



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

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

**GENERAL ORDER:** 2021-XX  
**ISSUED:** February 18, 2021

**EFFECTIVE:** February 18, 2021

**REVIEWED/APPROVED BY:**

Inspector Paul Formolo  
**DATE:** January 22, 2021

**ACTION:** Amends General Order 2020-19 (October 1, 2020)

**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](#). Officer-involved deaths shall be investigated by an outside agency in accordance with [Wis. Stat. § 175.47](#). Other critical incidents shall be investigated by the department or an outside agency as determined by the Chief of Police in accordance with this policy.

#### **453.05 POLICY**

- A. 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.”
- B. “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.”

**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.

#### **C. 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.



**453.10 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)

**C. INVOLVED AGENCY**

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.

**D. INVOLVED-OFFICER**

Generally the involved-officer is the officer(s) that directly uses force against the subject, or in the absence of force is in direct contact with the subject.

**E. WITNESS OFFICER**

Generally the witness officer is the officer that witnesses the critical incident or parts thereof.

**453.15 TECHNICAL COMMUNICATIONS DIVISION RESPONSIBILITIES (WILEAG 6.1.3)**

When the Technical Communications Division (TCD) receives notification of an officer-involved death or other critical incident in the City of Milwaukee, 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
- Field inspector



- Homicide Division
- Executive Command Officer of the Criminal Investigation 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
- Manager of Public Relations
- Range master (only when a firearm is involved)
- Police Officer Support Team (POST)
- The Milwaukee Police Association [REDACTED]
- [REDACTED]
- The Milwaukee Police Supervisor's Organization if the involved member is a supervisor (notification list provided to TCD).

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

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

The Chief of Police, or designee, shall notify the district attorney'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.

#### **453.25 INVOLVED MEMBER RESPONSIBILITIES (WILEAG 6.1.3)**

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

1. Call for/render medical assistance as needed;
2. Advise their dispatcher who shall immediately send a supervisor and additional resources as needed;
3. Secure the area, preserve evidence, identify witnesses and apprehend suspects.

#### **453.30 PATROL SUPERVISOR RESPONSIBILITIES (WILEAG 6.1.3)**

The first responding supervisory officer shall ensure that the scene is managed properly. An outside agency lead investigator will respond and take charge of the investigation in the event of an officer-involved death. 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. Notify their chain of command.



3. Protect the scene and separate and secure witnesses until the arrival of investigators.
4. Assign an officer or detective 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.
5. 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;
6. 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.

7. 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.
8. Ensure the response of the mobile command post (if available).
9. The supervisor shall work with responding investigators to provide the necessary information.
10. 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.
11. 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.



**453.35 WORK LOCATION COMMANDING OFFICER DUTIES**

The commanding officer, or designee, from the injured member's work location shall 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.

**453.40 HOMICIDE DIVISION DUTIES****A. OFFICER-INVOLVED DEATH AND OTHER CRITICAL INCIDENT DUTIES**

1. Upon notification of a critical incident, the Homicide Division lieutenant shall notify their commanding officer. The commanding officer of the Homicide Division, or designee, shall respond to the scene.
2. File the major incident report and distribute it to the proper personnel.  
(WILEAG 6.3.3.4)
3. The Homicide 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.
4. 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. OFFICER-INVOLVED DEATH DUTIES**

1. The Homicide Division captain shall ensure that the outside agency lead investigator has access to all necessary resources to conduct the investigation. A Homicide Division lieutenant will be assigned as the liaison.
2. The Homicide Division lieutenant will act as a liaison with the outside agency lead investigator and the department's Public Relations Office.

**C. OTHER CRITICAL INCIDENT DUTIES**

1. Upon notification of a critical incident, the Homicide Division lieutenant shall notify the commanding officer. The Homicide Division captain shall ensure that all necessary resources are summoned to conduct the investigation.
2. Homicide Division personnel have primary responsibility to ensure these incidents are thoroughly investigated, documented, evidence preserved and presented for review.
3. A Homicide Division lieutenant shall assume responsibility for 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 Criminal



Investigation Bureau lieutenant shall assume this responsibility.

#### 4. Captain Responsibilities

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

- a. Management of the incident.
- b. Establishing a liaison with the department's manager of Public Relations to ensure that an appropriate press release is created.
- c. Briefing the command staff as to the progress of the investigation.
- d. 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.
- e. 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.

#### 5. Lieutenant Responsibilities at the Crime Scene(s)

- a. 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)
- b. 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.
- c. 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.

**Note: The department will not prohibit employees from discussing the incident with a representative of a certified labor organization, unless such limitation is warranted by actual and specific concerns about the effect such communication may have upon the integrity of the fact finding process of the investigation. The Chief of Police reserves the right to determine, subject to this section, when incidents shall not be discussed with representatives of certified labor unions.**



(WILEAG 6.3.3.3)

- d. Facilitate a walk-through of the secure and intact scene for personnel from the Internal Affairs Division, district attorney'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)

- e. File the major incident report and distribute it to the proper personnel.

(WILEAG 6.3.3.4)

- f. Provide a copy of the criminal investigation to the Milwaukee County District Attorney's office.

- g. 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 the Homicide / respective Criminal Investigation Bureau division shall personally escort the members directly involved to meet with Internal Affairs Division personnel at a predetermined location.

(WILEAG 6.3.8.1, 6.3.8.2)

#### 6. Lieutenant Duties at Police Administration Building

- a. Act as a liaison between the involved parties and their representatives if representation is requested by the member(s).

(WILEAG 6.3.8.3)

- b. 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 on the 4<sup>th</sup> floor in room 438A within the Police Administration Building.

(WILEAG 6.3.8.3)

- c. Coordinate and monitor the subsequent interview(s) of involved members and citizen witnesses at the Police Administration Building (PAB).

(WILEAG 6.3.8.2)

- d. All pertinent statements by involved-officers, witness officers, and citizen witnesses given at the PAB may be video and audio recorded.

(WILEAG 6.3.3.2)

- e. Notify the department range master and academy director of the serial number and inventory number of any involved-officer's firearm.

#### 7. 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:

- a. 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.
- b. Establish appropriate hospital guards for prisoner(s) and/or department member(s).
- c. Ensure detectives are assigned to interview any witnesses present and that all evidence is collected.
- d. Brief the command staff of any injured department member(s) as soon as circumstances allow.

#### **453.45 DETECTIVE RESPONSIBILITIES (WILEAG 4.2.1, 6.1.3, 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.  
(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 Training Division can be completed.  
(WILEAG 6.3.8.2)

##### **B. INVOLVED-OFFICER INTERVIEWS**

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. It is accepted best practice to audio/video record this formal statement so all relevant circumstances surrounding the incident are documented. Investigating detectives conducting the interview shall remember the interviews are consensual in nature and the involved officers have the ability to refuse to be



- recorded.  
(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 Internal Affairs Division 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 Homicide 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](#).  
(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 Training Division 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) and if appropriate, the witness officer(s), in the clothing they were wearing at the time of the incident.  
(WILEAG 6.3.3.1)

#### C. WITNESS OFFICER INTERVIEWS

1. Officers deemed to be witnesses by the Homicide Division scene lieutenant will be interviewed by investigators regarding their observations and the circumstances surrounding the event prior to securing from duty. If unusual circumstance(s) arise, the interview may be pended by the Homicide Division scene lieutenant.
2. The location of this interview will be at the discretion of the Homicide Division scene lieutenant but should be at an off sight location away from the scene.
3. Union access (attorney and/or union representative) may be permitted to the witness officers on the 4<sup>th</sup> floor in room 438A within the Police Administration Building upon the request of the witness officer(s).

#### D. CITIZEN WITNESS INTERVIEWS

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 they did not witness the incident. It is accepted best practice to audio/video record citizen witness interviews so all relevant circumstances surrounding the incident are documented. Investigating detectives conducting the interview shall remember the interviews are consensual in nature and citizens have the ability to refuse to be recorded.  
(WILEAG 6.3.3.2)
2. All citizen witness interviews conducted by a detective should minimally be audio recorded unless the citizen refuses to be 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 unless the citizen refuses. 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)

#### E. 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)
5. An outside agency lead investigator may delegate the canvass for additional witnesses to the involved agency. Members assigned to this task shall notify the lead investigator of the results of the canvass.

#### **453.50 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 recorded data and when.
- 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 recorded data and when.
- 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.).

#### **453.55 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 Criminal Investigation Bureau 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 Homicide 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)
8. The commanding officer of the Training Division shall ensure the member attends a firearm session with the Firearms Unit prior to the member returning to full duty.

**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 Homicide 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. TRAINING DIVISION RANGE MASTER

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

#### E. INTERNAL AFFAIRS DIVISION

At the direction of the Chief of Police or designee, all critical incidents and other incidents as deemed necessary by the Chief of Police, shall cause a separate internal investigation by the Internal Affairs Division to be conducted pursuant to SOP 450 Personnel Investigations concurrent with the criminal investigation of the incident. Upon completion of the internal investigation, the commanding officer of the Internal Affairs Division shall forward the entire investigative file to the Chief of Police.  
(WILEAG 6.3.8.1)

1. A representative of the Internal Affairs Division will respond to the scene of every critical incident for purposes of conducting an administrative 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 Homicide 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 the department psychologist within 72 hours following the critical incident unless unusual circumstances arise.
  1. The primary and secondary member(s) are required to attend follow up confidential psychological debriefings with the department psychologist:



- a. Within 30-45 days following the critical incident; and
  - b. 6 months following the critical incident.
2. If a member is involved in more than one critical incident as a primary or secondary officer, the member is required to attend a follow up confidential psychological debriefing with the department psychologist one year following the most recent critical incident.
- b. Arrangements for the debriefing and any subsequent counseling sessions shall be made through the department psychologist (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)

#### G. MPD RESPONSIBILITIES AS OUTSIDE LEAD AGENCY

If the Milwaukee Police Department acts as the outside lead agency investigating an officer-involved death in accordance with [Wis. Stat. § 175.47](#), the commanding officer of the Homicide Division shall work with the Milwaukee County District Attorney's Office and Open Records Division to ensure the department is in compliance with [Wis. Stat. § 175.47\(5\)\(b\)](#), which states, "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, except that the investigators shall, before releasing the report, delete any information that would not be subject to disclosure pursuant to a request under s. 19.35 (1) (a)."

The commanding officer of the Homicide Division shall ensure the report is published on the department's public webpage within 72 hours of the district attorney's decision if the district attorney determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death.



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ACTING CHIEF OF POLICE