



**Division of State Patrol  
Policy and Procedure**

Number <b>10-11</b>
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Subject <b>WISCONSIN NON-TRAFFIC CITATION/UNIFORM MISDEMEANOR CITATIONS</b>	
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**I. POLICY**

It is the policy of the Division of State Patrol (DSP) that the electronic Non-Traffic Citation and Complaint (NTC) and the Wisconsin Uniform Misdemeanor Citation (UMC) be considered as an alternative to arrest and incarceration in cases of misdemeanor violations. Use of the UMC will lessen the amount of time DSP personnel spend handling misdemeanor situations.

**II. BACKGROUND**

The Wisconsin Legislature required the Wisconsin Supreme Court to create a Uniform Misdemeanor Citation to be used by Wisconsin law enforcement agencies. Wisconsin Statutes, Section 968.085, provides the information that is to be included on the citation. This citation will give Division personnel, District Attorney offices, and court personnel an efficient means of tracking misdemeanor cases.

The citation allows an officer to initiate a misdemeanor charge without the necessity of a full custody arrest and transport to jail. In many instances, the officer may choose to issue the UMC and release the subject. Use of the citation allows officers to return to enforcement duties with less delay.

**III. OBJECTIVES**

- A. Establish a procedure for the use of the electronic NTC and UMC.
- B. Establish an alternative procedure for those counties that choose not to use the Uniform Misdemeanor Citation.

#### IV. GENERAL PROVISIONS

The electronic Wisconsin Non-traffic Citation and Complaint or the Wisconsin Uniform Misdemeanor Citation can be used when enforcement action is taken in many misdemeanor situations. In some counties, the District Attorney currently opposes use of the citation. In these counties, the current method for dealing with misdemeanor cases should be continued.

The credibility of Division personnel is often judged by the integrity of the citations and records system. Utmost care must be exercised by all Division members to assure accuracy and thoroughness in completion and processing of the electronic NTC and the UMC. Good penmanship is crucial for the effective usage of the form.

- A. Issuance – The UMC may be issued to all sworn personnel. The Division forms coordinator will be responsible for ordering and delivering new books of citations to the regions/posts.
- B. Usage – The electronic NTC or UMC will be used in many misdemeanor situations.
- C. Copies – The electronic NTC or UMC is to be completed and a copy (electronic or paper as applicable) provided to the defendant and the appropriate District Attorney. One copy (electronic or paper as applicable) will be retained by the arresting agency.
- D. Attachments – A printed copy of the electronic Offense/Incident Report (eSP4500) and other pertinent documentation will be attached to the District Attorney copy of the UMC when the officer sends it to the appropriate court officer.

#### V. PROCEDURE

- A. When to issue the electronic NTC or UMC:
  - 1. Wisconsin Statute, section 969.085, allows a law enforcement officer to issue the NTC or the UMC when he/she has reasonable grounds to believe that a person has committed a misdemeanor. The citation shall be used, if approved for use by the Office of the District Attorney, in the respective jurisdiction, in cases where it is appropriate to release the suspect on his/her own recognizance, instead of arrest and transport to jail after an arrest. The NTC or the UMC is not a criminal complaint and may not be used as a substitute for a criminal complaint.
  - 2. In determining whether to issue the citation and release the person, or to take them into physical custody, an officer must take into consideration whether or not:

- a. The suspect has given proper identification.
- b. The suspect has signed the citation (as applicable).
- c. The suspect appears to represent danger to himself or herself, or to the property of another person.
- d. The suspect can show adequate facts of community ties.
- e. The suspect has previously failed to appear in court.
- f. An arrest or detention appears necessary to carry out a legitimate investigation in accordance with policy and procedure.

B. Issuing the electronic NTC or the UMC:

1. When an officer believes that a misdemeanor has occurred, he/she may issue the electronic NTC or the UMC to the suspect, taking into consideration the criteria determining whether or not a physical arrest should be made. The UMC may be issued in the field or at headquarters, instead of or subsequent to, a full custody arrest.
2. Enter the court appearance time and date as determined by the county court.
3. All other fields should be completely filled out, including the signature of the defendant when using the UMC.
4. A copy of the NTC/UMC must be given to the defendant. He/she will receive the UMC "Defendant" copy or the NTC "Violator Report" as applicable.
5. If a suspect is taken into physical custody at the scene, a search of the suspect incident to an arrest may be performed.
6. The officer may release the suspect at the scene. Officers may release the suspect anywhere else, as long as the officer is able to articulate the reason for transporting the suspect to a specific location (i.e. officer transports suspect to local police department to continue investigation, then releases him/her).

C. Arresting Agency and District Attorney Copies:

1. Copies of the NTC/UMC shall be processed in accordance with IV. C. and D. of this policy.
2. The UMC is printed in three copies. The "Arresting Agency" and the "District Attorney" copies should both be sent to the DSP designated court officer in the jurisdiction.

3. A copy of the DSP electronic Offense/Incident Report (eSP4500) and any appropriate supplements should be attached to the District Attorney copy, along with any other relevant documents, and delivered to the District Attorney without delay.
4. After adjudication, the court officer should return the arresting agency copy to region/post headquarters for filing in numerical sequence.

**D. Cases Where Prosecution is Denied:**

1. In cases where the District Attorney declines to prosecute a misdemeanor charge based upon an NTC or UMC, the court officer involved in the case shall ensure that the defendant is notified that there will be no prosecution regarding the denied NTC or UMC. This may be done either through the District Attorney or by a letter directly from the court officer, depending on the current procedure in each county.
2. When using the UMC, the words "Prosecution Denied" should be written on the face of the citation. The reason for the denial should be indicated on the reverse side of the buff copy. A copy of this record shall be provided to the Region Commander. A written statement declining prosecution from the District Attorney's Office should be attached to the UMC, if available.

**E. Procedure in Counties Where the NTC or UMC is Not Used:**

In some counties, District Attorneys have indicated that they do not want the DSP to use the NTC and/or the UMC for misdemeanor charges. In these counties, personnel should continue with current practices. If there is a change in administration, the new District Attorney should be approached by the DSP to determine their desire concerning the use of the NTC and UMC.

**F. Ordering, Dispersing and Filing of UMC:**

1. The forms are available for purchase from the Wisconsin Department of Administration. The UMC was created by the Wisconsin Supreme Court under guidelines established by the Wisconsin Legislature. The Division forms coordinator shall be responsible for ordering additional books of forms when it becomes necessary, and will also be responsible for delivering them to the respective region/post headquarters.
2. The UMC are all numbered. Each region/post shall maintain a log recording the UMC document numbers assigned to sworn personnel. In the case of personnel transfers to another region/post, the UMC book will be turned in and personnel will be issued a new UMC book at the new region/post headquarters.
3. The UMC books each contain 15 citations. Replacement books should be requested from the citation clerk at region/post headquarters. Agency

copies will be filed in numerical order when they are returned to the region/post headquarters by the court officer after adjudication.

4. Citations that are ruined, damaged, or otherwise rendered useless, should have the word "VOID" written across the face of all copies in large letters with the officer's name and WSP number written underneath the word "VOID." The form shall be forwarded to the applicable region/post executive officer, reviewed, approved and filed numerically with the other UMC that have been processed.

**VI. REFERENCES**

Wisconsin Statute 968.085  
Wisconsin Non-Traffic Citation and Complaint  
Wisconsin Uniform Traffic Citation