

Nomination

for the

Third Annual Herman Goldstein Excellence in Problem-Solving Award

Title of Problem-Solving Effort:

Comprehensive Action Plan for the Peerless Property

Nominated By:

Sergeant William C. O'Toole
Corporal Andrew M. Jansen

Montgomery County, Maryland
Department of Police
2350 Research Boulevard
Rockville, Maryland 20850
(301) 217-4050

Carol A. Mehrling
Chief of Police

July 10, 1995

Award Nominees and Role in Problem-Solving Effort:

Captain Fred B. Ailes, Commander, Silver Spring District

- Was responsible for coordinating the efforts of the advisory group by personally attending all meetings, seeking active participation and input from all those impacted by the initiative, and implementing the comprehensive plan.

Lieutenant Bryan D. McManus, Deputy Commander, Silver Spring District

- Was responsible for negotiating with representatives from the Southland Corporation, Peerless Properties, and various agencies of the Montgomery County Government to place a permanent police satellite station in the area.

Sergeant William C. O'Toole, Supervisor, Piney Branch Initiative Unit

- Drafted the comprehensive plan; permanent member of the advisory group; supervised the implementation of the educational and enforcement phases of the plan.

Corporal Andrew M. Jansen, Assistant Supervisor, Piney Branch Initiative Unit

- Drafted the educational flyers and trespass letters; supervised the educational and enforcement phases of the plan.

Officer Karen W. McNally, Hispanic Liaison Officer

- Conducted daily site visits during educational and enforcement phases; provided educational updates over Hispanic radio stations; member of the advisory group.

Officer Miguel A. DelaCruz, Piney Branch Initiative Unit
Officer Roger S. St Louis, Piney Branch Initiative Unit

- Conducted daily patrols during educational and enforcement phases; documented initiative utilizing the problem-solving (SARA) model; arrested violators of the trespass initiative.

Comprehensive Action Plan for the Peerless Property

I am pleased to nominate the above listed officers for the third annual Herman Goldstein Excellence in Problem-Solving Award. This nomination is based upon their numerous and collective efforts in devising and implementing a comprehensive, long-range plan for dealing with the many and varied problems posed by day laborers at the Peerless 'property, located at the intersection of Piney Branch Road and University Boulevard, in Silver Spring, Maryland. This document will outline both the interim, and the long-range comprehensive action plan that was devised for dealing with the various law enforcement-related concerns at the Peerless Property.

Prior to devising this plan, at the direction of the police district commander, Captain Fred B. Ailes, both the input and cooperation of all parties potentially affected by the outcome of any police initiative was sought. Several ingredients, including an open dialogue and mutual cooperation with all parties involved, was considered to be of critical importance to ensure the long-term success of this comprehensive plan.

Since this initiative involved a long-standing public safety issue which had previously been addressed over the years, a complete assessment of the scope of the problem, utilizing the problem-solving (SARA) model was conducted. After determining a current analysis of the problem, based on daily site visits, information provided by complainants, and calls for police service, a plan of action was conceived.

Historical Review of the Problem:

The Peerless Property consists of a strip mall shopping center, which includes a 7-Eleven store and several other small businesses, located at a busy intersection in Silver Spring, Maryland, a suburb of Washington, D.C. This property has been a location where large groups of individuals, many of them from Central and South American countries, have been gathering for at least the past five years. At times, there are as many as two hundred or more people gathered on the property, usually during the morning and early afternoon hours. Some gather for the opportunity to seek employment as day laborers from contractors who drive through the parking lot each day. The vast majority, however, receive little opportunity for employment, as the numbers of persons gathered on the lot substantially outnumber the total of prospective employers.

Over the years, the police have received and verified numerous and daily complaints from business owners, patrons, the pastor of a nearby church, and citizens about alcohol violations, disorderly conduct, drug dealing, trash problems, graffiti vandalism, and loitering by the day laborers. The complaints of criminal violations usually have involved only a small percentage of the individuals gathered on the property, but nonetheless, have contributed to a perception of "lawless" behavior by the persons congregating on the lot. The majority of these complaints were historically handled strictly through police enforcement efforts, which realized only minimal, short-term positive results.

(page 3)

Several recent enforcement initiatives have been utilized, including daily patrols by beat officers, surveillance and directed patrols by the Piney Branch Initiative Unit officers, and daily site visits by the department's Hispanic Liaison Officer. In spite of these, and the numerous other historical enforcement efforts directed to deal with the multitude of complaints and problems at this location, the situation had remained virtually unchanged.

Development of a Comprehensive Action Plan:

Realizing that the many factors which contributed to this long-standing problem could not be adequately addressed through police enforcement efforts alone, an analysis was conducted and a comprehensive plan was developed to effect the orderly transition from this site to an alternative site better equipped to deal with the needs of the day laborers. The comprehensive action plan involved *cooperation, education, training, and enforcement*.

A climate of mutual *cooperation*, involving all parties affected by the problems associated with the day laborers, was considered paramount to the success of this plan. An open dialogue had been established through regular meetings of the East Silver Spring Employment and Training Advisory Group. This group, which included community and religious leaders, advocate organizations for the day laborers, representatives of the affected property owners and businesses, other county agencies and social service providers, and police officials and local prosecutors had been meeting regularly and had been used to plot the course of action.

(page 4.)

Whenever possible, the police department's response to complaints about the problems posed by day laborers was fashioned upon mutually agreed strategies by the members of this group, and attempted to balance the rights of business and property owners with those of the day laborers. The long-term strategy agreed to by the group was to encourage those who were seeking employment and job training, as well as prospective employers who were seeking the services of 'day laborers, to utilize the services of the East Silver Spring Employment and Training Center, located nearby at 734 University Boulevard. That center, which was operational but with limited capacity, was undergoing expansion and renovation. It is expected to be fully operational by September, 1995.

In the interim, a compromise had been reached between the property and business owners at the Peerless property and the members of the advisory group representing the day laborers, wherein those seeking employment were permitted to congregate on the Peerless property lot until 9:30 am each day. After 9:30 am, a representative of the property owner would request that non-business patrons leave the property. The police agreed to assist the property owner in enforcing the trespassing statute, whenever necessary, against those who refused to leave. This compromise was intended to allow businesses and patrons to operate unimpeded, while still allowing those seeking early morning employment an opportunity to be successful. This venture also permitted the day laborers to view the police as cooperative "partners," who were genuinely interested in their efforts.

(page 5)

The provisions of the trespassing initiative were first presented to a prosecutor from the State's Attorney's Office for his legal review and concurrence. At the police district commander's direction, an educational campaign, devised with the aim of informing the day laborers of the intent of this effort, was first implemented prior to any enforcement actions. *Educational* efforts also continued through the distribution of flyers, printed in both English and Spanish, by advertisements on local radio stations, and by daily site visits by the Hispanic Liaison Officer and the Piney Branch Initiative officers.

In order to ensure the success of the trespassing initiative and to encourage a commitment from the owner, the property owner was required to designate an individual to act as his daily representative to enforce the provisions of the statute. The police officers had agreed to provide *training* for this representative, and had repeatedly recommended that the property owner employ a bilingual security officer for this purpose. Further, the police assisted the property owner in devising a trespass letter which was utilized for this purpose. Although the property owner did not agree to hire a security officer, he eventually designated one of the business managers to act as his representative. This cooperative effort lead to immediate improvements for the property owner, business owners, and nearby residents, but had little positive impact on the plight of the day laborers.

Another important aspect of the plan, which was identified by the members of the advisory group, involved expanded job skills *training* for the day laborers. Several *training-* initiatives were ongoing at the East Silver Spring Employment and Training Center, and plans were implemented to expand those efforts to address the many needs of the day laborers. It was believed that these efforts would provide more individuals with marketable job skills that would assist them with future employment opportunities. It was also hoped that success in this area would eventually reduce the total number of individuals congregating at either location.

The next phase of the interim plan was the enforcement of the trespassing initiative at the Peerless property. This phase was necessary to ensure that the rights of the business owners were maintained, and that they were able to conduct their businesses unimpeded by those loitering on the property. The goal of this phase was to seek voluntary compliance from those who remained on the property after 9:30 am prior to taking any *enforcement* action. Those who refused to leave the property,, after being directed to do so by the property representative, were arrested, photographed, and issued a trespass letter barring their return to the property. The police provided ongoing assistance to the property representative to ensure that those who violated the provisions of this initiative were dealt with in accordance with the applicable laws. This phase of the plan was the easiest to implement, thanks to the educational efforts which preceded it. During a sixty day enforcement effort, only five persons had to be arrested and barred from the property.

(page 7)

The Transition Phase:

The comprehensive plan for dealing with the problems related to the daily congregation of day laborers at the Peerless property had been devised after consultation and involvement of all those impacted by the proposed actions. The goal of this plan was to fully utilize the nearby government-owned property, which was purchased and intended for the purpose of providing job training and opportunities. This plan encouraged an orderly transition from the practice of gathering at the Peerless property, which has had a negative impact on the business owners and surrounding community, to gathering at the more suitable location nearby, which had been established to accommodate those who seek employment opportunities.

Two additional factors were considered essential to the long-term success of this initiative. First, the government-owned job training center had to undergo a timely expansion to its facility and its services. Secondly, a permanent and highly visible police presence would be necessary to properly address the many needs of this highly diverse community and to ensure the continued success of the interim phase of this comprehensive plan. A climate of mutual cooperation, respect, and understanding had been developed, and would be necessary to ensure continued success.

{page 8.)

As a direct result of the involvement and cooperation of representatives from various local government agencies and elected officials in dealing with the many initial problems posed by the day laborers at the Peerless property, the groundwork was laid to ensure the long-term success of this initiative. Expansion of both the facility and the programs at the job training center have received the highest priority and are scheduled for completion and expansion in September of 1995. A second, major goal of this initiative was realized when a partnership was formed, involving the Montgomery County Government and the Police Department, the Southland Corporation, and the owner of the Peerless property, which resulted in an agreement to build a police satellite facility on the Peerless property site.

This month, a fully equipped satellite police trailer was located on the site and is scheduled to open during the week of July 10, 1995. This facility will not only house the officers who worked on this initiative, but will soon operate as the primary facility for a permanent patrol beat team for all of the officers assigned to the surrounding patrol beat. This will ensure not only a permanent and highly visible police presence in the area, but one located directly on the site that has been the source of so many law enforcement-related problems in the past. The orderly transition outlined in the final phase of this comprehensive plan should be assured as both of these accomplishments begin to demonstrate their effectiveness.

(page 9)

Conclusion:

This exemplary example of problem-oriented policing and community problem-solving would not have been possible without the dedicated efforts of the officers listed above and the many other individuals who participated in this initiative. This effort epitomizes the meanings of the terms "cooperation" and "partnership," as all who were potentially affected by the outcome of this initiative were actively solicited and participated in the planning and execution of it. This effort has already received critical acclaim from several other jurisdictions experiencing similar problems with the daily congregation of day laborers, and is considered to be a model example for dealing with such a multi-faceted set of problems. The number and severity of calls for police services has been diminished and should continue to decline at this location.

It is believed that once the job training facility is expanded and operating at full capacity and the police presence is firmly in place, that this age old, significant law enforcement problem will soon be just a memory. Accordingly, I am pleased to nominate these officers for their respective roles in advancing "excellence in problem-solving" in Montgomery County through their considerable and dedicated efforts with this initiative.

(page 10)

List of Organizations Involved in this Problem-Solving Effort:

Archdiocese of Washington

CASA de Maryland, Incorporated

Clifton Park Baptist Church

Clifton Park Resident's Association

East Silver Spring Employment and Training Center

Montgomery College

Montgomery County Department of Family Resources

Montgomery County Department of Housing and Community Development

Montgomery County Police Department

Montgomery County Silver Spring Government Center

Montgomery County State's Attorney's Office

Peerless Properties, Incorporated

Private Industry Council

Saint Camillus Catholic Church

Sligo-Branview Community Association

Southland Corporation