



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Abatement Documentation

Eff. Date 02/06/2023

Purpose

The purpose of this SOP is to outline the proper procedure for documenting actions related to abatement in any of the following categories:

- **Chronic Nuisance Premises Ordinance** (25.09, MGO)
- **Drug Abatement** (823.113, Wis. Stats.)
- **General Public Nuisance Action** (823.02, Wis. Stats.)
- **Nuisance Party** (25.10, MGO)

Procedure

Prior to declaring a nuisance or identifying a qualifying address for abatement, a district commander shall consult with the Assistant Chief of Operations. The district commander who authors the warning letter or declares the nuisance to be abated is responsible for ensuring the following documentation occurs in a timely manner. The Assistant Chief of Operations is responsible for authoring the Nuisance Premises Ordinance Summary as required by M.G.O 25.09(12).

Chronic Nuisance Premises Ordinance (25.09, MGO)

First, consider issuing a Warning Letter. A warning letter is not required by ordinance.

Warning Letter

1. Call dispatch to generate a case number for: Abatement: chronic/drug/general
2. Go to the MPD Intranet: A to Z Forms / Command Letters / Nuisance Warning and fill in the appropriate information; add the case number from step 1 to the "Warning case number" at the top right portion of the letter
3. Mail the warning letter first class mail.
4. Email a copy of the warning letter to:
 - i. Assistant City Attorney Jennifer Zilavy
 - ii. Assistant Chief of Operations
 - iii. Alder
 - iv. Section 8 (Tom Conrad)
5. Send a copy of the completed warning letter to MPD Records as an attachment
6. Document in a written report(s) under the case number pulled in Step 1 the outcome of interactions with the property representative until the nuisance is abated.

A Chronic Nuisance Premises may be declared when the criteria in MGO 25.09 is met.

Declare a Nuisance

1. Declare the property a chronic nuisance by issuing the Chronic Nuisance Declaration letter, located in the MPD Intranet: A to Z Forms / Command Letters / Nuisance Chronic; add the case number from step 1 to the "Chronic Nuisance case number" at the top right portion of the letter.
2. Mail the declaration letter first class mail.
3. Email a copy of the declaration letter to:
 - i. Assistant City Attorney Jennifer Zilavy
 - ii. Assistant Chief of Operations

- iii. Alder
- iv. Section 8 (Tom Conrad)
4. Send a copy of the completed declaration letter to MPD Records as an attachment
5. Document in a written report(s) under the case number pulled in Step 1 the outcome of interactions with the property representative until the nuisance is abated. (The nuisance is deemed abated when no enforcement action to address Nuisance Activities occurs for a period of 6 consecutive months from the date on the chronic nuisance declaration.)
6. The final report must contain the following information:
 - a. Month and year of the nuisance declaration
 - b. The address of the chronic nuisance
 - c. The type of building: single-family residence, multi-unit apartment complex, etc.
 - d. Month and year the nuisance was abated
 - e. If the cost recovery provision was exercised, and if so, how much was collected

Drug Abatement (823.113, Wis. Stats.)

1. Call dispatch to generate a case number for: Abatement: chronic/drug/general
2. Go to the MPD Intranet: A to Z Forms / Command Letters / Nuisance Drug and fill in the appropriate information; add the case number from step 1 to the "Drug Abatement case number" at the top right portion of the notice letter
3. Mail the notice letter first class mail.
4. Email a copy of the notice letter to:
 - i. Assistant City Attorney Jennifer Zilavy
 - ii. Assistant Chief of Operations
 - iii. Alder
 - iv. Section 8 (Tom Conrad)
5. Send a copy of the completed declaration letter to MPD Records as an attachment
6. Document in a written report(s) under the case number pulled in Step 1 the outcome of interactions with the property representative until the nuisance is abated

General Public Nuisance Action (823.02, Wis. Stats.)

1. Contact and consult with Assistant City Attorney Jennifer Zilavy regarding the statutory requirements and for assistance in authoring a letter of notice for a general public nuisance to the property representative.
2. Call dispatch to generate a case number for: Abatement: chronic/drug/general
3. Document in a written report(s) under the case number pulled in Step 1 the outcome of interactions with the property representative until the nuisance is abated

Nuisance Party (25.10, MGO)

If a police officer determines on scene that the elements of a nuisance party are met, they may declare a nuisance party on scene and order all nonresidents to immediately cease and disburse. A formal nuisance party declaration must be sent within 10 days of the party. Prior to MPD sending a formal nuisance party declaration to the premise owner, all reports relating to the incident shall be reviewed by the district captain or their designee to determine, given the totality of the circumstances, the facts alleged support a nuisance party declaration notice.

1. Call dispatch to generate a case number for: Abatement: chronic/drug/general
2. Go to the MPD Intranet: A to Z Forms / Command Letters / Nuisance Party and fill in the appropriate information; add the case number from step 1 to the "Nuisance Party case number" at the top right portion of the declaration letter

3. Mail the declaration letter first class mail.
4. Email a copy of the declaration letter to:
 - i. Assistant City Attorney Jennifer Zilavy
 - ii. Assistant Chief of Operations
 - iii. Alder
5. Send a copy of the completed declaration letter to MPD Records as an attachment
6. Document in a written report(s) under the case number pulled in Step 1 the outcome of interactions with the property representative until the nuisance is abated