Kenosha Police Department Policy and Procedure Manual

Subject: TAVERN VIOLATIONS

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I. PURPOSE

To establish a uniform policy and procedures in the proper application of tavern law enforcement, reporting liquor law violations and establishing a permanent record for each violation for review at the tavern license renewal time.

II. PROCEDURE

Whenever a liquor violation is discovered at a licensed establishment the following procedure will be followed.

A. The officer(s) observing the violation will initiate contact and advise their supervisor of the violation and location.

B. If available a supervisor will respond to the scene.

C. All applicable charges will be issued.

1. For a minor infraction a one time only written warning may be issued with a supervisors approval. This only includes technical or questionable violations such as:

   a. Underage person when false ID is used and photo is close but could have been caught.

   b. Minor technical violation such as improper posting of the license.

2. All warnings to tavern owners/agents are to be in writing using the Warning Information Report, generating a case number on all warnings. This will provide a permanent record. The original will be filed in the Tavern file and a copy is forwarded to the Assistant Chief of Administration and Tavern Enforcement Unit Supervisor.

D. Allow tavern operator time to clear out all patrons after closing hours, but no drinks are to be served after closing hour.

E. Every time a violation of the closing hours for taverns is observed, an officer shall make an arrest.

F. If officer(s) find a situation in which a person is tending bar without a license or with an expired license and the owner/agent or other licensed bartender is not on duty, the following action would be appropriate:

   1. In the arrest of a person tending the bar without a license, be sure to establish that the owner/agent or licensed operator was not on the premises in immediate charge.

   2. Close the tavern until a licensed bartender/operator is on premises.
3. Place the subject under arrest and issue Municipal Citation.

4. Attempt to contact owner/agent. If owner/agent is located, have him report to the premises immediately. When the owner/agent reports to the premises, arrest the owner/agent and issue Municipal Citation.

5. If the owner/agent cannot be located or fails to report to the premises within a reasonable time, (20 minutes), close and secure the place of business unless a licensed bartender arrives. The arresting officer will be responsible to arrest as soon as circumstances permit if this is not possible the officer may request followup by the tavern unit who will issue the citation.

   a. If in the arresting officer's opinion, the bartender or owner/agent should be fingerprinted and photographed, the arresting officer will take the person to the Public Safety Building to be fingerprinted and photographed.

G. Fight or other disorderly conduct inside a tavern:

   1. If the officer(s) observes the disturbance in progress judgment must be used. An arrest is not mandated. If peace is restored and all parties cooperate and comply with officers' commands, our position as peace officers is satisfied. The decision to arrest should be based on the judgment of the officer(s) at the scene. If no arrest is made a Tavern Incident Report should be completed and copies should be forwarded to the Assistant Chief of Administration and the Tavern Unit Supervisor.

H. If the fight or other disorderly conduct occurs inside a tavern and is NOT observed by officers the incident should be investigated as any other complaint or call for service as appropriate. After the incident is investigated and no Investigation Report is completed a Tavern Incident Report will be completed and forwarded to the Assistant Chief of Administration and the Tavern Unit Supervisor.

I. An investigation report must always be made on tavern calls of substance and a copy of the report forwarded to the Assistant Chief of Administration and the Tavern Unit. (Parking complaints or complaints of traffic violations in area of tavern or complaints of disorderly persons who have already departed the tavern, do not require a written complaint.)

J. We should never physically remove anyone from a tavern unless he has been lawfully arrested. Officers should attempt to influence the offender to leave the premises voluntarily. If this fails, another alternative must be selected. One alternative might be after removal for cause, officers at their discretion may release for minor offenses after removal. One exception to this is the intoxicated person that comes into a tavern and refuses to leave even though he/she is in no condition to care for self. We must then take them to a treatment facility or responsible person who can care for them.

K. In order that the proper information can be submitted to the court when persons are arrested for liquor law violations, you are to follow these rules:

   1. Obtain the proper name of the tavern and the correct address. The name of the owner/agent of the tavern and the tavern license number.

   2. Obtain the date and time of the offense.

   3. Obtain, when circumstances demand, the name of patrons in the tavern at the time of the offense and where they were in premises, what they were doing, etc

   4. Obtain the name(s) and license numbers of the bartender(s) on duty at the time of the offense.
5. Also determine if the owner/agent is on the premises at the time offense was committed.

6. Attempt to establish what was served in violation of the law such as wine, fermented malt beverages or liquor.

7. Attempt to verify by interrogation of the patrons stipulating the beverage that was served by the bartender or other person who served it.

[DANIEL C. WADE, CHIEF OF POLICE]