



# WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

August 26, 2016

The Honorable Loretta Lynch, Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Madam Attorney General,

On Saturday, August 13, Milwaukee resident Sylville Smith was shot and killed by an officer with the Milwaukee Police Department (MPD). Mr. Smith's death resulted in significant turmoil and unrest, with hundreds of local residents from Milwaukee's Sherman Park neighborhood protesting yet another killing of a young black man by a police officer, contributing to the proven disproportionate statistics we've seen throughout the country.

The investigation into this police-involved shooting has thus far been conducted by Wisconsin Attorney General Brad Schimel and the Wisconsin Department of Justice (DOJ).

Wisconsin has been a proud leader in ensuring the integrity of police-involved shooting investigations, passing a bipartisan 2013 State law (2013 Act 348) requiring an investigation into a police-involved shooting to be conducted by an outside department. However, State law does not prohibit an investigation from being conducted by individuals at a department who were formerly employed by the department that is the subject of an investigation.

This week, Attorney General Schimel acknowledged investigators with the Wisconsin DOJ, who were formerly employed by the MPD, are assigned to the investigation into the shooting death of Sylville Smith. The involvement of former employees of MPD poses a significant conflict of interest to this investigation. While nothing in state statute prohibits their involvement, former MPD employees working on an investigation involving a current MPD officer contrasts significantly with the spirit and the intent of Act 348.

We believe the conflict of interest described above warrants the involvement of the U.S. Department of Justice, and we are writing to ask that the Department take over or monitor the investigation into Mr. Smith's death.

U.S. DOJ involvement in a police involved shooting is not without precedent. To name a few, the Department has been involved in the investigation in Ferguson, Missouri, as well as the recent police-involved shootings in Baton Rouge, Louisiana and St. Paul, Minnesota.

We hope that you will consider this request thoroughly and quickly, as the Wisconsin DOJ's investigation continues to move forward. Please do not hesitate to contact any of our offices should you wish to discuss this request further.

Sincerely,

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State Representative David Bowen  
10<sup>th</sup> Assembly District

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State Representative Evan Goyke  
18<sup>th</sup> Assembly District