



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0238/1
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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 409**

January 22, 2014 – Offered by Representative BIES.

1 **AN ACT** *to create* 175.47 and 950.08 (2c) of the statutes; **relating to:**
2 investigation of deaths 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 consistent with his or her law enforcement duties.

1 **(2)** (a) Except as provided in par. (b), each law enforcement agency shall have
2 a written policy regarding the investigation of officer-involved deaths that involve
3 a law enforcement officer employed by the law enforcement agency.

4 (b) Paragraph (a) does not apply to a law enforcement agency in a city of the
5 1st class if the city maintains a policy that is substantially similar and no less
6 rigorous than the “Critical Use of Force Incidents” policy that is in effect on the
7 effective date of this paragraph [LRB inserts date].

8 **(3)** (a) Each policy under sub. (2) (a) must require an investigation conducted
9 by one of the following:

10 1. A law enforcement agency that is located in a county that is not the county
11 in which the officer-involved death occurred.

12 2. The division of criminal investigation in the department of justice.

13 (b) If the officer-involved death being investigated is traffic-related, the policy
14 under sub. (2) (a) must require the investigation to use a crash reconstruction unit
15 from a law enforcement agency that does not employ a law enforcement officer
16 involved in the officer-involved death being investigated.

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

20 **(4)** Compensation for participation in an investigation under sub. (3) (a) may
21 be determined in a manner consistent with mutual aid agreements under s. 175.46.

22 **(5)** The agency or division conducting the investigation under sub. (3) (a) shall
23 within 30 days, unless the district attorney of the county in which the
24 officer-involved death occurred grants an extension of up to 15 additional days,
25 provide a complete report to the district attorney of the county in which the

1 officer-involved death occurred. Except as provided in this subsection, the agency
2 or division conducting the investigation shall keep confidential any material and
3 information related to the officer-involved death and the investigation.

4 **SECTION 2.** 950.08 (2c) of the statutes is created to read:

5 950.08 (2c) DUTIES OF DEPARTMENT; INFORMATION FOR VICTIMS OF
6 OFFICER-INVOLVED DEATHS. The department shall provide a victim of an
7 officer-involved death, as defined in s. 175.47 (1) (c), information about the process
8 by which he or she may file a complaint under s. 968.02 or 968.26 (2) and about the
9 process of an inquest under s. 979.05.

10 **SECTION 3. Initial applicability.**

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

13 (END)