



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

140 – JUVENILE PROCEDURES

GENERAL ORDER: 2025-34
ISSUED: July 24, 2025

EFFECTIVE: July 24, 2025

REVIEWED/APPROVED BY:
Assistant Chief Craig Sarnow
DATE: June 23, 2025

ACTION: Amends General Order 2022-22 (July 11, 2022)

WILEAG STANDARD(S): 6.2.2, 6.6.1, 6.6.2,
6.6.3, 6.6.4

140.00 PURPOSE

The purpose of this standard operating procedure is to provide guidelines for the proper processing of juveniles at department facilities.

140.05 POLICY

This policy establishes procedures for juveniles as they relate to custody, order-ins, conveyances, booking, disposition, warrants, reports, citations and injunctions/restraining orders.

140.10 DEFINITIONS

A. CHILD/JUVENILE

A person who is less than 18 years of age. "Juvenile" does not include a person who has attained 17 years of age for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law, any civil law or a municipal ordinance [[Wis. Stat. § 48.02\(2\)](#)], [[Wis. Stat. § 938.02\(10m\)](#)]. Juveniles in the military are processed the same as all other juveniles.

B. ADULT

A person who is 18 years of age or older. "Adult" means a person who has attained 17 years of age for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law, any civil law or a municipal ordinance [[Wis. Stat. § 48.02\(1d\)](#)].

C. PARENT

Either a biological parent, a husband who has consented to the artificial insemination of his wife under [Wis. Stat. § 891.40](#), or a parent by adoption. If the child is a non-marital child who is not adopted or whose parents do not subsequently inter-marry under [Wis. Stat. § 767.803](#), "parent" includes a person acknowledged under [Wis. Stat. § 767.805](#) or a substantially similar law of another state or adjudicated to be the biological father. Parent does not include any person whose parental rights have been terminated [[Wis. Stat. § 48.02\(13\)](#)] [[Wis. Stat. § 938.02\(13\)](#)].

D. TAKING INTO CUSTODY

Is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of any evidence is lawful [[Wis. Stat. § 48.19\(3\)](#)], [[Wis. Stat. § 938.19\(3\)](#)].

E. PHYSICAL CUSTODY

The actual custody of the person in the absence of a court order granting legal custody to the physical custodian [[Wis. Stat. § 938.02\(14\)](#)].

F. LEGAL CUSTODY

A legal status created by an order of a court that confers the right and duty to protect, train and discipline a juvenile, and to provide food, shelter, legal services, education and ordinary medical and dental care, subject to the rights, duties and responsibilities of the guardian of the juvenile and subject to any residual parental rights and responsibilities and provisions of any court order [[Wis. Stat. § 938.02\(12\)](#)].

G. SECURE CUSTODY STATUS

The status of a juvenile in a lockup facility, which begins when the juvenile is placed in a cell, holding room, other locked or secure room or handcuffed to a cuffing rail or other stationary object within a lockup and which ends when the juvenile is released from custody or is removed from the secure portion of a police station [Department of Corrections [Wis. Stat. § 349.03\(14m\)](#)].

H. SECURE DETENTION AREA

The area within the secure outer boundaries of a lockup [Department of Corrections [Wis. Stat. § 349.03\(15\)](#)].

I. JUVENILE DETENTION FACILITY

A locked facility approved by the Department of Corrections under [Wis. Stat. § 301.36](#) for the secure, temporary holding in custody of juveniles [[Wis. Stat. § 938.02\(10r\)](#)].

J. RELEASE

The returning of a child to the parent, guardian or legal custodian without further action or pending action in juvenile court.

K. VEL PHILLIPS JUVENILE JUSTICE CENTER (VPJJC).

Formally referred to as Milwaukee County Children's Court (MCCC) located at 10201 W. Watertown Plank Rd., Wauwatosa, Wisconsin.

140.15 CUSTODY (WILEAG 6.6.1, 6.6.3)

A. AUTHORITY FOR TAKING A JUVENILE INTO CUSTODY

A juvenile may be taken into custody under any of the following [[Wis. Stat. § 938.19\(1\)](#)]:

1. A warrant.
2. A *capias* issued by a court under [Wis. Stat. § 938.28](#).
3. A court order if there is a showing that the welfare of the juvenile demands that the juvenile be immediately removed from his or her present custody. The order shall specify that the juvenile be held in custody under [Wis. Stat. § 938.207](#).
4. A juvenile may be taken into custody under circumstances in which a law enforcement officer believes on reasonable grounds that any of the following conditions exists [[Wis. Stat. § 938.19\(1d\)](#)]:
 - a. A *capias* or a warrant for the juvenile's apprehension has been issued in this state or the juvenile is a fugitive from justice.
 - b. A *capias* or a warrant for the juvenile's apprehension has been issued in another state.
 - c. The juvenile is committing or has committed an act which is a violation of a state or federal criminal law.
 - d. The juvenile has run away from his or her parents, guardian or legal or physical custodian.
 - e. The juvenile is suffering from illness or injury or is in immediate danger from his or her surroundings and removal from those surroundings is necessary.
(WILEAG 6.6.3.2)
 - f. The juvenile has violated the terms of court-ordered supervision, community supervision, or aftercare supervision; a condition of the juvenile's placement in a Type 2 juvenile correctional facility or a Type 2 residential care center for children and youth; or a condition of the juvenile's participation in the intensive supervision program under [Wis. Stat. § 938.534](#).
 - g. The juvenile has violated the conditions of an order under [Wis. Stat. § 938.21\(4\)](#) or of an order for temporary physical custody issued by an intake worker.
 - h. The juvenile has violated a civil law or a local ordinance punishable by forfeiture, except that in that case the juvenile shall be released immediately under [Wis. Stat. § 938.20\(2\)\(ag\)](#) or as soon as reasonably possible under [Wis. Stat. § 938.20\(2\)\(b\) to \(g\)](#).
 - i. The juvenile is absent from school without an acceptable excuse under [Wis. Stat.](#)

§ 118.15.**B. MANDATORY DETENTION OF JUVENILES**

In accordance with [Wis. Stat. § 165.83](#), fingerprints, descriptions and photographs shall be obtained for all persons if any of the following conditions are met:

1. Arrested or taken into custody for an offense which is a felony or which would be a felony if committed by an adult.
2. For an offense which is a misdemeanor, which would be a misdemeanor if committed by an adult or which is a violation of an ordinance, and the offense involves burglary tools, commercial gambling, dealing in gambling devices, contributing to the delinquency of a child, dealing in stolen property, controlled substances or controlled substance analogs under [Wis. Stat. § 961](#), firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks.
3. For an offense charged or alleged as disorderly conduct but which relates to an act connected with one or more of the offenses under subsection 2.
4. As a fugitive from justice.
5. For any other offense designated by the attorney general. "Offense" means any of the following:
 - a. An act that is committed by a person who has attained the age of 17 and that is a felony or a misdemeanor.
 - b. An act that is committed by a person who has attained the age of 10, but who has not attained the age of 17 and that would be a felony or misdemeanor if committed by an adult.
 - c. An act that is committed by any person and that is a violation of a city, county, village or town ordinance.

When deciding on a disposition for the juvenile, officers should be mindful of the constitutional rights guaranteed to that juvenile.

(WILEAG 6.6.3.1, 6.6.6.3)

C. MUNICIPAL LOCKUP FACILITY

All police districts and the Central Booking Division may be used as a municipal lockup facility for juveniles. A juvenile alleged to have committed a delinquent act as defined by [Wis. Stat. § 938.02 \(3m\)](#) may be held in any of the municipal lockup facilities within the city of Milwaukee, under the following conditions:

1. Juveniles shall be kept separate from adults in all areas of the municipal lockup facility and district facilities. There shall be no sight or sound contact with adult prisoners in any area of the lockup, including entrances, booking areas, intake,

- elevators, staircases, cells, holding rooms or any other area. No juvenile shall be placed in secure custody status at District Stations 4 or 5 when there are adult arrests in the cell block. Under no circumstances should district station interrogation rooms be used to hold juveniles that are in secure custody unless the juvenile is being interrogated and accompanied by a detective/officer.
2. No juvenile shall be placed into any cell or any form of secure custody status until the juvenile has been completely processed (Jail Management System (JMS), fingerprints and photographs) unless they meet the criteria established pursuant to SOP 090.90 Municipal Citations and Personal Recognizance Arrests. This means that the arresting officers/detectives shall physically stay with all juveniles in their custody and shall maintain control over them.
 3. Juveniles shall be processed in an expeditious manner and shall have priority in the booking process. When the booking data is entered into JMS and the fingerprints and photographs have been captured and completed, the appropriate disposition code shall be entered into JMS (refer to SOP 090 – Prisoners and Booking procedures for disposition codes).
(WILEAG 6.6.3.4)
 4. If a juvenile is placed in a cell, physical checks shall be conducted at staggered and random intervals, not to exceed 15 minutes, a minimum of five times an hour. These safety checks shall be staggered so as to not establish a noticeable routine so as to allow the juvenile to escape, hurt themselves or hurt the officer.
- Note: If the prisoner has been identified as having a special problem as defined by [DOC § 349.12\(1\)](#), the booker shall also conduct a physical inspection of the cell every 15 minutes and log the information on the *Daily Cell Block Check – Juveniles* (form PD-4J).**
5. Juveniles shall not be held in a secure custody status in a municipal lockup facility for more than six hours. The six-hour requirement is mandated by the Federal Juvenile Justice Delinquency Prevention Act and is also required under [Wis. Stat. § 938.209](#) and DOC Administrative Code [Chapter 349](#). The six-hour secure custody status time limit starts when the detained juvenile is placed in a secure detention area (a cell or locked area within the police building or handcuffed to a cuffing rail or other stationary object). Juveniles who have not yet been placed in secure custody status (e.g., those who remain with the arresting officer, are going through the booking process in an unsecured detention area, or who have not yet been placed within a locked area within the police building or have been handcuffed to a cuffing rail or other stationary object) do not cause the clock to start as it pertains to the six-hour limit. These activities do not constitute secure custody status.
 6. Once a juvenile has been placed in secure custody status within the secure detention area, the six-hour time limit cannot be extended. However, the six-hour time limit can stop, and will restart, whenever the juvenile is removed from and returned to the secure detention area or handcuffed to a fixed object. It is the responsibility of the interviewing member to record the time of all the juvenile's movements in and out of

secure custody and their total time spent in secure custody status. The interviewing member shall provide the booker with this information, which the booker shall document in JMS. When the juvenile has been in secure custody status for five hours, notification shall be made to the shift commander at the location where the juvenile is in custody (See SOP 140.10(G) for definition of "Secure Custody Status").

7. Prior to the expiration of the six-hour maximum time limit for secure detention status, the juvenile shall be transferred from secure custody status and removed from the cell or booking area. The juvenile must be escorted under direct supervision of a police officer / detective to the district assembly area and/ or front office. It is required that the juvenile be in the presence of and in direct physical supervision of an officer/detective. The use of handcuffs to maintain custody is authorized provided the juvenile is not handcuffed to a stationary object, such as a wall or large table. Additionally, the juvenile cannot be handcuffed and left in an interview room while the "supervising" officer or detective moves about the assembly area. Once the 6-hour time limit in "secure custody status" has expired on any juvenile, he/she can no longer be placed back into "secure custody status" for any reason.
8. Juveniles shall not be placed into secure custody status if they are in custody for status offenses (e.g., missing, runaway, child in need of protective services, truancy violations, curfew violations).
(WILEAG 6.6.3.5)
9. Combative juveniles are to be controlled and then placed in secure custody status at an approved department facility and charged under the appropriate state statute, if applicable.
10. All municipal lockup facility records pertaining to juveniles held in secure custody status shall be maintained confidentially and shall remain separate from adult records.

D. DETENTION FACILITIES

1. VPJJC is the detention facility for all detained juveniles.
2. A complete booking entry into JMS, along with fingerprints and prisoner photographs, shall be completed prior to the arrestee being conveyed to any detention facility.

E. NOTIFICATION OF PARENT OR GUARDIAN

The parent, guardian or legal custodian of any juvenile, including a 17 year old, taken into custody must be notified as soon as possible. The responsibility for said notification rests with the officer taking the juvenile into custody. The person notified, as well as the date and time of the notification, is to be recorded on the back of the *Arrest Report* (form PA-45) in the appropriate spaces. Shift commanders shall ensure this notification is documented on the PA-45.

140.20 TRANSPORTATION OF JUVENILES (WILEAG 6.6.3)**A. TRANSPORT TO DISTRICT STATION OR CENTRAL BOOKING**

1. In general, juveniles taken into custody shall be conveyed to the district station of the district in which the juvenile was taken into custody. Central Booking shall be the lockup facility for juveniles taken into custody in District 1. Juveniles will generally be transported in a squad car equipped with a safety shield or patrol wagon. Juveniles shall be properly restrained in seat belts or child restraint systems during transportation.

Note: Refer to SOP 090 Prisoners and Booking for further information regarding transportation.

2. Juveniles shall not be transported with adult prisoners unless the juvenile and adult have been arrested in connection with the same offense, or unless the adult is the parent or guardian of the juvenile.
3. Officers conveying juveniles to the Central Booking Division shall park in the sub-basement of the Police Administration Building (PAB) and not in the upper garage and transport juveniles to the Central Booking Division via the PAB "police personnel only" elevator.
4. Officers will proceed to the juvenile processing area where a member of the Central Booking Division shall allow entry. All searching, pre-booking, booking, and photo / fingerprints will be performed in this area. Under no circumstances will an adult prisoner be allowed entry into the juvenile processing area when juveniles are present.

B. JUVENILES WITH MEDICAL ISSUES OR IN NEED OF MEDICATION

1. If a juvenile in police custody is in need of non-emergency medical care or medication, he/she shall be conveyed by police patrol unit to a medical facility. For emergency medical care, a juvenile shall be conveyed by ambulance or fire department paramedic unit to a medical facility without delay.
(WILEAG 6.6.3.4)
2. When a juvenile is transported to the VPJJC it shall be done in an expeditious manner. If intake staff determines the juvenile is in need of medical clearance then the juvenile shall be transported to Children's Hospital of Wisconsin. Hospital discharge papers shall be submitted to intake workers when returned to VPJJC.
(WILEAG 6.6.3.4)
3. Any medication in possession of the juvenile when taken into custody shall be brought to the VPJJC with the juvenile.

140.25 BOOKING

- A. Juveniles who are arrested and conveyed to Central Booking or a district station for offenses described in section 140.15(B) shall be booked, except as indicated in section

140.30(A). The shift commander must be notified that a juvenile is in custody.

- B. The booking officer shall complete the mental health and medical information tabs in JMS prior to the confinement of any juvenile in any cell or holding room for any purpose and for any length of time. Any affirmative response to the questions contained in the mental health and medical information tabs shall be documented and brought to the immediate attention of a supervisory officer who shall issue instructions concerning a course of action. This course of action shall be documented under the medical sub tab "treatment". A printed copy of the medical information screens shall accompany juvenile prisoners to the VPJJC and be given to the intake worker for all detained juveniles.
- C. Refer to SOP 090, Prisoners and Booking, for information regarding handling of an in-custody juvenile's property.

140.30 DISPOSITIONS (WILEAG 6.6.1, 6.6.2, 6.6.3)

- A. When considering the proper disposition of a juvenile in custody, consider both the interest of the community and the interest of the juvenile. The least restrictive alternative should be utilized while protecting public safety, order and individual liberty. Factors to consider include the seriousness of the offense, the record of the child, the interest and attitude of parent and child and the complainant's rights as it relates to disposition.

B. ADMINISTRATIVE RELEASE

When a juvenile has been properly taken into custody and investigation reveals that the department is unable to pursue charges because the juvenile was not involved in the offense or there is insufficient evidence to adequately support the charge, the juvenile must be released. In all cases, the juvenile shall be taken to the district station and a PA-45 must be filed stating the reason the juvenile was taken into custody. The disposition shall be listed as "administrative release" and must be approved by the shift commander. A wanted check and fast identification using the MorphIDent identification device shall be conducted before release. The juvenile's parents shall be notified and noted on the PA-45. Refer to SOP 090.165 regarding administrative release procedures.
(WILEAG 6.6.2.1, 6.6.3.5)

C. RELEASE TO PARENT OR GUARDIAN WITHOUT FURTHER ACTION

This disposition should be considered when the offense is of a minor nature and a check of the juvenile's record reveals no prior offense and the parents or guardian appear concerned, cooperative and capable of providing necessary supervision and control. In this case the parent or guardian should sign the PA-45 in the area designated as parent notified.
(WILEAG 6.6.2.1)

D. REFERRAL TO VEL PHILLIPS JUVENILE JUSTICE CENTER (VPJJC)

1. In those misdemeanor cases where detention is not appropriate.
2. When a juvenile is referred to the VPJJC for disposition, the date set for appearance

shall be ten (10) calendar days (Monday - Friday at 8:30 am) from the date the juvenile was taken into custody. The ten (10) calendar days shall include weekends and holidays, and if the tenth (10th) day falls on a weekend or holiday, the date set for appearance shall be the first non-weekend or holiday following the tenth (10th) day at 8:30am.

(WILEAG 6.6.2.3)

3. The member taking the juvenile into custody shall complete a *Court Referral Child / Juvenile* referral form (JD-1701).
4. Members shall refer to SOP 090.135(B) regarding DNA specimen collection requirements prior to release of the juvenile.

E. DETENTION AT VPJJC

1. The decision to detain shall be made by the district or division shift commander. Shift commanders may consult with the VPJJC intake worker when considering detaining a juvenile at the VPJJC. Only the VPJJC intake worker is authorized by state statute to make the decision to admit or release the juvenile. Under no circumstances shall a juvenile be detained as a means of punishment, because it enhances pending investigations or because he or she is a material witness, unless so ordered by the children's court. The officer taking the juvenile into custody shall complete a *Temporary Physical Custody Request* form (JD-1710) and a *Court Referral Child / Juvenile* referral form (JD-1701).
2. Detention is mandatory when one or more of the following conditions or circumstances exist:
 - a. The offense is a felony.
 - b. A misdemeanor involving a weapon or resulting in injury or harm to others or a threat to public safety.
 - c. The offense is one of a series of offenses which were previously handled without being referred to the VPJJC.
3. If the juvenile is hospitalized, all paper work shall be filed and secured at the district station shift commander's office until the subject is medically cleared and ready to be discharged (refer to SOP 090). In the event a hospital guard is needed refer to SOP 090.
4. Members shall refer to SOP 090.135(B) regarding DNA specimen collection requirements prior to transporting the juvenile to VPJJC.

140.35 REPORTS AND JUVENILE PACKAGE ENVELOPE (FORM PE-40) (WILEAG 6.6.2)**A. GENERAL INFORMATION**

1. The officer taking the juvenile into custody shall be responsible for the proper custody, control and care of a juvenile taken into custody and the submission of all reports relating to the apprehension.
2. When appropriate, and as determined by departmental policy or procedure (generally felony or controlled substances cases), the respective Criminal Investigation Bureau division, HIDTA or Sensitive Crimes Division must be notified so that they may provide whatever assistance is necessary or advisable.

B. ARREST / DETENTION REPORT (FORM PA-45) REQUIRED

1. A PA-45 must be completed in the following cases:
 - a. When a juvenile is taken into custody for violation of a state law, municipal ordinance or an order of the court. The reason or need for such detention must be clearly stated in the probable cause section of the PA-45.
 - b. When a dependent child is taken into custody pursuant to [Wis. Stat. § 938.205](#).
 - c. When a 12 to 16 year old juvenile is taken into custody on a municipal warrant, traffic warrant or traffic capias.
2. All PA-45 reports must indicate the disposition of the juvenile, e.g., detained, released to appear, including a legible right index fingerprint affixed to the back where designated.
3. The original completed, approved and signed PA-45, *Pedigree Information* (form PA-45A) shall be sent to Imaging. Copies of the original PA-45 shall not be made until a right index fingerprint is affixed to the back, is signed and notarized by a shift commander and the on-line booking process is completed.
4. A PA-45 shall not be filed when a 12 through 16 year old juvenile violates a city ordinance, when a non-traffic municipal citation is issued, or the juvenile is not taken into custody.
(WILEAG 6.6.2.2)

C. JUVENILE PACKAGE ENVELOPE (FORM PE-40)

The *Juvenile Package Envelope* (form PE-40) shall be used when a juvenile is referred to or detained at the VPJJC, charges and a warrant are requested or follow up reports are needed. No reports shall be placed into the PE-40 except those noted on the PE-40. The shift commander shall review the PE-40 and ensure that all subsequent follow-up reports are completed and forwarded to the Court Administration Division as soon as possible for transmittal to VPJJC.

1. The following items, if applicable, shall be included in the PE-40:
 - a. PA-45 and PA-45A.
 - b. Incident report and investigative supplemental reports.
 - c. Inventory report.
 - d. *Temporary Physical Custody Request* when applicable.
 - e. Co-defendant copies, if applicable.
 - f. Audio/video recording of juvenile's statement.
 - g. Copy of video or photographic evidence if applicable (e.g., body worn camera video, in-car video, private video).
 - h. *Court Referral Child / Juvenile* referral form (JD-1701).
 - i. Juvenile Referral Worksheet.
 - j. Juvenile Justice Victim / Witness Datasheet.
 1. Members are to ensure the *Victim/Witness Data Sheet* is filled out in its entirety and all witness types are properly identified. Only one (1) member witness is to be designated as "primary".
 2. Supervisors responsible for reviewing the *Victim/Witness Data Sheet* are to ensure each member witness is properly categorized and only witnesses vital to the case are listed. Supervisors must evaluate the need for a member to be listed as a witness. Members listed but found not material to the case are to be removed from the *Victim/Witness Data Sheet* by the supervisor.
 3. The reviewing supervisor will affix the work location's stamp and provide their signature directly below the last member witness. The stamp and signature will serve as evidence the *Victim/Witness Data Sheet* has been reviewed and approved by the supervisor.
 4. The district attorney's office will make the final determination as to which witnesses will be required to appear for testimony by the issuance of a subpoena.
 - k. District Attorney Criminal Case Calendar.

Note: Whenever there are one or more adult or juvenile co-defendants also arrested or taken into custody, copies of the co-defendant's PA-45 and PA-45A are required.

2. If the juvenile is to be detained, the shift commander shall ensure the *Juvenile Package Envelope* (form PE-40) is as complete as possible and accompanies the detained juvenile to the VPJJC. When reports are not completed prior to the juvenile being transported, the lead detective or officer in the case shall ensure, that upon completion, the reports are immediately sent to the district attorney's office. The reports shall also be placed inside an additional *Juvenile Package Envelope* (form PE-40) for transmittal to the VPJJC.

Note: All juvenile detentions are reviewed the next morning by the district attorney's office. Detention hearings are scheduled for the same afternoon. The district attorney's office cannot make an appropriate charging decision without the proper reports and, therefore, the juvenile may not be detained. If a juvenile is arrested prior to 11:59pm and/or brought to VPJJC prior to 10:30am the same day, he/she will have a hearing at 1:30pm, so all reports shall be completed and supervisor approved in adherence with these timelines.

3. If the juvenile is to be released with a referral to VPJJC, the shift commander shall forward the *Juvenile Package* (form PE-40) to the Court Administration Division for transmittal to the VPJJC by the Court Administration Division /VPJJC court liaison officer.

D. COURT OR DISTRICT ATTORNEY'S OFFICE APPEARANCE BY OFFICER AND/OR WITNESSES

1. Victims and witnesses shall not be ordered to appear at the VPJJC unless specifically requested by the district attorney's office or as indicated in subsection 2 below. The officer(s) taking the child into custody is not required to appear unless specifically requested by the district attorney.
2. Whenever a juvenile is detained at the VPJJC on a charge of sexual assault, the victim of the assault must be advised to appear at the VPJJC district attorney's office the following day, when practicable, at 10:00 a.m., excluding weekends and holidays. Shift commanders shall ensure that all reports are immediately forwarded to the VPJJC district attorney's office.
3. When a juvenile is detained at the VPJJC the officer(s) taking the juvenile into custody may have to appear for a Child in Need of Protective Services (CHIPS) hearing ([Wis. Stat. § 48.21](#)) on the next regularly scheduled court date. Notification for such appearance will be made by the district attorney's staff through the officer's commanding officer.
4. In cases involving juveniles taken into custody for a homicide, a supervisor from the Homicide Division shall contact the district attorney's office at the VPJJC and advise an assistant district attorney of the circumstances.

140.40 JUVENILE NEARING 17TH BIRTHDAY

Juveniles must be petitioned to children's court prior to their 17th birthday for non-traffic cases only. Under no circumstances should a released juvenile be ordered out to the children's court intake after his or her 17th birthday.

A. COURT NOT IN SESSION

1. A 16 year old taken into custody who turns 17 prior to the next regular court session should not be detained unless circumstances make it mandatory. Reports should indicate the "need for detention" and the fact that the subject will be prosecuted as an adult since he or she will turn 17 years of age prior to or on the next regularly scheduled children's court date. The PA-45 should also indicate the date and time the officer will be picking up the subject at VPJJC for such prosecution. The time should be 8:00 a.m. on the morning of the next scheduled court date.
2. If the juvenile is to be released pending adjudication, direct the juvenile to appear at the adult prosecution section of the district attorney's office.

B. REFERRAL TO VPJJC

When a 16 year old juvenile is referred to the VPJJC for disposition just prior to their 17th birthday, the following time frames are to be adhered to:

1. Juvenile turns 17 within 10 days of apprehension, he/she shall be ordered in within five calendar days.
2. Juvenile turns 17 within five or less days of apprehension; he/she shall be transported directly to VPJJC with the appropriate documentation.
3. Shift commanders reviewing the PA-45 shall "red flag" the PE-40 by circling the date of birth with a red pen to alert the reviewing intake worker at the VPJJC to quickly process the referral. All related reports shall be immediately forwarded to the VPJJC court liaison officer via the PE-40.
4. When the reports are received at the Court Administration Division, the Court Administration Division will promptly deliver the reports to the district attorney's office at VPJJC.

140.45 17 YEAR OLDS ARRESTED FOR OFFENSES COMMITTED AS A JUVENILE

If a subject has attained the age of 17 when he/she is arrested for a criminal offense committed while he/she was still a juvenile:

- The subject shall be processed as a juvenile arrest if he/she was arrested based on a *capias* or juvenile warrant (the subject was already charged as a juvenile regarding the offense);

- The subject shall be processed as an adult arrest if he/she is summarily arrested for the offense or the subject was not charged by the Milwaukee County District Attorney's Office until he/she attained the age of 17 (e.g., the arrest was based on an adult warrant).

Note: Members shall not delay presenting cases to the Milwaukee County District Attorney's Office in order to avoid juvenile court jurisdiction as [Wis. Stat. § 938.12](#) prohibits the state from a delay in charging a child in order to avoid juvenile court jurisdiction.

140.50 ORDERS TO PRODUCE (OTP)

A. Requests for Orders to Produce (OTP) for juveniles held at VPJJC should be made through the chief judge of children's court. The request must articulate that the juvenile is being questioned regarding an uncharged offense(s) separate from any charge in which the juvenile is represented. If a lineup is involved and the juvenile has been charged, ensure the public defender's office is notified as to the date, time and location of the lineup.

B. COURT COMMISSIONER BOOK IN/DNA ORDERS

1. Juveniles will be ordered in by branch commissioners to Central Booking for a complete booking with fingerprints and DNA for any felony requiring DNA. The Milwaukee County Sheriff Courts Division will provide the ordering commissioner's name, juvenile name, date of birth, charges, and case number.
2. Juveniles who have been ordered in by branch commissioners for a complete booking with fingerprints and do not require DNA, may report to any district station to be booked in.

140.55 WARRANTS

A. STATE WARRANT REQUESTS

1. A juvenile warrant request is made at the same time a request for delinquency charges and must be authorized by the shift commander. The officer requesting the charges and warrant must submit a *Juvenile Warrant Request* (form PJ-2) along with a completed PE-40 containing all applicable reports and the "warrant request" box in the upper right hand corner checked. All efforts to apprehend the juvenile must have been exhausted and documented. If the juvenile for whom the charges and warrant is requested is also missing, a missing persons incident report shall be filed. This report shall indicate that charges and warrant have been requested for a specific incident and list the incident report number and/or the complainant's name.
2. The shift commander shall forward the PE-40, including the PJ-2, to the Court Administration Division.
3. Warrants for juveniles issued by children's court may be served at any time. Warrants shall be confirmed prior to transporting the juvenile to VPJJC

4. A juvenile warrant remains in effect even after the subject becomes 17 years of age. In such instances, the subject shall be processed as an adult arrest. No waiver proceeding is required.

B. PROCESSING MUNICIPAL WARRANTS

1. District/division personnel shall print a copy of the municipal warrant which the member will serve on the juvenile by signing his/her name and PeopleSoft number on the warrant and provide a copy of the served warrant to the juvenile. Once the warrant is served, the district/division will immediately enter the disposition in the system.
2. When court is not in session and the juvenile is released on personal recognizance for a municipal warrant, the original *Cash Bail/Personal Recognizance* (form MC-656) shall have the served warrant attached to it and shall be forwarded to the Milwaukee Municipal Court by the work location serving the municipal warrant. 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 414-286-3615. 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.
3. The desk sergeant or designee shall obtain a computer printout of the local warrant file and validate all PR forms through the cash register.
4. At the time of the cash register close out, the desk sergeant shall forward via department email to the municipal court one validated signed PR format from each PR transaction and all corresponding validated computer printouts of the juvenile municipal warrant.

C. JUVENILES IN CUSTODY ON MUNICIPAL WARRANTS ONLY

1. Conveyance Required

Juveniles taken into custody only for municipal warrants shall be conveyed to a district station or, in the case of a District 1 officer, Central Booking, for processing in accordance with this SOP and SOP 090 Prisoners and Booking. The officer taking the juvenile into custody shall notify the parent or guardian.

2. Warrant Satisfied

The juvenile may satisfy the municipal warrant by cash payment only. When warrants are satisfied, a MC-656 shall be completed for each warrant with a copy given to the defendant.

3. Warrant Not Satisfied And Municipal Court In Session

If the juvenile does not satisfy the warrant and municipal court is in session, the

juvenile shall be conveyed to Central Booking. The conveying officer shall notify a Central Booking supervisor that the juvenile must appear in municipal court. A Central Booking supervisor shall notify a Court Administration Division supervisor and Court Administration Division personnel, along with the arresting officer, shall escort the juvenile into municipal court.

4. Warrant Not Satisfied And Municipal Court Not In Session

If the juvenile does not satisfy the warrant and municipal court is not in session, the juvenile shall be released on personal recognizance (PR) on the municipal warrant. A MC-656 shall be completed for each warrant with a copy given to the defendant. The new court date shall be 5 working days from the in-custody date and only on Monday through Friday at 8:30 a.m. (excluding weekends and holidays).

Note: Adults released on personal recognizance for juvenile warrants shall be ordered in according to the juvenile order-in schedule noted in subsection 4 above.

D. JUVENILES TAKEN INTO CUSTODY FOR MUNICIPAL WARRANTS AND ADDITIONAL CHARGES

1. Conveyance Required

Juveniles taken into custody for municipal warrants and additional charges shall be conveyed to a district station or, in the case of a District 1 officer, Central Booking for processing in accordance with this SOP and SOP 090, Prisoners and Booking. The officer taking the juvenile into custody shall notify the parent or guardian.

2. Warrant Satisfied

The juvenile may satisfy the municipal warrant by cash payment only. When warrants are satisfied, a MC-656 shall be completed for each warrant with a copy given to the defendant.

3. Warrant Not Satisfied and Municipal Court In Session

If the juvenile does not satisfy the warrant and municipal court is in session, the juvenile shall be conveyed to Central Booking. The conveying officer shall notify a Central Booking supervisor that the juvenile must appear in municipal court. A Central Booking supervisor shall notify a Court Administration Division supervisor and Court Administration Division personnel, along with the arresting officer, shall escort the juvenile into municipal court.

- a. If the juvenile will be detained at the VPJJC for the additional charges, Court Administration Division personnel shall return the juvenile to Central Booking. A Central Booking supervisor shall arrange for transportation.
- b. If the juvenile is ordered to appear at VPJJC for the additional charges, the

arresting officer shall return the juvenile to Central Booking. A Central Booking supervisor shall arrange for the juvenile's release.

4. Warrant Not Satisfied and Municipal Court Not In Session

If the juvenile does not satisfy the warrant and municipal court is not in session, the juvenile shall be released on personal recognizance (PR) on the municipal warrant. A MC-656 form shall be completed for each warrant with a copy given to the defendant. The new court date shall be 5 working days from the in-custody date and only on Monday through Friday at 8:30 a.m. (excluding weekends and holidays). The juvenile shall be processed accordingly on the additional charges.

E. MISDEMEANOR WARRANTS

Misdemeanor juvenile warrants are kept at the Milwaukee County Sheriff's Office (MCSO). When taking a juvenile into custody on this type of warrant, the shift commander of the officer(s) that took the juvenile into custody shall ensure that a teletype is sent to the MCSO notifying them that the juvenile has been taken into custody and detained at the VPJJC. The MCSO will forward the warrant to the VPJJC.

F. FELONY WARRANTS

1. Prior to taking a juvenile into custody on a felony warrant, the apprehending officer must verify that the warrant is valid by contacting the Forensics Division clerical section.
2. The original felony arrest warrant is to be retained at the Forensics Division clerical section until the next court session at which time the Court Administration Division /children's court liaison officer will pick up the warrant and deliver it to the district attorney's office at the VPJJC.
3. When a 17 year old is taken into custody on a juvenile felony warrant, the Court Administration Division / children's court liaison officer will retrieve the served felony warrant from the Forensics Division clerical section and transport it to the VPJJC. The VPJJC staff will withdraw the juvenile felony warrant from their system and provide the court liaison officer with the applicable reports to be delivered to the adult division of the district attorney's office located in the Criminal Justice Facility (CJF). Further processing in adult court will be the responsibility of the district attorney's office.
4. District/division shift commanders shall notify the Criminal Investigation Bureau shift commander at extension [REDACTED] who will determine if a detective will be assigned to question the juvenile relative to the felony arrest warrant.
5. The officer(s) taking the juvenile into custody shall file a supplemental report, if applicable.

G. TRAFFIC WARRANTS AND CAPIASES FOR JUVENILES 16 YEARS OLD

1. Warrant service

- a. Traffic warrants are issued when a 16 year old juvenile fails to appear at the court commissioner's office on the designated court date for a criminal code violation. A *capias* is issued when a 16 year old juvenile fails to appear in traffic court on an adjourned date.
- b. Such warrants and *capiases* can only be served while traffic court is in session. When a 16 year old juvenile is taken into custody on a traffic warrant or traffic *capias*, the juvenile shall be conveyed to a district station for processing (on-line booking and PA-45). The juvenile shall then be conveyed to traffic court by the arresting officer. Officers can call Court Administration Division for juvenile court session times.
- c. However, should the person have turned 17 years of age since the warrant was issued, the warrant may be served at any time in accordance with department policy as it relates to serving city warrants for adults.

2. Capiases

A juvenile under the age of 18 wanted on a *capias* (traffic or criminal) shall be detained at VPJJC.

140.60 MUNICIPAL COURT CITATIONS (WILEAG 6.6.2)

- A. A Juvenile Municipal Court Citation (form CBP-201) or TraCS non-traffic citation (NTC) shall be used for city ordinance violations denoted on the current municipal court deposit schedule and may only be issued to juveniles 12 years of age or older. A juvenile shall be issued the white (hard) copy of the citation (or TraCS NTC citation), the buff mailer and citation disposition instructions including the *Milwaukee Municipal Court (How to Take Care of Your Citation)* card (form MC-715 or MC-715S (Spanish version)) and a *Community Contact Card* (form PF-6). A Spanish version must also be provided. The proof of service section on the reverse side of the court copy should be completed and signed by the juvenile, indicating the juvenile has received the citation. If the juvenile refuses to sign the court copy, write "refused" in the signature block.

A juvenile should be released with a future court date as soon as possible following issuance of a citation. Persons 17 years old or older shall be issued Adult Municipal Court Citations (form CPB-200), or TraCS NTC citation, and processed as an adult.

- B. In accordance with [Wis. Stat. § 343.15\(5\)](#), the parent or guardian of each juvenile issued a citation shall be notified of the violation within seven days of the violation. The issuing member is responsible for making the notification. The issuing member shall obtain the full name of the parent being notified, as well as his/her date of birth and enter this information on the canary copy of the citation or in the appropriate section of the TraCS NTC citation.

- C. A member investigating a juvenile with a liquor law violation shall make a record check with the Department of Transportation (DOT) to determine whether there have been any previous violations of liquor laws. The DOT record check section on the blue (juvenile) court copy shall be completed indicating either no previous liquor law violations or, if previous violation(s) exist(s), the date of arrest, date of conviction, court and state statute number. This information shall be documented in the narrative if a TraCS NTC citation is issued.
- D. Form CBP-201, or TraCS NTC citations, can only be used for boating violations covered by city ordinance which are non-criminal. The Wisconsin Uniform Boating Citation (form 4100-70) shall be used for criminal boating violations as well as for boating violations not covered by city ordinance. These violations are only returnable to circuit court.
- E. NON-TRAFFIC MUNICIPAL CITATIONS

The work location commander shall ensure that all Juvenile Municipal Court Citations (form CBP-201), after proper review, are logged on the *Transmittal of Non-Traffic Citations to Municipal Court* in accordance with SOP 070 Citation Procedures. The blue and yellow copies of the citation are forwarded to the Court Administration Division. If a Juvenile Municipal Court Citation (form CBP-201) or TraCS NTC citation needs to be voided, members shall follow the procedures set forth in SOP 070.105 (Citation Procedures – Voided Citations).
(WILEAG 6.6.2.2)

140.65 TRAFFIC VIOLATIONS (WILEAG 6.2.2, 6.6.1, 6.6.2)

A. [WIS. STAT. § 938.17\(1\)](#)

Except as provided in [Wis. Stat. § 342.06\(2\)](#), [344.48\(1\)](#), [30.67\(1\)](#) and [346.67\(1\)](#), when death or injury occurs, courts of criminal and civil jurisdiction shall have exclusive jurisdiction in proceedings against juveniles 16 or older for violations of [Wis. Stat. § 23.33](#) and [23.335](#), [30.50](#) to [30.80](#) and [341](#) to [351](#) and of traffic regulations as defined in [Wis. Stat. § 345.20](#) and non-moving traffic violations as defined in [Wis. Stat. § 345.28\(1\)](#). A juvenile charged with a traffic, boating, snowmobile, all-terrain vehicle, or limited use off-highway motorcycle offense in a court of criminal or civil jurisdiction shall be treated as an adult before the trial of the proceeding except that the juvenile may be held in secure custody only in a juvenile detention facility.

B. NOTIFICATION OF PARENTS OR SPONSOR

1. When a citation is issued to a child 17 years or younger, members must notify a parent or sponsor of that person in accordance with [Wis. Stat. § 343.15\(5\)](#), which states in part, “when a citation for a moving traffic violation, under chapters [341](#) to [349](#) or under a local ordinance in conformity therewith, is issued to or a notice of revocation under [Wis. Stat. § 351.027](#) is sent to a person who is under 18 years of age and required to have a sponsor under this section, the issuing or filing agency shall, within 7 days, notify the person's sponsor or parents of the violation or notice.”

2. Should the issuing officer be unable to promptly notify the parents or sponsor, the citation should be processed and distributed pending notification. The issuing officer must still notify the parents or sponsor.

C. ALL JUVENILES REGARDLESS OF AGE

All juveniles must be referred to the VPJJC Branch 97, for the following traffic violations:

1. Duty to Render Aid at Boating Accident [[Wis. Stat. § 30.67\(1\)](#)]
2. False Application for Certificate of Title [[Wis. Stat. § 342.06\(2\)](#)]
3. Forged Proof of Financial Responsibility [[Wis. Stat. § 344.48\(1\)](#)]
4. Duty Upon Striking Person or Attended or Occupied Vehicle When Death or Injury Occurs [[Wis. Stat. § 346.67\(1\)](#)]

D. JUVENILES 16 YEARS OF AGE

1. City Ordinance Traffic Violations

Juveniles 16 years of age charged with a city ordinance traffic violation shall be issued a TraCS citation that is returnable to the municipal court (951 N. James Lovell Street) as scheduled on the municipal court juvenile schedule. A PA-45 is not required. Members shall also give the juvenile a *Milwaukee Municipal Court (How to Take Care of Your Citation)* card (form MC-715 or MC-715S (Spanish version)) and a *Community Contact Card* (form PF-6).

2. State Criminal Code Traffic Violations

Juveniles 16 years of age charged with state criminal code traffic violations shall be issued a TraCS citation that is returnable to the circuit court commissioner's office, 821 West State St., Room 221 at 1:30 p.m. and a *Community Contact Card* (form PF-6).

3. Additional Non-Traffic State Charges

When a 16 year old juvenile is charged with a traffic violation and this charge is associated with a non-traffic state charge, the non-traffic charge is referred to VPJJC for disposition, and the traffic charge is referred to the proper traffic court (state or city). A TraCS citation and a PA-45 are both required.

4. Fleeing from an Officer

- a. Juveniles 16 years of age taken into custody for fleeing from an officer shall be booked in at a district station or Central Booking.
- b. Members shall refer to SOP 090.135(B) regarding DNA specimen collection

requirements.

- c. The juvenile and the original PA-45 shall be conveyed to the CJF sally port for a mobile booking upon completion of the booking at a district station or Central Booking. The CR-215 is required for the fleeing charge only, and the original PA-45 and CR-215 shall remain with CJF personnel.
- d. The juvenile and two (2) copies of the PA-45 and CR-215 shall then be transported to VPJJC.
- e. The case shall be reviewed at the district attorney's office, 949 N. 9th St. When necessary, the Court Administration Division /court liaison officer shall arrange for the juvenile's appearance.

E. JUVENILES 12-15 YEARS OF AGE

1. City Ordinance Traffic Violations

Juveniles 12-15 years of age charged with city ordinance traffic violations shall be issued a TraCS citation that is returnable to the municipal court using the municipal court juvenile schedule. A PA-45 is not required. Members shall also give the juvenile a *Milwaukee Municipal Court (How to Take Care of Your Citation)* card (form MC-715 or MC-715S (Spanish version)) and a *Community Contact Card* (form PF-6).

2. State Criminal Code Traffic Violations

Juveniles 12-15 years of age charged with state criminal code traffic violations shall be issued a TraCS citation that is returnable to VPJJC, Branch 97 and a *Community Contact Card* (form PF-6). A PA-45 and other applicable reports are required. The TraCS citation must be listed on the PA-45 under "charges."

- a. A copy of the TraCS citation shall be attached to a copy of the PA-45 and forwarded in the PE-40 to the Court Administration Division. A copy of the narrative shall be included along with the driving record.
- b. Court Dates for TraCS citations
 1. If detained, use the next regularly scheduled court date at 8:30 a.m.
 2. When a juvenile is referred to the VPJJC for disposition, the date set for appearance shall be ten (10) calendar days (Monday - Friday at 8:30 am) from the date the juvenile was taken into custody. The ten (10) calendar days shall include weekends and holidays, and if the tenth (10th) day falls on a weekend or holiday, the date set for appearance shall be the first non-weekend or holiday following the tenth (10th) day at 8:30am.
 3. TraCS citation (officer and court copies) issued to juveniles 12 - 15 years of age for violation of the state traffic criminal code shall be attached to the

copies of the PA-45 and forwarded in the PE-40. A copy of the narrative shall be included along with the driving record.

F. JUVENILES UNDER 12 YEARS OF AGE

Municipal court does not accept juveniles under the age of 12. Juveniles under 12 years or age charged with a Wisconsin criminal code traffic violation shall be referred to the VPJJC. A PA-45 is required. A copy of a TraCS citation shall be attached to a copy of the PA-45 and forwarded in the PE-40 to the Court Administration Division. A copy of the narrative shall be included along with the driving record.

G. PROCESSING & DISTRIBUTION OF UNIFORM TRAFFIC CITATIONS

1. Juveniles 16 Years of Age

The printed copy of the TraCS citation shall be given to the juvenile.

2. Juveniles 12-15 Years of Age

- a. For city ordinance traffic violations the printed TraCS citation shall be given to the juvenile.
- b. When a juvenile is released to appear at the VPJJC for state criminal code traffic violations and there are no additional criminal charges a copy of the TraCS citation shall be attached to a copy of the PA-45 and forwarded to the Court Administration Division via the PE-40 for transport to the VPJJC by the Court Administration Division / court liaison officer. A copy of the narrative shall be included along with the driving record.
- c. When a juvenile is detained (additional criminal charges are involved) for state criminal code traffic violations a copy of the TraCS citation shall be attached to a copy of the *Arrest Report* (PA-45), which shall accompany the juvenile via the PE-40 to the VPJJC. A copy of the narrative shall be included along with the driving record.

H. OPERATING UNDER INFLUENCE OF INTOXICANT OR A CONTROLLED SUBSTANCE

1. All juveniles charged with operating under influence of an intoxicant or a controlled substance are processed in a manner similar to juveniles processed for other traffic violations. A PA-45, *Alcohol Influence Report and Intoximeter Report* shall always be completed.
2. Juveniles 16 Years of Age
 - a. Juveniles 16 years of age charged only with municipal (1st offense) OWI shall be issued a TraCS citation that is returnable to the municipal court on the next date court is in session at 1:30 p.m. This court date must be at least 24 hours after issuance of the citation.

- b. Juveniles 16 years of age charged only with state (2nd and subsequent offense) OWI shall be issued a TraCS citation that is returnable to the circuit court commissioner's office, 821 W. State Street, Room 221. Whether they are detained at the VPJJC or released to their parents pending court disposition is determined by the total circumstances involved.
 - c. If a juvenile 16 years of age is charged with OWI and is detained at the VPJJC for any reason, a PA-45 must be filed. If he or she is detained because of an inability to locate the parents, the offense listed on the PA-45 should be "dependent child".
3. Juveniles 12-15 Years of Age

- a. First Offense OWI Violations

Juveniles 12-15 years of age charged only with municipal (1st offense) OWI shall be issued a TraCS citation that is returnable to the municipal court on the next date court is in session at 1:30 p.m. This court date must be at least 24 hours after issuance of the citation.

- b. Second Offense OWI Violations

Juveniles 12-15 years of age charged with 2nd and subsequent OWI violations shall be issued a TraCS citation that is returnable to VPJJC, Branch 97 for disposition. Whether they are detained at the VPJJC or released to their parents pending court disposition is determined by the total circumstances involved.

4. Juveniles Under 12 Years of Age

Juveniles under 12 years of age shall be referred to the VPJJC, Branch 9, for all OWI violations (city or state).
(WILEAG 6.2.2.2)

- I. TRAFFIC WARNING

If in the opinion of the investigating officer the circumstances surrounding a minor traffic violation are such that a warning is sufficient, a traffic warning (on TraCS) shall be issued to a juvenile in lieu of a traffic citation.

Note: Members shall not issue verbal warnings for traffic violations. Members may mail the traffic warning form to the juvenile with the permission of their supervisor if their department vehicle is not equipped with a mobile data computer (MDC), the member is experiencing a software/hardware malfunction (e.g., printer problems or the MDC is not operational), or in exigent circumstances (e.g., the member is preempted for a call for service).

- J. BICYCLE VIOLATIONS

1. Juvenile bicyclists are required to follow all bicycle laws when riding on a public

roadway.

2. Traffic Violation Citation

Juveniles who are 12-16 years of age found violating any bicycle law or ordinance may be issued a TraCS citation.

140.70 FINGERPRINT REQUIREMENT

See SOP 070.30 (Fingerprint Requirement).

140.75 MAILING OF CITATIONS

See SOP 070.35 (Mailing of Citations).

140.80 INTOXICATED OR INCAPACITATED JUVENILES

A. EXCEPTION

State statutes and department procedures relating to the treatment and services for intoxicated persons and others incapacitated by alcohol do not apply to juveniles.

B. DISPOSITION

When a juvenile is taken into custody because he or she is intoxicated or incapacitated by alcohol or another drug, the juvenile is normally released to the parent, guardian or legal custodian. If this not be possible, the Division of Milwaukee Child Protective Services shall be contacted. In all cases of intoxicated or incapacitated juveniles, a PA-45 shall be completed in accordance with procedures previously outlined. Juveniles must be conveyed to a hospital for an exam and a hospital medical discharge sheet must be obtained.

C. ARREST REPORT (FORM PA-45)

The statute and charge to be entered on the PA-45 is emergency detention:

1. [Wis. Stat. § 51.45\(11\)](#) Intoxicated; or
2. [Wis. Stat. § 51.45\(11\)\(b\)](#) Incapacitated; or
3. [Wis. Stat. § 48.19](#) Dependent Child, when applicable.

140.85 CHILD SAFETY RESTRAINT POLICY

A. STATE STATUTE

Pursuant to [Wis. Stat. § 347.48](#), relating to child safety restraint systems in motor vehicles, children must be in a car seat until they reach age 4 and 40 pounds and in a

booster seat until they reach age 8, are more than 80 pounds in weight or more than 4'-9" tall. The tiered structure required by statute includes:

1. Children less than 1 year old, or less than 20 pounds, must be in a rear-facing child seat in the back seat (if so equipped).
2. Children at least 1 year old and 20 pounds, but less than 4 years old or less than 40 pounds, must be in a forward or rear facing child seat in the back seat (if so equipped).
3. Children ages 4 to 8 and between 40-80 pounds, and no more than 4'-9" tall, must be in a forward or rear facing child seat in the back seat (if so equipped) or a booster seat.

B. CHILDREN CONVEYED IN DEPARTMENT VEHICLE

No child under the age of eight years that is less than 80 pounds or under 4'-9" shall be conveyed in a department vehicle unless such child is properly restrained in an approved child or booster seat. The department has a supply of approved child and booster seats to be used in the following manner:

1. Each district station and the Sensitive Crimes Division (SCD) shall maintain one approved child safety and booster seat and store it at the district/division to be readily available for use by any member when needed to transport a child.
2. Any member using a child safety or booster seat for the transportation of a child shall promptly return such seat to the squad or district station to which it is assigned when the conveyance has been completed.
3. To maintain cleanliness, the seat shall be kept in a protective bag when not in use. Protective plastic bags are available at Facility Services Division.

140.90 VIOLATION OF HARASSMENT OR CHILD ABUSE / RESTRAINING ORDERS AND 2 YEAR INJUNCTIONS

- A. When a juvenile is the respondent of a harassment or child abuse restraining order or injunction pursuant to [Wis. Stat. § 813.122](#) and [813.125](#) and a police officer has knowledge of the temporary restraining order or injunction, together with probable cause to believe that the juvenile has violated the court order pursuant to [Wis. Stat. § 813.122](#) or [§ 813.125\(6\)](#), the police officer shall take the juvenile into custody. The juvenile shall be interviewed concerning the allegation.
- B. A PA-45 shall be filed charging the juvenile with violation of a temporary restraining order or injunction. An incident report should be filed explaining how the officer knew that the juvenile was the subject of a temporary restraining order or injunction, what probable cause the officer had to believe that the juvenile was in violation of the order and what evidence is available to prove beyond a reasonable doubt that the juvenile violated the order. If possible, a copy of the court ordered temporary restraining order or injunction

should be attached to the incident report. The juvenile, along with the completed reports, shall be conveyed to the VPJJC.

140.95 TRUANCY

A. DEFINITIONS

1. Truancy

As defined by [Wis. Stat. § 118.16\(1\)\(c\)](#), “Truancy” means, “any absence of part or all of one or more days from school during which the school attendance officer, principal, or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of [Wis. Stat. § 118.15](#).”

2. Authorized Absences

All Milwaukee County students who are residents of the city of Milwaukee and who are not in a school facility are required to have, in their possession, a signed authorization from their assigned school or their parent or legal guardian, authorizing their absence from school. Any student who does not have the required authorization on their person, is to be considered truant for the purposes of this order ([See Wis. Stat. § 118.15\(3\)](#)).

3. Milwaukee City Ordinance (MCO) – Truancy [106-23.1](#)

a. Definitions

1. “Acceptable excuse” means an excuse as described in [Wis. Stat. § 118.15](#) and [118.16\(4\)](#).
2. “Habitual truant” means any pupil who is truant for part or all of 5 days or more in a school semester.
3. “Truant” means a school pupil who is at least 12 years of age who is absent from school without an acceptable excuse for part or all of any day in which school is held during a school semester.

- b. It is a violation of [MCO 106-23.1](#) for any person under 18 years of age to be truant or a habitual truant.
- c. A municipal citation shall be issued in accordance with the current deposit schedule of the Municipal Court.

4. Milwaukee City Ordinance – Contributing to Truancy [106-23.3](#)

- a. Except as provided in [MCO 106-23.3.4](#), no person 18 years of age or older shall knowingly encourage or contribute to the truancy of a minor under the age of 18

years.

- b. An act or omission which contributes to the truancy of a minor, whether or not the minor is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the minor to be truant.
- c. [MCO 106-23.3.2](#) does not apply to a person who has, under his or her control, a truant minor who has been sanctioned through the state Learnfare program under [Wis. Stat. § 49.26](#).

B. OFFICER RESPONSIBILITIES FOR TRUANTS

1. Locate and identify truants.
2. Conduct searches of truants before transporting.
3. Conduct wanted checks on all truants.
4. Complete a *Terry Stop Form* in RMS in accordance with SOP 085 (if necessary).

C. OFFICER RESPONSIBILITIES FOR TRUANTS

1. Truants and Municipal Ordinance Violations

Juveniles detained for truancy and municipal ordinance violations for which a non-summary citation may be issued shall be issued citations in accordance with SOP 140.60.

(WILEAG 6.6.2.2)

2. Truants Involved In Other Offenses

Truants who are detained and are wanted for, or involved in crimes or ordinance violations for which a non-summary municipal citation cannot be issued, shall be taken into custody and processed in accordance with existing procedures.

3. Truants with Previous Truancy Violations

Officers preparing municipal citations shall indicate on the face of the citation any previous truancy violations (e.g., first offense, second offense). They shall list prior violations in the citation narrative.

4. Unruly or Combative Truants

Any truant who becomes unruly or combative shall be conveyed to the district in which the arrest occurred or, if applicable, Central Booking for processing.

D. CONTRIBUTING TO TRUANCY

Adults over the age of 18 found to be in violation of [MCO 106-23.3](#), which prohibits adults from knowingly encouraging or contributing to a juvenile's truancy, shall be cited under this ordinance.

Note: When an adult is cited in violation of this ordinance, Municipal Court requires both the adult and juvenile to be given the same court date and appearance time using the adult court schedule.

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

JEFFREY B. NORMAN
CHIEF OF POLICE

JBN:mfk