



PORTAGE COUNTY DISTRICT ATTORNEY

District Attorney
Thomas B. Eagon

Assistant District Attorneys
Veronica Isherwood
David R. Knaapen
Jennifer Moton

Victim-Witness Coordinator
Carrie Davies

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J B VAN HOLLEN
ATTORNEY GENERAL
WISCONSIN DEPARTMENT OF JUSTICE
17 W MAIN STREET
P O BOX 7857
MADISON WI 53707-7857

RE: Statutory prohibition against disclosure of
Information as it relates to certain specific
Statutes, the Government Accountability Board,
And Open Record Law

Dear Attorney General Van Hollen:

I am the district attorney for Portage County. Please
accept this letter as a request for an opinion in response
to the following questions:

Wis. Stat. § 12.13(5) provides that investigators and
prosecutors shall not disclose information "related to an
investigation or prosecution under chs. 5 to 12, subch. III
of ch. 13, or subch. III of ch 19. or any other law
specified in s. 978.05 (1) or (2) or provide access to any
record of the investigator, prosecutor, or the board that
is not subject to access under s. 5.05 (5s) to any person
other than an employee or agent of the prosecutor or
investigator or a member, employee, or agent of the board
prior to presentation of the information or record in a
court of law."

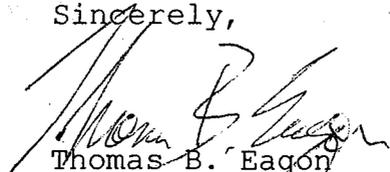
Are these prohibitions limited to information
regarding matters referred to a prosecutor or law
enforcement from the Government Accountability Board?
Is information obtained pursuant to an independent
investigation or prosecution by a prosecutor or law
enforcement officer subject to this statute?

When and under what circumstances are district attorney or law enforcement records regarding investigations or prosecutions into the enumerated offenses subject to disclosure under the public records law?

If a district attorney concludes that no prosecution is warranted because there is either no probable cause or the case cannot be proven beyond a reasonable doubt, or declines to issue charges for any other reason, what statements may be made or records disclosed regarding that conclusion by a district attorney or law enforcement official?

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Sincerely,



Thomas B. Eagon
District Attorney
Portage County

TBE:dkg
