



WEST VANCOUVER POLICE DEPARTMENT

Operational Policy

OB0215: Noisy House Party

Table of Contents

1.0 Purpose	Page 2
2.0 Definitions	Page 2
3.0 Policy	Page 3
4.0 Procedure	Page 4
General	Page 4
Noise Control Bylaw	Page 5
Assigned Member's Responsibilities	Page 6
NCO (Road Supervisor) Responsibilities.....	Page 7
Patrol Duty NCO Responsibilities	Page 8
Prevention	Page 9
Chronic Noise Party.....	Page 9
Video Recorder	Page 11
Field Checks and Roadblocks	Page 11
Entry to a Residence	Page 12
Follow-up.....	Page 12
Riotous Incidents.....	Page 13

Noisy House Parties

1.0 PURPOSE

1.1 The purpose of this policy is to:

- a) ensure that preventative action is taken as early as possible when responding to House Parties which are liable to disturb the quiet, peace, enjoyment or convenience of individuals or the public;
- b) provide guidance and the necessary resources to Members who respond to House Parties which have begun to disturb the quiet, peace, enjoyment or convenience of individuals or the public; and
- c) ensure that appropriate follow-up action is taken in every case where the homeowner is not present or youths are unsupervised at a House Party which requires police intervention.

2.0 DEFINITIONS

2.1 For the purposes of this policy, the following definitions will apply:

“CAD” means the Computer Aided Dispatch function within the PRIME Records Management System.

“CCC” means the Criminal Code of Canada, [R.S.C. 1985], c. C-46, as amended from time to time.

“CDSA” means the Controlled Drugs and Substances Act [S.C. 1996], Chapter 19, as amended from time to time.

“Chronic Noisy Party” means a location where, within the preceding three months, the police have attended three or more times over a twenty-four hour period, due to legitimate complaints of a noisy party **or** police have attended within the preceding six months and charged the occupant(s) under the District Noise Control Bylaw or CCC, for violations related to a noisy party.

“Duty Officer” means the on-call Executive Officer (Inspector rank or above and includes Acting Inspector), outside normal business hours.

“Executive Officer” means a Member who has been appointed to the rank of Inspector or above, and includes an acting Inspector.

“House Party” means a party which is relatively minor and only involves an excess of noise.

“LCLA” means the Liquor Control and Licensing Act, [RSBC 1996], Chapter 267, as amended from time to time.

Noisy House Parties

“Member” means a sworn peace officer employed by the Department.

“Minor” means the same as defined in the LCLA.

“MVA” means the BC Motor Vehicle Act, [RSBC 1996], Chapter 318, as amended from time to time.

“Offence Act” means the BC Offence Act, [RSBC 1996], Chapter 338, as amended from time to time.

“Party Out of Control” means a party that has exceeded being a simple noisy party and which requires immediate police intervention to restore peace. These occurrences are characterized by, but are not limited to, persons trespassing or causing damage to property, participants outside a dwelling house causing a disturbance as defined in the CCC and persons committing other federal, provincial or municipal offences.

“Patrol Duty NCO” means the Patrol Duty Sergeant or Acting Sergeant.

“Principle Resident” means the resident(s) who has legal authority for a residence and is the legal owner, renter or lessee, as the case may be, of that residence.

“RMS” means Records Management System.

“Road Supervisor” means the Patrol Corporal or Acting Corporal.

“RTA” means Residential Tenancy Act, [SBC 2002], Chapter 78, as amended from time to time.

“Supervisor” means a Member promoted to, or acting in, the rank of Corporal or above.

3.0 POLICY

- 3.1 Immediate intervention is crucial when House Parties which disturb or are liable to disturb the quiet, peace, enjoyment or convenience of individuals or the public come to the attention of the police. In many cases, proper preventative action may be sufficient to keep the situation under control.
- 3.2 The level of intervention should be dependent on the nature of the disturbance and the available police resources.
- 3.3 Where the Principle Resident is not present, or unsupervised youths are encountered, contact with the Principle Resident and/or parents can be valuable

Noisy House Parties

in preventing an escalation of the incident or a future re-occurrence which may involve the same persons.

4.0 PROCEDURES

General

- 4.1 Police routinely respond to complaints of noisy House Parties. On most occasions, the party is under control and the initial police attendance is sufficient. However, incidents have occurred where a large group of persons have arrived at House Parties and the event progressed to a Party Out of Control, which called for police action to restore order. Often, significant police resources are required to bring the situation under control.
- 4.2 Officer safety should be the first priority when responding to complaints of noisy House Parties. The combination of alcohol and emotionally charged people can create an unpredictable and potentially explosive situation.
- 4.3 House Parties which, or persons who, disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public can be addressed through a number of local, provincial or federal statutes. The enforcement options are often dependent on the history of noise complaints, the degree of disturbance, the cooperation by the attendees and person in charge of the party, the seriousness of any offence(s) and the availability of police personnel and resources. Appropriate action can be effective in suppressing an incident and discouraging persons from taking part in similar future incidents. When in doubt as to the most appropriate enforcement action, a Member should consult with the Patrol Duty NCO.
- 4.4 In the case of a Party Out of Control, consideration should be given to first dealing with those persons not inside a residence, through detention or other enforcement means. Some of the more common offences for which an arrest or detention can be made (depending on the circumstances), related to disturbances, are; SIPP (Section 91, Offence Act), Drunk in Public (Section 41, LCLA), Breach of the Peace (Section 31, CCC), Causing a Disturbance (Section 175, CCC), Mischief (Section 430, CCC), Unlawful Assembly (Section 63, CCC) and Obstructing a Peace Officer (Section 129, CCC).
- 4.5 Members are reminded that an arrest is not intended to be punitive, and the Member must be able to justify any arrest or detention. The Patrol Duty NCO must approve any continued detention of a person and must approve the location of release, if not at the police building, to ensure the person is not placed at risk.
- 4.6 Police Service Dogs will not be deployed for the purposes of crowd control or to clear unwanted persons from private property, without authorization from an Executive Officer.

Noisy House Parties

Noise Control Bylaw

- 4.7 Noise within the District is regulated by Noise Control Bylaw No. 4404 2005.
- 4.8 Section 5.1 prohibits a person from making or causing, or permitting to be made or caused, any noise or sounds which:
- a) disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public; or
 - b) exceeds the sound levels prescribed in the Bylaw.
- 4.9 Section 5.2 prohibits an owner or occupier of real property from allowing the real property to be used so that noise or sound which emanates from the real property:
- a) disturbs or is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public; or
 - b) exceeds the sound levels prescribed in the Bylaw.
- 4.10 For the purposes of these Sections, there is no required time duration for the offence to be complete for a charge to be laid. Although Section 5.2 relates to an owner or occupier of real property, Section 5.1 does not specify a location and may be used for persons within a residence or a person who is on the street or in a park or other public area.
- 4.11 Section 6.1.3 prohibits any noise or sound created by a radio, record, tape, disc player, television, or other instrument or apparatus for the production or amplification of such noise or sound, which can be heard from a nearby resident. For this offence to be complete, the noise or sound must be continuous or non-continuous for fifteen minutes or more.
- 4.12 Members should use a Bylaw Notice to deal with any violation of the Noise Control Bylaw. Members may provide the evidence necessary to prove the offence(s) thereby avoiding identification and testimony by the complainant/witness. A Bylaw Notice may be personally served, mailed (forward to the District Bylaw and Licensing Services for mailing) or left at a residence, however, personal service is recommended whenever possible.
- 4.13 Although more than one person may be charged for a violation of the Noise Control Bylaw related to a single event, the same person may be charged multiple times only if the noise ceases for a reasonable time between each identified violation. This would be applicable to those cases where a Notice is served to the person in charge of a party and the noise is stopped, but recommences after the police leave the area.

Noisy House Parties

- 4.14 Members cannot lay the same Noise Control Bylaw charge multiple times against the same person when that person refuses to stop the noise after service of a Bylaw Notice (except if the noise continues into another calendar day). In those cases, Members should consider a Mischief charge under the CCC.

Assigned Member's Responsibilities

- 4.15 The Member attending the scene of a House Party complaint, which has not been identified as a Chronic Noisy Party location, will:
- a) attempt to identify, speak to and obtain the cooperation of the person in charge of the party;
 - b) ascertain full particulars, including the age, attitude and approximate numbers of attendees, how many persons were invited, how and when invitations were extended, evidence of liquor and any other relevant information;
 - c) if the party is unsupervised by an adult and the person in charge and the attendees are youths, ascertain the contact details of a parent or the Principle Resident;
 - d) provide this information to the Patrol Duty NCO;
 - e) inform the person in charge that a noise complaint has been lodged with police; and
 - f) explain the provisions of the CCC and the Noise Control Bylaw as they relate to House Parties and disturbances, and the Chronic Noisy Party designation.
- 4.16 If the party is of a routine nature, there is no evidence of LCLA violations and the Member does not consider the noise excessive, the Member should inform the person in charge to immediately contact the police if uninvited persons arrive or if problems are encountered.
- 4.17 If the Member considers that the noise is excessive and a contravention of the Noise Control Bylaw, the Member will attempt to obtain the cooperation of the attendees or person in charge of the party to reduce the noise to where it will no longer disturb the people in the neighbourhood. However, this does not prevent the Member from serving a Bylaw Notice under the Noise Control Bylaw should circumstances warrant. If a Notice is not served, the person in charge should be informed that a second complaint of a noisy party may result in a charge under the Noise Control Bylaw or the CCC. The Member will monitor the location on a regular basis to ensure the situation is resolved and will inform the Patrol Duty NCO of any changes.

Noisy House Parties

- 4.18 The Member will request an NCO attend the scene when:
- a) the location has been identified as a Chronic Noisy Party location;
 - b) the Member believes a House Party may develop, or has developed, into a Party Out of Control;
 - c) the House Party involves large numbers; or
 - d) the Member determines there are minors who are unsupervised by an adult and possible violations of the LCLA are occurring.

Road Supervisor Responsibilities

- 4.19 If a Road Supervisor is contacted by the Member regarding a Chronic Noisy Party or a Party Out of Control, the Road Supervisor will attend the scene. Upon attendance to the location, the Road Supervisor will speak directly with the person in charge of the party. If the assigned Member has not already obtained the information in Section 4.15(b) and (c) or provided an explanation as in Section 4.15(e) and (f), the Road Supervisor will ensure this information is obtained and the explanation is provided.
- 4.20 If the person in charge of the party is an adult and is cooperative but states that police assistance is not required, the person should be advised that the police will continue to monitor the situation, but will leave the area for a reasonable time to give those in attendance a chance to leave. Members should leave the area for a period of time. The assigned Member should check back to determine if the problem has been eliminated.
- 4.21 If the party is unsupervised by an adult and the person in charge of the party and the attendees are youths, and the person in charge is cooperative and no evidence of LCLA violations is evident, the Road Supervisor should work with the person in charge to ensure the situation does not escalate. This will require a more attentive approach by the police.
- 4.22 If the person in charge requests police assistance to remove those in attendance by way of Assault by Trespass, the Road Supervisor will assess the situation and update the Patrol Duty NCO. The Patrol Duty NCO will consider all issues, including personnel requirements, to determine if this action is feasible.
- 4.23 If the person in charge of the party is unwilling or unable to cooperate with the police and/or the person in charge of the party has not taken appropriate steps to correct the situation and the Road Supervisor anticipates further problems, the Road Supervisor will:

Noisy House Parties

- a) in the case of an unsupervised party in which the person in charge is a youth, if practical, contact the parent or Principle Resident, inform them of the situation and request assistance in preventing a disturbance. This may include authorization from the parent or Principle Resident to enter the premises and remove those in attendance;
- b) survey the area and select strategic locations some distance from the residence to establish roadblocks that will effectively reduce the amount of liquor getting to the residence;
- c) brief Members and assign roadblock locations and duties;
- d) evaluate conditions for the purpose of gathering sufficient evidence to obtain a search warrant if necessary; and
- e) ensure the Patrol Duty NCO is updated.

Patrol Duty NCO Responsibilities

4.24 When it becomes evident that the situation is escalating and will require police intervention or if the House Party has developed into a Party Out of Control, the Patrol Duty NCO will:

- a) consider the appropriate response to the party and the number of Members required to handle the situation;
- b) if the problem appears to require a major response, contact and advise the Duty Officer of the circumstances and the recommended course of action. In consultation with the Duty Officer, a determination will be made as to personnel to be called out to augment those on duty;
- c) contact the Watch Commander of the RCMP, North Vancouver Detachment, or other neighbouring police jurisdiction, appraise him/her of existing conditions and request to have a number of their members placed on standby;
- d) where feasible, attend the location. It is the intent that the Patrol Duty NCO will assume a supervisory role and not become directly involved in any police action, unless exceptional circumstances exist. This allows the Patrol Duty NCO to remain objective, properly assess the situation and direct personnel and resources;
- e) consider using a loud hailer to inform all participants that the party is now over and participants may be subject to arrest if they do not immediately leave the area;

Noisy House Parties

- f) consider ticketing/towing illegally parked vehicles; and
- g) assess the condition of every arrested person and approve the continued detention of that person, if appropriate. In those cases where the arrested person is a youth, and where appropriate, every effort will be made to contact the parent(s) and arrange for the parent(s) to attend the police building and take control of the youth. Having the parent(s) attend the party location should be discouraged.

4.25 In the case of a Party Out of Control, and except where a person is in need of emergency medical attention or there is imminent danger to the safety of a person inside the residence, the Patrol Duty NCO will not authorize Members to enter the residence until the following criteria have been met:

- a) all reasonable efforts have been made to contain or eliminate the problems outside the residence;
- b) it is apparent the party cannot be brought under control by any other means; and
- c) entry can be legally justified.

Prevention

4.26 A study of confrontations between police and these groups has indicated that early preventative action is valuable in keeping the situation under reasonable control.

4.27 To prevent a situation from developing into a major disturbance, it is important that the police receive cooperation from the group, so every effort must be made to establish positive communication. The police must be friendly and sincere in their approach and emphasize that the police want to work with the group to prevent problems from developing. Constant monitoring of the party by a Member(s) may also be required.

4.28 In many instances of a House Party escalating to a Party Out of Control, the party is unsupervised by an adult and the person in charge and attendees are youths. Making contact with a Principle Resident/parent(s), either at the time the disturbance is developing or during a follow-up investigation, can be a valuable aid in preventing a major disturbance or a similar re-occurrence.

Chronic Noisy Party

4.29 The following is required for a residence to receive a Chronic Noisy Party designation:

Noisy House Parties

- a) at any time within the preceding three months, the police attended the location three or more times within a twenty-four hour period, due to legitimate complaints of a noisy party; **or**
 - b) police attended the location within the preceding six months and charged the occupant(s) under the Noise Control Bylaw or CCC, for violations related to a noisy party.
- 4.30 To ensure all Members are aware of a Chronic Noisy Party designation, when a Member attends a noisy party complaint, and it is the third police attendance within a twenty-four hour period or when a Member charges an occupant(s) of a residence under the District Noise Control Bylaw or CCC for violations related to a noisy party, the assigned Member will request the address be entered in CAD as a CAD Hazard (other intelligence) and in RMS as a Flag Record (location of interest). Where the designation is based on the criteria described in Section 4.32(a), the entry will receive a three month follow-up. Where the designation is based on the criteria described in Section 4.32(b), the entry will receive a six month follow-up.
- 4.31 Once a residence has received a Chronic Noisy Party designation, the person in charge of the party and/or the Principle Resident will be notified by the assigned Member as soon as practicable. In the case of unsupervised parties, the notification to the Principle Resident may require a follow-up assignment. The Member will record an entry in the file, of the details of the notification.
- 4.32 A more assertive approach will be taken with a residence which has been identified as a Chronic Noisy Party location and, once identified as such, the following will apply:
- a) a “no tolerance” policy will be implemented regarding violations of applicable sections of the Bylaws, LCLA, MVA and CCC;
 - b) a Member will serve a Bylaw Notice, if supporting evidence exists, in each instance the police attend to a noisy party complaint;
 - c) where there are indications that a party is about to start, or has already started, active patrols and, if appropriate and lawful authority exists, roadblocks are to be established in the area to intercept and seize liquor destined for the residence; and
 - d) where the premises is a rental property, the assigned Member will, at a later time, notify the owner of the nature of the complaints and, if deemed appropriate, request the owner to assist by means available under the RTA (i.e. Notice of end of tenancy for cause).

Noisy House Parties

Video Recorder

- 4.33 The video recorder, available to the Patrol Section, should be routinely carried in the Road Supervisor's vehicle, especially during those months in which House Parties and the gathering of large groups are common.
- 4.34 In the first instance, staffing levels and circumstances permitting, the video recorder should be used by a Patrol Member to film the mood and actions of attendees to a House Party which has a tenor of disturbing the quiet, peace and enjoyment of those in the area.
- 4.35 Where a House Party develops into a Party Out of Control, consideration should be given to assigning a Member qualified in the operation of the video camcorder, to record existing conditions, including the mood and actions of party participants. If a large number of arrests are made, the Member assigned to video record the incident should also photograph the arrested person and arresting Member to assist in later identification.
- 4.36 In cases where charges are laid and the recording of the event may be of evidentiary value, the recording will be submitted as an exhibit. In the case of an unsupervised House Party or Party Out of Control, and circumstances permitting, a recording can be an effective means of portraying the actions of party-goers to a Principle Resident or parent.
- 4.37 Members are also reminded that police-generated video recordings of any incident may be subject to scrutiny in a criminal, civil or Police Act matter.

Field Checks and Roadblocks

- 4.38 In the event the attending Supervisor directs roadblocks to be set up, roadblocks should be established in strategic locations, on routes to/from the residence, and should be a discrete distance from the residence. Often, the purpose of a roadblock is to control access and to reduce the possibility of liquor and/or drugs reaching the residence, however Members must possess the requisite authority to conduct searches and to seize property from persons or vehicles. During field checks and roadblocks, Members will, where applicable, lay charges (LCLA, CDSA etc).
- 4.39 If unknown, Members should attempt to identify the host of the party, through the persons being checked. The name and address of the person identifying the host should be recorded.

Noisy House Parties

Entry to a Residence

- 4.40 Although the police may possess the proper legal authority to enter a residence, consideration must be given to the following in deciding an appropriate course of action:
- a) the nature and seriousness of the circumstances;
 - b) the numbers and attitude of the occupants;
 - c) the number of personnel and resources required to safely enter the residence and accomplish the task; and
 - d) the legal authority (search warrant, fresh pursuit, danger to person etc).
- 4.41 Noisy parties are frequently attended by minors in possession of liquor. Section 68 of the LCLA allows police, under the authority of a search warrant, to enter a residence, search for, seize and remove liquor specifically related to an offence in Section 33(1), (sell, give or supply liquor to a minor, possess liquor for that purpose, permit minor to consume liquor). The time delay related to obtaining a search warrant and the practicality of executing such a warrant will affect any decision in this regard.
- 4.42 House Parties and Parties Out of Control are occasionally accompanied by acts of personal violence. Exigent circumstances, where a person requires emergency medical attention or is in immediate danger of serious bodily harm, may require prompt entry to a residence by police and other emergency services personnel. In such a situation, efforts should be made to ensure adequate personnel are present for the protection of Members and other emergency services.
- 4.43 Except in exigent circumstances where a person requires emergency medical attention or there is immediate danger of serious bodily harm to a person, a Member will not enter a Party Out of Control without authorization from the Patrol Duty NCO.

Follow-up

- 4.44 Following a Party Out of Control, and prior to the termination of the shift, the attending Members will each submit a narrative report of their observations and actions at the incident and the Patrol Duty NCO will submit a summarized report of the incident to the Chief Constable.
- 4.45 If charges beyond a Noise Control Bylaw violation are contemplated, the relieving Patrol Duty NCO will assign a Member to attend the location for the purpose of

Noisy House Parties

re-interviewing and obtaining statements from the person(s) in charge of the party, neighbours and any witnesses and record any related damage to property.

- 4.46 Where a party was unsupervised and the person responsible for the party and attendees were youths, the Patrol Duty NCO will ensure the Principle Resident and parent(s) of youths who were arrested, intoxicated or posed problems for the police, are contacted and notified of the incident and the youth's involvement. This notification will be recorded in the file.

Riotous Incidents

- 4.47 Where a House Party develops into a riotous incident, Department policy **OG1600: Crowd Control** will be adhered to.

Date Approved: WVPD Executive: 2008.06.10 Police Board: 2008.06.26	Date Published: 2008.06.27
Date Approved: WVPD Executive: 2015.04.15 Policy & Procedure Comm.: 2015.05.04 Police Board: 2015.05.28	Date Published: 2015-06-14