

June 1, 1990

REPORT TO THE COMMITTEE ON PUBLIC SERVICES AND SAFETY
RE: FULL-TIME DRUG ABATEMENT PROGRAM

On April 17, 1990, the Council reviewed the University of San Diego Law School's report on the condition of the City's entire code enforcement system as part of a workshop on code enforcement. One of the Project Team's supplemental recommendations entailed increasing the use of code enforcement in the City's War on Drugs. This and other recommendations were referred to the Public Services and Safety Committee for further evaluation and study.

Councilmember Pratt specifically requested development of a plan for a full-time drug abatement team similar to that employed by the City of Oakland and a report on how city departments prioritize existing code enforcement cases that involve illegal drugs. Councilmember Hartley requested additional information on targeting housing complexes that have severe drug dealing problems and how the City can better coordinate its drug abatement efforts with various community organizations like the Apartment Owner's Association.

Over the last two years my Code Enforcement Unit (CEU) together with the San Diego Police Department's Narcotics and Gang Divisions have successfully used the enforcement of the Drug Abatement Act in over 100 cases. A total of ten abatement actions have been filed in Superior Court - only one case remains active. The remaining nine cases resulted in stipulated permanent injunctions which effectively resolved the drug and prostitution related problems at these locations. In two abatement cases against two downtown hotels, the CEU recovered \$5,000 in civil penalties and another \$7,500 in reimbursement for investigative costs and attorneys fees for each location.

In another 90 locations the property owners voluntarily abated the public nuisance caused by the drug activity after a meeting with representatives from the San Diego Police Department and City Attorney's office. At these meetings the property owners are given specific recommendations on how to abate the drug activity and associated problems utilizing the full array of City resources.

One of the reasons for San Diego's success in these drug abatement cases is the close working relationship between our law enforcement and code enforcement personnel. A Drug Abatement

Task Force was formed in August 1987 by the City Attorney, City Manager and Police Chief. Membership includes representatives from the Offices of the City Manager, City Attorney, Police Department, Planning Department, Fire Department and Building Inspection. Over the years the Task Force has developed a cohesive partnership which coordinates inspections of the target locations with representatives from these code enforcement divisions. This multi-departmental approach with the police department as the lead agency greatly supplements the investigation and preparation of drug abatement cases. Such a comprehensive strategy that attacks the criminal environment of the drug dealer ensures a more permanent resolution to the high incidence of drug activities in that particular neighborhood.

Other cities have developed their own comprehensive abatement teams as an effective compliment to traditional police methods. In May 1989 the City of Fort Lauderdale received the second place award in the National League of Cities' Innovations Competition for its code enforcement - abatement team. Over an 18 month period, a police sergeant, fire inspector, building inspector and prosecutor working full-time on abatements obtained the demolition of 62 structures, secured 250 vacant and abandoned buildings, and recovered nearly \$500,000 in criminal fines and civil penalties.

At the Council's April 17, 1990, workshop on code enforcement many of you had the opportunity to watch a videotape segment from NBC's Nightly News that highlighted Oakland's drug abatement - code enforcement approach. Representatives from my staff and the police visited Oakland in February to learn about their drug abatement program. Last fiscal year the Oakland City Council allocated approximately \$1.2 million in Community Development Block Grant (CDBG) funds to assist their abatement of dilapidated structures for illegal drug activity. A copy of their budget is attached for your information as Exhibit One.

The Oakland program is noted for its aggressive, proactive approach. They tackle locations that have the "potential" to become crack houses. This concept is worth incorporating in our drug abatement program. One advantage which our program maintains over Oakland is our experience in the courtroom prosecuting property owners for violations of the Drug Abatement Act. As mentioned previously, we have filed ten Superior Court actions, while Oakland filed its first a few months ago. Therefore, our drug abatement efforts could dramatically improve

by incorporating Oakland's proactive approach together with our existing litigation expertise.

In response to the requests of Councilmembers Pratt and

Hartley, my staff together with the police department developed a proposal for a full-time Drug Abatement Response Team (DART). A detailed explanation of how we envision this plan would operate is attached for your consideration. See Exhibit Two. In its present form DART would consist of nine full-time positions at an overall cost of \$406,000. This includes the 1.5 existing positions already devoted to our drug abatement effort for the next fiscal year. Thus, the initial start-up costs for next fiscal year would be approximately \$310,000.

We are all mindful of the current budgetary situation which makes any proposal for a new program somewhat unrealistic. Yet, the purpose behind DART is to create a "blueprint" which the City can use for short and long term planning.

Alternative funding sources is another option worth further exploration. Oakland used CDBG funds to expand its program. My staff recently lobbied the Office of Criminal Justice Planning (OCJP) and the District Attorney for a grant of \$32,000 to increase our abatement efforts from part-time to full-time. Unfortunately, this grant is only for six months starting in January 1, 1991.

The drug crisis throughout our community continues to escalate as it takes its toll upon our citizens and the infrastructure of our city and county government, especially prosecutorial services, law enforcement and the courts. Expansion of our existing drug abatement program from part-time to full-time would be a cost effective mechanism to assist us in our War on Drugs.

Respectfully submitted,
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City Attorney

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Attachments
RC-90-32