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Response Guides Series
Problem-Oriented Guides for Police

No. 11

Using Civil Actions Against Property to Control Crime Problems

Martha J. Smith and Lorraine Mazerolle

Center for
Problem-Oriented Policing

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The Internet references cited in this publication were valid as of June 2013. Given that URLs and websites are in constant flux, neither the author nor the COPS Office can vouch for their current validity.

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About the Response Guides Series

The *Response Guides* are one of three series of the *Problem-Oriented Guides for Police*. The other two are the *Problem-Specific Guides* and *Problem-Solving Tools*.

The *Problem-Oriented Guides for Police* summarize knowledge about how police can reduce the harm caused by specific crime and disorder problems. They are guides to preventing problems and improving overall incident response, not to investigating offenses or handling specific incidents. Neither do they cover all of the technical details about how to implement specific responses. The guides are written for police—of whatever rank or assignment—who must address the specific problems the guides cover. The guides will be most useful to officers who:

- Understand basic problem-oriented policing principles and methods
- Can look at problems in depth
- Are willing to consider new ways of doing police business
- Understand the value and the limits of research knowledge
- Are willing to work with other community agencies to find effective solutions to problems

The *Response Guides* summarize knowledge about whether police should use certain responses to address various crime and disorder problems, and about what effects they might expect. Each guide:

- Describes the response
- Discusses the various ways police might apply the response
- Explains how the response is designed to reduce crime and disorder
- Examines the research knowledge about the response
- Addresses potential criticisms and negative consequences that might flow from use of the response
- Describes how police have applied the response to specific crime and disorder problems, and with what effect

The *Response Guides* are intended to be used differently from the *Problem-Specific Guides*. Ideally, police should begin all strategic decision-making by first analyzing the specific crime and disorder problems they are confronting, and then using the analysis results to devise particular responses. But certain responses are so commonly considered and have such potential to help address a range of specific crime and disorder problems that it makes sense for police to learn more about what results they might expect from them.

Readers are cautioned that the *Response Guides* are designed to *supplement* problem analysis, not to *replace* it. Police should analyze all crime and disorder problems in their local context before implementing responses. Even if research knowledge suggests that a particular response has proved effective elsewhere, that does not mean the response will be effective everywhere. Local factors matter a lot in choosing which responses to use.

Research and practice have further demonstrated that, in most cases, the most effective overall approach to a problem is one that incorporates several different responses. So a single response guide is unlikely to provide you with sufficient information on which to base a coherent plan for addressing crime and disorder problems. Some combinations of responses work better than others. Thus, how effective a particular response is depends partly on what other responses police use to address the problem.

These guides emphasize effectiveness and fairness as the main considerations police should take into account in choosing responses, but recognize that they are not the only considerations. Police use particular responses for reasons other than, or in addition to, whether or not they will work, and whether or not they are deemed fair. Community attitudes and values, and the personalities of key decision-makers, sometimes mandate different approaches to addressing crime and disorder problems. Some communities and individuals prefer enforcement-oriented responses, whereas others prefer collaborative, community-oriented, or harm-reduction approaches. These guides will not necessarily alter those preferences, but are intended to better inform them.

The COPS Office defines community policing as "a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime." These guides emphasize *problem-solving* and *police-community partnerships* in the context of addressing specific public safety problems. For the most part, the organizational strategies that can facilitate problem-solving and police-community partnerships vary considerably and discussion of them is beyond the scope of these guides.

These guides have drawn on research findings and police practices in the United States, the United Kingdom, Canada, Australia, New Zealand, the Netherlands, and Scandinavia. Even though laws, customs and police practices vary from country to country, it is apparent that the police everywhere experience common problems. In a world that is becoming increasingly interconnected, it is important that police be aware of research and successful practices beyond the borders of their own countries.

Each guide is informed by a thorough review of the research literature and reported police practice, and each guide is anonymously peer-reviewed by a line police officer, a police executive and a researcher prior to publication. The review process is independently managed by the COPS Office, which solicits the reviews.

For more information about problem-oriented policing, visit the Center for Problem-Oriented Policing online at www.popcenter.org. This website offers free online access to:

- The *Problem-Specific Guides* series
- The companion *Response Guides* and *Problem-Solving Tools* series
- Special publications on crime analysis and on policing terrorism
- Instructional information about problem-oriented policing and related topics
- An interactive problem-oriented policing training exercise
- An interactive *Problem Analysis Module*
- Online access to important police research and practices
- Information about problem-oriented policing conferences and award programs

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The project team that developed the guide series comprised Herman Goldstein (University of Wisconsin Law School), Ronald V. Clarke (Rutgers University), John E. Eck (University of Cincinnati), Michael S. Scott (University of Wisconsin Law School), Rana Sampson (Police Consultant), and Deborah Lamm Weisel (North Carolina State University).

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Kimberly Nath oversaw the project for the COPS Office. Phyllis Schultze conducted research for the guide at Rutgers University's Criminal Justice Library. Nancy Leach coordinated the Center for Problem-Oriented Policing's production process. Marian Haggard edited this guide.

Introduction

What This Guide Does and Does Not Cover

This guide addresses the use of civil remedies to control and prevent crime and disorder occurring at real-property locations, such as individual addresses or geographical areas. In general, the focus of the enforcement is not usually the potential offender, but rather someone who has control over property that has been, or might be, used in the commission of a crime. The civil remedy may be used in place of—or often in tandem with—criminal penalties as a coercive incentive for the person (or business) who is the focus of the potential remedy to do (or refrain from doing) a particular thing.[1] Focusing on the underlying crime opportunities provided at a particular place helps to limit the frustrations involved in revolving-door policing (i.e., offense commission, calls for service, arrest, conviction on a minor charge, release, and repeat).

This guide provides general explanations about the types of civil remedies that you can use to address crime at particular places and points out a number of issues you should consider before using these remedies. Examples of placed-focused civil remedies are set out in the main text, and in Appendixes C and D. These remedies can be used to control a variety of crime opportunities focused on places, depending on the particular type of civil remedy used and the language set out in the legal regulations themselves, which differ across jurisdictions.

While a number of different types of crime problems that can benefit from the use of civil remedies are mentioned in this guide, two types of crime-and-place problems have been highlighted—drug-related crime in housing (particularly government-run or supported housing) and alcohol-related crime and disorder in and around licensed premises (i.e., bars, pubs, and clubs). Appendixes C and D summarize some of the key features of prevention schemes addressing these two crime problems, providing examples of situations in which they have been used both successfully and unsuccessfully. Historically, these problem places have been the focus of close government regulation, and the prevention schemes set out here reflect the use of existing statutory powers as well as the development of new regulatory mechanisms. Many, but not all of these, used the SARA† approach of problem-oriented policing to frame the steps taken to address the problems.‡

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† "SARA" is the acronym used to describe the four steps involved in this approach—scanning, analyzing, responding, and assessing.

‡ Although Appendixes C and D primarily focus on drug crime and alcohol-related crime and disorder, many of these examples also involve a variety of other crime and disorder problems, reinforcing the idea that places can be potential crime-opportunity generators for a wide spectrum of crimes.

The guide does not cover all types of civil remedies. Asset forfeiture (including those included under Racketeer Influenced and Corrupt Organizations (RICO) laws) will not be discussed here.† Regulations aimed specifically at anti-social behavior‡ and at gangs§ are not discussed here, although many of the crime problems discussed here may include anti-social behaviors and involve gang members. The use of third parties—such as insurance companies, auditors, and professional standards groups—to regulate economic behavior[2] is also beyond the scope of this guide.

Neither does this guide address the use of the civil law as a means for the government to take ownership of land in order for it to be used for another, noncriminal purpose, such as for redevelopment.[3]

This guide does not address the use of new laws or regulations by themselves, unless they are used as part of more traditional civil remedies related to property. For example, legislation passed to require convenience stores to have two staff members present at all times, and laws restricting the number of hours that a liquor store may be open, do not include the type of civil remedy generally addressed here[4] although liquor licensing requirements are addressed as part of the discussion of civil code enforcement.

Reasons for Police to Focus on Problem Properties

Civil remedies can be used against a wide variety of crimes and at different stages of the criminal process; however, they are different than many other crime prevention responses. Civil remedies can sometimes be used as specific responses to crime or disorder problems. Examples of these uses include tenants being evicted for selling drugs in public housing or for repeatedly having loud parties late at night in violation of their leases. Civil remedies can also be used to promote general crime prevention. In this latter sense, they induce changes to property conditions and practices that facilitate crime. Examples of this use include agencies enforcing health and safety codes as a way to force landlords to clean up housing that has been used as a place for drug use, or when the potential enforcement of licensing laws helps persuade pub owners to cooperate in an initiative to reduce late-night crime and disorder. Hence, they are often referred to under the label "third-party policing,"[5] with the inducement sometimes being referred to as a "legal lever."[6] These types of control are increasingly being brought to bear in both public and private property contexts.

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† See Response Guide No. 7, *Asset Forfeiture*.

‡ See Problem-Specific Guide No. 6, *Disorderly Youth in Public Places*.

§ See Shiner (2009) for a detailed set of guidelines for gang injunctions, with examples drawn primarily from legislation in California.

In many cases, these interventions increase the capacity of the local community to act as informal and formal agents of crime prevention. The local community is often the first party to notice the crime problem and the best source of information about the patterns associated with it.

It makes good sense for police to focus on crime places and opportunities. The importance of looking at the links between crimes, offenders, and places is well known in modern policing, and is well illustrated by the crime triangle's emphasis on these three aspects of crime events.† Research has demonstrated that crime is clustered in some places and not others, and that blocking crime opportunities at high-risk places can prevent a wide range of crimes. Reducing opportunities does not require focusing on just one known offender or group of offenders. Changing the situation can influence many potential, as well as different types of offenders at that location, some of whom may be unknown to the police. It can be difficult to bring cases against individual offenders through arrest and prosecution alone. The criminal law necessarily sets a high standard of proof for punishment of an individual and that level of proof is often unavailable. Focusing on the property itself can lead to incentives for those in control of premises to improve their design or management to help discourage would-be offenders.

Civil remedy use may not necessarily be a problem-free "quick fix." It often requires a commitment of both time and resources. It is most often a collaborative effort (involving police, other governmental agencies, and the local community) and can call for patience across all stakeholders as the various stages of the legal process unfold. Furthermore, the use of civil remedies is not without some potential negative consequences as well since they can also produce unintended consequences that harm non-offenders or lead to a displacement of the crime problems. Careful planning (discussed below) should help limit the potential for these types of problems, however.

† The crime triangle is also known as the "Problem Analysis Triangle" (see Clarke and Eck 2005). It visually links three aspects of a crime event—offender, target (or victim), and place of occurrence—with three ways of controlling each of these: handlers control offenders, guardians control targets, and managers control places.

Types of Property-Related Civil Remedies

Real-property rights relate to land and land uses. These can include such diverse rights as: (a) ownership, (b) the ability to transfer the property or to build on it, (c) the enjoyment of particular aspects related to it (such as a certain amount of relief from noise), and (d) the possession of it for business or residential purposes. Each of these rights is constrained, regulated, and protected in a variety of ways, and these differ across jurisdictions. Four general sources of authority for civil remedies have been identified: statute, subordinate legislation, contract, and tort.[7] Here, statutory and other legislative and regulatory sources of authority (such as local ordinances and codes) and leasehold agreements (generally the right to occupy property) are highlighted.

The civil protections of these property rights provide legal remedies for their breach. Civil remedies do not necessarily include recovering money damages following a legal judgment favoring one party over another. Instead, they can force someone to correct a breach of a law, legal agreement, or a legally recognized right. Actual legislation in this area, however, may contain criminal law penalty components as well as civil remedies. These criminal penalties are often used when third parties fail to respond to the civil-remedy incentives for altering criminal-opportunity places and situations (see, e.g., "Anti-Slum Packet" in the box on page 26).

This section describes some basic terms that are used in property-related civil remedies, provides some examples,† and sets out some of the advantages and disadvantages of their use. These descriptions are purposely general, as the exact meaning of the regulatory scheme or civil action will be determined by the law in a particular jurisdiction. Because the law in your jurisdiction needs to guide your decision making, you should include government attorneys in the planning process when you are considering using civil remedies to address crime and disorder problems.

Civil remedies can be difficult to understand because, unlike penal codes, they do not easily fit within a strict hierarchical structure. Table 1 on page 10 gives short-hand descriptions of the civil remedies discussed in this section as a simple guide to the basic remedies each action provides.‡

† Additional examples are provided in the table in Appendixes C and D.

‡ Table B1 is set out in Appendix B to guide you in setting out the particular features of each of these civil remedies in your jurisdiction.

Table 1. Shorthand descriptions of some property-related civil remedies

Property-Related Civil Remedy	Target	Short-Hand Description of the Civil Action Outcome
Code enforcement	Landlord/owner	Enforces health and safety rules
Zoning	Landlord/owner	Limits activities and structures to particular areas or locations
Nuisance abatement	Landlord/owner (usually)	Returns to (or seeks to achieve) quiet enjoyment
Eviction	Tenant	Removes the tenant
Trespass	Uninvited persons	Removes the non-tenant
Civil injunction	Various	Orders someone to do or stop doing something immediately
Receivership	Landlord/owner	Gets someone else to manage the property
Condemnation	Landlord/owner	Locks it up and tears it down

Code Enforcement

Code enforcement is one of the most common civil prevention incentives used to address crime and disorder. It refers to the legal action taken by an enforcement body in response to a violation of one or more municipal health and safety codes, such as those related to building construction, building conditions (e.g., fire and safety and nuisance-control), and the operation of a business (e.g., a liquor store). Different agencies often control the enforcement of different regulatory codes; hence, the need for cooperation and coordinated responses among these agencies. For example, police and code inspectors may cooperate to inspect and issue breach notices for derelict or abandoned buildings suspected of being used as drug houses or providing a place for noisy parties for teens. One of the advantages of code enforcement is that it is based on statutes or ordinances that can be printed and distributed to those whose property is being regulated or inspected.

When there is a violation or breach, it often relates to noise, rubbish, or safety. Owners can be compelled to act to make their premises comply with the standards set out in the code. A civil injunction may be issued that requires them to deal with these problems (see "Civil Injunction" on page 22).[8] Owners can be called on to secure their buildings, clean up litter, improve the physical environment, and evict tenants suspected of drug involvement (or other violations of the terms of their leases). The code enforcement aspect is the "stick," but the "carrots" can vary from continued operation to increased revenues and safety for employees, as well as patrons and local residents. The ultimate stick for enforcement of licensed premises that sell alcohol, for example, is license revocation,[9] in effect "capital punishment" for alcohol-sales outlets.[10]

Street Sweeping, Broadway Style: Revitalizing a Business District from the Inside Out

Place: Fort Howard District, Green Bay, Wisconsin

Civil remedies used: Liquor license regulations, municipal ordinances, and trespass law

Scanning:

- An inner-city business area had high crime, litter, and broken bottles.
- People were living on the streets, often drunk and disorderly.

Analysis:

- Police analysis identified 20 individuals as being involved in most of the complaints.
- Police found that neighborhood residents and business leaders had lost faith in the police to manage the problems.

Response:

Police spearheaded a community effort, strongly enforcing public ordinances on open intoxicants and gaining the cooperation of liquor store and bar owners in denying alcohol to habitually intoxicated people (among a range of other tactics).

Assessment:

Four years after introduction of the POP initiative and introduction of community police officers, there was a 65 percent reduction in total police calls and a 91 percent decrease in demand for rescue services to handle injuries resulting from assaults.

Business in the area boomed.

Source: Green Bay Police Department (1999)

Code enforcement initiatives against alcohol-related crime and disorder often focus on one aspect of the problem, such as excessive alcohol consumption, overcrowding, high noise levels, or lack of control over entry and exit to the venue or the vicinity. The police and code enforcement agencies often develop these initiatives in cooperation with the local club and bar owners.

A comprehensive review of aggression-prevention schemes in bars and pubs failed to find that there was one set of implementation approaches—or one set of measures—that succeeded in all situations.[11] Nevertheless, code enforcement has been found to be part of an effective set of measures, reducing crime or aggression—at least in the shorter term (see Table D1 on page 55)[12]—although not uniformly so.[13] The researchers who carried out the comprehensive review stressed, however, that enhanced enforcement (by police and regulatory agencies) has to continue past the lifetime of particular initiatives.[14] This highlights the need for patience and a continued commitment by those involved in an initiative to make sure that success is not short-lived.

Effective code enforcement does not just involve having officials conduct code inspections. For example, regular police enforcement and a variety of code enforcement inspections (i.e., fire code and alcohol and gaming checks) of a nightclub were used initially in Burlington, Ontario (Canada).[15] These had little effect on the crime problems at the site. It was only after two major disorder events by unruly patrons occurred that these problems were adequately addressed. The community (including police, regulators, adjoining businesses, and local residents) set up a number of different measures to control movement of cars and people within and around the club venue, including enforcement of health, safety, and licensing codes (see Table D1, Appendix D, on page 55).

Zoning

Zoning refers to the governmental regulation of property uses on a long-range basis, particularly as part of long-term land-use planning.[16] These regulations—which can apply to general areas (hence "zones") or to location-specific land uses—include limits to the sizes and types of structures built on land and whether the property can be used for residential, commercial, industrial, or other particular kinds of purposes. Zoning is also used to limit when businesses in an area can be open. One type of exception to a zoning restriction is a *conditional use permit*, which is given by the regulatory body when certain conditions are met; this type of permit is generally limited in scope to a particular property.[17] Mixed-use zones permit several different uses to occur in the same zone.

Zoning laws can be used to prevent a range of illegal activities by limiting the types of legal (and potentially illegal) activities—from alcohol consumption and sales, to dancing and having rave parties—that are permitted in particular areas. Some communities have restrictions on the number or types of businesses in a given block. Other communities restrict certain business types to one well-defined area to allow for concentrated police surveillance and enforcement. Many localities, including Boston, Massachusetts; Seattle, Washington; and Dallas, Texas, have passed zoning laws to restrict the location of adult-oriented activities considered to be generators of crime and neighborhood disorder.[18]

Zoning & Liquor Licensing Regulations

Places: One community in northern California, one in southern California, and another in South Carolina

Problem identified through research on links between alcohol outlet location and crime problems. No single problem place was identified nor were particular cities or towns identified.

Responses/Interventions:

- Implemented zoning requirements related to distance between alcohol outlets and public places
- Reviewed licenses
- Restricted alcohol access for special events (licensing changes)
- Trained servers
- Police set up: (a) on-site stings for responsible service (no alcohol sold to the intoxicated), (b) stings for under-age drinkers, and (c) checkpoints
- Used breath-testing devices

Outcomes—Declines in:

- Hospital assault cases in experimental sites
- Rates of nighttime motor vehicle crashes (no decline in daytime vehicle crash rates)
- Monthly rates of DUI vehicle crashes
- Average quantities of alcohol consumed per occasion and average number of drinks per occasion (both self-reported measures of binge drinking)

Key factors:

- Community involvement
- Responsible serving practices
- Limiting under-age access
- Increased actual and perceived risk of enforcement of drunk driving
- Community restrictions on alcohol access

Source: Holder et al. (2000)

Both zoning ordinances and conditional use permits are commonly used to control alcohol sales. In California in the mid-1980s, zoning and conditional use permits were used to limit the placement and operation of alcohol-sales outlets following research evidence of a relationship between sales (and use) and public nuisances and crime.[19] They have also been used to require alcohol establishments to be a certain distance from public places, such as parks or schools. The rationale for these types of restrictions is that there exists a causal link between alcohol availability and traffic crashes and assaults in particular settings.[20]

In Scottsdale, Arizona, zoning, liquor licensing, and security plans are explicitly linked. The online "Liquor License Packet" explains that liquor licensing and conditional use permit requests for the property (if needed) are to be submitted at the same time—and the body that reviews conditional use permits (the city council) can make recommendations to the state liquor licensing authority.[21] This packet also details a series of rules related to different types of licensed premises. For example, bars, cocktail lounges, and after-hours establishments must have a management and security plan that is "created, approved, implemented, maintained, and enforced" for that business at the same time that the business applies for the liquor license.[22] Thus, the suitability of the location is assessed in a public hearing and the rules of operation are linked to the granting of the license.

A discussion of factors to consider when developing new zoning regulations to address crime and disorder problems is beyond the scope of this guide. However, zoning changes (even those meant to stimulate business investment and help revitalize a local area) can lead to crime and disorder problems for that local community.[23]

Nuisance Abatement

Nuisance abatement refers to a legal action to change a situation in which a person is being deprived of his or her right to "quiet enjoyment" by some existing condition, or by actions being carried out by another person, group, or business.[24] Community partnerships can be particularly useful here if the law in your jurisdiction allows their direct involvement in bringing abatement actions.

Abatement statutes to discourage drug dealers were first implemented in Portland, Oregon, in 1987.[25] By 1992, 24 U.S. states had passed statutes specifically designed to control drug activities on private properties.[26] A number of these were based on old "bawdy house" laws designed to curb prostitution.†

† You may want to check your jurisdiction's case law and statutes for the terms "bawdy houses," "houses of ill repute," and "disorderly houses" for additional prohibitions on nuisance activities, particularly if your jurisdiction has not updated or revamped its codes recently.

Abatement and eviction notices have been used hand-in-hand to address drug crimes in housing. Abatement actions focus on the property holder while eviction actions focus on the leaseholder or renter, but sometimes it is necessary to provide notice of potential abatement actions to induce the owner to act against the tenant (or, in at least one case, against the management company[27]).

Abating a nuisance problem often includes these steps or stages:[28]

- Local government becomes aware of nuisances through the activities of their own agencies (such as the police) as well as through complaints by others (such as apartment building residents or neighbors).
- Inspections may be conducted by a range of actors including building, health, electrical, plumbing, and fire inspectors.
- If the local regulatory authority is satisfied that a nuisance exists at a property, it must issue an abatement notice against the person responsible (usually the property owner), consisting of a letter or a public notice in a newspaper or a notice posted on the property.
- An abatement notice will stipulate that the nuisance is prohibited and that it needs to be rectified.
    - It can specify steps that need to be taken to meet the terms of the notice together with a time limit, such as asking property owners to take action against drug dealers who are operating on their premises.
- In addition to a demand for remedial action, the notice may warn of the possible closing down, or the confiscation of properties, that are being used for the crime.
- Failure to comply with an abatement notice without being able to provide a reasonable excuse can be a criminal offense.
    - However, it is up to your municipality's prosecutor to show that the excuse is not reasonable.

The first warning is typically enough to leverage owners to take action. In fact, early research on the use of abatements in the 1990s found that civil suits were filed in fewer than 5 percent of abatement actions in cities that initiate warning letters to property owners.[29]

Some abatement laws permit private citizens (including property owners) to directly issue notices to the responsible party (usually the property owner) and then, if the nuisance still continues after a given time, apply to the court for relief. Private citizens may also be able to bring a nuisance complaint directly to the attention of the court and request an abatement notice. In Milwaukee, Wisconsin, for example, citizens themselves filed civil lawsuits against drug nuisance property owners.[30]

In 2007, Los Angeles County began using nuisance abatement lawsuits against both the property owners and the specific gang members who allowed or created a nuisance at a particular property.[31] In these cases, both sets of parties were named in the suits, which were termed "gang property abatements."

Turning Around a "Troubled Building"

(Known to Police for Assaults and Drug-related Activity)

Place: Seattle, Washington

Civil remedy used: Chronic Nuisance Property Ordinance

Problem place: Building with assaults and drug-related activity

Ordinance:

- Passed by the City Council in November 2009
- Defined a chronic nuisance property as one where certain crimes, drug-related activities, or gang-related activities occur three times within a 60-day period or seven times within a 12-month period

Collaboration partners:

- Police department and the city attorney's office

Implementation:

- Building was declared a "chronic nuisance" by the city
- Police met with the owner to discuss the issues
- Owner agreed to cooperate
- Owner entered into a "correction agreement" with the city to remedy the problems on the property

Outcome:

Following the intervention, no 911 calls were logged at the building over the next year.

Source: Holmes (2012)

An intervention at an apartment complex in San Diego, California included many Section 8 U.S. Department of Housing and Urban Development (HUD) -sponsored units.[32] When the police were unable to gain HUD's assistance with the owner to replace what appeared to be a corrupt management company, they looked to bring an abatement action, based on a claim that the owner or the management company had facilitated the nuisance activity there. If that failed, as a last resort, the police would have asked the California Board of Realtors to revoke the management company's business license. The police did not need to take this action, however, since the possibility of abatement was sufficient to motivate the owner to act quickly.

Abatement measures, and the potential use of further actions consistent with the nuisance problem, can be used to pressure owners to act against crime on their properties, even if they are not the perpetrator. When used against drug crime, abatement procedures can offer property owners legal authority and support to evict drug criminals, or those holding the lease on the property if they are not themselves offenders.[33] The mere threat of abatement proceedings can encourage owners to screen their prospective tenants more completely.[34]

In addition, abatement is much less expensive than other types of litigation, because there is little risk of having to pay the defendant's legal costs if the claim is unsuccessful.[35] Because of the complexity and effort (compared to voluntary cooperation) of nuisance abatement procedures, however, you may want to approach the landlord directly first before you bring legal action against him or her. This might also speed up the compliance process.

Eviction

An eviction is a civil action brought to remove someone from a property where the person's possession of that property has been deemed to be illegal, such as when the tenant has violated the terms of the lease. In these situations, the tenant (and his or her possessions) can be removed and he or she can be locked out of the property. This removal action will often be the last action used when other measures have been unsuccessful in ameliorating the crime or disorder conditions. This civil action is also sometimes referred to as "an unlawful detainer action."[36]

Other actions having a more limited effect on the tenancy that can be brought by landlords against tenants include *waste actions* (a civil action rooted in the common law). A *waste action* asserts that the tenant is doing something to destroy the current or future use of the property.[37]

Manhattan District Attorney's Narcotics Eviction Program

Place: New York, New York

Civil remedy used: N.Y.S. Real Property Actions and Proceedings Law §715 (from 1987)*

Problem places: Public housing with problems related to drug sales and use

Measures used:

- Tenants were evicted by landlords who were provided with proof of illegal drug activity in their premises and were given legal support.
- Witnesses were able to tip off police anonymously, without having to testify in court.
- Landowners who did not comply with a notice to evict a tenant could face $5,000 in fines.

Outcome:

Between June 1988 and August 1994, the program evicted drug dealers from 2,005 apartments and retail stores.

* Originally, this law was enacted in 1868 to abate "bawdy house" activity, with §715 amended in 1947 to include "any illegal trade, business or manufacture."

Source: Finn (1995)

In parts of the United Kingdom additional measures, other than eviction, are used as a way of monitoring tenant behavior to help deal with nuisance and disorder in public housing. *Demotion* is a short-term measure used in England and Wales that changes the conditions of the tenancy. It gives tenants a less secure tenancy (in terms of its protections against possession proceedings), normally lasting for a year.[38] It can be used against tenants for anti-social behavior (essentially nuisance behavior). *Closure* refers to the action of locking out tenants for a period of three months following nuisance or disorder behavior that results from drug use or drug supplying.

The Anti-Drug Abuse Act of 1988 was passed by the U.S. Congress, allowing civil remedies (and other, criminal penalties) to be used to address drug crimes. In 1990, the U.S Department of Housing and Urban Development made funds available to public housing authorities to combat drug and crime problems. Drug Elimination Programs (DEP) combined police enforcement, drug treatment, drug prevention, youth and gang outreach, community organizing, integrated health and social service agencies, and tenant mobilization projects in an ambitious and complex intervention to control drug use and drug selling in public housing.[39]

Note however, that other programs in New York City[40] and Knoxville, Tennessee,[41] were not found by the evaluators to be successful (see description of these programs in Appendix C).

As part of a partnership approach, police can use private security, the public housing administrators and property managers, local government authorities, real estate agents, and community members (such as other residents of the building or complex) to assist in identifying problem tenants and providing information about illegal activities.[42] Administrators can enforce tenancy agreements and evict tenants who are involved with, or providing housing to those involved with drug manufacturing, sales, or use.

The New York Narcotics Eviction Program allowed for the leaseholders to be evicted if evidence could be produced that they were aware that their rented premise was being used for drug dealing, even where the drug dealers were not the official tenants.[43] This tenancy situation was often the case, and the eviction was possible even if the dealers were using the tenant's property without their consent. The crucial element was that the tenant was aware of the use. In Los Angeles and other locations in California, there was a pilot program to address drug crime using an unlawful detainer statute. Under this California law, property owners were able to assign their rights to file unlawful detainer actions to city attorneys. Due to funding and reporting issues, however, this pilot program was inconclusive.[44]

The possibility of eviction provides landlords and administrators (tenancy place managers) with a powerful incentive to use to gain tenants' compliance with regulations.

Eviction can be used as part of a range of measures and is usually the most severe civil consequence for a tenant. However, it is not always part of a successful campaign. It may move the problem elsewhere or affect the innocent.

Trespass

In its simplest form, civil trespass "involves an infringement on the use of one person's property by another person who has no authority or legitimate right to infringe on such person's use"[45] and is enforced by the wronged party, while criminal trespass involves the violation of a statutory prohibition and is enforced by the police. Civil law rights are set out by statute or may be incorporated in tenancy agreements.

Trespass Program for Use in Housing Common Areas

Place: Portland, Oregon

The Housing Authority of Portland (HAP) contracted with the county sheriff's office to implement a trespass strategy (involving both civil and criminal components) as part of a multi-pronged approach to managing "gang activity" on a public housing estate.

Problem place: Public housing estate with "gang activity"

Measures used:

- The county sheriff dedicated special patrol officers ("Safety Action Team" or SAT) to the housing estate.
- SAT officers were made the agents of the property owners so the officers could enter private property to enforce rules even when violations were not crimes. This allowed the officers to expel non-tenant gang members (as trespassers) and arrest any who returned.
- HAP also began strictly enforcing its leases and evicting girlfriends (of the gang members) who had unauthorized gang member guests.

Problem with the initial scheme:

The prosecutor's office could not prosecute its initial criminal trespass cases due to problems with the terms of the existing leases.

Changes in the program structure suggested by the prosecutor's office:

- Obtain lease addenda putting HAP in charge of common areas for the purposes of enforcing trespass laws.
- Agree upon rules non-tenants had to follow in common areas.
- Delegate exclusion authority to the SAT.

Outcome:

Letters permitting the SAT and Portland police officers to enforce trespass laws were signed. Officers were then able, under the law, to enforce exclusion of non-tenants violating behavior codes and arrest gang members who returned, prosecuting them for criminal trespass.

The strategy was considered a success because gang members were eliminated from the estate common areas within 18 months.

Source: Hayden (2007)

Unlike civil remedies that seek to change landlords' or tenants' behavior, anti-trespass provisions of tenancies or statutes have the advantage of targeting the controls on those present on the property that may be creating crime opportunities or carrying out illegal activities but who are not subject to tenancy controls. A 1996 study reported that an estimated 70–90 percent of those arrested in public housing communities were intruders or trespassers, not residents.[46] This same research found that trespass prevention programs had been successfully conducted in Denison, Texas; Greensboro, Georgia; Clearwater, Florida; and Tampa, Florida.[47]

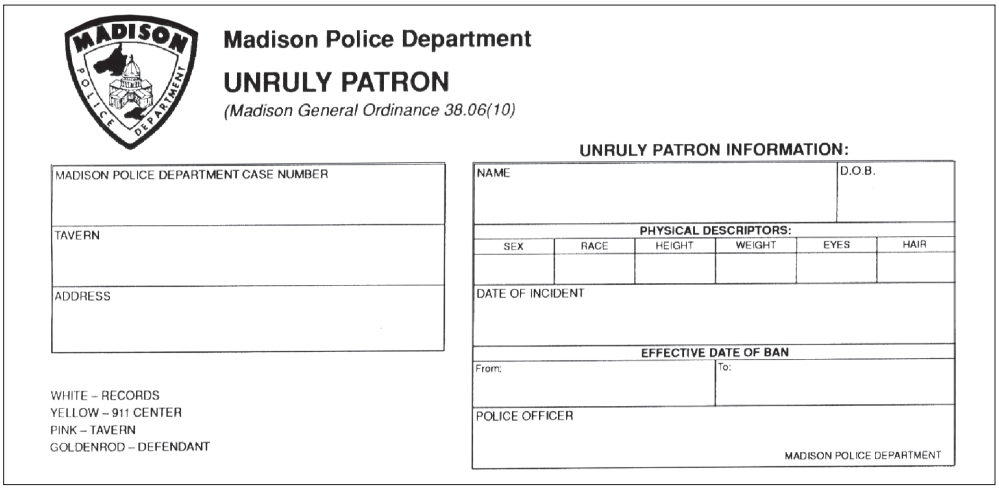
Two main pathways for assertion of civil trespass rights in residential situations have been and can be used. First, police can encourage landlords and others to assert their rights to bring a civil action themselves.[48] Second, landlords can use an affidavit to authorize others (e.g., police) to enforce these rights for them. In addition to allowing law enforcement officers to ask trespassers to leave an area, this last pathway can also result in a criminal prosecution if those asked to leave return. Criminal prosecutions can also occur if police find contraband on trespassers.

In the case of civil trespass in public housing, the police can encourage stakeholders, such as public housing management, private security, resident patrols, and resident groups, to use their rights against non-tenant trespassers, depending on the tenancy agreements in place. These trespass law initiatives may be reinforced through the creation of resident "passes" and identification programs for authorized tenants. This approach is most effective when access to the property is controlled by the presence of on-site security guards and access control points, because trespassing rules are difficult to enforce in an open or open-access community.[49]

Another program that involves having the police act as agents for the landlords is the Trespass Affidavit Program (TAP) in New York City. In New York County (Manhattan), TAP requires landlords to register for the program, post signs throughout the buildings that say "Tenants and Their Guests ONLY," provide the police with an up-to-date list of all tenants and keys to the buildings, and allow the police to conduct "vertical patrols" in the building.[50] Not only is there a possibility of a stiffer enforcement mechanism with these transferal of rights agreements, but they may also increase the likelihood that any actual enforcement will occur.

One major disadvantage of the use of trespass enforcement can be the lack of support from the local community. This can occur if there is not adequate notice of the program or when there is a perception of over-enforcement. Legal challenges to trespass affidavit programs may be based on claims of disparate enforcement on the basis of race or ethnicity or assertions that police are conducting stop-and-frisk procedures without an adequate legal basis or adequate oversight.[51]

Figure 1. Example of "Unruly Patron" form from Madison (Wisconsin) Police Department



Madison Police Department

UNRULY PATRON

(Madison General Ordinance 38.06(10)

MADISON POLICE DEPARTMENT CASE NUMBER

TAVERN

ADDRESS

WHITE – RECORDS
YELLOW – 911 CENTER
PINK – TAVERN
GOLDENROD – DEFENDANT

UNRULY PATRON INFORMATION:

NAME | D.O.B.

PHYSICAL DESCRIPTORS:

SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR

DATE OF INCIDENT

EFFECTIVE DATE OF BAN

From: | To:

POLICE OFFICER

MADISON POLICE DEPARTMENT

Source: Madison Police Department

Criminal trespass actions have also been used to address alcohol-related crime and disorder problems. For example, criminal trespass warnings have been used to keep troublemakers away from a late-night venue after they have been arrested there. Criminal trespass was used to help control assaultive behavior in a particular country-western nightclub in Texas that had been experiencing a high volume of police activity for alcohol-related disorder and crime. Texas law allowed a person to be arrested for criminal trespass if they had been "warned away" from a location in the presence of a peace officer.[52] A similar practice is used in Madison, Wisconsin, in which persons deemed "unruly patrons" can be temporarily banished from a licensed establishment (see Figure 1).[53]

Civil Injunction

A civil injunction is the general term for a court order that seeks to force someone to perform an action or to stop someone from doing something that causes harm (or has the potential to cause harm). Property-related injunctions can be focused on stopping a person, group, or organization from carrying out behavior that prevents others from enjoying a property-related right they have, or can order an owner to remedy nuisance conditions. These injunctions can be either temporary or permanent, with permanent injunctions usually being issued following a court hearing in which both parties receive notice of the hearing and have an opportunity to respond. The issuing of a civil injunction can be part of a larger civil proceeding, such as nuisance abatement, where it can be used to stop a business from operating in a way that contributes to the alleged nuisance activities.

Courts may grant injunctions in nuisance abatement cases if the nuisance is severe enough or the harm needs to be addressed more quickly.[54] Breaches of court orders can result in a contempt ruling, which can be a criminal offense and result in a jail term or a fine. Courts may also order property closed—the most common sanction—and sometimes they may order the property sold at auction.

Temporary injunctions, depending on their breadth, can gain the attention of the targeted party and induce them to act to prevent the loss of income or some further civil action.

As with any civil remedy used against a party who is allowing crime or disorder conditions to exist on their property, these orders can be ignored by the targeted party unless there are further consequences to their issuance.

Receivership

Property is considered to be in receivership when a court has transferred its management to a third party, such as a bank or administrator. This may be done with severely deteriorated buildings to allow the receivers to repair the structures, and force the owners to cover the costs.[55] When used as part of a crime-prevention initiative, the court may have previously found that the owner did not respond adequately to a court order following a nuisance abatement action or other civil action.

The example from Maricopa County, Arizona, in the "package of civil measures" section (see page 25) describes how receivership can be used as part of a civil-remedy crime-prevention initiative.

The potential loss of revenue to landlords who are forced to give up their profits in a receivership may be sufficient to change crime and disorder conditions, although some property targeted by police may not generate a large amount of income. This could make it difficult to find a competent receiver if the remedy is used, rather than just seen as a possibility.

Condemnation

This action is brought by a court signifying that the building on a parcel of property is not habitable—or, as in one case, the cost of repair is higher than the cost of replacement and it is no longer a place to be lived in.[56] Access to the building will be restricted; it will be "boarded up" prior to, or as an alternative to, demolition. This remedy is usually seen as a last resort when addressing crime problems.

Condemnation and boarding up of properties can be highly effective in certain circumstances. In other circumstances, it can be very controversial and lead to worsened conditions in the short term—if residents are uncertain where they will live or existing social controls are disrupted.

Chicago Housing Authorities (CHA) Anti-Drug Initiative (ADI)

Place: Three high-rise housing developments in Chicago, Illinois

(Final phase of initiative discussed here)

Federal regulations required housing authorities to demolish public housing properties where the costs of repairs exceeded the cost of replacement.

Initial problems identified: Crime, violence, and disorder, including drug sales and use, primarily by young residents

Activities: (see also Table C1, Appendix C)

- Increased level of housing services (better security and increased cleaning and repair) related to initiative
- Redevelopment effort unrelated to ADI initiative
- Identification and demolition of severely distressed public housing (unrelated to ADI initiative)
- Prosecution of gang members (unrelated to ADI initiative)

Outcome:

- Gang wars resulted from loss of leaders in powerful gang
- In the short term, the demolition worsened conditions (e.g., changes occurred in staffing at buildings not demolished)—which were measured by resident perceptions of their quality of life
- Condemnation and demolition of scattered buildings disrupted key gang territories, causing new conflicts and rising fears among residents that they might be left homeless.

Source: Popkin et al. (1999)

Provisions requiring landlords to *vacate* buildings following nuisance abatement actions were used more successfully in Joliet, Illinois. In one enforcement project, after repeated attempts to gain landlord cooperation, a group of apartments were ordered closed and tenants were required to vacate the premises and move elsewhere. A new owner made the needed changes. Tenants were able to apply for an apartment.[57] In another Joliet Police Department project, at the request of the police, the city council passed an ordinance requiring landlords to cooperate with police once they had been notified of criminal activity on their property (as part of a nuisance abatement effort).[58] If the landlord failed to comply, then he or she would be forced to vacate the property, leaving it empty.

The condemnation process can remove buildings that are no longer habitable or are dangerous for area residents or passersby. The possibility of having to vacate a building can be used as another tool for gaining landlord cooperation and may encourage action at an early stage, so that the property does not need to be vacated, boarded up, or torn down.

It has been unclear and difficult to predict the success of a program involving the securing of abandoned buildings, due to the difficulties involved with measuring impacts and the limited evidence base.[59] Also, this type of program can present other problems in the short term because of its high degree of disruption for both offenders and local residents.

Other Civil Measures

Negligence

Individuals and businesses can be held civilly liable (for damages incurred) as a result of their failure to meet a duty of care to others. These general principles of liability (and the possibility of their application) can be usefully applied in the context of property-related crime and disorder prevention if they force land owners, landlords, and businesses to alter property conditions conducive to these offenses.[60] While "negligence" is the more general legal term for these types of actions, the term "civil liability" is often use to describe lawsuits brought against property owners in this context.

Dram Shop Provisions

In addition to the ordinary principles of negligence related to businesses, statutes may exist in your jurisdiction that create a special type of "civil liability" focused on a legal duty of care applicable to alcohol establishments (or "dram shops"). These provisions create a legal liability for harms caused by patrons whom the shops served after they were already intoxicated. The economic incentives and disincentives related to this liability risk have been used as part of the group of incentives behind interventions to limit alcohol-related problems, such as highlighting the need for training about responsible serving practices.[61]

Package of Civil Measures

As is apparent from the discussion of particular civil remedies, legislation may incorporate a number of these civil remedies into one package of possible responses. One example that demonstrated this approach was used in Maricopa County, Arizona, to persuade landlords to deal with suspected repetitive criminal activities by their tenants by focusing on nuisance abatement as the primary measure (see "Anti-Slum Packet" box on page 26).

"Anti-Slum Packet"

Place: Maricopa County, Arizona

Civil Remedy: Arizona Law (A.R.S. §§12-991-12-999)

The Maricopa County Attorney produced a set of documents to encourage local residents and neighborhood associations to use a criminal *abatement* statute (A.R.S. §§12-991-12-999) to eliminate suspected drug houses from their areas. The statute was broad enough, however, to include in the definition of a "nuisance" "residential property that is regularly used in the commission of a crime" (A.R.S. §12-991).

Although this was called an "anti-slum packet," most of the material in it focused on the process and tools for bringing a civil action to address crime rather than disorder or physical deterioration. The statute requires property owners to take certain steps to deal with repetitive crime that is occurring on their property—whether used for residential or commercial purposes. If, after receiving notice of the repetitive crime problem, the owner does not take steps to rectify the problem, then the city prosecutor can seek a *civil injunction* requiring him or her to do so. If, after an investigation, the county attorney finds that the owner has violated the civil injunction, then the owner can be prosecuted for a felony. The statute also calls for the issuance of a *temporary restraining order*, which is served on the legal occupant of the property and includes a right to a hearing in court. The statute also allows the court to issue a permanent civil injunction, appoint a temporary *receiver* to manage or operate the property, award expenses, and impose a *civil monetary penalty.* The property may also be closed. Notice of the abatement action must be filed with the county recorder and the action applies to future owners.

Local residents were encouraged to assist in this process by:

1. Observing and monitoring the activities they see occurring at the rental property
2. Using standardized reporting forms to document this information
3. Searching county property records to identify who owns this property
4. Mailing a letter to the owner describing the activities, the owner's responsibilities, and the potential consequences of a failure to act to deal with these activities
5. Sending copies of these documents to the local police department for further investigation

The statute (A.R.S. §12-991) allows not only the attorney general or any city or county attorney to sue, but any resident of the county or city affected by the nuisance can also bring the action in court.

The website packet included model letters for police departments and local residents or neighborhood associations to use, as well as guidelines and forms for recording crime incidents and newspaper clippings highlighting the potential consequences of a failure to act.

Another statute (A.R S. §§33-1901–33-1905) discussed in this packet from the Maricopa County Attorney deals with the registration of property ownership, the definition of a "slum property" as property meeting specific conditions that pose a danger to public health and safety, and the appointment of a temporary receiver to address these problems.

Source: Maricopa County Attorney (n.d.)

Planning for the Use of Civil Remedies

Developing a comprehensive plan for the use of civil remedies to address local crime problems might begin as a by-product of a specific problem-oriented policing project, or a wider police- or prosecution-management initiative. No matter which way the initiative develops within your area, you will need to have both the organizational capacity to deal with the various tasks required to address each problem *and* the problem-solving expertise for figuring out what responses will work for each problem and who needs to carry them out. Because different types of skills, knowledge, and expertise exist within different parts of your jurisdiction, you should expect to work in partnership with other governmental agencies and members of your local community.

Building Civil Remedies Capacity within Local Government and in the Community

Many of the studies reviewed for this publication either had conditions that demonstrated that the crime enforcement measures being used were not adequate for solving the crime or disorder problem,[62] or had some type of community crisis that focused attention on the need for a crime prevention intervention.[63] If your community or department has not had a major event that focused attention on the need for civil remedies, then there are several types of things that you will probably need to do to facilitate their successful use.

A 1994 review[64] of civil remedy use in crime prevention set out five recommendations for the effective use of civil remedies: 1) find appropriate legislation, 2) secure competent staff, 3) develop close police-prosecutor collaboration, 4) involve other public agencies, and 5) involve the community. These recommendations are discussed here in terms of including needed collaborators, developing staff expertise, and enacting appropriate legislation.

While this discussion assumes that the police will take the lead in these initiatives, this will not always be true. Local prosecutors can also lead the problem-solving process through a community prosecution unit. For example, a 2003 study examined 36 community prosecution programs operating in the United States between 1985 and 2000 and nearly half of them used some type of nuisance abatement, eviction, or trespass program to address "quality of life" offenses, nuisances, or drug-related crimes.[65]

Including Needed Collaborators

Three types of collaborations will be required, depending on the type of civil remedy used: government attorneys, other agency staff (such as housing, fire, building, and zoning), and the local community.

Collaborators need to make sure that all parties understand the legal and organizational limits to their own and the other parties' powers. If you know what different agencies are allowed to do, and what triggers action by them, you can begin to develop plans for dealing with common crime and disorder problems. This should also allow you to make joint decisions about how the civil remedies can or must be implemented.

The inclusion of the local community can be essential in planning as well as inspection and enforcement. This should include listening to community complaints about particular problems; bringing the community on board at the planning stage to help prevent later opposition; gaining community assistance in identifying, documenting and preventing crime incidents; and monitoring the initiative's progress.[66]

Crimes, crime patterns, and communities do change. Employees leave their jobs. Therefore, reviews of these partnerships should be seen as part of the collaborative process and should be revamped, as needed. For example, in Seattle, four assistant city attorneys were deployed among Seattle's five police precincts to strengthen the city's efforts at managing increasingly problematic public safety and regulatory issues in a program that was a redesigned extension of a previous program.[67]

Developing Staff Expertise

Look for high-quality staff (police personnel, prosecutors, and government regulating agency staff) that can be trained to do the job, and will stay for a suitable period to prevent having to train new staff continuously. Staff attorneys involved in community prosecution partnerships need to have a community-oriented approach, according to recent research, not just traditional prosecutorial skills.[68] An example of specialized staff assignments in police departments occurred in Phoenix, Arizona, where two officers were reassigned from their regular duties to focus their efforts solely on crime abatement of nuisance properties. One officer trained managers and owners about landlord-tenant law and responsible property-management practices and recommended property-security improvements, while the other identified nuisance properties and took enforcement action where necessary.[69] Similarly, policing staff in Indio, California, had to become experts in the California law of foreclosure to carry out its foreclosure registration program to address blighted and nuisance property.[70]

Securing competent staff with the needed expertise does not necessarily mean that programs will be able to hire additional staff. A 1998 study reported that most abatement programs were run by government attorneys and police departments, which operated without special funding.[71]

Finding and Enacting Appropriate Legislation

Once you and your partners understand the general powers of each group, you will be better able to identify whether existing legislation will enable you to apply sufficient pressure on property owners or tenants to modify conditions closely associated with crime and disorder. You may need to amend existing legislation or pass new legislation if the current remedies are not flexible enough to address your problems. You may also find other more appropriate legislation being used elsewhere that you think should be available in your jurisdiction.

In addition to these steps, it is also important for government agencies to be able to find out who is responsible for the property by consulting either an existing registry of property owners in this jurisdiction that can be used for notification purposes, or—on foreclosed properties—a listing of all of the parties who have an interest in that property.[72] Jurisdictions may need to develop these registries if they do not exist, since it may be difficult to serve notice on parties and gain any type of voluntary cooperation without them.

While some of these recommendations, such as involving the community, apply even when the initiative does not involve a civil remedy, most of these are specifically applicable to the use of civil remedies.

Constraints on and Considerations about the Scope of Civil Remedies Use

General constraints are discussed in this section, as are crime- and place-specific considerations that are more directly related to particular types of crime or places.

Protected Rights

Civil remedies must be framed in a way that does not infringe on a fundamental right of the targeted person(s) or groups, such as the right to due process, just compensation, free speech, and free association. Civil remedies can be controversial if they are not framed to address only crimes or disorderly behavior, or behaviors that are clearly linked to criminal actions or safety hazards.

Non-offending Parties

Some of the enforcement consequences of civil remedy use may fall to non-offending parties, such as families with children who were living in apartment complexes that have been closed down. Intervention planners should look at their initiatives and have additional information and resources available to address these potential unintended enforcement consequences. For example, are there enough properties for those eligible for subsidized housing to move into? This was a problem for the Chicago Housing Authority's Anti-Drug Initiative that used HOPE VI federal grants.[73]

Notice

Most civil legal provisions will contain a requirement for the party seeking redress to provide notice of the action to the other party or parties, but these requirements may be limited with certain types of proceedings (as with some temporary injunctions). Even if this results in the owners eventually getting their day in court, however, not all of the parties with interests in the outcome (e.g., tenants in the building) may know what is going on.

If the notice requirement is not particularly strict (e.g., notices published in a newspaper), then you should consider adopting a stricter standard (e.g., certified letter sent to a registered address, or personal service, in addition to posting the notice on the property itself).[74] Inadequate notice could potentially trigger legal challenges as well as engender opposition from groups within the community whose support is needed for the measure to be a success.

Level of Proof

In addition to the variety of actions that are available as civil remedies, the lower level of proof required for civil actions (in comparison to the proof beyond a reasonable doubt required for criminal prosecutions) makes them an attractive regulatory mechanism for policing agencies to use.

Furthermore, the standards are not necessarily identical at all stages within a civil action. As with criminal prosecutions, the level of proof needed to initiate an action tends to be lower than that required by the court before issuing a civil penalty. For example, Arizona's crime abatement statutes (described earlier as the "Anti-Slum Packet") require only a "reason to believe that a nuisance described…exists" (A.R.S. §12-991 B.) for the action to be brought, but later provisions require that the court assess a civil penalty only where the person against whom the penalty is assessed "knew or had reason to know of the criminal activity" (A.R.S. §12-991 C.).

In addition, these "knowledge" requirements often refer to the knowledge of an existing physical disorder problem or of the complaints about drug crimes occurring on the premises. They do not focus on establishing that an illegal activity has occurred.[75]

Understanding these distinctions is an important part of the staff preparation needed for using civil remedies for crime prevention purposes.

Partnerships

Successful implementation of these types of remedies depends on police developing good working relationships with inspectors, community groups, business owners, and other city employees. From the planning stage through to the response and evaluation stages, police need to maximize the potential for positive outcomes—and minimize adverse side-effects—by ensuring they both understand and manage the burdens and consequences for their partners. Giving consideration as to how the partnership might best deliver equitable and fair crime control responses requires police to cast objectives in a broad and positive manner. An initial mutual agreement of the objectives will minimize the potential for conflict, avoid exacerbation of long-standing divisions, and ensure that divergent interests don't undermine the capacity for fair, legitimate, and acceptable crime control outcomes.[76]

Regulatory Standards

Historically, the level of enforcement of housing codes has been found to vary because, among other things, codes are complex, staffing levels are often inadequate, inspectors have a large amount of discretion, and the resources of many owners are inadequate to bring the conditions up to the code's standards—and inspectors are aware of this.[77] You need to understand as much as you can about the culture of each department's code enforcement in their municipality so that you can assess whether the department will be able to meet the standards required for the successful application of the planned civil remedies, should the possibility of their use alone be insufficient to change the crime-opportunity structure of the targeted places.

Selective Enforcement Claims

Those targeted by civil remedies may claim in court that they have been unfairly singled out for special enforcement actions. Documenting your actions should help you address these types of claims. For example, you may be able to show: (a) the number and types of complaints by members of the local community, (b) comparison data about calls for service and arrests for this location and other similar locations, and (c) information about notice given to the complaining party and his or her failure(s) to comply.

Compliance

Part of providing notice that civil remedies may be used in a particular situation can also involve creating incentives for property owners to clean up their homes, tenancies, or businesses. You should determine if there is landlord support for the anti-crime initiatives[78] and assess the likelihood that they will be able to make the types of changes needed if they do not get some type of financial assistance. The possibility that the repairs cannot be made economically by any party should be considered prior to enforcement activities since condemnation and demolition of the property would then need to be added to the group of potential responses.

Initiatives such as landlord training and financial support for rehabilitating code violation properties may enhance the chances of long-term success for place-oriented crime-control strategies. Phoenix police offered training to "slumlords" in the Crime Free Multi-Housing Program. If this training was refused, enforcement action was taken through the nuisance abatement statute or the use of zoning ordinances. Owners could be criminally charged with a felony of "failing to abate a crime." Results indicated that crime was reduced by almost one-third in targeted neighborhoods.[79] Similarly, the Bureau of Justice Assistance developed a training manual designed for police to use in their development of a 6–8 hour training package for property owners, which covered issues such as: keeping neighborhoods healthy, Crime Prevention through Environmental Design (CPTED) principles, screening applicants, rental agreements and eviction, property management, warning signs of drug activity, and working with the police (among other things).[80]

Determining Problem-Specific Civil Remedies

In addition to developing an overall capacity in your community to use civil remedies, you will need to develop a process for determining what particular remedies are most appropriate to address specific crime and disorder problems. Problem-oriented policing provides you with a general framework for analyzing problems in ways that will help you understand whether a civil remedy is likely to be an effective response to the problem, and if so, which remedy or combination of remedies. Understanding step by step how particular crimes are committed will assist you in identifying situational crime prevention (SCP) measures that can be implemented to block each step or make it more difficult for an offender to complete it.[81] One useful technique for analyzing how crime and disorder problems occur is the "crime script." Appendix A describes in detail how to use the crime-script technique in the context of civil remedies.

Displacement and Diffusion of Benefits

When planning any prevention initiative, the potential for crime displacement and diffusion of crime-prevention benefits needs to be addressed in a systematic manner.† When considering the use of *place-focused* civil remedies to disrupt opportunity-related conditions for crime, you should be particularly attuned to *place-related* aspects of both displacement and diffusion.

In practice, in terms of displacement, this means that you need to consider whether the reach of the proposed initiative will likely be great enough to prevent the successful movement of crime commission to *another location*. If there is some displacement, how does it compare to any change in crime at the targeted locations? Although displacement tends to be limited, it was found to be a problem in one study in relation to the securing of abandoned property.[82]

Similarly, in terms of diffusion of crime-prevention benefits, you need to consider whether the effects of potentially using a civil remedy will be spread to *other places* not directly targeted by the initiative. If a diffusion of benefits is expected with these remedies, is there any way to increase the likelihood of this happening, such as through the use of publicity?‡

Four other types of displacement are possible: Will offenders be able to change the *manner* in which they commit the crime? Would changing the *time* of the crime commission be possible? Is there another *victim* (or *target*) who could be attacked (or targeted)? Might the offender be likely to switch to the commission of *another crime*? Again, similarly, there are four corresponding types of diffusion of crime-control benefits that can occur.

These questions should be asked in relation to each crime script likely to be carried out in the place where the initiative will be targeted. If these crimes are readily displaced in one of these ways, then you need to take this into account prior to start up. Moreover, if you developed crime scripts, you may also find it easier to consider whether other crimes besides the targeted crime are likely to be occurring at the targeted locations because of the opportunities presented there. If these other crimes are likely to be affected by the potential use of civil remedies, then this would be considered a diffusion of crime-control benefits. Maximizing this diffusion effect should become part of the planned initiative, if resources to do so are available.

Finally, while it may not be possible to measure all of the potential displacement or diffusion effects, this is not a good reason for failing to analyze at least some of the most likely displacement or diffusion possibilities related to your responses.

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† See Problem-Solving Tools Guide No. 10, *Analyzing Crime Displacement and Diffusion* for more on this topic.

‡ For more on the use of publicity in crime prevention, see Response Guide No. 5, *Crime Prevention Publicity Campaigns.*

Appendix A: An Expanded Script Approach for Use with Civil Remedies

Understanding step by step how particular crimes are committed will assist you in identifying situational crime prevention (SCP) measures that can be implemented to block each step of the crime or make it more difficult for an offender to complete it.[83] This crime-script approach can be laid out in a diagram or table (see Tables A1 and A2), with columns setting out the general stages of the crime (column 1), the linked offender actions (column 2), and responses (column 3), which are usually SCP measures.† The other columns set out can be used for detailed planning of a prevention initiative.

To use this table (or construct one of your own to aid in planning your problem responses), first look at the stages of the crime (the "script action" column). Do not focus only on the stage in which the crime is actually done (the "doing" stage) since you may be able to interrupt it at an earlier stage and limit the harm done. Once you have focused on a particular stage or script action, then you can look at what you might be able to do to prevent this action from occurring. To do this, look across that row and note the types of controls you might use to change an offender's actions. Note that you will be considering who could carry out these controls, and how they might operate in practice. Keep in mind that this is a tool for your use; you are not required to fill in every box or consider every possibility, but the more information you have, the more comprehensive and effective your responses will be.

This approach is very flexible and permits the number of factors that can be linked to an SCP response measure to be expanded, which is particularly useful for helping you visualize the role of a civil remedy in the crime-prevention process. For example, the type of intervener (usually a multi-agency partnership), the focus of the SCP control (usually the place for these remedies), the medium of control or third party (usually the "controller" of the place or "place manager," using routine activity theory concepts[84]), the type of inducement (a civil remedy, criminal penalty, or a non-coercive incentive), and other dimensions of the measures (such as the mechanism by which the SCP works) can be included in the expanded table (see Tables A1 and A2).[85]

† A blank table appears in Appendix B as Table B1.

This type of expanded crime script may be particularly good for you to use when: (a) one single technique is unlikely to be able to block the crime in the setting where the prevention initiative is needed, (b) more than one person controls a setting, or (c) more than one agency will be called on to enforce the remedy to help stop the crime. The scripts described here—drug crimes in housing, and alcohol-related disorder or violence around bars and pubs†—are general crime scripts for crimes that are frequently the focus of property-related civil remedies. Note that the particular type of civil remedy that can be used appears in the "Situational Controls" column. In the example of a drug crime sale in public housing (Table A1), the civil remedies that could be used include tenancy agreements that could result in eviction and nuisance abatement actions. In the example of alcohol-related disorder in an entertainment district (Table A2), civil remedies related to zoning and licensing requirements are illustrated.

† See Appendixes C and D for more examples of the use of place-based civil remedies for these two types of crime- and place-specific problems.

Table A1. Expanded Crime Script: Hypothetical Anti-Drug Campaign in Public Housing (See Appendix C)

Scene/ Function	Script Action	Situational Controls	Mechanism	Type of Intervener	Focus of Control	Medium of Control	Type of Inducement	Inducement Enforcer
Preparation	Find friend/ relative with apartment	Lease with anti-drug/ crime tenancy condition	Increase the effort	Multi-agency partners	Scene/ place	Place manager—Tenant and apartment manager	Criminal law or Civil remedy	Government agency
Entry	Move belongings into apartment	Concierge Limited access to premises Tenant controls	Increase the effort	Apartment owner/ manager	Scene/ place	Place manager—Tenants and apartment manager	Non-coercive inducement	Apartment owner/manager
Pre-condition	Locate and buy drugs	Street-level enforcement	Increase the risk	Local law enforcement	Numerous	Numerous	Criminal law	Government agency
Instrumental Pre-condition	Bring drugs to apartment	Drug dogs owned by apartment security	Increase the risk	Apartment owner/ manager	Scene/ place	Place manager—Apartment manager and security	Non-coercive inducement	Apartment owner/manager
Instrumental Initiation	Bring customers into apartment complex	Concierge Limited access to premises Tenant patrols	Increase the effort	Apartment owner/ manager	Scene/ place	Place manager—Other tenants and apartment manager	Non-coercive inducement or Civil remedy	Apartment owner/manager
Instrumental Actualization	Let customer sample drugs	Tenant reports of nuisance needing abatement	Increase the risk	Multi-agency partners	Scene/ place	Place manager—Other tenants and apartment manager	Criminal law or Civil remedy	Government agency
Doing	Sell drugs	Anti-drug tenancy condition	Increase the risk	Multi-agency partners	Scene/ place	Place manager—Tenant and apartment manager	Criminal law or Civil remedy	Government agency
Post-condition	Have customers leave	Limited exits Screening by apartment drug dogs Tenant patrols	Increase the risk	Apartment owner/ manager	Scene/ place	Place manager—Tenants, apartment manager, and security	Non-coercive inducement	Apartment owner/manager
Exit/No Exit	Continue selling	Eviction proceeding against tenant	Increase the risk	Multi-agency partners	Scene/ place	Place manager—Apartment manager	Criminal law or Civil remedy	Government agency

Source: Adapted from Smith (forthcoming; 1998) and Cornish (1994)

See Appendix B (Table B2) to use when planning an initiative.

Table A2. Expanded Crime Script: Hypothetical Alcohol-Related Disorder Campaign in an Entertainment District (See Appendix D)

Scene/ Function	Script Action	Situational Controls	Mechanism	Type of Intervener	Focus of Control	Medium of Control	Type of Inducement	Inducement Enforcer
Preparation	Choose venue with many pubs	Zoning laws that spread out liquor venues	Increase the effort	Multi-agency partners	Scene/ place	Inspector	Civil remedy	Government agency
Entry	Go in & out of several pubs in area	Monitor & limit number of entries per person	Increase the effort	Multi-agency partners	Scene/ place	Place manager—Bar staff/manager	Non-coercive inducement/ Industry agreement	Bar industry/ Individual business
Pre-condition	Drink discounted alcohol	Prohibit alcohol discounting	Increase the effort	Multi-agency partners	Scene/ place	Inspector	Civil remedy	Government agency
Instrumental Pre-condition	Drink over personal limit	Train staff to recognize intoxication	Increase the risk	Multi-agency partners	Scene/ place	Inspector/Bar manager	Civil remedy/ Civil liability	Government agency/Individual business
Instrumental Initiation	Run into or knock possible opponent(s)	Alter the physical layout of amenities	Decrease the reward	Multi-agency partners	Scene/ place	Place manager—Bar staff/manager	Non-coercive inducement/ Industry agreement	Individual business
Instrumental Actualization	Get into argument	Train staff to identify trouble quickly	Decrease the reward	Multi-agency partners	Scene/ place	Place manager—Bar staff/manager	Non-coercive inducement/ Industry agreement	Bar industry/ Individual business
Doing	Get into fight	Train staff to respond to calm situation	Increase the risk	Multi-agency partners	Scene/ place	Place manager—Bar staff/manager	Non-coercive inducement/ Industry agreement	Bar industry/ Individual business
Post-condition	Boast to mates in facility	Remove combatants from bar after calming	Increase the risk	Multi-agency partners	Scene/ place	Place manager—Bar staff/manager	Non-coercive inducement	Individual business
Exit/No Exit	Loiter outside	Bar from other establishments Use public transport	Increase the risk Reduce the reward	Multi-agency partners	Scene/ place	Place manager—Other bar staff & Transport agency	Industry agreement Civil contract	Bar industry Government agency

Source: Adapted from Smith (forthcoming; 1998), Cornish (1994), and Macintyre and Homel (1997) and Felson et al. (1997)

See Appendix B (Table B2) to use when planning an initiative.

This type of expanded script is probably most important to use for planning, where gaining a consistent, shared perspective on how the pieces fit together is crucial for the project, but it can also be used during the implementation period, and for the evaluation. Here is a checklist that can be used with the blank table (Table B2). Table B1 may be useful as well in helping you determine how each remedy will work.

Planning process (part of the "Analysis" phase of the SARA model):

- Locate places that your previous scanning has identified as important, such as those that have repeated crimes occurring there.
- Begin developing a working script for each type of crime at each of these locations. Develop more than one script for a broad crime category if these crimes involve different stages or elements.
- Elaborate the crime scripts as you get more information.
- Don't forget to talk to local residents and other community stakeholders, as they are your eyes on the street.
- Be situation specific.
- Find a targeted location that is subject to close government regulation—e.g., public housing or licensed premises selling alcohol—or one that is in such disrepair that it poses a public nuisance (e.g., a public safety hazard). Civil remedies are most likely to apply to these types of places.
- Seek contacts in potential partner agencies (e.g., housing departments, state liquor licensing bureaus) and community groups (with a stake in solving the problem) to add to the planning process.
- Identify responses likely to be effective in stopping each stage of the crime or disorder problem.
- Determine which of these is likely to be essential to stopping the crime and make sure these are included in the planned initiative.
- Among the other responses, look for those that involve fewer resources, are less expensive to use, and are easier to implement, but only choose these if they appear likely to work. Beware of false economies that may cost little but waste time, energy, and those resources that are used.
- Keep in mind that you will need to identify a control site for use in a later evaluation.
- Identify and measure any crime displacement or diffusion of crime control benefits.

Implementation process (part of the "Response" phase of the SARA model):

- Target each response at the actor who can control or change the situation.
- Identify the agency(ies)—and who in the agency—that is (are) enforcing these controls through the possibility of civil legal action.
- Make sure the agency(ies) has (have) the requisite expertise and capacity to provide legal notice of the potential use of the civil remedy, as well as to enforce it (if needed).
- Publicize any successes.†
- Talk to community members and line officers.
- Check that each response is being addressed as planned. If it is not, identify what appears to be impeding the process.
- Modify the response or add more resources, as needed.

Evaluation process ("Assessment" phase of SARA model):

- Look at calls for service and arrests, talk to local residents and business owners, measure relevant visible signs of disorder or crime occurrences.
- Identify which parts of the crime or disorder problem were inhibited and which were not.
- Determine whether crime (or disorder) fell in the targeted location(s) and in the control site(s).
- Tally the overall costs of the project, as well as the benefits.
- Evaluate whether there was any crime displacement and, if you found any, how extensive it was.‡
- Make sure that you document any crime control benefits that diffused to other locations or to non-targeted crime problems.

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† See Response Guide No. 5, *Crime Prevention Publicity Campaigns.*

‡ See Problem-Solving Tool Guide No. 10, *Analyzing Crime Displacement and Diffusion.*

As noted above, it is clear from looking at an expanded crime script that achieving a successful outcome may lead to the use of several different types of measures in addition to property-focused civil remedies. The exact combination of measures will differ from place to place, based on the needs and resources available. This "package of measures" approach, however, usually presents problems for measuring the success of particular aspects of the problem-solving initiative (the evaluation process or "Assessment" phase of SARA model). It is difficult to disentangle the effects of changes that were put into effect at roughly the same time. This may help explain why relatively few rigorous evaluations have been carried out on the use of civil remedies in crime prevention.[86] If the initiatives are introduced in phases, however, it may be possible to determine whether the initial measure used was sufficient by itself to reduce the crime and disorder in an area or at a venue.

Appendix B: Blank Tables to Use in Planning an Initiative Using a Civil Remedy

The two blank tables in this section should allow you to organize the information you will need to develop an understanding of the legal aspects of civil remedy use (Table B1) and of the place of these civil remedies in a larger crime prevention initiative (Table B2). These tables are tools and not every category set out will apply to your crime or disorder problem. You should adapt them to serve your needs.

Table B1 sets out some of the major features of any civil remedy as they relate to use in crime and disorder prevention. You, in consultation with collaborating attorney partners in your jurisdiction, can use this framework to organize what is available in your jurisdiction currently, as well as aiding you in the future by helping you decide what you need to have future legislation provide.

Table B2 sets out a blank expanded crime script for you to use in planning how to use the civil remedies as part of a larger, more comprehensive, and potentially more effective crime prevention initiative.

Table B1. Features of Civil Remedies Currently Available (or Needed) in Your Jurisdiction—Blank Table to be Filled in

Civil Remedy	Exact Legal Basis (Statute/ Case Law)	Who Can Bring the Action (All Eligible Parties)	Who is Targeted by the Action	What Steps are Needed (In Order)	Partners Needed at Each Step	Types of Evidence Allowed	Desired Outcomes	Projected Costs	Advantages and Disadvantages
Remedies Currently Available									
Code Enforcement									
Zoning									
Nuisance abatement									
Eviction									
Trespass									
Civil injunction									
Receivership									
Condemnation									
Negligence									
Dram Shop									
Needed Remedies									

Table B2. Blank Expanded Crime Script: For Use in Programs Using Civil Remedies

Scene/Function	Script Action	Situational Controls	Mechanism	Type of Intervener	Focus of Control	Medium of Control	Type of Inducement	Inducement Enforcer
Preparation								
Entry								
Pre-condition								
Instrumental Pre-condition								
Instrumental Initiation								
Instrumental Actualization								
Doing								
Post-condition								
Exit/No Exit								

Source: Adapted from Smith (forthcoming; 1998) and Cornish (1994)

Appendix C: Applying Property-Related Civil Remedies to Drug Crime in Public and Private Housing

This section of the guide provides brief summaries (see Table C1) of initiatives in which police or third parties used civil remedies to target property where drug crime was suspected or known to be taking place. These places can be located in residential, industrial, or commercial areas and can include the following:

- Common areas located within public housing estates
- Commercial venues
- Privately owned property (owner occupied or rented)
- Abandoned buildings, which may or may not still have an owner

Most of the evaluations discussed here, however, involve either public or private housing. One of the problems identified is some form of drug crime. Many of the more recent studies used a problem-oriented policing approach. The limited number of rigorous evaluations of initiatives involving multi-agency responses and third parties in dealing with crime and disorder issues, including drug crimes, has been raised by a number of authors.[87]

Table C1. Summary of Programs and Initiatives Using Civil Remedies in Response to Drug Crime in Public and Private Housing

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Code Enforcement				
Center Court Project (Joliet Police Department 1996) Place: City of Joliet, Illinois	Building code and health and safety regulations	• Police reviewed calls for service in a high crime and disorder area. Over 50% of calls came from two apartment buildings. • Four rival gangs living there were responsible for the more serious incidents, including drug dealing and violence. • Previous enforcement had involved crime reports and arrests. • Police suggested to owner and manager ways to reduce crime and disorder. All suggestions were ignored, despite promises to rectify. • Inspectors found over 100 violations and issued orders for the owner to fix the problems. • After 90 days, the owner failed to take action. • Inspection process was repeated. • A third inspection yielded 37 pages of violations. • City ordered owner to close both buildings.	• Owner sold the properties and residents were temporarily relocated. • New owners renovated the interior and exterior of the buildings, fenced and landscaped the property, established security procedures, and reopened the buildings. (Cost $1,000,000) • All former residents relocated, but were free to re-apply for leases at the renovated apartments. • The community was happy.	• If police work with residents to assist them with making temporary arrangements for relocation while repairs are underway

Table C1. Summary of Programs and Initiatives Using Civil Remedies in Response to Drug Crime in Public and Private Housing (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Reducing Crime and Disorder at Motels and Hotels (Chula Vista Police Department 2009) Place: Chula Vista, California	Permit ordinance was developed to deal with problem motels. Motels were required to get a city permit to operate, which was given if certain standards were met.	• Business organizations asked the city for help in dealing with quality and safety issues in a large number of Chula Vista's motels. • Despite increased police enforcement, problems persisted. • Police collaborated with other city staff and business groups and developed a POP project. • Project team identified the problem as managers and owners choosing not to deal with the issues in their premises. • First responses: (1) Police Code Enforcement and the Chamber of Commerce worked together to educate motel owners and managers how best to manage their properties to control crime; and (2) Code Enforcement staff instituted annual inspection program. • These had little effect on motel conditions. • Police, the city Attorney's Office, and the city's Planning and Building, Community Development, Finance and Fire Departments developed an ordinance that enabled the city to hold motels accountable for meeting calls-for-service criteria that were based on public safety performance standards.	• Calls for service to Chula Vista motels declined by 49%; Violent crimes and crimes against persons fell by 49%; Part I and Part II crimes declined by 70%; Drug arrests decreased by 66%. • The quality and appearance of several motels improved dramatically. • Motel management practices improved. • The number of motel rooms that did not meet basic safety standards declined from at least 378 to 0. • Aggregate transient occupancy tax reported to the city increased. • Only 2 of the 24 motels requesting operating permits did not clearly meet the required standard.	• If police work with other city staff and business groups to develop appropriate standards and methods to regulate motel conditions
Nuisance Abatement				
Leadership role: Seattle Police Department (Ferguson and Fitzsimons 1990) Place: Seattle, Washington	Drug Abatement Statute (passed in 1988), popularly known as the Expedited Eviction Law	• Drug ("rock") houses were identified. • Drug abatement remedy was used that included evictions.	• In two-year period, 625 abatement actions were filed on "rock" houses. • Only 87 of these resulted in action beyond owner- resolution agreements. • Nineteen abatement actions were filed in court, resulting in full property closure at 13 locations. • In 38 of the cases, some agreement was eventually reached with the owner, including 7 voluntary closures. • Almost 90% of drug activity at the targeted premises was resolved. • Despite a displacement effect, the outcome was considered effective in destabilizing the crack cocaine sellers.	• If the occupier is not the owner. This is because owner-resolution agreements are difficult to obtain with owner-occupied dwellings if there is a high probability of proceeding to a closure of the property.

Table C1. Summary of Programs and Initiatives Using Civil Remedies in Response to Drug Crime in Public and Private Housing (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
SMART (Specialized Multi-Agency Response Teams) Program (Green 1996) and (Mazerolle et al. 1998) Place: Oakland, California	Section 11570 of the California Health and Safety Code, which defines the use of a building for drug purposes as a nuisance.	• Coordinated inspections by building, utility, and health and safety agencies. • Infringements were identified. • Letter was sent to property owner. • Team worked with landlords to evict tenants suspected of drug crime.	• After one year the number of calls for service rose at a lower rate at the targeted properties. • Effects were not sustained after this period.	• When traditional enforcement strategies are employed in combination with alternative civil law strategies • At highly visible business premises where owners may have the most to lose by not cooperating
6100 Block of Charlotte Avenue Project (Kansas City Police Department 1995). Place: Kansas City, Missouri	Drug abatement action; civil nuisance lawsuit	• Police identified a problem property owned by a vulnerable elderly man. Teenagers stayed at his house. Large number of calls for service on the block. • Block was targeted as a POP project. • Police organized the people in the block and instructed them on how to detect suspicious activity and keep a log. • Police gave residents a business card with pager numbers and explained they could contact officers 24 hours a day, 7 days a week. Block residents made use of this and provided important information to police on an ongoing basis. • Police contacted Missouri Department of Aging, but caseworker found owner was not sufficiently incompetent to be removed. Owner refused suggested alternatives. • Police officers contacted Jackson County Drug Abatement Response Team (DART) who visited the owner and explained about the drugs recovered from the teenagers staying in his house. Owner remained unconvinced. • Following another arrest for drug possession (after a tip off from a local resident), house was vacated and posted as uninhabitable—having over 30 code violations. • Residents filed civil nuisance lawsuit to deny owner option to move back into his property. • Police met with owner and explained his available options.	• Owner decided to sell the house. • House bought by a new owner-occupier within one day. • Neighbors and police worked with new owner to fix the exterior of the house. • Training session was held for residents on crime prevention and home security. • Enforcement activities were carried out and burglars arrested. • Property crimes on the block decreased by 60%. • Police officers involved in resolving the problems on the block are rewarded by residents with a special dinner and award. • One of the residents received an award from the police and City Council. • Quality of life for all residents improved.	• When a good working partnership is built between police and neighborhood residents • When residents are trained by the police to assist them

Table C1. Summary of Programs and Initiatives Using Civil Remedies in Response to Drug Crime in Public and Private Housing (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Leadership role: Drug abatement response teams (DART) (Eck 1998) Place: San Diego, California	Abatement legislation	• Drug abatement program, involving eviction of tenants in premises involved in drug dealing. • Several different techniques were used to inform landowners about the crime problems and the responses to be used. • Experiment involved 121 private rental properties.	• Most effective response: where police met directly with landowners to discuss the drug crime on their property (and the eviction of the drug dealer). • Second most effective response: where a letter was sent to landowner requesting them to take measures to deal with the drug dealing on their property. • Least effective response: no police contact with the property owner at all.	• When police contact owners directly about the crime problem
The Question of Independent Living (San Diego Police Department 2000) Place: San Diego, California	Notice of potential use of abatement; Notice of potential use of civil lawsuit under Safe Street Now Act; and Eviction	• Police saw a rapid rise in calls for service at an apartment complex that had been converted from single-family apartments to an independent living facility for people with mental disabilities. • Police found that the manager was a convicted felon with an extensive drug history. • Police found that independent living facilities came under strict government guidelines, but these were being violated. By California standards, the apartment complex should have been classified as a board and care/group home with definite license provisions. • However, State Community Care Licensing was only interested if there was evidence that the residents were incapable of independent living. Crime and health were considered a local matter for the city. • After meeting with police, leaseholder agreed to fire the manager, but instead gave him control of all the resident's medications. • Police approached the owner who indicated that it was not his problem. • Neighbors notified the leaseholder of a potential civil lawsuit. • State Community Care intervened and found numerous regulatory violations. • Police notified the owner of a potential abatement process that could lead to forfeiture of the property.	• The owner evicted all residents and sold the property. • Calls for service in the neighborhood nearly ceased—from a high of 23 per month to a low of 2 per month.	• If police form a partnership with government agencies and members of the community • If police explore all avenues and are tenacious in solving the cause of the problem

Table C1. Summary of Programs and Initiatives Using Civil Remedies in Response to Drug Crime in Public and Private Housing (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Municipal Drug Engagement Program (MDGE) pilot program, an "experimental supplement" to the existing Strategic Inspections Task Force (SITF) program (Higgins and Coldren 2000) Place: Chicago, Illinois	Modified municipal nuisance abatement ordinance allowing the city to hold landlords accountable for some of the criminal activities of their tenants	• Department of Buildings inspected buildings (with documented drug and gang problems) for safety and code violations. • Multi-staged response by the city that included: (1) discussions with the property owner (2) issuance of an abatement notice (to the owner) requiring that action be taken to address the issue (3) if no action was taken, a notice to appear in court was to be issued (4) the case was referred to city attorneys for prosecution.	• While the program had a significant impact on levels of criminal activity over a 28-month period, the evaluation was limited and researchers cautioned about making sweeping statements about its success.	• When field attorneys are involved in the process
Repairing Neighborhoods with Partnerships (Joliet Police Department 2000) Place: City of Joliet, Illinois	Licensing and abatement used to improve rental property management and maintenance; Eviction used	• Neighborhoods with nuisance and drug and weapons problems were identified. • Police tried to win cooperation of landlords. Few landlords cooperated. • Police found that other city departments were also frustrated in their efforts. • Police developed a formal abatement process for dealing with drug, weapon, and nuisance complaints. • Police learned of a city rental inspection ordinance that required property owners of two or more rental units to pass a maintenance inspection and to maintain a rental inspection certificate for each property. Certificate had to be renewed every two years. • At police request, city council passed an ordinance requiring landlords to cooperate with police once they were notified that their property was involved in criminal activity. • If landlords failed to cooperate, they could be forced to vacate their property.	• After some success in closing problem property and in gaining the cooperation of landlords, residents became more comfortable cooperating with police, even in gang neighborhoods. • Number of calls for service was reduced (between 31 and 62 percent in abatement properties) and the neighborhood quality of life increased.	• If representatives of neighborhood services (community) and of fire, zoning, and legal departments all participate • If police teach landlords to identify problem tenants, to screen prospective tenants, to enforce illegal drug clauses in leases, and to evict problem tenants

Table C1. Summary of Programs and Initiatives Using Civil Remedies in Response to Drug Crime in Public and Private Housing (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
The Oakland Airport Motel Program (Oakland Police Department, Beat Health Unit 2003) Place: Oakland, California	Drug Nuisance Abatement, as provided by Section 11570 of the California Health and Safety Code	• Recurring nuisance and criminal activity, including drug activity, was identified at a major motel, which was part of an international chain. • Police undertook data checks, site visits, interviews, undercover surveillance, and comparisons of management practices to other nearby motels. • Police concluded that it was poor management practices at the motel that allowed crime and nuisances to flourish at this motel. • Meetings with on-site motel managers and corporate executives failed to result in improvements at the motel. • Police and city attorneys filed a drug nuisance abatement lawsuit against the parent corporation. • The police notified the chief financial officer of the bank that held the financial note on the motel. • Police engaged in negotiations with the parent corporation.	• Parent corporation agreed to improve its management practices and to post a $250,000 performance bond covering a two-year monitoring period to guarantee reductions in crime and nuisance at the motel. • Parent corporation agreed to pay the City of Oakland about $35,000 to cover the costs of its investigation. • Numerous specific improvements were made to the physical environment and management practices at the motel. • Two years after the agreement there were few calls for police service at the motel and the property had been returned to productive use.	• If police gather irrefutable evidence—particularly when dealing with corporations • If there is a systematic deliberate approach to building a case against a problem property through careful documentation by police and city attorneys • If there is cooperation among the city, county, and non-governmental agencies and the police do not dictate specific actions • If partners can hold the motel accountable for operating a business without excessive nuisance and crime complaints, this may prevent the motel management from minimally implementing recommendations and then claiming them to be ineffective
Auburn Boulevard Revitalization Project (Catron and Wassmer 2005) Place: Public Housing in Citrus Heights, California	Nuisance law	• Revitalization effort was undertaken. • Purpose-formed nuisance response team comprised police and other public agencies. • Eviction was one of a range of possible responses.	• Crime rates were significantly reduced (by 32%). • Robberies decreased (by 95%). • Crime increases were found in comparison areas. • Commercial activity in areas surrounding the revitalization project increased.	• When traditional enforcement strategies are employed in combination with alternative strategies • At highly visible business premises, owners may have the most to lose by not cooperating

Table C1. Summary of Programs and Initiatives Using Civil Remedies in Response to Drug Crime in Public and Private Housing (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Neighbors Against Drugs (NAD) (Sheboygan Police Department 2005) Place: Sheboygan, Wisconsin	Notice of potential use of abatement and eviction	• Following unprecedented increases in illicit drug dealing including introduction of crack, Drug Unit and Community Policing Unit met and established that problems in many of the drug houses could not be adequately addressed due to the tedious process of traditional law enforcement investigations and gathering evidence. • Police officer worked with community volunteers, local politicians, and business leaders to develop a plan. • Neighborhood residents became directly involved in identifying drug activity and filled out diaries documenting this activity. • Volunteers administered door-to-door pre-test survey to gather data on fear of crime and bystander effects and corroborated the evidence. • Once drug activity was verified, Neighbors Against Drugs (NAD) logos were posted at all houses except those suspected of being drug houses. • Educational meetings were held with property owners about civil abatement procedures and the eviction of problem tenants. • Media were used to explain NAD. • Victory parties were held after drug dealers were evicted, moved out, or stopped dealing. • Post-test surveys of affected neighborhoods were carried out.	• "Victory" claimed in 18 neighborhoods with 59 drug houses eliminated. • Surveys indicated that: (1) people felt safer; (2) there were fewer suspected drug houses; (3) residents reported greater willingness to call the police.	• If a strong partnership is formed with community, including having a formalized mission statement and goals set through group consensus • If goals are pragmatic and achievable
Eviction				
Operation Safe Homes Drug Elimination Program (DEP) (Fagan et al. 2006) Place: Public Housing in New York, New York	Federal Anti-Drug Abuse Act of 1988	• Beefing up police presence. • Instituting volunteer tenant patrols. • Forming an anti-narcotics "strike force," composed of attorneys, investigators, and other city staff who focused on the eviction of drug dealers. • Setting up a drug abuse treatment and prevention program.	• No effect shown in the public housing. • Crime and drug problem reduction in the immediate neighborhood and in surrounding precincts.	• If the funds do not merely supplement ongoing policing programs, as some claimed occurred here • If there are incentives for citizen cooperation • If funds go toward drug-demand reduction and informal social control programs

Table C1. Summary of Programs and Initiatives Using Civil Remedies in Response to Drug Crime in Public and Private Housing (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Public Housing Drug Elimination Program (DEP) (Barbrey 2004) Place: Public Housing in Knoxville, Tennessee	Federal Anti-Drug Abuse Act of 1988	• One-strike eviction policy. • Neighborhood watch. • 24-hour security patrols. • Training and awareness programs. • Improved tenant screening. • Grants for the demolition and rebuilding of poorly designed properties.	• Did not appear to reduce crime rates.	
Trespass				
Uptown Men's Shelter (Charlotte-Mecklenburg Police Department 2000) Place: David Three District, North Carolina	Some use of civil trespass	• Men's shelter identified as generating increased calls for service, including drugs-related issues. • Local business linked criminal activity and loss of patronage with the homeless population. Police found many of the homeless in the neighborhood were not associated with the shelter. Suspects were listing the shelter as their home address because it gave them easier access to services even though they did not live there. • Police surveyed 911 calls from the shelter and established that most were not appropriate use of 911, but resulted from poorly trained managers at the shelter using the police as "surrogate shelter managers." Police found other evidence of problems with management at the shelter. • Police trained staff and management. • Shelter managers adopted a written policy, consistently applied across all shifts that articulated the grounds for banning people from the shelter. • Police expanded their authority in the area by adopting agreements with several businesses and local railways. The agreements, known as Authorization to Act as Agent, empowered police to enforce the law on private property in the absence of the owner or manager. • Officers set up a method for shelter residents to pass information to police about criminal activity without fear of being identified by offenders. The program was another way that officers hoped to gain the trust of a population that traditionally has had an uneasy relationship with police.	• The most obvious measure of success was the reduction in 911 calls-for-service to the shelter. • Members of Business Coalition and residents of the area said they believed that improvements in management procedures and in the physical environment had gone a long way to reduce many of the problems—loitering, assaults, drug dealing—associated with the shelter. • Residents and business owners alike changed their perception of the shelter, believing that the shelter wanted to be a part of the solution, not part of the problem.	• If police encourage the property managers to become part of the solution by careful analysis and training to improve their capacity as place managers

Table C1. Summary of Programs and Initiatives Using Civil Remedies in Response to Drug Crime in Public and Private Housing (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Condemnation, Boarding Up, Demolition				
The Snake Pit (Sacramento County Sheriff's Department 1994) Place: Carmichael, Sacramento County, California	Zoning enforcement, Vehicle abatement, Code enforcement	• Ongoing monitoring by four-person POP team of problem property owned by elderly gentleman. • Over time, record checks were run and occupants were arrested on warrants (drugs and other charges). • Enforcement had been ongoing and reactive and did not solve the problem. • Multi-agency response included: Police, Vehicle Abatement, County Counsel, County Building Inspectors, Sacramento Municipal Utilities District Field Supervisor, Planning Department; Zoning Enforcement County Code, Sacramento Sheriff's Work Project supervisor and crew, Sacramento County Waste Disposal, and Hazardous Materials Supervisor. Preparation phase: • Posted notices of substandard living conditions on property • Residents were given one week to leave or be evicted • Vehicles were tagged and notices placed on them of expired registrations and repairs required Clean-up: • Squatters and criminals were evicted • Vehicles were towed • Electrical meters and wiring were removed • 94,000 pounds of garbage were removed	• Most illegal occupants left of their own accord; others left after some pressure was applied. • Elderly owner who thought the squatters and criminals were her friends (and there to help) agreed to enter a convalescent hospital and subsequently moved in with her son and was last known to be in good health. • Notice was posted on property that it was unsafe to occupy. It was fenced and later sold. Plan was to raze the buildings. • Publicity of the POP multi-agency response generated through TV coverage of the clean-up.	• When there is a staged response with eviction notice and vehicle warnings being issued in advance • When there is sensitivity to the situation of the owner that helps ensure owner's safety • If there is a multi-agency response, then all agencies with a role to play are involved in the planning, preparation, and the clean-up
Public Nuisance Taskforce (Williams n.d.) Place: Philadelphia, Pennsylvania	Controlled Substances Act, the Liquor Act, and other laws	• Citizen complaints were lodged using a formal incident report and affidavit. • Prosecutors could send the information to the police and other agencies for further investigation. • Notice letters were sent to owners that allowed for property to be seized, shut down, or forfeited due to their association with drugs, weapons, gangs, or anti-social or violent behavior.	• More than 2,000 nuisance properties were closed through administrative orders, civil injunction, property forfeiture, habitability condemnation, or negotiation.	

Appendix D: Applying Property-Related Civil Remedies to Alcohol-Related Disorder†

This section discusses the use of property-related civil remedies to address alcohol-related crime and disorder. These types of remedies have been used by police and others to address crime and disorder in individual licensed establishments (bars, pubs, and clubs), as well as in larger areas, such as the concentrated entertainment districts found in resorts or in revitalized city centers. Establishments that sell alcohol have long been subject to legal controls, from zoning laws prohibiting their operations in certain areas to regulatory codes limiting their hours of operation, number of patrons, types of beverages, and serving standards.

† For more information on this crime problem, see Problem-Specific Guide No. 1, *Assaults in and Around Bars*.

Table D1: Summary of Programs and Initiatives Using Civil Remedies in Response to Alcohol-Related Crime and Disorder

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Licensing Code Enforcement				
Surfers Paradise Safety Action Project (Homel et al. 1997) Place: Surfers Paradise, Queensland, Australia	Queensland Liquor Act 1992	• A community forum with community-based task groups and a safety audit was formed. • Risk assessments and model house policies leading to a code of practice for nightclub managers were done. • External regulation conducted by police and liquor licensing inspectors, with emphasis on prohibiting the service of intoxicated patrons.	• Significant differences in the observational reporting measures were found for many of the recommended changes to the physical and social environments, security and serving practices, and alcohol consumption. • Violence and crime (inside and outside venues) decreased following implementation of the code of practice. • Some displacement of offending patrons may have occurred. • Later observational data show changes were not sustained.	• If enforcement of the licensing regulations are seen, by those operating the clubs, as being maintained routinely by regulators
The Geelong Accord (Felson et al. 1997) Place: Geelong, Victoria, Australia	No specific code provision was highlighted	• Measures to control pub hopping in the central business district (which was associated with heavy drinking and violence) were agreed, as The Accord, among police, licensing officials, and venue operators. • Late-night measures included: limiting reentry, elimination of promotional drinks, and imposition of cover charges. • Recommended stricter ID requirements to address underage entry and drinking.	• "Soft" data showed less crime reported and less obvious drunkenness. • "Hard" data showed that crime for whole city, including serious assaults, declined, but no police data for targeted CBD itself were available.	• If both "carrots" and "sticks" are available • "Carrots" are increased revenues for venue owners and less risk of violence • "Sticks" are possibility of less favorable treatment by regulators and police in the future if Accord not followed
Replication of the Surfers Paradise Action Project (Hauritz et al. 1998) Places: Three cities in northern Queensland, Australia (Cairns, Townsville, and Mackay)	Security Providers Act and Liquor Act (passed in 1992 to replace one passed in 1912)	• Training of staff on patron care (responsible alcohol service and patron safety) was carried out. • Enforcers were trained about the provisions of the licensing legislation. • Security personnel were trained about crowd control.	• Unobtrusive direct observations inside venues by patron-observers of aggression, drinking, and server practices showed: (1) All forms of aggression and violence declined, except verbal aggression in one city; (2) Improvements in most of the indicators of host responsibility in serving practices; (3) Percentage of visits with high levels of male drunkenness declined	• Where other methods, such as civil liability suits, are seldom used and licensing law enforcement was not routinely carried out previously (as in Australia) • If responsible beverage services are strongly implemented since these affect the level of male drunkenness and resulting violence • If informal persuasion and the potential use of formal enforcement are both present and formal enforcement is seen by operators as being a realistic possibility

Table D1: Summary of Programs and Initiatives Using Civil Remedies in Response to Alcohol-Related Crime and Disorder (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
NRG (Energy) Nightclub (Halton Regional Police Service 2002) Place: Burlington, Ontario, Canada	Provincial licensing regulations, by-laws, and fire codes	• Extensive parking controls were set up on site and in the surrounding business areas and neighborhood (through new by-laws). • Entry control—ID checks and metal detectors—were used. • Rapid response to on-site disorder instituted. • Training about signs of drug use and intoxication was given to staff. • Police were established as agents to control loitering at adjacent businesses. • Area patrols carried out by "Old Clothes Team."	• Decline in overall levels of crime were reported, as well as in assaults, car crime, and mischief. • Levels of enforcement for drugs, liquor violations, and trespass increased. • Checks by police, fire, and alcohol and gaming inspectors after measures instituted revealed no violations at this club.	• If the responses to the crime and disorder problems include the venue and the surrounding area
Tackling Alcohol-Related Street Crime (TASC) Project (Maguire and Nettleton 2003) Place: Cardiff, Wales, United Kingdom (City Center and Cardiff Bay)	Licensing laws	• Enforcement of requirement that bar staff be registered and trained. • Policing and inspections were targeted at "hot spots" of violence. • Advertising campaigns were used. • School visits were carried out. • Offender program was set up.	• Despite an overall increase in the number of venues post-start-up, a comparison of pre- and post- project periods for the targeted areas showed a 4% decline in the incidence of alcohol-related assaults. • A 49% increase in the incidents of alcohol-related disorder, although the rate of increase declined during the initiative.	• If senior management in brewing and leisure companies are willing to engage in long-range cooperative planning in relation to crime and disorder problems (which was not completely realized in this project, probably due to competitive pressures for customers) • If bar staff registration and discipline proceedings operate more effectively • If pub density is lower in a key area, with TASC/Police input at the planning stage of new applications

Table D1: Summary of Programs and Initiatives Using Civil Remedies in Response to Alcohol-Related Crime and Disorder (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Underage drinking (Plano Police Department 2003) Place: City of Plano, Texas	Liquor licensing enforcement	• A large number of stores were selling alcohol to minors. Police identified that neither the minors nor the store clerks had any fear of getting caught breaking the law. • Police implemented special enforcement details to increase enforcement, obtain specific data on which stores were selling alcohol to minors. • Police used both prosecution and education of violators. • Police utilized confidential informants under the age of 18 to purchase alcohol under very controlled circumstances. Police immediately advised the clerk of the action to be taken against them. • In each case a report was presented to a municipal judge to obtain an arrest warrant for the clerk. • Police phoned the clerks and gave them the option of turning themselves in or be arrested at large. • A copy of the paperwork was sent to Texas Alcoholic Beverage Commission (TABC) for subsequent administrative investigation. • Police identified four main reasons that store clerks sold alcohol to minors. • Police utilized this information to educate the community and violators about the problem. • Police officer trained other officers on how to detect and enforce TABC laws more effectively.	• The number of stores selling alcohol to minors significantly decreased. • There was an estimated decrease in sales of alcohol to minors of 75%. • Community awareness of the problem of underage sales of alcohol was raised.	• If police utilize as many resources as possible to work on the problem, including the TABC store clerks, storeowners, and the media • If police reach out to the community to help increase their knowledge about Texas Alcoholic Beverage Commission violations • If regular patrol officers are involved in the process to encourage officers to conduct stricter enforcement on alcohol violations.

Table D1: Summary of Programs and Initiatives Using Civil Remedies in Response to Alcohol-Related Crime and Disorder (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
The Boogie! (Anaheim Police Department 2007) Place: Anaheim, California	Potential revocation of license	• Previous police responses to crime and violence at location over many years provided only short-term relief. • A District Policing Team was established. • Two areas of responsibility were identified: (1) inside the club (Vice Detail) and (2) problems outside the club (District Community Policing Team). • The Community Policing Team brought together stakeholders: nightclub proprietor, Code Enforcement, and Traffic Bureau. Proprietor agreed to minor changes. • Despite ongoing engagement with nightclub, police training of personnel, increased enforcement, and increased security arrangements made by club management it became clear that even if the club operated in full compliance with all state and local codes, the potential for crime and violence to occur remained. • Special unit took full responsibility for all criminal cases—not distributed across specialized units. • This change revealed the club's bouncers were actually suspects in 40% of all crimes reported at the club. • Behind-the-scenes investigation of primarily public records found that some club operators and principals had extensive criminal records, were involved in civil litigation, or in bankruptcy proceedings. • Notice of potential revocation of club's license was given.	• The proprietor quickly negotiated the surrender of his city business license and dance-hall permit, and agreed to sell his liquor license in lieu of the pending revocation. • The effective date of termination of these licenses coincided with the expiration of licensee's liability insurance. • The club closed that month, with the property owner seeking a developer to build a large hotel.	• If all cases associated with the establishment are channeled through one unit, then there will be clearer, quicker analysis of trends with stronger advocacy for presenting cases for prosecution

Table D1: Summary of Programs and Initiatives Using Civil Remedies in Response to Alcohol-Related Crime and Disorder (con't)

Program and Place	Statute/ Code Used	Specific Problems and Responses/Interventions	Outcomes	Works Best …
Operation Safe Clubs (Miami Police Department 2011) Place: Miami, Florida	Licensing and fire and safety municipal code provisions	Following a change in zoning restrictions for five areas of the city, two developed alcohol-related problems, including excessive noise and crimes. Part 1: POP analysis lead to the following: • Increased direct enforcement efforts • Clarification of code provisions • Lobbying to eliminate conflicting provisions, and pass-needed provisions • Establishment of inspection protocols for the alcohol venues to follow • Timely and consistent inspections • Coordinated operations across agencies • Serious violations leading to immediate closures Part 2: Analysis lead to the establishment of the following: • The Enhanced Police Services (EPA) to set up special response services as problems were developing • Sound Attenuation Program—including sound assessments during hours of operation	Part 1 outcomes: • Police reported 100% compliance with codes achieved by venues in areas. • Reductions in violent crimes in areas were reported. • Complaints from area residents about noise disturbances continued. Part 2 outcomes: • Modest declines in night-time-related crimes were found. • Increase in arrests—possibly due to early reporting of incidents. • Sound complaints went down.	• If there is a rapid response to complaints, which can lead to an amelioration of the problems at each location • If a high level of cooperation across the operators of the venues in the area is developed over time

Endnotes

1. Cheh (1991).
2. See, e.g., Hutter (2006).
3. See, e.g., *Kelo* v. *New London* (2005).
4. See, e.g., Bellamy (1996) (convenience store restrictions) and Douglas (1998) and Gray et al. (2000), (restrictions on alcohol sales).
5. Buerger and Mazerolle (1998).
6. Mazerolle and Ransley (2006).
7. Mazerolle and Ransley (2006).
8. See, e.g., Pinkerton (2012).
9. See, e.g., Anaheim Police Department (2007).
10. Hauritz et al. (1998) 525.
11. Graham and Homel (2008).
12. See, e.g., Felson et al. (1997).
13. See, e.g., Hawks et al. (1999).
14. Graham and Homel (2008).
15. Halton Regional Police Service (2002).
16. See, e.g., the online resources provided by the New York City Department of Planning at www.nyc.gov/html/dop/html/subcats/zoning.shtml.
17. Ashe et al. (2003).
18. National Crime Prevention Council (1996).
19. Ashe et al. (2003).
20. Holder et al. (2000) 2341.
21. See www.scottsdaleaz.gov/Page48.aspx.
22. See www.scottsdaleaz.gov/codes/bars.
23. Miami Police Department (2011).
24. See Cadwalader, Wickersham, and Taft (1993).
25. Davis and Lurigio (1998).

26. Davis and Lurigio (1998), citing Smith et al. (1992).
27. Sampson and Scott (1999).
28. Davis and Lurigio (1996).
29. Davis and Lurigio (1998), citing Smith et al., (1992) and Lurigio et al. (1995).
30. Davis and Lurigio (1996). See also Campbell (2001) for a list of nuisance abatement laws that address other types of crime and disorder problems as well.
31. Cristall and Forman-Echols (2009).
32. Sampson and Scott (1999).
33. Davis and Lurigio (1998).
34. Ferguson and Fitzsimons (1990).
35. Davis and Lurigio (1998).
36. See, e.g., www.fresno.courts.ca.gov/civil/unlawful_detainer.php.
37. Cadwalader, Wickersham, and Taft (1993).
38. Great Britain, Department for Communities and Local Government (2010).
39. Fagan et al. (2006).
40. See Fagan et al. (2006).
41. Barbrey (2004).
42. See, e.g., Sampson and Scott (1999).
43. Finn (1995).
44. Viscia (2009).
45. Cadwalader, Wickersham, and Taft (1993) 18.
46. National Crime Prevention Council (1996).
47. National Crime Prevention Council (1996).
48. National Crime Prevention Council (1996).
49. National Crime Prevention Council (1996).
50. See http://manhattanda.org/trespass-affidavit-program.

51. See, e.g., *Ligon* v. *City of New York* (2013), which challenged the legal basis being used in practice by the police for stops *outside* of TAP buildings in the Bronx, New York. This case did not reach the merits of the claim, but did grant a preliminary injunction against police making stops outside buildings in the Bronx, New York, without reasonable suspicion of trespass. This case is one of several cases challenging stop-and-frisk policies by the New York City Police Department, an issue beyond the scope of this guide.
52. Arlington Police Department (2008) 7.
53. Scott and Dedel (2006).
54. Davis and Lurigio (1998).
55. Spelman (1993).
56. See Popkin et al. (1999).
57. Joliet Police Department (1996).
58. Joliet Police Department (2000).
59. Spelman (1993).
60. But see, Eck (1997).
61. See Putnam et al. (1993) and Halton Regional Police Service (2002).
62. Halton Regional Police Service (2002).
63. Sheboygan Police Department (2005).
64. Finn and Hylton (1994).
65. Goldkamp et al. (2003).
66. See, e.g., Maricopa County Attorney (n.d.).
67. Holmes (2012).
68. Fanflick et al. (2007).
69. Phoenix Police Department (1998).
70. Indio Police Department (2009).
71. Davis and Lurigio (1998).
72. See Indio Police Department (2009).
73. Popkin et al. (1999).

74. Maricopa County Attorney (n.d.).

75. Green (1996).

76. Jacobs et al. (2007), citing Hunsley (2003).

77. Ross (1995); see also Betts (2001) for documentation of the bottleneck process in rehabilitation and demolition cases.

78. See discussion in Davis and Lurigio (1998).

79. Phoenix Police Department (1998).

80. Reno et al. (2000).

81. See, e.g., Cornish (1994).

82. Spelman (1993).

83. See, e.g., Cornish (1994).

84. See Felson (2008).

85. Smith (forthcoming; 1998).

86. See, e.g., Mazerolle and Ransley (2006).

87. See, e.g., Fagan et al. (2006) (in the U.S. context) and Forrest et al. (2005) (in the England context).

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