



DEPARTMENT OF PUBLIC SAFETY

Frequently Asked Student Questions of the Police

Revised on February 19, 2007

1. What is the typical procedure used by the Police Department when approaching a student party?

Stockton PD: Lets start with the assumption that the officer is there because of a complaint about the noise from the party. The noise ordinance says that it is unlawful to willfully make or continue, or cause to be made or continued, any noise which unreasonably disturbs the peace of the neighborhood. The ordinance says that it is a violation if there is one complaint, and independent corroboration from a police department employee. This means that in most cases the officer initially is there to corroborate the "unreasonable" noise which was reported by the person who complained. The criteria for this include: (5-700 Stockton Municipal code)

A. It shall be unlawful for any person to willfully make or continue or permit or cause to be made or continued, any loud, unnecessary, or unusual noise which unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

The standards which shall be considered in determining whether a violation of the provisions of this Section exists shall include, but not be limited to, the following:

1. The volume of the noise;
2. The intensity of the noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural or unnatural;
5. The volume and intensity of the background noise, if any;
6. The proximity of the noise to residential sleeping facilities;
7. The nature and zoning of the area within which the noise emanates;
8. The density of the inhabitation of the area within which the noise emanates;
9. The time of the day or night the noise occurs;
10. The duration of the noise;
11. Whether the noise is produced by a commercial or non-commercial activity.

This Section shall be inapplicable to Emergency Work.

B. Disturbing, Excessive or Offensive Noise: The following activities are declared to cause disturbing, excessive or offensive noise in violation of this Section, but said enumeration shall not be deemed exclusive:

1. It shall be unlawful to operate any radio, phonograph, loud speaker, sound amplifier, or similar device upon the public streets, rights-of-way or parks for the purpose of attracting the attention of the public in any manner without a permit issued by the Chief of Police.

2. It shall be unlawful for any person to use any drum or musical instrument clearly audible for a distance in excess of fifty (50) feet, upon public streets, rights-of-way or parks without a permit issued by the Chief of Police.

This provision shall apply to parades for which a permit has been issued by the Chief of Police pursuant to Section 10-012.5.



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3. It shall be unlawful to operate any radio, television set, musical instrument, phonograph, stereo or audio system, whether or not said noise source is inside a building or motor vehicle, so as to cause an unreasonable annoyance to others located or living nearby, or so as to disturb the peace and quiet of any neighborhood, unless an exception is granted by the Chief of Police for a specific event. It is hereby found and declared as a matter of legislative policy that the operation of the aforesaid equipment or instruments on the public streets and rights of way adjacent to public parks during the hours from 10:00 p.m. to 7:00 a.m., in such a manner as to be clearly audible for a distance in excess of twenty-five (25) feet constitutes prima facie evidence of a violation of this Section. This Section shall be inapplicable to radio systems operated by FCC licensees in the regular course of business.

If there is a valid complaint and the officer corroborates that the noise is unreasonable, a citation is generally issued for the violation.

Pacific PD: Generally, the police are called to the party due to a noise complaint, fights, or some other reason. More than one officer responds to ensure safety. We meet with the responsible host for the party and weigh options to deal with the issues that exist. If violations persist, officers respond in the same manner as Stockton Police but may also submit reports to judicial affairs for processing

2. What should we do if a police officer arrives at our event?

Stockton PD: Let the officer listen to the noise and determine if it is a violation. They will then be happy to contact the people in charge of the event and discuss the issue with them.

Pacific PD: Cooperate with the officers. The responsible host for the party should meet with the officer to alleviate the complaint. Generally, the host tries to hide or close the door which then forces the officer to take measures that are not liked by the host or party-goer.

3. I heard we can we just close the door and ignore the police. Is that correct?

Stockton PD: As with any violation of the law, it is unlikely to "just go away" if you ignore it. It forces us to change our approach to the situation, as it clearly shows that there is no desire to cooperate in a solution to the complaint. From a legal perspective, it greatly escalates the situation. We would probably obtain warrants for the arrest of the persons responsible for the noise, which means we would have authority to enter to arrest them, and they would end up in jail as opposed to just receiving a citation. Also, the actions of closing the door and ignoring the police would likely be considered "resisting, delaying or obstructing" the police, which is a more severe crime than the original noise violation. We would also take steps to ensure that this situation did not occur again, such as contacting landlords, or referring the matter to Student Judicial Affairs for action.



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Pacific PD: No. We will not go away. Someone has called us to report a disturbance, and we provide the complainant with service in the form of resolution of the problem. It is best to come out and talk with the officers.

4. Who do the police hold responsible for the party?

Stockton PD: The ordinance specifies that the responsible person would be any person who makes or causes to make unreasonable noise. That would mean it includes those who allow their property to be used for a loud party, as well as those actually causing the noise, (loud partiers, band members, DJs etc.) Most often we only cite the person who is "in charge" of the party, as this usually brings the party back to more reasonable noise levels. In more extreme cases we have had to issue citations to people at the party who were involved in creating the problem.

Pacific PD: The host of the party will be held responsible. If we are unable to find the actual host, the owner of the home or anyone on the lease may be held responsible.

5. Why do sometimes a large number of police officers arrive at a party, when only 1 or 2 would suffice?

Stockton PD: The number of officers sent to the party depends on the information available to us about the party. If the caller describes the noise as coming from a fight or argument, we automatically send additional officers to the scene. We also might send additional officers if the party is extremely large, there seem to be a lot of intoxicated people, or there are other violations of law occurring.

Pacific PD: The number of officers varies with the type of call, the number of party goers, whether fighting is occurring, etc.

6. Am I allowed to argue with the officer?

Stockton PD: Rather than "argue" let's use the word "discuss". Yes, you are allowed to discuss the problem with the officer. The officer will be happy to explain the ordinance and his/her observations with you. But please keep in mind that the officers do not have the time or ability to discuss it with everyone at the party, and the officer may choose not to discuss the situation with intoxicated or difficult people, as that is generally unproductive. If you still have questions, ask for a supervisor.

Pacific PD: Arguing with the officer is not going to get anyone anywhere. The officer is there to do a job. This includes answering questions. If a citation is issued the best place to argue the point is in court. If you still have questions, have a supervisor respond or contact the director the next day at (209) 946-2537



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7. What if my roommate throws a party and I answer the door?

Stockton PD: Regardless of who answers the door, it is our goal to contact the person most responsible for the party. If any enforcement action needs to be taken, it begins with that person. Sometimes no one will take responsibility for the party. That makes it impossible for us to resolve the problem with just one person, so citations could be issued to anyone who is causing or allowing the noise to continue.

Pacific PD: We will ask for the host and those that live there, and work with everyone to resolve the issue. Our goal is to bring the event back to a manageable level for the safety of your guests.

8. If we agree to quiet down can the party continue?

Stockton PD: In most circumstances you can continue the party, but you should be aware that if new complaints are made about the noise, we would respond again and if appropriate, issue more citations.

Pacific PD: It depends on the situation, but this is an option. Our objective is to bring the event back to a manageable level respecting the quality of life to your neighbors. However multiple response may require the party being shut down as it takes officers away from other duties.

9. What if the police find a minor in possession of alcohol at my party? Who is a minor?

Stockton PD: California law says that it is illegal for a minor to be in possession of alcohol in any public place or place open in any public place or a place open to the public. We would cite or arrest any minors in violation of this law. California law also says that it is illegal to sell, furnish or give away or cause to sell, furnish or give away alcohol to any minor. If you have a party with alcohol, and don't take steps to prevent minors from obtaining alcohol, you could be in violation of this. If the minor obtains alcohol and then causes death or great bodily injury to themselves or another, you would also be held responsible for that.

Pacific PD: A minor is anyone under the age of 21. The minor and the host may both receive citations and be considered for judicial review.

10. Am I responsible for people who leave my party inebriated?

Stockton PD: Generally, you are not responsible for them from the legal perspective. However, you are probably aware that we have a host of problems resulting from inebriated people leaving parties, including issues like DUI's, violent behavior, sexual assaults and alcohol overdoses. So it is important to be responsible about serving alcohol to ensure the safety of your friends. You may also be subject to a civil suit if someone gets injured and you furnished the alcohol to the event.



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Pacific PD: Generally, those that leave inebriated are responsible for themselves. The host may be held responsible if someone becomes severely ill from alcohol poisoning, if a minor is served there, or if someone is injured as a result of the hosts negligence.

11. If police respond to a party can they enter my house without permission?

Stockton PD: It depends on the reason we responded to the party. For instance, if the call was of a fight or injured person inside, or there is an alcohol overdose, or some other exigent circumstance, we would enter to deal with that problem. If the call was simply about loud noise then we would probably have no legal basis or desire to enter the house.

Pacific PD: If the police see that a crime is being committed in their presence the officers may enter the house to "freeze the scene" and obtain a warrant to search. For party issues, this will generally not occur.

12 If police respond to my party does that mean a complaint has been phoned in?

Stockton PD: We don't respond to noise violations unless someone has called us and wished to complain about the noise. We do contact parties where it appears there are other problems (minors drinking, fights, traffic issues) and try to head off any problems. Even then we don't take action on the noise unless there is a complaint.

Pacific PD: Yes. However if officers see a large group in front of the residence, they may stop to advise the host to take the party inside. Pacific has noticed a number of parties that have erupted into fights and gunfire when others not welcomed by the host are attracted to the event when they see a large number of party goers.

13. What if we have a party and it gets out of control. Can we call the police for help?

Stockton PD: Absolutely. Please call us when the problem is small before it gets out of hand and is more difficult to control, or someone gets hurt.

Pacific PD: Yes. It is encouraged. Officers can direct partygoers to leave and assist with traffic control. They can also handle inebriated guests who become a problem for you. We encourage students to work with us in planning their party and to have our phone number readily available in their cell phone.



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14. If we notify the police about an event we are having does that mean they will know about it and break it up sooner? What is the benefit to letting police know we're going to have a party?

Stockton PD: If you talk to us in advance, we can often give you some tips which might prevent problems at the party.

Pacific PD: The benefit is to obtain the proper permits for the party. This allows us to advise complainants that the party has been approved and will shut down at a certain time. This also gives us a contact person we can work with if complaints come in. We won't break it up before the agreed upon time unless problems arise. We encourage you to notify your neighbors and give them a contact number so they can call you in case it becomes too loud.

15. When officers tell us to clear a party in 3 minutes, aren't they encouraging driving intoxicated? Can people stay at the party location until they are sober enough to drive?

Stockton PD: You may allow people to remain at your party, but you are accepting responsibility for the noise which they might make. To answer the other half of your question, let's do the "DUI math, the average DUI driver we arrest has a blood alcohol level of about .14%. Since you can only reduce your blood alcohol level by .015-.020% per hour, it takes 3-4 hours for this same person to reduce their blood alcohol level just to the .08% "presumptive level" for driving. California law says you may be arrested with a blood alcohol level as low as .05%). What this points out is that allowing people to remain for a relatively short amount of time is not going to make them sober enough to drive. That's why we would hope that parties would be planning ahead to utilize options like designated drivers, tipsy taxi or calling a cab.

Pacific PD: No. We are not encouraging people to drive intoxicated. Just because we are closing the party does not mean they have to drive away. Cabs, S.T.R.I.P.E. and friends may be called to help someone get home safely. If officers have time, they will give you a ride.

16. Do police officers cruise around looking for parties?

Stockton PD: We don't cruise around looking for noise violations, as we only respond to them after a complaint. As officers patrol their assigned sector of the city, they might notice a party which has other issues or violations of law, and could take action on them.

Pacific PD: We may be aware that a party is happening, but unless there are violations or a call regarding the party is received, we generally stay away. Sometimes we cruise the parking lots to prevent the attendees from becoming a victim of auto theft or auto burglary.



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17. What happens when I get a noise violation?

Stockton PD: If you are issued a citation for a noise violation, you would have to either appear in court as directed by the citation, or you could pay a fine.

Pacific PD: This requires a court date be set and a later trial, if the charges are contested. You may contact the Student Advocate for additional assistance in this.

18. Why do the police give out multiple noise tickets at once?

Stockton PD: This could be for a variety of reasons. For example, if the noisy people are standing on the sidewalk or walking down the street, there is no single person who can be deemed "responsible for the noise, and enforcement would have to target the individuals. The same might apply if we responded to a party and no one wished to admit they were the responsible for the party.

Pacific PD: Refer to Stockton PD.

19. What if I believe a neighbor is simply harassing me by phoning in complaints?

Stockton PD: The easy answer is that there must be substance to the person's complaint before we will take any action. So if the noise is not unreasonable we would not be enforcing the ordinance. If you think someone is harassing you by complaining to us, please let us know. There are alternatives like utilizing the City Mediation service, which might be able to achieve a resolution between the two of you. Also, if we can prove that the complaints are false, we might prosecute the person for filing a false police report.

Pacific PD: This is a good opportunity to talk to your neighbor and alleviate the situation. If the neighbor calls and we respond to find violations then we will deal with the violation issues with you. Officers are trained to mediate between parties to reach permanent solutions. If this occurs on campus, the University has a number of resources to assist neighbors

20. How can I get to know the police office assigned to my neighborhood?

Stockton PD: Check our website at <http://www.stocktongov.com/police/index.cfm> Look under "patrol division" and you can see which lieutenant has been assigned as your district commander.

Pacific PD: Public Safety does not assign officers to a certain area. You can contact the department at (209) 946-3034 and request an officer meet with you to talk about any concerns you have. At any time, you may approach any officer and ask questions. Visit our web site at <http://web.pacific.edu/x499.xml>



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21. Will they cite me If the police find illegal drugs at my residence that someone else brought in

Stockton PD: Under the law we would have to show that anyone arrested for the drugs "possessed" them, which is a very complicated legal issue. If we had cause to believe any person was in possession of the drugs we would arrest them. This points out why it is very important to limit parties to people you know and can trust.

Pacific PD: We would follow the same standards as Stockton Police.

22. Does a citation give me a criminal record?

Stockton PD: A citation for a noise violation is the same level as a traffic ticket. That is not generally considered to be a criminal record.

Pacific PD: This depends on the type of the citation. There is not a criminal record generated for a noise complaint but there may be one for disturbing the peace

23. What should I do if I feel I have been treated unfairly or rudely?

Stockton PD: You can call the police department, and ask to speak to the watch commander, who is the supervisor of the shift. They can listen to you and answer any questions about what happened, and help resolve any misunderstandings. They can also provide feedback to the officer.

Pacific PD: You may ask to speak with a supervisor at any time or you may file a complaint with the department in person or on line. Complaint forms are readily available throughout campus and at the Department.

24. How do I file a complaint against a police officer?

Stockton PD: Contact the police department, and the watch commander can help you with filing a complaint.

Pacific PD: : Commendations and complaints may be filed by completing the University of the Pacific Police Department form, which can be printed from our Website at <http://web.pacific.edu/x499.xml> or obtained at a number of locations around campus. Any sergeant or the director can provide you with this form.