



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 150 – COURT PROCEDURES

**GENERAL ORDER:** 2023-61  
**ISSUED:** November 1, 2023

**EFFECTIVE:** November 1, 2023

**REVIEWED/APPROVED BY:**  
Assistant Chief Nicole Waldner  
**DATE:** September 18, 2023

**ACTION:** Amends General Order 2021-30 (November 23, 2021)

**WILEAG STANDARD(S):** 1.7.5, 10.1.10

### ROLL CALL VERSION

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

## 150.05 REVIEW OF CRIMES AND ORDINANCE VIOLATIONS

### C. SUMMARY/NON-SUMMARY PROSECUTION APPEARANCES

#### 1. Summary arrests

- a. Police members required to present state summary arrest cases for review in the district attorney's office shall appear for the review in accordance with the below schedule. In order to meet 48-hour probable cause determination requirements for felony cases, members shall schedule summary review appearances for the following day after the arrest. Misdemeanor state summary arrest cases shall be presented for review in the district attorney's office within 48 hours of arrest.

**Note:** Arrests made after 3:00 p.m. can be ordered in for 8:30 a.m. or 1:30 p.m. The district attorney's office has limited charging and review hours on certain holidays (this will be communicated through electronic roll call). Members shall ensure they present both misdemeanor and felony state summary arrest cases for review within 48 hours on holidays in accordance with the district attorney's holiday schedule.

### APPEARANCE TIMES

Monday – Friday    Saturday, Sunday, Certain Holidays

LATE SHIFT	8:30 a.m.	8:00 a.m.
DAY SHIFT	8:30 a.m.	8:00 a.m.
EARLY POWER SHIFT	1:30 p.m.*	8:00 a.m.
EARLY SHIFT	8:30 a.m. or 1:30 p.m.	8:00 a.m.
LATE POWER SHIFT	8:30 a.m. or 1:30 p.m.	8:00 a.m.

Members assigned to early power shift hours shall only present state summary arrest cases for review in the district attorney's office at 1:30 p.m. or on duty time. The only exception to this policy is if the victim can only appear at 8:30 a.m.

The Sojourner Family Peace Center (intimate partnership) follows the same weekly district attorney office schedule for summary appearance times, but the district attorneys are not present on Saturdays, Sundays and/or certain holidays (this will be communicated through electronic roll call). Summary arrest domestic violence cases on the weekend and/or holidays shall be presented at the district attorney's office room 110. Victim(s) shall not be ordered to appear in these instances. Victim(s) shall be ordered to appear at the Sojourner Family Peace Center (619 West Walnut Street) the following Monday through Friday between the hours of 8:30am and 4:30pm. **Suspects shall never be instructed to appear at the Sojourner Family Peace Center.**

**Note: ~~Weekend (Saturday and Sunday) and holiday review of in custody felony and misdemeanor cases by the district attorney's office begins at 8:00 a.m., regardless of the member's assignment or shift. At 10:00 a.m., the doors to the D.A.'s office will be locked and late admittance will not be granted. Members shall arrive by 8:00 a.m. to ensure review of the case. The District Attorney's Office does not review sensitive crimes cases on weekends. In custody sensitive crimes cases shall be presented the following Monday if they occur during the weekend.~~**

- c. Members on overtime are required to sign in and out on the department's sign in boards in the Court Administration Division. ~~On weekends and holidays,~~ Members shall sign in and out on both the department's and district attorney's sign in boards, which are located in the Criminal Justice Facility room 110 ~~or the Sojourner Family Peace Center~~. Members having multiple cases, even with the same defendant, are required to sign in each case individually.
  - d. All reports shall be ~~sent down through Central Booking delivered to the Court Administration Division~~ on the date of arrest after the reports are approved by a shift commander.
2. Non-Summary Cases
- b. Members on overtime are required to sign in and out on the department's sign in boards in the Court Administration Division. ~~On weekends and holidays,~~ Members shall sign in and out on both the department's and district attorney's sign in boards, which are located in the Criminal Justice Facility room 110 ~~and at the Sojourner Family Peace Center~~. Members having multiple cases, even with the same defendant, are required to sign in each case individually.

## **150.15 REPORTS REQUIRED FOR REVIEW**

- A. All reports shall be reviewed and approved by a supervisor prior to any case being

presented to the district attorney's office for review. Supervisors shall ensure all reports and required paperwork are contained in the case envelope before signing and dating the envelope.

- B. All reports for order-in cases must be in the Court Administration Division liaison officer's office at least one day prior to the order-in date. All order-in reports shall be delivered directly to the Court Administration Division using the order-in envelopes. ~~These packages may be hand-delivered to the Court Administration Division~~ CJF sally port or the Central Booking Division for Court Administration Division liaison officers to obtain. The case envelope must include the name and employee ID number of the presenting officer, the date and time it will be presented, and the victim's name who was ordered in.

#### C. STATE SUMMARY ARREST

The investigating member shall be responsible for filing all the appropriate reports for state summary cases that will be handled by the court liaison officers. The following reports must accompany the prisoner if the prisoner is transported to the Criminal Justice Facility (CJF) prior to the completion of the incident report(s):

1. In the Department issued large clear zip-lock plastic bag:

g. NCIC package.

#### D. PRISONERS CONVEYED PRIOR TO COMPLETION OF REPORTS

When a prisoner's behavior dictates that he/she must be conveyed to the Criminal Justice Facility before the completion of all required reports, the member will be required to have the following forms completed and approved by a supervisor, prior to the prisoner being accepted at the Criminal Justice Facility.

5. Immediately after completion and review of the remaining reports, they shall be conveyed to the Criminal Justice Facility and the Court Administration Division shall be notified at [REDACTED] (~~8:00 a.m. — 4:00 p.m.~~ 7:45 a.m. – 3:45 p.m.) indicating the remaining paperwork is forthcoming.

#### F. REQUIRED DISTRICT ATTORNEY WORKSHEETS FOR STATE CASES

All state cases (summary and non-summary) which are referred to the district attorney's office or to a district community prosecutor must have the following forms completed in their entirety before a case will be reviewed.

4. NCIC package.

5. PA-45 and CR-215 (if an arrest was made).

- G. Members shall not hand carry any paperwork to the District Attorney's Office for any charging conferences as it must be sent to the Court Administration Division to be scanned. If the member hand carries paperwork and appears for a charging

conference with the District Attorney's Office prior to the reports being scanned in, a Court Administration Division supervisor shall make the determination if the appearance constitutes District Attorney Appearance overtime, court overtime, or extension of duty overtime.

## HG. PROCEDURE FOR PROSECUTOR REQUESTS FOR FOLLOW-UP

### **150.20 SUBPOENA-RELATED PROCEDURES**

- A. The following procedures shall apply to the receipt of all official subpoenas or recall notices (e.g., subpoenas issued by the Office of the Milwaukee City Attorney, the Office of the Milwaukee County District Attorney or the defense, Department of Transportation, Milwaukee County Mental Health Complex, and the state of Wisconsin Department of Corrections):
4. Once a subpoena has been signed as received by the named member, the signed subpoena will ~~shall~~ be returned to the originating location (e.g., clerk of circuit court or city attorney's office) Court Administration Division via inter-office mail by authorized work location personnel.

### **150.30 COURT APPEARANCE PROCEDURES**

- G. Any and all witness fees paid to any member of the department for a court appearance, where the information or knowledge testified to or sought to be elicited was acquired by said member while in the performance of his/her official duties, shall immediately be deposited into his/her district station ~~cash register~~ money bag for transmittal to the city treasurer. The member receiving fees must also file a *Department Memorandum* (form PM-9E), which documents the appearance date, the amount of the check received, and the court case number. The memo should accompany the daily paperwork submitted by specified district personnel to Budget and Finance.
- K. In the event of severe weather conditions (e.g., snowstorms) on days when court would normally be in session, members with scheduled court appearances are encouraged to call Court Administration Division staff at extension [REDACTED] to determine if court will be or is in session. ~~Members appearing in court on days when severe weather conditions are present and court has been cancelled may not be paid for their court appearances.~~

### **150.35 COURT OVERTIME PROCEDURES**

#### A. COURT OVERTIME

##### 1. Court Time Defined

- b. Court time shall also include city attorney, district attorney, and U.S. attorney charging conferences and probation revocation hearings.

1. Members shall only be granted one district attorney appearance (3340)

overtime authorization for the purposes of the charging conference as described in SOP 150.05(C), which is considered completed when the assistant district attorney charges, no processes, or pends the case.

2. Members shall not be authorized additional District Attorney Appearance overtime or court overtime for any subsequent appearances solely related to the charging conference unless authorized by a Court Administration Division supervisor prior to the appearance. This will only be granted if there is an update in the case that would impact the original charging decision and would not be granted for circumstances listed in the note below. If the subsequent appearance is related to any of the circumstances listed in the note below, the member will be compensated by extension of duty overtime.

**Note: Court overtime does not include calling witnesses, having conferences with supervisors regarding court cases, referral of cases to other police authorities, the application and approval process of a search warrant or subpoena, dropping off a served search warrant or subpoena, dropping off reports or evidence, completing reports, and any other activities not specifically mentioned above as court defined overtime.**

3. A Court Administration Division supervisor shall make the determination if the appearance constitutes District Attorney Appearance overtime, court overtime, or extension of duty overtime.

## 2. Preliminary Authorization Required

### e. Overtime Authorized by Court Administration Division Supervisors

2. Court Administration Division supervisors are authorized to approve all court appearance related online overtime cards, regardless of the rank of the member submitting the card. After review, Court Administration Division supervisors shall approve accurately completed overtime cards. If an overtime card is incorrectly completed, an ~~instant message~~ email will be sent to the officer via the ~~Online Time Entry System~~ prior to the end of the pay period to make corrections before the card will be approved.

## 3. Restrictions

### b. State Subpoena Cases

2. Members may also view the subpoena recall list after 5:00 p.m. the evening before the case is scheduled electronically at [REDACTED] (~~members are encouraged to use Google Chrome~~). Members may view the subpoena recall list by doing the following:
  - a. Entering in the user name field: [REDACTED]
  - b. Entering in the password field: [REDACTED]

- c. Locating and opening the email which corresponds to the date of the member's court appearance. The member shall then open the attachment and search for his/her court case.
- d. Members shall notify the Court Administration Division at extension [REDACTED] if a discrepancy is found on any of the recall lists. Members shall not contact subpoena clerks regarding the recall lists.

**Note: Members shall not use CCAP to determine if a case has been adjourned or concluded for court appearance purposes.**

#### 4. Checking In and Out of Court

Court Administration Division is in operation between the hours of 7:30 a.m. and 3:45 p.m. Monday - Friday, except Saturdays, Sundays and holidays.

- d. For locations without time clocks (e.g., Milwaukee County House of Corrections, Milwaukee Secure Detention, Vel Phillips Juvenile Justice Center (VPJJC), Sojourner Family Peace Center) or when appearing remotely from a work location, members on overtime are to call the Court Administration Division (extension [REDACTED] before 3:45pm and [REDACTED] after 3:45pm) for punch in and punch out times. Members are only allowed to appear virtually from an authorized work location. Members are responsible for completing their online overtime card as soon as possible.
- ~~e. On weekends and holidays members on overtime shall check out with the court liaison officer in room 110 of the Criminal Justice Facility where parking will also be validated.~~

**Note: Members on overtime shall check out at the Central Booking Division Master Control window after 3:45 p.m., Monday – Friday and on weekends and holidays.**

- ef. Day Shift Member to Court
- fg. If any member is required to process several court cases in one day consisting of any combination of municipal, circuit or juvenile cases, the following shall apply:  
  
If a member's morning court appearance extends past noon and continues after the lunch break, or the member has a separate court appearance beginning with the normal start of the afternoon session (1:30 p.m.), one online card shall be submitted and the lunch break provision shall apply. Members with a morning court appearance(s) which is completed or adjourned before noon shall complete a separate court card for the afternoon court appearance.
- gh. Central Booking Division Responsibilities
- hi. Parking Validation

## B. FIRE AND POLICE COMMISSION (FPC) OVERTIME

This overtime shall be defined as time spent by a member outside of his/her regularly scheduled eight hour work shift under subpoena at a trial proceeding conducted by the Board of Fire and Police Commissioners (FPC). In addition, the FPC trial proceeding must have resulted from either a citizen complaint filed with the FPC, or an appeal from discipline administered by the Chief of Police for that member.

**Note: The term "FPC trial proceeding," as used herein, shall also include the dispositional phases and FPC conciliation proceedings.**

3. A member shall be required to ~~process~~ provide all witness fees he/she received as a result of a FPC trial proceeding for which the member received overtime pay to their shift commander, or designee, ~~through the cash register~~ so it can be placed in the money bag at their respective work locations, along with writing a *Department Memorandum* (form PM-9E). The monetary amount of the check the member receives shall be forwarded to the treasurer's office. The member shall not make any subsequent claim for this money.
4. Program code ~~3354~~ 3350 shall be used for FPC hearings when ordered to appear by the department or subpoenaed by the FPC. Members shall enter "Fire and Police Commission appearance" in the "additional miscellaneous descriptions" section of the overtime card.

## 150.45 ARREST AND ACCEPTANCE OF BAIL FOR OTHER JURISDICTIONS (WILEAG 10.1.10)

### C. DISTRICT OR DIVISION RESPONSIBILITIES

1. Attempt to confirm with the officer before making "HIT" confirmation as to whether or not the person has the ability to post any acceptable bail amount, plus an \$11 service fee by cash, ~~Mastercard/Visa~~, money order or traveler's check. No personal checks shall be accepted.
2. Do not confirm the "HIT" unless the person is actually in custody.

**Note: If the person is solely being arrested on the warrant and no other charges, members shall not convey the person to a district station or Central Booking until the warrant is confirmed by the originating agency.**

### D. PROCESSING BAIL AT A DEPARTMENT FACILITY

3. ~~Validate~~ Stamp Teletype

After receiving the teletype from the outside jurisdiction confirming that a bail amount can be accepted, the district will ~~validate~~ stamp this teletype with the work location's stamp ~~through the cash register~~ upon acceptance of the bail amount plus the service fee and include the date, time, name, and employee ID number of

the member accepting the payment. The bail amount shall be disbursed on the *Daily Departmental Report-Cash Receipts* (form PD-5) listed as "Bail for Other Jurisdiction". The service fee also is to be listed on the PD-5 as "Bail Service Fees".

#### 4. Separate Form Needed

Transactions collected for outside jurisdictions must also be listed on a separate *Cash Disbursement Report* (form PC-19). The PC-19, with validated stamped teletype(s) attached, must be sent to Budget and Finance daily, along with cash forms now being remitted, *Daily Departmental Report-Cash Receipts* (form PD-5), *Cash Disbursement to Municipal Court-Summary* (form PC-19A) and bank deposit ticket.

### **150.50 BAIL FOR STATE WARRANTS**

- A. All state warrants shall be confirmed with the ORI jurisdiction listed on the warrant "HIT." Instructions regarding bail, if available, or personal recognizance (PR) is noted on the confirmation and shall be followed. All jurisdictions, except the Milwaukee County Sheriff's Office (MCSO), require teletype confirmation. For MCSO warrants confirmation is authorized via telephone and the information shall be noted on the "HIT Sheet."

**Note: If the person is solely being arrested on the warrant and no other charges, members shall not convey the person to a district station or Central Booking until the warrant is confirmed by the originating agency.**

- B. For out-of-jurisdiction warrants, the \$11 surcharge shall be added to the bail amount. Bail may be accepted only in accordance with the following: if it is cash, money order, or traveler's checks may be accepted as equivalent to cash if the traveler's checks are endorsed in the presence of the person taking the bail.

2. ~~MasterCard or Visa charge cards. All credit card bails must have an authorization number to determine if the card has been reported stolen or the credit limit has been exceeded.~~

**Note: No credit cards or personal or payroll checks may be accepted for bail.**

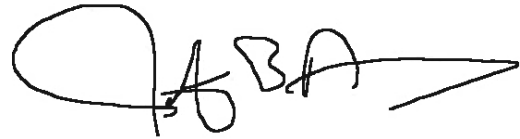
### **150.65 ADULTS ARRESTED FOR MUNICIPAL WRITS (WILEAG 10.1.10)**

#### D. PROCESSING ADULT MUNICIPAL WRIT ARRESTS

6. The desk sergeant, or designee, shall obtain a computer printout of the local warrant file and validate stamp all PR formats through the cash register with the work location's stamp and include the date, time, name, and their employee ID number. A copy of the warrant or citation shall be attached to the *Cash Disbursement Report* (form PC-19).



7. At the ~~time of the cash register close out,~~ end of each shift, the desk sergeant shall record municipal writ transactions by category, alphabetically by last name first, the municipal court case numbers or warrant numbers and the amounts remitted on the *Cash Disbursement Report* (form PC-19). The transactions shall be totaled under each category on the *Summary of Cash Disbursements to Municipal Court* (form PC-19A). The *Cash Disbursement Report*, one ~~validated~~ stamped signed PR format from each PR transaction and all corresponding ~~validated~~ stamped computer printouts of the municipal writs shall be forwarded via department mail to the municipal court (cash and PR transactions shall be listed on separate *Cash Disbursement Reports*).

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

JEFFREY B. NORMAN  
CHIEF OF POLICE

JBN:mfk