



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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October 26, 2017

Jonathan Anderson  
Green Bay Press-Gazette  
[janderson9@gannett.com](mailto:janderson9@gannett.com)

Dear Mr. Anderson:

This is in response to your correspondence received on September 13, 2017, in which you requested "all records that DOJ has provided and/or presented to law enforcement stakeholders since 2012 about body cameras, including but not limited to records that raise awareness of the potential advantages, disadvantages, myths, and policy considerations/questions that should be answered in agency policy when considering whether to adopt body cameras." The Department of Justice (DOJ) construes your correspondence as a public records request pursuant to the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39.

We interpreted your request as seeking records related to presentations provided to law enforcement regarding body cameras. We completed a review of our files and identified records responsive to your request. We are providing the records to you with redactions as explained below.

One video, containing body camera footage, which is referenced in some responsive presentations, was withheld pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. The video, which was not created by DOJ, includes a depiction of the interior of a private home and a victim, seemingly a juvenile. Wisconsin Const. art. I, § 9m requires that crime victims be treated with "fairness, dignity and respect for their privacy." Related Wisconsin statutes recognize that this state constitutional right must be vigorously honored by law enforcement agencies, and that crime victims include both persons against whom crimes have been committed and the family members of those persons. Wis. Stat. §§ 950.01 and 950.02(4)(a). The Wisconsin Supreme Court, speaking about both Wis. Const. art. I, § 9m, and related victim rights statutes, has instructed that "justice requires that all who are engaged in the prosecution of crimes make every effort to minimize further suffering by crime victims." *Schilling v. Crime Victim Rights Bd.*, 2005 WI 17, ¶ 26, 278 Wis. 2d 216, 692 N.W.2d 623. Even in those situations in which a criminal prosecution does not occur, it is the policy of our office to consider the privacy rights of those who could be considered victims entitled to these protections when applying the balancing test. I concluded the

public interest favoring protection of the victim from unnecessary public attention, possible harassment, and unnecessary emotional upset, and ensuring the privacy and security of the victim's home outweighs any public interest in the disclosure of the video. Additionally, well-established public policy recognizing the confidentiality and privacy of children and juveniles is expressed in Wis. Stat. § 938.396. I find that the same underlying public policy of protecting the confidentiality and privacy of children and juveniles outweighs any public interest in disclosure of the video.

The law permits DOJ to impose fees for certain "actual, necessary and direct" costs associated with responding to public records requests. Wis. Stat. § 19.35(3). Pursuant to Wis. Stat. § 19.35(3)(f), DOJ may require prepayment for the costs of locating (if applicable), copying, and mailing the requested records if the total amount exceeds \$5.00. Pursuant to Wis. Stat. § 19.35(3)(e), in this instance, DOJ is waiving its fees associated with responding to your request. Enclosed, please find the records responsive to your request.

Pursuant to Wis. Stat. § 19.35(4)(b), this determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to a district attorney or the Attorney General.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Ferguson", with a long horizontal flourish extending to the right.

Paul M. Ferguson  
Assistant Attorney General  
Office of Open Government

PMF:pjm

Enclosure