

Incident Report STOCKTON POLICE DEPARTMENT



22 E Market St.
STOCKTON, CA 95202

(209) 937-8495

18-5879

Supplement No
ORIG

Reported Date
02/14/2018
Rpt/Incident Typ
950
Member#
AITKEN, ROBERT JAMES

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 18-5879	Supplement No ORIG	Reported Date 02/14/2018	Reported Time 01:50
CAD Call No 180450059	Status SIGNIFICANT INCIDENT REPORT		Rpt/Incident Typ OBTAIN A REPORT		
Location 2333 PACIFIC AV					City Stockton
ZIP Code 95204	Rep Dist 0161	District CC	Sector CN	From Date 02/14/2018	From Time 00:35
Member# 2854/AITKEN, ROBERT JAMES					
Assignment Field Service Civic Center 4th Watch Ph 2			2nd Member# SKAGGS, JEREMIAH		
2nd Assignment Field Service Civic Center 4th Watch Ph 2			Entered By 2854		
Assignment Field Service Civic Center 4th Watch Ph 2			RMS Transfer Successful	Prop Trans Stat Successful	
Approving Officer 2409		Approval Date 02/19/2018		Approval Time 13:47:29	
Route - Vice Yes					

Person Summary

Invt SUB 1	Invt No 1	Type I	Name [REDACTED]	MNI 289919
Race W	Sex M	DOB 09/13/1971		
Invt SUB 2	Invt No 2	Type I	Name [REDACTED]	MNI 790929
Race H	Sex F	DOB 04/15/1998		
Invt SUB 3	Invt No 3	Type I	Name [REDACTED]	MNI 938846
Race H	Sex M	DOB 10/25/1992		
Invt SUB 4	Invt No 4	Type I	Name [REDACTED]	MNI 1091450
Race W	Sex M	DOB 11/26/1977		

Summary Narrative

Matter of Record concerning noise violations, a fight, and underage drinking at The Ave.

BWC Active.

Report Officer [REDACTED]	Printed At 02/20/2018 09:58
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ORIG**SUBJECT INVOLVED 1:**

Involvement SUBJECT INVOLVED		Invl No 1	Type Individual	
Name [REDACTED]				MNI 289919
DOB [REDACTED]	Age [REDACTED]	Juvenile? [REDACTED]	Height [REDACTED]	Weight [REDACTED]
Hair Color [REDACTED]		Eye Color [REDACTED]		PRN [REDACTED]
Type Home	Address [REDACTED]			
City [REDACTED]	State CALIFORNIA		ZIP Code [REDACTED]	Date 02/14/2018
Type Work/Business	Address 2333 PACIFIC AV			
City Stockton	State CALIFORNIA		ZIP Code 95204	Date 02/14/2018
Type Operator License	ID No [REDACTED]		OLS CALIFORNIA	
Phone Type WORK	Phone No (209) 462-5283		Date 02/14/2018	
Employer/School AVE ON THE MILE			Position/Grade OWNER	
Location 2333 PACIFIC AV				City Stockton
State CALIFORNIA		ZIP Code 95204		

SUBJECT INVOLVED 2:

Involvement SUBJECT INVOLVED		Invl No 2	Type Individual	
Name [REDACTED]				MNI 790929
Race [REDACTED]	Sex [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Juvenile? [REDACTED]
Height [REDACTED]		Weight [REDACTED]		Skin [REDACTED]
PRN 3300065				
Type Home	Address [REDACTED]			
City [REDACTED]	State CALIFORNIA		ZIP Code [REDACTED]	Date 02/14/2018
Type Operator License	ID No [REDACTED]		OLS CALIFORNIA	
Phone Type CELL	Phone No [REDACTED]		Date 02/14/2018	

SUBJECT INVOLVED 3:

Involvement SUBJECT INVOLVED		Invl No 3	Type Individual	
Name [REDACTED]				MNI 938846
Race [REDACTED]	Sex [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Juvenile? [REDACTED]
Height [REDACTED]		Weight [REDACTED]		Skin [REDACTED]
PRN 3300066				
Type Home	Address [REDACTED]			
City [REDACTED]	State CALIFORNIA		ZIP Code [REDACTED]	Date 02/14/2018
Type Operator License	ID No [REDACTED]		OLS CALIFORNIA	
Phone Type CELL	Phone No [REDACTED]		Date 02/14/2018	

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ORIG**SUBJECT INVOLVED 4:**

Involvement		Invl No	Individual					
SUBJECT INVOLVED		4						
Name						MNI	Race	Sex
						1091450		
DOB	Age	Juvenile?	Height	Weight	Hair Color	Eye Color	PRN	
							3300067	
Phone Type	Phone No	Date						
CELL		02/14/2018						

Narrative**NOTIFICATION :**

On 02/14/2018 at 0037 hours, Officer Skaggs and I, Officer Altken (4E44), were dispatched to 2333 Pacific Ave (The Ave) for a noise complaint. We arrived on scene at approximately 0045 hours.

INVESTIGATION :

Upon arrival I heard loud music coming from the call location, "The Ave." We made contact with the employees and requested to speak to the owner, (SUB-1) [REDACTED]. He was not immediately available so we went inside to look for [REDACTED]. I saw approximately 100 people inside the club and heard very loud music playing.

We eventually found [REDACTED] who was in charge of all aspects of The Ave, including the music. We asked [REDACTED] for identification, and it took him approximately ten minutes to provide us with the CA ID card in his back wallet because he wanted to show us his use permit instead. He stated he did not think the noise was a big deal because the doors and windows were closed. I informed [REDACTED] we could still hear loud and excessive noise from outside the call location, in violation of Stockton Municipal Code 8.20.030 B4.

Officer Sanchez used her officially calibrated department issued roll meter and measured 130' away from The Ave and could still hear the music, which she documented on her body-worn camera. Officer Skaggs issued [REDACTED] citation #A239676 for SMC 8.20.030 B4, which [REDACTED] eventually signed after protesting.

SMC 8.20.030 B4 states:

"It is 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 a special event permit. 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 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."

[REDACTED] was very upset because he felt like he was being harassed. Sgt. Bolling responded and contacted [REDACTED]. We secured from the call. I did not notice a noticeable difference in noise levels the entire time we were at The Ave, despite the reason we were there.

At approximately 0150 hours, Officer Skaggs and I were on routine patrol driving northbound on Pacific Ave along the "Miracle Mile." As we were driving we observed approximately sixty subjects in the street of the 2300 block of Pacific Ave, many of whom were physically fighting appeared to be intoxicated. The crowd was outside The Ave and appeared to have left The Ave. We activated our "scene" white lights and red and blue emergency lights to make our presence known. We advised dispatch we had onviewed a fight in progress and requested other units to respond. Much of the crowd dispersed, but some subjects continued to fight. We detained two subjects in handcuffs, later identified as (SUB-2) [REDACTED] and (SUB-3) [REDACTED]. Both subjects appeared to be heavily intoxicated and were unable to care for themselves or others.

Officer J. Rodriguez arrested [REDACTED] and Officer D. Muser arrested [REDACTED] for PC847(f)/849(b)(2), commonly referred to as a drunk kickout. After identifying [REDACTED] we realized she was born on [REDACTED], making her nineteen years old, and thus had been drinking underage.

We called (SUB-4) [REDACTED] who had originally called in the noise complaint, to get a statement. [REDACTED] did

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Narrative

not answer so we left a voicemail.

ATTACHMENTS :

None.

EVIDENCE :

None.

DISPOSITION :

Matter of record.