



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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September 30, 2016

To Whom This May Concern:

On July 25, 2016, in response to public records requests submitted to the Department of Justice (DOJ) regarding the June 15, 2016 shooting by Marinette County Sheriff's Department Deputies Lance Lincoln, Jesse Parker, and Brett West which resulted in the death of Michael D. Rasmussen, a copy of the related DOJ Division of Criminal Investigation (DCI) investigative case file, **16-3646: Marinette County OID-Michael D. Rasmussen**, as of that date, was made available on DOJ's website at www.doj.state.wi.us/dci/officer-involved-critical-incident. Numerous photographs, audio recordings, and video recordings related to the investigation were also made available at that time.

In addition, a small number of new reports were added to the DCI case file following that prior records release, before the file was formally closed. Those additional reports were also prepared for public release, and this supplemental record is available at the DOJ website shown above.

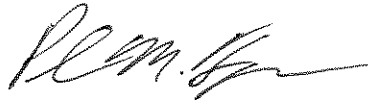
Certain information has been redacted from the records, either because specifically required by law or pursuant to the Wis. Stat. § 19.35(1)(a) balancing test. These redactions are described in the original cover letter also posted on DOJ's website and below. In addition, I have been mindful in preparing 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 street address for the office of DCI agents who work at a confidential location shared by undercover agents has been redacted pursuant to the Wis. Stat. § 19.35(1)(a) balancing test to protect the safety of these agents and the ability of these agents to effectively investigate crime in undercover capacities. I determined that the public interest in protecting the confidentiality of this location so that undercover agents can effectively investigate criminal activity outweighs any public interest in disclosure of this confidential street address. Wis. Stat. § 19.35(1); *Linzmeier v. Forcey*, 2002 WI 84, ¶ 41, 254 Wis. 2d 306, 646 N.W.2d 811.

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, and therefore the records are being made 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,

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

Paul M. Ferguson
Assistant Attorney General
Office of Open Government

PMF:cjm