



WEST ALLIS POLICE DEPARTMENT

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Marks
Deputy Chief of Police

April 19, 2023

To Whom It May Concern:

Pursuant to Wis. Stat. § 175.47(5)(b), a copy of investigative reports completed by the Milwaukee Area Investigative Team (MAIT), regarding the investigation into the death of Quievonta Moffett on December 9, 2021, has been prepared for release.

The West Allis Police Department was the lead investigating agency for this critical incident, overseeing the MAIT's investigation. The assigned West Allis Police Department case number is 21-42693. The case file has been reviewed in preparation for public release and a copy of the case file's reports and records have been made available online on the City of West Allis' website at: www.westalliswi.gov/mait.

Certain information has been redacted from the records or not provided at all, either because specifically required by law or pursuant to Wis. Stat. § 19.35(1)(a) balancing test. When performing the balancing test, I had to decide whether the strong presumption favoring disclosure was overcome by some even stronger presumption favoring limited access or non-disclosure. 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. See *Building and Constr. Trades Council v. Waukakee Comm. Sch. Dist.*, 221 Wis. 2d 575, 582, 585 N.W.2d 726 (Ct. App. 1998). As such, the following has been redacted or not provided:

Names, addresses, phone numbers, and other personal identifying information of Mr. Moffett's family members and acquaintances have been redacted from records.

- ❖ See Wis. Stat. § 19.31; *Linzmeier*, 254 Wis. 2d 306, ¶¶ 30, 32, 39, 41; and *National Archives v. Favish*, 541 U.S. 157.
- ❖ In performing the balancing test, I determined that the public interest in protecting the ability of law enforcement to gather information when conducting sensitive investigations and in protecting the privacy of citizens involved in these investigations outweighs any legitimate public interest in disclosure of identifying information that could identify witnesses and other individuals referenced by witnesses. Due to the sensitive and sometimes controversial nature of these types of incidents, public disclosure of the names and other identifying information for individuals interviewed or identified during the investigation could expose these individuals to unwanted public scrutiny, criticism or pressure from outside sources, which could have a chilling effect on future witnesses' willingness to come forward and cooperate with law enforcement in investigations of similar incidents. Also, I concluded that disclosure of this information sheds very little, if any, light on the workings of government and the acts of public officers and employees in their official capacities in this incident. In addition, this information has also been redacted to protect against identity theft or other unauthorized use. Finally, I determined that the public interest in protecting the privacy of the decedent's family outweighs the public disclosure of this information.

Names, addresses, phone numbers, and other personal identifying information of individual citizens have been redacted from records.

- ❖ See Wis. Stat. § 19.31; *Linzmeier*, 254 Wis. 2d 306, ¶¶ 30, 32, 39, 41.
- ❖ In performing the balancing test, I determined that the public interest in protecting the ability of law enforcement to gather information when conducting sensitive investigations and in protecting the privacy of citizens involved in these investigations outweighs any legitimate public interest in



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disclosure of identifying information that could identify witnesses and other individuals referenced by witnesses. Due to the sensitive and sometimes controversial nature of these types of incidents, public disclosure of the names and other identifying information for individuals interviewed or identified during the investigation could expose these individuals to unwanted public scrutiny, criticism or pressure from outside sources, which could have a chilling effect on future witnesses' willingness to come forward and cooperate with law enforcement in investigations of similar incidents. Also, I concluded that disclosure of this information sheds very little, if any, light on the workings of government and the acts of public officers and employees in their official capacities in this incident. In addition, this information has also been redacted to protect against identity theft or other unauthorized use.

Juvenile related information has been redacted from records.

- ❖ See Wis. Stat. § 48.396, 938.396, and 19.31; *Linzmeier*, 254 Wis. 2d 306, ¶¶ 30, 32, 39, 41.
- ❖ In performing the balancing test, I determined that the public interest in protecting the ability of law enforcement to gather information when conducting sensitive investigations and in protecting the privacy of citizens and businesses involved in these investigations outweighs any legitimate public interest in disclosure of identifying information that could identify witnesses and other individuals referenced by witnesses. Due to the sensitive and sometimes controversial nature of these types of incidents, public disclosure of the names and other identifying information for individuals interviewed or identified during the investigation could expose these individuals to unwanted public scrutiny, criticism or pressure from outside sources, which could have a chilling effect on future witnesses' willingness to come forward and cooperate with law enforcement in investigations of similar incidents. Furthermore, I determined that the public interest in disclosure of this information is outweighed by the public interest in the privacy on the part of juveniles. Also, I concluded that disclosure of this information sheds very little, if any, light on the workings of government and the acts of public officers and employees in their official capacities in this incident. In addition, this information has also been redacted to protect against identity theft or other unauthorized use.

Individual medical/psychiatric information has been redacted from records or is not being provided.

- ❖ See Wis. Stat. § 146.82.
- ❖ In performing the balancing test, I determined that the public interest in disclosure of this information is outweighed by the public interest in the privacy on the part of individuals as it pertains to their personal medical history, as well as the privacy afforded to individuals by the Health Insurance Portability and Accountability Act (HIPAA). In addition, this information has also been redacted to protect against unauthorized use.

Social security number(s) has been redacted from records.

- ❖ Social security numbers obtained or maintained by an authority pursuant to a provision of 42 U.S.C. § 405(c)(2)(C)(viii)(I) are exempt from disclosure.

Driver's license number(s) has been redacted from records.

- ❖ The Federal Driver's Privacy Protection Act (DPPA) (18 USC Wis. State Statute 2721) prohibits the disclosure of certain "personal information" or "highly restricted personal information" which originates from a State motor vehicle record. Under current controlling law, disclosure of each



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item “personal information” or “highly restricted personal information” must be justified by the specific permissible use identified below. Failure to provide such justification may result in redaction of the record requested. Such information shall not knowingly be disclosed or otherwise made available without the express consent of the person to whom the information pertains or unless specifically permitted by the DPPA.

Unique employee numbers of law enforcement officers, which correspond with payroll records as well as computer user accounts and other employment records, have been redacted from records.

- ❖ See *Hempel*, 284 Wis. 2d 162, ¶¶28, *Linzmeier*, 254 Wis. 2d 306, ¶¶38.
- ❖ In performing the balancing test, I determined that the public interest in avoiding unnecessary intrusion into the personal lives of law enforcement officers mentioned in a law enforcement report outweighs any legitimate public interest in information about the conduct of governmental affairs. Also, disclosure of this information sheds very little, if any, light on the workings of government and the acts of public officers and employees in their official capacities in this incident. In addition, this information has also been redacted to protect against identity theft or other unauthorized use.

Unique identifying numbers, like serial numbers, have been redacted from records.

- ❖ In performing the balancing test, I determined that the public policy in favor of protecting confidentiality of this economically valuable individually identifiable information and preventing its misuse upon any subsequent disclosure, as well as the public policies outlined in Wis. Stat. § 801.19, 801.20, and 801.21, outweighs any public interest in disclosure of the unique information of individual persons. Also, disclosure of this information sheds very little, if any, light on the workings of government and the acts of public officers and employees in their official capacities in this incident. This information has also been redacted to protect against identity theft or other unauthorized use.

Information that could identify a confidential informant has been redacted from records.

- ❖ See Wis. Stat. § 19.35(1)(am)(2)(b).
- ❖ In performing the balancing test, I determined that the public interest in disclosure of a this information is outweighed by the public interest in the privacy on the part of the individual as well as the public interest in individuals cooperating with authorities. The release of this information may dissuade individuals from cooperating with authorities in the future. In addition, this information has been redacted to protect against the confidential informant being harassed, intimidated, and harmed.

Work schedules of law enforcement officers have been redacted from records.

- ❖ See *Hempel*, 284 Wis. 2d 162, ¶¶28, *Linzmeier*, 254 Wis. 2d 306, ¶¶38.
- ❖ In performing the balancing test, I determined that the public interest in avoiding unnecessary intrusion into the personal lives of law enforcement officers mentioned in a law enforcement report outweighs any legitimate public interest in information about the conduct of governmental affairs. In addition, this information has also been redacted to protect against unauthorized use.

Shift strengths of a law enforcement agency has been redacted from records.

- ❖ See *Democratic Party of Wisconsin v. Department of Justice*, 2016 WI 100, 372 Wis. 2d 460, 888 N.W.2d 584, 14–2536.



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- ❖ In performing the balancing test, I determined that the public interest in disclosure of this information is outweighed by the public interest in effective public safety and effective law enforcement.

Wis. Stat. § 19.35 (4)(b) requires that you be informed this determination is subject to review under Wis. Stat. § section 19.37 (1). You may bring an action for mandamus asking for a court to order release of the records or request the District Attorney or Attorney General to bring an action for mandamus asking a court to order a release of the records. The Milwaukee County District Attorney's office is located at 949 N. 9th St., Milwaukee, WI, 53233. The Milwaukee County Children's Court Center is located at 10201 W. Watertown Plank Rd., Wauwatosa, WI, 53226. The State Attorney General's office is located at Wisconsin Department of Justice, 114 E. State Capitol, P.O. Box 7857, Madison, WI 53707-7857.

Sincerely,

A handwritten signature in cursive script that reads "Steven Beyer".

Steven Beyer
Captain of Police
Administrative Services Bureau