

SUMMARY
OF THE
MACHO'S NIGHT CLUB PROJECT



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THE MACHO'S NIGHT CLUB PROJECT

By Officer Sharon McFalls
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INTRODUCTION:

The Macho's Night Club is located at 4355 Home Avenue in the Southeast section of San Diego, California. The 4300 block of Home Avenue is a business zone. The 4200 and 4400 block of Home Avenue is a residential area, with small homes and multilevel apartments. The club shares a building with a Goodwill thrift store, a taco shop and the Los Cuarteros Dance Club. They all share a connecting parking lot. Macho's has a full-service bar, live entertainment and a dance floor. The bar has valid licenses for these activities.

In October, 1994, the San Diego Police Department used a problem-solving approach to address a high number of alcohol-related crimes occurring in and around the Macho's night club.

SCANNING:

In October, 1994, I became aware of the increased public concern for the increased alcohol-related crimes in the area of 4300 Home Avenue. Local citizens expressed safety concerns at community meetings. They submitted Citizen Assistance Route slips through City Council offices and they made individual contact with officers to report police issues. The police department received many radio calls of the nightly illegal activities. Police observation and responses corroborated the following illegal activity in and around the Macho's Night Club: assaults and shootings, one homicide, fights, drunk drivers, overly intoxicated patrons, loiterers outside the main bar area and in all adjoining parking lots, illegal narcotic activity, auto thefts and burglaries, traffic accidents, juveniles in violation of curfew and loitering laws, illegal parking and traffic related violations.

Many of the violators were combative, requiring extra police presence to effect an arrest, perform enforcement and maintain control of the area in response to one or more of the illegal activities. Of those arrested for discharging or in possession of a firearm, many were under the influence of an alcoholic beverage or narcotics. Large numbers of patrons arrested for drunk in public ordinances were booked into jail because they were too violent for the local detoxification center. Most of the traffic accidents were hit and run accidents. Those who remained at the scene or were apprehended, were determined to be under the influence of alcohol, drugs or both. The subjects arrested in these cases were observed by officers leaving Macho's, or admissions proved they consumed alcoholic beverages in Macho's prior to their arrest. The juveniles loitering in and around the bar were unsupervised. Some were in possession of falsified and fraudulent identification, making them of minimum drinking age. Most of the car thefts,

burglaries and recoveries were happening within the Macho's parking lot. The illegal parking consisted of parking in the fire zone along the building, double parking, blocking the entrance and fire hydrants. This denied fire department access during emergencies and posed safety issues.

I personally observed an accumulation of excessive trash and beer bottles in the lot. I watched intoxicated customers yell boisterously outside and urinate on the buildings, against cars and throughout the parking lot. Macho's bartenders and waitresses continuously served minors and obviously intoxicated patrons. Patrons would enter the club, already intoxicated, carrying weapons, such as knives and firearms.

Most of the illegal activity occurred during the hours of 2100 and 0300 hours, daily. Weekend nights produced a greater level of illegal activity. The Goodwill Thrift Shop was closed during these hours. The taco shop and Los Cuarteros Dance Club do not sell alcoholic beverages.

It was clear, the illegal activity was alcohol-related and directly connected with the Macho's Night Club. Whenever the police responded as a result of radio calls or observations, the owner of Macho's, Augustine Reyes, was uncooperative and would impede our investigation.

ANALYSIS:

From the onset, random enforcement and response to radio calls was not solving the problem. Police presence had no authoritative effect on the patrons and problems steadily increased. The Goodwill Thrift Shop was closed when Macho's was open. The business generated at the taco shop and Los Cuarteros increased in the evenings from the overflow of the Macho's patrons. Therefore, the businesses did not complain about the club or consider it a problem, other than the accumulation of trash in the parking lots.

In the months of July through October, 1994, an ARJIS computer check revealed there had been one homicide that occurred in front of Macho's, 3 assaults, 2 stolen vehicles, 2 recovered stolen vehicles, 13 driving under the influence of alcohol (D.U.I.) arrests, 10 disturbance calls and 19 traffic accidents, 7 of which were hit and run accidents.

I attended community meetings and spoke to the residents of the surrounding area around Macho's. They shared their concerns about health and safety issues that the club created. The residents said it brought a "negative element" to their neighborhood, affecting the quality of life and value of their property. They felt unsafe in and out of their homes, especially at night when Macho's was open for business.

I contacted Mr. Reyes in person at the club. I told Mr. Reyes of the increased illegal activity which occurred in and around his club. I explained the police and public concern, and the effect

it had on the surrounding community and its residents. I explained to him the direct correlation his club had on the alcohol related offenses which occurred. Mr. Reyes denied Macho's was the cause of these problems. He told me he did not have control of his patrons' actions. I suggested solutions to him which could alleviate the reported problems and avoid costly repercussions taken by the community against his business:

1. Hire reliable security personnel for the front entrance to check for proper identification, pat down for weapons when suspected. Insure no obviously intoxicated patrons enter the club.
2. Security personnel routinely patrol the lot for intoxicated individuals, consumption of alcohol beverages, car theft and burglaries, loitering of juveniles, illegal parking, and disturbances. Call the police for violations which security can't immediately eliminate or effectively handle.
3. Educate and require all bartenders and waitresses to recognize and refuse to serve obviously intoxicated patrons. Any disturbances or unruly customers should be reported to the manager and handled immediately and appropriately.
4. Post proper "No parking-fire zone" signs on the building adjacent to the fire zone, located on the northwest wall of the building. Have any vehicles impounded that park in the disabled parking space or that double-park in the lot.
5. Post proper "No loitering" and "No open alcoholic containers" signs appropriately on the outside of his club.
6. Call the police and report any criminal activity. Full cooperation with the police is required. The club is a police regulated establishment and subject to inspection at any time.

Mr. Reyes told me he would post the signs and hire security for the entrance, to check for proper identification. He denied that his patrons were being served drinks when they were obviously intoxicated or that they were involved in criminal activity in or outside of the bar. Again, he refused to take responsibility for his patrons' behavior. Further investigation revealed Mr. Reyes owned another night club in the eastern part of San Diego. A patron was shot and killed inside this bar in March, 1993. The reports indicate Mr. Reyes moved the body outside of his bar before the police arrived, and he denied the victim was shot inside his establishment. The investigative follow-up indicated Mr. Reyes was uncooperative and impeded their investigation.

RESPONSE:

I informed officers at the Southeast division of my efforts. I encouraged patrol officers to use zero tolerance enforcement in the area in addition to high visibility. This enforcement included field interviews, arrests, traffic and pedestrian citations and vehicle impounds. I notified our traffic division, specifically the D.U.I. squad, requesting added enforcement.

I met with our department's V.I.C.E. unit, and searched for enforcement tools available to patrol units. I researched San Diego Municipal Codes applicable to liquor establishments, laws regulating the display and currency of the business, liquor and cabaret licenses.

In November, 1994, I coordinated a meeting with V.I.C.E. detectives at Macho's with Mr. Reyes. We discussed and described the problems which had and were occurring at the club. Mr. Reyes repeatedly said he was not responsible for his patron's behavior. He insisted he did not allow minors or intoxicated patrons inside Macho's.

At this time, Mr. Reyes had not posted any signs, nor hired security for the club. I reminded him, and again he agreed to comply to my suggestions. I advised Mr. Reyes of the police department's position to use zero tolerance enforcement and high visibility of patrol officers to diminish the illegal activity, per the community's request. He said he understood and would watch his customers actions more closely.

I contacted the Department of Alcohol Beverage Control (A.B.C.) in November, 1994, and talked to Investigator Gary Searles. I sought information on enforcement action which would assist my efforts with Macho's to eliminate the problems. I learned in similar situations which caused this type of harm to it's community, a temporary suspension of the club's liquor license is effective. Many times it is an appropriate step to gain compliance from the owner. Mr. Searles said documentation of every arrest, traffic accident and crime investigation must clearly state it's involvement with Macho's. Officers must indicate in each case when they observed the subject come from the club or obtain a suspect/victim statement that they were in or leaving from Macho's at the time of arrest or crime. All arrests, traffic accident and crime investigation resulting from personal observation or calls for service must be sent to the A.B.C. office. Approximately 100 separate incidents in a one year period must be properly documented before A.B.C. would be able to begin the suspension process. I would obtain copies of all related reports to Macho's and send the copies. Mr. Searles again spoke to Mr. Reyes about his responsibility for his patrons and the legal ramifications he could expect if he refused to voluntarily comply to A.B.C. and state laws.

In November, 1994, I contacted a representative in the Code Enforcement Office regarding building code violations in Macho's. I did not recognize any code violations when I was in the club, yet I wanted to insure the building was safe for patrons and not in violation of any codes. I requested an inspection of the club for violations.

I continued to encourage officers to use aggressive enforcement in the area, emphasizing my goal to eliminate the problems related with Macho's. I remained in constant contact with patrol, traffic units, V.L.C.E. and A.B.C. I kept them updated on the progress of documented incidents.

Mr. Reyes demonstrated minimal compliance. He posted signs for the fire zone, loitering and open alcoholic containers. He hired a security guard for the front door to check I.D.'s and check male patrons for weapons. The guard did not check female patrons for weapons.

Over the months that followed, I saw the club's business slowly decline. This decreased some of the parking and traffic problems, yet the other offenses continued on a regular basis. I spent an average of 2 hours a night during my shift patrolling the area. I learned parking and traffic violations, separately, did not count as an 'incident'¹ documented for A.B.C. I continued to cite the parking and traffic violations as a safety issue. I strictly enforced Penal Code and Municipal Code Violations. Officers from the Southeast and Traffic divisions assisted with enforcement efforts. They forwarded the arrests and investigations resulting from Macho's to me to forward to the A.B.C. investigator.

I remained in contact with the residents about the problems and our efforts. In March, 1995,¹ participated in a community meeting near Macho's. Citizens addressed an issue before the Planning Committee of a local store owner who requested a modification to his alcohol conditional permit. The store owner wanted to sell fortified wines, malted ales, singles and have sign advertisement. Citizens well aware of the alcohol problems related to Macho's insisted that a change in this store owner's permit would add to present community problems. I explained in detail my experience with Macho's and the deteriorating effect it has had on the quality of life for the residents. This input helped the planning committee decide to decline the permit for the store owner to sell singles. The citizens were pleased with this decision.

In November of 1995,¹ reached my goal of 100 incidents required by A.B.C. to request a suspension of Macho's license. The problems still continued. I reserved the S.D.P.D. Mobile Command Van for a Saturday night. The van was parked in the road in front of Macho's. It was highly visible. The van was staffed by at least one officer the entire night. A prisoner processing area was established for arrests not requiring offenders to be booked into jail. Many patrons drove by, but did not stop at the club. The following is a recap of the activity resulting from that night:

- (4) Four juveniles arrested for curfew violation (released to their parents)
- (1) One adult arrested for driving under the influence of alcohol
- (1) One adult arrested for an outstanding warrant
- (2) Two adults arrested for being drunk in public
- (3) Three traffic violation citations
- (11) Eleven parking violation citations
- (1) One traffic accident investigation
- (2) Two vehicles impounded because the drivers were unlicensed

The command van clearly had an effect on Macho's illegal activities imminating in and around Macho's. No fights or disturbances were reported or observed while the command van was present. I recommend that continued enforcement is needed by patrol and traffic to maintain the success.

ASSESSMENT:

By January, 1996, I had documented approximately 125 arrests and incidents directly related to Macho's. I provided copies of all of these incidents to Mr. Searles at A.B.C. By March, Mr. Searles had carefully documented our efforts in a report to the Department of A.B.C. Due to Mr. Reyes history in the bar business, Mr. Searles requested a permanent suspension of Mr. Reyes¹ liquor license. This is the most serious punishment induced on the owner of a bar. This is a very lengthy process. A.B.C. granted Mr. Searles his request. Mr. Searles served Mr. Reyes with a Notice of Suspension in March, 1996. As expected, Mr. Reyes requested an appeal of the notice. Macho's has remained open during the appeal process underway at this time.

From the conception of this project, October, 1994, through May, 1996, the Macho's Night Club has experienced a drastic decrease in business. What was once a popular and crowded gathering spot which caused traffic, pedestrian and enforcement problems to police and residents has diminished to a very modest group of patrons, at best.

The parking problems were eliminated. At this time the patrons' vehicles do not even fill the parking lot. D.U.I, arrests and the traffic problems had almost diminished, but at a much smaller scale. I continued to monitor the area and keep officers updated on the situation.

An ARJIS Computer check for the period of December, 1995 through March, 1996 (the period before the Notice of Suspension was served) revealed there had been reported no assaults, 3 stolen vehicles, no recovered stolen vehicles, 30 D.U.I, arrests, 11 disturbance calls, and 7 traffic accidents, 2 of which were hit and run accidents. It was clear the high police presence and zero tolerance enforcement had a positive effect on the illegal activity related to Macho's. The increase of D.U.I. arrests demonstrates the use of aggressive, zero tolerance enforcement. There is a clear drop in accidents, assaults, robberies and stolen vehicle recoveries. The slight rise in disturbance calls was due to high visibility of officers on the property, reporting to police communications the activity that occurred.

In May, 1996, the S.D.P.D. restructured in the Southeast division area. The Mid-City division took area responsibility of 4300 Home Avenue, Macho's. I contacted personnel at Mid-City and advised them of the past problems with Macho's, and the progress with our problem solving efforts. I requested they monitor the area to continue the increasing results. I was able to monitor Macho's at randomly, and it appeared the situation remained controlled.

In August, 1996, officers drove by Macho's and heard gunshots fired from the parking lot.

When they stopped to investigate, the crowd outside became hostile and aggressive. Officers requested urgent cover and more officers responded to the scene. No one was apprehended or hurt in the incident, but it was clear the illegal activity had not been diminished.

I contacted Mr. Searles at A.B.C. to check on the status of the appeal. Mr. Reyes was still in the appeal process and he had successfully delayed the suspension to his advantage. There was no estimated time for the close of the appeal process at this time.

In September, 1996, Sgt. S. Rapalee from the Mid-City division contacted me. Illegal activity at Macho's had began to peak and she needed enforcement techniques I had applied to control the problem. I explained the enforcement tactics and the progress and results. I stressed the importance of high visibility and aggressive enforcement. Sgt. Rapalee assured me that officers from her division would use these tactics to address the problems at Macho's.

On February 25, 1997, Mr. Searles contacted me and told me that Mr. Reyes had finally settled on a 15-day suspension of his liquor license in lieu of a lengthy court trial. The newly ordered restrictions placed on his license require Mr. Reyes to supply uniformed security in the bar, at the door and in the immediate parking lot from 2100 until 0200 hours, nightly. These restrictions also apply to a bar that Mr. Reyes was in the process of opening at 2350 Main Street, Chula Vista, CA, a city located just south of San Diego. Mr. Reyes will have these restrictions placed on him permanently for any night clubs or bars that he owns. The suspension was posted February 25, 1997 and effective until March 11, 1997. Macho's was closed during this time period. Any type of violation within 30 days of this suspension would result in an automatic permanent revocation of the owner's liquor license. More than two violations of the new restrictions after the 30-day period will also result in a permanent revocation of Mr. Reyes' license. Mr. Searles said the documentation of the illegal activity from the Southeast Division initiated, and resulted in the suspension and permanent strict conditions of Mr. Reyes' liquor license.

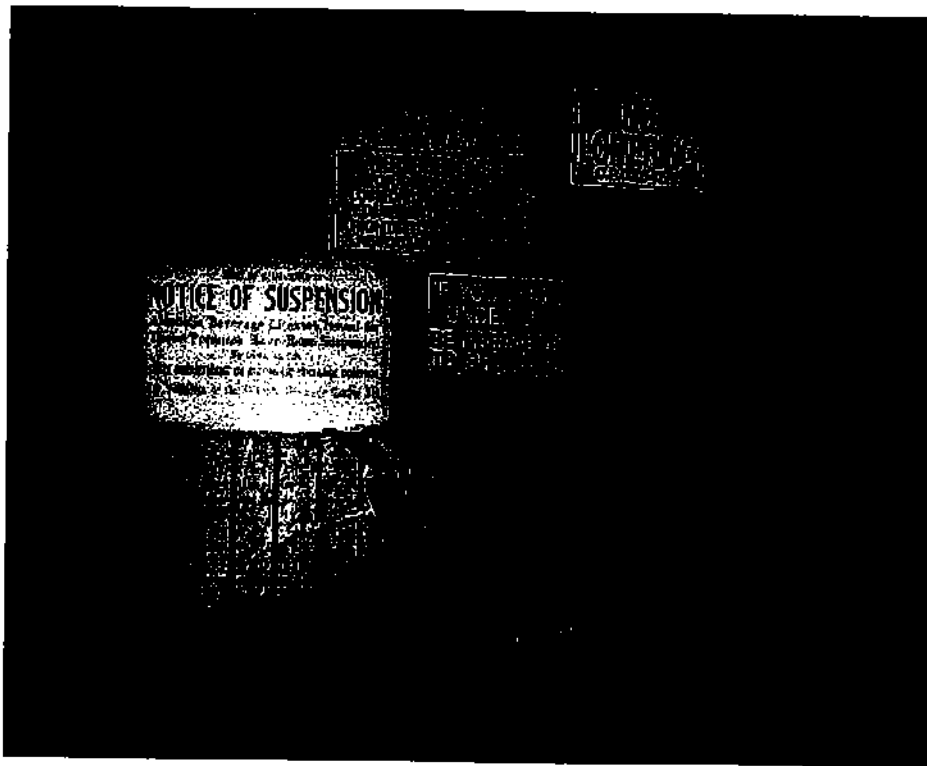
I notified Chula Vista Police Department of this incident and explained the restrictions Mr. Reyes' new bar would have. This information will enable their police department to monitor and control any problems accordingly that arise from the bar. With these new and permanent restrictions, both police departments presently have better control, authority and enforcement tools to address Mr. Reyes' inability to voluntarily comply as a business owner to applicable laws.

Residents have expressed peace of mind. Citizens report a dramatic decrease in disturbances, noise and traffic problems in the past year, due to the suspension implementation in February, 1997. They feel safer in their neighborhood, and feel the quality of life and value of their property has improved. These residents are pleased with the outcome of the project.

A review of the ARJIS computer system has shown a gradual, but significant decrease of criminal activity, D.U.I., arrests, traffic accidents and citations in the two and a half years since the project started. There were no reported assaults, robberies or recovered stolen vehicles, only

1 stolen vehicle, 4 arrests for driving under the influence, 9 disturbance calls and 10 traffic accidents, 3 of which were hit and run. The high visibility and zero tolerance enforcement was a major deterrent for drunk drivers, car thieves and disruptive, illegal behavior.

Although a very tedious, lengthy and time-costly project, the permanent impact and strict conditions have and will greatly minimize potential problems of Macho's in the future, in addition to Mr. Reyes' new bar in Chula Vista. This project improved the lives of citizens in the area of 4300 Home Avenue. It has permanently restricted Mr. Reyes' business practices. The project provided the San Diego Police Department and the Chula Vista Police Department with effective resources and powerful enforcement capabilities for similar problems regarding alcohol-related problems and establishments.



**CRIMES AND CALLS FOR SERVICE ACTIVITY
OF THE MACHO'S NIGHT CLUB PROJECT**

	Prior to opening project 07-94 thru 10-94	Prior to serving suspension notice 12-95 thru 03-96	Prior to actual suspension 11-96 thru 02-97
D.U.I. arrests	13	30	4
Traffic accidents	19	7	10
Homicides	1	0	0
Robberies	1	0	0
Assaults	3	0	0
Disturbance calls	10	11	9
Stolen vehicles	2	3	1
Recovered stolen vehicles	2	0	0

RESOURCES:

- S.D.P.D. Southeastern division patrol officers
- S.D.P.D. Traffic enforcement unit
- S.D.P.D. V.I.C.E. unit
- S.D.P.D. Mobile Command Van
- Department of Alcohol Beverage Control
- City of San Diego Zoning

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