### Attachment D

# Incident Report STOCKTON POLICE DEPARTMENT



Supplement No ORIG



22 E Market St. STOCKTON, CA 95202 Reported Date
02/11/2018
Rpt/Incident Typ
950
Member#

AITKEN, ROBERT JAMES

(209) 937-8495

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2854/AITKEN, ROBERT JAMES														
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Report Officer 2854/AITKEN, ROBERT JAMES Printed A 02/13/2018 10:02

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# Incident Report STOCKTON POLICE DEPARTMENT

18-5481

Supplement No ORIG

Involvement SUBJECT INVOLVED 1 Individual  Name    DOB	SUBJECT INVO	DLVED 1:					
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# NOTIFICATION:

On 02/11/2018 at 0043 hours Officer Aitken and I, Officer Skaggs (4E44), were dispatched to 2333 Pacific Ave (The Ave) for a noise complaint. We arrived on scene at 0100 hours.

#### **INVESTIGATION:**

Upon arrival I heard loud music coming from the call location. "The Ave."

I used my officially calibrated department issued roll meter and measured 50' from the front of The Ave. At 50' I could clearly hear the music. I secured the roll in the truck of my vehicle.

i met with SUB1 who stated he was the on duty manager of the Ave and in charge of all bar operations at the moment, including the entertainment. I advised him of the violation and issued him cite #A233850 for SMC 8,20,030B4.

#### SMC 8.20.030B4 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 facile 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."

I walked inside the bar with my BWC activated and saw a live DJ playing music.

## <u>ATTACHMENTS</u>:

None.

#### **EVIDENCE:**

None.

#### **DISPOSITION**:

Matter of record.

Report Officer	Printed At
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2854/AITKEN, ROBERT JAMES	02/13/2018 10:02
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