



# *Belleville Police Department*

**WILLIAM EICHELKRAUT  
CHIEF OF POLICE**

TO: Persons Requesting Police Records  
FROM: Chief William Eichelkraut  
RE: **Federal Driver Privacy Protection Act (DPPA) and  
Wisconsin's Public Records Law**

As a result of a 7th Federal Circuit Court of Appeals decision, *Senne v. Village of Palatine, IL*, 695 F.3d 597 (2012), and a 4th Federal Circuit Court of Appeals decision, *Maracich v. Spears*, 675 F.3d 281 (2012), many law enforcement agencies have had to significantly alter their procedures for complying with the Wisconsin Public Records Law. Both of these cases interpreting the Federal Driver Privacy Protection Act are currently awaiting action before the U.S. Supreme Court. Article VI, Section 2 of the U.S. Constitution and Wis. Stats. 19.36(1) and 19.35(1)(a) recognize that the Federal DPPA supersedes State law in determining what records or parts of records can be released to the public.

In order to comply with these decisions interpreting the Federal Driver Privacy Protection Act, we must remove from our reports "personal information that identifies an individual" before copies of such reports may be provided to the public, unless the persons named therein provide written consent. The personal identifying information includes the following data elements:

1. Name
2. Date of Birth
3. Address (except 5-digit zip codes)
4. Phone numbers (cell and line line)
5. Photographs
6. Social Security Number
7. Medical or disability information
8. Driver's license and DOT ID card numbers and physical descriptors
9. Vehicle registration plate numbers and related information
10. Vehicle Identification Number (VIN)

We wish you to be aware that your copy of a requested police record (Department of Transportation accident report or Belleville Police Department case report) may contain significant deletions. All personal identifying information will be redacted (blacked out) in order to comply with the Federal Law and avoid both civil and criminal penalties, which apply to any person who disseminates legally protected personal data items without permissible use as stated in the Federal Law.

The permissible uses for personal identifying information are included on the attached Request for Unredacted Report form. If you qualify to receive personal identifying information, you may complete the form certifying your authorization for receiving an entire unredacted copy of the requested document. Falsifying this form may result in Federal and/or State civil and/or criminal penalties.

If you are purchasing an accident or incident report that pertains to you personally, you will receive a copy of the report with all of your personal identifying information contained therein, but all other personal information pertaining to other individuals/drivers will be redacted (blacked out). This means that you must properly identify yourself when requesting a record so that we can locate the record pertaining solely to you. You can receive an entire, unredacted copy only if you properly execute the Request for Unredacted Report form attesting to your eligibility for one or more of the permissible uses listed therein, or you provide a written and notarized release signed by each person in the report.

Information regarding crash reports:

Insurance companies and licensed attorneys may have permissible use under the Federal Law and can obtain complete traffic crash reports. Therefore, motorists may wish to contact their insurance agency or lawyer and have them request an unredacted report on the driver's/passenger's behalf.

Unredacted traffic accident/crash reports can also be obtained from the Wisconsin Department of Transportation (DOT) by calling (608)266-8753 or sending an e-mail to [dotdmvtraffaccidents@dot.wi.gov](mailto:dotdmvtraffaccidents@dot.wi.gov). All requests to the DOT require payment by check or money order in the amount of \$6.00, payable to Registration Fee Trust.

Instructions for requesting Belleville Police Department accident or incident reports:

1. Call (608) 424-3129, or
  2. Fax your request to (608) 424-6235, or
  3. Come in person to the Police Department, located at 31 East Main Street in Belleville, Wisconsin, or
  4. Mail a written request to the Belleville Police Department, P.O. Box 79, Belleville, WI 53508
- Please provide as much of the following information as possible with your request: date of incident, location of incident, nature of the call, name of at least one of the parties involved, incident number (e.g., 2013-xxxx).
  - If you are requesting a complete, unredacted report, you must complete the Request for Unredacted Report form certifying to your eligibility to receive personal identifying information.
  - The fee is \$2.00 for the first four pages, 25 cents for each additional page, 50 cents per page for photos, and \$10 each for DVDs.

We seek your patience in responding to your request(s). To comply with the Federal Law, we must examine each page of each report and redact all personal data elements, which is a laborious and time-consuming process.

This memo is for information purposes only and should not be construed as a denial of any particular record request or as providing legal advice. Further, any request which later is denied is subject to review upon application to the Attorney General or a district attorney.