

Summary
New Rochelle Police Department
Combating Nightclub Crime and Disorder:
A Multi-Faceted Partnership Attacks
Nightclub Crime and Disorder

The city of New Rochelle is located in the southern tier of New York State, in lower Westchester County and fifteen miles north of midtown Manhattan. With a population of approximately 72,500 it is the seventh largest city in the state. As the millennium arrived, New Rochelle was about to experience a renaissance in its downtown area, which heretofore had slowly degenerated into 99 cent stores, minimal retail and a decrease in population. Accompanying this renaissance, however, was an upsurge in nightclub activity which threatened the very future of the downtown revitalization.

New Rochelle's Main Street, USA had just begun to gain momentum with numerous developers proposing or beginning large scale residential and commercial developments. As 30-story buildings were being erected, which would bring an infusion of expendable income to the business area, thousands of young people were flocking to the neighboring nightclubs on the weekends, bringing with them a concomitant increase of criminal activity, including narcotics violations, assaults, shootings, robberies, vandalism and littering. They gravitated to New Rochelle from the New York City metropolitan area, as well as New Jersey and Connecticut, due to heavy radio and print advertising, as well as the earlier closing times in the adjoining states. For these projects to be successful, it was imperative that the nightclub crime and disorder be dealt with in a timely and effective manner. The dilemma for the city was how to maintain this development spark amidst the rapidly evolving quality of life and crime issues occurring in the downtown area

To address these problems effectively and efficiently, the Department embarked on a multi-agency, multi-faceted endeavor using traditional and non-traditional methods. Forming multiple partnerships with the City, business, residential and governmental agencies, the problems were attacked through stringent legislation and vigorous enforcement.

As a direct product of this multi-agency, multi-faceted approach, results have been outstanding. Crime has been dramatically reduced in these locations, five of the nightclubs closed down, calls for service have decreased, and quality-of-life has improved. These remarkable efforts and the evolving process can serve as a benchmark for many cities throughout the U.S. that are experiencing the same urban issues, i.e. downtown revitalization vis a vis large disorderly crowds.

New Rochelle Police Department New Rochelle, New York

Combating Nightclub Crime and Disorder *A Multi-Faceted Partnership Attacks Nightclub Crime and Disorder*

The New Rochelle Police Department has been committed to community policing for the last eleven years. The Department's core philosophy-Police and Community Together or PACT was implemented in May 1994 upon the arrival and under the guidance and leadership of Police Commissioner Patrick J. Carroll. The city was divided into eleven beats, and twelve beat officers were the primary community-policing practitioners in their area. The beats were designed to encompass neighborhood associations, houses of worship, businesses, schools, and other critical locations. The beat officers began to provide proactive services tailored to the community's needs. Directed response replaced random patrol as the primary method of providing services to the New Rochelle community. The Department began to serve as a total problem-oriented policing Department. Every member of the Department became a community-policing practitioner. Problem-oriented policing, with the key tactic of problem solving, is the main strategy that the Department uses for successful community policing. The Department has been successful in changing the quality of contact with the community. Indicative of this success, in one low-income housing complex with a poor citizen-police relationship rife with distrust, civilian complaints decreased 65% in a three year period. Additionally, the area also experienced a 14% increase in closed Detective cases due to increased community cooperation. This improvement in the quality of contacts with the community required a move from the traditional method of policing-patrolling in cars for the purpose of responding to calls for service. During a call for service, officers usually meet people under duress, which can cause these contacts to be negative. By placing officers in beats and moving the officers out of patrol vehicles and becoming less reactive has increased the positive contacts between officers and the community. The Department determined that a key component in creating positive contacts was also effective communication between the officers and the community. All Department members received personal communications training; including "Verbal Judo", designed to make them a "contact professional". Every contact is viewed as an opportunity to gain public support and further the Department's goals. All employees have been trained to be assertive, not aggressive. All Department members have been trained in the problem-solving method of SARA, which has enabled them to produce marked reductions in neighborhood violence, domestic violence, drug trafficking and drug use, auto theft, and repeat offender incarceration.

Community outreach is an important aspect of community policing, not subject to change or discontinuance. All Department members have attended PTA, City

Council, Neighborhood Association and Business Association meetings to seek input from the community on what they expect from their police department. As a result of these meetings, the Department regularly engages in community organizing, civilian training and neighborhood surveying. The Department also operates a mobile precinct, which is a 35-foot long special use vehicle. The vehicle facilitates the Department's outreach efforts. Programs such as Domestic Violence Intervention/Counseling, Security Surveying, Neighborhood Surveying and Civilian Training are conducted throughout the city. During the fall of 2004, the Department conducted its' most recent Citizen Police Academy, with fifty-two attendees. Age of the attendees ranged from 18 – 70, and all sections of the city were represented. The Citizen Police Academy was designed to strengthen the partnership between the New Rochelle Police Department and the citizens of New Rochelle. The objectives of this program are: 1) To encourage an increased communication and interaction between the New Rochelle Police Officers and the community which they serve. 2) To dispel misconceptions about the roles, responsibilities and activities of the New Rochelle Police Officers. 3) To provide participants with a basic understanding of police powers and limitations imposed by law and Department policy. 4) To familiarize participants with the dangers, difficulties and ambiguities inherent to modern police work. 5) To foster a citizen-police partnership to combat crime and develop a safer community.

The community owns the Department. Like shareholders in a private corporation they participate in the decisions that impact on the direction the Department moves and the delivery of services to the community. The Department's long-term community policing plan complements New York State's Byrne Program Strategy by using community policing to reduce violent crime, drug trafficking, and drug use. Community involvement, training and inter-agency collaboration both enhance and complement the Byrne strategy.

During the last ten-fifteen years, the city of New Rochelle has been experiencing an identity crisis, caught somewhere between small-town America and the seventh largest city in New York, fifteen miles north of midtown Manhattan. Endless high-end development proposals, both business and residential, had been lost to the city of White Plains or other locations in Westchester County. Now into the early 2000's, the economic future of the downtown area had at last turned the corner and the city was finally gaining positive momentum. As the Downtown Revitalization Project began to take shape, numerous projects in the downtown area were underway, such as Avalon-on-the-Sound, the Intermodal Transportation Center, The Home Depot, NewRoc City Entertainment Complex and Bloomingdale Lofts. Finally, established developers with solid financial backing were turning their attention towards the once forgotten downtown New Rochelle for their next noteworthy project.

But with this economic upturn, however, came a dance club phenomenon which prompted a proliferation of nightclubs in the downtown area. The evolvement of high-end residential development and nightclubs in the same area was the antithesis of what was planned for New Rochelle. People were not going to invest in a ½ million dollar condominium and have their quality of life disrupted every weekend. As these nightclubs became entrenched into the downtown area, problems most often associated with licensed premises soon emerged. For the above mentioned projects to be successful, it was imperative that these problems be addressed in a timely and effective manner.

Large numbers of people, often numbering in the thousands, poured into the downtown on weekend nights. Many from the surrounding New York metropolitan area, including New Jersey and Connecticut, were attracted to these locations by heavy radio and print advertising and the earlier closing times in the adjoining states. Large numbers brought large disorderly crowds, often spilling out into the streets, parking lots and surrounding residential areas. On numerous occasions, the Police were forced to close major downtown thoroughfares to vehicular traffic as thousands of unruly people congested the roadways near the problematic nightclubs. Shootings, robberies, assaults and narcotics problems soon followed. The residents complained of excessive noise, and the municipal parking lots were littered with debris, beer bottles, etc., and vehicles often vandalized. Underage drinkers flocked to the surrounding parking lots and used their vehicles for drinking and smoking marijuana. As the nightclubs emptied out at closing time, these minors mixed with the adult crowd, often resulting in physical confrontations. The problems most often occurred between 11:00 p.m. – 5:00 a.m., with the most activity on Thursday, Friday and Saturday nights. On these nights, promoters held special events with headliner rap artists and other entertainers, and the nightclubs were invariably ill-equipped to handle the excessive number of people appearing for these events. Once admittance was denied to a large group, problems would evolve from that point on at and around the particular nightclub. Additionally, the incidents resulted in an inadequate, often over-taxed number of the officers having to deal with several thousand disorderly people.

In the early part of 2002, the Department reached its critical point in dealing with the aforementioned problems. Crime in the area had skyrocketed 60% higher than in previous years, the quality of life was rapidly deteriorating and the Police were forced to allocate most of its time and resources to a relatively small section of the city.

The defining moment came one Saturday night when five patrons were stabbed during several melees throughout the night.

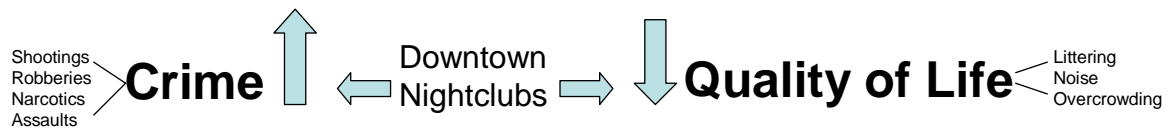
Neighborhood/community meetings, involving Beat Officers, residents and business owners, set the stage for a complete analytical review of all contributing factors associated with these nightclubs. An analysis of the Department's Records Management System was instrumental in the identification of these crime and quality of life issues, documenting frequency, time of day and day of the week when these incidents were happening.

The Police Commissioner called a meeting of all nightclub owners, and outlined all of the problems associated with their operation. The City wanted the nightclubs to operate responsibly and remain in the downtown area. It was explained at this meeting that the city's Nuisance Abatement Laws would be invoked against any establishment which failed to act responsibly and control their patrons. These admonishments went unheeded and conditions actually worsened. Crime rose precipitously and quality of life continued to decline.

To address these on-going problems in an effective and efficient manner, the Department initiated a multi-agency, multi-faceted attack. Forming partnerships with the Chamber of Commerce, Business Improvement District, City Council, Corporation Council, Drug Enforcement Administration, Westchester County District Attorney's Office, New Rochelle Fire Department, New Rochelle Buildings Department, Department of Development and the New York State Liquor Authority, the endeavor began to progress through several stages. The thrust of the endeavor would be enforcement combined with legislation, supported by the extensive partnership, working in a timely manner to eliminate permanently the aforementioned crime and quality of life issues. Specifically, the partnership wanted crime drastically reduced or eliminated inside of and in the immediate vicinity of the "problem" nightclubs, and a desirable quality of life restored in these areas. Nightclubs not complying with pre-determined enforcement and legislative mandates would be subject to the Nuisance Abatement Law. The timeline to attain these results was placed at twelve – twenty four months. With specific locations identified and a strategy implemented, the project was called *Combating Nightclub Crime and Disorder* – A Multi-Faceted Partnership Attacks Nightclub Crime and Disorder.

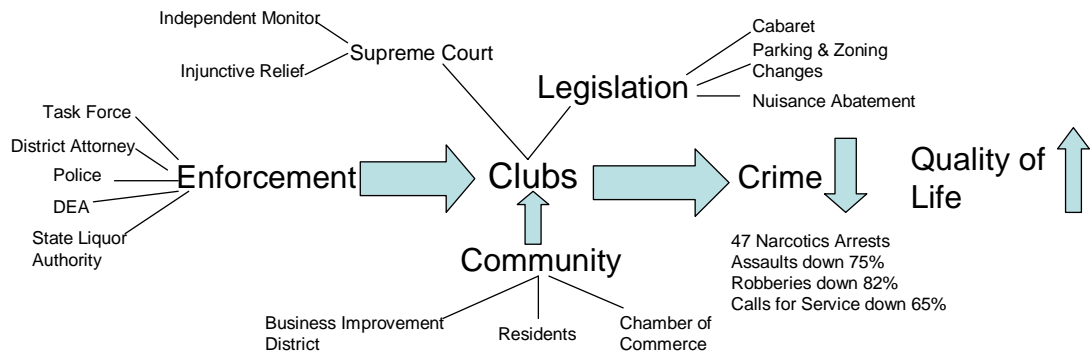
Flowchart depicting and summarizing the various components of Combating Nightclub Crime and Disorder.

1st Quarter 2002



- Inside of and in immediate vicinity of specific nightclubs
 - Identified through review of Department Records Management System
 - Increased calls for service
 - Increased community complaints

1st Quarter 2004



Legislation

Nuisance Reform Act

The Police Department introduced and City Council passed the *Nuisance Reform Act*. This Act deals with the operation of certain commercial establishments and the use or alteration of property in flagrant violation of the building code, zoning resolution, health laws, multiple dwelling law, penal laws regulating obscenity, prostitution and sale and consumption of alcoholic beverages, laws relating to gambling, controlled substances and dangerous drugs and penal laws relating to the possession of stolen property. All the aforementioned interfere with the interest of the public in the quality-of-life and total community environment, the tone of commerce in the city, property values and the public health, safety and welfare. Using the Nuisance Reform Act allows the City of New Rochelle the use of one standardized procedure for securing legal and equitable remedies relating to the use of procedures available under existing and subsequently enacted laws, and to strengthen existing laws on the subject.

On February 28, 2003, through the use of the Nuisance Reform Act, the City of New Rochelle was successful in obtaining an Injunctive Relief and Authority to Temporarily Close the Establishment ruling. This Stipulation of Settlement and a Consent Judgment against the Palladium Club Corporation was for consistent violations of various laws. The club had been the subject of numerous police investigations of underage drinking and drug sales. The law was contested in the appellate term and upheld. As a result, the Palladium was forced to abide by the stipulation. The club was forced to adopt and enforce a total of nine regulations in order to abate the nuisances. This limited the Club's ability to operate while negatively affecting the local residents' quality-of-life and allowing illegal activities to exist within the club. The regulations included the following: must pay for five Police officers outside during hours that it is open for business, must clean nearby sidewalks and parking lots, must hire an independent inspector general to design a security plan and be on site while the club is open. The inspector general must write monthly reports to the Police Commissioner. If the Palladium violates any provision of the agreement, the court can immediately close it again. The club must fire employees found in violation of drug and alcohol policies. Police may search the club premises without a warrant. The court can close the club if the conditions of the consent judgment are not met. The Palladium is responsible for complying even when separate promoters are holding events.

The message was clear – businesses are not only responsible for their own actions, but their patrons' actions as well. The onus of safety and prohibiting illegal activity was put on the club. With the new focus nationwide on nightclub safety after the disasters in Rhode Island, which left 99 people dead, and in Chicago that left 21 people dead, the security plan for the club will include training the staff to deal with similar emergencies. New Rochelle received the temporary closing order from the Supreme Court on February 7th, and on February 13th the closing was continued after a hearing in Supreme Court. In March, the Palladium had its liquor license revoked, with the city attorney acting

as a personal liaison between the city and the State Liquor Authority. The club ultimately closed permanently on September 13th, 2003. "They opened in good faith and then destroyed that faith over the years," Mayor Idoni said. "We took a very aggressive track in terms of making sure the laws were enforced." He added that "This is a proud day for law enforcement in the city of New Rochelle. We will continue to press hard to keep all of the nightclubs under such strict supervision. Only the good guys will survive." The club could not open its doors at the Main Street location because of the stringent conditions imposed. The profit just wasn't there anymore.

Cabaret Ordinance

The *Cabaret Ordinance* was enacted through the partnership of the Police Department and City Council. The law was enacted to properly regulate and control the operation and supervision of premises and businesses within the City of New Rochelle which provides musical, dancing or other forms of entertainment. Any establishment in the City that wishes to operate as a Cabaret must file an application with the Police Department which includes ownership information, corporation identification, and fingerprints of the principal parties, State Liquor Authority license information, and a written security plan. This plan included the mandate that guards must be licensed under state law.

Zoning and Parking

In addition, the Department and City Council worked together to pass a three-month moratorium on new dance clubs or music venues opening. This moratorium halted the permit process, prohibited any new dance clubs or music venues from opening or making any alterations to existing clubs. During this moratorium, city officials used the time to review current zoning codes and other local laws that affect the area. This review resulted in more stringent parking restrictions for patrons of these trouble spots, and zoning for any new nightclubs was altered to a maximum occupancy of 250.

Enforcement

Partnerships

In order to address narcotics violations occurring inside of several residences and two nightclubs, the Department enlisted the aid of the *Drug Enforcement Administration's Task Force and the Westchester County District Attorney's Office*. This investigation involved the use of informants, surveillance and undercover officers. It began in early 2002, and lasted for the next fourteen months. The investigation culminated on March 1st, 2003 with the execution of sixteen search warrants. The sweep resulted in the arrest of twenty-four suspects from six municipalities in Westchester County including a major kingpin in the distribution and sale of marijuana and cocaine in the area, the seizure of over \$60,000, over one pound of cocaine, marijuana, video gambling machines, and a shotgun. "We hope this sends a clear message that any bars or taverns that are dealing with illegal drugs or even with illegal drinking, that they will be dealt with swiftly and severely," said Police Commissioner Patrick Carroll. The group pushed up to \$500,000 a year through the nightclubs. "We are pleased that we

were able to work together with county and federal agencies to solve this problem, "Mayor Timothy Itoni said.

On June 6th, 2003 the New Rochelle Police Department's *Special Investigations Unit* began a second investigation, "Operation Bar None", targeting five additional licensed premises. A key ingredient of this endeavor was an undercover police officer infiltrating the targeted nightclubs via gaining employment as a Barmaid. Sixteen cases were generated involving sixteen individuals; sealed indictments were obtained for nine individuals. On January 30th, 2004 the eight-month investigation into drug trafficking and gambling netted twenty-three people, three gaming machines and \$42,000. Two men were found with two ounces of cocaine, five suspects were accused of making drug sales to an undercover officer in and around the targeted nightclubs. Charges ranged from Second degree promoting gambling, second degree criminal possession of a controlled substance and third degree criminal sale of a controlled substance.

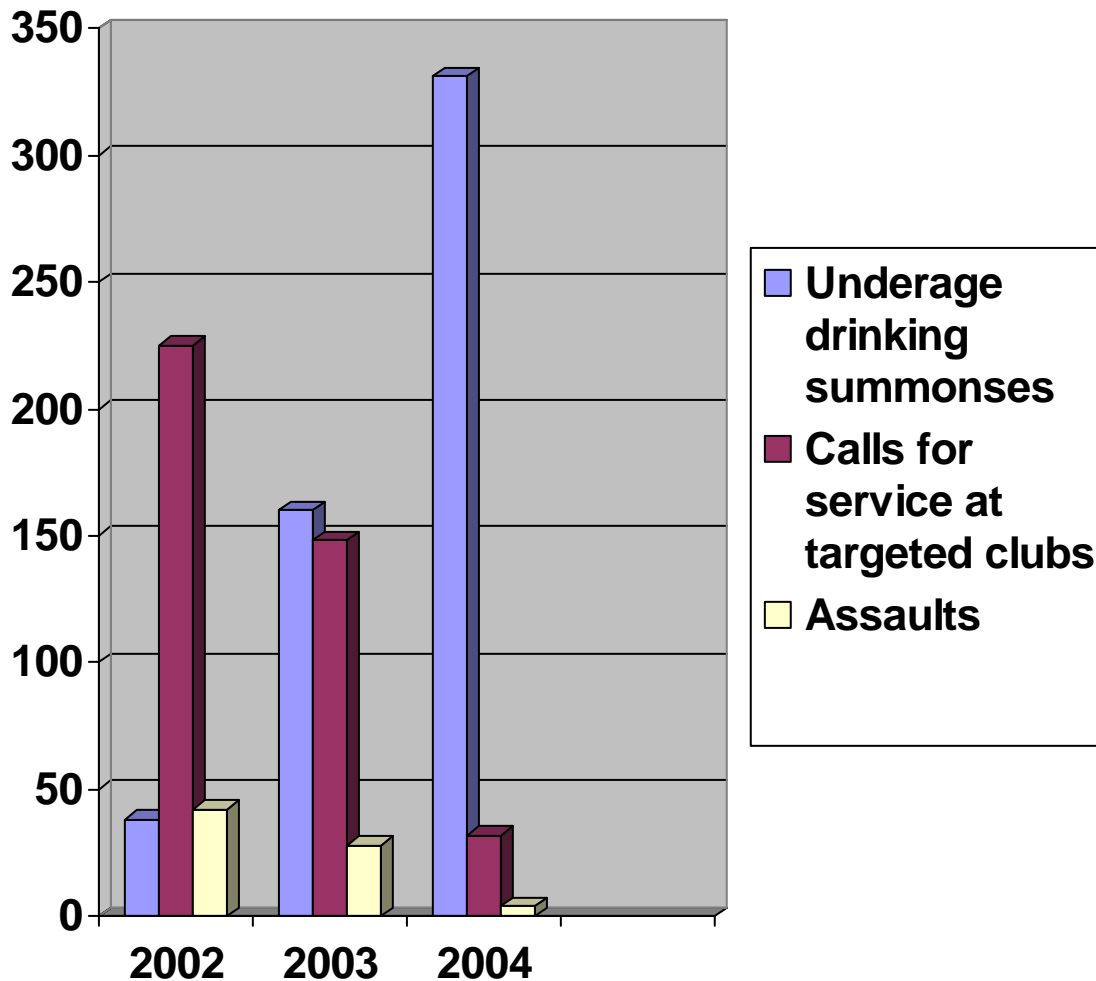
The *Downtown Task Force* consisted of an enforcement arm and an advisory aspect. The Police Department, Fire Department, Buildings Department and Department of Development made up the enforcement arm. Police and Fire began to conduct frequent occupancy inspections. The Special Investigations Unit of the Police Department began to conduct frequent State Liquor Authority inspections. This combined effort resulted in numerous summonses issued and and/or arrests made for underage drinking, serving alcoholic beverages to minors and overcrowding. During the project period, eighty-four arrests were made for "Prohibited Sale of Alcohol to Persons Less Than Twenty-One Years." Fifty-Two City Code Summonses have been issued during the same time period for violations of the Cabaret Licensing provisions. Three of the problem clubs had occupancy levels above 250 prior to the Cabaret Ordinance. This effort was directed at curbing noise and other problems associated with groups of people gathering in the downtown area, especially on the weekends. Several municipal parking lots were often the location for these disorderly gatherings, resulting in littering and noise complaints. These environments often breed both crime and fear. These groups were also targeted with increased city code enforcement, especially drinking in public and urinating in public. It should be noted that quality of life issues, such as drinking in public, urinating in public and disorderly groups in city parking lots during late night hours, are a continual and primary concern of many residents and business owners. During most community meetings, these issues are discussed much more frequently than serious crime issues.

The advisory aspect consisted of the Chamber of Commerce, Business Improvement District and local residents. The advisory board worked with Beat Officers and gave weekly updates on vandalism, littering, noise complaints, etc. The Business Improvement District provided funding for five off-duty officers on weekends to specifically patrol the downtown area to contain crowds and monitor parking lots.

Throughout the project, the Department held regular meetings to analyze and re-evaluate progress of the effort. Meetings consisted of both Police personnel as

well as representatives of the numerous partners. In addition, a city attorney served as a constant liaison between the Department and the New York State Liquor Authority, conducting review and analysis of case reports related to Alcohol and Beverage Control Law violations.

Targeted Nightclubs



Club Hollywood – Heavy enforcement and close scrutiny, closed in February 2003

Palladium – Put under court order, closed in September 2003

The Deep – Under supervision of Independent Monitor, denied Cabaret License, currently up for sale

El Bukus – Denied Cabaret License, no dancing, currently under SLA investigation

Eclipse – Closed by Fire Department for unsafe violations

Galway Bay – Closed, currently up for sale

Silkies Lounge – Closed and reopened under new management

Assessment/Evaluation

Combating Nightclub Crime and Disorder has been evaluated utilizing several different methods. The New Rochelle Police Department's Records Management Systems has been used for comparison statistics on crimes, calls for service, arrests and city code summonses. Complaints generated from the targeted locations have been reduced 65% from the first quarter 2002 to the first quarter of 2004. Arrests increased 45% during the same time period in and around these locations, and the quality-of-life was dramatically improved by an increase of 55% in city code summonses. Enforcement of underage drinking increased 89% during the project period. (See chart on previous page). Five of the problem nightclubs have been closed for business, and one remains under State Liquor Authority sanctions. It is anticipated that all of these measures, statistical and otherwise, will continue to demonstrate that this multi-agency partnership remains strong and committed to improving the quality of life and reducing crime.

Beat Officer Queries with merchants have also been a means to measure success, as well as on-going monitoring of past problematic locations. Police Supervisors on each evening tour are required to personally inspect premises for overcrowding, conformance to Cabaret Licensing and assignment of security personnel. A testimonial to all of this, of course, is the continual development and high interest of involvement of future projects in this city. Developers are currently enthusiastic to bid on available downtown projects.

The institutionalization of this endeavor lies in both the credible and lasting legislative and enforcement aspects. The Nuisance Reform Act, Cabaret Licensing, Independent Monitor and zoning changes all remain in place. The partnerships, such as the Downtown Task Force, as well as Supervisory monitoring of locations on weekends, all remain intact. Additionally, working with elected officials to enact legislation is attainable elsewhere, and should always be considered as at least one aspect of problem solving. The New Rochelle Police Department anticipates that, through the programs' various partnerships and principles, *Combating Nightclub Crime and Disorder* will continue to allow for effective and efficient enforcement should similar problems arise in the future. Additionally, the partnerships will transcend this particular initiative, and allow for a seamless response to a myriad of crime and quality of life issues throughout the city. Other law enforcement agencies can adopt all of the strategies and practices employed during *Combating Nightclub Crime and Disorder*. The methods are a model for other law enforcement agencies to emulate, and the project is readily adaptable to other agencies and organizations. The key aspect is the ability to form partnerships, including city agencies, businesses, residents and elected officials. Partnerships can be formed with effort, perseverance and commitment. The New Rochelle Police Department had in place a strong relationship with the community, based on years of a strong commitment to community policing and problem solving through various partnerships and projects. When Department members assist in and are an integral part of developing partnerships and participating in the subsequent problem solving, the

members are much more inclined to perform at a greater level of commitment and performance. A clearly stated mission for the project, with support from the Chief Executive Officer, will filter down to the street level officers, leading to greater efficiency and effectiveness.

Combating Nightclub Crime and Disorder was initiated in the early part of 2002, and the preceding project document has demonstrated, by remarkable results, that the initiative has achieved a great deal of success in a relatively short period of time. Through a total community outreach effort, using the Downtown Task Force, all organizations played a vital role in the effort via particular strengths and capacities. Additionally, all organizations understood that efforts needed to be comprehensive, collaborative and enduring. In a further testament to the Department's community partnerships, one Police-Community group received the 2002 New York State Attorney General Crime Prevention Award of Excellence. Enforcement, after educating the public, has also been an integral component to the problem solving in the aforementioned areas of the city. Through these combined efforts, crime has been reduced, and quality of life improved. The prologue to the initiative must be the training of all department members regarding the interrelationships of development, planning and problem solving in dealing with crime related urban issues.

The New Rochelle Police Department has learned several valuable lessons from *Combating Nightclub Crime and Disorder*. Training for all department members is imperative for any problem-oriented policing initiative to succeed. The members must have the necessary knowledge and skills to approach problems in a non-traditional manner, and to gain the trust and support of the community. Every department member must be a community-policing practitioner, and the entire police-community philosophy must be supported Department-wide, beginning with the Chief Executive Officer. The SARA model of problem solving should be utilized to address the most recurring problems. Scanning, Analysis, Response and Assessment are all crucial steps in dealing with these problems, and allow the problems to be approached in a standardized, easily duplicated manner resulting in both efficiency and effectiveness. The problem must first be clearly identified and stated; in this case a multi-faceted problem of numerous crime and quality-of-life issues. The assistance of community and non-police agencies was enlisted in this phase to build a support network throughout the community and beyond the Police Department. Analysis of these issues would dictate a multi-faceted, multi-agency response, expertly combining several venues of enforcement and legislation, all achieved through strong partnerships. The partnership supports the response phase, which blended some traditional enforcement methods with innovative legislation. The final stage, Assessment, is vital in that a determination must be made as to the effectiveness of the implemented strategies. Evaluation of the strategies must be ongoing and impartial to remain credible.

The ultimate evaluators are the members of the community, those who live, work and travel in the areas that are affected daily by crime and quality-of-life issues.

The Department recognizes that its' authority is derived from the people we serve.

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The New Rochelle Police Department anticipates that, through the programs' various partnerships, *Combating Nightclub Crime and Disorder* will continue to allow for effective and efficient enforcement should similar problems arise in the future. The zoning changes, cabaret licensing and Task Force monitoring are all in place. Lastly, the partnerships will transcend this particular initiative, and allow for a seamless response to a myriad of crime and quality of life issues throughout the city.

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