

# Neighborhood Safe Streets: Communities using civil action to take back neighborhoods

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**M**any communities are traumatized by public nuisances such as drug trafficking, gang activity, crime and violence stemming from a specific property. When a problem property is ignored, neighborhood residents often witness and endure encroaching blight, declining property values and a lost sense of security. Unfortunately, there

aren't enough police and city resources to pursue every public nuisance in every neighborhood.

In some of these cases the Neighborhood Safe Streets process can help local residents rid their communities of drugs, gangs and other nuisance-related problems.

## *Program Overview*

**T**he Neighborhood Safe Streets process empowers community members to address public nuisance problems through civil action. It is based on a California State law which requires property owners to "use their property in an ordinary and reasonable manner that is conducive to the peace and harmony of the neighborhood and does not interfere with the comfortable enjoyment of life or property".<sup>1</sup>

Neighborhood Safe Streets can be an effective tool when:

- The problems stem from a single, identifiable property, such as a single family residence, a business or an apartment complex.
- A significant number of community members are willing to get involved in a unified effort to solve the problems.



- The overall quality of life in the neighborhood or community is notably diminished by problems.

The process can be used by any mobilized group of community members. The process involves 1) documenting the problems in a way that will reflect the scope and severity of the negative impacts; 2) demanding action be taken in a formal letter that summarizes the problems, identifies solutions and calls for immediate action; 3) negotiating a solution; and if necessary, 4) filing a consolidated action against the property owner in small claims court. In most cases, regardless of how egregious the problems, a mobilized group of community members can compel a problem property owner to address the problems in a satisfactory manner without going to court.

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**"Neighborhood Safe Streets employs a four-step process:**

- **Documentation**
  - **Notification**
  - **Mediation, and**
  - **Litigation"**
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## How the program works

*Neighborhood Safe Streets* employs a four-step process: 1) Documentation, 2) Notification, 3) Mediation, and 4) Litigation.<sup>2</sup>

### 1. Documentation

The first step is to establish a written record of the disruptive activity, detailing all relevant information including who, what, when, where and how. Such information should be kept in an activity log to demonstrate the chronic nature of the problem. Each affected community member logs the date, time and nature of nuisance-related activities along with a description of how the problem affected them directly (i.e. verbal or physical harassment, lost sleep, reduction in property values, exposing children to drug activity, etc.). Depending on the nature of the problem, community members may want to record other information such as:

- **Police Incident Numbers:** Whenever 911 or non-emergency calls are made to the police, the call is given a police incident number. Requesting this number and recording it in the activity log can be useful if the case ends up in court.
- **License Plate Numbers:** When a problem location has a lot of suspicious traffic, a record of license plate numbers can serve as documentation of a nuisance and provide law enforcement with valuable information to help them address possible criminal activity.
- **Photographs:** Photographs of suspicious activity, such as suspected drug dealing, could be very helpful. However, extra care should be taken to ensure personal safety. Residents should never place themselves at risk for any reason.

Such documentation is the essential foundation needed before moving on to the next step.

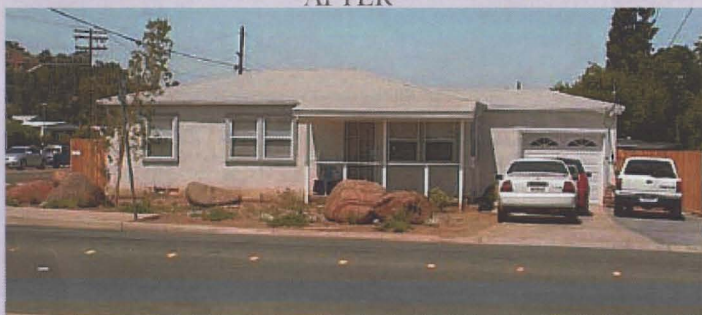
BEFORE



BEFORE



AFTER



**Before:** This San Diego County residence, targeted for Neighborhood Safe Streets action, was a longstanding source of code violations, a blemish to the community, a base for what neighbors agreed was drug dealing and a shelter for undesirable and sometimes threatening visitors. Neighbors were concerned about reduced property values and one neighbor was in the process of selling his house because he was concerned about the safety of his family.

**After:** The neighbors joined forces documenting the problems for 30 days and sent a letter to the property owner who was renting the property to his grandson. Within weeks the tenants and traffic were gone and the yard was cleaned up. Within nine months major renovations were made to the house and the property was sold. The neighbors were ecstatic.



## 2. Notification

The next step involves notifying the property owner of the problems. This is usually done in the form of a letter of notification that describes the documented problems and demands reasonable corrective action within a specific time period. The name and mailing address of a property owner is a matter of public record and can be obtained by calling the San Diego County Assessor Recording Clerk at (619) 236-3771.

To avoid having the problem property owner claim ignorance of the problem, the most effective way to deliver the letter is to send it by certified mail with delivery restricted to the property owner and a signature required.

The letter typically provides the property owner with a way to contact the community group. If the property owner could potentially be a threat to members of the community group, the group may consider giving a name to their group and providing a post office box, voicemail number or email address that is not linked to a specific individual. If the property owner calls to negotiate a solution, the group's representative may want to withhold their identity in order to avoid being singled out for retaliation.

In most cases the problem property owner will respond and the mediation of a solution can begin.

## 3. Mediation

The mediation process generally involves a series of meetings in which existing problems and potential solutions are thoroughly discussed. Throughout the process, the San Diego Mediation Center (619.238.2400 or [www.ncrconline.com](http://www.ncrconline.com)) can provide professional mediators to help facilitate communication and work out compromises. The mediation process can be lengthy, but it is successful in most cases.

The fourth step, litigation, is a last resort, undertaken only if mediation fails. The Small Claims Court requires that the parties attempt to work out their dispute prior to filing a Neighborhood Safe Streets type of action.<sup>3</sup>

## History of Neighborhood Safe Streets

Neighborhood Safe Streets is an offshoot of Safe Streets Now, a nationally recognized program designed to empower everyday citizens to rid their communities of drug and gang houses, problem alcohol outlets, houses of prostitution and other nuisances that disrupt the peace and harmony of a neighborhood.

Safe Streets Now was originally formed by Molly Wetzel in Oakland California in 1990. She formed the organization after successfully tackling a drug problem in her own neighborhood. It began in 1987, when a drug house opened on a quiet block in Berkeley, California. Over a two year period, drug dealers and their customers took over the neighborhood. Trash and speeding increased, and robbery, burglary, and gunfire became common events. Wetzel — whose teenager had been robbed at gunpoint in daylight on the block — suggested to her fellow residents that they consider tackling the drug problem by suing in Small Claims Court.

As a public nuisance that was destroying the peace and harmony of the neighborhood the problem could be addressed using civil, rather than criminal remedies. Wetzel organized a neighborhood team which documented the drug dealing business and demanded that the property owner take action to resolve the problem, perhaps by evicting the tenants.

The owner refused. Eighteen neighbors, aged 3 to 65, sued him in small claims court. They claimed the nuisance he knowingly allowed to continue, prevented the neighbors from the "comfortable enjoyment of life and property." Within 30 days, the small claims judge heard the case and awarded the neighbors their full claim of \$36,000. Within days the drug dealers were evicted, the drug house closed and the neighborhood began to mend.

Media coverage and word-of-mouth brought many requests from residents desiring to learn how to use the approach, and in 1990 Wetzel established Safe Streets Now to pioneer the innovative use of small claims courts by neighborhood residents for drug, crime, and disorder abatement.<sup>4</sup>

Since then the Safe Streets Now process has been used in dozens of states across the country to address primarily drug houses. The process can be used by any community group as long as there are civil codes that address public nuisances, such as those in California. Even though Small Claims Court does not allow parties to be represented by attorneys, the experience of others who have been through the process can help improve the likelihood of success. With this in mind, Neighborhood Safe Streets, an offshoot of Safe Streets Now, formed a Neighborhood Safety Team. The Team provides technical assistance to community members in the Southern Region of San Diego County who want to use the process to address drugs, gangs and/or chronic alcohol problems linked to private property.



## 4. Litigation

Most cases are resolved without the need to file a Small Claims action, but if it becomes necessary it is critical that the court hear the individual cases in a single action. Therefore, all of the community members must file together and request a consolidated hearing, but each community member will need to prepare their own set of documents for filing. The information necessary for filing a case in California can be found at <http://www.courtinfo.ca.gov/selfhelp/smallclaims>. The

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filing cost ranges from \$30-\$75 per person, depending upon the amount each person is requesting in damages.

After the cases have been filed, a hearing date will usually be set within 30 days.

Attorneys are not allowed to represent either plaintiffs or defendants. Instead, each party is allowed to state their case and submit evidence to the court. If police testimony is necessary for the case, plaintiffs can pay a subpoena fee to summon an officer familiar with

their case. After presentation of evidence, the judge will issue his or her ruling within 30 days. All parties are notified by mail of the ruling and the damages awarded. If a defendant is ordered to pay damages s/he may appeal in Superior Court.

The Neighborhood Safe Streets process has been used to sue problem property owners in dozens of cases over the past ten years in San Diego County with a high success rate. Since each complainant currently can sue

for up to \$7,500, the property owner can face substantial financial loss if s/he fails to resolve the issue in a satisfactory way. **However, the goal of litigation is not to win financial judgments but rather to force the property owner to take corrective action to address neighborhood complaints.** When they are faced with a large judgment, property owners are often more willing to work with community members to implement an acceptable solution.

In San Diego County a Neighborhood Safety Team has been formed to provide Neighborhood Safe Streets technical support to community members in the Southern Region of San Diego County (National City, Chula Vista, Imperial Beach, Coronado, San Ysidro, Otay Mesa and Nestor).

The Neighborhood Safety Team focuses exclusively on cases that involve drugs, gangs and/or chronic alcohol problems. To determine if a case qualifies for assistance call (619) 476-9100 ext. 330 or send an email to [neighborhoodsafety@publicstrategies.org](mailto:neighborhoodsafety@publicstrategies.org).

### References

1. California Civil Code: Section 3479
2. Four-step process identified by Bob Heider, Former Program Coordinator, Safe Streets Now Program, San Diego, CA
3. Leo Wilson, Program Coordinator, Safe Streets Now Program, San Diego California
4. Historical information on Safe Streets Now came from an unpublished research report submitted to the U.S Department of Justice

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