



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING INSTRUCTION

MACARTHUR NON-VIOLENT MISDEMEANOR BOOK & RELEASE PROGRAM

ISSUED: June 15, 2021

EFFECTIVE: June 15, 2021

REVIEWED/APPROVED BY:

Inspector Nicole Waldner

DATE: May 3, 2021

ACTION: Amends SOI (October 17, 2017)

WILEAG STANDARD(S): 1.7.5

I. PURPOSE

The purpose of this standard operating instruction is to establish instructions for the authority of sworn law enforcement officers to use alternatives to arrest and confinement (e.g., book and release) for non-violent misdemeanor offenses as identified in the Wisconsin Supreme Court approved Uniform Misdemeanor Bail Schedule.

II. DEFINITIONS

A. DOMESTIC VIOLENCE

Per [Wis. Stat. § 968.075\(1\)](#), "Domestic abuse" means any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness;
2. Intentional impairment of physical condition;
3. [Wis. Stat. § 940.225](#) (1) (2) or (3). Sexual Assault (1st, 2nd and 3rd degree); or
4. A physical act that may cause the other person to reasonably fear imminent engagement in the conduct described in under sub. 1, 2, or 3.

B. NON-VIOLENT OFFENSES

Per the FBI's Uniform Crime Reporting (UCR) Program non-violent offenses are defined as those offenses which do not involve force or threat of force.

C. WEAPONS

Common weapons include a gun, knife/cutting instrument, motor vehicle, blunt object, personal weapons, but any other instrument (e.g., mace, pepper spray, facsimile firearms) when used in a manner which could cause severe bodily injury are reported as weapons under UCR.

III. POLICY

- A. Shift commanders reviewing and authorizing the release of persons arrested for non-violent misdemeanors shall confirm their residency in the state of Wisconsin, shall verify the offense is identified in the Wisconsin Supreme Court approved Uniform Misdemeanor Bail Schedule, and shall ensure the following are applicable:
1. The arrestee is not a juvenile.
 2. The arrestee was not arrested for a felony offense.
 3. The arrestee does not have intelligence that suggests they are designated as a "Project Safe Neighborhood," "Network Of Criminals," "High Value Target," and/or a prolific, habitual offender.
 4. The arrestee's current offense is not a Domestic Violence related incident ([Wis. Stat. § 968.075](#)) or a sex related offense.
 5. The arrestee has not committed an additional misdemeanor offense involving the same victim and/or location within 24 hours of their initial release from custody, as he/she shall no longer be eligible for release under this standard operating instruction.
 6. The arrestee has no outstanding arrest warrants, temporary wants, investigative/suspect alerts, probation/parole holds, or outstanding latent prints.
 7. The arrestee is not out on bail for another offense.
 8. The arrestee is not suicidal, homicidal and/or subject to emergency detention at time of offense, arrest, and/or booking.
 9. The arrestee is not combative at time of arrest, booking, and processing.
- B. Offenders who meet the above criteria shall be released from custody without cash bail or required to post cash bail. Offenders will be booked and processed for release and ordered-in to the district attorney's office - room 110, three (3) calendar days (Monday - Friday) following the date of arrest at 1:30 p.m.

IV. PRISONER PROCESSING

- A. MANDATORY BOOKING FOR ADULTS (Wis. Stat § 165.83)

[Wis. Stat. § 165.83](#) states the department is required to obtain and file fingerprints, descriptions, photographs and any other available identifying data on persons who have been arrested for a felony, misdemeanor offense, or a violation of an ordinance involving but not limited to gambling, pandering, worthless checks, and disorderly conduct related to identified violations.

B. VERIFICATION OF FINGERPRINTS BY FORENSICS

The Forensics Division shall process the arrestee's tenprints for positive identification. The booker shall confirm the identification of the arrestee by verifying in the Jail Management System (JMS) the Positive ID From Fingerprints box in the Person Tab is checked and the IDEN Event in the Inmate Log is completed. The arrestee's booking entry will be moved from Processing to Maintenance in the JMS prior to the arrestee being released.

C. VERIFICATION OF DNA SPECIMEN

1. Members shall utilize the eTIME system to determine if the arrestee is required to provide a DNA specimen. If a DNA specimen needs to be collected as identified by a "DNA Collection Needed" flag in their Criminal History in eTime, pursuant to a qualifying conviction in [Wis. Stat § 165.76](#) and SOP 095.145(A)(2), the arrestee shall be conveyed to the Central Booking Division for collection and released from custody after collection and completion of the booking process.
2. If the arrestee refuses to provide a DNA specimen, the booker shall inform the subject that he/she is in violation of [Wis. Stat § 946.52](#) (Failure to Submit to Biological Specimen) and he/she will not be released and referred for charging to the District Attorney's Office. [Wis. Stat § 946.52](#) will need to be added to the PA-45 and Milwaukee County DA Complaint Worksheet/Referral Form.

D. PRISONER DISPOSITION CODES

1. When an arrestee is arrested for a non-violent misdemeanor offense under the Uniform Misdemeanor Bail Schedule and is booked and processed for release at a district station and/or Central Booking, the Forensics Division shall utilize the appropriate JMS release disposition MacArthur Program code, "MAC", located in the release reason code table and the charge disposition code "REL" Released with a Future Court Date located in the charge disposition code table.
2. The booker and/or head jailer shall also in the booking maintenance narrative enter the following: order-in date (three (3) calendar days (Monday-Friday) following arrest); the order-in location (DA's Office, Room 110); and the supervisor's PeopleSoft number authorizing release of the arrestee.

E. ARREST AND INCIDENT REPORTS

1. Members shall complete an *Arrest Detention Report* (form PA-45) and a CR-215 for all non-violent misdemeanor arrests, outlining the probable cause for arrest and detention. The CR-215 must be notarized.
2. Shift commanders shall confirm the non-violent misdemeanor offense is a releasable offense as outlined within the Uniform Misdemeanor Bail schedule of offenses.
3. Shifts commanders shall refer to their MacArthur Program Non-violent Misdemeanor Arrest Checklist to ensure arrestee is eligible for an "REL".

4. Supervisors shall ensure that the arrestee has a legible right index fingerprint affixed to the back of the PA-45. In the event, the arrestee has a damaged or missing right index finger, the left index fingerprint is to be obtained and affixed to the PA-45.
5. Shift commanders shall ensure one copy of the PA-45 for each arrest is forwarded to the Forensics Division for Department of Justice (DOJ) reporting purposes. Shift commanders shall write "MacArthur Program" at the top of the forwarded PA-45's.
6. Members shall obtain an incident report number prior to the end of their shift and shall record the incident report number on the PA-45; *Pedigree Information* (form PA-45A); *Prisoner Statement* (form PA-45B); and *Charge Supplemental* (form PA-45C).
7. Shift commanders shall document all MacArthur Program arrestees on the *RMS Report Tracking Log* (form PR-10).
8. Shift commanders shall ensure all required reports are included in the *MacArthur Program Order-In Envelope* (form PE-44) and all envelopes shall be delivered to the Court Administration Division within 48 hours from time of arrest.

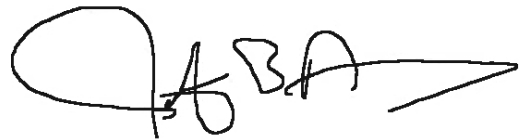
V. CASE PROCESSING - DISTRICT ATTORNEY INITIAL APPEARANCES

- A. Court liaison officers after receipt of the *MacArthur Program Order-In Envelope* (within 48 hours) shall make one attempt to notify the defendant of his scheduled order-in date and time to appear in the district attorney's office, room 110.
- B. Court liaison officers shall notify a defendant not to appear if the district attorney's office no processes his/her case prior to the order-in date. The following shall be entered into into a Record Management System (RMS) supplemental report:
 1. Date and time of notification;
 2. Liaison officer's name;
 3. The case disposition of no-processed;
 4. The reason the case was no processed (e.g., insufficient evidence, uncooperative victim); and
 5. The reviewing district attorney.
- C. Court liaison officers shall process all MacArthur Program cases at the initial appearance and must file a brief RMS supplemental incident report to include the following:
 1. The date and time of review;
 2. The reviewing district attorney;
 3. The case disposition (no processed, pending, charged, warrant issued);

4. The reason if the case is no processed (e.g., insufficient evidence, uncooperative victim); and
5. List each charge individually if the case is charged.

VI. **MEASURING SUCCESS (OUTCOME EVALUATION, DATA COLLECTION AND ANALYSIS)**

- A. Number of arrestees released verses detained under the MacArthur Program.
- B. Arrestees who maintained a court appearance.
- C. Arrestees who did not commit a new offense prior to their initial appearance and/or order-in date.
- D. Persons arrested for a non-violent misdemeanor offense, but not booked and released as other criteria outlined in the policy precluded their release.

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

JEFFREY B. NORMAN
ACTING CHIEF OF POLICE

JBN:mfk