



KENOSHA POLICE DEPARTMENT

POLICY AND PROCEDURE

43.2 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.

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. If available contact a member of the Tavern Unit for assistance,
- D. All applicable violations will be issued.
 1. For a minor infraction a one-time only written warning may be issued with a supervisor's 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 annual license.
 2. All warnings to tavern licensees'/agents are to be in writing using the Written Warning Form, 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 Senior Management Team, Clerical Supervision and Tavern Unit Supervisor.
- E. Allow tavern operators time to clear out all patrons after closing hours, but no drinks are to be served after closing hour. Tavern operator should be given a 20 minute grace period.
- F. Every time a violation of the closing hours for taverns is observed, an officer shall issue a citation.
- G. If an officer(s) finds a situation in which a person is tending bar without a valid City of Kenosha Bartender's license or with an expired license and the licensee/agent or other licensed bartender is not on duty, the following action would be appropriate:
 1. Before issuing a citation to the person tending the bar without a license, be sure to establish that the licensee/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. Issue the appropriate Municipal Citation to the subject.
 4. Attempt to contact licensee/agent. If licensee/agent is located, have them report to the premises immediately. When the licensee/agent reports to the premises, issue the licensee/agent a Municipal Citation.
 5. If the licensee/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 officer will be responsible to issue a citation as soon as circumstances permit if this is not possible the officer may request follow-up by the tavern unit who will issue the citation.
 6. For gas stations, grocery stores and restaurants have them remove the product off of the sales floor.
 - a. If in the officer's opinion, the bartender or licensee/agent should be fingerprinted and photographed, the officer will take the person to the Public Safety Building to be fingerprinted and photographed.
- H. 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 shall be completed and copies shall be forwarded to the Senior Management Team, Clerical Supervision and the Tavern Unit Supervisor.
 2. 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 shall be completed and forwarded to the Senior Management Team, Clerical Supervision and the Tavern Unit Supervisor.
- I. An investigative report must always be made on tavern calls of substance and a copy of the report forwarded to the Senior Management Team, Clerical Supervision and the Tavern Unit Supervisor (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 they have 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 they are in no condition to care for them. We must then take them to a hospital or a 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 licensee/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 the 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 licensee/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.
8. Determine the location where the incident occurred.
9. Determine if there is video of the incident.

