

General Investigative Guidelines for Officer-Involved Death Investigations

INTRODUCTION

2013 Wisconsin Act 348 (hereinafter, “the Act”) relates to investigations of death involving law enforcement officers. The Act defines an “officer-involved death” as 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. *Wisconsin Statute §175.47(1)(c)*. *Wisconsin Legislative Council Act Memo: Melissa Schmidt, Senior Staff Attorney*.

Each law enforcement agency will implement a policy providing that at least two investigators, one of whom is the lead investigator and neither of whom is employed by the agency that employs the officer involved in the officer-involved death, will conduct the officer-involved death investigation. If the death is traffic-related, a state law enforcement agency may allow an investigation involving a law enforcement officer employed by that state agency to use a crash reconstruction unit from the same state agency. *Wisconsin Statute §175.47(2)* and *Wisconsin Statute §175.47(3) (a) and (b)*

When the Division of Criminal Investigation (DCI) serves as the lead agency, DCI provides a complete report to the prosecutor for review. If the prosecutor determines there is no basis for prosecution of the law enforcement officer, access to the report as required by §175.47(5)(b) will be provided by posting the report to the DOJ website, where any member of the public may access it. Because this is not a public records request under (Wis. Stat. §19.31-19.39), no one may be charged for receiving this report.

PURPOSE

The purpose of these general investigative guidelines is to explain the death investigation process, and to suggest possible procedures to use during officer-involved death (OID) investigations. These general investigative guidelines are neither mandatory nor exhaustive, and special agents investigating OID incidents must always be cognizant of unique circumstances that, in their discretion, warrant departure from these general investigative guidelines. The SIB Director shall be consulted for any substantial departure from the guidelines.

DEFINITIONS

- A. **Officer-Involved Death (OID):** An officer-involved death is defined by law as 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)*.

While not exhaustive, the following are examples of incidents where the death of an individual occurred due to an action or an omission of a law enforcement officer, and are therefore relevant to these general investigative guidelines.

1. Intentional or accidental use of deadly force.
 2. Use of force, other than deadly force that results in the death of an individual.
 3. Vehicular collisions resulting in death which resulted from:
 - a. Police gunfire directed at the suspect or suspect vehicle.
 - b. A police vehicle pursuit that resulted in a crash/death.
 - c. A police vehicle being used as a technique to apprehend a suspect (e.g., ramming, roadblock.)
 - d. Injuries suffered by a person who was a passenger in a police vehicle (e.g., ride-along, emergency transports.)
 4. Any custodial death, except those that occur while the prisoner is under a physician's treatment for a disease or other natural condition which has been diagnosed prior to death and which does not involve custodial trauma, custodial suicide or custodial ingestion of toxic substance.
- B. **Law Enforcement Agency:** A governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of detecting and preventing crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority, or the Marquette University Police Department, *Wis. Stat. §175.42 (2)(a) and §175.46(2)(a)*.
- C. **Law Enforcement Officer:** Any person employed by the state or by a city, village, town, county, or the Marquette University Police Department for the purpose of detecting and preventing crime and enforcing state laws or local ordinances, who is authorized to make arrests for violations of the laws or ordinances, who is authorized to make arrests for violations which he or she is employed to enforce. *Wis. Stat. §175.42 (1)(b) and §175.46*.
- D. **Involved Officer:** A police employee, whether on or off duty, who is involved in a critical incident as an actor, victim or custodial officer. When circumstances warrant, a witness officer may be deemed an involved officer for purposes of these general investigative guidelines (e.g., a shooting where one officer fires and the other does not.)
- E. **Coordinator:** A DCI Special Agent in Charge (SAC), or his or her designee, who leads all of the investigators during an OID investigation.
- F. **Lead Investigator:** The person in charge of the investigation, who plays a principal, guiding role.
- G. **Prosecutor:** District attorney or designee, or any special prosecutor.

INITIAL REQUEST FOR ASSISTANCE

- A. DCI is available to all law enforcement agencies in the State of Wisconsin and, with proper internal authorization, will lead the applicable investigation of any requesting agency.
- B. Requests for DCI's assistance will be made by the law enforcement agency that employs the involved officer. Once DCI begins an investigation, these general investigative guidelines should be reviewed.
- C. Requests for assistance are routed to the Director of the Special Investigations Bureau (SIB Director), or, if unavailable, to his or her designee.
 - 1. The SIB Director will then contact the regional Special Agent in Charge (SAC) who will serve as the coordinator for the incident.
 - 2. The SIB Director shall then notify the DCI Administrator and/or Deputy Administrator of the OID incident.
- D. The coordinator will contact the requesting agency(ies) for initial information and identify a local point of contact from the requesting agency (name, telephone number). The coordinator will attempt to:
 - 1. Obtain the address/location of the incident and ensure scene security.
 - 2. Identify any immediate safety concerns.
 - 3. Identify the command post location and safe entry route.
 - 4. Identify the status of the officer(s) involved, and their location.
 - 5. Identify the status of the subject(s) involved, and their location.
 - 6. Initiate a manhunt (if necessary).

INITIAL ACTIONS BY COORDINATOR

- A. The coordinator will assess the details of the incident, decide what personnel and equipment are needed for the investigation, and contact the necessary special agents with response instructions.
 - 1. Assign a lead special agent and determine his or her estimated time of arrival, brief the situation, and identify the requesting agency's point of contact.
 - 2. Call the SIB Director to brief him or her regarding the incident after receiving initial information from the requesting agency.

3. Initiate supportive resources and establish points of contact for each:
 - a. Wisconsin State Crime Lab (WSCL)
 - b. Wisconsin State Patrol Technical Reconstruction Unit (WSP/TRU)
 - c. Wisconsin Statewide Information Center (WSIC)
 - Analytical support
 - Technical Services Unit (TSU)
 - Mobile Support Unit (MSU)
 4. Determine if the involved agency is to take any photographs or video documentation of the scene prior to DCI/WSCL arrival.
 5. Contact the Digital Forensics Unit (DFU), if applicable.
 6. Respond to the scene.
 7. Collaborate with the sheriff/chief of the law enforcement agency involved.
 8. Provide the sheriff/chief with contact information for the DOJ Public Information Officer (DOJ PIO).
- B. As soon as possible after receiving the initial request from the law enforcement agency, the coordinator should send an email to the DCI Operations Group (*DOJ – DCI Operations Group or dcioperationsgroup.)
- C. Confirm notification of the prosecutor.
- D. Coordinate the following:
1. Consult with the lead agent and determine any need for additional resources.
 2. Officer-involved wellness assessment and collection of use-of-force tools, if applicable (e.g., firearm, baton, handcuffs, etc.)
 3. Interviews.
 4. Neighborhood canvass (including canvass of area businesses or places that may have video surveillance cameras.)
 5. Consult medical examiner or coroner to coordinate needed death notifications.
 6. Schedule autopsy(ies).
 7. Assign scene/evidence agents.
 8. Contact and communicate with the family of the deceased and any victim(s).
- E. The coordinator should attempt to attend a conference call twice a day for the first three days following an OID. The calls should take place around 9AM and 4PM, with times flexible based on investigative needs. These conference calls should involve the established OID group and any other agencies supporting the OID investigation(s), as deemed appropriate by the SIB Director. The SIB Director will decide when the conference calls are no longer needed.

Additionally, the SIB Director will facilitate a weekly conference call briefing the outstanding investigative activities. The lead agent or SAC for each open OID will provide an update on the investigation, followed by a discussion of any issues, problems, or concerns.

CRIMINAL INVESTIGATION

- A. The purpose of the criminal investigation is to aid the prosecutor in determining whether anyone committed a crime during the course of events leading up to and including the critical incident.

DCI will only investigate other potential crimes if specifically requested and agreed to, depending on the circumstances. Otherwise, the requesting agency will be responsible for investigation of any other potential crimes connected with the OID.

- B. The criminal investigation is separate from any administrative investigation that may be initiated into the incident. DCI agents should not receive any information related to the administrative investigation, so as not to interfere with the viability of any potential prosecution (pursuant to Garrity).
- C. Whether to conduct any type of administrative investigation into the incident is left solely to the involved agency.
- D. The involved agency will complete the Uniform Crime Reporting (UCR) for the incident.
- E. The involved agency is solely responsible for determining the duty status of the involved officer(s) and when the duty status should change.
- F. DCI agents will investigate and, whenever possible and when the investigation allows, will present fact-finding reports to the prosecutor within thirty days from the OID date. If the DCI reports are still pending after thirty days, the DCI lead investigator will communicate with the prosecutor and the involved agency regarding the status of the pending DCI reports.
1. If the thirty-day mark is approaching and outstanding reports from outside agencies remain pending, DCI will still provide DCI's investigative reports to the prosecutor.
 2. The cover sheet that documents in checklist format any outside agency records known to be pending will be included as the first page of the report packet provided to the prosecutor by DCI. This cover sheet indicates that the pending records will be supplied to the prosecutor once available.
- G. An investigative synopsis report will be completed.

- H. All OID reports will be sent to the regional SAC for review and the SAC will send them to the SIB Director, or his/her designee, for approval.
- I. The prosecutor should be consulted prior to any release of unredacted DCI investigative reports to the involved agency. The prosecutor should also be consulted prior to allowing viewing of video/audio (e.g., squad or dash camera video, surveillance or body-mounted camera device or downloads, etc.) by anyone employed by the involved agency.

DCI CRITICAL TASKS

DCI special agents, in conducting an OID investigation, must rely at all times on their sound professional judgment, independently assessing every case and exercising discretion as to when and how to perform critical tasks. The listed critical tasks are guidelines to assist special agents in conducting a thorough investigation, and should serve as notice to the involved law enforcement agency that DCI may assume responsibility for some or all of the listed tasks.

A. Crime Scene Management

- 1. Scene Security
 - a. Ensure requesting agency or mutual aid agencies are responsible for scene security and traffic control, including maintaining the scene log.
 - b. Coordinate with Crime Laboratory and/or Evidence Technician Team regarding scene processing.
- 2. Evidence Collection
 - a. Assign an evidence custodian to collect and document all evidence.
 - b. Collect any evidence safeguarded by the involved law enforcement agency prior to the arrival of the DCI agent.
 - c. Arrange for initial photographs and video documentation of scene, collaborating with WSCL Field Response Team and/or evidence team as necessary, to include:
 - Scene photos
 - Officers and their vehicles as they appeared at the time of incident
 - Lighting and weather conditions
 - Injuries of subject(s) before and after treatment
 - Injuries of officer(s) before and after treatment
 - d. Determine if the WSCL Field Response Team or an evidence team from another law enforcement agency needs to respond.
 - e. Determine if WSP/TRU needs to respond.

- f. Consult with the prosecutor regarding potential search warrant(s) and/or subpoena(s):
 - Crime scene(s)
 - Additional locations (suspect's residence, vehicle)
 - Blood draws (only as a matter of evidence to a crime)
 - Medical records
 - Cell track of cell phones and any other electronic devices.
 - Documents (including books, papers, records, recordings, tapes, photographs, films, or computer or electronic data stored on electronic devices, servers and social media sites)
- g. Determine what testing of evidence is needed, and the sequence/priority.

B. Family Notification

- 1. Notify DOJ's Office of Crime Victim Services.
- 2. Confirm that the family of the deceased has been notified.
 - a. Establish initial rapport, provide notification of services, and provide required documents regarding victim rights.
 - b. Establish the deceased's activities for the past 24 to 48 hours (at least).
 - c. Identify witnesses, suspects, evidence, or crimes.
 - d. Obtain the family's statements regarding the deceased.
- 3. Maintain communication with the family of the deceased throughout the process.

C. Coordination and Interview with Involved Officer(s)

- 1. Confirm removal of involved officer(s) from the scene.
 - a. Involved officer(s) should be transported separately, if possible, to a "safe place" or hospital, in accordance with the involved agency's policy or procedure.
 - b. If desired, officer(s) should be allowed to make contact with a spouse, significant other, peer support, union representative, and/or attorney.
- 2. Meet with the involved officer(s) as soon as possible after the incident.
- 3. After the involved officer(s) have made their chosen contacts, obtain a very limited walkthrough statement from the officer(s), if they agree to participate. The walkthrough provides an opportunity for the officer to recount the incident from his/her perspective while at the scene; to supplement, confirm and clarify interview information; and to resolve conflicts, confusion and any inconsistencies.

- a. The walkthrough will occur at or within view of the scene.
 - b. If possible, walkthroughs will be done during a similar time of day and/or lighting condition as the time of the incident.
 - c. Participation in a walkthrough will greatly increase the effectiveness of the overall investigation.
 - d. Involved officers cannot be forced to cooperate with the walkthrough.
4. Instruct involved officers that they are not to discuss details of the incident with anyone other than their attorney, mental health professional, spouse/significant other or clergy until after their formal interview has been completed.
 - a. Department debriefings should not be held until after the formal interviews of all involved officers are completed.
 - b. Involved officers should be reminded of the risks of presence on social media prior to completion of a formal interview.
 - c. Involved officers should be reminded that exposure to any community negativity through viewing of television and/or web-based postings may complicate post-incident thoughts and emotions.
5. Examine the weapons of ALL officers at the scene, whether or not they think they fired rounds.
6. Ensure photographs are taken of the weapons used by the involved officer(s), and determine which weapon(s) are to be taken into evidence.
7. Confirm replacement of the officers' weapons in conjunction with the involved agency's policy and procedures.

D. Obtaining Digital Evidence from Involved Agency

1. Assign an agent to coordinate obtaining of all digital evidence from the involved law enforcement agency, to include squad or dash camera video, surveillance or body-mounted camera devices, downloads, etc.
2. Those members of the agency involved in the OID who will be interviewed in connection with the incident should not review digital evidence prior to the interview.
3. Determine whether the digital evidence has been viewed, and, if so, by whom and when, and document that information in a report.

E. Autopsy

1. Attend the autopsy and ensure the following are completed:
 - a. Photographs
 - b. Evidence collection
 - c. Recording of basic victim information
 - d. Contact WSCL for assistance as needed.
2. Coordinate and work with the medical examiner, forensic pathologist or coroner's office.
3. Consult with the coordinator and the prosecutor to determine whether to release scene after the autopsy has been completed.

F. Witness Interviews

1. Arrange or conduct interviews with any persons who were victimized by the deceased, any witnesses to the incident, and any other witnesses developed during the investigation.
2. DCI agents should re-interview any critical witnesses whose statements were initially taken by the involved agency, to verify the information they provided and to document any additional information.
3. Witness interview reports should document the following information:
 - a. Location/vantage point at time of incident
 - b. Custodial circumstances
 - c. Chronology of interaction(s) with the subject
 - d. Observations regarding utterances, statements and demeanor of subject
 - e. Any injuries sustained (and medical status/prognosis)
 - f. Evidence collected from the witness (e.g., physical evidence, cell phone video/pictures, etc.)
4. Witness statements will be recorded whenever practicable and reasonable.

G. Neighborhood Canvass

1. Initial canvass(es) may be conducted by the involved agency to include motor vehicles.
2. Upon arrival, DCI will assign multiple interview teams to conduct neighborhood canvass interviews, to locate witnesses to prevent the loss of critical information.
3. The assigned teams will also identify any security cameras in the area of the incident and/or any cell phones in the possession of witnesses that may contain footage of the incident.

- H. Coordinate with the prosecutor, medical examiner/coroner and crime victim support services, attending meetings and providing reports as necessary.
- I. Communication with Involved Agency
 - 1. Updates regarding the status of the investigation (i.e., progress, timeline, things completed, things not yet completed) may be provided to the chief executive of the involved agency by the coordinator or his or her designee.
 - 2. Specific details regarding information obtained during formal interviews of the involved officer(s) may be shared with the employing agency after the completion of all formal interviews.
 - 3. If the initial assessment identifies any unique circumstances, the lead investigator and the coordinator will discuss the issues with the SIB Director and prosecutor.
- J. Knowledge of Involved Officers
 - 1. If any member of DCI is assigned to interview an involved officer(s), and has prior familiarity with that officer, that familiarity will be made known to the lead investigator and/or the coordinator.
 - 2. Casual knowledge of an officer, without having an actual relationship, is not a concern. Types of familiarity that should be made known to the lead investigator and/or the coordinator may include: former co-workers, current friends, colleagues working cases together, training partners, etc.
 - 3. Any questions should be discussed with the lead investigator and/or coordinator.
- K. Interviews of Involved Officer(s)
 - 1. Post-incident interviews are voluntary.
 - a. Officers may be allowed to go home to sleep and wait 24-72 hours after the incident to give a formal statement.
 - b. If possible, interviews will be held at a neutral venue agreed upon by the officer being interviewed and the interviewing DCI agents.
 - c. Interviews of involved officers will usually be completed last, because the interviewers first need to know as much as possible about the incident.

2. Recording of formal statement from involved officer(s).
 - a. It is DCI's preference that officer interviews be recorded. However, the officer cannot be forced to give a recorded statement. If the officer does not consent, the statement will not be recorded.
 - b. The prosecutor may request that the interview be recorded. Again, the officer cannot be forced to give a recorded statement. If the officer does not consent, the statement will not be recorded.
3. Limit those present during the interview.
 - a. Those present should be limited to the prosecutor, the criminal investigator, the officer and the officer's legal counsel.
 - b. DCI will discourage any waiver allowing a coworker to be present during the formal interview.
 - c. If the officer refuses to be interviewed because he/she wants a coworker in the interview, the prosecutor should be consulted. It is within the prosecutor's discretion to allow the coworker's presence.
4. Formal interviews of involved officer(s) should be conducted without the officer(s) having any prior review of related squad or dash camera video, surveillance or body-mounted camera video, electronic control device downloads, or other definitive forensic evidence.
 - a. If the officer refuses to be interviewed without the opportunity to review any of the above, the prosecutor should be consulted. It is within the prosecutor's discretion whether to allow the involved officer to view any of the above.
 - b. If the officer agrees to commence the formal interview without prior viewing of related definitive forensic evidence, the DCI agents will complete a detailed interview.
 - c. The officer will then be offered an opportunity to view digital evidence.
 - The officer may decline to view the digital evidence.
 - If the officer elects to view the digital evidence, DCI agents may remain present during viewing, or may leave for a minimal amount of time (to be determined based on the length of the recording in question) to allow the officer to consult with his/her representative.
 - d. Following the digital evidence review, the investigator(s) will complete the formal interview of the involved officer by documenting any additional statements made by the officer following the officer's review of the digital evidence.

5. DCI's documentation of the interview, whether or not it includes a recording of the interview, will serve as the officer's report.
6. The investigator may meet with the officer and the officer's legal counsel, after the interview report is prepared, to review the report and make any clarifications.

L. Media

1. Any information regarding the incident that is provided to the media should be coordinated with the DCI SAC, the sheriff/chief (or designee), the prosecutor and the DOJ PIO.
2. Agencies with employees involved in a critical incident (employing agency) have unique public information responsibilities, as do DCI and the prosecutor. Nothing precludes DCI or the prosecutor from relinquishing public information responsibilities to the employing agency.
3. When DCI is requested to serve as the lead investigating agency, and/or when a prosecutor asks that the Department of Justice (DOJ) complete the prosecutorial review, DOJ is responsible for public information dissemination.
4. In critical incidents involving multiple agencies, only the employing agency and the DOJ PIO should make statements to the media.
5. The employing agency is solely responsible for any release of the officer's name, photograph, biographical information, agency assignment, years of service, and other information not related to the facts of the investigation.
6. As a matter of mutual courtesy, the employing agency, the DCI SIB Director and the prosecutor will confer prior to the release of any public information.
7. Prior to any release of information to the media, the interests of the involved officer(s) and the family of the deceased should be taken into account. For example, a courtesy notice to these individuals prior to any media release may be appropriate.

REFERENCES

- Wisconsin Act 348, Wisconsin Statute § 175.47(1) (c) Review of deaths involving officers
- Wisconsin Public Records Law, Wisconsin Statute §19.31 to 19.39
- Wisconsin Legislative Council Act Memo – Melissa Schmidt, Senior Staff Attorney April 2014
- Wisconsin Department of Justice (DOJ) Division of Criminal Investigation (DCI) 2016 – Officer-involved Death Investigations, power point
- Wisconsin Department of Justice (DOJ) Division of Criminal Investigation (DCI) checklist for critical incident response, *DCI Policy 380, Appendix 1*
- City of Madison Police Department, Standard Operating Procedure for Officer-involved Critical Incidents – November 2013
- Pueblo County (Colorado) law enforcement, Officer – Involved Incident Protocol of the Tenth Judicial District.

CHECKLIST FOR CRITICAL INCIDENT RESPONSE

CALLOUT

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| <p>___ Contact agency for initial information</p> <p>___ SAC sends e-mail to DCI Operations Group (*DOJ – DCI Operations Group or dcioptionsgroup@doj.state.wi.us), making initial notification of request and agency-level response</p> <p>___ upon arriving at the scene, after making an assessment, and meeting with local LE officials, the SAC prepares and sends by e-mail the DCI Critical Incident Response Form (X:\private\dc\DCI Forms\New Forms\DCI Critical Incident Response Form Word 09012015.docx) to the DCI Operations Group.</p> <p>___ Prosecutor notified?</p> <p>___ Crime Lab and / or Evidence Tech Team notified?</p> <p>___ State Patrol notified (total station)?</p> <p>___ DCI TSU / Analysts needed?</p> <p>___ Cell phone tracking, preservation letters, emergency DNR?</p> <p>___ Social Media monitoring / preservation?</p> <p>___ Computer media analysis?</p> <p>___ Office of Crime Victims Services notified?</p> <p>___ Scene secured?</p> <p>___ Establish scene security with inner and outer perimeter</p> <p>___ Start scene log</p> <p>___ Status of officer involved?</p> | <p>___ Status of subject(s) involved?</p> <p>___ Coroner needed and notified?</p> <p>___ Search team for manhunt needed? (If so, establish separate Tactical Operations Center / command structure for this)</p> <p>___ Initial photo / video documentation of Scene:</p> <p>___ Agents / officers and their vehicles as they appeared at the time of the incident</p> <p>___ Lighting / WX conditions</p> <p>___ Injuries of subject(s) before treatment?</p> <p>___ Injuries of subject(s) after treatment?</p> <p>___ Injuries of officer before treatment?</p> <p>___ Injuries of officer after treatment?</p> <p>___ Photograph and Secure weapons of officers and subjects involved:</p> <p>___ May inspect officer's weapon at scene, but avoid collecting it there whenever possible.</p> <p>___ Immediately provide officers involved with a replacement weapon</p> <p>___ Search warrant needed?</p> <p>___ For scene?</p> <p>___ Additional locations?</p> <p>___ For blood draws?</p> <p>___ Cell track?</p> <p>___ Cell phones?</p> <p>___ Security needed at hospital?</p> <p>___ Evidence collection (Clothing, bullets/fragments, etc)<u>ON SCENE</u></p> <p>___ Status of officer / obtain medical assistance for the officer</p> |
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- ___ If the officer is deemed to be a victim in the incident, provide the Information for Victims of Crime in Wisconsin notification form and informational pamphlet.
- ___ Identify and obtain "Public Safety Statement" from officer(s) involved:
 - ___ What force did they use?
 - ___ Direction and approximate number of shots fired by involved officer(s) and suspect(s)?
 - ___ Location of injured person(s)?
 - ___ Description of outstanding suspect(s), direction of travel, time last seen, and suspect's weapons?
 - ___ Description and location of any known witnesses?
 - ___ Description and location of any known evidence?
 - ___ Any other information to ensure officer and public safety, and assist in apprehension of suspect(s) still at large?
- ___ Instruct Officers Involved they are not to discuss details of incident with anyone other than their attorney / union rep, mental health professional, investigating officers, or supervisors until formal interview is completed a later time.
- ___ Status of subject(s) / obtain medical assistance for the subject(s)
- ___ Re-evaluate need of investigative assistance
 - ___ Identify DCI Supervisor in Charge
 - ___ Identify a corresponding OIC from local agency
- ___ Establish where the crime scene is and what needs to be taped off
- ___ Coordinate with Crime Laboratory and/or Evidence Tech Team on scene processing
- ___ Scene processing: what was moved prior to arrival?
- ___ **Recorded** interviews of citizen witnesses (keep witnesses separate)
 - ___ What witnesses need isolation?
- ___ Neighborhood canvass (Assign a Team Leader / multiple interview teams)
 - ___ Identify any security or cell phone cameras that may contain footage of incident
- ___ Make sure security is established at the hospital if necessary
- ___ Talk to prosecutor for search warrant or subpoena on medical records and toxicology
- ___ Establish search teams if needed:
 - ___ Evidence search teams
 - ___ Manhunt search teams
- ___ Assign death notification team:
 - ___ Establish last 24-48 hours of suspect's activities
 - ___ Identify other witnesses, suspects, evidence, and / or crimes?
 - ___ Obtain family's statements regarding suspect(s)
- ___ Establish media relations officer
- ___ Who is injured and how were they injured?
- ___ Photo lineup needed?
- ___ Establish a support officer for the Officer involved in OIS
- ___ Allow the Officer to make phone calls
- ___ Has the Officer already made a statement?
 - ___ If so, obtain it
- ___ Has the Officer done a walk-through for anyone? If so, talk to that person.
- ___ Conduct walk thru if not yet done (See Public Safety Statement)
- ___ Remove the Officer from the scene as soon as practical

HOSPITAL

___	Medical opinion of subject(s) condition	___	Medical opinion of Officer's condition
___	Prognosis of subject(s)	___	Prognosis of Officer
___	Medical opinion of subject(s) injuries, type & severity	___	Medical opinion of Officer's injuries, type & severity
___	Medical treatment of subject(s)	___	Medical treatment of Officer
___	Pre-treatment / pre-transfusion blood drawn?	___	Pre-treatment / pre-transfusion blood drawn?
___	Evidence removed from subject(s) in course of medical treatment	___	Evidence removed from officer in course of medical treatment
___	Subject(s) clothing	___	Officer's clothing
___	Statements made by subject(s)	___	Statements made by officer
___	Type & quantity of medication given to subject(s)	___	Type & quantity of medication given to Officer
___	Medical Records: Where & How?	___	Medical Records: Where & How?
___	Security Needs	___	Security Needs
___	Hold placed on subject vs release from hospital	___	Photographs taken by hospital?
___	Photographs taken by hospital?		
___	Interview subject at hospital if dying or incapacitated for a long time		

OFFICER INTERVIEW

- ___ Sleep cycle considerations (24-72 hours removed from incident)
- ___ Department policies
- ___ Initial walk-through of incident
- ___ Initial / Follow-up Interviews
- ___ Report writing discussion (who writes it, etc)
- ___ Collection of Officer's weapons, clothing, communication(s)
- ___ Provide Officer with replacement firearm
- ___ Watch available video: In-Squad, surveillance from nearby businesses
- ___ Training / Experience: General, Specific, Intra-Departmental
- ___ Prior knowledge of / history with subject
- ___ Did Officer discuss incident in detail with anyone?
- ___ Written report completed by Officer? Was Officer ordered to write it?
- ___ If Garrity requested, we don't grant it!!! (applies to internal investigation only)
 - ___ Don't be present when Garrity is given
 - ___ If Garrity interview is done by Officer's department, DO NOT discuss that interview with them!
- ___ Officer's actions during use of force:
 - ___ Weapons used?
 - ___ Approach to scene? How there?
 - ___ Verbalization?
- ___ Actions immediately after use of force
- ___ Officer on any medications or alcohol? Blood draw?
- ___ Timeline for Officer for 48 hours prior to the OIS

POST INCIDENT

- ___ Arrange autopsy
 - ___ Evidence collection
 - ___ Photos
- ___ PTSD debriefing for all law enforcement, fire and medical personnel involved
- ___ Obtain 911 tapes and call report
- ___ Obtain radio traffic tapes
- ___ Obtain recorded phone tapes
- ___ Obtain squad video, media video and any neighborhood / surveillance videos
- ___ Is there a squad car GPS? (if so, obtain it)
- ___ Obtain a list of family and friends of the subject(s) and interview
- ___ Interview medical personnel (doctors and nurses)
- ___ Interview EMS personnel
- ___ Obtain subpoena for medical records
- ___ Obtain criminal history on subject(s)
- ___ Obtain any agency contacts and reports on subject(s)
- ___ Reconstruct officer's and subject's whereabouts and activities for the previous 48 hours to help further establish the investigative timeline
- ___ Schedule debriefing with the agency head and district attorney
- ___ Obtain news articles
- ___ Obtain all reports from Officer's agency
- ___ Obtain death certificate(s)
- ___ Follow-up photos of officer and subject(s)
- ___ Arrange interview with subject(s)
- ___ If necessary, complete neighborhood canvass (speaking with anyone missed during first canvass)
- ___ Obtain prosecutor decision letter subsequent to review

CHECKLIST FOR CRITICAL INCIDENT RESPONSE

CALLOUT

- ___ Contact agency for initial information
- ___ Evaluate need for assistance (Contact regional DCI supervisor for additional assistance)
- ___ Prosecutor notified?
- ___ Crime Lab and / or Evidence Tech Team notified?
- ___ State Patrol notified (total station)?
- ___ DCI TSU / Analysts needed?
 - ___ Cell phone tracking, preservation letters, emergency DNR?
 - ___ Social Media monitoring / preservation?
 - ___ Computer media analysis?
- ___ Office of Crime Victims Services notified?
- ___ Scene secured?
 - ___ Establish scene security with inner and outer perimeter
 - ___ Start scene log
- ___ Status of officer involved?
- ___ Status of subject(s) involved?
- ___ Coroner needed and notified?
- ___ Search team for manhunt needed? (If so, establish separate Tactical Operations Center / command structure for this)
- ___ Initial photo / video documentation of Scene:
 - ___ Agents / officers and their vehicles as they appeared at the time of the incident
 - ___ Lighting / WX conditions
 - ___ Injuries of subject(s) before treatment?
 - ___ Injuries of subject(s) after treatment?
 - ___ Injuries of officer before treatment?
 - ___ Injuries of officer after treatment?
- ___ Photograph and Secure weapons of officers and subjects involved:
 - ___ May inspect officer's weapon at scene, but avoid collecting it there whenever possible.
 - ___ Immediately provide officers involved with a replacement weapon
- ___ Search warrant needed?
 - ___ For scene?
 - ___ Additional locations?
 - ___ For blood draws?
 - ___ Cell track?
 - ___ Cell phones?
- ___ Security needed at hospital?
 - ___ Evidence collection (Clothing, bullets/fragments, etc)

ON SCENE

- ___ Status of officer / obtain medical assistance for the officer
- ___ Identify and obtain "Public Safety Statement" from officer(s) involved:
 - ___ What force did they use?
 - ___ Direction and approximate number of shots fired by involved officer(s) and suspect(s)?
 - ___ Location of injured person(s)?
 - ___ Description of outstanding suspect(s), direction of travel, time last seen, and suspect's weapons?
 - ___ Description and location of any known witnesses?
 - ___ Description and location of any known evidence?
 - ___ Any other information to ensure officer and public safety, and assist in apprehension of suspect(s) still at large?
- ___ Instruct Officers Involved they are not to discuss details of incident with anyone other than their attorney / union rep, mental health professional, investigating officers, or supervisors until formal interview is completed a later time.
- ___ Status of subject(s) / obtain medical assistance for the subject(s)
- ___ Re-evaluate need of investigative assistance
 - ___ Identify DCI Supervisor in Charge
 - ___ Identify a corresponding OIC from local agency
- ___ Establish where the crime scene is and what needs to be taped off
- ___ Coordinate with Crime Laboratory and/or Evidence Tech Team on scene processing
- ___ Scene processing: what was moved prior to arrival?
- ___ **Recorded** interviews of citizen witnesses (keep witnesses separate)
 - ___ What witnesses need isolation?
- ___ Neighborhood canvass (Assign a Team Leader / multiple interview teams)
 - ___ Identify any security or cell phone cameras that may contain footage of incident
- ___ Make sure security is established at the hospital if necessary
- ___ Talk to prosecutor for search warrant or subpoena on medical records and toxicology
- ___ Establish search teams if needed:
 - ___ Evidence search teams
 - ___ Manhunt search teams
- ___ Assign death notification team:
 - ___ Establish last 24-48 hours of suspect's activities
 - ___ Identify other witnesses, suspects, evidence, and / or crimes?
 - ___ Obtain family's statements regarding suspect(s)
- ___ Establish media relations officer
- ___ Who is injured and how were they injured?
- ___ Photo lineup needed?
- ___ Establish a support officer for the Officer involved in OIS
- ___ Allow the Officer to make phone calls
- ___ Has the Officer already made a statement?
 - ___ If so, obtain it
- ___ Has the Officer done a walk-through for anyone? If so, talk to that person.
- ___ Conduct walk thru if not yet done (See Public Safety Statement)
- ___ Remove the Officer from the scene as soon as practical

HOSPITAL

___	Medical opinion of subject(s) condition	___	Medical opinion of Officer's condition
___	Prognosis of subject(s)	___	Prognosis of Officer
___	Medical opinion of subject(s) injuries, type & severity	___	Medical opinion of Officer's injuries, type & severity
___	Medical treatment of subject(s)	___	Medical treatment of Officer
___	Pre-treatment / pre-transfusion blood drawn?	___	Pre-treatment / pre-transfusion blood drawn?
___	Evidence removed from subject(s) in course of medical treatment	___	Evidence removed from officer in course of medical treatment
___	Subject(s) clothing	___	Officer's clothing
___	Statements made by subject(s)	___	Statements made by officer
___	Type & quantity of medication given to subject(s)	___	Type & quantity of medication given to Officer
___	Medical Records: Where & How?	___	Medical Records: Where & How?
___	Security Needs	___	Security Needs
___	Hold placed on subject vs release from hospital	___	Photographs taken by hospital?
___	Photographs taken by hospital?		
___	Interview subject at hospital if dying or incapacitated for a long time		

OFFICER INTERVIEW

- ___ Sleep cycle considerations (24-72 hours removed from incident)
- ___ Department policies
- ___ Initial walk-through of incident
- ___ Initial / Follow-up Interviews
- ___ Report writing discussion (who writes it, etc)
- ___ Collection of Officer's weapons, clothing, communication(s)
- ___ Provide Officer with replacement firearm
- ___ Interview considerations: Location, Video/Audio
- ___ Watch available video: In-Squad, surveillance from nearby businesses
- ___ Training / Experience: General, Specific, Intra-Departmental
- ___ Prior knowledge of / history with subject
- ___ Did Officer discuss incident in detail with anyone?
- ___ Written report completed by Officer? Was Officer ordered to write it?
- ___ If Garrity requested, we don't grant it!!! (applies to internal investigation only)
 - ___ Don't be present when Garrity is given
 - ___ If Garrity interview is done by Officer's department, DO NOT discuss that interview with them!
- ___ Officer's actions during use of force:
 - ___ Weapons used?
 - ___ Approach to scene? How there?
 - ___ Verbalization?
- ___ Actions immediately after use of force
- ___ Officer on any medications or alcohol? Blood draw?
- ___ Timeline for Officer for 48 hours prior to the OIS

POST INCIDENT

- ___ Arrange autopsy
 - ___ Evidence collection
 - ___ Photos
- ___ PTSD debriefing for all law enforcement, fire and medical personnel involved
- ___ Obtain 911 tapes and call report
- ___ Obtain radio traffic tapes
- ___ Obtain recorded phone tapes
- ___ Obtain squad video, media video and any neighborhood / surveillance videos
- ___ Is there a squad car GPS? (if so, obtain it)
- ___ Obtain a list of family and friends of the subject(s) and interview
- ___ Interview medical personnel (doctors and nurses)
- ___ Interview EMS personnel
- ___ Obtain subpoena for medical records
- ___ Obtain criminal history on subject(s)
- ___ Obtain any agency contacts and reports on subject(s)
- ___ Obtain officer training records
- ___ Obtain Department Policy on Deadly Force
- ___ Trace officer's and subject's whereabouts for the past 48 hours
- ___ Schedule debriefing with the agency head and district attorney
- ___ Obtain news articles
- ___ Obtain all reports from Officer's agency
- ___ Obtain death certificate(s)
- ___ Follow-up photos of officer and subject(s)
- ___ Arrange interview with subject(s)
- ___ If necessary, complete neighborhood canvass (speaking with anyone missed during first canvass)
- ___ Obtain prosecutor decision letter subsequent to review

CHECKLIST FOR CRITICAL INCIDENT RESPONSE

CALLOUT

- ___ Contact agency for initial information
- ___ Evaluate need for assistance (Contact regional DCI supervisor for additional assistance)
- ___ Prosecutor notified?
- ___ Crime Lab and / or Evidence Tech Team notified?
- ___ State Patrol notified (total station)?
- ___ DCI TSU / Analysts needed?
 - ___ Cell phone tracking, preservation letters, emergency DNR?
 - ___ Social Media monitoring / preservation?
 - ___ Computer media analysis?
- ___ Office of Crime Victims Services notified?
- ___ Scene secured?
 - ___ Establish scene security with inner and outer perimeter
 - ___ Start scene log
- ___ Status of officer involved?
- ___ Status of subject(s) involved?
- ___ Coroner needed and notified?
- ___ Search team for manhunt needed? (If so, establish separate Tactical Operations Center / command structure for this)
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- ___ Instruct Officers Involved they are not to discuss details of incident with anyone other than their attorney / union rep, mental health professional, investigating officers, or supervisors until formal interview is completed a later time.
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 - ___ What witnesses need isolation?
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 - ___ Identify any security or cell phone cameras that may contain footage of incident
- ___ Make sure security is established at the hospital if necessary
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- ___ Establish search teams if needed:
 - ___ Evidence search teams
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- ___ Establish media relations officer
- ___ Who is injured and how were they injured?
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- ___ Allow the Officer to make phone calls
- ___ Has the Officer already made a statement?
 - ___ If so, obtain it
- ___ Has the Officer done a walk-through for anyone? If so, talk to that person.
- ___ Conduct walk thru if not yet done (See Public Safety Statement)
- ___ Remove the Officer from the scene as soon as practical

HOSPITAL

___	Medical opinion of subject(s) condition	___	Medical opinion of Officer's condition
___	Prognosis of subject(s)	___	Prognosis of Officer
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___	Statements made by subject(s)	___	Statements made by officer
___	Type & quantity of medication given to subject(s)	___	Type & quantity of medication given to Officer
___	Medical Records: Where & How?	___	Medical Records: Where & How?
___	Security Needs	___	Security Needs
___	Hold placed on subject vs release from hospital	___	Photographs taken by hospital?
___	Photographs taken by hospital?		
___	Interview subject at hospital if dying or incapacitated for a long time		

OFFICER INTERVIEW

- ___ Sleep cycle considerations (24-72 hours removed from incident)
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- ___ Initial walk-through of incident
- ___ Initial / Follow-up Interviews
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- ___ Collection of Officer's weapons, clothing, communication(s)
- ___ Provide Officer with replacement firearm
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- ___ Watch available video: In-Squad, surveillance from nearby businesses
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- ___ Prior knowledge of / history with subject
- ___ Did Officer discuss incident in detail with anyone?
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 - ___ If Garrity interview is done by Officer's department, DO NOT discuss that interview with them!
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 - ___ Approach to scene? How there?
 - ___ Verbalization?
- ___ Actions immediately after use of force
- ___ Officer on any medications or alcohol? Blood draw?
- ___ Timeline for Officer for 48 hours prior to the OIS

POST INCIDENT

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- ___ Obtain radio traffic tapes
- ___ Obtain recorded phone tapes
- ___ Obtain squad video, media video and any neighborhood / surveillance videos
- ___ Is there a squad car GPS? (if so, obtain it)
- ___ Obtain a list of family and friends of the subject(s) and interview
- ___ Interview medical personnel (doctors and nurses)
- ___ Interview EMS personnel
- ___ Obtain subpoena for medical records
- ___ Obtain criminal history on subject(s)
- ___ Obtain any agency contacts and reports on subject(s)
- ___ Obtain officer training records
- ___ Obtain Department Policy on Deadly Force
- ___ Trace officer's and subject's whereabouts for the past 48 hours
- ___ Schedule debriefing with the agency head and district attorney
- ___ Obtain news articles
- ___ Obtain all reports from Officer's agency
- ___ Obtain death certificate(s)
- ___ Follow-up photos of officer and subject(s)
- ___ Arrange interview with subject(s)
- ___ If necessary, complete neighborhood canvass (speaking with anyone missed during first canvass)
- ___ Obtain prosecutor decision letter subsequent to review



WI DOJ-DCI
CRITICAL INCIDENT RESPONSE
NOTIFICATION FORM



DATE OF REQUEST FOR INVESTIGATIVE RESPONSE

TYPE OF EVENT

LOCATION OF EVENT

REQUESTING AGENCY

AGENCY CONTACT PERSON, TELEPHONE NUMBER & AGENCY ADDRESS

AGENCY CHIEF/SHERIFF AND TELEPHONE NUMBER

AGENCY PIO NAME AND CONTACT NUMBER

☐

SAC _____ HAS CONTACTED THE REQUESTING AGENCY REPRESENTATIVE AND PROVIDED THE CONTACT INFORMATION FOR THE WI DOJ AG'S OFFICE PIO AS LISTED BELOW:

Anne E. Schwartz
Director of Communications and Public Affairs
Department of Justice
Office of Attorney General Brad Schimel

17 W. Main St.
P.O. Box 7857
Madison, WI 53707-7857 Direct
Phone: (608) 266-6686
schwartzae@doj.state.wi.us



WI DOJ-DCI
CRITICAL INCIDENT RESPONSE
NOTIFICATION FORM



NARRATIVE



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DIVISION OF CRIMINAL INVESTIGATION

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MADISON WI-53707
(608) 266-1671

DJ-DCI (Rev. 8/2013)

Critical Incident: DCI Agent Involved Shooting

Supervisor Checklist

The purpose of this checklist is to provide DCI supervisors with guidelines regarding incidents of Agent-Involved Shootings (AIS) when DCI personnel are involved.

I. CONFIRM

- _____ that the subject/threat is controlled. Control the scene, treat it like a crime scene.
- _____ that the agent has rendered first aid to any injured person. Request emergency medical assistance as soon as practical.
- _____ the agent's location and safety/condition.
- _____ that local law enforcement has been notified of the situation, and that basic public safety information has been given to them. They need to know if there are any at-large subjects or threats remaining to the public.

II. NOTIFY

- _____ DCI's Management Alert Group via email, providing a summary of the incident. During non-duty hours, telephone the appropriate Director, who in turn will notify the Administrator or the Administrator's designee.

III. ADVISE

- _____ the agent to remain at the scene until cleared to leave by the SAC or SAC designee, unless the agent is injured or it is unsafe for the agent to remain present.
- _____ the agent to protect the firearm used, keep holstered if possible, and privately submit it to the SAC or the SAC's designee, not to local law enforcement.
- _____ the agent not to discuss the incident with anyone except appropriate DCI supervisors; investigating DCI agents or other law enforcement personnel assigned to the investigation; the prosecuting attorney; the agent's attorney; a mental health professional or physician; the agent's clergy; the agent's immediate family; and others as authorized by the Administrator or the Administrator's designee.



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IV. ON-SCENE SUPERVISION

- _____ Assign a note-taker to record all personnel entering and leaving the scene and any other significant events.
- _____ Obtain a quick briefing of the situation to make sure the subject/threat/area is controlled and secured. If not secure, contact a tactical enforcement team (either local or DCI).
- _____ Identify the agents involved and immediately identify potential witnesses. Separate all witnesses, including agents. Safeguard civilian witnesses to make sure they don't leave the scene before making a statement as to what they observed.
- _____ Obtain the agent's weapon and magazines and supply him/her with a replacement weapon unless circumstances dictate otherwise. This should be done in a private, discreet location.
- _____ Inspect the weapon for condition, serial number, type of ammunition, and the number of rounds in the weapon and in magazines. Also check the weapons of all agents on scene for condition, serial number and numbers of rounds in weapon and magazines. Do not keep the other agents' weapons unless circumstances dictate otherwise.
- _____ Clear the area of all non-essential personnel and treat it as a crime scene. Tape it off, barricade it, or utilize roadblocks.
- _____ Remove the agent from the scene by transporting him/her away from the immediate scene and outside the perimeter. The agent should be accompanied by an agent not involved in the shooting. Offer food, drink, restroom, telephone and other support as necessary.
- _____ Document the agent's manner of dress/appearance, including law enforcement identifiers.
- _____ Notify the agent he/she will be placed on administrative leave with pay as ordered by the Administrator or the Administrator's designee, pending the results of the investigation or until the Administrator or his/her designee reinstates the agent to full duty. Assignment to administrative leave shall not be interpreted to imply or indicate that the agent has acted improperly.
- _____ Do not conduct an in-depth interview of the agent immediately after the incident. Generally the agent will be given 48 to 72 hours prior to an in-depth interview regarding what transpired.



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- _____ Notify the agent that while he/she is on administrative leave, he/she should remain available for interviews and statements and shall be subject to recall to full duty at any time. Offer EAP, the Special Agent Support Team (SAST) and other support services.
- _____ Encourage the agents on scene to contact their families and provide assurance that they are okay. No details regarding the incident are to be provided in this family contact.
- _____ Notify the District Attorney.
- _____ Notify DCI office personnel regarding the incident. Division notification may be handled by the Administrator or his/her designee.

V. IF AGENT IS INJURED OR KILLED

- _____ Make sure an agent accompanies the injured agent to the hospital and is relieved within a reasonable time by another agent or local law enforcement.
- _____ Make sure the injured agent contacts his/her family as soon as possible to notify them regarding his/her condition. If the agent is too seriously injured, or if the agent is dead, the SAC should obtain the agent's "Personal Information Document" (see ***Policy 260: Line of Duty Death or Serious Injury***) for access to the agent's emergency contact information, then proceed with notifications as soon as possible. Coordinate with the DCI Administrator or his/her designee. The agent will have listed a primary contact, a secondary contact and a list of three agents they would prefer to have make the contact with the agent's family. If at all possible, make sure the listed agents are part of the **in-person** notification of the agent's family.
- _____ Assign an agent to be a point of contact for the agent's family.
- _____ Contact the DCI Special Agent Support Team SAST (again, see ***Policy 260***). The SAST will have their own checklist to provide assistance to the agent and family. The SAST will coordinate assistance to the agent's family, which may include providing agents for transportation of family members to the hospital; liaison with the family and staying with the family either at home and/or at the hospital as necessary; advising the family regarding what to expect; completion of duty death forms; notification regarding court appearances; arrangement of counseling sessions for agents involved; etc. The SAC should make sure the SAST is following its protocol.



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- _____ Contact the Department of Justice, Office of Crime Victim Services to advise them of the shooting incident and request supportive assistance for the agent and the agent's family. All victim service support should be coordinated with the SAC or SAC designee.

VI. IF LOCAL LAW ENFORCEMENT WILL INVESTIGATE

- _____ Contact the on-scene commander from the local law enforcement agency and advise him/her of what transpired and what actions DCI has taken since the shooting. This briefing should include the names and phone numbers of all agents/witnesses involved.
- _____ Turn over note taking/recording of events to local law enforcement.
- _____ Obtain the name of and contact information for the local law enforcement agency's lead investigator. Advise the lead investigator/supervisor on scene that you have the weapon and magazines from the agent involved in the shooting. Give the lead investigator/supervisor the name of the agent involved in the shooting and your contact information for arranging an interview of the agent.
- _____ Advise the commander/lead investigator that the agent involved in the shooting will not be available until 48 to 72 hours after the shooting. (If circumstances allow, the agent may be made available immediately after shooting for a scene walk-through and explanation of what happened, but not an in-depth interview.) Seek approval from headquarters before agents are interviewed.
- _____ The agent may be asked to voluntarily provide a blood sample by the lead investigator for the purpose of drug/alcohol toxicology.
- _____ The shooting agent(s) will retain his/her weapon, keeping it holstered if possible, until such time as he/she is in a private location to relinquish it to the investigating agency. (The weapon may only be released to local law enforcement with Administrator approval.)
- _____ Provide local media and local law enforcement with the name and contact information for DOJ's media representative, and advise them that any statements regarding DCI's involvement in the incident will come from DOJ headquarters only.
- _____ Provide local law enforcement with a contact name and contact information for DOJ's Office of Crime Victim Services (OCVS). Advise them that DOJ would like supportive victim services for the agent and the agent's family to involve OCVS.



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VII. IF DCI IS INVESTIGATING THE SHOOTING

- _____ With input from the Administrator or designee, select and contact an agent to lead the investigation of the shooting incident.
- _____ Assemble a team of agents to conduct the investigation, contact the Wisconsin State Crime Laboratory and the Wisconsin State Patrol TSU to process the scene(s) and collect evidence (if either or both of these resources are deemed necessary by the investigative team), and request any other investigative resources needed to ensure the incident is investigated thoroughly and professionally.
- _____ Support the agent and the agent's family, ensuring that they are treated fairly and professionally. The SAC will coordinate efforts with the Special Agent Support Team (SAST) and with DOJ OCVS.
- _____ Facilitate the lead agent obtaining a general verbal overview of the shooting incident from the agent involved in the shooting, which may include a scene walk-through. Within a reasonable amount of time (48-72 hours), a follow-up interview with the agent may be necessary. If the agent involved volunteers to provide an in-depth statement prior to 48-72 hours after the shooting, he/she will be allowed to do so. Every consideration should be given to the mental and emotional state of any agent involved in an AIS.
- _____ The agent will be asked to provide a blood sample by the lead agent or designee for the purpose of drug/alcohol toxicology.

VIII. POST-INCIDENT CONSIDERATIONS

- _____ A post-incident debriefing with a qualified mental health professional will be required of the agent as soon as practical. The debriefing shall not be used in any DCI investigation and shall be kept confidential. Additional counseling services will be available to the agent if requested.
- _____ At the discretion of the Administrator, a post-incident debriefing may be required of all agents and DCI personnel involved. The debriefing will be coordinated with the DOJ Office of Human Resources and will occur as soon as practical.
- _____ Counseling services will be made available to any DCI personnel affected by the incident if requested.



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- _____ The family of an agent involved in an AIS will be offered confidential counseling with a qualified mental health professional. These consultation sessions will remain protected by that privileged relationship.
- _____ The Administrator shall select a DCI supervisor to lead the administrative investigation. This supervisor shall be from a field office other than the one to which the involved agent is assigned.
- _____ Before returning to full duty, the agent may be assigned to limited duty for a period of time as deemed appropriate by the Administrator or designee after consultation with the agent and the mental health professional.



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DJ-DCI (Rev. 8/2013)

Critical Incident: Officer-Involved Shootings

Supervisor Checklist

The purpose of this checklist is to provide DCI supervisors with guidelines regarding DCI's response to officer-involved shootings when DCI is asked to assist other agencies in investigating such incidents.

RECEIVE THE REQUEST FOR ASSISTANCE

- _____ Document the contact name, agency, title and telephone number of the requester
- _____ Upon making contact, obtain a summary of the incident:
 - _____ Status of officer(s) involved and location
 - _____ Status of subject(s) involved and location
 - _____ Status of manhunt, if initiated
 - _____ Location of scene including address
 - _____ Status of scene(s) and ability to secure, preserve, and protect
 - _____ Number of scenes
 - _____ Type of scene (urban, rural, highway, indoor/outdoor, etc)
 - _____ Status of evidence involved and ability to preserve
 - _____ Witnesses
- _____ Identify local point of contact from the requesting law enforcement agency (name, telephone number)
- _____ Ask requesting agency to initiate their protocol if dictated by policy
 - _____ If no policy exists, ask them to initiate the following activities:
 - _____ Secure weapon(s) of all involved and replace officer's weapon
 - _____ Establish and maintain an inside and outside perimeter
 - _____ Establish and maintain a crime scene entry log
 - _____ Preservation of physical evidence
 - _____ Limit communication with others
 - _____ Agency support system for officer(s) involved



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- _____ Send email notification to DCI Alert Group. During non-duty hours also call respective Director who will notify the Deputy Administrator and Administrator.
- _____ Contact regional Special Agents as needed
- _____ Assign lead special agent and brief on the situation
 - _____ Determine the ETA of the lead agent
 - _____ Discuss and determine the need for additional DCI resources
 - _____ Additional special agents for interviews
 - _____ Additional special agents for scene/evidence processing
 - _____ Inform lead special agent of point of contact at requesting agency
- _____ Contact other SACs for additional Special Agents if needed
- _____ If necessary, contact State Crime Lab Field Response Unit
 - Madison – 608-266-2031
 - Wausau – 715-845-8626
- _____ If necessary, contact WSIC SAC for:
 - _____ MSU response
 - _____ Analytical support or response
 - _____ Technical Services Unit support or response
- _____ If necessary, contact Wisconsin State Patrol for support
 - _____ Total Station Unit
 - _____ Traffic/aerial support
- _____ Contact with District Attorney
 - _____ Obtain search warrants/court orders, if needed
- _____ Obtain the address/location of Incident Command



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ON-SCENE ASSISTANCE

- _____ Establish command post / check in with Incident Command
- _____ Consult with lead special agent to determine if additional resources are needed
 - _____ Agents for interviews
 - _____ Agent needed to attend autopsy
 - _____ Coordination with Medical Examiner or Coroner
 - _____ Scene/Evidence agents
- _____ Assist lead agent in managing the additional areas of attention: Officer Involved, Subject Involved, Witnesses, Scene and Evidence (**see below**)
- _____ Ensure scene perimeters are established and logs are initiated
- _____ Identify points of contact
 - _____ local agency OIC
 - _____ State Crime Lab
 - _____ State Patrol
- _____ Considerations for MSU and Analyst responsibilities
 - _____ Suspect backgrounds
 - _____ Neighborhood canvass
 - _____ Timeline
 - _____ Additional Equipment (i.e. lighting, evidence supplies, radios, computers, Wi-Fi capabilities)
 - _____ Additional outside resources (i.e. canine support, search and rescue, federal law enforcement)
- _____ Ongoing assessment of the needs of DCI personnel involved
 - _____ Food and water
 - _____ Shelter for extreme weather
 - _____ Fatigue and travel concerns
 - _____ Lodging
 - _____ Reassignment of previously scheduled tasks



WISCONSIN DEPARTMENT OF JUSTICE
DIVISION OF CRIMINAL INVESTIGATION

DOJ-DCI
PO BOX 7857
MADISON WI-53707
(608) 266-1671

DJ-DCI (Rev. 8/2013)

- _____ Establish periodic briefing times
- _____ Provide periodic updates to DCI Management
- _____ Media
 - _____ Identify local agency Public Information Officer
 - _____ Coordinate media information with the DOJ Public Information Officer
- _____ Post-incident debrief

ADDITIONAL AREAS OF ATTENTION

OFFICER INVOLVED

- _____ Department policy for officer-involved shootings
- _____ Location of the officer's equipment used in the course of the incident or related to the incident
 - _____ Radio communications
 - _____ In-squad video
 - _____ AVL
 - _____ Cell phone
 - _____ 911 telephone communications
 - _____ Weapon(s) utilized
 - _____ Weapon(s) not utilized
 - _____ Uniform
 - _____ Squad car
- _____ Statement given prior to DCI arrival?



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SUBJECT INVOLVED

- _____ Status and location of subject(s) involved
 - _____ Hospital
 - _____ Provide security at hospital, if needed
 - _____ In custody
 - _____ Not in custody / manhunt
- _____ Weapon and/or actions that subject used and/or displayed
- _____ Custodial circumstances of subject
- _____ Statements, utterances, actions of subject
- _____ Writings, phone calls, computer entries of subject prior to incident
- _____ Death notification

WITNESSES

- _____ Status of witnesses
- _____ Location of witnesses
- _____ Witness statements
- _____ Observation point of witnesses

CRIME SCENE AND EVIDENCE

- _____ Scene is being properly secured
- _____ Who will be responsible for evidence
- _____ Any items collected or preserved prior to DCI's arrival