

## Book and Release

### 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Milwaukee County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Abuse Policy.

#### 410.1.1 DEFINITIONS

Definitions related to this policy include:

**Misdemeanor citation** - A directive, issued by a deputy, that requires a person appear in court and answer criminal charges. A misdemeanor citation is not a criminal complaint and may not be used as a substitute for a criminal complaint (Wis. Stat. § 968.085(1)).

**County ordinance citation** - A directive, issued by a member of this agency, that requires a person to appear in circuit court for violation of a county ordinance.

### 410.2 POLICY

The Milwaukee County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation when authorized to do so.

### 410.3 RELEASE

A suspected offender may be released on issuance of a citation for a misdemeanor (Wis. Stat. § 968.085(2); Wis. Stat. § 66.0113).

#### 410.3.1 RELEASE FOLLOWING FINGERPRINTING AND PHOTOGRAPHING

Fingerprints and photographs of a suspected offender issued a citation should be obtained for the following offenses before release (Wis. Stat. § 165.84(1)):

- (a) A misdemeanor, or an offense 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 substances analogs under Chapter 961, firearms, dangerous weapons, explosives, pandering, prostitution, sex offenses where children are victims, or worthless checks (Wis. Stat. § 165.83(2)(a)2).
- (b) An offense charged or alleged as disorderly conduct but which relates to one or more acts listed in Wis. Stat. § 165.83(2)(a)2; (Wis. Stat. § 165.83(2)(a)3).

#### 410.3.2 STATUTORY REQUIREMENTS

Whenever this agency receives notice that the District Attorney has declined to prosecute a misdemeanor citation, the District Attorney liaison shall attempt to notify the person identified in

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the citation that he/she will not be charged and does not have to appear as directed in the citation (Wis. Stat. § 968.085(5)).

### **410.4 JUVENILE CITATIONS**

Completion of citations for juveniles 12 years-of-age or older is generally only appropriate for misdemeanor traffic violations and minor misdemeanor ordinance violations.

Cases not closed by citation should be referred to the District Attorney's Office, if necessary, for diversion or prosecution.

Upon issuing a misdemeanor or municipal citation to a juvenile, this agency shall notify the juvenile's parent, guardian or legal custodian within seven days (Wis. Stat. § 938.17(2)(c)).

### **410.5 PROHIBITIONS**

The release of a suspected offender on a citation is not permitted for violation of protective orders or involving harassment (Wis. Stat. § 813.125(6)).

See the Domestic Abuse Policy and Child Abuse Policy for release restrictions related to those investigations.

### **410.6 CONSIDERATIONS**

In determining whether to cite and release a person when discretion is permitted, deputies should consider (Wis. Stat. § 968.085(2)):

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.
- (g) The person appears to represent a danger of harm to him/herself, another person or property.
- (h) Arrest or further detention appears necessary to carry out legitimate investigative action in accordance with the agency's policies.