



## **ADMINISTRATIVE CITATIONS:**

Quieting Parties in the San Diego State Area.

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### **The San Diego Police Departments submission for the 2009 Herman Goldstein Award for Excellence in Problem Oriented Policing**

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# **College Neighborhood Party Reduction Project**

## **Executive Summary**

**The College Neighborhood Party Reduction Project is an effort to reduce the number of calls for service related to large party calls, develop a more effective means of addressing the issue, and enhance the quality of life for those living in the neighborhoods surrounding San Diego State University**

### **Scanning:**

Noise calls in general, and college party calls in particular, have been a drain on police resources for years. Officers, who work in and around the San Diego State University (SDSU) area, spend a disproportionate amount of time handling these types of calls. Some houses/apartments have been the subject of numerous repeat radio calls reference large parties.

### **Analysis:**

Officers requested data regarding the number of calls and the resulting out of service time associated with noise/parties calls. Officers identified the available tools when responding to party/noise complaints. The effectiveness of these tools was evaluated. This analysis revealed the existing response options were not significantly impacting the problem or improving the quality of life for the residents in the neighborhood.

Despite SDSU giving guidance on being good neighbors to new students during their orientation, the loud and disturbing parties continued. College area residents continued to complain about the impact on their quality of life and neighborhoods.

A new enforcement method was needed to effectively impact the number of large parties and make the consequences for hosting one more immediate, resulting in faster compliance and quieter neighborhoods.

**Response:**

Officers identified the Administrative Citation as a tool to use to gain compliance for first time and repeat offenders. The Administrative Citation was an existing tool, which provided the opportunity for officers to cite the party hosts and possibly the property owners. The civil adjudication of the Administrative Citation is simpler as compared to the criminal court process required with a criminal law violation.

**Assessment:**

Since the introduction of the Administrative Citation Process, the “party atmosphere” in the neighborhood around San Diego State University has changed. The number of calls for service related to large parties has decreased. The quality of life has improved. Officers now have an enforcement tool that gains compliance. The process has been used in other parts of the city, and has proven to be a valuable tool for officers citywide.

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## **Scanning:**

The problem of noise calls in general, and college party calls in particular, have been a drain on police resources for years. Officers who work around the (SDSU) area spend a disproportionate amount of their time handling these types of calls. Some houses/apartments have received numerous repeat calls reference the parties thrown there.

Some college students feel part of the “college experience” is to throw and attend parties. These parties frequently result in noise complaints from non-student neighbors who live in this area year round. In years past, and again this year, SDSU has been ranked as one of the top ten “Party Schools” in various publications.

Students are transient and rarely stay in the same residence during their time in college. The area around SDSU is inhabited by long time homeowners, SDSU students, students attending other colleges, or those of college age just wanting to live near the party activity associated with SDSU.

Officers working the area, including SDSU PD officers, witnessed an almost “Mardi Gras” type atmosphere during the weekend nights. Groups of students would travel from party to party. They would engage in drinking in public, drunkenness, littering, under-age drinking, public urination, and fighting in public. This type of activity was especially prevalent during the time fraternities and sororities were recruiting new members (RUSH Week).

Officers from SDPD and the SDSUPD would devote special enforcement efforts in the form of extra officers and overtime to manage the issues associated with “RUSH Week.” Officers would find themselves out numbered and relegated to responding to medical aid calls or fight calls rather than impacting the problem.

<http://www.youtube.com/watch?v=FWYRuU1F03Q>

### **Analysis:**

Officers assessed the current tools and methods available for dealing with loud parties. The tools included: First Response Notices, C.A.P.P. program, and criminal citations. The use of these tools were not having an impact or solving the problem. Citizens continued to complain about this nuisance.

The existing Department procedure for the first responding officer(s) on this type of call was, to advise the party host of the complaint against them and ask for their cooperation in controlling the party. If the party was very large and boisterous, officers demanded the party be shut down, and stayed at the location until that was accomplished.

Officers would issue the host(s) a “First Response Notice” which spelled out what would happen if the police had to return to this address for a similar type of disturbance in the next 24 hours. This included the possibility of physical arrest and the confiscation of the source of the noise (i.e. a stereo, TV, DJ equipment, band gear etc.) Possible fines did not provide adequate leverage to compel compliance. This was more of a bluff than anything else, as there was no meaningful follow-up or filing for cost recovery.

This response did not always elicit the type of behavior the public demanded. It became almost the norm for students to party loudly until police arrived, then once warned, they would shut down the party. This behavior showed no regard for their neighbors' right to quiet or quality of life.

In the mid 1980's, the College Area Party Plan (C.A.P.P.) was the first program which attempted to deal with this issue. This program eliminated the need for a warning to be given to party hosts who had been previously identified. They were given a written notice advising them no further warnings would be issued, and the type of sanctions that would follow. The thrust of this program was to hopefully discourage people from having loud parties, but it proved ineffectual.

Locations which were C.A.P.P.'ed were done so in the following ways:

1. The Community Relations Officer (CRO) would track "First Response Notices." If the same address was issued a notice twice in a month, the property was C.A.P.P.'ed.
2. The CRO would run a call history and look for repeat addresses. If enough calls were made to an address, it would be C.A.P.P.'ed.
3. Neighbors could sign a petition asking the property be C.A.P.P.'ed. It takes five (5) signatures to accomplish this.
4. Officers could contact the CRO and request a house be C.A.P.P.'ed.
5. An arrest at a party call.
6. Any violence toward officers at a party call.
7. Minors seen drinking on party premises.

To initiate the C.A.P.P., the CRO or his designee would locate the property owner, inform them of the C.A.P.P and their responsibilities as a property owner. The CRO would get each tenant's name. The owner would also get a written warning, which included copies of relevant laws.

Armed with the names, the CRO or designee would go to the house, contact the tenants, give them the same information the property owner received and answer any questions. After obtaining this information, the CRO would fill out a memo, noting the address, each person's name, date of birth, description and the date the C.A.P.P. notice was served. This memo was forwarded to the Communications Division where an entry was made into the computer, so if officers responded to this address again, the C.A.P.P. information would be included in the call itself, so they could take immediate enforcement action if warranted. The entry would stay in the dispatch computer for 1 year.

This program was a deterrent, but it was hindered by several factors:

- While the entry was good for a year, students often change addresses at the end of a semester, or between school years. The notice was now void as the new tenants had not been notified, so the process had to start again.
- Communications did not purge the information after a year as requested, so sometimes an old C.A.P.P. notice was still in the file, causing confusion.
- Newer officers were not properly trained in the program, thus did not take the appropriate action at a valid noise call.

Another enforcement tool was needed to increase the penalty for large parties and make the consequences for hosting one more immediate, resulting in faster compliance and quieter neighborhoods. The punishment they could be subjected to was immediate should officers respond to their address for another party call.

Option	Requirements
State Law –Disturbing the Peace  415.2PC	Citizen’s Arrest
Municipal Law – Second Response Notice	One in last 3 year - Max Fine \$500
Municipal Law – 59.5.0502 SDMC Amplified Music	Amplified Music, Observed Over 50 Feet, After 2200 hours
Department Program -Community Assisted Party Plan (CAPP)	2 Calls 30 days. Pac File Entry, Owner Notification, Education, Zero Tolerance

**Response:**

The topic of loud parties is always a concern for citizens, but especially those who live in the area around SDSU. These concerns grew to a fevered pitch in 2006 due to some especially raucous parties and related issues that year. Coincidentally, officers were made aware of existing municipal code sections used to gain compliance regarding nuisance properties. The question was asked if this section could be used for those who host large parties.



In order to provide the accountability this new enforcement tool demanded, new statutes were required. New laws are not, in and of themselves, always the cure to a problem, but what made use of the following statutes and associated procedures different were the penalties and appeal process attached to them.

Historically, Neighborhood Code Compliance (NCC) used the Administrative Citations process for Municipal Code Violations normally related to code/building enforcement. NCC is also responsible for handling routine noise abatement, such as barking dogs and chronic noise calls, other than loud parties.

SDPD, the City Attorney and NCC were tasked with getting the proper language written in the municipal code, and creating the needed policy and procedures to make this program function.

San Diego Municipal Code (SDMC) section 12.0908 was amended. It allows for Administrative penalties to be assessed for civil/noise type issues. It allows for fines in the amounts of \$100, \$250, \$500, \$750 or \$1000. All responsible persons/tenants can be cited at each problem property. Additionally, property owners can be fined for allowing known nuisance properties to continue to disrupt the peace of a neighborhood.

Cited individuals have ten days to appeal the Administrative Citation to an Administrative Hearing Officer (AHO.) In addition to the imposed fine if any, the AHO, under SDMC 12.0806, has the ability to assess an additional fee to cover: police officers time responding to the disturbance, staff time to investigate and document the violation,

laboratory, photographic, and other expenses incurred to document, schedule and process the administrating hearing and all actions.

NCC volunteered to assist with processing the Administrative Citations, including hearings and collections. NCC Officers would process the Citation investigations, notify responsible tenants and/or owners, and act as the Hearing Representative.

The Administrative Citation is a hand written, four part carbon form which can easily be filled in by responding officers. Under this program, police officers can write Administrative Citations for noise complaints, party calls or disturbances under sections SDMC 59.5.05.01(a) and 59.5.0502(b) which read:

*59.5.05.01(a) “It shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of said City, any disturbing, excessive, or offensive noise, which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.”*

*59.5.0502(b) “The operation of any such sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker and sound amplifier or similar machine or device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of fifty feet from the building, structure, or vehicle in which it is located.”*

Responding officers have the discretion to choose which option they would use at each party call. Officers should consider the factors listed below (and others if applicable,) in determining whether a violation of this section exists. They include, but are not limited to, the following:

1. The level of noise;
2. Whether the origin of the noise is natural or unnatural;
3. The level of ambient noise;
4. The proximity of the noise to sleeping facilities;
5. The time of day/night the noise occurs;
6. The duration of noise;
7. Whether the noise is recurrent, intermittent, or constant;
8. Presence of trash, urine, vomit or other impact on the neighborhood.

No warning is needed before issuing these citations, so the “party loud, long and hard until we get a warning” mentality was stymied by these sections. Depending on the history at the address and the amount of cooperation, the property owner/landlord could also be cited via registered mail.

These fines are payable in 10 days unless the citation is appealed. They have the same 10-day period to appeal the citation. Listed on the back of their copy of the citation is all the information needed to appeal the fine or pay it, and contact phone numbers for people who could answer any questions they might have.

If they chose to appeal, the city can also ask the appellant to pay reasonable administrative costs involved in putting on the appeal hearing. The AHO (a judge, lawyer or mediator, who is under contract to hear cases like this,) would listen to the officers and the appellant in an informal setting. This hearing officer would decide if a violation occurred, and if so, how much of the \$1,000 fine and administrative costs, the citee would be required to pay.

If an Administrative Citation is issued, the officer's reports go to a designated investigator who checks computer files for the owner's information, and prepares the total investigation, which is forwarded to NCC, who is responsible for either collecting the fees, or putting on the appeal hearing if requested.

After issuing the Administrative Citation, the issuing officer will complete a narrative of their observations and attach it to the citation. At the end of shift, the issuing officer will put the package in a designated box in the Report Room. The incident number will be written on the Administrative Citation for proper tracking of officer's time for possible re-imbusement.

When clearing the call after issuing an Administrative Citation, the officer will add the appropriate disposition code to aid in tracking. For example AAC (Admin Cite Arrest,) RAC (Radio Admin Cite,) or OAC (Other Admin Cite,) depending on the facts of the incident.

The Administrative Citation Coordinator will collect the completed packages daily. The Coordinator will attach a copy of the incident printout to the package and research

responsible party/owner as necessary. The information will be logged into a database and the investigative package forwarded to NCC for processing as mentioned above.

A criminal citation or arrest is an alternative to an Admin Cite. Since the SDMC sections are misdemeanors, it allows either a criminal or civil response. The criminal response is for an officer to issue the party host(s) a citation for either of the applicable sections. After the citation is issued, the party is still required to be shut down. The person cited is informed of their pending court date, and released upon their written promise to appear in court on the date and time listed. Failure to do so can result in the issuance of a warrant for that person's arrest.

Using the same report template as for the civil process, the officer would fill out the template using details specific to that incident. The officer would then turn in the citation and his narrative. They would be processed in the division and sent to the City Attorney for processing. The likely outcome is a fine, usually substantially lower than one which would have been incurred if an Admin Cite was issued.

This outcome is more time consuming, labor intensive, carries less of a penalty and is overall less effective.

The criminal process does allow the responding police officer to arrest a person for these same SDMC sections, if the situation dictates. It is possible to arrest for one of the sections, and issue an Admin Cite for the other if both violations are present. This would be a "last resort" approach to deal with an especially chronic party host, or one totally out of control, non-compliant or a multiple offender.

With these procedures in place, the public was informed of this upcoming program via various print and broadcast media. Implementation of this program was scheduled to begin on April 30, 2007 in the Mid City Division. The program was evaluated at three months and six months to evaluate its effectiveness and usefulness.

### **Assessment:**

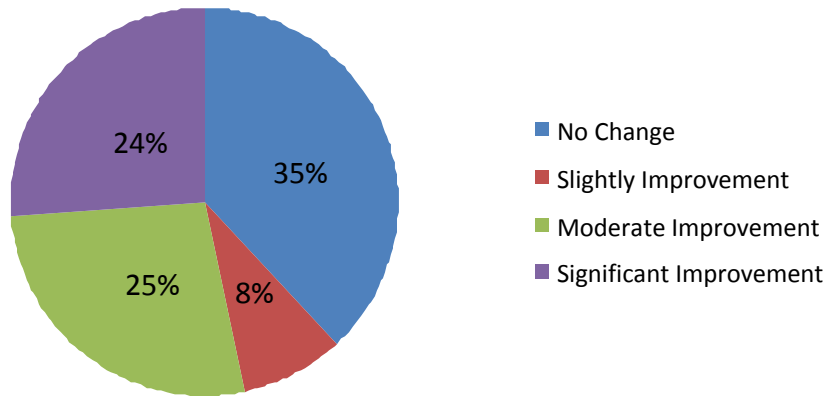
Listed below are the numbers associated with this project, but more compelling, and harder to quantify, is the momentous increase in the quality of life for permanent residents in the college area.

Attempting to gather the comments which were voiced at community meetings and in encounters with residents, and as an integral part of the assessment phase, area residents and business owners were surveyed about the effectiveness of the Admin Cite program.

An analysis of the area produced the names of the streets from which the majority of the calls for service originated. 100 people were surveyed. The surveys were distributed to area businesses, owner occupied and rental homes. Of those surveyed, 3 owned businesses in the area, 41 claimed to own the home they lived in, and 56 were students/renters.

56% list themselves as renters or student renters, while 44% claimed ownership of their home or business. 87% were aware of the Admin Cite program. 35% said the quality of life in their neighborhood had remained about the same since the programs inception. 8% see somewhat of an improvement, 25% noticed a moderate improvement, and 24% claim a significant quality of life improvement.

### Has your quality of life improved since the implementation of the Program?



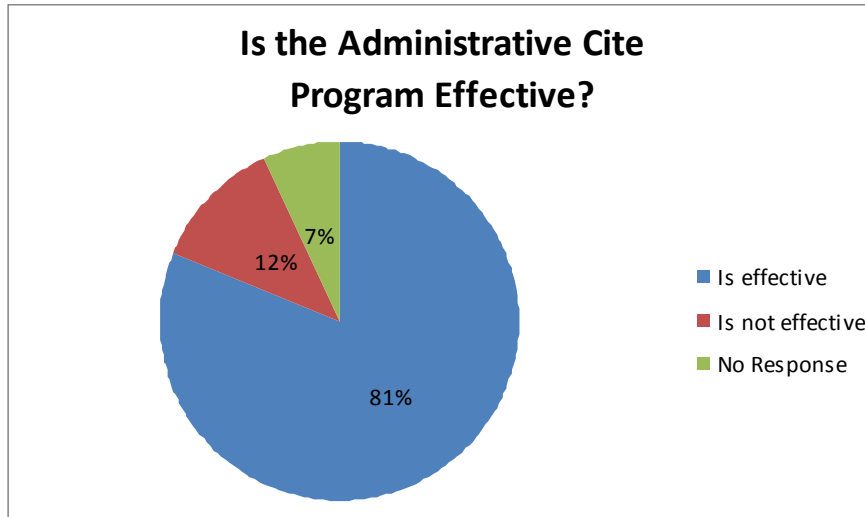
When asked if they had called the police about loud parties since the Admin Cite program began, 36% said they have called the police, while 61% said they had not called about a party. 3% did not answer the question on the form.

52% report the Admin Cite has had no effect on them calling the police, while 42% say they are more likely to call and report loud parties because of this program. 6% did not respond to the question.

81% of the respondents feel the Admin Cite program has been effective in improving their neighborhoods, while 12% did not. 7% did not answer the question.

Of those who added comments on the survey form, 24 were positive about the program and the police's effort in this area. The following was written by a homeowner: "Admin Citation program is the most effective deterrent we've had. It really works. Thanks for your great service."

This same respondent has lived in their house in the college area for 36 years. They said they had no problem with the kids having parties, as long as they are reasonable about it. Since the advent of the Administrative Cite program, they have seen several kids step out of their houses and monitor the noise levels of the parties themselves.



Nine renters had negative comments, mostly about the amount of the fines. 2 people who claimed to be owners, wanted the fines increased, while another 9 renters complained about the high fine amount. One person asked for the possibility of doing community service instead of paying a fine (this option is not allowed by City Code Compliance as they don't have the personnel needed to implement and track such a program.)

One renter noted: "It should be changed to have the parties be shut down around 2 am, not before, because this is a college area and we college kids will have parties. Compromise is necessary." This quote exemplifies the attitude of a small number of



students who don't care about being loud or the negative impact they may have on the resident's quality of life.

Another renter had a comment both pro and con: "Because of the program, people are less inclined to have parties. Because of it, most of the fun of living in the College Area has declined."

Overall, this survey showed a large number of the people in the target area knew of the Admin Cite program, 57% noted a small to extreme positive change in the neighborhood. Most had not called in noise complaints before this program was implemented, but over half would now call the police to report party/noise issues (a 15% increase and part of the reason for increased calls for service.) A vast majority of all respondents feel the program is effective.

Streets which were once lined with houses open for anyone to walk into, drink and be rowdy, were suddenly quiet. Pedestrian traffic on these same residential streets was all but eliminated.

When responding to loud party calls now, officers are usually confronted with mostly very contrite and cooperative party hosts. Word of mouth and media coverage had brought this program to the front of every potential hosts mind. The threat of \$1,000 fines has had a considerable effect on the frequency and size of gatherings.

But, kids being kids, this has not stopped parties, but has seriously curtailed them. It has given officers a very potent tool to use when confronted with a loud party.

I heard from more than one host, that no one wants to have a party anymore because of the possibility of getting a \$1,000 ticket. Numerous community members have commented on the noticeable difference this program has had in making their neighborhood a quieter place.

Apart from the impact on the residents and the SDPD, the San Diego Fire Department (SDFD) was also impacted by medical aid calls as a result of the party atmosphere around SDSU. The SDFD is the entity that provides aid to anyone suffering from an alcohol or substance overdose. The SDFD provided medical aid to 56 people complaining of alcohol or substance overdoses during the Fall of 2007. The most recent reporting period, Spring 2009, showed a total of 15. This represents a 27% reduction since the Fall of 2007.

San Diego Fire Department Medical Aid Calls				
Spring 2007	Fall 2007	Spring 2008	Fall 2008	Spring 2009
30	56	45	25	15

In December 2006, Communications changed their policy and started dispatching officers to noise calls even when a complainant was not willing to sign. This change in policy most likely contributed to the increase in CFS department-wide, as has the citizen's knowledge of the power of the Admin Cite.

Since the April 30, 2007 implementation of the Administrative Citation Program, we have had a department-wide increase of noise related Calls for Service (CFS) of 8%. Mid City experienced a 6% overall increase in noise related calls from April 2007 – March 2008, compared to the same period the year before.

**Administrative Enforcement:**

Since April 30, 2007, 220 separate people were issued Administrative Citations. While Mid City has led the way with this program, it has been adopted by other divisions, and has been equally successful there.

**Fiscal Considerations:**

This program has no hard costs associated to the police department. Neighborhood Code Compliance Division has seen an increase in soft costs associated with the workload due to tenants and owners appealing the citations.

**Agency and Officer Information:**

San Diego Police Department

**Key Project Team Members:**

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Attachments



**Mid City Division**  
Administrative Citation Program Questionnaire

- 1. Name \_\_\_\_\_
- 2. Address \_\_\_\_\_
- 3. Phone \_\_\_\_\_
- 4. Are you a renter \_\_\_\_\_ owner \_\_\_\_\_ student renter \_\_\_\_\_
- 5. Has your quality of life improved since the implementation of the administrative citation program since September 2007?

**1 thru 4** (1- no change, 2- slightly, 3 moderately, 4-significantly). Circle one

- 6. Did you call in complaints for loud parties prior to the inception of the program?

Yes / No

- 7. Since the inception of the program are you now more likely to call the police.

Yes/ No has no affect on my reporting \_\_\_\_\_

- 8. Do you feel this program has been affective in your neighborhood?

Yes/ No

**Additional comments/recommendations:**

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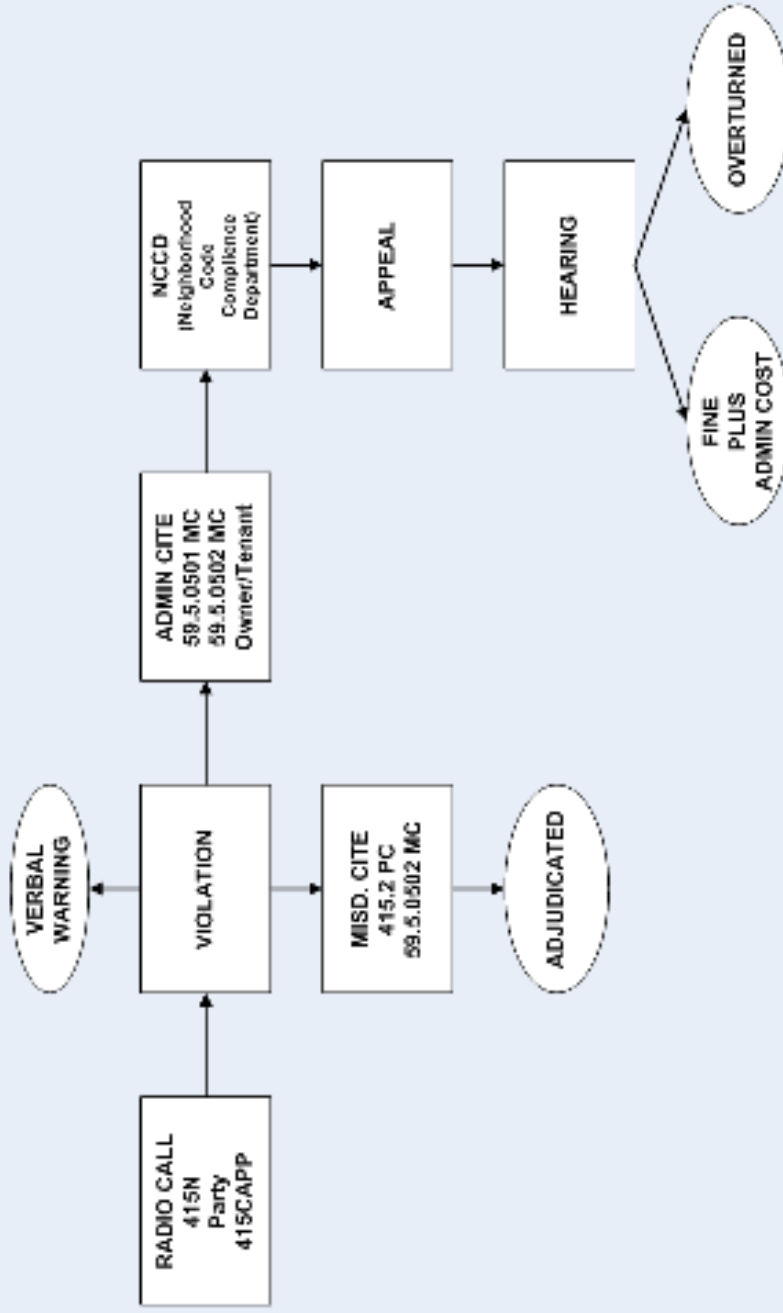
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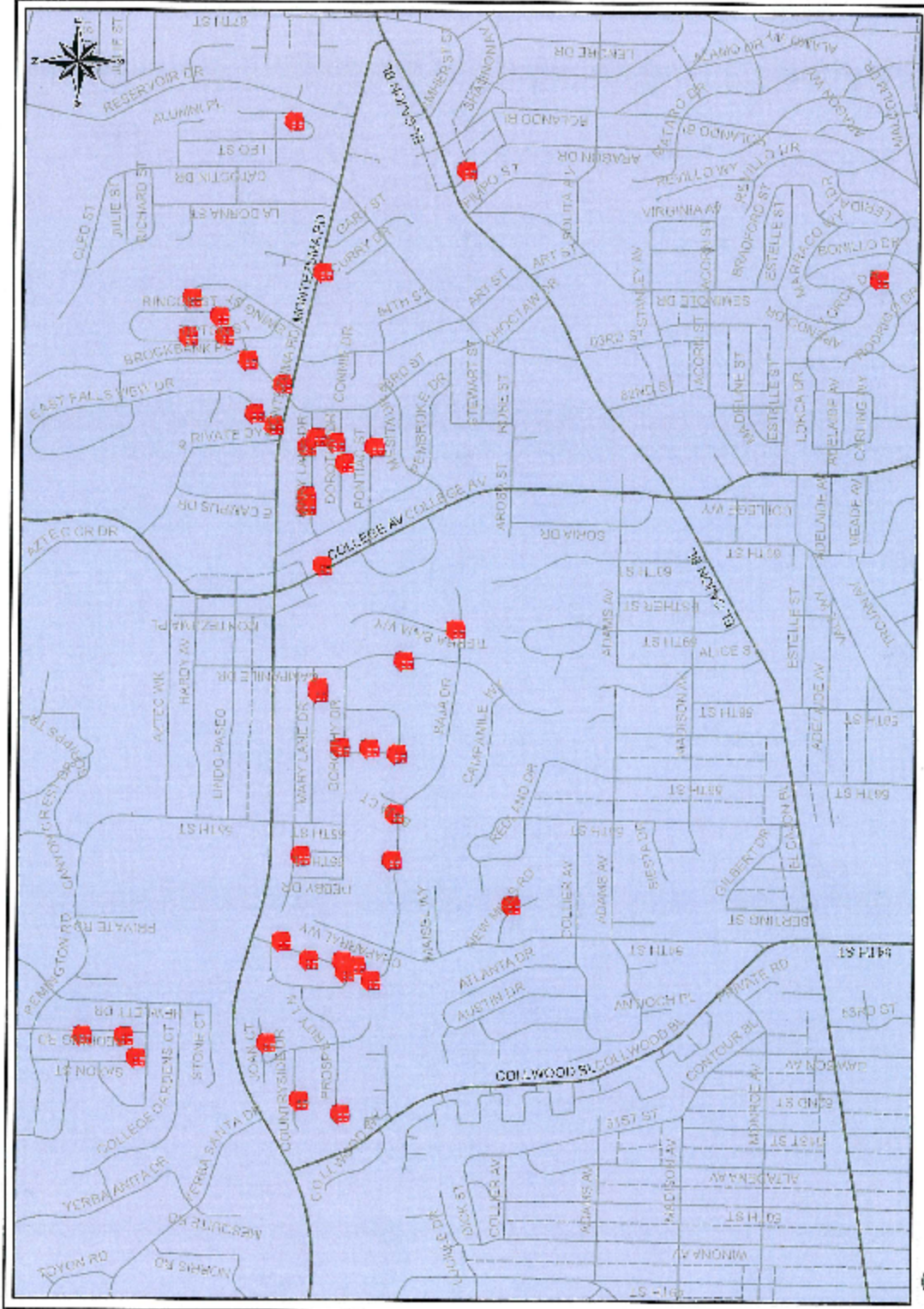
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### Administrative Citation Flow Chart







San Diego Police Department  
 Administrative Cites Program  
 CAPP Houses as of May 2009

**San Diego Police Department  
 Administrative Cites Program  
 CAPP Houses as of May 2009**

San Diego Police Department  
 Crime Analysis Unit  
 Map 14, 2/03



