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19-024  
02/11/19

**Section 121 of the San Francisco Municipal Police Code  
Loitering Outside Nightclubs Prohibited  
(Re-issue DB 17-037)**

The Board of Supervisors passed Section 121 of the San Francisco Municipal Police Code (MPC), “Loitering Outside Nightclubs Prohibited,” in an effort to curtail criminal activity in the area of the City’s nightclubs. The stated intent of the legislation is to “assist police and club security staff in protecting club patrons and decrease the incidence of crimes of violence directed at club patrons by providing law enforcement officers with an additional crime-fighting tool that does not infringe on any person's basic rights.”

**Elements of 121 MPC**

A person is in violation of 121 MPC when the following conditions are met:

1. Remains as a pedestrian;
2. Between 9 PM and 3 AM, when a nightclub is open for business;
3. For a period exceeding three (3) minutes;
4. Within ten (10) feet of; The entrance of the nightclub

*or*

Any points on any lines formed at the entrance of the nightclub.

**Enforcement Progression**

121 MPC may be charged as an infraction or a misdemeanor. When charging 121 MPC, the following steps must be taken:

1. *Prior to charging the subject with a violation of 121 MPC, the subject must first be warned* that they are in violation of the ordinance. The subject must be given the opportunity to comply with the provisions of 121 MPC. Note that this warning may be given by a police officer or by nightclub personnel.
2. If the warning is not heeded, and the offense is the subject’s first violation, subject should be cited for the infraction.
3. If the offense is the subject’s second (or greater) violation within a 30-day period, subject should be cited for the misdemeanor.

In accordance with Department guidelines, continuing offense violations of 121 MPC shall result in a custodial arrest.


### **Documenting 121 MPC**

Officers shall prepare a CDW incident report whenever warning, citing, or booking a subject for a violation of 121 MPC.

The report should include the officer's observations, time and circumstances of the violation, name and contact information of any witnesses (particularly a club employee who issued the initial warning to the violator), suspect information, and any other relevant information.

For additional information, members should review:

- DGO 5.06, "Citation Release"
- MPC Section 121, "Loitering Outside Nightclubs Prohibited"

  
WILLIAM SCOTT  
Chief of Police

*Per DB 17-080, sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS.*