

**RESOLUTION NO. 2024-107
VILLAGE OF CALEDONIA**

**A RESOLUTION AUTHORIZING THE CALEDONIA POLICE DEPARTMENT TO SIGN A
MEMORANDUM OF UNDERSTANDING TO BE A PARTICIPATING AGENCY IN A
NEWLY FORMED KENOSHA RACINE AREA INVESTIGATIVE TEAM (KRAIT)**

The Village Board for the Village of Caledonia, Racine County, WI do resolve as follows:

WHEREAS Wisconsin Statute 175.47 requires that an “officer-involved death” be investigated by an agency other than the involved agency.

WHEREAS, Wisconsin Statute 175.47 states, “Officer-Involved Death” means a death of an individual that results directly from the actions 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.

WHEREAS, the Village of Caledonia Police Department representatives have met with law enforcement executives from Kenosha and Racine County along with representatives from the District Attorney’s Offices of Kenosha and Racine counties to explore the formation of a joint Kenosha-Racine Area Investigative Team (KRAIT) to conduct officer-involved death investigations and/or related incidents.

WHEREAS, the Kenosha-Racine Area Investigative Team is modeled after the Milwaukee Area Investigative Team (MAIT), which has been servicing Milwaukee and Waukesha counties for several years.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Caledonia, that the Chief of Police is authorized to sign a memorandum of understanding to commit to participation in the Kenosha-Racine Area Investigative Team.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 22 day of October 2024.

VILLAGE OF CALEDONIA

By: Thomas R Weatherston
Thomas Weatherston
Village President

Attest: Jennifer Olsen
Jennifer Olsen
Village Clerk

Kenosha-Racine Area Investigative Team

MEMORANDUM OF UNDERSTANDING

INVESTIGATION OF LAW ENFORCEMENT INVOLVED FATALITIES/GREAT BODILY HARM

This Memorandum of Understanding, dated this ___ day of _____ is entered into and agreed to by and between representatives of the Kenosha-Racine Law Enforcement Executives of the below listed agencies.

Kenosha Police Department
Kenosha County Sheriff's Office
Racine Police Department
Racine County Sheriff's Office
Pleasant Prairie Police Department
Mount Pleasant Police Department
Caledonia Police Department
Twin Lakes Police Department
Sturtevant Police Department
Burlington Police Department
Kenosha County District Attorney's Office
Racine County District Attorney's Office

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 Kenosha Racine Area Investigate 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 follow the call-out procedures listed in the protocols and below;

1. Kenosha and Racine County agencies will generally notify the Team Commander of the Kenosha-Racine Area Investigative Team. The Team Commander will activate KRAIT. If the Team Commander can't be contacted, follow the protocol procedures for activation.
2. Kenosha and Racine County law enforcement agencies will follow the on-call schedule established for Lead Investigative Agencies. This on-call schedule will show a secondary agency if there is a need to activate another/different Lead Investigative Agency.
3. The Kenosha-Racine Area Investigative Team may call on the DOJ Crime Scene Response team to conduct scene investigations.
4. The Kenosha and Racine County member agencies will contact the Wisconsin State Patrol or a Crash Reconstruction Unit if the incident is traffic related.
5. Any Kenosha and Racine County Member Agency may use the Kenosha-Racine Area Investigative Team

A minimum of two investigators and a supervisor from the Kenosha-Racine Area 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 Kenosha or Racine Counties (published September 2024)

The involved law enforcement agency shall designate the necessary personnel and support staff to assist in the initial investigation, securing evidence and interviewing 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 Kenosha-Racine Area 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 if 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 Patrick Patton
Kenosha Police Department

Date

Chief Alex Ramirez
Racine Police Department

Date

Sheriff David Zoerner
Kenosha County Sheriff's Office

Date

Sheriff Christopher Schmaling
Racine County Sheriff's Office

Date

Chief David Smetana
Pleasant Prairie Police Department

Date

Chief Katie Hall
Twin Lakes Police Department

Date

Chief Robert Botsch
Mount Pleasant Police Department

Date

Chief Christopher Botsch
Caledonia Police Department

Date

Chief Sean Marschke
Sturtevant Police Department

Date

Chief Brian Zmudzinski
Burlington Police Department

Date

District Attorney Michael D. Graveley
Kenosha County District Attorney's Office

Date

District Attorney Patricia J. Hanson
Racine County District Attorney's Office

Date