



## Changing of the Guard—Command Changes for 2009

Inside this issue:

Incidents	2-3
Alcohol Enforcement	4-6

As many of you know, each year MPD has a shifting of personnel referred to internally as “shift change.” This year Central will have two new lieutenants joining the team. They will replace Lt. Mary Lou Ricksecker, who will go to work in the Task Force, and Lt. Joe Balles who will become the captain for the South District. Both Mary Lou and Joe have worked hard for Central, and we wish them well in their next assignments. Lt. Mark Brown and I will be staying with Central District in 2009.

Coming to the district we have Lt. Kristen Roman. She will be leaving Professional Standards and Internal Affairs to join us as the commander for the patrol officers.

Also joining the team is Lt. Tim Strassman. Tim is coming from the overnight Officer in Charge position to take command of the detectives for the district.

We will have many other assignment changes when officers and sergeants change in early February.

Look for the neighborhood liaison assignments in the next newsletter.

“I grew up outside of Chicago but have called Madison home for the past 24 years. I hold a B.A. in English from the University of Wisconsin – Madison and an M.A. in Criminal Justice from Boston University.

I began my career with the Madison Police Department in 1990, and during my years here. I have held a variety of positions and ranks. These include patrol services in various areas of the city, Recruiting Officer, Community Services Sergeant, Records Sergeant, North District Detective Lieutenant, Sensitive Crimes Liaison, Mental Health Liaison Coordinator, Professional Standards and Internal Affairs, and now as the Central District Operations Lieutenant.”

*Lt. Kristen Roman*



“I grew up in the Madison area and have spent most of my adult life here. I am a graduate of UW-Madison. I have been working at MPD since 1986.

I have worked in the Central District for at least twelve years, with more than seven years as the Langdon Street Neighborhood Officer. I have served on various committees with residents, business leaders, and staff (city, state, and university). Although the focus of each committee may have differed, one goal was to always improve the quality of life for everyone in Madison.

I believe that I am quite familiar with some of the major concerns of stakeholders in the Central District. I also believe that I have developed relationships that will assist in addressing these concerns. I am looking forward to once again working to improve the Central District.”



## CRIME OVERVIEW

### Person Crimes: Robbery

Date	Time	Location	Details
11/3	11:09 pm	100 Blk Langdon	Two suspects approached woman as she got out of her vehicle, displayed a gun, and demanded property. Suspect No. 1: dark-skinned male black, 5'10", larger build, mid 20s; Suspect No. 2: male black, 5'6", small to average build, 18 to 20 years old, Afro, large round eyes.
11/4	2:15 am	500 Blk E Gorham	As victim was walking home, a car pulled up and suspects demanded his wallet. Reported the next day.
11/13	10:17 pm	2000 Blk Winnebago	Victim was approached by 2 suspects who asked for a cigarette. Suspect displayed handgun and demanded money, which victim gave him. Suspect: male black, 18-20, 5'7" to 5'8", thin build, medium complexion.
11/21	1:00 am	600 Blk W Washington	Victim got off bus and was confronted by two suspects who asked for directions. Suspect 1 pulled a gun and said "Keep walking," then went through his pockets and took cash. Suspect 1: Male Hispanic, 5'6", long hair, green leather jacket with white sleeves and lettering; Suspect 2: male black, 5'10", black jacket, blue jeans.
11/23	1:36 am	400 Blk E Gorham	Suspects asked victim for a cigarette, then said "give me your wallet." Suspect: male white, 20 to 30, 5'10" to 6', 215-225, buzz cut, stubble.

### Person Crimes: Disturbances, Others

Date	Time	Location	Details
11/7	5:16 pm	600 Blk University	Suspect pulled a knife on staff when kicked out of Wando's. Suspect evaluated and placed under an emergency detention for mental health.
11/7	10:04 pm	100 Blk W Main	Officers responded to reports of disturbance and one suspect armed with a knife. Two suspects had been asked to leave the Paradise, and one threatened victim and displayed knife. Suspect charged with DC While Armed.
11/8	11:15 am	500 Blk State	Officers responded to check man, placed suspect in protective custody and transported to the detoxification center. The suspect attacked one of the officers. Suspect conveyed to DCJ, charged to Battery to PO and Resisting.
11/10	3:38 am	30 Blk N Mills	Officers responded to report of "woman being chased by a male armed with a hammer and a knife." Suspect charged with DC While Armed.
11/14	1:59 am	400 Blk E Wilson	Officers responded to fight and report of one suspect having a gun. A suspect was pointed out as possibly stabbing several people. Suspect was arrested and charged with DC and Resisting. No stabbing victims found.
11/14	2:28	400 Blk E Wilson	While officers dealt with the above incident, two subjects continued to intervene in the officers' duties and were charged with Obstructing.

### Person Crimes: Batteries

Date	Time	Location	Details
11/1	2:00 am	400 Blk N Frances	Suspect approached unknown victim from behind and punched him in the back of the head. Victim fell, passed out, sustaining facial fractures. Suspect charged with Substantial Battery, Resisting an Officer, and Felony Bail Jumping.
11/2	2:20 am	600 Blk State St	Victim jumped by two white males, struck several times about the face. Only description of suspects: white males in their 20s.

## CRIME OVERVIEW

### Person Crimes: *Batteries*

Date	Time	Location	Details
11/2	2:20 am	300 Blk N Henry	Victim at restaurant battered by unknown white male, 20 to 25, short brown hair, 6'1". Unknown motive.
11/2	5:00 am	200 Blk W Gorham	Female victim attacked by 5 to 6 women, battered and hair pulled. Suspects described as 22 to 23, one 5'3", one 5'7", no other description, no motive.
11/3	3:00 pm	100 Blk W Doty	Victim reporting to jail reported being jumped by an unknown male black, 23 to 27, 6'2", with braids. Possibly gang-related.
11/29	7:00 am	20 Blk N Hancock	Victim, who met suspect on-line, arranged to meet him at his apartment where suspect battered him and pulled a knife. Suspect: male white, red hair, lots of tattoos.
11/30	2:00 am	400 Blk N Lake	Dispatched reference man with a gun. Officers found 4 to 5 male Asians, 2 had been battered by an unknown group of 3 to 4 black males. No weapons seen. No description given.

### Property Crimes: *Burglaries*

Date	Location	Type	Entry	Targeted/Stolen
11/1	1000 Blk E Gorham	Residential	Unlocked window	Flat-screen TV, X-Box, games
11/1	200 Blk W Gorham	Residential	Unknown	Laptop
11/2	400 Blk W Doty	Residential	Window	Stereo receiver, Macbook, laptop
11/2	600 Blk Langdon	Residential	Unknown	McIntosh Notebook
11/2	1300 Blk Spring St	Residential	Unknown	Laptop, electric razor.
11/4	1000 Blk Williamson	Non-Residential	Unknown	Cash
11/5	600 Blk Mendota Ct	Residential	Window broken	Brass plaque
11/7	800 Blk E Gorham	Residential	Forced entry	Two White males forced entry to the residence; both armed with guns demanding "weed and cash." Took laptop.
11/9	300 Blk W Dayton	Residential	Unknown	Jewelry
11/12	1300 Blk Rutledge	Residential	Unlocked door	Laptop, camera
11/12	500 Blk W. Wilson	Residential	Unlocked door	Laptop
11/14	200 Blk Langdon	Residential	Unknown	Laptop
11/19	1000 Blk E Johnson	Residential	Unlocked door	Laptop, cash
11/20	500 Blk W Main	Non-Residential	Window broken	Cash
11/20	100 Blk Langdon	Residential	Attempted	Suspect charged. No entry made.
11/21	600 Blk Langdon	Residential	Unlocked door	Camera
11/25	1100 Blk E Washington	Non-Residential	Windows broken	Safe, cash
11/25	1000 Blk E Washington	Residential	Unknown	Victim found suspect in closet who threatened him with a knife which she dropped when she was allowed to leave.
11/27	900 Blk Spring	Residential	Unlocked door	Laptops, plasma TV, safe, games.

## Enforcement of Alcohol Violations: Licensed Establishments

There has been much discussion lately about alcohol-related violence as it relates specifically to liquor licensed establishments. There tends to be confusion on what options government and/or citizens can do once problems are noted at a licensed establishment.

Obviously the best model is always prevention. This takes a team approach with business, government, neighbors, and patrons working together to provide safe, vibrant places for people to socialize. It is a shared responsibility and starts during the licensing process. Alders, neighbors, and government all share observations of the proposed plan presented by the potential licensee with the Alcohol License Review Committee (ALRC). The ALRC then takes in all the information and makes a licensing recommendation to the Common Council. It is not unusual to have conditions added to a license with overall safety as the common goal.

When an establishment opens, the shared responsibility continues and starts with the patrons of the establishment acting with courtesy toward others. This is supported by tavern staff following prescribed ordinances and establishment guidelines after being thoroughly trained on the expectations. It involves setting reasonable safety rules and enforcing them at the establishment level. At this point government does periodic inspections and makes observations related to behavioral trends. If problems arise that are not addressed by the license holder, then government may intercede. There are numerous options, and there is no set formula; decisions are made based on the totality of the circumstances and in consultation with various government entities.

It is important to remember that once a license is issued, the holder has a due process right in regard to the license. Legal processes must be followed to take action against a license.

This past summer of 2008, a group came together to discuss these very issues with the goal of making downtown a vibrant, safe environment for people to come together socially and engage in various entertainment options. The group, *The Downtown Hospitality Council*, includes many stakeholders, from owners to neighbors and the government entities involved in compliance. While members do not always agree, we have found our common ground which is our commitment to our downtown.

By continuing to work together earnestly, we can accomplish this vision for our downtown.



Katherine Plominski has outlined many of the options available to deal with a specific license holder. In addition to the options she has shared in the following information, police can also arrest and request criminal charges against specific individuals if probable cause exists. Generally, if criminal charges are pursued there may be a delay with some of the other options.

### Enforcement Options—Liquor Licenses

*Katherine Plominski, Alcohol Policy Coordinator*

After the Common Council has adopted the ALRC's recommendation for approval of a liquor license and the City Clerk issues that license, the holder of the license has a property interest in that liquor license. Therefore, in order to take away that license or impose a sanction against the license holder, there must be a due process hearing. Thus, ALRC members must be judicious in granting liquor licenses. If an establishment has come to the City's attention for liquor law violations or public nuisance activity, the City can deal with the establishments informally and/or in a formal enforcement capacity in the following ways:

- ALERT meeting (informal)
- Prosecute/assess points for ordinance violation
- Formal Expression of Concern
- Suspension/Revocation hearing for point accumulation
- Chief of Police Security Plan
- Suspension/Revocation for disorderly house
- Suspension/Revocation for public nuisance
- Non-renewal
- Conditions on license at time of renewal

*(Continued on page 5)*

*(Continued from page 4)*

## **ALERT**

The purpose of an ALERT is to meet with liquor establishments that have been identified as having issues which, if persist, could lead to disciplinary actions by the City against the license holder. The goal is to efficiently resolve problems and issues in an informal setting and proactive manner consistent with the City's progressive discipline structure contained in Chapter 38 of the Madison General Ordinances. The primary goal of an ALERT is to solve an identified problem before it becomes a chronic problem that must be addressed through the disciplinary and/or court process. The Alcohol Policy Coordinator is responsible for scheduling and coordinating ALERT meetings. The Alcohol Policy Coordinator is responsible for briefing ALRC. The ALERT team is comprised of the following:

- One member of the ALRC (rotates quarterly)
- The alderperson of the district within which the establishment is located
- The City Attorney or designee
- The Police District Captain or designee in which the establishment is located
- ALRC police representative
- Alcohol Policy Coordinator
- License holder

## **Violation of Chapter 38**

The Madison Police Department refers reports of alleged Chapter 38 violations by licensed establishments to the City Attorney's Office for charging decisions. If the City Attorney's Office determines that probable cause exists that a violation of Chapter 38 occurred, the City Attorney's Office drafts a complaint that is filed in the Madison Municipal Court. The matter is then prosecuted as any other ordinance violation. The City of Madison has a "point" system for dealing with violations of Chapter 38, the City's alcohol regulation ordinance. For example, allowing an underage person on the licensed premise is a 25-point violation. Upon conviction in municipal court, either by trial or by entering a plea of no contest or guilty, the license holder is assessed a monetary penalty by the municipal court, and the City Attorney's Office assesses the points and, if appropriate, follows through with discipline based upon the point assessment.

## **Formal Expression of Concern**

When a licensee has accumulated 100 demerit points against a license within a 12-month period, the ALRC calls the license before it for a "Formal Expression of Concern." If the licensee appears, no discussion of the

alleged facts underlying the assessment of the demerit points shall be permitted unless the licensee requests such discussion. The licensee is advised that any statements made may be considered by the ALRC in any subsequent suspension/revocation hearing, which may result from the alleged violations, which are the subject of the formal expression of concern.

- If a licensee fails to appear, after notice, the matter is referred for a suspension/revocation hearing.
- If the licensee appears, the points that led to the formal expression of concern are deleted from their current record.
- A formal expression of concern can only occur once in a 12-month period. If a licensee exceeds 100 points in a 12-month period after a formal expression of concern, the matter proceeds to a suspension/revocation hearing.
- Points are accumulated over a 12-month period with the date of each violation being the basis for determining that 12-month period.

## **Suspension/Revocation**

If a licensee accumulates more than 100 points within a 12-month period, the matter will be scheduled for a suspension/revocation hearing rather than a formal expression of concern. Upon the filing of a complaint with the City Clerk, the Common Council authorizes a summons to be issued to the licensee for the purposes of the suspension/revocation hearing, which occurs before the ALRC.

- The ALRC serves as the hearing agency for the Common Council. The chair of the ALRC conducts the hearing, administers the oaths to witnesses and may issue subpoenas. The complaint must be proven by a preponderance of the evidence. Within 20 days of the conclusion of the hearing, the ALRC submits a report to the Common Council with findings of fact, conclusions of law, and a recommendation.
- A license holder can stipulate to a suspension or revocation, in which case a formal hearing is not held and the stipulation is presented to the ALRC for approval and recommendation to the Common Council.
- Any action by the Common Council in suspending or revoking a license or failure to revoke or suspend any license for good cause may be reviewed in circuit court.
- When a license is revoked, no other license can be granted to the licensee or the premises for a period of 12 months from the date of revocation.

*(Continued on page 6)*

*(Continued from page 5)*

**Chief’s Security Plan**

This is a tool of last resort. It allows the Chief of Police to impose certain conditions on a liquor license. The conditions must include a security plan, cannot be contrary or inconsistent with any statute or ordinance regulating alcohol or any other condition on the license. The Chief of Police or designee determines the elements of the plan. The City Clerk then issues a new license with the Chief’s conditions listed on the license. License holder has 10 days to object to the plan. The objection is made to the ALRC via the City Clerk. ALRC can amend the plan based on a hearing. The security plan can only include the following elements:

- Provision for licensed security guards.
- Monitoring of interior/exterior areas by licensee.
- Regulating traffic flow in parking areas.
- Exterior/interior lighting.
- Regular meetings with police department personnel.
- Posting of regulatory signage to aid enforcement efforts.
- Limitations on the number of patrons allowed on the premises at certain times.
- Any other reasonable security measures not enumerated.

**Disorderly House.**

Sometimes an establishment is ripe for discipline but there have not been Chapter 38 violations that could be established by probable cause in order to trigger the point system. For example, if an establishment is the site of fights, litter, noise, batteries, sexual assaults, weapons violations, drug violations, or other disturbances, the City could proceed against the license holder with a disorderly house action. The disorderly house action has traditionally been prosecuted before the ALRC. However, there is a provision in Chapter 24 of the Madison General Ordinances to prosecute in municipal court for a disorderly house.

**Public Nuisance Action**

Elements to trigger a public nuisance action are similar to disorderly house action. This action is filed in Circuit Court.

**Nonrenewal**

This would happen prior to the renewal of licenses in

June of each year.

**Madison Police Department**  
 Central District  
 523 E. Main St.  
 Madison, WI 53703  
 Phone: 608-266-4022



The process and procedure for nonrenewal is identical to that for suspension/revocation.

**Citizen Involvement . . . What Can I Do?**

- Stay actively involved and informed in your neighborhood association and the community at large.
- Contact City officials to share concerns (Alder, Mayor, City Attorney, Police, Building Inspection, Health Department, Fire).
- Keep logs of observations and be specific as to date, time, and facts.
- Attend meetings where the establishment is on the agenda and register to speak.
- Get to know the establishment owner.
- Call the establishment owner with complaints/ observations and keep a detailed log of such contact.
- Call the police when appropriate.
- File a complaint if appropriate (see continuation of article)

**Conditions On License At Time of Renewal.**

If an establishment has been problematic for police and/or neighbors, the ALRC can place conditions on the license at the time of renewal in an attempt to address the issues of concern that have been brought to their attention.

**Citizen Involvement**

Section 38.10(1)(a) provides that any resident of the City may file a sworn written complaint with the City Clerk alleging one of the following about any person or entity licensed pursuant to Chapter 38:

- The person has violated any provision of Chapter 38.
- The person keeps or maintains a disorderly or riotous, indecent or improper house.
- The person has sold or given away any intoxicant to any underage person, or to persons intoxicated or bordering on intoxication, or to known habitual drunkards.
- The person has failed to maintain the premises according to standards prescribed for sanitation by the Public Health Department, or whose premises persons are permitted to loiter for purposes of prostitution.
- The person has not observed and obeyed any lawful order of the Common Council or police officers of the City.

Questions or comments:  
[Mschauf@cityofmadison.com](mailto:Mschauf@cityofmadison.com) or [Kplominski@cityofmadison.com](mailto:Kplominski@cityofmadison.com)