

Author

Cephas, Juan M. Collins, David

Title

Nightclub After-hours Nuisance Project

Source

SAN DIEGO POLICE DEPARTMENT

Abstract

For several years, Mr. O's nightclub and the parking lot of the Denny's Restaurant in Mission Valley, San Diego has been the source of numerous calls for service. Homicides, assault with deadly weapons, batteries, drunk in public, narcotics, gambling and other crimes have all occurred in these locations over an extended period. Various P.O.P. projects and enforcement strategies have been used to combat these problems, all with limited success.

In December of 2001, the Neighborhood Policing Support Team undertook the monumental task of assisting Eastern Patrol Officers in searching for, and implementing new strategies for gaining control of these properties. As a result, several different organizations were subsequently identified and involved in the project: City Attorney, and various local, State and Federal Agencies.

A Crime Prevention Through Environmental Design (C.P.T.E.D.) study of the area was conducted. SDPD gained the cooperation of Denny's, Mr. O's, and numerous adjoining businesses to implement these recommendations, thus gaining a foothold on the problem and established a working relationship with the stakeholders.

Additionally, SDPD was able to get the management of Mr. O's to upgrade their on-site security. Thanks to the intervention and interpersonal skills of officers involved in the project, Denny's district management was convinced to close for business from 0130 hours until 0500 hours on Saturday and Sunday, the times when most of the problems occurred. Denny's management also hired more security for this location, and the nearby Denny's located at Friars and Frazee Streets. Additionally, the building owner will not renew Mr. O's lease. As a result of this project, the opportunity for crimes to occur were reduced by over fifty percent. The cost to police was significantly reduced by several thousand dollars.

Running Head: SAN DIEGO POLICE DEPARTMENT NIGHTCLUB AFTER-HOURS

**SAN DIEGO POLICE DEPARTMENT
NIGHTCLUB AFTER-HOURS NUISANCE PROJECT
Number 5947**



**SAN DIEGO POLICE DEPARTMENT
NIGHTCLUB AFTER-HOURS NUISANCE PROJECT**

Number 5947

I SCANNING:

For several years, Mr. O's nightclub and the adjacent parking lot of the Denny's Restaurant have been the source of numerous calls for service reference crimes such as homicides, assault with deadly weapons, batteries, drunk in public, narcotics, gambling and problem oriented policing have all occurred in these locations over an extended period. Various P.O.P. projects and enforcement strategies have been used to combat these problems, all with limited success.

Each year since approximately July 1997, the number of radio calls and out of service time have steadily increased (see Appendix A). By June 2002, the number of radio calls had more than quadrupled and the out of service time had doubled. Radio calls and out of service time was generated within a three-block area in Mission Valley. The area of 1000 to 1200 Camino Del Rio South was the number one area in need of police service within the Eastern Division area during the hours of 0100-0500 (see Appendix B, Table I). Radio calls were generally associated with loitering in the parking lots of 1065 Camino Del Rio South (Denny's Restaurant) and 1299 Camino Del Rio South (Mr. O's Nightclub). The loitering occurred as a result of "after-hours" nightclubs closing at 0300 hours. Many of the patrons from these nightclubs drove to Denny's Restaurant to eat. However, there was a small portion of these nightclub goers who loitered in the parking lot creating a chronic nuisance problem.

Loitering in the Denny's Restaurant and Mr. O's parking lots without patronizing the business had numerous implications. Since the start of January 2002, an increase in

the number of assaults was reported at Denny's Restaurant. Loitering was the main cause of many associated nuisance problems occurring at the location. Some of these problems include but were not limited to: assaults, batteries, robbery, drinking in public, and narcotics activity. In January 2002, two officers were assigned to conduct video surveillance and gather data as part of the "scanning" portion of project. The surveillance was conducted for a one-month period. Several fights and an assault with a deadly weapon were recorded, four arrests were made and a police sergeant was assaulted during this one-month period.

II ANALYSIS:

In December of 2001, Officer(s) Juan Cephas and Officer David Collins of the Neighborhood Policing Resource Support Team undertook the task of assisting Eastern Patrol Officers in searching for and implementing new strategies for gaining control of these properties.

In February 2002, Eastern Division facilitated a problem solving meeting to address many issues regarding the ongoing problems and calls for service at Denny's Restaurant. Various law enforcement units attended the meeting as well as community groups. Some of the collaborating agencies involved in this project were: Denny's Restaurant, U.S. military, Mr. O's Nightclub, City Attorney, Probation, Parole, Gang Detectives, Vice Administration, Sea Property Management Company, Elite Security, San Diego Police Department, and surrounding businesses.

During the course of the meeting, different ideas were generated. Some of the key topics discussed during the meeting were: stakeholders, thorough analysis of the location, suspects/victims, and possible responses to the problems. Careful consideration was

given to all the responses and several were implemented. The focus of the response to the problem began by concentrating on several objectives:

- Reduce the number of calls for service at the Denny's Restaurant (1065 Camino Del Rio South).
- Eliminate the number of assaults occurring on the property and adjacent properties.
- Provide a safe and secure environment for citizens to patronize both establishments without fear for their safety.
- Seek effective, qualified, and well-trained security personnel for both properties and establish a self-sustained security force that can function with minimal police assistance.
- Implement in-depth problem solving for long-term solution.
- Work with businesses to establish a long-term partnership.
- Educate businesses on the liability and negligence of ignoring the problems taking place on their parking lots.
- Reduce the nuisance problems in the area surrounding 1065 and 1299 Camino Del Rio South.
- Induce compliance from Mr. O's Nightclub management of their entertainment permit conditions.

A significant nexus was made between Mr. O's Nightclub located at 1299 Camino Del Rio South and Denny's Restaurant. During the discussion, the group suspected that many of the nightclub's patrons were the same people loitering in the Denny's parking lot. Addressing this multi-faceted problem would require the cooperation of the law enforcement community, but more importantly the business community in the area. In the months that followed, officers met with business and community groups. The result of these meetings was the development of the Nightclub After-Hours Nuisance Project.

HI RESPONSE:

In March 2002, the San Diego Police Department spearheaded an initiative to eliminate the opportunity for crimes to be committed at Denny's Restaurant parking lot. SDPD implemented an aggressive plan with Denny's management and the assets protection manager. The plan was multi-faceted and included several components: Crime

Prevention Through Environment Design, enforcement of municipal laws, improving communication among surrounding businesses, raising the awareness of stakeholders reference the problem, and building a partnership with Denny's restaurant and surrounding businesses.

First, officers from the Neighborhood Policing Resource Team (N.P.R.T.) conducted a C.P.T.E.D. walk through with the owners of Denny's and the adjacent buildings. Denny's was willing to assist the police department but was opposed to any modification of business hours. Keeping this concern in mind, several crime prevention suggestions were made and implemented. Denny's management agreed to implement several crime prevention designs on their property: acquiring a proactive security force, working with the police department, brighter lighting in the parking lot, restricting access of the upper parking lot to employee parking only starting at midnight, monitoring the capacity of the lower parking lot and restricting access to the public based on availability and chaining off parts of the parking lot to facilitate one way traffic flow.

Next, enforcement strategies were employed. Several inter-departmental units were sought to assist Eastern Division with the nuisance problems. Gangs, Neighborhood Policing Resource Team, Vice, and Traffic Division were among the units utilized to implement enforcement strategies. The Gang Suppression Team and gang detectives assisted with several sweeps of the parking lots and adjacent buildings, NPRT enforced all laws in both parking lots in the months of February - July 2002, and Traffic Division assisted in conducting a "vehicle inspection detail" in the Mission Valley area. The enforcement strategies resulted in over 100 police contacts during a five-month period but was a limited success because the nuisance problems continued to occur.

Finally, SDPD raised the awareness of the problem by speaking individually with each business owner located in the area of 900-1500 Camino Del Rio South. During these conversations, liability was discussed. Cooperation was induced through the use of videotapes shown to business owners depicting some of the activity that had taken place in both troubled parking lots. Capturing the attention of the business community resulted in improving communication among businesses and creating strong partnerships with each business. Partnerships were solidified with Wendy's Restaurant, Planned Parenthood, Mr. O's Nightclub, Denny's Restaurant, Multi-Ventures Inc., Sea Management Co., and Summit Property Management. Each business provided the police department with a *letter of agency*, authorizing the police department to arrest for trespassing or any crime involving any person found on the property without their consent or without lawful purpose.

The modifications at the Denny's parking lot significantly diminished the amount of vehicle traffic at the location. However, some of the nuisance problems persisted as pedestrians loitered in the parking lot of Denny's Restaurant after Mr. O's Nightclub closed. On Thursday, July 12, 2002, an assault with a deadly weapon occurred inside of Denny's Restaurant. One person received fifteen staples to the top of his head as a result of his injuries. It was at this time that Denny's Restaurant implemented our initial suggestion to modify their hours of operation.

Denny's started closing their business on Friday and Saturday nights between the hours of 0130 and 0500. In addition, they hired security to provide services on Thursday and Sunday nights, both identified as trouble nights.

The San Diego Police Department identified the need for further analysis of the problem. During this phase of analysis, we discovered a correlation between Denny's nuisance problem and Mr. O's Nightclub nuisance problem. It was confirmed through field interviews and police contacts that a small group of people were the same offenders at both locations.

The police department shifted their focus to 1299 Camino Del Rio South in April 2002. We identified the need to supplement enforcement strategies by bringing in additional stakeholders. We contacted police code compliance, U.S. Navy, Sea Management Company, and the City Attorney Drug Abatement Response Team (D.A.R.T.) unit. We met with each entity and developed a plan in defining their role in assisting with this project.

First, police presence resulted in the documentation of many Municipal, Penal, and code compliance violations. As a result of the enforcement action, police code compliance sent out a letter to Mr O's owner (Manou Ehya) outlining the numerous problems associated with his nightclub. In the letter, they highlighted the following: regulatory penalty for NEGLIGENTLY FAILING TO SUPERVISE THE BUSINESS RESULTING IN A PATTERN OF VIOLATIONS DESCRIBED BY PATRONS, EMPLOYEES, OR BOTH. Subsequent to this initial letter, numerous additional violations were documented. These violations warranted three additional letters notifying Mr. O's owner of permit violations. This resulted in the recommendation by Vice Operations to revoke Mr. O's license and permit.

Second, many of the patrons at Mr. O's and Denny's were identified as military personnel. Three victims of violent crimes were also identified as sailors. SDPD

contacted the U.S. Navy to inform them of the potential for further violence associated with these locations and the risk to military personnel. The Navy requested that a formal presentation be made to the Armed Forces Discipline Board to educate them on the problems associated with the parking lots. The military's main concerns included gangs, narcotic, and violent activity in the parking lots. SDPD officers made a presentation and as a result in July 2002, the board recommended that these locations be placed off limits to all military personnel indefinitely. The Navy continues to communicate with the police department to monitor progress made in the parking lot to reduce the risk to military personnel.

Next, Sea Property Management Company leases the property to Mr. O's Nightclub. SDPD contacted the management company to educate them on the problems taking place in their parking lot. The management company was not aware of the incidents taking place and was willing to take steps to correct the problems. Sea Property Management Company sent a letter of notice of default to Mr. O's Nightclub. In the letter they stated their hours of operation must be modified from 0300 hours to 0200 hours per the rules and regulations, by which the owner has the option to enforce any reasonable rule. Numerous violations preceded the initial letter of default and subsequent letters followed. The management company terminated Mr. O's lease on January 2, 2003.

Finally, the City Attorney's Drug Abatement Response Team worked in conjunction with the police department and Mr. O's to facilitate compliance by the nightclub to address the chronic nuisance problems associated with the property. Mr. O's owner, Manou Ehya was put on notice that his property was a habitual nuisance. His

failure to comply with requests made by the City Attorney and police department resulted in the initiation of an abatement process on his property. On September 19, 2002, Mr. Ehya met with the City Attorney and signed a permanent injunction by stipulation. In the agreement, Mr. Ehya agreed to sell his business and permits. In addition, Mr. Ehya agreed to close his business no later than January 2, 2003.

As agreed upon in the injunction, Mr. O's owner, Manou Ehya complied with the conditions of his permit for the remainder of his ownership. Mr. Ehya sought effective, qualified, and well-trained security personnel to manage his nightclub inside and out. Ehya hired K-TECH Security. K-TECH provided Mr. O's with an assessment of the nightclub and with suggestions on improving the safety of the club patrons. The following is a list of shortcomings identified by K-TECH: need for a strict security policy, establish specific duties for each post in the venue, need for uniform guards, need for licensed staff, safety rules, and honesty/ethics. The nightclub remained operational without incident for the remainder of its existence. Mr. O's closed their business on January 2, 2003.

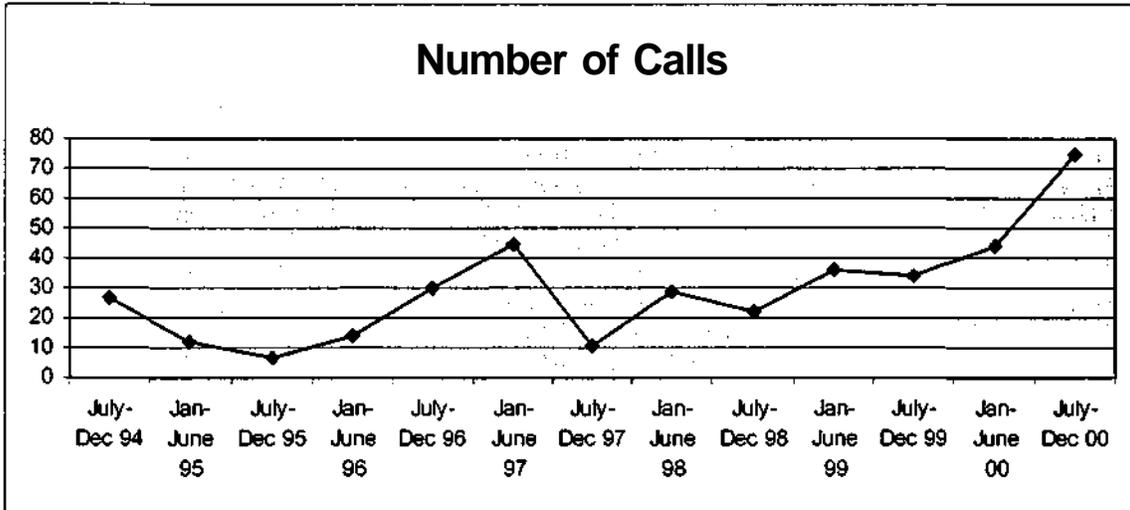
IV. ASSESSMENT:

One of the unique aspects of the Nightclub After-Hours Nuisance Project was the ability to use a multi-faceted approach in eliminating the problem. Historically, problem-solving efforts at these locations had limited success and the proclivity of the problems persisted despite regular police department involvement. The After Hours Nuisance Project was successful because all the goals defined in the original objectives were accomplished.

The chosen Community Policing Strategy had a positive outcome because the opportunity for the commission of crime was successfully eliminated. The number of radio calls, reports, arrests, and out-of-service time were significantly reduced (see Appendix B). Although police arrests for 2002 were comparable to the same level as of past years, the number of crimes committed were significantly reduced by over fifty percent (see Appendix B, Table II). Since, August 17, 2002, enforcement at both locations is no longer a priority and the need has been significantly reduced (see Appendix B, Table I). The reduction in the need for police service resulted in a safe and secure environment for citizens to patronize both establishments without fear for their safety. In addition, police officers, detectives, and administrative personnel solidified a partnership promoting the San Diego Police Department's Strategic Plan goals; Reduce Crime and Promote Neighborhood Policing.

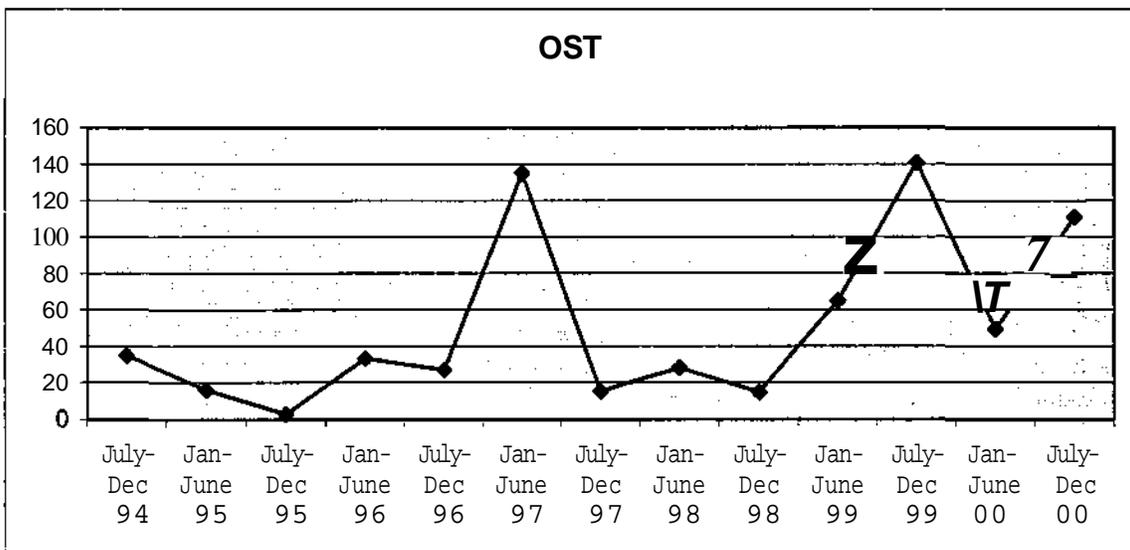
Appendix A

Calls for Service and Out-of-Service time from 0100 - 0500 hours
1000 - 1300 Camino Del Rio South



Graph I

Out of Service Time (OST)



Graph II

6-Month Period	OST	Calls
July-Dec 94	34.8	27
Jan-June 95	16.11	12
July-Dec 95	2.77	7
Jan-June 96	33.18	14
July-Dec 96	26.83	30
Jan-June 97	134.91	45
July-Dec 97	15.24	11
Jan-June 98	27.87	29
July-Dec 98	14.67	22
Jan-June 99	64.77	36
July-Dec 99	140.87	34
Jan-June 00	49.08	44
July-Dec 00	110.87	75
June-Dec 01	93.61	61

Table I

Top 10 Calls for Service and Out-of-Service time 1065 and 1299 Camino Del Rio South

Date	Calls	Location	Out-of-Service Time	Cost
7/1/96 - 6/30/97	31	1299	119.73	5747.04
7/1/97-6/30/98	11	1065	8.66	415.68
7/1/99-6/30/00	65	1065	200.99	9637.52
7/1/00-6/30/01	133	1065	182.03	8737.44
7/1/01 - 6/30/02	97	1065	178.93	8588.64
	33	1299	55.28	2653.44
7/1/02-12/31/02	5	1065	4.45	213.60
	9	1299	7.55	362.40
Last 3 months	3	1065	3.48	167.04
	1	1299	.43	20.64

**Significant savings for San Diego Police Department
Table II**

Appendix B

Arrests & Cites, 2002, 1065-1299 Camino Del Rio South

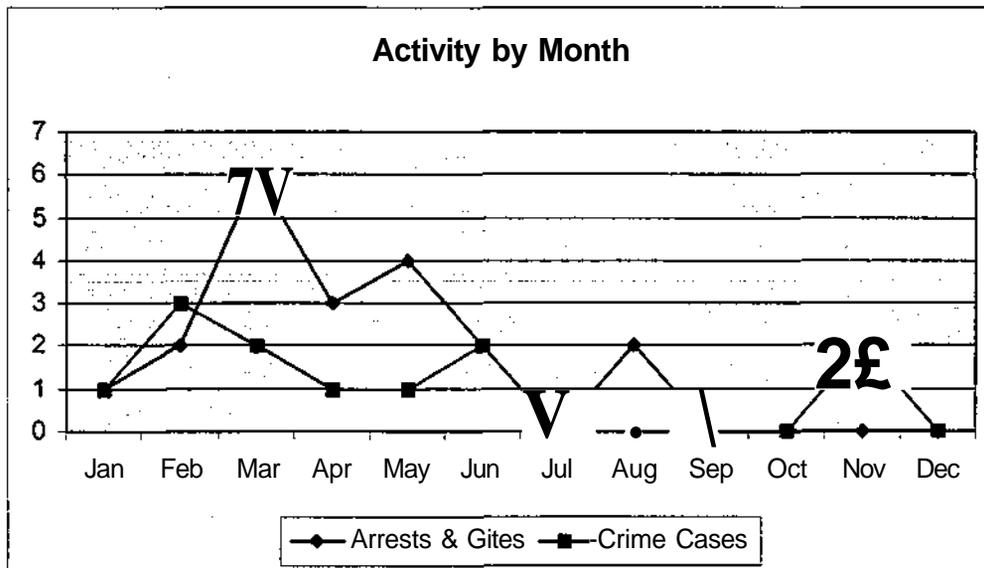
Date	Day	Address	Crime	Suspect
1/5	Sat	1100	23152a VC	HF/19
2/16	Sat	1065	69 PC	BM/28
3/3	Sun	1065	3056PC	BM/26
4/13	Sat	1299	11350a VC	BM/33
5/4	Sat	1299	647fPC	BM/36
5/11	Sat	1299	647fPC	BF/28
5/25	Sat	1299	23222bVC	BF/22
7/14	Sun	1299	12500a VC	HM/24
8/3	Sat	1299	54.0201 MC	BF/34
8/10	Sat	1299	647fPC	BM/29
8/17	Sat	1200	14601VC	BM/35
8/17	Sat	1299	25950a VC	BM/21

Table I

Dates	Location	Arrests	Crimes
1/1/01 - 6/30/01	1299 & 1065	9	30
7/1/01-12/31/01	1299 & 1065	4	13
1/1/ - 6/30/02	1299 & 1065	9	15
7/1/02-12/31/02	1299 & 1065	5	7
Reduction			51%

Table II

Arrests, Cites, and Crime Cases for 2002



Graph I