

State of Wisconsin



2013 Assembly Bill 409

Date of enactment: **April 23, 2014**
Date of publication*: **April 24, 2014**

2013 WISCONSIN ACT 348

AN ACT to create 175.47, 950.04 (1v) (do) and 950.08 (2g) (h) of the statutes; relating to: investigation of a death involving a law enforcement officer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 175.47 of the statutes is created to read:
175.47 Review of deaths involving officers. (1) In this section:

(a) "Law enforcement agency" has the meaning given in s. 165.83 (1) (b).

(b) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(c) "Officer-involved death" means a death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.

(2) Each law enforcement agency shall have a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer employed by the law enforcement agency.

(3) (a) Each policy under sub. (2) must require an investigation conducted by at least two investigators, one of whom is the lead investigator and neither of whom is employed by a law enforcement agency that employs a law enforcement officer involved in the officer-involved death.

(b) If the officer-involved death being investigated is traffic-related, the policy under sub. (2) must require

the investigation to use a crash reconstruction unit from a law enforcement agency that does not employ a law enforcement officer involved in the officer-involved death being investigated, except that a policy for a state law enforcement agency may allow an investigation involving a law enforcement officer employed by that state law enforcement agency to use a crash reconstruction unit from the same state law enforcement agency.

(c) Each policy under sub. (2) may allow an internal investigation into the officer-involved death if the internal investigation does not interfere with the investigation conducted under par. (a).

(4) Compensation for participation in an investigation under sub. (3) (a) may be determined in a manner consistent with mutual aid agreements.

(5) (a) The investigators conducting the investigation under sub. (3) (a) shall, in an expeditious manner, provide a complete report to the district attorney of the county in which the officer-involved death occurred.

(b) If the district attorney determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the investigators conducting the investigation under sub. (3) (a) shall release the report.

SECTION 2. 950.04 (1v) (do) of the statutes is created to read:

950.04 (1v) (do) To be informed about the process by which he or she may file a complaint under s. 968.02 or 968.26 (2) and about the process of an inquest under s.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

979.05 if he or she is the victim of an officer-involved death, as defined in s. 175.47 (1) (c).

SECTION 3. 950.08 (2g) (h) of the statutes is created to read:

950.08 (2g) (h) If the victim is a victim of an officer-involved death, as defined in s. 175.47 (1) (c), informa-

tion about the process by which he or she may file a complaint under s. 968.02 or 968.26 (2) and about the process of an inquest under s. 979.05.

SECTION 4. Initial applicability.

(1) This act first applies to officer-involved deaths occurring on the effective date of this subsection.
