

CHARLOTTESVILLE POLICE DEPARTMENT



Note: This directive is for internal use only and does not enlarge an officer’s liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the Charlottesville Police Department and then only in a non-judicial administrative setting.

Type of Directive: GENERAL ORDER	Number: 33-99
NOISE DISTURBANCE CALLS	Date: June 19, 2018
VLEPSC Number: Non-Standard	Manual Number: 533.01
	Effective Date: 06/19/2018
Authorization: Chief R.M. Brackney <i>Rm Brackney</i>	Follow-up Date: As Needed

I. PURPOSE

The purpose of this guideline is to establish a procedure to provide uniform response to noise disturbance calls. A uniform response will allow officers to effectively and safely enforce the noise ordinance of the City of Charlottesville.

II. POLICY

It shall be the policy of the Charlottesville Police Department to respond to noise complaints in a timely fashion and to address the situation in a fair and consistent manner according to law and department policy.

III. PROCEDURE

A. The Charlottesville/UVA/Albemarle County Emergency Communications Center

1. The Emergency Communications Center will determine the nature and location of the violation from the complainant and dispatch the call for service.
2. An Emergency Communications Center officer shall assign a unit to respond to the call and inform the unit of any relevant information.
3. A second unit should be dispatched when the nature of the call represents a potential danger to the officer.
4. The number of units in service and the nature of the complaint will determine the priority of the call and the order in which the call is dispatched.

B. Patrol Bureau

1. The primary unit responding to the scene should evaluate the situation by any or all the following:
 - a. personal observation;
 - b. interview with the complainant if such interview is requested by the complainant or deemed beneficial by the officer;

- c. verification that a variance or exemption has/has not been granted to the alleged violator, and that the noise is illegal per the situation;
 - d. take a Sound Level Meter reading to determine if the noise is in violation of the City's noise ordinance, the district 6 officer shall sign out a Sound Level Meter at the beginning of their shift; and/or
 - e. contact Information Management Services (IMS) to determine if previous violations/warnings have been issued related to the address, if there has been a previous violation/warning issued at the address within the last 12 months a summons shall be issued.
2. To avoid a possible retribution, the officer is cautioned not to make unnecessary reference to the identity of the complainant when discussing the matter with the violator.
3. If the noise is determined to be excessive, and in violation of the Code of the City of Charlottesville, the officer should:
- a. request abatement of the noise;
 - b. advise the violator of the code requirements relating to the particular offense and issue one of the following:
 - i. Warning Ticket; or
 - ii. Uniform Traffic Summons
 - c. A custodial arrest in lieu of issuance of a warning ticket or summons may be warranted in the below circumstances:
 - i. when the subject refuses to discontinue the unlawful act;
 - ii. if the arresting officer believes that the person is likely to disregard the summons;
 - iii. if there is a reason to believe the subject could cause injury to himself or others; or
 - iv. if the person refuses to give a written promise to appear in court then he/she shall be taken before the magistrate.
 - d. If a warning is used, the violator should be advised that future such violation may result in an arrest or summons.
 - e. If practical, remain at the scene to verify compliance.
4. In the event of a second call for the same offense, the officer shall take a Sound Level Meter reading. If the officer determines the noise to be in violation of the City's noise ordinance, the officer may issue a summons or make a custodial arrest if necessary
- a. Note: This section recognizes that circumstances may exist, although rarely, that will warrant the officer to not take enforcement action when a second violation occurs. Any such decision should be documented and justified in a warning ticket.

5. Sound Level Meter reading – No officer, involved in the enforcement of the noise ordinance law, shall operate the Sound Level Meter until he or she has received proper Departmental training on its use.
6. If the violation is part of a chronic disturbance over an extended period of time following past warnings, the assigned officer may determine the need for enforcement action without a complaint, or contact with the violator for warning purposes.
7. To address amplified music from a vehicle, the officer may issue a summons or make an arrest without a Sound Level Meter. The violation may be determined by the officer's personal observation, e.g. hearing and distance.

C. Calibration Sheets

The calibration sheets for the noise meters will be located in the patrol supervisor's office, if the sheets are requested for court.

D. Sound Measurement Log

1. A Sound Measurement Log shall be completed when a summons is issued or a physical arrest is made for a violation of City ordinance 16-8.
2. The completed log shall be forwarded to the Patrol Bureau noise ordinance supervisor for review and filing.

E. Excessive Noise – Motor Vehicle

When addressing amplified music from a motorized vehicle, officers may issue a citations without the use of a noise meter and in accordance with City Code Section 16-9 (c), *Motor vehicle maximum sound levels; amplified sound from vehicle*¹