



OFFICE OF THE DISTRICT ATTORNEY
Milwaukee County

JOHN T. CHISHOLM · District Attorney

Chief Deputy Kent L. Lovern, Deputies Lovell Johnson, Jr., Jeffrey J. Altenburg, Karen A. Loebel,
Elisabeth Mueller, Matthew J. Torbenson, Bruce J. Landgraf

March 25, 2021

VIA ELECTRONIC MAIL ONLY AT Jessica.wirightnow@gmail.com

Ms. Jessica McBride
Wisconsin Right Now.com contributor

Re: Public Records Request 2021-118

Dear Ms. McBride,

I write to acknowledge receipt of your e-mail sent to Chief Deputy District Attorney Kent Lovern on January 29, 2021. I am the designated records custodian for the District Attorney's Office. Your e-mail was forwarded for my attention on March 23, 2021 after correspondence with my Executive Assistant, Kim Johnson, in a separate request identified in our records as Public Records request 2020-117. In your correspondence with Mr. Lovern, you state you were:

writing to request a list of all cases referred by Wauwatosa police to the da's [sic] office from June 1- present and which were no processed vs[.] processed. I'm really looking for anything associated with the riots and protests including eluding cases, unlawful assembly etc[.] but if that's too hard to tease out maybe a list of all charges referred to the da [sic] by tosa [sic] police in that time frame could work. You can consider this an open records request if necessary.

I deny your request under the public records laws.

Of course, as you know, the public records law "does not require an authority to create a new record by extracting information from existing records and compiling the information in a new format." Wis. Stat. § 19.35(1)(l). "The open records law affords the right to inspect or make or receive a copy of a 'record.' A nonexistent record cannot be inspected or copied. The open records law does not require the custodian to collect or compile statistics or create a record for the benefit of the requester." *George v. Record Custodian*, 169 Wis. 2d 573, 578 (Ct. App 1992).

Wis. Stat § 19.35(4)(b) provides that you may bring an action for mandamus asking a court to order release of the records to you if you disagree with my decision to withhold any records. Alternatively, you may ask the attorney general or the Milwaukee County corporation counsel to bring an action

Ms. Jessica McBride
March 25, 2021
Page 2

for mandamus asking a court to order release of the records to you. Pursuant to Wis. Stat. § 59.42(2)(b)4., the corporation counsel rather than the district attorney enforces the public records law in Milwaukee County.

Very truly yours,

A handwritten signature in cursive script, appearing to read "B. Landgraf".

Bruce J. Landgraf
Deputy District Attorney

BJL/kj