



**BE A FORCE**

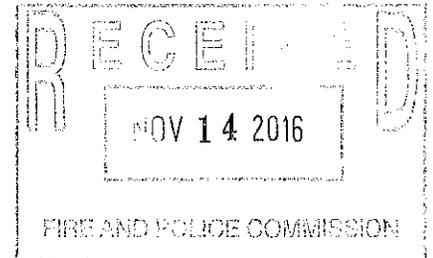
**Milwaukee Police Department**  
Police Administration Building  
749 West State Street  
Milwaukee, Wisconsin 53233  
<http://www.milwaukee.gov/police>

**Edward A. Flynn**  
Chief of Police

(414) 935-7200

November 10, 2016

The Board of Fire and Police Commissioners  
200 East Wells Street – Room 706  
Milwaukee, WI 53202



Dear Commissioners:

In order to comply with ACT 348 which was signed into law in April 2014, the Milwaukee Police Department (MPD) signed a memorandum of understanding in August of 2014 with county law enforcement agencies outlining which outside agency would be called to investigate when an agency experienced a critical incident. All surrounding jurisdictions including the District Attorney's Investigation Unit would call the Milwaukee Police Department. We would use the State of Wisconsin Department of Criminal Investigations to conduct our critical incident investigations.

The initial memorandum of understanding also created a task force that jointly created the Suburban Critical Incident Team, to lessen the burden placed on Milwaukee Police investigators and ensure the investigations were conducted uniformly. That team is now fully trained and available for investigating critical incidents. Since the inception of the Suburban Critical Incident Team, a new memorandum of understanding was drafted and signed by the Milwaukee County Chiefs of Police.

While the new agreement would allow us to use the Division of Criminal Investigations (DCI) if needed, our first call would be to the Suburban Critical Incident Team. This would provide the following benefits:

- A more rapid initial response from local investigators, supervisors and command staff (Very often the DCI team will take hours to respond from locations outside Milwaukee County)
- The use of over 50 investigators not affiliated with MPD (DCI currently employs a number of former MPD investigators)
- The ability to call on outside investigators for nonfatal officer-involved shootings (DCI will not conduct these types of investigations)

The Suburban Critical Incident Team will be managed by five lead investigative agencies, which were chosen based upon their sizes and experience levels. The on-call lead agency will rotate each month and that lead agency will be responsible for supervising and coordinating the work of the outside investigators. The five lead investigative agencies on the team will be:

Greenfield Police Department  
Milwaukee Police Department  
Oak Creek Police Department

**IN SOME JOBS, SUCCESS IS MEASURED BY WHAT DOESN'T HAPPEN.**

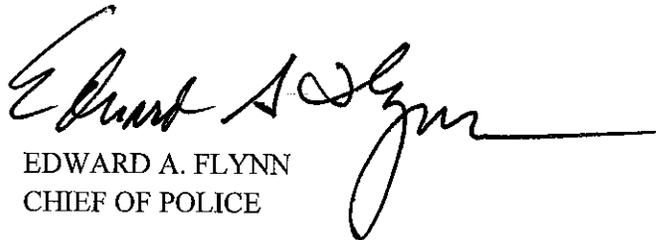
West Allis Police Department  
Wauwatosa Police Department

Over fifteen agencies have committed to the Suburban Critical Incident Team and have dedicated resources to it:

Milwaukee Police Department  
Greenfield Police Department  
Oak Creek Police Department  
Marquette University Police Department  
Franklin Police Department  
South Milwaukee Police Department  
West Milwaukee Police Department  
West Allis Police Department  
Wauwatosa Police Department  
Glendale Police Department  
Whitefish Bay Police Department  
Brown Deer Police Department  
Greendale Police Department  
State Fair Police Department  
St Francis Police Department  
Wisconsin Crime Lab (Milwaukee Office)

These changes will permit a more transparent process and result in critical incident investigations that are responded to more quickly and with greater integrity. Please feel free to contact my office at 935-7316 with any questions or concerns.

Sincerely,



EDWARD A. FLYNN  
CHIEF OF POLICE



**BE A FORCE**

**FILE**

**Milwaukee Police Department**  
Police Administration Building  
749 West State Street  
Milwaukee, Wisconsin 53233  
<http://www.milwaukee.gov/police>

**Edward A. Flynn**  
Chief of Police

(414) 935-7200

October 11, 2016

The Board of Fire and Police Commissioners  
200 East Wells Street – Room 706  
Milwaukee, WI 53202

Dear Commissioners:

In order to comply with ACT 348 which was signed into law in April 2014, the Milwaukee Police Department signed a memorandum of understanding in August of 2014 with county law enforcement agencies outlining which outside agency would be called to investigate when an agency experienced a critical incident. All surrounding jurisdictions including the District Attorney's Investigation Unit would call the Milwaukee Police Department. We would use the State of Wisconsin Department of Criminal Investigations to conduct our critical incident investigations.

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While the new agreement still allows us to use the Department of Criminal Investigations if needed, our first call will be to the Suburban Critical Incident Team. This allows a rapid initial response from local investigators, supervisors and command staff and further permits us to use over 50 investigators (which are not affiliated with our department) along with the Wisconsin Regional Crime Lab.

The five lead investigative agencies on the team will be:

Greenfield Police Department  
Milwaukee Police Department  
Oak Creek Police Department  
West Allis Police Department  
Wauwatosa Police Department

**IN SOME JOBS, SUCCESS IS MEASURED BY WHAT DOESN'T HAPPEN.**

FIRE AND POLICE COMMISSION

OCTOBER 11, 2016

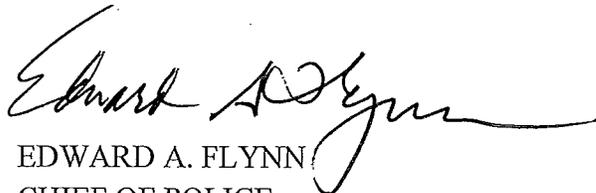
PAGE 2

Over fifteen agencies have committed to the Suburban Critical Incident Team and have dedicated resources to it:

Milwaukee Police Department  
Greenfield Police Department  
Oak Creek Police Department  
Marquette University Police Department  
Franklin Police Department  
South Milwaukee Police Department  
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Wauwatosa Police Department  
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St Francis Police Department  
Wisconsin Crime Lab (Milwaukee Office)

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Sincerely,



EDWARD A. FLYNN  
CHIEF OF POLICE



# Milwaukee County Law Enforcement Executives Association

PRESIDENT  
Chief Brad Wentlandt  
City of Greenfield

VICE PRESIDENT  
Chief Robert Malasuk  
Village of Greendale

SECRETARY-TREASURER  
Chief Michael Young  
Village of Whitefish Bay

## MEMORANDUM OF UNDERSTANDING

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

This Memorandum of Understanding, dated this 5th day of May 2016 is entered into and agreed to by and between representatives of the Milwaukee County Law Enforcement Executives Association Members listed below.

#### PURPOSE

The purpose of this Memorandum is to establish a formal protocol among the below named law enforcement agencies for the following types of investigations:

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

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

#### DESIGNATION OF LEAD INVESTIGATOR

The law enforcement agency that employs the officer involved in one of these situations shall notify their dispatch to initiate a call based on one of the following;

1. Milwaukee County agencies and the Milwaukee County District Attorney Investigator Unit will generally call The Milwaukee Police Department Technical Communications Division who will

- activate the Milwaukee County Investigative Team
2. Milwaukee County law enforcement agencies and the Milwaukee County District Attorney Investigator Unit will generally call The Wisconsin Department of Justice – Division of Criminal Investigation as the secondary response team.
  3. The Milwaukee County Investigative Team may call on the DOJ Crime Scene Response team to conduct scene investigations.
  4. The Milwaukee County Law Enforcement agencies will contact the Wisconsin State Patrol or the Milwaukee Police Department Crash Reconstruction Unit if the incident is traffic related.
  5. Any Milwaukee County Agency may use the Milwaukee County Investigative Team.

A minimum of two investigators and a supervisor from the Milwaukee County Investigative Team, who are not members of the involved agency, will respond and the team supervisor will hold the designation as the lead investigator as explained in WI. § 175.47. If a situation involves more than one agency, the team supervisor / lead investigator and the secondary investigator(s) shall not be from either agency.

The responsibilities of the involved agency, responding officers, team supervisor / lead investigator duties, and other stake holders in the investigative process are outlined in the Protocol to Investigate Officer Involved Critical Incidents in Milwaukee County (published May 25th, 2016).

The involved law enforcement agency shall designate the necessary personnel and support staff to assist in the initial investigation, securing evidence and interview of witnesses. They shall also assist in any subsequent follow-up investigation that is needed to complete the case. Additional manpower as necessary may be called up under this MOU or through current established mutual aid or SMART agreements.

If the district attorney determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, the Team Supervisor / Lead Investigator conducting the investigation shall release the report. The Team Supervisor / Lead Investigator will be required to address the findings with the victim's family along with the District Attorney.

Each agency participating in these investigations shall be responsible for any associated costs required by their own personnel (i.e., salaries and overtime pay). Each involved agency will make available to these investigations the use of their equipment and facilities as requested/required by the Milwaukee County Investigative Team, and as reasonable.

### **INTERNAL AFFAIRS INVESTIGATION**

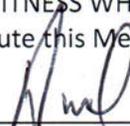
Nothing in this memorandum of understanding shall prevent or limit any law enforcement agency from conducting a separate internal affairs investigation of these officer-related situations that result in death or great bodily harm as long as it does not interfere with the criminal investigation as outlined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

### **REVIEW AND REVISION OF MOU**

This MOU shall remain in effect for three years from the date of the last signature, but shall automatically renew for subsequent one year terms unless modified or terminated as set forth herein. This MOU will have an automatic review no less than six months from the time it is placed into initial

service and if no change is necessary, any subsequent request to modify, review or revise this agreement must be done in writing and must be agreed to by all the parties. Any party can withdraw from participating in this agreement by giving written notice to all other parties at least 30 days in advance.

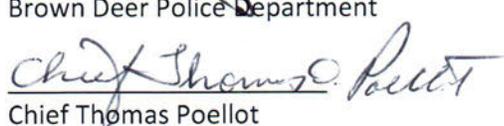
IN WITNESS WHEREOF, the agencies named herein through their duly authorized representatives, do execute this Memorandum of Understanding:

  
\_\_\_\_\_  
Chief Scott McConnell  
Bayside Police Department

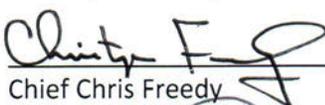
6/29/16  
Date

  
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Chief Michael Kass  
Brown Deer Police Department

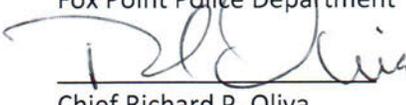
6/29/16  
Date

  
\_\_\_\_\_  
Chief Thomas Poellot  
Cudahy Police Department

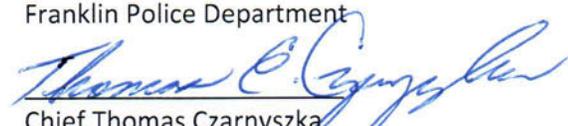
6/9/16  
Date

  
\_\_\_\_\_  
Chief Chris Freedy  
Fox Point Police Department

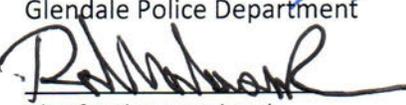
6/29/2016  
Date

  
\_\_\_\_\_  
Chief Richard P. Oliva  
Franklin Police Department

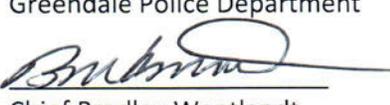
7-22-16  
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\_\_\_\_\_  
Chief Thomas Czarnyszka  
Glendale Police Department

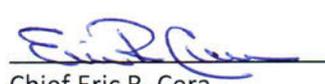
6-29-16  
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\_\_\_\_\_  
Chief Robert Malasuk  
Greendale Police Department

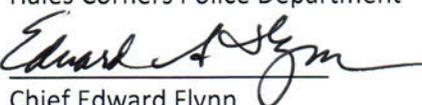
6/9/16  
Date

  
\_\_\_\_\_  
Chief Bradley Wentlandt  
Greenfield Police Department

7/13/16  
Date

  
\_\_\_\_\_  
Chief Eric R. Cera  
Hales Corners Police Department

6/9/16  
Date

  
\_\_\_\_\_  
Chief Edward Flynn  
Milwaukee Police Department

07/22/16  
Date



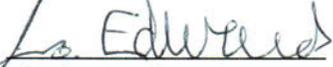
Chief Investigator David Budde  
Milwaukee County District Attorney's Office

21 SEP 16

Date

Sheriff David A. Clark Jr.  
Milwaukee County Sheriff's Department

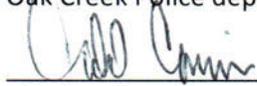
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Chief John Edwards  
Oak Creek Police department

06-09-16

Date



Chief Todd Cowie  
River Hills Police Department

6-9-16

Date



Chief Thomas Dietrich  
Saint Francis Police Department

6-9-16

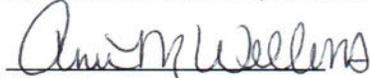
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Chief Peter Nimmer  
Shorewood Police Department

6-29-16

Date



Chief Ann Wellens  
South Milwaukee Police Department

7-13-16

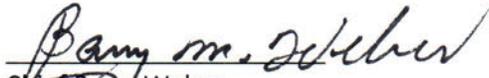
Date



Robin Van Harpen  
UWM Vice Chancellor for Finance and Administrative Affairs  
On Behalf of UW – Milwaukee Police Department

7-22-16

Date



Chief Barry Weber  
Wauwatosa Police Department

7-21-16

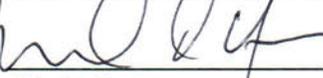
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Chief Patrick Mitchell  
West Allis Police Department

6-9-16

Date



Chief Mike Young  
Whitefish Bay Police Department

6-29-16

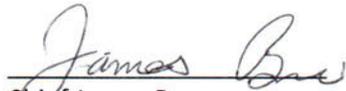
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Chief Dennis Nasci  
West Milwaukee Police Department

06/09/2016

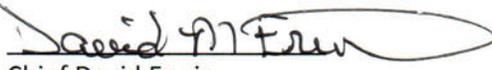
Date

  
Chief James Bruno  
Wisconsin State Fair Park Police

6/10/16  
Date

  
John Lamb  
Vice President for Finance and Treasurer  
On Behalf of - Marquette University Police

5/31/14  
Date

  
Chief David Erwin  
Wisconsin State Capital Police

07/27/14  
Date

The District Attorney's Office shall continue to respond to the scene of the investigation in the delineated situations identified in the Memorandum of Understanding. The prosecutor shall provide legal advice at the scene to the Team Supervisor / Lead Investigator.

  
John T. Chisholm, District Attorney  
Milwaukee County

9/21/2016  
Date