

# Milwaukee Police Department

## Milwaukee Area Investigative Team

### MEMORANDUM OF UNDERSTANDING

#### INVESTIGATION OF LAW ENFORCEMENT INVOLVED FATALITIES/GREAT BODILY HARM

The above identified agency agrees to enter into this Memorandum of Understanding, dated this 20th day of December. This Memorandum of Understanding is entered into and agreed to by and between participating law enforcement agencies and state prosecutor's offices in Milwaukee and Waukesha Counties. The aforementioned agencies will be referred to as Participating Agencies for the rest of this memorandum.

#### PURPOSE

The purpose of this Memorandum is to establish a formal protocol among the participating agencies for the following types of investigations:

- 1) Officer-involved, duty related applications of deadly force which result in death or wounding of a subject,
- 2) Death, or injury which may result in death, to a subject while in police custody, detention or control; and
- 3) Officer initiated actions or omissions in which death, or injury which may result in death, including traffic accidents resulting from police pursuits.
- 4) Any other officer involved critical incident that involves suspected criminal action that results in death or injury which may result in death; including but not limited to off duty or non-duty related incidents.
- 5) In instances where the severity of the injury to the subject resulting from the officer involved action is uncertain, the provisions of WI. §175.47 should be applied.

The Milwaukee Area Investigative Team, with representatives from each of the law enforcement agencies subject to this agreement, is hereby created to investigate the aforementioned situations.

#### INVESTIGATORY PROTOCOL

Member agencies shall adhere to the guidelines set forth in the "Protocol to Investigate Officer Involved Critical Incidents in the Milwaukee Area" (updated November 30, 2017).

#### INTERNAL AFFAIRS INVESTIGATION

Nothing in this memorandum of understanding shall prevent or limit any law enforcement agency from conducting a separate internal affairs investigation of these officer-related situations that result in death or great bodily harm as long as it does not interfere with the criminal investigation as outlined in 175.47(3)(c).

### MUTUAL AID DESIGNATION

Authority is granted to enter into the mutual aid agreement pursuant to the law of the State of Wisconsin in Section 66.0313 and shall be in effect during the course of the entire investigation. Pursuant to S66.0301, S66.0313 and S 66.0513 Wis.Stats., law enforcement personnel who provide mutual aid assistance shall be deemed an employee of the requesting agency for the purpose of S895.35 and S895.46 Wis. Stats.

### REVIEW AND REVISION OF MOU

This MOU shall remain in effect until December 31, 2020, but shall automatically renew for subsequent one year terms unless modified or terminated as set forth herein. This MOU will have an automatic review no less than six months from the time it is placed into initial service and if no change is necessary, any subsequent request to modify, review or revise this agreement must be done in writing and must be agreed to by all the parties. Any party can withdraw from participating in this agreement by giving written notice to all other parties at least 30 days in advance.

IN WITNESS WHEREOF, this agreement has been duly executed by the following party on the the 20th Day of December, 2017 :

  
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Edward Flynn  
Chief of Police  
Milwaukee Police Department