any financial gain for her).

She has not yet made 10 requests to the UW Police Department this calendar year and therefore satisfies that portion of the exemption's requirements.

Furthermore, she will not be using the recordings she obtains for financial gain. She is neither selling the videos, or any story she writes based off their content, to Tone Madison. She is not being paid by Tone Madison. She would see no financial benefit of any kind from obtaining these videos, even if Tone Madison itself would see financial gain. But as Mr. Gordon so thoroughly explained, Tone Madison's business model does not result in any financial gain from the videos it would obtain. It does not sell advertisements tied to any particular story. Its revenue from other sources (donations, grants, flat-rate advertisements) are unaffected by any particular story.

Individual Requester Directly Involved in Events Related in Recordings

Finally, Mr. Gordon is entitled to an exemption because he is an individual who was directly involved in the event to which the requested records relate. His communications with the UW Police Department should be considered a record request – and if they aren't, then he formally repeats this request on his own behalf.

Mr. Gordon attended the protest that was the event to which the requested recordings relate. Although the original request did not identify the protest as such, that – a protest against Israel – is what was occurring at those locations during that time frame.

The "event" to which the recordings relate is the whole protest. You have argued that the requester must have been the sole focus of some portion of the recording, but that interpretation is unlawfully narrow. This language must be construed broadly, and as explained more thoroughly above, the statute asks whether the requester was directly involved in the event that is the focus of the recordings, not whether the requester him or herself was the focus of the recordings. You may be borrowing interpretations under FERPA of whether a video that captures students in the background is an "education record." *See, e.g.*, U.S. Dep't of Educ., *Protecting Student Privacy: FAQs on Photos and Videos under FERPA*, available at https://studentprivacy.ed.gov/faq/faqs-photos-and-videos-under-ferpa. But FERPA defines "education record" as one that is "directly related" to a student. *See id.*; 20 U.S.C. § 1232g(a)(4)(A); 34 CFR § 99.3. In contrast, Wis. Stat. § 19.35(3)(h)4. does not say the recording must "directly relate" to the requester, but rather that it must "relate" to an "event" in which the requester is "directly involved." An "event" can be broader in scope than the one-on-one interactions you suggest are all that are covered by the exemption.

Potential Legal Consequences

Significant legal liability attends violations of the Open Records Law. Government authorities who lose records cases must pay the requester's reasonable attorney fees, court costs, and statutory damages of at least $100. Wis. Stat. § 19.37(2). Courts can also award punitive damages if an authority arbitrarily or capriciously denies or delays a request or charges excessive

fees. § 19.37(3). In cases brought by the District Attorney or Attorney General, custodians can also be personally fined up to $1,000. § 19.37(4).

CONCLUSION

In conclusion, my client is entitled to an exemption from redaction fees for this request. Mr. Gordon should be provided the records because he was directly involved in the protest to which the recordings relate. Tone Madison itself qualifies for an exemption as an institutional requester that has made fewer than 10 requests this year. Finally, Ms. Herman qualifies as an individual requester who has made fewer than 10 requests this year and will not use the recordings for financial gain. Should you refuse to release the requested records without redaction fees for either of the first two reasons, Ms. Herman will sign a certification as soon as you recant your accusation and acknowledge that her signing the certification would not be false under the circumstances she has described.

Should you refuse to release the requested records without redaction fees under any of these arguments, my client retains its right to file a mandamus action under Wis. Stat. § 19.37(1) and seek the penalties described above.

Sincerely,

Thomas C. Kamenick

cc: Marc Lovicott, Executive Director of Communications, UW Police Department
marc.lovicott@wisc.edu