



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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To Whom This May Concern:

This letter supplements the July 27, 2015 cover letter accompanying the records related to the investigation conducted by the Department of Justice Division of Criminal Investigation (DCI) into the March 24, 2015 shooting in Fond du Lac, which resulted in the deaths of State Trooper Trevor Casper and Steven T. Snyder.

On page eight of the July 27, 2015 letter, I explained some reports required notice pursuant to Wis. Stat. § 19.356(2)(a)2. prior to release. However, after a careful review of the records, I determined that providing notice to the record subjects would be impossible, due to our not being able to positively identify some subjects, or too burdensome to complete. The Public Records Law does not impose such heavy burdens on a record custodian that normal functioning of the office would be severely impaired and does not require expenditure of excessive amounts of time and resources. *See Schopper v. Ghering*, 210 Wis. 2d 208, 213, 565 N.W.2d 187 (Ct. App. 1997); *see also State ex rel. Gehl v. Connors*, 2007 WI App 238, ¶ 17, 306 Wis. 2d 247, 742 N.W.2d 530.

As a result, the Department of Justice (DOJ) is providing said records, pertaining to Steve Snyder's computer referenced in report *15-1370/16*, in redacted form. Certain information has been redacted from the investigative file records as prepared for release, either because specifically required by law or pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. These redactions are described below. In addition, I have been mindful in preparing these records for release that the purpose of the Wisconsin Public Records Law is to shed light on the workings of government and the acts of public officers and employees in their official capacities. *Building and Constr. Trades Council v. Waunakee Comm. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998). The public records law is not intended to provide the public with access to information that otherwise would be private or to provide a mechanism to satisfy public curiosity about matters that do not involve the operation of government.

Well-established public policy recognizes the privacy rights of a deceased person's surviving loved ones. *Cf. National Archives and Records Admin. v. Favish*, 541 U.S. 157, 168, 171-72 (2004). In preparing these records for release, I applied the Wis. Stat. § 19.35(1)(a) public records balancing test and determined that the public policies requiring that surviving loved ones of the deceased be treated with respect for their privacy and dignity outweighed any legitimate public interest in disclosure of certain information, including:

- The names of Mr. Snyder's children have been redacted in full. I concluded that the public interest favoring protection of surviving family members from unnecessary public attention, possible harassment and unnecessary emotional upset outweighs any public interest in disclosure of this information.
- Mr. Snyder's email communications concerning his children have been redacted. In applying the balancing test, I found that the privacy interest of the Snyder family and the Snyder children outweighs any public interest in disclosure of this personal information.
- Photographs of Mr. Snyder's children have been redacted. In applying the balancing test, I found that the privacy interest of the Snyder family and the Snyder children outweighs any public interest in disclosure of this personal information.
- Mr. Snyder's personal Verizon account number has been redacted to protect against identity theft or other unauthorized use following any subsequent disclosure. In performing the balancing test, I determined that Mr. Snyder's surviving family members' interest in protecting the confidentiality of this economically valuable individually identifiable information outweighs any public interest in disclosure of Mr. Snyder's Verizon account number.

Additionally, pursuant to the Wis. Stat. § 19.35(1)(a) balancing test, I redacted home addresses, personal telephone numbers and personal e-mail addresses obtained from Mr. Snyder's computer along with the full names of individuals with whom Mr. Snyder communicated via email. In performing the balancing test, I determined that the public interest in disclosure of this information is outweighed by the expectation of privacy on the part of individuals in their personal lives.

Federal tax identification numbers (FEIN numbers) have been redacted pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. These numbers are analogous to social security numbers in their relationship to tax records and other financial information of the assigned entities. I determined that the public interest in preventing misappropriation or other misuse of this economically valuable information following any subsequent disclosure outweighs the public interest in their disclosure.

Workout videos have been redacted in full because they are protected by copyright and do not constitute "records" as defined in Wis. Stat. § 19.32(2). Consequently, the videos are not subject to disclosure in response to a public records request. Wis. Stat. § 19.32(2) ("Record" does not include . . . materials to which access is limited by copyright"); *see* Wis. Stat. § 19.35(1)(a).

Finally, it should be noted that only one copy of records for which duplicate copies exist has been included in the records prepared for public release. *Stone v. Bd. of Regents*, 2007 WI App 223, ¶ 20, 305 Wis. 2d 679, 741 N.W.2d 774.

DOJ normally charges \$0.14 per page and \$1.00 per disc for duplication of records provided in electronic format in response to public records requests. Under Wis. Stat. § 19.35(3)(f), DOJ is authorized to require prepayment by a requester of records of any fee or fees imposed if the total amount exceeds \$5.00. However, in this instance, we are waiving our normal fees, and we are making the records available online at this time without any payment required.

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:djw