



## City of Wauwatosa Municipal Court

The Honorable Krista G. LaFave

December 16, 2024

### **Memorandum To Wauwatosa Common Council: Proposed City of Wauwatosa Deposit Schedule**

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Every citation issued by the Wauwatosa Police Department must include a deposit amount. For moving violations, this amount is set by statute. For non-moving violations, the Wisconsin Statutes require that “[t]he municipal court, with the approval of the governing body of the municipality, shall set the deposit schedule.” The deposit amount must not exceed the maximum penalty established by the municipality for the offense, plus costs, fees, and surcharges imposed by Wis. Stat. ch. 814. See Wis. Stat. § 800.037.

To that end, I have drafted a deposit schedule that meets the statutory requirements. I respectfully request the Common Council approve this schedule. The deposit schedule includes all of the costs and surcharges required under state law. Once approved by the Common Council, the Wauwatosa Police Department will use this schedule for setting the deposit amount for non-traffic citations.

I arrived at these deposit amounts through a long process. Initially, I considered the deposit amounts in other cities, the amounts the police department has been using for the past many years, Wisconsin’s bond book for the corresponding criminal violations, and my experience seeing a wide variety of cases. I then consulted with the City of Wauwatosa Police Department, and we discussed the various amounts and the need for a deposit range for certain types of citations. The deposit schedule incorporates a degree of harm consideration, which will permit officers to use their discretion and set the deposit amount depending on the degree of the harm of an offense.

The deposit schedule does not automatically decide the final forfeiture in a case. The Court maintains the right to determine the forfeiture at either the time of a no contest or guilty plea or at the conclusion of a trial upon a guilty finding. The deposit is simply the amount that the defendant can pay for non-mandatory appearance citations in order to resolve the matter.

Please do not hesitate to reach out if you have any questions regarding this matter. Thank you for your consideration.