

O P E R A T I O N

FOCUS 2000

CIVIL ENFORCEMENT
BY THE
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EVICTIONS, PADLOCKS AND CONDEMNATIONS

Several neighborhoods in downtown Chattanooga were plagued by drug dealers. These drug dealers brought to these neighborhoods prostitutes, their customers, addicts and an assortment of other criminals.

The legitimate property owners, business and residential, filed several complaints with the police on the drug dealers and the prostitutes which resulted in investigations, undercover buys of illegal drugs, search warrants and "reverse" stings by police officers. The suspects were prosecuted and convicted. Upon release from jail the drug dealers and prostitutes returned to these same neighborhoods to resume their illegal activities. This was the pattern that had been the "norm" for years.

The frustration the property owners had was shared by the officers working these neighborhoods. In addition with the criminal activity, the officers were stopping suspects that were becoming increasingly more violent. A routine stop often turned into a struggle for guns, needles or knives. The threat to the lives of all of those involved required a different approach and was desperately needed.

Initially, a list of problem addresses and names of those suspected of criminal activity was compiled by using information from residents, employees of local businesses and the officers working these neighborhoods. Most often the majority of crimes originated from just a few homes in these areas. Information from the history of calls to these locations, the arrests, what type of arrests were made, information on the

property owner and a map of the area was compiled and reviewed. Some of the drug dealers were found to work together in a "network" of criminal activity. Drugs were sold at one residence, prostitutes worked out of different home, and illegal alcohol was sold from a third residence. Depending on what the customer wanted determined which house the customer went to.

This is not a **new problem**. Most senior officers with twenty five or more years of service knew of these high crime areas throughout their career. Some of the drug dealers were over sixty five years old. The lack of police leadership in the previous administrations, insufficient manpower and the volume of calls being answered reduced the attention these problem areas deserved. As a result, the families that were able to leave these neighborhoods, did, and others who couldn't sell their homes due to the reduction of property values were forced to stay. The remaining residents felt intimidated by the drug dealers that were living in mostly rental properties. These rental properties were not properly maintained and quickly deteriorated. These neighborhoods became infested with criminals of all types. Even though police officers were making arrests, the legitimate property owners felt helpless.

Out of frustration, some residents formed neighborhood associations. The result of this was more attention from city government administrators, Mayor's office, Police Department, Better Housing and Public Works. For the first time all departments within Chattanooga city government were directed, by the Mayor, to work together.

Attention to neighborhoods city wide increased. The amount of concentration to "problem areas" increased. Arrests rose and some code enforcement from other city departments increased. Still, the criminals continued to operate.

Chattanooga Police Chief Jimmie Dotson, who took office in October 97, developed a plan: "Operation Crack Down". This placed a patrol unit in the areas with the most concentration of criminal activity twenty four hours a day for one year. The main technique was brilliant in its simplicity. In most areas, officers simply parked their marked patrol unit in front of known drug houses and observed. The result was a dramatic reduction in traffic to these known drug houses. The legitimate residents felt more secure knowing the police were in their neighborhood. The drug dealers were forced to find other means to distribute there drugs and the prostitutes were forced to work in other areas. Many more drug dealers were identified and the officers working the extra duty began to recognize the key figures in the drug dealing. More arrests were made and several search warrants served. The drug dealers would return after a short time in jail and begin operation of their business, continuing the cycle all over again. The funding used to pay the officers on overtime to patrol during "Operation Crack Down" was exhausted after a little more than one year of operation. The information from "Operation Crack Down" would prove valuable later.

As a newly promoted supervisor, I soon began meeting with the neighborhood associations and listening to the complaints and needs of these property owners. Officers were nearly as frustrated as the property owners in not being able to **solve the problems** for these neighborhoods, known as "high crime areas".

In April of 1998,¹ I remembered a radio news broadcast in July of 1997, regarding a new law which forced landlords and owners of rental property to become more responsible for the actions of the tenants of their properties. This law, T.C.A. 66-7-107, was called "The Landlord Law". I then checked with the Hamilton County

District Attorneys Office. Executive Assistant Tom Evans cleared his schedule and explained how the law works and how to use the law. Mr. Evans gave me a copy of the "Landlord Law" and information on how the Memphis police department uses it. The D.A's. office was willing to help. That information gave me the tools I needed.

I began by using the information gathered by officers working "Operation Crack Down" locations as test cases.

In order to build a case to evict drug dealers from rental property information about the history of the target address must be compiled. The first task was to:

- find out if the drug dealers rented or owned the homes they were working out of.
- How long have they lived at the target address?
- How many calls for police service were established for these addresses?
- What kind of calls were received, fights, drugs, prostitution, robberies?
- How many arrests were made at the target address?
- What were the charges of those arrested?
- How many search warrants were served at that address?
- What division of the police department served the warrant(s), patrol, vice or narcotics.
- What evidence was seized?
- List of those who are to be evicted.
- A photo of he target address.
- A map of the area and owner information.

- Finally, a letter requesting the eviction is also included in the information booklet.

All information is reviewed and submitted to the District Attorney's office for approval.

Upon acceptance by the District Attorney's office, the owner or landlord is served with a notice to evict the tenant and has five days to notify the District Attorney with the intent to do so. Once the tenant is given notice, the tenant has three days to vacate the address under the Threats to Safety statute, TCA 66-28-517. If the owner or landlord fails to notify the District Attorney General or does not diligently prosecute the eviction, the District Attorney General may bring a proceeding under this section in General Sessions court or Circuit Court for such eviction as though the District Attorney General was the owner or landlord of the premises. The true owner or landlord would be responsible for any attorneys fee or court costs or expense to the District Attorney's office.

Consideration is given to a tenant or tenants who may be "blameless".

A "blameless" tenant might be a elderly person or one of poor health, physically challenged and those with small children. For these people, assistance in finding replacement housing out of the drug dealing environment should be given.

The order from the District Attorney's office is served by the officer that works that neighborhood. The officer becomes an agent for the District Attorney's office at this point. This way the officer and the owner or landlord have a chance to meet and discuss the events leading to the eviction of the tenant. The officer can answer any questions the owner or landlord may have and in some of these cases the owner or landlord has given helpful information, tips, to the officer about these neighborhoods. Fear of the drug dealers retribution is one reason some of the owner or landlords have

failed to evict. By forcing the eviction by the District Attorney's office, the blame is shifted away from the owner or landlord, and to the police. This actually helps the owner or landlords feel less threatened.

While evictions for tenants from rental properties were taking place, some drug dealers were found to actually own the home. For these, a different approach was taken. Since the drug dealers were using the residence as a base for their illegal "business", a request to "padlock" the residence, rather than simply "evict" a tenant, was submitted for review to the District Attorney General. This is actually a Petition to Abate a Public Nuisance under provisions of TCA 29-3-101. The case is assembled in the same manor as a "Landlord Law" case. The difference in padlocking a residence or business is that the Sheriff is directed by the court to board up the windows and place a padlock on the doors until a hearing is held in Criminal Court. The owner is escorted off the property and given a order from the court to show cause why the residence or business should not be permanently locked and seized. At the conclusion of the hearing, if the court affirms the padlocking, the residence is permanently seized and sold at auction. The proceeds of the sell of the residence is used to pay for any expense to the Sheriff and District Attorney's office.

Some homes in these neighborhoods were abandoned and used by prostitutes and the drug users. In these cases the Better Housing division of city government was called to condemn these homes. The prostitutes and drug users were force to leave the neighborhood. Those returning to the now condemned homes were arrested for trespassing. Most of these condemned homes are eventually demolished. Officials from Better Housing began working as a team with our officers, and once a

month an officer and agent from Better Housing division will work together sweeping a neighborhood for code violations. The officer who regularly works in the neighborhood that is targeted for the sweep, works with Better Housing on that day.

Once these evictions, padlocking and condemnations started, and drug dealers began moving from the neighborhoods they have infested for years, a sense of relief seemed to flood the neighborhoods. From March 1998 to present, all cases have resulted in convictions, several drug dealers have been evicted. Three businesses and one home, owned and operated by a drug dealer, were padlocked. Working with Better Housing, more than forty dwellings have been condemned.

The drug dealers were tracked as they moved to other areas, some moved out of state. The drug dealers, who started a business again after moving, were evicted again. Monitoring continues as the dealers move. Dealers have named this enforcement the "Slam Bam".

The local newspapers and television news services helped report these events. Support for the police department and District Attorney's office began to pour in from the neighborhoods affected. In some court cases, residents from the neighborhood came to court, sometimes armed with petitions to show their support for the police. Positive relations between residents and the officers patrolling these neighborhoods has reached a new high. Children are seen riding bicycles and playing outside. New construction is now replacing abandoned homes. Crime in some of the areas in relation to drugs and prostitution has stopped. In others, crime has reduced dramatically. The traffic flow from potential customers for drugs or prostitutes is no longer there. Residents and employees of local businesses feel safer about their

neighborhoods. Home owners feel like more of a partner with the police. A reduction of the calls to these neighborhoods has given the officers more time for patrolling. Officers are relieved to see that several years of hard work is now showing results.

Being a part of solving_problems in the neighborhoods they patrol is a daily goal.

Whether enforcing traffic laws or working with building inspectors enforcing building codes, the officers have a new energy and desire to do the type of police relations with the community they have wished for in the past. The police department administrators are pleased with this enforcement and as an added bonus, there is no cost to the department to implement these cases.

Officers in the areas where drug dealers have been removed continue to monitor their districts for problems moving back to these neighborhoods. If a drug dealer is found to have moved back into the officers area of responsibility, the surrounding officers will work as a team to stop the problem by enforcing criminal laws, building codes and civil laws before the problem can overwhelm the neighborhood. Once the drug dealer is pushed out of the neighborhood, control of the area or district returns to that districts officers.

This effort was established after seeing first hand the frustrations of the residents and officers in the downtown Chattanooga neighborhoods. I felt that it was my responsibility as the shift supervisor to implement a plan of action, to solve these problems. Padlocking, evicting and condemning the homes of drug dealers was accomplished by simply following through with the hard work of the "Charlie Team" patrol officers. This civil enforcement has become popular with the entire Chattanooga Police Department. Officers from all over the city are asking for assistance in

developing the same type of strategies for their neighborhoods. I have developed a lesson plan for "Civil Enforcement" and currently instruct officers in the Chattanooga Police Academy in how to build these cases. *Focus 2000* has energized the officers and it's catching!

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