

Memorandum



DATE: December 4, 2015

TO: Honorable Members of the Public Safety Committee:
Adam Medrano (Chair), B. Adam McGough (Vice Chair), Jennifer S. Gates, Sandy Greyson,
Philip T. Kingston, Tiffinni A. Young

SUBJECT: **Criminal Nuisance Abatement Process (S.A.F.E.)**

On Tuesday, December 8, 2015, you will be briefed on the Criminal Nuisance Abatement Process (S.A.F.E.). The materials are attached for your review.



Eric D. Campbell
Assistant City Manager

Attachment

cc: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council



Criminal Nuisance Abatement Process (S.A.F.E.)

Public Safety Committee

December 8, 2015



Purpose

- History
- Definitions
- Goals of Nuisance Abatement
- Partnerships
- Process
- Summary

History

- The Dallas Police Department created the Nuisance Abatement Unit in 1991
- It was formed as a supplemental community-based policing strategy to abate historical criminal activity on properties
- The process is governed by Chapter 125 of the Texas Civil Practice and Remedies Code
- A 2005 House Bill amended the statute to require notification and meetings with property owners

Definitions

- Chapter 125 of the Texas Civil Practices and Remedies Code defines a criminal nuisance as:
 - A person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and fails to make reasonable attempts to abate the activity maintains a common nuisance

Abatable Activity

- Discharge of a firearm in a public place as prohibited by the Penal Code
- Reckless discharge of a firearm as prohibited by the Penal Code
- Engaging in organized criminal activity
- Delivery, possession, manufacture, or use of a controlled substance
- Gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code
- Prostitution, promotion of prostitution, or aggravated promotion of prostitution

Abatable Activity

- Compelling prostitution
- Commercial manufacture, commercial distribution, or commercial exhibition of obscene material
- Aggravated assault
- Sexual assault/Aggravated sexual assault
- Robbery/Aggravated robbery
- Unlawful carrying a weapon
- Murder/Capital murder
- Continuous sexual abuse of a young child

Abatable Activity

- Massage therapy or other massage services in violation of Chapter 455; Occupations Code
- Employing a minor at a sexually oriented business
- Trafficking of persons
- Sexual conduct or performance by a child
- Employment harmful to a child

Mission

- The Nuisance Abatement Unit will marshal all administrative, legal, and community resources to:
 - Deny criminals use of real property as a base of operations
 - Secure property owner cooperation in removing the criminal elements
 - Secure property owner compliance with all applicable building, fire and health codes
 - Remove or seize blighted property

Partnerships

Dallas Fire Rescue

- 2 Fire Code Inspectors are assigned to the Criminal Nuisance Abatement Unit to assist with property inspections and take enforcement action as warranted

Department of Code Compliance

- 2 Code Compliance Inspectors are assigned to the Criminal Nuisance Abatement Unit to assist with property inspections and take enforcement action as warranted

City Attorney's Office

- The City Attorney's Office advises and provides support to DPD throughout the SAFE case process. Assistant City Attorneys are often called upon to attend accord meetings and to assist in addressing the code aspect of a SAFE case particularly in cases where crime at a location is abated but code violations remain. As a last resort, the City Attorney's Office files lawsuits in State District Court when efforts to obtain voluntary compliance fail

Process

- Property review is a result of:
 - Citizen complaints
 - Information generated by patrol officers and/or detectives
 - Routine review of offenses in a geographic area
 - Routine review of activity generated by the Narcotics Division

Process

- A site must have a minimum of three (3) or more site specific instances of abatable criminal activity within the past twelve (12) months for case activation
- Additional considerations:
 - Size, occupancy, and use of site
 - Calls for service
 - Reasonable attempts by site's owner to abate criminal activity

Process

- Post identification procedures:
 - Unannounced operation at location to include DPD, DFR and Code
 - Notification letter to owner/management company
 - Accord meeting with owner or representative to discuss crime and administrative violations. City personnel work with property owners to develop a plan towards compliance
 - 30 day re-inspection

Process

- Post identification procedures continued
 - DPD, DFR and Code will monitor progress on administrative violations as well as site specific crime
 - Voluntary compliance will result in a closed case in as little as 120 days
 - Non-compliance can result in civil penalties and legal action up to and including one year closure of property

Resources

- 7 Dallas Police Department detectives (one assigned to each patrol division)
- 1 Office Assistant
- 2 Dallas Fire Rescue Inspectors
- 2 Code Compliance Inspectors
- Additional DPD officers are used as needed during property inspections

Statistics

	FY 13-14	FY 14-15					
Preliminary Cases	99	116					
Opened Cases	151	87					
Closed Cases	258	159					
Accord Meetings	150	131					
Inspections	1,142	641					
Current Open Cases = 132							
Historical Data							
	2006	2007	2008	2009	2010	2011	2012
Preliminary Cases	57	183	102	51	72	60	78
Opened Cases	24	58	87	144	157	183	197

Legal Action

- During FY 13-14 and FY 14-15 the City Attorney's Office has filed six nuisance lawsuits arising out of SAFE cases
- Four of those cases resulted in property closure (one on a temporary order), and a total of \$100,000 in civil penalties and attorneys' fees. Three of the six cases are awaiting final trial
- Since the end of FY 14-15 there have been an additional eight nuisance lawsuits filed as a result of SAFE cases
- In each of those eight cases the City is seeking property closure, and all are awaiting final trial

Summary

- Criminal nuisances are defined in Chapter 125 of the Texas Civil Practices and Remedies Code
- The nuisance abatement process is a joint effort between DPD, DFR, Code Compliance and the City Attorney's Office
- Goal is voluntary compliance
- Non-compliance can result in fines and legal action against property owner

Questions?