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BUILDING ABATEMENTS

**A Community-Based Policing Tool
of the
Office of the Los Angeles City Attorney**

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City Attorney**



10-31-94
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L.A.C.A. Housing Enforcement Section
F.A.L.C.O.N. Drug Abatement Unit*

in cooperation with the
Los Angeles Police Department

In the seemingly endless battle against gangs and narcotics activity, we in law enforcement tend to rely almost exclusively upon arrests, prosecutions, convictions and incarceration to reduce criminal activity. While no one doubts the role of aggressive prosecutions as a valuable tool of law enforcement, few can claim that gang ridden and drug infested neighborhoods are any better because of such prosecutions. However, such prosecutions can be far more effective in reducing future gang or narcotic activity when coupled with an extremely powerful tool known as building (or situs) abatements.

Abatement laws in California generally state that a property owner can suffer fines, jail and/or the loss of one's real property if he/she causes, maintains or permits a property to become a public nuisance. This means that if a landlord or property owner fails to take reasonable steps to prevent a pattern of illegal drug or gang activity, he can face stiff penalties including the seizure of the property. In most cases, the property owner is held strictly liable and is *not* excused simply because the police were unable to control the problem. Because gang members and drug dealers need a location from which to operate, the abatement process is extremely effective in that it forces the property owner to implement aggressive property management techniques which discourage and even eliminate such criminal activity. As such, those properties previously the subject of repeated visits by police revert to a place where law abiding citizens can peaceably reside or conduct business.

Some of the first building abatements in Los Angeles were instituted against owners of motels and hotels routinely used for prostitution activity. The City Attorney's Office, relying upon Penal Code Section 370 and 372 and Health & Safety Code Sections 11225-11235, identified through photographs, police records and declarations from police and community residents, that the locations were the subject of excessive vice activity *and* that this nuisance was negatively impacting the comfortable enjoyment of the property of others. The owners were ordered by the City Attorney to take specific remedial steps to discourage such vice activity within a 30 to 60 day period. The specific recommendations were based upon the experience of the police officers and residents who were familiar with the causes of the nuisance activity. Those property owners who failed to follow the "recommendations" of the City Attorney were ultimately faced with court orders mandating that the property owners follow the recommendations of the City Attorney's Office. In all cases, the properties experienced a dramatic decrease in vice activity and the locations were now no longer the source of complaints.

Since that initial effort, the L.A. City Attorney's Office and abatement officers from L.A.P.D. have forced property owners to take specific remedial action which has proven to be effective in reducing ongoing gang and drug activity. Once the specific nuisance has been identified, police and prosecutors meet with the property owner to make specific recommendations based on information received from police and residents familiar with the particular property location. The owner is told to do such things as improve lighting, install a security system, repair locks and fences, routinely remove graffiti, tow abandoned vehicles, trim shrubbery, hire a manager, redraft the rental agreement and make any other changes in property management which we know will provide an environment which discourages ongoing criminal activity. Past experience has so utterly convinced us that proper management techniques can significantly curtail ongoing drug and gang activity that the City Attorney's Office recently prepared and now distributes a comprehensive guide to property management entitled "What You Need to Know About Gangs & Drugs - A Handbook for Property Owners in Los Angeles".

Fortunately, the overwhelming majority of locations which are the subject of abatement investigations by the Los Angeles Police Department and the City Attorney's Office are self-abated because the property owner voluntarily complies with the recommended improvements. (This may have something to do with the fact that the City Attorney's Office has enjoyed a 100% rate of conviction against buildings subject to abatement proceedings, a fact which is often brought to the attention of those property

owners initially contacted and encouraged to voluntarily comply with law enforcement recommendations.) For those few owners who refuse to cooperate, our office institutes formal civil abatement proceedings seeking court orders which require essentially the same changes initially recommended by the police and prosecutor. Ongoing nuisances and/or failure to comply with the court orders subject the owner to hefty fines, jail and even the loss of the property.

Today, prosecutors can rely upon a number of code sections to abate a nuisance depending upon the type of nuisance activity occurring at the location. Narcotics activity is abatable under Health & Safety Code Sections 11570-11587. Gang activity is abatable pursuant to the S.T.E.P. Act as stated in Penal Code Section 186.22a. Nuisances arising from unlawful sales of liquor come under Health & Safety Code Sections 11200-11207 while gambling activity is controlled by Health & Safety Code Sections 11300-11318.

The abatement process is clearly one of the most powerful and effective tools to combat ongoing drug and gang activity in a community. It is also, ironically, one of the easiest and most cost effective tools available to us. Only because it relies upon civil law do we, as criminal lawyers, all too often tend to avoid it's application. The Gang Section of the Los Angeles City Attorney's Office, along with abatement officers from L.A.P.D. are eager to provide the necessary expertise, guidance and written materials to allow District and City Attorneys throughout California to implement a comprehensive building abatement program in their community. Since the most effective program is one that encourages early assistance to property owners (through the use of materials such as the Property Owner Handbook), most locations will self-abate with only minimal assistance and effort by police and prosecutors, freeing time for criminal prosecutions and other more traditional law enforcement strategies.

FOR MORE INFORMATION, CONTACT:

- L.A. City Attorney *Gang Enforcement Section* - (213) 485-0798**
- L.A. City Attorney *Special Enforcement Section* - (213) 485-5030**
- L.A. City Attorney *Housing Enforcement Section* - (213) 485-4544**
- L.A.P.D. *Administrative Vice Division* - (213) 485-3171**
- L.A.P.D. *South Bureau Abatement Team* - (213) 237-1522**
- L.A.P.D. *Central Bureau C.R.A.S.H. Abatement Team* - (213) 485-6668**
- L.A.P.D./City Attorney *F.A.L.C.O.N. Program* - (310) 312-5910**

ABATEMENT TYPES

DRUGS ...HS 11570 - 11587

GANGS P.C. 186.22a

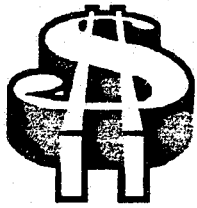
GAMBLING HS 11300-11318

LIQUOR .. HS 11200-11207

VICEHS 11225-11235

GENERALLY ..PC 370-373

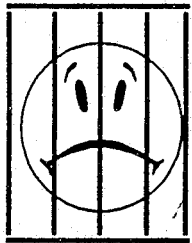
PENALTIES



FINES

DAMAGES (\$25,000
Max!!!)

CONTEMPT
-\$500 min/\$10,000
max.



JAIL

CONTEMPT
-30 Day Min/6 Month Maximum
(FOR EACH VIOLATION!)



LOSS OF PROPERTY

LIS PENDENS
ONE YEAR CLOSURE
SALE FOR FINES/COSTS

BUILDING ABATEMENTS

