



Eau Claire
POLICE
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Matt Rokus, Chief of Police
721 Oxford Avenue, Suite 1400
Eau Claire, WI 54703

October 17, 2024

**All Requestors of Records Related to the Administrative Review of the Officer Involved Shooting of
Thomas Burback**

To Whom It May Concern:

Pursuant to Wisconsin Public Records Laws the Administrative Review of Officer Involved Shooting, Eau Claire Police Department Incident 24P08677, involving Officer Ariana Down-Larson being released with the following exceptions:

- Wisconsin Const. art. I, § 9m requires that crime victims be treated with “fairness, dignity and respect for their privacy.” Related Wisconsin statutes recognize that this state constitutional right must be vigorously honored by law enforcement agencies. 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 protect the privacy rights of those who could be considered victims entitled to these protections when applying the balancing test regarding the release of investigative records. I concluded the public interest favoring protection of the victim from unnecessary public attention, possible harassment, and unnecessary emotional upset outweighs any public interest in the disclosure of this information. Accordingly, victims’ names have been redacted from this report.
- The address where the juveniles were taken is being redacted pursuant to the Wis. Stat. §19.35(1)(a) balancing test. In performing the balancing test, I determined that the public interest in disclosure of this information is outweighed by the public interest in the expectation of privacy on the part of individuals in their personal lives and in encouraging citizens to cooperate with law enforcement investigators without undue concern that their private lives will become public matters.

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