



February 15, 2022

**All Requestors of Records Related to the Administrative Review of the Officer Involved Death of
Lekenneth Miller**

To Whom It May Concern:

Pursuant to Wisconsin Public Records Laws the Administrative Review of Officer Involved Shooting, Eau Claire Police Department Incident 21PD21280, involving Officers Kristopher O'Neill and Jason Kaveney is being released with the following exceptions:

- Wisconsin Const. art. I, § 9m provides, in part, that crime victims are entitled to the rights “to be treated with dignity, respect, courtesy, sensitivity, and fairness” and to privacy. Related Wisconsin statutes recognize that these self-executing state constitutional rights 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 Wis. Stat. § 19.35(1)(a) balancing test regarding the release of these records. I concluded the public interest favoring protection of the victim(s) from unnecessary public attention, possible harassment, and unnecessary emotional upset outweighs any public interest in the disclosure of this information. Accordingly, victims’ names, victims’ phone numbers, and victims’ home addresses have been redacted from this report.

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

FOR THE CHIEF OF POLICE

KELLY THOMPSON
Administrative Division Manager