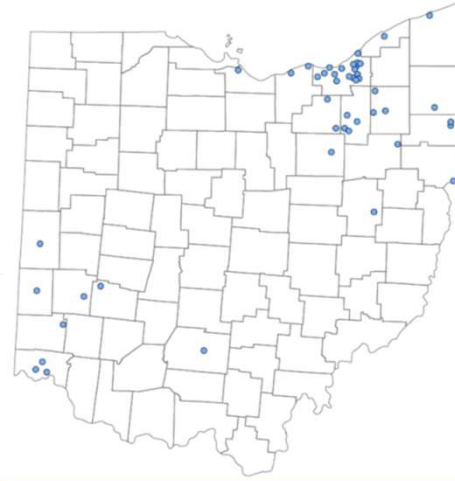


Criminal Activity Nuisance Ordinances (CANOs) in Ohio

Joseph Mead
J.Mead@csuohio.edu

 @JosephWMead

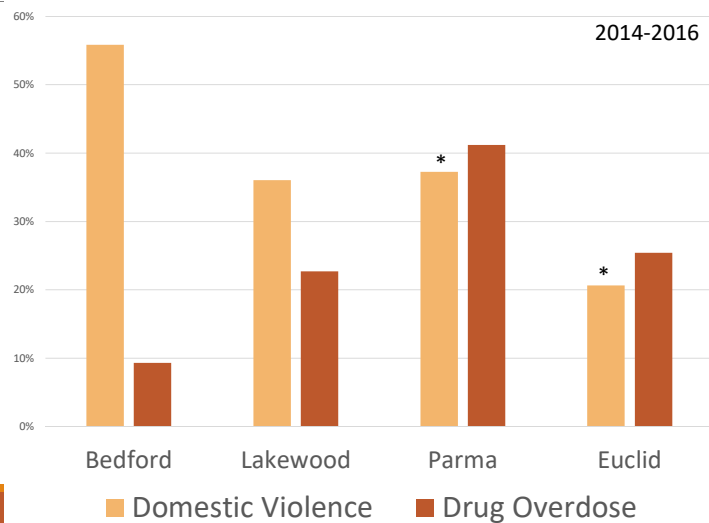
(with Megan Hatch, Rosie Tighe,
Marissa Pappas, Kristi Andrasik,
Elizabeth Bonham)



“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”)



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

Narrative

THE CALLER REPORTED A GROUP MAKING NOISE ON THE FRONT PORCH AT A HOME ON THE CORNER OF

— Clearance From Unit 0041 01/22/2017 00:49:26 —

SPOKE WITH THE RESIDENT OUTSIDE THE HOME. THEY ARE ALL GETTING READY TO HEAD TO KINGS AND QUEENS IN MAPLE HTS. THEY WERE ADVISED OF THE COMPLAINT. ALL QUIET UPON ARRIVAL.

“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**”

CALLER STATED THAT SHE MISSED HER BUS FOR SCHOOL BECAUSE HER MOTHER MADE HER CLEAN UP BEFORE. SHE STATED THAT HER MOTHER REFUSED TO GIVE HER A RIDE TO HESSKETT. SHE WAS ADVISED THAT THIS IS NOT A POLICE MATTER AND TO WALK TO SCHOOL IF NECESSARY. (SA)

INFO FORWARDED TO NH FOR NUISANCE

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”

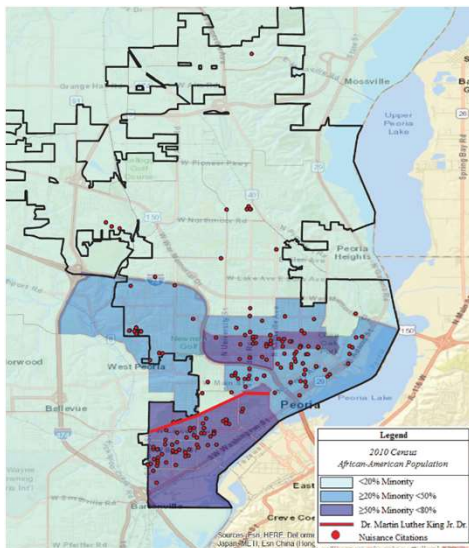
“inner city mentality”

“We believe in neighborhoods not hoods”

“People have been living in this town since 1799 and we have a legacy to carry on”

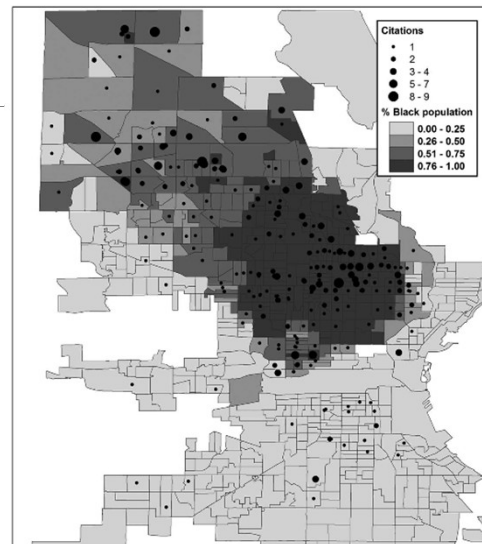
“African American kids who bring in that mentality from the inner city.... We are trying to stop that.”

Peoria, IL (2017)



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

Milwaukee, WI (2012)



Matthew Desmond and Nicol Valdez, "Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women," *American Sociological Review* 78, no. 1 (2012): 117-41.

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*

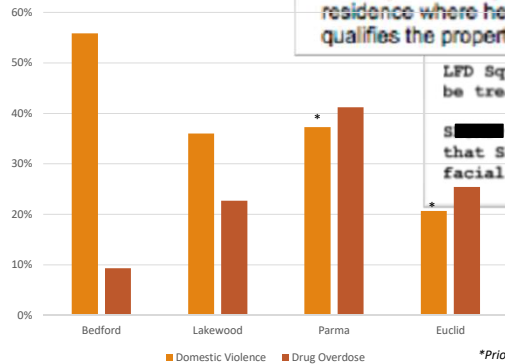
- CMHA provides list of subsidized properties
- Cities monitor criminal activity "at or near a subsidized property" and report to CMHA

(90% of HCV holders are African American)

*Bedford, Bedford Heights, Brookpark, Cleveland Heights, Cuyahoga Heights, Euclid, Fairview Park, Garfield Heights, Lakewood, Lyndhurst, Maple Heights, Parma, Shaker Heights, South Euclid, University Heights and Warrensville Heights

Mead et al. (2017)

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 [REDACTED] had a visitor, C [REDACTED] 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 [REDACTED] to Lakewood Hospital ER to be treated for her injuries. I followed the Squad to the ER.

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



KEVIN R. BUTLER
DIRECTOR OF LAW
PAMELA J. ROSENBERG
CHIEF PROSECUTOR
JENNIFER L. BLASER
ASSISTANT LAW DIRECTOR
SANDY GOWATY
ASSISTANT PROSECUTOR
ASSISTANT LAW DIRECTOR

LAW DEPARTMENT
OFFICE OF PROSECUTION
ONE (ONE) EIGHT (EIGHT) LAKESIDE BLVD. SUITE 200
LAKESIDE, OHIO 44130-2000
www.lakewoodcity.org
www.lakewoodcity.org

1/26/2016

BY CERTIFIED MAIL

RE: Notification of Nuisance Activity at [REDACTED]

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

Euclid City
805 East 80th Street, Euclid, OH 44133-0009
Department of Law
Phone: 216-289-2746
Fax: 216-289-2750
Office of the Prosecutor
Phone: 216-289-2750
Fax: 216-289-2740

August 19, 2014

Re: Nuisance Declaration, [REDACTED] Euclid, OH

Dear Sir or Madam:

Under the City of Euclid's Ordinance, upon finding that two or more nuisance activities have occurred at a single property within any twelve month period, the property owner will be served with written notice and order declaring that such property is a nuisance property. Because there have been two or more nuisance violations at this property in less than a six month period, this property is hereby declared a nuisance property. If there is subsequent nuisance activity on the premises, the City will charge the property owner the costs they have incurred in responding to the nuisance. You will be charged a \$500 fee for each time the City has to respond to a nuisance on the property. The City is also permitted to place a lien on the property if the \$500 fee is unpaid.

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

It is clear that Ms. [REDACTED] 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.

06/29/2013 03:11:44 BOY/GIRL TROUBLE

Reviewing Officer: [REDACTED] Disp: CAR CMS Disposition: REPORT

Caller: [REDACTED]

caller lives on 307 and said a male and female arguing in apt 306 then hung up/called BACK TO STATE THE MALE IS BEATING UP ON A FEMALE INSIDE THAT APT

BY CERTIFIED MAIL

RE: Notification of Nuisance Activity at [REDACTED]

Dear PAMELA BUTCHER:

You should be aware that in December 2008, Lakewood City Council passed a nuisance abatement ordinance declaring certain activity a public nuisance. Please consider this letter as notice under Lakewood Code Ordinance Chapter 510.01 that you are subject of a Nuisance Declaration should another year or within 1,000 feet of your property.

[REDACTED] following qualifying nuisance activity occurred: On January 23, 2016 your tenant Susan Short had a visitor, Clint Joachim 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 [REDACTED] to Lakewood Hospital ER to be treated for her injuries. I followed the Squad to the ER.

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

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.

See also Arnold, G., & Slusser, M. (2015). Silencing women's voices: Nuisance property laws and battered women. *Law & Social Inquiry*, 40(4), 908–936.

