



City of Boston
Mayor Michelle Wu
Licensing Board

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THE LICENSING BOARD FOR THE CITY OF BOSTON'S ADVISORY
REGARDING THE DUTY OF LICENSEES TO NOTIFY AND COOPERATE WITH
POLICE

Issued: April 19, 2024

The primary goal of the Licensing Board for the City of Boston (the "Board") is to ensure the safety and security of patrons at all of our licensed premises. Over the past several months, the Board has seen an increasing number of licensed premise inspection notices issued for failure to notify the police of an incident occurring at the licensed premise and/or failure to cooperate with police. The Board therefore issues this advisory (the "Advisory") to remind all licensees of their responsibilities regarding notifying and cooperating with police.

1. The Rules and Regulations of the Board encourage licensees to call the police for assistance in the following situations: upon refusing entry to an intoxicated or unruly person (Rule 1.03I); if loiterers congregate in front of the licensed premise and refuse to disperse (Rule 1.09C); and as necessary to protect patrons from injury or to evict unruly patrons (Rule 1.13A).
2. The Rules and Regulations of the Board **require** licensees to call the police when a patron is injured in or on the licensed premise, or when the licensee becomes aware that a patron has been injured outside the premise (Rule 1.14B).
3. The types of injuries that require a licensee to call the police are not limited to obvious physical injuries. The Board also considers the following to be injuries that would require a licensee to notify police:
 - a. Unconsciousness: if a patron becomes unconscious within your establishment, it is imperative to notify the police immediately.
 - b. Visible signs of over-intoxication: signs including vomiting, trouble maintaining consciousness or staying awake, or difficulty walking or communicating without assistance indicate a serious issue that requires police and/or medical intervention.
 - c. Notification or suspicion of drink tampering: if there is reason to believe that a patron's drink may have been spiked or "roofied," contacting the police is crucial to ensure the safety of the patron.

In each of these instances, the licensee may be found to have violated the Rules and Regulations of the Board if they had not called the police upon being made aware of a patron's injury. This list is not exhaustive.

4. The Rules and Regulations of the Board **require** licensees to cooperate with police. Specifically, licensees may not hinder or delay a police officer in the performance of his or her duties, refuse to admit or lock out a police officer from the licensed premise, or refuse to provide the police with requested information necessary to enforce any provision of M.G.L. c. 138 or the Board's Rules (Rule 1.10B).
5. The duty to cooperate with police includes a duty to preserve and provide surveillance video. A licensee **must** preserve and provide requested video footage when requested by a member of the Boston Police Department or any other law enforcement agency. Failure to use best efforts to preserve requested video footage may result in a violation and disciplinary action by the Board.
6. Upon receipt of a licensed premise inspection notice from the Boston Police Department, a licensee **should** preserve video footage of the incident that is the subject of the notice, even if not specifically requested by the police or the Board. Footage should be preserved until final disposition of the matter.
7. Licensees are encouraged to maintain a log of internal notes and/or incident reports regarding any incident where police have been called to the licensed premise. These notes and/or reports shall be made available to the Board or police upon request.

Claims of ignorance of the law, the Board's Rules and Regulations, or this Advisory are not a defense.

Any questions should be directed to the Board's Executive Secretary, Daniel R. Green, Esq., who can be reached at (617) 635-4170 or licensingboard@boston.gov.

For the Board,

Daniel R. Green

Daniel R. Green, Esq.
Executive Secretary