

POLICY 13. DISTURBANCE ABATEMENT RESPONSE (SERVICE FEE) ORDINANCE

A. Overview

1. This procedure provides guidance for the response, notification, reporting and collection of “loud party” disturbance-abatement fees in law enforcement contract cities adopting such ordinances. Disturbance-abatement ordinances require responsible person(s) for the disturbance to reimburse the city for all associated abatement costs.
2. All Sheriff’s stations having contract cities with disturbance-abatement ordinances shall develop internal procedures to track and forward Department costs associated with handling loud parties. These ordinances are civil in nature and only provide for the Department’s documentation of costs for reimbursement. For incidents occurring in unincorporated areas, reimbursement may be sought through the court process.

B. Procedure

1. Deputy’s responsibilities – “First Response”
 - a. Upon arrival at the scene, the responding deputy will assess the disturbance. For additional information on conducting noise disturbance investigations see the Loud Party Concerns Training Bulletin dated January 2010 or Click on the following link:
https://ssp.sdsheriff.com/HRB/Training/InService/Training%20Bulletins/2010/Loud%20Party%20Concerns%20Training%20Bulletin_5_.pdf
 - b. If the deputy determines immediate action is not necessary, the deputy may choose to issue the responsible person a *Notice of Disturbance Violation - First Response Warning (PAT 38)*, and provide the responsible person a copy of the form. A responsible person is a (in order of priority):
1) Property Owner, 2) Person in control of property, and/or 3) Host/Hostess of the gathering.
 - c. Although desirable, it is not a legal requirement for the responsible person to provide any information to complete the form, or to sign the warning. If the responsible person refuses to sign, the deputy will check the “Refused to Sign” box and give the responsible person a copy of the warning.
 - d. Once the *First Response Warning (PAT-38)* is completed, the deputy will advise the Communications Center that a written “First Response Warning” was issued to the responsible person.

- e. If there is no additional call for service to the disturbance location during the shift, the deputy will advise on-coming deputies of the *First Response Warning*.
 - f. The deputy will turn in the Department copy(s) of the *First Response Warning* to the appropriate supervisor.
2. Deputy's responsibilities – "Subsequent Response(s)"
- a. The deputy will locate the responsible person and may issue a *Notice of Disturbance Violation - Second Response Notice (PAT 38)*, providing the person with a copy of the form. As with the *First Response Warning*, although desirable, it is not a legal requirement for the responsible person to provide any information to complete the form, nor is their signature required for the civil collection of reimbursement costs. If the responsible person refuses to sign, the deputy will check the "Refused to Sign" box and give the responsible person a copy of the notice.
 - b. If there is probable cause to arrest for:
 - 1. Violation of Penal Code section 415(2) and the complainant has signed the proper form to make a citizen's arrest,

OR

 - 2. Violation of an applicable County or City noise abatement code with or without a signer, the deputy may arrest the responsible person. If an arrest is made, the deputy will either cite and release the responsible person or book him/her into jail per Detention Services Bureau protocol for misdemeanor arrests (Pursuant to P&P section 6.110).
 - c. As needed, deputies will request additional units to provide scene security or to disperse the gathering. Units that have responded to the scene should remain there until it is determined there is no longer a threat to the public peace, health, safety or general welfare.
 - d. The deputy will keep the supervisor apprised of action(s) taken to cite the responsible person and/or disperse the disturbance.
 - e. Upon return to service, the deputy will attach the Department's copy of the *First Response Warning* to the Department's copy of the *Second Response Notice* and give it to the appropriate supervisor.
3. Supervisor's responsibility
- a. Monitor the situation for any security concerns or threats to the public peace, health, safety or general welfare.

- b. Obtain from deputies the Department's copies of issued *First Response Warning* and *Second Response Notice*.
 - c. Compute the total staff-hours spent responding to and remaining at the scene, for cost recovery or as prescribed by the contract city's ordinance.
 - d. Route the computed staff-hour totals and the Department's copies of the *First Response Warning* and *Second Response Notice* to the administrative sergeant.
4. Administrative sergeant's responsibility
- a. Compute the city's cost of officer's time (current rate) plus any additional fees for equipment damage or personnel injury.
 - b. Forward any cost recovery documentation to the appropriate designated city official or District Attorney's Office (for incidents occurring in unincorporated areas).
 - c. Maintain the "Loud Party" disturbance-abatement (service fee) files and completed Notice of Disturbance Violation(s) for a minimum of two years or in accordance with Sheriff's Records and Retention Policy.