

# Wisconsin Institute for Law & Liberty: Isthmus and WILL join forces to sue Madison police department

Posted on Thursday, Feb 1, 2018

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February 1, 2018 – Madison, WI – On behalf of Isthmus — an independent Madison newspaper — the Wisconsin Institute for Law & Liberty (WILL) filed an open records lawsuit in Dane County Circuit Court against the Madison Police Department (MPD). The department has failed to produce records requested in December 2016 even though Isthmus paid for 729 pages of responsive records in March 2017.

Veteran reporter Gil Halsted and Isthmus were seeking records on an incident involving internal concern over the conduct of a former MPD officer. The inordinate delay of this request has prevented journalists from doing their job: To seek truth, provide transparency and inform the people.

On December 7, 2016, 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. After Isthmus agreed to narrow the scope of its request, MPD identified 729 pages of responsive records and Isthmus paid \$182.25 in fees for those records in March. 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 the request. On Aug. 29, Allen responded, "I have spoken with my client [MPD] and we will try to expedite this." There has been no communication from the city since.

“Records custodians around the state slow-walk people seeking records all the time without facing any consequences,” said Tom Kamenick, deputy counsel and open-government expert at WILL. “I see requests that get sat on for six, seven, eight months sometimes for no good reason. Isthmus has been waiting over 13 months, which is atrocious and inexcusable. It’s time to hold custodians responsible when they ignore their responsibilities.”

“It is unfortunate that we must turn to litigation in order to obtain information from a department that prides itself on transparency. Public agencies should not block access to public documents,” said Judith Davidoff, editor of Isthmus. “We hope this case can benefit all Wisconsin records requesters by providing clarity on how long is too long when waiting for a government agency to fulfill a records request.”

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