



# MILWAUKEE POLICE DEPARTMENT

## STANDARD OPERATING PROCEDURE

### 150 – COURT PROCEDURES

**GENERAL ORDER:** 2024-14  
**ISSUED:** February 21, 2024

**EFFECTIVE:** February 21, 2024

**REVIEWED/APPROVED BY:**  
Assistant Chief Nicole Waldner  
**DATE:** December 5, 2023

**ACTION:** Amends General Order 2023-61 (November 1, 2023)

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

#### **150.00 PURPOSE**

The purpose of this standard operating procedure is to familiarize department members with various court related procedures.

#### **150.05 REVIEW OF CRIMES AND ORDINANCE VIOLATIONS**

##### A. CASES HANDLED BY COURT LIAISON OFFICERS

1. Court liaison officers shall process selected cases at the initial appearance in the district attorney's office. The following cases shall be processed by court liaison officers:
  2. State Summary Arrest Cases
    - a. All misdemeanors (except firearms related cases)
    - b. All state traffic (except Injury by Intoxicated Use of Motor Vehicle and Duty Upon Striking Causing Injury).
    - c. Fleeing from Officer ([Wis. Stat. § 346.04](#)). Court liaison officers will only handle Fleeing from Officer cases when it is the only charge. The case shall be handled by the investigating member if there are other charges associated with the Fleeing from Officer incident or if there are complex or unusual circumstances.
    - d. Burglary
    - e. Robbery
    - f. Felony theft
    - g. Any other felony case at the direction of the shift commanders of the Criminal Investigation Bureau.
  3. Non-Summary State Cases
    - a. Battery (misdemeanor only)

- b. Criminal Damage to Property (misdemeanor only)
- c. Domestic violence offenses (misdemeanor only) – not harassment injunctions

**Note: A Sensitive Crimes Division supervisor may authorize his/her personnel to appear at the district attorney's office for domestic violence order-in cases.**

#### B. CASES HANDLED BY INVESTIGATING MEMBER

The investigating member shall process the following cases at the initial appearance in the district attorney's office or with the district's assigned community prosecutor when the case falls within the provisions of 150.05(C)(3).

- 1. All cases (felony and misdemeanor) when a firearm is recovered as evidence.
- 2. Complex, unusual, or problematic misdemeanor cases, but only with supervisory pre-authorization.
- 3. All domestic violence arrests where 2 or more persons are arrested from a single incident.
- 4. Fourth degree sexual assaults.
- 5. Lewd and lascivious behavior.
- 6. Controlled substance cases (felony only).

#### 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	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: 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.**

- b. Police members with a summary arrest occurring in a district with a community prosecutor and the case falls within the provisions of 150.05(C)(3), shall have the case reviewed by the community prosecutor if probable cause determination requirements can be met.
  - c. Members on overtime are required to sign in and out on the department's sign in boards in the Court Administration Division. 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 on the date of arrest after the reports are approved by a shift commander.
2. Non-Summary Cases
- a. All non-summary cases are to be processed for initial appearance and review in the district attorney's office or with the district's assigned community

prosecutor (when the case falls within the provisions of 150.05(C)(3)) by the investigating member as soon as practicable.

#### NON-SUMMARY APPEARANCE TIMES

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

Members assigned to early power shift hours shall only present non-summary 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.

**Note: Non-summary cases are not permitted on Friday afternoons, Saturdays, Sundays, on holidays or the day after a holiday. Criminal Investigation Bureau members can schedule "non-summary" cases on any day, Monday through Friday, except holidays. Shift commanders have the authority to disregard this schedule for situations involving exigent circumstances.**

- b. Members on overtime are required to sign in and out on the department's sign in boards in the Court Administration Division. 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.
3. Community Prosecutors

Community prosecutors have a very defined role in district level case review. Accordingly, community prosecutors will only review the following types of cases and only when approved by the shift commander or district commander:

a. Targeted District Initiative Cases

These are cases which are derived from geographically or subject matter specific (e.g., corner store, burglary, prostitution) initiatives. They are cases that a district commander and community prosecutor have defined as a priority for their district.

b. Problematic Defendants (Misdemeanor or Felony Cases)

These are cases in which a defendant (or group of defendants) has been identified by the district commander or community prosecutor as being involved in prior acts of violence, property crime, or nuisance activity.

c. Cases Requiring Special Attention

Any case that requires special attention, as determined by the shift commander or district commander.

**Note: Cases which fall in one of the above categories should include a full case package, a short supplement articulating the reasoning why the case is appropriate for community prosecutor review, and contact information for the investigating officer. The case package will be held in the lieutenant's office for review by the community prosecutor. Members will generally not be required to appear for an initial charging conference, however, members may be contacted by the community prosecutor if their appearance is required or if questions concerning the case arise.**

4. Report Required

All members, including court liaison officers, presenting cases for review with the district attorney's office or a community prosecutor must file a brief supplemental report at the conclusion of the review. A supplemental report is required for all subsequent appearances for the same case. This shall include warrant requests. The supplemental report shall include the following information:

- The date and time of the review;
- The reviewing district attorney;
- The case disposition (e.g., no processed, pended, charged, deferred prosecution agreement);
- List each charge individually if the case is charged;
- List the reason if the case is no processed (e.g., insufficient evidence, uncooperative victim).

5. Members appearing on overtime are required to complete their on-line overtime card and Records Management System (RMS) supplemental report prior to securing from the Court Administration Division after review at the district attorney's office or from the district when appearing before a community prosecutor.

**150.10 GUIDELINES (WILEAG 1.7.5)**

These guidelines are for referrals by the Milwaukee Police Department. As to non-felony violations, these guidelines do not limit the charging discretion by the city attorney's office or the district attorney's office.

- A. If the city attorney believes that an offense should be reviewed by the district attorney, then the city attorney should refer the case to the district attorney. Grounds for such referrals include the defendant's criminal and ordinance violation record and the aggravated nature of an offense(s).
- B. If the district attorney believes that municipal prosecution would be more appropriate

than the issuance of a criminal charge, then the district attorney should refer the case to the city attorney.

- C. Ordinance violations for which there is no statutory counterpart shall be referred to the city attorney's office.
- D. The district attorney's office will review statutory violations for which there is no ordinance counterpart.

- 1. Probation, Parole or Extended Supervision

Persons who are on probation, parole, or extended supervision shall be referred to the district attorney's office for any material violation of state law.

- 2. Battery

Non-domestic violence cases shall be referred to the city attorney's office. Cases in which the victim is over 62 or under 18, cases in which the victim suffers serious bodily injury and cases where the victim is pregnant shall be referred to the district attorney's office.

- 3. Criminal Damage to Property

Cases shall be referred to the city attorney's office when the value of the property is less than \$500 on an aggregate basis and to the district attorney's office for amounts greater than \$500.

- 4. Disorderly Conduct

Cases in which the defendant possesses a gun or weapon and/or threatens witnesses or commits other acts which involve a serious threat to another person (or as determined by the shift commander or a higher authority) shall be referred to the district attorney's office.

- 5. Domestic Violence

Cases involving domestic violence shall be referred to the district attorney's office, including those that involve allegations other than battery such as disorderly conduct, criminal damage to property, etc. The victim shall be ordered into the Sojourner Family Peace Center (619 West Walnut Street) for in-custody or non-custody domestic violence cases Monday through Friday between 8:30am and 4:30pm. **Suspects shall never be instructed to appear at the Sojourner Family Peace Center.**

- 6. Resisting an Officer

Cases shall be referred to the district attorney's office except those cases as determined by the shift commander.

7. Obstructing an Officer

Cases in which a defendant gives a false name or false information to an officer shall be referred to the district attorney's office with the permission of the shift commander.

8. Contributing to the Delinquency of a Minor

Cases involving neglect, physical abuse, or death of a child shall be referred to the district attorney's office.

9. Carrying a Concealed Weapon

Cases in which the defendant possesses a firearm or uses a weapon in the commission of another crime shall be referred to the district attorney's office.

10. Filing a False Fire Alarm

The first offense shall be referred to the city attorney's office. If the defendant has convictions for this offense, the case shall be referred to the district attorney's office.

11. Fireworks Violations

Fireworks (as defined by city ordinance) cases shall be referred to the city attorney's office, except for those cases in which the defendant injures a person by using fireworks, violates a court order issued pursuant to [Wis. Stat. § 167.10\(8\)\(a\)](#) or at the discretion of the shift commander.

12. Graffiti

Graffiti cases in which there is more than \$500 in damage or which meets the guidelines set forth in [Wis. Stat. § 943.017](#) shall be referred to the district attorney's office as determined by the shift commander.

13. Gambling Machines

Cases involving more than one machine shall be referred to the district attorney's office. All other cases shall be referred to the city attorney's office.

14. Theft and Retail Theft

Theft and retail theft cases where the value of the stolen property is greater than \$500, the defendant is on probation, parole or extended supervision, or the defendant has 2 or more prior retail theft/theft convictions in the last 5 years shall be referred to the district attorney's office.

#### 15. Possession of Marijuana

Officers shall process possession of marijuana cases in accordance with SOP 760.25.

#### 16. Criminal Trespass to Dwelling

- a. [Wis. Stat. § 175.403](#) requires a law enforcement officer who has probable cause to arrest a person for a violation of Criminal Trespass to Dwelling ([Wis. Stat. § 943.14](#)) to remove the person from a dwelling.

**Note: In the event of a landlord tenant dispute (e.g., the suspect has a lease, month to month, week to week, or other landlord tenant relationship), members shall not remove or arrest the tenant. The member shall refer the lawful owner of the property to the Milwaukee County Sheriff's Office for legal eviction information.**

- b. Members who investigate a potential criminal trespass to dwelling offense pursuant to [Wis. Stat. § 943.14](#) shall determine the lawful owner or occupant of the property and whether that person has granted permission to the suspect to enter or remain upon the property including the dwelling thereon.
- c. If the owner or lawful occupant of the dwelling has refused permission for the suspect to be upon the premise, members shall advise the suspect to leave the premise or that he/she will be summarily arrested for trespassing. Members shall make reasonable efforts to use professional communication skills to affect cooperation of the suspect to leave the premise on his/her own accord.
- d. If the member has probable cause to arrest the suspect for a violation of [Wis. Stat. § 943.14](#) and the suspect refuses to leave the premise, the member shall arrest the suspect for a violation of [Milwaukee City Ordinance 110-10](#) (Trespassing Upon Buildings or Premises) or [Wis. Stat. § 943.14](#) Criminal Trespass to Dwelling at the member's discretion and transport the suspect to the respective district station for processing in accordance with SOP 090 Prisoners and Booking.

#### **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 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:
  - a. Original *Arrest Detention Report* (form PA-45).
  - b. Copy of the PA-45.
  - c. Original *WI Probable Cause Statement* (form CR-215).
  - d. Copy of form CR-215.
  - e. Confirmation sheets for all warrants, capiases and commitments listed on the PA-45.
  - f. Original summary citations (Reference SOP 070 for additional information on citations).
  - g. NCIC package.
2. Investigating members shall refer to the *State Summary Arrest Package Envelope* (form PE-39) or *Domestic Violence Review Package* (form PD-34) to determine which Milwaukee Police Department reports are required for the district attorney's charging review if all of the incident report(s) are completed prior to the prisoner being transported to CJF. All reports required for the district attorney's charging review shall be completed by the investigating member prior to securing from duty.

**Note: Any additional reports requested by the district attorney, magistrate, judge, etc. may be referred to the investigating members' respective shift commander unless such request can be fulfilled by Court Administration Division staff.**

### 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.

1. The original and a copy of the PA-45 shall accompany the prisoner.
2. The original and a copy of form CR-215.
3. A confirmation sheet for all warrants, capiases, and commitments listed on the PA-

45 shall accompany the prisoner.

4. All reports required for the district attorney's charging review shall be completed by the investigating member prior to securing from duty.
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] (7:45 a.m. – 3:45 p.m.) indicating the remaining paperwork is forthcoming.

#### E. ORDER-IN CASES

The investigating member shall refer to the *Order in Package Envelope* (form PE-45) or the *Domestic Violence Review Package* (form PD-34) to determine which Milwaukee Police Department reports are required for the district attorney's charging review.

#### 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.

1. [D.A. Complaint Worksheet / Referral](#)
2. [D.A. Referral from Law Enforcement – Referral Packet Checklist \(form 900\)](#)
3. [D.A. Victim/Witness Data Sheet \(form 4983\)](#)
  - a. 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".
  - b. 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.
  - c. 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.
  - d. 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.

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.

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

The following procedures shall be followed by members when items of follow-up are identified by the prosecutor either during the initial review or after charges have been issued.

1. When a member presents a case and the prosecutor identifies items of follow-up, the investigating member(s) will receive an email from the district attorney's office or Court Administration Division through the DA Help system [REDACTED] with the requested follow up.
2. The investigating member(s) shall complete the requested follow up as soon as possible and reply via email to all persons listed in the original request from the DA Help system [REDACTED]
3. If a member has any concerns over whether the task should be performed, they should direct those concerns to their shift commander.

#### **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):

1. When a subpoena is received through intra-office mail, TTY, email, and/or fax, it shall be time-stamped by a supervisor and/or designated clerical staff.
2. A supervisor shall present the subpoena to the member named thereon during the member's next tour of duty. A roll call sergeant/shift commander and/or command center supervisor may designate clerical staff to complete subpoena service data entry into the Court Administration Division SharePoint site, but the supervisor shall be ultimately responsible to ensure the data entry is accurate and complete.
  - a. A copy of the Court Administration Division SharePoint entry will be automatically sent to the member's department email account, but this email

does not count as proper service.

- b. If the subpoena is served, all fields shall be entered to include disposition, service type, served by, and signed subpoena returned to originating location.
  - c. If the subpoena is not served, disposition and reason for non-service should be entered.
  - d. The roll call sergeant/shift commander and/or command center supervisor should continue to attempt service within 10 days of receipt, unless there are exigent circumstances (e.g., extended leave, retirement, post court date) that non-service will occur and it is entered accurately and completely within the Court Administration Division SharePoint log. These subpoenas shall be returned to the originating location stating the reason for non-service.
  - e. Roll call sergeants/shift commanders and/or command center supervisors to ensure accountability of data entry can conduct random checks on subpoena's using the search function on the Court Administration Division SharePoint site.
3. A supervisor shall record the fact that the subpoena was presented to the member in a manner consistent with number 2, above, by entering all requested data into the online SharePoint subpoena log located on the [Court Administration Division site](#).
  4. Once a subpoena has been signed as received by the named member, the signed subpoena shall be returned to the Court Administration Division via inter-office mail.

#### B. SUBPOENAS ISSUED IN A CIVIL CASE

1. If a process server appears at a member's location to serve him/her with a subpoena regarding a civil case, wherein the member is not a named party, but which relates to actions taken by that member in furtherance of his/her official duties, that member shall not avoid service.
2. If a member is on duty and available, he/she shall be directed to respond to the location of the process server and accept service of the subpoena.
3. If a member is on duty, but unavailable, or if a member is not on duty, the process server shall be advised of the date, time and location of when/where the member will next return to duty, so the process server can return to that location and at that time serve the subpoena. No member shall accept a civil subpoena on behalf of another member.
4. Once a civil subpoena has been accepted by a member, the member will provide a copy of the served subpoena to a supervisor or authorized work location personnel for entry into the online SharePoint subpoena log located on the [Court Administration Division site](#).

5. As soon as practicable after a member is served with a subpoena in a civil case, the member shall inform Civil Investigations Section of the Internal Affairs Division of such service. A representative from Civil Investigations Section shall then contact the designated representative of the Office of the Milwaukee City Attorney. The circumstances surrounding the service of the subpoena and the underlying case may then be investigated, prior to the member appearing in court or at a deposition.
6. No member shall make a court or deposition appearance in response to a subpoena regarding a civil case, without first contacting Civil Investigations Section. Members shall receive approval to make such an appearance in compliance with the subpoena by either a representative of Civil Investigations Section, or by a representative of the Office of the Milwaukee City Attorney.

#### C. TELETYPE SUBPOENAS

If a teletype subpoena is received, it shall be the responsibility of the authorized work location personnel to enter the subpoena into the online SharePoint subpoena log located on the [Court Administration Division site](#). Once entered, the subpoena shall be delivered to a supervisor who will arrange for prompt delivery to the member named on the subpoena, consistent with subsection A, in this section.

#### D. CITIZEN SUBPOENAS

The city attorney's office will be responsible for citizen subpoena service and return through the U.S. Postal Service Mail.

### **150.25 COURT ADJOURNMENT PROCEDURES**

#### A. COURT CASE ADJOURNMENT REQUEST REPORT

Members may request an adjournment of a Milwaukee County Circuit Court or a city of Milwaukee Municipal Court case for which they have received a subpoena, by submitting a *Court Case Adjournment Request* (form PC-13E) to their shift commander at least seven days prior to the date of the subpoenaed appearance, barring any exigent circumstances. The *Court Case Adjournment Request* shall only be used for Milwaukee County Circuit Court and Milwaukee Municipal Court appearances. All other appearances (e.g., revocation hearings, depositions) shall be handled by the member receiving the appearance request / subpoena.

#### B. REASONS FOR COURT ADJOURNMENT REQUEST

The following are considered valid reasons for requesting a court adjournment:

1. Duty injury leave (non-ambulatory);
2. Regularly scheduled vacation;
3. Sick leave (non-ambulatory);

4. Regular off day (municipal court only); and
5. A special circumstance not indicated above, with the approval of the requesting member's shift commander.

**Note: In those cases where a member on duty injury leave has ambulatory privileges, he/she is required to honor the subpoena. Members appearing in court while on duty injury leave shall wear civilian business attire.**

#### C. SHIFT COMMANDER'S RESPONSIBILITIES

1. The shift commander shall review the *Court Case Adjournment Request* (form PC-13E) to determine the validity of the request for adjournment, and ensure that all vacation time for the year is listed. If the shift commander determines that the request is valid, he/she shall fax or forward a copy of the report to the Court Administration Division.
2. If the request for adjournment is denied at the district/division level, the shift commander shall indicate the reason for denial on the report. The shift commander shall also notify the member of the denial, and the report shall be filed in the requesting member's work location personnel file.

#### D. ADJOURNMENT CONFIRMATION

The acceptance of a *Court Case Adjournment Request* (form PC-13E) by a shift commander is not confirmation of an approval of the request.

1. In Milwaukee County Circuit Court matters, the member will either receive a "recall" subpoena, or be contacted by the prosecuting attorney who has approved the request, for confirmation that the adjournment request has been approved. Absent a "recall" or other notice excusing a member's attendance in court, members must honor their subpoenas.
2. The City of Milwaukee Municipal Court generally honors adjournment requests. However, if the adjournment request cannot be honored, the member will be contacted by court staff.

#### E. EMERGENCIES OR SICK CALLS

If an emergency situation arises or a member becomes sick and is medically unable to honor a subpoena on the date of the subpoenaed court appearance, that member shall immediately contact the "on-duty" shift commander at their work location and advise the commander of their emergency situation. The shift commander shall instruct the member to contact the Court Administration Division directly. As soon as practicable, the Court Administration Division staff shall make the appropriate notification to municipal or circuit court staff.

**150.30 COURT APPEARANCE PROCEDURES**

- A. Members shall honor all properly served subpoenas for court appearances and quasi-judicial hearings.
- B. Members with a case being prosecuted in any court, or when a party or witness in a case, are to be punctual in court attendance, prepared to testify, and have with them all property which is to be used as evidence during trial, as directed by the attorney who commanded their court appearance.
- C. Members are expected to be attentive and respectful toward judges, magistrates, commissioners and any quasi-judicial board or commission they appear before.
- D. Members required to testify under oath shall do so with accuracy and civility, and they shall remain impartial regardless of whether such testimony is given under direct or cross examination.
- E. Members on overtime shall not place themselves “on call,” or request that they be placed “on call.” The attorney commanding their court appearance may release members after they have appeared in court, and it is determined that their testimony is not needed.
- F. Day shift members who are not on overtime may be placed “on call” by the attorney commanding their court appearance.
- 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 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.
- H. Unless otherwise directed by the Chief of Police, members are prohibited from providing testimony as “expert witnesses” while representing the city of Milwaukee or the Milwaukee Police Department in court, quasi-judicial hearings, Fire and Police Commission hearings, depositions, or any other proceeding, when such testimony is intended to be used against the city of Milwaukee, the Milwaukee Police Department, or department members.

The city of Milwaukee considers department members to be acting as representatives of the City and/or police department in the following circumstances:

1. Whenever they are compensated by the city of Milwaukee for working during either their regular duty hours or on overtime; and/or
2. When wearing a Milwaukee Police Department uniform, or

3. When displaying a department badge, identification card, patch or any other replica of such department insignia or device, or
  4. When verbally identifying themselves as a member of the department.
- I. Members assigned to a uniformed assignment shall wear the official police uniform of their rank and members assigned to a non-uniformed assignment shall wear professional business attire when appearing in court, the district attorney's office, or any quasi-judicial hearing. Members assigned to specialty units are not permitted to wear shorts or attire specific to their position, and they shall appear in the official police uniform of their rank if they are assigned to a uniformed assignment or professional business attire if they are assigned to a non-uniformed assignment.
  - J. Members, with the exception of members assigned take-home vehicles (e.g., motorcycle and canine unit officers), processing cases at the district attorney's office or honoring a properly served subpoena for court appearances and quasi-judicial hearings while off duty are prohibited from using a department vehicle to travel to and from their court appearance.
  - 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.

### **150.35 COURT OVERTIME PROCEDURES**

#### **A. COURT OVERTIME**

##### **1. Court Time Defined**

- a. All authorized time pertaining to an actual court appearance resulting from law enforcement actions for which there is the issuance of a subpoena, whether such appearance be municipal, state, federal, administrative, inquest, or civil in nature (e.g., civil litigation).
- 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

- a. Before any anticipated court overtime is performed, members must receive preliminary authorization from the shift commander at the member's work location. Authorization shall be obtained during duty hours. Failure to obtain preliminary authorization could result in overtime and paid parking not being approved.
- b. Members scheduling an appearance with an assistant district attorney at a police district (e.g., community prosecutors) shall make such appearance during the member's regularly scheduled shift. If the member is unable to make such appearance during his/her regularly scheduled shift, the member must receive preliminary authorization from their shift commander, check in and out with Court Administration Division via telephone as described in SOP 150.35(A)(4), and complete their online overtime card.
- c. "Order-Ins" to the district or U.S. Attorney's Office shall be reviewed and approved by the shift commander or supervisor before any persons are given instructions to appear.
- d. Prior to pre-authorizing court related overtime, supervisors shall ensure that all requests for such overtime, particularly appearances with a district or U.S. attorney, meet the definition of court time as indicated in section (1) above. If so, supervisors shall indicate preliminary authorization by authorizing an online overtime card. In addition, supervisors will be prompted to indicate whether or not court preparation time for the member is authorized.
- e. Overtime Authorized by Court Administration Division Supervisors
  1. Notwithstanding the above, Court Administration Division supervisors may authorize overtime for members appearing for court without the prior overtime authorization of their supervisor due to circumstances beyond the control of members. These could include the continuation of a jury trial on off days or vacation, a court case immediately following extension of duty at

the Police Administration Building (PAB) or other extenuating circumstances.

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 email will be sent to the officer prior to the end of the pay period to make corrections before the card will be approved.

### 3. Restrictions

#### a. Municipal Court Trial Subpoena

Members shall follow the instructions on the subpoena. Members are not to appear, and will not be compensated, if the case has been adjourned or concluded. Court case preparation overtime for municipal court cases shall be authorized by shift commanders only.

#### b. State Subpoena Cases

1. Members shall follow the instructions on the subpoena which state to call the phone number provided after 5:00 p.m. the evening before the case is scheduled. Members are not to appear and will not be compensated if the case has been adjourned or concluded prior to the court date and time.
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 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] (case sensitive)
  - 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.**

3. If a member receives a defense subpoena, the member shall check the case status as listed in SOP 150.35(A)(3)(b)(1) and (2).

4. Overtime for court proceedings should not commence before the regularly designated court time. Up to one-half (0.5) hours of overtime may be taken for case preparation by as many members as necessary based on the circumstances of the case with the approval of a supervisor.
  - c. Members are prohibited from changing off days to process a case at the initial appearance in the district attorney's office or to honor a properly served subpoena for court appearances and quasi-judicial hearings to obtain overtime compensation.
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.

- a. Members on overtime are required to check in at the Court Administration Division prior to any court appearance. Members must make a copy of their subpoena before checking in for court. The original subpoena and the copy of the subpoena will be time stamped when checking in. The copy of the subpoena will remain at the Court Administration Division for documentation purposes; the member shall retain the original. Members on overtime presenting a case in the district attorney's office shall sign in and out at Court Administration Division on the color coded boards (PO-26B *Court Overtime Check In/Out Report*).
- b. Members on overtime leaving court must check out at the Court Administration Division, and the online card shall be completed by the member prior to securing from the Court Administration Division. The member shall time-stamp both the original subpoena and the copy of the subpoena retained by the control desk. The member shall retain the original subpoena. The copy of the subpoena will be used by Court Administration Division to verify times on the online overtime card.
- c. If the member has lost the original subpoena, a Court Administration Division supervisor shall document the pertinent information, including in and out times.
- 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.

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

- e. Day Shift Member to Court

Members shall notify Court Administration Division if court will extend past

regular duty hours and into court overtime. Day shift members working beyond their regularly scheduled eight hours for court appearances receive overtime as set forth in the member's respective collective bargaining agreement. Day shift members are to complete an online overtime card with their ending time.

**Note: When a day shift member completes their court appearance prior to their shift ending, but extends due to travel from their court appearance to their work location, the overtime shall be treated as extension of duty, not court time.**

- f. 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.

- g. Central Booking Division Responsibilities

During the hours that the Court Administration Division is closed, Central Booking personnel shall be responsible for the subpoena copies from that day. When a member secures from court after 3:45 p.m., Central Booking personnel shall either punch both the original and copy of the member's subpoena or, if the member has lost their subpoena, hand record the securing time on the Court Administration Division record.

- h. Parking Validation

Validation of the parking receipt used to establish eligibility for the free parking benefits provided by labor contract shall be accomplished by use of the designated Court Administration Division' time stamp punch applied to the parking receipt when the member punches "out."

## 5. Lunch Break During Court Overtime

One hour must be deducted for a lunch period coinciding with normal court lunch recess. When completing the card, a member will be prompted for information regarding lunch. If such court lunch period is less than 30 minutes there will be no deduction for lunch. If such court lunch period is between 30-60 minutes in duration, the precise length of applicable lunch period shall be unpaid. If a member is in the district attorney's office or courtroom during the lunch period, the member shall call the Court Administration Division supervisor, explain the reason why he/she is in the district attorney's office or a courtroom during the lunch period, and request overtime authorization for the duration of time spent in these locations during lunch.

## 6. Court Overtime Rates

Overtime earned as a result of court time shall be compensated as follows for MPA (Law Enforcement) and MPSO rates:

Each court appearance less than or equal to two and one-half (2.5) hours in duration shall be compensated at a minimum of two and one-half (2.5) hours pay at (1.5X) base salary rate for members covered by labor contract whenever a member is officially required to appear in court on their own time, provided the member is excused at or before completion of the two and one-half (2.5) hour minimum. Members will be compensated at one-half (1.5X) the base salary rate for all time beyond the first two and one-half (2.5) hours of an appearance.

## 7. Court Related Online Overtime Cards

- a. Members shall have their court or case review overtime card authorized by their shift commander prior to the court appearance.
- b. In addition to fields discussed in SOP 555.25(C)(3), enter the court case number in the "case number" field.
- c. Check the box for the district attorney if the overtime is related to "in custody, order in or a warrant request."
- d. Check the appropriate boxes indicating "testified" or "lunch authorized." If the member was not authorized by a Court Administration Division supervisor to work through their lunch hour, or if the box is left unchecked, one hour will automatically be deducted from the total court time submitted. If lunch was authorized by a Court Administration Division supervisor, the member shall type the Court Administration Division supervisor's name in the "additional miscellaneous descriptions" field.
- e. Enter the building and the room(s) / courtroom(s) information into the "Location" box where the member appeared.
- f. When prompted, enter the defendant's / suspect's name, charge, and disposition.
- g. Enter any pertinent information or explanation into the "additional miscellaneous descriptions" field if there are any unusual circumstances regarding the member's court appearance that would cause for additional scrutiny by Court Administration Division supervisors.

## 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.**

1. This overtime shall not include overtime assignments made by the Chief of Police. Such overtime shall be filed as extension of duty overtime.
2. A member who is a defendant in a FPC trial proceeding shall be entitled to compensation, unless the member is suspended from duty with pay and is already receiving compensation.
3. A member shall be required to 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, 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 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.
5. Overtime rates
  - a. FPC appearances two hours or less in duration shall be compensated at a minimum of two hours pay at base salary rates for members when a member is officially required to appear in court on their own time.
  - b. FPC appearances greater than two hours in duration shall be compensated at base salary rates for the first two hours of such appearance and at time and one-half (1.5X) the base salary rate for all time beyond the first two hours of such appearance.

#### C. FAIR LABOR STANDARDS ACT (FLSA) OVERTIME

All Fair Labor Standards Act (FLSA) overtime shall be in accordance with the provisions of the law and the applicable collective bargaining agreement. The FLSA does not apply to members of the MPSO and management salary grade level 004 and above with the exception of replacement FLSA.

##### 1. FLSA Work Period

The "work period" applicable to all nonexempt, non-civilian members of the department for purposes of determining FLSA overtime compensation eligibility shall be 14 calendar days and the applicable FLSA overtime threshold for overtime premium pay (1.5X) shall be after 86 hours worked in such work period. The 86 hour threshold applies to all straight time worked, including, for example, training

time and time worked under the replacement program.

## 2. FLSA Travel

Off-duty time between two separate mandated work assignments (e.g., court, FPC trial) as authorized by the Chief of Police shall be compensable at base salary rates (1x only) unless required by the FLSA to be paid at a different rate when:

- a. Such off-duty time is 1.0 or fewer hours in duration and the two separate mandated work assignments are at a single location. Time shall be measured in accordance with those standards set forth by overtime provisions of the collective bargaining agreement between the city of Milwaukee and the MPA.
- b. Such off-duty time is 1.5 or fewer hours in duration, including travel time, and the two separate mandated work assignments are at different locations.
- c. FLSA travel online overtime cards.
  1. Utilize program code 1633 in the “prog/proj” field.
  2. Indicate in the “additional miscellaneous description” area “FLSA off-duty travel time” if travel is required between separate work locations.
- d. FLSA travel is not applicable to a member who travels from a voluntary overtime work assignment (e.g., special event, directed patrol mission, major incident response team) to their regularly scheduled work assignment to begin their tour of duty.

### **150.40 DUCES TECUM SUBPOENAS**

- A. Any member who receives a Duces Tecum subpoena requiring them to provide any department record other than their personal memorandum book shall consult with their commanding officer. In the event that the commanding officer has a question or concern regarding the appropriate response to a Duces Tecum subpoena, the commanding officer shall consult with the Internal Affairs Division for guidance. Records provided in response to the subpoena must first be reviewed by the member’s commanding officer and approval shall be obtained from the Chief of Police or designee.
- B. If a department member receives a request from the prosecuting assistant district attorney to provide a copy of their memorandum book pursuant to an active case, the member shall provide the relevant portions of their memorandum book related to the case to the requesting assistant district attorney.

**150.45 ARREST AND ACCEPTANCE OF BAIL FOR OTHER JURISDICTIONS (WILEAG 10.1.10)****A. WANTED CHECKS**

All districts and divisions with TIME system access shall conduct “wanted checks” for members requesting them. The member conducting the “wanted check” shall record that information on *the Information Services and Identification Inquires* form (form PI-13), which shall be retained according to the retention schedule.

**B. CONFIRMATION OF “HIT”**

Upon receiving a NCIC/CIB “HIT” that a person is wanted by an outside jurisdiction, the district or division shall process this “HIT” in accordance with the following:

**1. Confirmation by the Forensics Division**

The Forensics Division shall make “HIT” confirmation when the person is wanted on a felony charge or for any charge by a jurisdiction outside of the state of Wisconsin.

(WILEAG 10.1.10.3)

**2. Confirmation by District or Division**

The district or division shall make “HIT” confirmation if the “HIT” is not a “felony want” and the person is wanted within the state of Wisconsin. A copy of the confirmation and related teletypes shall be faxed to the Forensics Division.

(WILEAG 10.1.10.2, 10.1.10.3)

**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, 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.**

3. Teletype the jurisdiction to confirm the “HIT” and request that jurisdiction to send a return teletype message verifying the “WANT” with the below information as applicable:
  - a. If bail is acceptable, the amount of bail, the court date and the address to which the bail should be sent.



- b. In lieu of bail, an inability to post bail or if the jurisdiction elects to pick up the prisoner at the district station or Central Booking, that jurisdiction shall confirm that the conveyance will be made within four (4) hours.
- c. If another jurisdiction's response will take more than four (4) hours, the prisoner shall be conveyed to the Criminal Justice Facility (CJF).  
(WILEAG 10.1.10.2, 10.1.10.3)

#### D. PROCESSING BAIL AT A DEPARTMENT FACILITY

##### 1. Bail Payment

Bail may be accepted for an outside jurisdiction, providing the prisoner has cash, money order, traveler's checks or Mastercard/Visa to present for payment. Personal checks are not acceptable.

##### 2. Service Fee

In addition to the bail amount, the prisoner must pay a service fee of \$11 for processing the warrant or writ for the outside jurisdiction.

##### 3. Stamp Teletype

After receiving the teletype from the outside jurisdiction confirming that a bail amount can be accepted, the district will stamp this teletype with the work location's stamp 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 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.

##### 5. Teletype To Be Sent

Upon collection of bail or an arrest for an outside jurisdiction, a teletype message shall be sent to that jurisdiction (to terminal indicated on "HIT" message) and the Forensics Division terminal (MWPDP) as per sample below:

FFIN PACS II FREE-FORM MESSAGE INPUT SCREEN  
SAMPLE MESSAGE:

TO: \_\_\_\_\_MWRPD

RE: YOUR MESSAGE (DATE/TIME) FOR (NAME/DOB)  
BE ADVISED THAT THE ABOVE SUBJECT IS IN OUR CUSTODY.

- ( ) BAIL HAS BEEN ACCEPTED ON YOUR CHARGE(S) \$\_\_\_\_ WILL BE SENT BY U.S. MAIL THE NEXT BUSINESS DAY.
- ( ) SUBJECT RELEASED ON BAIL AND ORDERED TO YOUR JURISDICTION ON (DAY, DATE, TIME) FOR COURT APPEARANCE.
- ( ) HELD ON LOCAL CHARGES, WILL ADVISE WHEN AVAILABLE.
- ( ) UNABLE TO POST BAIL, READY FOR IMMEDIATE PICK UP AT (DISTRICT ADDRESS). IF UNABLE TO MAKE PICK UP WITHIN A FOUR (4) HOUR PERIOD, SUBJECT WILL BE TRANSFERRED TO THE MILWAUKEE COUNTY CRIMINAL JUSTICE FACILITY (CJF), 949 N 9<sup>TH</sup> ST, MILWAUKEE, WI 53233

6. Persons Unable to Post Bail and Being Picked Up By Another Jurisdiction

- a. Persons may be held at the district station for pick up by another jurisdiction (not more than 4 hours) and the *Arrest Detention Report*, on-line booking and the daily arrest list (when applicable) shall indicate the name of the jurisdiction and officer that picks up the prisoner. The *Arrest Detention Report* shall be signed by the officer of the receiving jurisdiction indicating the date and time that the person was turned over to his or her custody.
- b. If an outside jurisdiction is unable to respond within 4 hours, the arrestee shall be transferred to CJF and on-line booking and the daily arrest list (when applicable) shall be updated.

**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 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.

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

#### **150.55 RELEASE ON PERSONAL RECOGNIZANCE FOR OTHER WISCONSIN JURISDICTIONS**

Persons who are wanted by a jurisdiction within the state of Wisconsin (on their local, municipal/civil charges) and no Milwaukee Police Department charge(s) shall be processed as follows:

1. Upon notification that the individual is being held and is ready for release to their custody, that jurisdiction shall send a preprinted recognizance form via teletype to the work location where the person is being held.
2. The form is to be signed by the arrestee in the presence of a police member who shall countersign the form.
3. Following the signing of the recognizance form, two copies are to be made. One copy shall be given to the offender; the second copy is to be retained at that work location.
4. The district/division will then immediately confirm by teletype that the individual did, in fact, sign the recognizance. This will enable that jurisdiction to remove their warrant from the NCIC/CIB warrant system.
5. The teletype copy is to be retained in conformity with the existing retention for personal recognizance forms.
6. The original signed personal recognizance form shall be forwarded to the jurisdiction concerned via the United States mail.

#### **150.60 WARRANT AND WANTED PERSON FILES (WILEAG 10.1.10)**

A. The Forensics Division shall be responsible for filing and storing J-warrants, K-warrants, temporary felony wants, suspect alerts, investigative alerts, and domestic violence misdemeanor suspect wants. Members shall have 24-hour access to the department's warrant and wanted person files at the Forensics Division.  
(WILEAG 10.1.10.1, 10.1.10.5)

#### **B. FELONY WARRANTS (J and K WARRANTS)**

1. J-warrants and K-warrants shall be entered into NCIC and the RMS by entering an Alert to the suspect's master record and Crime Information Bureau (CIB) upon receipt by the Forensics Division warrants clerk from the district attorney's office.
2. The arresting officer shall sign the cancellation form at the Forensics Division (Police Administration Building room 330) when a subject is taken into custody

regarding a J-warrant and K-warrants. If the officer is unable to sign the form in person, a copy of the cancellation form may be faxed to the member's work location. The warrant will remain active until the signed cancellation form is received by the Forensics Division at extension [REDACTED] (WILEAG 10.1.10.1, 10.1.10.3, 10.1.10.4)

#### C. TEMPORARY FELONY WANTS

1. Department members shall file a *Temporary Felony Want* in RMS to request a temporary felony want. The *Temporary Felony Want* must be reviewed and approved by a work location supervisor, and an automatic email will be sent to the Forensics Division upon a supervisor approving the *Temporary Felony Want*.

**Note: The member requesting a *Temporary Felony Want* shall immediately call or speak to their work location supervisor to advise the supervisor the report is ready for review and approval as it will not be automatically sent to the Forensics Division for entry until it is approved by a supervisor.**

2. The Forensics Division shall be responsible for entering, modifying, and cancelling a temporary felony want in NCIC and the Temporary Felony Wants SharePoint page.
3. Temporary felony wants expire 48-hours after they are issued.  
(WILEAG 10.1.10.1, 10.1.10.3, 10.1.10.4)

#### D. DOMESTIC VIOLENCE MISDEMEANOR SUSPECT WANTS

1. Domestic violence misdemeanor suspect wants shall be entered into NCIC and the RMS by entering an Alert to the suspect's master record by the Forensics Division. The Forensics Division member who enters the alert shall complete an *Alert Entry Report* in RMS.
2. If a domestic violence offense has occurred and the suspect cannot be located, the investigating officer(s) shall complete the *Domestic Violence Misdemeanor Suspect Want* or the *Suspect Alert Report* in RMS based on the classification of the offense. The *Domestic Violence Misdemeanor Suspect Want* or *Suspect Alert Report* must be reviewed and approved by a work location supervisor, and an automatic email will be sent to the Forensics Division upon a supervisor approving the report.

**Note: The member requesting a *Domestic Violence Misdemeanor Suspect Want* or the *Suspect Alert Report* shall immediately call or speak to their work location supervisor to advise the supervisor the report is ready for review and approval as it will not be automatically sent to the Forensics Division for entry until it is approved by a supervisor.**

3. Members shall file an *Officer Alert Cancellation Report* in RMS to request the

cancellation of a *Domestic Violence Misdemeanor Suspect Want*, and an automatic email will be sent to the Forensics Division upon the member submitting the report.

- a. The Forensics Division shall clear the *Domestic Violence Misdemeanor Suspect Want* upon receiving the *Officer Alert Cancellation Report*.
- b. The Forensics Division member who clears the alert shall complete an *Alert Cancellation Report* in RMS.  
(WILEAG 10.1.10.1, 10.1.10.3, 10.1.10.4)

#### E. SUSPECT AND INVESTIGATIVE ALERTS

1. Suspect and investigative alerts shall be entered into the RMS by entering an Alert to the suspect's master record by the Forensics Division. The Forensics Division member who enters the alert shall complete an *Alert Entry Report* in RMS.
2. Department members shall file a *Suspect Alert Report* in RMS to request a suspect alert. The *Suspect Alert Report* must be reviewed and approved by a work location supervisor, and an automatic email will be sent to the Forensics Division upon a supervisor approving the *Suspect Alert Report*.
3. Department members shall file an *Investigative Alert Report* in RMS to request an investigative alert. The *Investigative Alert Report* must be reviewed and approved by a work location supervisor, and an automatic email will be sent to the Forensics Division upon a supervisor approving the *Investigative Alert Report*.

**Note: The member requesting an *Investigative Alert Report* or the *Suspect Alert Report* shall immediately call or speak to their work location supervisor to advise the supervisor the report is ready for review and approval as it will not be automatically sent to the Forensics Division for entry until it is approved by a supervisor.**

4. See SOP 630 (Vehicle Thefts, Prior Authority Vehicle Use, and Theft by Fraud) regarding prior authority vehicle alerts.
5. Members shall file an *Officer Alert Cancellation Report* in RMS to request the cancellation of a suspect or investigative alert and an automatic email will be sent to the Forensics Division upon the member submitting the report.
  - a. The Forensics Division shall clear the suspect or investigative alert upon receiving the *Officer Alert Cancellation Report*.
  - b. The Forensics Division member who clears the alert shall complete an *Alert Cancellation Report* in RMS.  
(WILEAG 10.1.10.1, 10.1.10.3, 10.1.10.4)

F. The Forensics Division shall be responsible for the verification of information upon

receiving a request for confirmation of a warrant or want issued by the department.  
(WILEAG 10.1.10.3)

- G. The Forensics Division shall be responsible for the cancellation of a warrant or want issued by the department when the warrant or want is served, probable cause no longer exists, or if the case was not issued by the district attorney's office.  
(WILEAG 10.1.10.4)

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

### **A. TYPES OF MUNICIPAL WRITS**

#### **1. Municipal Warrants and Municipal Traffic Warrants**

Issued for a defendant who failed to appear on a scheduled court date.

#### **2. Municipal Bench Warrants**

Issued for a defendant against whom a judgment has been entered, but whom the court has been unable to locate for service of the default judgment notice. It is used only where a commitment was ordered as an alternative for nonpayment of a fine.

#### **3. Municipal Arrest Warrants**

Issued for a defendant after the judgment has been entered and the defendant failed to pay. It is used only where a commitment was ordered as an alternative for nonpayment of a fine.

#### **4. Municipal Commitments**

Issued for a defendant after a judgment has been entered, with jail as an alternative sentence. The defendant failed to pay and a determination has been made that the defendant has the ability to pay the fine. Also, the defendant has failed to appear for an indigency hearing or the court has made a determination that the defendant failed to comply with another alternative imposed by the court.

### **B. CONVEYANCE REQUIRED**

Officers shall convey adult persons arrested on municipal writs to a district station or Central Booking for processing in accordance with SOP 090 – Prisoners and Booking. When a release on personal recognizance (PR) is authorized by the shift commander, a *Cash Bail/Personal Recognizance Bond* (form MC-656) shall be completed.

### **C. CASH BAIL/PERSONAL RECOGNIZANCE BOND FORM (MC-656)**

With shift commander approval, a *Cash Bail/Personal Recognizance Bond* (form MC-656) (located on the department's Forms drive) shall be used whenever a person is arrested on a municipal writ or summarily arrested and then released on his/her own

personal recognizance (PR) or pays cash bail. A separate form is required for each warrant/charge. The form must be filled out in its entirety then photocopied and a copy of the form given to the defendant.

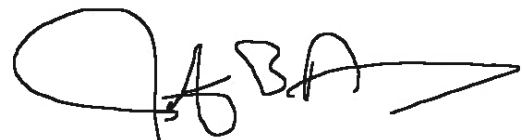
#### D. PROCESSING ADULT MUNICIPAL WRIT ARRESTS

1. Municipal writs shall be stored in the city of Milwaukee Municipal Court Writ System website. Department members shall have 24-hour access to the website and municipal writs. Members may obtain additional information regarding the city of Milwaukee Municipal Court Writ System via the *Web Writ System User Manual* located on the intranet homepage under Information and Manuals.  
(WILEAG 10.1.10.1, 10.1.10.5)
2. Members, upon determining an open municipal writ in the system, shall have their district/division personnel print a copy of the municipal writ utilizing the city of Milwaukee Municipal Court Writ System. District/division personnel shall verify information related to municipal writs upon receiving requested confirmation of a municipal writ.  
(WILEAG 10.1.10.3)
3. The member will serve the municipal writ by signing his/her name and employee number on the warrant and provide a copy of the served warrant to the defendant. The new court date shall be 5 working days (excluding weekends and holidays) from the in-custody date and only Monday through Friday at 8:30 A.M. Once the writ is served, the district/division will immediately enter the disposition in the system to cancel the warrant.  
(WILEAG 10.1.10.4)
4. When the person arrested for a municipal writ has an additional charge(s) that requires him/her to be transported to CJF, a signed copy of the municipal writ shall be included with the arrest package.
5. When the person arrested for a municipal writ (not a "Commitment" or "Cash Bail Only Warrant") has no other charges, he/she shall be permitted to be released upon his/her personal recognizance. The member serving the municipal warrant shall fax a copy of the *Cash Bail/Personal Recognizance (PR) Bond* (form MC-656) to the Milwaukee Municipal Court at 286-3615. The original copy of the *Cash Bail/Personal Recognizance (PR) Bond* (form MC-656) shall have the served writ attached to it and shall be forwarded to the Milwaukee Municipal Court by the work location serving the municipal warrant. Work locations may fax multiple *Cash Bail/Personal Recognizance (PR) Bond* forms to municipal court at the same time if each warrant is for the same person. Work locations shall not combine and fax PR bonds to municipal court for multiple persons at the same time.
6. The desk sergeant, or designee, shall obtain a computer printout of the local warrant file and stamp all PR formats 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 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 stamped signed PR format from each PR transaction and all corresponding 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*).
- E. A person arrested on a warrant with a “Cash Bail Only” provision shall be processed in accordance with subsection D (Processing Adult Municipal Writ Arrests).

#### F. COMMITMENTS

1. Individuals arrested on commitments stamped as follows must pay the listed bail or be transported to the Criminal Justice Facility. They shall not be released from custody on personal recognizance (PR).
  - a. “Judicial Determination Made that Defendant Has the Ability to Pay”
  - b. “Defendant Personally Notified and Failed to Attend Indigency Hearing”
  - c. “Judicial Determination Based Not Solely on Defendant's Ability to Pay”
2. Commitments may be satisfied by cash, Mastercard/Visa, money order or traveler's check. No personal checks shall be accepted.
3. Persons not satisfying the commitment shall, after processing, be conveyed to the Criminal Justice Facility. The arresting/conveying officer shall notify their district/division who shall fax two copies of the commitment to CJF.



JEFFREY B. NORMAN  
CHIEF OF POLICE