



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

390 - LICENSED PERSONS/PREMISES INVESTIGATIONS

GENERAL ORDER: 2023-19
ISSUED: May 5, 2023

EFFECTIVE: May 5, 2023

REVIEWED/APPROVED BY:
Assistant Chief Steven Johnson
DATE: April 6, 2023

ACTION: Amends General Order 2022-12 (March 29, 2022)

WILEAG STANDARD(S): 1.7.3

390.00 PURPOSE

The purpose of this standard operating procedure is to identify the department's responsibilities and procedures relating to licensed persons and premises in the city of Milwaukee, and provide instruction to department members on when to file *License Premise Reports* and how *License Premise Reports* are handled by the Licensing Unit. *License Premise Reports* can also be beneficial in the renewal, suspension, revocation or denial of a license by the Common Council.

390.05 INVESTIGATIVE RESPONSIBILITY AND LICENSE PREMISE REPORTS (WILEAG 1.7.3)

A. APPLICATIONS, REQUESTS, AND RENEWALS

The Licensing Unit shall investigate and process all city license applications, requests and renewals for the police department. This shall include, but not be limited to, taverns, liquor stores, bartenders, pool halls, amusement premises and devices, entertainment, public passenger vehicles, e.g., taxi cabs, limousines, pedi cabs, and horse and surrey.

1. Upon receipt of applications for licenses for persons and premises, any *License Premise Reports* associated with the application are used to create a *License Synopsis* report (form PA-33AE) by the Licensing Unit.
2. In processing the application, the *License Synopsis* report, and *License Premise Report(s)* relating to the establishment are attached to the application in the City Hall license database known as License Information Reporting and Administration (LIRA) to be used during License Committee and Public Safety and Health Committee hearings. In processing the application for bartenders, the reports are attached to the application in the City Hall license database known as ACCELA.

B. CENTRAL REPOSITORY

The Licensing Unit will be the central repository for all records and reports pertaining to city licenses for which the department bears investigative responsibility.

- C. The Licensing Unit will be responsible for causing an investigation into complaints or objections to the granting or renewal of city licenses as well as the compilation of reports for the appearance as the Chief's designee before the Common Council's Licenses and Public Safety and Health Committees.

- D. District commanders are responsible for regularly checking the licensed premises within their respective districts and enforcement action relative to the conduct of those establishments.
- E. The following procedures are to be followed for the enforcement of city and state laws on all premises or persons licensed by the city:
1. Uniformed officers are to be instructed that it is their responsibility to check their licensed establishments on a regular basis for the proper licenses as well as disorderly patrons, underage persons, drug trafficking, after-hours violations, etc. This is a continuing uniform patrol responsibility.
 2. Officers are reminded that any search and seizure conducted during an unannounced licensed premise inspection is subject to the Fourth Amendment to the U.S. Constitution, statutory authority, and applicable case law. Officers shall refer to SOP 085 for further guidance.
(WILEAG 1.7.3.8)
 3. Upon discovering an apparent license violation, officers will take the appropriate action by issuing a municipal citation or a verbal warning. Citations issued will be in accordance with existing procedures as they pertain to citations.
 4. Officers shall file a *License Premise Report* in the Records Management System (RMS) for all violations, verbal warnings, incidents and arrests, which are substantially related to the operation of the licensed premise or the conduct of a licensed person (to include the level of cooperation by the licensed premise or person). All *License Premise Reports* shall be completed within 48 hours of the incident.
 - a. Examples of when a *License Premise Report* shall be filed include, but are not limited to the following, and members shall contact the Licensing Unit for guidance if there is any question on whether a *License Premise Report* should be filed.
 1. If the licensed premise is issued a citation or verbal warning for a violation substantially related to the operation of the licensed premise.
 2. If a licensed person is arrested, issued a citation, or given a verbal warning for a violation substantially related to their issued license.
 3. If members are dispatched to a call for a service to a licensed premise or licensed person (to include if the licensed premise or licensed person is the caller) and the call for service is substantially related to the operation of the licensed premise or licensed person.
 - a. If the call for service is anonymous, the member shall document the nature of the call for service in the narrative, document their personal observations of the scene, and document the caller was anonymous.
 - b. If the call for service has a caller who wishes to provide their name and a

description of the behavior related to the licensed premise or person, the member shall document the caller's observations in the narrative, and the member's personal observations of the scene.

4. If the member is conducting an investigation related to the licensed premise or person and does not observe any violations. The member shall document the cooperation level of the licensed premise or licensed person and that no violations were observed. Members shall describe how the business and employee were uncooperative if they were not cooperative during the investigation.
- b. The *License Premise Report* shall include, but not be limited to, the following information:
1. The licensed premise information under Business / Organization Involved (the involvement type shall always be Licensed Premise for this report).
 2. Enter licensee / owner information in the Business Agent Section.
 3. Enter managers, employees, security, bartenders, etc., information in the Licensed Person Section.
 4. The narrative section shall include a brief summary of the assignment the officer was dispatched to and describe what occurred.
 5. The report shall include the business' and employees' cooperation level (to include if they were the caller). Members shall describe how the business and employee were uncooperative if they were not cooperative during the investigation.
 6. Document if video surveillance footage was available and if it was not, the member shall document why it was not available. The member shall describe in detail any events captured by video and audio recordings. Members shall include a time stamp(s) in their report indicating the specific times of significant events captured by video.
- c. Once a *License Premise Report* is completed by an officer, a work location supervisor shall review and approve the report. Supervisors are required to review and approve completed reports in accordance with SOP 263.10(D).
- d. If the report has errors or needs further investigation it shall be sent back to the submitting member by the Licensing Unit supervisor. The Licensing Unit supervisor rejecting the report shall include the reason(s) for the rejection in the comments section citing the reports error(s) or required follow up for the submitting members' correction.
5. When problems arise with licensed premises/taverns, the district commander shall make a determination to require the agent or licensee of the establishment to attend a problem-solving meeting. A plan shall be developed with the responsible party.

That plan and the discussion during the meeting shall be documented on a *License Premise Report* in RMS. Regular meetings with representatives from all taverns in the district shall be held yearly to establish acceptable norms and explain the consequences of poor business practices. All follow-up meetings and other interventions associated with a licensed premise shall be documented on a *License Premise Report*.

6. If personnel intend to appear or are required to appear before one of the committees relating to a license for an establishment or person, the district commander shall contact the supervisor assigned to the Licensing Unit. If a district commander is seeking a non-renewal or revocation relating to a license for an establishment or person, the district commander shall contact the supervisor assigned to the Licensing Unit and request representation from the City Attorney's Office at [REDACTED] at a minimum of 30 days in advance of the committee meeting.

A handwritten signature in black ink, appearing to read 'J.B.N.' with a long horizontal stroke extending to the right.

JEFFREY B. NORMAN
CHIEF OF POLICE

JBN:mfk