

Wisconsin Uniform Crime Reporting: What counts as an arrest in my jurisdiction?

Arrests in the UCR program are defined as: the act of detaining a person in legal custody in response to a charge that the person committed an offense in your jurisdiction. This includes notification of charges and date and time to appear in court such as by citation or summons (when served by an officer). Arrests are typically not documented until the point of booking or issuance of a citation/summons.

A referral to the District Attorney's office without taking the suspect through the booking process or issuing a citation does not count as an arrest, even if a warrant is issued. However, a suspect voluntarily appearing in court for charges issued by the DA in your jurisdiction does count as an arrest.

Arrest Scenarios



Suspect is Taken into Physical Custody



A Citation is Issued (Adult or Juvenile)
for non-traffic offenses*



A Court Summons is Issued



The Offender is a Juvenile
(under age 18)

Arrest	Not An Arrest
<p>Booked and processed (fingerprinted, photo, etc.)</p> <p>On a warrant from your jurisdiction</p>	<p>A temporary detention after which the suspect is allowed to leave without notice of date & time to appear in court on charges</p> <p>On warrant from another jurisdiction</p>
<p>Sent by mail and: suspect appears in court, or the fine is paid</p> <p>Citation is issued in person by a sworn law enforcement official for a non-traffic crime in your jurisdiction</p>	<p>Sent by mail or certified mail and suspect does not appear in court or pay the fine</p>
<p>Summons is served in person by a sworn law enforcement official for a crime in your jurisdiction</p> <p>Suspect appears in court after receiving summons by mail</p>	<p>Sent by mail or certified mail and suspect does not appear in court</p> <p>Summons is served by someone other than a sworn law enforcement official</p>
<p>Detained and advised of the charges with parent/guardian before being released to parent/guardian</p> <p>Detained and advised of the charges before being referred to social services or the DA's office</p>	<p>Detained solely for the juvenile's safety</p> <p>Verbal warning without being detained</p>

*There are three traffic-related exceptions that should be reported: 1) hit and run of a person, 2) vehicular manslaughter, and 3) driving under the influence of drugs or alcohol (DUI).



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Arrest or Not?

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An arrest for your agency

- A suspect is booked into jail without a warrant for a crime in your jurisdiction.
- A suspect is booked into jail on a warrant for a crime in your jurisdiction by your agency or an outside agency.
- A suspect is served a summons or citation by a law enforcement officer for a crime committed in your jurisdiction.
- A juvenile is detained, advised along with a parent of the charge and arrest, and released to the parent.
- An offender appears in court as a result of being mailed a summons or pays a fine for a mailed citation.

Not an arrest for your agency

- A suspect is booked into jail on a warrant from another jurisdiction.
- A warrant is issued for a crime in your jurisdiction.
- A referral is made to a prosecutor requesting charges be filed.
- A summons or citation is mailed for a crime in your jurisdiction (includes certified mail).
- A suspect voluntarily comes to the police agency and confesses to a crime, but is allowed to leave without any notice of a date and time to appear on charges.
- Police have "contact" with a juvenile where no offense was committed.
- A juvenile is taken into custody for their own protection but no crime was committed (e.g. neglect cases).

Law Enforcement Diversion: Police agencies utilizing diversion programs prior to the point of arrest may not follow their formal arrest procedures as it relates to a reportable UCR incident. Typically in these incidents law enforcement has identified an offender and established probable cause for arrest, citation, or charges to be issued. The suspect has been advised of a charge, but the officer informs them that the charge will be suspended and the suspect is diverted to an alternative program outside the formal court process. If the suspect chooses to participate and successfully completes the program requirements then the agency would record an Exceptional Clearance – Prosecution Declined. Should the participant fail to complete the program requirements, the officer would either book the person or issue a citation that would direct the suspect back to the DA for charging. This would result in the department clearing the incident by arrest.