

VIOLENCE REDUCTION PROGRAM OUTLINE

I. Goals and Objectives

A. Objective: To promote safety and to encourage healthy nightclub and nightclub entertainment commerce in Winston-Salem by focusing on curbing or eliminating criminal behavior by patrons or others in nightclubs.

B. Goals:

1. To help nightclub and nightclub entertainment promoter personnel understand their obligations and responsibilities in the Violence Reduction Program.
2. To acquaint nightclub and nightclub entertainment promoter personnel with crimes most likely to occur in a nightclub establishment, thereby helping those personnel understand when to contact law enforcement for assistance.
3. To provide suggested strategies to prevent criminal behavior by patrons in nightclubs.
4. To convey expectations of future improved performance to curb criminal behavior at nightclubs.
5. To encourage and foster cooperative relationships between nightclub, nightclub entertainment, and law enforcement personnel so that all work together to address and curb patrons' and others' criminal behavior.

II. Nightclub and Nightclub Entertainment Promoter Component

A. Role of nightclub and nightclub promoter personnel and suggested actions to curb criminal behavior by patrons and others:

1. Be familiar with the criminal laws discussed in this outline so that they can recognize criminal behavior and contact law enforcement.
2. Be aware of and agree to support the "zero tolerance" approach to criminal behavior in nightclubs. This will include calling police, giving information, and pressing charges so that officers can arrest criminals when possible. According to the US Department of Justice, if a nightclub or nightclub entertainment promoter tolerates some violent conduct, the perpetrator will assume that further violent conduct will be tolerated.
3. Promptly notify law enforcement when any criminal conduct by patrons or others (including but not limited to fighting or disorderly conduct) appears to be imminent, whether in or outside the nightclub.
4. Promptly notify law enforcement when any criminal conduct by patrons or others (including but not limited to fighting or disorderly conduct) has occurred in or outside the premises.
5. Educate employees on security techniques which do not pose undue danger to the owner, the employees, or patrons. These techniques are aimed at curbing criminal behavior by others. (See Section B below for specifics.)
6. Be willing to testify at criminal proceedings.
7. Notify law enforcement of other pending court appearances so all appearances can be set on the same

- date (if possible) to reduce hardship to the nightclub and/or nightclub entertainment promoter personnel.
8. In addition to furnishing law enforcement with the establishment's telephone number, consider furnishing an available cell phone number as well.
 9. To curb littering, supply adequate trash receptacles at nightclub exits and in parking lots.
 10. To curb unlawful deposit of urine, vomit, or feces, provide clean, well-lit bathroom facilities which are adequate for patrons.
 11. Consider installing video cameras (operating or otherwise) in parking lots or outside the nightclub as deterrents to crime.
 12. Promptly address issues of insufficient lighting in parking lots.
 13. Take reasonable measures to ensure that patrons do not bring guns, pistols, or concealed weapons into the club.

B. Security Suggestions for Nightclubs and Nightclub Entertainment Promoters:

1. Maintain an employee-to-patron ratio that will allow owners and employees to monitor conduct and alcohol consumption adequately.
2. Establish and enforce rules of conduct for bar patrons (such as prohibiting rowdiness and removing verbally abusive intoxicated individuals) which can prevent situations from escalating to violent activity.

Remember: If a nightclub or nightclub entertainment promoter allows a problem-causing patron to leave the nightclub without calling the police, the person will likely repeat the behavior in another nightclub.

3. Calling the police at the very onset of trouble will not adversely affect the nightclub and nightclub promoter's permits.
4. Maintain a log of patrons (and others where applicable) with a history of violent activity or repeated criminal behavior for future reference.
5. Consider entering into trespassing agreements with adjoining businesses (when applicable). These agreements authorize nightclub personnel and security to trespass individuals from those adjoining properties, whether the individuals trespassed are patrons or others. If the trespassed person refuses to leave, call police. Contact the police department's Crime Prevention Unit (CPU) for more information.
6. Consider entering into trespassing authorization agreements with the police. These agreements authorize police to trespass individuals from the areas designated (e.g., the nightclub's parking lot, the nightclub, etc.). Contact CPU to execute such an agreement.
7. Post a sign at the entrance of the nightclub's entrance to inform patrons that the nightclub participates in the violence reduction program and will prosecute any criminal behavior which occurs in the club.
8. Routinely check outside the nightclub throughout the evening to ensure that the club is in not in violation of applicable noise ordinances, in addition to checking that patrons are not littering or urinating around the premises.

C. General Guidelines Regarding a Warrantless Arrest for a Misdemeanor:

1. In the nightclub context, generally an officer may make a warrantless arrest for a misdemeanor only in the following circumstances:
 - a. When the officer has probable cause to believe that the person has committed a misdemeanor in the officer's presence.
 - b. When the officer has probable cause to believe that the person has committed a misdemeanor out of the officer's presence and also has probable cause to believe one of the following conditions exist:
 - i. The person will not be apprehended unless immediately arrested;
 - ii. The person may cause physical injury to himself or others unless immediately arrested;
 - iii. The person may damage property unless immediately arrested.
2. NOTE: If an officer cannot make a warrantless arrest because none of the above conditions is met, the officer will only be able to issue a citation. If the nightclub personnel observing the behavior will accompany the officer to the magistrate's office, the officer may be able to obtain a warrant.

D. Each nightclub employee should be familiar with the following violations. Should questions arise, employees or management should seek clarification from law enforcement officers.

1. G.S. 14-33: Simple Assault

Commits an assault on another.

Example: Mark is standing at the bar watching the Duke-Wake basketball game on TV. Ed, a Duke fan, shoves Mark intentionally. Ed is guilty of simple assault

because reasonably causing fear or intentionally making forceful contact with another are assaults.

2. G.S. 14-159.13: Trespassing 1st Degree

Entering or remaining without authorization in another's building or on premises so enclosed as to demonstrate an intent to keep out intruders.

Example: Tyrone is a confrontational person who gives Rick a hard time every time he comes into Rick's club. On this particular evening, Rick notices that Tyrone appears intoxicated as he enters the club. Rick tells Tyrone he is not welcomed and he should leave. Tyrone ignores Rick's demand and continues to the dance floor. Tyrone is guilty of 1st degree trespass because he remained inside the building after Rick had told him he had to leave.

3. G.S. 14-444 Intoxicated and Disruptive in public

Being intoxicated and disruptive in a public place by (1) blocking or otherwise interfering with traffic or (2) blocking, lying across, or otherwise interfering with passage on a sidewalk or entrance to a building or (3) grabbing, pushing or fighting others (or challenging others to fight) or (4) cursing or shouting at or (5) otherwise rudely insulting others.

Note: It is important to differentiate between the "happy drunk" who does not pose a risk of criminal behavior and a disruptive drunk whose behavior violates this statute.

Example: Alexis is a known frequent patron. She is sitting on her bar stool laughing and singing along with the music. As she gets up to leave she trips over her stool and falls flat on her face. Alexis is not guilty of intoxicated and disruptive conduct because she is not disruptive in any of the ways listed above.

Greg arrives at a bar obviously intoxicated. After Tom the bouncer refuses to let him enter, Greg blocks the entrance and starts swearing at Tom, saying he refuses to move until Tom lets him enter the bar. This is intoxicated and disruptive behavior because Greg is interfering with access to the bar and being disruptive to others.

4. G.S. 14-288.4 (a) (2): Disorderly Conduct by Abusive Language Provoking Retaliation

Intentionally causing a public disturbance by making or using an utterance, gesture, display or abusive language that is intended to and is plainly likely to provoke violent retaliation and thereby cause a breach of the peace.

Example: Ben, a patron at a nightclub, is angry that Andy beat him in a game of darts. Ben makes several extremely insulting remarks about Andy, accompanied by gestures, trying to pick a fight. This is disorderly conduct by abusive language provoking retaliation.

5. G.S. 14-288.4 (a) (1): Disorderly Conduct by Fighting

Intentionally causing a public disturbance by fighting.

Example: Courtney is angry at Aimee for dancing with her boyfriend at the club. Courtney confronts Aimee in the middle of the dance floor and shoves her. Aimee shoves her back, and they both punch each other before anybody can step in. Both Aimee and Courtney have violated the disorderly conduct by fighting statute.

6. G.S. 14-190.9: Indecent Exposure

Willfully exposing one's genitals or anus in any public place in the presence of another.

Example: Joe, the manager of Joe's Bar, walks outside to make sure that people are leaving the premises after they exit the bar. He comes face to face with Nick, whose penis is outside his pants so he can urinate. Nick is guilty of indecent exposure **and** public urination.

7. City Code 38-30: Public Urination

Unlawful to urinate or defecate on any public place or on the property of another.

Example: See above.

8. City Code 38-31: Begging

Prohibits begging if (a) a person has already responded negatively to the request or (b) the beggar blocks the passage of the person addressed. Also, no one may beg one half hour after sunset, or while intoxicated, or in an outdoor dining area, or within 100 feet of any ATM.

Example: Betty, visibly intoxicated, is begging money from patrons as they approach a nightclub. Betty is violating City Code 38-31, which prohibits begging while intoxicated.

9. City Code 38-19: Sleeping on public property or property of another

Unlawful to sleep in the streets, sidewalks or alleys, or on public grounds or private premises without the consent of the person in control.

Example: Dean is asleep on the sidewalk on 4th Street. Dean is violating City Code 38-19.

10. Forsyth County Code 15-1: Noise Levels

No person shall cause, allow or permit the operating or playing of any radio, tape player or similar device that reproduces or amplifies sound in such a manner as to create noise at one hundred (100) feet from the device.

Example: Brian's stereo is blaring from a distance of two city blocks as he sits on the steps of the post office. Brian is violating Forth County Code 15-1.

E. Call Response:

The police department's 911 Communications Center classifies and prioritizes calls for dispatch depending on the information the caller gives the communications operator. If the situation involves a fight in progress, for example, that call is dispatched as a "Code 1" call with a higher priority than other (non-Code 1) calls. By sharing the following tips and information with nightclubs, the police department hopes to improve its emergency assistance to nightclubs:

1. Ensure that all employees know the business's address. While this seems obvious, often employees do not know the physical address. This lack of knowledge delays response time.
2. If there is a fight in progress, tell the communications operator.
3. Accurately but succinctly describe what is occurring/has occurred.
4. If circumstances change from the time of the initial call so that the call now involves physical injury (or a risk of physical injury), call police communications again. An incident may begin as a trespass call, but before police arrive the situation

has escalated into a fight in progress. If the nightclub calls to relay this new information, police communications will upgrade the call to a Code 1 call.

5. If a nightclub calls more than once about an incident (because, for example, the situation has escalated so that the call is now a Code 1 response, or diffused so that police are no longer needed), the nightclub should inform the police communications operator of the previous call. This will save time because the operator will avoid re-entering dispatch location information already gathered in the earlier call.

F. Security Requirement:

Previous sections have focused in strategies to prevent violence and criminal behavior by patrons in nightclubs. But what will happen if the following situations (or similar ones) arise? Will the nightclub become subject to the security requirement?

Important considerations in the decision to impose the security requirement will be the significance of the criminal activity and the nightclub's pattern of compliance. The following serve as examples. In actual events, the police will consider all circumstances.

1. A patron arrives, peacefully listens to music and has a couple of beers. As he leaves, while he is in the parking lot, an ex-girlfriend arrives in the parking lot and shoots him. The nightclub calls police. Does this event make the nightclub subject to the security requirement?

ANSWER: No. The sole connection between the criminal act and the nightclub is location. The nightclub personnel had no indication that criminal activity was about to occur.

2. Mike and Bill are arguing at a local nightclub. As the two men become visibly angry, Bill grabs his beer bottle by the neck and raises it as a weapon. The nightclub calls police. Does this event make the nightclub subject to the security requirement?

ANSWER: No. The nightclub contacted police at the first sign of criminal activity.

3. Mike and Bill are arguing at a local nightclub. As the two men become visibly angry, Bill grabs his beer bottle by the neck and raises it as a weapon. When Bill grabs his beer bottle to use it as a weapon, the nightclub personnel tell both men to leave. Mike and Bill do so and fight instead on the sidewalk in front of the club. A police officer driving by stops. He discovers the facts above during his investigation. Does this event make the nightclub subject to the security requirement?

ANSWER: This incident is an example of noncompliance. The nightclub failed to call police when criminal activity occurred (disorderly conduct by abusive language, depending on the men's spoken words) or was imminent (disorderly conduct by fighting). If the club continues to ignore criminal behavior, the club may become subject to the security requirement.

4. Mike and Bill are arguing at a local nightclub. As the two men become visibly angry, Bill grabs his beer bottle by the neck and hits Mike on the head. Nightclub personnel tell Mike and Bill to leave. The men leave the premises. A short time later, they see each other in another nightclub and Mike punches Bill. The second nightclub calls police. Does the event make the first nightclub subject to the security requirement? What about the second nightclub?

ANSWER: The first nightclub may become subject to the security requirement because it failed to contact police when criminal activity was occurring, depending on its past compliance with the Violence Reduction Program. This incident may be considered as part of a pattern. The second nightclub complied with the Violence Reduction Program and does not become subject to the security requirement.

5. Kevin, working the door at a nightclub, admits several patrons with pistol-shaped bulges in their pockets. He also admits three men who have pistols tucked in their waist bands but exposed. Kevin says nothing and does not call police. Later in the night, a gunfight erupts, and when the smoke clears, three people are dead. Police determine that eight patrons had

weapons in the club that night. Does this event make the nightclub subject to the security requirement?

ANSWER: Yes. This is a very significant violation.

III. Security Guard/Off-Duty Law Enforcement Responsibilities

- A. Each security or off-duty law enforcement officer at a nightclub should be educated in the Violence Reduction Program training.
- B. Security or off-duty law enforcement officer(s) should coordinate with nightclub and nightclub entertainment promoters to discuss the type of event being held and what crowd is expected so security can plan how to effectively provide security and the number of patrons that will be admitted.
- C. Security or off-duty law enforcement officers should coordinate with nightclubs and nightclub entertainment promoters to decide when to stop admitting patrons into the nightclub so security can conduct a sweep of the surrounding area to remove loitering trespassers and to curb potential disorderly conduct before closing.

IV. Duties of the Winston-Salem Police Department

- A. All police officers will receive refresher training on the crimes most frequently occurring at nightclub locations or during nightclub events. Officers will be trained to make arrests where possible when responding to such locations so that law enforcement actions are CONSISTENT.
- B. Officers will use arrests and/or citations to address certain criminal conduct that the officers, business owners or their employees observe so that criminal conduct can be curbed. Officers will facilitate the

notification to universities of students involved in criminal conduct.

- C. The Crime Prevention Unit (CPU) will meet with nightclub and nightclub entertainment promoter personnel to train them in the Violence Reduction Program.
- D. The CPU will meet with bouncers and doormen specifically to share techniques of addressing offenders' and/or patrons' misconduct according to the Violence Reduction Program.
- E. The CPU will establish an e-mail tree with nightclubs and universities throughout the city to inform nightclubs weekly of arrests made. This information will include the name, offense charged, and a photo (if available) so that nightclub employees can properly identify potential problems and repeat violators. This will also help universities identify students and allow them to take potential disciplinary actions.
- F. The CPU will communicate with nightclubs during employee meetings to review incidents that have occurred where protocol was not followed by the police, nightclub owners and employees, or nightclub entertainment promoters.
- G. The CPU will instruct nightclubs on suggested methodology to create an efficient record system for banned offenders. As noted above, the CPU will provide nightclubs with the public record portion of any criminal arrest including a photograph.

V. Forsyth County Sheriff's Department

- A. The Winston-Salem Police Department will meet with the Forsyth County Sheriff Dept., including their off duty coordinator, and discuss a uniform plan of action

- for off duty employment at nightclub businesses as well as a plan of action when police intervention is needed.
- B. The FCSD may attend Violence Reduction Program hosted by the WSPD (and may receive training on the program, if desired).
 - C. The WSPD and the FCSD will share information to evaluate current action plans and unusual occurrences involving nightclub locations.

VI. Universities

Universities should coordinate with student organizations when the organization wishes to hold an event at a nightclub. This will enable information to be shared with the nightclub owner and police. The information should include the expected number of people at the event and the type of entertainment to be provided.

VII. ALE/ ABC

ALE and ABC will help train law enforcement, nightclub staff, and nightlife entertainment promoters regarding new and existing ABC laws.