

Nightclub Crime Issues

Summary

Palm Beach County, Florida is approximately 2500 square miles and has a diverse population of an estimated 1.4 million people. The geography varies from rural farmland to densely populated metropolitan areas. The Palm Beach County Sheriff's Office handles law enforcement services in all unincorporated regions as well as eight contracted municipalities. This encompasses nearly 60% of the county population and approximately 75 % of the geographic area. There are numerous nightclubs located throughout the county. Additionally there are many more businesses which masquerade as nightclubs at least a few nights each week. These include bars, restaurants and bowling alleys. Nightclubs in West Boca Raton (and throughout Palm Beach County) have been a continuing drain of police resources, specifically on weekend nights or special event nights such as "Hip Hop Night" or "College Night". This Problem Oriented Police project was designed to address serious crime issues and quality of life, nuisance type violations (Appendix C) that were occurring at these establishments on a nightly basis.

The most promising outcome of the operation was the creation of a new county nightclub ordinance (Appendix B). This was the culmination of efforts by Captain Matt Eisenberg, county attorneys and the Palm Beach County Commission. This ordinance greatly improved conditions, not only at the target location, but at nightclubs throughout Palm Beach County. This operation has been used as a model in subsequent operations at other establishments. The ordinance defined which establishments are considered nightclubs. This was crucial as it gives law enforcement an instrument in which to address businesses who are trying to skirt the rules by operating as quasi nightclubs. The ordinance also increased security requirements and eliminated "college nights" or "teen nights" where persons under age 21 are allowed in the club. The operation at the target nightclub resulted in a decrease in criminal activity (Appendix A), fewer resident complaints, and increased quality of life for patrons and surrounding residents. Positive interagency relationships were cultivated and the relationship between law enforcement and many of the nightclub owners has improved.

Scanning

This problem was identified through numerous calls for service and citizen complaints. The calls ranged from crowd control issues, noise violations, fights among bar patrons and drug use in the parking lot to recovery of guns during traffic stops, robberies, shootings and sexual batteries. This nightclub issue was addressed ahead of other community issues due to the dangers presented to both club patrons and the general public. Law enforcement administrators reported challenges associated with providing enough resources when responding to large disturbances at the club. This issue was exacerbated by the fact that the club is located in the south end of the southernmost district in the county. Many of the patrons, including much of the criminal element, reside in the county to the south. Mutual aid was required with surrounding

jurisdictions. Initially, efforts were focused on the most problematic nightclub. All nightclubs in the district are now monitored closely and held to the same standard.

Analysis

Analysis revealed that the target club was the largest problem location within the district with the most calls for service. This location had been a source of criminal activity and quality of life issues for several years. Nightclub ownership/management was motivated by profits not safety. The nightclub became an eyesore in an otherwise pleasant affluent area. Area residents believed the nightclub was "out of control" due to recent high profile incidents such as sexual batteries and shootings.

Prior to initiation of this action plan the problems were addressed in a reactionary manner. This led to insufficient results, increased blight and criminal activity. The initial step was identifying the problem and making all shifts aware of the activities. The next step was obtaining and reviewing past calls for service and reports generated. This identified types of crimes, times and dates and number of arrests made. This was done by agency analysts. Surveillance was conducted and neighboring businesses and residents were interviewed. The underlying conditions were caused by apathetic ownership/ management, lax security, the presence of alcohol, and reactionary policing. Analysis revealed that most of the problems occurred on special nights such as "Hip Hop Night" and "College Night". These nights were attracting a criminal element and a toxic mix of patrons age 18-25. The seriousness and frequency of crimes was increasing.

Response

Recommended/ implemented the following at the nightclub(s):

- Increased patrol in the parking lots between the hours of 0200 – 0400
- Utilized District 7 Community Policing (CP) units for parking lot patrol assistance
- Requested Gang Unit agents to monitor gang activity at the club
- Requested the Organized Crime Unit (OCB) to monitor the drug activity at the club
- Requested State Alcoholic Beverage Tobacco (ABT) Agents assistance
- Interagency cooperation with surrounding jurisdictions
- Coordinated K9 presence for crowd control during closing time
- Utilized DUI Units for traffic enforcement
- Contacted Fire Marshal in regards to overcrowding at club
- Captain Eisenberg and Lieutenant Combs met with prospective new owners to discuss past problems and made suggestions to reduce calls for service including, better lighting, hiring additional permit deputies, not allowing patrons to congregate in the parking lot and improved training of security personnel
- Met with county commissioners to discuss formation of a new nightclub ordinance
- Met with county attorney's to formulate new nightclub ordinance

Assessment

Upon completion of the operation, calls for service and related activities were reviewed to determine the effectiveness of the action plan. Calls for service dropped significantly at the target nightclub and have continued to decrease. Ownership of the club changed hands during the response phase. This, combined with the above responses, greatly diminished criminal activity in the club and surrounding areas. The creation of a new county nightclub ordinance was critical (Appendix B). Extensive cooperation between the county attorney's office and law enforcement was required to create the ordinance. The support of county commissioners was also critical.

Relationships with most nightclub owners have improved since the changes were made and the ordinance was created. The improved relationship with nightclub owners has led to voluntary meetings with law enforcement to improve safety at their clubs as well as meetings to reduce noise complaints from surrounding residents.

The target club hires off duty permit deputies on nights where a large crowd is anticipated. The process has been revamped for this location. An additional deputy is now required as well as a sergeant. These deputies are required to take a proactive role at the club and handle all calls for service which happen on the property. They must report all activity to the watch commander and district commander. These changes hold the permit deputies accountable and allow them to take ownership of the issues that occur at the location.

Key Project Team Members

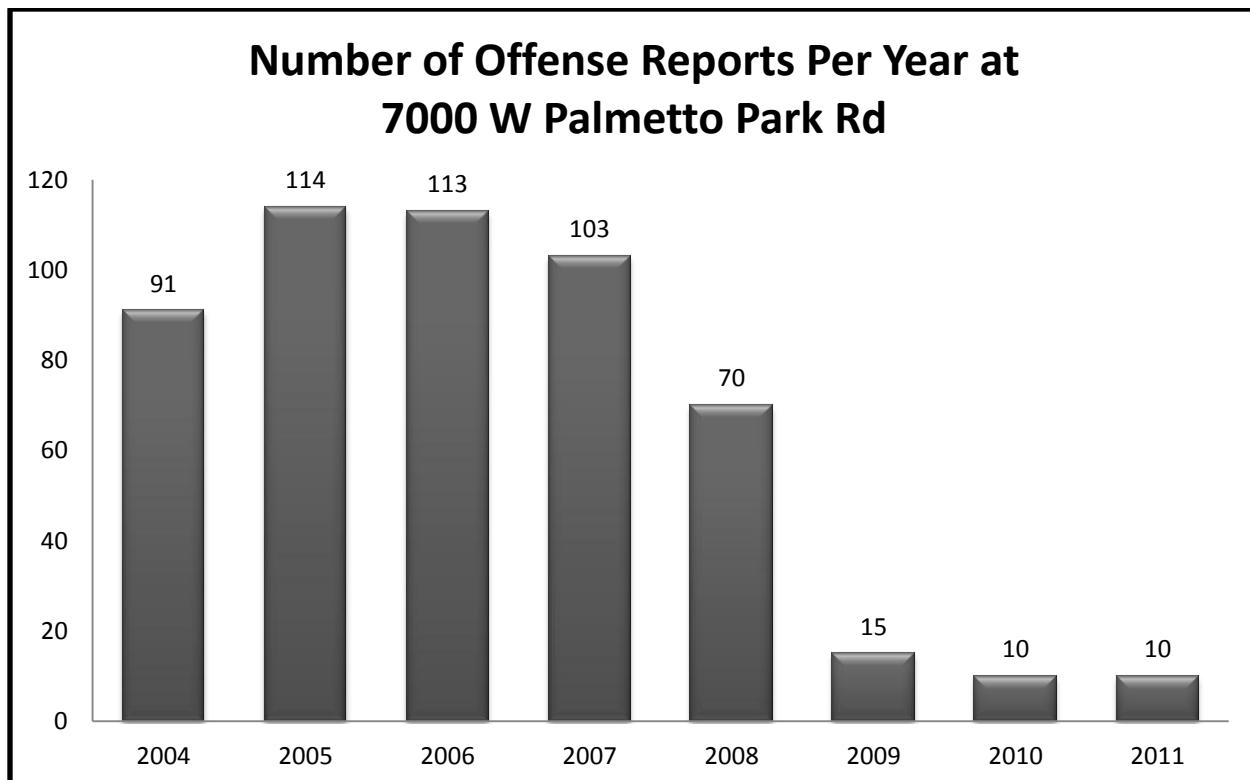
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Appendix A



Source: PBSO Offense Summary Reports System

Appendix B

ARTICLE II. - NIGHTCLUB SECURITY

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Sec 3-21. - Short title.

This article shall be entitled the "Palm Beach County Nightclub Security Ordinance."

(Ord. No. 08-060, § 1, 12-16-08)

Sec. 3-22. - Definitions.

The following words and phrases when used in this article shall have the meanings as set out herein:

Nightclub means any commercial establishment at which alcohol is sold and consumed, and which, at any one time, is determined to be a nightclub by application of the factors set forth in this definition. If a commercial establishment could reasonably be classified as either a restaurant, a nightclub or some different use, it shall be deemed a nightclub for purposes of this article. In determining whether an establishment is a nightclub, the following factors shall be considered:

(1)

If one (1) of the following two (2) factors is satisfied, then the establishment is a nightclub:

a.

The establishment charges a cover charge, door charge, required contribution, or one time membership fee which is paid at the door; or

b.

The establishment has a minimum drink purchase requirement.

(2)

If neither of the factors listed in subsection (a) above are present, then if three (3) of the following five (5) factors are satisfied, the establishment is a nightclub:

a.

There is a dance floor or other open area used by patrons for dancing or for viewing of live entertainment (such dance floor or open space may be established by the temporary removal or rearrangement of furniture or tables);

b.

The establishment is open to the public any time between 11:00 p.m. and 8:00 a.m. on any day of the week;

c.

The maximum capacity of the establishment, as set by the fire officials through fire, building, structure, and other relevant laws and ordinances, is over one hundred fifty (150) persons. The facility may restrict its capacity to a lesser number;

d.

Advertisements for the establishment routinely describe specific entertainment events or engagements (e.g. "House Party Saturday Night"; "DJ Thursday night"; "Rock Band tonight"); or

e.

The establishment features a platform or musical staging area used in connection with performances or entertainment.

Owner, except when specific reference is made to the owner of the physical location or premises, shall include the owner, operator, manager, promoter or other person having supervision over a nightclub as defined herein.

Parking lot means an area given, leased, rented or otherwise used by patrons and staff to park vehicles.

Promoter means a person or the legal entity who assumes the financial responsibilities of a nightclub, including but not limited to, contracting with the principals, renting the site and collecting the gate revenues.

Security officer means any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property and maintains a class D license pursuant to state law.

Sheriff means the Palm Beach County Sheriff.

(Ord. No. 08-060, § 2, 12-16-08; Ord. No. 2011-013, § 1, 6-21-11)

Sec. 3-23. - Security/law enforcement presence.

Nightclubs shall be required to comply with the security/law enforcement presence as follows:

(1)

All nightclubs located in the unincorporated area shall provide interior and exterior security personnel of a number equaling one (1) security officer per each occupancy level of one hundred fifty (150) occupants or any portion thereof or as determined by the sheriff's office, with cause. For example, if the occupancy level of an establishment is five hundred (500), a total of four (4) interior and exterior security personnel are required. If the occupancy level is one hundred fifty (150), a total of one (1) interior and exterior security personnel is required. Security officers employed or contracted by owners shall complete the requirements for a class D license established pursuant to Florida Statutes, § 493.6303, and be so licensed. Security officers must provide proof of the class D license upon request of law enforcement.

(2)

Additionally, the owner shall, at its expense, provide the required minimum number of off-duty sheriff deputies, as approved by the sheriff or his designee. The sheriff or his designee may periodically review and adjust its recommendation as to the required staffing of off-duty sheriff deputies, based on the availability of off-duty sheriff deputies and current security conditions at the nightclub and within its vicinity. Such deputies shall commence service at 10:00 p.m. or as designated by the sheriff's office each evening the nightclub is open to the public later than 10:00 p.m. and ending one (1) hour after closing of said nightclub or as designated by the sheriff's office. Nightclubs shall be required to employ a minimum of two (2) sheriff's deputies and one (1) additional sheriff's deputy thereafter for each one hundred fifty (150) persons or any portion thereof of the maximum capacity of the premises or as designated by the sheriff's office.

Notwithstanding anything herein to the contrary, the sheriff may, within his sole discretion, authorize a nightclub to use security officers in lieu of off-duty deputies in order to comply with this subsection.

(3)

This section shall not apply to nightclubs that have had less than four (4) incidents which required a law enforcement response within the preceding calendar year, and which are attributable to events held at the nightclub.

(Ord. No. 08-060, § 3, 12-16-08; Ord. No. 2011-013, § 2, 6-21-11)

Sec. 3-24. - Additional security measure.

Nightclubs shall provide exterior security lighting of a minimum illumination of an average of one and one-half (1.5) horizontal and vertical footcandles measured at six (6) feet above grade level throughout the parking area. Pursuant to Ordinance No. 05-041, the maximum illumination at

the property line of an adjoining residential parcel or public right-of-way is one-third (0.33) horizontal and vertical foot-candles measured at six (6) feet above grade level. Said illumination likewise measured at the property line of an adjoining nonresidential parcel, shall not exceed three (3.0) horizontal and vertical footcandles measured at six (6) feet above grade level.

(Ord. No. 08-060, § 4, 12-16-08)

Sec. 3-25. - Patron age restriction.

It shall be unlawful for persons under the age of twenty-one (21) to patronize, visit, loiter, be admitted or allowed access, in any nightclub, except as hereinafter provided. This restriction shall not apply to:

(1)

Persons employed by or at the nightclub;

(2)

A nightclub, during any time period in which it is not serving or selling alcoholic beverages to the public, or allowing alcoholic beverages to be consumed on its premises, provided that, before anyone under the age of twenty-one (21) is admitted into the nightclub, all alcoholic beverages previously served to customers or being consumed by customers, are removed from customer access and otherwise discarded, and the nightclub's entire inventory of alcoholic beverages is properly secured from public access. The sale, service or consumption of alcoholic beverages may not resume until all persons under the age of twenty-one (21) have vacated the premises; or

(3)

Members of the military or armed services with proper military identification which reflects that they are currently on active duty with a branch of the United States military.

(4)

It may be a defense to alleged violations of this section that the person under the age of twenty-one (21) obtained access despite the owner's reasonable efforts to prevent such access, or through fraudulent identification, and the business used reasonable efforts to prevent the use of fraudulent identifications. "Reasonable efforts" shall include, but not be limited to, employees properly checking identification cards at the entrance to the subject establishment. For purposes of this section, "identification cards" are defined as official federal, state or local government issued identification cards. Under these circumstances, only the persons who gained access to the alcoholic beverage establishment by presenting fraudulent identification shall be considered in violation of this section.

(Ord. No. 08-060, § 5, 12-16-08)

Sec. 3-26. - Enforcement and penalties.

It shall be unlawful for any person to violate any of the provisions of this article.

Code enforcement notices of violation shall be issued to any nightclub that fails to meet any of the illumination requirements established in section 3-24 of this article. The notice of violation shall be left with the owner, proprietor, or highest-ranking employee then on the premises. An

additional copy of the notice will also be mailed via U.S. mail, certified, return receipt requested, to the nightclub at the street address of the nightclub. Proof of delivery by either of these two (2) methods (hand delivery or certified mail) shall be sufficient to establish receipt by the owner.

Violations of all other sections of this article shall be punishable, upon conviction, pursuant to F.S. § 125.69(1), by a fine not to exceed five hundred (\$500.00) per violation or imprisonment not exceeding sixty (60) days, or both such fine or imprisonment. Each day of violation of the provisions of this section shall constitute a separate offense.

In addition to the sanctions contained herein, the county shall take any other appropriate legal action, including but not limited to, cease and desist orders, other administrative action and requests for temporary and permanent injunctions to enforce the provisions of this article. It is the purpose of this article to provide additional cumulative remedies.

(Ord. No. 08-060, § 6, 12-16-08)

Sec. 3-27. - Police supervision.

The presence of any sheriff's deputy at any nightclub shall not relieve the owner thereof, or any of his employees, from the responsibility of adhering to the provisions of this article or for violations of any law or ordinance or from the responsibility of maintaining decency and order in said nightclub.

(Ord. No. 08-060, § 7, 12-16-08)

Sec. 3-28. - Right of entry for purpose of inspection.

All sheriff's deputies shall have free access to nightclubs when open for business for the purposes of inspection and to enforce compliance with the provisions of this article.

(Ord. No. 08-060, § 8, 12-16-08)

Sec. 3-29. - Exemption.

The provisions of this article shall not apply to adult entertainment establishments regulated pursuant to Palm Beach County Code chapter 17, article V.

(Ord. No. 08-060, § 9, 12-16-08)

Sec. 3-30. - Limitation of liability.

Neither the sheriff's office or the county shall be under any obligation or duty to any person hereunder by reason of this article. The sheriff specifically disclaims liability for any damages which may be caused by failure to provide security.

(Ord. No. 08-060, § 10, 12-16-08)

Sec. 3-31. - Applicability.

This article shall apply to all existing establishments and all new establishments meeting the definition of "nightclub" located in unincorporated Palm Beach County only. (Ord. No. 08-060, § 11, 12-16-08; Ord. No. 2011-013, § 3, 6-21-11)

Appendix C

