

Unlawful Detainer Pilot Program: Report to the California Legislature

*By Rebecca E. Blanton
Senior Policy Analyst*

*As mandated by Chapter 244,
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California Research Bureau
900 N Street, Suite 300
P.O. Box 942837-0001
Sacramento, CA 94237-0001
(916) 653-7843 phone
(916) 654-5829 fax

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Executive Summary

Renters who remain at a property when they no longer have a legal right to reside at the location may be sued for unlawful detainer. Most often, an unlawful detainer is filed against a renter who is no longer paying rent but continues to occupy a residence. A person may also be the subject of an unlawful detainer if they commit or allow the commission of illegal activity at a rental property. The Los Angeles City Attorney developed the pilot programs under review in this report to “surgically remove” unlawful detainers who were contributing to illegal activities as a method of counteracting gang and drug problems in neighborhoods.

In 1998, the California legislature passed AB 1384 (Havice, Ch. 613, Statutes of 1998). The pilot programs were based on the program design of the Los Angeles City Attorney. The legislation authorized pilot programs, in selected cities, that empower city attorneys and city prosecutors to evict nuisance tenants when landlords fail to act. The bill authorized a program that allows law enforcement organizations to assist landlords in evicting renters when the landlords fear retaliation from their tenants. Additionally, AB 1384 (Havice) established “partial eviction” provisions in California. This allows the city attorney to evict only the tenant arrested for a drug crime, leaving the “innocent” tenants in the residence.

The goals of the pilot programs are to remove drug dealers from neighborhoods and to provide law enforcement with an effective and efficient option for evicting nuisance tenants. Bill AB 1384 and subsequent legislation for the unlawful detainer (U.D.) pilot programs provide for an evaluation of the program to determine if the programs are meeting these goals. This is the fifth report to the legislature on the U.D. program. Prior reports to the legislature submitted by the Judicial Council demonstrated that this program is being used, but have not fully evaluated the merits of this program.

Consistent with the requirements of Chapter 613, Statutes of 2009-2010, the California Research Bureau (CRB) evaluated the 2010 data on unlawful detainer use and outcomes. CRB finds that the program is in use and is supported by the city attorneys and police officers at the pilot locations. However, current data reporting requirements limit the scope of the analysis. In this report, CRB provides the legislature with both an overview of the current program and an alternative program evaluation model to facilitate a more informative analysis in future reports.

Our evaluation of the current data, along with conversations with key stakeholders, revealed several key findings. The key findings are located in Table 1. CRB found that important questions posed by the legislature and legislative staff are not currently being answered by the pilot program evaluation. Additionally, several potential benefits of the pilot programs are not currently being measured by the program evaluation.

In this report, we provide key findings available with the current data and those gleaned through conversations with key stakeholders. Additionally, we provide a discussion of program evaluation and potential methods for the legislature or future research staff to answer important questions about the use and outcomes of the pilot programs.

Table 1: Key Findings

- The pilot programs provide a valued tool for city attorneys and police officers to remove nuisance tenants from the neighborhood.
- City Attorneys in all three pilot cities support the program and ask for its continuation.
- Anecdotal evidence suggests that evicted tenants do not return to the same neighborhood, indicating that the pilot programs are succeeding at their goals.
- Stakeholders identified the efficiency of the pilot programs as a primary benefit of the programs.
- Current data collection requirements allow for a summary of the use of this program but provide insufficient information to fully evaluate the merits of the pilot program.
- Changes in data collection requirements and data collection techniques can be effected to facilitate a full evaluation of the pilot program in 2013.
 - By increasing the amount of information collected about the property where an unlawful detainer occurs, the evaluating agency could provide a more thorough evaluation of the merits of the U.D. programs in future reports.
 - By including interviews with stakeholders as part of the program review, the evaluating agency could provide a more nuanced and accurate picture of how the programs are used and what their merits may be.
 - By accessing geo-mapped crime data from the Los Angeles Police Department, the evaluating agency could use this information as a proxy to determine if U.D. actions lead to crime deterrence or desistance.

The concept of California’s unlawful detainer pilot program originated in the Los Angeles City Attorney’s office and is an outgrowth of the FALCON (Focused Attack Linking Community Organizations and Neighborhoods) efforts in Los Angeles. The FALCON program highlighted the problem of gang members and drug dealers running their operations out of rental properties. The City Attorney and police involved with the FALCON program found owners were afraid to evict these tenants because of threats of or actual retaliation. The Los Angeles City Attorney designed the pilot program to provide property owners with an alternative solution to personally evicting the tenant.*

CRB held discussions with stakeholders and reviewed letters to legislators about AB 1384 and the pilot programs. The content of the letters and conversations established that some property owners had a good reason to fear drug-dealing tenants. Several city attorneys sent letters to the Assembly documenting threats, beatings and killings of property owners resulting from eviction attempts.^{4, 13} City attorney Asha Greenberg (Los Angeles) and Supervising Deputy City Attorney Gustavo Martinez (Sacramento) stressed that legitimate fear of tenants make

* Greenberg, Asha (City Attorney, Los Angeles, CA), in discussion with the author, February 2011.

the pilot program necessary. Additional evidence about elderly landlords who feared a drug-dealing tenant and felt powerless to evict the tenant was provided to Assembly members.*

The pilot program relies on third-party and place-based policing techniques. Third-party policing involves the police providing incentives for one person to act in a manner that influences the actions of another person.³ Place-based policing argues that the composure of a physical location can impact a person's decision to commit a crime. By controlling the aspects of a physical space, police can reduce crime. Studies completed on third-party and place-based policing efforts indicate that they are effective at reducing crime. In this report, we extracted part of the research designs used to evaluate other programs to show how they may be applied to the pilot program.

Our review of the 2010 data on the pilot programs indicates that property owners are relying on city attorneys to prosecute most U.D. actions. Long Beach has the highest percentage of property owners opting to evict a tenant after the owner has been notified of unlawful activity occurring on their property (37.5 percent). Here, almost 38 percent of property owners act without relying on the city attorney. In Sacramento and Los Angeles, only a small fraction of property owners act independently (six percent and 10.8 percent, respectively). This seems to indicate that property owners deem it appropriate or necessary to involve the city attorney in eviction prosecutions.

In addition to reviewing the quantitative data provided to CRB, staff interviewed key stakeholders. These interviews revealed that the pilot program's biggest merits may be its efficiency and its capacity to "surgically remove" nuisance tenants. However, current data do not address the necessity, the efficiency or the effectiveness of the U.D. program.

In this report, CRB offers the legislature an alternative program evaluation model for pilot program review. The model research design consists of three parts: (1) continued collection of written data augmented with the addition of several questions, (2) interviews with stakeholders, and (3) use of data from the Los Angeles Police Department (LAPD) to determine the correlation between a U.D. eviction and change in crime patterns. CRB has designed a data collection tool that would better capture information on the necessity, efficiency and effectiveness of this program. Additionally, we have included two new parts to the model research design: a semi-structured interview of stakeholders and use of geomapped crime data from Los Angeles. We present these methods of program evaluation to the legislature in order to provide it with options for pursuing a full program evaluation in future reports.

* Asha Greenberg provided examples to Assemblymembers of elderly landlords refusing to evict tenants out of fear, per a conversation between the author and Asha Greenberg.

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Introduction

AB 530 (Krekorian, 2009, Ch. 244, Stats. 2009-10) mandated that the California Research Bureau (CRB) review the merits of pilot programs that authorized City Attorneys to sue unlawful detainers for eviction. An unlawful detainer suit is filed against a person illegally occupying a rental residence. The pilot programs target unlawful detainers at individuals who engage in illegal drug or weapons activity in a rental property. In jurisdictions with pilot programs,^{*} the city attorney can begin eviction proceedings against a person arrested for drug or weapons crimes in lieu of landlord action. Additionally, city attorneys may target the individual arrested for a crime rather than evicting the entire household.[†]

The pilot programs were originally established with AB 1384 (Havice, Ch. 613, Stats. 1999-2000). This legislation allowed city attorneys to step in and sue for eviction when landlords failed to take action. AB 1384 authorized five jurisdictions within Los Angeles County as pilot sites. Only Los Angeles and Long Beach decided to participate in the pilot program. The original program only targeted drug criminals. In 2007, a provision for weapons crimes was added to the statutes. Additionally, Sacramento was authorized as a pilot site. Each bill relating to these pilot programs has mandated an evaluative report be filed with the legislature evaluating the merits of the programs.

This is the fifth report to the legislature on the pilot programs. All previous reports were filed by the Judicial Council.[‡] Prior reports provided a summary of the data mandated by statute but lacked an in-depth analysis of the pilot program. In 2009, AB 530 altered the reporting requirements by shifting the responsibility of the report from the Judicial Council to the California Research Bureau. The Legislature mandated that CRB prepare two reports on the merits of California's unlawful detainer (U.D.) pilot program.[§] The first report by CRB is due in March 2011 and a second report is due in March 2013.

Current law requires that pilot sites file reports containing quantitative information on the use and outcomes of the U.D. actions with CRB. We analyzed data from three pilot sites (Los Angeles, Long Beach, and Sacramento) and we provide an overview on the use of and outcomes from unlawful detainer actions in this report. CRB supplemented this data with interviews of key stakeholders in the program and with case studies provided by the Sacramento City Attorney's office and the Sacramento Police Department. Additionally, CRB reviewed the legislative development of this program and discussed the goals of the program and analysis with legislative staff.

^{*} These jurisdictions include Los Angeles, Long Beach, and Sacramento, CA.

[†] Prior to the development of the pilot programs under AB 1384 (Havice, 1999), unlawful detainer actions had to be brought against an entire household and could not single out an individual who committed a crime.

[‡] All prior reports can be found at:

http://www.courtinfo.ca.gov/reference/documents/unlawful_detainer_pilot.pdf.

[§] The mandate stems from Chapter 613 (Statutes of 1998). The statute can be located at:

<http://info.sen.ca.gov/cgi-bin/waisgate?WAISdocID=13895510463+0+0+0&WAIAction=retrieve>.

Legislative staff helped us identify specific questions of interest for the report. First, does the program provide a necessary tool for City Attorneys and police departments to remove drug dealers and other criminals from neighborhoods? Second, is the program effective at removing criminals from a neighborhood? Third, does the program lead to less crime or does it simply displace crime to other parts of the city?

CRB staff sought to understand the needs of the legislature in order to more effectively address the creation of a program evaluation structure for the pilot programs. Each bill associated with the pilot programs has provided guidance for evaluation by including a list of questions that each jurisdiction had to answer for a review agency. A list of these questions and the years they were employed is included in Appendix G. While the questions outlined by the legislature provide a good start to program evaluation for the pilot programs, CRB's goal in this report is to provide additional pieces for the program evaluation design. By providing the legislature with additional considerations for program evaluation design, the legislature can make better informed decisions about how it wishes to proceed for future reports.

The current statutorily required data report the use of and specified outcomes from unlawful detainer filings. These data indicate that the program is being utilized by city attorneys in the three pilot programs. Additional information provided by city attorneys and police officers supports the claim that the program is a useful tool for clearing nuisance tenants from a neighborhood. We cannot draw conclusions about crime reduction or displacement from the current data. However, we have identified future sources of data and changes to the program evaluation design that would aid future researchers in answering these questions.

The initial review of the program supports the arguments that it is a useful tool for city attorneys and that it is effective at removing problem tenants from a neighborhood. The current data is limited. Additional data is necessary for a full review of the pilot program. To facilitate a more complete review of the program in 2013, we include a discussion about various policing techniques used by the unlawful detainer program and discuss a new research design for the 2013 report. This report reviews the legislative development of the program, provides a discussion of the origins of the program and relevant theoretical literature, provides a research model for the 2013 report, analyzes the current round of data, and discusses the needs for additional data gathering.

LEGISLATIVE HISTORY

Passage of AB 1384* empowered city attorneys and city prosecutors to file a suit in the name of the people to evict tenant(s) accused of drug crimes. Initially, the program applied only to illegal use, storage, transportation and distribution of controlled substances. An unlawful detainer action could be undertaken if the tenant was believed to be, or observed engaging in, illegal drug activity. The program originally was approved for operation in several cities within Los Angeles County and was to sunset on January 1, 2002.

* The statute can be located at: <http://www.legislature.ca.gov/cgi-bin/waisgate?WAISdocID=0639095451+17+0+0&WAISAction=retrieve>

The legislature has extended the program's operation four times, most recently in AB 530. Currently, authorization for the pilot program is set to expire January 1, 2014. The number of cities authorized to participate in the program also grew. They now include Los Angeles, Long Beach, Oakland, San Diego and Sacramento, although Oakland and San Diego declined to participate in the pilot program. In 2007, a provision covering illegal weapons and ammunition crimes was added to the definition of nuisance and the use of unlawful detainer actions was expanded to include these crimes. Finally, the stringency of evidence that unlawful activity occurred increased. Initially, the language stated that any observed illegal behavior was subject to the initiation of an unlawful detainer action. It was then limited to behavior observed by a peace officer. Currently, only behavior documented by arrest reports or other reports of law and regulatory agencies can be used to trigger unlawful detainer actions. These developments are mapped on the timeline in Figure 1. A more detailed discussion of each bill associated with the U.D. program follows.

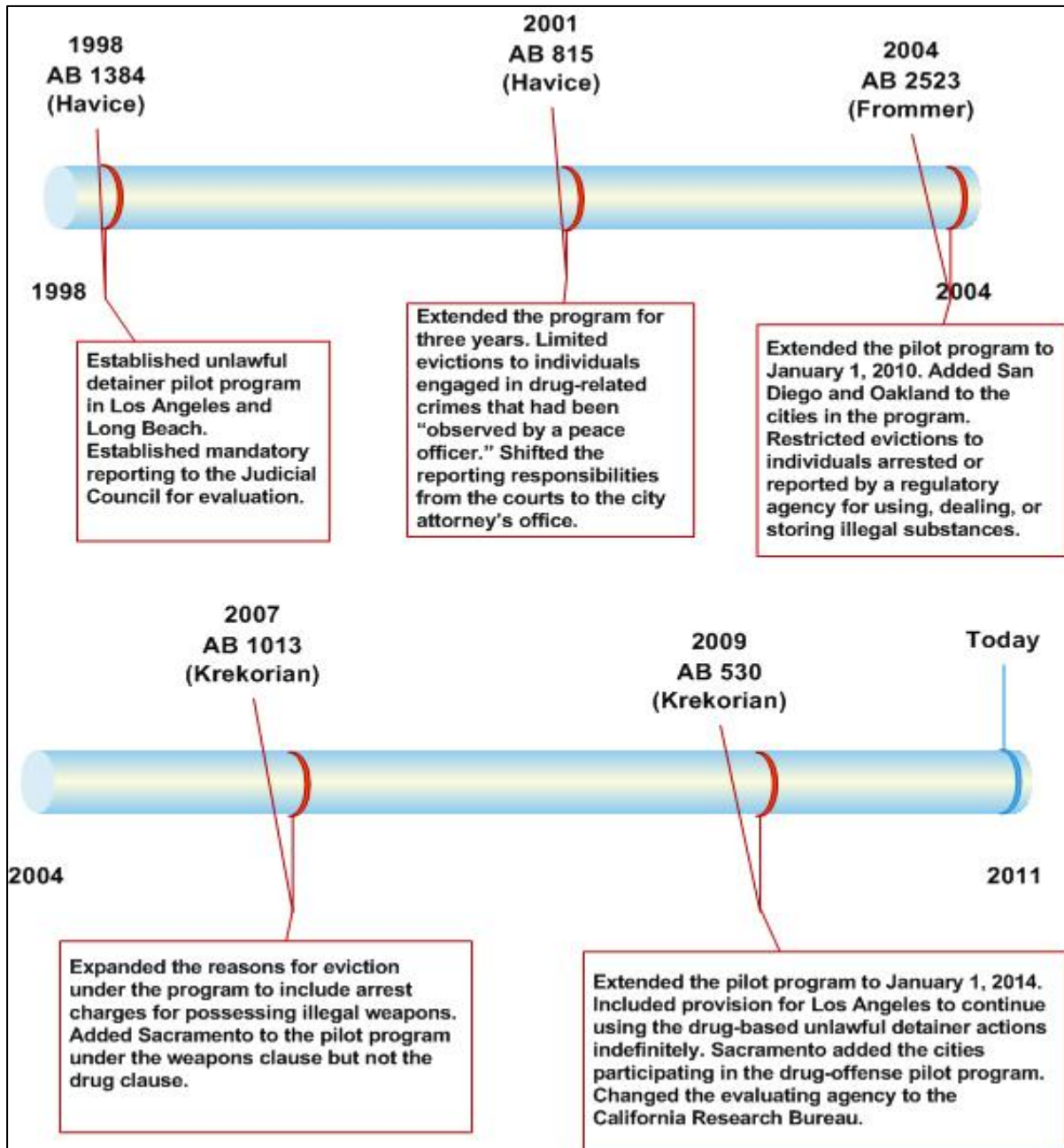
AB 1384 (Havice, Ch. 613, Stats. 1999-2000)*

This bill added Section 11571.1 to the California Health and Safety Code. This new section empowered the city attorney and city prosecutor to file an unlawful detainer action in the name of the people against a tenant of a property where drug activity was known or believed to be taking place. Sections 11571.1, Subsections 1-5, explicate the pilot program. In brief, the program allowed the city attorney or city prosecutor to work with the property owner to abate the nuisance activity on his or her property. If the property owner failed to act within 15 days, the city attorney or city prosecutor had the right to bring an unlawful detainer action against the tenant in the name of the people and seek to recover fees for this process from the property owner, not to exceed \$600. Additionally, this Code section established "partial eviction" wherein only the tenant accused of violating drug laws may be evicted.

This bill only applied to five courts in Los Angeles County: (1) Los Angeles Judicial District, downtown courthouse, (2) Los Angeles Judicial District, Van Nuys Branch, (3) Los Cerritos Judicial District, (4) Southeast Judicial District, and (5) Long Beach Judicial District. It authorized the application of the pilot program to these judicial districts due to the "severity of the problem and the widespread use of rental housing to facilitate drug trafficking." (Health and Safety Code 11571.1, Sec.3)

The bill contained a mandatory reporting provision for the participating jurisdictions and specified data that must be submitted to the Judicial Council. The Council was mandated to submit a report to the legislature summarizing the information "and evaluating the merits of the pilot program." The program was to sunset as of January 1, 2002.

Figure 1. Timeline of key unlawful detainer legislation.



AB 815 (Havice, 2001, Ch. 431, Stats. 2001-02) *

This bill extended the pilot program to January 1, 2005 and made several substantive changes to the law. First, AB 815 added a clause that the offense triggering an unlawful detainer action had to be documented by the "observation of a peace officer." The bill also changed the content of the data that had to be reported to the Judicial Council and shifted the reporting duties from the courts to the city attorney and city prosecutor. Finally, the bill included a

* http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0801-0850/ab_815_bill_20011002_chaptered.html

provision for the reporting agencies to be reimbursed for the costs of reporting activities through the State Mandates Claim Fund if the Commission on State Mandates found the bill contained costs mandated by the state.*

AB 2523 (Frommer, 2004, Ch. 304, Stats. 2003-04)[†]

This bill extended the unlawful detainer program until January 1, 2010. It altered the content of the reporting requirements. It added the cities of Oakland and San Diego to the list of jurisdictions participating in the unlawful detainer program. Finally, it increased the level of evidence required to trigger an unlawful detainer action, limiting actions to tenants arrested for controlled substances or accused of illegal behaviors in writing by another regulatory agency.

AB 1013 (Krekorian, 2007, Ch. 456, Stats. 2007-08)[‡]

AB 1013 expanded the use of unlawful detainers from drug-related crimes to include “an offense involving unlawful possession or use of illegal weapons or ammunition.” It mandated that the city attorney and city prosecutor report specific information on the use of unlawful detainers for both drug and gun crimes to the Judicial Council. The Judicial Council was required to report the merits of the pilot program to the legislature in a 2009 report. The bill also expanded the program to include a weapons abatement pilot for the city of Sacramento.

AB 530 (Krekorian, 2009, Ch. 244, Stats. 2009-10)[§]

This bill extended the pilot program through January 1, 2014. Sacramento’s program was expanded to include the drug abatement program. The bill revised the reporting requirements so that the reporting agencies send their information to the California Research Bureau (CRB) instead of the Judicial Council. It charged CRB with submitting two reports to the legislature, in 2011 and 2013, respectively, evaluating the merit of the pilot program. Additionally, CRB is charged with determining if the City of Los Angeles regularly reported the outcomes of its unlawful detainer program to the appropriate agencies. Finally, if Los Angeles provides the statutorily-mandated data annually, the provisions for unlawful detainer for drug crimes would remain operative indefinitely within its jurisdiction.

* The Commission on State Mandates has not made a determination about the reimbursement for reporting costs. To date, no test case has been filed.

[†] http://www.leginfo.ca.gov/pub/03-04/bill/asm/ab_2501-2550/ab_2523_bill_20040825_chaptered.html

[‡] http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_1001-1050/ab_1013_bill_20071011_chaptered.html

[§] http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0501-0550/ab_530_bill_20091011_chaptered.html

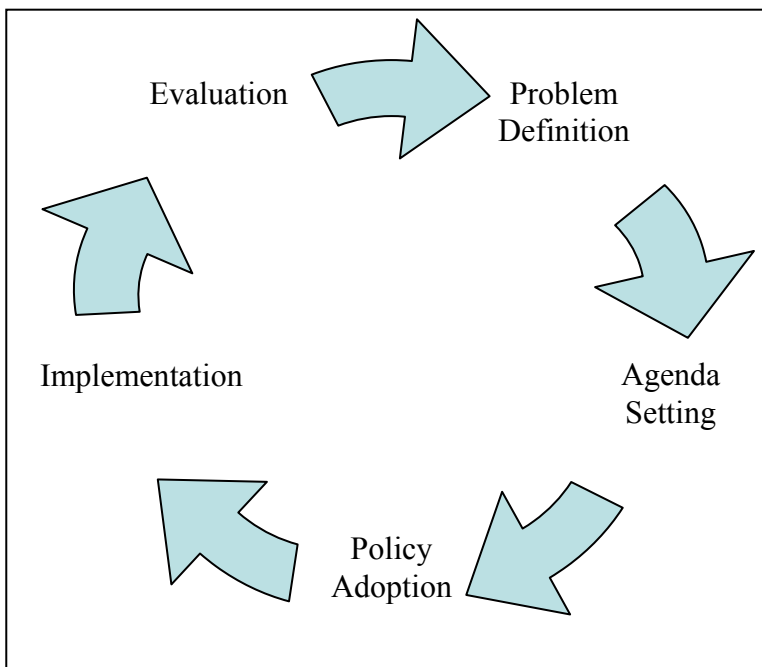
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Police Science and Evaluation of the U.D. Pilot Program

Officials and staff in the public policy arena are familiar with the life cycle of a public policy. The figure below represents this cycle. Generally, elected officials and their staff actively engage in the problem definition, agenda setting, and policy adoption phases of a policy's life cycle. Most of the time, a third party or organization is responsible for program implementation.

The final step in the policy life cycle, evaluation, is infrequently completed. Unfortunately, this omission is a potentially significant impediment to program improvement and a barrier to evidence-based budgeting. The full cycle is illustrated in figure two, below.

Figure 2. The Policy Lifecycle.



Programs and policies may be theoretically sound and may even be supported by anecdotal evidence of program success. But demonstrating that a program is actually working as desired requires formal evaluation.

The core purpose of program evaluation is to provide systematic evidence about the performance of a policy or a program. In general, a complete program evaluation involves some version of the following key steps: understanding the theory behind the policy or program; identifying critical

output and outcome measures that relate to the goals for the program/policy, gathering baseline data and program outcome/output data; analyzing the data to determine if the program or policy has contributed to change; and identifying changes to the policy or program that may be necessary to reach the intended results. When each of these steps is followed, policy makers gain a fuller understanding of the causal links between portions of a program/policy and outcomes.

Not all program evaluations are complete. For example, baseline data may not be available; the evaluation may be an afterthought so that early steps in the process are missed; there may not be an effective comparison group; or the theory of the policy/program may have been developed post hoc. Any one of these shortcomings can limit the value of a program

evaluation. Nonetheless, even piecemeal evaluations can improve policymakers' understanding of the benefits and drawbacks of a given program.

In this report, CRB provides to the legislature some options for developing a more complete program evaluation process for these pilot Unlawful Detainer programs. These options provide the legislature with a framework it may find useful for revising its goals for the next report on the pilot programs, scheduled for 2013 under current law. One of the key goals of these analyses is to help the legislature determine whether to continue, expand or shut down the pilot U.D. programs. The evaluating organization needs to know what the legislature wants to know about the program in order to create an appropriate evaluation.

This section of the report discusses various research literature that impacts the pilot programs. CRB draws on this literature to gain an understanding of how related programs were evaluated. Additionally, by understanding research on similar programs, CRB can gain insight as to how to successfully structure a program evaluation and what pitfalls to avoid. In the following chapter we discuss literature on third party policing, place-based policing, crime reduction and crime displacement. When applicable, we point out how these theories and evaluations of a variety of programs are associated with program evaluation of the pilot programs.

The pilot programs, like many non-traditional law enforcement programs, have roots in practical experiences of law enforcement agents. Specifically, the Los Angeles City Attorney developed the concepts for the pilot program after several narcotics abatement actions brought key issues to her attention. In several drug abatement cases, the City Attorney identified the need to quickly remove a single tenant from a property. Drawing on the Health and Safety Code at the time and leveraging knowledge gained from the FALCON program, the city attorney outlined a plan for what became the pilot program authorized under AB 1384.*

While the scholarly literature on innovative policing did not overtly provide the basis for the pilot project, two key theories provide context for understanding their intended function: *third-party policing* and *place-based policing*. Additionally, evaluations conducted on programs based on the above theories provide research designs for evaluating similar programs. This section provides an overview of the literature that is pertinent to the evaluation of the pilot programs. By locating the program in the theoretical literature, we can (1) evaluate its performance in relation to similar programs, (2) draw on other evaluations to inform our research design, and (3) explore theoretical and practical issues with implementation of the program.

The pilot programs can be evaluated using the theories of place-based policing and third party policing. These are alternatives to traditional law enforcement. Place-based policing regulates the attributes of a physical location (*e.g.*, lighting, the presence of exit routes, the number of windows that face a street) in order to reduce crime.⁷ For example, a street with poor lighting, many routes by which a criminal can use to escape, and few places for bystanders to watch the activity makes the street a desirable location for drug dealing. A space becomes an undesirable location for drug dealing when lighting is improved, police cameras are added,

* Greenberg, Asha, City Attorney (Los Angeles) in personal communications with author, February 2011.

and escape routes are blocked (*e.g.* fencing off empty lots). Once the physical improvements take place, drug dealers often move off the street and look for other, more desirable locations to continue their illegal activity.^{3, 8, 27}

Third-party policing uses incentives and coercion to motivate non-police citizens to control another person's actions. Police hope to change the third party's behavior in a way that will change the behavior of the targeted person. For example, the Beat Health program in Oakland works with regulatory agencies to enforce health and safety codes in order to fight urban blight. The program identifies small areas (a few city blocks) that are physically run down and where drug dealers are present. The Beat Program allies itself with code enforcement agencies. These agencies fine landlords who allow their properties to remain in poor physical condition. Landlords are fined if they fail to remove garbage, keep up minimum standards of landscaping, and meet city building standards. The goal of the Beat Health program is to motivate landlords to clean up their properties and make the location unappealing for criminals. A study conducted on the program concluded that when a block "cleaned up" (meaning there was no visible garbage, landscaping was maintained, and houses were properly lighted), drug dealers assumed that there were no drug users in the area and drug crimes in the area sharply decreased.²²

A variety of evaluation studies on third-party and place-based policing programs have been conducted.^{3, 8, 22} In a review of studies on non-traditional policing, the Bureau of Justice Assistance* found that most evaluations demonstrate that these strategies can supplement traditional police work to reduce crime.² These studies provide insight into the potential impacts of the pilot program. They also provide research designs that may serve as guides to developing an effective methodology for evaluating the impact of the pilot program.

A concern with both third-party policing and place-based policing is displacement of crime. Displacement occurs when a criminal changes the location, time, tactic or target of a crime but continues to commit crimes. The pilot program runs the risk of simply shuffling drug dealers and drug users around the city. When a tenant evicted for a drug crime relocates to a new area and continues to commit crime, the pilot program has only shifted where the crime takes place.

A second, more desirable outcome that may be associated with third-party policing and place-based policing programs is called "diffusion." The term "diffusion" is used in policing literature to mean "crime reduction."[†] Drug users and drug dealers need certain places, targets, times and situations to facilitate their crimes. If a U.D. action moves a drug dealer out of a rental property and he or she cannot find another rental property conducive to conducting their crime, the pilot program has successfully "diffused" or reduced crime.

* The Bureau of Justice Assistance is a division of the U.S. Department of Justice. BJA employs and contracts with experts in criminal justice on a wide variety of topics.

[†] To prevent confusion between the policing literature's definition of diffusion and the commonplace definition of diffusion, we will use the term "crime reduction" in the rest of the report.

Below is a very brief review of the literature on place-based policing, third party policing, diffusion and displacement of crime. We highlight the findings that are most useful for understanding the functioning and impacts of the U.D. program under investigation. Finally, we discuss how the studies below contributed to our model research design in the “Program Evaluation Options” section of this report.

PLACE-BASED POLICING

Place-based policing shifts the focus from the individual offender to the role “place” has in shaping criminal activity. It arose in part out of the observation that crimes are not evenly spread out across a city.²⁷ Instead, a majority of criminal activity takes place in a small fraction of the city’s space.

The locations of crime often have specific characteristics. Many crimes occur in locations where formal (*e.g.*, closed circuit cameras) and informal (*e.g.*, windows facing the street) surveillance is poor, where there are places to hide (*e.g.*, overgrown bushes, poorly lit garage entrances), and where there are easy routes of exit/escape. Place-based policing posits that changing these place factors (*e.g.*, trimming bushes, installing cameras, fencing off open areas) will result in a reduction of criminal activity. Studies of place-based policing demonstrate that the practical application of this theory successfully reduces crime in areas with urban blight²² and drug “hot spots.”⁵

Place-based policing focuses on crime reduction and prevention rather than arrest and prosecution. The driving idea is that, where there is no environment conducive to criminal activity available, crime will not be committed. If the numbers of environments conducive to crime are reduced, most criminals will not incur the costs of seeking out one of the few remaining environs to commit a crime. Instead, the potential criminal will desist from crime, resulting in a reduced crime rate and a safer city.⁵

By creating a situation where the tenant can no longer carry out his or her illegal activities in a specific location, the police and other enforcement agencies can take control of the space and reduce crime in the area. The pilot program does this by physically removing the criminal from the area.

There is some experimental evidence as well as anecdotal evidence that once a criminal is removed from a location, adjacent areas experience a drop in crime.^{12, 22} This is called the “halo effect.”²² Currently, there is not an explanation as to why areas surrounding the location where a criminal was removed would experience an overall crime drop. Researchers speculate that it may be that landlords become aware of law enforcement programs and change their property management styles to prevent themselves from becoming a target of enforcement.²¹

Place-based policing program evaluations typically examine small areas around the target. Most evaluations do not exceed areas greater than ten square blocks around the target area; many evaluations focus on even smaller areas.^{3, 5, 8, 22} The effects of place-based policing programs tend to be localized.^{5, 22} While the programs can significantly improve the crime statistics and quality of life for a small area, analysis of city-wide or zip code-wide data does not reveal the improvement.

Currently we only have access to zip-code level crime data, which is not sensitive enough for us to effectively evaluate the impacts of a U.D. action on a given area. It may be possible to improve the granularity of analysis by utilizing time- and geo-coded data maintained by the Los Angeles Police Department.* We are in the process of seeking access to this data in cooperation with the LAPD. By comparing crimes in a small area around a property where U.D. actions have taken place to crime in equivalent areas where U.D.s have not taken place, the legislature would be better able to assess the impact on U.D. actions on crime.

THIRD-PARTY POLICING

Third-party policing attempts to influence an offender's behavior by engaging a third party who has formal authority over the offender's immediate social environment and motivating the third party to take actions that impact the behavior of the targeted offender.³ In other words, the police provide an incentive for a third party (*e.g.*, a landlord) to motivate the targeted offender to alter his or her behavior. The police target the third party because he or she has more at stake in the situation than the offender. This is generally done (1) to raise the stakes of participating in illegal or nuisance behavior by the targeted offender, (2) to persuade a third party to act when he or she would not otherwise, or (3) as a way of enforcing community standards that do not currently have the power of criminal law but are regulated by civil code.

The idea of third-party policing is to incentivize self-policing activities by property owner, deterring certain classes of anti-social or criminal activity. Both place-based policing and third party policing thus seek to incentivize stronger community cohesion and self-regulation. This shifts police work from the traditional function of incapacitating criminals through arrest and imprisonment to a function of motivating community members to alter their activities in a way that deters criminal activity in the first place.

Third-party policing generally relies on municipal, state or federal regulations and codes as routes of enforcement. The reliance on the enforcement of codes and statutes as behavior modification tools requires the police to work in concert with regulatory agencies. Traditionally, police used civil codes to prosecute property owners who support illegal activities. This has always been concurrent with criminal charges.³ Third party policing relies solely on civil codes to manipulate behaviors of both the proximate and ultimate targets of enforcement.³¹

* See http://www.lapdonline.org/crime_maps_and_compstat for examples of COMPSTAT crime maps, reports, and contact information.

THE U.D. PILOT PROGRAM AS THIRD-PARTY POLICING

The pilot program under consideration is a form of third-party policing. By leveraging financial pressure against property owners who rent to drug dealers, police hope to limit drug activity in a given area. While the ultimate target of the action remains the drug dealer, the proximate target is the property owner.

The pilot programs appear to be effective at removing tenants arrested for drug crimes. In the past year, of the 236 unlawful detainer notices that were sent to tenants and property owners

Table 2: U.D. Notices by Outcomes, 2010

| OUTCOMES OF UNLAWFUL DETAINER NOTICES | NUMBER OF CASES, N=236 |
|---------------------------------------|------------------------|
| Vacated property | 146 (61.8%) |
| Remained on property, rental addendum | 12 (5.0%) |
| Remained on property, no addendum | 2 (0.8%) |
| Mistaken Identity | 8 (3.3%) |
| Pending as of January 2011 | 68 (28.8%) |

Source: CRB calculations from data submitted by pilot program cities.

in the three participating pilot jurisdictions, 146 (61.8 percent) resulted in the tenant vacating the property. In 14 cases, the tenant remained at the property: in 12 of the cases additional stipulations were added to the rental agreement, The tenant prevailed in court in the remaining two cases. There were eight cases of mistaken identity. The remaining 68 cases are pending as of January 2011. A summary of these statistics appears in Table 2.

One way to evaluate the effects of third-party policing is to examine the change in behavior of the third party. When evaluating the pilot programs, CRB found distinct differences in third-party behavior between jurisdictions. In Los Angeles and Sacramento, most property owners opted for the City Attorney to act in their stead. In Long Beach, significantly more property owners acted on their own accord to evict tenants. A summary of the U.D. actions filed by owners appears in Table 3.

For this report, CRB staff interviewed several stakeholders familiar with the Long Beach pilot program about possible reasons for the high proportion of owner actions. We received two different explanations: (1) landlord proximity to rental property, and (2) wording of the letters sent to landlords of properties targeted by U.D. actions. Both explanations provide hypotheses that can be tested.

Table 3: U.D. Actions Filed by Owners in 2010

| LOCATION | UD ACTIONS | UD ACTIONS FILED BY OWNER | PERCENTAGE FILED BY OWNERS |
|-------------|------------|---------------------------|----------------------------|
| Los Angeles | 139 | 15 | 10.8% |
| Long Beach | 64 | 24 | 37.5% |
| Sacramento | 33 | 2 | 6.06% |

Source: CRB calculations from data submitted by pilot program cities

The Long Beach City Attorney's office suggested that the location of the landlord could account for the high percentage of owner actions. For many of the rental properties in Long Beach, the owner is located outside the city. These "absentee" owners may have little

interaction with their tenants and therefore may tend to be ignorant of illegal or undesirable tenant activities. The city attorney suggests that when owners receive information about illegal activity occurring on their property, they are eager to act on their own accord. Under this scenario, many property owners who fail to evict nuisance tenants do so due to lack of information, not out of fear or negligence.

An alternate theory was suggested by a staff member of the Long Beach Legal Aid Society. It is possible that the wording of the notification letter from the city attorney to the property owner could be threatening in tone or unclear about the fines that would be incurred for failure to evict.

Each of these theories can be tested with appropriate data. To see if the location of the property owner in relation to the rental property affects the number of property owner-initiated actions, the property owner's address needs to be known. City attorneys are in possession of the property owners' addresses because they must send a letter about the pending U.D. action. CRB proposes that the legislature consider adding the property owner's address to the data collection for the 2013 report. This would allow an analyst to test whether owner-initiated actions are a function of the distance between the property owner's residence and the location of the rental property.

Alternately, the phrasing of notification letters may vary in important ways across different pilot program. Civil Code sections 3485 and 3486 and Health and Safety Code section 11570 provide language that must be included in the letters to property owners and tenants when a U.D. action takes place. However, there is nothing in either code that prohibits the city attorneys from adding additional language to the letters. To see if there is any difference between letters sent from each pilot site, CRB collected copies sample letters from city attorneys at each pilot site. These letters are appended in Appendix H.

CRB compared the wording of the letters from city attorneys to landlords for properties undergoing U.D. actions. Each pilot jurisdiction includes the basic language mandated by statute and includes some information on the crime(s) allegedly committed on the property. All letters state that the property owner is responsible for taking action to evict the tenant within 30 days of receipt of the letter. All letters provide the landlord with the option to assign the eviction to the city attorney with the stipulation that the landlord may be charged up to \$600 for the action.

Each pilot jurisdiction employed some unique language for the letter to the property owner. Long Beach and Sacramento place information about the offense on the first page of the letter, while Los Angeles does not provide this information until the second page. Both Long Beach and Sacramento have declarative statements on the first page of the letter demanding that the property owner take action to evict the nuisance tenant. Los Angeles provides the property owner with a set of possible actions and a demand that the owner act within 30 days, but the letter does not declaratively state that the property owner has to evict the tenant.

Long Beach provides the clearest statement that the property owner is responsible for evicting the nuisance tenant and taking action within 30 days. The letter from the Long Beach City

Attorney also positions the statement about eviction at the beginning of the letter, whereas Sacramento and Los Angeles position the statement much later in the letter.

The directness and clarity of the statement in the Long Beach letter that a property owner needs to evict a tenant may account for some of the difference in the number of property owners taking action on their own. However, it seems unlikely that this relatively subtle wording difference is the sole reason more property owners in Long Beach act on their own after receiving a letter from the city attorney.

We view the Long Beach City Attorney's argument that the location of the landlord in relation to the rental property makes a difference in landlord response to be a more probable explanation of the difference between cities in landlord-initiated response rates. Confirming that hypothesis would require data on landlords' addresses in relationship to their rental properties. Answering this question definitively could help to clarify the conditions under which the program works to incentivize landlords to displace nuisance tenants versus conditions under which landlords would be more likely to defer to municipal authorities to evict nuisance tenants.

DIFFUSION AND DISPLACEMENT

Conversations with legislative staff and review of historical legislative files for AB 1384 revealed that the legislature is particularly concerned with displacement of crime. While the goal of the program was to "clean up" neighborhoods by removing criminals, there was a concern that this would simply move the nuisance tenant to another area and overall crime would not fall.

Crime reduction (diffusion) and crime displacement are two potential results of the unlawful detainer program. Crime reduction entails the actual reduction of criminal activity in the community, not just the immediate vicinity of the targeted crime prevention efforts. Displacement "is the relocation of crime from one place, time, target, offense or tactic to another as a result of some crime prevention initiative."¹² The statutory evaluation of the unlawful detainer pilot projects only contemplates examination of the place-displacement of crimes.

CRB reviewed the literature on crime reduction and displacement to develop ideas about how to effectively measure these two changes in criminal activity associated with the pilot program. There are several options for measuring crime reduction in a small area around the rental unit where the U.D. action was taken. The relevant literature is reviewed below.

Crime reduction, like displacement, occurs in many forms, including spatial, target, and temporal. As a result of crime control efforts, criminals may desist from a given type of crime, or change the time, location or target of their crime.

Displacement is the shifting of crime by location, target, time, or tactic, due to a policy effort.¹² When police target a type of crime or group of criminals, offenders may relocate (spatial displacement) and/or alter their target (target displacement), the type of crime (tactic displacement) or the time of the crime (temporal displacement). Displacement may lead to a

reduction in overall crime if the perpetrator is moved to a location that is not conducive to committing additional crimes.¹² Alternatively, displacement can result in a null or net gain in crime statistics for a new area or target of the crime. The factors and predictors that determine what type of displacement that occurs are discussed below.

Displacement of criminal activity is a concern with the unlawful detainer program. When a tenant is evicted under this program, he or she faces several choices. He or she can relocate in the same area and desist from crime (crime reduction); can relocate in the same area and keep committing crimes (no change); relocate to a new area and continue to commit crimes (malign displacement); or relocate to a new area and cease criminal activity (crime reduction). If the criminal is simply relocating and continues criminal activity, the overall crime rate for a city does not fall (although crime statistics in the immediate vicinity of the original location may improve). If the individual relocates within the same area or to a new area and continues to commit crimes, the unlawful detainer program has no net beneficial impact.

Policing literature on crime displacement estimates the potential for displacement based on a combination of predictors and factors. One widely-cited work¹² on crime displacement and diffusion discusses how a variety of predictors and factors interact to estimate the possibility of crime displacement. The predictors include offender motivation, offender familiarity, and crime opportunity. Within each predictor there are a variety of factors. To understand the potential displacement impacts of the unlawful detainer program, it is important to evaluate the target of the program. The pilot program targets individuals arrested for drug crimes - specifically, the possession, use, or sales of a controlled substance. Depending on the reason for arrest, these target individuals will have different predictors and factors for displacement.

Table 4 below illustrates the theoretical interaction between predictors and factors on displacement. For example, a person who is dealing drugs in order to get money (instrumental motivation) is predicted to continue dealing drugs even if they are moved from one location to another. Applying this prediction to the U.D. program, we can expect that the target of U.D. actions who deals drugs to make money will likely look for opportunities to continue his or her illegal activities even if he or she has to move from one rental property. This raises the concern that the U.D. program is simply moving drug dealers around the local area rather than eliminating the crime.

Another predictor of displacement is the level of familiarity the offender has with targets/locations/skill sets. This predictor can be altered to increase or reduce the probability for crime displacement. If the offender is relocated to an unfamiliar area or an area where his targets (drug users) have a difficult time reaching the dealer, his illegal activity may be curbed. However, if the drug dealing tenant relocates to a familiar area and his or her clients are still available, displacement of the crime is highly probable. For a drug addict, the same factors apply. If drugs are easily available or the tenant relocates to a familiar location and he or she can identify new dealers, the probability of displacement is high. If the drug addict relocates to an unfamiliar area where drug dealers are not readily available, the probability of displacement is low.

Table 4. Predictors and Factors of Displacement.

| PREDICTORS | FACTORS | HOW IT RELATES TO DISPLACEMENT |
|--|---|---|
| Offender Motivation | Addiction | Likely to displace to other crimes that facilitate addiction. |
| | High Motivation (career offenders) | More likely to displace than desist from crime. More likely to expend the effort to find new crime opportunities and/or learn new skills. |
| | Low Motivation (opportunistic offenders) | More likely to desist from crime than displace. Less likely to expend the effort to find new crime opportunities and/or learn new skills. |
| | Instrumental (motivated by money) | More likely to seek out other crime targets and types that provide similar monetary gain. |
| | Expressive (usually violent or destructive) | Usually highly contextual. Less likely to displace once situation is altered. |
| Offender Familiarity with other targets/locations/skill sets | High/Many | More likely to displace crime. |
| | Low/Few | Less likely to displace or will take longer to do so. |
| Crime Opportunity | Nearby | More likely to displace crime behavior. |
| | Distant | Less likely to displace or will take longer to do so. |

Table excerpted from Guerette, Rob T. (2006). "Analyzing Crime Displacement and Diffusion." *Problem-Oriented Guides for Police Problem-Solving Tools Series*, No. 10. Center for Problem-Oriented Policing: Washington, DC. 10.

The theory on crime reduction and displacement raise substantial concerns that some of the tenants who are targets of U.D. evictions will simply move their crime to a new location. Current reporting requirements include the current address of the targeted tenant. None of the pilot sites provided this information. Current addresses of tenants who were the target of U.D. actions are especially difficult to obtain. There are no laws that mandate an evicted tenant provide either the former landlord or the city attorney with their new address. Attempting to collect address information through future criminal records or through the DMV pose unique privacy issues and technical difficulties.

While available data do not allow us to determine if an U.D. action changes the amount of crime an individual commits in the future, we can determine if a U.D. changes the amount of crime that occurs within a given geographic area. One of the goals of the U.D. program is to

reduce crime in a neighborhood. CRB has identified data that can help an analyst determine if crime has fallen after a U.D. action takes place. Current data available to CRB is at the zip code level. This is too big of zone to effectively evaluate the impact of a U.D. on a neighborhood, which may be only a small part of a zip code. The Los Angeles Police Department maintains information on crimes based on addresses. This data may be harnessed to help evaluate crime in areas smaller than zip codes.

Unlawful detainer evictions move problem tenants out of a given household. Anecdotal accounts and case studies provided by police officer in Sacramento show that the targets of unlawful detainer actions are households that have been causing numerous problems for the local area (block, apartment complex, etc.) and the police. Generally, other policing actions have been tried but failed to reduce the nuisance caused by drug dealing or drug using. An unlawful detainer action can be effective in forcing the nuisance tenants out of the current area, improving the lives for everyone else in the immediate (block, complex) area. While there may be a quality of life improvement for many individuals, the measurement scales currently available (*e.g.*, census tracts, zip codes, police “beats”) are too large to capture this improvement.

Police officers in Sacramento report that individuals who have been the target of unlawful detainers do not return to the immediate area. Officers interviewed suggest that the criminals targeted by the action know that they are unwelcome and seek out other accommodations. If this is the case, the unlawful detainer program is reaching its goal of cleaning up small areas that are severely impacted by drug crimes.

To evaluate if the pilot programs impact the crime rate, small areas around the location of the U.D. action need to be evaluated. Previous studies on place-based and third-party policing actions suggest that areas no greater than ten city blocks serve as the unit of analysis.^{7,8,11,22} Place-based policing theory demonstrates that crimes tend to concentrate in small areas.³⁰ Anecdotes from police officers and case studies addresses targeted for U.D. actions in Sacramento demonstrate that a single residence can account for a large number of crimes. One way to test whether a U.D. action has reduced crime in a small area is to compare the number of crimes committed prior to the removal of a tenant with crimes committed in the area after the tenant vacates the property. This type of time-study can demonstrate the potential connection between crime rates and U.D. actions (though these studies can not provide evidence of causation).

Crime data on small geographic units is available through the Los Angeles Police Department’s (LAPD) Information Technology Services unit. The LAPD maps the locations of crimes and this information is available electronically. When provided with an address, the LAPD can generate a report that shows the number of crimes that occur on a block or within another defined area over a period of time. CRB is currently in negotiation with the LAPD to access this data for the 2012 and 2013 reports. Full use of this data is discussed in the Program Evaluation Options section on this report.

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A Brief History of the Pilot Program

In 1998 the California State Legislature passed AB 1384 (Havice, 1998; Stats. 1998, Ch. 613)* authorizing a pilot program that allowed city attorneys and city prosecutors to undertake eviction proceedings “against any person who is guilty of unlawful detainer in the above specified activities relating to controlled substances.” This legislation derives its framework from the Uniform Controlled Substances Act (Health & Safety Code, §§ 11570-11587). Under these sections, city attorneys may work with a property owner to abate illegal activity.

An unlawful detainer action is an eviction lawsuit filed against a person who is illegally occupying a residence. Most commonly, a U.D. action is filed against a person remaining in a rental residence while failing to pay rent or is in violation of a lease agreement. In addition to failing to pay rent, a tenant may be targeted for an unlawful detainer if he/she maintains, commits or permits the “maintenance or commission of a nuisance upon the demised premises or [are] using the premises for an unlawful purpose.”†

Prior to the passage of AB 1384 (Havice), under the Code of Civil Procedures, Section 1161(4), landlords had the power to evict tenants who were conducting illegal activities on a rental property premises. This pilot program authorized under AB 1384 permitted city attorneys and city prosecutors to take the place of a landlord who is unwilling or unable to evict a nuisance tenant and file suit against the tenant in the name of the people. Prior to the development of the pilot program, city attorneys could direct landlords to remove a nuisance tenant. Under Health and Safety Code §§ 11570-11587, city attorneys could file a civil lawsuit to compel the landlord to take action. Evicting the tenant remained within the purview of the landlord. Landlords who were unable to evict the tenant(s) had few options for engaging the city attorney or law enforcement for the eviction.

Under the Code of Civil Procedure section 1161 and Health and Safety Code section 11570, an entire household had to be evicted if there was a single tenant committing illegal acts. In situations where one resident was law-abiding but unable to control the actions of another tenant who was conducting illegal activities, filing an eviction action meant both tenants had to be evicted from the property. The City Attorney for Los Angeles saw this as a problem.‡ There were specific cases where leaving the law abiding tenant in the household and surgically removing the nuisance tenant would best serve the community. A provision was added to the pilot program allowing “partial eviction” of only the nuisance tenant.

The Los Angeles City Attorney identified three problems with rental property laws. First, some property owners were not evicting tenants because they feared retaliation. Second, prior

* The bill text can be found at: http://www.leginfo.ca.gov/pub/97-98/bill/asm/ab_1351-1400/ab_1384_bill_19980921_chaptered.pdf. The relevant statute can be found at: <http://info.sen.ca.gov/cgi-bin/waisgate?WAISdocID=97451414763+0+0+0&WAISaction=retrieve>.

† California Code of Civil Procedure 1161(4). <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=0757801195+0+0+0&WAISaction=retrieve>.

‡ Greenberg, Asha, City Attorney of Los Angeles, in communication with the author, February 2011.

to the implementation of the pilot programs, eviction had to be handled by the property owner as a commerce interaction. Third, in some cases, part of the rental household was made up of people who were law abiding but did not have the power or capacity to evict a single problem tenant.* This left frightened property owners with few options for evicting a problem tenant. With the implementation of the pilot programs, tenants identified as a nuisance because of drug use or drug sales could be handled as a law enforcement problem, not a commerce problem.

Under the pilot programs, landlords are notified by the city attorney that they have a tenant(s) who constitutes a public nuisance for engaging in illegal activities. The property owner is given 30 days to effect an eviction of the tenant. If the property owner fails to act, the city attorney or city prosecutor can then file a suit in the name of the people to evict the tenant(s). If the city attorney or city prosecutor carries out this action, the city may recover the cost of the proceedings from the landlord (up to \$600).

This process is designed to motivate landlords to evict tenants when they would otherwise condone a nuisance tenant, either out of fear or lack of concern. It also provides the property owner with some protection. A property owner who fears retaliation from a tenant for an eviction can legitimately claim the eviction is beyond the control of the property owner. This allows the city attorney to “play the bad guy” and provide a fearful property owner with some “cover” in the eviction proceedings.

The pilot program also provided for partial evictions. Only the tenant(s) arrested for drug or weapons charges or who allowed the residence to be used for illegal activity can be evicted under this program. This provision was established to protect “innocent” residents from eviction in cases where they did not know about illegal activity or did not have the power to stop it.

PROGRAM ORIGINS

The pilot program is innovative in that it moves the City Attorney and City Prosecutor into community policing roles. By empowering these agencies to sue to evict a tenant, the program allows City Attorneys and Prosecutors to assume the roles of landlord (by evicting a tenant) and police (by removing a criminal element from the neighborhood).

The historic shift in the role of the City Attorney and Prosecutor has its origins in New York City’s “Narcotics Eviction Program” (NEP) and the Los Angeles Police Department’s “FALCON” program. The NEP program in New York City was the first in the country to empower a city attorney to file suit to evict a nuisance tenant.²⁶ The FALCON program in Los Angeles provided the practical experiences that led the Los Angeles City Attorney to develop the California AB 1384 pilot program.

* Greenberg, Asha, City Attorney (Los Angeles) in conversation with the author, February 2011. The standard example provided is of an elderly tenant who is allowing their grandson or granddaughter to live with them. The younger tenant is dealing drugs and the grandparent does not feel that they can evict their relative. The U.D. pilot program allows the city attorney to evict only the nuisance tenant, leaving the elderly resident to continue to occupy the home.

Narcotics Eviction Program, New York City

New York City's then-District Attorney, Robert M. Morgenthau, pioneered the use of the City Attorney's office as a body that works to evict drug dealers from private property. In 1988, the City Attorney's office in New York City established the Narcotics Eviction Program (NEP). This program was based on the enforcement of state civil statutes known as the "Real Property Actions and Proceedings Law."²⁶ These statutes allowed the City Attorney to pursue suits to evict drug dealers who establish their practice in a private residence.

The NEP has its origins in a 1986-7 community-based action. In Manhattan, drug dealers had taken over a rental building, using it as a base to sell drugs. Neighbors repeatedly complained to police. Police made a number of raids and arrests, but the dealers continued to return to the property. Tenants of surrounding residences hired an attorney and filed suit, asking a judge to use the Real Property Actions and Proceedings Law to evict the tenants. The judge agreed with the action and placed a lien on the property.⁹

Morgenthau, used this example to create the NEP program. The NEP program has three phases. In the first phase, the police department uses traditional policing to establish the presence of a nuisance. The nuisance charges include drug dealing, gang activity, prostitution, and weapons crimes. Once sufficient evidence has been gathered, the police approach the City Attorney. The City Attorney then sends a letter to the landlord requesting that he or she evict their tenant. If the landlord fails to act, the City Attorney is empowered to file a suit to evict the tenant. Between its inception in 1988 and 2009, over 6,000 evictions have occurred using the NEP.²⁶

FALCON, Los Angeles, CA

In 1990, Los Angeles County established its FALCON (Focused Attack Linking Community Organizations and Neighborhoods) program. The FALCON program is a community-oriented policing (COP) program. COP programs differ from traditional policing by aligning police with community-based agencies to create strategies that reduce crime.²⁹

FALCON representatives from the Los Angeles Police Department (LAPD) worked with community organizations and set up meetings with local residents to establish a network of resources aimed at clearing out gangs, drug dealers, and prostitutes from targeted areas. The FALCON team worked to establish trust among law-abiding citizens in a neighborhood and among local community organizations so that they could leverage these resources for information and assistance at removing criminals.*

The City Attorney and FALCON officers identified one of the difficulties abating crime in neighborhoods as removing problem tenants. Under California's Health and Safety Code 11570, the City Attorney could request that a landlord evict a nuisance tenant. If the landlord refused to take action, the City Attorney had the power to sue the landlord for abetting crime and force the eviction. These civil nuisance lawsuits ultimately were effective at removing a

* Greenberg, Asha, City Attorney (Los Angeles) in conversation with the author, February 2011.

problem tenant, however, they were often expensive to prosecute and took months to years to finalize in court.

Additionally, the City Attorney and Los Angeles police officers involved in the FALCON program found that landlords would not evict tenants out of fear of retaliation. Letters to Assembly members about AB 1384 documented cases of landlords being threatened, beaten or killed by drug dealers and gang members when the landlord threatened eviction.^{4, 13, 23} The Los Angeles City Attorney designed the pilot program to allow the City Attorney to take the place of the landlord in an eviction when the landlord was afraid to act.

The Los Angeles City Attorney approached the legislature about creating a statewide program based on the findings from the FALCON work. This program became the basis for the pilot program currently under review. When the legislation was amended to limit the program to specific locals, Los Angeles became the initial pilot site. Los Angeles has continued to enthusiastically participate in the pilot programs.*

Since the inception creation of the NEP program in New York, city attorneys across the country have been creating programs for drug and other nuisance abatement. While estimates on the number of community prosecution programs are inconsistent, in one survey by the American Prosecutors Research Institute found that 80 sites had established programs and another 176 sites had applied for funding.¹⁰ In a review by CRB of state statutes, five states and the District of Columbia have drug-based eviction programs similar to California's. Only the District of Columbia empowers a government official to file for eviction when a landlord does not take action (See Appendix D for a full listing of state-based programs).

MUNICIPAL DRUG ABATEMENT PROGRAMS IN CALIFORNIA

The initial draft of AB 1384 proposed authorizing U.D. programs for all cities in California. The American Civil Liberties Union (ACLU) and the Western Center for Law and Poverty (WCLP) objected to the program being rolled out statewide without piloting it first.^{16, 24} As a compromise, the legislature restricted the program to five cities under the jurisdiction of Los Angeles County. A pilot program was established and language requiring evaluation of the program was added.¹

Cities across California objected to restricting the program to Los Angeles.^{4, 13} Several cities, including Los Angeles, North Hills, and San Diego lobbied for inclusion in the pilot program and city attorneys across California urged the legislature to consider keeping the program as a statewide initiative.^{4, 13} When the bill passed authorizing only Los Angeles cities, other jurisdictions began to design their own local programs.

Shortly after the passage of AB 1384, San Diego created the DART program (Drug Abatement Response Team). This program used civil nuisance lawsuits and code enforcement to force landlords to evict nuisance tenants. The program targeted properties where drug dealing was observed or reported. In the DART program, landlords are notified of the nuisance and asked to evict the tenant. If a landlord fails to act, the city responds by enforcing

* Greenberg, Asha, City Attorney (Los Angeles), in conversation with author, February 2011.

health and safety codes and by employing a nuisance lawsuit against the landlord. In 2004, legislation was introduced to include San Diego in the pilot program. However, San Diego's City Attorney was satisfied with the performance of the DART program and opted not to participate in the state pilot program.

Oakland has a long history of problem-oriented policing and community-oriented policing programs. In the late 1980s the city introduced its Beat Health program to fight urban blight and drug dealing. This was followed by the introduction of the SMART program, also targeted at drug dealers (see Appendix A for a review of alternative programs). Both of these programs were followed by the introduction of the Nuisance Eviction Ordinance (NEO) in early 2004. The NEO program is similar to the pilot program in that it empowers the City Attorney to sue to evict nuisance tenants. It differs from the pilot program in that it is run through the City Manager's office and has no provisions to challenge an eviction.

In mid-2004, state legislation was introduced that would include Oakland as a pilot site for the pilot program. Oakland requested that an exception be made in the legislation to allow the city to continue running the eviction program out of the City Manager's office. The legislature declined to make this exception. Although the legislation authorized Oakland's participation in the pilot program, Oakland continued to operate its NEO program instead.

A full review of the DART, SMART and NEO programs is included in Appendix A.

PARTICIPATION IN THE PILOT PROGRAM

The four bills associated with the U.D. pilot program authorized the courts with jurisdiction in Los Angeles County (as of 1998), and the cities of San Diego (as of 2004), Oakland (as of 2004), and Sacramento (as of 2007/2009) to participate in this program. Of the four cities under the Los Angeles County court jurisdiction which could participate in the pilot programs, only the cities of Los Angeles and Long Beach sought to participate. Both cities have continued to participate in the program, although Los Angeles did not report in 2005 or 2006 due to budget cuts.

Sacramento joined the weapons portion of the pilot program in 2008. Because of success with this portion of the program, Sacramento petitioned to be part of the drug abatement pilot. Sacramento began participating in the program drug portion of the pilot program in 2010. While the number of U.D. actions filed by the City Attorney represents both a fraction of evictions filed in the city and a fraction of the drug crimes, the Sacramento City Attorney supports the continuation of this program. City attorneys at all three pilot sites emphasize the U.D. program's efficiency and effectiveness as reasons for continuation of the program. All three sites plan continued participation in the program through its authorization period, ending December 31, 2013.

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Program Evaluation Options

Developing a research design is an important part of answering policy questions. Determining what information the legislature is interested in, asking the right questions, and collecting relevant data assists the legislature in making good policy decisions. The data currently available about the pilot program provide some of the information needed to answer the legislature's questions. To provide a more complete analysis of the program, additional questions need to be asked and additional data need to be gathered.

This chapter is designed to help the legislature think about its goals for the pilot study review in 2013. We propose a three-part model research design to assist in gathering a breadth and depth of data on the pilot program that is currently unavailable for analysis. While this is not the only possible research design for this project, we believe that it would produce sufficient quantitative and qualitative data to evaluate the pilot projects in 2013. Additionally, this chapter reviews past reports, then discusses how we would ask questions and collect data on the pilot projects.

The initial draft of AB 1384 contained no requirements for program evaluation. The Western Center for Law and Poverty advocated making the project and evaluation project prior to rolling it out statewide.* The committee designated pilot sites for the program and incorporated a mandatory report on the outcomes of unlawful detainer actions at these sites. Measures for "success" of the program were incorporated into AB 1384. Each subsequent bill has refined these reporting requirements.

The overall goal of the analysis is to determine the merit of the unlawful detainer pilot program. While merit is not explicitly defined, we can discern some of the legislature's intentions by the measures it has included. Examining these measures, along with discussions with legislative counsel have helped CRB define "merit" and determine what information the legislature needs to evaluate the pilot program.

In general, the legislature seeks to understand three aspects of the unlawful detainer program:

- (1) How often is the program used and what are the outcomes of U.D. actions?
- (2) What effects do U.D. actions have on deterring and eliminating crime?
- (3) Is the program necessary to help police and city attorneys remove criminals from neighborhoods?

From 1999 through 2009, the legislature charged the Judicial Council with collecting data and evaluating the pilot program during that period. The Judicial Council submitted four reports to the legislature about the unlawful detainer pilot program. The conclusions of each report were that (1) the program is not being widely used, and (2) there is insufficient data to fully analyze the impact of the program. The resulting action of the legislature was to expand the pilot sites

* Moynagh, Mike, Western Center on Law and Poverty, in conversation with the author, February 2011.

of the program (Sacramento, San Diego and Oakland were added to Los Angeles and Long Beach), and to transfer the review of the program to the California Research Bureau (CRB).

The Judicial Council relied on pilot sites submitting the statutorily required data. With each revision of the law related to the pilot program, the legislature altered the questions asked and the data required from the pilot sites. The changes in the questions were designed to improve the information provided to the Judicial Council. However, these changes also created inconsistencies in information available year-to-year. A summary of the changes in reporting requirements can be found in Appendix G.

Further, the data that have been submitted from each jurisdiction for each reporting period is incomplete. The data does provide some information about when the program is utilized. The missing fields generally included both the names and ages of the tenant(s) being evicted and the location of the property where the eviction took place.* None of the reporting pilot sites included information as to where the evicted tenant(s) relocated.

The four prior reports summarize the data that the statute requires. However, the reports did not fully address the merits of the program. Instead, they recounted the statistics provided and concluded that this was a seldom used program. While the statistics reported by the jurisdictions in the pilot program reveal the use and outcomes of unlawful detainers, they do not provide insight as to why this program is viewed as necessary by city attorneys. Further, the statistics are not capturing information on many of the potential benefits of the program.

In preparation for this report, CRB worked with committee staff to clarify the goals of the legislature. Based on this conversation, CRB has generated a model research design that can guide a more complete evaluation of the pilot program in 2013. We suggest that several additional data variables be collected and key stakeholders be interviewed, in addition to the current statistics. We believe that these additional data would allow CRB to better analyze the program than is possible with current data. This research design is discussed below.

ASKING THE RIGHT QUESTIONS AND DEFINING TERMS

Program evaluation and research design are not simple tasks. To design an evaluation that will yield the information needed for future policy decisions requires an understanding of what the legislature wants to accomplish with a program and what questions will provide insight to the performance of that program. The data collection required by Civil Code 3485 and 3486 for the pilot program provides some information necessary for the analysis of the effectiveness of the program. Additional data may be useful in completing an analysis of the program's performance.

* The Sacramento City Attorney's office reported that the ages and names of residents were generally available in police reports about drug actions at the property in question. However, the statute states that the names and ages of the tenants are to be provided by the landlord. The City Attorney's office reports that often landlords have less information than the police reports, but they wanted to be true to the statute, so the official report to CRB only reported the information that landlords provided on the residents.

CRB worked with legislative committee staff to clarify the goals for the analysis of the pilot program. By clarifying the committee's goals, CRB was able to design options for a research strategy to better meet the legislature's needs for the evaluation process.

KEY QUESTIONS:

- In addition to the location of the property where the U.D. action occurred, the landlord's name, current physical address, and the date the tenant vacated the property should be included.
- In relationship to the first U.D. action filed in the reporting year, please provide:
 - (1) The number of hours the city attorney spent on the action;
 - (2) The number of hours support staff spent on the action;
 - (3) The number of hours officers devoted to processing the action.
 - (4) Which of the following costs were incurred;
 - i. Court Costs and Filing Fees
 - ii. Attorney Time
 - iii. Support Staff Time
 - iv. Police Officer Time
 - v. Other Financial Costs
 - (5) How many months did it take to prosecute the action?
 - (6) Is this case representative of other U.D. actions? Why or why not?
- In relationship to the first civil nuisance lawsuit filed in the reporting year, please provide:
 - (1) The number of hours the city attorney spent on the action;
 - (2) The number of hours support staff spent on the action;
 - (3) The number of hours officers devoted to processing the action.
 - (4) Which of the following costs were incurred;
 - i. Court Costs and Filing Fees
 - ii. Attorney Time
 - iii. Support Staff Time
 - iv. Police Officer Time
 - v. Other Financial Costs
 - (5) How many months did it take to prosecute the action?
 - (6) Is this case representative of other U.D. actions? Why or why not?

The first task was to identify the goals of the pilot programs and to define ideas such as "merit." The goal of a pilot program evaluation is to assess whether a program will accomplish specific objectives. By understanding the goals the legislature has for the pilot program, CRB can better design questions for pilot site participants. Understanding what the committee defines as "merits" of the program further guides CRB in research design and development. It also guides the analysis of future data.

Various stakeholders told CRB that the program's success should not be defined by the number of times the program is used or the number of times tenants challenge evictions. The "usefulness" of the program is not in wielding it like a sledgehammer at every problem

property. Instead, the usefulness of the program lies in its surgical use as a “last resort” for drug and weapons problems that have not been abated through other means. Understanding this changed the way we evaluated the current statistics on the program.

The current statistics for the pilot programs reveal that they have been utilized fewer than 300 times in the past year. In relationship to the number of drug and weapons crimes, this is a relatively small number.* However, city attorneys state that the use of a U.D. action is generally employed as a “last resort,” coming into play when other policing strategies have been exhausted. In this light, the program is much more of a success. A majority of problem tenants who have received U.D. notices have been evicted or voluntarily left the property.

The purpose of the law was to provide the police and city attorney with options of removing problem tenants, thereby improving the quality of life in a neighborhood. Again, measuring the impact of the program on quality of life is an issue of scale. If all jurisdictions reported all required information, CRB could narrow down analysis to the zip code level. However, zip code areas can be rather large. A problem tenant could move from one neighborhood to another without leaving a zip code. The quality of life improvement for the neighborhood from which the problem tenant vacated would not be captured in zip code level data. Conversations with stake holders revealed that a better measure would be by street or small several-block area.

The unintended impacts this program has on landlords may be a key in community improvement. As noted in the review of the SMART program (Appendix A), when property owners are forced to clean up their properties and evict nuisance tenants, their property and the surrounding area has fewer crime calls over the next 30 months.²² Anecdotally, police officers report that when they work with a property owner to evict problem tenants, they engage in education about how to screen for better tenants and how to prevent their property from becoming the preferred location for drug dealers. Additionally, some City Attorneys engage in landlord education when poor management practices or negligence has abetted crime. This education is supposed to reduce further problems at a given location.

Finding a way to collect information about how the program has shaped landlord behavior would be helpful. Additionally, following an area for several years after an action has been taken could reveal useful information about the long term impact of the pilot program.

The above considerations help shape the questions we intend to ask in the research model. It remains important to gather data about when the program is used and the outcome of U.D. actions. To capture the full merit of this program, CRB will construct questions that examine the costs/benefits of the program, the efficiency of the actions, and the program’s impacts on a broad range of actors and locations. We also suggest eliminating several questions that cannot be answered by a city attorney.

* In Sacramento in 2009, 4,842 people were arrested for drug crimes. Los Angeles reported 30,780 people arrested for drug crimes. Long Beach arrests are included in the Los Angeles County numbers. U.D. actions were used against less than 300 people in all three jurisdictions. Crime statistics available at: <http://ag.ca.gov/cjsc/statisticsdatatabs/ArrestCity.php>.

COLLECTING THE RIGHT DATA

The legislature outlines what data about the pilot projects are needed in Civil Code sections 3485 and 3486. The current data collected provide information on the use of the program and the outcomes of the U.D. actions taken by the city attorneys and city prosecutors. What can be determined from the current data is the frequency U.D. actions are employed and if they are drug or weapons related cases. What cannot be determined from the data is the impact the program has on drug and gun crimes in a given area. Additionally, the “usefulness” of the program is difficult to determine. The program is used in limited instances. The data do not answer the question “why” this is the case nor does it provide information as to why city attorneys would continue to endorse this program while limiting their use of it.

To understand if the program is “working” according to legislative intent, the legislature needs to gather data that determines the impact U.D. has on crime in an area and if U.D. provides an important tool in the city attorneys’ tool kit for protecting public safety. Examining the current data and comparing it to the questions the legislative committee needs answered revealed several possible research approaches.

The Civil Code asks for specific quantitative data on the use of the U.D. pilot program. Analyzing the current data revealed the number of times the program was used and the outcomes of many of the U.D. actions. The program appeared to be used on an infrequent basis. The letters that accompanied the statistical reports revealed that City Attorneys found the program to be very useful and were very enthusiastic about continuing the program. This disconnect raised the question of the proper definition of “usefulness” of the program.

To answer questions about the “usefulness” of the program, CRB determined it was necessary to discuss the program’s use and specific cases with city attorneys who utilized the program. In order to gather the most complete information about the programs without overburdening the city attorneys, we opted to set up an in-person interview. After speaking with the Sacramento City Attorney’s office, we also asked two police officers associated with the implementation of the U.D. program to join us for the interview. Having multiple stakeholders in the same room at the same time allowed CRB staff to extend the conversation about the use, implementation, and outcomes of the program much more broadly than a written report could accomplish.

There was also a need to supplement the current quantitative data. Currently, pilot sites are asked to provide the addresses of the properties where U.D. actions are filed. The reporting of this data is inconsistent. The pilot programs are based on place-based policing. It is important to be able to locate the place of the action in order to conduct various analyses on the effects of the pilot programs. Additionally, current reporting of location does not include zip code. This is an important piece of information. While zip codes can be obtained with just the address, inclusion of this information in the original report is an enormous time saver.

What actions need to be reported requires clarification for the pilot sites. Currently, some pilot sites report all U.D. actions, regardless of outcome or how far in the process the action progresses. Other sites only report on cases where the U.D. is fully prosecuted. This creates

inequalities in the data between sites. CRB strongly urges the committee to clarify which actions must be reported. For the most complete data set, CRB suggests that all U.D. actions, regardless of how far in the prosecutorial process they have progressed, be included in the year-end report.

Finally, to encourage standardized data reporting, CRB designed a reporting form that could be made available to pilot sites. The form guides the user through the necessary fields, prompts them when to answer and provides them with necessary instructions on what the answers should include. This form should be available in an Adobe format, enabling the pilot sites to file the information electronically with CRB. A sample copy of the form has been appended to this report.

A RESEARCH DESIGN FOR 2013

The current data do not effectively capture the full impact of the unlawful detainer program. Discussions with key stakeholders revealed that many of the program's merits involve its efficiency and cost effectiveness when compared with other nuisance abatement options available to city attorneys and peace officers. With the current data available, neither cost effectiveness nor program efficiency is being measured.

The current data also fails to capture information that would reveal abuses in the program. Opponents argue that landlords will use the system to evict low-paying and minority tenants in favor of higher-paying tenants.^{6, 16, 31} Opponents have also expressed concerns that police and city attorneys may be overly general in establishing who is a nuisance. It is important in a pilot program review to establish that the program is not being abused and that there are checks and balances in place to prevent future abuse problems.

CRB also found that several of the pilot jurisdictions are not providing all the data required by the current statute. In several cases the City Attorney (the reporting entity) does not collect specific data, so it is unavailable for the report. In other cases, there are privacy concerns about releasing information to a third party (CRB). CRB has taken these factors into consideration when revising the data collection requirements for the 2013 report.

For the 2013 report, CRB suggests a three-part model research design. The first part includes the collection of written quantitative data. This data is augmented from the data collected in the past reporting years and includes facts and figures on the use and outcomes of U.D. actions. The collection of this data will be facilitated by the creation and distribution of an electronic data collection form. The second part of the written data collection involves the development of "case studies." Written data will be augmented by information about one sample U.D. action and one nuisance lawsuit from each pilot site. This information would be used to explore the efficiency and effectiveness of U.D. actions in comparison to other available remedies.

The second portion of the research involves a semi-structured conference call with significant stakeholders. CRB suggests that, at a minimum, all three participating city attorneys' offices, representatives from the three pilot site police departments, and legislative staff meet (via conference call or Skype) to discuss the program in depth.

The final part of the research design involves mapping the crimes that occur six months before and six months after an unlawful detainer is prosecuted at specific locations. Using the LAPD's crime software, the legislature can begin to determine if a U.D. action coincided with a change in the crime patterns of locations in Los Angeles. While this data does not allow us to prove causation, we will be able to show correlation between U.D. actions and crime statistics changes.

To better capture the possible merits and potential problems with the pilot programs, CRB suggests several changes to the collection of data for the 2011-2013 period. We have retained the written report component of the project. However, we have added several questions, removed data fields that were not producing relevant data, and created an electronic form for data submission. We feel these changes will yield more usable data and simplify the reporting requirements for the pilot sites.

In addition to the written data collection, CRB suggests that a meeting with various stakeholders* be held toward the end of the 2013 reporting period. This meeting could take place at the CRB offices for local stakeholders with the inclusion of others via a conference call or web-based communication technology (*e.g.* Skype or webinar). A semi-structured interview led by CRB staff would be used to guide participants through a more thorough evaluation than is possible to gain with a paper report. CRB believes that a 90-120 minute meeting would be both more effective and more efficient at gathering specific pieces of information than requiring a written narrative from pilot sites.

The third component of the research design is a time-based crime study conducted using LAPD data. The LAPD maps the location and times of crime using a sophisticated database. Using this database and a list of sites where U.D. actions occurred, the LAPD could generate a report of the number and a type of crimes occurring within a small radius of the address the U.D. occurred, both before and after the U.D. was processed. A similar set of residences (matched for socioeconomic indicators) could be selected and a similar crime study completed. Comparing the U.D. sites pre- and post-intervention and the U.D./non-U.D. site could provide the legislature with information on how a successful U.D. impacts the crime in a local area.

* Stakeholders include City Attorneys, peace officers in charge of the U.D. program implementation, legislative staff and opponents to the legislation. The primary opponent has been the Western Center on Law and Poverty, although WCLP withdrew its objections to the initial program after consultation with the legislature.

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Analysis of Current Pilot Program Data

DATA FOR 2009-2010

Below is a summary of the current round of data reported for 2010 from Los Angeles, Long Beach and Sacramento. Whenever possible we have included historical data has been included to place the current round of data in context. The overall findings from this round of data are:

- Los Angeles and Long Beach issued fewer unlawful detainer actions in 2010 than they have in past years. This is due primarily to lack of staff.
- A large majority of unlawful detainers issued resulted in the successful eviction or voluntary vacating of a property by a nuisance tenant.
- Few unlawful detainer actions make it all the way to a court trial. Most are resolved prior to being heard by a judge.
- For the few tenants who challenge an unlawful detainer action, a minority engage counsel.
- Property owners join a complaint or handle the complaint themselves less than 36 percent of the time.
- There is a significant number of unlawful detainer actions issued in 2010 that are still pending action.

Tables five and six (both below) summarize the results of unlawful detainer actions issued in 2010. For U.D.'s issued for both weapons and drug charges, a majority of tenants voluntarily vacated the property. At all three pilot sites, the city attorney was more likely to carry out an U.D. action than the owner; however, Long Beach had a substantially higher percentage of owners carrying out U.D. actions. All three pilot sites reported a low error rate in the U.D. filings.

The tables below show that unlawful detainers are used much more frequently for drug crimes than weapons crimes. The Sacramento city attorney's office and Sacramento police officers report that, in Sacramento, this is the case because drugs and weapons are generally found together. In cases where both guns and drugs are present, the unlawful detainer is generally issued for the drug charges.* Additionally, the Sacramento police department reports that the gun provision is used less often due to some confusion about the program's use. The sergeant in charge of the Problem Oriented Policing (POP) unit reports that there will be additional training on the program in 2011 and anticipates increased use of the weapon's provision.

* Martinez, Gustavo, Supervising Deputy City Attorney (Sacramento), in conversation with the author, February 2011.

In 2010 the issuing of unlawful detainers was down in both Los Angeles and Long Beach. City attorneys for both cities report that this primarily due to lack of staff. The Los Angeles City Attorney's office lost almost 50 percent of its staff and lacked key staff to process U.D. actions leading to a decrease in issuances. Long Beach lacked an Assistant City Attorney for nine months, decreasing the use of this program in 2010. This has led to a decline in the use and backlog for the program.

| | LOS ANGELES | LONG BEACH | SACRAMENTO |
|-----------------------------------|-------------|------------|------------|
| Total U.D | 19 | 9 | 5 |
| Filed by Owner | 2 | 3 | 0 |
| Filed by City Attorney | 14 | 1 | 1 |
| Tenant Voluntarily Vacated | 10 | 5 | 2 |
| Filed in Error | 0 | 0 | 1 |

| | LOS ANGELES | LONG BEACH | SACRAMENTO |
|-----------------------------------|-------------|------------|------------|
| Total U.D | 139 | 64 | 33 |
| Filed by Owner | 14 | 15 | 2 |
| Filed by City Attorney | 44 | 9 | 1 |
| Tenant Voluntarily Vacated | 30 | 26 | 4 |
| Filed in Error | 3 | 3 | 0 |

Sacramento was new to the drug abatement part of the program in 2010 and thus, there is no historical data to compare the use of the program. The city attorney anticipates an increase in the use of unlawful detainers as more police officers become aware of the parameters of the program. The officer in charge of POP programs reports that training will be available to beat officers this year on the program.

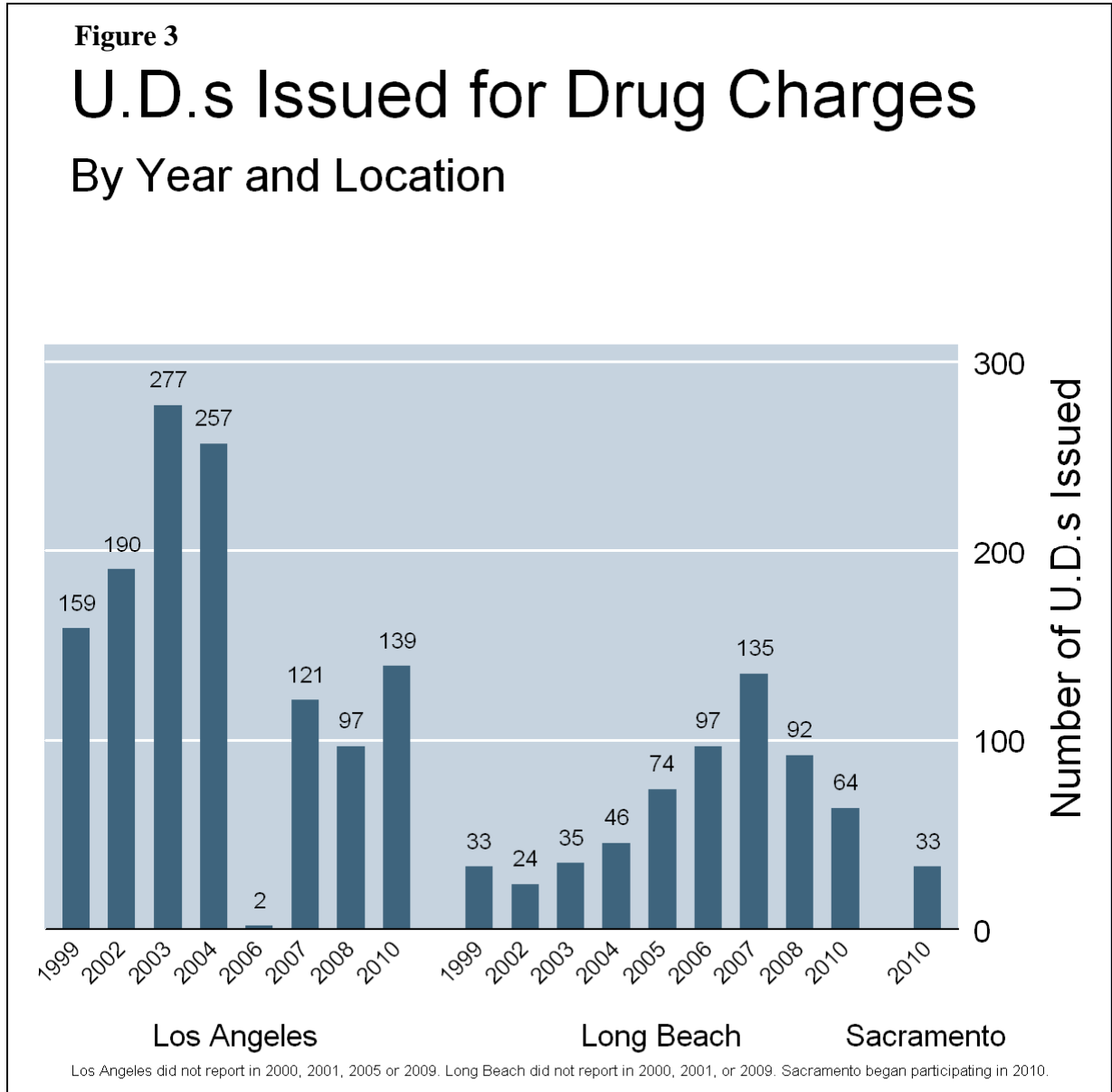
Participants in the pilot programs also note that the programs are underutilized because police officers are unaware of its existence. Both the assistant city attorney for Long Beach and the sergeant in charge of POP programs in Sacramento stated that when officers knew how the pilot program worked, they were eager to use it and funneled more cases to the city attorney. Both participants stated that they would be working to educate police officers in their jurisdiction about the program in the coming year and anticipated filing more U.D. actions in 2011 than in 2010.

Figure 3 (below) shows the use of unlawful detainer actions issued by jurisdiction and year. Los Angeles utilized the program the most in 2003. It did not report the use of its program in 2005 due to budget cuts. Long Beach used the program the most in 2006. Sacramento's first year of reporting was in 2010.

Other than Los Angeles' decision not to report on the use of the program in 2005 due to budget cuts, it is unclear why this the number of U.D.s issued in a year fluctuate. It is also unclear if the fluctuation represents critical information about the program or if it is solely a function of budgetary constraints.

The provision for issuing U.D.s for weapon's crimes was utilized 33 times across all three reporting jurisdictions (19 in Los Angeles, 9 in Long Beach, and 5 in Sacramento). Of those

actions, 17 tenants voluntarily vacated, 3 vacated prior to receiving the notice and 1 notice was sent in error. For the remaining 11 cases, five resulted in owners filing eviction notices and three property owners turned their cases over to the city attorney. There were two cases withdrawn and one case is pending. This information is summarized in Table 7.



The provisions of the unlawful detainer program allow city attorneys to file for eviction when a property owner either can not or will not file for one. The provision also allows a property owner to take action after he or she receives a notice informing him or her of drug or weapons activity at one of their rental properties. In a majority of the cases filed in 2010, city attorneys acted independently.

Los Angeles reported owners acting on their own or as joint filers with the city attorney in only ten percent of the cases. Sacramento had even fewer landlords join in on suits or act independently (two out of 33 cases). Long Beach deviates from this trend. For unlawful detainer actions, Long Beach reports that in 37.5 percent of cases property owners either evict tenants or join with the city attorney in the suit to evict tenants. The assistant city attorney in Long Beach suggested that this difference may be attributed to the location of owners in relationship to their rental properties. In Long Beach, many landlords live outside of the city.

Table 7. Unlawful Detainer’s Issued for Weapon’s Charges for 2010, Outcomes

| | |
|---|-------------------------------|
| 33 CASES TOTAL | |
| 17 cases tenants voluntarily vacated the property | 4 cases were tried by a judge |
| 3 cases tenants had vacated prior to the notice being served | 0 cases were tried by a jury |
| 1 notice was sent in error | 0 cases were appealed |
| 5 cases resulted in property owners filing for eviction | 2 cases were withdrawn |
| 3 cases resulted in property owners turning the case over to the city attorney for prosecution | |

This limits their interaction with their tenants and reduces the number of trips they take to “check” on their property. When a property owner is informed of illegal actions taking place on their property, they are eager to remove the tenant. The lack of action prior to the U.D. letter being sent is more often due to lack of information than for fear of retaliation.

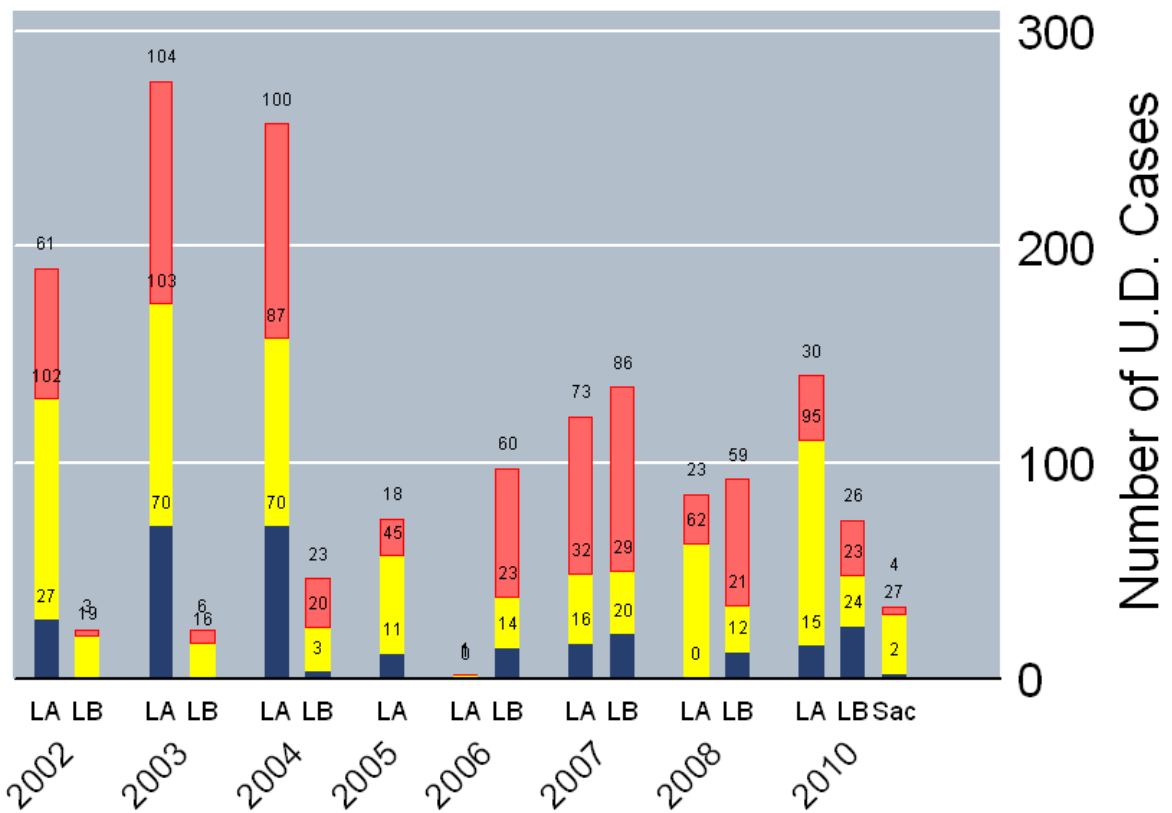
The location of the landlord in relationship to their rental property is not currently part of the data collection for CRB. It is unknown at this time if proximity to their rental property changes the probability property owners will intercede when a tenant is engaging in illegal activity. This is one possible question CRB could explore in 2013.

Figure four, below, illustrates U.D. actions by outcome, year, and location. Owner-initiated evictions are the least likely outcome of a U.D. action. The most common outcome is the City Attorney filing a suit to evict. However, a significant number of tenants voluntarily vacate the property upon receiving a U.D. notice, requiring no further action from the city attorney’s office or the property owners.

Figure 4.

Results of U.D. Drug Cases*

By Location and Year



*Note: Owner-involved filings include cases where the owner filed an unlawful detainer notice upon receiving a letter from the city attorney and cases where the owner filed jointly for the unlawful detainer with the city attorney. In cases where owners file jointly with the City Attorney, the City Attorney does not pursue reimbursements for the case. City Attorney-only filings include filings where the city attorney is the only plaintiff.

LA= Los Angeles; LB= Long Beach; Sac= Sacramento

Very few tenants sought counsel in dealing with an unlawful detainer action. Tenants subject to unlawful detainer actions due to weapons charges were more likely to seek counsel than tenants with drug charges. However, the number of U.D.'s issued due to weapons charges is small, and thus the statistic does not have much power. The breakdown of tenants represented by council is located in Table eight, below.

Tenants are provided with a list of legal resources as part of the unlawful detainer letter, as the statute requires. In 2010, sixteen tenants across all three jurisdictions were represented by counsel. The breakdown of representation by charge and jurisdiction is in the table below. CRB only has partial data on tenant representation in prior years. However, the information we have gathered indicates that it is uncommon for tenants to seek counsel for an unlawful detainer action.

Table 8. Number of Tenants Represented by Counsel by Charges and Location, 2010

| JURISDICTION | TOTAL WEAPONS CASES | WEAPONS CASE, TENANT REPRESENTED BY COUNSEL | TOTAL DRUG CASES | DRUG CASES, TENANT REPRESENTED BY COUNSEL | PENDING CASES |
|--------------|---------------------|---|------------------|---|---------------|
| Los Angeles | 19 | 1 | 139 | 6 | 65 |
| Long Beach | 9 | 1 | 64 | 8 | 11 |
| Sacramento | 5 | 0 | 33 | 0 | 33 |

ADDITIONAL FEEDBACK ON THE PILOT PROGRAM

CRB sought additional information about the pilot programs to supplement the findings from the statistical reports provided by the three participating jurisdictions. CRB staff interviewed three assistant city attorneys (one from each jurisdiction) and two Sacramento police officers associated with the implementation of the pilot programs. Additionally, a representative from the Western Center on Law and Poverty (WCLP), the primary organization that initially opposed this legislation, was interviewed. WCLP works with Legal Aids in various cities. The WCLP put CRB connected with a number of legal aids who provided supplemental material for this report.

Additionally, CRB reviewed several cases in which where the pilot program was employed. The Sacramento City Attorney’s office provided five “General Offense” reports for addresses where U.D. actions were later taken. Additionally, the Sacramento City Attorney’s office provided a complete log for a nuisance lawsuit, along with estimates on the number of hours invested in completing the lawsuit. Information included the redacted police logs for crime calls at the property, the legal documents associated with the filings, and an estimate of attorney and staff time used to process the cases.

One of the key questions CRB sought to answer with this report is why a program that appears to be used in a limited number of cases was seen as an important program by all three reporting city attorneys. Statistically, U.D. cases account for less than .001 percent of all drug arrests in the participating.

Our initial impression was that this program was seldom used and had limited impact on communities. The city attorneys and police officers objected to the classification of the program as “seldom used.” City attorneys and police officers suggest that the fact that the program is used in a limited number of cases indicates that there is a significant level of

discretion and thoughtfulness going into issuing U.D. actions. The Sacramento Assistant City Attorney argued that if a U.D. action was triggered every time a drug arrest was made at a rental property there would be substantial worries about abusing the program. Both he and the Sacramento police officers felt the program remains effective and is not abused precisely because it is only used after other options for resolving the problem have been engaged.

The assistant city attorneys interviewed found the program both useful and effective. The assistant city attorneys posited that the limited use of the program was due to limited resources in Problem Oriented Policing (POP) program divisions. Both city attorneys from Sacramento and Long Beach and the Sacramento police officers interviewed predict that as knowledge about the programs grows, there will be additional use of the program.

The use of unlawful detainer actions is limited by the types of cases that surround drug use and drug dealing. These actions tend to be the “last resort” for dealing with a problem location, as the police and city attorney first use options with less severe consequences. In the cases where general offense reports were provided to CRB, unlawful detainer actions were only taken after there had been multiple incidences and reported problems at a location. In the five general offense reports provided to CRB, each location had already been identified as a POP property. These properties generate substantial numbers of crime complaint calls from neighbors and are recognized by the local police as locations of criminal activity. POP programs use tactics such as probation-related searches of the property and citing the property owner for code violations to try to reduce crime at a specific location. U.D. actions are undertaken only after other strategies have failed repeatedly.

The Long Beach City Attorney’s office reported engaging in fewer U.D. actions than they potentially could have. The City Attorney stated that when the potential U.D. case reaches her desk, she evaluates it for its overall impact. On several occasions, officers petitioning for U.D. actions were unaware of on-going narcotics investigations at the location. In those instances, the City Attorney did not file a U.D. action.

A second point made in the discussions with stakeholders is that this program provides an efficient solution to the problem of rental properties being used for drug dealing and weapons crimes. Prior to the development of the pilot programs, city attorneys could bring nuisance lawsuits against a property owner whose property was being used for drug or weapons activity. However, to successfully sue a property owner, several things have to occur. First, the property had to be established as a nuisance property. This required people to call the police about illegal activities and the police have to collect and record all the information about a property over the course of many months. There had to be multiple police investigations to prove a property was a nuisance. This took a substantial amount of an officer’s time. The property owner must have been issued citations, allowed to respond and challenge the citations, and been shown to have continued to ignore enough of the problems for the city to pursue the lawsuit.

Sacramento’s Assistant City Attorney estimates that the prosecution costs involved in a nuisance lawsuit is ten to 15 times that of a U.D. action. The U.D. action proceeds much more quickly than a lawsuit. Nuisance lawsuits can take eight to 12 months to process, compared to

90 days for a U.D. action. The pilot program allows the police and city attorney to remove a nuisance tenant much more quickly at lower cost than traditional routes of prosecution.

The pilot program allows the city attorney to step into a suit in the name of the people. This is a significant difference over a nuisance eviction. Prior to this program, for a tenant to be evicted because of nuisance issues, neighbors had to come forward and make public statements under oath describing what they observed at a property. Sacramento police officers report that often, citizens will call the police about illegal activity and want the police to respond by removing the suspect from the neighborhood. However, when the police take unofficial statements, a number of residents from the neighborhood will come forward to make a statement. When it comes time for the statement to be made in front of a judge, very few tenants show up, and the case cannot move forward.

The police officers interviewed suggested that residents of a neighborhood with a nuisance property fail to officially come forward because they fear retaliation by the accused party. The officers suggested that in many cases, this is a reasonable fear. They support the U.D. program because it allows the city attorney to step into the role of the public and prosecute the crime. Both the police officers and city attorneys interviewed for this project feel that this is a necessary provision for making the pilot programs effective.

The costs and benefits of this program are not currently being captured by the data available to CRB. If the estimates of time and monetary cost savings are correct (ten-15 times less than that of a nuisance lawsuit), it will be an important factor in determining the merits of this program. For this report, CRB asked the Sacramento City Attorney's office to examine one case of a nuisance lawsuit and one case of a U.D. to compare time and monetary costs of prosecuting the case. The results are discussed below. There needs to be some consideration of the costs of this program taken into account for the final review in 2013. The section below suggests some ways to gather cost information.

In the Sacramento's City Attorney's office review of a nuisance lawsuit, it is estimated that police officers invested approximately 239 hours preparing the case: (122 hours); meeting with neighbors of the property to establish a nuisance (52 hours); 60 hours preparing and serving search warrants (60 hours); and an additional 5 hours in court appearances. The City Attorney's office invested an additional 79 hours in; meeting with police officers (12 hours); drafting pleadings (60 hours); and court appearances (five hours).

The pilot program's procedures eliminate most of the meetings between neighbors and police (52 hours), much of the binder preparation to document an ongoing nuisance (100 hours), and reduce significantly the number of hours drafting pleadings for the court (60 hours). While an equivalent estimate of the number of hours invested in a U.D. action is not available for this report, comparing the two options in terms of time and resources invested by the police and city attorney for future reports would be informative.

Discussion of Future Data Needs

Current data collection mandated by Civil Code section 3485 and 3486 provide for a limited review of the pilot programs. Legislative staff and key stakeholders have indicated to CRB that additional information would be useful in evaluating the full impact of the pilot programs. CRB sought to clarify what these questions and issues are in the previous sections of this report. This current chapter provides alternatives for program evaluation to the legislature for future reports on the pilot programs. We believe that the combination of options presented in this chapter represent the best alternatives to capturing the true impact of the programs. However, the options presented here are not exhaustive. We encourage legislators to use this report as a guide to help clarify what type of program evaluation is desired for the next report.

WRITTEN DATA COLLECTION

Below is a discussion about the five different outcome areas the legislature may wish to consider for the final pilot study report. We suggest 21 additional fields for data. These data fields and the specific wording of questions are located in Appendix B. We do not anticipate that these fields would significantly impact the amount of time spent by city attorneys reporting to CRB. We expect that the proposed simplification of the reporting form in combination with the fields dropped from the prior reports should compensate for the additional questions. We also believe we have added the minimum number of questions needed to gather information for a much more complete picture of the merits of this program.

In brief, we suggest eliminating the data collection on prior arrests, re-arrest, and relocation addresses of tenants evicted under the U.D. pilot program. We would add two major areas of data collection. First, we would ask questions about the time and monetary costs of prosecuting a U.D. case. Secondly, we would ask for a summary of time and costs associated with the first nuisance lawsuit prosecuted in the report year as a mechanism for providing a comparison of the alternative options to the U.D. program. Finally, we would add a field to gather information on the costs incurred for reporting information about the pilot program.

Measuring Program Use and Outcomes

CRB recommends that the measures specified in Civil Code sections 3485 and 3486, sections G (1), subsections D- I (iv) be retained for the 2011-2013 reporting period. Based on our use of these measures for the current report, we find these fields are effective in capturing the use of the program and the outcomes of U.D. actions.

Measuring “Cost Effectiveness”

In our discussions with City Attorneys, it was mentioned that the costs of prosecuting a civil nuisance lawsuit were significantly higher than the costs of filing an unlawful detainer action. We consider monetary costs, staff time, and police time in measuring the costs of this program. CRB proposes asking each pilot site to estimate the costs of conducting one civil nuisance lawsuit and one unlawful detainer. We have proposed reporting fields for staff time, attorney time, police officer time, court and other fees, and “other” costs associated with

prosecuting both types of actions. CRB believes that comparing the two types of actions on the above dimensions would provide some insight into the costs of the U.D. program.

These data are not enough to complete a true cost-benefit analysis of the program. Instead, the data do not provide estimates for the potential in increased use of the pilot program if cities opt to use this program instead of civil nuisance lawsuits. Additionally, we ask each pilot site for estimates on just one of each type of case. This small sample is not sufficient to draw broad conclusions about the financial impact of this program. This measure provides CRB and the legislature with a general concept of the costs associated with the pilot program.

Measuring “Efficiency”

City attorneys and police officers involved in the U.D. pilot program noted that the program is more efficient at removing nuisance tenants than civil lawsuits have been. The Sacramento City Attorney’s office also noted that a U.D. action was both more efficient than a traditional eviction, and more cost effective for the landlord. The efficiency of the program is not currently being measured. CRB believes that capturing these data would help clarify the merits of the pilot program.

To measure efficiency we would suggest asking the city attorneys at the three pilot sites to estimate the prosecution time of one U.D. action and of one civil nuisance lawsuit. While six data points in this category are not enough to provide a complete evaluation of the efficiency of the program, we believe that it will provide us a baseline for comparison. Additionally, by limiting the comparisons to a single U.D. and single civil nuisance suit at each pilot site, the reporting costs would be negligible for the city attorney’s staff.

Measuring Diffusion and Displacement

In the original statute, the legislative committee included a reporting field that asked where the evicted tenant relocated too. This field was included to provide program evaluators information on the relocation of the tenant so that displacement effects could be studied. If this information is known, researchers can discuss the diffusion and displacement effects of the legislation. However, none of the reporting pilot areas include this information in their reports.

The lack of this information is due to (1) no tracking procedures for evicted tenants, and (2) no requirement on the tenants to inform their landlord or the police of their new address. Ideally, the tenant’s relocation could be tracked using their driver’s license number. By statute, Californians must report a move to the Department of Motor Vehicles within ten days of changing an address. Using DMV records to locate evicted tenants is not currently an option for CRB for these reasons. First, several of the reporting pilot sites failed to provide the name of the tenant being evicted. Second, there is no information on the tenant’s driver’s license number available to CRB. Finally, we doubt that many of the evicted tenants follow the statute and changed their address with the DMV within the required ten days.

Research on “hot spot” policing comes to bear in the discussion about potential changes in the research design. In studies on “hot spot” policing, researchers have limited the areas of study

to a few blocks, rarely exceeding ten city blocks. Most of the research is limited to much smaller areas such as a single block or small “hot spot” of three or four blocks. Research on Oakland’s SMART and Beat Health programs demonstrate a large improvement in the quality of life for local residence and a significant reduction in crime.^{11,22} However, these studies have had the capacity to examine crime calls and survey neighborhood residents in the “hot spot” area.

The pilot program probably has similar effects to the SMART program in Oakland on the areas impacted by the pilot program. Removing a drug dealer from an apartment complex or off a block has the potential of reducing a number of co-occurring crimes (*e.g.*, loitering, drug use, theft) in the immediate vicinity. There is also evidence that moving a drug dealer out of their immediate comfort zone reduces their future crimes.³

The purpose of the pilot program was to “clean up” areas with drug problems. Anecdotal evidence points to indicators that drug dealers are moving out of areas where U.D. actions have been taken against them. Police involved in the Problem Oriented Policing (POP) division of the Sacramento Police Department report that once a drug dealer has been the target of a U.D. action, they move out of the neighborhood. Officers report that they would be made aware of the tenant relocating within the immediate neighborhood. To date, the officers interviewed were unaware of a tenant being evicted moving to a residence in the vicinity of where the U.D. action took place.

The Los Angeles Police Department (LAPD) has developed a computerized tracking system for crimes in their jurisdiction. The information technology system has the capacity to generate reports on crimes by location and time. The accuracy of the program allows for tracking down to the individual block a crime occurred on.

In order to more fully evaluate the pilot program, CRB recommends adding a paired-case study to the research design. One of the primary goals of the pilot program is to help neighborhoods “clean up” their rental properties. From our discussions with POP police officers, a single household with a drug dealer can substantially increase crime in a small area. To figure out if the pilot program is changing the crime rate in a given area, analysts need to do two things: (1) evaluate the crime rate pre- and post- U.D. action, and (2) compare the crime rate where a U.D. action took place with a similar area where no action occurred. The reason for the first step is to see if the crime rate fell when a U.D. took place. The second step is to validate that the fall in crime was not due to a general decrease in crime within a given area.

To gather this information, an analyst needs access to crime data that narrows the research area down to an area no more than ten square blocks. Currently, the LAPD tracks crime data by address and can provide localized information on criminal activity. Using the LAPD data, an analyst can create research zones for comparison. We suggest that the analyst create zones of no more than ten square blocks. Information on the socioeconomic data for each zone (*e.g.*, racial make-up, age distribution, gender distribution) should be included in the zoning map. Each research zone should be able to be paired with a number of other zones with similar SES make-ups.

The next step is for the analyst to map the locations of U.D. actions in Los Angeles. Once the U.D. actions have been mapped, the analyst should randomly select approximately 20-25 percent of all actions to research. For each selected research zone, the analyst should choose an equivalent zone where U.D. actions did not occur. This work creates the research sample.

For each research zone within the sample, the analyst should then use the LAPD database to gather crime rate information for 6 months pre- U.D. action and 6-months post- U.D. action. The first comparison will be the crime rate before and after an U.D. action in the given research zone. The second comparison will be of the crime rates pre- and post- U.D. actions between matched zones.

This process will require access to LAPD data. CRB staff contacted the LAPD to request access to this data. Currently, CRB is working with the Discovery Unit of the LAPD to determine if the data needed to analyze displacement and crime reduction will be made available. Initial indications from LAPD suggest that the information technology division will be able to generate this data if CRB can provide the addresses of U.D. actions.

To facilitate this process, the Los Angeles City Attorney's office will need to provide the addresses of properties where U.D. actions have taken place. This is required under statute. However, the Los Angeles pilot site did not provide any addresses for properties targeted for U.D. actions in its 2010 report. Additionally, Long Beach only provided the addresses for properties where U.D. actions were brought about through weapons charges. For properties receiving U.D. actions for drug charges, no addresses were provided by Long Beach.

Measuring Potential Bias

One concern critics of the pilot programs have voiced is that there is a potential for abuse of the program. When Oakland introduced its NEO program, several prominent community members raised the question of potential abuse.^{14, 19} The fear was that landlords, wanting higher rents, would accuse tenants of drug or gang crimes. This would allow the City Attorney to step in, evict the tenant, and open the property so that the landlord could rent it for more money.

A second concern was raised by the Western Center for Law and Poverty (WCLP). Representatives of WCLP questioned whether the program could be implemented fairly, without overburdening low-income and minority tenants. The concern was that the program would be primarily targeted to low-income neighborhoods that are disproportionately occupied by minorities.

Neither of these concerns was addressed substantially in the letters of opposition or support for AB 1384 (the bill that originated the pilot programs). In discussions with legislative staff, there was not a great concern that the program would be abused. Additionally, city attorneys felt that the requirement that "sufficient evidence" be in place prior to a U.D. action being filed, and the fact that this evidence had to be sufficient for a number of different agency reviews, would keep the program from being abused.

CRB raises the question of potential abuse for several reasons. First, without evidence that there are safeguards in place to prevent abuse, we do not feel it is safe to assume that abuse will not happen. Second, if this program is rolled out statewide, there are currently no guidelines that would prevent a jurisdiction from targeting specific groups of renters. Third, we believe that there may eventually be a lawsuit challenging the implementation of this project. Without statistics on who is affected by the program, it will be difficult for the state to prove they are not targeting individual groups.

CRB suggests that the legislature consider the need to create a system that provides safeguards against abuse of the program and that measures be taken to gather information on who is affected by the program. This is not as simple as collecting the age, race, ethnicity, and income level of the individuals evicted under the U.D. statute. Neighborhoods affected by high crime rates are often in low-income and minority neighborhoods. Simply demonstrating that more low-income or minority renters have been prosecuted under the pilot program does not establish bias. Socioeconomic data needs to be gathered on the neighborhoods where the pilot program is used. These statistics can be used to temper the data from the pilot program. Additionally, comparison neighborhoods, those with similar socioeconomic statistics but where U.D.s have not been prosecuted, need to be established.

Creating these measures, locating the relevant comparison statistics, and analyzing the U.D. use data for patterns of bias are important steps in ensuring this program is not being abused. This process is currently beyond the capabilities of CRB. However, CRB strongly encourages the legislature to locate an organization with this capacity to provide research on the potential bias of the programs.

Standardizing Data Collection

CRB discussed creating a reporting form and electronic submission with city attorneys. They were enthusiastic about such a form as it promises to reduce the complexity of submitting the data. Additionally, by utilizing an electronic form, reporting agencies reduce paperwork and simplify the submission process. A copy of this form has been appended to the report. The actual form could be emailed to reporting agencies with instructions on its use and filing options.

QUALITATIVE INFORMATION COLLECTION

The second prong in the model research design is qualitative data collection. For the 2011 report, CRB staff found conversations with various stakeholders very enlightening about how the program was used and when it was utilized. This significantly changed the focus of the analysis and expanded the data included in this report. We believe that additional semi-structured interviews with stakeholders in late 2012 will lend insight as to the merits of this program.

To conduct the semi-structured interviews, we suggest a combination in-person/teleconference meeting with key stakeholders. We suggest that all city attorneys (or their representatives), representatives from the involved police departments, and legislative

staff participate in the meeting. To facilitate the meeting without taking on travel costs, we suggest that an on-site meeting be held in Sacramento for the Sacramento participants. Participants from Los Angeles and Long Beach could participate using teleconference or Skype technology.

Additional key stakeholders may be identified between this report and the 2012 meeting. It will be determined by CRB staff if these additional people will participate in the larger meeting or will be interviewed in separate meetings or phone calls.

Conclusions

City attorneys and police officers who use the pilot program see it as a more effective and efficient way to rid a neighborhood of a nuisance tenant. Statistics indicate that this program is being used by all three pilot sites, although the frequency of use has declined for Los Angeles and Long Beach in the past year. Attorneys at each pilot site anticipate an increase in the use of this program in the coming year. The increase is anticipated because staff positions that were vacant in 2010 have been filled and training of police officers has been planned.

Pilot site participants are advocating for the continuation of the pilot programs. CRB staff evaluated the current data and concluded that additional information needs to be collected before the merits of this program can be fully examined. The additional two years on the pilot program provides the legislature the opportunity to alter the research design to facilitate the gathering of this information.

We have included a research design and discussion of measurements in the report to the legislature. CRB believes these measures to be necessary in order to fully answer the legislature's questions on the merits and success of the pilot programs. While prior reports to the legislature have summarized the use of the program, this report provides the legislature with options for expanding the program review in the future. Additional data collection is needed to facilitate this analysis.

CRB's goals with this report was to review the current data on the pilot programs and to provide the legislature with a concrete research design that collects information to fully answer the questions raised about the program. Appendix B outlines the additional reporting fields that will need to be incorporated into the reporting requirements to facilitate data collection for CRB. Additionally, a standardized electronic reporting form has been included in Appendix C. We anticipate that this form will improve and ease data collection.

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Appendix A: Municipal Programs to Fight Urban Blight and Reduce Drug Trade in California

San Diego's DART Program

The City Attorney of San Diego was a champion of AB 1384 (Havice, Ch. 643, Stats. Of 1990-2000). When San Diego was not selected as a pilot site for the program established in AB 1384, the City Attorney and members of the Problem Oriented Policing (POP) division worked together to establish a program similar to the pilot program authorized by the state. The San Diego program, known as DART (Drug Abatement Response Team) was similar to the pilot program in that it allied the City Attorney and police department in order to abate drug problems in the city. In addition to the City Attorney, police worked with code enforcement authorizers to pressure property owners into changing behaviors that attracted drug dealers.

DART utilized the powers of the City Attorney as sanctioned under California Health and Safety Code 11570 and code enforcement authorized by Civil Code sections 3479-3486 to abate crimes. There were no additional city codes written to sanction the program.

In 2004, San Diego was authorized as a pilot site for the state's AB 1384 pilot project. By this time, the DART program had proven itself useful and San Diego opted out of the state's pilot program. While there have been no internal evaluations of the DART program, an external evaluation demonstrated that the DART program significantly reduced crime at specific locations.⁸

The use of DART is triggered when a complaint about, observation of, or arrest for drug crimes occurs on a given property. The complaint can come from either a citizen or a peace officer. The DART team sends a letter to both the tenant and the property owner apprising them that the police are aware of drug crimes being committed on the property. The letter specifies that the property owner must address the problems and provides a phone number to the DART office if he or she needs assistance. The DART team gives the property owner 30 days to respond to the notice to fix the nuisance. If the property owner does not address the problems, code enforcement agencies associated with DART will issue citations for the property to come up to code (*e.g.*, clean up trash, fix broken fences, etc.) and the City Attorney can begin eviction proceedings against the tenants if they continue to be a nuisance. Additionally, if the city had to take action to abate the crime, the owner could be sued for up to \$25,000 and the rental property could be closed for up to a year.

Although the police department does not track the use of DART,^{*} it reports DART is a success at cleaning up neighborhoods and nuisance properties. There is experimental evidence that backs up these anecdotal claims. Eck and Wartell conducted a controlled experiment with

* The DART officer CRB staff spoke with suggested that the City Attorney may have a list of cases where DART programs were used. There is no official tracking system in place to evaluate the impact of the DART program.

the DART program. One hundred twenty-one properties with identified nuisance tenants (all drug crimes) were identified. One-third of the property owners received a letter informing them of the nuisance and instructing them to abate it. They were supplied with the phone number of the DART program for assistance. One third of the property owners were sent a letter about the nuisance and a follow-up meeting with a DART representative was held. The final third of the properties received no letter.

The researchers found that for both the letter and the letter-meeting groups, crime was reduced on the associated properties over a 30-month period following the initial intervention. For the letter-only group, crimes were reduced by approximately two-thirds (about 1.7 crimes per property over a 30-month period). For the letter-meeting treatment group, there were on average two fewer crimes on the property in the 30-month follow-up period. The researchers conclude that intervention by the DART team not only abated the current nuisance but had long lasting effects for reducing crimes in the area around the property where the treatment took place.^{7,8} Additionally, the researchers state that, while a cost-benefit analysis was not conducted, the program is relatively inexpensive. The program required one DART officer and the cost of mailing letters to the property owners. The authors suggest that the benefit of crime reduction well outweighed the costs of the program.

The current pilot programs have some similarities to the San Diego DART program and may have similar impacts. In both programs, property owners receive a letter from the City Attorney informing them of illegal activities taking place on their rental properties. Both programs instruct the property owner to abate the nuisance and financial sanctions may be taken if the owner refuses to act. Finally, both programs provide a way for law enforcement to become the primary party in an eviction suit against a nuisance tenant.

However, there are significant differences between DART and the pilot programs that may impact outcomes. First, the pilot programs require that an arrest or other regulatory action be taken against a tenant prior to triggering an U.D. action. The DART program can be triggered with a complaint from a member of the community.* Second, the financial impact of the DART program can be much more substantial than the pilot program. Under DART, a property owner can be fined \$25,000 and have his/her rental property closed for up to a year. Under the pilot programs, cost recovery is capped at \$600.

The DART program allows an action to be triggered by a complaint from someone in the community. The tenant does not have to be arrested, prosecuted or convicted of a crime before action is taken to evict them. This allows a broader scope of “guardians” to watch over properties and inform police when crimes occur. Ultimately, when citizens report drug and gang activity police increase their knowledge base of crimes and can take action when necessary. This may expand the reach and effectiveness of police.

The DART program can impose significantly greater financial sanctions against a property owner than can the pilot program. Conceivably, the more significant the financial impact of

* The original pilot program allowed actions to be triggered by community complaints. After the first two years of participation by pilot sites, concerns were raised that one pilot site was potentially abusing the program by being overzealous with its prosecution. The law was amended in 2001, restricting the use of U.D. actions to violations of the law observed by a peace officer.

inaction of the property owner, the more likely the program is to motivate the owner to act in the manner it intends. The tipping point of the fine for getting owners to take action against a nuisance tenant has not been measured. However, there is some evidence pointing to the tipping point being relatively low.

In the Eck and Wartell study, the authors inquired as to the maximum dollar amount landlords had available to spend on improving the property they owned. Almost 40 percent (37.9) reported that they had \$0 to spend on the property. An additional 23 percent reported they had less than \$1,000 to spend on improvements. While it is probable that the property owners under-reported the actual dollar amount available for property improvement, the question does gauge the willingness to spend money to improve a rental property. A majority of landlords reported few available funds to invest in improving their rental properties. The prospect of a \$600 fine for failing to act is beyond the amount most property owners reported having available to invest in their rental properties. This suggests that the tipping point for a fine may be relatively low.

The Eck and Wartell study on the DART program demonstrated that when the letter about the nuisance property was followed up by a meeting with the DART team, the program was the most effective. The current pilot programs do not make provisions for landlords to meet with the police. This may impact the overall effectiveness of the program. However, the letter-only treatment group in the Eck and Wartell study still significantly reduced the crimes on their property over the next 30 months.

The Eck and Wartell study provides some guidance as to how to investigate the impact of the pilot program. Currently, the pilot program only collects information in cases where U.D. action was taken. There is no “control group” where there was a crime but no action was taken. It is unknown if property owners would take action on their own to abate the nuisance. The U.D. program assumes that property owners are either unaware of criminal activities on their property or that they are too scared to act. One option for a research design would be to identify a number of properties where U.D. actions could be invoked. The “control” group would be watched, but no action would be taken. The “treatment” group could undergo the U.D. process.

Oakland’s SMART Program

Oakland has had a number of different, nontraditional policing initiatives aimed at abating urban blight and drug dealing in the city. The SMART program, the Beat Health program, and the Nuisance Eviction Ordinance program are examples. Each program allied the police with other regulatory agencies and law enforcement divisions in order to reduce the impact drug dealing and drug using had on the city.

In 1988, Oakland began the SMART (Specialized Multi-Agency Response Team) project to weed out drug activity from targeted “hot spots.” This program engaged multiple city agencies to inspect drug nuisance properties; enforce city housing, health and welfare regulations; clean up blighted areas; post “no trespassing” signs; and take actions against property owners who failed to comply with city regulations and codes. The goal was to make

the “hot spot” areas unattractive to drug deals and addicts, driving them elsewhere and reducing crime.

Oakland’s SMART program relied on crime reduction and crime displacement and is based in place-oriented policing. Place-oriented strategies take aim at the environmental factors that facilitate crime. The environmental theory of crime states that criminal activity is based on place, time, target and tactic. The physical environment must be conducive to the crime (place). The timing must be right for the crime (time). There must be a target of the crime present (target). There must be a specific tactic for committing the crime (tactic). By altering one or more of these factors, crime may be reduced or displaced.

The SMART program targeted property owners and incentivized making their properties inhospitable to drug crimes. This tactic was supposed to move the drug deals and users to a new location – one that would be less hospitable to drug crimes and discourage continued illegal behavior.

Evaluations of the SMART program showed that the place-oriented policing efforts were moderately successful at driving out drug crimes.¹⁰ Additionally, there was a “halo” effect. Areas immediately adjacent to the targeted “hot spot” also experienced a decrease in drug activity.¹¹ The research could not definitively demonstrate that the “halo” effect was due to the other property owners perceiving that they could become a target for future enforcement, but suggests that this is the case. Additionally, the author suggests that drug dealers residing outside of the “hot spot” may have concluded that the area no longer housed drug uses based on the way it looked. This would further drive down the drug activity in the “hot spot.”

Oakland’s NEO Program

In 2004 Oakland passed the “Eviction for Nuisance and Illegal Activity” ordinance (Oakland, Code and Ordinances, Title 8 “Health and Safety,” Ch. 8.23).^{*} This ordinance (known as the NEO - Nuisance Eviction Ordinance - program) established a procedure “whereby rental property owners can be required to evict tenants committing illegal activity on the premises.” (Oakland Code, Ch. 8.23.100, Section B) Further, for property owners who fail to take action against tenants committing illegal acts, the city can take action to force the eviction, including using code enforcement and law enforcement authorities. There is a provision in the code that allows property owners to turn the eviction case over to the City Attorney for prosecution. Finally, the provision allows for partial evictions.

This ordinance was established as a solution to the problem of property owners allowing nuisance tenants to remain on their property due to negligence, lack of information about the tenant’s activities, or fear of retaliation. The program is similar to the state unlawful detainer pilot programs, but falls short to authorizing the City Attorney to step in and file an unlawful detainer suit when the landlord fails to act. To succeed in getting an eviction, the city is reliant upon the property owner. While the city can impose sanctions on the property owner for failing to act, ultimately the eviction must come from the owner and not the city.

^{*} Available at <http://library.municode.com/index.aspx?clientId=16308&stateId=5&stateName=California>.

The NEO program allows the city to recover all costs associated with prosecuting an unlawful detainer as well as fines and fees for code citations and attorneys fees from the property owner. A fine of \$1,000 a day may be imposed on an owner that fails to act. Additionally, the city may bring a nuisance action against an owner who fails to remove a problem tenant. Through the nuisance action, the city may force the tenant to vacate the property and recover the legal costs of the case from the owner.

The NEO program is run through the City Manager's office. It is the City Manager's responsibility to gather information on the illegal activities occurring on the property and to inform the landlord of the activities. The City Attorney only becomes involved at the time the unlawful detainer is prosecuted. When AB 2523 was under consideration, Oakland petitioned the legislature to allow the city to participate in the pilot program but maintain the City Manager as the body that oversaw the program. The legislature did not make this accommodation, and Oakland decided not to participate in the statewide pilot project.

Opposition to AB 1384 Pilot Program, DART and NEO

Each of the above programs has faced some opposition to its establishment, at least in the initial phases. The primary complaints about the programs have focused on two issues: (1) under the early legislation for each program, tenants could be evicted without being arrested for a crime; and (2) fear that property owners will abuse the system to oust current tenants in favor of new tenants who would pay substantially more rent. Each program has sought to address these concerns, but the scopes of the programs have not been significantly altered because of the concerns.

Eviction without a Conviction

The primary concern raised by individuals, as well as the American Civil Liberties Union and the Western Center for Law and Poverty has focused on the provisions that allow residents to be evicted without being convicted of a crime. Initially the pilot program, NEO and the DART program all allowed an eviction proceeding to be triggered by a complaint and "substantial evidence" that the tenant was a nuisance. The "substantial evidence" could be established with a list of complaint calls to the police or property owners about suspected illegal activity occurring on the property. Tenants did not have to be arrested for or convicted of a crime before they were evicted from the property.

The pilot program has since been revised to address these concerns. Under the current statute a resident has to be arrested for a crime or a regulator agency has to document a nuisance at the property before an unlawful detainer can be filed. As pointed out by one opponent, "arrest does not always lead to a conviction."¹⁶ Opponents argue that the ability to evict someone for an arrest but not necessarily a conviction undermines due process. The tenant is assumed to be guilty of a nuisance charge before it has been proven in court.

In Oakland, the NEO program allows the City Manager to collect information on a tenant to establish that the tenant is a nuisance. In a newspaper article, the City Manager stated that the evidence of a nuisance is established through arrest records and calls to the police.²⁵

However, there is nothing in the Oakland City Code that states a nuisance must be established using police records. How a nuisance is established is left to the discretion of the City Manager. Community activists in Oakland criticized this provision, stating that Oakland was seeking to gentrify and the provision allowed unsubstantiated claims to be the basis of eviction orders for low-income and minority tenants.¹⁴

Potential Abuse by Landlords

The second big concern with unlawful detainer programs is the potential for abuse. Critics of the program fear that landlords, seeking higher rents, will claim their tenants are nuisances to the community and seek evictions. Critics fear the low bar set for “nuisance” claims aids landlords in their quest for more income.³¹ While there has been no evidence that this has occurred, opponents continue to raise the question of abuse.

CRB staff raised the question of checks and balances for the program with city attorneys and police officers involved in unlawful detainer programs. The city attorneys and police officers stated that the multiple groups involved in filing an unlawful detainer action served as “checks” on the system and prevented abuse. For example, in Sacramento, an unlawful detainer action will be initiated by a POP (Problem Oriented Policing) officer. The sergeant in charge of the POP program reviews the complaint to see if there is enough evidence to establish that a tenant is a nuisance. The sergeant then files the complaint with the City Attorney’s office. A staff member of the City Attorney reviews the complaint for legitimacy. If there is enough evidence in their judgment, the complaint is sent to a Deputy City Attorney for review. Finally, a judge makes a decision about the final eviction. At any point, one of the reviewers involved in the process can stop the eviction.

Additionally, with the pilot program, tenants are allowed to defend themselves in court and challenge the eviction. This provides yet another opportunity for a tenant to establish that they are not a nuisance and should be allowed to remain at the property. By statute, tenants receive a list of attorneys and legal services available to them in their defense.

This is not the case with the NEO and DART programs. Neither of those programs allows a tenant to challenge the eviction. Once the police department and City Attorney (San Diego) or City Manager (Oakland) have satisfied themselves that the tenant constitutes a nuisance, the eviction can proceed. Oakland has an additional provision that further limits an evicted tenant from renting from the same landlord for three years post-eviction.

Additional Concerns from the Western Center on Law and Poverty (WCLP)

The Western Center on Law and Poverty worked closely with legislators to construct the pilot program. WCLP initially opposed the program on grounds that tenants could be evicted without a conviction. Additionally, WCLP representatives wanted to pilot the program first, before rolling it out statewide. The legislature restructured AB 1384 to make the program a pilot program in Los Angeles County for three years. For AB 1384, the legislature allowed the provision to stand that an eviction proceeding could be triggered without an arrest or conviction for criminal activity. It was not until the third iteration of this law in 2004 that the

legislature required an arrest or other regulatory action as a minimal condition of triggering a U.D. action.

WCLP representatives remain engaged in monitoring the pilot project and working with the legislature to refine the pilot programs. Representatives express concerns that the current version of the pilot program does not provide sufficient safeguards against abuse of U.D. actions.* WCLP representatives work with legal aid societies in all three pilot jurisdictions. For this program review, WCLP had legal aids from Sacramento and Long Beach provide examples of cases where they believed that the pilot program has been used by City Attorneys to harass innocent tenants. Both legal aid representatives and WCLP representatives want the program monitored to see if any group is being unduly affected by U.D. actions.

WCLP has concerns about local programs that emulate that pilot project. While each program differs, several do not offer tenant protections in the same manner as the state program. The inability for tenants to challenge evictions in San Diego and Oakland are specific concerns. WCLP representatives were asked what provisions they would like to see in a bill if the pilot program were expanded to other cities or statewide. The representative stated that WCLP would want a provision allowing the state law to pre-empt all local ordinances.

* Moynagh, Mike, Western Center for Law and Poverty, in conversation with the author, February, 2011.

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Appendix B: Reporting Fields to Incorporate into 2011 Reports and Beyond

1. Name and contact information of person completing the form.
2. Landlord's name and address for each unlawful detainer action filed.
3. Number of detainers other than the current one on file for the current address of an unlawful detainer action.
4. For the first U.D. action taken in the reporting year (beginning in January), please provide the following information:
 - a. How many hours did the City Attorney spend on the action?
 - b. How many hours did support staff spend on the action?
 - c. How many officer hours were devoted to processing the unlawful detainer action?
 - d. Which of the following costs were incurred?
 - i. Court costs and filing fees
 - ii. Attorney time
 - iii. Support staff time
 - iv. Police officer time
 - v. Other financial costs
 - e. How many hours did it take to prosecute this action?
 - f. How many months did it take to prosecute this action?
 - g. Did the city collect fees for this action?
 - h. In your estimation, was the above case representative of other unlawful detainer actions filed in your jurisdiction in the reporting year?
 - i. What were the major reasons this case was not representative?
5. For the first civil nuisance case of the year (beginning in January), please provide the following information:
 - a. How many hours did the City Attorney spend on this suit?
 - b. How many hours did support staff spend on this suit?
 - c. How many officer hours were devoted to processing this suit?
 - d. What other costs were incurred with this suit?
 - e. How many community members offered testimony in this suit?
 - f. How many months did it take to prosecute this suit?
 - g. Did the city file or sue for reimbursement fees associated with this action?
 - h. What was the actual dollar amount collected from the landlord because of this action?
 - i. Was this nuisance suit representative of the other nuisance suits filed this year by your organization?
 - j. What were the major reasons this case was not representative?
6. What is the annual budget allotted for the unlawful detainer program?
7. What costs are incurred for tracking and reporting unlawful detainer information to CRB?

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Appendix C

2011-2013 REPORTING DOCUMENT

Unlawful Detainer Pilot Program Annual Report to the California Research Bureau

This form replaces the required report for participation in the Unlawful Detainer Pilot Program, Health and Safety Codes 11571.1 and Civil Code 3485. Please fill in all fields as completely as possible. When needed, please add additional sheets. If filing electronically, please format all additional pages in either Word or Excel.

This report must be submitted to the California Research Bureau no later than January 20th each year. You may submit this form electronically or as a hard copy. If you are submitting electronically, please email copies to: CRB@library.ca.gov. If submitting as a hard copy, please send to: California Research Bureau, 900 N Street, Suite 300, Sacramento, CA, 95814.

If you have questions about submitting or completing this form, please contact Rebecca Blanton at (916) 653-7522 or rblanton@crb.ca.gov.

REPORT YEAR:

CONTACT INFORMATION

NAME of person completing form:

PHONE number of person completing form:

AGENCY filing report:

AGENCY ADDRESS:
(where mail is received)

AGENCY PHONE NUMBER:

REPORT ON UD ISSUED FOR: WEAPONS DRUGS

On a separate sheet, formatted in *Word* or *Excel*, please provide the following information: (1) Name of tenant(s) at noticed address, (2) Age of each tenant, if known, (3) Full address, including ZIP code of noticed tenant(s), (4) Whether the person has previously received a notice pursuant to this section from the reporting city attorney or prosecutor, and if so, whether the tenant vacated or was evicted as a result, (5) Whether the noticed tenant has previously been arrested for any offense specified in Civil Code 3485, paragraph 1, subsection c.

This information may be obtained from the arrest record, landlord, or other sources.

For all cases where notices were issued AND cases were filed, please provide the following information:

| | |
|---|----------------------|
| Number of cases filed by owner upon notice: | <input type="text"/> |
| Number of assignments executed by owners to the city attorney: | <input type="text"/> |
| Number of assignment executed by owners to the city prosecutor: | <input type="text"/> |
| Number of 3-day notices issued by city attorney or prosecutor: | <input type="text"/> |
| Number of 30-day notices issued by city attorney or prosecutor: | <input type="text"/> |
| Number of 60-day notices issued by city attorney or prosecutor: | <input type="text"/> |
| Number of cases filed by the city attorney or city prosecutor: | <input type="text"/> |
| Number of times the owner was joined as a defendant: | <input type="text"/> |

Please provide the information based on the subtotal of cases filed by specified parties below:

| | Owner | City Attorney | City Prosecutor |
|---|-------|---------------|----------------------|
| Judgments ordering eviction | | | |
| Judgments ordering partial eviction | | | |
| Default judgment | | | |
| Stipulated judgment | | | |
| Judgment following trial | | | |
| Number of cases withdrawn | | | |
| Number of cases where tenant prevailed | | | |
| Number of other dispositions | | | |
| Number of defendant represented by counsel | | | |
| Number of court trials | | | |
| Number of jury trials | | | |
| Number of appeals filed | | | |
| Result of the appeal: | | | |
| Judgment upheld: | | | |
| Judgment overturned: | | | |
| Other, specify: | | | <input type="text"/> |
| Number of cases partial eviction was requested: | | | |
| Number of cases partial eviction was granted: | | | |

For the subtotal of cases where a notice was issued, but no case was filed, provide the following information:

Number of instances where the tenant voluntarily vacated subsequent to receiving notice:

Number of cases where tenant vacated prior to providing notice:

Number of cases where the notice was sent in error:

Please list the reason for each error:

Number of other resolutions:

Specify type of resolution(s):

I verify that this report has been completed to the best of our ability.

Signature of City Attorney:

Click "OK" to save the document and generate an email to CRB.

Appendix D: Comparative State-level Drug Abatement Programs

| STATE | OFFENSES THAT LEAD TO EVICTION | PARTY THAT MAY SUE TO EVICT TENANT | EVIDENCE REQUIRED FOR EVICTION | COMMENTS |
|-------|---|--|--------------------------------|---|
| CT | Selling controlled substances; Prostitution | City Housing Authority; Landlord | “preponderance of evidence” | Landlord allowed to evict if tenant arrested for selling drugs away from property |
| DC | Possession, selling, storing controlled substances; Possession of illegal firearm; Prostitution | U.S. Attorney for the District of Columbia; Corporation Council for the District of Columbia; A Community Based Organization (tax exempt status necessary); Landlord | “preponderance of evidence” | Tenant may not be evicted for a third party’s illegal action if they did not know about illegal action. |
| NC | Crimes involving a controlled substance | Landlord or landlord’s agent | “preponderance of evidence” | |
| OH | Any controlled substance offense | Landlord | “ample evidence” | Landlord can only evict if the lease/rental agreement has a “no drugs” clause |
| PA | Any controlled substance offense | Landlord | unclear | |
| WA | Any controlled substance offense | Landlord | “ample evidence” | |

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Appendix E: Summary Tables of Reported Data for 2010

The statutorily required data for 2010 from each pilot site appears below.

WEAPONS VIOLATIONS

California Statutes 2009-2010, Ch. 244: The city attorney and city prosecutor of each participating jurisdiction shall provide to the California Research Bureau the following information:

(g)(1)(A) Total number of notices filed:

Los Angeles **19**

Long Beach **9**

Sacramento **5**

(g)(1)(B)(i) Name and age, as provided by the landlord, of each person residing at the noticed address.

Los Angeles did not provide this information.

Long Beach provided this information. Please see Appendix F for a complete spreadsheet with this information.

Sacramento provided this information. Please see Appendix F for a complete spreadsheet with this information.

(g)(1)(B)(ii) Whether the person has previously received a notice pursuant to this section from the reporting city attorney or prosecutor, and if so, whether the tenant vacated or was evicted as a result.

Los Angeles did not provide this information.

Long Beach provided this information. Please see Appendix F for a complete spreadsheet with this information.

Sacramento provided this information. Please see Appendix F for a complete spreadsheet with this information.

(g)(1)(C) For the tenant receiving the notice, whether the tenant has previously been arrested (other than the arrest that is the basis for this notice) for any of the offenses specified in subdivision (c).

Los Angeles did not provide this information.

Long Beach did not provide this information.

Sacramento provided this information. Please see Appendix F for a complete spreadsheet with this information.

(g)(1)(D-H):

| | <i>Los Angeles</i> | <i>Long Beach</i> | <i>Sacramento</i> |
|---|--------------------|-------------------|-------------------|
| (D) Number of cases filed by an owner, upon notice. | 2 | 3 | 0 |
| (E) Number of assignments executed by owners to the city attorney or city prosecutor. | 1 | 1 | 1 |
| (F) Number of 3-, 30- and 60- day notices issued by the city attorney or city prosecutor. | 14 | 2 | 1 |
| (G) Number of cases filed by the city attorney or city prosecutor. | 1 | 1 | 0 |
| (H) Number of times that an owner is joined as a defendant pursuant to this section. | n/a | 0 | 0 |

(g)(1)(I)(i-vii) For the subtotal of cases filed by an owner, the city attorney, or the city prosecutor, the following information:

| | <i>Los Angeles</i> | <i>Long Beach</i> | <i>Sacramento</i> |
|---|--------------------------------|---------------------------------|-------------------|
| (i) Number of cases ordering an eviction or partial eviction and specifying if each was a default judgment, stipulated judgment, or judgment following trial. | 15 | 7 | N/A |
| (ii) The number of cases, listed by separate categories, in which the case was withdrawn or in which the tenant prevailed. | 0 | 0 | 0 |
| (iii) Whether the case was a trial by the court or a trial by jury. | 0 jury trials 1 court trial | 0 jury trials 0 court trials | N/A |
| (iv) whether an appeal was taken. | 0 | 0 | N/A |
| (v) the result of the appeal. | N/A | N/A | N/A |
| (vi) Number of cases where partial eviction was requested. | 0 | 0 | N/A |
| (vii) Number of cases in which the court ordered partial eviction. | 0 | 0 | N/A |

(g)(1)(J)(i-iv) For the subtotal of cases in which a notice was provided pursuant to subdivision (a), but no case was filed, the following information:

| | <i>Los Angeles</i> | <i>Long Beach</i> | <i>Sacramento</i> |
|--|--|-------------------|--|
| (i) The number of instances in which a tenant voluntarily vacated a unit subsequent to the providing of notice. | 10 | 5 | 2 |
| (ii) The number of instances in which a tenant voluntarily vacated a unit prior to the providing of notice. | 3 | 0 | 0 |
| (iii) The number of cases in which the notice provided pursuant to subdivision (a) was erroneously sent to the tenant. This shall include a list of reasons, if known, for the erroneously sent notice, such as reliance on information on the suspected violator's name or address that was incorrect, a clerical error, or any other reason. | 0 | 0 | 1 – Tenant was co-owner of the property and the law could not be applied. |
| (iv) The number of other resolutions, and specifying the type of resolution. | 2 – In both cases the rental agreement addendum was added. | 0 | 2 – In both cases eviction demand was withdrawn after further investigation. |

(g)(1)(K) For each case in which a notice was issued and the tenants either vacated the premises before a judgment in the unlawful detainer action or were evicted, the street address, city, and zip code of residence where the tenants relocated, to the extent known.

None of the reporting jurisdictions provided this information.

DRUG VIOLATIONS

California Statutes 2009-2010, Ch. 244: The city attorney and city prosecutor of each participating jurisdiction shall provide to the California Research Bureau the following information:

(g)(2)(A) Total number of notices filed:

Los Angeles **139**

Long Beach **64**

Sacramento **33**

(g)(2)(B)(i) Name and age, as provided by the landlord, of each person residing at the noticed address.

Los Angeles did not provide this information.

Long Beach provided this information. Please see Appendix F for a complete spreadsheet with this information.

Sacramento provided this information. Please see Appendix F for a complete spreadsheet with this information.

(g)(2)(B)(ii) Whether the person has previously received a notice pursuant to this section from the reporting city attorney or prosecutor, and if so, whether the tenant vacated or was evicted as a result.

Los Angeles did not provide this information.

Long Beach did not provide this information.

Sacramento provided this information. Please see Appendix F for a complete spreadsheet with this information.

(g)(2)(C) For the tenant receiving the notice, whether the tenant has previously been arrested (other than the arrest that is the basis for this notice) for any of the offenses specified in subdivision (c).

Los Angeles did not provide this information.

Long Beach did not provide this information.

Sacramento provided this information. Please see Appendix F for a complete spreadsheet with this information.

(g)(2)(D-H)

| | <i>Los Angeles</i> | <i>Long Beach</i> | <i>Sacramento</i> |
|---|--------------------|-------------------|-------------------|
| (D) Number of cases filed by an owner, upon notice. | 14 | 15 | 2 |
| (E) Number of assignments executed by owners to the city attorney or city prosecutor. | 2 | 9 | 3 |
| (F) Number of 3-, 30- and 60- day notices issued by the city attorney or city prosecutor. | 44 | 9 | 1 |
| (G) Number of cases filed by the city attorney or city prosecutor. | 2 | 9 | 1 |
| (H) Number of times that an owner is joined as a defendant pursuant to this section. | 1 | 9 | 0 |

(g)(2)(I)(i-vii) For the subtotal of cases filed by an owner, the city attorney, or the city prosecutor, the following information:

| | <i>Los Angeles</i> | <i>Long Beach</i> | <i>Sacramento</i> |
|---|--------------------------------|---------------------------------|-------------------|
| (i) Number of cases ordering an eviction or partial eviction and specifying if each was a default judgment, stipulated judgment, or judgment following trial. | 15 | 7 | N/A |
| (ii) The number of cases, listed by separate categories, in which the case was withdrawn or in which the tenant prevailed. | 0 | 0 | 0 |
| (iii) Whether the case was a trial by the court or trial by jury. | 0 jury trials 2 court trial | 0 jury trials 0 court trials | N/A |
| (iv) Whether an appeal was taken. | 0 | 0 | N/A |
| (v) The result of the appeal. | N/A | N/A | N/A |
| (vi) Number of cases where partial eviction was requested. | 0 | 0 | N/A |
| (vii) Number of cases in which the court ordered partial eviction. | 0 | 0 | N/A |

(g)(2)(J)(i-iv) For the subtotal of cases in which a notice was provided pursuant to subdivision (a), but no case was filed, the following information:

| | <i>Los Angeles</i> | <i>Long Beach</i> | <i>Sacramento</i> |
|--|---|---|-------------------|
| (i) The number of instances in which a tenant voluntarily vacated a unit subsequent to the providing of notice. | 30 | 26 | 4 |
| (ii) The number of instances in which a tenant voluntarily vacated a unit prior to the providing of notice. | 1 | N/A | N/A |
| (iii) The number of cases in which the notice provided pursuant to subdivision (a) was erroneously sent to the tenant. This shall include a list of reasons, if known, for the erroneously sent notice, such as reliance on information on the suspected violator's name or address that was incorrect, a clerical error, or any other reason. | 3- Arrestees provided false information | 3- 1 tenant was the property owner, 1 tenant was in prison, 1 tenant provided false information | 0 |
| (iv) The number of other resolutions, and specifying the type of resolution. | | | |

(g)(2)(K) For each case in which a notice was issued and the tenants either vacated the premises before a judgment in the unlawful detainer action or were evicted, the street address, city, and zip code of residence where the tenants relocated, to the extent known.

None of the reporting jurisdictions provided this information.

Appendix F: Data for (g)(1)(A)(i-iv) and (g)(1)(B)(i-iv)

| NAME | ADDRESS | AGE | PRIOR NOTICE? | RESOLUTION TO NOTICE? | PRIOR ARREST |
|---|--|--------|---------------|-----------------------|--------------|
| Nelcy Gonzalez | Long Beach | 26 | No | | |
| James Charles Nicholson | Long Beach | 41 | No | | |
| Miquel Angel Arroyo | Long Beach | 22 | No | | |
| Mark Leotsako, Burgess Richards, Donald Beasley | Long Beach | 46 | No | | |
| All Tenants | Long Beach | Unk | No | | |
| Josue Pierre | Long Beach | 25 | No | | |
| Gerald Turcotte, Alfred Baca | Long Beach | Unk | No | | |
| Eric David Hendrickson, Melissa Dawn LaMorie | Long Beach | Unk | No | | |
| Roy Young | Long Beach | 45 | No | | |
| Carneil Felix, Nonie Weaver, Darlene Weaver, Kendra Jones, Andre Dukes/Childs, ThDorothy Felix | 3554 Santa Cruz Way, Sacramento, CA | 95, 59 | No | | No |
| Louie Vongphasouk, Thavinh Chanhthathep, Vandy Phanthavong, Souvanh Vanghonne, Deb Bie Lee, Pheng Vongkhoun, Pany Vongphasouk | 1436 Nogales Street, Sacramento, CA | | No | | Yes |
| Tom Camper | 8271 Lake Forest Drive, Sacramento, CA | 44 | No | | Yes |
| Davon Martinez, Rebecca Milligan, Darryl Cook, Tabitha Milligan | 6752 Bodine Circle, Sacramento | 17 | No | | Yes |
| Cynthia Chapman, Len Lemon, Dana Kellam, Joe Gorsline | 719 Morrison Ave, Apt. C, Sacramento, CA | | No | | Yes |

| NAME | ADDRESS | AGE | PRIOR NOTICE? | RESOLUTION TO NOTICE? | PRIOR ARREST |
|--|--|------------|----------------------|------------------------------|---------------------|
| Robert Aragon | 3118 San Rafael Avenue, Sacramento, CA | | | | Yes |
| Louie Vongphasouk, Thavinh Chanhthathap, Vandy Phanthavong, Souvanh Vanghonne, Deb Bie Lee, Pheng Vongkhoune, Pany Vongphasouk | 1436 Nogales Street, Sacramento, CA | | No | | Yes |
| Alanna Galathe, Beeny Lee Ford, Jonathan Vernell Jones, Nikia Angelo Renfroe | 3318 20 th Avenue, Sacramento, CA | | No | | Yes |
| James Miller, Christina Jungwirth, Ashley Thomas | 3027 44 th Street, Sacramento, CA | | No | | Yes |
| Arthur Clemons | 4146 Broadway, Sacramento, CA | | No | | Yes |
| Henry Vega, Angela Vega | 2601 32 nd Street, Sacramento, CA | | No | | Yes |
| Daniel Page, Dwight Armstrong | 3610 43 rd Street, Apt. 4, Sacramento, CA | | No | | Yes |
| Dino Otto, George Olivera | 3617 34 th Street, Sacramento, CA | | No | | Yes |
| Sherry Adams, Mathew Remling, DeAngelo Clark, Shannon Provence | 3890 3 rd Avenue, Sacramento, CA | | No | | Yes |

| NAME | ADDRESS | AGE | PRIOR NOTICE? | RESOLUTION TO NOTICE? | PRIOR ARREST |
|---|--|------------|----------------------|------------------------------|---------------------|
| Rosario Obera | 4719 8 th Ave., Apt. B, Sacramento, CA | | No | | Yes |
| Barbara Jojola, Robert Sobb, Raynaldo Telez | 5501 48 th Street, Sacramento, CA | | No | | Yes |
| Gary Harris, Eric Johnson | 4126 38 th Street, Sacramento, CA | | No | | Yes |
| Robert Harvey | 7709 38 th Ave., Sacramento, CA | | No | | Yes |
| Susan Quiroz, Hue David Clark | 3621 44 th Street, Sacramento, CA | | No | | Yes |
| Ontrice Blackwell, Anthony Dixon | 2971 San Jose Way, Sacramento, CA | | No | | Yes |
| Kimberly Robbins, William Matthews Jr. | 3738 4 th Avenue, Apt.4, Sacramento, CA | | No | | Yes |
| Rodney Pearson, Kelly Long, Daniel Rivera and Larry Peltier | 5310 Bradford Drive, Sacramento, CA | | No | | Yes |
| Cynthia Romero, Angelo Backas | 4041 53 rd Street, Sacramento, CA | | No | | Yes |

| NAME | ADDRESS | AGE | PRIOR NOTICE? | RESOLUTION TO NOTICE? | PRIOR ARREST |
|---|---|------------|----------------------|------------------------------|---------------------|
| Steve Beebe, Linda Campbell, Jarrod Bathe, Karen Kost, Kenneth Nieto, Earl Miller, Anthonyu Torez, Gordon Troup, Danielle Quintilla, Christina Martinez, Ardeth Hurst | 4041 53 rd Street, Sacramento, CA | | No | | Yes |
| Lawrence Slaughter | 1185 Weber Way, Sacramento, CA | | No | | Yes |
| Brandon Bueno, Margaret Medina | 7724 38 th Street, Sacramento, CA | | No | | Yes |
| Levi Brown, Jeffrey Kelly | 5550 35 th Avenue, Sacramento, CA | | No | | No |
| Frederick Flint, William Flint, Cecilia Flint, Arianna Flint, Katrina Flint, Katina Parent, No Richard Parent | 3230 9 th Ave., Sacramento, CA | 15, 13, 9 | No | | Yes |
| Lawrence Martinez, Antonio Garcia, Isaac Martinez, Maria Garcia, Diana Phongviseth | 3404 24 th Avenue, Sacramento, CA | | No | | Yes |
| Eugene Warren, Dana Mendez, Kyren Johnson, Charles, Crowder | 4117 3 rd Avenue, Sacramento, CA | | No | | Yes |
| Josiah Biondo Roy Larrick | 200 Bicentennial Circle, #186, Sacramento, CA | | No | | Yes |
| Philip Lamont Smith, Niketa Taylor | 4144 7 th Ave., Sacramento, CA | | No | | Yes |

| NAME | ADDRESS | AGE | PRIOR NOTICE? | RESOLUTION TO NOTICE? | PRIOR ARREST |
|--|--|-----|---------------|-----------------------|--------------|
| Adolfo Mercado, Maximo Serrano, Reed Price, Edward Guerro, Mary Ames, Raul Mercado, David Messmer, Elena Herrera, Jesus Arrondo-Escull, Alberto Castillo, Ramiro Hernandez, Miquel Gomez, Jorge Martinez, Franklin Salvodore, Jesus Juarez-Parra | 322 12 th Street, Sacramento, CA | | No | | Yes |
| James Miller | 1412 27 th Street, Sacramento, CA | | No | | Yes |
| Thong Yang, Oua Vang, Jackelin Lopez, Neng Vang, Tu Nguyen, Eugene Lee, Noli Yasay, Anna Coleman | 7527 53 rd Avenue, Sacramento, CA | | No | | Yes |
| Britt Stull, Jeannette Pebbles | 593 Lelandhaven Way, Sacramento, CA | | No | | Yes |
| Veronica Madrid, Shawn Daveiga, Angelo Gallegos, David Gallegos | 730 Dixieanne Ave., #1, Sacramento, CA | | No | | |

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Appendix G: Statutorily Required Reporting Fields

| Drug Related Reporting Questions: | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|---|------|------|------|------|------|------|------|------|------|------|------|
| | | | | | | | | | | | |
| The number of notices provided pursuant to paragraph (1) of subdivision (a). | | | | | | | | | | | |
| The number of time that an owner, upon notice, files of fails to file an action following receipt of notice. | | | | | | | | | | | |
| The number of times an owner is joined as a defendant pursuant to this section. | | | | | | | | | | | |
| As to each case filed pursuant to this section, the following information: | | | | | | | | | | | |
| (i) the final disposition of the action. | | | | | | | | | | | |
| (ii) Whether the defendant was represented by counsel. | | | | | | | | | | | |
| (iii) Whether the case was a trial by the court or a trial by a jury. | | | | | | | | | | | |
| (iv) Whether an appeal was taken, and, if so, the result of the appeal. | | | | | | | | | | | |
| (v) Whether the court ordered a partial eviction. | | | | | | | | | | | |
| After judgment is entered in any proceeding brought under this section, the court shall submit to the Judicial Council, information on the case. That information shall include a brief summary of the facts of the case. | | | | | | | | | | | |
| The number of assignments executed by owners to the city attorney or city prosecutor. | | | | | | | | | | | |
| As to each case filed by an owner, the city attorney, or the city prosecutor, the following information: | | | | | | | | | | | |
| (i) The number of judgments (specify whether default, stipulated, or following trial). | | | | | | | | | | | |
| (ii) Number of other dispositions (specify disposition). | | | | | | | | | | | |
| (iii) The number of cases in which partial eviction was requested, and the number of cases in which the court ordered partial eviction. | | | | | | | | | | | |
| As to each case in which a notice was issued, but no case was filed, the following information: | | | | | | | | | | | |
| (i) The number of instances in which a tenant voluntarily vacated the unit. | | | | | | | | | | | |

| Drug Related Reporting Questions: | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|--|------|------|------|------|------|------|------|------|------|------|------|
| (ii) The number of instances in which the tenant vacated the unit prior to the providing of the notice. | | | | | | | | | | | |
| (iii) The number of other resolutions (specify resolution). | | | | | | | | | | | |
| The number of cases filed by an owner, upon notice. | | | | | | | | | | | |
| The number of three-day, 30-day, or 60-day notices issued by the city attorney or city prosecutor. | | | | | | | | | | | |
| The number of cases filed by the city attorney or city prosecutor. | | | | | | | | | | | |
| The number of defendants represented by counsel. | | | | | | | | | | | |
| The number of cases in which the notice pursuant to subdivision (a) was erroneously sent to the tenant. | | | | | | | | | | | |
| For each notice provided pursuant to paragraph (1) of subdivision (a), the following information: | | | | | | | | | | | |
| (i) The name and age, as provided by the landlord, of each person residing at the noticed address. | | | | | | | | | | | |
| (ii) Whether a person has previously received a notice pursuant to this section from the reporting city attorney or prosecutor, and if so, whether the tenant vacated or was evicted as a result. | | | | | | | | | | | |
| (iii) For the tenant receiving the notice, whether the tenant has previously been arrested (other than the arrest that is the basis of the notice) for any of the offenses specified in subdivision (C). | | | | | | | | | | | |

Appendix H: Letters from City Attorney's to Landlords For Properties Undergoing U.D. Actions

LOS ANGELES:

(310) 310-575-8500
FAX (310) 575-8499

Date

Name of property owner

Via First Class Regular Mail

Address

RE: **NOTIFICATION OF UNLAWFUL ACTIVITY IN VIOLATION OF CIVIL CODE
SECTION 3486 AND LOS ANGELES MUNICIPAL CODE SECTION 47.50**

Property Location:

Address of property where arrest took place

Involved Tenant:

Name of arrestee

Dear Property Owner:

Specific provisions of state and local law are intended to expedite the removal of individuals committing narcotics related crimes from neighborhoods. Within the Los Angeles City Attorney's Office Safe Neighborhoods Division, the VACATE (Violence and Crime Activated Tenant Eviction) Unit is assigned to pursue matters relating to rental properties where illegal controlled substances are involved.

Under Civil Code Section 3486, the City Attorney is authorized to bring an eviction action if the property owner fails to evict any person who is maintaining, committing or permitting the maintenance of a nuisance on the premises with respect to a controlled substance purpose. A "controlled substance purpose" is defined as: "the manufacture, cultivation, importation into the state, transportation, possession, possession for sale, sale, furnishing, administering, or giving away, or providing a place to use or fortification of a place involving, cocaine, phencyclidine, heroin, methamphetamine, or any other controlled substance," in violation of specified sections of the Health and Safety Code.

Moreover, Los Angeles Municipal Code ("LAMC") section 47.50, states that a landlord shall not cause or permit the premises to be used for any illegal drug activity or drug-related nuisance. Notwithstanding any provision of the Los Angeles Municipal

Code to the contrary, a landlord may bring an action to recover possession of a rental unit on these grounds.

You are hereby placed on notice that on **date** illegal drug activity occurred on the property located at **address of problem property**. Public records indicate that you are the owner of this property.

Los Angeles Police Department Records (LAPD) reflect that the following activity occurred on your Property:

SUMMARY OF ARREST

Officers recovered the following:

LIST OF EVIDENCE RECOVERED

Name of arrestee was arrested for a violation of **list violations**.

Please be advised that unless you take action to comply with the above listed code sections within 30 calendar days of the date of this notice, legal action may be taken against you.

PLEASE USE THE ATTACHED FORM(S) (Landlord's Response) TO INDICATE THE ACTION YOU HAVE TAKEN. THIS FORM MUST BE MAILED TO THE CITY ATTORNEY'S OFFICE WITHIN **30 CALENDAR DAYS** OF THE DATE OF THIS NOTICE. Please note that if the unit is rent stabilized, a form prescribed by the Rent Stabilization Department must be completed. Call (866) 557-RENT or (213) 808-8888 to obtain a copy of this form.

You may also provide a written explanation setting forth any safety-related reasons for noncompliance and agree to assign to the City Attorneys' Office the right to bring an unlawful detainer action against the tenant(s). Upon receipt of your written explanation, an assignment form may be provided to you, if the assignment is accepted by the City Attorneys' Office. Please be advised that you may be required to pay the City Attorney the costs of investigation, discovery and reasonable attorney fees in an amount not to exceed six hundred (600) dollars.

Please note that an owner who makes an assignment to bring an unlawful detainer action to the Los Angeles City Attorney's Office, retains all rights and duties in the property, including removal of the tenant's personal property following the court's issuance of a Writ of Possession. Additionally, under the Civil Code, the court may order a partial eviction, thereby allowing some tenants to remain in the unit.

If you fail to comply with the requirements of Civil Code Section 3486, the City Attorney may bring the eviction action and join you as a defendant. Moreover, under Los Angeles Municipal Code section 47.50, the City Attorney's Office is authorized to bring a civil action against you, including action to compel you, the property owner, to evict the tenant. Civil penalties of up to \$5,000 plus costs and attorneys' fees may be

imposed. Additionally, a violation of Los Angeles Municipal Code section 47.50 is a misdemeanor offense, punishable by a fine of up to \$1,000 and/or six months in jail.

This correspondence is intended to serve as official notice to you of the above-mentioned illegal activity occurring on this property. It may be entered as evidence in any legal proceeding that may follow. If you need assistance in securing the attendance of police witnesses at the unlawful detainer proceeding, or need further information regarding this matter, please contact **name of DCA**, Deputy City Attorney at **phone # of DCA**

A separate letter has been sent to the involved tenant at **Address of problem property** to advise the tenant of the illegal activity at the location and the requirements of state and local law. A copy of the letter is enclosed herein.

Sincerely,

NAME OF DCA
Deputy City Attorney
VACATE Unit

Enclosures

**LANDLORD'S RESPONSE
VACATE**

FAX OR MAIL THIS FORM TO:
Office of the Los Angeles City Attorney
Safe Neighborhood Division/VACATE UNIT
Attn: **Name of DCA**, Deputy City Attorney
1645 Corinth Avenue, Room 209
Los Angeles, California 90025
FAX (310) 575-8499

Property Location: **Address of Problem property**
Landlord: **Name of Property Owner**
Involved Tenant: **Name of arrestee**

Please be advised that the following action was taken to comply with your notice pursuant to Civil Code Section 3486 and Los Angeles Municipal Code section 47.50.

- A 3 day notice was served on _____ and if the tenant fails to leave, an unlawful detainer action will be filed on _____. A copy of the 3-Day notice is attached hereto and a conformed copy of the summons and complaint will be provided upon filing to the City Attorney.
- A 30 day notice was served on _____ and if the tenant fails to leave, an unlawful detainer action will be filed on _____. A copy of the notice is attached hereto and a conformed copy of the summons and complaint will be provided upon filing to the City Attorney.
- An unlawful detainer action was filed on _____ in _____ court and the case number is _____. A conformed copy of the summons and complaint is attached hereto.
- The tenant left voluntarily on _____ and the unit is vacant. (A Los Angeles Police Department officer will confirm vacancy.)
- The tenant left voluntarily on _____ and the unit has been re rented to _____. A copy of the new rental agreement is attached hereto.

Other (including mitigating circumstances)

ADDITIONAL INFORMATION:

The tenant(s) that occupy the subject unit are participants in the following Housing Authority section 8 program.

Certificate Program

Voucher Program

LANDLORD'S NAME (please print) and TELEPHONE NUMBER

Name: _____

Day: () _____

Evening: () _____

Mobile: () _____

SIGNATURE(S)

DATE

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Long Beach

May 13, 2011

Joyce and Stan Volk, Trustees
25727 Simpson Place
Calabasas, CA 91302-3155

RE: Notice of Illegal Controlled Substance Activity
Pursuant to California Civil Code Section 3486
Involving 526 Magnolia Avenue # 4, Long Beach, CA
90802

Dear Property Owner(s):

This letter is to inform you that on November 18, 2010, Long Beach Police served a search warrant at 526 Magnolia Avenue # 4, Long Beach, CA 90802. Inside, police discovered paraphernalia associated with illegal drug sales and quantities of marijuana. Tenant, occupant and resident Michael Smith was arrested for possession and sale of marijuana, in violation of Health and Safety Code Section 11359. (Long Beach Police Report No. 10-78367)

Public records indicate you are the owner of this property. Pursuant to California Civil Code Section 3486, the Office of the Long Beach City Attorney hereby requires that **you** serve a 3-day notice to quit and thereafter file a court action within **30 calendar days** from the date of this letter for an illegal purpose eviction, pursuant to California Code of Civil Procedure section 1161, Subdivision 4, in the event the tenant(s)/occupant(s)/resident(s) fail to vacate.

Pursuant to Civil Code Section 3486, a “controlled substance purpose” means the manufacture, cultivation, importation into the state, transportation, possession, possession for sale, sale, furnishing, administering, or giving away, or providing a place to use or fortification of a place involving cocaine, phencyclidine, heroin, methamphetamine, or any other controlled substance, in violation of subdivision (a) of Section 11350, Section 11351, 11351.5, 11352 or 11359, Subdivision (a) of Section 11360, or Section 11366, 11366.6, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, or 11383 of the Calif. Health & Safety Code.

Please complete, sign and date the attached landlord's response and return it to the Office of the Long Beach City Attorney, located at 333 West Ocean Boulevard, 11th floor, Long Beach, California 90802, within **30 calendar days** from the date of this notice.

If a property owner, or his or her agent, has safety-related reasons for not bringing eviction proceedings (unlawful detainer), the City Attorney will consider, pursuant to the provisions of California Civil Code Sections 3486(a)(1)(D)-(F), bringing the unlawful detainer action on the owner's/agent's behalf. In such case, the owner/agent must assign his/her right to file the unlawful detainer action to the City Attorney. If you are applying for an assignment of the unlawful detainer action, indicate this on the enclosed Landlord's Response form, provide any and all safety-related reasons for the assignment request, sign and return the enclosed form entitled Assignment of Unlawful Detainer Action, and also provide a copy of the applicable rental/lease agreement to the City Attorney identifying all tenants in possession.

Every owner assigning the right to bring an unlawful detainer action retains all property rights and duties, including removal of personal property following eviction. Please be advised that pursuant to Calif. Civil Code Section 3486(b), a court may order a partial eviction.

Upon assignment of an unlawful detainer action, you will be responsible for reasonable attorney fees, discovery costs, and investigation costs incurred by the City in an amount not to exceed \$600.00 per eviction.

If you fail to comply with these requirements, the City Attorney is statutorily authorized to bring an unlawful detainer action against the tenants and join you as a defendant. In such case, you will be responsible for reasonable attorney fees and costs.

A letter was also sent to the tenant(s)/occupant(s)/resident(s) advising them of the illegal activity and requirements provided in Civil Code Section 3486. If you need assistance in securing the attendance of police witnesses for and unlawful detainer proceeding, please contact Deputy City Attorney Kendra Carney, at (562) 570-2200.

ROBERT E. SHANNON
CITY ATTORNEY

/s/

By: KENDRA CARNEY
Deputy City Attorney

LANDLORD'S RESPONSE

(Civil Code § 3486)

MAIL THIS FORM TO:

OFFICE OF THE LONG BEACH CITY ATTORNEY

333 West Ocean Boulevard, 11th Floor
Long Beach, California 90802
Attention: Kendra Carney

RE: 526 Magnolia Avenue # 4, Long Beach, CA 90802
Owner(s): Joyce and Stan Volk, Trustees
25727 Simpson Place, Calabasas, CA 91302-3155
Involved Tenants: Michael Smith and all other Tenants, Occupants and/or
Residents

Please be advised that the following action was taken in order to comply with your notice sent pursuant to California Civil Code Section 3486:

- Due to the existence of a public nuisance, a 3 Day Notice to Quit was served on _____, and if said tenant(s) fail to leave, an unlawful detainer action will be filed on _____. A copy of the 3 Day Notice is attached hereto and a conformed copy of the Summons and Complaint will be provided to the City Attorney upon filing.
- An unlawful detainer action was filed on _____ in _____ court, and the case number is _____. A conformed copy of the Summons and Complaint is attached hereto.
- The tenant(s) left voluntarily on _____ and the unit is vacant. Law enforcement officers and/or investigators from the City Attorney's Office have my permission to confirm this vacancy.
- The tenant(s) left voluntarily on _____, and the unit was re-rented to _____. A copy of the new rental agreement is attached hereto.
- Other (mitigating circumstances for non-compliance.)

- The tenant(s) that occupy the subject property are participants in the Housing Authority Section 8 Program.

Page 1 of 3

APPLICATION FOR ASSIGNMENT OF UNLAWFUL DETAINER ACTION

- I request that the City Attorney consider an assignment of the right to bring an unlawful detainer action in this case for the following reasons (and understand that if an assignment is made, I will be responsible for attorneys' fees, discovery costs, and investigation costs incurred by the City). I have included a copy of the rental/lease agreement that shows all tenants in possession:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

OWNER/LANDLORD'S NAME (please print) and TELEPHONE NUMBER:

Name: _____

Day: (_____) _____

Eve: () _____
—

Pager/Cell:() _____

SIGNATURE(S)

DATE:

| | |
|-------|-------|
| _____ | _____ |
| — | |
| _____ | _____ |
| — | |

ASSIGNMENT OF UNLAWFUL DETAINER ACTION

California Civil Code § 3486(b)

I/We _____ as fee owner and landlord of the real property located at _____, in the City of Long Beach, County of Los Angeles, State of California, do hereby assign to the Office of the Long Beach City Attorney the right to bring an unlawful detainer action, pursuant to California Civil Code §§ 3486 and 3485, for the purposes of obtaining a Writ of Possession ordering the present tenants of the above-referenced address, to wit (names of tenants): _____ to move from and surrender the above-described premises to me. I/We understand that in lieu of a Writ of Possession, the court may issue a Partial Eviction Order, pursuant to Civil Code §§ 3486(b) and/or 3485(b).

I/We agree to cooperate with the Long Beach City Attorney's Office in the preparation and completion of the unlawful detainer action. I/We will provide the City Attorney's Office with all necessary information to draft an unlawful detainer complaint and proceed with the case. If requested, I/we will appear and testify at any scheduled court hearings. The Long Beach City Attorney is authorized to negotiate the date the Writ of Possession is to be issued.

I/We will be responsible for the costs of investigation, discovery, and reasonable attorneys' fees, up to a maximum of six hundred dollars (\$600.00). I/We will also be responsible for the law enforcement fees for service of the Writ of Possession and all issues and costs concerning the removal and storage of the tenant(s)' personal property. I/We understand that the City Attorney will not negotiate nor try to collect any past rents. Further, it shall be my/our responsibility to pursue the tenant(s) for the recovery of any amounts owed to me/us because of damage to the premises due to the tenant(s)' negligence or intentional acts.

I/We hereby waive the written 30-day notice required under California Civil Code §§ 3486(a) and 3485(a), advising me/us of the illegal drug and weapons/ammunition activity on the property. I/We have read and understand the foregoing, agree to its terms, and do so voluntarily.

Signature: _____

Date: _____

Signature: _____

Date: _____

Signature: _____

Date: _____

SACRAMENTO

NOTICE OF UNLAWFUL DETAINER PROCEEDING - LANDLORD

California Civil Code Section 3485

TO: [NAME OF LANDLORD/OWNER] AND ALL PERSONS CLAIMING ANY PROPERTY RIGHT, TITLE OR LEGAL INTEREST IN THE PROPERTY LOCATED AT 719 MORRISON AVENUE, APT. C

On _____, 2008, at the above address, the Sacramento Police Department observed [NAME OF OFFENDER] engaging in illegal conduct involving an "unlawful weapons or ammunition purpose". More specifically, the offenses committed consisted of, among others: possessing and/or armed with a concealed firearm; a felon in possession of a firearm and/or ammunition; and possession of a stolen firearm. The Sacramento Police Department documented the incident and a copy of the law enforcement report that will serve as the basis for the unlawful detainer ("eviction") proceeding is enclosed.

California law authorizes the Sacramento City Attorney ("City Attorney") to file an eviction action against any person for causing a nuisance on the rental property by his or her illegal weapons or ammunition activities, including allowing the premises to be used for that illegal purpose. The City Attorney must first give 30 calendar days of written notice to the landlord and the offending tenant(s). This notice is designed to give the landlord the first opportunity to file an eviction action.

NOTICE IS HEREBY GIVEN that the City Attorney demands that you, as the landlord/owner of the property, take the necessary steps to file an eviction action for the removal of [NAME OF OFFENDER, SPECIFIED TENANTS or all TENANTS] ["Tenant(s)"] from the above address.

No later than 30 days from the date of personal service or mailing of this Notice you must submit evidence or proof that you are taking the necessary steps to remove and/or evict the Tenant(s). If you feel that you have legitimate safety-related reasons that prevent you from complying with this demand, you must submit a written explanation **AND** submit a properly filled out Notice of Assignment (enclosed), no later than 30 days from the of date personal service or of mailing of this Notice.

Be advised that if you assign your right to the City Attorney to file an eviction action against your Tenant(s) you will be personally responsible for up to six hundred dollars (\$600) for costs of investigation, discovery, and reasonable attorney's fees.

If you fail to pursue a filed eviction action diligently and in good faith, the City Attorney will, upon the expiration of the 30 day notice period, file the eviction action and join you as a defendant. If the City Attorney prevails and an eviction order is entered you may personally be responsible for all the costs and attorney's fees incurred in the action. If you fail to pay the costs owing to the City Attorney a lien shall be recorded on your property.

All notices and correspondence related to the demands above must be delivered to the attention of:

**Office of the Sacramento City Attorney
Susan E. Hayes, Deputy City Attorney
P.O. Box 1948
Sacramento, CA 95812-1948**

If you no longer own or have a legal interest in the above mentioned real property please submit copies of any relevant sale and/or transfer documents.

You will receive no further Notice.

DATE: [DATE NOTICE SENT]

EILEEN M. TEICHERT
City Attorney

SUSAN E. HAYES
Deputy City Attorney

Enc.: Police report
Notice of Assignment
Copy of Notice to Tenant (English) w/enclosure
CC w/enc.: Tenant(s)/Occupants

Appendix I: Works Cited

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