Criminal Activity Nuisance Ordinances (CANOs) in Ohio

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“Criminal Activity” is a misnomer

In theory, laws only apply to certain types of criminal behavior, but:

- Significant number did not appear to be criminal offenses at all (parking disputes, calling for medical assistance)
- When criminal, usually domestic violence OR minor offenses (e.g., noise complaints, “disturbance”)

![Graph showing the percentage of domestic violence and drug overdoses in Bedford, Lakewood, Parma, and Euclid from 2014 to 2016.](chart.png)
Few Procedural Safeguards

Nuisance does NOT require a conviction. In some, unverified complaints from neighbors are enough.

- BUT many cities (incl. Lakewood, S. Euclid, Shaker, Uni Heights) require City to prove each nuisance by preponderance of the evidence if challenged

In some cities, tenants NOT permitted to challenge nuisance designation (property owner only)

- Property owner can also show is trying to evict tenant as way to “abate” nuisance

“Criminal” Activity of Kids:

“juveniles playing basketball in the street”

Teenager “walking through the lot of the skateboard park and pool”

Teenager’s use of “vulgar/profane language”

“numerous youths congregating at the home behave in a manner that is in violation of community standards”

Parent called police frustrated with 17-year-old son for being disrespectful
Targeting People with Mental Disabilities

Tenant called a suicide hotline
- 3 weeks later, Law Department sent nuisance letter to landlord with info
- Landlord initiated eviction proceedings almost immediately

A Resident called the police 3 times because was hallucinating and requesting assistance (police declined)

A neighbor called to ask police to conduct a “personal welfare check” on friend who had not been able to afford her medicine

Group homes when residents need medical treatment

Why CANOs?
“Growing pains” of “diversity”

“mixture of the community”
“these types of growing pains and experience diversity”
“middle class values”
“inner city mentality”
“We believe in neighborhoods not hoods”
“People have been living in this town since 1799 and we have a legacy to carry on”
“African American kids who bring in that mentality from the inner city…. We are trying to stop that.”
Enforcement Patterns

**RACIAL DISPARITIES**
- Low levels of proof & high levels of discretion
- Who calls the police, on whom? (And for what?)
- HCV and renters overrepresented

**HOUSING CHOICE VOUCHER HOLDERS (SEC 8)**
- Keep a list of CMHA subsidized units to target
- 2006 MOU b/w Cuyahoga Metro Housing Authority (CMHA) & Inner-ring suburbs*
  - CMHA provides list of subsidized properties
  - Cities monitor criminal activity “at or near a subsidized property” and report to CMHA
(90% of HCV holders are African American)

*Mead et al. (2017)


Shriver Center, City of Peoria, IL Sued for Race and Sex Discrimination (2017), http://povertylaw.org/files/advocacy/housing/PeoriaSuit/PeoriaNuisanceMap.pdf

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Blame the Victim: Domestic Violence

Pursuant to L.C.O. 510.01 the following qualifying nuisance activity occurred: On January 23, 2016 your tenant S had a visitor, C, over to the residence where he assaulted her. He was charged with Felonious Assault. This activity qualifies the property as a nuisance.

LFD Squad 3 arrived and transported S to Lakewood Hospital ER to be treated for her injuries. I followed the Squad to the ER.

S was released to the care of Dr. Randolph. Dr. Randolph advised that S sustained an apparent nasal fracture, concussion, and facial contusions. S was also taken to get a CAT scan.

Between July 26, 2013 and July 14, 2014 Euclid Police has been responding to above property on numerous occasions. On July 26, 2013, Euclid Police responded to a complaint of boy/girl trouble. Thin resulted in the tenant requesting her boyfriend, Mr., to be placed on the trespass list. On numerous occasions Euclid Police were dispatched to the property either to remove Mr. or because of excessive yelling coming from the apartment. During these calls, it was determined that Mr. was using Mr. into the apartment and subsequently called the police when he no longer wanted him there.

It is clear that Mr. is involved in a pattern of behavior that is disruptive to her neighbors and places an undue burden on the resources of the Euclid Police Department. As such, the property is being declared a nuisance.
Why Domestic Violence?

Rationales used by Cities:

◦ We don’t target survivors in practice
◦ Maximizing discretion - want to make sure police have all tools possible
◦ Therapeutic policing – need to encourage survivors to cooperate
◦ Domestic violence harms neighbors
◦ Survivors share blame for situation

Need more constraints on discretion, enhanced legislative oversight, involve advocates for survivors in deliberations.