

# Wisconsin institute for Law & Liberty: Isthmus and Madison Police Department Settle Records Lawsuit

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Contact:

Cameron Sholty | WILL Communications Director

[cameron@will-law.org](mailto:cameron@will-law.org) | [414-727-7416](tel:414-727-7416) | [262-409-9816](tel:262-409-9816)

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April 2, 2018 – Milwaukee, WI – The Madison Police Department (MPD) has agreed to settle a records case brought by the Wisconsin Institute for Law & Liberty on behalf of Isthmus – an independent Madison newspaper. MPD turned over the requested records shortly after the lawsuit was filed in February, and has apologized for not fulfilling the record request promptly. MPD also refunded the fees Isthmus paid for the records and agreed to pay Isthmus' legal fees and costs, as provided by state statute.

On December 7, 2016, veteran reporter Gil Halsted sent a records request to Lt. John Radovan, records custodian for MPD, while working with Isthmus staff writer Dylan Brogan on a potential story. MPD identified 729 pages of responsive records and Isthmus paid \$182.25 in fees for those records in March, 2017. Over the next five months, Radovan reassured Isthmus many times that delivery of the records was imminent. The lieutenant finally indicated in early August that he had finished redactions. When the records still weren't produced several weeks later, Isthmus asked assistant city attorney Roger Allen for an update. On Aug. 29, Allen responded, "I have spoken with my client [MPD] and we will try to expedite this." No communication followed until the lawsuit was filed on February 1, 2018, at which time the record request had been outstanding for over 13 months.

After the lawsuit was filed and Dane County Circuit Court Judge Josann Reynolds issued an order commanding MPD to turn over the records or appear in court to explain their refusal, MPD immediately produced the records. The parties have now resolved the suit, with Attorney Allen expressing his "personal regret and apologies . . . that he did not personally ensure that [Isthmus] had received the records in a timely manner."

"We're very happy with the resolution of this case," commented Tom Kamenick, Deputy Counsel and open government specialist at WILL. "MPD deserves kudos for their candor in admitting they dropped the ball. I hope record custodians around the state take note."

"We appreciate the city taking responsibility for the delay," said Judith Davidoff, editor of Isthmus. "We hope that officials are serious about taking steps to ensure delays like this do not happen again. Access to public documents is an essential tool for a healthy democracy."

More information about the case can be found [here](#).