

RECORD REQUEST RESPONSE

INSTRUCTIONS: Please print (use a pen) or type this response. Prepare an original and one copy for file.

YOUR APPEAL RIGHTS

If your request was made in writing and all or a portion of the request was denied, you may appeal the denial by writing to the **Department Record Custodian, Kathryn R. Anderson at Department of Corrections, P.O. Box 7925, Madison, WI 53707-7925**. Please include a copy of your original request as well as a copy of this form. If the Department Record Custodian upholds this decision, you can further appeal by petitioning the Circuit Court for a writ of mandamus ordering release of the record(s), or you may apply to the Attorney General or the District Attorney of the county where the records are held.

REQUESTER NAME Robert Hornacek
ADDRESS 787 Lombardi Ave
CITY, STATE, ZIP CODE Green Bay, WI 54307

TELEPHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS	NAME OF COUNTY WHERE RECORDS ARE HELD
920-490-1537		Robert.Hornacek@wlu.com	Winnebago

REQUEST INFORMATION

DATE OF REQUEST

DATE REQUEST RECEIVED

11/02/2011

11/02/2011

REQUEST FORMAT - Your Request Was: (Check One)

- ORAL IN WRITING

RECORDS REQUESTED - You Asked For: (Check One)

- Record(s) as described in the attached copy of your request. (ATTACH COPY)
 The following record(s): _____

RESPONSE (Check all that apply)

- GRANT OF REQUEST** See "ADDITIONAL COMMENTS" section for details about the manner in which you will receive record access.
- Your ENTIRE request is granted. See "Additional Comments" section for details about the manner in which you will receive record access.
 - The following PART of your request is granted: _____
- INSUFFICIENTLY LIMITED REQUEST** Your request is not reasonably limited as to subject matter or length of time represented by the record(s). Therefore, the request does not qualify under Wisconsin's Open Records Law. However, if you revise your request, it will be re-evaluated.
- Your ENTIRE request is insufficiently limited.
 - The following PART is insufficiently limited: _____
- STATUTORY "RECORD" DEFINITION** Wisconsin's Open Records Law applies only to materials within the statutory definition of a record". Requests for materials exempt from the "record" definition do not qualify under the Open Records Law.
- Your ENTIRE request asked for material which is exempt from the "record" definition because: _____
 - The following PART of your request asked for material which is exempt from the "record" definition because: _____
- NO DOCUMENTS**
- NO DOCUMENTS or other materials were found meeting your description.
 - For the following PART of your request we found no documents or other materials: _____
- DENIAL OF REQUEST**
- Your ENTIRE request is denied.
 - The following PART of your request is denied: _____

Continued

REASON FOR DENIAL

CONFIDENTIALITY LAW. Your access to the record(s) is prohibited by the following statutes, rules, or regulations:

COMMON LAW BALANCING TEST (where no confidentiality law applies). Your access to the record(s) would be so harmful to the public interest as to outweigh any presumed right to access to the record(s). Disclosure would be of overriding harm for the following reason(s):


- An INVESTIGATION in progress would be impeded by the record access.
- INFORMANTS described in the record(s) would be jeopardized by the record access by being subject to retaliation, discouraging future informants.
- The RECORD SUBJECT may be jeopardized by being subject to harassment or other intimidation of a nature contrary to the public interest.
- A BREACH OF SECURITY would result from the record access.
- OTHER:
The potential for significant impairment of an important correctional program.

ADDITIONAL COMMENTS:

The Department has determined that there is a stronger public interest served by not disclosing the names of all work release employers in a geographical area than by disclosing those names. There are security concerns regarding the public and others being aware of the names and addresses of work release employers. Specifically, the disclosure of the daily travel route enhances the potential for escape, harassment, or interference with the trip by the public, friends or family of the inmate. In addition, the disclosure of the names and work addresses increases the potential for general disruption at the work place and its operations, disruption and safety concerns for the employer, inmates and other employees, as well as the public.

There is also the potential for significant impairment of an important correctional program which assists offenders in gaining employment experience for successful reentry into the community upon release. It is difficult to recruit employers to participate in the program. Notoriety may cause the loss of current employers who are fearful of being seen or are seen in a negative light by the public for participating in the program. There is a concern that there could be harassment of the employer, employees, inmates, or the public in the work place due to the disclosure of the names and addresses of the work release employers. The correctional work release program provides inmates with a source of revenue to pay restitution and other court ordered obligations, including child support. Inmates who participate in this important correctional program defray the cost of incarceration by paying for their room, board and travel related expenses. Finally, the work release program teaches inmates responsibility and fulfillment of obligations.

For the reasons articulated above, the Department has determined in applying the balancing test that the public interest in nondisclosure outweighs the public interest in disclosure. The Department has fully cooperated with the requester by providing all other requested information and has provided statewide statistics on the DOC work release program, including the number of employers statewide and in the Fox Valley/Green Bay area, total number of inmates in the work release program statewide and in the Fox Valley/Green Bay area, and financial information on wages recouped for inmate room, board, travel and all other obligations. In addition, DOC has and continues to work with all employers in the correctional program in the Fox Valley/Green Bay area to facilitate a potential interview between the requester and the employer. To date, none has agreed to take part in such an interview.

PRINT OR TYPE RECORD CUSTODIAN'S NAME	OFFICE / FACILITY REPRESENTED
Susan Ross	Sanger Powers Correctional Center Winnebago Correctional Center
RECORD CUSTODIAN'S SIGNATURE	DATE SIGNED
	November 9, 2011