



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

070 – CITATION PROCEDURES

GENERAL ORDER: 2025-02
ISSUED: January 22, 2025

EFFECTIVE: January 22, 2025

REVIEWED/APPROVED BY:
Assistant Chief Craig Sarnow
DATE: December 16, 2024

ACTION: Amends General Order 2023-46 (October 11, 2023)

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.

070.15 REVIEW AND PROCESSING OF CITATIONS

A. NON-TraCS (HANDWRITTEN) AND PARKING CITATIONS

2. The work location supervisor shall review and approve all parking citations by placing their initials on each citation and ensure they are secured in a lock bag for pick up by a Duncan Solutions carrier.

Note: Parking citations shall not be sent to the Court Administration Division.

070.65 OPERATING AFTER LICENSE SUSPENDED OR REVOKED (WILEAG 6.2.4)

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

1. All violations where the driving status is suspended are civil violations and the traffic citations shall be referred to the Milwaukee Municipal Court.
2. Members shall only issue an Operating While Suspended traffic citation if the violator has previously been issued a driver's license and their driving status is suspended. If the violator has never been issued a driver's license and their driving status is suspended, the member shall issue an Operating a Vehicle Without an Operator's License citation in accordance with SOP 070.70. (WILEAG 6.2.4.3)

E. OPERATING AFTER REVOCATION REQUIRED DISTRICT ATTORNEY WORKSHEETS AND RECKLESS DRIVING ENVELOPE

1. Whenever a state OAR citation has been issued, the *Reckless Driving Envelope* (form PO-25R) must be completed in accordance with SOP 070.90(E) and the following district attorney worksheets must be completed:
 - a. *D.A. Complaint Worksheet / Referral*

- b. D.A. Referral from Law Enforcement – Referral Packet Checklist (form 900)
- c. D.A. Victim/Witness Data Sheet (form 4983)

1. Members are to ensure the *Victim/Witness Data Sheet* is filled out in its entirety and all witness types are properly identified. Only one (1) member witness is to be designated as “primary”.
2. Supervisors responsible for reviewing the *Victim/Witness Data Sheet* are to ensure each member witness is properly categorized and only witnesses vital to the case are listed. Supervisors must evaluate the need for a member to be listed as a witness. Members listed but found not material to the case are to be removed from the *Victim/Witness Data Sheet* by the supervisor.
3. The reviewing supervisor will affix the work location’s stamp and provide their signature directly below the last member witness. The stamp and signature will serve as evidence the *Victim/Witness Data Sheet* has been reviewed and approved by the supervisor.
4. The district attorney’s office will make the final determination as to which witnesses will be required to appear for testimony by the issuance of a subpoena.

F. Whenever a municipal OAR citation has been issued, the *Reckless Driving Envelope* (form PO-25R) must be completed in accordance with SOP 070.90(E)

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.

Note: If the violator has never been issued a driver’s license and their driving status is suspended, the member shall issue an Operating a Vehicle Without an Operator's License citation ([Wis. Stat. § 343.05](#)).
(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.

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

1. Criminal Operating a Vehicle Without an Operator's License 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: If a member believes that the totality of circumstances do not warrant an arrest, they must seek supervisor approval to override this requirement.

2. Priority should be given to positively identifying these violators so they may be released from the district station as soon as possible.
(WILEAG 6.2.4.2)

3. Criminal Operating a Vehicle Without an Operator's License Required District Attorney Worksheets and State Traffic Envelope

Whenever a state Operating a Vehicle Without an Operator's License citation has been issued, the member shall complete all district attorney worksheets in accordance with SOP 070.65(E) and the *State Traffic Envelope* in accordance with SOP 070.90(D).

070.85 OTHER VIOLATIONS (WILEAG 6.2.4)

B. RECKLESS DRIVING ([Wis. Stat. § 346.62\(2\)](#))

1. Members are directed to investigate and charge all instances of reckless driving under [Wis. Stat. § 346.62\(2\)](#) observed during their patrol. For first time offenses, members shall issue the actual reckless driving citation and refrain from issuing alternative citations for the offense, unless the reckless driving elements cannot be proven. This does not preclude members from issuing additional citations to accompany the reckless driving citation, if warranted. The elements for reckless driving include:

a. The defendant operated a vehicle on a highway

b. The defendant operated a vehicle in a manner constituting criminal negligence. "Criminal negligence" means:

1. the defendant's operation of a vehicle created a risk of death or great bodily harm; and

2. the risk of death or great bodily harm was unreasonable and substantial;
and
 3. the defendant should have been aware his or her operation of a vehicle created the unreasonable and substantial risk of death or great bodily harm.
- c. The defendant's criminal negligence [actually] endangered the safety of any person or property.
2. All first offense violations of reckless driving under [Wis. Stat. § 346.62\(2\)](#) are civil violations and the traffic citations shall be referred to the Milwaukee Municipal Court. Whenever a municipal reckless driving citation has been issued, the member shall complete the *Reckless Driving Envelope* in accordance with SOP 070.90(E).
(WILEAG 6.2.4.3)
 3. All second or subsequent violations of reckless driving under [Wis. Stat. § 346.62\(2\)](#) are a criminal violation and the traffic citation shall be referred to Milwaukee County Circuit Court.
 - a. Criminal reckless driving 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: If a member believes that the totality of circumstances do not warrant an arrest, they must seek supervisor approval to override this requirement.

 - b. Priority should be given to positively identifying these violators so they may be released from the district station as soon as possible.
 - c. Whenever a state reckless driving citation has been issued, the member shall complete all district attorney worksheets in accordance with SOP 070.65(E) and the *Reckless Driving Envelope* in accordance with SOP 070.90(E).

BC. OTHER NON-HAZARDOUS VIOLATIONS

CD. PUBLIC CARRIER / COMMERCIAL VEHICLE VIOLATIONS

DE. OFF-ROAD VEHICLE VIOLATIONS

EF. NEWLY ENACTED LAWS AND/OR REGULATIONS

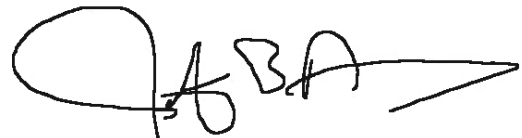
FG. VIOLATIONS RESULTING IN TRAFFIC CRASHES

GH. PEDESTRIAN AND BICYCLE VIOLATIONS

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

E. RECKLESS DRIVING ENVELOPE (form PO-25R)

1. The *Reckless Driving Envelope* (form PO-25R) shall be used for the purpose of gathering, reviewing, and containing all necessary reports for court liaison officers to process a municipal case, summary state traffic case, or a non-summary state traffic order-in case related to reckless driving violations. Printed on the envelope is a list of all reports required for district attorney review or city attorney review.
2. Officers shall indicate on the *Reckless Driving Envelope* whether the member or if a court liaison officer will present the case for district attorney review.
3. Shift commanders shall confirm and document that all of the required reports have been completed and included in the *Reckless Driving Envelope* by affixing their signature on the front of the envelope.

A handwritten signature in black ink, appearing to read 'J.B.N.' with a long horizontal stroke extending to the right.

JEFFREY B. NORMAN
CHIEF OF POLICE

JBN:mfk