

Police Custody Death Investigations

This act relates to investigations of deaths involving a law enforcement officer. It requires the use of outside investigators in the event of a police-related death of a citizen, and requires reports of custody death investigations to be publicly released if criminal charges are not filed against the officers involved. In addition, officers must also inform victims' families of their options to pursue additional reviews.

Submitted as:

Wisconsin

[A 409](#)

Status: Signed into law on April 23, 2014.

Suggested State Legislation

(Title, enacting clause, etc.)

- 1 Section 1. [*Short Title*] Relating to investigation of deaths involving a law enforcement officer.
2
- 3 Section 2. [*Review of deaths involving officers.*]
4 (1) In this section:
5 (a) "Law enforcement agency" has the meaning given in [insert citation].
6 (b) "Law enforcement officer" has the meaning given in [insert citation].
7 (c) "Officer-involved death" means a death of an individual that results directly from an
8 action or an omission of a law enforcement officer while the law enforcement officer is
9 on duty or while the law enforcement officer is off duty but performing activities that are
10 within the scope of his or her law enforcement duties.
- 11 (2) Each law enforcement agency shall have a written policy regarding the investigation of
12 officer-involved deaths that involve a law enforcement officer employed by the law
13 enforcement agency.
- 14 (3)
15 (a) Each policy under sub. (2) must require an investigation conducted by at least two
16 investigators, one of whom is the lead investigator and neither of whom is employed by a
17 law enforcement agency that employs a law enforcement officer involved in the officer-
18 involved death.
- 19 (b) If the officer-involved death being investigated is traffic-related, the policy under sub. (2)
20 must require the investigation to use a crash reconstruction unit from a law enforcement
21 agency that does not employ a law enforcement officer involved in the officer-involved
22 death being investigated, except that a policy for a state law enforcement agency may
23 allow an investigation involving a law enforcement officer employed by that state law
24 enforcement agency to use a crash reconstruction unit from the same state law
25 enforcement agency.
- 26 (c) Each policy under sub. (2) may allow an internal investigation into the officer-involved
27 death if the internal investigation does not interfere with the investigation conducted
28 under par. (a).

- 1 (4) Compensation for participation in an investigation under sub. (3) (a) may be determined in a
2 manner consistent with mutual aid agreements.
- 3 (5) The investigators conducting the investigation under sub. (3)
4 (a) shall, in an expeditious manner, provide a complete report to the district attorney of the
5 county in which the officer-involved death occurred.
6 (b) If the district attorney determines there is no basis to prosecute the law enforcement
7 officer involved in the officer-involved death, the investigators conducting the investigation
8 under sub. (3) (a) shall release the report.

9 Section 3. [*Basic bill of rights for victims and witnesses.*]

10 (1) Rights of Victims: Victims of crimes have the following rights:

- 11 (a) To be informed about the process by which he or she may file a complaint under [insert
12 citation] and about the process of an inquest under [insert citation] if he or she is the
13 victim of an officer-involved death, as defined in [insert citation].

14
15 Section 4. [*Information and Mediation Services*]

16 (1) Information to be provided by law enforcement agencies: No later than 24 hours after a law
17 enforcement agency has initial contact with a victim of a crime that the law enforcement
18 agency is responsible for investigating, the law enforcement agency shall make a reasonable
19 attempt to provide to the victim written information on all of the following:

- 20 (a) If the victim is a victim of an officer-involved death, as defined in [insert citation],
21 information about the process by which he or she may file a complaint under [insert
22 citation] and about the process of an inquest under [insert citation].

23
24 Section 5. [*Severability.*] Insert severability clause.

25
26 Section 6. [*Repealer.*] Insert repealer clause.

27
28 Section 7. [*Effective Date.*] Insert effective date.