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CITY OF MILWAUKEE

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UTILITIES & LICENSES COMMITTEE

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In the Matter of the File No. 050890

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Communication from the Milwaukee Metro Entertainment Association relative to Police Department Activities

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and Alcohol Regulations

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COMMITTEE MEMBERS

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ALD. JAMES WITKOWIAK - Chair

ALD. JAMES BOHL, JR., - Vice-Chairman

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ALD. JOSEPH A. DUDZIK

ALD. ROBERT PUENTE

12

ALD. WILLIE WADE

13

LICENSING DIVISION by REBECCA BARRON

NEIGHBORHOOD SERVICES by PANDORA BENDER

14

HEALTH DEPARTMENT by KEVIN HULBERT

POLICE DEPARTMENT by SERGAENT CHESTER ULICKEY

15

OFFICE OF THE CITY ATTORNEY by ATTORNEY BRUCE SCHRIMPF

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Proceedings had and testimony given in the above-entitled matter, before the UTILITIES & LICENSES COMMITTEE OF THE CITY OF MILWAUKEE, on the 31st day of October, 2005.

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P R O C E E D I N G S

CHAIRMAN WITKOWIAK: Next is file number 050890. Communication from the Milwaukee Metro Entertainment Association relative to Police Department Activities and Alcohol Regulations. Do you have someone here to speak on this? Everybody come to the table at one time here.

Proceed.

INSPECTOR ROZINSKI: Actually, I was asked to be here from - - from Alderman Wade. Inspector Anna Rozinski from the Milwaukee Police Department. There's apparently some concern in regards to the PA33s or tavern reports that get filed every time an officer observes a violation or an incident occurs at a licensed premises. And that there was possibly some concern by bar owners that their legitimate calls for police service were being held against them.

In regards to that, I am here to testify that, yes, every incident that occurs at a licensed premises is filled out on a PA33 that the officers file, and as you know, goes to Sergeant Ulickey. When Sergeant Ulickey testifies in front of you, you know that he

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1 reports the facts of those incidents. Right on
2 that report is a box that says, "Was the license
3 owner cooperative?" And that is checked with
4 either a yes or no. So we can equate this much
5 to like we do with nuisance properties, where
6 every incident is reported. We also look at
7 every incident individually to see if there's
8 something that the bar owner did that caused the
9 problem. Otherwise, those events are not held
10 against them when they come before you for
11 committee. So we just wanted to make that clear,
12 that just because a PA33 licensed premises report
13 is filed, that does not necessarily count against
14 that establishment.

15 CHAIRMAN WITKOWIAK: Thank you. And
16 would the other members of the organization join
17 us at the table? I see Fred Gordon here. Good
18 afternoon. Welcome.

19 MR. GORDON: Thank you, Mr. Chairman,
20 members. Good afternoon. I want to thank you
21 for the opportunity to appear before you this
22 afternoon. I especially want to thank Alderman
23 Wade for - - for facilitating this.

24 Several months ago our organization - -
25 I don't know if you have our statement before

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1 you. All right. Very good.
2 Several months ago this organization
3 formed to basically facilitate opportunities for
4 creating a better business climate and providing
5 entertainment diversity throughout the City of
6 Milwaukee. And these members have been in the
7 entertainment business for several years. Out of
8 the ten registered members of our group we have
9 probably 100 years of experience in the
10 entertainment business and running establishments
11 here in the City of Milwaukee. And we had
12 conversations with Alderman Wade and Alderman
13 McGee at some of our meetings to discuss this
14 concern. And we thought that it was important to
15 come before the committee to basically offer
16 testimony from these business people, so that you
17 could hear what they have to say relative to the
18 way that they are trying to conduct business in
19 the City of Milwaukee. As - - as, Mr. Chairman,
20 you know from your experience over the years and
21 for those of the members who have licensed
22 premises in these districts, we only have this
23 opportunity when we come before you to basically
24 talk about what happened at a particular moment
25 in time, which certainly is going to affect how

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1 this business is going to proceed as regards to
2 its licensing. And now that this is the
3 licensing committee as opposed to the U&L
4 Committee, I have to get my U&L nomenclature
5 straight here. We thought it might be a good
6 opportunity to have a discussion with you and to
7 answer any questions that you may have about what
8 it takes to run an establishment in the City of
9 Milwaukee. These business owners are taxpayers.
10 They're voters. They try to contribute as much
11 as they possibly can to the diversity and the
12 culture of our great city. And this is certainly
13 respectful of the intervention of the Milwaukee
14 Police Department. They - - What's happening now
15 is that we're experiencing, as business owners, a
16 sort of Catch-22, and I know that you've heard
17 people talk about this before. And when you make
18 a phone call to the police department, as an
19 establishment owner, and it's a call for service,
20 and it may be a major call for service because
21 it's some kind of - - kind of violent act, or it
22 may be a minor call, based on noise violations or
23 something - - something like that. So in other
24 words, so we have situations where the Milwaukee
25 Police Department responds to a call for service,

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1 and then there's an incident report that's filed,
2 and these people want to testify to you some of
3 the concerns that they have regarding what
4 happens after these calls for service are
5 answered by the Milwaukee Police Department.

6 As my memo indicated, there's a
7 chilling effect going on that is very disturbing,
8 whereby business - - business owners are
9 reluctant to contact the police department,
10 because they're going to have several incident
11 reports on their record, so to speak, that
12 they'll have to answer to before this body, and
13 it obviously is going to be a situation where
14 they may face suspension or they may face a
15 revocation of their license. So we thought it
16 might be an opportunity to talk about these
17 concerns with you, and to just share some of the
18 experiences outside of the hearing process where
19 you have to have an attorney or an advocate
20 making a case for you.

21 And some of the members are here this
22 afternoon, and we just want to take some time to
23 talk about these kinds of issues, and to answer
24 any questions that you may have, because it's
25 becoming a major concern, I think, for licensed

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1 premises owners throughout the City of Milwaukee,
2 and this is just one of the ways that we thought
3 we'd be able to try to address this concern and
4 to show, you know, some of the different kinds of
5 things that happen.

6 For example, there's an establishment
7 in the Chairman's district where I was on the
8 door one night. And I was working with one of
9 the consortium members, just watching the door,
10 taking tickets, and there was a call for service
11 by someone who was not allowed inside the
12 establishment. And this individual was not
13 allowed in because of behavior that had taken
14 place at some other point in time and was
15 essentially barred from entering the
16 establishment. This person contacted the
17 Milwaukee Police Department, and six squad cars
18 came to the establishment and spent about two
19 hours there. No tickets were written. No
20 arrests were made. And the concern, obviously,
21 is that you have a large deployment of police
22 officers at a particular location and nothing
23 happens. So where are these police officers
24 supposed to be, but for the fact that they're
25 here at this establishment. And this is a

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1 continual kind of concern and problem that has
2 really chilled the response by owners of
3 businesses to call the police department for fear
4 that these incident reports are going to be held
5 against them when they come before this
6 committee. And this is a personal observance
7 that I made just one night that I was helping out
8 one of the bar owners. And I sat there in
9 amazement, and there were six squad cars in the
10 parking lot right next to the establishment.
11 They had to leave, that is, the patrons left.
12 There were no arrests made and no tickets were
13 written to the business owner, but it was just
14 amazing that that amount of time was taken up by
15 six squad cars and what had to have been at least
16 seven or eight police officers. So these kinds
17 of things are happening, and we just wanted to
18 bring this kind of thing to your attention, and
19 have you respond to it. So that's all I have to
20 say for the time being, and we'll just turn it
21 over to the members here.

22 CHAIRMAN WITKOWIAK: Do the members
23 like to speak further on this?

24 ALDERMAN WADE: Mr. Chair.

25 CHAIRMAN WITKOWIAK: Alderman Wade.

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1 ALDERMAN WADE: Thank you. I would
2 just like - - like to make a comment. I did meet
3 with the organization, and they had some concerns
4 that were interesting to me, and interesting for
5 me to deal with, being the only African-American
6 member of this committee. Sometimes it becomes
7 quite interesting when we have African-Americans
8 come to the table, and they have issues that - -
9 that they feel that they might not be getting the
10 - - the justification for - - for whatever the
11 penalty is.

12 But I - - I personally think that
13 sometimes when I'm looking at different things
14 that's on the police report, if the person
15 called, if the actual business owner called, I
16 look at it one way. If a constituent calls, I
17 look at it another way. If somebody who feels
18 like they were wronged inside the establishment,
19 I look at it a whole different way. I think we
20 need to be kind of consistent on how we give out
21 punitive actions, based on what really happened,
22 and what's really wrong. My biggest fear is the
23 sentiment that some of the business owners may
24 not want to call the police when there's an
25 incident going on in their establishment, and it

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1 could escalate into something more serious. I
2 don't want them to have the attitude that the
3 police is not their friend, that the police does
4 not work - - do not work for them. I want them
5 to have the attitude that the police is there to
6 support, there to serve, and that if they do call
7 the police for some type of service, that that's
8 exactly what they will get, is service from the
9 police department as taxpayers and business
10 owners, and not end up being - - defending
11 themselves by participating in the method that I
12 feel they should participate when it comes down
13 to conducting business. So I just wanted to say
14 that before we got started. Thank you, Mr.
15 Chair.

16 CHAIRMAN WITKOWIAK: Thank you. Any
17 other members?

18 MR. BARRY: Yes, my name is Craig
19 Barry. A couple of the members of the Council
20 know me from prior business ventures, The Matrix,
21 which is a very large nightclub that we opened in
22 2000, Area 414, which opened last year, and now
23 Club Escape. So I have a lot of - - a lot of
24 experience with these situations in terms of I
25 having had to call the police to avoid, you know,

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1 something bad from happening or worsening a
2 situation. It can start off as a simple - -
3 something simple as a domestic argument between
4 boyfriend and girlfriend, and you ask one of the
5 couples, hey, you know, do - - how do you - - how
6 do you tell a man's wife, well, you got to go.
7 We gonna keep the husband here until you're off
8 the premises so the cops don't have to get
9 involved. It just, I think what's happening is,
10 it's making all of the bar owners very scared to
11 call the cops. And, you know, I heard the
12 officer earlier. I didn't catch her name, I'm
13 sorry. But she said that there's a box that the
14 officer can check that says if we were
15 cooperative or not - - or not, and it won't be
16 used against us. Well, I beg her to listen to
17 our last renewal hearing, because the same thing
18 happened, and we got a 45 day suspension, based
19 on police reports. So, a lot of officers are not
20 attorneys, so they don't really know the law. So
21 they, you know, they're just kind of filling out
22 reports as much as they can, and it's like death
23 by a thousand - - a thousand lashes, you know,
24 and it's - - It really is really scary, and, you
25 know, we all talk about it all the time. We have

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1 a lot of horror stories to share, but I don't
2 want to bore you guys with it, but I think this
3 is something that needs to be addressed, and it's
4 - - it's a lot easier to do it when you're not on
5 the hot seat. And we're not on the hot seat
6 right now. None of us are up for - - for
7 renewal, and I think now is the time to have open
8 discussion, and - - and hopefully we can make
9 some kind of changes or get some kind of
10 clarification on what a tavern report is and when
11 it can be used.

12 CHAIRMAN WITKOWIAK: Thank you.

13 INSPECTOR ROZINSKI: Mr. Chair.

14 CHAIRMAN WITKOWIAK: Yes.

15 INSPECTOR ROZINSKI: If I may respond

16 to that.

17 CHAIRMAN WITKOWIAK: Yes.

18 INSPECTOR ROZINSKI: We look at every
19 single incident. Obviously, if we get called to
20 a tavern, we have to respond. Depending upon
21 what that call is is going to determine the
22 amount of officers that get sent. Now, the
23 instance that Mr. Gordon was talking about,
24 certainly a supervisor could have been called to
25 the scene to find out what the problem was, or we

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1 have always encouraged business owners to call
2 the district captain to see if there's a problem
3 that can be alleviated.

4 When you look at places like The
5 Matrix, and nobody knows better than I, because I
6 worked on - - on The Maze, as a nuisance property
7 and - - and closing that down. We certainly look
8 to the owners to be cooperative. We encourage
9 them if they need the police, to call the police
10 and get the proper response and help that they
11 need. Now, if there is a certain format or
12 something that's going on at that tavern that
13 contributes to the problem, such as consistently
14 having over capacity or something of that nature,
15 we encourage the bar owners to work with the
16 district captains to try and get rid of the
17 problem. If they don't, the police department
18 certainly can't be their private security. But
19 in the same respect, we want to make sure that if
20 they need the police there, if it is for a
21 domestic disturbance, a fight, whatever, that the
22 police respond and help take care and diffuse
23 that situation.

24 ALDERMAN PUENTE: Mr. Chair.

25 CHAIRMAN WITKOWIAK: Alderman Dudzik.

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1 ALDERMAN PUENTE: The incident you just
2 mentioned with the six squads, don't they have it
3 where after so many squads are dispatched to a
4 scene, a sergeant is automatically dispatched or
5 don't they have that anymore?

6 INSPECTOR ROZINSKI: That's not always
7 the case. I don't know why these squads
8 responded, and that's the hard thing. It's hard
9 for me to address that situation without knowing
10 the particulars of it. Had we known either that
11 night or even the next day, if that bar owner
12 would have called the district captain and said,
13 "Why did this go on," and got some explanation,
14 it certainly would have been easier. But I'm not
15 - - I'm not going to make that judgment without
16 knowing specifics.

17 ALDERMAN PUENTE: So some of these
18 squads come just on their own rather than being
19 dispatched.

20 INSPECTOR ROZINSKI: That may be
21 possible. It depends what the call is. I don't
22 know what the call was.

23 ALDERMAN PUENTE: Okay. Thank you.

24 MS. GARCIA: Excuse me. That inci - -

25 CHAIRMAN WITKOWIAK: You've got to

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1 identify yourself.

2 MS. GARCIA: I'm Jennifer Garcia. Viva
3 La Femme, your district, Mr. Witkowiak. That was
4 my business, and knowing what I know and the
5 reason why we are here right now, my reaction and
6 even with Mr. Gordon there, was I'm not going to
7 go out there and talk to the cops until they ask
8 for me. You know. Because I'm running the
9 business inside. I don't know what was going on
10 outside. There weren't multiple people outside.
11 There wasn't any kind of congregation or
12 loitering outside in the parking lot. And, of
13 course, when you have a bunch of people on a
14 Saturday night partying, they don't - - they're
15 not going to be in the parking lot when there's
16 six squads in the parking lot. So, because I
17 didn't call them and I didn't really know what
18 the situation was, and I had a Saturday night
19 going, my reaction was I'm not going to go out
20 there until they ask for me.

21 So with the fear of having a tavern
22 report that would be against me, regardless if
23 the police officer - - officer checked the box,
24 "She was cooperative." The point is when I sit
25 in front of you for my renewal, I'm going to have

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1 a file with police reports in it. So.

2 CHAIRMAN WITKOWIAK: You may have, even
3 though you didn't go out there to talk to them.

4 MS. GARCIA: Exactly.

5 CHAIRMAN WITKOWIAK: I'm sure there was
6 some - -

7 MS. GARCIA: Or just like if the
8 police, for some reason, need to clear my parking
9 lot or my property afterwards. I might get a
10 bill on Monday morning from the police department
11 saying that they performed personal services,
12 that I did not ask for. So.

13 ALDERMAN PUENTE: Mr. Chair.

14 CHAIRMAN WITKOWIAK: Alderman Puente.

15 ALDERMAN PUENTE: Can you explain why
16 she got billed under those circumstances for
17 personal services?

18 INSPECTOR ROZINSKI: I don't know if
19 - - if her - -

20 ALDERMAN PUENTE: A general thing, just
21 in general. Let's say, you were billing
22 somebody, not her. Why does the police
23 department do that?

24 INSPECTOR ROZINSKI: The only way that
25 she - -

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1 ALDERMAN PUENTE: She didn't ask for
2 it.

3 INSPECTOR ROZINSKI: Right. The only
4 way that she would be billed for police
5 department services is if her particular
6 establishment has been declared a nuisance under
7 80-10, and she has not worked with the district
8 captain in order to alleviate the problem.

9 ALDERMAN PUENTE: That's what I needed
10 to hear. Thank you.

11 MR. BARRY: Mr. Chair.

12 CHAIRMAN WITKOWIAK: Go ahead.

13 MR. BARRY: I just want to add one more
14 thing. This - - You know, the reason we're here
15 is not just to discuss how and when it's being
16 used, in terms of tavern report from the
17 officer's end. It's the inconsistencies of how
18 it's being used against us at renewal. Because
19 I've seen some - - some other bars that were up
20 for renewal in the downtown area that caters to
21 the Hip-hop crowd that this licensee was patted
22 on the back for calling the cops. And her - - Or
23 their police report was pretty extensive. So, I
24 mean, so it's a couple reasons why - - why we're
25 here.

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1 We need to figure out how and when it
2 can be used fairly with all the licensees in the
3 City of Milwaukee. I just want to throw that in
4 there.

5 MR. MCNEAL: Mr. Chair.

6 CHAIRMAN WITKOWIAK: Go ahead.

7 MR. MCNEAL: And I don't really think
8 we're here to say - -

9 CHAIRMAN WITKOWIAK: You have to
10 identify yourself for the record.

11 MR. MCNEAL: My name is Thomas McNeal.
12 I am the owner and operator of the Club Escape,
13 former Area 414. And we're not here to
14 necessarily say that you guys, the committee is
15 not fair or - - or completely in - - or
16 inconsistent, but I watch these hearings very
17 often, and I have personally noticed the
18 inconsistencies. And I have to say that I
19 listened to or watched a hearing where a police
20 report was read off. I'm sure you all remember
21 how extensive my police report was from my first
22 year in operation. Well, there was another that
23 was read off just as extensive. Downtown
24 Milwaukee, mind you. And I think they walked out
25 with a warning letter. They had some citations,

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1 but they left with a warning letter. I left with
2 a 45 day suspension, a 15 and a 25. Actually it
3 was a 15 and a 30, equaling 45 days. That - -
4 That almost bankrupted me for the summer. I'm
5 still trying to make up for - - for that.

6 So basically, I guess what - - what
7 we're saying here is it's not so much the police
8 reports, but how you view the police reports. Do
9 you view a police report as a violation, which
10 I've heard an alderman on this committee tell a
11 licensee after reviewing his police report, in
12 the end he called them violations. When as I
13 listened to the - - to the hearing, I heard
14 nothing about a violation. Only about the police
15 reports. But it was viewed as - - They were
16 viewed as violations. Are they, in fact,
17 violations? I guess that's the long and short of
18 my question. Do you view police reports as
19 violations?

20 CHAIRMAN WITKOWIAK: I'm - - Oh, thank
21 you very much. I'm hoping that that was just a
22 mistake made by - - made by someone in discussion
23 here. I certainly don't - - I certainly don't
24 look at each incident as a violation.

25 I look, actually - - I - - I usually

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1 only look at the convictions themselves, because
2 a lot of times a case is brought in and it's
3 dismissed in court. And as far as I'm concerned,
4 if - - if you went to court and a judge took a
5 look at it and said there's nothing here, then
6 there's nothing there for - - for whatever
7 reason, however that happened. I don't - - In my
8 own - - When - - When I make a voter decision, as
9 one of the five members of this committee, I
10 don't - - I don't consider ..

11 ALDERMAN PUENTE: Mr. Chair.

12 CHAIRMAN WITKOWIAK: Each member has
13 his own style, so to speak.

14 ALDERMAN PUENTE: Mr. Chair.

15 CHAIRMAN WITKOWIAK: Alderman Puente.

16 ALDERMAN PUENTE: Thank you. I look at
17 the totality of the circumstances at each and
18 every incident that occurs at a tavern. When we
19 refer to the police report, it doesn't
20 necessarily mean a tavern report. You could have
21 received citations, and depending on the outcome
22 of those citations and arrests. Shootings are a
23 big thing for me. Any weapon charges are a big
24 thing for me. Any type of drugs, especially
25 cocaine. If there's people on your premises with

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1 any type of drugs or that, that's a big incident
2 for me. Another one is underage. I think it's
3 the responsibility of the tavern owner to be sure
4 that they're running a proper place, and underage
5 is a big thing. Especially when the police come
6 in and have to do a "sting," because I know that
7 most of the time they don't catch - - They might
8 just be getting the tip of the iceberg when they
9 do those stings, and there's a lot of effort put
10 into it.

11 So, again, it depends on the totality
12 of the circumstances that we look at. And do I
13 weigh in when the owner of the tavern calls? I
14 definitely do. Because that shows me that they
15 care. And the other thing is the people who live
16 in and around these areas that come and testify
17 before us, for and against it. We weigh - - I
18 weigh that very heavily, also.

19 CHAIRMAN WITKOWIAK: Please.

20 MR. FOLKS: Eric Folks. Owner of a
21 restaurant and bar. I guess we're not really
22 here to - - to bash anybody or anything like
23 that. But, I mean, in order to - - I think for
24 our businesses to - - to thrive and last for a
25 long time, we definitely need to make sure that

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1 we're taking care of our business. And I think
2 it's a great thing to be able to call the police,
3 but, you know - - You know, like when they were
4 doing all these tavern stings, maybe, you know,
5 checking for capacity. I think that when you get
6 to the point where your police are coming in and
7 they're going behind your bar, it's - - it just
8 doesn't look nice, you know. I think there are
9 certain things that, in the - - certain things
10 are - - Maybe we need to have our licenses posted
11 certain - - certain places so that they don't - -
12 I mean, if my customers are back there. I've had
13 customers, like, you know, "I'm not coming back
14 here. You have police in here every other
15 weekend." Checking the same licenses. You know.
16 I don't think that's something that should happen
17 on - - on the regular. And mine is a restaurant.
18 It's not - - It's not like we've - - we don't
19 have people standing outside of the - - out of
20 the restaurant every day. But, you know, just
21 some of those things. I mean, you know, people,
22 they just stop coming when they start seeing
23 police there all the time. I think it's good to
24 be able to call the police and have a good
25 relationship, but, you know, how do we - - I

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1 mean, you think of cities like New Orleans, where
2 they, you know, they have, you know,
3 entertainment all the time. And how they handle,
4 and how do we get to the point where we can be an
5 entertainment city, and also, be able to, you
6 know, not be afraid to call the police and things
7 of that nature. Me, personally, I haven't had
8 that many run-ins or anything like that with the
9 - - with the police, but, you know, it's still
10 that concern for everybody in our group. You
11 know, we should be able to, you know, run a
12 business. And you're going to have the nuts that
13 are going to come in there. They should be put
14 on some type of list where they don't go into
15 another bar anywhere in the - - the City of
16 Milwaukee, you know. Why can't we figure
17 something out, figure some type of way out that,
18 you know, we can cover those types of things, you
19 know. We know, I mean, as bar owners, we know
20 who's the troublemakers, you know. How do we get
21 to something like that?

22 ALDERMAN WADE: Mr. Chair.

23 CHAIRMAN WITKOWIAK: Alderman Wade.

24 ALDERMAN WADE: When you say you know
25 who the troublemakers are, do you mean, your

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1 patrons - - your patrons or - -
2 MR. FOLKS: No, I'm just saying, you
3 know, someone does something in your
4 establishment, you know, I'm sure you're going to
5 get their name and information and stuff like
6 that. We could have those people put on a list,
7 where you would know, have a picture of them
8 across, you know, in every single bar, you know.
9 I don't know if that is something that can
10 possibly happen, but, you know, it would be
11 something to work towards.
12 ALDERMAN WADE: Mr. Chairman.
13 CHAIRMAN WITKOWIAK: Yes, Alderman
14 Wade.
15 ALDERMAN WADE: I'd like to ask the
16 police department, what - - what is the procedure
17 for tavern squad when they come into a bar? Are
18 they required to come in in a professional manner
19 where they seek out the owner or the manager of
20 the bar, acknowledge them, acknowledge
21 themselves, or are they - - Is it standard for
22 them to just walk into the bar and walk behind
23 the bar and start questioning people and, you
24 know, things of that nature? What - - What's the
25 policy on that? How should they conduct

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1 themselves?
2 INSPECTOR ROZINSKI: I don't - - I
3 don't know that there is a set policy, but
4 certainly they should conduct themselves
5 professionally. I, as an officer, the first
6 thing I would do is - - is walk in and ask the
7 bartender, "Is the owner here," or, "Are you the
8 owner," or, "Is there somebody in charge I could
9 talk to?" Certainly, that's the proper thing to
10 do. I would say if there's any officers who are
11 just walking into bars and - - and walking behind
12 the bar and not saying a word and that type of
13 thing, that, you know, that captain should be
14 made aware of that. Because we should work
15 cooperatively with the business owners, and we
16 should be professional when we go in there.
17 Certainly, by city ordinance we are allowed to go
18 in and do tavern checks, and we should do them on
19 a regular basis. And I would think that owners
20 to - - to an extent would welcome that.
21 Obviously, that's not always the case. But
22 certainly at the very least, I believe, the
23 officers should go in and - - and find who is in
24 charge that night and deal with that person on a
25 professional level.

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1 ALDERMAN WADE: So if that's not the
2 case, then that's something that you recommend
3 should be brought to the attention to the captain
4 of that - - that area, and that's something that
5 should be addressed to that officer.

6 INSPECTOR ROZINSKI: Absolutely. And I
7 will go back and talk to the Deputy Chief of
8 Patrol, who will get it out to the captains, that
9 they should make sure that their officers are
10 acting professionally when they enter
11 establishments.

12 ALDERMAN WADE: And I - - I ask that,
13 because - - I don't know about my colleagues, but
14 I get that call a lot from business owners, that
15 the police go into their establishment and don't
16 even respect them as the owner of the
17 establishment, or don't even seek out the
18 manager, the person that's in charge. But just
19 go through the - - the establishment like they
20 own the place. And that happens - - I get that
21 call at least probably seven - eight times a
22 year.

23 INSPECTOR ROZINSKI: And you have to
24 realize, too, Alderman, though, as an officer
25 walks in, depending upon what they observe, it

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1 may detail them to take action right away before
2 they can get to that owner. If they see underage
3 drinking, if they see exchange of drugs, anything
4 like that, where they may have to take police
5 action first, secure that situation, and then
6 seek out the owner.

7 ALDERMAN WADE: Which - - Which I think
8 is what they should do. But as far as their
9 interaction with the person that's in charge in
10 the - - in the bar, that, regardless to what,
11 should be conducted in a professional manner, I
12 would think. So when you're talking to the bar
13 owner or the manager, you should be talking in a
14 respectful way. You shouldn't be - - come into
15 their establishment, giving them directions of
16 what they should be doing. They should establish
17 a relationship, and then move forward from there.
18 And I'm getting calls to my office that - - that
19 a lot of the officers are going into the bar - -
20 They're going in like - - like - - like he said,
21 they - - they was just in - - into - - in a bar
22 last week. They know what the - - what the
23 capacity is. They know what the - - the
24 expiration date of the license is. They already
25 know that, and here they are in this bar again,

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1 going through this routine again, and this has
2 happened, well, at least I have gotten calls,
3 that this has happened at a lot of different
4 places in my district. And for me it's
5 frustrating, because I really have no
6 jurisdiction over what the police do along those
7 lines, other than telling the bar owner or the
8 manager to call the captain and make sure they
9 get the information and they find out the badge
10 number, et cetera, et cetera.

11 But it's just the whole idea that this
12 is a issue that we're dealing with from the
13 Milwaukee Police Department, who should be the
14 most professional out of all of the departments.
15 It's - - It's somewhat a concern of mine. I'm
16 wondering what - - what can we do to just avoid
17 this altogether?

18 MR. FOLKS: And can I say one more
19 thing here? I mean, I was at Club Havana about a
20 week ago, and the police came in. They were
21 saying the music was too loud. And they were
22 playing drums, you know, this is an entertainment
23 district. And they said they had some people
24 calling in saying that the music was too loud.
25 Well, the police they came in, and they were in

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1 the owner's face like, you know, growling. I'm
2 like, what is going on, you know. What type of,
3 you know, what - - what makes - - That would make
4 me really back off and say, okay, I'm not going
5 to call the police. Because, I mean, for some
6 drums that they were playing. I thought that was
7 like really unprofessional and really rude the
8 way that they treated that owner. And, you know,
9 it's not my place. So, you know, I could care
10 less. I mean, I care, but, you know what I'm
11 saying, it's like, what would make that person
12 want to continue to do what he's doing to, you
13 know, bring some sparkle to Milwaukee and - -
14 and, you know, have a bar that they can go smoke
15 or, you know, a cigar or whatever. You know,
16 but, you know, if the police are coming on that
17 strong to a person there, you're talking about,
18 you know, the music is too loud, you know, when
19 is "music too loud?" And they say 75 feet away
20 from your - - your door front.

21 INSPECTOR ROZINSKI: Right. But that's
22 a city ordinance. So if somebody calls to make
23 that complaint, we certainly have to investigate.

24 MR. FOLKS: So it's not something
25 that - -

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1 INSPECTOR ROZINSKI: And if it is not
2 within the ordinance guidelines, then the owner
3 is asked to turn the music down or whatever, or
4 they can risk getting a citation. But again,
5 too, owners also have the option, if for some
6 reason they feel that the officers are being rude
7 or discourteous, they can request those officers
8 call a supervisor to the scene right away. And
9 that supervisor may be able to alleviate that
10 situation. I will certainly on my end take care
11 of it, and make sure that the patrol bureau is
12 made aware of the feelings to see if we can start
13 repairing some of those relations right away.
14 But, again, you know, the best thing to do is to
15 notify the captain of that particular district,
16 and say hey, you know, what's going on. What's
17 - - Let's find out and let's work this out
18 together, absolutely.

19 ALDERMAN PUENTE: Mr. Chair.

20 CHAIRMAN WITKOWIAK: Alderman Puente.

21 ALDERMAN PUENTE: You could also file a
22 citizen complaint, can't you?

23 INSPECTOR ROZINSKI: Absolutely.
24 Anybody has the right to file a complaint against
25 any officer for being discourteous and uncivil

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1 and rude towards you. Absolutely.

2 MS. GARCIA: Can I give another example
3 of my interaction with the police?

4 CHAIRMAN WITKOWIAK: Go ahead.

5 MS. GARCIA: Last year I did get a
6 violation, and was served a ticket. I was not
7 given the ticket right then that night. The
8 police officer had called me and said, "When can
9 I come to your establishment and give you the
10 ticket?" And this - - The tick - - The violation
11 was on a Saturday. I got the phone call on
12 Sunday and told them, "I'm closed on Mondays."
13 I'm hosting a small reception for a group of bar
14 owners, but I will not be available. Okay. We
15 made an appointment to meet at my establishment
16 the following Tuesday around seven o'clock.
17 Monday, during my closed private reception for
18 bar owners, I had five uniform police officers
19 come to the door to come in to serve me my
20 ticket. So I'm just - - That's why we're here,
21 you know, just so that we can voice these type of
22 things. And, like, you know, I was extremely
23 surprised to see them. My lights weren't on.
24 The only people that were in the bar were the bar
25 owners who knew to meet at my location at that

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1 certain time. I had a scheduled appointment to
2 meet with them, and like I said, I - - And I know
3 it doesn't take five officers to come and hand me
4 a paper ticket. But this is something that did
5 happen. So.

6 MR. MCNEAL: Mr. Chair.

7 CHAIRMAN WITKOWIAK: Yes.

8 MR. MCNEAL: Just - - Just one last
9 statement. It's kind of putting us at a
10 disadvantage, because we've got some of the - -
11 the - - the unruly patrons that - - that come
12 into our establish - - establishments. Kind
13 of - - They're of getting the idea that we're not
14 going to be really quick to call the police,
15 because they know that we're afraid to an extent
16 of how that will affect us when we come to see
17 you guys, when we come before this committee. So
18 when - - when - - when things happen, we have
19 patrons that will actually whisper one to
20 another, "Don't worry about it. They're not
21 going to - - They're not going to make that call,
22 not too fast." Because I think they're just kind
23 of getting wise to the fact that we're not a
24 friend to the police department, or should I say
25 the police department is not a friend to us. And

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1 with that perception, then we feel that once that
2 happens, we come before you, then you're not a
3 friend to us either, because you feel we're using
4 the police resources unnecessarily, or too much
5 police resources when the police is pretty much
6 drained for resources as it is. So, that's my
7 final statement. Thank you very much.

8 MR. MARTIN: My name is Malcolm Martin
9 of Mixer's Sports Bar, 3430 North 84th Street in
10 Alderman Bohl's district. This is my partner.

11 MS. HILDENBRAND: My name is Lynn
12 Hildenbrand.

13 MR. MARTIN: We had a situation that
14 occurred October 12th of this month, where three
15 men attempted to rob me at gunpoint in our bar.
16 This occurred at 1:55 a.m. I made a 9-1-1 call
17 at 1:55 a.m. outside of the bar. At the time I
18 saw the men with the gun, I ran out of the bar.
19 My first desire and my first action was not to
20 call the Milwaukee Police Department. Main
21 reason being I did not want the problems that
22 occur when those policemen are called, even to an
23 armed robbery scene. Like, actually, my - - If
24 anybody were to check my cell phone records,
25 because I made the 9-1-1 call from my cell phone

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1 outside the bar, you would see that I called an
2 off-duty police officer's cell phone number,
3 first, who is a friend of mine, for guidance,
4 before even calling the police department.

5 My second desire was to call my
6 alderman, before even calling the police. Again,
7 because I know and I've heard the horror stories
8 that come along with calling the police to the
9 scene of a crime at your bar. What eventually
10 happened, the police, three squads arrived at
11 2:10 a.m., 15 minutes after a 9-1-1 call. The
12 officers arriving at the scene spoke to the - -
13 One suspect actually was still on the premises at
14 the time the police arrived, 15 minutes after
15 they were called. He was taken into custody.
16 Placed in the back of a police squad car. He was
17 not handcuffed. He was allowed to sit in the car
18 with his cell phone. At that time he called his
19 wife to the scene of the crime. He called the
20 two suspects who got away from the scene back to
21 the crime. One suspect returned with his wife.
22 The wives of these suspects were allowed to walk
23 around the crime scene and began to question the
24 victims, myself and my partner, at the crime
25 scene, while one suspect was placed in the back

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1 seat and stayed in the back seat, speaking on a
2 cell phone. And in my thinking, calling people
3 and getting the story straight as to what story
4 they were going to go with.

5 After approximately an hour and a half
6 to two hours of the police officers questioning
7 the suspects, one officer came into the bar. The
8 officer who came into the bar did not question me
9 for an hour and a half to two hours. And her
10 statements to me immediately were, "This place
11 has been a problem since it opened. I'm going to
12 write a tavern report on this place, and it may
13 affect your licensing when you go up for
14 relicensing next year." I was completely
15 floored. I asked her what was she basing her
16 statement on. She stated, "Word of mouth from
17 other officers." I asked her if she had any know
18 - - any knowledge of any police reports taken or
19 written about Mixer's Sports Bar, and she said
20 she did not. She's only going on what she heard.

21 I informed her there are absolutely no
22 tavern reports that we know of written about our
23 establishment in the last two and a half years.
24 She said she did not know that. She went on to
25 listen, and I did - - I did - - I then asked her,

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1 does she know what occurred at the premises that
2 morning, at 1:55 a.m. She admitted she did not.
3 After being on the scene for an hour and a half
4 to two hours. I then asked her if it was okay if
5 I explained to her what went on that night, that
6 morning. She said, "Yes." After I explained to
7 her the situation, she said, "This is the first
8 I'm hearing of this situation." Even after being
9 on the scene with two other officers and a
10 sergeant, who left the scene that night. I asked
11 her why did the sergeant leave? She said because
12 the armed robbery was unsuccessful. I asked her
13 if it was possible to call a detective to the
14 scene. She said she couldn't do that. The
15 sergeant had to do that. I then - - I then
16 informed her that there were many bars in the
17 area that have been robbed at gunpoint in a two
18 mile radius over the last couple of weeks. I
19 also told her that one police officer, a
20 Milwaukee police officer was shot in an attempted
21 armed robbery just less than two miles from my
22 bar around closing time at another bar. And I
23 asked her is it - - could the two incidents be
24 related? And was it possible to call the
25 detective, who was investigating that situation,

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1 to this scene to possibly identify or even talk
2 to the suspects you had on the scene. And she
3 said, "No."

4 In the last - - Now, I want to end with
5 that situation. In the last two weeks, I
6 believe, in a two mile radius of our bar,
7 approximately six to seven armed robberies have
8 occurred at other bars. No detective
9 investigating any of those robberies has
10 contacted me regarding the individuals who
11 attempted to rob my bar to question me regarding
12 the situation. I have no idea why detectives or
13 officers can't seem to draw a nexus between the
14 incidents occurring in the same area.

15 This is beyond my alderman. There's no
16 more I can ask of my alderman. He responds to
17 our calls when we call the City Hall. He
18 responds to our calls when we call his home.
19 There's nothing else he can do. Because I know
20 they are separate entities. So I know some
21 people here have been saying contact your
22 captain, or file a complaint against the officer.
23 If you file a complaint against the officer,
24 you're filing a complaint against the officer who
25 is investigating the crime that occurred at your

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1 establishment. Any way you spell it, that's not
2 making good sense. If you contact the captain,
3 which we did, you're only contacting the captain
4 to acknowledge to the captain that you know that
5 the process is going on, and you will sit and
6 wait until the process is reported back to you.
7 So you don't want to make anybody at your
8 district angry. You don't want to make the
9 captain angry. You don't want to make the
10 officer who is investigating the situation angry.
11 But I do have the initial police report from that
12 night. I cannot receive the complete written
13 report for two to three weeks until it's scanned
14 into the system. So it will be premature for me
15 to make a complaint against these officers, it
16 would be premature for me to make a complaint
17 against the police department, because I don't
18 have the information. After being at the scene
19 for an hour and a half to two hours, there is a
20 one sentence narrative here written by the police
21 officer. "No subject who was inside a public
22 tavern was accompanying another subject who
23 displayed a handgun inside of said tavern under
24 circumstances which would tend to call to provoke
25 a disturbance." After two hours of being on the

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1 scene, this is the report that was written. And
2 my partner was there present when the officer
3 threatened to write a tavern report against us if
4 we - - I'm not - - I'm not sure what her words
5 were at the - -

6 MS. HILDENBRAND: Excuse me. When she
7 first came in the bar she said, "If you're making
8 any false statements, that she was going to
9 file," against Malcolm for making false
10 statements. To me, it was totally out of order.
11 Because if someone has a gun in your face and you
12 run out of your bar, they're not making a false
13 statement. You're fleeing the scene so you don't
14 get shot. You're thinking of your life. You
15 leave your business and your livelihood sitting
16 there, and you run outside the door. So you know
17 that this is not a false statement. And, yes, I
18 did call both, you know, Alderman Bohl and our
19 captain the next day. Had good conversations
20 with both of them, but this report is kind of
21 crazy to me, a one sentence. And the female
22 officer who wrote the report, she was the last
23 person to hear what happened. She was the one
24 who came in and made the accusations that she's
25 going to file a complaint against us and file a

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1 tavern report against us, when, in fact, we
2 called the police because we thought we were
3 being robbed. It just doesn't make any sense.

4 And we cooperate with the police when
5 they're there. We have a good relationship with
6 our alderman, with our police captain and the
7 tavern squad that comes into our bar. And this
8 was really totally like a slap in the face when
9 you're here trying to protect yourself. Anybody,
10 any customers mad at us, any neighbor who is mad
11 at us, and they'll be there in a minute. We call
12 the police, and it takes quite some time, and
13 it's an armed robbery attempt. The gun was
14 there. Malcolm saw the gun. I was not there to
15 see the gun, but I came up there, before the
16 police were there. To - - To see what was going
17 on.

18 But we just really want - - I guess, we
19 want to cooperate. We want to be able to keep
20 our businesses. These are our livelihoods. This
21 is what we do for a living. And if people don't
22 like bars, we're sorry, but this is - - We
23 provide entertainment and a place for people to
24 come and a good safe environment. You know, we
25 have plenty of security at our place. We have

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1 security in the parking lot and inside the bar.
2 We cater to a 30 and over crowd, so we're not
3 allowing certain people in our bar, because we
4 don't want the problems that comes with a certain
5 type of clientele. We know - - We can judge
6 what's going on. And if you don't have an ID,
7 you're not allowed in the bar, period. We just
8 want better response in our relationships and a
9 better report than this. And not to come into
10 our bar and say, "If you're filing a false
11 report, you're the one who is going to be in
12 trouble." I just think that was really out of
13 order.

14 INSPECTOR ROZINSKI: Mr. Chair.

15 CHAIRMAN WITKOWIAK: Yes.

16 INSPECTOR ROZINSKI: And I agree with
17 you. The officer had no reason to say that, and
18 that's why it's important to call the captain,
19 and you can't look at it as calling the captain
20 as getting them angry at you because those are
21 the police officers responding. You deserve
22 respect as a bar owner, and you should get that
23 respect.

24 In regards to some of the other
25 statements made, to assume that the detective

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1 bureau doesn't look and draw a nexus between all
2 our robberies, that happens on a regular basis,
3 daily basis. All crimes are looked at, and
4 they're looked at at anything that's in a
5 geographical area, anything that looks alike with
6 suspects. And they will start a case management
7 if they find that some robberies or shootings or
8 other incidents may be involved. So, yes, that
9 does go on. Does the street level officer - -
10 was she aware of that? Obviously not in this
11 situation. But just to - - to assume that that
12 doesn't happen because she said it didn't happen
13 isn't necessarily true.

14 MR. MARTIN: Actually, I'm assuming it
15 didn't happen because no police detective has
16 contacted me who has investigated the armed
17 robberies in the area of my business.

18 INSPECTOR ROZINSKI: But you have to
19 realize at - - at this point they may not have
20 the need to talk to you yet. That doesn't
21 necessarily mean they're not looking at the
22 situations in and around the area and drawing
23 those conclusions. If they need to talk to you,
24 they certainly would. And I will be more than
25 happy to look at this instance and have somebody

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1 get back to you. Absolutely.

2 MR. MARTIN: Well, apparently - - I
3 understand. I appreciate your comments, and I
4 appreciate your efforts. But even you, as an
5 officer, a chairman, I have no idea what you can
6 do with this one sentence narrative regarding our
7 situation. No idea.

8 MR. SCHRIMPF: Mr. Chairman.

9 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

10 MR. SCHRIMPF: Thank you. For the
11 benefit of the group that's here, one of my other
12 responsibilities when I'm not here is to advise
13 the Board of Fire and Police Commissioners. And
14 I know that there has been some mention made of
15 the fact that it's possible to file a complaint,
16 a citizen complaint involving officers.

17 There's actually two ways of doing it.
18 One is under a statute, and the other one is
19 under a charter ordinance of the City of
20 Milwaukee. One implicates the very job of the
21 officer. The other implicates much more - - much
22 lesser discipline, although it could include disc
23 - - up to and including discharge.

24 There is also a procedure that the
25 Board of Fire and Police Commissioners has in the

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1 process of handling those complaints, because
2 they do get those complaints. And part of that,
3 Mr. Chairman, is to have an informal meeting,
4 which is voluntary. It's not required. Between
5 the officer and between the citizen complainant
6 in an effort to resolve whatever it is that has
7 occurred. And it's under Rule 17 of the Board of
8 Fire and Police Commissioners rule of - - rules
9 of procedure. You can go on the Internet, click
10 on Fire and Police Commission and get a copy of
11 it. And, you know, I - - I just call that to
12 your attention as another avenue that might be
13 open to you, if you feel that you've been wronged
14 by a police officer. Though I agree with
15 Inspector Rozinski that talking to the district
16 captain might be, quite frankly, the speediest
17 and most efficacious way of handling it.

18 MR. GORDON: Counselor, in your
19 experience do you have any number as far as that
20 kind of procedure being done? Is that something
21 that most people know about and that take
22 advantage - - take advantage of?

23 MR. SCHRIMPF: If the person comes in
24 - - The people with complaints, if they come in
25 to the Board of Fire and Police Commissioners,

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1 they are informed about that. I mean, they can
2 be informed about that with a simple phone call
3 to the Fire and Police Commission. So, so far as
4 I know, the Fire and Police Commission over the
5 course of my association with it has about four
6 or 500 cases that it has handled over the years.
7 And so far as I know, that procedure was made
8 available to each and every one of them.

9 MR. BARRY: Mr. Chair.

10 CHAIRMAN WITKOWIAK: Yes.

11 MR. BARRY: I'm just going to ask just
12 as perfect - - I mean, I think it's just a kind
13 of this question. If you take a tavern report
14 and you say there's a box that you can check that
15 states that the owner, the establishment was
16 cooperative, yes or no. Or if it was something
17 that we initiated, we initiated the police
18 contact. Why do they read those to our renewal
19 hearing if they're not going to be held against
20 us? Wouldn't that make sense to not even, I
21 mean, just leave that out of the record?

22 CHAIRMAN WITKOWIAK: Let me give you an
23 example here, just, you know, thinking about
24 this. Let's say there's a disturbance that
25 starts inside your place, because there's some

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1 people that were in your establishment that got
2 out of line. And you decide to - - You decide to
3 call the police. You think it rises to the level
4 that you should call the police. That, in fact,
5 is an incident that occurred inside your place,
6 and just because you called the police instead of
7 somebody else that was there, that shouldn't make
8 it any - - that shouldn't make it any more
9 considered or less considered, when - - when it
10 comes to the table here. Do you follow what I'm
11 saying?

12 MR. BARRY: Yes.

13 CHAIRMAN WITKOWIAK: But, I mean, the
14 discussions we're having here are extremely
15 valuable, because I - - I want the other members
16 of the committee to understand that just because
17 - - just because the police come to a place,
18 doesn't mean that that's a problem or - - But
19 it's - - It's actually it's the - - It's - - It's
20 at the discretion of the individual members on
21 this committee how they - - how they read that
22 into the report. And I think that this, the
23 discussion we're having here today gives us quite
24 good insight into situations that can happen that
25 - - that are of no fault of your own that the

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1 police arrive there, and that can - - You show us
2 in some cases, that can put a few lines in the
3 report that appear to go against you. That is
4 problematic.

5 MR. BARRY: But, I mean, it's sort of
6 like looking - - I mean, that's - - I mean,
7 that's - - I understand what you're saying, and I
8 respect that. But it's kind of - - You know, I'm
9 just looking at like the due process that we have
10 coming. When you have five people who basically
11 can decide whether you open or close, and you
12 have five different opinions or approaches of how
13 they look at the tavern report, doesn't give us
14 much hope - - hope, for lack of a better word, I
15 mean, I - - What we're trying to do is figure out
16 what the pattern is or what the protocol should
17 be and try to get some kind of consistency here,
18 so we know how to operate. Because we should not
19 - - I mean, that's a horror story.

20 CHAIRMAN WITKOWIAK: Yes, it is.

21 MR. BARRY: I have - - We have one
22 where someone followed Tom home. He had to leave
23 there - - He had to leave on two wheels he was
24 going so fast, but he was scared to call the
25 cops. So, I mean, it's - - it's scary that we

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1 have to operate like that. And - - And why
2 aren't tavern reports being used in other
3 businesses like Walgreen's. Some Walgreen's,
4 they get robbed once a week. Some gas station
5 get robbed once a week. You're not going to take
6 their license because of the police reports. So,
7 I mean, it's - - it's so many inconsistencies
8 because we're bar owners. We're being kind of
9 held to our own standard. Why, I don't know.
10 I'm still trying to figure that out.

11 CHAIRMAN WITKOWIAK: Well - -

12 MR. SCHRIMPF: Mr. Chairman.

13 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

14 MR. SCHRIMPF: Oh, okay. First of all,
15 taverns occupy a special place in state law, and
16 they occupy a special place in Federal law.
17 Because there was a time when there was no
18 alcohol, whatever, and that ended in 1933. And
19 prohibition specifically, when it was repealed,
20 specifically used the word, "prohibited." In
21 other words, if you deal in alcohol beverages
22 within a state in violation of the state laws,
23 it's prohibited. So prohibition gave control of
24 alcohol back to the states. The state
25 legislature, every state legislature dealt with

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1 it slightly differently. But Wisconsin in 1933
2 adopted the forerunners of what is our present
3 statute. And gave specifically the power to
4 governing bodies, and specifically enacted or
5 authorized governing bodies of municipalities to
6 come up with ways of further regulating the
7 industry. And that evolution of law is what
8 you're dealing with right now.

9 Insofar as the tavern reports are
10 concerned, Mr. Chairman, I can recall any number
11 of instances when this committee has had tavern
12 reports from the Milwaukee Police Department
13 specifically noting that the tavern operator was
14 cooperative. And otherwise, specifically noting
15 if the tavern operator was not cooperative. And
16 those things are reflected in the findings of
17 fact of the committee, because they appear in the
18 tavern reports. I - - I can think of any number
19 of those, precisely those instances. Usually the
20 tavern report is somewhat neutral. It sets forth
21 what occurred and no real indication as to
22 whether or not the tavern operator or the manager
23 on duty was cooperative or not. So I - - I think
24 that's an important thing to - - to keep in mind.

25 CHAIRMAN WITKOWIAK: And then, thank

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1 you for explaining that, the fact that you - -
2 you feel that the - - that industry is
3 overregulated, and, in fact, is done by design.

4 MR. SCHRIMPF: It is very much so by
5 design. There are some states, and there are
6 some counties, that prohibit it, just plain
7 prohibit it. And one thing that a lot of people
8 are not aware of is that the voters in a defined
9 district can get together and submit to the city
10 clerk that it requests for remonstrance, which
11 means that in so many words, there would be no
12 alcohol available for sale within a defined
13 district, even in an area or even in a
14 municipality that allows alcohol generally.
15 Chicago has had any number of those. Wisconsin,
16 to my knowledge, has never had one, but the
17 procedure is alive and well, and exists in
18 125.05. So in other words, it's possible that
19 your livelihood would be taken away from you by
20 action of the voters. That's entirely possible.

21 CHAIRMAN WITKOWIAK: Alderman Puente.

22 ALDERMAN PUENTE: To answer your - -
23 your question - - But I'm going to get to the
24 tavern report before your original question, and
25 correct me if I'm wrong, Deputy Inspector. But

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1 the so-called tavern report is not just for
2 taverns. It's for any licensed premise in the
3 city, like taxes and that, too, that can be
4 written up. Your grocery stores, et cetera, et
5 cetera. Isn't that correct?

6 INSPECTOR ROZINSKI: Any licensed
7 premises or person.

8 ALDERMAN PUENTE: And we just label - -
9 They just label it - -

10 INSPECTOR ROZINSKI: Tavern report.

11 ALDERMAN PUENTE: Because that's when
12 it's used most often, but the PA33 - -

13 INSPECTOR ROZINSKI: Correct.

14 ALDERMAN PUENTE: - - is for any city
15 license. So that form is not used exclusively
16 for taverns, to answer that question.

17 And then your first question about if
18 the box is checked off that the person, the bar
19 owner is cooperative, and just let it go. You
20 can't, because again, it's the totality of the
21 circumstances. And I'm going to give you two
22 extreme scenarios here.

23 You, as a tavern owner, calls and says,
24 "Hey, we have an underage kid," or a person in
25 our tavern. And you call. That's going to be

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1 reflected. I know I will look at that very
2 favorably. However, if you have a shooting in
3 your place, and it's checked off, you called the
4 police. That's a little different. Okay.
5 Again, you have to look at the totality of the
6 circumstances. Okay. So, that's why I would not
7 be in favor of just checking off that box and
8 say, okay, everything's good because they called
9 us.

10 And then you - - Then you get the other
11 side where somebody who abused that privilege,
12 and said well, if I call, then nothing's going to
13 happen to me. So you got to have a balance.

14 MR. GORDON: Mr. Chairman.

15 CHAIRMAN WITKOWIAK: Mr. Gordon.

16 MR. GORDON: Thank you. Mr. Schrimpf's
17 comments reminded me of a long history of this
18 committee as it relates to policy determination
19 and creation. You certainly remember the liquor
20 wars that took place in the early '90s - -

21 CHAIRMAN WITKOWIAK: I sure do.

22 MR. GORDON: - - while this committee
23 was tied up in hearings for several months and
24 several hours with citizens that wanted to reduce
25 the number of licensed premises throughout the

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1 City of Milwaukee. And this committee, in fact,
2 took that as a mandate from the voters, from the
3 community based organizations, and from other
4 entities, and, in fact, did that. Several
5 members went - - used that as a mandate for their
6 very existence as elected officials, to see that
7 licensed premises were reduced throughout the
8 City of Milwaukee. And this committee set forth
9 policies regarding the use of the issue of
10 concentration. That was a policy determination
11 that this committee made.

12 And we're asking you to consider that
13 policy making power. Because that's what it is.
14 It's not a law. It's a policy. And that policy
15 determines how you respond, you know, to the
16 development and the creation, and more
17 importantly, the sustaining of these premises in
18 the City of Milwaukee. Every aldermanic district
19 saw a reduction in their licensed premises during
20 that period of time. And it was a mandate from
21 the voters, and community-based organizations in
22 this city. We now find ourselves at a real
23 crossroads, and the reason why we're here today
24 is to inform you about some of the issues that
25 we've had to face, you know, as business people.

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1 In this community, and we're all - - most of us
2 here were born and raised in this city, in this
3 community if you want to be an entrepreneur, and
4 you happen to be an African-American, it's - -
5 it's been gain said that the best way to do that
6 is to open up your own business and the most - -
7 and the easiest way to do it is to open up an
8 establishment, a liquor store, a bar, a
9 restaurant, a combination of the two.

10 So as a result, I think what's
11 happening in recent years, we're seeing it's
12 extremely difficult for that type of
13 entrepreneurship to continue, especially with
14 young African-Americans. In a city where you
15 have over 59 percent of African-American males
16 between the ages of 18 and 30, unemployed, what
17 is their hope, you know, to even begin to dream
18 about having a business opportunity. When they
19 see people like Arlis Jones, who recently got out
20 of the business after 35 years of running
21 establishments within the City of Milwaukee, and
22 then some of the people here before you who have
23 been in business for a number of years at various
24 locations. These are the kinds of role models
25 that a lot of young people, who have some

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1 business orientation that would like to open up a
2 business, have to look up to.

3 And so, I guess we're imploring you
4 from a policy perspective, because we know that,
5 at least in my opinion, I've always said this.
6 Next to the Finance And Personnel Committee, this
7 committee is the most impactful committee in the
8 City of Milwaukee as it relates to business
9 development in the City of Milwaukee. And
10 throughout the years, from the liquor wars, the
11 concentration issues, to all the concerns that
12 you've made policy determinations about, this is
13 a major concern. The relationship between the
14 Milwaukee Police Department and licensed premises
15 has always been a very difficult one. And we
16 want to cooperate. We need to cooperate with the
17 Milwaukee Police Department. That's why they're
18 the largest department in city government. And
19 we think that these kinds of situations which
20 you've heard, perhaps in various scenarios
21 throughout your time on this committee, still
22 resonate. And it is becoming increasingly more
23 difficult to develop a business background based
24 on these kinds of concerns.

25 So I'm asking you to put your policy

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1 hats on and to think about these kinds of
2 concerns, because you do have the policy making
3 apparatus and power to make systemic changes, and
4 it's already been shown.

5 CHAIRMAN WITKOWIAK: Thank you.

6 MR. BARRY: One last thing here. I'm
7 done here. You guys can stop me, but - -

8 CHAIRMAN WITKOWIAK: Go ahead.

9 MR. BARRY: About - - And I'm going
10 back to what Alderman Puente said about the
11 totality of all of it. Well, if we thought they
12 were being used fair from establishment to
13 establishment, we wouldn't even be here. But
14 what's happened is there's so many
15 inconsistencies in how, like bars on Water
16 Street, I've seen guys handcuffed to a meter in
17 lieu of going to jail. And they let them go
18 later, because the mentality of the police
19 department is different in some communities. I
20 mean, it is what it is. I mean, I'm not trying
21 to play the race card by - - by any stretch, but
22 it is what it is.

23 It - - Last summer it was a capacity
24 thing where the police department were cracking
25 down on capacity issues. Well, capacity is a

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1 safety issue. It has nothing to do with liquor.
2 Well, have they went in Walmart the day after
3 Thanksgiving to count their people? So it's a
4 lot of inconsistencies in how things are being
5 applied towards bar owners, and even certain
6 neighborhoods. And, you know, Summerfest had 500
7 citations issued last year. Their license is
8 going to come in the mail. So I understand that
9 - - I mean, we're all held to a higher standard
10 because of no license, liquor license, but at
11 some point, I mean, well we have to be fair of
12 how these policies are being, you know,
13 implemented or - - or imposed on - - on different
14 bar owners. And that's - - that's all I'm
15 closing with.

16 MR. GORDON: And speaking of the
17 capacity issue, and - - and this is something
18 that, you know, just infuriates me when I think
19 about it. It was - - It was a policy decision to
20 decide to enforce the capacity issue amongst
21 licensed premises. Ms. Garcia, you know, has an
22 establishment in your district, Mr. Chairman.
23 What is the capacity?

24 MS. GARCIA: 65.

25 MR. GORDON: 65. She was over capacity

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1 at one point in time and received a 40,000 dollar
2 ticket for - - What was the capacity number
3 again?

4 MS. GARCIA: Well, they counted 109
5 over, which I beg to differ, because if my
6 capacity is 65, how am I getting an extra 109
7 people in my bar. And where this count came
8 from, I don't know. It was - - The ticket that
9 they gave me on the Monday that we had an
10 appointment on Tuesday.

11 MR. GORDON: And that's an abuse, I
12 think, of discretion. It was settled. She paid
13 a fine of 5,000 dollars, which was still
14 exorbitant. But - - But given the fact that the
15 discretion is what we're concerned about, that's
16 something that I think members must be mindful
17 of. Because when certain situations happen, as
18 with Malcolm at Mixer's, at two o'clock in the
19 morning, as my grandmother used to said - - used
20 to say to me, "Nothing good happens at two
21 o'clock in the morning unless you're asleep."
22 And unfortunately, we don't have that kind of
23 situation happening here. There's a lot going on
24 at that point in time. And I think that the
25 discretion issue, perhaps, should be considered

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1 greater based on what you've heard here today.

2 CHAIRMAN WITKOWIAK: Thank you.

3 INSPECTOR ROZINSKI: Mr. Chair.

4 CHAIRMAN WITKOWIAK: And I - - Go
5 ahead, Ms. Rozinski.

6 INSPECTOR ROZINSKI: In regards to
7 capacity, that's something that we enforce, and
8 you're absolutely right. It is a safety issue.
9 Along with that, we also check the safe egress
10 out of buildings, which is also an ordinance. A
11 lot of the tavern officers that - - that check
12 taverns on a regular basis - - In fact, I just
13 read a PA33 where they actually had a hand-
14 counter. And they counted as they go out.
15 Because they know what they have come across in
16 regards to issuing citations and having to prove
17 that in court. So it's not arbitrary.

18 I would just request that in regards to
19 the licensed premises reports, I believe that the
20 officers should fill them out every time they
21 respond to a tavern or go into a tavern and
22 observe a violation, for the simple reason that
23 we don't want the officers to have that
24 discretion on when they think one should be filed
25 and when they think one shouldn't be. You know,

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1 for - - for the sake of it, if you have a tavern
2 owner that's cooperative and now you have an
3 officer who says, well, they were cooperative, so
4 I don't want to file a PA33, so that's not on
5 file. I don't think that that's a discretion the
6 officer should have. Those reports are there to
7 report the facts of that incident and what
8 occurred that evening. And how that's judged by
9 this - - this governing body, of course, is - -
10 is your discretion. But I do believe that we
11 shouldn't leave that discretion to the officers,
12 and that we should go ahead and file the PA33s,
13 as we have in the past.

14 MR. SCHRIMPF: Mr. Chairman, if I may.

15 CHAIRMAN WITKOWIAK: Mr. Schrimpf.

16 MR. SCHRIMPF: Thank you. One of the
17 gentleman indicated a concern about due process,
18 and - - and we went into the discussion about the
19 excess capacity case. And I think it was pointed
20 out that what was originally a 40,000 dollar
21 ticket was - - became a 5,000 dollar ticket. The
22 point of the matter is is that the Milwaukee
23 Police Department is supposed to, if they observe
24 a violation, whether their observations are
25 correct or incorrect, if the Milwaukee Police

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1 Department observes violation, they should bring
2 that to the attention of the proper authorities.

3 When a citation is written, it gets
4 reviewed in our office before it ever sees a
5 courtroom. And during that review process, if
6 the - - the individuals who are in our
7 prosecution division observe a problem with the
8 case, lack of proof, or evidence, or some such
9 thing, that's what results in cases being
10 dismissed or bargained down, et cetera. And - -
11 And that's - - That's how the system should work.
12 But it all turns on the officer issuing the
13 citation in the first place, so that other people
14 who are armed with the discretion, prosecutorial
15 discretion or the discussion of the committee
16 here to - - to decide if something elevates
17 itself to a suspension or nonrenewal or warning
18 letter, have the opportunity to make those
19 decisions.

20 CHAIRMAN WITKOWIAK: We're going to
21 wrap this up. We've got a few more items on the
22 agenda we have to attend to this afternoon. I
23 really appreciate Alderman Wade sponsoring this
24 and - - and bringing it to the table. I
25 appreciate hearing your comments. You know, I

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1 just want to say for our part on the committee, I
2 think that we've - - One thing you have to
3 understand is we have, as far as the alcohol
4 beverage premises licenses, we have how many to
5 keep track of? Two thousand or something in the
6 city. So we can't - - I'm the guy that always
7 says you should turn your cell phones and pagers
8 off. I'm trying to turn it off.
9 I think that - - So - - But what we do
10 is we rely on these other agencies to come and
11 give us information, one, being the police
12 department, health department, neighborhood
13 services, and testimony from the - - testimony
14 from the neighbors. And I - - I believe that
15 this - - this committee, and I'm - - I'm pleased
16 with the - - the collective group that we have
17 here on this committee. I think that we - - I
18 think that we've been very fair in this - - in
19 this term. But I understand exactly what you're
20 saying, in that sometimes - - Because we can't
21 know the details of each place intimately,
22 because you just can't. It's just like we run
23 into people in town, they say, "I haven't - -
24 I'll run into somebody and they'll say, "Well, I
25 haven't," you know, "I haven't seen you in my

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1 place in a year." It's like, well, two thousand
2 places in Milwaukee. If I went to a different
3 one every week, it would take me eight years to
4 - - It would take me eight years to make the
5 rounds in Milwaukee. So if you haven't seen me
6 in a year, you know, I could be seven years away
7 yet. So sometimes when you're looking at this -
8 - at - - at your little part of the geography,
9 it's hard to - - it's hard to see what we have to
10 deal with. But we try as much as we can to get
11 as much information as we can to make - - to make
12 good, fair and consistent decisions.

13 And - - And then, of course, we each
14 have our own - - our own particular viewpoints on
15 how, in the severity and how we look at some
16 things. But we certainly - - We're not - - I
17 don't feel that we're in the business to - - to
18 shut businesses down. Although sometimes
19 individually the people that come to the table
20 may, in fact, feel that way. And just sharing
21 the one - - one of the stories that we heard
22 today, I can understand why you would feel that
23 way. But because of this, I really appreciate
24 that you brought these items to our attention. I
25 will be cognizant of that more in the future, as

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1 I - - I have been in the past. I will be
2 cognizant of that more in the future, of what
3 these reports mean.

4 I don't want anyone that holds a
5 license in the City of Milwaukee to fear calling
6 the police. It's - - It's a matter of
7 relationships. And I really appreciate that the
8 - - the new administration of the police
9 department, I believe, is - - And again, if
10 you're an individual that was on - - that was on
11 the wrong end of some discipline here, you're not
12 going to agree with this. But the - - I think
13 the police department is trying hard to establish
14 better relationships with, not only the tavern
15 and liquor store owners, but all businesses in
16 the city. And in getting to that point, there's
17 some - - there's some rough terrain that - - that
18 we have to go over, and I think that, perhaps at
19 times, there's - - And the other thing you have
20 to understand is that - - is well, you know, we
21 have - - we have 2000 licenses that we have to
22 keep track of. How many officers are there in
23 the Milwaukee Police Department?

24 INSPECTOR ROZINSKI: Just under 2000.

25 CHAIRMAN WITKOWIAK: 2000.

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1 INSPECTOR ROZINSKI: With the shortage
2 we have.

3 CHAIRMAN WITKOWIAK: And - - And not
4 everyone - - Not everyone comes in with the same
5 level of experience or professionalism than the
6 next one you're going to have. So you - - You
7 may - - In an exactly set - - same set of
8 circumstances you may have a different reaction
9 from the officers coming in, just because they're
10 different people and they handle themselves
11 differently. But once again, I give credit to
12 the police department in that they're trying to
13 - - they're trying to equalize these things more,
14 so that we have less - - less - - less problems
15 that are a result of possible misunderstandings.

16 So, once again, I appreciate the fact
17 that Alderman Wade scheduled this, and that you
18 all came here today. And - -

19 ALDERMAN WADE: Mr. Chair.

20 CHAIRMAN WITKOWIAK: Alderman Wade.

21 ALDERMAN WADE: If I may.

22 CHAIRMAN WITKOWIAK: Please. Please.

23 ALDERMAN WADE: When you get done, I

24 just wanted to say one - -

25 CHAIRMAN WITKOWIAK: I'm finished.

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ALDERMAN WADE: Okay. Thank you.

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Although Alderman Gordon expressed that this may be the second most important committee, I would - - I would have to argue that it may be the most watched committee. It's definitely more popular than Finance. And I'm - - I'm just surprised by how many people actually watch this committee. People come to me all the time and tell me that they watch this committee. I don't know why, but they watch this.

But I think that this is a real issue, the things that we talked about today is definitely a real issue. It - - It impacts people's livelihood in - - in a lot of different ways. It impacts the inner city socially in a lot of different ways. And that's why I think this was important dialog for us to have, so we can kind of get a better understanding and a better comfort level of each other. When I say "each other," I mean, the police department, the bar owners, and this committee, because we have to work together. At least, we should be trying to work together, because regardless of what we think or what we might think, there's a lot of jobs involved in this industry in this area, and

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1 it impacts us - - It impacts crime, in a
2 plus/minus way depending on jobs, being available
3 or not being available, et cetera, et cetera.

4 So having said that, I want to thank
5 the Deputy Inspector for coming down to provide
6 the insights. I want to also thank Alderman
7 Gordon and the rest of the members of the
8 association for coming down and sharing. And I
9 want to thank my committee members for allowing
10 us to have this type of dialog. Because like I
11 said, it is - - it is real and it is very
12 important. Thank you, Mr. Chair.

13 CHAIRMAN WITKOWIAK: You're welcome.
14 And file number 050890, Communication from Metro
15 - - Milwaukee Metro Entertainment Association
16 relating to the police department activities and
17 alcohol regulations, Alderman Wade moves to place
18 this matter on file. And hearing no objections,
19 so ordered.

20 MR. GORDON: Thank you, Mr. Chairman,
21 members.

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STATE OF WISCONSIN)

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MILWAUKEE COUNTY)

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I, JEAN M. BARINA, of Milwaukee Reporters
Associated, Inc., do certify that the foregoing
transcript was reduced to writing under my direction
and that it is a true and accurate transcription of
the Utilities and Licenses Committee Hearing held on
October 31, 2005.

JEAN M. BARINA - COURT REPORTER

Dated this day of January, 2006

