

**RIVER FALLS POLICE DEPARTMENT
Media Request Form
Pursuant to § 19.35(3)(h)**

Exception Designation and Certification Form

To Be Completed by River Falls Police Department

Requestor Name _____ Date of Request _____

Records Requested: _____

Describe the record containing recorded audio or video content identified as responsive to the request:

Do the responsive records containing recorded audio or video content involve an event that relates to a shooting involving an officer of a law enforcement agency? ____ Yes ____ No ____ Some.

If the answer is "some" or "no," then have the requester complete the rest of this form. The requester cannot be charged redaction fees for redaction time involving recorded audio or video content of the event to which the requested records relate is the shooting involving an officer of a law enforcement agency.

For Office Use Only:

Related Cases: _____

**RIVER FALLS POLICE DEPARTMENT
Media Request Checklist
Pursuant to § 19.35(3)(h)**

To Be Completed by River Falls Police Department

Requestor Name _____ Date of Request _____

Records Requested: _____

- Is there a recorded audio or video record that is responsive to the request for records?
 - Length of Media: _____
 - Prepayment amount (Length x \$50.36/hour) _____
- Has the requester provided sufficient information for the authority to determine whether requested recordings contain audio or video content? If not, consider seeking clarification from the requester before proceeding.
- If no recorded audio or video content is responsive to the request, then no redaction costs cannot be recouped.
- If there is recorded audio or video content responsive to the request, then the requester should be provided the form for competition so that the authority may determine whether an exception applies to the imposition of redaction fees.
- Do the records contain recorded audio or video content related to a shooting involving an officer of a law enforcement agency?
 - If yes, then no fees may be charged.
 - If no, then consider the identity and motivations of the requester.
- Has the requester completed the form and provided certification as to the requirements of Wis. Stat. § 19.35(3)(h)3a asserting that the requester will not use the recorded audio or video content for financial gain, not including an award of damages in a civil action ?
- Has the requester provided sufficient information for the authority to determine whether the requester has made more than 10 requests in a calendar year wherein there may be recorded audio or video records responsive to the request as identified in Wis. Stat. § 19.35(3)(h)3b?
- The estimate of costs should be prepared for purposes of determining estimated costs to be recouped for redaction if constitutional, statutory, or common law considerations require redaction. To best prepare an estimate, a brief review of the responsive records should occur upon receiving a proper request to estimate time of redaction required.
- Has the requester paid the estimate of redaction costs? No further work should be undertaken to review or redact the recorded audio or video content until the estimate is paid in full.

**Exception Designation and Certification Form
Pursuant to § 19.35(3)(h)**

To Be Completed by Requestor

The City of River Falls Police Department charges redaction fees to records requesters when permitted by law. The redaction fees shall be reasonable and shall not exceed the actual, necessary, and direct cost of the redaction time. The redaction fee shall be based on the pay rate of the City's lowest-paid employee capable of performing the task. The lowest-paid employee capable of performing the task will vary based on the source of the record, the content of the record, the capability and skills of operating equipment to perform the redactions, and other legitimate factors. The Department will not fulfill the request for records involving recorded audio and video content until the estimate of costs identified in the written fee estimate is paid by the requester.

The requester is responsible for providing sufficient information for the records custodian to determine whether an exception under Wis. Stat. § 19.35(3)(h) prohibits the Department from charging redaction fees.

Requester name: _____

I was an individual directly involved in the event to which the requested records relate: ____Yes ____No.

If yes, then please explain who this individual is and how this individual was directly involved in the event to which the requested records relate:

I am the attorney or authorized representative of an individual directly involved in the event to which the requested records relate ____ Yes ____ No.

If yes, then please explain who this individual is and how this individual was directly involved in the event to which the requested records relate:

I am the parent or guardian of an individual under the age of 18 who was directly involved in the event to which the requested records relate: ____ Yes ____ No.

If yes, then please explain who this individual is and how this individual was directly involved in the event to which the requested records relate:

If the answer to the preceding questions is "No," then complete the rest of this form.

To Be Completed by Requestor

In this calendar year 202___, I have made fewer than ten requests for records containing recorded audio or video content with this authority, in this case, the City of River Falls Police Department under authority of the Chief of Police as defined in Wis. Stat. § 19.32(1). ___ Yes ___ No.

Certification and Understanding of Consequences for False Certification: I hereby certify as follows, with full knowledge of the legal consequences identified in Wis. Stat. § 19.35(3)(h)3a for false certification, including prosecution of me and a forfeiture of up to \$10,000.00 for each violation by me. Wisconsin Statute § 19.35(3)(h)3a specifically provides:

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.

I am requesting the records containing recorded audio or video content solely for pursuit of an award of damages in a civil action and for no other financial gain. ___ Yes ___ No.

I will not use the recorded audio or video content disclosed to me for financial gain. ___ Yes ___ No.

Certification Signature of the requester: _____

Date: _____

Full Name: _____

Full address: _____

For Office Use Only:

Related Cases: _____

**River Falls Police Department
Exception Designation and Certification Form
FAQs**

1. What if I do not want to identify myself?

The City of River Falls Department will charge redaction fees to any requester not willing to adequately identify themselves, unless an exception (e.g., related to a shooting involving an officer of a law enforcement agency) applies.

2. What constitutes redaction time for purposes of recouping costs?

The City of River Falls Police Department will count redaction time as time spent identifying required redactions as well as redacting the recorded audio or video records.

3. When does the recorded audio or video record “relate” to a shooting involving an officer of a law enforcement agency?

Any recorded audio or video record depicting the actual shooting will be considered as “relating” to the shooting. Subsequent audio or video recordings of the scene aftermath or subsequent interviews will not be considered as “relating” to the shooting incident.

4. When does the recorded audio or video record “relate” to an incident the requester was directly involved in?

Any recorded audio or video record that depicts the actual event the requester was directly involved with as well as any subsequent audio or video records, made for purposes of furthering the investigation and any follow up, will be considered “related” to an incident the requester was directly involved in.

5. What constitutes “financial gain”?

Any pursuit of making money will be considered as financial gain regardless of if no amount of money is earned, made, or obtained related to the receipt of these audio or video records. This also applies to anyone requesting records on behalf of someone else attempting to make money off the records.

6. Whose duty is it to determine whether the requester has not exceeded the 10-request threshold?

The requester has the burden of keeping track and accurately informing the Department of its number of recorded audio and video record requests. The Department will also keep track internally to verify and potentially bring forth prosecution of a requester who provides a false certification.

7. What counts as a single request in terms of counting towards the 10 requests?

Each time a request is made and there is audio or video content, that counts as one request per video/audio record. If a request is made, and there are multiple videos or audio records responsive to that request, then each video and/or audio record will count as one. For example, if someone were to request all Disorderly Conduct videos for the month of April, and there are 17 responsive videos for this period, the Department will begin charging after the 10th video, absent any exceptions contemplated in subd. 4 and 5 of the statute.