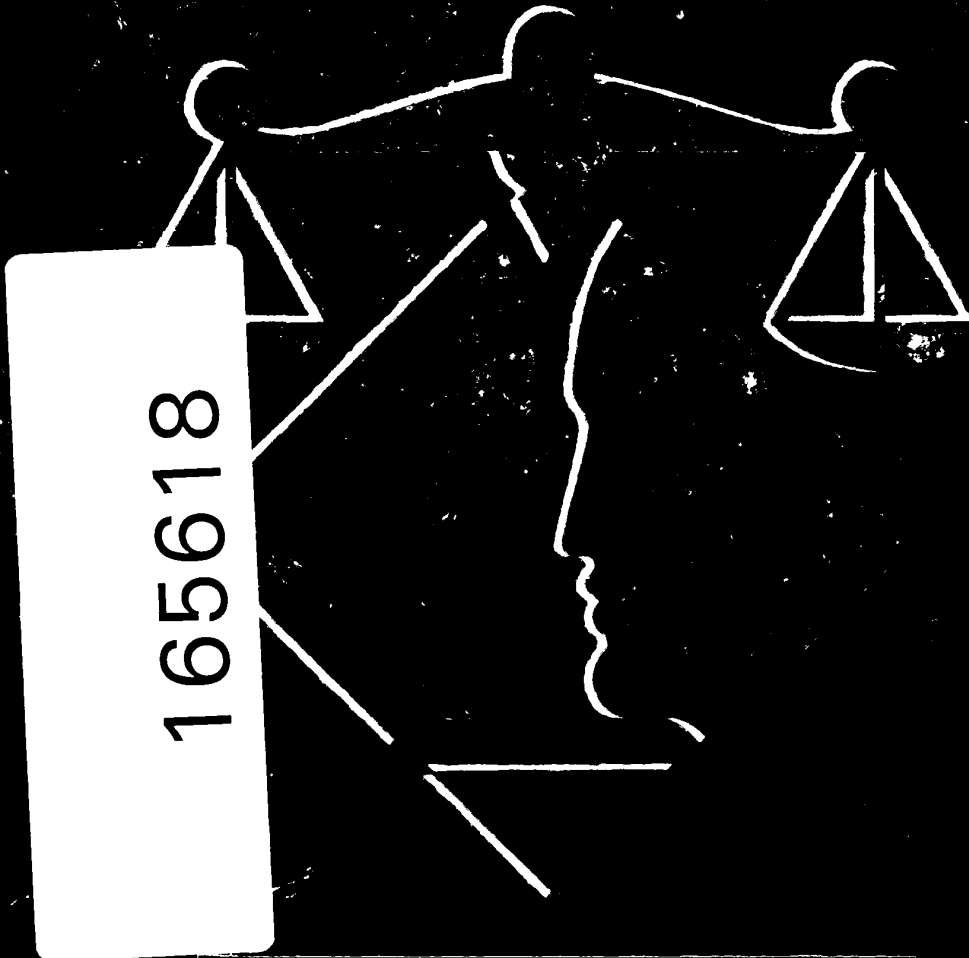


**NEW WAYS OF
WORKING WITH
LOCAL LAWS TO**

**REDUCE
C·R·I·M·E**



SPECIAL FOCUS

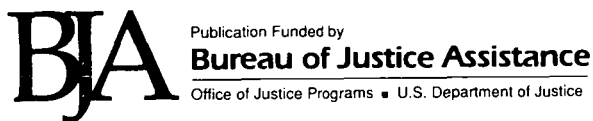
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**National Crime Prevention Council
Washington, DC**

National Criminal Justice Reference Service
P.O. Box 6000
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The National Crime Prevention Council is a private, nonprofit tax-exempt [501(c)(3)] organization whose principal mission is to enable people to prevent crime and build safer, more caring communities. NCPC publishes books, kits of camera-ready program materials, posters, and informational and policy reports on a variety of crime prevention and community-building subjects. NCPC offers training, technical assistance, and national focus for crime prevention: it acts as secretariat for the Crime Prevention Coalition, more than 130 national, federal, and state organizations committed to preventing crime. It also operates demonstration programs and takes a major leadership role in youth crime prevention. NCPC manages the McGruff "Take A Bite Out Of Crime" public service advertising campaign, which is substantially funded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Proceeds from the sale of materials, which are funded by public and private sources, are used to produce more materials and to help support the full range of NCPC's work and the National Citizens' Crime Prevention Campaign.

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Acknowledgments

This book was inspired by imaginative, exciting work that is going on in many communities to find new ways to prevent violence, drug abuse, and other crimes. The idea of applying the law in many different settings first generated widespread interest when citizens in a number of communities found that enforcement of public nuisance laws and of health, fire, and building codes could become a potent force in closing crack houses in their neighborhoods. Other ways to interpret and apply existing laws, as well as new statutes to address old problems creatively, have emerged in various parts of the country.

This book makes no pretense of providing model statutes. Collecting examples and distilling model legislation is a task beyond its purview. The book does offer a way of looking at the law through a different lens, and it holds out examples that seek to inspire creative uses of laws to solve problems, whether directly or indirectly.

Several senior staff at the National Crime Prevention Council saw a need to share with communities around the country novel ways in which laws could be used to prevent or reduce crime. Executive Director Jack Calhoun strongly supported the work and the resources necessary to make it possible. Mac Gray, Executive Deputy Director and Terry Modglin, Director of Municipal and Youth Crime Prevention Initiatives, encouraged and supported the effort. Jean O'Neil, Director of Research and Policy Analysis and Managing Editor, provided extensive editorial and substantive guidance. Judy Kirby, Assistant Editor, reviewed final drafts and managed the project through the production phase. Several NCPC staff, including Amy Shapiro and Theresa Kelly helped with early efforts to shape the document and frame its scope and focus. The most difficult task—not only researching leads but organizing and writing the material, fell to Lauren Brosler of NCPC. She brought to the task a determination to make the subject

come alive for readers, using both her discipline as a writer and researcher and her knowledge of the law as an attorney.

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Have *you* found a new way to apply laws to prevent crime? We'd like to hear from you! Please mail a brief description to "Model Laws," National Crime Prevention Council, 1700 K Street, NW, Second Floor, Washington, DC 20006-3817 or fax "Model Laws"/ERP at 202-296-1356 or e-mail oneil@ncpc.org.

A New Prevention Tool

For most people, laws define crimes. They describe the conditions that determine whether someone is prosecuted for violations; they establish rules for settling noncriminal disputes; they establish standards for relationships such as marriage and adoption. Few of us think of laws as tools to prevent crime—except to the extent that laws and the penalties for breaking them might scare off some would-be criminals.

Through a variety of innovative approaches in communities around the nation, the law is being used as a far more positive tool—an active prevention resource, not just a means of punishing wrongdoers. This important development strengthens, in a variety of ways, the crime prevention activities that are essential to building and sustaining the health and security of neighborhoods. This publication outlines some of the reasons why the law can help in prevention, explains roles it can play, and describes specific examples of state and local laws in three areas—incivilities (unacceptable public behaviors), more serious crimes (such as burglary and robbery), and support of prevention activities (through such routes as policies and funding). It also offers a checklist of things to consider in looking at whether current laws and ordinances are useful in new ways or in drafting new legislation for preventive applications.

These laws may be in place in your state or community. There may be laws you think should be enacted. There may be other laws in your community that are even more effective as preventive measures.

One of the most exciting discoveries in researching this publication was that the law is far more accessible than many of us may think. Although some help from trained professionals is necessary at key points, much of the law is readily understandable, immediately available through local libraries and municipal centers, and applicable to many different situations and conditions.

This publication is *not* a collection of model laws. It is a collection of ideas for use of the law. It is meant to spur thinking, to encourage creativity, and to identify new ways to prevent crime. It demonstrates, by example, the ways in which laws meant for other purposes can be applied to prevention tasks. The examples are drawn from a variety of settings and directed to a variety of subjects and aims. They are provided to inspire you to creativity, not to direct your efforts.

Where information is available on the impact of the law (its “success”), we provide it. In some cases the laws are too new for results to be apparent. Research has shown that there is relatively little systematic evaluation of the impact of laws, especially at the local level, so rigorous assessments are seldom available. But for all these laws, the central indicator of success is that the application of a current law, or the implementation of a new one, did solve or is solving a problem that the local community saw as causing or abetting crime or fear of crime. Preventing problems and reducing crime are, after all, the core goals of good legislation, good policing, and good crime prevention.

Laws as Community Builders

The health and safety of their neighborhoods is foremost in the concerns of Americans. Residents of every community want it to be a safe, comfortable, friendly haven for themselves and their families. But crime and the fear of crime infiltrate too many neighborhoods and communities, causing disconnection, withdrawal, insecurity, suspicion, mistrust, and discomfort.

Crime prevention seeks to unite communities by restoring and revitalizing the civic bonds that create a shared sense of place and purpose. Laws that help establish and reinforce community norms and expectations can be a key means of expressing community values.

Research shows that the levels of many antisocial behaviors are directly affected by the strength of community values. In general the stronger and clearer the community’s standard, the less the crime. So laws and ordinances that set forth (or enforce) these values are part of affirming and building community.

Community engagement is central to establishing positive community values. Contacts that link citizens and their informal groups to each other and their governing structures build agreement on standards, expectations, concerns, and common bonds. Even informal activities—giving children guidance about appropriate behavior (“Don’t walk through the garden.”), watching a neighbor’s house while he or she is on vacation, and pitching in at a neighborhood cleanup—are all examples of citizens actively engaged in the life of their community.

The legislative process itself is patterned on community engagement. Not only is the election process open to all citizens, but the actual development of laws, in almost every community in this nation, involves public hearings, public notices, news stories, and more. There may even be surveys and extensive outreach activities for especially important laws.

Once a thoughtfully drafted law is on the books, it can:

- set clear boundaries of acceptable behavior,
- signify government’s commitment and resolve to solving the problem(s),
- give individuals a clearly defined means to act, when appropriate, through civil or criminal remedies, against the improper behavior of others,
- provide alternative means of enforcement against hard-to-document crimes,
- encourage citizen action in ways that provide some margin of comfort, avoiding dangerous direct confrontations with suspected criminals,
- involve other units of government besides the criminal justice system in preventing crime and restoring community well-being and,
- encourage and provide a base from which citizens, local groups, law enforcement officials, and representatives of other government agencies can engage in collaborative problem-solving and community-building efforts.

The democratic process itself, in creating legislation, can be used to enhance community values. Citizen engagement is the key to its effectiveness. People are more likely to obey laws that reflect their social values about what is right and proper.¹ The legislative process can bring together the problem-solving energy of elected officials, residents, civic groups, and government agencies to solve problems, share resources, and ultimately preserve and restore neighborhoods. There are many examples of localities that have used the legislative process in an inclusive manner to gather suggestions and support from the community. In San Antonio, Texas, community leaders recognized the need to carefully define residents' concerns and goals as part of the formulation of neighborhood improvement legislation. To gather ideas, elected officials called town meetings and appointed a special crime prevention commission.² The legislative process can also inspire involvement by providing an opportunity for the exchange of opinions. A controversial ordinance banning gang clothing and paraphernalia in Harvard, Illinois, quickly gained the attention of Harvard residents and inspired numerous newspaper articles and editorials. Voter referendums are especially effective in engaging citizens. Referendums urge every eligible voter in the community to help make an informed decision on public policy. When a majority of residents of Jackson County, Missouri, voted to support an antidrug sales tax, they made a strong statement about the importance of maintaining quality of life by ridding their neighborhoods of drugs and related crime. Increased awareness stimulated support of other ways to prevent neighborhood decline, including the Neighborhood-Based Prosecution program, which assigns assistant prosecutors to work with both the police and neighborhood residents.

Community agencies can also become more involved and better coordinated through legislation. In Queens, New York, a coalition of community organizations improved the efforts of governmental agencies, such as the police department, the district attorney's office, the mental health department, and the sanitation department, to prevent drug-related crime by coordinating enforcement of their various regulations. According to the Queens Assistant District Attorney, the result has been "customized law enforcement." Citizens are more optimistic about their ability to improve neighborhoods because they have a hand in structuring the laws and regulations that protect them, and crime and fear have been reduced.³

According to the U.S. Bureau of the Census, there are over 86,000 governmental units in the United States.⁴ The legislative and regulatory power of each represents an opportunity to make crime prevention more effective by making creative use of law as a prevention tool.

Balancing Community Values and Individual Rights

Henry Cisneros, Secretary of Housing and Urban Development, wrote, "When we extend our personal values and sense of responsibility to something larger than ourselves or our own homes . . . we truly have community."⁵ In a democracy, law is one means to extend those values. Individual willingness to abide by the law reflects a sense of responsibility to maintain an ordered society. For these reasons, legislation that defines boundaries of acceptable behavior is one way of protecting neighborhoods. However, legislation that controls behavior must also take into consideration the rights of the individual.

Society has long struggled with tension between the individual and the community. Legislation aimed at neighborhood safety and vitality goes to the heart of that tension. A few of the laws described in the following pages have survived constitutional challenges; some may face such challenges in the future. It has become clear, though, that legislation can be more effective and is less likely to be challenged if:

- it strikes a balance between individual and community interests,
- its language is clear and it is easily understood by the community,
- it is enforceable and that enforcement is conducted without bias against persons of any particular age, gender, race, ethnicity, political affiliation, or religion and,
- it is created and applied in response to citizens' demands.

In the struggle to design proposals that meet these qualities, community leaders and residents should be mindful of the relationship between freedom and responsibility. Formulation of legislation and enforcement policy should be based on the understanding that the essence of civilization and a civil society is consideration: of individuals for one another, society for

the individual, and the individual for society. It must also recognize that laws that are not respected are unlikely to be enforced. Once the law is in place, enforcement should be monitored to ensure equitable and effective application and treatment.

Linking Laws to Crime Prevention Initiatives and Policies

To tie law to crime prevention policy in his or her own community, the reader should keep in mind the following guidelines used to structure this handbook.

- Legislation should be carefully tailored to meet the unique characteristics of the community where it is applied.
- Legislation may be in the form of a state law, a municipal ordinance, or a regulation created by an administrative body, such as a school board.
- Legislation can be designed to address a specific problem or a series of related issues.
- Legislation frequently can serve multiple preventive purposes, because various manifestations of problems stem from common causes.
- Legislation can be adapted to a wide range of conditions.
- Legislation can be used to improve neighborhoods without draining financial resources.
- Laws are enforced according to the values of the community.

Public Nuisance

Residents of a neighborhood in Berkeley, California, were fed up. For two years, they had complained to authorities about a crack house in the neighborhood. Fights, constant traffic, and other nuisances plagued the area. Sleep was next to impossible.

They took their case to court—small claims court. Eighteen neighbors each filed a suit (\$4 filing fees) charging that the building's owner had allowed the property to become a public nuisance and

that they were each being denied, because of this nuisance, their right to peaceful enjoyment of their homes. A judge agreed and awarded the neighbors \$1,000 each in damages. The landlord kicked out the drug-dealing tenants.

That's how one citizens' group took a fresh look at the law and transformed it, without even recruiting a lawyer to help them, into a low-budget, high-impact prevention tool.

Incivilities

The laws discussed in this chapter are designed to reduce behaviors that erode the quality of daily life. Those behaviors, referred to here as incivilities, may alternatively be called disorderly or nuisance behavior. At first glance, it may seem an inefficient use of resources to concentrate on petty incivilities. However, sociologist James Q. Wilson and criminologist George L. Kelling suggest that there is a relationship between disorderly behavior and crime.⁶ The “broken window” concept, first presented by Wilson and Kelling, explains why deterring incivilities is important.⁷

The “broken window” theory asserts that community fear is not so much related to the actual rate of serious crime such as rape, murder, and robbery, but is a fear of being victimized by disorderly people. This fear is not unreasonable, because disorder and crime are usually linked. Wilson and Kelling draw a parallel between a broken window and disorderly behavior: If a window in a building is broken and left unrepaired, all the rest of the windows will soon be broken. And just as untended property quickly causes the physical environment of a neighborhood to degenerate, “untended” misbehavior also leads to the breakdown of a community and degeneration of community norms.⁸

Where there is loitering, panhandling, vandalism, public drunkenness, and other inconsiderate or uncivil behavior, citizens use the streets less often and cease to consider their neighborhoods as “home.”⁹ They disengage from the community and avoid public streets, parks, and even local stores. Volunteerism declines; participation in activities such as the PTA, Boys & Girls Clubs, and town meetings decreases. Community cohesion drops; isolation, discomfort, and fear increase, and criminals feel increasingly free to take over public spaces. The negative cycle continues to build on itself unless there is intervention.

Residents' fear stems from a loss of confidence in the community's willingness and ability to regulate disorderly behavior, as well as the more serious crimes that develop when disorderly behavior goes uncorrected.¹⁰ When citizens are fearful and reticent, where anonymity cloaks actions, criminals know they are likely to go unchallenged. Loiterers have the opportunity to traffic drugs. Gang members may be emboldened to harass residents. Panhandlers may make more aggressive demands of passers-by.

Although the impact of incivilities on the quality of neighborhood life is severe, whether such behavior is illegal often depends on the jurisdiction. In the absence of a specific statute or ordinance supporting arrest or citation, police can do little to intervene. Laws that address incivilities and related behaviors sanction police and community action, and can therefore be instrumental in restoring and preserving neighborhoods. To achieve and maintain a peaceful environment, the communities cited below support legislation and enforcement targeted at vandalism, loitering and panhandling, noise, cruising, belligerent behavior, and owner apathy and blight. These examples suggest the range of legislative possibilities for reducing disorderly behavior.

Vandalism

APPROACH:

Crime Prevention Through Environmental Design (CPTED)

CPTED is based on the idea that the physical environment can be designed in ways to reduce or remove crime risks and maximize neighborhood interaction. It relies on three main strategies: natural surveillance, natural access control, and territoriality—establishing boundaries and transitional spaces.¹¹ When implementing CPTED, architects and planners often seek the input of police officers to assess siting, landscaping, pedestrian traffic, window placement, facades, entrances, lobbies, layouts, lighting, materials, and auto traffic and circulation patterns.¹² CPTED can be applied in any size environment—restrooms, facilities, neighborhoods, or whole cities. Strategic planning and obvious attention to maintenance communicates pride of place, both as a welcome mat to intended users and a keep-out sign to potential vandals and other criminals.¹³ CPTED legislation is usually adopted on the municipal level as part of the building or zoning code.

APPLICATION:

St. Bernard Parish, Louisiana

In January 1995, the Council of the Parish of St. Bernard voted to require illumination of street lights in newly developed, uninhabited subdivisions. Nearby residents had been worried about vandals, and street signs and barricades were missing. Initially, the ordinance was opposed because of cost, but proponents argued successfully that "pitch-black roads and empty houses were a magnet for crime."¹⁴ The ordinance was ratified on the basis that the deterrence benefit conveyed by lighting can outweigh its cost.¹⁵

APPROACH:

Regulate the Sale, Purchase, or Possession of Materials Used To Deface Property

Spray paint and similar materials are often acquired for the sole purpose of defacing property. Minors commit a sizable share of such vandalism. Limiting access to and possession of the materials based on age or other criteria can reduce the potential for vandalism, while the materials are still available to persons with legitimate purpose. Legislation that sets storage and sales guidelines may meet resistance from commercial vendors.

APPLICATIONS:

State of California

The State of California prohibits the purchase of any aerosol paint container by persons under the age of 18. In addition, the law prohibits *any* person from possessing an aerosol paint container while in a public facility, if there is a sign posted at the place stating it is a misdemeanor to possess such a container without authorization. It is unlawful for a minor to possess an aerosol container of paint, for the purpose of defacing property on any street, public highway, or other public place.¹⁶

Cathedral City, California

Cathedral City prohibits anyone other than a minor's lawful guardian from furnishing a minor with aerosol paint containers, paint sticks, or etchers. In addition, the Cathedral City municipal code provides extensive guidelines for the commercial display of materials used for graffiti, to prevent

them from being shoplifted. The code also mandates that suppliers of potential graffiti implements display a sign stating that purchasers must be over age and have valid identification, and that vandalism is a punishable misdemeanor. Penalties for violation of the graffiti-related ordinances apply to both the perpetrator and the perpetrator's lawful guardian. They may include restitution to the victim and participation in a diversion program.¹⁷ (*See also Parental Responsibility.*)

APPROACH:

Parental Responsibility

Lack of parental initiative to control children's behavior is sometimes at the root of property damage and other harm caused by minors. Parental responsibility laws attempt to require parents to take corrective action by making them liable for the damage illegally caused by their children.

APPLICATIONS:

State of California

The California Civil Code mandates that parents are liable for damages up to \$25,000 for each incident in which their child willfully damages property.¹⁸ Moreover, the California Educational Code provides that if any minor willfully damages property belonging to the school or to any other person, the child's parents may be held liable for an additional \$7,500 for the injury or damage.¹⁹ (These sanctions also apply to willful injury of people.)

Silverton, Oregon

In Silverton, Oregon, parents and other legal guardians can be charged with failing to supervise a minor for their children's illegal acts. For the first offense, there is a fine of \$100 or less, if the guardian completes a parent effectiveness program.²⁰ Although there were only seven citations in the first few weeks after the law was put into effect, parenting classes were filled to capacity by parents concerned about being cited for their children's misbehavior.²¹

APPROACH:

Property Owner Has Burden of Graffiti Removal

Even one instance of graffiti may send the message that vandalism is permissible. Requiring prompt removal of the graffiti

can reduce the likelihood of additional defacement. Legislation that requires removal of graffiti by property owners may meet resistance from property owners who feel the burden is misplaced and unjust.

APPLICATIONS:

Des Moines, Iowa

The City of Des Moines requires that owners of all graffiti-inscribed surfaces, public or private, obtain a license from the city clerk permitting the retention of the graffiti, immediate removal of the graffiti, or payment of a fine after the city removes the graffiti.²² According to the city clerk, enforcement of these ordinances has lowered the incidence of unwanted graffiti while allowing for the creation of attractive artwork.²³

Norfolk, Virginia

The City of Norfolk gives owners notice to abate graffiti on their property. Property owners who remove the graffiti within 15 days of notice are reimbursed up to \$50 by the city.²⁴

APPROACH:

Truancy Rule Enforcement or Curfews

Minors may be defacing property and committing other crimes during school hours or late at night, when they should be under adult supervision. Truancy enforcement and curfews keep minors from public areas during school and late evening hours and may prevent juvenile crime and victimization. A majority of cities already have curfews. According to a survey of curfews conducted by the U.S. Conference of Mayors, curfews are most effective when consistently enforced and delivered as part of a wider crime prevention program.²⁵

APPLICATIONS:

Los Angeles, California

A 1995 Los Angeles city ordinance allows police to cite and fine students for truancy during school hours.²⁶ In the months following its passage, the truancy level dropped and police reported that daylight burglaries were down.²⁷ The truancy ordinance may be effective in addressing other neighborhood problems as well. To get at the causes of truancy, administrators intend to assign counselors to students who are chronically absent.²⁸

Curfews

San Antonio City Hall
Office of Youth Initiatives
PO Box 839966
San Antonio, TX 78283
210-207-7196

San Antonio adopted its Juvenile Curfew Ordinance in 1991 as part of a broad effort to curb juvenile violence and crime.¹ The curfew was recommended to the San Antonio City Council who approved this strategy after discussions with the Office of the City Manager, police department, Office of Youth Initiatives, Office of the City Attorney, Municipal Court and other city departments, as well as numerous meetings and public hearings. The curfew, together with other later ordinances aimed at graffiti, weapons, and parental/adult responsibility, were part of a comprehensive community-wide effort that included enhanced prevention, intervention, recreation, employment and social service programs for youth. The curfew is not aimed at increasing juvenile arrests, but the following:

- ▶ Increase accountability and promote responsibility among juvenile offenders
- ▶ Increase community awareness of and involvement with crime prevention activities
- ▶ Reduce street violence through increased law enforcement cooperation
- ▶ Reduce juvenile crime and victimization

The curfew applies to youth under the age of 17 in public places between the hours of 12 a.m. and 6 a.m. In its first

year of enforcement, juvenile arrests were lowered by 3.68 percent for Part I offenses² and victimization by 42.32 percent during the curfew hours. This change is based on the first year of the curfew versus the second year. Encouraged by these positive results, the city council later amended the Juvenile Curfew Ordinance to include the hours of 9 a.m. to 2:30 p.m. on school days.³ This amendment was a recommendation of the Greater San Antonio Crime Prevention Commission, the Office of Youth Initiatives, and the police department. After this amendment, juvenile arrest for all offenses decreased in a greater proportion than for the same period of the previous year, a decline of 27.8 percent. In its three year status report, the city concluded that the curfews are a significant component of a comprehensive, community-wide effort to address juvenile crime.⁴

1. San Antonio, TX, Ordinance 74025 (July 25, 1991).
2. Offenses in the FBI's Uniform Crime Reports are divided into two groupings, Part I and Part II. Part I offenses are criminal homicide, forcible rape, robbery, aggravated assault, burglary-breaking or entering, larceny-theft (except of a motor vehicle), motor vehicle theft, and arson. Federal Bureau of Investigation. *Crime in the United States: Uniform Crime Reports, 1994*. Washington, DC: U.S. Government Printing Office, 1995, p. 383.
3. San Antonio, TX, Ordinance 79327 (December 16, 1993).
4. All based on materials provided by Sergio Soto, Youth Initiatives Manager, City of San Antonio.

Loitering and Panhandling

APPROACH:

Regulate Panhandling and Loitering

Excessive panhandling and loitering can intimidate residents and disrupt business. Enforcement of legislation that clearly defines tolerable solicitation and loitering behaviors may be helpful in curbing offensive behaviors and increase residents' feeling of security.

APPLICATIONS:

Seattle, Washington

The City of Seattle prohibits aggressive panhandling.²⁹ Until the law took effect in November 1987, pushy panhandlers were Seattle's leading source of complaints from both visitors and residents.³⁰ More recently, Seattle has passed an ordinance making it illegal to sit or lie on the sidewalks in commercial districts between 7 a.m. and 9 p.m.³¹ This ordinance requires police to issue a warning before making a citation. According to the city attorney's office, most violators obey the warning. In some areas, the problem of sitting and lying on sidewalks has been completely eliminated.³²

Santa Ana, California

On the grounds that the public streets and areas within the city should be readily accessible and available to residents and the public at large, the City of Santa Ana prohibits camping, occupation of camping facilities, or use of camping paraphernalia in any public area. It also forbids storage of personal property in any park, or on any street or sidewalk. The law defines "camping paraphernalia" as tarpaulins, cots, beds, sleeping bags, hammocks, and cooking facilities. Camp facilities are tents, huts, and temporary shelters. When the ordinance was challenged, the California Supreme Court upheld it, finding the ordinance constitutional because it targets conduct, not the status of being homeless, and because it applies equally to the homeless and the rest of the population.³³ According to the Assistant City Attorney, the ordinance has been extraordinarily effective, and camping on public property is no longer a problem.³⁴

Excessive noise and loud music, whether from portable stereos, homes, autos, businesses, or individuals is detrimental to the quality of neighborhood life. In addition to disturbing the peace, excessive noise can create tension between neighbors that can escalate to verbal disputes and even assaults. Excessive noise also disrupts shared outdoor activities and the “natural surveillance” that occurs when residents spend time on their porches, in their yards, or in public areas such as parks.

APPROACH:

Ban Loud Noises

Legislation that prohibits excessive noise requires residents to keep noise levels within specific parameters and gives police a basis for making arrests and citations. Legislation may define the areas, times, activities, or establishments that are exempt from the ban. Police officers use decibel readers to enforce noise ordinances.

APPLICATIONS:

Pueblo, Colorado

The City of Pueblo has declared the making of excessive noise a public nuisance. According to the ordinance, excessive noise is that which reaches a defined decibel level within 25 feet of a public right-of-way or within 25 feet from the property line of the property on which the noise source is located. Decibel limits depend on the time of day and whether the zone is residential, commercial, light industrial, or industrial. The ordinance makes specific mention of automobile stereos, a common source of complaint.³⁵

Montgomery County, Maryland

The Montgomery County Noise Control Ordinance was first passed in 1975 and revised to include stronger provisions in 1986. Key provisions of the ordinance include designated “quiet hours,” during which it is unlawful to create noises louder than 55 decibels across a residential property line; defined sounds that constitute noise disturbances; and a nuisance provision that prohibits certain noises at any time.³⁶ Enforcement of the ordinance comes under the purview of the Montgomery County Department of Environmental Protection, which distributes a brochure explaining the ordinance.

The brochure encourages residents to be considerate and to try to resolve noise problems through informal communications with limited government intervention. When disturbances continue despite local attempts to solve the problem, residents may contact the Department of Environmental Protection or, if the disturbance occurs after regular business hours, their local police station.³⁷

APPROACH:

Regulate Car Alarms

Persistent activation of car alarms disrupts the peace in neighborhood streets and homes. Frequent false alarms will also cause residents to ignore real alarms. Enforced regulation helps to control the irritant and may foster more peaceful, considerate, and responsive behavior.

APPLICATION:

Chicago, Illinois

Chicago requires that all auto alarm devices automatically shut off after four minutes. Manual reset must be necessary after activation. Devices that do not meet the requirements are classified as public nuisances.³⁸

Cruising

APPROACH:

Ban Cruising

Automobile cruising may create traffic gridlock and confrontational situations or be part of criminal gang-related activities. Posted no-cruising areas may improve the flow of traffic and decrease gangs' mobility.

APPLICATION:

Omaha, Nebraska

An organization of business owners in Omaha supported a municipal anti-cruising ordinance because cruising and drag racing were disrupting commerce. The ordinance prohibits operation of an automobile past a traffic point three times within a two-hour period, from 9 p.m. to 6 a.m.³⁹ Signs designate the no-cruising areas and post the fine for violation. Although the business organization donated money for the

equipment necessary to enforce the ordinance, that equipment was needed only during the first two weeks after the ordinance went into effect. According to police, the signs alone have deterred people from cruising and drag racing, and no citations have been issued.⁴⁰

Belligerent Public Behavior

APPROACH:

Regulate Weapon Discharges

Even on private property, firearm and other weapon discharge can be dangerous, menacing, and loud. Regulation and enforcement of where and how weapons can be discharged help create a safe, peaceful environment and make residents more comfortable.

APPLICATION:

La Mirada, California

The La Mirada ordinance prohibits the discharge of all firearms within city limits, with exceptions for law enforcement and self-defense.⁴¹

APPROACH:

Regulate the Consumption of Alcoholic Beverages

Disorderly behavior and crime often occur where alcohol consumption is unrestricted. Controlling the alcohol can prevent disruptive behavior.

APPLICATION:

Richmond, California

Police in Richmond enforce an ordinance that prohibits the consumption of alcoholic beverages on any public street, alley, sidewalk, or parkway within Richmond. They also enforce a prohibition on the possession of an open bottle on any posted premises within the city or in a parking lot adjacent to a liquor store.⁴² These ordinances have been particularly useful in allowing police to clean up a park that had previously been the site of public drinking and gambling.⁴³

APPROACH:

Increase Liability of Liquor Licensees

Liquor stores and bars may knowingly serve already intoxicated patrons, who disturb the peace after leaving the premises. By shifting liability to liquor licensees for the illegal acts of their patrons, an ordinance requires licensees to assume the responsibility of refusing to serve inebriated customers.

APPLICATION:

Chicago, Illinois

To rid the city of noisy bar hoppers, violent drunks, and disgusting behavior, Chicago neighborhood groups pushed the city council to pass an ordinance to increase liquor licensees' responsibility. The ordinance holds licensees to have an affirmative duty to report to the police all illegal activity reported to or observed by the licensee on or within sight of the premises, to cooperate fully with police investigations of persons or events in or around the premises, and to sign a complaint against any person whom the licensee observes in any illegal activity.⁴⁴

APPROACH:

School Uniforms

Clothing and hair style may highlight the economic inequalities among students that may contribute to tension and violence or be an expression of gang membership. School uniforms can de-emphasize physical differences and promote an atmosphere conducive to learning.

School Uniforms

Long Beach Unified School District
Richard Van Der Laan
Director of Public Information
701 Locust Avenue
Long Beach, CA 90813
310-436-9931 ext.1250

In 1994, the Long Beach Unified School District became the first public school district in the country to make uniforms mandatory for its elementary and middle school students. Long Beach suffers from drugs, crime, and racial tension, and it was hoped that uniforms would contribute to a feeling of community and would help build an atmosphere conducive to learning. In just one year, reported fights dropped 51 percent, suspensions dropped 32 percent, drug offenses dropped 69 percent and sex offenses

dropped 74 percent. The uniforms also contributed to better security, because gang members who walk on campus are immediately recognized.

Although the uniform requirement was part of a broad effort to elevate standards of excellence for students, increase parental involvement, and improve the learning environment, school officials and teachers are convinced that uniforms have played a major role in the turnaround. The view from the street is much the same. Long Beach police say the uniforms seem to have a positive effect on the way students act. Officials give a lot of credit to parents for the plan's success, because they started the uniform initiative and their wide-spread cooperation made the effort possible.

APPROACH:

Authorize Police Enforcement of Public Housing Rules and Regulations

To prevent criminal behavior in public housing, lease provisions prohibit disorderly and illegal conduct on the part of tenants and their guests. However, the force of such lease provisions may be limited because of lack of coordinated enforcement between housing authorities and local police departments. By authorizing police enforcement of lease provisions, management can improve safety for public housing tenants and their neighbors.

APPLICATION:

Charleston, West Virginia

The Charleston Housing Authority has formed a partnership with local police, allowing officers to cite residents for violation of certain lease provisions. The provisions include prohibition of unauthorized residents, disturbing or illegal activities of guests, suspected criminal activity, and damage to property, among others. By allowing the police to issue lease

violation citations, enforcement is strengthened and leaseholders are reminded of their obligation to comply with housing authority rules and regulations.

APPROACH:

Set Age Requirements for After-Hours Nightclubs

Disorderly behavior and crime often occur very late at night at after-hours clubs and surrounding neighborhoods. Although clubs that serve alcohol usually turn away potential customers under 21, in recent years clubs have opened that cater to youth under the legal drinking age. Recognizing that young people under the age of 21 have a relatively high incidence of transgression and victimization,⁴⁵ a minimum age requirement for after-hours clubs may reduce the incidence of violence.

APPLICATION:

San Francisco, California

San Francisco sets time limits affecting 18- through 20-year-olds who attend nightclubs. The ordinance makes it a misdemeanor for a club owner to allow persons under 21 to remain in a club after 2 a.m. on weekdays and after 2:30 a.m. on Friday and Saturday nights, even if no alcohol is served.⁴⁶

APPROACH:

Regulate Location and Number of Liquor Licensees

There is often a higher incidence of disorderly behavior and crime in areas where there is a concentration of liquor licensees.⁴⁷ Restriction of the number and location of liquor licensees may result in fewer public disturbances.

APPLICATIONS:

Oakland, California

The City of Oakland has determined there is a relationship between alcoholic beverage sales and crime. To control the number of liquor licensees, the City has statutorily defined “overconcentrated areas” as areas where the crime rate exceeds the county median by 20 percent or more, or where the per capita number of liquor licensees exceeds the county median. To open a new alcohol sales establishment within such areas, the applicant must prove the new establishment is a “public convenience or necessity” as defined by the zoning regulations.⁴⁸

Santa Cruz, California

On the basis that establishments engaged in the sale of alcoholic beverages contribute to disorderly behavior and crime in Santa Cruz, the city council amended the municipal code to set strict guidelines for issuing liquor licenses. Included in the provisions is a prohibition against bars, taverns, liquor stores, or liquor-selling convenience stores located within 600 feet of one another or any school, public playground, hospital, medical clinic, alcohol or other drug abuse recovery facility, or mental health/social rehabilitation services.⁴⁹

Washington, DC

In Washington, DC, the ordinances concerning the issuance and revocation of liquor licenses call for the input of local residents. In a busy neighborhood, site of Georgetown University and a central tourist area, the Georgetown Citizens' Association (GCA) works with the university, the police, and bar and tavern owners to keep alcohol-related crime and incivilities at a minimum. GCA also takes an active role in determining which establishments are allowed to retain their liquor licenses and has provided proof and testimony to the city's alcohol control board at license revocation hearings. Through its numerous partnerships, GCA has prevailed in getting extra police detail on summer weekend evenings, establishment of Georgetown University hotline for reporting student disruptions, and a moratorium on the number of bars and taverns.

Owner Apathy and Blight

APPROACH:

Remove Eyesore Cars

Abandoned vehicles are often the first "broken window" in Wilson and Kelling's model, quickly followed by other signs of decay. Legislation defining the term "abandoned vehicle" and giving the police authority for removal may prevent blight and improve neighborhood appearance.

APPLICATION:

Detroit, Michigan

The City of Detroit authorizes police to tow away any vehicle from a public area if it has remained for 48 hours or more without being moved and surrounding circumstances suggest that the vehicle is abandoned. A vehicle may be removed from a private area if it has remained for 48 hours or more without the consent of the property owner.⁵⁰

APPROACH:

Crackdown on Negligent Landlords

Every landlord has a duty to maintain his or her property. When property is neglected, it can be dangerous for tenants, unsightly to neighbors, and attractive to criminals. The landlord's duty can be enforced through both civil and criminal law. In a civil action, a tenant can sue the landlord individually or with other tenants in a class action. Prosecutors can file criminal charges against negligent landlords when that negligence amounts to a criminal offense under state or local law.

APPLICATIONS:

Chicago, Illinois

According to a Chicago ordinance, violations detected by fire and building inspectors that affect the health and safety of individuals living on the property are grounds for a criminal action against the landlord.⁵¹ Before the ordinance was passed, negligent landlords faced only civil litigation that often took years to work through the courts. Since the ordinance took effect, criminal cases can end in convictions in three to six months.⁵²

Winston-Salem, North Carolina

A general property law principle in landlord-tenant leases is the implied warrant of habitability, which obligates landlords to put and keep rented premises in a fit and habitable condition. In 1987, Richard and Brenda Miller sued their landlord, C.W. Myers Trading Post, Inc., under the implied warrant of habitability, as well as a relevant state statute and the housing code of the City of Winston-Salem.⁵³ The Miller's rented premises were defective in many aspects, including leaking gutters, rotten porches, torn and fallen screens, loose steps,

leaking plumbing, falling plaster, peeling paint, damaged kitchen cabinets, electrical problems, and a “cess-pool” in the front yard. During the adjudication process, the landlord repaired most of the defects. The court found the plaintiffs to be entitled to recovery of rent paid during the landlord’s period of noncompliance.

APPROACH:

Demolish Abandoned Buildings, Enforce Grounds Maintenance Code

Abandoned buildings and overgrown yards are signs of disorder that increase residents’ fear of crime.⁵⁴ In addition, these conditions can attract burglars, drug traffickers, and other criminals. Most municipalities have code provisions allowing government agencies to compel the landlord to take action or allow government agencies to remedy the problem. Coordinated enforcement of these provisions can be instrumental in removal of neighborhood blight.

APPLICATION:

Norfolk, Virginia

The City of Norfolk Department of City Planning and Codes Administration (DCPCA) systematically enforces Norfolk code provisions on abandoned buildings and unmaintained grounds to prevent neighborhood decline. This effort is carried out with the help of residents, the city attorney’s office, the police department, and other government agencies as part of the Police-Assisted Community Enforcement (PACE) program. For abandoned buildings, DCPCA accepts referrals from any source, including police and residents, to inspect structures that appear to be nuisances: unsafe and hazardous to the public health, safety, and welfare.⁵⁵ Within two days, a demolition officer makes an inspection. If the structure is found to be a nuisance, the owner of the property is informed and given seven days to take action to have the structure secured or demolished.⁵⁶ If the owner of the property is unwilling or unable to take action within the prescribed time limit, DCPCA retains a contractor to board or remove the structure and contacts the city legal department to have a lien placed against the property. DCPCA follows a similar procedure for property that is overgrown with weeds, grass, shrubs, or other vegetation.⁵⁷

APPROACH:

Regulate Posted Handbills

Handbills, along with the tape, nails, and staples used to affix them, can be unsightly and may incite vandalism. Maintenance of an orderly environment may be facilitated through prohibition of handbills.

APPLICATION:

Oakland, California

It is illegal to post signs on public or private property in Oakland without a permit issued by the city clerk. All permits must be approved by the chief of police.⁵⁸

APPROACH:

Regulate Billboard Advertisements

Billboard advertisements may detract from neighborhood appearance and can cause additional harm when they encourage consumption of alcohol and cigarettes. Drinking and smoking, particularly among young people, can be gateways for more offensive behavior, such as loitering, criminal behavior, and drug use. Regulation of billboard advertisement placement and content may help prevent blight and drug use.

APPLICATION:

Baltimore, Maryland

The City of Baltimore prohibits alcohol⁵⁹ and tobacco advertisements⁶⁰ in any publicly visible location, including billboards, sides of buildings, and freestanding signboards.

APPROACH:

CPTED

See Vandalism.

Crime Prevention Through Environmental Design (CPTED)

City of Sarasota
Planning and Development Department
PO Box 1058
Sarasota, FL 34230
813-954-4195

Sarasota's City Plan, adopted in 1989, identified the need for an in-depth study of the North Tamiami Trail Corridor, an area in economic decline with visible signs of poor maintenance and owner apathy. The city council selected a team of city planners, police officers, a building official and a zoning official to carry out the study. After completion, the City of Sarasota officially adopted CPTED principles and passed a resolution to promote participation in CPTED future land development and redevelopment projects.¹ At the same time, to maximize the effect of the CPTED mandate and build public confidence, the police department launched high visibility patrols in the

Trail and special sweeps of prostitutes and drug dealers.

Today, CPTED has become an accepted part of the local planning and review process, helping to create active, attractive, and safe streets. The Ringling School of Art and Design, located in the North Tamiami Trail Corridor and remodeled under CPTED principles, has felt positive results. In the words of its chairman, "The use of CPTED principles helped create a strong sense of place . . . the property has been treated with a new attitude and respect. There is little trash, sculptures placed in open view have not been defaced or destroyed, and an overall pride is easily recognized . . ."²

1. Sarasota, FL, Ordinance 92-3562 (Oct. 5, 1992).
2. Sarasota Uses CPTED To Reduce Crime And Fear. *Catalyst*, vol 13, no. 7, National Crime Prevention Council, Washington, DC; October 1993.

Summary

There are many legislative approaches for eradicating incivilities. By supporting the passage and enforcement of such legislation, communities take a significant step toward maintaining and preserving the quality of life in their neighborhoods. Similarly, legislation can be used to tackle more serious offenses, as described in the next chapter.

Applications

	Vandalism	Loitering & Pan- handling	Noise	Cruising	Belligerent Public Behavior	Owner Apathy & Blight	Burglary	Drugs	Prosti- tution	Gangs
CPTED	•					•	•		•	
Regulate Materials Used To Deface Property	•									•
Parental Responsibility	•	•	•	•	•		•	•		•
Mandated Graffiti Removal	•					•				•
Truancy Rule Enforcement or Curfews	•	•	•	•	•		•	•		•
Regulate Panhandling and Loitering	•	•	•		•	•		•		•
Nuisance Abatement			•			•		•		
Health and Safety Code Enforcement						•		•		
Traffic Control				•					•	
Ban Loud Noises			•	•						•
Ban Cruising				•						•
Regulate Car Alarms			•							
Regulate Weapon Discharges					•					
Regulate Consumption of Alcohol		•			•					
Prohibit Neighbor- hood & Business Disturbances		•	•	•	•					•
Increase Liability of Liquor Licensees		•			•					

Continued

Applications (Continued)

	Vandalism	Loitering & Pan- handling	Noise	Cruising	Belligerent Public Behavior	Owner Apathy & Blight	Burglary	Drugs	Prosti- tution	Gangs
School Uniforms	•				•			•		•
Enforcement of Public Housing Rules and Regs.	•		•		•		•	•	•	•
Age Limits for After-Hours Nightclubs		•	•		•					•
Regulate Location and Number of Liquor Licensees		•	•		•	•	•	•	•	•
Remove "Eyesore" Cars	•					•				
Crackdown on Negligent Landlords						•		•		
Area Bans								•	•	
Demolish Abandoned Buildings	•					•		•		
Prohibit Posted Handbills	•					•				
Regulate Billboard Advertisement						•				

More Serious Offenses

Although involvement with drugs, illegal gang activity, prostitution, and burglary is already criminal, laws aimed at related behaviors can have a stronger impact on these problems than the traditional laws used for arrest and prosecution. Reliance on arrest, prosecution, and conviction to eradicate drugs, illegal gang activity, prostitution, and burglary places an enormous burden on the police, the prosecutor, and the court. The frequency of these crimes, the expense of the criminal justice system, and high evidentiary requirements for conviction limit the success of the reactive approach.

Recently, many jurisdictions have embraced community policing because it provides an avenue for citizens and non-criminal justice agencies to take part in community safety. Similarly, the law can provide a basis for residents and a range of government agencies to become involved in the prevention of and intervention in serious offenses. Such law focuses on the behaviors of potential criminals and the conditions, people, and places that facilitate offenses.

Much of the legislation aimed at incivilities can be used in situations where problems with drugs, gangs, prostitution, burglary, and other serious crimes have developed or threaten to develop. For example, police in Manassas, Virginia, have focused attention on the problem of cruising, to prevent that behavior from attracting gangs.⁶¹ Los Angeles, California, reported a drop in daylight burglaries after passage of an ordinance that allows police to cite and fine students for truancy.⁶² To spur consideration of incivilities legislation that may reduce serious crimes, each of the following topics includes possibly related incivilities.

Related incivility: **loitering**, if violators are school-aged youth or burglars who choose their targets by observing from the street.

APPROACH:

Regulate Pawn Shops

Pawning is often the means of converting stolen goods into cash. Pawn shop regulation can make it more difficult for burglars to pawn stolen goods by requiring strict record keeping; pawn shop employees can help identify burglary suspects. Restrictive legislation may meet resistance from pawn shop owners who feel the control is unjust.

APPLICATION:

Gwinnett County, Georgia

Pawnbrokers in Gwinnett County are required to take color photos and fingerprints of people pawning items and placing goods on consignment, and the Gwinnett County Police Department keeps information on all people pawning and consigning goods on a computerized database. The county requires that pawned items and consigned goods be held for 30 days before sale, giving police time to investigate possible burglars and thieves. In addition, pawnshop owners and workers are required to have annual permits, which certify that the holder has had no felony convictions within five years of the permit issuance.⁶³ According to the Gwinnett County Police Department, these ordinances have been instrumental in regulating pawnshops and catching burglars and thieves.⁶⁴

APPROACH:

Security Checkpoints

Burglars often target homes outside their own neighborhoods. Staffed checkpoints at key locations and access roads may deter potential perpetrators. Checkpoints may be challenged by community residents and business owners if there has not been sufficient citizen input and notice and if enforcement is not uniform.

APPLICATION:

Rosemont, Illinois

The Village of Rosemont, adjacent to Chicago's O'Hare International Airport, passed an ordinance mandating police checkpoints at the two entrances of the village's largest residential area. Residents called for the ordinance because of burglaries and auto theft and the village's easy accessibility to traffic. All drivers who pass through checkpoints are stopped and questioned. Residents and people who are regularly employed within the area are issued an automobile sticker, which allows them to be waved through the checkpoints without stopping.⁶⁵ Since the use of checkpoints began, there have been no major crimes in the protected area.⁶⁶

Drugs

Related incivilities: **vandalism**, if gangs are using graffiti to mark their drug-trafficking territory, **loitering and panhandling**, if loiterers and panhandlers facilitate drug trafficking, **belligerent public behavior**, if drug use is related to public drunkenness or violation of school or public housing rules and regulations, **owner apathy and blight**, if drug users are occupying abandoned buildings.

APPROACH:

Deter Buyers From Entering Drug Markets

Drugs are often sold in specific locations that attract buyers. Making it difficult or inconvenient to enter drug markets may deter them and so disrupt sales. Law enforcement use of traffic code provisions can be one means of generating such disruption.

APPLICATION:

Charleston, South Carolina

The Charleston Police Department sets up random checkpoints to enforce driver's license and auto registration compliance. The checkpoints, which are frequently near known drug markets, discourage drivers from cruising in search of drug dealers. To avoid charges of bias, police are careful to pull over cars in a uniform manner. The strategy has successfully curtailed the open environment that existed for drug markets in some neighborhoods.⁶⁷

APPROACH:

Nuisance Abatement Laws

Nuisance abatement laws allow private citizens, local agencies, and city attorneys to file civil suits against property owners who allow specific nuisances or misconduct to occur on their property. The definition of “nuisance” will vary depending on the jurisdiction, but will generally include behavior that is annoying, troubling, or dangerous to neighbors. Civil actions are often preferable to criminal actions, because the burden of proof is lighter and cases are generally processed faster. A nuisance abatement action may force the landlord to evict tenants who engage in drug dealing or other illegal activity. Actions may also result in condemnation of the property. (*See also Prostitution.*)

Nuisance Abatement and Specified Crime Property Laws

City of Portland Bureau of Police
Officer Jonathan Cox
Southeast Precinct
10000 NE 33rd Drive, Suite A
Portland, OR 97211
503-823-5079

Recognizing that much of Portland’s drug, gang, and prostitution activity occurs in and around motels, Portland police efforts hinge on the cooperation of motel owners and nearby residents. Because motel guests involved in illegal activities usually will not register under valid identification, the registration procedure is the focus of motel-related crime prevention and intervention. Police ask motel owners to sign an agreement that tightens registration procedures, grants police access to registration records, and allows police to search rooms where there is probable cause to suspect the presence of unregistered guests engaged in illegal activities. While the agreement is not legally binding, it raises motel owners’ awareness of their legal responsibility to refrain from admitting guests who

intend to use rooms for an illegal purpose. Residents who live in proximity to the motels are encouraged to take note of whether motels seem to be complying with the agreements, and to report all illegal or suspicious activity. Motels that allow illegal activity are subject to closure under the Specified Property Crime¹ or Chronic Nuisance² ordinances. Two motels that were closed in 1995 serve as an effective warning to others.³

Police have successfully used this combination of citizen and legislative support to deal with other nuisance properties. Over 400 drug houses in Portland have been closed using nuisance abatement and specified crime property laws.⁴

1. Portland, OR, Ordinance 161476 (Dec. 15, 1988).

2. Portland, OR, Ordinance 166122 (Dec. 16, 1992).

3. Portland Police Officer Herschel Lange, interview with Lauren Brosler, March 1996.

4. *Code Enforcement and Nuisance Abatement*. National Crime Prevention Council, Washington, DC; September 1995, p.9.

APPROACH:

Health and Safety Code Enforcement

Some property owners profit from the drug trade by renting otherwise substandard units to dealers or users. The tenant ignores housing violations, and the landlord ignores drug-related activity in a mutually beneficial arrangement.⁶⁸ Enforcement of local codes and municipal regulations for residential and commercial buildings' physical condition and maintenance can drive drug users and traffickers out of a neighborhood.

Health and Safety Code Enforcement

Oakland Police Department
Oakland Beat Health Unit
455 7th Street
Oakland, CA 94607
510-615-5808

Oakland's Beat Health police unit works closely with citizens and various city agencies to close drug houses and restore order in targeted neighborhoods. Beat Health uses city health and safety codes, nuisance abatement ordinances, and other regulations in conjunction with traditional law enforcement to drive drug users and sellers out of neighborhoods. Hundreds of community residents report suspected drug activity using "hot spot" cards, which convey information to the police without identifying the informer.¹

Properties cited by the hot spot cards are inspected for any health, building, or

other code violations, and abuse of local utility services. Under the threat of prosecution, landlords usually correct any violations, making rental to drug users and sellers less profitable.² If the landlord refuses to cooperate, city or county prosecutors file nuisance actions citing owners under the state health and safety code.³ The strategy has had a positive impact: in just two years, 487 drug houses were closed in Oakland neighborhoods.⁴

1. *Creating a Climate of Hope*. National Crime Prevention Council, Washington, DC; 1992, p. 36.
2. "Beat Health Program" printed material provided by the Oakland Police Department, February 1996.
3. California Health and Safety Code § 11571 (1996).
4. Raine, George. Senator Lauds Oakland Anti-Drug Plan. *San Francisco Examiner*, May 5, 1991, p. B1.

APPROACH:

Common Law Right of Self-Help

In communities where illegal drug use is epidemic and municipal resources are limited, code enforcement, police action, and pressure on landlords may be insufficient to keep drug traffickers from operating out of abandoned properties. Under the common law right of self-help nuisance abatement, neighbors can take direct action to resolve the problem themselves.

Common law is law that derives its authority solely from usage and custom and is not created by the enactment of legislation.⁶⁹ So long as the property owner has been notified and has failed to respond, it is legal for neighbors who are harmed by a nuisance to use reasonable self-help measures that do not disturb the peace. Reasonable measures usually consist of boarding up the vacant structure that attracts drug users. The owner of the property may be liable for the reasonable costs of abatement. Before acting under the common law right of self-help nuisance abatement, citizens should consult a lawyer to ensure that the situation meets the legal definition of a nuisance. If, according to the law, no nuisance exists, citizen action could result in liability for trespass and damages.

APPLICATION:

Baltimore, Maryland

In 1993, a vacant house in the Butcher's Hill community of Baltimore was attracting a steady stream of drug users and dealers. As crime in the neighborhood worsened, members of the community association went to the police and the housing department in search of a quick, effective solution. The police and housing inspectors were sympathetic, but a shortage of personnel and other resources prevented the city government from taking action that would have an immediate impact.

Butcher's Hill community leaders then contacted the nonprofit community law center, an organization that provides free legal services to community associations in Baltimore. The center recommended boarding up the vacant houses under the common law right of self-help nuisance abatement. After informing the landlord of their intentions and giving him two weeks to respond, residents boarded up the structure with extra-thick plywood and cement to ensure against break-ins. They then went to small claims court to recover the \$340 they had spent in labor and materials. Police officers, neighbors, and housing inspectors all testified that the residents had taken reasonable steps to abate the nuisance. They were awarded the \$340, and have continued making efforts to acquire and rehabilitate vacant houses in their neighborhood. Drug transactions are now far less frequent in Butcher's Hill.⁷⁰

APPROACH:

Restrict Sale of Grain Alcohol

Grain alcohol is usually sold by liquor stores. Although consumption of grain alcohol is legal, it is often used to free base crack cocaine. Restriction of grain alcohol sales may disrupt drug use.

APPLICATION:

Chicago, Illinois

In Chicago, it is illegal to sell liquor of which the alcohol content, determined by volume, exceeds 76 percent.⁷¹ While acknowledging that this ordinance is unlikely to be a cure-all, officials at the City of Chicago Office on Substance Abuse Policy are hopeful that it will help make it more difficult for drug users to free base.⁷²

APPROACH:

Regulate Pay Phones

Pay phones are often used in connection with the purchase and sale of drugs. Restriction of service to outgoing calls only or prohibiting placement of pay phones on public streets and sidewalks may disrupt drug dealers' operations. Regulation of pay phones may meet resistance from people who do not have their own telephones and so must rely on pay phones. Businesses that own the pay phones may also resist regulation if it affects their profits.

APPLICATION:

Boonton, New Jersey

Boonton passed an ordinance banning pay phones from all public streets and sidewalks. The town had previously restricted pay phone service to outgoing calls only, but after finding that drug dealers were still misusing the phones in conjunction with beepers, town alderman concluded that a total ban of pay phones from public rights of way was necessary.⁷³ Because of resistance from a business that owned the pay phones, the town had to compromise on which phones would be removed. According to the town administrator, petty drug dealing has been reduced, thanks to the removal of one particular pay phone that had been heavily misused by drug dealers.⁷⁴

APPROACH:

Zero Tolerance and Drug-Free School Zones

Drug dealers often target schools to recruit both pushers and users. A zero tolerance policy, which can be passed on either the state or local level, mandates suspension or expulsion for student drug offenses. The drug-free zone policy enacted on the state level deters drug offenders by increasing sentences for drug-related violations that occur within a posted, defined distance from a school or park.

APPLICATION OF ZERO TOLERANCE:

State of California

The State of California has a zero tolerance policy. School principals and superintendents must recommend expulsion for possession of drugs or controlled substances,⁷⁵ and expulsion is mandatory for the sale of drugs or controlled substances.⁷⁶ As of July 1, 1996, students who are expelled for drug possession cannot apply for readmission within one calendar year of the expulsion.⁷⁷

APPLICATION OF DRUG-FREE SCHOOL ZONES:

State of New Jersey

Since 1988, the New Jersey criminal code has included increased sentences for persons convicted of possessing drugs with the intent to distribute within 1,000 feet of any school property or school bus.⁷⁸ Since the legislation's passage, the New Jersey Department of Law and Public Safety has distributed an enforcement guide for drug-free school zones. Highlighting the importance of a coordinated effort, the enforcement guide contains an executive directive from the 1988 Attorney General, Department of Education guidelines and a model agreement for use by county and local school and law enforcement officials. New Jersey officials believe that drug-free school zones are having a positive impact. A New Jersey RICO (racketeering influence and corrupt organizations) investigation reported that criminals were deliberately avoiding locations near New Jersey schools as points for drug transactions because of the deterrent effect of greater police presence.⁷⁹

APPROACH:

Restrictions on Property Contaminated by Drug Labs

Property that has been the site of a drug lab is often hazardous to health. Because chemicals can infiltrate structural materials, use of the property may cause serious illness even after lab equipment has been removed. Putting legal restrictions on the sale and rental of such property may deter landlords from renting property to drug manufacturers, because it would cut into future revenues.

APPLICATION:

State of Oregon

The law in Oregon restricts the sale and rental of property where illegal drugs have been manufactured. Until the property is certified as fit for use by the Oregon Health Division, the owner may not sell or rent it without first disclosing that the premises are a contaminated lab site. Rental of contaminated rooms is prohibited regardless of disclosure. In order to obtain certification that the property is fit for use, the property owner must have a contractor trained and licensed by the Oregon Health Division test the property and perform any necessary restoration.⁸⁰

APPROACH:

Target Loitering for Illegal Substance Use

The loitering that often occurs in connection with illegal substance use can intimidate residents and hurt neighborhood businesses. Prohibition of such loitering gives police an additional tool to make arrests and drive drug dealers and their customers out of neighborhoods.

APPLICATION:

Belleville, Illinois

Belleville's anti-loitering drug ordinance prohibits loitering for the purpose of engaging in drug-related activities. Police may consider a broad range of factors to determine such purpose, including whether the subject is a known user, possessor, or seller of drugs; whether the subject is under court order prohibiting his presence in an area of high drug activity; whether the subject behaves in a manner as to draw reasonable suspicion that he or she is about to engage in drug-related activity;

whether the subject can be physically identified as a gang member; and whether the area involved is widely known to be an area of drug use and trafficking.⁸¹

APPROACH:

Drug Trafficker and User Eviction Laws

Landlords are sometimes resistant to evicting tenants who use their property for illegal activities, such as drug trafficking, gambling, and prostitution. Under drug trafficker and user eviction laws, written notice can be served on landlords to evict tenants who use a house or apartment for such illegal purposes. Actions are usually filed by enforcement agencies. Neighbors can also file actions, but usually do not because of fear of retaliation.

APPLICATION:

New York, New York

The statutory basis for eviction in New York is found in the state's Real Property Actions and Proceedings Law (RPAPL), which was enacted in 1868 to abate "bawdy house" activity.⁸² The Manhattan District Attorney's Narcotics Eviction Program (NEP) routinely uses RPAPL to remove drug dealers from both private and public housing.⁸³ The eviction process has three parts. First, NEP identifies problem properties by reviewing every search warrant executed for suspected drug cases and carefully screening referrals from residents, police, tenant organizations, and landlords. The second step is notification of tenants and landlords that suspected drug activity is occurring at their property. The landlord is given five days to commence eviction proceedings; if this fails, NEP may begin its own eviction proceedings, naming both the tenant in question and the landlord in the civil action. Proof of the commission of specific illegal acts is not required; it is sufficient that the acts and conduct complained of imply that the property was used for illegal purposes.⁸⁴

Between June 1988 and August 1994, NEP removed drug dealers from 2,005 locations. In an analysis of the program, the National Institute of Justice identified close police coordination and community involvement as key elements in the program's success.⁸⁵

APPROACH:

Enforce Screening and Eviction of Tenants for Drug-Related Activity

The federal government has a strong policy toward eradicating drug-related activity from public housing. That policy is incorporated in U.S. Department of Housing and Urban Development (HUD) materials that encourage public housing authorities to screen prospective tenants and the Anti-Drug Abuse Act of 1988, which requires a drug eviction clause in public housing leases. The imperative of drug-free public housing has even warranted executive attention—in his January 1996 State of the Union address, President Bill Clinton challenged housing authorities to implement a “one strike and you’re out” policy toward residents who peddle drugs. Through regulation, enforcement, and the cooperation of tenants, housing authorities can implement these drug-free policies and foster peaceful environments.

APPLICATION:

Greensboro, North Carolina, Housing Authority (GHA)

GHA has a careful screening process for applicants, which includes the review of a police report from each applicant on all household members 16 years of age or older. Any criminal or drug-related activity can be grounds for rejection. GHA also applies the “one strike and you’re out” policy, with help from the Greensboro Police Department. The police department provides GHA housing managers with a daily listing of any residents or household members arrested for drug-related offenses on GHA premises. The daily listing triggers eviction investigations. Police also cooperate by testifying in court during eviction proceedings. To keep drug dealers and other troublemakers away from GHA communities, the district attorney includes, as a condition of parole, a guarantee from persons convicted of drug-related crime in public housing that they will not enter GHA property. These parole conditions are then enforced by the police, who maintain a list of restricted parolees.

GHA management believes the strict enforcement is reducing drug-related activity: In 1993, GHA rejected 92 applicants for criminal history, 120 in 1994 and 96 in 1995. Drug-related evictions went from 28 in 1990 to 22 in 1993 and only 11 in 1994. At the same time, drug arrests dropped from 576 in 1990 to 231 in 1994. (*See also Chapter 1, Belligerent Public Behavior.*)

APPROACH:

Enforce Drug Paraphernalia Laws

Most states outlaw a variety of items designed for use with drugs: special pipes, farm and laboratory equipment used to cultivate or manufacture illegal drugs, and cigarette papers used with illegal drugs. These laws can have a strong impact on drug use in neighborhoods, but only if they are supported by the community and strictly enforced.

APPLICATION:

State of Illinois

In Illinois, selling or delivering drug paraphernalia is a class 4 felony carrying a minimum fine of \$1,000 for each item. Any adult who sells or delivers drug paraphernalia to someone younger than age 18 is guilty of a class 3 felony and faces a possible prison term of two to five years and a \$10,000 fine.⁸⁶ According to the Chicago Mayor's office, the law has been strictly enforced in the City of Chicago, and has been both necessary and worthwhile in keeping drug paraphernalia out of the hands of children, who otherwise would be able to buy it in stores.⁸⁷

APPROACH:

Mandatory Drivers' License Suspension for Drug Offenders

Convicted drug offenders often receive short sentences, because of limited prison space. So-called "use it and lose it" driver's license laws mandate that all convicted drug offenders lose their driving privileges for six months or more, depending on the number of previous convictions. This type of punishment is aimed at deterring middle-class drug users, whose lifestyle is most likely to involve daily operation of an automobile.

APPLICATION:

Commonwealth of Pennsylvania

The Department of Motor Vehicles suspends the vehicle operating privilege of any person convicted of drug trafficking under federal or Pennsylvania law or the laws of any other state. Suspension is for six months for a first conviction, one year for a second conviction, and two years for a third and any subsequent conviction.⁸⁸

Prostitution

Related incivilities: **cruising**, if potential clients circle streets in automobiles, **loitering**, if prostitutes and potential clients gather on sidewalks, **belligerent public behavior**, if prostitution is related to public consumption of alcohol.

APPROACH:

Traffic Control

Potential clients often cruise specific areas in search of prostitutes. Traffic regulation can disrupt cruising patterns and reduce opportunities for solicitation. Planners should be conscious of inconveniences to residents.

APPLICATION:

Washington, DC

Washington, DC, established turn restrictions between 9 p.m. and 5 a.m. in areas where street prostitution and serious traffic congestion were a public safety problem. Through strict enforcement, customers are prevented from circling the blocks frequented by prostitutes.⁸⁹

APPROACH:

Demand Control

Both solicitation and commission of prostitution are usually illegal, but most attention is focused on the prostitutes rather than on their customers, who are also breaking the law. Controlling demand through penalizing customers may reduce the number of prostitutes.

APPLICATION:

Aurora, Colorado

The town of Aurora, Colorado, deters prostitution by publishing photos of customers in the local newspapers.⁹⁰ Enactment of the ordinance authorizing this publicity was strongly supported by downtown businesses, in reaction to the harmful impact of prostitution on commerce.⁹¹ Since the ordinance came into effect, there have been fewer customers and fewer prostitutes in the downtown area.⁹²

Portland, Oregon

In the mid-1980s, Portland passed an ordinance allowing police to seize the vehicles of customers caught propositioning undercover officers.⁹³ Two and one-half years after the ordinance was initiated, 605 vehicles had been seized.⁹⁴ Perhaps even more punitive than the seizure, release of the vehicle requires the signature of all names on the registration, often including a spouse or relative.⁹⁵

Minneapolis, Minnesota

In the Whittier neighborhood of Minneapolis, the city's standard prostitution laws are enforced with the help of the Whittier Alliance, which is made up of residents concerned about crime prevention and the quality of neighborhood life. Every Friday or Saturday evening, a group from the Whittier Alliance conducts a foot patrol of the neighborhood. The local police precinct is kept informed of the group's activities. When the group spots a customer soliciting a prostitute, it immediately reports the incident to the police by calling 911 via cellular phone. The group reports the make of the automobile, the license number, and descriptions of the customer and prostitute. The police trace the auto owner's address and send him a letter advising that illegal behavior will not be tolerated in Whittier and is documented by the residents. It also states that a vehicle used in a commission of a crime can be confiscated and held for evidence.⁹⁶

APPROACH:

Crackdown on Motels

Prostitutes often rely on motels to provide cheap, hourly rentals. Prohibiting motels from renting to prostitutes can disrupt their business. (*See also Drugs.*)

APPLICATION:

Lansing, Michigan

Whenever a person is admitted onto a property for the purpose of prostitution, the City Council of Lansing may, after due process, declare such property a public nuisance. The city council may then padlock or board up the property for up to one year.⁹⁷

APPROACH:

Prostitution-Free Zone

Prostitution is often concentrated in particular neighborhoods. Despite repeated arrests, police officers frequently encounter offenders returning to the same area to resume criminal activity. Under prostitution-free zone legislation, anyone arrested for prostitution-related offenses within high prostitution areas can be banned from returning for a specified period of time.

APPLICATION:

Portland, Oregon

In Portland, anyone arrested for prostitution-related offenses is banned from certain neighborhoods for 90 days.⁹⁸ Although the penalty for violating the ordinance is less than that for prostitution, police say it is a useful tool because it is easier to make an arrest and conviction for criminal trespass than for prostitution.⁹⁹

Gangs

Related incivilities: **cruising** and **loitering**, if these are common gang activities, **belligerent public behavior**, if gang members drink in public, violate school or public housing rules and regulations, or harass citizens in public areas, **noise**, if gang members use car or portable stereos to disrupt businesses and neighborhoods.

APPROACH:

Prohibit Behavior That Manifests Gang Membership

Gang members often signify affiliation through their attire and hand gestures. Prohibition of these manifestations of gang membership can facilitate the arrest of gang members, reduce tensions between gangs and other citizens, and possibly lessen gang activity. (See also Chapter 1, *Belligerent Public Behavior*.)

APPLICATION:

Harvard, Illinois

The City of Harvard prohibits any person to knowingly wear colors, emblems, or insignia in public for the purpose of pro-

moting street gang activity. The city also prohibits any knowing acts, utterances, gestures, or displays for the purpose of communicating membership in or insult to any street gang.¹⁰⁰ Since the ordinance was put into effect, the number of gang-related arrests has steadily decreased, from 87 in 1994 to zero as of July 11, 1996, for that year. Both police officers and residents feel that gang-related activity has markedly decreased.¹⁰¹

APPROACH:

Anti-Firearm Provision in Housing Authority Leases

Public housing authorities are permitted by the HUD regulations to limit or ban guns through lease provisions. Leases may prohibit the use, display, or possession of guns on housing authority property, or require that any firearm kept in public housing units be stored in a locked gun cabinet. Because violation of the lease may result in eviction for the violator and his family, gang members and other potentially violent public housing residents may be deterred from gun violence.

APPLICATION:

Portland, Maine, Public Housing Authority

The Portland Public Housing Authority lease contains a provision strictly banning the use, display, or possession of guns on housing authority property. The management believes that the lease provision is effective in helping to prevent the gun violence that occurs throughout the city from taking place in the projects.¹⁰²

APPROACH:

Area Bans

Gangs often frequent certain blocks or parks they consider to be gang territory. By focusing enforcement measures on those areas, criminal gang activity may be disrupted. (*See also Gangs.*)

APPLICATION:

San Fernando, California

The San Fernando City Council passed a temporary “urgency” ordinance that provided a \$250 fine for entry of a criminal gang member into Las Palmas Park during a specified nine-month period.¹⁰³ The park had been the scene of a turf war between rival gangs, during which numerous gang members and bystanders were shot. The ordinance provided for a two-step approach to eliminating the gang problem in the park. First, known gang members were given written notice not to re-enter the park. Next, notified gang members found in the park were cited for violating the ordinance and were fined \$250. According to San Fernando city officials, the ban was highly successful in eliminating gang-related activity and violence in the park during the time it was in effect.¹⁰⁴

APPROACH:

Civil Injunctions

The burden of gathering evidence against each gang member to prosecute on an individual basis is overwhelming. Through the civil injunction strategy, local prosecutors can file suit against gangs as “unincorporated associations,” allowing police and residents to reclaim entire neighborhoods from gang domination. Targeted gang members are prohibited from certain locations and particular behaviors. Once the gang presence is minimized, residents can begin to reestablish peace and order.

Civil Injunctions Against Gangs

Los Angeles City Attorney's Office
Jule Bishop, Deputy City Attorney
Gang Unit
200 N. Main Street, Suite 1600
Los Angeles, CA 90012-4110
213-237-0653

In Los Angeles, California, prosecutors use civil injunctions to combat neighborhood gang terrorism. In addition to individual prosecution of criminal gang behavior, the civil injunction adds a prior warning stage to traditional law enforcement, and provides a vehicle for direct community involvement in the area's law enforcement activity. Strategies vary with the particular nuisance in the area, but the injunction process begins with a comprehensive review of the community's gang problem.

- ▶ Identify gang members and their nuisance behavior
- ▶ Interview residents, landlords for priority needs
- ▶ Create a multi-agency neighborhood response team
- ▶ Encourage community recovery organizations to step up their intervention activities in the target areas
- ▶ Enforce curfew, drug loitering, trespass, and graffiti violations; systematically seek unilateral probation conditions on all gang arrestees in a neighborhood to ease enforcement
- ▶ Meet with courts and probation officers to aim for consistent treatment of offenders
- ▶ Target "worst" behaviors by asking civil court to enjoin the gang's nuisance activities

Once the injunction is in place, law enforcement begins an intensive period of personal contact with gang members and residents, officially serving gang mem-

bers with the court documents and discussing the activities outlawed by the court. Persistent violators can be prosecuted either in civil or criminal court in a contempt proceeding. The goal at this stage is to return the public areas to community use.

The City of Los Angeles and other prosecutorial offices in the greater Los Angeles area have implemented four gang injunctions currently aiding neighborhoods terrorized by gang behavior. The civil injunction granted against the Blythe Street gang in April 1993, continues to maintain a certain peace in a rapidly changing demographic area. Prior to the injunction, Blythe Street was described in newspapers as a neighborhood "under the occupation of a concerted and organized group of criminals who virtually control[led] the activities and lifestyles of all who dare[d] to live and work in the area."¹

Since April 1993, locals report a noticeable improvement in their quality of life. A grocery store is back, youth groups are getting funded along with physical recreation activities, and a continuation school assists youth in completing their education. A local community-based organization received a multi-million dollar grant for neighborhood improvement. Foot patrol officers are a regular part of the neighborhood, and residents know them by name. Drive-by shootings were once a weekly occurrence; as of May 1996, one year has passed since the last shooting. The city prosecutors credit community support, dedicated police attention, and coordinated timing with the injunction's effectiveness.²

1. Nikos, Karen. Waging War On Gangs. *Los Angeles Daily News*, Feb. 23, 1993, p. B1.

2. Information provided by Jule Bishop, Deputy City Attorney, Los Angeles, California, April 1996.

APPROACH:

Enhancement of Sentences for Gang Members

Enhanced sentences for gang members signify a community's readiness to resist gangs. Codified gang policy against gangs, as well as the threat of more severe punishment, may deter youth from joining gangs and may also deter gang members from committing crimes.

APPLICATION:

State of Arizona

The enhancement law in the Salt River Pima-Maricopa Indian Community includes a section specifying evidence of gang membership, including paraphernalia, tattoos, clothing, or colors.¹⁰⁵ Police document evidence on individuals and supply it to prosecutors when those individuals are charged with a crime. Officials hope that knowledge of the enhanced punishment will decrease criminal gang activity.¹⁰⁶

APPROACH:

Codify the Definition of Gangs

A statute codifying the definition of gangs makes it possible to submit evidence of gang participation when trying to get convictions. In addition, codification is a strong policy statement about a community's opposition to gangs.

APPLICATION:

State of Arizona

The State of Arizona includes a definition of criminal street gangs in its criminal code. According to the provision, a criminal street gang is an ongoing formal or informal association of persons, whose members or associates individually or collectively engage in the commission, attempted commission, or facilitation or solicitation of any felony act and which has at least one individual who is a criminal street gang member.¹⁰⁷

APPROACH:

Gun-Free Schools and Gun-Free Zones

Criminal gang members may bring guns into schools or school areas. In 1990, Congress passed and the President signed the Gun-Free School Zones Act. The law directs school districts to

develop policies to keep students and staff safe from guns and other dangerous weapons. Policies frequently include severe sanctions of students caught with guns or other dangerous weapons.

APPLICATION:

San Diego, California

The San Diego, California, school district, under the direction of the School Police Services director, devised a policy prohibiting weapons on campus, buses, and at school-sponsored activities. Parents and youths receive written descriptions of the policy and the sanctions against students who violate it. To attend certain preferred schools, students must sign a contract that they will not bring a gun or weapon to school or fight with other students. Since the policy was enacted in 1991, the number of gun-related incidents in schools has declined annually. Many students and parents have expressed support for the policy, believing it has helped make school buildings safer.¹⁰⁸

Applications

	Burglary	Drug Trafficking and Use	Prostitution	Gang-Related Crime
Regulate Pawn Shops	•			
Security Checkpoints	•			•
Deter Potential Drug Customers		•		
Nuisance Abatement		•	•	
Common Law Right of Self Help		•		
Health and Safety Code Enforcement		•		
Restrict Sale of Grain Alcohol		•		
Regulate Pay Phones		•		•
Zero Tolerance and Drug-Free School Zones		•		•
Restrictions on Contaminated Property		•		
Target Loitering for Illegal Substance Use		•		•
Drug Trafficker and User Eviction Laws		•		•
Drivers' License Suspension for Drug Offenders		•		
Enforce Screening and Eviction of Tenants for Drug-Related Activity		•	•	•
Enforce Drug Paraphernalia Laws		•		
Traffic Controls			•	
Demand Control		•	•	
Crackdown on Motels		•	•	
Prostitution-Free Zones			•	
Prohibit Behavior that Manifests Gang Membership				•
Anti-Firearm Provision in Lease				•
Area Bans		•		•
Civil Injunctions		•		•
Enhanced Sentences	•	•		•
Gun-Free Zones				•
Codify Definition of Gangs				•

Crime Prevention Policy and Funding

A Different Public Policy Approach Toward Crime

Reducing and preventing crime go hand in hand with restoring and preserving neighborhoods. This task must not rest solely with law enforcement; it must be incorporated into a broader effort that makes prevention an important priority. There are many reasons for elected officials to make crime prevention a policy priority: among them, high fear levels, limited police and criminal justice resources, and the lasting and sometimes irreparable impact of crime. However, lack of funding is frequently an obstacle to implementing prevention strategies. In some areas of the country, elected officials are finding creative ways to use legislation to incorporate funding into their crime prevention policy. In addition to making crime prevention strategies possible, this type of legislation often provides an important vehicle for addressing quality-of-life issues.

APPROACH:

Asset Forfeiture

Under the principle of civil forfeiture, property that is involved in illegal activity can be taken away in a civil proceeding. For example, the property of a drug dealer can be seized by law enforcement agents when facts and circumstances, based on information such as reports from community residents, would suggest that the property was involved in illegal activity. According to federal law, state and local law enforcement agencies may transfer up to 15 percent of monies realized through asset forfeiture to private, nonprofit community organizations. Through state and municipal legislation, policy makers can ensure that this funding goes to community crime prevention efforts.

APPLICATION:

St. Petersburg, Florida

The State of Florida requires that 15 percent of funds derived from the Florida Contraband Forfeiture Act be utilized for the operation of drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer programs.¹⁰⁹ In accordance with state law, the St. Petersburg City Council approved the Police Department Funding Approval Committee, made up of police and residents, as the authority for distributing funds realized through forfeiture.¹¹⁰ The Funding Approval Committee is made up of police and St. Petersburg residents. Notwithstanding that the Police Department already met the statutory obligation by funding D.A.R.E., in 1995 it distributed over \$13,000 to 15 community organizations, including neighborhood watches, resource centers, Boys & Girls Clubs, and drug prevention programs. The decision to donate beyond the statutory obligation was made by the Funding Approval Committee on the principle that assets seized from criminals should be returned to the community in the form of programs designed to improve safety and well being.¹¹¹

APPROACH:

Crime Prevention Tax

Crime prevention can be funded through a specially earmarked tax.

APPLICATION:

Norfolk, Virginia

In 1992, the City of Norfolk approved legislation that earmarks three cents of each real property tax dollar for the PACE program, which is dedicated to resolving community problems and improving the quality of life through partnerships between the government and city residents.¹¹² In its first year, the tax generated \$1.8 million.¹¹³

Anti-Drug Tax

Jackson County Prosecuting Attorney's Office
Pat Glorioso
Jackson County Courthouse
415 East Twelfth Street
Kansas City, MO 64106
816-881-3555

Since 1989, a majority of voters in Jackson County, Missouri, have supported a quarter-cent anti-drug sales tax, known as COMBAT (Community Backed Anti-Drug Tax).¹ The tax generates over \$14 million each year, two-thirds of which goes to law enforcement and the remainder to prevention and treatment initiatives. In order to attract federal funding for drug prevention programs, 10 percent of the tax revenue is set aside as a local matching fund. The Jackson County Prosecuting Attorney believes the following statistics are signs of success:²

- ▶ Between January 1993 and July 1995, violent crime dropped 32 percent

- ▶ The homicide rate fell by 23.5 percent between 1990 and 1995
- ▶ 51 new police officers generated over a 300 percent increase in drug arrests since 1990
- ▶ Prison sentences for drug dealers were up by 550 percent since 1989
- ▶ Legal action was taken against over 5,000 drug houses between 1992 and 1996
- ▶ 740 persons are treated for substance abuse monthly, one-quarter of whom are children and adolescents. Absent the tax, these people, who are indigent, would not be able to access treatment.
- ▶ Less than 5 percent of the budget is spent on administration

1. Jackson County, Mo., Ordinance 1771 (Sept. 11, 1989).

2. Materials provided by the office of the Jackson County Prosecuting Attorney, March 1996.

APPROACH:

Fine Offenders, Earmark Monies for Crime Prevention

Offenders deplete enforcement resources of limited time and funds. Fining offenders for their wrongdoing may be a deterrent. Earmarking monies collected through such fines for crime prevention replenishes law enforcement resources and apprises the offender of his cost to society.

APPLICATIONS:

State of New Jersey

The State of New Jersey mandates fines for all convicted substance abusers. Amounts range according to the degree of the crime. All monies are appropriated by the Alliance to Prevent Alcoholism and Drug Abuse and other alcohol and drug abuse prevention programs.¹¹⁴

The State of Wisconsin

Courts in Wisconsin may require people on probation and persons convicted of domestic abuse to make a contribution to a crime prevention organization.¹¹⁵

Orange, New Jersey

The Town of Orange fines burglar alarm owners for false alarms. The amount of the fine varies according to whether the owner had the required permit and the number of false alarms within a 12-month period. The administrative cost and funding for the Orange Crime Watch Program is supplied by the fines collected under the alarm system ordinance.¹¹⁶

APPROACH:

Incentives for Crime Prevention

Individuals and businesses can be encouraged to invest in crime prevention measures through tax credit or tax deduction incentives. Formal recognition, which the participant can use as part of a public relations or advertising campaign, can also be effective.

APPLICATIONS:

State of Texas

Texas mandates homeowner's insurance premium reductions for compliance with certain physical crime prevention standards, such as installation of an electronic burglar alarm and locks on doors and windows.¹¹⁷

State of Missouri

Since 1978, Missouri has had legislation that gives tax credits to businesses who donate money, goods, and assistance to community services, including crime prevention.¹¹⁸ Funding that would otherwise go to the state government is redirected to the local community. As more businesses have become aware of the legislation's benefits, competition to earn the tax credits has intensified. According to the State Department of Economic Development, tax credits from the state have helped leverage \$165 million in donations since the legislation's inception.¹¹⁹

Tempe, Arizona

The police department of the City of Tempe administers the Tempe Crime Free Multi-Housing Program (CFMH), which gives owners of rental housing instruction and guidelines to prevent crime within their units. Participants who complete the three phases of the program are allowed to advertise and post decals and signs signifying that the units are in compliance with CFMH.

In the first phase of the program, housing managers are given an orientation on methods to identify better-quality tenants. In the second phase, a police officer conducts a CPTED review of the housing units. (*See Chapter 1, Vandalism.*) In the third phase, the housing units are checked for compliance with CPTED guidelines. Certified housing is inspected yearly, as well as by police officers responding to incidents on the premises. Because tenants often choose housing based on compliance with CFMH, they also report violations to management or the police department.

According to one of the officers who administers the program, CFMH is most successful where the management is proactive.¹²⁰ In the first 18 months of its implementation, around one-quarter of all rental units in Tempe participated in CFMH.¹²¹ The program is also adapted to include mini storage units, which are often the target of burglary.

APPROACH:

Incorporate Crime Prevention into Code

Funding isn't always necessary for implementing crime prevention policy. By incorporating crime prevention standards into state statutes or the municipal code, residents take a vested interest in crime prevention.

APPLICATION:

Ann Arbor, Michigan

The City of Ann Arbor has incorporated CPTED principles into its housing code. The code has specific guidelines for lighting in multi-unit buildings and window and door locks for rental units.¹²²

Lawmaking

Many people are unfamiliar with the legislative process and unaware of their ability to affect the direction of their government. As many of the previous examples have illustrated, citizen engagement can make a big difference. To use legislation to restore and preserve neighborhoods, citizens must be knowledgeable about the different levels of government, able to find out which laws already exist, and familiar with how new laws are created.

Levels of Government

Government has three main levels, each with the capacity for lawmaking. At the highest tier is the U.S. Congress, the federal legislature. The U.S. Constitution gives Congress the power to pass laws that are binding on the citizens of every state, so all laws passed by Congress must be in compliance with the Constitution. Federal laws, called statutes, deal with issues of national impact. Examples of subjects of federal legislation include environmental quality, national defense, labor relations, postal services, civil rights, and federal taxes, to name a few.

States also have legislatures, which have the power to pass laws that apply within their boundaries. State laws must be in accordance with federal law, except for rare instances when they are legislating in an area the U.S. Constitution has delegated to the states. State laws, also called statutes, are usually concerned with education, traffic, state taxes, marriage and divorce, and the powers and duties of state government officials. State laws can also address crime prevention policy, as will be discussed in this chapter.

Cities, towns, and counties also have lawmaking bodies and are the source of most of the legislation cited above. Types of local legislatures include county or city councils, boards of aldermen, and boards of education, health, and zoning,

among others. Local governments pass laws known as ordinances or regulations, which address matters such as land use, parking, schools, regulation of local business, and other issues, many of which can be brought to bear on crime prevention.

Because there is no uniform local government structure, and local government is most appropriate for using law to restore and preserve neighborhoods, citizens may need more in-depth and individualized information than we are able to provide here. The League of Women Voters publishes a pamphlet entitled “Know Your Community,” which suggests making a survey as the initial step in gaining knowledge of the structure of local government. The following suggestions provide the basis of the survey:

- Ask the various departments of local governments for their published descriptions and reports about their services. Those with advisory committees or boards may be able to provide the minutes of their meetings.
- Attend city council and school board meetings, which are usually open to the public.
- Talk to local officials. Before asking for an appointment, do research and bring as much knowledge as possible to the meeting.
- Talk to the people who use the services you are focusing on, and talk to those who choose not to use them.
- Look for articles in local newspapers and magazines that may provide information about your area of concern.¹²³

“Know Your Community” also provides an extensive list of questions that citizens can use as guidelines to educate themselves about the details of their government’s activities. Pamphlets can be requested through the League of Women Voters, whose contact information is listed in the appendix.

Existing Laws

Citizens looking to use law to restore and preserve neighborhoods should know what relevant laws are already in effect. Existing laws can affect the meaning and enforcement of new legislation. Also, an inventory of existing laws will indicate whether additional legislation is necessary or if efforts should focus on enforcement alone.

Legal research can be a complicated matter. In-depth research is usually done by lawyers or paralegals, because it requires training to find and comprehend statutes, ordinances, and regulations, as well as the court decisions that interpret them. However, the lay person can learn what laws exist by doing his or her own basic research or by seeking help from others. National organizations, such as the American Bar Association, that may have data on existing laws are listed in the appendix. Local organizations will vary depending on the community.

Federal law is the most difficult to research, because it is frequently long, complex, and subject to extensive interpretation. Federal law is unlikely to bear on local legislative efforts to restore and preserve neighborhoods, except in the area of civil rights and when crimes cross state lines, such as interstate drug trafficking. The lay person can do basic research of federal law by looking in the appropriate section of the Code of Federal Regulation (CFR). When more complicated questions of federal law arise, they should be referred to a specialized attorney.

State law is generally less complicated to research than federal legislation. State statutes and regulations can be obtained with the help of a librarian at a local law or public library. Law libraries are usually affiliated with law schools or located in courthouses, and they are open to the public during designated hours. The law librarian will know where the relevant state laws are codified and how they are indexed. State advocacy organizations, state bar associations, or the office of the state attorney general may also provide state legislative information.

Preemption statutes are an example of existing law that may contradict new local legislation. Citizens considering the use of new local legislation should first research whether their state has such a statute. The concept of preemption forbids local communities from enacting laws stricter than the existing state law. For example, if the state specifies a one-year suspension for students caught with drugs on school grounds, local school boards could not increase the punishment beyond the state's provision. Before suggesting local legislation, citizens should determine whether their state has a preemption statute and, if so, whether the state has already legislated on the matter in question.

Local law is the easiest of all to research, because ordinances and regulations are usually short and uncomplicated, and

court interpretation is rare. Often, the reference section of the public library will have a copy of the municipal code book. The county, city, or town clerk (as appropriate to the type of jurisdiction) should have a code book in the office for public inspection and can usually fill requests for specific ordinances and regulations. School districts, and other administrations that may be independent, will also provide their code books to interested citizens. In addition, members of the local legislature and their staff are a good resource for answering questions or providing copies of legislation.

Creating New Laws

Laws are created in the same way on the federal, state, and local levels. The following chart describes the general process for creating legislation.

■ *Work by Legislative Body(ies)*

(examples: U.S. Congress, state legislature, county council)

Present an Idea (bill)

Discuss the Idea (hearings, debate)

Decide on the Idea (vote)

Resolve Differences with Other Body

■ *Concurrence/Veto by Executive*

(examples: U.S. President, governor, county executive)

■ *Enactment of Law*

Except for those powers delegated to independent agencies and boards, an elected legislature decides which bills (ideas drafted into legislative language) will be enacted into law. However, citizens' influence on the legislative process goes far beyond electing legislature members. Public opinion is a powerful tool, and citizens can influence the lawmakers both to vote as they want them to and to introduce specific proposals. In some jurisdictions, individual citizens or citizens' groups can submit ideas for bills directly to the legislature.

Regardless of where the idea for a bill originates, careful attention must be paid to its drafting. Bills are usually drafted by those familiar with all sections of the code. Language should be clear and simple enough for people of ordinary intelligence and education to understand what behavior is expected of them. Courts will not enforce laws that are overly broad or vague. Thus, a law that states "bad language is prohibited in public places" will likely be challenged and struck down by the court.

Occasionally, citizens vote directly on proposed laws. Initiatives and referendums allow citizens to circulate petitions and put proposed laws on the ballot. An initiative is a procedure that enables a specified number of voters to propose a law by petition. The proposed law is then submitted to either the electorate or the legislature for approval. A referendum occurs when the legislature refers a bill to the voters for final approval or rejection.

The Regulatory System

Like statutes and ordinances, regulations also set standards of behavior that are relevant to restoring and preserving neighborhoods. Regulations are issued by administrative bodies on the federal, state, and local level. Because administrative bodies are created by legislatures, administrative bodies and their jurisdictions vary on the state and local levels. The following chart is a general description of what regulations are and how they work.

- Issued by administrative body
(authorized or directed by legislature)
(examples: housing agency, zoning board,
traffic management)
- Generally more detailed and specific than
legislation
(examples: steps to secure liquor license,
security for public buildings)
- Usually includes public input or comment
opportunity
(examples: hearing, written comments,
public notice)
- Violation generally punished by fine or
revocation of license

Enforcement

Once the statutes, ordinances, or regulations have been made or identified, enforcement is necessary for the law to have full effect. For all types of law, both private citizens and government authorities are important to the enforcement process. The roles of private citizens and enforcement authorities (including the police, zoning boards, and public housing authorities, to name a few) will vary according to circumstances. The following chart is a general description of the enforcement process.

- Identify law or regulation that applies (may be more than one)
- Identify enforcing authority (police or sheriff for most laws, specific agencies for regulations, etc.)
- Provide specific, objective evidence of violation (examples: photos, signed statements by witnesses)
- Determine responsible party (offender)
- Enforcement authority cites or arrests offender as appropriate
- Prosecute through courts (laws) or administrative hearings (regulations)
- Impose penalty(ies) (can include fines, revocation of permits, confinement, community service, restitution)

Summary

Knowledge of how government works is essential to citizen involvement, and citizen involvement is essential to any effective crime prevention effort. By voting for representatives, submitting ideas for new laws, and calling for and participating in the enforcement of existing laws, citizens are able to channel the work of government and law enforcement. Use of law and participation in the democratic process can be instrumental in the effort to restore and preserve neighborhoods.

Resource Organizations

American Alliance for Rights and Responsibilities (AARR)
1146 19th Street, NW, Suite 250
Washington, DC 20036-3703
202-785-7844

Researches issues that directly affect the safety and quality of life in communities. Identifies, promotes, and defends new ideas that make citizens part of the solution. Provides technical assistance and training for community groups and professional organizations.

American Bar Association (ABA)
750 N. Lakeshore Drive
Chicago, IL 60611
312-988-5000

A professional organization of lawyers that serves as a resource on most law-related topics and provides attorney referrals.

American Probation and Parole Association (APPA)
Publications Department
PO Box 11810
Lexington, KY 40578
606-244-8207

Conducts research on a variety of issues relevant to the field of community-based corrections and produces comprehensive manuals and resource guides (for example, intensive supervision, family violence, victims services, performance-based measurement). Serves as a clearinghouse by responding to oral and written requests for information.

City or County Prosecutor, District Attorney, and State Attorney General

These attorneys work for different levels of government and are all involved in criminal justice. They and their staff can provide useful information and support for crime prevention and quality-of-life initiatives.

Community Anti-Drug Coalitions of America (CADCA)
701 N. Fairfax Street
Alexandria, VA 22314-2045
703-706-0560

Supports community coalitions in their response to alcohol and other drug abuse and related violence by providing information and technical assistance.

Community Policing Consortium
1726 M Street, NW, Suite 801
Washington, DC 20036
202-833-3305

Combines the expertise of five of the leading policing organizations in the United States to provide information on community policing. Provides innovative products and services that promote public safety and enhance quality of life in neighborhoods.

International Association of Chiefs of Police (IACP)
515 North Washington Street
Alexandria, VA 22314
703-836-6767

A nonprofit membership organization made up of law enforcement professionals that conducts research and provides programs on various policing issues.

League of Women Voters
1730 M Street, NW, Tenth Floor
Washington, DC 20036
202-429-1965

A nonpartisan, political organization that encourages the informed and active participation of citizens in government and influences public policy through education and advocacy.

National Alliance for Model State Drug Laws
120 North Pitt Street
Alexandria, VA 22314
703-836-6100

Composed of state and local leaders, including judges, former state legislators, attorneys general, a police chief, treatment providers, an education specialist, district attorneys, and private practice lawyers. It has drafted 42 model state drug laws in five major topic areas: economic remedies, community

mobilization, crimes code enforcement, alcohol and other drug treatment, and drug-free families, schools, and workplaces. Serves as a resource center for state legislators, governors, and others striving for a comprehensive, effective state substance abuse strategy.

National Association of Attorneys General (NAAG)
444 N. Capitol Street, NW, Suite 339
Washington, DC 20001
202-434-8000

Fosters interstate cooperation on legal and law enforcement issues, conducts policy research and analysis of issues, and facilitates communication between the states' chief legal officers and all levels of government.

National Association of Counties (NACO)
440 First Street, NW, Eighth Floor
Washington, DC 20001
202-393-6226

Through conferences, seminars, and its bimonthly publication, *County News*, seeks to assist county policy makers in making informed decisions on prevention issues, juvenile justice, and criminal justice. Also provides technical assistance and research to county governments and state associations of counties.

National Center for Missing and Exploited Children (NCMEC)
2101 Wilson Boulevard, Suite 550
Arlington, VA 22201
Business: 703-235-3900
Hotline: 800-843-5678

Works in cooperation with the U.S. Department of Justice to find missing children and prevent child victimization.

National Clearinghouse on Child Abuse and Neglect
Information
PO Box 118
Washington, DC 20013-1182
800-FYI-3366

Collects, stores, organizes, and disseminates information on all aspects of child maltreatment, including policy and legislation, prevention, identification and investigation, research, grant activities, public awareness, training and education, and

public and private programs. Is also responsible for promoting cooperation among many organizations working to end child maltreatment.

National Conference of State Legislatures (NCSL)
1560 Broadway, Suite 700
Denver, CO 80202
303-830-2200

Membership consists of the legislatures of each of the 50 states and the District of Columbia. Among its purposes are to advance the effectiveness of state legislatures, to foster interstate cooperation, and to represent the states in the federal system of government. Provides state legislatures with research on a broad range of legislative topics.

National Crime Prevention Council (NCPC)
1700 K Street, NW, Second Floor
Washington, DC 20006
202-466-6272

Provides a clearinghouse of information and materials on crime prevention activities and programs. It also provides technical assistance and training in crime prevention.

National Governors' Association (NGA)
Hall of the States
444 North Capitol Street, NW
Washington, DC 20001
202-624-5300

Provides a forum for the governors of all 50 states to work together to solve complex social and economic problems. Tracks legislation and reviews regulations in key policy areas that affect states. Innovative state programs and best practices are relayed through the *Governors' Executive Report*, the *Governors' Bulletin*, and other publications.

National League of Cities (NLC)
1301 Pennsylvania Avenue, NW
Washington, DC 20004
202-626-3000

An authoritative source of information on cities and towns that is proactive in helping to set the national agenda on municipal issues. Assists local leaders through surveys and research, publications, and skills training programs.

National Organization for Victim Assistance (NOVA)
1757 Park Road, NW
Washington, DC 20010
202-232-6682

Serves as an advocate for victims in state legislatures and in Congress. Provides 24-hour counseling and follow-up assistance to victims, and professional development services to victim assistance professionals.

National Victim Center
2111 Wilson Boulevard, Suite 300
Arlington, VA 22201
703-276-2880

An advocate for victims of crime that offers a variety of information on all topics related to violent crime and victimization. The Center's many programs include training and technical assistance and a legislative database containing comprehensive annotations of victims' rights statutes.

Police Executive Research Forum (PERF)
1120 Connecticut Avenue, NW, Suite 930
Washington, DC 20036
202-466-7820

A national membership organization of progressive police executives from the largest city, county, and state law enforcement agencies. Dedicated to improving policing and advancing professionalism through research and involvement in public policy debate.

U.S. Conference of Mayors
1620 I Street, NW
Washington, DC 20006
202-293-7330 x708

Works for improved municipal government by encouraging cooperation between cities and the federal government. Provides educational information, technical assistance, and legislative services to cities.

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