

THE OAKLAND AIRPORT MOTEL PROGRAM ELIMINATING CRIMINAL AND NUISANCE BEHAVIOR AT A MOTEL

OAKLAND POLICE DEPARTMENT, BEAT HEALTH UNIT, 2003

- THE PROBLEM:** In September 2000, the recurring nuisance and criminal activity at a major motel, which is part of an international chain, located near the Oakland International Airport, came to the attention of Officer Brad Gardiner of the Oakland Police Department's Beat Health Unit. Problems included inordinate calls for police service, prostitution, illegal drug activity, abandoned cars, illegal auto repair business in the motel parking lot, and renting of rooms to minors.
- ANALYSIS:** Data checks, site visits, interviews, undercover surveillance, and comparisons of management practices to other nearby motels led police to conclude that it was the poor management practices at the motel that allowed crime and nuisances to flourish at this motel.
- RESPONSE:** After meetings with on-site motel managers and corporate executives failed to result in improvements at the motel, Beat Health Unit officers and city attorneys filed a drug nuisance abatement lawsuit against the parent corporation. Eventually, through intense negotiations, the parent corporation agreed to improve its management practices and to post a \$250,000 performance bond covering a two-year monitoring period to guarantee reductions in crime and nuisance at the motel. It further agreed to pay the City of Oakland about \$35,000 to cover the costs of its investigation. Numerous specific improvements were made to the physical environment and management practices at the motel.
- ASSESSMENT:** Two years after the agreement was signed, there have been few calls for police service at the motel and the property has been returned to productive use. The stipulated two-year monitoring period concluded in March 2003.
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JUDGE'S COMMENTARY

The Oakland Airport Motel project exemplifies the practice of problem-oriented policing in several significant ways. First, it illustrates the importance of careful documentation of the conditions that give rise to a problem.

Particularly when dealing with sophisticated corporate executives, the Oakland police officials and city attorneys took great care to compile irrefutable evidence that a significant amount of crime and nuisance activity was occurring at the motel, that the amount of such activity was greatly disproportionate to that

experienced by similarly situated motels, and that the poor management practices at the motel were largely to blame for the problems. Second, the project exemplifies the value of a systematic approach to addressing problems. The Beat Health Unit carefully followed its own step-by-step procedure for building a case against a problem property. This deliberate approach ensured that the investigating officers gathered the necessary information and drew the right conclusions from it before settling on a course of action. Third, and perhaps most significantly, this project exemplifies how police can, with proper documented evidence and careful analysis, shift the ownership of crime and disorder problems away from the police and local government alone, back to those individuals and groups whose actions create the problems and who have the capacity to address them.

INTRODUCTION

Since 1988, the Oakland Police Department (OPD) Beat Health Unit has practiced problem-oriented policing to control neighborhood deterioration associated with drug infested and blighted properties. The Beat Health Unit's mission is to reduce police calls for service by abating nuisance activities associated with problem properties. The Beat Health Unit's specific objectives are to:

- Eliminate criminal and nuisance behavior associated with real property,
- Secure property owner cooperation in eliminating criminal and nuisance activity,
- Secure property owner compliance with all applicable building, fire, and health codes,
- Restore properties to productive use, and
- Recoup local government costs and fees associated with remedying problem properties.

The Beat Health Unit has instituted a systematic approach that relies upon the cooperation of city, county, and non-governmental agencies to compel negligent property owners to bring their properties into compliance with laws and codes. By focusing on specific sites that provide an environment where crime and disorder can flourish, the Beat Health Unit can help reverse community decline.

Typical Beat Health Unit cases might include a house, apartment building, or commercial establishment where narcotic trafficking plagues the neighborhood with noise, increased crime, and disorderly conduct.

Since each situation is different, Beat Health officers are encouraged to consider a wide range of available tools including code enforcement, civil lawsuits, mediation, negotiation, traditional law enforcement, and community action.

Since its inception, the Beat Health Unit has abated the nuisances associated with more than 3,000 properties. From time to time, major cases occur that require more resources, more creativity, innovative strategies, and unusual persistence to overcome bureaucratic hurdles and property owner resistance. The case presented here is such a case.

SCANNING

Located along a major gateway to the City of Oakland, the Oakland Airport Motel (OAM) is situated within a commercial area comprising lodging, restaurants, fast food outlets, and service stations. These businesses are located about two miles from the Oakland International Airport and one-half mile from the Network Associates Coliseum (home to the National Football League's Oakland Raiders, Major League Baseball's Oakland Athletics, and the National Basketball Association's Golden State Warriors). These enterprises generated gross sales exceeding \$40 million a year.

An anonymous complainant, an out of town motel guest, contacted Officer Brad Gardiner of the Beat Health Unit. The complainant had been at the motel for several weeks while working on a local construction project. During this time, prostitutes soliciting sex had approached the

complainant nightly. The complainant indicated to the police that prostitutes “had the run of the place, boldly soliciting guests at the doors of their rooms.” He also reported loud disturbances around the clock, junked vehicles littering the parking facilities, all night parties, and the nightly smell of marijuana smoke coming through his open window. The motel managers disregarded his complaints. Out of frustration, he called the police.

ANALYSIS

Beat Health officers conducted a step-by-step assessment of properties that come to their attention. The Beat Health officer typically

- Determines occupancy,
- Determines the status of the occupants (owner, renters, squatters, guests),
- Checks police records on the property,
- Checks the Drug Hotline and Beat Health Information Management system, and
- Checks with other agencies that may have had dealings with the property (e.g., police vice squads, local utility companies, county and state Agencies).

Officer Gardiner reviewed the property owner information in a national real estate database. He learned that a large corporation owned the property and concluded that he would first have to identify who were the corporate decision makers. Officer Gardiner initially identified the on-site manager.

Officer Gardiner determined that the OAM did not have a policy limiting the duration of guest stays. He consulted with the city’s zoning division and the city attorney’s office regarding applicable laws. He also reviewed drug hotline calls, narcotic arrests, and past Beat Health Unit efforts at this property.

Police records revealed a disproportionately high number of narcotics arrests over the preceding 24 months at the motel. Unlike most Beat Health

cases, this property was located in an almost entirely commercial area. The only area residents were long-term guests at the problem motel. Also, unlike the majority of Beat Health cases, this property had minimal building code violations.

Armed with this preliminary data, Officer Gardiner made his first site visit to the motel in September 2002. He photographed and documented his observations. Officer Gardiner wanted to know what made this property attractive to those involved in disorderly behavior. He interviewed tenants and the on-site motel staff. One of the first conditions he noted was the large number of inoperable vehicles on the property. Motel managers appeared to have allowed a corner of the motel parking lot to be used by a freelance-and illegal-auto repair business. The auto repair operator changed engines and transmissions without complaint by motel staff, even though he had caused a messy and costly oil spill in the motel parking lot.

Officer Gardiner discussed the motel problem with patrol officers who reported that rooms were routinely rented to minors and that prostitution activity was rampant. During a meeting with the on-site motel manager, Officer Gardiner learned that approximately 25 guests had attained residency status at the property with stays ranging from 31 days to over one year.

Officer Gardiner’s review of police incidents over three years (1998, 1999 and 2000 up to December 10) showed that the OAM had an astounding 900% more police incidents on its property than the comparable area lodging facilities. Police incidents included drug arrests, reported crimes, and police calls for service. This represented a substantial burden to Oakland’s “Police Service Area 6” patrol officers.

Beat Health staff contacted law enforcement agencies in other California cities to learn what the OAM chain’s performance was. In Sergeant Bob Crawford’s opinion, the OAM had co-opted law enforcement agencies in other locales by providing off-duty security guard employment to law enforcement personnel and by providing police with occasional information on wanted

persons staying at their motels. All the while, nuisance activities persisted.

In reviewing the history associated with this project, Officer Gardiner discovered that this same motel had previously been the target of a Beat Health investigation. Previous Beat Health Unit officers believed that crime and disorder problems were resolved when the property was renovated and upgraded. However, in 1998 the OAM reopened after renovation and showed an immediate and dramatic increase in police incidents.

RESPONSE

Based on his research and analysis, Officer Gardiner developed a response plan. His goal was to return this property to productive use so the OAM would not have a negative impact on the neighboring businesses and so that it would not foster an environment for criminal behavior. Returning the motel's use to a well managed and maintained property would reduce the drain on the Oakland Police Department's resources. Focused efforts at this location would be a cost effective method for reducing calls for service while making an important commercial area safer for Oakland's visitors and residents. The City of Oakland had long strived to improve its image, particularly in its gateways.

Gardiner intended to work cooperatively with the on-site manager. If that strategy did not yield timely results, he intended to contact the upper management of the chain.

Phase One: Working with the On-Site Manager

Officer Gardiner made a concerted effort to assist the OAM manager to clean up the property and legally deal with problem tenants. The OAM manager reported to Officer Gardiner that the motel was in the process of making the following changes:

- Implementing a policy to restrict renting rooms to persons 21 or older,
- Evicting problem tenants in a timely

manner,

- Considering installing a staffed gate at the front entrance to the motel and a more secure rear fence to discourage fence jumping in the back,
- Monitoring the parking lot to prevent junked vehicles from being abandoned on the property, and
- Firing employees caught renting out rooms "under the table," using the employees' passkeys.

Although towing cars from private property is ordinarily the property owner's responsibility, Officer Gardiner had five junked automobiles towed off the property only to have more cars dumped at the motel. Management clearly demonstrated that it had no control over the vehicles entering the motel parking lot.

The OAM manager further said he was trying to persuade his corporate bosses to adopt a 30-day maximum residency policy. Officer Gardiner attempted to coordinate such a policy with the OAM parent corporate vice president of security and the Oakland City Attorney's Office. However, the OAM's corporate officials did not follow through with the residency policy.

Officer Gardiner sent a drug nuisance abatement notification (as provided by Section 11570 of the California Health and Safety Code) letter to the OAM. Police surveillance of the motel confirmed that OAM security guards were not taking affirmative steps to keep nuisances out of the parking lot. A known prostitute was observed knocking on motel guestroom windows. Multiple hand-to-hand narcotics transactions were recorded on videotape.

Sgt. Crawford expanded the analysis by assigning Police Service Technician Jim Tucker to interview the neighboring business operators. In professional business attire, Tucker interviewed other motel owners and a nearby restaurant manager. He concluded that the proactive and systematic management practices of neighboring businesses controlled civil disorder at the nearby properties.

By contrast, OAM's management practices were either nonexistent or haphazardly applied, and accounted for the disparity in criminal and nuisance activity among the area motels. Neighboring businesses experienced dramatically less crime and disorder despite their geographic proximity to the problem motel.

As part of the problem analysis, undercover police officers rented rooms at the OAM on various nights over a period of weeks. Sometimes they stayed for only a single night, other times for consecutive nights.

In two separate instances, motel managers changed the room lock after the first night, took police department property left in the rooms so that they appeared vacant, and double-rented the rooms. In one incident, when the undercover officer requested that the property be returned, the motel manager denied taking it. In the other case, management records erroneously showed the guest had checked out. One police informant, who was supposed to have been placed on the OAM's "no rent list" after being arrested, obtained a room the following week.

Despite the fact that OAM security guards, maintenance, and management staff were visible throughout the motel grounds, they made little or no effort to challenge or contact people coming onto the motel property.

Officers observed a pattern of activity that included persons who were obviously not motel guests loitering, roaming the property, or visiting several rooms. Surveillance videotape captured a hooded individual leaning against a motel wall, talking to women who came back to talk to him time and again without interacting with each other, activities which were consistent with pandering. A passing security guard made no effort to identify this individual. Surveillance officers observed an assault with a knife, prostitution solicitations, drug activity, public urination, and uncontrolled access by people with no legitimate business at the motel. Police concluded that motel management's practice of ignoring traffic in and out of motel property and avoiding confrontations with suspicious persons allowed criminal and nuisance activity to

flourish.

Phase Two: Meeting With Corporate Officials

To ensure that the problems at the OAM caught the attention of upper management at OAM's parent company, the Beat Health Unit delivered legal notification of the nuisance abatement action to the parent company's U.S. Chief Executive Officer at his home in Texas on Christmas Eve 2000. The notification further requested that corporate officials meet with Oakland police and city officials.

In preparation for a scheduled meeting with the corporate regional vice president of security, Officer Gardiner prepared a document that summarized the criminal and nuisance activity at OAM over a three-year period, how the OAM's problems compared to those of the five adjacent motels, descriptions and photos of the prostitution and violent crime occurring at the OAM, and a description of the OAM management practices that police felt contributed to the problems.

The document also outlined the legal consequences of the applicable California Health and Safety Code, which in part provided for a \$25,000 fine, reimbursement to the City of Oakland for investigative and attorney costs, and closure of the property for one year or an amount equal to one year of rent (\$3.5 million based on 1999 revenues).

The Vice President of Security came to the meeting alone, without the superior corporate officials he agreed would attend the meeting. At this meeting, Beat Health officers and the City Attorney's Office requested that the corporation complete the following:

- Close the motel for 90 days, and during this time improve the physical grounds and retrain motel staff in proper management and safety practices,
- Post a \$250,000 performance bond, and
- Repay OPD investigative costs.

This approach would have allowed the motel to

reposition itself as a legitimate motel that provided clean, safe economy lodging. After reviewing the summary document prepared by the Beat Health Unit, the corporate vice president denied having any prior knowledge of these problems. He promised swift change, including termination of derelict security guards. He said that while he could not authorize the other actions requested by city officials, he would check with those who could.

Two weeks after the meeting, little had changed. Minimal actions were taken to resolve any of the problems at the OAM. The ineffective security guards were not replaced until Officer Gardiner reminded the corporate vice president of his promise to do so. The security guards were eventually replaced with unlicensed guards in violation of state law.

On one occasion, the motel day shift manager called to have a car towed from the motel parking lot, not realizing it was the night shift manager who owned and abandoned the car. A police inspection of the vehicle revealed drug paraphernalia in it. Police also learned that a night shift maintenance man was using his master key to rent out rooms to prostitutes on the side at a discounted price. Another employee was caught selling crack cocaine out of his room during a controlled buy operation.

The problems at the OAM permeated every level of the motel staff and management. Many problems involved long-term tenants, some of which had been renting the same room every night for over two years. Accordingly, Officer Gardiner and the Beat Health staff proceeded to build a drug nuisance abatement case against the OAM.

Phase Three: Preparation of the Lawsuit and Settlement Negotiations

Police continued surveillance and monitoring of activities at the OAM, documenting the continuing nuisance and criminal activity. The drug nuisance abatement lawsuit was prepared for filing by the City Attorney's Office. Certified legal notice of the lawsuit was also sent to the international chief executive officer at his home in France. The notification letter was written in

both English and French. The Beat Health Unit also notified the chief financial officer of the bank in Massachusetts that held the financial note on the OAM property.

Another meeting was scheduled with the U.S. Vice President of Operations of the parent corporation, the Vice President of Security, the corporate attorney, an Oakland City Council member, Oakland city attorneys, and Beat Health Unit officers.

At the meeting, an additional document further summarizing continuing problems at the OAM was presented to corporate officials. After seven-and-a-half hours of negotiation, the corporate executives agreed to two of the three proposals put forth by the Beat Health Unit. They agreed to post a \$250,000 bond guaranteeing actions to eliminate the nuisance (to be forfeited if nuisance and criminal activity continued) and to pay the City of Oakland approximately \$35,000 in fees and expenses incurred to date. They did not, however, agree to the 90-day closure for fear of losing their property lease. On its own, the OAM raised its motel room rates in order to attract a better class of guests.

Among the specific steps dictated by corporate management to reduce nuisance activity at the OAM were the following:

- Removed large trees obscuring the breezeways and exterior catwalks,
- Installed barbed wire along all fence lines to discourage fence climbing,
- Significantly upgraded the lighting around the entire property,
- Increased room rates by 50 percent (to \$69.95 per night), making it the corporation's most expensive motel in North America,
- Removed the entire on-site management team and replaced it with a single manager who assumed around-the-clock responsibility for the property,
- Terminated the security guards and

replaced them with a more competent group of licensed guards who maintain an around-the-clock presence at the motel,

- Directed security guards to stop all foot and vehicle traffic entering the motel property and identify persons entering,
- Established strict check-in procedures (prohibiting anyone under 21 from renting a room and requiring valid identification in all circumstances),
- Created and enforced a “no-rent” list, banning problem guests from returning to the motel,
- Prohibited room rentals for more than 30 consecutive days,
- Cleaned and painted the exterior of the property and cleaned the trash, oil and grease off the parking lot,
- Removed abandoned vehicles at OAM’s expense,
- Posted and enforced “no trespassing/loitering” signs,
- Conducted rigorous pre-employment background investigations on new employees, and
- Terminated problem employees.

The settlement agreement included a two-year monitoring period, following a 90-day grace period that would allow the OAM time to improve its management practices and improve the facility.

ASSESSMENT

OAM management demonstrated that it could make the changes required to minimize drug and nuisance activity. Seven months after signing the agreement, calls for police service to the OAM dropped by 59 percent. During the two-year monitoring phase, there was only one call for police service in 2002 and only three through

March 2003. Overall crime and nuisance activity is now on par with the other five adjacent motels. The large reduction in crime and calls for service was accomplished with minimal reliance on traditional law enforcement strategies.

Police served only one search warrant during the project and arrested only a few individuals.

CONCLUSION

Although confronting a multi-million dollar international corporation, Officer Gardiner and the Beat Health staff persisted and prevailed. Beat Health staff tried to think of ways to hold a multi-million dollar corporation accountable, when previous attempts had only temporarily diminished the problem. The Beat Health staff brainstormed and tailored a solution that combined appropriate responses suitable for the problem at hand. This was the first time the Beat Health staff had ever requested and received a performance bond. The two-year \$250,000 performance bond caught the attention of the national corporate managers, who in turn held the vice president of security and on-site management responsible.

Beat Health staff refused to dictate to motel managers what specific actions they should take to reduce crime and nuisance on their properties. By holding the motel accountable for operating a business free from excessive nuisance and crime, consistent with good general motel management practice, the Beat Health staff precluded the motel management from minimally implementing police recommendations and claiming them to be ineffective. The OPD believed that corporate executives and managers should have the expertise to properly manage its business. This proved that to be the case once the motel was given sufficient incentive to do so.

FOOTNOTES

¹ Because the motel and its parent chain eventually came into compliance, the Oakland Police Department chooses not to use the actual name of the motel and parent chain in order to protect the motel’s and chain’s reputations.