

## KNOWN DRUG HOUSE INITIATIVE PROTOCOL

### Goals

The Milwaukee Police Department will be supplying the City Attorney's Office with reports detailing police investigations into the manufacture, distribution or delivery of illegal drugs in the city of Milwaukee. Additionally, our office will be receiving the corresponding criminal complaint charging an individual with a felony drug dealing offense as a result of that investigation. With that information, the City Attorney's Office will determine if a property was used to facilitate the manufacture, distribution or delivery of illegal drugs and whether a nuisance action should be commenced against the property owner to abate the nuisance. The goal of this effort is to reduce or eliminate the continued use of any buildings or structures for the manufacture, distribution or delivery of illegal drugs. Another goal of this initiative is to send a clear and distinct message to drug dealers and property owners that the continued use of properties to facilitate the sale and distribution of illegal drugs in the city of Milwaukee will not be tolerated.

### Procedures

1. Review documents referred to our office by the Milwaukee Police Department (Vice Control Division), Milwaukee District Attorney's Office and other agencies regarding the manufacture, distribution or delivery of illegal drugs in the city of Milwaukee. These documents will be submitted by the Captain of the Vice Control Division to Assistant City Attorney Vincent J. Bobot on a weekly basis. Each matter will be given a Prolaw number and placed in a legal services file.
2. Community Prosecutor makes a recommendation to management on the course of action that should be undertaken by the City Attorney's Office from the information contained in those documents.
3. Based on the criteria established in this protocol, three different recommendations could be proposed by the Community Prosecutor to management to deal with the referral.
  - a. Open a litigation file in Prolaw.
  - b. Retain the legal services file in Prolaw.
  - c. Close the legal services file.

Management will approve or make a different recommendation concerning the referral.

## Litigation File

Criteria for referring drug nuisance complaints for litigation.

1. Individual(s) are formally charged by the Milwaukee County District Attorney's Office with a felony drug dealing offense, and
2. Those individual(s) used a property in the city of Milwaukee to facilitate the manufacture, distribution or delivery of the illegal drugs, and
3. That the property has a past history of being utilized for the manufacture, distribution or delivery of illegal drugs or there exists a substantial amount of evidence indicating the property was used on a regular basis for the manufacture, distribution or delivery of illegal drugs.

After the litigation file is opened, the following steps will be taken.

- a. A title report will be ordered for the residence involved to obtain the names and addresses of all interested parties.
- b. A summons and complaint will be prepared.
- c. Any additional written reports will also be prepared for filing i.e. affidavits in support of complaint, application for temporary restraining order, notice of motion and motion for temporary injunction, intent to appoint a receiver and les pendens.
- d. Case proceeds through the Milwaukee County Circuit Court system.
- e. After adjudication, file is closed.

\*\* In most litigation cases, it is anticipated our office will not seek an injunction or appointment of a receiver from the court. Hopefully, most cases will result in a written stipulation detailing a voluntary course of action by the building owner to abate the nuisance. Any request for appointment of a receiver or closure of the building should be approved by management.

## Legal Services File

Criteria for decision to open a Legal Services file on a drug nuisance complaint.

1. Individual(s) are formally charged by the Milwaukee County District Attorney's Office with a felony drug dealing offense, and
2. Those individual(s) used a property in the city of Milwaukee to facilitate the manufacture, distribution or delivery of the illegal drugs.

After a Legal Services file is opened, the following steps will be taken.

- a. City Attorney's Office will send a letter to the property owner regarding the drug house/public nuisance. The letter will inform the property owner of the facts and circumstances and possible repercussions concerning the drug house/public nuisance. The property owner will then be asked to contact our office.
- b. A defined plan to abate the public nuisance will be formulated between the property owner, Milwaukee Police Department, City Attorney's Office and other governmental agencies.
- c. Follow-up will be conducted to ensure that the plan to abate the nuisance has been carried out by the property owner.
- d. Upon abatement of the nuisance, the file will be closed.
- e. If owner does not abate the nuisance, the Community Prosecutor will forward a recommendation to management to open a litigation file, monitor the present and continued use of the property, or close the file due to further action not being necessary at that time.

#### No File Opened

A litigation or legal services file will not be opened on a drug nuisance complaint where there is insufficient evidence to link the manufacture, distribution or delivery of illegal drugs to a specific property in the city of Milwaukee.

After a decision has been made not to open a litigation or legal services file, the following steps will be taken.

- a. The Milwaukee Police Department will be informed of our decision not to open a file, with an explanation.
- b. The Milwaukee Police Department will be given the opportunity to supply our office with any additional information concerning that particular case.