

1. Summary

Project Title: Blight & Nuisance Crime Project in Duluth

Scanning: In 2009, two of the six police patrol zones in Duluth experienced the greatest increase in Part II crimes compared to the other zones. They had 46% of all vandalisms, 51% of narcotics, 58% of other sex crimes, 51% of other assaults and 61% of all disturbances. Crime prevention rated lowest for satisfaction within Duluth's "public safety services" in the 2009 National Citizens Survey. Surveys completed by 535 residents showed 41% felt somewhat safe from property crime and 7% reported being the victim of one or more crimes in the last year. Blight and nuisance crimes were on the increase.

Analysis: Chronic offenders were recommitting the same crime multiple times while awaiting trial or ordered to pay a fine they could not afford and were released. Attorneys had little or no time to communicate with arresting officers. Judges had little or no knowledge of repeat offender's records. There was little or no assistance for indigent support after a perpetrator was released. A majority of offenders suffered from dual mental health/chemical/alcohol dependency issues.

Response: We created a collaborative project between the City's Police Department and Attorney's Office to address the quality of life/blight & nuisance crimes plaguing the two patrol zones. The project assigned a full time Community Police Officer to deal with law enforcement, a full time City Attorney to coordinate judicial issues and part-time clerical support to address the issues associated with nuisance crimes and blight in the two targeted patrol zones. Establishing a Community Intervention Court allowed for a set times and dates to deal with chronic offenders of nuisance crimes. Establishing a Community Intervention Group and court docket allowed multiple community agencies a chance to provide collaborative problem solving for chronic offenders.

Assessment: The Blight and Nuisance Crime Project succeeded in improving the sharing of information about chronic offenders between prosecutors, judges and the police thereby improving the criminal justice system. The Community Intervention Group helped designate and locate resources for indigent and chronic perpetrators of nuisance crimes allowing them access to resources that could help initiate reparations of their past. The 2011 National Citizen Survey showed a 2 % improvement in how safe citizens felt in the downtown area during the day and a 13% improvement in sense of safety citizens felt in downtown area after dark as compared to the 2009 Citizens Survey.

2. Description

A. SCANNING

The Blight and Nuisance Crime Project was initiated as a result of a 2009 Recovery Act: Byrne Justice Assistance Grant award. The grant funded three new positions in the City of Duluth: a City Attorney, Community Police Officer (CO), and a part-time Clerical Assistant. The goal of the project was to reduce blighted properties and nuisance crime in two of the City's six policing districts; one of these districts included downtown Duluth. These two districts report most of the principle battles with nuisance crimes and were therefore chosen as our primary target areas. Furthermore, the City of Duluth conducted a "citizen safety survey" of over 500 residents which indicated that a significant percentage of citizens felt that the downtown area of Duluth was unsafe. The public's sense of "lack of safety" caught the attention of the Police Department and prompted an investigation into the reasons behind their sense of feeling unsafe in the downtown area.

We recognized that we had significant numbers of nuisance type crimes, especially in the downtown target area. Nuisance crimes included offenses such a disorderly conduct, drinking alcohol in public, urinating in public, disturbances, as well as other quality of life issues such as intoxicated people. These individuals were unconscious or appeared so intoxicated that they required police attention. According to the "Broken Window Theory"* , studies have shown that enforcing nuisance crime reduction can lead to a reduction in more serious crimes.

B. ANALYSIS

One of the first things discovered was that many of the nuisance crime type behaviors were caused by a relatively small group of people we call chronic offenders. Chronic offenders were having multiple police contacts every month. Sometimes they were cited or arrested for their behavior, and even more often, they were simply warned. Despite the outcome of their encounter with the police, their behaviors continued month after month and upon closer investigation, year after year.

Examining chronic offender behavior even further we found that many of them have mental health problems to varying degrees, have chemical dependency problems, and are often homeless. To further complicate the problem, we found that if the offenders were charged with an offense, it was usually a misdemeanor, petty misdemeanor, or city ordinance. In Minnesota, misdemeanors are punishable by (90) days in jail and/or at maximum a \$1,000 fine. Petty misdemeanors are punishable by up to a \$300 fine with no jail time. Duluth city ordinances are punishable by a maximum fine of \$1,000. After stopping the immediate behavior reported or witnessed by the police officer, the offender would typically simply repeat the behavior time after time.

The typical charging cycle for a chronic offender was 1) a citation is issued by officers 2) the offender would not pay the fine or fail to appear in court 3) a warrant was issued by the court 4) the offender would be arrested and jailed on that minor warrant 5) the offender would be brought to court the next morning and plead guilty with a time served sentence 6) be released with a conviction. Many of the chronic offenders seemed to accept this process and appear quite comfortable with it. In the event an

offender went to court and fines were imposed, often times the chronic offender had no or very little money with which to pay the fines. (Figure 1: Nuisance Crime Charging Cycle without Community Intervention Group)

Many times when cases did go to court, the City Attorney's would reduce misdemeanor offenses to city ordinances where the only consequence was a fine. As mentioned earlier a fine had little effect on the offender since they had no means with which to pay. In reality the chronic offenders had little motivation to change their behavior hence their nuisance behaviors continued. The City Attorney's Office had little knowledge of the enormity of problems caused by chronic offenders due to the high volume of people in our criminal justice system.

Police Officers were aware of the recidivism issue and consistently saw no action taken. They often became complacent in their charging of chronic alcohol users for nuisance crimes. Officer's familiar with the target areas developed the mindset that it was no use charging nuisance crimes since there was essentially no consequence for the offender. Between the lack of consequence, police not charging nuisance crimes, and the offenders' mental and chemical dependency issues, chronic offender's nuisance crime behavior continued unchecked.

We quantified the problem of chronic offenders by tracking the number of police contacts per month. Contacts versus charges were chosen because contacts were found to be better measure of the amount of time Officers were spending with the offenders. As discussed, Officers would sometimes give legitimate warnings and were often not writing citations for offenses. Sometimes no charges were appropriate, such

as people found passed out due to intoxication. Tracking the number of contacts became a more accurate measure than tracking the actual number of charges.

The Blight and Nuisance Crime Project brought a significantly closer liaison between the City Attorney's Office and the Duluth Police Department since there was now a Community Police Officer and a City Attorney exclusively appointed with nuisance crime reduction. The Community Officer (CO) and Attorney took a closer look at the chronic offender issue and began to track official contacts very closely. Both the CO and the Attorney were able to share each other's perspective on the chronic offender dilemma and concur on strategies to address the issues facing the criminal justice system.

C. RESPONSE

One of the first strategies implemented was to encourage Police Officers to charge misdemeanors versus city ordinances. This allowed the City Attorney's Office to ask the court for up to (90) days of jail time for convictions. Now, instead of chronic offenders going through the cycle and being released with a time served sentence of one or two days, the Attorney was asking the courts for significantly longer sentences. The offenders did notice the implementation of the longer sentences. In fact, when one of the chronic offenders was notified of the longer sentence he became upset and said "No, I want what I always get."

The Attorney was able to justify these longer sentences to the courts by giving the courts details on the inordinate number of problems they were causing in the community. This information was only able to be gathered from members of the

community because of the close working relationship the CO had worked at creating in the target area. Our Community Officers work diligently with citizens and businesses in the area. They regularly work foot patrol, bike patrol, and attend community meetings. At times the Attorney would also attend these community meetings and patrol with the CO. The Attorney and CO were able to “carry the message” directly from the community and communicate these issues to the courts about the problems caused by chronic nuisance crime offenders. Over time the chronic offenders saw that their cycle of nuisance crime was being cut short as they were now often getting longer sentences in jail and they did not like it.

Many of the sentences were for “stayed time” and the offenders were placed on “court probation”. Lower level crimes such as nuisance crimes often do not have Probation Officers assigned to them forcing Attorneys to function as the Probation Officers. In the past, any “stayed time” was usually overlooked and offenders rarely had their court probation revoked. Now with an Attorney focusing more on chronic offenders, if the offender’s court probation was being violated, they were starting to serve longer jail sentences. Still these jail sentences were relatively short, usually 10-90 days; however this was significantly longer than the one or two days offenders historically received. Slowly offenders were seeing that they were being held more accountable for their chronic behaviors.

The three big issues impeding progress for changing chronic offender behavior are homelessness, chemical dependency, and mental health disorders. These issues had to be addressed if changes in behavior were to occur. Experience has taught all of us

working in the criminal justice system that jail is not always the cure all for violations of the law. Chemical dependency or mental health disorders cannot be cured simply by incarceration. We have chosen to use the designation “client(s)” and/or “offender” similarly referred to by community organizations who serve these individuals. Since our approach is not purely prosecutorial and seeks cooperation and collaboration we refrain from the term “defendant.” With the cooperation and collaboration of community organizations and businesses we established a Community Prosecution Team to effectively address the issues of chronic nuisance crime offenders, taking into consideration the support systems they needed in place to be successful in changing their behavior.

Homelessness: The first person/community organization the Community Prosecution Team partnered with was a homelessness outreach worker from Churches United in Ministry (CHUM). The outreach worker was closely aligned with the homeless community. She worked with homeless clients to acquire housing vouchers, find apartments and even arranged transportation to court and other appointments for them. She was also an informal advocate for the people we would be focusing on. The outreach worker came to be a key member of our group, which was eventually named the Community Intervention Group (CIG). The CO worked very closely with the outreach worker to communicate with clients. Often clients would be very reticent when speaking with police officers. The outreach worker essentially became a liaison between the clients and the Community Police Officer. The communication between many members of CIG evolved to daily contact with the CO, often multiple times per day. Clients would start to become nuisances in the community and the CO would let

the outreach worker know about the client's behavior and the potential consequences. She could then counsel them about their choices which would often be revocation of court probation thus, jail time or making a positive change in behavior.

Chemical Dependency: CIG's next step was to communicate with the staff from the Center for Alcohol and Drug Treatment (CADT), better known as DETOX. At first, we thought our goal could be to reduce the number of detox visits but after some discussion it was determined that Detox was a preferable solution over jail when appropriate. Every time a person was in Detox it gave the staff another opportunity to build relationships and work to convince individuals to seek help and make changes. Soon CIG would be enlisting assistance from Detox staff to provide Rule 25 (chemical dependency evaluation) assessments, input for client treatment options and treatment bed availability status.

Mental Health Disorders & More: With these relationships working so well, we decided to think bigger. CIG was expanded to include staff from the following agencies:
Human Development Center (HDC) works with clients to address mental health issues.
St. Louis County Social Services addresses funding for treatment, assigns payees for individuals and signs up clients for government benefits
San Marco provides supportive housing for chronic alcoholics
Hospital Emergency Department nurses (Figure 2 CIG Agencies)

With the appropriate privacy releases in place, we met once monthly to discuss the individuals having the most difficulties in the community with nuisance crimes or contacts within the criminal justice system. We discuss which agencies are currently

working with or will make contact with the client. We discuss potential avenues for assistance. We ask the questions, "Is anyone working with this person?", "do they qualify for services?", "what help is available?" (Figure 3 is CIG Process)

Pre-Emptive Aid: The CO shares the number of contacts people are having with them on a monthly basis. By looking at the monthly statistics we found that CIG was becoming proactive as people's behavior was worsening. For example, person X may suddenly have (15) police contacts in a month, putting them near the top of the list. Often times members of CIG could point to a reason a person was having problems, such as sudden homelessness, refusal to take medications, or relationship problems. CIG members then engaged that client and gave them extra attention to help solve their problems which most of the time resolved the increase in the number of police contacts. With all of the agencies at the table an intervention effort could be attempted to ward off a complete downward spiral of chronic nuisance behavior. Still other times the police contacts would show that a new person was in town causing problems. CIG members, mainly the outreach worker, would try to make contact with this person, creating a working relationship with them on a level that would have challenged even the finest Community Police Officer. The outreach worker became the co-quarterback on the team.

We found that we were identifying problem people before they could become chronic offenders. A typical situation would be; person X had the most police contacts for the month, CIG is engaged, and within a month or two person X may still be having some police contact, but not at the crisis level they were having when first identified.

Jail time is always the last resort to change behavior. Instead CIG favored chemical dependency or mental health treatment, either inpatient or outpatient. This approach was a win/win situation for all involved: the outreach worker used the “threat” of jail time to motivate clients to work with their programs, the client received much needed treatment or other type of assistance, the police and Attorney did not have to take up valuable court time dealing with the client in court; the jail didn’t have to give up valuable jail beds; most importantly, the client received help from the appropriate social agency that they desperately needed, and the community saw a decrease in nuisance crimes from these clients.

Community Intervention Court The Community Officer and City Attorney felt they had identified and invited the critical agencies to deal with the social issues facing the clients but the legal issues still loomed large. Clients with numerous files created a chaotic jumble of court appearances. One person with (26) open files could have (26) separately scheduled arraignments and (26) separately scheduled pre-trials. When one of the judges heard about the work we were doing she asked if there was something the Court could do to help. We answered a resounding YES! Two recurring barriers were 1) the problem of scheduling multiple files and 2) the time it took to file a probation violation and get the offender into court. The time between filing a violation and receiving a court date could easily exceed four weeks. With the help of the judge and the court we scheduled a special “Nuisance Crime” docket day and time. Two Wednesday dockets a month were set aside for chronic nuisance crime offenders with the most files and probation violations. This made scheduling immensely more manageable for all parties involved. These established court appearances affected the

schedules of the judge, court reporter, clerk, prosecutor, defense attorney and of course the offender. This pre-established court date and time made it possible for a larger number of agency advocates to attend the court hearings because they could schedule them into their monthly work calendar. We christened the pre-established nuisance crimes court dates and times *Community Intervention Court*.

D. ASSESSMENT

Although we make great efforts at directing people to the resources they need we are not a sanctioned specialty court with a “team decision making model.” Resolutions of the legal issues are addressed in the traditional forum. One of the strategies we have used is encouraging offenders to participate in an appropriate treatment plan with the assurance that effort on their behalf will benefit them in resolving their cases. A surprising result of this strategy has been the increased number of offenders who attend treatment or counseling voluntarily prior to any conviction or court order.

While offenders are going through treatment we schedule them to come back to court every other week to check in and report on their progress. In this way we are similar to problem solving courts. All parties present including the judge offer support for their continued success. Inquiries are made as to what needs they may have that are not being met. Sometimes assistance with paperwork or scheduling can be a hurdle. The agency advocates, in particular the homeless outreach worker, are invaluable in helping meet the basic needs of the chronic offenders.

It is usually after treatment has been successfully completed and offenders have demonstrated some progress that we start the process of resolving cases. For these offenders the best tool we have is probationary time to encourage completion of treatment. The Attorney requests consecutive sentences where possible with the time stayed for court probation. This is unsupervised probation. The Attorney is responsible for filing any violations of conditions of probation against the offender. This probation does not require the service of a formal Probation Officer nor does the offender incur probation costs. If the offender begins to falter by having police contacts or admission to detox, documented through police calls, it is up to the Attorney to file a violation of probation with the court requesting the offender be summoned to court on the next slated docket. Now with a designated docket and an assigned judge what once could take many weeks now takes mere days. Nor is the issuance of notice a problem as we have a CO to personally serve the summons. (Figure 3 CIG Process)

What does this all mean? The formation of the Community Intervention Group (CIG) has resulted in a closer working liaison between the Police Department, City Attorney's Office, and numerous other agencies within the community. The CO found that many of the chronic offenders were clients of these community agencies. By working closely with these community agencies the Community Police Officers could more effectively and efficiently positively engage chronic offenders and potential chronic offenders. CIG has allowed the police to become proactive with nuisance behavior making the community a better place to live and to do business. CIG continues to evolve and grow and is by no means a perfect system; however it gives the City of Duluth a model to address chronic offenders. Community Intervention Group by its name makes nuisance

behavior a community problem instead of merely a police problem. Intervention by the whole community has created some impressive results and the success of the group is truly a community effort.

CIG's success does not always develop quickly. Several of the clients/offenders do well for months and then run into problems causing their police contact numbers to soar. The Community Officer can quickly identify this trend, communicate with CIG, and re-engage the client. This prevents the problem from getting out of control and often results in a quick and satisfactory resolution.

More examples of the benefits of the increased collaboration between the City of Duluth Attorney's Office, Duluth Police Department, and CIG

Offender AMB - The Duluth Police Department received numerous calls referencing one individual. Businesses reported that a person was in their business for usually an hour or more talking to customers, having disjointed conversations and would not leave willingly. He had received numerous citations for trespassing. Each call in itself was not that unusual however one of the community officers noticed the number of calls were similar and inquired deeper into the calls. He spoke with the business owners and some of the customers who had been bothered by the behavior. The CO initiated contact with the offender and his investigation led him to believe that this person was suffering from untreated mental illness. He called the Attorney with the question "What documentation is required for a Rule 20 psychological/mental competency exam?" Shortly thereafter, the CO provided the documentation to the Attorney. At the offender's court hearing the

Attorney made the initial request and the court ordered the offender to submit to a Rule 20 exam. He was found to be incompetent with recommendations for treatment.

Following the usual procedures this would never have happened. Because this person for the most part appeared well functioning he may have moved through the legal system accumulating criminal charges but not receiving help for his underlying problem. It was the repeated contact with the same Community Officer that offered a glimpse into the life this person was suffering through. In this instance the CO was aware of the work that was being done with the CIG approach and took extra steps to seek a solution to the underlying problem rather than just passing it on. (Figure 4 shows the escalation in police contacts then the significant decrease after community intervention.)

Offender DAS - A woman in her 40's was the source of 160 calls for service in in about four years. Calls ranged from disturbing the neighbors, disorderly conduct, or to simply calling 911 to ask questions or voice fears. She suffered from mental health issues and was a heavy drinker. She often had to be taken to Detox. She was at an extreme risk of being evicted due to her behavior. We brought the matter to the CIG team to gather information about the women to determine which services had been utilized for her. Then we advised the officers who responded to her calls to write her tickets using the state statute every time instead of the city code. Eventually, due to her failures to appear in court she was arrested on a warrant. Once she was in jail we notified the social worker from CHUM and asked her to speak with the woman. Our goal was get her to treatment using the criminal charges as leverage. When she appeared in court

the Attorney made sure to first address her concerns about her pet and apartment. The Attorney told her and the court that if she agreed to treatment she could be released directly to a treatment program. If not, the court would order bail and she may have to remain in jail. She agreed to treatment. The social worker drove her to treatment the day she was released. The woman called the Attorney that very morning to thank everyone for helping her. She was eventually transitioned to a longer more structured treatment program and eventually was able to live independently again. She had far fewer police contacts making her neighbors happy and freeing up valuable police resources. (Figure 5 shows the difference in police contacts pre and post CIG intervention.)

Offender MDJ - This man has a long history of chronic alcoholic abuse. He had amassed (66) court files since 2008 and 199 police contacts. He had (17) court files in 2010 alone. He was one of the first offenders to be scheduled into our Community Intervention Court calendar. He came to court weekly at first while participating in outpatient treatment. After a few bumps in the road it was determined that inpatient treatment was required and he was transition into another program. He had great success with inpatient treatment this time around. He continued coming to court for his “review hearings”. He reported on how he was progressing and was given the opportunity to voice any concerns or questions he had. (Figure 6 shows MDJ’s police contacts and demonstrates that the CIG process is not always easy.) At one of his review hearings the group celebrated a birthday and the sobriety of three of the offenders. MDJ had (50) days of sobriety and two others had (90) and (30) days of sobriety. These three individuals had the largest numbers of cases for the year. To have

all three of them sober at the same time was a milestone in this community. MDJ also presented the Judge with a framed poem that he wrote while in treatment. There have been a few relapses along the way but we all understand the arduous path of sobriety and have continued to encourage these folks on their sobriety journey.

3. Agency & Officer Information

- *Key Project Team Members:*
David Drozdowski, Community Police Officer, Duluth PD
Theresa Neo, City of Duluth Attorney
Court & Community Intervention Group
Sally Tarnowski, 6th Judicial District Court Judge
Dan Lew, Public Defender
Daniel Peterson, Human Development Center, Patient Advocate
Deb Holman, CHUM, Homeless Shelter Advocate
Laurie Hull, DETOX Nurse
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Works Cited

*Kelling, George L., and Catherine M. Coles. *Fixing Broken Windows*.
Martin Kessler Books, 1996

**National Research Center Inc., *The National Citizen Survey: City of Duluth, MN 2011*
International City/County Management Association

**Figure 1: Endless Cycle of Nuisance Crime without
Community Intervention Group**

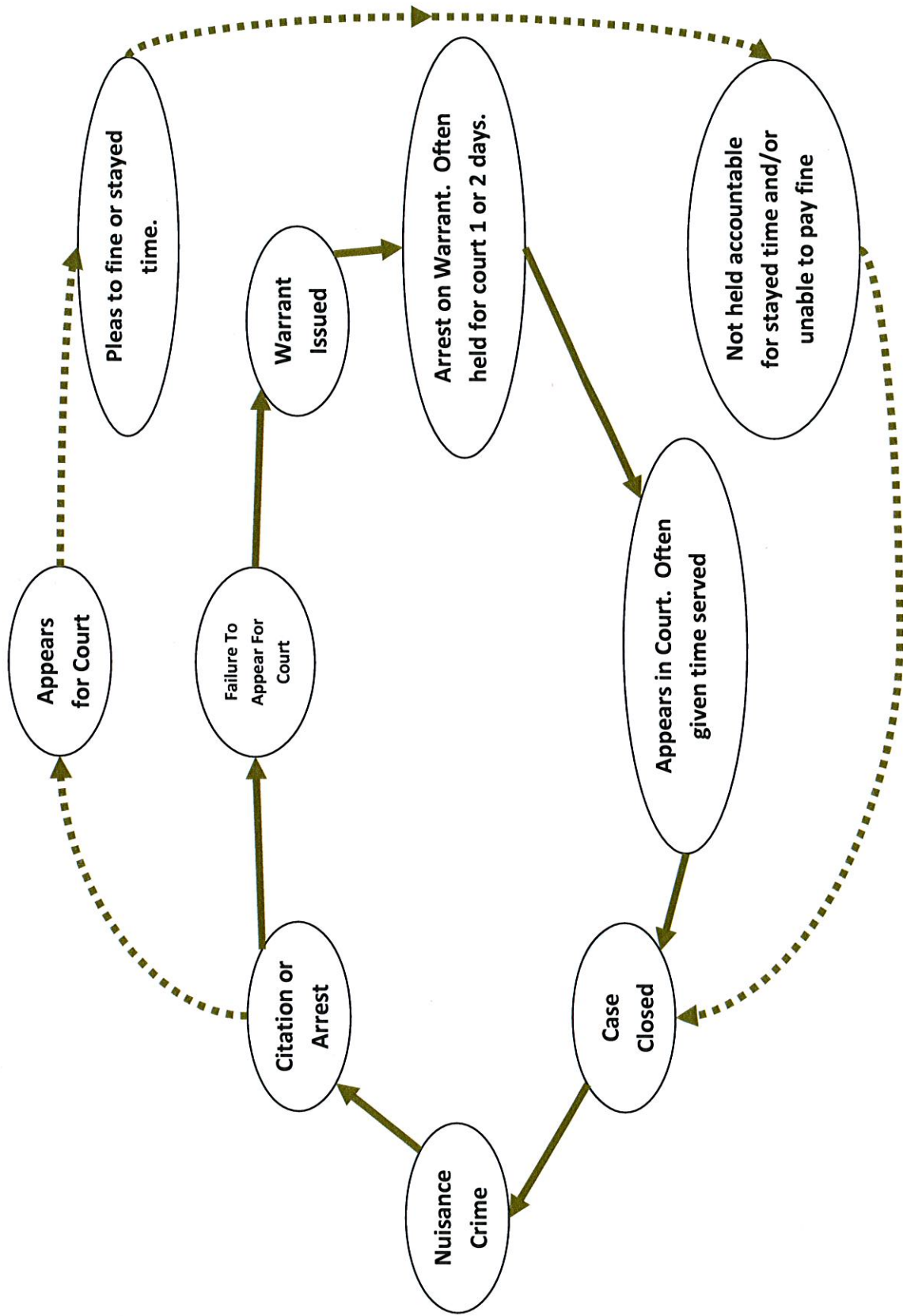


Figure 2: Community Intervention Group (CIG)

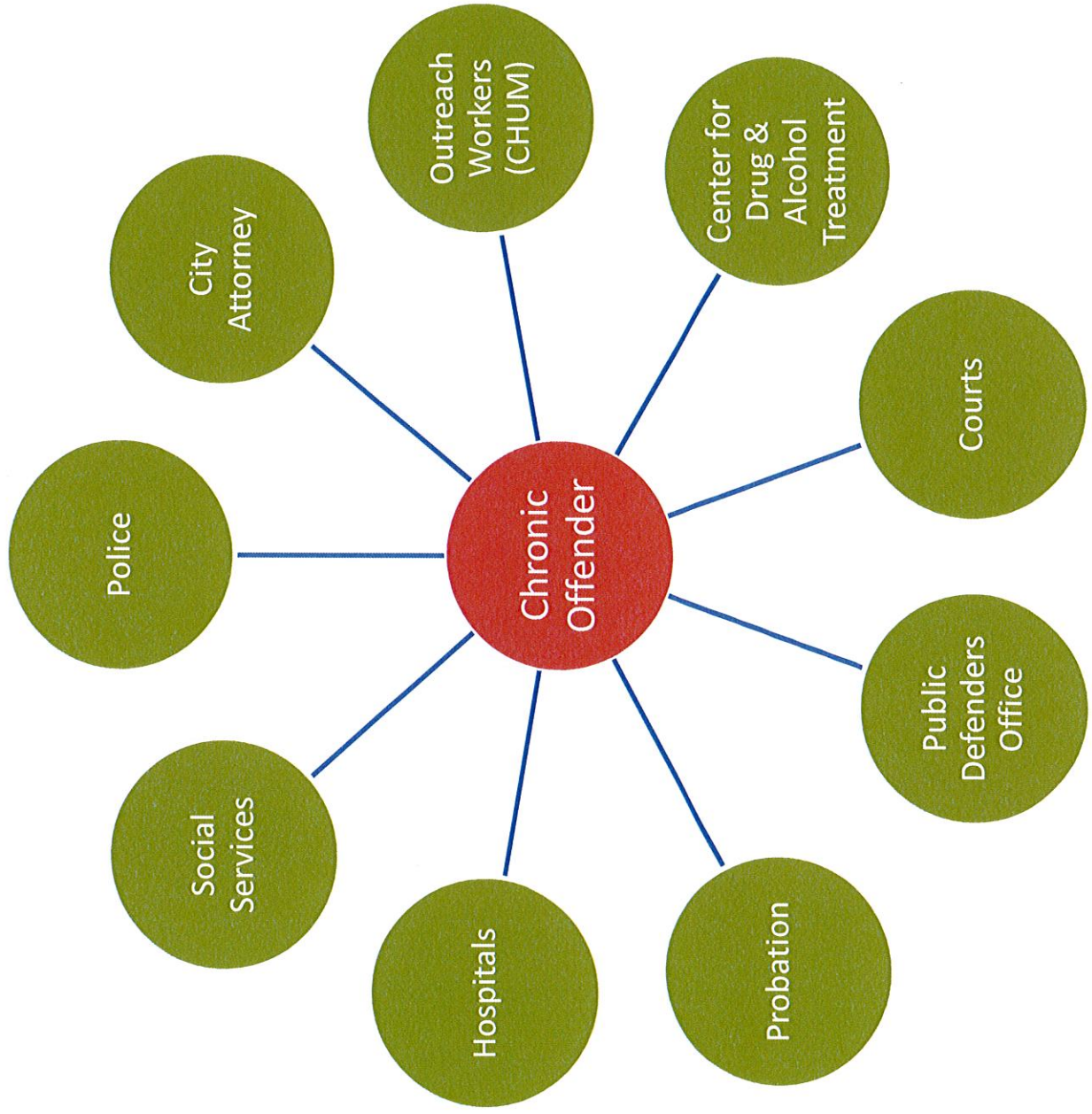


Figure 3: CIG Process

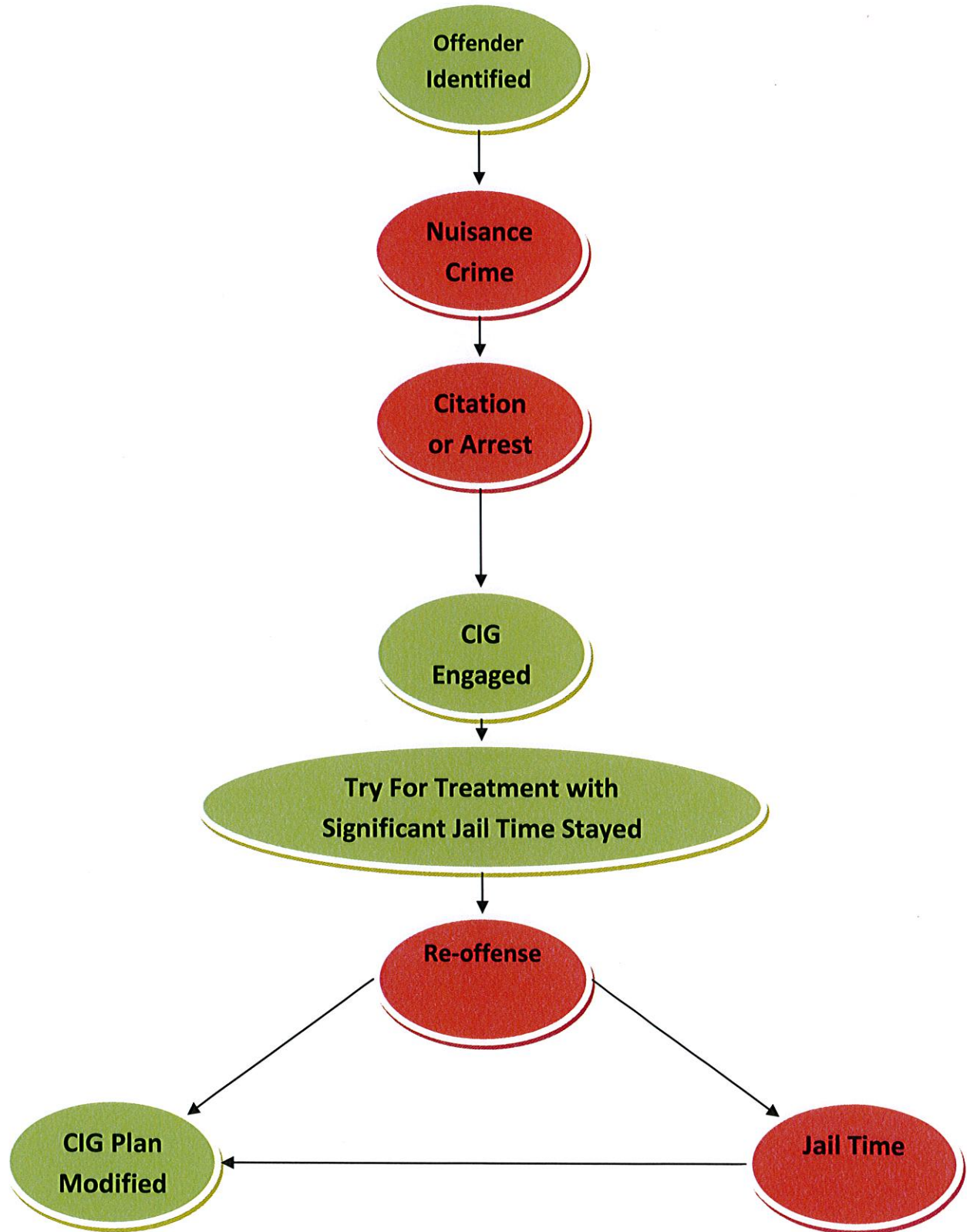


Figure 4: Subject AMB Police Contacts

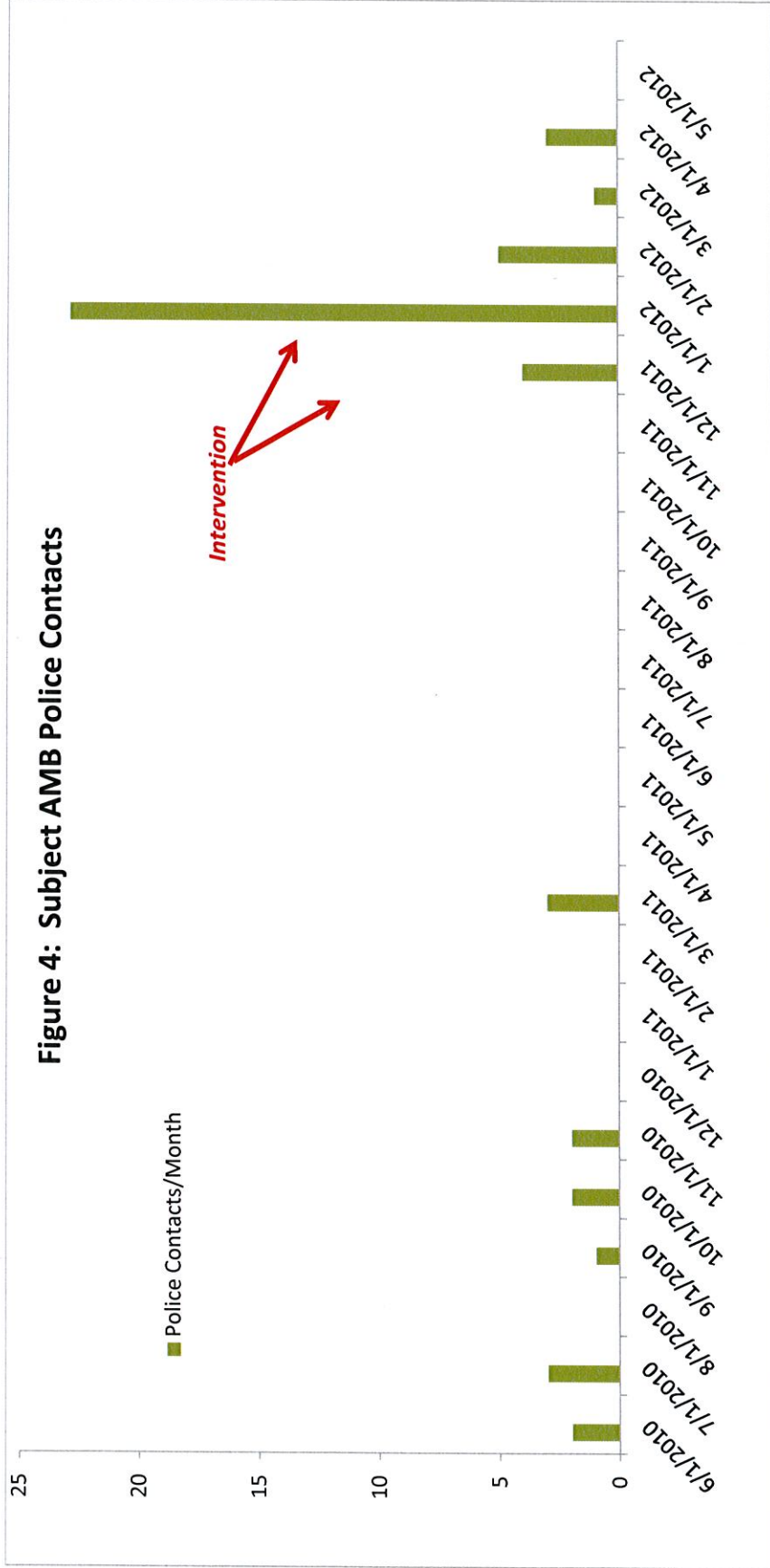


Figure 5: Subject DAS Police Contacts

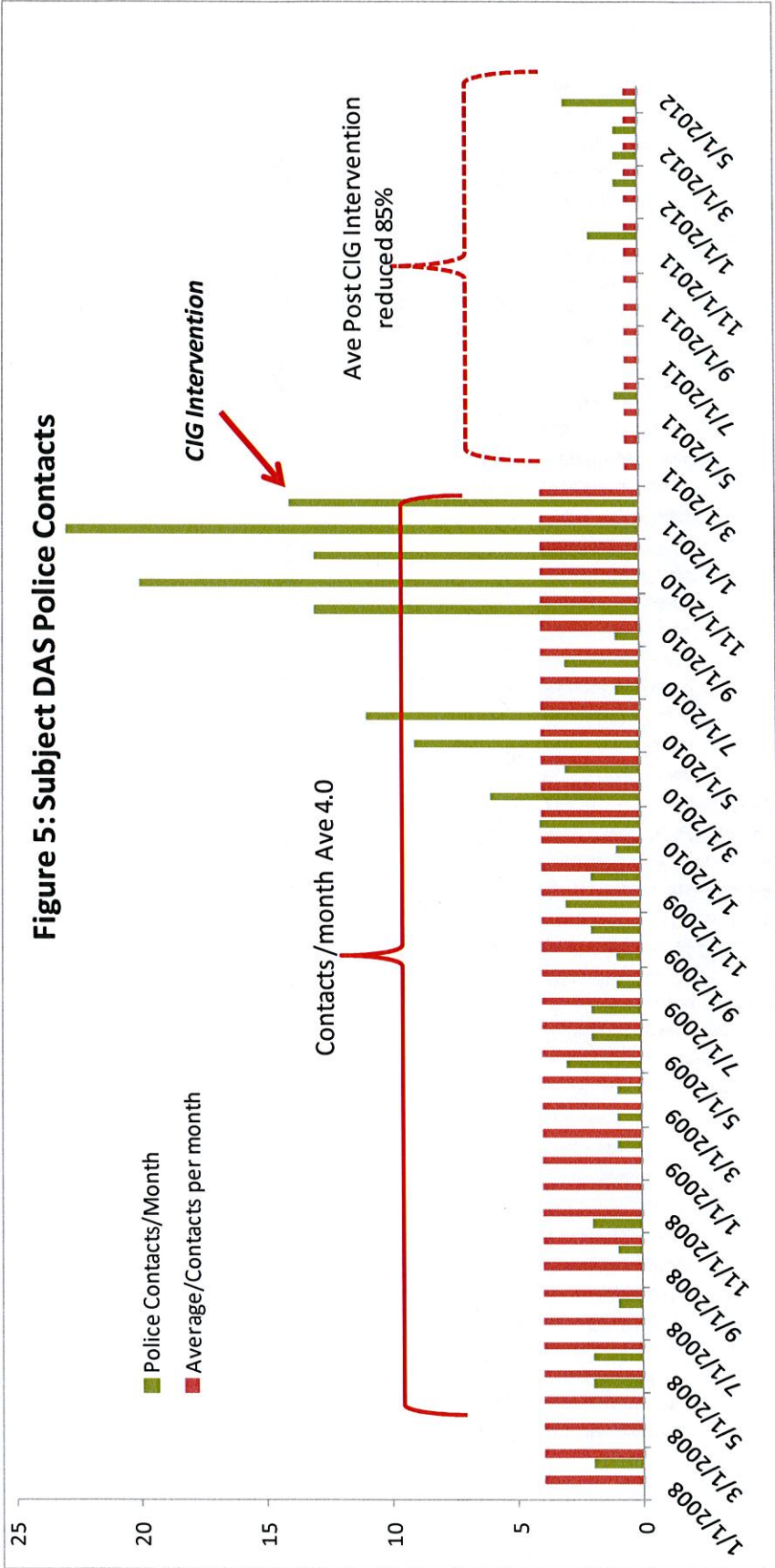


Figure 6: Subject MDJ Police Contacts - 199 Police Contacts

