



September 12, 2024

VIA EMAIL: opengov@widoj.gov

Paul M. Ferguson
Office of Open Government
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

Wisconsin Open Records Request: Multinational Gangs in Wisconsin

Dear Mr. Ferguson:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) and state-level document requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL has over 269,000 followers on X, and our Founder and President has over 724,000 followers on X.

I. Requested Records

Under Wisconsin's Public Records Law, WIS. STAT. §§ 19.31–19.39, AFL respectfully requests:

- A. All records including the terms “Tren de Aragua” OR “TdA.”
- B. All records including the terms “Venezuela(n)” AND “gang(s).”

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Washington, DC 20003

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- C. All records referencing the presence of the Tren de Aragua gang in Prairie du Chien, Wisconsin, and in Wisconsin as a whole.¹
- D. Records sufficient to show the number of Tren de Aragua gang members identified and arrested in Prairie du Chien, Wisconsin, and Wisconsin since January 21, 2021.
- E. All records referencing the arrest of Alejandro Jose Coronel Zarate and other members of Tren de Aragua.
- F. All communications with the Prairie du Chien Police Department referencing gang activity in the state of Wisconsin.

The time period for this request is January 1, 2021, through the date this request is processed.

II. Custodians

- A. Josh Kaul, Attorney General
- B. Eric Wilson, Deputy Attorney General
- C. Ashley Viste, Chief of Staff
- D. Gillian Drummond, Communications Director
- E. Nate Zolik, Senior Counsel
- F. Chris McKinny, Government Affairs Director

Division of Law Enforcement Services (DLES)

- A. Steve Wagner, Administrator
- B. Mark Rather, Deputy Administrator
- C. Brad Rollo, Bureau Director, Crime Information Bureau
- D. All senior custodians in the Criminal Justice subdivision of the Bureau of Justice Programs (BJP)
- E. All senior custodians in the Bureau of Justice Information and Analysis

¹ Bill Melugin (@BillMelugin_), X (Sept. 6, 2024, 7:24 PM), <https://perma.cc/72Y7-4T8A>.

III. Processing Requirements

Wisconsin's Public Records Law, WIS. STAT. §§ 19.31–19.39, provides that all persons are entitled to full and complete information as to a public body's fulfillment of statutory functions and concerning the inner workings of government in general:

Absent a clear statutory exception, a limitation under the common law, or an overriding public interest in keeping a public record confidential, Wisconsin's Public Records Law shall be construed in every instance with a presumption of complete public access. As the denial of public access generally is contrary to the public interest, access may be denied only in an exceptional case. An exceptional case exists when the facts are such that the public policy interests favoring nondisclosure outweigh the public policy interests favoring disclosure, notwithstanding the strong presumption favoring disclosure.

Hagen v. Bd. of Regents of Univ. of Wisconsin Sys., 916 N.W.2d 198, 200 (Wis. Ct. App. 2018) (internal citations and quotations omitted). AFL is entitled to a response "as soon as practicable and without delay." WIS. STAT. § 19.35(4)(a).

IV. Fee Waiver

AFL requests a fee waiver under Wis. Stat. § 19.35(3)(e). Production of the requested material is in the public interest. This material will help the public understand the extent to which multinational criminal gangs are present in the United States, and the corresponding actions taken to prevent further harm to American Communities. AFL as a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest.

V. Production

AFL welcomes production on an agreed rolling basis to accelerate the release of responsive records. Please provide responsive records by email in electronic format. Alternatively, if this is not practical, please provide responsive documents in native or PDF format on a USB drive. Please mail any responsive records transmitted by

mail to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

VI. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

If you have any questions about our request or believe further discussions regarding search and processing would facilitate more efficient production of records of interest to AFL, please contact me at FOIA@aflegal.org.

Thank you in advance for your cooperation.

Sincerely,

/s/ Will Scolinos

America First Legal Foundation