



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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September 27, 2017

Pay Inequity  
payinequity@gmail.com

Dear Pay Inequity:

This is in response to your correspondence, received on August 21, 2017, in which you requested "[s]pecial agent compensation to include, for every special agent within DOJ-DCI, the date of hire; office location; agent classification (special agent or special agent senior); and agent hourly wage for the pay period ending August 12, 2017." The Wisconsin 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.

First, please note, the public records law "does not require an authority to provide requested information if no record exists, or to simply answer questions about a topic of interest to the requester." *Journal Times v. City of Racine Board of Police and Fire Commissioners*, 2015 WI 56, ¶ 55, 362 Wis. 2d 577, 866 N.W.2d 563; see also *State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 431 N.W.2d 734 (Ct. App. 1988). However, we identified a record containing the information you requested. We are providing you with a copy with redactions as explained below.

The names of DOJ Division of Criminal Investigation (DCI) special agents have been redacted pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. In applying this balancing test, we balanced the public's right to information regarding the affairs of government with the public interest in maintaining confidentiality of the identities of persons serving as undercover special agents, protecting the personal privacy of those special agents who have been harmed or threatened in the line of duty, protecting the personal privacy of special agents whose families and children have suffered harm or harassment due to the special agents' status in law enforcement, and in general, protecting special agents and their families from being targeted for harm in what has become a very volatile environment in which for law enforcement officers to operate. Respecting the critical public safety role that law enforcement officers play in society, we determined that public harm in disclosing the names outweighs the public interest in disclosure. In applying the public records balancing test, I concluded that the strong public interest in effective investigation and prosecution of criminal activity outweighs any public interest in disclosure. Disclosure of the names of these agents could have an adverse effect on their future ability to investigate criminal activity and

endanger the safety of the agents, their families, and others involved in investigations. *Cf. Linzmeyer v. Forcey*, 2002 WI 84, ¶¶ 30, 32, 39, 41, 254 Wis. 2d 306, 646 N.W.2d 811.

Additionally, providing information that would identify current undercover special agents or special agents who might perform undercover work could endanger the safety of those agents who are working, or could work, undercover. Providing this information could also jeopardize the operations of undercover agents who may be functioning in a role in which their true status as an active special agent is unknown to subjects, targets, witnesses, and others who interact with that undercover agent. Disclosure of the information publicly would reveal a confidential law enforcement technique that would lose its effectiveness if it became public knowledge. I find that the public interest in revealing this information is outweighed by the public interest in protecting the safety of law enforcement officers and promoting effective law enforcement investigations. *Cf. Linzmeyer*, 254 Wis.2d 306, ¶¶ 30–32, 39, 41.

Furthermore, I determined that the disclosure of the names of law enforcement officers would have an adverse effect on the safety and privacy interests of the special agents and their families. Law enforcement agencies have been made aware that their personnel are at increased risk of being targeted by groups or individuals who use publicly available information for cyber attacks, doxxing, or swatting activities against officers and their families.<sup>1</sup> Providing the names of the special agents could subject the agents or their families to cyber, financial or personal attacks, including identity theft, stalking, harassment, and threats. Many of these threats have already manifested. For example, investigations involving undercover officers as well as the safety of plainclothes and undercover officers have been compromised, acts of fraud and identity theft against officers have undermined their credibility and the public trust, and officers and their family and friends have suffered harassment, threats and violence. Such ever-increasing threats to law enforcement officers could have a chilling effect on law enforcement agencies' abilities to recruit or retain qualified candidates for those positions. Applying the public records balancing test, these likely threats also weigh in favor of not disclosing the agents' names.

As such, I find that the public interest in disclosure of names of DCI special agents is outweighed by the public interest in effective investigation and prosecution of criminal activity and the protection of law enforcement officers and their families. *Cf. Linzmeyer*, 254 Wis. 2d 306, ¶¶ 30–32, 39, 41.

Information identifying the work location of special agents has been redacted pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. First, some locations are confidential locations shared by undercover agents. The locations were redacted to protect the safety of these agents and the ability of these agents to effectively investigate crime in undercover capacities. Second, this information was redacted because disclosure would have an adverse effect on the safety of the special agents as discussed above. Third, disclosure of this information would reveal staffing and resource information for particular locations thereby undermining the effectiveness of DCI's law enforcement and investigative efforts. Such

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<sup>1</sup> Just as one example, it was reported last year that ISIS published a hit list of 36 Minnesota police officers. Susan Du, *Update: ISIS hackers post 'kill list' of 36 Minnesota cops*, CITY PAGES (Mar. 15, 2016), <http://www.citypages.com/news/isis-hackers-post-kill-list-of-36-minnesota-cops-8124957>.

information is not publicized, and it is not readily available to the public. The ability of law enforcement to investigate crimes and carry out their other responsibilities effectively would be impaired significantly if this information were widely disclosed. Applying the public records balancing test, I determined that the public interest in protecting the confidentiality of these locations to ensure the effective investigation of crime, including undercover investigations, protection of the safety of the public and law enforcement officers and their families, and protection of the effectiveness of law enforcement and investigative efforts outweighs any public interest in disclosure. See Wis. Stat. § 19.31; *Linzmeyer*, 254 Wis. 2d 306, ¶¶ 30–32, 39, 41; *Democratic Party of Wisconsin v. Wisconsin Dep't of Justice*, 2016 WI 100, ¶¶ 13, 18, 21, 372 Wis. 2d 460, 888 N.W.2d 584.

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,



Paul M. Ferguson  
Assistant Attorney General  
Office of Open Government

PMF:pjm

Enclosure

Last Name	First Name	Employee Class	Job Title	Base Hourly Rate	Salary Plan	Grade	Department Name	Location Description	Location Address Line 1	Location Address Line 2	Location Address Line 3	Location City	Location State	Location Zip Code	Company Seniority Date	Original Hire Date	Position Entry Date
		LTE	SPECIAL AGENT	25	07	03			Home Location		Used for those who work from home		WI		03/20/2017	03/20/2017	03/20/2017
		PRJ	SPECIAL AGENT-SENIOR	30	07	03			DEPARTMENT OF JUSTICE	DIV OF CRIMINAL INVESTIGATION			WI		05/16/2016	05/16/2016	05/16/2016
		PRM	SPECIAL AGENT-SENIOR	36.01	07	03			DEPARTMENT OF JUSTICE	DCI			WI		08/02/2010	08/02/2010	08/02/2010
		PRM	SPECIAL AGENT-SENIOR	33.53	07	03			DEPARTMENT OF JUSTICE	DCI			WI		07/20/2008	07/20/2008	09/21/2014
		PRM	SPECIAL AGENT-SENIOR	36.01	07	03			DEPARTMENT OF JUSTICE	DCI			WI		01/29/2001	01/29/2001	07/09/2006
		PRM	SPECIAL AGENT-SENIOR	36.01	07	03			DEPARTMENT OF JUSTICE	DCI			WI		02/12/2001	02/12/2001	06/27/2004
		PRM	SPECIAL AGENT-SENIOR	36.01	07	03			DEPARTMENT OF JUSTICE	DCI			WI		02/02/1994	02/02/1994	05/29/2005
		PRM	SPECIAL AGENT-SENIOR	36.01	07	03			DEPARTMENT OF JUSTICE	DCI			WI		05/28/1989	05/28/1989	07/06/1997
		PRM	SPECIAL AGENT	37.08	07	03			DEPARTMENT OF JUSTICE	DCI			WI		09/19/2016	09/19/2016	08/06/2017
		PRM	SPECIAL AGENT-SENIOR	36.01	07	03			DEPARTMENT OF JUSTICE	DCI			WI		01/21/2007	01/21/2007	10/03/2011
		PRM	SPECIAL AGENT-SENIOR	33.53	07	03			DEPARTMENT OF JUSTICE	DCI			WI		09/22/2014	09/22/2014	09/22/2014
		PRM	SPECIAL AGENT	37.08	07	03			DEPARTMENT OF JUSTICE	DCI			WI		09/19/2016	09/19/2016	09/19/2016
		PRM	SPECIAL AGENT-SENIOR	36.01	07	03			DEPARTMENT OF JUSTICE	DCI			WI		11/09/1998	11/09/1998	07/08/2007

	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		08/19/1996	08/19/1996	06/10/2007
	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/19/2016	09/19/2016	09/19/2016
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		08/19/1996	08/19/1996	08/06/2006
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/05/1992	10/05/1992	08/31/1997
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/22/2014	09/22/2014	09/22/2014
	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/19/2016	09/19/2016	09/19/2016
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		08/02/2010	08/02/2010	04/16/2017
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		11/17/2000	11/17/2000	07/09/2007
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/22/2014	09/22/2014	12/11/2016
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/11/1999	10/11/1999	12/11/2016
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/07/2013	10/07/2013	05/04/2014
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		01/03/1990	01/03/1990	01/22/2006
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/25/1999	10/25/1999	10/25/1999

	PRM	SPECIAL AGENT-SENIOR	37.46	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		12/11/2006	12/11/2006	09/09/2012
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/03/2011	10/03/2011	09/23/2012
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/05/1992	10/05/1992	09/16/2007
	PRM	SPECIAL AGENT-SENIOR	32.38	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/07/2013	10/07/2013	10/07/2013
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		08/02/2010	08/02/2010	08/02/2010
	PRM	SPECIAL AGENT-SENIOR	38.88	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		11/10/1997	11/10/1997	05/19/2013
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/07/2013	10/07/2013	10/07/2013
	PRM	SPECIAL AGENT-SENIOR	34.77	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/08/2012	10/08/2012	10/08/2012
	PRM	SPECIAL AGENT-SENIOR	32.38	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/21/2015	09/21/2015	09/21/2015
	PRM	SPECIAL AGENT-SENIOR	37.46	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		08/07/2006	08/07/2006	08/07/2006
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		10/05/1992	10/05/1992	04/16/2017
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		05/16/2005	05/16/2005	05/16/2005
	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		06/20/2010	06/20/2010	09/18/2016

	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		02/02/1994	02/02/1994	05/23/2010
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		09/16/1996	09/16/1996	10/08/2000
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		10/03/2011	10/03/2011	10/03/2011
	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		09/19/2016	09/19/2016	09/19/2016
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		10/07/2013	10/07/2013	10/07/2013
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/25/1999	10/25/1999	10/25/1999
	PRM	SPECIAL AGENT-SENIOR	37.36	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		01/10/1994	01/10/1994	07/18/1999
	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/19/2016	09/19/2016	08/06/2017
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/08/2012	10/08/2012	10/08/2012
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		08/02/2010	08/02/2010	01/08/2017
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		06/12/2006	06/12/2006	03/14/2010

	PRM	SPECIAL AGENT-SENIOR	32.38	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/21/2015	09/21/2015	09/21/2015
	PRM	SPECIAL AGENT-SENIOR	34.77	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIGATION		WI		06/16/2002	06/16/2002	08/20/2017
	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/19/2016	09/19/2016	09/19/2016
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/22/2014	09/22/2014	02/05/2017
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		02/12/2001	02/12/2001	02/05/2017
	PRM	SPECIAL AGENT-SENIOR	34.77	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/08/2012	10/08/2012	03/05/2017
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/07/2013	10/07/2013	10/07/2013
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		07/20/2008	07/20/2008	10/06/2013
	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/19/2016	05/16/2016	09/19/2016
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		05/26/2011	03/05/2007	03/23/2014
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/07/2013	10/07/2013	10/07/2013
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		08/02/2010	08/02/2010	06/17/2012
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		06/04/1990	06/04/1990	12/12/2004



	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		09/19/2016	09/19/2016	08/06/2017
	PRM	SPECIAL AGENT- SENIOR	32.38	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		09/21/2015	09/21/2015	09/21/2015
	PRM	SPECIAL AGENT- SENIOR	32.38	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		09/21/2015	09/21/2015	05/29/2016
	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		09/19/2016	09/19/2016	09/19/2016
	PRM	SPECIAL AGENT- SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		08/02/2010	08/02/2010	08/02/2010
	PRM	SPECIAL AGENT- SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		07/15/1991	07/15/1991	07/08/2007
	PRM	SPECIAL AGENT- SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/11/1999	10/11/1999	08/06/2006
	PRM	SPECIAL AGENT- SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/03/2011	10/03/2011	10/03/2011
	PRM	SPECIAL AGENT- SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		11/04/1987	11/04/1987	09/16/2007
	PRM	SPECIAL AGENT	37.08	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		05/15/2002	05/15/2002	08/06/2017

	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/20/2014	10/20/2014	10/20/2014
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		05/16/2005	05/16/2005	09/18/2016
	PRM	SPECIAL AGENT-SENIOR	32.38	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/21/2015	09/21/2015	09/21/2015
	PRM	SPECIAL AGENT-SENIOR	40.55	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/03/2011	10/03/2011	10/03/2011
	PRM	SPECIAL AGENT-SENIOR	32.29	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		07/20/2008	07/20/2008	10/06/2013
	PRM	SPECIAL AGENT-SENIOR	40.38	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		01/26/2004	01/26/2004	05/29/2016
	PRM	SPECIAL AGENT-SENIOR	34.77	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/08/2012	10/08/2012	10/08/2012
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/22/2014	09/22/2014	09/22/2014
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DIV OF CRIMINAL INVESTIG ATION		WI		01/03/2000	01/03/2000	01/03/2000
	PRM	SPECIAL AGENT-SENIOR	36.01	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		01/03/2000	01/03/2000	01/03/2000
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		09/22/2014	09/22/2014	08/20/2017
	PRM	SPECIAL AGENT-SENIOR	33.53	07	03		DEPARTMEN T OF JUSTICE	DCI		WI		10/07/2013	10/07/2013	10/07/2013