



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

070 – CITATION PROCEDURES

GENERAL ORDER: 2022-XX
ISSUED: February 7, 2022

EFFECTIVE: February 7, 2022

REVIEWED/APPROVED BY:
Assistant Chief Nicole Waldner
DATE: December 13, 2021

ACTION: Amends General Order 2017-07 (January 31, 2017)

WILEAG STANDARD(S): 6.2.1, 6.2.2, 6.2.3, 6.2.4, 10.1.8

070.00 PURPOSE

The purpose of this procedure is to provide guidelines relating to the issuance of municipal and traffic citations.

070.05 GENERAL CITATION PROCEDURES (WILEAG 10.1.8)

- A. Desk sergeants are responsible for maintaining an accurate record of all non TraCS citation books issued and received. Each citation book block shall be issued in numerical order. Citation books and distribution cards shall be kept in a secure, designated location at each work location until they are issued. The distribution cards identifying personnel receiving municipal citation books shall be forwarded to the Court Administration Division for filing. The original parking ticket distribution control log shall be secured in a lock bag kept at the work location for pick up by a Duncan Solutions carrier. A copy of the parking ticket distribution control log shall be retained on file at the work location by all commanding officers. Parking ticket distribution control logs shall not be sent to the Court Administration Division.
(WILEAG 10.1.8.1, 10.1.8.3)
- B. Police members are accountable for citation books issued to them. Unusable citations shall be forwarded to the Court Administration Division. Members shall never destroy or discard a citation. All voided / reissued / unusable citations must be submitted to the member's shift commander. Members who lose citations shall promptly submit a *Department Memorandum* (form PM-9E) to their commanding officer describing the circumstances thereof. This report shall be forwarded to the Court Administration Division.
(WILEAG 10.1.8.2)
- C. Police members shall use the TraCS system to issue *Wisconsin Uniform Traffic Citations* (form MV-4017) as an electronic citation (ELCI). In addition, police members may issue municipal citations via the TraCS system. The Department of Transportation supplies the department with electronic traffic citation numbers, which are loaded into the TraCS system by the Information Technology Division. These electronic citation numbers are controlled by the Information Technology Division and are logged on the department's secure server. TraCS municipal citations are generated in a sequential manner in the same manner as traffic citations, but use a different numbering format.
(WILEAG 10.1.8.1, 10.1.8.2, 10.1.8.3)

- D. Before ending their tour of duty, members shall turn in all completed citations unless otherwise directed by the shift commander and “end shift” any citations issued through TraCS. All issued citations must be completed and turned in prior to the end of the member’s tour of duty.
(WILEAG 10.1.8.2)

070.10 TRAFFIC ENFORCEMENT (WILEAG 6.2.1)

- A. Members shall take appropriate enforcement action when they have probable cause or reasonable suspicion that a traffic law / regulation has been violated, unless they are unable to do so. Members are encouraged to initiate traffic enforcement activities as high visibility is the greatest deterrent to traffic violations.
- B. Members shall consider the following factors prior to taking enforcement action:
1. The weather, condition of the roadway, volume of other traffic, and the presence of pedestrians in the area.
 2. Whether the violation was intentional or inadvertent.
 3. The seriousness of the violation to include whether or not the violation may have resulted in injury and / or property damage.
 4. Whether the enforcement action will protect the interests of other persons or drivers involved in the incident.
 5. Whether the violator has committed similar violations in the past.
 6. Whether the proposed enforcement action is sufficient to deter the violator from committing similar violations in the future.
- C. Members shall consider the following guidelines when determining the type of enforcement action to take.

1. Summary Arrest

In general, the only persons arrested for traffic citations are for operating while intoxicated or Section II offenses as outlined in the uniform state traffic deposit schedule. Citation issuance in lieu of summary arrest is contingent upon several factors, including whether or not it resolves the situation conclusively, the confirmation of the identity of the violator through either proper identification, verification of either residency or employment within Milwaukee County or a reasonable belief that the violator will appear in municipal court on the court date or shall stipulate to the citation.

2. Citations

Traffic citations should be used for more serious infractions, intentional violations, or violations resulting in injury or property damage. Traffic citations may be used

for minor infractions when the violator's history or his/her demeanor with the member indicates a warning would have little impact on deterring future traffic violations of a similar nature.

3. Warnings

A written traffic warning form (on TraCS) would be appropriate in cases where the member believes the violation by the motorist was inadvertent and / or does not constitute a serious infraction, and the member further believes the warning will serve to deter future similar violations.

Note: Members shall not issue verbal warnings for traffic violations. Members may mail the traffic warning form to the violator 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).

070.15 REVIEW AND PROCESSING OF CITATIONS

A. NON-TraCS (HANDWRITTEN) AND PARKING CITATIONS

1. The work location supervisor shall review and approve all adult/juvenile non TraCS municipal citations, and ensure that they are secured in a lockbag and sent to the Court Administration Division via department mail. The non TraCS municipal citations shall be signed and dated by the approving supervisor.
2. The work location supervisor shall review and approve all parking citations by placing their initials on each citation and ensure they are secured in a lock bag for pick up by a Duncan Solutions carrier. Parking citations shall not be sent to the Court Administration Division.
3. Each district or respective division of the Criminal Investigation Bureau shall utilize the electronic *Transmittal of Non-Traffic Citations to Municipal Court* form in their respective MPD (N:) drive "Lineup" folder for each scheduled court date. Citations shall be listed in alphabetical order by violator's last name first. The original transmittal and one copy of the transmittal, together with the original adult (green) and (pink) citation copy and / or original juvenile (blue) and (yellow) citation copy, are to be delivered by police courier to the Court Administration Division Monday through Friday, except designated city holidays. Court Administration Division personnel shall check citations against the transmittal listing sheets to ensure all are received. One copy of the transmittal listing sheet shall be retained at the originating district or respective division of the Criminal Investigation Bureau. Citations shall be forwarded to the Court Administration Division within seven (7) days of issuance.

B. TraCS CITATIONS

1. Police members shall complete ELCI and Non-Traffic Citation (NTC) TraCS citations and Traffic Warning forms in TraCS prior to the end of their tour of duty.
2. ELCI and NTC TraCS citations and Traffic Warning forms in TraCS shall be reviewed by a work location supervisor for completeness and accuracy and approved within seven (7) days of the initial incident or stop.
3. ELCI and NTC TraCS citations and Traffic Warning forms found to be incomplete or inaccurate are to be returned to the submitting police member who will make the necessary corrections and re-submit the form within twenty-four (24) hours.

070.20 CORRECTIONS ON CITATIONS**A. NON-TraCS (HANDWRITTEN) CITATIONS**

1. If any correction(s) or change(s) needs to be made to a non-TraCS citation such corrections shall be made by the use of corrective fluids (e.g., white, pink, green, blue, yellow). The issuing member shall ensure that all copies of the citation, including the defendant's, are amended accordingly.
2. If it is not possible to amend the defendant's copy of the citation, the issuing member shall note the correction(s) or change(s) on the *Notice of Amendment to Citation* (form PN-3), which must be signed by the commanding officer of the district or respective division of the Criminal Investigation Bureau making such corrections prior to service or mailing. The member, or a representative of the member as designated by the member's commanding officer, shall serve this notice, along with a copy of the amended citation, upon the defendant in person or in accordance with SOP 070.35 - Mailing of Citations. A copy of this notice shall be attached to the corrected citation. A second copy of the PN-3 and one copy of the citation shall be sent via interdepartmental mail to the Court Administration Division.
3. If a municipal citation is returned to any district or respective division of the Criminal Investigation Bureau for correction by the Court Administration Division, the shift commander of the district or division receiving the citation shall ensure that such corrections are made and that the defendant is notified of such changes by utilizing the PN-3. Only the original issuing member or a supervisor may make such corrections. The shift commander shall then ensure that a copy of the PN-3 is attached to the corrected citation and that it is returned to the Court Administration Division within 24 hours of receipt of the original request to correct such citation. It shall be the responsibility of the Court Administration Division to track those citations in need of correction to ensure that they are processed in a timely manner.

B. TraCS CITATIONS

1. Members shall check their contact manager within the TraCS system to see if any

- validated TraCS citations need to be corrected per a work location supervisor each tour of duty. Members shall complete any citations within 24 hours of the member observing the request to correct such citations. The issuing member shall ensure that the defendant is notified of such changes by utilizing the PN-3. It shall be the responsibility of the commanding officer of each work location to track those citations in need of correction to ensure that they are processed in a timely manner.
2. An electronic citation (ELCI) cannot be amended once the citation has been printed. Only the narrative section can be changed. Generally, the citation should be voided and re-issued (see 070.105 Voided Citations). The defendant shall be notified of the re-issued citation utilizing the PN-3. The member's shift commander shall ensure that a copy of the PN-3 is attached to the re-issued citation and a copy is sent to the Court Administration Division. The Court Administration Division shall be responsible for the tracking of re-issued citations.
- C. Any amended traffic citation, municipal citations and notices that are unable to be served upon the defendant, either by personal service or by mail, shall be forwarded to the Court Administration Division.

070.25 MUNICIPAL CITATIONS

Adult Municipal Citations (form CBP-200) shall be used for city ordinance violations denoted on the current municipal court deposit schedule.

- A. The offender is provided with the white (adult) hard copy, the Spanish version of the citation, the white mailer and a copy of the citation disposition instructions. With TraCS, the offender is provided with the printed copy of the citation. Prior to issuing a non-traffic citation (NTC) in TraCS, the probable cause statement must be entered in the "agency space" field.
- B. Complete the "proof of service" section on the reverse side of the CBP-200 court copy and have the offender sign same, indicating the offender has received a copy of the citation. If the offender refuses to sign, the word "refused" shall be inserted in the signature block. The "method citation served" field must be completed when issuing citations using TraCS.
- C. Legibly complete the "incident report" block on the reverse side of the agency (police) pink copy or the narrative portion in TraCS, listing all the pertinent facts relating to the violation. In addition:
 1. Print the names and addresses of the complainant and witnesses on the bottom line. This must be completed or the city attorney will not issue charges.
 2. Insert inventory number(s) if such form(s) has been completed.
 3. Indicate if there is video / audio and / or photographic evidence available.
 4. Print off group, duty hours, scheduled vacation, and military leave time.

5. If necessary, additional information may be added in TraCS using the attachment form. If using an attachment, indicate in the narrative “see attachment” and complete the entire narrative utilizing the attachment form.

D. SPECIAL CATEGORIES

1. Retail Theft

A municipal citation for retail theft shall be issued if the following criteria are met:

- a. The aggregate retail (actual sticker price) before taxes is less than \$500. This amount must be clearly indicated on the face of the CBP-200 or in the “agency space” field on a TraCS citation. Members shall also include a list of items taken (including the value of each item) and the contact information for the loss prevention associate or complainant in the narrative.
- b. Suspect has no more than one prior retail theft / theft conviction in the last 5 years.
- c. Suspect is not on probation or parole.
- d. Suspect was not using special or professional shoplifting devices.

2. Boating Violations

Form CBP-200 can only be used for boating violations covered by city ordinance which are non-criminal. When issuing a municipal citation for a boating violation, the corresponding state statute shall be noted next to the ordinance number. The *Wisconsin Uniform Boating Citation* (form 4100-70), or TraCS citation, 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. The supervisor in charge of the Marine Operations Unit shall establish a procedure for processing and filing the *Wisconsin Uniform Boating Citations*.

070.30 FINGERPRINT REQUIREMENT

Whenever a police member issues a CBP-200 or TraCS citation the member shall:

- A. Indicate in the narrative portion of the citation how the defendant was identified (e.g., fingerprint or valid picture identification card).
- B. A fingerprint is not mandatory in those instances where the violator has valid picture identification. This must be a Wisconsin operator’s license or identification card, a city of Milwaukee municipal identification card, a passport or passport card, or state or federal government issued picture identification. Only if the issuing officer is completely satisfied of the person’s identity will the fingerprint requirement be waived.
- C. Obtain and place the defendant's right index fingerprint on a retab as well as the date and initials of the member obtaining the fingerprint. Obtain the left index fingerprint if

the right fingerprint is not attainable and indicate such on the retab. Attach the retab to the right bottom reverse side of the original court copy of the Milwaukee municipal citation (green).

- D. With TraCS, obtain and place the defendant's right index fingerprint on an *Electronic Citation Violator Fingerprint Card* (form PC-18) as well as the date and initials of the member obtaining the fingerprint. Obtain the left index fingerprint if the right fingerprint is not attainable and indicate such on form PC-18. Attach form PC-18 to the court copy of the citation. Form PC-18 shall be forwarded to the Open Records Division.

Note: Discretion shall be exercised when a person does not have a valid picture identification card and refuses to be fingerprinted. In such cases, the member shall consult with his/her immediate supervisor.

070.35 MAILING OF CITATIONS

- A. Members shall attempt to do the following prior to being authorized to mail a citation:

1. Attempt to personally serve the citation on the defendant; or
2. If personal service of a citation cannot be made by the department member after due diligence, the member shall attempt to leave the citation at the defendant's usual place of abode in the presence of a competent member of the family at least 14 years of age, who should be informed of the contents of the citation.
3. If personal service and abode service cannot be made after due diligence, or if the defendant lives outside the jurisdiction of the issuing authority, the department member shall mail the citation via United States Postal Service First Class mail addressed to the defendant's last-known address by following the procedures set forth in 070.35(B-E).

Note: Leaving a citation at the defendant's last known address is not a proper method of service as it must be left in the presence of a competent member of the family at least 14 years of age.

- B. Citations may be mailed to a defendant only under the following circumstances:

1. The defendant has been identified but is no longer present at the scene of the incident.
2. The defendant is identified during a subsequent investigation.
3. Extreme circumstances require the officer to release a defendant prior to the completion of the citation.
4. In those situations when subsequent chemical analysis results reveal a prohibited blood alcohol concentration (BAC), the Court Administration Division shall mail the appropriate BAC citation to the defendant.

Note: Whenever a citation is mailed to a defendant (other than as stated in (4) above), the reason for the mailing and description of the attempts to personally serve the citation upon the defendant are to be detailed in the narrative portion of the citation.

C. Supervisors shall approve the mailing of citations in the following manner:

1. Non-TraCS Citations

The supervisor shall place his/her initials next to the check-off box that indicates the citation is being mailed on the CBP-200.

2. TraCS Citations

The member issuing the citation shall indicate the name of the supervisor who approved mailing the citation in the narrative field if the member issues a TraCS citation.

D. When approved, citations or PN-3 forms shall be mailed utilizing a department envelope (form PE-7). Department members mailing a citation shall ensure that his/her name and rank are indicated on the "in reply refer to" section of the PE-7.

E. Whenever mailed citations, other than traffic citations, are returned to members as "undeliverable," that member shall immediately forward the citation and envelope to the Court Administration Division. The Court Administration Division is responsible for notifying the proper court regarding the citation's status.

070.40 MULTIPLE CITATIONS / STATE CHARGES (WILEAG 6.2.4)

A. In the event that multiple citations arising from a single incident, including traffic and non-traffic, are issued to the same defendant and the defendant has been summarily arrested, all citations shall be issued by the same member for the next date court is in session. State citations are returnable to circuit court the next day. Municipal citations are returnable to municipal court the next day court is in session (excluding holidays and weekends). Only if the defendant is not in custody shall a future court date be used. The municipal court schedule shall be used to determine the court date.
(WILEAG 6.2.4.6)

B. In the event there are multiple defendants arising from a single incident, all citations returnable to the municipal court shall be issued by the same member for the same court date.

C. When a subject is arrested on one or more state violations, all shall be processed at the district attorney's office at the same time. If the subject is also charged with municipal violation(s), municipal court shall review the citations on the next regularly scheduled court date if the subject is in custody, or a future court date if the subject is not in custody.
(WILEAG 6.2.4.6)

070.45 SUMMARY ADULT CITATIONS**A. RELEASED**

Persons summarily arrested for a city ordinance violation shall generally be conveyed to the district station of the district in which the arrest occurred when on-street situations mandate a secure location. When a violator qualifies for "cite and release" from a district station per SOP 090 Prisoners and Booking, he/she shall be given a future court date and promptly released following identification and completion of necessary paperwork related to the arrest. Personal recognizance bonds are no longer needed to release a suspect summarily arrested on a municipal ordinance violation.

B. NOT RELEASED

In general, the only persons summarily arrested and not released for municipal offenses are "Court Administration Division cash bail only" municipal writs, city commitments and city operating while intoxicated (see SOP 120 Operating while Intoxicated). In these cases, an *Arrest/Detention Report* (form PA-45) is required. The arresting member shall prepare and issue the citation at the time of booking the violator at a district station or the Central Booking Division. The member shall insert the date and time of the next regular session of the municipal court as listed on the municipal court schedule.

C. ADDITIONAL CHARGES

Any summary arrest that also includes a municipal ordinance or traffic violation shall be scheduled for the next day court is in session. Municipal court is not in session on weekends or holidays. Citations shall be completed and attached to the PA-45 prior to the subject being conveyed to the Criminal Justice Facility (CJF).

D. LIAISON OFFICER

The Court Administration Division "liaison officer" will retain both the PA-45 and citations for those summarily arrested and will present the citations to the reviewing assistant city attorney. An assistant city attorney shall review and sign both copies of the citation, or TraCS citation, indicating approval for prosecuting or refusal and reason therefore. After processing at the city attorney's office, the liaison officer shall forward the reviewed and signed green original and pink copy, or TraCS citation, to municipal court.

Note: After the initial court hearing, the green and pink copy, or TraCS citation, shall be retained by the municipal court.

070.50 MUNICIPAL CITATIONS ISSUED TO PERSONS GIVING FALSE NAMES

Whenever a person has been arrested on a warrant based upon a municipal citation, or had their driver's license or registration suspended based upon a municipal citation, or been required to appear in court because of a municipal citation, and it has been

determined that this person was not the recipient of a municipal citation, the following procedures shall apply:

A. MUNICIPAL COURT OFFICER

A judge may direct a municipal court officer to obtain fingerprint verification through the Forensics Division from a person who claims not to have received a citation.

B. FORENSICS DIVISION

A member of the Forensics Division shall determine through fingerprint examination whether or not the person cited is the same person appearing in court. A report shall be completed indicating verification and listing, when possible, the true identity of the person who received the citation.

C. COURT ADMINISTRATION DIVISION

1. Upon receiving the report from the Forensics Division, Court Administration Division personnel shall notify the issuing member.
2. Court Administration Division liaison officers shall present such obstructing cases to the district attorney for review.

D. ORIGINAL ISSUING MEMBER

Upon notification by the Court Administration Division of the correct offender's identity, the member shall:

1. Summarily arrest the offender, if practicable.
2. Issue the appropriate citation(s) using the correct offender's record dating back to the original incident (e.g., retail theft may become a state charge). If necessary, the citation may be mailed in accordance with SOP 070.35.
3. Complete an incident report for obstructing an officer, [Wis. Stat. § 946.41](#). The report shall indicate the following:
 - a. Circumstances of the original citation;
 - b. Circumstances of the obstructing charge, including elements of the crime and venue;
 - c. Details of the fingerprint verification and identification of suspect;
 - d. The fact that the original person cited was arrested on a warrant based upon a municipal citation, or had their driver's license or registration suspended based upon a municipal citation, or been required to appear in court because of a municipal citation, and it has been determined that this person was not the recipient of a municipal citation.

Note: For the purposes of this SOP, venue is defined as the point at which the suspect intentionally misrepresents his or her identity.

- E. The member shall complete the lower portion of the report received from the Court Administration Division and return it to Court Administration Division within 10 days of receipt.

070.55 VIOLATOR TAKEN INTO CUSTODY AFTER ISSUANCE OF TRAFFIC CITATION

- A. If the violator does not qualify for immediate release, the violator shall generally be conveyed to the district station of the district in which the arrest occurred. Prior to such conveyance, the violator shall be subject to a search incidental to arrest for the safety of the officers involved.
- B. Once the violator arrives at the department facility, an immediate determination shall be made with respect to the violator's present ability to obtain release. Whenever the violator presents such proof of present ability to be released pursuant to [Wis. Stat. § 345.23\(2\)\(a\)\(c\)\(d\)](#) (deposit on the violation, presentation of a guaranteed arrest bond, or the violator deposits their valid Wisconsin driver's license with the arresting member), the violator's processing shall be expedited to ensure their immediate release.
- C. In instances where police members are unable to confirm the violator's identity or the violator does not qualify for immediate release from custody, a complete booking process shall be performed, including a 10 print identification, photographs, Jail Management System entry, etc.

070.60 SPECIAL GROUP VIOLATORS (WILEAG 6.2.2)

A. OUT OF STATE TRAFFIC VIOLATIONS

1. The police member issuing the citation(s) shall escort or convey the out-of-state violators to the district station of the district in which the traffic stop occurred. Upon arrival at the district station, the officer shall inform a supervisor of the circumstances requiring a deposit. The supervisor or designee shall inform the violator of the different types of payments accepted including: cash; MasterCard; Visa; money order; bank check; or guaranteed arrest bond certificate or card.
2. All payments shall be made out to the city of Milwaukee. Payments by Visa or MasterCard require the violator's signature on the credit slip as well as the citation type and number.
3. Procedure for Accepting Deposit

If the citation is for a municipal traffic violation, the payment and a copy of the citation shall be placed in an envelope and deposited into the district station lock box. If a cash payment is taken, district personnel shall issue the violator a serial numbered receipt for the amount of money posted. A copy of the receipt shall be included in the envelope. The violator shall retain the pink copy of the citation and

be advised of the court procedures.

Note: Make certain that the original citation is forwarded to the Court Administration Division prior to the scheduled court appearance.

4. Deposits using guaranteed arrest certificates or cards shall first be verified for membership status. A serial numbered receipt shall be issued. The words "guaranteed arrest bond certificate or card" and the certificate or card number shall be written on the receipt. The card or certificate shall be placed in an envelope with the citation and copy of the receipt and deposited into the lock box.
5. Payments made by a bank check or money orders do not require the issuance of a receipt. The canceled check or money order stub will serve as the receipt.
6. If the violator is unable to post bond, a PA-45 must be completed and the violator transferred to CJF. Any issued citations shall be attached to the PA-45.

Note: Out of state violators shall be afforded all opportunities to post bond prior to the person being conveyed to CJF (e.g., being allowed to make phone calls to family and/or friends to see if money can be transferred to the violator).

(WILEAG 6.2.2.1)

B. JUVENILES

Refer to SOP 140 Juvenile Procedures.

C. LEGISLATORS

Legislators shall not receive special treatment and do not receive exemptions from traffic laws.

(WILEAG 6.2.2.3)

D. FOREIGN DIPLOMATS AND CONSULATE OFFICERS

Refer to SOP 130 Foreign Nationals / Diplomatic Immunity / Immigration Enforcement.

E. MILITARY PERSONNEL

Military personnel are active duty members of the armed forces, or the reserves, or National Guard while on active duty orders. Active duty military personnel are considered residents for the purposes of not requiring a deposit for forfeiture citations.

1. Military personnel are exempt from the state of Wisconsin licensing requirements if they are operating a motor vehicle owned by or leased to the federal government in accordance with [Wis. Stat. § 343.05\(4\)\(a\)\(1\)](#).
2. Any license issued by the Department of Transportation does not expire on the expiration date if, on the expiration date, the licensee is on active duty in the United

States armed forces or is a member of the U.S. foreign service appointed under 22 USC 3492(a)(1) or 22 USC 3493 and is absent from this state. The license does not expire until 30 days after the licensee returns to the state of Wisconsin or 90 days after the licensee is discharged from active duty, whichever is earlier in accordance with [Wis. Stat. § 343.20\(4\)](#).
(WILEAG 6.2.2.4)

070.65 OPERATING AFTER LICENSE SUSPENDED OR REVOKED (WILEAG 6.2.4)

A. CIVIL FORFEITURE OR CRIMINAL OFFENSE

The status of the operating privilege at the time of the stop will determine whether the charge is a civil forfeiture or criminal offense.

B. OPERATING WHILE SUSPENDED (OWS) [\[Wis. Stat. § 343.44\(1\)\(a\)\]](#)

All violations where the driving status is suspended are civil violations and the traffic citations shall be referred to the Milwaukee Municipal Court.
(WILEAG 6.2.4.3)

C. OPERATING AFTER REVOCATION (OAR) [\[Wis. Stat. § 343.44\(1\)\(b\)\]](#)

1. If a violator's driving status is revoked as a result of an OWI related incident, the offense is a criminal violation and the traffic citation shall be referred to Milwaukee County Circuit Court. All other OAR violations are non-criminal and, after issuing a citation for such, the member shall release the violator from the scene if he/she has been properly identified and there is no other legal or investigative reason to detain or arrest the violator.
2. Criminal OAR violators shall be arrested and booked at the district station where their identification must be confirmed through photograph and fingerprints. A copy of the booking photograph must be included in the reports that are forwarded to the district attorney's office. Reference to the identification through photograph and fingerprints must be included in the narrative of the citation. Absent other charges, the violator should be released from the district station with a future court date after booking.

Note: Priority should be given to positively identifying these violators so they may be released from the district station as soon as possible.

3. Regardless of whether the offense is city or state, all nine (9) Colova questions must be answered in the narrative.
(WILEAG 6.2.4.3)

D. OPERATING AFTER REVOCATION CITATION REFERRAL NOTICE (FORM PC-27)

Whenever a police member issues a municipal or state citation for operating after revocation (OAR), a *Center for Driver's License Recovery and Employability (CDLRE) Citation Referral Notice* (form PC-27) shall be issued to the violator. Form PC-27

provides low-income Milwaukee County residents who have been cited for OAR with information on how to seek assistance in obtaining a valid driver's license.

E. OPERATING AFTER REVOCATION REQUIRED DISTRICT ATTORNEY WORKSHEETS

1. Whenever a state OAR citation has been issued, the following district attorney worksheets must be completed:
 - a. *D.A. Complaint Worksheet / Referral*
 - b. *D.A. Referral from Law Enforcement – Referral Packet Checklist* (form 900)
 - c. *D.A. Victim/Witness Data Sheet* (form 4983)
 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.
2. For summary arrests, the district attorney worksheets shall accompany the prisoner to CJF, along with the citation and PA-45.
3. For non-summary non-TraCS citations, both the district attorney worksheets and the citation shall be forwarded to the Court Administration Division. For non-summary TraCS citations, the district attorney worksheets shall be forwarded to the Court Administration Division.

070.70 OPERATING A VEHICLE WITHOUT AN OPERATOR'S LICENSE (WILEAG 6.2.4)

- A. Whenever a police member stops a motorist who fails to produce a valid operator's license, he/she shall determine the operator status of the motorist. If the member determines that the person is in violation of [Wis. Stat. § 343.05](#), the member shall issue a citation returnable to the proper court on the proper court date. The violator

shall be advised to consult the instructions listed on the *Milwaukee Municipal Court (How to Take Care of Your Citation)* card (form MC-715 or MC-715S (Spanish version)) for disposition options. The department will not administratively release these citations.

(WILEAG 6.2.4.2)

- B. Whenever a computer check with the Wisconsin Department of Transportation confirms that a person is driving without an operator's license and has a previous conviction for operating a vehicle without an operator's license within the last three (3) years, the matter shall be considered a misdemeanor traffic crime and referred to circuit court with a future court date. However, if a person is operating without an operator's license and has no previous convictions for the same within the last three years, the matter shall be processed as forfeiture. In those cases, a citation returnable to municipal court should be issued.

(WILEAG 6.2.4.2)

Note: It is imperative that an accurate interpretation of the teletype record be made.

C. EXCEPTIONS

If the member determines that a motorist who has failed to produce a valid operator's license does in fact hold a valid operator's license, the member may issue a written traffic warning form (on TraCS), or citation for violation of [Wis. Stat. § 343.18](#) "license to be carried" at his/her discretion. The issuing member shall advise the person that upon showing verification/proof of the license at any Milwaukee Police Department district station within 10 days of the date of issuance, the citation will be released.

070.75 OPERATING UNREGISTERED OR IMPROPERLY REGISTERED VEHICLE (WILEAG 6.2.4)

- A. There are two types of valid vehicle registration plates: standard metal registration plates and "temporary" plates. "Temporary" plates are made of cardboard and are valid for 90 days, or until the applicant receives regular plates, whichever comes first.
- B. All newly purchased automobiles, station wagons, and trucks weighing 8,000 pounds or less shall have temporary registration plates within two business days of the purchase of the vehicle.

C. ISSUANCE OF CITATION

1. When a motorist is stopped for operating an unregistered auto (no plates) and the motorist has proof of registration or proof of purchase within the last two business days, a citation shall not be issued. A citation shall be issued if there is no such proof. If the vehicle is registered after the citation has been issued, the citation shall not be released.

(WILEAG 6.2.4.2)

2. Motorists stopped for expired license plates may be issued a citation. These

citations are releasable prior to the court date (see section 070.100).
(WILEAG 6.2.4.2)

3. Whenever a motorist is operating an improperly registered vehicle, the motorist shall be issued an ELCI returnable to the proper court on the proper court date.
(WILEAG 6.2.4.2)

070.80 VEHICLE OWNER'S LIABILITY CITATIONS

- A. Department members shall do the following when serving a vehicle owner's liability citation:
 1. Attempt to personally serve the citation on the vehicle owner; or
 2. If personal service cannot be made after due diligence, attempt to leave the citation at the vehicle owner's usual place of abode (abode service) in the presence of a competent member of the family at least 14 years of age, who should be informed of the contents of the citation; or
 3. If personal service and abode service cannot be made after due diligence, or if the owner lives outside the jurisdiction of the issuing authority, mail the citation via certified mail addressed to the owner's last-known address.
- B. The personal and abode service should be attempted in the same visit to the defendant's residence, especially since some of the vehicle owner's liability statutes have time limitations on the service of the citation. Members do not have to attempt personal or abode service if the defendant lives outside of the city of Milwaukee.
- C. If service of the citation is being done by mail, it shall be via certified mail; First Class mailing is not sufficient under Wisconsin statute. Proof of certified mailing shall be kept and made available should an offer of proof be required in court. Additionally, members shall note what steps for serving the citation were taken in the citation narrative.

Note: Members who need to send certified mail shall contact the Mailroom at extension [REDACTED]. The Mailroom will provide a United States Postal Service (USPS) certified mail form to the requesting member. The member shall complete the form and affix the certified mail to it via a paperclip and send it back to the Mailroom. The Mailroom will then apply the applicable stickers and properly mail the envelope.

- D. The following is a list of vehicle owner's liability statutes that are applicable to this section:
 1. Vehicle Owner's Liability for Fleeing a Traffic Officer ([Wis. Stat. § 346.175](#))

Note: Service of a citation for this offense must be done within 96 hours (4 days) of the violation.

2. Vehicle Owner's Liability for Failing to Stop at the Scene of an Accident ([Wis. Stat. § 346.675](#))

Note: Service of a citation for this offense must be done within 72 hours (3 days) of the violation.

3. Owner's Liability for Vehicle Failing to Yield the Right-of-way to an Authorized Emergency Vehicle ([Wis. Stat. § 346.195](#))
4. Owner's Liability for Vehicle Illegally Passing Fire Truck ([Wis. Stat. § 346.457](#))
5. Owner's Liability for Vehicle Illegally Crossing Controlled School Crossing ([Wis. Stat. § 346.465](#))
6. Owner's Liability for Vehicle Illegally Passing School Bus ([Wis. Stat. § 346.485](#))
7. Owner's Liability for Vehicle Failing to Yield the Right-of-way to a Funeral Procession ([Wis. Stat. § 346.205](#))
8. Owner's Liability for Vehicle Illegally Crossing at a Railroad Crossing ([Wis. Stat. § 346.452](#))
9. Vehicle Owner's Liability for Radios and Other Electric Sound Amplification Devices ([Wis. Stat. § 346.945](#))
10. Stopping, Standing or Parking Prohibited in Parking Spaces Reserved for Vehicles Displaying Special Registration Plates or Special Identification Cards ([Wis. Stat. § 346.505](#))
11. Parking Spaces for Vehicles Displaying Special Registration Plates or Special Identification Cards ([Wis. Stat. § 346.503](#))

070.85 OTHER VIOLATIONS (WILEAG 6.2.4)

A. SPEED VIOLATIONS AND OTHER HAZARDOUS VIOLATIONS

Hazardous violations are those traffic law violations that affect the safe and orderly movement of vehicular or pedestrian traffic. These violations are typically caused by the unsafe actions of the operator and should typically result in the issuance of an ELCI. However, the member shall take the totality of the circumstances into consideration as to whether he/she issues an ELCI or written traffic warning form (on TraCS). Speed violations are the most common type of violation in this category. (WILEAG 6.2.4.1)

B. OTHER NON-HAZARDOUS VIOLATIONS

These violations include but are not limited to equipment violations, parking violations, operator license violations, and registration violations. Members shall use their discretion when investigating these types of violations of whether to issue an ELCI or

written traffic warning form (on TraCS).
(WILEAG 6.2.4.2, 6.2.4.4)

C. PUBLIC CARRIER / COMMERCIAL VEHICLE VIOLATIONS

Commercial motor vehicles and public carriers are subject to the same traffic enforcement procedures as other motor vehicles. Members shall take into consideration the location of the incident, traffic congestion, vehicle maneuverability, the cargo and size of the load, and the familiarity of the operator with the area. Members shall utilize a commercial motor vehicle inspector from the Specialized Patrol Division when possible for equipment violations involving commercial vehicles.
(WILEAG 6.2.4.5)

D. OFF-ROAD VEHICLE VIOLATIONS

Off-road vehicles include all-terrain vehicles, snowmobiles, dirt and mini bikes, etc. Members shall enforce all applicable laws pertaining to the operation and registration of off-road vehicles, and they shall take appropriate enforcement action for violations committed by operators of off-road vehicles that are observed and/or reported to them in accordance with state laws and city ordinances.
(WILEAG 6.2.4.7)

E. NEWLY ENACTED LAWS AND/OR REGULATIONS

Members shall take into consideration the enforcement of all newly enacted laws and/or regulations. Members shall use their discretion to determine if a citation is warranted based on the totality of the circumstances.
(WILEAG 6.2.4.8)

F. VIOLATIONS RESULTING IN TRAFFIC CRASHES

Members shall investigate motor vehicle crashes in accordance with SOP 650 Vehicle Crashes. During the course of their investigation, members may issue citation(s) for those violations that he/she observes or has reported to them. Members shall consider the physical evidence available at the scene, the statements of witnesses, and the severity of the offense.
(WILEAG 6.2.4.9)

G. PEDESTRIAN AND BICYCLE VIOLATIONS

Members shall be alert for pedestrian and bicycle violations and safety hazards. Discretion on the part of the member shall determine the type of enforcement action to be taken depending on the totality of the circumstances and the severity of the violation.
(WILEAG 6.2.4.10)

070.90 TRAFFIC CITATIONS REVIEWED BY THE DISTRICT ATTORNEY'S OFFICE (WILEAG 6.2.4)

- A. When a police member issues an electronic citation (ELCI) for any of the following traffic offenses, the issuing member shall personally process the citation with the district attorney's office by obtaining a criminal complaint:

| CODE | STATUTE | VIOLATION |
|------|---------------------------------|---|
| 835 | 343.05(1)(a) | Possessing More Than One License |
| 836 | 343.05(2)(a) | Operating Without Commercial Vehicle License |
| 838 | 343.12(1)(a) | No School Bus Endorsement |
| 801 | 343.16(7)(a) | Using Substitute for DL Exam |
| 802 | 343.16(7)(b) | Acting as Substitute for DL Exam |
| 950 | 343.43(1)(a) | Unlawful Use of Operator's License |
| 901 | 343.43(1)(d) | Violation of Instruction Permit Class A, B, C or School Bus (or One or More Previous Class D or M Vehicle Within 3 Years) |
| 952 | 343.43(1)(d) | Violation of Restriction on Operator's License Class A, B, C Vehicle or School Bus (or One or More Previous Class D or M Vehicle Within 3 Years). |
| 253 | 346.67(1) | Duty Upon Striking Person or Attended Vehicle/ Personal Injury |
| 250 | 346.67(1) | Duty Upon Striking Person or Attended Vehicle (Great Bodily Harm/Personal Injury)(Felony) |
| 461 | 346.62(3) | Causing Bodily Harm by Reckless Driving |
| 102 | 346.63(2)(a)(1) | Causing Injury by Operation of a Motor Vehicle While Under the Influence of an Intoxicant, Controlled Substance or a Combination of Both |
| 103 | 346.63(2)(a)(2) | Causing Injury by Operation of a Motor Vehicle with a Prohibited Alcohol Concentration |

- B. Arresting members need not appear for:

1. Operating vehicle without operator's license arrests, state charge, second offense within 3 years.
2. Operating vehicle after revocation arrests.
3. Operating under influence of intoxicant or other drug arrests, city charge, first offense.
4. Operating under influence of intoxicant or other drug arrests, state charge, second or more offense within 10 year.
5. Fleeing from officer arrests ([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.

C. PROCEDURES FOR ISSUING THE ELCI FOR THE ABOVE OFFENSES

1. Members shall issue the electronic citation (ELCI) with an assigned court date.
2. If the defendant is ordered in on his/her violation, the member shall apply to the district attorney for a criminal complaint for the violation no less than 14 days prior to the court date.
3. The complaint shall be taken to the typists at the district attorney's office for typing.
4. The PA-45, ELCI court copy, and other related forms shall be taken to the Court Administration Division traffic liaison for processing.
5. If the district attorney declines to issue charges, the member making the request to the district attorney shall obtain a signature from the reviewing district attorney on the reverse side of court copy of the ELCI. All reports shall then be returned to the Court Administration Division.
(WILEAG 6.2.4.1, 6.2.4.9)

D. STATE TRAFFIC ENVELOPE (form PO-25N)

1. The *State Traffic Envelope* (form PO-25N) shall be used for the purpose of gathering, reviewing, and containing all necessary reports for court liaison officers to process a summary state traffic case or a non-summary state traffic order-in case. Printed on the envelope is a list of all reports required for district attorney review.
2. Officers shall indicate on the *State Traffic Envelope* whether the member or if a court liaison officer will present the case for district attorney review.
3. Shift commanders shall confirm and document that all of the required reports have been completed and included in the *State Traffic Envelope* by affixing their signature on the front of the envelope.

070.95 DRIVER CONDITION OR BEHAVIOR REPORT

TraCS is the preferred method for completing a *Driver Condition or Behavior Report* (DOT form MV3141) whenever a member believes that a licensed driver should be re-examined by the Department of Transportation for "good cause" (see [Wis. Stat. § 343.16](#)). The report shall contain observations about functional ability, including descriptions of driving and other behaviors, reporting what the driver has said about a medical condition, and reporting signs of impairment. The member shall ensure the TraCS report is in validated status upon completion. A work location supervisor will then review the report for appropriateness, ensure the report conforms with [Wis. Stat. § 343.16](#), and forward it to the Department of Transportation.

070.100 RELEASABLE CITATIONS (WILEAG 6.2.4)**A. RELEASED PARKING CITATIONS (PT-22)**

1. Only shift commanders or a higher authority shall release or approve the release of a parking citation. They shall affix their work location stamp, signature and PeopleSoft number on the citation (or computer printout). The alpha / numeric release code shall be recorded below the work location stamp and the code number circled.
2. Whenever a citation is released at the request of a violator or another person representing the violator, the person's name shall be recorded on the citation (or computer printout).
3. Released parking citations shall be processed through the district station cash register and a receipt with the citation number shall be given to the person submitting the citation for release.
4. The *Citation Release Record* (form PC-15) shall be submitted monthly by commanding officers to their respective assistant chief.
5. Department members seeking to have a parking citation released that was issued to either their privately owned vehicle or a department vehicle used by them shall make such request in writing on a *Department Memorandum* (form PM-9E) to their commanding officer. The commanding officer shall indicate on the PM-9E what action was taken, and forward the report along with the PC-15.

B. ALPHA/NUMERIC RELEASE CODES

The following data processing codes shall be used to indicate the basis for releasing a citation:

1. Any Citation

- (1) Void (used only for citations voided by issuing member)
- (2) No violation
- (3) Canceled / reissued (Court Administration Division use only)
- (4) City attorney release (Court Administration Division use only)
- (5) District attorney release (Court Administration Division use only)

2. Uniform Traffic Citations

- (6) Equipment - repaired / replaced
- (7) Department of Transportation verification of correction
- (8) License to be carried - license shown / mandatory proof of insurance to be carried

3. Parking Citations Only

- a. Had night parking permission
- b. Had permit (record permit number and type on citation)
- c. Vehicle / plate reported stolen
- d. Warned
- e. Official business - city/state/federal
- f. Sign missing/obscured
- g. Defective meter

The shift commander shall record and circle the alpha/numeric code below the work location stamp for any released citation.

C. RELEASABLE ELCI

1. Release Procedures

- a. Releasable ELCI's may be released by any police member.
- b. Members shall print their name, PeopleSoft number and numerical release code on the violator's copy of the citation. The code number shall be circled.
- c. The citation shall be processed through the district station cash register and a receipt with the citation number shall be given to the violator.
- d. The released citation shall be reviewed by a district supervisor before being sent to the Court Administration Division via the department mail in a locked color-coded pouch.
- e. The Court Administration Division shall track all voided citations under the citation management system.

2. Equipment Violations

These may be released by police members up to ten (10) days from the date of issuance. Use code 6 (repaired / replaced) when releasing these citations. Only the following categories are releasable:

- a. Head lamp
 - b. Tail lamp
 - c. Directional lamp
 - d. Registration plate lamp
 - e. Defective muffler
 - f. Stop lamp
- (WILEAG 6.2.4.4)

3. Expired License Plates ([Wis. Stat. § 341.04](#))

These may be released by police members within 10 days of the issuance of the

citation provided that proof of renewal (e.g., Department of Transportation verification) is shown. Use code 7 when releasing these citations.

4. Missing License Plate ([Wis. Stat. § 341.15](#))

These may be released by police members within 10 days of the date of issuance provided that proof of replacement and Department of Transportation verification is shown. Use code 6 when releasing these citations.

5. Change of Address - Failure to Notify DOT ([Wis. Stat. § 341.335](#) or [343.22\(2\)](#))

Either a registration or operator's license notification citation may be released by police members within 10 days of the date of issuance provided that proof of notification is shown (e.g., Department of Transportation verification). Use code 7 when releasing these citations.

6. License to be Carried Wisconsin ([Wis. Stat. § 343.18](#))

These may be released by police members within 10 days of the issuance of the citation provided the driver produces a valid driver's license. Use code 8 when releasing these citations.

7. Mandatory Proof of Insurance ([Wis. Stat. § 344.62\(1\)](#))

These may be released by police members within 10 days of the issuance of the citation provided the owner / operator of the vehicle on the citation produces proof of valid liability insurance for the period in which the citation was issued. Use code 8 when releasing these citations.

D. ROUTING OF RELEASED CITATIONS

1. ELCI, municipal citations (NTC and CBP-200) and *Juvenile Municipal Court Citations* (form CPB-201) shall be forwarded intact to the Court Administration Division.
2. Parking citations shall be placed into the lock bag at the work location for pick up by a Duncan Solutions courier.

070.105 VOIDED CITATIONS (WILEAG 10.1.8)

- A. A citation may be voided when an error is made in preparing the citation or any other valid reason discovered contemporaneous to the time it is prepared (e.g., owner arrives on the scene, vehicle previously cited). Only the member who prepared the citation may request to have it voided.

1. TraCS Citations

TraCS citations cannot be voided by the member; the citation must be voided by a work location supervisor. If the TraCS citation is voided for error prior to issuance,

the citation should be transmitted directly to a work location supervisor with "void" typed in the narrative section followed by a specific reason or explanation for the voided citation. If the citation has already been issued to the citizen, the member involved shall deliver such citation intact to their shift commander. The member shall write "void" and an explanation for voiding the citation together with his/her signature across the face of the citation. The member shall then submit the citation to their shift commander who shall affix the work location stamp, his/her signature and PeopleSoft number on the face of the citation. If the citation was re-issued, the full citation number of the new/reissued citation shall be written on the face of the voided citation, and the voided citation shall be forwarded to the Court Administration Division.

(WILEAG 10.1.8.2)

2. Non-TraCS Citations

Whenever a citation is voided, the member involved shall deliver such citation intact (original and copies) to his / her shift commander. The member shall write the word "void" and an explanation for voiding on the citation, together with his/her signature across the face of all copies of the citation. When a citation has been voided and a corrected citation issued, the re-issued citation number shall be recorded on the voided citation by the member involved. The member shall submit the re-issued citation to the shift commander. After review and approval, the shift commander shall affix the work location stamp, his/her signature, and PeopleSoft number on the face of the citation and the voided citation shall be forwarded to the Court Administration Division.

(WILEAG 10.1.8.2)

- B. Voided citations shall be routed in accordance with the procedures set forth in 070.100(D).

070.110 PAYMENT OF CITATIONS

A. STIPULATE IN PERSON

Any person receiving a citation returnable to the municipal court may appear at municipal court and make a deposit in the form of cash, money order, MasterCard/Visa, or bank check and stipulate to the citation (checks are to be made payable to the city of Milwaukee).

B. PAYMENT OF PARKING CITATIONS

The payment of a parking citation returnable to municipal court may be made at the City of Milwaukee Violation Bureau locations.

C. STIPULATE BY MAIL

Any person receiving a citation returnable to municipal court may stipulate by forwarding the payment and citation via U.S. Mail to municipal court.

070.115 CONTESTING A CITATION (WILEAG 6.2.3)**A. MUNICIPAL AND TRAFFIC CITATIONS**

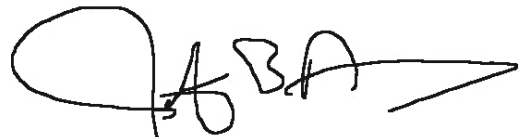
1. Police members issuing a CBP-200 or TraCS citation returnable to municipal court shall also give the violator a *Milwaukee Municipal Court (How to Take Care of Your Citation)* card (form MC-715 or MC-715S (Spanish version)) and a *Community Contact Card* (form PF-6). The MC-715(S) explains the various options, methods of payment, and court appearance dates.
2. If a citizen is interested in contesting a municipal or municipal traffic citation, they shall be advised to appear at municipal court on the date written on their citation.

B. PARKING CITATION

Persons wanting to contest a parking citation shall phone the City of Milwaukee Violations Bureau at 414-344-0840 to make an appointment to review the citation.

070.120 FAILURE TO APPEAR IN COURT OR TO PAY FORFEITURE

If a violator fails to appear in court or fails to pay the forfeiture, a judgment, summons, or warrant may be issued in accordance with Wisconsin statutes. When an alleged violator appears in court at the time indicated on the citation or is apprehended pursuant to a summons or warrant and pleads not guilty, a future court date shall be set and the complainant and witness(es) subpoenaed. Guilty pleas shall be adjudicated immediately.

A handwritten signature in black ink, appearing to read 'J.B.N.' followed by a long horizontal stroke.

JEFFREY B. NORMAN
CHIEF OF POLICE