

# RANCHO MURIETA COMMUNITY SERVICES DISTRICT

<b>Category:</b>	Security	<b>Policy #</b> 93-6
<b>Title:</b>	Second Response to a Disturbance	

## PURPOSE

The Board of Directors of Rancho Murieta Community Services Districts finds and determines that: the control of large parties, gatherings or events on private property is necessary when such continued activity is determined to be a threat to the peace, health, safety or general welfare of the public. Public Officers working for the District of Rancho Murieta are often required to make several return trips to the location of a party, gathering or event in response to complaints.

Parties, gatherings or events which have been granted a Special Events Permit and which are abiding by the limits set forth in that permit, shall be excluded from the Second Response Policy.

## POLICY

Upon the first call of a disturbance for a party, gathering, or event occurring on private property, the Public Officer shall issue a written warning to the person responsible. When juveniles are found to be responsible for the party, the warning notice will be completed incorporating information concerning their parents in the appropriate places on the notice. The officer responding shall inform the responsible party that a Security Service Fee of \$100.00 may be billed to them or their parents if officers are summoned again for a continuing disturbance.

If a second response to the same party location is necessary, the responding officer shall issue a Second Response Notice to the responsible party and a Security Service Fee of \$100.00 may be placed on their monthly CSD bill. The Second Response Notice shall contain information about the hearing procedure to dispute the imposition of the Security Service Fee.

The Second Response Notice does not impair or preclude any concurrent or subsequent action by the District Staff or by any law enforcement agency or impair or preclude any civil action or criminal prosecution that may be necessary to curtail the disturbance.

## DEFINITIONS:

- 1) **DISTURBANCE** shall include large parties, gatherings or events on private property that pose a threat to the peace, health, safety or general welfare of the public.
- 2) **SECURITY SERVICE FEE** is the fee charged to offset the costs associated with responding to the disturbance.

- 3) **PERSON RESPONSIBLE FOR THE DISTURBANCE** is the person who owns the property where the party, gathering or event takes place, the person in charge of the premises, and/or the person who organized the event. If the person responsible for the event is a minor, then the parents or guardians of that minor will be jointly liable for the costs incurred for the Security Service.
- 4) **SPECIAL EVENT PERMIT** shall mean the permit issued by the Community Services District.

## PROCEDURES:

The following guidelines will be used to effectively implement the Second Response Policy by Patrol personnel:

- 1) **OFFICER'S RESPONSIBILITY ON FIRST RESPONSE**
  - a) Officers will respond to all disturbance calls for service.
  - b) A First Response Notice should be used if it is the opinion of the officer that the disturbance is of such magnitude that a second response is likely. If it is decided the disturbance warrants such action, the following procedure should be followed:
    - 1) The issuing officer(s) will determine who is responsible for the disturbance. If more than one person is responsible, both persons will be given a First Response Notice. When juveniles are found to be responsible, the notice should be completed incorporating their parents' information in the appropriate places on the notice.
    - 2) Officers will give an explanation of the Security Service Fee to the responsible party. Officers will explain to the responsible person(s) what is required of them to avoid a second response by security.
    - 3) A signature should be obtained on the First Notice if possible, but is not required. The top portion of the notices is to be completed and the first copy of the notice will be given to the responsible person(s).
    - 4) After clearing from the call, the officer issuing the notice will notify dispatch that a First Response Notice was issued, and that information will be noted on the dispatch card.
- 2) **OFFICER'S RESPONSIBILITY ON SECOND RESPONSE**
  - a) If a second response to the same location is necessary within a 12 hour period the Second Response Notice will then be completed for signature. (A signature is not mandatory).
  - b) The issuing officer should explain that the Second Response Notice given to the responsible party does not constitute a criminal offense. Explain to the responsible the **SECURITY SERVICE FEE** procedure and what will be expected of the responsible party.

- c) The notice does not preclude any concurrent or subsequent criminal prosecution that may be necessary to quell the disturbance.
- d) It will be the responsibility of the officer issuing the **SECOND RESPONSE NOTICE** that all applicable information is contained on the notice.

3) HEARING PROCEDURE

The responsible party shall have the right to dispute the Security Service Fee. The following steps shall be taken:

- a) The responsible party shall prepare and file with the District Office, in writing no later than ten (10) days after the Second Response Notice issue date, a written request for a hearing stating reasons for disputing the imposition of the fee.
- b) The District Manager shall have fifteen (15) days from receipt of the written request in which to review the incident and to respond to the responsible party in writing.
- c) If the responsible party is not satisfied with the response from the District Manager, the party has five (5) days in which to request, in writing, a hearing from the Security Committee. The hearing will take place no later than thirty (30) days from the date of responsible party's request for hearing. The hearing may be continued by the Committee if, upon opening the hearing, it is determined that more information is required to act on the dispute. The Committee shall have the power to modify the fee, including reducing the sum to zero (0). The hearing shall be informal and the decision of the Committee shall be final. A tape recording of the hearing shall be made. The Security Chief shall prepare a memo to the parties involved, stating the outcome of the hearing (no reason for the outcome need be stated in the memo).

<b>Approved by CSD Board of Directors</b>	October 20, 1993
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