



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0254/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 409**

February 10, 2014 – Offered by Representative BIES.

1 **AN ACT to create** 175.47, 950.04 (1v) (do) and 950.08 (2g) (h) of the statutes;
2 **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:

3 **SECTION 1.** 175.47 of the statutes is created to read:
4 **175.47 Review of deaths involving officers. (1)** In this section:
5 (a) “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).
6 (b) “Law enforcement officer” has the meaning given in s. 165.85 (2) (c).
7 (c) “Officer-involved death” means a death of an individual that results directly
8 from an action or an omission of a law enforcement officer while the law enforcement
9 officer is on duty or while the law enforcement officer is off duty but performing
10 activities that are within the scope of his or her law enforcement duties.

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

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

8 (b) If the officer-involved death being investigated is traffic-related, the policy
9 under sub. (2) must require the investigation to use a crash reconstruction unit from
10 a law enforcement agency that does not employ a law enforcement officer involved
11 in the officer-involved death being investigated, except that a policy for a state law
12 enforcement agency may allow an investigation involving a law enforcement officer
13 employed by that state law enforcement agency to use a crash reconstruction unit
14 from the same state law enforcement agency.

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

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

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

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

