

	<b>KENOSHA POLICE DEPARTMENT</b>			
	<b>POLICY AND PROCEDURE</b>			
	<b>74.3 Wisconsin Uniform Municipal Court Citations</b>			
<b>Effective Date:</b>	11/12/1982	<b>Revision Date:</b>	8/1/2003	
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**I. PURPOSE:**

The purpose of this policy is to establish a procedure for the completion and accountability of Municipal Court Citations.

**II. POLICY:**

The Wisconsin Uniform Municipal Court Citation shall be used for violations of City of Kenosha General Ordinances and the completion of that form will be in conformity with Wisconsin State Statute 800.02-Form of citation...and Kenosha Municipal Ordinance 1.055-Department of Municipal Court.

**III. PROCEDURE:**

- A. The Wisconsin Uniform Municipal Court Citation shall be used for violations of City of Kenosha – General Ordinances.
- B. The Wisconsin Uniform Municipal Court Citation is stand-alone document and must have a KPD Case Number assigned to it. The citation will contain substantially the following information:
  - ◆ The name, address and date of birth of the defendant.
  - ◆ The name and department of the issuing officer.
  - ◆ The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance, resolution or bylaw violated and a designation of the violation in language, which can be readily understood.
  - ◆ A date, time and place for the court appearance, and a notice to appear.
  - ◆ Provisions for amount of deposit and stipulation in lieu of a court appearance, if applicable.
  - ◆ Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
  - ◆ Notice that the defendant may by mail prior to the court appearance enter a plea of not guilty and may within 10 days after entry of the plea request a jury trial.
  - ◆ Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment, and crime laboratories and drug law enforcement assessment, any applicable consumer protection assessment,

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and any applicable domestic abuse assessment plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

- ◆ Notice that if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the defendant, the court may summon the defendant into court to determine if restitution shall be ordered under s. 800.093.
  - ◆ Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.
  - ◆ Any other pertinent information.
  - ◆ Except for parking violations, in traffic regulation actions in municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu of the citation form specified in par. (a). In actions for violations of local ordinances enacted in accordance with s. 23.33 (11) (am) or 30.77, the citation form specified in s. 23.54 shall be used in lieu of the citation form specified in par. (a).
  - ◆ An investigation report should be prepared in any case where the factual circumstances surrounding the offense cannot be adequately set forth on the back of the Uniform Citation.
- C. In ALL Municipal Ordinance-Chapter X – Liquor & Beer violations, an investigation report will be necessary along with the citation.
- D. Municipal Citations are **NOT** to be used for person's 11 years old or younger.
- E. Officers will, attempt to obtain positive identification of violator to insure that the violator is who he/she says they are.
- F. A separate citation will be issued for each violation of municipal ordinance.
- G. All information, except the issuing officer's signature, will be printed. The officer's signature will be appearing on all copies with the unit number placed in the "I.D. No." field.
- H. The name of Parent or Guardian, address and phone number must be completed on all minor defendant's citations. Juveniles who have been issued municipal citations are generally not to be brought into the Police Department. State law requires that the parents or guardian of a juvenile be notified of the arrest. Officer will attempt to serve the Intake Worker/Parents copy of the citation on the suspects' parent or guardian. The Juvenile Intake Detective will notify parents by mail, if the arresting officer is unable to notify the parent or guardian. The arresting officer should place in report whether the parents were notified or not notified.

#### IV WISCONSIN UNIFORM MUNICIPAL COURT CITATION:

- A. Each citation has 5 copies with 10 citations to a book. The copies and its use is as follows:
- ◆ **COURT COPY** is yellow and is used as the official court complaint.
  - ◆ **DEFENDANT'S COPY** is pink and given to the alleged violator. It serves as written notice of the charge and notifies them when and where to appear.
  - ◆ **D.O.T.** is blue and used for reporting disposition of ordinance cases to the Department of Transportation on convictions under certain ordinances where juveniles are involved.

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- ◆ **INTAKE WORKER/PARENT NOTICE** is green. Section 938.17(2)(c), WIS. STATS. Requires the issuing agency to notify the parent or guardian of any child issued a citation within 7 days. In liquor cases, a copy must be sent to Juvenile Court Intake for informational purposes. If defendant is not a minor, it may be discarded.
  - ◆ **AGENCY COPY** is white card stock and is the issuing agency's copy. It is used in court in connection with the prosecution and reporting of court action.
- B. After issuance, the remaining copies are to be clipped together and attached to any other papers related to this violation and then turned in to a supervisor for approval.
  - C. The Desk Supervisor will check the Municipal Court Citation for accuracy and completeness.
  - D. If an officer is unable to serve the citation, it should be forwarded to the Municipal Court Officer. The date of issue and court date shall be left empty. All other information shall be completed.

#### V. **COURT DATES:**

- A. All court dates for Municipal Court will be set from a master court calendar. Officers will be given the court dates at the start of their tour of duty.
- B. The court date will be placed on the **Date** line of the **You Are Notified To Appear** field of the Municipal Court Citation. Instructions in regards to the court date are on the back of the DEFENDANT'S COPY of the citation.
- C. These court appearances dates cannot be changed by anyone other than the Municipal Court Officer. If a defendant states that they are unable to make the court appearance date they should be instructed to contact the Municipal Court Officer. However, the court date assigned to that day should still be placed on the citation.
- D. Additionally, the Municipal Court Officer is the only person authorized to schedule Municipal Night court appearance.

#### VI. **VOIDED CITATIONS:**

- A. A citation may be voided if the citation is written in error or if extenuating circumstance surrounding the issuance deem it necessary.
  - 1. If a citation is to be voided the officer will contact his immediate supervisor as soon as possible to explain the reason and allow the supervisor to review the request.
  - 2. The officer shall have all copies of the citation before voiding the citation.
  - 3. The officer shall print "void" and a concise statement of the reason for the citation being voided on the back of the hard copy of the citation and cross-reference the re-issued citation number.
  - 4. The supervisor shall sign and date the back of the hard copy and forward all copies of the voided citation to the Assistant Chief of Operations for final approval and filing.

#### VII. **ACCOUNTABILITY FOR WISCONSIN MUNICIPAL COURT CITATIONS:**

- A. The Wisconsin Municipal Court Citation is an official court document, authorized by State Statute and Municipal Ordinance. It shall only be used for its intended purpose as authorized by State Statute and Municipal Ordinance.

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- B. Officers will receive citation booklets from the on-duty supervisor. They will sign a logbook indicated that they have received and are responsible for those citations.
- C. In the event a citation or several citations are lost or stolen, the officer will immediately report the loss to a supervisor, who shall notify records personnel of the numbers of the missing citations as soon as possible.