



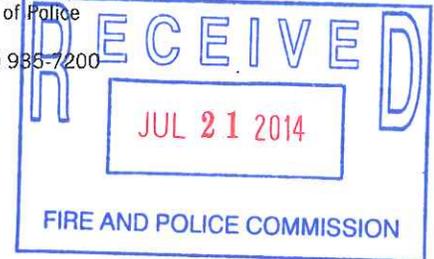
BE A FORCE

Milwaukee Fire and Police Commission
City of Milwaukee
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Milwaukee, WI 53233

Milwaukee Police Department
Police Administration Building
749 West State Street
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Edward A. Flynn
Chief of Police

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Commissioners,

As you know, the Milwaukee Police Department is in the process of reviewing, updating and publishing all Standard Operating Procedures, in an attempt to meet Wisconsin Law Enforcement Accreditation standards (WILEAG). During a recent review of SOP 070 Citations Procedure, Section 070.30 Fingerprint Requirement concerns were brought to our attention regarding the potential unintended damage to community trust by requiring a finger print from every person who is issued a citation regardless of proof of identification. The SOP reads as follows:

Whenever a police member issues a CBP-200 or TraCs citation the member shall:

- A. Obtain and place the defendant's right index fingerprint on a retab as well as the date and initials of the member obtaining the fingerprint. Obtain the left index fingerprint if the right fingerprint is not attainable and indicate such on the retab. Attach the retab to the right bottom reverse side of the original court copy of the Milwaukee municipal citation (green).*
- B. With TraCs, obtain and place the defendant's right index fingerprint on an Electronic Citation Violator Fingerprint Card (form PC-18) as well as the date and initials of the member obtaining the fingerprint. Obtain the left index fingerprint if the right fingerprint is not attainable and indicate such on form PC-18. Attach form PC-18 to the court copy of the citation. Form PC-18 shall be forwarded to Open Records.*

The current policy appears to have been in place since 2000. In 1997, the policy read, "A fingerprint is not mandatory in those instances where the violator has a valid picture identification. This must be either a state of Wisconsin Identification Card or a Wisconsin Operator's License. Only if the issuing officer is completely satisfied of the person's identity will the fingerprint requirement be waived." This policy appears to have been in effect until 2000, when the current language was adopted.

The current SOP language evolved at the request of the Municipal Court. According to Sheldyn Himle the Municipal Court's Chief Court Administrator, the

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

Court's concern is that "defendants approach the Court with "that's not me" or "someone stole my ID." The Court currently has the ability to do a fingerprint check against the existing record. If there isn't a fingerprint, then the Court is at the mercy of the memory of the officer who wrote the ticket." "...officers write multitudes of tickets and it's unreasonable to expect they will remember every single person they cite. With a fingerprint there is no room for doubt."

Both Ms. Himle and Chief Municipal Court Judge Chavez indicate that a likely consequence of not having the print is that without such unquestionable proof some cases may be difficult to prosecute and would result in a dismissal.

In light of the concerns raised by the Municipal Court and the Commission, it may be beneficial to invite the Municipal Court to the July 24th, 2014 FPC Hearing to allow for their public comment.



Mary K. Hoerig
Inspector

Edward A. Flynn
Chief of Police



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

070 – CITATION PROCEDURES

GENERAL ORDER: 2014-84
ISSUED: July 25, 2014

EFFECTIVE: July 25, 2014

REVIEWED/APPROVED BY:
Captain Regina Howard
DATE: July 10, 2014

ACTION: Amends General Order 2010-25 (September 1, 2010)

WILEAG STANDARD(S): 6.2.1,
6.2.2, 6.2.3, 6.2.4, 10.1.8

070.00 PURPOSE

The purpose of this procedure is to provide guidelines relating to the issuance of municipal and traffic citations.

070.05 GENERAL CITATION PROCEDURES (WILEAG 10.1.8)

- A. Desk sergeants are responsible for maintaining an accurate record of all citation books issued and received. Each citation book block shall be issued in numerical order. Citation books and distribution cards shall be kept in a secure, designated location at each work location until they are issued. The distribution cards identifying personnel receiving municipal citation books shall be forwarded to the Court Administration Section (CAS) for filing. The original parking ticket distribution control log shall be forwarded to the CAS as each page is completed. A copy of the parking ticket distribution control log shall be retained on file at the work location by all commanding officers.
(WILEAG 10.1.8.1, 10.1.8.3)

- B. Police members are accountable for citation books issued to them. Unusable citations shall be forwarded to the CAS. Members shall never destroy or discard a citation. All voided/reissued/unusable citations must be submitted to the member's shift commander. Members who lose citations shall promptly submit a "Department Memorandum" (form PM-9E) to their commanding officer describing the circumstances thereof. This report shall be forwarded to the CAS.
(WILEAG 10.1.8.2)

- C. Police members shall use the TraCS system to issue Wisconsin Uniform Traffic Citations (form MV-4017) as an electronic citation (ELCI). In addition, police members may issue municipal citations via the TraCS system. The Department of Transportation supplies the department with electronic traffic citation numbers, which are loaded into the TraCS system by the Information Systems Division. These electronic citation numbers are controlled by the Information Systems Division and are logged on the department's secure server. TraCS municipal citations are generated in a sequential manner in the same manner as traffic citations, but use a different numbering format.
(WILEAG 10.1.8.1, 10.1.8.2, 10.1.8.3)

- D. Before ending their tour of duty, members shall turn in all completed citations unless otherwise directed by the shift commander and "end shift" any citations issued through TraCS. All issued citations must be completed and turned in within 7 days of the date of issuance.

(WILEAG 10.1.8.2)

070.10 TRAFFIC ENFORCEMENT (WILEAG 6.2.1)

- A. Members shall take appropriate enforcement action when they have probable cause or reasonable suspicion that a traffic law/regulation has been violated, unless they are unable to do so. Members are encouraged to initiate traffic enforcement activities as high visibility is the greatest deterrent to traffic violations.

- B. Members shall consider the following factors prior to taking enforcement action:

1. The weather, condition of the roadway, volume of other traffic, and the presence of pedestrians in the area.
2. Whether the violation was intentional or inadvertent.
3. The seriousness of the violation to include whether or not the violation may have resulted in injury and/or property damage.
4. Whether the enforcement action will protect the interests of other persons or drivers involved in the incident.
5. Whether the violator has committed similar violations in the past.
6. Whether the proposed enforcement action is sufficient to deter the violator from committing similar violations in the future.

- C. Members shall consider the following guidelines when determining the type of enforcement action to take.

1. Summary Arrest

In general, the only persons arrested for traffic citations are for O.W.I. or Section II offenses as outlined in the uniform state traffic deposit schedule. Citation issuance in lieu of summary arrest is contingent upon several factors, including whether or not it resolves the situation conclusively, the confirmation of the identity of the violator through either proper identification, verification of either residency or employment within Milwaukee County or a reasonable belief that the violator will appear in municipal court on the court date or shall stipulate to the citation.

2. Citations

Traffic citations should be used for more serious infractions, intentional violations, or violations resulting in injury or property damage. Traffic citations may be used for minor infractions when the violator's history or his/her demeanor with the member indicates a warning would have little impact on deterring future traffic violations of a similar nature.

3. Warnings

A written or verbal warning would be appropriate in cases where the member believes the violation by the motorist was inadvertent and/or does not constitute a serious infraction, and the member further believes the warning will serve to deter future similar violations.

070.15 REVIEW AND PROCESSING OF CITATIONS

- A. The work location supervisor shall review and approve all parking citations, adult/juvenile municipal citations (non TraCS), and ensure that they are secured in a lockbag and sent to the CAS via department mail. Parking citations shall be initialed, while municipal citations (non TraCS) shall be signed and dated. The CAS shall review and approve ELCI and NTC TraCS citations.
- B. Each district, geographic investigations division, or respective division of the Specialized Investigations Bureau shall utilize the electronic *Transmittal of Non-Traffic Citations to Municipal Court* form in their respective V: drive for each scheduled court date. Citations shall be listed in alphabetical order by violator's last name first. The original transmittal and one copy of the transmittal, together with the original adult (green) and (pink) citation copy and/or original juvenile (blue) and (yellow) citation copy, are to be delivered by police courier to the CAS Monday through Friday, except designated city holidays. CAS personnel shall check citations against the transmittal listing sheets to ensure all are received. One copy of the transmittal listing sheet shall be retained at the originating district, geographic investigations division, or respective division of the Specialized Investigations Bureau. Citations shall be forwarded to the CAS within seven (7) days of issuance.

070.20 CORRECTIONS ON CITATIONS

- A. If any correction(s) or change(s) needs to be made to a municipal citation such corrections shall be made by the use of corrective fluids (e.g., white/pink/green/blue/yellow). The issuing member shall ensure that all copies of the citation, including the defendant's, are amended accordingly.

- B. If it is not possible to amend the defendant's copy of the citation, the issuing member shall note the correction(s) or change(s) on the *Notice of Amendment to Citation* (form PN-3), which must be signed by the commanding officer of the district, geographic investigations division, or respective division of the Specialized Investigations Bureau, making such corrections prior to service or mailing, and serve this notice, along with a copy of the amended citation, upon the defendant in person or in accordance with SOP 070.35 - Mailing of Citations. A copy of this notice shall be attached to the corrected citation.
- C. If a municipal citation is returned to any district, geographic investigations division, or respective division of the Specialized Investigations Bureau for correction by the CAS, the shift commander of the district or division receiving the citation shall ensure that such corrections are made and that the defendant is notified of such changes by utilizing the PN-3. Only the original issuing member or a supervisor may make such corrections. The shift commander shall then ensure that a copy of the PN-3 is attached to the corrected citation and that it is returned to the CAS within 24 hours of receipt of the original request to correct such citation. It shall be the responsibility of the CAS to track those citations in need of correction to ensure that they are processed in a timely manner.
- D. Members shall check their contact manager within the TraCS system to see if any completed TraCS citations need to be corrected per CAS each tour of duty. Members shall complete any citations within 24 hours of the member observing the request to correct such citations. The issuing member shall ensure that the defendant is notified of such changes by utilizing the PN-3. It shall be the responsibility of the CAS to track those citations in need of correction to ensure that they are processed in a timely manner.
- E. Any amended traffic citation, municipal citations and notices that are unable to be served upon the defendant, either by personal service or by mail, shall be forwarded to the CAS.
- F. An electronic citation (ELCI) cannot be amended once the citation has been printed. Only the narrative section can be changed. Generally, the citation should be voided and re-issued.

070.25 MUNICIPAL CITATIONS

Adult Municipal Citations (form CBP-200) shall be used for city ordinance violations denoted on the current municipal court deposit schedule.

- A. The offender is provided with the white (adult) hard copy, the Spanish version of the citation, the white mailer and a copy of the citation disposition instructions. With TraCS, the offender is provided with the printed copy of the citation. Prior to issuing a non-traffic citation (NTC) in TraCS, the probable cause statement must be entered in the "agency space" field.

- B. Complete the "proof of service" section on the reverse side of the CBP-200 court copy and have the offender sign same, indicating the offender has received a copy of the citation. If the offender refuses to sign, the word "refused" shall be inserted in the signature block. The "method citation served" field must be completed when issuing citations using TraCS.
- C. Legibly complete the "incident report" block on the reverse side of the agency (police) pink copy or the narrative portion in TraCS, listing all the pertinent facts relating to the violation. In addition:
1. Print the names and addresses of the complainant and witnesses on the bottom line. This must be completed or the city attorney will not issue charges.
 2. Insert inventory number(s) if such form(s) has been completed.
 3. Indicate if there is video/audio and/or photographic evidence available.
 4. Print off group, duty hours, scheduled vacation, and military leave time.
 5. If necessary, additional information may be added in TraCS using the attachment form. If using an attachment, indicate in the narrative "see attachment" and complete the entire narrative utilizing the attachment form.

D. SPECIAL CATEGORIES

1. Retail Theft

A municipal citation for retail theft shall be issued if the following criteria are met:

- a. The aggregate retail (actual sticker price) before taxes is less than \$500. This amount must be clearly indicated on the face of the CBP-200 or in the "agency space" field on a TraCS citation. Members shall also include a list of items taken (including the value of each item) and the contact information for the loss prevention associate or complainant in the narrative.
- b. Suspect has no more than one prior retail theft/theft conviction in the last 5 years.
- c. Suspect is not on probation or parole.
- d. Suspect was not using special or professional shoplifting devices.

2. Boating Violations

Form CBP-200 can only be used for boating violations covered by city ordinance which are non-criminal. When issuing a municipal citation for a boating violation, the corresponding state statute shall be noted next to the ordinance number. The *Wisconsin Uniform Boating Citation* (form 4100-70), or TraCS citation, shall be used for criminal boating violations as well as for boating violations not covered by city ordinance. These violations are only returnable to circuit court. The supervisor in charge of the Marine Operations Unit shall establish a procedure for processing and filing the Wisconsin Uniform Boating Citations.

070.30 FINGERPRINT REQUIREMENT

Whenever a police member issues a CBP-200 or TraCS citation the member shall:

- A. Obtain and place the defendant's right index fingerprint on a retab as well as the date and initials of the member obtaining the fingerprint. Obtain the left index fingerprint if the right fingerprint is not attainable and indicate such on the retab. Attach the retab to the right bottom reverse side of the original court copy of the Milwaukee municipal citation (green).
- B. With TraCS, obtain and place the defendant's right index fingerprint on an *Electronic Citation Violator Fingerprint Card* (form PC-18) as well as the date and initials of the member obtaining the fingerprint. Obtain the left index fingerprint if the right fingerprint is not attainable and indicate such on form PC-18. Attach form PC-18 to the court copy of the citation. Form PC-18 shall be forwarded to Open Records.

Note: Discretion shall be exercised when a person refuses to be fingerprinted. In such cases, the member shall consult with his/her immediate supervisor.

070.35 MAILING OF CITATIONS

- A. Citations may be mailed to a defendant only under the following circumstances:
 1. The defendant has been identified but is no longer present at the scene of the incident.
 2. The defendant is identified during a subsequent investigation.
 3. Extreme circumstances require the officer to release a defendant prior to the completion of the citation.
 4. In those situations when subsequent chemical analysis results reveal a prohibited Blood Alcohol Concentration (BAC), the CAS shall mail the appropriate BAC citation to the defendant.

Note: Whenever a citation is mailed to a defendant (other than as stated in (4) above), the reason for the mailing and description of the attempts to personally serve the citation upon the defendant are to be detailed in the narrative portion of the citation. In addition, the box in the TraCS citation indicating the citation was mailed must be checked.

B. Supervisors shall approve the mailing of citations in the following manner:

1. Non-Traffic Municipal Citations

The supervisor shall place his/her initials next to the check-off box that indicates the citation is being mailed on the CBP-200. The member issuing the citation shall indicate the name of the supervisor who approved mailing the citation in the narrative field if the member issues a TraCS citation.

2. Electronic Citations (ELCI)

The member issuing the citation shall indicate the name of the supervisor who approved mailing the citation in the narrative field if the member issues an ELCI citation.

C. When approved, citations or PN-3 forms shall be mailed utilizing a department envelope (form PE-7). Department members mailing a citation shall ensure that his/her name and rank are indicated on the "in reply refer to" section of the PE-7.

D. Whenever mailed citations, other than traffic citations, are returned to members as "undeliverable," that member shall immediately forward the citation and envelope to the CAS. The CAS is responsible for notifying the proper court regarding the citation's status.

070.40 MULTIPLE CITATIONS/ STATE CHARGES (WILEAG 6.2.4)

A. In the event that multiple citations arising from a single incident, including traffic and non-traffic, are issued to the same defendant and the defendant has been summarily arrested, all citations shall be issued by the same member for the next date court is in session. State citations are returnable to circuit court the next day. Municipal citations are returnable to municipal court the next day court is in session (excluding holidays and weekends). Only if the defendant is not in custody shall a future court date be used. The municipal court schedule shall be used to determine the court date.

(WILEAG 6.2.4.6)

B. In the event there are multiple defendants arising from a single incident, all citations returnable to the municipal court shall be issued by the same member for the same court date.

- C. When a subject is arrested on one or more state violations, all shall be processed at the district attorney's office at the same time. If the subject is also charged with municipal violation(s), municipal court shall review the citations on the next regularly scheduled court date if the subject is in custody, or a future court date if the subject is not in custody.
(WILEAG 6.2.4.6)

070.45 SUMMARY ADULT CITATIONS

A. RELEASED

Persons summarily arrested for a city ordinance violation shall generally be conveyed to the district station of the district in which the arrest occurred when on-street situations mandate a secure location. When a violator qualifies for "cite and release" from a district station per SOP 100 Prisoners and Booking, he/she shall be given a future court date and promptly released following identification and completion of necessary paperwork related to the arrest. Personal recognizance bonds are no longer needed to release a suspect summarily arrested on a municipal ordinance violation.

B. NOT RELEASED

In general, the only persons summarily arrested and not released for municipal offenses are: "cash bail only" municipal writs, city commitments and city O.W.I. (see SOP 120 Operating while Intoxicated). In these cases, an *Arrest/Detention Report* (form PA-45) is required. The arresting member shall prepare and issue the citation at the time of booking the violator at a district station or the Central Booking Section. The member shall insert the date and time of the next regular session of the municipal court as listed on the municipal court schedule.

C. ADDITIONAL CHARGES

Any summary arrest that also includes a municipal ordinance or traffic violation shall be scheduled for the next day court is in session. Municipal court is not in session on weekends or holidays. Citations shall be completed and attached to the PA-45 prior to the subject being conveyed to the Criminal Justice Facility (CJF).

D. LIAISON OFFICER

The CAS "liaison officer" will retain both the PA-45 and citations for those summarily arrested and will present the citations to the reviewing assistant city attorney. An assistant city attorney shall review and sign both copies of the citation, or TraCS citation, indicating approval for prosecuting or refusal and reason therefore. After processing at the city attorney's office, the liaison officer shall forward the reviewed and signed green original and pink copy, or TraCS citation, to municipal court.

Note: After the initial court hearing, the green and pink copy, or TraCS citation, shall be retained by the municipal court.

070.50 MUNICIPAL CITATIONS ISSUED TO PERSONS GIVING FALSE NAMES

Whenever a person has been arrested on a warrant based upon a municipal citation, or had their driver's license or registration suspended based upon a municipal citation, or been required to appear in court because of a municipal citation, and it has been determined that this person was not the recipient of a municipal citation, the following procedures shall apply:

A. MUNICIPAL COURT OFFICER

A judge may direct a municipal court officer to obtain fingerprint verification through the Forensics Section from a person who claims not to have received a citation.

B. FORENSICS SECTION

A member of the Forensics Section shall determine through fingerprint examination whether or not the person cited is the same person appearing in court. A report shall be completed indicating verification and listing, when possible, the true identity of the person who received the citation.

C. COURT ADMINISTRATION SECTION

1. Upon receiving the report from the Forensics Section, CAS personnel shall notify the issuing member.
2. CAS liaison officers shall present such obstructing cases to the district attorney for review.

D. ORIGINAL ISSUING MEMBER

Upon notification by the CAS of the correct offender's identity, the member shall:

1. Summarily arrest the offender, if practicable.
2. Issue the appropriate citation(s) using the correct offender's record dating back to the original incident (e.g. retail theft may become a state charge). If necessary, the citation may be mailed in accordance with SOP 070.35.
3. Complete an incident report for obstructing an officer, Wis. Stat. § 946.41. The report shall indicate the following:
 - a. Circumstances of the original citation;
 - b. Circumstances of the obstructing charge, including elements of the crime and venue;
 - c. Details of the fingerprint verification and identification of suspect;

- d. The fact that the original person cited was arrested on a warrant based upon a municipal citation, or had their driver's license or registration suspended based upon a municipal citation, or been required to appear in court because of a municipal citation, and it has been determined that this person was not the recipient of a municipal citation.

Note: For the purposes of this SOP, venue is defined as the point at which the suspect intentionally misrepresents his or her identity.

- E. The member shall complete the lower portion of the report received from the CAS and return it to CAS within 10 days of receipt.

070.55 VIOLATOR TAKEN INTO CUSTODY AFTER ISSUANCE OF TRAFFIC CITATION

- A. If the violator does not qualify for immediate release, the violator shall generally be conveyed to the district station of the district in which the arrest occurred. Prior to such conveyance, the violator shall be subject to a search incidental to arrest for the safety of the officers involved.
- B. Once the violator arrives at the department facility, an immediate determination shall be made with respect to the violator's present ability to obtain release. Whenever the violator presents such proof of present ability to be released pursuant to Wis. Stat. § 345.23(2)(a)(c)(d) (deposit on the violation, presentation of a guaranteed arrest bond, or the violator deposits their valid Wisconsin drivers license with the arresting member), the violator's processing shall be expedited to ensure their immediate release.
- C. In instances where police members are unable to confirm the violator's identity or the violator does not qualify for immediate release from custody, a complete booking process shall be performed, including a 10 print identification, photographs, CMS entry, etc.

070.60 SPECIAL GROUP VIOLATORS (WILEAG 6.2.2)

A. OUT OF STATE TRAFFIC VIOLATIONS

1. The police member issuing the citation(s) shall escort or convey the out-of-state violators to the district station of the district in which the traffic stop occurred. Upon arrival at the district station, the officer shall inform a supervisor of the circumstances requiring a deposit. The supervisor or designee shall inform the violator of the different types of payments accepted including: cash; MasterCard; Visa; money order; bank check; or guaranteed arrest bond certificate or card.
2. All payments shall be made out to the city of Milwaukee. Payments by Visa or MasterCard require the violator's signature on the credit slip as well as the citation type and number.

3. Procedure For Accepting Deposit

If the citation is for a municipal traffic violation, the payment and a copy of the citation shall be placed in an envelope and deposited into the district station lock box. If a cash payment is taken, district personnel shall issue the violator a serial numbered receipt for the amount of money posted. A copy of the receipt shall be included in the envelope. The violator shall retain the pink copy of the citation and be advised of the court procedures.

Note: Make certain that the original citation is forwarded to the CAS prior to the scheduled court appearance.

4. Deposits using guaranteed arrest certificates or cards shall first be verified for membership status. A serial numbered receipt shall be issued. The words "guaranteed arrest bond certificate or card" and the certificate or card number shall be written on the receipt. The card or certificate shall be placed in an envelope with the citation and copy of the receipt and deposited into the lock box.
5. Payments made by a bank check or money orders do not require the issuance of a receipt. The canceled check or money order stub will serve as the receipt.
6. If the violator is unable to post bond, a PA-45 must be completed and the violator transferred to CJF. Any issued citations shall be attached to the PA-45.
(WILEAG 6.2.2.1)

B. JUVENILES

Refer to SOP 140 Juvenile Procedures.

C. LEGISLATORS

Legislators shall not receive special treatment and do not receive exemptions from traffic laws.

(WILEAG 6.2.2.3)

D. FOREIGN DIPLOMATS AND CONSULATE OFFICERS

Refer to SOP 130 Foreign Nationals / Diplomatic Immunity / Immigration Enforcement.

E. MILITARY PERSONNEL

Military personnel are active duty members of the armed forces, or the reserves, or National Guard while on active duty orders. Active duty military personnel are considered residents for the purposes of not requiring a deposit for forfeiture citations.

1. Military personnel are exempt from the state of Wisconsin licensing requirements if they are operating a motor vehicle owned by or leased to the federal government in accordance with Wis. Stat. § 343.05(4)(a)(1).
2. Any license issued by the Department of Transportation does not expire on the expiration date if, on the expiration date, the licensee is on active duty in the United States armed forces and is absent from this state. The license does not expire until 30 days after the licensee returns to the state of Wisconsin or 90 days after the licensee is discharged from active duty, whichever is earlier in accordance with Wis. Stat. § 343.20(4).
(WILEAG 6.2.2.4)

070.65 OPERATING AFTER LICENSE SUSPENDED OR REVOKED (WILEAG 6.2.4)

A. CIVIL FORFEITURE OR CRIMINAL OFFENSE

The status of the operating privilege at the time of the stop will determine whether the charge is a civil forfeiture or criminal offense.

B. OPERATING WHILE SUSPENDED (OWS) [Wis. Stat. § 343.44(1)(a)]

All violations where the driving status is suspended are civil violations and the traffic citations shall be referred to Milwaukee Municipal Court.
(WILEAG 6.2.4.3)

C. OPERATING AFTER REVOCATION (OAR) [Wis. Stat. § 343.44(1)(b)]

1. If a violator's driving status is revoked as a result of an OWI related incident, the offense is a criminal violation and the traffic citation shall be referred to Milwaukee County Circuit Court. All other OAR violations are non-criminal and, after issuing a citation for such, the member shall release the violator from the scene if he/she has been properly identified and there is no other legal or investigative reason to detain or arrest the violator.
2. Criminal OAR violators shall be arrested and booked at the district station where their identification must be confirmed through photograph and fingerprints. A copy of the booking photograph must be included in the reports that are forwarded to the district attorney's office. Reference to the identification through photograph and fingerprints must be included in the narrative of the citation. Absent other charges, the violator should be released from the district station with a future court date after booking.

Note: Priority should be given to positively identifying these violators so they may be released from the district station as soon as possible.

3. Regardless of whether the offense is city or state, all nine (9) Colova questions must be answered in the narrative.
(WILEAG 6.2.4.3)

D. OPERATING AFTER REVOCATION CITATION REFERRAL NOTICE (FORM PC-27)

Whenever a police member issues a municipal or state citation for operating after revocation (OAR), a *Center for Driver's License Recovery and Employability (CDLRE) Citation Referral Notice* (form PC-27) shall be issued to the violator.

Form PC-27 provides low-income Milwaukee County residents who have been cited for OAR with information on how to seek assistance in obtaining a valid driver's license.

E. MILWAUKEE COUNTY D.A. CASE RECORD SHEET (pink card)

Whenever a state OAR citation has been issued, a Milwaukee County District Attorney's Case Record Sheet (pink card) must be completed. For summary arrests, the pink card shall accompany the prisoner to CJF, along with the citation and PA-45. For non-summary non-TraCS citations, both the pink card and the citation shall be forwarded to the CAS. For non-summary TraCS citations, the pink card shall be forwarded to the CAS.

070.70 OPERATING A VEHICLE WITHOUT AN OPERATOR'S LICENSE (WILEAG 6.2.4)

- A. Whenever a police member stops a motorist who fails to produce a valid operator's license, he/she shall determine the operator status of the motorist. If the member determines that the person is in violation of Wis. Stat. § 343.05, the member shall issue a citation returnable to the proper court on the proper court date. The violator shall be advised to consult the instructions listed on the *Milwaukee Municipal Court (How to Take Care of Your Citation)* card (form MC-715 or MC-715S (Spanish version) for disposition options. The department will not administratively release these citations.
(WILEAG 6.2.4.2)

- B. Whenever a computer check with the Wisconsin Department of Transportation confirms that a person is driving without an operator's license and has a previous conviction for operating a vehicle without an operator's license within the last three (3) years, the matter shall be considered a misdemeanor traffic crime and referred to circuit court with a future court date. However, if a person is operating without an operator's license and has no previous convictions for the same within the last three years, the matter shall be processed as forfeiture. In those cases, a citation returnable to municipal court should be issued.
(WILEAG 6.2.4.2)

Note: It is imperative that an accurate interpretation of the teletype record be made.

C. EXCEPTIONS

If the member determines that a motorist who has failed to produce a valid operator's license does in fact hold a valid operator's license, the member may issue a *Traffic Warning Card* (form PF-4), or TraCS warning, or citation for violation of Wis. Stat. § 343.18 "license to be carried" at his/her discretion. The issuing member shall advise the person that upon showing verification/proof of the license at any Milwaukee Police Department district station within 10 days of the date of issuance, the citation will be released.

070.75 OPERATING UNREGISTERED OR IMPROPERLY REGISTERED VEHICLE (WILEAG 6.2.4)

- A. There are two types of valid vehicle registration plates: standard metal registration plates and "temporary" plates. "Temporary" plates are made of cardboard and are valid for 90 days, or until the applicant receives regular plates, whichever comes first.
- B. All newly purchased automobiles, station wagons, and trucks weighing 8,000 pounds or less shall have temporary registration plates within two business days of the purchase of the vehicle.

C. ISSUANCE OF CITATION

1. When a motorist is stopped for operating an unregistered auto (no plates) and the motorist has proof of registration or proof of purchase within the last two business days, a citation shall not be issued. A citation shall be issued if there is no such proof. If the vehicle is registered after the citation has been issued, the citation shall not be released.
(WILEAG 6.2.4.2)
2. Motorists stopped for expired license plates may be issued a citation. These citations are releasable prior to the court date (see section 070.95).
(WILEAG 6.2.4.2)
3. Whenever a motorist is operating an improperly registered vehicle, the motorist shall be issued an ELCI returnable to the proper court on the proper court date.
(WILEAG 6.2.4.2)

070.80 OTHER VIOLATIONS (WILEAG 6.2.4)

A. SPEED VIOLATIONS AND OTHER HAZARDOUS VIOLATIONS

Hazardous violations are those traffic law violations that affect the safe and orderly movement of vehicular or pedestrian traffic. These violations are typically caused by the unsafe actions of the operator and should typically result in the issuance of an ELCI. However, the member shall take the totality of the circumstances into consideration as to whether he/she issues an ELCI or warning. Speed violations are the most common type of violation in this category.

(WILEAG 6.2.4.1)

B. OTHER NON-HAZARDOUS VIOLATIONS

These violations include but are not limited to equipment violations, parking violations, operator license violations, and registration violations. Members shall use their discretion when investigating these types of violations of whether to issue an ELCI or warning.

(WILEAG 6.2.4.2, 6.2.4.4)

C. PUBLIC CARRIER / COMMERCIAL VEHICLE VIOLATIONS

Commercial motor vehicles and public carriers are subject to the same traffic enforcement procedures as other motor vehicles. Members shall take into consideration the location of the incident, traffic congestion, vehicle maneuverability, the cargo and size of the load, and the familiarity of the operator with the area. Members shall utilize a commercial motor vehicle inspector from the Neighborhood Task Force when possible for equipment violations involving commercial vehicles.

(WILEAG 6.2.4.5)

D. OFF-ROAD VEHICLE VIOLATIONS

Off-Road vehicles include all-terrain vehicles, snowmobiles, dirt and mini bikes, etc. Members shall enforce all applicable laws pertaining to the operation and registration of off-road vehicles, and they shall take appropriate enforcement action for violations committed by operators of off-road vehicles that are observed and/or reported to them in accordance with state laws and city ordinances.

(WILEAG 6.2.4.7)

E. NEWLY ENACTED LAWS AND/OR REGULATIONS

Members shall take into consideration the enforcement of all newly enacted laws and/or regulations. Members shall use their discretion to determine if a citation is warranted based on the totality of the circumstances.

(WILEAG 6.2.4.8)

G. VIOLATIONS RESULTING IN TRAFFIC CRASHES

Members shall investigate motor vehicle crashes in accordance with SOP 650 Vehicle Crashes. During the course of their investigation, members may issue citation(s) for those violations that he/she observes or has reported to them. Members shall consider the physical evidence available at the scene, the statements of witnesses, and the severity of the offense.

(WILEAG 6.2.4.9)

H. PEDESTRIAN AND BICYCLE VIOLATIONS

Members shall be alert for pedestrian and bicycle violations and safety hazards. Discretion on the part of the member shall determine the type of enforcement action to be taken depending on the totality of the circumstances and the severity of the violation.

(WILEAG 6.2.4.10)

070.85 TRAFFIC CITATIONS REVIEWED BY THE DISTRICT ATTORNEY'S OFFICE (WILEAG 6.2.4)

- A. When a police member issues an electronic citation (ELCI) for any of the following traffic offenses, the issuing member shall personally process the citation with the district attorney's office by obtaining a criminal complaint:

CODE	STATUTE	VIOLATION
835	343.05(1)(a)	Possessing More Than One License
836	343.05(2)(a)	Operating Without Commercial Vehicle License
838	343.12(1)(a)	No School Bus Endorsement
801	343.16(7)(a)	Using Substitute for DL Exam
802	343.16(7)(b)	Acting as Substitute for DL Exam
950	343.43(1)(a)	Unlawful Use of Operator's License
901	343.43(1)(d)	Violation of Instruction Permit Class A, B, C or School Bus (or One or More Previous Class D or M Vehicle Within 3 Years)
952	343.43(1)(d)	Violation of Restriction on Operator's License Class A, B, C Vehicle or School Bus (or One or More Previous Class D or M Vehicle Within 3 Years).
253	346.67(1)	Duty Upon Striking Person or Attended Vehicle/ Personal Injury
250	346.67(1)	Duty Upon Striking Person or Attended Vehicle (Great Bodily Harm/Personal Injury)(Felony)
461	346.62(3)	Causing Bodily Harm by Reckless Driving
102	346.63(2)(a)(1)	Causing Injury by Operation of a Motor Vehicle While Under the Influence of an Intoxicant, Controlled Substance or a Combination of Both
103	346.63(2)(a)(2)	Causing Injury by Operation of a Motor Vehicle with a Prohibited Alcohol Concentration

- B. Arresting members need not appear for:

1. Operating vehicle without operator's license arrests, state charge, second offense within 3 years
2. Operating vehicle after revocation arrests.

3. Operating under influence of intoxicant or other drug arrests, city charge, first offense
4. Operating under influence of intoxicant or other drug arrests, state charge, second or more offense within 10 year
5. Fleeing from officer arrests

C. PROCEDURES FOR ISSUING THE ELCI FOR THE ABOVE OFFENSES

1. Members shall issue the electronic citation (ELCI) with an assigned court date.
2. If the defendant is ordered in on his/her violation, the member shall apply to the district attorney for a criminal complaint for the violation no less than 14 days prior to the court date.
3. The complaint shall be taken to the typists at the district attorney's office for typing.
4. The PA-45, ELCI court copy, and other related forms shall be taken to the CAS traffic liaison for processing.
5. If the district attorney declines to issue charges, the member making the request to the district attorney shall obtain a signature from the reviewing district attorney on the reverse side of court copy of the ELCI. All reports shall then be returned to the CAS.
(WILEAG 6.2.4.1, 6.2.4.9)

070.90 DRIVER CONDITION OR BEHAVIOR REPORT

TraCS is the preferred method for completing a *Driver Condition or Behavior Report* (DOT form MV 3141) whenever a member believes that a licensed driver should be re-examined by the Department of Transportation for "good cause" (See Wis. Stat. § 343.16). The report shall contain observations about functional ability, including descriptions of driving and other behaviors, reporting what the driver has said about a medical condition, and reporting signs of impairment. The member shall ensure the TraCS report is in validated status upon completion. The Records Management Division will then review the report and forward it to the Department of Transportation.

070.95 **RELEASABLE CITATIONS (WILEAG 6.2.4)****A. RELEASED PARKING CITATIONS (PT-22)**

1. Only shift commanders or a higher authority shall release or approve the release of a parking citation. They shall affix their work location stamp, signature and PeopleSoft number on the citation (or computer printout). The alpha/numeric release code shall be recorded below the work location stamp and the code number circled.
2. Whenever a citation is released at the request of a violator or another person representing the violator, the person's name shall be recorded on the citation (or computer printout).
3. Released parking citations shall be processed through the district station cash register and a receipt with the citation number shall be given to the person submitting the citation for release.
4. The *Citation Release Record* (form PC-15) shall be submitted monthly by commanding officers to their respective Assistant Chief or Inspector.
5. Department members seeking to have a parking citation released that was issued to either their privately owned vehicle or a department vehicle used by them shall make such request in writing on a "*Department Memorandum*" (form PM-9E) to their commanding officer. The commanding officer shall indicate on the PM-9E what action was taken, and forward the report along with the PC-15.

B. RELEASABLE ELCI

1. Release Procedures
 - a. Releasable ELCI's may be released by any police member.
 - b. Members shall print their name, PeopleSoft number and numerical release code on the violator's copy of the citation. The code number shall be circled.
 - c. The citation shall be processed through the district station cash register and a receipt with the citation number shall be given to the violator.
 - d. The released citation shall be reviewed by a district supervisor before being sent to the CAS via the department mail in a locked color-coded pouch.
 - e. The CAS shall track all voided citations under the citation management system.

2. Equipment Violations

These may be released by police members up to ten (10) days from the date of issuance. Use code 6 (repaired/replaced) when releasing these citations. Only the following categories are releasable:

- a. Head lamp
- b. Tail lamp
- c. Directional lamp
- d. Registration plate lamp
- e. Defective muffler
- f. Stop lamp
(WILEAG 6.2.4.4)

3. Expired License Plates (Wis. Stat. § 341.04)

These may be released by police members within 10 days of the issuance of the citation provided that proof of renewal, e.g., Department of Transportation verification, is shown. Use code 7 when releasing these citations.

4. Missing License Plate (Wis. Stat. § 341.15)

These may be released by police members within 10 days of the date of issuance provided that proof of replacement and Department of Transportation verification is shown. Use code 6 when releasing these citations.

5. Change of Address - Failure to Notify DOT (Wis. Stat. § 341.335 or 343.22(2))

Either a registration or operator's license notification citation may be released by police members within 10 days of the date of issuance provided that proof of notification is shown (e.g. Department of Transportation verification). Use code 7 when releasing these citations.

6. License to be Carried Wisconsin (Wis. Stat. § 343.18)

These may be released by police members within 10 days of the issuance of the citation provided the driver produces a valid driver's license. Use code 8 when releasing these citations.

7. Mandatory Proof of Insurance (Wis. Stat. § 344.62 (1))

These may be released by police members within 10 days of the issuance of the citation provided the owner / operator of the vehicle on the citation produces proof of valid liability insurance for the period in which the citation was issued. Use code 8 when releasing these citations.

C. ALPHA/NUMERIC RELEASE CODES

The following data processing codes shall be used to indicate the basis for releasing a citation:

1. Any Citation

- (1) Void (used only for citations voided by issuing member)
- (2) No violation
- (3) Canceled/reissued (CAS use only)
- (4) City attorney release (CAS use only)
- (5) District attorney release (CAS use only)

2. Uniform Traffic Citations

- (6) Equipment - repaired / replaced
- (7) Department of Transportation verification of correction
- (8) License to be carried - license shown / mandatory proof of insurance to be carried

3. Parking Citations Only

- a. Had night parking permission
- b. Had permit (record permit number and type on citation)
- c. Vehicle / plate reported stolen
- d. Warned
- e. Official business - city/state/federal
- f. Sign missing/obscured
- g. Defective meter

The shift commander shall record and circle the alpha/numeric-code below the work location stamp for any released citation.

D. ROUTING OF RELEASED CITATIONS

1. ELCI, municipal citations (NTC and CBP-200) and *Juvenile Municipal Court Citations* (form CPB-201) shall be forwarded intact to the CAS.
2. Parking citations shall be forwarded to the Department of Public Works.

070.100 VOIDED CITATIONS (WILEAG 10.1.8)

- A. A citation may be voided when an error is made in preparing the citation or any other valid reason discovered contemporaneous to the time it is prepared (e.g., owner arrives on the scene, vehicle previously cited). TraCS citations cannot be voided by the member; the citation must be voided by the CAS. If the TraCS citation is voided for error, the citation should be transmitted directly to the CAS with "void" typed in the narrative section.
(WILEAG 10.1.8.2)
- B. Only the member who prepared the citation may render it void. Whenever a citation is voided, the member involved shall deliver such citation intact (original and copies) to his/her shift commander. The member shall write the word "void" and an explanation for voiding on the citation, together with his/her signature across the face of all copies of the citation. When a citation has been voided and a corrected citation issued, the re-issued citation number shall be recorded on the voided citation by the member involved. The member shall submit the re-issued citation to the shift commander. After review and approval, the shift commander shall affix the work location stamp, his/her signature and PeopleSoft number on the face of the citation.
(WILEAG 10.1.8.2)
- C. Voided citations shall be routed in accordance with the procedures set forth in 070.95(D) and shall be accompanied by a "Department Memorandum" (form PM-9E) indicating the reason the citation was voided.

070.105 PAYMENT OF CITATIONS**A. STIPULATE IN PERSON**

Any person receiving a citation returnable to the municipal court may appear at municipal court and make a deposit in the form of cash, money order, MasterCard/Visa, or bank check and stipulate to the citation (checks are to be made payable to the city of Milwaukee).

B. DEPOSIT PAYMENT INTO LOCKBOX

The payment of a citation returnable to municipal court may be made at any district station by depositing the defendant's copy of the citation along with payment into the district station lockbox. Persons summarily arrested on municipal citations may choose to use this method to satisfy the citation (department personnel shall observe this payment). Citations returnable to circuit court shall not be paid through a lockbox.

C. STIPULATE BY MAIL

Any person receiving a citation returnable to municipal court may stipulate by forwarding the payment and citation via U.S. Mail to municipal court.

070.110 CONTESTING A CITATION (WILEAG 6.2.3)**A. MUNICIPAL AND TRAFFIC CITATIONS**

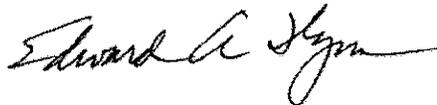
Police members issuing a CBP-200 or TraCS citation returnable to municipal court shall also give the violator a *Milwaukee Municipal Court (How to Take Care of Your Citation)* card (form MC-715 or MC-715S (Spanish version)). This handout explains the various options, methods of payment, and court appearance dates. If a citizen is interested in contesting a municipal or municipal traffic citation, they shall be advised to appear at municipal court on the date written on their citation.

B. PARKING CITATION

Persons wanting to contest a parking citation shall phone the city's attorney's office to make an appointment to review the citation.

070.115 FAILURE TO APPEAR IN COURT OR TO PAY FORFEITURE

If a violator fails to appear in court or fails to pay the forfeiture, a judgment, summons, or warrant may be issued in accordance with Wisconsin statutes. When an alleged violator appears in court at the time indicated on the citation or is apprehended pursuant to a summons or warrant and pleads not guilty, a future court date shall be set and the complainant and witness(es) subpoenaed. Guilty pleas shall be adjudicated immediately.



EDWARD A. FLYNN
CHIEF OF POLICE



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

070 – CITATION PROCEDURES

GENERAL ORDER: 2014-84
ISSUED: July 25, 2014

EFFECTIVE: July 25, 2014

REVIEWED/APPROVED BY:
Captain Regina Howard
DATE: July 10, 2014

ACTION: Amends General Order 2010-25 (September 1, 2010)

WILEAG STANDARD(S): 6.2.1,
6.2.2, 6.2.3, 6.2.4, 10.1.8

ROLL CALL VERSION

Contains only changes to current policy.
For complete version of SOP, see SharePoint.

070.05 GENERAL CITATION PROCEDURES (WILEAG 10.1.8)

A. Desk sergeants are responsible for maintaining an accurate record of all citation books issued and received. Each citation book block shall be issued in numerical order. Citation books and distribution cards shall be kept in a secure, designated location at each work location until they are issued. The distribution cards identifying personnel receiving municipal and traffic citation books shall be forwarded to the Traffic Records Section Court Administration Section (CAS) for filing. The original parking ticket distribution control log shall be forwarded to the Traffic Records Section CAS as each page is completed. A copy of the parking ticket distribution control log shall be retained on file at the work location by all commanding officers.

(WILEAG 10.1.8.1, 10.1.8.3)

B. Police members are accountable for citation books issued to them. Unusable citations shall be forwarded to the Traffic Records Section CAS. Members shall never destroy or discard a citation. All voided/reissued/unusable citations must be submitted to the member's shift commander. Members who lose citations shall promptly submit a written report "Department Memorandum" (form PM-9E) to their commanding officer describing the circumstances thereof. This report shall be forwarded to the Traffic Records Section CAS.

(WILEAG 10.1.8.2)

C. Police members shall use the TraCS system to issue Wisconsin Uniform Traffic Citations (form MV-4017) as an electronic citation (ELCI). In addition, police members may issue municipal citations via the TraCS system. The Department of Transportation supplies the department with electronic traffic citation numbers, which are loaded into the TraCS system by the Information Systems Division. These electronic citation numbers are controlled by the Information Systems Division and are logged on the department's secure server. TraCS municipal citations are generated in a sequential manner in the same manner as traffic citations, but use a different numbering format.

(WILEAG 10.1.8.1, 10.1.8.2, 10.1.8.3)

DC. Before ending their tour of duty, members shall turn in all completed citations unless otherwise directed by the shift commander and "end shift" any citations issued through TraCS. All issued citations must be completed and turned in within 7 days of the date of issuance.

(WILEAG 10.1.8.2)

070.10 TRAFFIC ENFORCEMENT (WILEAG 6.2.1)

A. Members shall take appropriate enforcement action when they have probable cause or reasonable suspicion that a traffic law/regulation has been violated, unless they are unable to do so. Members are encouraged to initiate traffic enforcement activities as high visibility is the greatest deterrent to traffic violations.

B. Members shall consider the following factors prior to taking enforcement action:

1. The weather, condition of the roadway, volume of other traffic, and the presence of pedestrians in the area.
2. Whether the violation was intentional or inadvertent.
3. The seriousness of the violation to include whether or not the violation may have resulted in injury and/or property damage.
4. Whether the enforcement action will protect the interests of other persons or drivers involved in the incident.
5. Whether the violator has committed similar violations in the past.
6. Whether the proposed enforcement action is sufficient to deter the violator from committing similar violations in the future.

C. Members shall consider the following guidelines when determining the type of enforcement action to take.

1. Summary Arrest

In general, the only persons arrested for traffic citations are for O.W.I. or Section II offenses as outlined in the uniform state traffic deposit schedule. Citation issuance in lieu of summary arrest is contingent upon several factors, including whether or not it resolves the situation conclusively, the confirmation of the identity of the violator through either proper identification, verification of either residency or employment within Milwaukee County or a reasonable belief that the violator will appear in municipal court on the court date or shall stipulate to the citation.

2. Citations

Traffic citations should be used for more serious infractions, intentional violations, or violations resulting in injury or property damage. Traffic citations may be used for minor infractions when the violator's history or his/her demeanor with the member indicates a warning would have little impact on deterring future traffic violations of a similar nature.

3. Warnings

A written or verbal warning would be appropriate in cases where the member believes the violation by the motorist was inadvertent and/or does not constitute a serious infraction, and the member further believes the warning will serve to deter future similar violations.

070.1015 REVIEW AND PROCESSING OF CITATIONS

- A. The work location supervisor shall review and approve all parking citations, ~~adult/juvenile traffic citations and adult/juvenile municipal citations (non TraCS)~~, and ensure that they are secured in a lockbag and sent to the Traffic Records Section CAS via department mail. Parking citations shall be initialed, while traffic and municipal citations (non TraCS) shall be signed and dated. The CAS shall review and approve ELCI and NTC TraCS citations.
- B. Each district, ~~Bureau~~ geographic investigations division, or respective division of the Specialized Investigations Bureau shall prepare utilize an original and two copies of the electronic *Transmittal of Non-Traffic Citations to Municipal Court* form in their respective V: drive *Listing of Issued Non-Traffic Citations (Form MC 681)* for each scheduled court date. Citations shall be listed in alphabetical order by violator's last name first. The original transmittal and one copy of the transmittal, together with the original adult (green) and (pink) citation copy and/or original juvenile (blue) and (yellow) citation copy, are to be delivered by police courier to the Traffic Records Section CAS Monday through Friday, except designated city holidays. Traffic Records Section CAS personnel shall check citations against the transmittal listing sheets to ensure all are received. One copy of the transmittal listing sheet shall be retained at the originating district/bureau, geographic investigations division, or respective division of the Specialized Investigations Bureau. Citations shall be forwarded to the Traffic Records Section CAS within seven (7) days of issuance.

070.1520 CORRECTIONS ON CITATIONS

- A. If any correction(s) or change(s) needs to be made to a municipal or state citation (other than to the charge on a state citation, which requires the original citation to be voided and the issuance of a new citation) such corrections shall be made by the use of corrective fluids (e.g., "white/pink/green/blue/yellow out"). The issuing member shall ensure that all copies of the citation, including the defendant's, are amended accordingly.

- B. If it is not possible to amend the defendant's copy of the citation, the issuing member shall note the correction(s) or change(s) on the *Notice of Amendment to Citation* (Form PN-3), which must be signed by the commanding officer of the bureau or district, geographic investigations division, or respective division of the Specialized Investigations Bureau, making such corrections prior to service or mailing, and serve this notice, along with a copy of the amended citation, upon the defendant in person or in accordance with SOP 070.3035 - Mailing of Citations. A copy of this notice shall be attached to the corrected citation.
- C. If a municipal citation is returned to any district, geographic investigations division, or respective division of the Specialized Investigations Bureau or bureau for correction by the Traffic Records Section CAS, the shift commander of the district or bureau division receiving the citation shall ensure that such corrections are made and that the defendant is notified of such changes by utilizing the PN-3. Only the original issuing member or a supervisor may make such corrections. The shift commander shall then ensure that a copy of the PN-3 is attached to the corrected citation and that it is returned to the Traffic Records Section CAS within 24 hours of receipt of the original request to correct such citation. It shall be the responsibility of the Traffic Records Section CAS to track those citations in need of correction to ensure that they are processed in a timely manner.
- D. Members shall check their contact manager within the TraCS system to see if any completed TraCS citations need to be corrected per CAS each tour of duty. Members shall complete any citations within 24 hours of the member observing the request to correct such citations. The issuing member shall ensure that the defendant is notified of such changes by utilizing the PN-3. It shall be the responsibility of the CAS to track those citations in need of correction to ensure that they are processed in a timely manner.
- ED. Any amended traffic citation, municipal citations and notices that are unable to be served upon the defendant, either by personal service or by mail, shall be forwarded to the Traffic Records Section CAS.
- EE. When using TraCS, the traffic citation An electronic citation (ELCI) cannot be amended once the citation has been printed. Only the narrative section can be changed. Generally, the citation should be voided and re-issued.

070.2025 MUNICIPAL CITATIONS

Adult Municipal Citations (form CBP-200) shall be used for city ordinance violations denoted on the current municipal court deposit schedule.

~~Citation issuance in lieu of summary arrest is contingent upon several factors, including whether or not it resolves the situation conclusively, the confirmation of the identity of the violator through either proper identification or RapID, verification of either residency or employment within Milwaukee County or a reasonable belief that the violator will appear in Municipal Court on the court date or shall stipulate to the citation.~~

Note: This does not apply to first offense Operating Under the Influence of Intoxicant or Other Drug.

- A. The offender is provided with the white (adult) hard copy, the Spanish version of the citation, the white mailer and a copy of the citation disposition instructions. With TraCS, the offender is provided with the printed copy of the citation. Prior to issuing a non-traffic citation (NTC) in TraCS, the probable cause statement must be entered in the "agency space" field.
- B. Complete the "proof of service" section on the reverse side of the CBP-200 court copy and have the offender sign same, indicating the offender has received a copy of the citation. If the offender refuses to sign, the word "refused" shall be inserted in the signature block. The "method citation served" field must be completed when issuing citations using TraCS.
- C. Legibly complete the "incident report" block on the reverse side of the agency (police) pink copy or the narrative portion in TraCS, listing all the pertinent facts relating to the violation. In addition:

3. Indicate if there is video/audio and/or photographic evidence available.

43. Print off group, duty hours, scheduled vacation, and military leave time.

54. If necessary, additional information may be added in TraCS using the attachment form. If using an attachment, indicate in the narrative "see attachment" that an attachment has been completed and complete the entire narrative utilizing the attachment form.

D. SPECIAL CATEGORIES

1. Retail Theft

A municipal citation for retail theft shall be issued if the following criteria are met:

- a. The aggregate retail (actual sticker price) before taxes is less than \$500. This amount must be clearly indicated on the face of the CBP-200 or in the "agency space" field on a TraCS citation. Members shall also include a list of items taken (including the value of each item) and the contact information for the loss prevention associate or complainant in the narrative.

2. Boating Violations

Form CBP-200 can only be used for boating violations covered by city ordinance which are non-criminal. When issuing a municipal citation for a boating violation, the corresponding state statute shall be noted next to the ordinance number. The Wisconsin Uniform Boating Citation (form 4100-70), or TraCS citation, shall be used for criminal boating violations as well as for boating violations not covered by city ordinance. These violations are only returnable to circuit court. The supervisor

in charge of the Marine Operations Unit shall establish a procedure for processing and filing the Wisconsin Uniform Boating Citations.

~~3. Bicycle Violations~~

~~In cases of violations of Section 102.2 of the Ordinances (Bicycle License/Registration), violators shall be advised to register the bicycle within five (5) working days after the issuance of the citations and then present proof of compliance at the scheduled court date.~~

070.2530 FINGERPRINT REQUIREMENT

Whenever a police member issues a CBP-200 or ~~TraCS citation~~ a *Wisconsin Uniform Traffic Citation and Complaint (Form MV-4016)*, the member shall:

- A. Obtain and place the defendant's right index fingerprint on a retab as well as the date and initials of the member obtaining the fingerprint. Obtain the left index fingerprint if the right fingerprint is not attainable and indicate such on the retab. Attach the retab to the right bottom reverse side of the original court copy of the Milwaukee municipal citation (green).
 - ~~1. The right bottom reverse side of the original court copy of the Milwaukee Municipal Citation (green).~~
 - ~~2. Field 42, "Agency Space" on the original (white) court copy of the MV-4016.~~
- B. With TraCS, obtain and place the defendant's right index fingerprint on an *Electronic Citation Violator Fingerprint Card* (form PC-18) as well as the date and initials of the member obtaining the fingerprint. Obtain the left index fingerprint if the right fingerprint is not attainable and indicate such on form PC-18. Attach Form PC-18 to the court copy of the citation. Form PC-18 shall be forwarded to Open Records.

Note: Discretion shall be exercised when a person refuses to be fingerprinted. In such cases, the member shall consult with his/her immediate supervisor.

070.3035 MAILING OF CITATIONS

- B. Supervisors shall approve the mailing of citations in the following manner:

1. Non-Traffic Municipal Citations

The supervisor shall place his/her initials next to the check-off box that indicates the citation is being mailed on the CBP-200. The member issuing the citation shall indicate the name of the supervisor who approved mailing the citation in the narrative field if the member issues a TraCS citation.

2. ~~Wisconsin Uniform Traffic Citation (UTC/MV 4016))~~ Electronic Citations (ELCI)

If the traffic citation being mailed is returnable to Municipal Court, the supervisor shall insert the words "**CITATION MAILED**" in the space directly below box 46 "Date Citation Issued" on the face of the COURT copy of said citation and initial same. The member issuing the citation shall indicate the name of the supervisor who approved mailing the citation in the narrative field if the member issues an ELCI citation.

- D. Whenever mailed citations, other than traffic citations, are returned to members as "undeliverable," that member shall immediately forward the citation and envelope to the Traffic Records Section CAS. The Traffic Records Section CAS is responsible for notifying the proper court regarding the citation's status.

070.3540 MULTIPLE CITATIONS/ STATE CHARGES (WILEAG 6.2.4)

070.4045 SUMMARY ADULT CITATIONS

A. RELEASED

Persons summarily arrested for a city ordinance violation shall generally be conveyed to the district station of the district in which the arrest occurred when on-street situations mandate a secure locale location. When a violator qualifies for "cite and release" from a district station per SOP 100 Prisoners and Booking, he/she shall be given a future court date and promptly released following identification and completion of necessary paperwork related to the arrest. Personal recognizance bonds are no longer needed to release a suspect summarily arrested on a municipal ordinance violation.

B. NOT RELEASED

In general, the only persons summarily arrested and not released for municipal offenses are: "cash bail only" municipal writs, city commitments and city O.W.I. (see SOP 120 Operating while Intoxicated). In these cases, an *Arrest/Detention Report* (Form PA-45) is required. The arresting member shall prepare and issue the citation at the time of booking the violator at a district station or the Prisoner Processing Section (PPS) Central Booking Section. The member shall insert the date and time of the next regular session of the municipal court as listed on the municipal court schedule. If court is in session, a court liaison officer shall process the violator.

D. LIAISON OFFICER

The CAS "liaison officer" will retain both the PA-45 and citations for those summarily arrested and will present the citations to the reviewing assistant city attorney. An assistant city attorney shall review and sign both copies of the citation, ~~or TraCS citation~~, indicating approval for prosecuting or refusal and reason therefore. After processing at the city attorney's office, the liaison officer shall forward the reviewed and signed green original and pink copy, ~~or TraCS citation~~, to municipal court.

Note: After the initial court hearing, the green and pink copy, ~~or TraCS citation~~, shall be retained in ~~by~~ the municipal court case jacket.

070.4550 MUNICIPAL CITATIONS ISSUED TO PERSONS GIVING FALSE NAMES

Whenever a person has been arrested on a warrant based upon a municipal citation, or had their driver's license or registration suspended based upon a municipal citation, or been required to appear in court because of a municipal citation, and it has been determined that this person was not the recipient of a municipal citation, the following procedures shall apply:

A. MUNICIPAL COURT OFFICER

A judge may direct a municipal court officer to obtain fingerprint verification through the ~~Identification Forensics~~ Section of ~~from~~ a person who claims not to have received a citation.

B. ~~Identification~~ FORENSICS SECTION

A member of the ~~Identification Forensics~~ Section shall determine through fingerprint examination whether or not the person cited is the same person appearing in court. A report shall be completed indicating verification and listing, when possible, the true identity of the person who received the citation.

C. COURT Liaison ~~ADMINISTRATION~~ SECTION

1. Upon receiving the report from the ~~Identification Forensics~~ Section, CAS personnel shall notify the issuing member.
2. CAS liaison officers shall present such obstructing cases to the district attorney for review.

D. ORIGINAL ISSUING MEMBER

Upon notification by the CAS of the correct offender's identity, the member shall:

2. Issue the appropriate citation(s) using the correct offender's record dating back to the original incident (i.e. ~~e.g.~~ retail theft may become a state charge). If necessary, the citation may be mailed in accordance with ~~SOP 070.3035~~.

070.5055 VIOLATOR TAKEN INTO CUSTODY AFTER ISSUANCE OF TRAFFIC CITATION

- B. Once the violator arrives at the department facility, an immediate determination shall be made with respect to the violator's present ability to obtain release. Whenever the violator presents such proof of present ability to be released pursuant to ~~section Wis. Stat. § 345.23(2)(a)(c)(d) of the Wisconsin State Statute~~ (deposit on the violation, presentation of a guaranteed arrest bond, or the violator deposits their valid Wisconsin drivers license with the arresting member), the violator's processing shall be expedited to ensure their immediate release.

070.5560 OUT-OF-STATE TRAFFIC SPECIAL GROUP VIOLATORS (WILEAG 6.2.2)**A. OUT OF STATE TRAFFIC VIOLATIONS**

1A. The police member issuing the citation(s) shall escort or convey the out-of-state violators to the district station of the district in which the traffic stop occurred. Upon arrival at the district station, the officer shall inform a supervisor of the circumstances requiring a deposit. The supervisor or designee shall inform the violator of the different types of payments accepted including: cash; MasterCard; Visa; money order; bank check; or guaranteed arrest bond certificate or card.

2B. All payments shall be made out to the city of Milwaukee. Payments by Visa or MasterCard require the violator's signature on the credit slip as well as the citation type and number.

3C. Procedure For Accepting Deposit

If the citation is for a municipal traffic violation, the payment and a copy of the citation shall be placed in an envelope and deposited into the district station lock box. If a cash payment is taken, district personnel shall issue the violator a serial numbered receipt for the amount of money posted. A copy of the receipt shall be included in the envelope. The violator shall retain the pink copy of the citation and be advised of the court procedures.

Note: Make certain that the original citation is forwarded to the Traffic Records Section CAS prior to the scheduled court appearance.

4D. Deposits using guaranteed arrest certificates or cards shall first be verified for membership status. A serial numbered receipt shall be issued. The words "guaranteed arrest bond certificate or card" and the certificate or card number shall be written on the receipt. The card or certificate shall be placed in an envelope with the citation and copy of the receipt and deposited into the lock box.

5E. Payments made by a bank check or money orders do not require the issuance of a receipt. The canceled check or money order stub will serve as the receipt.

6F. If the violator is unable to post bond, a PA-45 must be completed and the violator transferred to CJF. Any issued citations shall be attached to the PA-45.
(WILEAG 6.2.2.1)

B. JUVENILES

Refer to SOP 140 Juvenile Procedures.

C. LEGISLATORS

Legislators shall not receive special treatment and do not receive exemptions from traffic laws.

(WILEAG 6.2.2.3)

D. FOREIGN DIPLOMATS AND CONSULATE OFFICERS

Refer to SOP 130 Foreign Nationals / Diplomatic Immunity / Immigration Enforcement.

E. MILITARY PERSONNEL

Military personnel are active duty members of the armed forces, or the reserves, or National Guard while on active duty orders. Active duty military personnel are considered residents for the purposes of not requiring a deposit for forfeiture citations.

1. Military personnel are exempt from the state of Wisconsin licensing requirements if they are operating a motor vehicle owned by or leased to the federal government in accordance with Wis. Stat. § 343.05(4)(a)(1).

2. Any license issued by the Department of Transportation does not expire on the expiration date if, on the expiration date, the licensee is on active duty in the United States armed forces and is absent from this state. The license does not expire until 30 days after the licensee returns to the state of Wisconsin or 90 days after the licensee is discharged from active duty, whichever is earlier in accordance with Wis. Stat. § 343.20(4).

(WILEAG 6.2.2.4)

070.6065 OPERATING AFTER LICENSE SUSPENDED OR REVOKED (WILEAG 6.2.4)

E. MILWAUKEE COUNTY D.A. CASE RECORD SHEET (pink card)

Whenever a state OAR citation has been issued, a Milwaukee County District Attorney's Case Record Sheet (pink card) must be completed. For summary arrests, the pink card shall accompany the prisoner to CJF, along with the citation and PA-45. For non-summary non-TraCS citations, both the pink card and the citation shall be forwarded to the Traffic Records Section CAS. For non-summary TraCS citations, the pink card shall be forwarded to the Traffic Records Section CAS.

070.6570 OPERATING A VEHICLE WITHOUT AN OPERATOR'S LICENSE (WILEAG 6.2.4)

A. Whenever a police member stops a motorist who fails to produce a valid operator's license, he/she shall determine the operator status of the motorist. If the member determines that the person is in violation of Wis. Stat. § 343.05, the member shall issue a citation returnable to the proper court on the proper court date. The violator shall be advised to consult the instructions listed on the reverse of their copy of the citation Milwaukee Municipal Court (How to Take Care of Your Citation) card (form MC-715 or MC-715S (Spanish version) for disposition options. The department will not administratively release these citations.

(WILEAG 6.2.4.2)

B. Whenever a computer check with the Wisconsin Department of Transportation confirms that a person is driving without an operator's license and has a previous conviction for operating a vehicle without an operator's license within the last three (3) years, the matter shall be considered a misdemeanor traffic crime and referred to circuit court with a future court date. However, if a person is operating without an operator's license and has no previous convictions for the same within the last three years, the matter shall be processed as forfeiture. In those cases, a citation returnable to municipal court should be issued.

(WILEAG 6.2.4.2)

Note: It is imperative that an accurate interpretation of the teletype record be made.

C. EXCEPTIONS

If the member determines that a motorist who has failed to produce a valid operator's license does in fact hold a valid operator's license, the member may issue a Traffic Warning Card (form PF-4), or TraCS warning, or citation for violation of Wis. Stat. § 343.18 "license to be carried" at his/her discretion. The issuing member shall advise the person that upon ~~demonstrating~~ (showing) verification/proof of the license at any Milwaukee Police Department district station within 10 days of the date of issuance, the citation will be released.

070.7075 OPERATING UNREGISTERED OR IMPROPERLY REGISTERED VEHICLE (WILEAG 6.2.4)**C. ISSUANCE OF CITATION**

2. Motorists stopped for expired license plates may be issued a citation. These citations are releasable prior to the court date (see section 070.9095).

(WILEAG 6.2.4.2)

3. Whenever a motorist is operating an improperly registered vehicle, the motorist shall be issued an ELCI Wisconsin Uniform Traffic Citation returnable to the proper court on the proper court date.

(WILEAG 6.2.4.2)

070.80 OTHER VIOLATIONS (WILEAG 6.2.4)**A. SPEED VIOLATIONS AND OTHER HAZARDOUS VIOLATIONS**

Hazardous violations are those traffic law violations that affect the safe and orderly movement of vehicular or pedestrian traffic. These violations are typically caused by the unsafe actions of the operator and should typically result in the issuance of an ELCI. However, the member shall take the totality of the circumstances into consideration as to whether he/she issues an ELCI or warning. Speed violations are the most common type of violation in this category.

(WILEAG 6.2.4.1)

B. OTHER NON-HAZARDOUS VIOLATIONS

These violations include but are not limited to equipment violations, parking violations, operator license violations, and registration violations. Members shall use their discretion when investigating these types of violations of whether to issue an ELCI or warning.

(WILEAG 6.2.4.2, 6.2.4.4)

C. PUBLIC CARRIER / COMMERCIAL VEHICLE VIOLATIONS

Commercial motor vehicles and public carriers are subject to the same traffic enforcement procedures as other motor vehicles. Members shall take into consideration the location of the incident, traffic congestion, vehicle maneuverability, the cargo and size of the load, and the familiarity of the operator with the area. Members shall utilize a commercial motor vehicle inspector from the Neighborhood Task Force whenever possible for equipment violations involving commercial vehicles.

(WILEAG 6.2.4.5)

D. OFF-ROAD VEHICLE VIOLATIONS

Off-Road vehicles include all-terrain vehicles, snowmobiles, dirt and mini bikes, etc. Members shall enforce all applicable laws pertaining to the operation and registration of off-road vehicles, and they shall take appropriate enforcement action for violations committed by operators of off-road vehicles that are observed and/or reported to them in accordance with state laws and city ordinances.

(WILEAG 6.2.4.7)

E. NEWLY ENACTED LAWS AND/OR REGULATIONS

Members shall take into consideration the enforcement of all newly enacted laws and/or regulations. Members shall use their discretion to determine if a citation is warranted based on the totality of the circumstances.

(WILEAG 6.2.4.8)

G. VIOLATIONS RESULTING IN TRAFFIC CRASHES

Members shall investigate motor vehicle crashes in accordance with SOP 650 Vehicle Crashes. During the course of their investigation, members may issue citation(s) for those violations that he/she observes or has reported to them. Members shall consider the physical evidence available at the scene, the statements of witnesses, and the severity of the offense.

(WILEAG 6.2.4.9)

H. PEDESTRIAN AND BICYCLE VIOLATIONS

Members shall be alert for pedestrian and bicycle violations and safety hazards. Discretion on the part of the member shall determine the type of enforcement action to be taken depending on the totality of the circumstances and the severity of the violation.

(WILEAG 6.2.4.10)

070.7585 TRAFFIC CITATIONS REVIEWED BY THE DISTRICT ATTORNEY'S OFFICE (WILEAG 6.2.4)

A. When a police member issues an ~~Wisconsin Uniform Traffic Citation (Form MV-4016)~~ or ~~electronic citation (ELCI)~~ citation for any of the following traffic offenses, the issuing member shall personally process the citation with the district attorney's office by obtaining a long form ~~criminal~~ complaint:

C. PROCEDURES FOR ISSUING THE UNIFORM TRAFFIC CITATION ~~ELCI~~ FOR THE ABOVE OFFENSES

1. Members shall issue the MV-4016 or ~~electronic citation (ELCI)~~ TraCS citation with an assigned court date.
2. If the defendant is ordered in on his/her violation, the member shall apply to the district attorney for a long form ~~criminal~~ complaint for the violation no less than 14 days prior to the court date.
4. The PA-45, citation hard copy or ~~ELCI~~ TraCS citation court copy, and other related forms shall be taken to the CAS traffic liaison for processing.
5. If the district attorney refuses ~~declines~~ to issue charges, the member making the request to the district attorney shall obtain a signature from the reviewing district attorney must sign on the reverse side of the teal copy of the citation or the court copy of the ~~ELCI~~ TraCS citation. All reports shall then be returned to the CAS.

(WILEAG 6.2.4.1, 6.2.4.9)

070.8090 DRIVER CONDITION OR BEHAVIOR REPORT

TraCS is the preferred method for completing a *Driver Condition or Behavior Report* (DOT form MV 3141) whenever a member believes that a licensed driver should be re-examined by the Department of Transportation for "good cause" (See Wis. Stat. § 343.16). The report ~~should~~ **shall** contain observations about functional ability, including descriptions of driving and other behaviors, reporting what the driver has said about a medical condition, and reporting signs of impairment. The member shall ensure the TraCS report is in validated status upon completion. The ~~Traffic Records Section~~ ~~Records Management Division~~ will then review the report and forward it to the Department of Transportation.

070.8595 RELEASABLE CITATIONS (WILEAG 6.2.4)**A. RELEASED PARKING CITATIONS (PT-22)**

1. Only shift commanders or a higher authority shall release or approve the release of a parking citation. They shall affix their work location stamp, signature and PeopleSoft number on the citation (or computer printout). The alpha/numeric release code ~~should~~ **shall** be recorded below the work location stamp and the code number circled.
4. The *Citation Release Record* (form PC-15) shall be submitted monthly by commanding officers to ~~their respective Assistant Chief or Inspector~~. Assistant Chief of the Neighborhood Policing Bureau.

B. RELEASABLE ~~UNIFORM TRAFFIC CITATIONS~~ – ~~ELCI~~ (Form MV 4016)**1. Release Procedures**

- a. ~~Releasable citations (MV-4016)~~ ~~ELCI's~~ may be released by any police member.
- b. Members shall print their name, PeopleSoft number and numerical release code in ~~Field 42, "Agency Space",~~ ~~of~~ ~~on~~ the violator's copy of the citation. The code number shall be circled.
- c. The citation shall be ~~run~~ ~~processed~~ through the district station cash register and a receipt with the citation number shall be given to the violator.
- d. The released citation shall be reviewed by a district supervisor before being sent to the ~~Traffic Records Section~~ ~~CAS~~ via the department mail in a locked color-coded pouch.
- e. The ~~Traffic Records Section~~ ~~CAS~~ shall track all voided citations under the citation management system.

5. Change of Address - Failure to Notify DOT (Wis. Stat. § 341.335 or 343.22(2))

Either a registration or operator's license notification citation may be released by police members within 10 (~~ten~~) days of the date of issuance provided that proof of notification is shown (e.g. Department of Transportation verification). Use Code 7 when releasing these citations.

C. ALPHA/NUMERIC RELEASE CODES

The following data processing codes shall be used to indicate the basis for releasing a citation:

1. Any Citation

- (1) Void (used only for citations voided by issuing member)
- (2) No violation
- (3) Canceled/reissued (~~Traffic Records Section /~~ CAS use only)
- (4) City attorney release (~~Traffic Records Section /~~ CAS use only)
- (5) District attorney release (~~Traffic Records Section /~~ CAS use only)

The shift commander shall record and circle the alpha/numeric-code below the work location stamp for any released citation.

D. ROUTING OF RELEASED CITATIONS

1. Traffic ELCI, and municipal citations (NTC and CBP-200) and *Juvenile Municipal Court Citations* (form CPB-201) shall be forwarded intact to the ~~Traffic Records Section~~ CAS.
2. ~~Traffic citations shall be forwarded to the Traffic Records Section.~~
23. Parking citations shall be forwarded to the Department of Public Works.

070.90100 **VOIDED CITATIONS (WILEAG 10.1.8)**

- A. A citation may be voided when an error is made in preparing the citation or any other valid reason discovered contemporaneous to the time it is prepared (e.g., owner arrives on the scene, vehicle previously cited, etc.). TraCS citations cannot be voided by the member; the citation must be voided at by the ~~Traffic Records Section~~ CAS. If the TraCS citation is voided for error, the citation should be transmitted directly to the ~~Traffic Records Section~~ CAS with "void" typed in the narrative section.
(WILEAG 10.1.8.2)
- C. Voided citations shall be routed in accordance with the procedures set forth in 070.8595(D) and shall be accompanied by a memo "Department Memorandum" (form PM-9E) indicating the reason the citation was voided.

070.95105 PAYMENT OF CITATIONS**070.100110 CONTESTING A CITATION (WILEAG 6.2.3)****A. MUNICIPAL AND TRAFFIC CITATIONS**

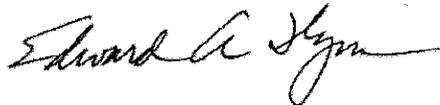
Police members issuing a CBP-200 or TraCS citation returnable to municipal court shall also give the violator a *Milwaukee Municipal Court (How to Take Care of Your Citation)* card (form MC-715 or MC-715S (Spanish version)). This handout explains the various options, methods of payment, and court appearance dates. If a citizen is interested in contesting a municipal or municipal traffic citation, they shall be advised to appear at municipal court on the date written at the bottom of on their citation.

B. TRAFFIC CITATION

Police members issuing a *Uniform Traffic Citation (MV-4016)* or TraCS citation returnable to Municipal Court shall also give the violator a *Municipal Court Traffic Handout*. This handout explains the various options, methods of payment, and court appearance dates.

BC. PARKING CITATION

Persons wanting to contest a parking citation shall phone the city's attorney's office to make an appointment to review the citation.

070.105115 FAILURE TO APPEAR IN COURT OR TO PAY FORFEITURE

EDWARD A. FLYNN
CHIEF OF POLICE