



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

530 – NUISANCE PREMISES

GENERAL ORDER: 2015-51
ISSUED: November 9, 2015

EFFECTIVE: November 9, 2015

REVIEWED/APPROVED BY:
Captain Mark Stanmeyer
DATE: October 30, 2015

ACTION: Amends General Order 2014-19 (May 2, 2014)

WILEAG STANDARD(S): NONE

530.00 PURPOSE

The purpose of this procedure is to provide guidelines relating to police response to nuisance premises, including the enforcement of Milwaukee City Ordinance (MCO) section 80-10, Chronic Nuisance Premises, and referral for adverse administrative proceedings and/or civil litigation. It is intended that members notify and assist property owners to abate nuisance activity facilitated by their premises. As such, nothing in this procedure limits the ability of members to simply contact property owners regarding problems at their premises and seek their cooperation in abating nuisance activity. Members responsible for generating narcotics related search warrants and significant seizure reports must also generate a Notice of Public Nuisance to premises owners pursuant to Wis. Stat. § 823.113 (Drug or Criminal Gang House a Public Nuisance).

530.05 PROCEDURES

- A. Complaints and information regarding possible nuisance premises comes from a variety of sources, including alderpersons, citizens, community partners, block watch captains, city attorney's office, and department members. Each district commander shall assign at least one district officer to investigate (e.g., research, track and monitor) such complaints as outlined in MCO 80-10.
- B. Department members are to assist in identifying nuisance premises in their districts or areas of responsibility. Members who observe premises that are repeated or aggravated problems shall contact the assigned district officer, hereinafter referred to as "district officer". Relevant information, including the member's observations and knowledge of the problem, any information the member received from neighbors or witnesses, any interview(s) the member had with the property owner or manager and any attempts the member made to abate the nuisance, should be forwarded to the district officer as well. The following records will assist in identifying a nuisance premises:
 1. Computer Assisted Dispatch records.
 2. Crime and incident history.
 3. Copies of recent arrest, incident, citation, controlled narcotics purchase or search warrant reports that made the district officer aware of the problem.

4. Copies of PA-33E's, *Report of Incidents Involving Licensed Persons or Premises*, if applicable.
 5. Any other records deemed appropriate.
- C. Members shall continue to take enforcement action after referral of a premises to the district officer. Any information regarding action taken while there is a pending nuisance investigation shall also be forwarded to the district officer.
- D. If the district officer determines that one or more of the police responses to a premises under investigation was the result of a request by the premises owner, an agent, or tenant on his/her behalf, the district officer shall evaluate that individual's level of cooperation in determining whether that response(s) shall apply toward determining if the premises is a nuisance.
- E. If the district officer identifies a premises as a nuisance premises, the district officer shall implement and follow the procedures outlined in MCO 80-10. Standardized letters to owners and licensees are to be used when complying with MCO 80-10. These letters (forms PN-8E through PN-16E) are available on the MPD (N:) drive "Forms" folder.
1. If the nuisance designation or cost referral letter pursuant to MCO 80-10 is appealed, the commanding officer of the respective district shall request representation from the city attorney's office. The district officer shall then assist the city attorney office's defense of the appeal.
 2. The district officer shall refer all chronic nuisance premises citations issued pursuant to MCO 80-10 to the Neighborhood Revitalization Section of the city attorney's office for review.
- F. If the district officer needs further information regarding enforcement of MCO 80-10, the city attorney's office – Neighborhood Revitalization Section should be consulted.

530.10 REFERRAL FROM THE CITY ATTORNEY'S OFFICE

- A. The district officer shall investigate referrals from the city attorney's office of premises designated a nuisance pursuant to MCO 80-10 or otherwise operated as a public nuisance; and, those chronic nuisance premises which continue unabated after issuance and prosecution of a Chronic Nuisance Premises citation pursuant to MCO 80-10(6).
- B. The district officer shall determine if the referred property meets the criteria for filing of a civil public nuisance complaint in the circuit court. If the property does meet the criteria, the district officer shall assist litigation proceedings in conjunction with the city attorney's office.

530.15 RECORD RETENTION

The district officer shall ensure that a district file is maintained and copies of any notices

are forwarded to the Department of Neighborhood Services (if applicable), district alderperson, licensing agency, and Licensing Unit (if applicable).



EDWARD A. FLYNN
CHIEF OF POLICE

EAF:mfk