



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 453 – OFFICER-INVOLVED DEATHS AND OTHER CRITICAL INCIDENTS

**GENERAL ORDER:** 2016-32  
**ISSUED:** July 15, 2016

**EFFECTIVE:** July 15, 2016

**REVIEWED/APPROVED BY:**

Captain Mark Stanmeyer

**DATE:** May 23, 2016

**ACTION:** Rescinds General Order 2014-108 (July 30, 2014)

**WILEAG STANDARD(S):** 2.4.2, 6.1.3, 6.3.3, 6.3.8, 13.1.1

#### **453.00 PURPOSE (WILEAG 6.3.8)**

The purpose of this standard operating procedure (SOP) is to define the meaning of a critical incident and an officer-involved death incident and establish standardized responses, roles, responsibilities, and processes that ensure a thorough and proper investigation. It is specifically created to ensure compliance with the requirements of 2013 WI Act 348 as cited in Wis. Stat. § 175.47.

#### **453.05 DEFINITIONS (WILEAG 6.3.8, 13.1.1)**

##### **A. OFFICER-INVOLVED DEATH**

For the purposes of this SOP, an officer-involved death is an incident that involves, “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.”

Wis. Stat. § 175.47(1)(c).

##### **B. OTHER CRITICAL INCIDENT**

Other critical incident is an incident involving a department member that results in death or great bodily harm to a person that is caused by a member’s actions, occurs while in police custody, or any incident that the chief of police or his/her designee (must be assistant chief or inspector rank) declare a critical incident. Any injury to a person as a result of a firearm discharge by a department member, not resulting in death, shall also be considered a critical incident.

(WILEAG 13.1.1.6)

#### **453.10 OFFICER-INVOLVED DEATH AND OTHER CRITICAL INCIDENTS TECHNICAL COMMUNICATIONS DIVISION RESPONSIBILITIES (WILEAG 6.1.3)**

When the Technical Communications Division receives notification of an officer-involved death or other critical incident, the supervisor shall immediately make the following notifications to ensure a timely response for command and control:

- Chief of Police and executive staff
- Commanding officer of involved-officer’s work location
- Geographic Investigative Division commander where incident occurred

- Field inspector
- Metropolitan Investigations Division
- On-call outside agency, if a death is involved - Metropolitan Investigations Division to make notification
- Executive Command Officer of the Investigations and Intelligence Bureau
- District commander where incident occurred
- Chief investigator from the Milwaukee County District Attorney's (DA's) Office
- Fire and Police Commission (FPC)
- Internal Affairs Division (IAD)
- Manager of Public Relations
- Range master
- Police Officer Support Team (POST)
- The Milwaukee Police Association [REDACTED]

After the initial notifications above are made, a City Watch email shall be created pertaining to the incident as a secondary notification.

#### **453.15 EXECUTIVE LEVEL OFFICER-INVOLVED DEATH NOTIFICATION**

The Chief of Police or designee shall notify the DA's office and the executive director of the Fire and Police Commission in the event of the death of an individual while in contact with the police or while the individual is in police custody. Such notifications shall be made as soon as practicable.

#### **453.20 OFFICER-INVOLVED DEATH**

Per Wis. Stat. § 175.47(2-3), "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."

"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," and "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."

**Note: The law allows for a separate internal investigation into the incident, provided that it does not interfere with the investigation required under Wis. Stat. § 175.47, and provided that the agency's policy details this provision.**

**453.25 OFFICER-INVOLVED DEATH: METROPOLITAN INVESTIGATIONS DIVISION DUTIES**

- A. Upon notification of an officer-involved death, the Metropolitan Investigations Division lieutenant shall notify their commanding officer. The commanding officer of the Metropolitan Investigations Division, or designee, shall respond to the scene.
- B. The Metropolitan Investigations Division captain shall ensure that the outside agency lead investigator has access to all necessary resources to conduct the investigation. A Metropolitan Investigations Division lieutenant will be assigned as the liaison.
- C. The Metropolitan Investigations Division lieutenant will act as a liaison with the outside agency lead investigator and the department's Public Relations Office.
- D. File the major incident report and distribute it to the proper personnel.  
(WILEAG 6.3.3.4)
- E. A Metropolitan Investigations Division lieutenant shall be responsible for generating a *Use of Force Report* in the AIM system. Under "Type of Call", the lieutenant shall indicate "Critical Incident". The AIM use of force incident number (PF number) must be generated before the end of the lieutenant's tour of duty.
- F. The Metropolitan Investigations Division captain, or designee, shall determine which members shall be subject to a *Drug Test Order* (form PD-39) and the subsequent arrangements for transportation for the member(s) to the appropriate facility for testing.
- G. Upon consulting with the Chief of Police or designee, determine which members shall be assigned to administrative duty and ensure the related necessary memorandum reports notifying the Chief of Police are filed and disseminated.

**453.30 OFFICER-INVOLVED DEATH: INVOLVED AGENCY DUTIES**

The "involved agency" is the law enforcement agency which employs the officer(s) who are directly involved in the officer-involved death. In the event that officers from more than one agency are directly involved, there can be multiple involved agencies. In such case, the second agency should be considered an involved agency depending on their level of involvement, if any, in the incident.

**453.35 OFFICER-INVOLVED DEATH: OUTSIDE AGENCY LEAD INVESTIGATOR**

The outside agency lead investigator has statutory authority to oversee and direct the investigation. The outside agency lead investigator will work with the supervisors of the involved agency in order to accomplish the investigation. The involved agency supervisor(s) will use their formal authority within the agency to assist the lead investigator.

**453.40 OFFICER-INVOLVED DEATH: MEMBER RESPONSIBILITIES (WILEAG 6.1.3)**

The involved-officer should be relieved of their duties, at the scene, as soon as practicable. The involved-officer should accomplish the following responsibilities immediately after the incident:

1. Secure the area;
2. Advise their emergency communications operator II who shall immediately send a supervisor and additional resources as needed;
3. Call for/render medical assistance as needed;

**453.45 OFFICER-INVOLVED DEATH: PATROL SUPERVISOR RESPONSIBILITIES (WILEAG 6.1.3)**

- A. The first responding supervisory officer, from the involved agency, shall ensure that the scene is managed properly. The outside agency lead investigator will respond and take charge of the investigation. The involved agency is responsible for the initial response.
- B. The involved agency scene supervisor shall ensure that the following is accomplished:
  1. The scene is secure and stabilized to include a perimeter that is secure and does not contain contamination by citizens, media, or unnecessary police personnel;
  2. Notify their chain of command;
  3. Protect the scene and separate and secure witnesses until the outside agency lead investigator and/or other outside investigators arrive;
  4. As soon as practicable, relieve the member(s) directly involved in a critical incident of any further responsibilities at the scene. The supervisor shall ensure that the involved-officer(s) is accompanied by and remains with a non-involved supervisor until such time that the outside agency lead investigator or designee are able to assume responsibility;
  5. The on scene supervisor, or a non-involved supervisor, shall obtain a public safety statement from the involved and the witness officer(s) in order to obtain the scope of the scene as well as the location of potential evidence, witnesses, and suspect(s). The supervisor shall follow the questions on the *Public Safety Statement (Critical Incident)* (form PP-13). The information gained will be shared with the outside investigative agency or Milwaukee County Investigative Team upon their arrival. Individual circumstances of each critical incident will determine when the *Public Safety Statement (Critical Incident)* is practical. On all discharges of an officer's duty weapon where a citizen is injured, public safety statements shall be asked. The obtaining of a public safety statement shall occur at those critical incident investigations in which an officer uses force.

The supervisor obtaining the *Public Safety Statement* shall file a supplemental report detailing the exact *Public Safety Statement* questions and the officer's responses.

In critical incident investigations wherein no force was used, assigned investigators and supervisors will determine the level of involvement of each officer or civilian employee and proceed with interviews at the date and location determined by the lead investigating agency's team supervisor.

6. Maintain their incident command status and responsibilities unless otherwise relieved by proper authority. The presence of the outside agency lead investigator and/or other investigators alone does not relieve the supervisor of their responsibilities unless such personnel formally assume the role of incident commander.
7. Ensure the response of the mobile command post (if available).
8. The supervisor shall work with responding investigators to provide the necessary information.
9. Absent extraordinary circumstances, the supervisor shall ensure the involved-officers maintain his/her weapon in holster until such time the weapon can be replaced.

#### **453.50 OFFICER-INVOLVED DEATH: PRELIMINARY STATEMENT (WILEAG 6.1.3)**

The outside agency lead investigator shall work with the involved agency's supervision to ensure that the agency's policies are followed and recognize that police officers who are involved in officer-involved death investigations retain certain constitutional rights.

#### **453.55 OFFICER-INVOLVED DEATH: OUTSIDE AGENCY LEAD INVESTIGATOR DUTIES**

- A. Per Wis. Stat. § 175.47 the investigation into an officer-involved death must be led by at least two investigators employed by outside agencies, one of whom is designated as the outside agency lead investigator.
- B. The outside agency lead investigator is not required to personally accomplish every single task involved in the investigation. The role of the outside agency lead investigator is one of oversight and supervision; personally performing critical tasks while delegating and overseeing other tasks.
- C. The outside agency lead investigator is in charge of the investigation. The outside agency lead investigator of an officer-involved death must be responsible for the investigation and have hands-on leadership of investigation activities.
- D. The outside agency lead investigator will direct the overall investigation and shall coordinate with the lead officer/agency conducting any underlying criminal investigation of the event, or events, which led to the officer-involved shooting. They

shall take possession of, or direct the collection of, all evidence, take or direct the taking of statements of witnesses and police officers, and act as the primary contact for prosecutors.

- E. The outside agency, when practicable, will provide a supervisory officer with sufficient training and experience in conducting major investigations. This supervisory officer will respond to the scene along with the investigators, and will interface with the command staff of the involved agency.
- F. The outside agency lead investigator shall accomplish (personally or by delegation) the following tasks related to the scene investigation:
1. Supervise the crime scene investigation and ensure that all involved parties and witnesses are kept separate during the scene investigation. If these parties are moved to another location, this responsibility is transferred to the investigator at that location.
  2. Liaison with the involved agency supervisor and/or incident commander to ensure the necessary equipment and/or personnel are brought to the scene and utilized efficiently.
  3. In conjunction with the involved agency supervisor ensure that the integrity of the scene is maintained. This includes controlling access to the scene by essential and non-essential personnel. The media, union representatives and attorneys are not allowed access to the scene. The involved agency supervisor shall continue to manage that agency's resources committed to the investigation.
  4. Act as a liaison between the department and investigators from the Milwaukee County District Attorney's Office.
  5. Make contact with the deceased person's next-of-kin for the purpose of notifying them of the death, and serve as the point of contact with them throughout the investigation.
  6. Facilitate a walk-through of the secure and intact scene for personnel from the DA's office, as well as the command staff and/ or internal investigators of the involved agency as needed. The purpose of the walk-through is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.
  7. Ensure that a complete copy of the criminal investigation is provided to the Milwaukee County District Attorney's Office for review within a reasonable amount of time.
  8. Participate in all necessary district attorney appearances to include any future inquest proceedings.

**453.60 OFFICER-INVOLVED DEATH: INTERVIEWS OF INVOLVED-OFFICERS, WITNESS OFFICERS, AND WITNESSES (WILEAG 4.2.1, 6.1.3, 6.3.8)**

A. In the course of an officer-involved death investigation, interviews of the involved-officers and key citizen witnesses should be conducted at a location away from the scene. The location of the interview is at the discretion of the outside agency lead investigator. The outside agency lead investigator (personally or by delegation) shall ensure that the following duties are accomplished:

1. Act as a liaison between the involved parties and their representatives if representation is requested by the member(s).
2. Union access (attorney and/or union representative) may be permitted to the involved-officer(s) and identified witness officer(s) near the incident location but only for the purposes of a very brief meet in order to offer support to the officer(s). This meet shall occur with the authority of the Metropolitan Investigations Division captain, the captain providing division coverage, or the lead Metropolitan Investigations Division lieutenant.
3. Coordinate, monitor and document the subsequent interview(s) of involved-officers and citizen witnesses conducted by the lead investigator or designee.
4. Ensure that the citizen witness statements given at the off-site location are video and audio recorded.
5. Notify the involved agency's administration of any firearms or other department-owned property that will be collected as evidence.
6. Liaison with the command staff and internal investigators from the involved agency regarding the information obtained during the interviews.

**B. INVOLVED-OFFICER INTERVIEWS**

The outside agency lead investigator shall take or direct the taking of the interview of the involved-officer. Whenever practicable, the involved-officers should give one formal statement with all needed parties present. The outside agency lead investigator or designee will ensure the following:

1. Members will be interviewed as victims and/or witnesses unless directed by the outside agency lead investigator or higher authority in critical incident circumstances. Absent an arrest, no Miranda warning will be given.
2. The interview shall be conducted by the outside agency lead investigator or designee with the following personnel in attendance: involved-officer and their attorney and a representative of the involved agency (Internal Affairs Division investigators should not be present for the interview). If the involved-officer chooses to make a statement, he/she is to be interviewed no earlier than 24 hours but no more than 48 hours after the time of incident occurrence unless unusual

circumstances arise. Witness officer(s) are to be interviewed prior to securing from duty from the shift of the incident occurrence unless unusual circumstance(s) arise.

3. Involved-officers are not to file any reports.
4. Only the involved-officer's agency will order a involved-officer to give a statement relative to an officer-involved death. This will only occur during an internal investigation of the incident, which will be separate from the criminal investigation conducted by the outside agency.  
(WILEAG 6.3.8.1)
5. The outside agency lead investigator or designee shall ensure that the involved-officer is separated from other witnesses and removed from unnecessary contact with other officers.
6. A request for representation shall be accommodated pursuant to Wis. Stat. § 164.02. However, unless extraordinary circumstances exist, the meeting between the officer and his/her representative shall be conducted at the off-site location not at the scene.  
(WILEAG 4.2.1.3)
7. After taking control of the involved-officer from a supervisor, the outside agency lead investigator, or designee, is responsible for remaining with and/or monitoring the involved-officer until released by a higher authority.
8. The interviewing investigator will account for all weapons and/or equipment used by the involved-officer in the incident before conveying the involved-officer to the offsite location. That information will be conveyed to the outside agency lead investigator.
9. The member's firearm shall not be taken from the member at the scene, unless directed by the outside agency lead investigator or higher authority. The firearm shall be inspected for evidentiary purposes. This information shall be forwarded to the lead investigator.
10. Ensure that photographs are taken of the involved-officers in the clothing they were wearing at the time of the incident.
11. Recover and properly inventory any weapons used by the involved-officer(s), to include unused magazines. Non-involved-officers' weapons should be inspected but not recovered unless circumstances dictate.
12. Arrange for a replacement weapon through the involved agency.

#### C. CITIZEN WITNESS INTERVIEWS

The outside agency lead investigator shall ensure that all citizen witnesses are interviewed and the interviews properly documented. This includes citizens who



indicate that they heard but did not see the events, as well as those citizens who indicate to have not witnessed the incident.

1. Citizen witness interviews conducted by an investigator shall minimally be audio recorded. Investigators should be equipped with portable audio recorders for this purpose.
2. Investigators will thoroughly corroborate all witness accounts to include viewing the locations that witnesses observed the incident from. They will then ensure appropriate photographs and/or videotape of those views are taken.
3. Investigators are responsible for personally monitoring and/or ensuring that any key witness is monitored by a uniform officer until the lead investigator determines that they are no longer needed.
4. Assisting investigators shall confer with the outside agency lead investigator, who will in turn confer with the district attorney. If deemed appropriate, they will be responsible for conveying key witnesses to the offsite location(s) to facilitate video recorded interviews. When this interview is complete the witness will be conveyed to a location of their choosing.

#### **453.65 OFFICER-INVOLVED DEATH: HOSPITAL DUTIES (WILEAG 6.3.8)**

If the incident results in an officer, citizen or suspect being transported to a medical facility, the outside agency lead investigator, or designee, shall respond to the facility and be responsible for the following:

1. Liaison with hospital staff to ensure that all involved-officers are kept separate from prisoners, and that the investigation does not unduly disrupt the normal operations of the hospital.
2. In conjunction with the involved agency, establish appropriate hospital guards for prisoner(s) and/or officers.
3. Establish a liaison with the involved agency's administration and ensure that the injured officer's family members, spouse, or significant others are notified consistent with the members wishes, and if practicable, transported to the medical facility, pursuant to the member's wishes.  
(WILEAG 6.3.8.5)
4. Ensure that investigators are assigned to interview any witnesses present and that all evidence is collected.
5. Brief the command staff of the involved agency and/or family members of any injured officer(s) as soon as circumstances allow.

**453.70 OFFICER-INVOLVED DEATH: SCENE INVESTIGATION**

The outside agency lead investigator or designee is responsible for the investigation of the scene, to include documentation and recovery of all evidence. At the discretion of the outside agency lead investigator, the physical tasks (measuring, photographing), may be delegated to another agency, including the involved agency, but in all cases will be overseen by the outside agency lead investigator.

1. The outside agency lead investigator will take possession of or direct the collection of all evidence. The outside agency lead investigator will work with the assisting agency(s) to determine which items of evidence will be conveyed for analysis (to the crime lab or elsewhere.)
2. The outside agency lead investigator, or scene investigator designee, is responsible for maintaining the integrity of the crime scene(s) until the initial investigation is concluded. The inner perimeter of the scene shall be designated by red crime scene tape and a police officer shall be assigned as a crime scene recorder. The recorder shall document on the *Crime Scene Log* (form PC-6E) all people entering and leaving the crime scene and their duties.
3. The scene investigator designee shall regularly communicate their findings to the outside agency lead investigator. At the appropriate time, they will facilitate a walk through for personnel from the district attorney's office and the involved agency's command staff as needed.

**453.75 OFFICER-INVOLVED DEATH: NEIGHBORHOOD AND VEHICLE CANVASS**

The canvass for additional witnesses may be delegated to the involved agency by the outside agency lead investigator. The investigators assigned to this task shall ensure the following:

1. Officers or investigators assigned to this task shall ensure that all building addresses within their assigned area are accounted for and that all persons present are interviewed.
2. Officers or investigators shall document all addresses where no answer was received as well as the identities of persons who may have since left.
3. Officers or detectives shall document the exact locations and all identifying information for any vehicles parked within the canvass perimeter.
4. Officers or investigators shall search for and document all video cameras within the canvass perimeter and notify the lead investigator.

**453.80 OFFICER-INVOLVED DEATH: DISPOSITION OF THE INVOLVED-OFFICER(S)  
(WILEAG 6.3.8)**

- A. The involved agency shall be responsible for the temporary reassignment of the officer

to non-law enforcement duties as determined by the chief of that agency. The officer will remain on administrative duty until the conclusion of the investigation and the determination of lawfulness by the district attorney.

(WILEAG 6.3.8.4)

B. The involved agency is responsible for drug/alcohol testing of the officer, consistent with that agency's policies and collective bargaining agreement.

C. The involved agency shall arrange for any post-incident debriefings or meetings with mental health professionals, according to that agency's policies and collective bargaining agreement.

(WILEAG 6.3.8.6)

#### **453.85 OFFICER-INVOLVED DEATH: LEAD INVESTIGATOR'S REPORT (WILEAG 6.3.3)**

A. Per Wis. Stat. § 175.47, "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."

(WILEAG 6.3.3.4)

B. The outside agency lead investigator shall prepare a written report as required above. This report will summarize the entire investigation, including the actions performed by the outside agency lead investigator, as well as those actions performed by other investigators to whom those tasks were delegated.

(WILEAG 6.3.3.4)

C. Prior to submitting their report, the outside agency lead investigator will gather and review all reports generated by other investigators, as well as other relevant reports such as the autopsy report, crime lab results and medical records.

(WILEAG 6.3.3.4)

D. A complete copy of all reports, photographs, audio/video recordings and other records collected by the outside agency lead investigator will be given to the district attorney along with the outside agency lead investigator's report.

(WILEAG 6.3.3.4)

E. The outside agency lead investigator, along with a representative of the involved agency, shall meet with the district attorney at the conclusion of the investigation for a formal review of the incident.

F. The district attorney will prepare a letter to the chief executive of the involved agency detailing their legal ruling on the actions of the involved-officer(s) and decision to issue/not issue charges.

**453.90 OTHER CRITICAL INCIDENTS: MEMBER RESPONSIBILITIES (WILEAG 6.1.3, 13.1.1)**

Hereafter, other critical incident is an incident involving a department member that results in death or great bodily harm to a person that is caused by a member's actions, occurs while in police custody, or any incident that the Chief of Police or his/her designee (must be assistant chief or inspector rank) declare a critical incident. Any injury to a person as a result of a firearm discharge by a department member, not resulting in death, shall also be considered a critical incident.

(WILEAG 13.1.1.6)

The involved-officer should be relieved of their duties, at the scene, as soon as practicable. The involved-officer should accomplish the following responsibilities immediately after the incident:

1. Secure the area;
2. Advise their emergency communications operator II who shall immediately send a supervisor and additional resources as needed;
3. Call for/render medical assistance as needed;

**453.95 OTHER CRITICAL INCIDENT: METROPOLITAN INVESTIGATIONS DIVISION RESPONSIBILITIES (WILEAG 6.3.3, 6.3.8)**

Upon notification of a critical incident, the Metropolitan Investigations Division lieutenant shall notify their commanding officer. The Metropolitan Investigations Division captain shall ensure that all necessary resources are summoned to conduct the investigation.

Metropolitan Investigations Division personnel have primary responsibility to ensure these incidents are thoroughly investigated, documented, evidence preserved and presented for review.

A Metropolitan Investigations Division lieutenant shall assume responsibility of the criminal investigation unless an officer of higher rank assumes the responsibility or as otherwise determined by the Chief of Police. In their absence, a Geographic Investigations Division lieutenant shall assume this responsibility.

**A. CAPTAIN RESPONSIBILITIES**

The captain of the Metropolitan Investigations Division or designee shall respond to the scene of a critical incident and shall be responsible for:

1. Management of the incident.
2. Establishing a liaison with the department public information officer to ensure that an appropriate press release is created.
3. Briefing the command staff as to the progress of the investigation.

4. Determining which members shall be subject to a *Drug Test Order* (form PD-39) and the subsequent arrangements for transportation for the member(s) to the appropriate facility for testing.
5. Upon consulting with the Chief of Police or designee determine which members shall be assigned to administrative duty and ensure the related necessary memorandum reports notifying the Chief of Police are filed and disseminated.

#### B. LIEUTENANT RESPONSIBILITIES

1. Supervise the crime scene investigation and ensure that all involved parties and witnesses are kept separate during the scene investigation. If these persons are moved to another location, this responsibility is transferred to the lieutenant at that location.  
(WILEAG 6.3.3.2, 6.3.8.2)
2. Liaison with the patrol supervisor and/or incident commander to ensure the necessary equipment and/or personnel are brought to the scene and utilized efficiently.
3. Ensure the response of the mobile command post.
4. In conjunction with the patrol supervisor and/or incident commander ensure that the integrity of the scene is maintained. This includes controlling access to the scene by essential and non-essential personnel. The media, union representatives and attorneys are not allowed access to the scene.  
(WILEAG 6.3.3.3)
5. Facilitate a walk-through of the secure and intact scene for personnel from IAD, DA's office, and range master. The purpose of the walk-through is to give these representatives an understanding of the conditions and layout of the scene for future proceedings.  
(WILEAG 6.3.8.1)
6. File the major incident report and distribute it to the proper personnel.  
(WILEAG 6.3.3.4)
7. Provide a copy of the criminal investigation to the Milwaukee County District Attorney's office.
8. Pursuant to SOP 450 Personnel Investigations, the Chief of Police or designee may direct that IAD personnel interview members directly involved in the critical incident. In such cases, a supervisor from Metropolitan/Geographic Investigations Division shall personally escort the members directly involved to meet with IAD personnel at a predetermined location.  
(WILEAG 6.3.8.1, 6.3.8.2)

### C. LIEUTENANT DUTIES AT POLICE ADMINISTRATION BUILDING

1. Act as a liaison between the involved parties and their representatives if representation is requested by the member(s).  
(WILEAG 6.3.8.3)
2. Union access (attorney and/or union representative) may be permitted to the involved-officer(s) and identified witness officer(s) near the incident location but only for the purposes of a very brief meet in order to offer support to the officer(s). This meet shall occur with the authority of the Metropolitan Investigations Division captain, the captain providing division coverage, or the lead Metropolitan Investigations Division lieutenant.  
(WILEAG 6.3.8.3)
3. Coordinate and monitor the subsequent interview(s) of involved members and citizen witnesses at the Police Administration Building (PAB).  
(WILEAG 6.3.8.2)
4. Ensure that the citizen witness statements given at the PAB are video and audio recorded.  
(WILEAG 6.3.3.2)
5. Notify the department range master and academy director of the serial number and inventory number of any involved-officer's firearm.

### D. LIEUTENANT DUTIES AT HOSPITAL

If the incident results in a department member or suspect, being transported to a medical facility, a lieutenant shall respond to the facility and be responsible for the following:

1. Liaison with hospital staff to ensure that all involved-officers are kept separate from prisoners, and that the investigation does not unduly disrupt the normal operations of the hospital.
2. Establish appropriate hospital guards for prisoner(s) and/or department member(s).
3. Ensure that the injured department member's family members, spouse, or significant other are notified, and if practicable, transported to the medical facility, pursuant to the member's wishes.  
(WILEAG 6.3.8.5)
4. Ensure detectives are assigned to interview any witnesses present and that all evidence is collected.
5. Brief the command staff and/or family members of any injured department member(s) as soon as circumstances allow.

**453.100 OTHER CRITICAL INCIDENT: SUPERVISOR RESPONSIBILITIES (WILEAG 6.1.3)**

The first responding supervisory officer shall ensure that the scene is managed properly. The supervisor shall ensure that the following is accomplished:

1. The scene is secure and stabilized to include a perimeter that is secure and does not contain contamination by citizens, media, or unnecessary police personnel;
2. They shall notify their shift commander;
3. Protect the scene and separate and secure witnesses until arrival of investigations;
4. As soon as practicable, relieve the member(s) directly involved in the critical incident of any further responsibilities at the scene. The supervisor shall ensure that the involved-officer(s) is accompanied by and remains with a non-involved supervisor until such time that investigations personnel are able to assume responsibility.
5. If applicable, the scene supervisor, or a non-involved supervisor, shall obtain a public safety statement from the involved and witness officer(s) in order to obtain the scope of the scene as well as the location of potential evidence, witnesses, and suspect(s). The supervisor shall follow the questions on the *Public Safety Statement (Critical Incident)* (form PP-13). The information gained will be shared with the outside investigative agency or Milwaukee County Investigative Team upon their arrival. Individual circumstances of each critical incident will determine when the *Public Safety Statement (Critical Incident)* is applicable. On all discharges of an officer's duty weapon where a citizen is injured, public safety statements shall be asked. The obtaining of a public safety statement shall occur at those critical incident investigations in which an officer uses force.

The supervisor obtaining the *Public Safety Statement* shall file a supplemental report detailing the exact *Public Safety Statement* questions and the officer's responses.

In critical incident investigations wherein no force was used, assigned investigators and supervisors will determine the level of involvement of each officer or civilian employee and proceed with interviews at the date and location determined by the commanding officer of the Metropolitan Investigations Division, or his/her designee.

6. Maintain their incident command status and responsibilities unless otherwise relieved by proper authority. The presence of investigations does not relieve the supervisor of their responsibilities unless such personnel formally assume the role of incident commander.
7. The supervisor shall work with the responding investigative supervisor to provide the necessary information.
8. Absent extraordinary circumstances, the supervisor shall ensure the involved-officers maintain his/her weapon in their holster until such time the weapon can be replaced.

9. Members who are not directly involved in the criminal investigation, dispatched to the scene, or directed to perform some function related to the criminal investigation, shall promptly return to their normal duties as directed by the supervisor at the scene.

**453.105 OTHER CRITICAL INCIDENT: USE OF FORCE REPORT (WILEAG 6.3.8)**

A Metropolitan Investigations Division lieutenant shall be responsible for generating a *Use of Force Report* in the AIM System. Under "Type of Call", the lieutenant shall indicate "Critical Incident". The AIM, use of force incident number (PF number) must be generated before the end of the lieutenant's tour of duty.

**453.110 OTHER CRITICAL INCIDENT: DETECTIVE RESPONSIBILITIES (WILEAG 6.3.3, 6.3.4, 6.3.8)**

A detective assigned to investigate a critical incident shall immediately respond to the command post and check in with the incident commander. Detectives will be assigned specific functions by a lieutenant, which may consist of any of the following:

A. SCENE INVESTIGATION

1. The detective assigned to the scene shall ensure that all evidence and/or potential evidence is safeguarded, photographed, measured, diagrammed and collected.  
(WILEAG 6.3.3.3)
2. The scene detective conducting the scene investigation is responsible for maintaining the integrity of the crime scene(s) until the initial investigation is concluded. The inner perimeter of the scene shall be designated by red crime scene tape and a police officer shall be assigned as a crime scene recorder. The recorder shall document on the *Crime Scene Log* (form PC-6E) all people entering and leaving the crime scene and their duties.  
(WILEAG 6.3.3.3)
3. The scene detective shall regularly communicate their findings to the scene lieutenant. Before securing or altering the scene, the detective shall notify the lieutenant when the walk through for personnel from the district attorney's office, Internal Affairs Division, and Police Academy can be completed.  
(WILEAG 6.3.8.2)

B. INTERVIEWING DEPARTMENT MEMBER(S)

1. Members will be interviewed as victims and/or witnesses unless directed by a higher authority. The Chief of Police is the sole authority as to when an officer is arrested unless exigent circumstances exist. Absent an arrest, no Miranda warning will be given.  
(WILEAG 6.3.3.2)
2. Involved-officers are not to file any reports.



(WILEAG 6.3.3.4)

3. Pursuant to SOP 450 Personnel Investigations, only IAD personnel will order an involved-officer to give a statement relative to a critical incident. This will only occur during an internal investigation of the critical incident, which will be separate from the criminal investigation conducted by the Metropolitan Investigations Division.  
(WILEAG 6.3.8.1)
4. The interviewing detective(s) shall ensure that the involved-officer is separated from other witnesses and removed from unnecessary contact with other officers.
5. A request for representation shall be accommodated per Wis. Stat. § 164.02. However, unless extraordinary circumstances exist, the member and his/her representative shall meet at a location within the Police Administration Building.  
(WILEAG 6.3.8.3)
6. After taking control of the involved-officer from a supervisor, the interviewing detective is responsible for remaining with and/or monitoring the involved-officer until conclusion of the entire critical incident investigation at the PAB.
7. The only criminal incident report filed regarding member statements shall be the written report filed by detectives concerning their interviews with the members involved in the incident.  
(WILEAG 6.3.3.4)
8. The interviewing detective will account for all weapons and/or equipment used by the involved-officer during the incident before conveying the member to the PAB. That information will be immediately conveyed to the scene lieutenant. Absent extraordinary circumstances, the interviewing detective(s) shall not take a member's firearm at the scene. The firearm shall be inspected for evidentiary purposes. This information shall be forwarded to the scene lieutenant.
9. Recover and properly inventory any weapons used by the involved-officer(s), to include unused magazines (see SOP 560 Property). Non-involved-officers' weapons should be inspected but not recovered unless circumstances dictate. If the firearm is the member's service weapon, the member shall be given a substitute weapon. The substitute weapon shall be issued by the commanding officer of the First District or his/her designee.  
(WILEAG 6.3.3.3)
10. As soon as practicable, the member shall appear at the Police Academy firearms range office for re-issuance of a replacement weapon. Other members' weapons and equipment shall be examined, but not necessarily taken and inventoried (see SOP 560 Property).  
(WILEAG 6.3.3.3)
11. Ensure that photographs are taken of the involved-officer(s) in the clothing they were wearing at the time of the incident.

(WILEAG 6.3.3.1)

#### C. INTERVIEWING CITIZEN WITNESSES

1. It is important that all citizen witnesses be located and thoroughly interviewed. These interviews may be conducted by police officers or detectives. The scene lieutenant shall ensure that all citizen witnesses are interviewed and the interviews properly documented. This includes citizens who indicate that they heard but did not see the events, as well as those citizens who indicate to have not witnessed the incident.  
(WILEAG 6.3.3.2)
2. All key citizen witness interviews conducted by a detective shall minimally be audio recorded. Detectives should be equipped with portable audio recorders for this purpose.  
(WILEAG 6.3.3.2)
3. Detectives will thoroughly corroborate all witness accounts to include viewing the locations that witnesses observed the incident from. They will then ensure appropriate photographs and/or videotapes of those views are taken.  
(WILEAG 6.3.4.2)
4. Detectives are responsible for personally monitoring and/or ensuring that any key witness is monitored by a uniform officer until the lieutenant assigned to the scene determines that they are no longer needed.
5. Detectives shall confer with the scene lieutenant and if deemed appropriate, will be responsible for conveying key witnesses to the PAB to facilitate interviews with the D.A. investigators. Detectives shall ensure that these interviews are video and audio recorded. When this interview is complete the witness will be conveyed to a location of their choice.  
(WILEAG 6.3.3.2, 6.3.8.2)

#### D. CONDUCTING A NEIGHBORHOOD AND VEHICLE CANVASS

1. Officers or detectives assigned to this task shall ensure that all building addresses within their assigned area are accounted for and that all persons present are interviewed.  
(WILEAG 6.3.3.1)
2. Officers and detectives shall document all addresses where no answer was received as well as the identities of persons who may have since left.  
(WILEAG 6.3.3.2)
3. Officers or detectives shall document the exact locations and all identifying information for any vehicles parked within the canvass perimeter.  
(WILEAG 6.3.3.1)
4. Officers and detectives shall search for and document all video cameras within the

canvass perimeter and notify the scene lieutenant.  
(WILEAG 6.3.3.1, 6.3.3.2)

**453.115 OFFICER-INVOLVED DEATHS AND OTHER CRITICAL INCIDENT VIEWING OF RECORDED DATA**

- A. In the event of a critical incident, members assigned a body worn camera will refrain from viewing the recorded data or any recorded data captured by mobile digital video/audio recording (MDVR) equipment until the investigative entity responsible for the investigation arrives on scene.
- B. If the critical incident is investigated by an outside agency, the outside agency lead investigator shall make the determination if the involved-officer(s) will be permitted to view the recorded data.
- C. If the critical incident is investigated by the department, the Chief of Police, or his designee, shall make the determination if the involved-officer(s) will be permitted to view the recorded data.
- D. This section does not prohibit members in critical incidents with ongoing exigency from viewing body worn camera and MDVR recordings that may aid the present investigation (e.g., suspect descriptions, suspect vehicles, direction of travel, etc.).

**453.120 OFFICER-INVOLVED DEATHS AND OTHER CRITICAL INCIDENT ADMINISTRATIVE RESPONSIBILITIES (WILEAG 2.4.2, 6.3.8)**

**A. REASSIGNMENT OF INVOLVED-OFFICERS**

- 1. A commanding officer (e.g., field inspector, a commanding officer from a geographic investigations division) shall promptly notify the Chief of Police when a department member is directly involved in any critical incident resulting in death, injury or great bodily harm to another.
- 2. A member directly involved in any critical incident resulting in death, injury or great bodily harm to another, may either be relieved from all police duty or be assigned administrative duty by the Chief of Police or designee. Either the field inspector or the commanding officer of the Metropolitan Investigations Division shall file a report regarding the change in the member's duty status.  
(WILEAG 6.3.8.4)
- 3. Department members assigned to administrative duty shall be assigned to office duties. The members shall be prohibited from contact with prisoners.  
(WILEAG 6.3.8.4)
- 4. If a significant number of department members are involved in a critical incident and are assigned to the same work location, the Chief of Police or designee may transfer personnel to ensure proper police coverage.

5. The Chief of Police shall, as soon as practicable, notify the executive director of the Fire and Police Commission in writing of the reassignment or relief from duty. This report shall detail the identity of the member(s) and the incident involved.
6. Any department member placed on administrative duty or reassigned under this section shall adhere to the Code of Conduct and standard operating procedures.
7. The Chief of Police or designee shall report in writing to the executive director of the Fire and Police Commission of his/her intent to re-instate a member to full duty.  
(WILEAG 6.3.8.4)

**Note: An assignment to administrative duty regarding a critical incident is not disciplinary in nature and does not infer any impropriety of conduct by such member.**

#### B. DISTRICT ATTORNEY REVIEW

1. The Milwaukee County District Attorney's Office will review officer-involved shootings where injury/death occurs and incidents that result in great bodily harm or death to a person.
2. The supervising Metropolitan Investigations Division lieutenant shall present the facts of the case to the reviewing deputy/assistant D.A. that result in injury and/or great bodily harm. This shall be done as soon as practicable.
3. After the district attorney or his designee completes their investigation on the justification of the use of force, the Chief of Police will be notified of the findings.

#### C. POLICE OFFICER SUPPORT TEAM (POST)

The POST team member who responds to offer peer support at a critical incident will follow the provisions of the POST SOI.  
(WILEAG 6.3.8.6)

#### D. POLICE ACADEMY RANGE MASTER

A representative from the Police Academy Firearms Section shall respond to the scene of critical incidents involving the discharge of a firearm.

#### E. INTERNAL AFFAIRS DIVISION (IAD)

At the direction of the Chief of Police or designee, all critical incidents shall cause a separate internal investigation by the Internal Affairs Division to be conducted pursuant to SOP 450 Personnel Investigations immediately following the conclusion of, or concurrent with, the criminal investigation of the incident.  
(WILEAG 6.3.8.1)

1. A representative of IAD will respond to the scene of every critical incident. A

“walkthrough” will be done for purposes of conducting an administrative review investigation.

2. An administrative review of the incident is not complete and will not be closed until the Critical Incident Review Board (CIRB) conducts a review and presents the findings before members of the executive command staff and Chief of Police.  
(WILEAG 6.3.8.2)

#### F. OFFICER-INVOLVED DEATH AND CRITICAL INCIDENT SUPPORT PROCEDURES

##### 1. ADMINISTRATIVE DUTY OR LEAVE

Those members deemed to be directly involved in a critical incident, shall be placed on administrative office duty or administrative leave per the commanding officer of the Metropolitan Investigations Division, or designee, upon consulting with the Chief of Police, or designee.

(WILEAG 6.3.8.4)

##### 2. CONFIDENTIAL DEBRIEF

- a. The primary and secondary member(s) are required to attend a confidential psychological debriefing with a mental health professional within 72 hours following the critical incident unless unusual circumstances arise.
- b. Arrangements for the debriefing and any subsequent counseling sessions shall be made through the Early Intervention Program (EIP) coordinator (see SOP 440).
- c. If a member’s mandatory confidential debriefing occurs on a day the member is regularly scheduled for duty, the member shall be deemed to be on administrative leave.
- d. If the involved-officer’s mandatory debriefing occurs on a day the member is not regularly scheduled for duty, this day may be changed to a regular work day at the discretion of the member’s commanding officer unless exigent circumstances arise. The witness officer(s) may attend the debriefing during their regularly scheduled tour of duty. No overtime will be granted if the session(s) occur on a day of administrative leave.  
(WILEAG 6.3.8.3, 6.3.8.6)



EDWARD A. FLYNN  
CHIEF OF POLICE