Memorandum

CITY OF DALLAS

DATE September 19, 2008

TO Honorable Members of the Quality of Life Committee: Pauline Medrano, Chair; Vonciel Jones Hill, Vice Chair; Carolyn R. Davis, Angela Hunt, Sheffie Kadane, David A. Neumann, Steve Salazar

SUBJECT Community Prosecution Briefing and Code Enforcement Consolidation

On Monday, September 22, 2008, you will be briefed on Community Prosecution and the Code Enforcement Consolidation. Attached is the briefing material for your review prior to Monday's discussion.

If you have questions or need additional information, please let me know.

Thomas P. Perkins, Jr.
City Attorney

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge Victor Lander
Ryan S. Evans, First Assistant City Manager
Ramon F. Miguez, Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
David K. Cook, Chief Financial Officer
Forest E. Turner, Acting Director, Code Compliance Department

Community Prosecution

Presented to the
Quality of Life Committee
September 22, 2008

Office of the City Attorney

Goals

- Improve the community's quality of life using various criminal and civil legal strategies
- Empower communities and strengthen neighborhoods

Community Prosecution

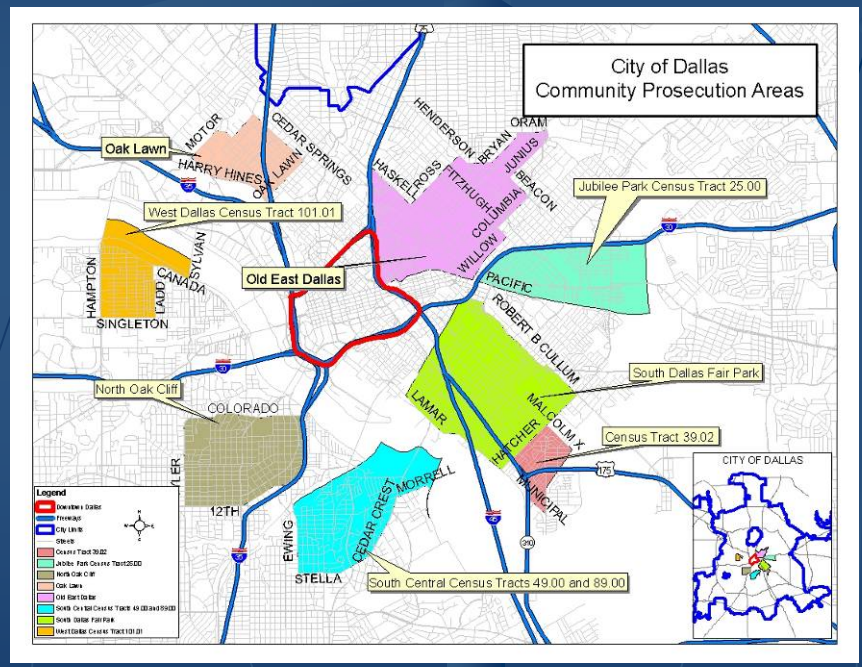
- Focus on reducing and preventing crime by enforcing the city code and improving the appearance of the community
- Use of innovative approaches to solve problems and create partnerships with law enforcement, city departments, the community, and various other entities
- Assistant City Attorneys and code inspectors work together as a team and office in the communities in which they serve

Functions

- Identify egregious Dallas City Code violators in the targeted area;
- Strategic code enforcement;
- Obtain voluntary compliance from property owners;
- Plan and implement initiatives;
- Assist neighborhood groups with amortization cases;
- File Chapter 54 lawsuits; seek injunctive relief;
- Municipal prosecution of impact offenders;
- Reduce and monitor liquor licenses; work with TABC;
- A.C.T.I.O.N. Team meetings (Government & Citizen)
- Creative Community problem-solving; community mediation.

Target Areas

West Dallas	Old East Dallas
North Oak Cliff	South Dallas/Fair Park
West Oak Cliff	Jubilee Park
Oak Lawn	Re-Entry Initiatives
South Oak Cliff	Lake Highlands
Pleasant Grove	Bachman Lake



Proposed Target Areas FY08-09

- Southeast
- South Central
- White Rock Hills
- Deputy Chief Community Prosecutor

Intensive Case Resolution

- Each Community Prosecution Team (14) performs, on average, 100 inspections annually (conservative estimate)
  - Inspections include multi-family, commercial, single family structures
- On average, each inspection results in 14+ violations (conservative)
- In FY06-07, these Teams abated and received voluntary compliance on a majority of their code violations
- Using new tools to capture data, Community Prosecution is establishing a baseline to track performance measures and activity more efficiently
- Community Prosecution has developed a Checklist to address all legal issues pertaining to each property, comprised of the tools and resources routinely used **(See Attachment A)**

Case Profiles

- Apple Creek Home (Lake Highlands)
  - Neighbors had complained about a property for 28 years
  - 30 ft. tall bamboo along the fence, raccoons and rats in the yard, a pond-looking swimming pool, trees hanging over the street, sidewalk and alley.
  - The LH CP Team executed a search warrant to inspect the property
  - Within 90 days of weekly and bi-weekly inspections, the property once again fits in with the neighborhood

Case Profiles

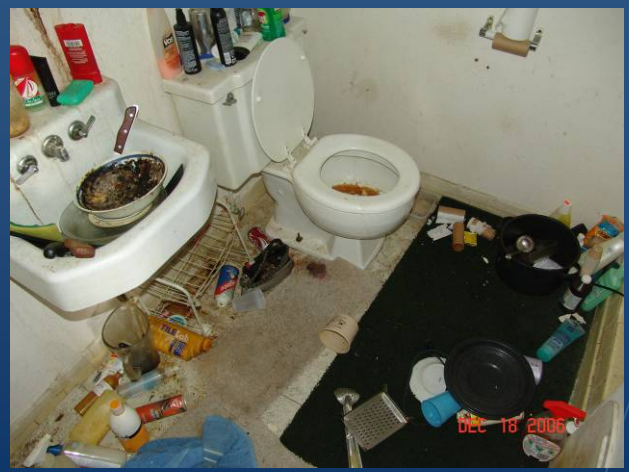
Apple Creek Home (Lake Highlands)

Case Profiles

- 4001 Live Oak
  - In December 2006, the Old East Dallas Government Action Team determined 4001 Live Oak was an illegal residential motel
  - Known for drugs, prostitution, gang activity, and general slum conditions, with many residents mentally or physically handicapped
  - With constant attention and relentless follow up, the CP Team was able to encourage substantial improvements/compliance
  - In 6 months, the property was updated, sold and eventually demolished.
  - No lawsuit was filed, the City did not have to pay for demolition and no citations were issued.

Before

4001 Live Oak



Before

4001 Live Oak

After

4001 Live Oak

After

4001 Live Oak

Case Profiles

- 4850 East Grand Avenue (“Tha Storage”)
  - The Jubilee Park CP Team received a complaint from the principal of O.M Roberts Elementary School, located across the street
  - Parents were complaining about people hanging out and possibly dealing drugs
  - Team inspected property and found to be operating without a C.O.
  - Business owner began locking doors to prevent re-inspections and Dallas Fire Rescue and City Marshals assisted in gaining entry
  - Team notified property owner that tenants were refusing inspection
  - After property owner convinced tenants to open up we inspected the property and found a gun and drug paraphernalia. The property was being used as a front.
  - Business owner was arrested for outstanding warrants and the property owner evicted them

Case Profiles

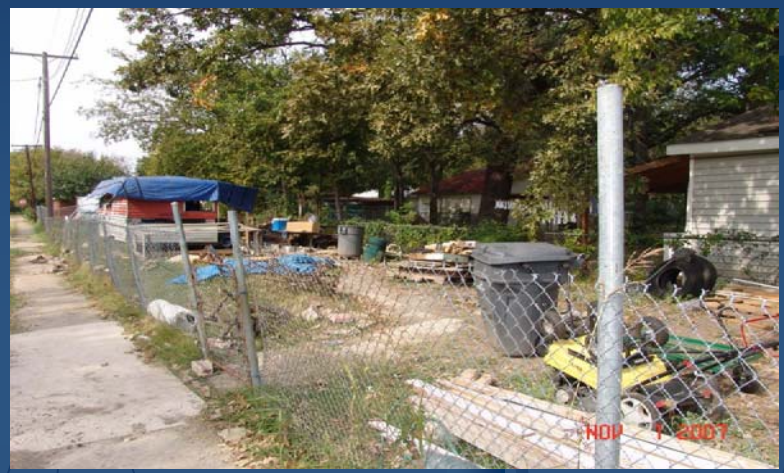
4850 East Grand Avenue (“Tha Storage”)

Case Profiles

- Bachman Lake Area
  - Homeless encampment between two buildings
  - Existed for 6-9 months
  - Team abated public nuisance in one day, by speaking with the property manager and the property owner

Case Profiles

- West Dallas
  - Homeless veteran lived in a trailer two blocks from an elementary school for years
  - No electricity or water
  - EHS Crisis Intervention was contacted to assist the veteran with medical benefits
  - CP worked with him to clean the lot
  - Eventually he found a new place to live and voluntarily moved his trailer
  - The remaining junk was removed by the City
  - Neighbors are ecstatic to have the lot cleaned up.



The Apollo Motel
South Oak Cliff Community Prosecution Area
(pending litigation)

CAO Code Compliance - Litigation

- Handles Utility Disconnections at Master Metered Apartment Complexes;
- Files Chapter 54 and Chapter 211 lawsuits in District Court regarding zoning, code, or environment issues;
- Files lawsuits in Municipal Court on vacant, dilapidated, demolition-worthy single family structures;
- Works with DPD on criminal nuisance matters;
- Works with DPD on licensing and litigation matters involving sexually oriented businesses and dance halls;
- Works with Fair Housing Office on review of litigation of Fair Housing matters.

Community Prosecution Performance Measures (FY 08/09)

- # of lawsuits filed (Average 3 lawsuits per attorney) 42
- # of code inspections (Average 100 per inspector) 1400
- # of community meetings (5 meetings per attorney during 9 months) 700
- # of city departmental meetings 140
- # of Administrative Hearings/Matters
  (i.e., TABC, Board of Adjustment, Planning Commission) 14
- # of Interdepartmental Specialized Sweeps/Initiatives
  (i.e., bars, homeless, convenience stores) (1 per target area for 9 months) 126
- # of Project Safe Neighborhood Presentations 11

Re-Entry Community Prosecution Performance Measures (Recently Released Parolees)

- # of Parolees provided information re: obtaining documentation
  (Identification Cards, Social Security Cards, Birth Certificates) 550
- # of Parolees (Probationers) provided Gun Crime Information
  at Project Safe Neighborhood (PSN) Presentations 1600 Parolees (4000 Prob)
- # of Re-Entry Court Docket clients 40
- # of Female Parolees taught in Texas Department of Criminal
  Justice (TDCJ) Job Readiness training 80
- # of Prisoners attending Job Fair at Federal Correctional
  Institute (FCI) Seagoville 60
- # of Parolees completing PSN Internet Job Searching Class 220
- # of Community Meetings 25

Community Court Performance Measures

- # of cases handled by Community Courts 3600

PROJECT SAFE NEIGHBORHOODS
America's Network Against Gun Violence

Making America's Communities Safer

Project Safe Neighborhood

- Monthly program implemented by the Community Prosecution Team.
- Top federal, state and local law enforcement officials speak to parolees/probationers.
- 500-600 probationer/parolees attend (felons).
- Provide education/law on gun crime.
- Provide social service information (i.e., 211, job fairs, community voice mail, obtaining State ID).

Project Safe Neighborhood

- Since inception of Project Safe Neighborhood, Gun Crime Reduction among probationers and parolees has been reduced by

51.09%

University of Texas as Arlington

(Graduate Students Study - based upon rearrests of parolees/probationers in Dallas County)

Re-Entry Initiatives

- On May 18, 2006, US Attorney General Alberto Gonzales conducted a press conference in our courtroom to announce that Dallas/Ft. Worth was selected as one of six cities to receive $2.5 million anti-gang crime grant
- The Re-Entry Community Prosecutor began a supervised program for Texas Youth Commission and Texas Department of Criminal Justice parolees – “Re-Entry Docket”
- Re-Entry Court are specialized courts that help reduce recidivism and improve public safety through the use of judicial oversight

Re-Entry Community Prosecutor Strategies

- Target enforcement programs that will focus law enforcement efforts on significant violent gang offenders
- Prevention Programs – focus on reducing youth gang crime and violence by addressing the full range of personal, family and community factors that contribute to high levels of juvenile delinquency and gang activity
- Re-entry Assistance Programs will provide transitional housing, job readiness and placement assistance, and substance abuse/mental health treatment

New Life Opportunity Initiative

- In July 2007, the Dallas Police Department implemented a Prostitution Initiative, along with the Community Prosecution Team and the South Dallas Community Court, along I-20. There are 5 truck stops along the stretch of highway in South Dallas. Well over 2000 trucks stop at these locations each day, where truckers will find @ 800 prostitutes soliciting.

South Dallas Community Court

- The City of Dallas opened its first Community Court on September 30, 2004
- Defendants are cited for Class C misdemeanor “quality of life” crimes
- Appear in court within 7 days of receiving citation
- Defendants who plead guilty or no contest are ordered to perform community service and attend rehabilitative/educational programs
- Upon completion of probation, all outstanding city citations are disposed

South Dallas Community Court

- FY06-07
  - Community Court dockets on 46 Thursdays
  - 3,987 cases processed
  - 2,056 out of 2,899 community service hours completed (71% compliance rate)
  - 335 Social Service Referrals made

South Dallas Community Court Programs

- Job Fairs
- Truancy Initiative
- Youth Summits
- Re-Entry Program
- Grandparents Raising Grandchildren
- Thanksgiving Basket Drive
- New Life Opportunity Initiative
- Life Skills
- APPA (substance abuse classes)
- Community Outreach Projects

Community Court Community Service (Truancy Initiative/Court Defendants)

West Dallas Community Court

- Coming Soon
  - Anticipated Opening: November 2008
- West Dallas Multipurpose Center
- 2828 Fish Trap Road

Code Inspector Consolidation

- In an effort to increase the efficiency and effectiveness of the City Code enforcement efforts, the City Manager and the City Attorney propose consolidating all code enforcement inspectors in a newly created Nuisance Abatement Unit in the Code Compliance Department.

Nuisance Abatement Unit

- Will consist of code inspectors assigned to the SAFE Team, the City Attorney's Community Prosecution and Code Compliance Sections
- Will support the specialized code compliance and litigation efforts of the City Attorney's Office

Nuisance Abatement Unit

- Code Inspectors assigned to Community Prosecution will remain assigned to the same attorneys
- Code Inspectors assigned to the CAO Code Compliance Section will remain assigned to the same attorneys
- All work assigned to these inspectors will come solely from the attorneys
- Additional code inspectors will be supplemented to work closely with these code inspectors

Nuisance Abatement Unit

- The goal of the new unit is to increase the City's capacity to aggressively litigate difficult and complex code enforcement cases
- The unit will also expand the city's ability to respond to and litigate these types of demanding code cases throughout the city

Nuisance Abatement Unit

- The creation of the Nuisance Abatement Unit will enhance training opportunities for code inspectors assigned to the Unit
- Code Inspectors transferred into the unit will have advancement and training opportunities that are not currently available in their existing assignments

Nuisance Abatement Unit

- A long-term goal of this consolidation is the incorporation of the Community Prosecution Section into the General Fund budget
- The Community Prosecution Section is primarily grant-funded and this has significantly restricted the ability of both prosecutors and code inspectors to expand services beyond the target areas set by the grant conditions and limitations
- The creation of the Nuisance Abatement Unit is an important step in the process of improving the delivery of code enforcement services to all of the citizens of Dallas, and creating a dynamic litigation support team that will significantly enhance the City Attorney's enforcement capabilities

Nuisance Abatement Unit

- The Code Department and the City Attorney's Office will conduct a 45 day evaluation of this consolidation beginning on October 1, 2008, and provide Council an update by December 5, 2008

City Attorney's Office

Community Prosecution Section

Monthly Statistic Report

Target Area: _____

Month:	00/00/00			
Community Prosecutor:				
Referral Source	**Description:**	**Total**	**Total**	**Monthly Total**
Proactive	Re:			
Dallas Police Department				
Dallas Fire Department				
City Council				
Crisis Intervention				
Health Department				
Storm/Water Environmental				
City Marshal				
TABC				
Inspections				
Code				
Ownership Research				
Corporation Research				
Deed/Title Research				
Central Files Research				
Met w/ Department Heads				
Plat/Zoning Map Research				
Citations Issued				
Met with City Council Member				
Met with Owner				
Court				

Attachment A

Testified (BOA,DC,PC)				
Business Sweep				
Search Warrant/Seizure Order				
Multiple Agency Inspection				
Met with Neighborhood Group(s)				
Knock and Talk				
Demolition Worthy				
Tax/Lein Research				
PD Research				
SUP Research				
Conservation District				
Historical District				
State Law Research				
TCEQ				
Federal Law Research				
Govt. ACTION Team Meeting				
Citizen ACTION Team Meeting				
Department of Agriculture				
State Comptrollers				
Deposition				
Met with Opposing Counsel				
Information Education Meeting				
Injunction inspection				
Zoning Research				
Closure				

Tex. Dept. of Transportation				
Heavy Clean				
No Trespassing Warning				
Addressed Criminal Proliferation				
	Total hours :Attorney			
	Total hours : Paralegal/Secretary			
	Total hours: Inspector			
	Total Attorney/ Paralegal/ Secretary hrs. in this matter			
	Expenses:			
00/00/0000	Copies: Produced outside of City			
00/00/0000	Process Service			
00/00/0000	Filing Fee			
	Travel			
	Postage			
	Certified Mail			
	Consultation:			
	Consultation:			
	Consultation:			
	Other: Over the budget for GAM			
	Total Case Expenses			**$**