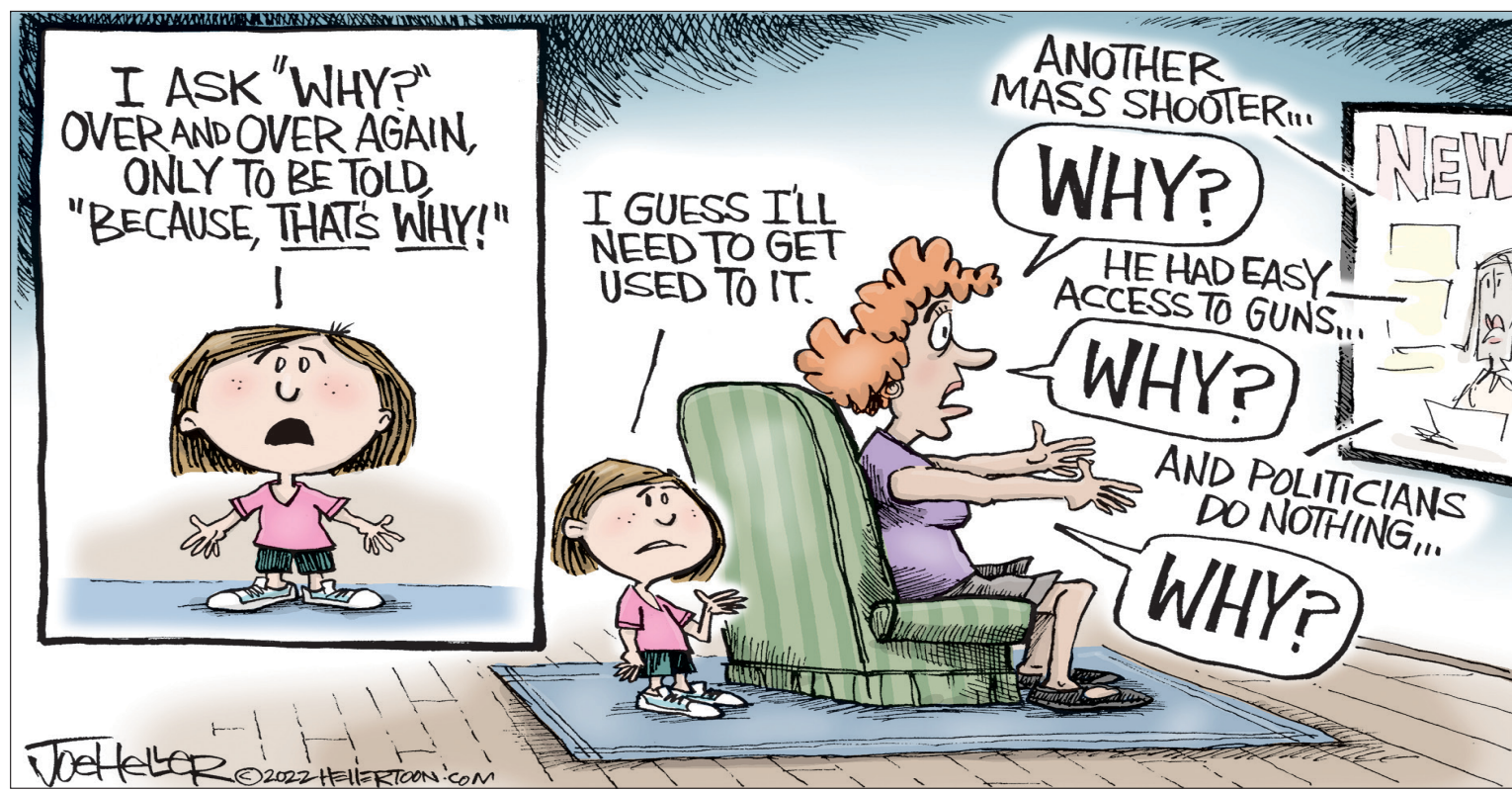


TALK AROUND TOWN

Opinions and commentaries about issues of the day



Bayfield County endangers its residents

The Bayfield County Sheriff's Department is improperly interpreting a recent change to the state Constitution, intended to protect crime victims, to place residents in even greater danger.

The amendment known as Marsy's Law for Wisconsin was adopted in 2020 with strong approval by 75% of state voters. It grants crime victims a few new rights and codifies many things that already were written into the law, including a victim's right to privacy.

Police departments across the state — and now in Bayfield County — have interpreted that to mean that they can violate existing state open-records law by withholding information about crimes. In this case, the Daily Press set out to document some of the rash of burglaries that have stricken the county in recent weeks.

But the department refused to say where, precisely, those burglaries were taking place. Not specific addresses — which are, to be sure, public records — but the department even refused to say what part of the county the burglars were targeting beyond “the Bayfield area” or “the Drummond area.”

That places residents in even more danger. If you live, for example, in the 400 block of Main Street, wouldn't you want to know that five burglaries had taken place on Main Street? Or in your general neighborhood, so you could

take precautions?

The state attorney general a year ago released its guidelines on how records custodians including police agencies should adhere to the law, specifically saying that: “(T)he statutory right of a victim to ‘not have his or her personal identifiers’ . . . used or disclosed by a public official, employee, or agency’ applies to uses that are ‘unrelated to the official responsibilities of the official, employee, or agency.’”

“Prior to the passage of Marsy's Law, the Attorney General opined that the rights set forth above do not prohibit law enforcement agencies or other public entities from disclosing personal identifiers of crime victims in response to public records requests, because those duties are related to the official responsibilities of those records custodians.”

In other words, gathering information about crime victims is part of the official responsibilities of police agencies, so that information remains public record.

There's a lot of good reasons for that. News organizations have documented all sorts of abuses by police to speaking with victims. It's part of the watchdog on government role that the press is constitutionally bound to perform.

The AG's guide goes on

to tell police agencies that they must perform the same balancing test with crime victims' information as they do with all other information, weighing the importance of withholding information against the public's right to know — to know, for example, that burglars are targeting their neighborhoods.

The guide tells police agencies that they should work to ensure that releasing records doesn't expose victims to harassment, reveal personal information that might compromise their safety or that could allow them to be exploited or re-victimized.

“Again, the presence of one or more policy favoring nondisclosure will not always justify withholding or redacting records,” the attorney general's guide says. “Further, in addition to the strong public policy favoring disclosure, there may be other factors in a particular case that favor disclosure. Taking all of these factors into account, records custodians must apply the balancing test to the facts of a particular case to determine whether disclosure is appropriate.”

Instead, police departments have taken what they see as the easy way out and issued blanket refusals to release any information at all.

James Friedman, a Madison attorney who represents

members of the Wisconsin Newspaper Association in open-records disputes, said Bayfield County's interpretation of the law would never stand up in court if the county were sued.

“We went to the (attorney general) and said, ‘Marsy's Law is getting out of hand,’ and the AG put out that guide,” he said. “It says they have to take victim privacy into account — they have to go through the balancing test and explain for each individual record why they believe the interest in privacy outweighs the right to know. It seems crazy to suggest that telling you the street where a burglary happened impacts someone's privacy. It's ridiculous.”

It's not just ridiculous. It's illegal.

So not only is the department's policy endangering residents by withholding information that could help them protect themselves, it's also exposing the county to lawsuits it surely would lose if someone challenged it in court.

I hope the county's attorney sends the department a copy of the attorney general's guide — here's a quick link to it: <https://www.doj.state.wi.us/news-releases/office-open-government-advisory-marsy%E2%80%99s-law-and-public-records> — before it comes to that.

Peter J. Wasson is managing editor of the Ashland Daily Press.



PETER J. WASSON

LETTER TO THE EDITOR

We can't ignore all these deaths

EDITOR: Just as we were processing the brutal shooting in Buffalo, headlines screamed of 19 children and two teachers murdered in Uvalde, Texas — two more in an unending string of mass shootings that capture our tears, prayers, outrage, and, sadly, inaction.

In 2020 alone, 45,222 people died in gun-related deaths, an increase of 43% from 2010. Studies confirm that where there are more guns, there are more gun-related deaths.

Furthermore, states with more permissive gun laws also have more police killings (American Journal of Public Health, 2017).

With more than 300 million guns in the civilian population, the U.S. ranks first in the firearm-related death rate among modern, industrialized countries, and second in the world for the total number of gun deaths. In the last 13 years, we've had 288 school shootings, compared to two in Canada, two in France, one in Germany and zero in Japan, Italy and the UK.

Firearms became the leading cause of death for American children and teenagers in 2020 (CDC). Sure, more doors can be locked, and anti-bullying training and mental health services made available, but let's not blame the victim. People who shouldn't have access to guns, including military-style assault weapons, are getting them all too easily. While a 2008 Supreme Court ruling supported the right of citizens to keep and bear arms in their homes, Justice Anthony Scalia wrote for the majority opinion in 2008, that “like most

rights, the right secured by the Second Amendments is not unlimited.”

With grief and rage driving us, we want to focus on increasing gun safety and decreasing gun violence. We regulate cars and limit access to them to reduce deaths. Let's do the same for guns: universal background checks, protection orders, raise the legal age to 21, safe storage, straw purchases & bump stock bans, ammunition clip size limits, and “smart guns.”

Mary and Jack Wichita, Mason

LETTER TO THE EDITOR POLICY

The Ashland Daily Press welcomes letters to the editor from readers and the community. In order to facilitate constructive dialogue in the community, letters must meet certain requirements.

Letters are limited to 300 words, must be signed, and authors must provide their name, address and a contact number. The author's name and city of residence will be published with the letter. Readers may submit a letter once every two weeks.

Multiple authors may sign a letter, with up to three signatures allowed on any given letter. Form letters or letters written by organizations without a specific author will be rejected.

Letters will be fact-checked. Writers are encouraged to ensure that they offer information to support claims they make.

Letters on upcoming elections will be cut off a week in advance of Election Day. Letters received

after that cutoff will not be published.

The Daily Press reserves the right to edit letters for length and clarity and to reject letters that do not meet the newspaper's standards for publication.

To submit a letter to the editor, send it to pressnews@ashlanddailypress.net or Letters to the Editor, Ashland Daily Press, 122 W. Third St., Ashland WI 54806.

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What do you think?

Email Letters to the Editor to pwasson@ashlanddailypress.net

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