



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

150 – COURT PROCEDURES

GENERAL ORDER: 2021-XX
ISSUED: October 25, 2021

EFFECTIVE: October 25, 2021

REVIEWED/APPROVED BY:
Inspector Nicole Waldner
DATE: October 5, 2021

ACTION: Amends General Order 2017-36 (June 2, 2017)

WILEAG STANDARD(S): 1.7.5, 10.1.10

ROLL CALL VERSION

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

150.05 REVIEW OF CRIMES AND ORDINANCE VIOLATIONS

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 ~~or the Forensics Division liaison officers:~~

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: The district attorney's office has limited charging and review hours on holidays. Members shall ensure they present both misdemeanor and felony state summary arrest cases for review within 48 hours on holidays in accordance with the district attorney's holiday schedule.

APPEARANCE TIMES

	Monday – Friday	Saturday, Sunday, 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 holidays. All 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.**

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.

~~5. Disposition Entry Into Case Track~~

~~Case Track was implemented in February 2011 as a means to track cases presented for prosecution through the district attorney's office or a community prosecutor. The link to Case Track can be found on the department's intranet home page under favorite links or by [REDACTED]. An online tutorial for Case Track is available on the MPD video server or it can be viewed by clicking this link [REDACTED]~~

- ~~a. In addition to the requirements of subsection 4, any member presenting a case for criminal charges at the district attorney's office or with a community prosecutor is required to enter the charging conference disposition into Case Track.~~
- ~~b. Members appearing on overtime are required to complete their on-line overtime card, ARS supplemental report, and Case Track entry, 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)

- D. The district attorney's office will review statutory violations for which there is no ordinance counterpart.

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 normally be ordered into the district attorney's office (Safety Building room 303) for in-custody or non-custody domestic violence cases. 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.**

15. Possession of Marijuana

a. ~~Officers shall issue a municipal citation pursuant to Milwaukee city ordinance 106-38-2 for possession of 28 grams or less of marijuana that appears to be solely for personal use except as noted in subsection b.~~ **process possession of marijuana cases in accordance with SOP 760.25.**

b. ~~Under the following circumstances, possession of any quantity of marijuana shall be considered a violation of state statutes and processed through the Milwaukee County District Attorney's Office:~~

- ~~1. The amount of marijuana is more than 28 grams.~~
- ~~2. The amount of marijuana is 28 grams or less and evidence of drug trafficking exists.~~
- ~~3. The suspect has a history of violence, including any firearms related offense.~~
- ~~4. The present offense involved the use, possession, or presence of a firearm or other dangerous weapon.~~
- ~~5. Persons on probation or parole.~~
- ~~6. The present arrest came out of the execution of a search warrant.~~

Note: This provision is intended to allow for district attorney review of charges related to the target(s) of a search warrant. In the event a non-related subject possessing small amounts of marijuana is located at the scene of a search warrant, a municipal citation may be issued in lieu of state charges with the member's immediate supervisor's permission.

- ~~7. The suspect is a "known member" of a drug network.~~

Note: This provision is more than a hunch by the officer that the suspect is a part of a drug network. Rather it must be based on facts known to the officer, such as the suspect being a member of a drug trafficking organization. The HIDTA Watch Center can provide information relative to a suspect's ties to an organization involved in the distribution of drugs.

~~8. Investigations involving simple possession of marijuana may also be referred to the District Attorney's Office with the officer's supervisor's approval if other aggravating circumstances are present.~~

~~**Note: If there is any question, a HIDTA supervisor should be contacted for a final determination of a city or state case. Also see SOP 760 Controlled Substances for additional information.**~~

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.

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):

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.

D. CITIZEN SUBPOENAS

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

150.35 COURT OVERTIME PROCEDURES

A. COURT OVERTIME

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

- Members may also view the subpoena recall list after 5:00 p.m. the evening before the case is scheduled electronically at [REDACTED] (members are encouraged to use Google Chrome). Members may view the subpoena recall list by doing the following:

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

150.55 RELEASE ON PERSONAL RECOGNIZANCE FOR OTHER WISCONSIN JURISDICTIONS

~~The following procedure cannot be used for state criminal charges:~~

- ~~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:~~

150.60 WARRANT AND WANTED PERSON FILES (WILEAG 10.1.10)

- The Forensics Division shall be responsible for filing and storing J-warrants, K-warrants, temporary felony warrants, suspect alerts, investigative alerts, and domestic violence misdemeanor suspect warrants. 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)

- J-warrants and K-warrants shall be entered into NCIC and the MINT system (locally) 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 604 330) 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)

- ~~1. A teletype requesting a temporary felony want shall be sent to MWPD and all appropriate mnemonics. The Forensics Division shall be responsible for entering, modifying, and cancelling a temporary felony want in NCIC and the Temporary Felony Wants SharePoint page.~~

- ~~2. The teletype to request a temporary felony want shall contain the following information:~~

- ~~a. Offense type;~~
- ~~b. Date and time of incident;~~
- ~~c. Location of incident;~~
- ~~d. Business name (if applicable);~~
- ~~e. District where the offense occurred;~~
- ~~f. Suspect name and description (including any precaution information);~~
- ~~g. Vehicle information (if applicable);~~
- ~~h. Items taken or recovered (including serial numbers and brand names if available);~~
- ~~i. Victim information (this shall not be included for sensitive crimes cases);~~

- ~~j. Incident report number;~~
 - ~~k. Authorization information;~~
 - ~~l. Member requesting teletype.~~
3. ~~The teletype to request to cancel a temporary felony want shall contain the following information:~~
- ~~a. Offense type;~~
 - ~~b. Date and time of incident;~~
 - ~~c. Location of incident;~~
 - ~~d. Business name (if applicable);~~
 - ~~e. District where the offense occurred;~~
 - ~~f. Original teletype information (this information is located in the original RMS report);~~
 - ~~g. Custody status (e.g., in custody, case no processed);~~
 - ~~h. Suspect name and information (e.g., physical description, MPD ID#);~~
 - ~~i. Incident report number;~~
 - ~~j. Authorization information;~~
 - ~~k. Member requesting cancellation;~~
 - ~~l. Vehicle information (if applicable).~~
4. ~~Temporary felony wants expire 72 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 MINT system (locally) 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. ~~The *Domestic Violence Misdemeanor Suspect Want* (form PD 36) shall be completed when appropriate by the issuing member. The *Domestic Violence Misdemeanor Suspect Want* shall be reviewed and approved by a work location supervisor before being faxed to the Forensics Division at extension [REDACTED]. 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 contact the teletype desk at extension [REDACTED] to request the~~

~~cancellation of a domestic violence misdemeanor suspect want.~~ 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 MINT system (locally) 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. ~~The *Felony Suspect Information Report* (form PS-22E) shall be completed to request a suspect alert. The *Felony Suspect Information Report* must be reviewed and approved by a work location supervisor before being faxed to the Forensics Division at extension [REDACTED].~~ 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. ~~The *Investigative Alert* (form PS-23E) shall be completed to request an investigative alert. Investigative alerts are not a basis for arrest. The *Investigative Alert* form must be reviewed and approved by a work location supervisor before being faxed to the Forensics Division at extension [REDACTED].~~ 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.

All "prior authority" investigative alerts (related to stolen autos) are handled through the Stolen Vehicle Desk. Prior authority is not a crime and is defined as temporarily taking a vehicle for use when prior authority has been granted or can be

~~assumed, such as in family situations; or others having lawful access to the vehicle.~~

~~a. Examples of prior authority include members of the same household, boyfriends/girlfriends, family members, friends, etc. that have been granted lawful access to operate the vehicle by the vehicle owner at the time the vehicle was taken or in the recent past on a continuous and/or assumed basis.~~

~~b. Members shall contact the Stolen Vehicle Desk at extension [REDACTED] for assistance with prior authority matters.~~

5. Members shall contact the teletype desk at extension [REDACTED] 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. The member shall fax the signed copy requesting cancellation to the teletype desk. The suspect or investigative alert will remain active until the teletype desk receives the signed copy requesting cancellation.

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)

150.65 ADULTS ARRESTED FOR MUNICIPAL WRITS (WILEAG 10.1.10)

D. PROCESSING ADULT MUNICIPAL WRIT ARRESTS

6. The desk sergeant or designee shall obtain a computer printout of the local warrant file and validate all PR formats through the cash register. A copy of the warrant or citation shall be attached to the *Cash Disbursement Report* (form PC-19).



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