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CONSIDER THE CONSEQUENCES

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

Spring/Summer 1993

Cooperation brings results

Narcotics Nuisance Abatement Unit working with community



This building at the corner of North Avenue and Austin Boulevard in Chicago, once a haven for illegal drug activity, was closed down by the Cook County State's Attorney's Office's Narcotics Nuisance Abatement Unit. The building has since been demolished.

"I was talking to a lady a few months ago who lived on the South Side; she's a single parent with a couple of small kids," said Wilbur Crooks, of the Cook County State's Attorney's Office. "A drug dealer lived across the hall. One night an irate user is banging on the drug dealer's door threatening to burn the building down because he got shorted on the weight or something."

After receiving the call from the frightened woman,

the state's attorney's Narcotics Nuisance Abatement Unit—of which Mr. Crooks is the supervisor—went into action. Eventually, prosecutors convinced the landlord to evict the drug-dealing tenant.

The unit, formed in August 1990 through a \$650,000 federal Anti-Drug Abuse Act grant from the Illinois Criminal Justice Information Authority, is part of a growing community-based drug-control strategy in Cook County that uses

aggressive enforcement of public nuisance laws. The unit works to identify residences and other buildings in which illegal drugs are being sold or used, then holds property owners responsible for abating these activities. Special emphasis is placed on obtaining cooperation from citizens.

"The vast majority of cases are voluntarily abated because we talk common sense to a landlord," Mr. Crooks said. "Say you've got a decent building with six good, rent-paying tenants in it. Then one of those tenants moves out and in moves the drug dealer. The five good tenants aren't going to stay in the building with a drug dealer living on the first floor, because a lot of other things come with that," he explained.

Under the Controlled Substance and Cannabis Nuisance Act (Ill.Rev.Stat., ch. 100 1/2, par. 14 et seq.), any property—a home, apartment building, business, etc.—that is used as a place of illegal drug activity can be considered a public nuisance. The owner of this property must voluntarily abate the nuisance, or face the possibility of a court order requiring that the property be vacated and boarded up for one year.

Between August 1990 and October 1992, the Narcotics Nuisance Abate-

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ment Unit (NNAU) received 3,900 complaints. More than 300 of these came through the unit's anonymous 24-hour hotline (312-890-DOPE) that the state's attorney's office operates in cooperation with the Chicago Police Department. During this same period, the unit achieved the voluntary abatement of nearly 1,300 cases, and 25 cases were abated following a civil court order enjoining the use of the property.

After receiving a tip, one of the unit's first steps is to determine whether or not the information is legitimate.

"Certainly, if I don't like you, I can call our hotline and say he's dealing dope out of his house," Mr. Crooks said. "We're always wary of persons who might do that. We follow up on these calls and check for the documentation."

The abatement process

After the Narcotics Nuisance Abatement Unit confirms the existence of a narcotics nuisance, a notice is sent to the property owner requesting that he or she come in to talk about the problem. If the owner is unresponsive or uncooperative and the narcotics activity continues, prosecutors ask a judge to find that the property owner is knowingly maintaining a narcotics nuisance. Prosecutors ask for a temporary injunction, followed by a permanent injunction and an order enjoining the use of the property for one year.

"He doesn't lose title," Mr. Crooks said. "He just loses the use of the property. It hits him in his pocket."

In confirming the existence of a narcotics nuisance, the state's attorney's office often makes use of information and documentation collected by various community groups.

"The first thing that we do is get information from local residents," said Elce Redmond of the Northwest Austin Council, a community group that works frequently with the abatement unit.

"The people tell us who owns the building, what kinds of activity go on there. Then we work with the Chicago police to find out how many drug arrests they have made there. Then we

can go to the state's attorney and say, 'Well, there have been six arrests in this building and the residents of the community think the building is a big problem. What can we do about it?'"

Individuals or community groups do not have to have such detailed evidence of narcotics activity to file a complaint with the NNAU office. Although the more information they can provide, the more expedient the abatement process may be.

Mr. Crooks explained that typically the unit documents allegations through police reports—information such as the number of search warrants executed or the number of buys made directly from an apartment by an undercover officer.

"And certainly we can use community groups to come into court and testify as to the reputation of a place," Mr. Crooks said. "They see the people go in and stay two minutes and come out. They see the cars pulling up, the foot traffic."

In some cases the abatement process can proceed quite quickly. Surprisingly, drug dealers often get behind in their rent, according to Mr. Crooks. If a property owner calls complaining that one of his tenants is dealing drugs, one of the first questions asked is whether the tenant is behind in his rent.

Mr. Crooks explained that eviction for non-payment of rent is one of the easiest ways to abate an illegal drug nuisance. If police records corroborate that a tenant who is behind in rent is involved in illegal drug activities, the abatement unit can offer the landlord an expedited eviction.

"Once the property owner files a forcible entry and detainer action and gets an order of possession [of his property], they can call us with their case number and we can have the evictions unit of the Cook County Sheriff's Office expedite those evictions," Mr. Crooks said.

"It normally takes four to six weeks," he explained. "But if it's a drug case, we can call down to evictions and usually within a week they'll be out there to throw the guy out."

Overcoming fear

Given a choice, most people would rather not rent to, or live near, a potentially dangerous drug dealer. Choosing to take on a drug dealer by trying to evict him, or by having his residence boarded up, is a challenge even fewer individuals are willing to take on.

"It is difficult to say don't be afraid. Just go on and do it, nothing is going to happen," Mr. Crooks said. "I am an ex-policeman. I'm a 14-year veteran prosecutor, and I know that reality is out there. But what I say to them is that there are more of you than there are those who are involved in drug trafficking."

"Not every house on a block is a dope house. So if you get the owners of the other houses involved, you've got the numbers on your side."

Occasionally, property owners who are notified that they must assist in abating a drug nuisance on their property will protest that the tenant in question poses a threat to their personal safety.

"It's hard but it's fair," Mr. Crooks said. "You have the right to own property if you can buy it, but you also have a responsibility to your tenants, to other people in the community."

"One guy filed as many as 14 forcible entry and detainer actions in one fell swoop to clean out a building over on the West Side," he said.

"Generally you're not going to get a building that is that bad. We can usually work out some agreed order that seeks to evict [the drug dealers] from the premises as long as we don't have reports that there are other apartments involved," Mr. Crooks added.

To help citizens deal with the fear of retaliation, the Northwest Austin Council (NAC) has set up its own 24-hour hotline to receive anonymous information on drug activity in the community. Citizens can leave information on an answering machine without having to give their names. The council then shares the information with representatives of the police department, state attorney's office, and other agencies at regular meetings

"People are afraid," said Elce Redmond of the NAC. "They don't want someone saying, 'Well, Mrs. Jones up the street is the one that told us about all this drug activity going on.' We can't afford to put people out in the open like that."

The importance of community involvement

"The difficulty is that, from a resource point of view, neither the police nor the prosecutors can be at all places and be all things," said Dr. Thomas Regulus, of the criminal justice department of Loyola University of Chicago. "The scope of the problem demands a community-level kind of aggressiveness," said Dr. Regulus, who is currently involved in an evaluation of the narcotics nuisance abatement program in Cook County. That evaluation is also funded by the Authority with federal Anti-Drug Abuse Act money. "Individually, people are kind of impotent," he said. "It's a large problem that individuals cannot really manage."

The NAC has actually been working on nuisance abatement projects with the state's attorney's office since before the creation of the Narcotics Nuisance Abatement Unit.

"Back in mid-1990, the Northwest Austin Council had heard about the nuisance abatement act," Mr. Redmond said. "There was one particular drug house that people in the neighborhood were really concerned about. There were a lot of drug arrests going on inside a particular building, but the activity was continuing even after the arrests were made."

"We went to court and brought action against the owner of the building, for maintaining a public nuisance, under the new nuisance abatement law. We filed the suit on our own, paid the filing fees, and we worked with the state's attorney's office to try the case and win the case."

"It became a precedent-setting case. After that, when the Narcotics Nuisance Abatement Unit was officially formed, we started working and collaborating

Abatement in action—a case study

The Northwest Austin Council (NAC) was instrumental in working with the Cook County State's Attorney to close down what has been the largest building the office's Narcotics Nuisance Abatement Unit (NNAU) has dealt with so far.

"The building at North Avenue and Austin Boulevard was owned by a gentleman who lived in Northbrook," said Wilbur Crooks, NNAU supervisor. "It had apartments above storefronts. And it was, to put it mildly, a den of iniquity. We don't know how many apartments dope was being dealt out of, but the reports were just flowing in. The neighborhood was up in arms."

"The NAC held a number of meetings and asked this man to come. They offered their help and their services to help the man eliminate the narcotics problem. He reacted with arrogance. As far as he was concerned, as long as he was collecting rent, to hell with these people."

"They went so far as to picket his home in Northbrook, and even that didn't seem to faze him," Mr. Crooks said. "Finally, our unit filed a nuisance action against him, the building was found to be a narcotics nuisance, and the judge ordered it boarded up for one year at the owner's expense."

In what was the final chapter of a lengthy saga, the building—which remained vacant after the court order expired—was recently demolished.

Elce Redmond of the NAC cites organization and patience with the legal process as two of the keys to success in using nuisance abatement laws.

"You want to follow the court proceedings, but sometimes they can be a little long," Mr. Redmond said. "That's one of the things that can be somewhat frustrating. Sometimes it can take a few months to shut down a particular building"

"Some of these drug dealers will bring their lawyers with them, some of them are very good at slowing the process down," he explained. "So we tell people, 'Make sure you have a lawyer there. Understand that it may be a longer process than you want it to be.'"

"Overall, the process is simple. You get information about a building and you get information from the police. Then you work with the state's attorney's office."

"One piece of advice is that they need to form neighborhood task forces composed of the police, the state's attorney's office, someone from the court, and other officials," Mr. Redmond added. "They should try to meet on a regular basis to funnel information to that task force." J.A.

with them on other buildings in the neighborhood. That relationship has continued for almost three years now," said Mr. Redmond.

Abatement as prevention

One criticism of nuisance abatement in general is that by focusing on specific locations, the problem is simply moved around to other locations. But many communities can use nuisance abatement laws to take action *before* drug trafficking reaches epidemic levels.

"There are communities that are on the edge of transition but perhaps

have not made a specific step in that direction," Dr. Regulus said. "They are either relatively solid or marginal working class, middle-class communities. Some in are transition, some are beginning to decline in housing stock, but for all practical purposes, they are still relatively decent communities. They are not depressed or underclass."

"To the extent that drugs are introduced and drug trafficking becomes a component of those communities, then you may see where the drug problem rapidly escalates that downward process," he said. Jeff Austin

CREATING...

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Using Illinois Drug Laws

The Illinois Criminal Justice Information Authority and its *Legal Consequences of Drug Abuse* campaign have prepared a handbook that will assist Illinois citizens in ridding their neighborhoods, streets, workplaces and schools of illegal drugs.

This booklet not only describes relevant anti-drug laws, but also provides helpful tips and case studies on how they are being used successfully in Illinois. The booklet stresses the importance of individuals and community groups working together with local law enforcement officials and prosecutors to shut down drug houses, rid workplaces and schoolyards of drugs, and create safer, drug-free communities.

Limited free quantities of the booklet are available by calling 312/793-8550 or by writing to *Legal Consequences of Drug Abuse* Campaign, Illinois Criminal Justice Information Authority, 120 South Riverside Plaza, Chicago, Illinois 60606-3997.

Supreme Court upholds tougher penalties in drug cases

In rulings handed down in October and November, the Illinois Supreme Court upheld a state law that places stiffer penalties on drug crimes committed in and around public housing, and overturned an Appellate Court ruling delaying a nuisance abatement eviction from a drug house in Chicago.

The October ruling involved a man charged in 1991 with drug possession with intent to deliver after a search of his apartment in Stateway Gardens, a Chicago Housing Authority development on the city's South Side, turned up heroin, cocaine, and guns.

The defendant faced stiffer penalties under an Illinois law (Ill.Rev.Stat., ch. 56 1/2, par. 1407) that increases the legal consequences for certain drug offenses committed within 1,000 feet of a public housing development.

The defendant contended that the law was unconstitutional because it deals more severely with offenders living in public housing than with those living elsewhere. Writing for the majority in upholding the law, Justice Charles Freeman said the statute is not directed at where an offender lives, only where the offense occurs.

"We agree with the state that the purpose of the law

was simply to deter narcotics activity in public housing, an area where the impact of this evil has been severe," Justice Freeman wrote.

In November, the Illinois Supreme Court overturned an Appellate Court decision delaying a family's eviction from an illegal drug house on Chicago's West Side.

On September 17, Circuit Judge John A. McElligott had ordered that the house, the site of numerous drug-related incidents, be boarded up for one year, citing the Controlled Substance and Cannabis Nuisance Act (Ill.Rev.Stat., ch. 100 1/2, par. 14 et seq.).

One week later, on September 24, the Appellate Court granted the defendants' motion for an order staying the action pending appeal. When the appeals court refused to reconsider its decision, the state—citing continued complaints from the community and a Chicago Police Department search that found "rock and powder cocaine" on the premises—filed a motion for a supervisory order from the Illinois Supreme Court.

The court granted the state's motion without opinion.

Based on Chicago Daily Law Bulletin and AP reports



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