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San Jose Mercury News (CA)

BALANCING ACT

February 18, 2007

Section: Front

Edition: Morning Final

Page: 1A

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Mercury News

Memo: Mercury News Special Report

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Illustration: Photos (6), Map

Caption: PHOTO: JIM GENSHEIMER -- MERCURY NEWS

With 40 nightclubs in a 16-block area, downtown San Jose attracts a lively crowd of patrons, some of whom occasionally get too rowdy.

PHOTO: JIM GENSHEIMER -- MERCURY NEWS

After the bars are cleared, officers in the entertainment zone head for the downtown parking garages to help clear them out and to provide additional security.

PHOTO: JIM GENSHEIMER -- MERCURY NEWS

Club-goers head for their cars after the 2 a.m. closing time. The city is considering allowing "soft closings" -- allowing bars to stay open for an additional alcohol-free hour -- so that not everyone goes home at once.

PHOTO: JIM GENSHEIMER -- MERCURY NEWS

A woman successfully keeps her date from getting into a scrape with the man at right after he made a comment to the woman.

PHOTO: JIM GENSHEIMER -- MERCURY NEWS

Romina Contreras, 20 joins the crowd on the sidewalk outside the Mission Ale House just before closing time.

PHOTO: JIM GENSHEIMER -- MERCURY NEWS

Bouncers play an important role in crowd control. Here, uniformed security guards work to move people out of an alley after closing time

at the Vault Ultra Lounge in downtown San Jose last month. With Mardi Gras coming up Tuesday, the city's attention is focused on public safety in the entertainment zone.

MAP: MERCURY NEWS

DOWNTOWN SAN JOSE ENTERTAINMENT ZONE

It's 11 p.m. on a Saturday, and downtown San Jose is bubbling with excitement and tension. Long lines of people bear witness to one of the country's densest nightclub scenes -- 40 clubs, spread out over 16 blocks, that offer something for everyone.

On block after block, three groups jockey for position. Club-goers -- mostly young and of many ethnicities -- strut on the sidewalks. Dozens of police officers stand nearby, approaching and occasionally intimidating those who arouse suspicion.

Caught in between are the club owners, who walk a fine line between satisfying their customers and keeping them out of trouble.

On this night, as on many others, San Jose is struggling with the dilemma of its surprisingly successful downtown nightlife scene: how to attract and keep the crowds the city has long sought, while maintaining the safe atmosphere its leaders and many residents take pride in. That struggle will reach its annual apex on Tuesday, Mardi Gras, traditionally the most raucous night in downtown.

The debate over downtown nightlife and policing intensified in the aftermath of a wild 2005 pre-Halloween shooting near a North San Pedro Street hip-hop club that wounded three people. More recently, critics have charged police with racial profiling -- singling out minorities -- in their effort to quell excesses.

Evolving talks

In evolving talks with club owners, city officials are studying new ways to reduce the uniformed police presence downtown. Mayor Chuck Reed is intrigued by the idea of "soft closings," which would allow clubs to stay open past the 2 a.m. closing time but without serving alcohol.

But Reed and the downtown's council representative, Sam Liccardo, also want the club owners to share somehow in the \$1 million annual tab for police overtime from late night downtown shifts.

San Jose is still searching for the right formula to control downtown, attempting to get beyond a long-running, polarizing debate over whether the problem is the club-goers or the cops.

"You either get the view that the police are the thugs or all those kids downtown are the thugs . . . I don't think either is true," Liccardo said.

"The more you learn about the issue, the less you see the black and the white and the more you see the gray."

To move beyond the rhetoric, Mercury News reporters fanned out across downtown on selected weekends during a seven-month-period, delving into the city's nightlife from the perspectives of the police, clubs, and customers. In more than 100 hours on the streets, they did not witness racial profiling.

Police change the tone

Policing the downtown beat, known as the EZ or Entertainment Zone, is a no-win endeavor. A fracas at a bar or an out-of-control crowd can

overwhelm an undermanned squad of cops. Conversely, too many cops can make the streets look like occupied territory.

The **balancing act** is precarious.

The department's clampdown following the shooting at the Ambassador's Lounge, north of San Pedro Square, drew charges from the NAACP that officers were systemically stopping blacks and Latinos, allegations that a civil grand jury investigation determined were unfounded. But, in the face of these and other accusations, police have carefully reduced their profile.

Two officers ride in patrol cars instead of one. Cars are no longer parked in the middle of streets. More officers patrol on foot.

"The idea isn't to chase people out of downtown," said Sgt. Brian Kneis, who oversees the EZ. "We want to open the gateway for better business and for average people to feel comfortable again when they come downtown."

More than any other group, the police set the tone for downtown.

"It's not the number of officers," said Scott Knies, of the San Jose Downtown Association. "It's how they are deployed and perceived; if the officer on the street is friendly and working with the customers and businesses, that is very different than (police) cars parked blocking streets and officers shining flashlights at people or telling them this street is closed and go in this direction at 1:30 a.m."

Sgt. Kneis, a 25-year veteran, knew what he was getting into when he took command of nearly 50 officers assigned to work weekends between 1 a.m. and 3 a.m. He is sensitive to how the department is perceived -- and especially to charges of racial profiling.

"The only profile we go on is that of misbehavior," he said.

Since taking over the beat in March, Kneis has responded to club owners' complaints about juveniles downtown by enforcing the city's curfew.

A typical encounter: On a July night well past 1:30 a.m., police stop two girls at First and Santa Clara streets. Under police questioning, they first claim to be in their 30s before admitting they're 14 and 17. The teens are detained until their parents can retrieve them.

Since the early summer, about 1,000 juveniles have been taken to makeshift curfew centers that have ranged from a parking lot at Market and St. John streets to the police station lobby. But in recent months the rate has slowed dramatically. "I really believe that word is getting around," Kneis said.

The EZ team also set goals to target gang activity and reduce cruising and violence. Officers have made progress on the first two, but curbing violence has been difficult.

Last weekend, police arrested 24 people for assaults and public drunkenness and detained 14 juveniles for curfew violations.

One possible approach would get more officers downtown without taxpayers footing the bill: allowing the clubs to once again hire off-duty uniformed officers as security.

In 1997, the city council banned the practice over concerns it divided the officers' loyalties between the department and their second job. If the practice is resurrected, Police Chief Rob Davis said, the city would

have to find a way to manage it, rather than allow the clubs to pay off-duty cops directly.

Club owners respond

For years, the clubs chafed under what they saw as a downtown ruled by police edict.

"A unilateral our-way-or-the-highway approach isn't going to work," downtown association director Knies said.

But the 2005 shooting led to a wholesale re-evaluation of the downtown situation. The city council approved a working group of club owners, police and city officials to develop strategies for managing downtown's nightlife and events.

"I think everybody felt that we had some competing interests," said John Conway, a co-partner in the Britannia Arms pub and a member of the working group. "The night clubs felt they (police) wanted to shut down nightlife. The police wanted to eliminate problems and the city wanted to have a marketable downtown with all these high rises coming on."

As a result of the discussions, the nightclubs have accepted greater responsibility for what goes on inside and outside their walls. There are more bouncers, and some hold video cameras -- sending the message to club-goers and officers that any hijinks will not remain anonymous.

Later this year, the working group will ask the city council to allow for a 90-day experimental program to permit soft closings until 3 a.m.

"The problem for the clubs is you take their money all night long, play host and make them feel welcome," Conway said, "and then when it's 1:45 you throw on the bright lights, open the doors and kick 'em out. That's kind of a rough transition."

Soft closings would give downtown an edge in competing for customers who have migrated to Los Gatos or Santana Row. They would also make it easier to clear out downtown in an orderly fashion by avoiding the rush to garages and resulting traffic congestion.

The clubs would help that effort with one of their own: They are close to installing a shared computer system that will help them turn away troublemakers, Conway said.

Each club patron would swipe his driver's license through a machine as he enters. Then, if he causes trouble, the club can instantly identify that person for police, and also alert other bars about the troublemaker.

But not all of the changes on the club scene involve security.

San Jose used to be known for its hip-hop scene when the Bay Area's most famous rapper, E-40, co-owned the Ambassador's Lounge, a club exclusively devoted to hip-hop. It was famous for bringing in A-list rappers and was touted in Source Magazine, considered the bible of the musical form.

But after the shooting, E-40 sold his share of the club and the club went out of business in January 2006. Another club is open in that location.

Today, some say the remaining club owners are helping to drive hip-hop out of town.

Demone Carter, a San Jose artist, promotes shows at clubs and has a hard time bringing rap to clubs in San Jose. Hip-hop raises eyebrows, he said, because of the crowds it may bring.

"I had a club tell me, no offense, but they didn't want no brothers up in the club," said Carter.

Different element

Club owners acknowledge they feel pressure to keep things calm. And some are experimenting with approaches that would attract a different element. Down the street from the old Ambassador's is Taste Ultra Lounge, which is following the latest trend: going after the 25-39 crowd. Then there's Club Raw, which is open to those 18 and over and serves only non-alcoholic drinks.

Not everyone is happy with the changes, and at least some complain that the police are making it too difficult to keep the nightlife vibrant. Downtown's biggest club, Studio 8, filed a lawsuit against the city in September, alleging that police closures of Santa Clara Street -- undertaken to combat cruising -- were driving away customers. The lawsuit also accused the officers of harassing customers, employees and the club's owners.

Dan Doherty, co-owner of the Mission Ale House and Smoke Tiki Lounge and Barbeque, also worries about overzealous enforcement. He fears it has helped force those coveted "A" customers -- the college-educated with money -- to Santana Row.

"It's a real nerve-racking business to be in right now," the club owner said. "It's tough to be in this business in this city."

Closing time comes early in San Jose. Clubs begin ushering out customers before 1:30 a.m. to help reduce police overtime.

Thousands of revelers pour onto the streets in various states of sobriety.

The weekly ritual can rub customers -- the 20-something age group that is downtown's mainstay -- the wrong way.

"The way the bars push you out into the streets could lead to fights," said Gary Gonzales of San Jose, who waited on a Saturday night in January to get into Toons, a Second Street night club. "There's nowhere for people to go get some food, and then the police push you into your car."

"Sometimes it seems like they put the rudest cops downtown," said 26-year-old Kevin Texon of San Jose. "I can understand that it is stressful, but they seem to really target certain clubs. If you come out of that club, they have a problem with you."

Invariably, there is a degree of racial tension, especially in a district that attracts a predominantly Latino, Asian and African-American clientele.

On a warm night last July, Leif Lopez of Hayward complained that people coming downtown can expect to be hassled. Yet Lopez and his pals did their part to attract attention.

They sidled up to a big picture window at Toons with their favorite beverages and listened to the DJ spin hip-hop dance beats.

As a trio of officers walked by, Lopez flashed signs and appeared to

flip them off. The cops had club security fetch him. The officers questioned Lopez and ran his record; they found he served time in prison. Eventually, they let Lopez loose.

Lopez, angry, said officers chose him based on his race.

"They just trip all the time for no reason," he said. "They lookin' at me. They trippin' all night."

But many others interviewed on the streets say the police presence makes them feel safe. Their reactions underscore, again, that controlling downtown is a **balancing act**.

Even Lopez, who said he gets stopped frequently, returns most weekends because he thinks downtown is better and safer than other places.

Said Paul Bayao, 27: "When you come out of the club, you feel that no one is going to mug you because at every corner, there's a cop looking."

Mankanwal Nijjar, 23, a San Jose State senior, also appreciates police presence.

"Especially for girls, it's hard to walk outside by yourself," Nijjar said earlier this month. "But here it's safe."

BALANCING ACT

THE POLICE

They try to ensure entertainment zone safety without being overbearing.

THE CLUB OWNERS

Caught in the middle, they're working with the city on solutions such as 'soft closings.'

THE CLUB PATRONS

Some say the policing makes them feel unwelcome; others say they feel safer.

DOWNTOWN SAN JOSE ENTERTAINMENT ZONE

An estimated 40 clubs make downtown San Jose one of the densest nightclub districts in the nation. But it has a checkered history of disturbances, including a shooting 11/2 years ago at the defunct Ambassador's Lounge, a catalyst for negotiations that may lead to a safer and more enticing downtown scene.

DOWNTOWN UNRULINESS

Notable disturbances in downtown San Jose's history:

Feb. 28, 2006 -- Mardi Gras results in four stabbings, several cars vandalized and 25 arrests, as another unruly Fat Tuesday crowd refuses to follow police orders to disperse.

Oct. 22, 2005 -- Three people are wounded as more than 50 shots are fired after a hip hop show at the defunct Ambassador's Lounge, north of San Pedro Square. One slug cracks a Santa Clara County courthouse window at Terraine Street.

March 5, 2003 -- Officers in riot gear are called out to clear unruly, bottle-throwing Mardi Gras crowds. About 20 people are arrested.

Feb. 19, 2002 -- Mardi Gras revelers unable to enter another Post Street bash smash windows on Paseo San Antonio. Vandals destroy a 73-year-old marble statue of St. Ignatius at the Cathedral Basilica of St. Joseph.

Feb. 27, 2001 -- A Post Street bar and grill's Mardi Gras party that attracts thousands is marred by a bottle-throwing incident. Three officers are injured.

May 4, 1997 -- Cinco de Mayo festivities end in looting and vandalism. More than 25 businesses are damaged, at least 16 arrests made, and two officers injured.

Feb. 23, 1996 -- After a slaying inside the Oasis Club, across from St. James Park, hundreds of exiting club patrons get involved in a melee with dozens of officers.

April 18, 1993 -- Demonstrators reacting to the second Rodney King verdict block light-rail trains, surround and push a police car. Forty-one people are arrested.

April 29, 1992 -- A mob of 300 ignited by a Simi Valley jury's verdict in the Rodney King case vandalizes homes, businesses. Two stores are looted during four-hour rampage. Eight are arrested.

Source: Mercury News research

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