



Civil Process:

*An Overview of How Citizens
Can Organize to Abate a Public Nuisance*

Lt. Reginald T. Garcia, MPA
Vallejo Police Department
January 29th, 2007



Nuisance Laws

3479 Civil Code

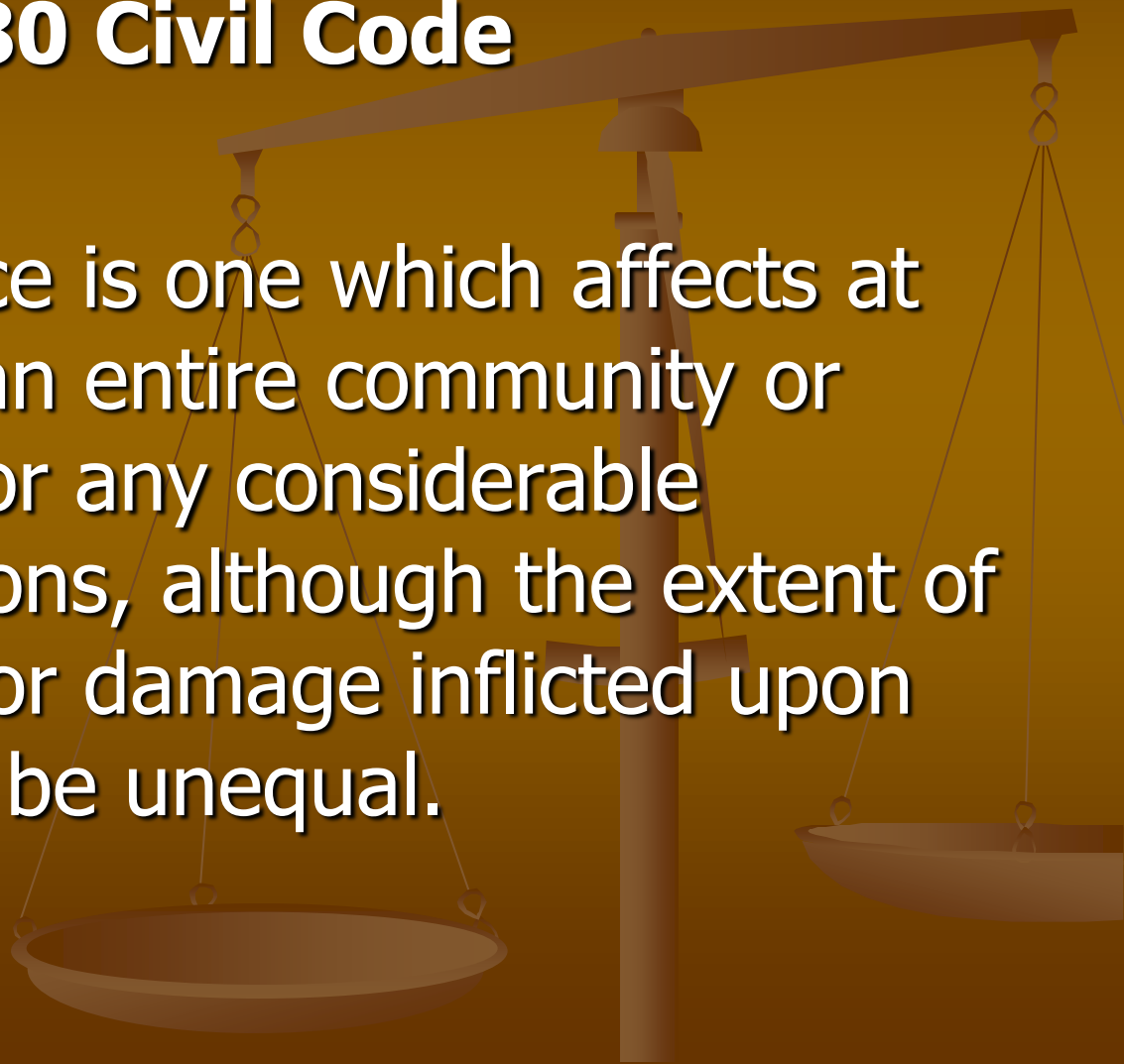
Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.



Nuisance Laws

3480 Civil Code

A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.





Nuisance Laws

731 Code of Civil Procedure

An action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by a nuisance, as the same is defined in section thirty-four hundred and seventy-nine of the **Civil Code**, and by the judgment in such action the nuisance may be enjoined or abated as well as damages recovered therefore.



Nuisance Laws

A **civil action** may be brought in the name of the people of the State of California to abate a public nuisance, as the same is defined in section thirty-four hundred and eighty of the **Civil Code**, by the district attorney of any county in which such nuisance exists, or by the city attorney of any town or city in which such nuisance exists,



Nuisance Laws

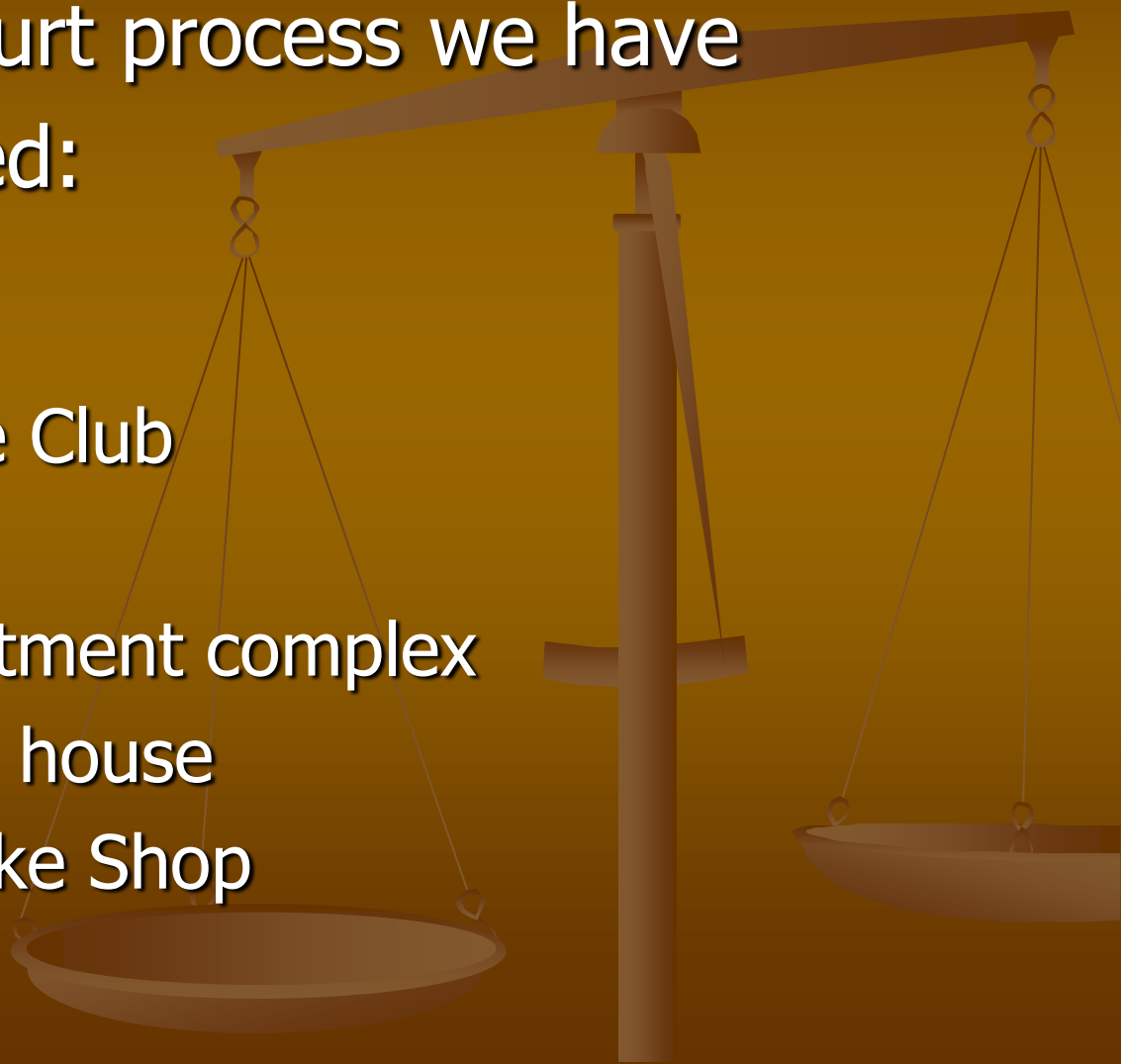
and each of said officers shall have concurrent right to bring such action for a public nuisance existing within a town or city, and such district attorney, or city attorney, of any county or city in which such nuisance exists must bring such action whenever directed by the board of supervisors of such county or whenever directed by the legislative authority of such town or city.



Nuisance Laws

Using the Civil Court process we have successfully abated:

- A problem bar
- A problem Rave Club
- A gang house
- A problem apartment complex
- A problem drug house
- A problem Smoke Shop

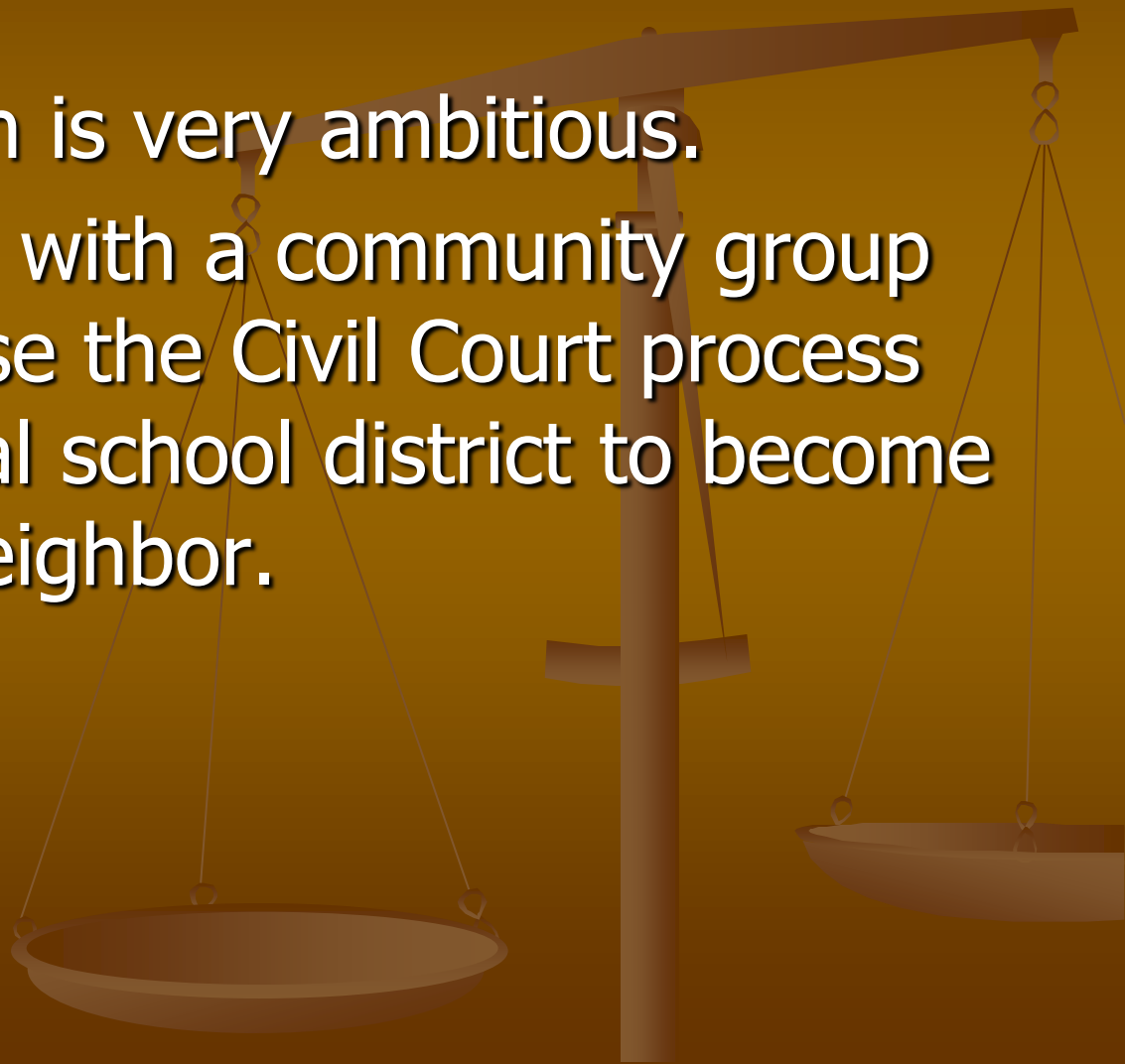




Nuisance Laws

Our latest action is very ambitious.

We are working with a community group that wants to use the Civil Court process to force the local school district to become a responsible neighbor.

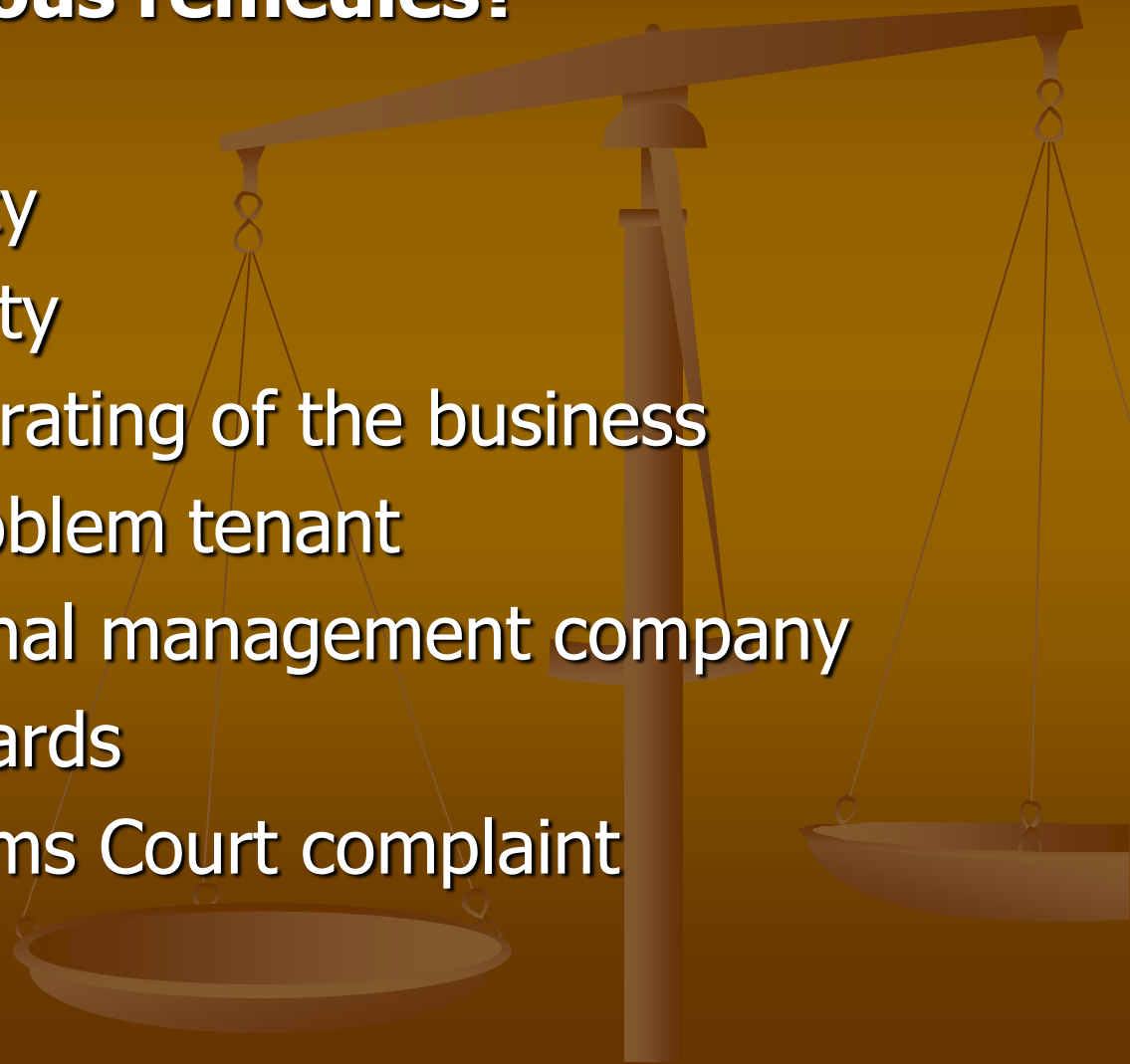




Civil Court Process

What are the various remedies?

- Abating the activity
- Sale of the property
- Changing the Operating of the business
- Eviction of the problem tenant
- Hiring a professional management company
- Hiring security guards
- Filing a Small Claims Court complaint

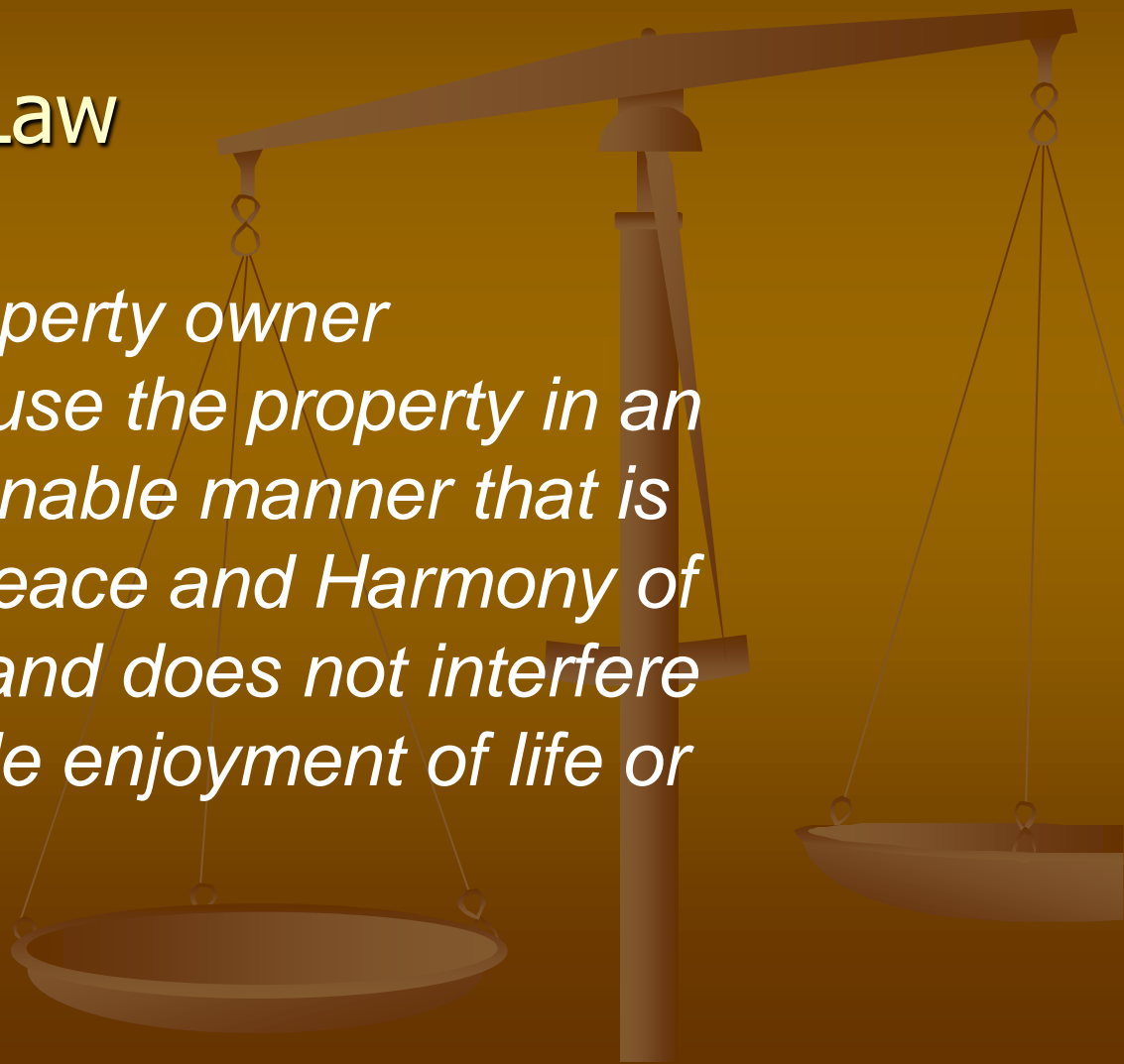




Property Management

■ California State Law

Dictates that “a property owner responsibility is to use the 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.”





Nuisance

- Anything injurious to health
- Indecent to the five senses
- Unlawfully obstructs free use of streets
- Obstruction to free use of property so as to interfere with the comfortable enjoyment of life or property





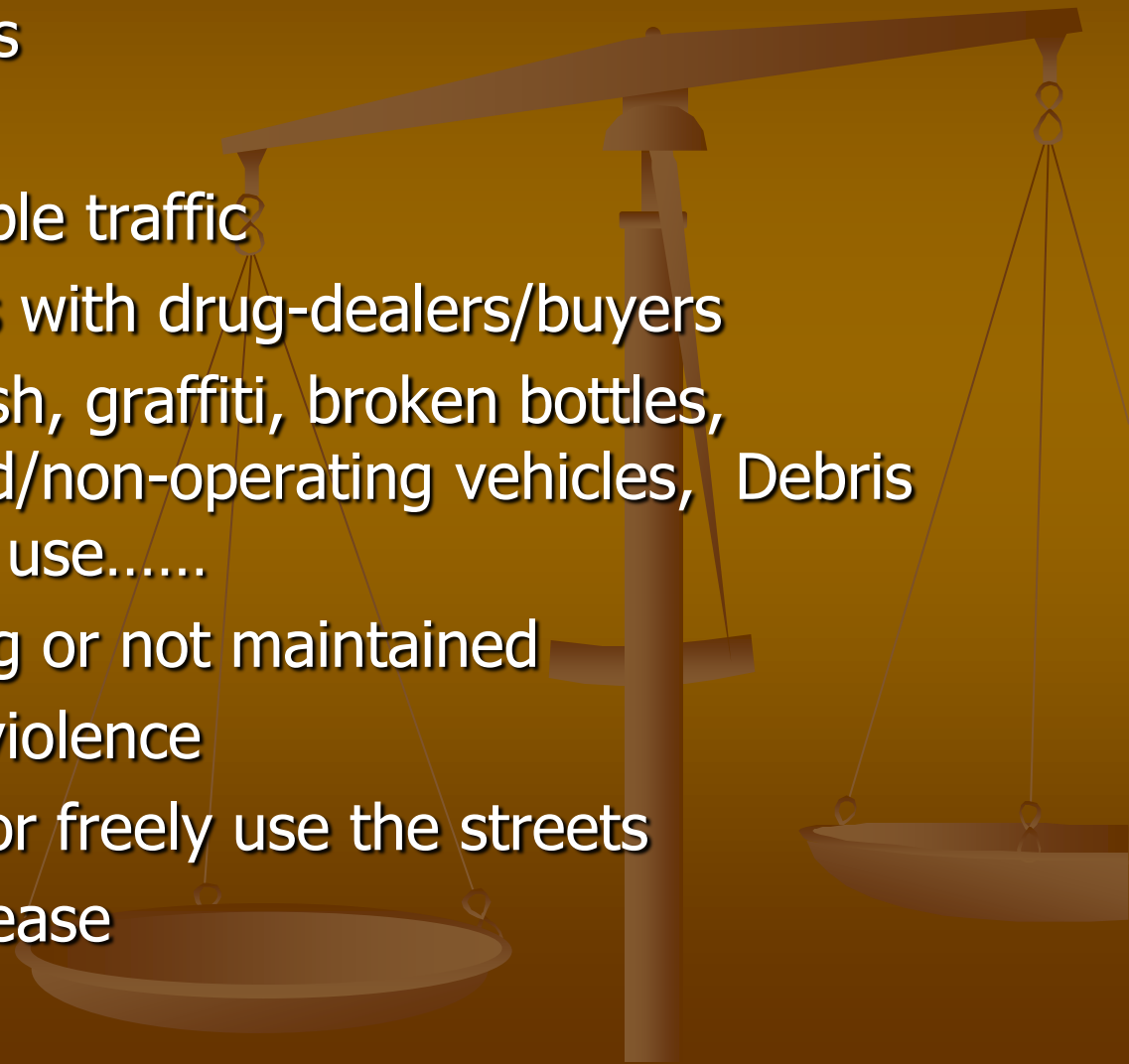
Emotional and Mental Distress

- Mental distress, anguish, pain; loss of enjoyment
- Includes all highly unpleasant mental reactions:
 - Fright, horror, grief
 - Shame humiliation, embarrassment
 - Anger, disappointment, worry



Activities Associated with Problem Business

- Racing/Speeding Cars
- Noise night and day
- Short-term auto/people traffic
- Offensive encounters with drug-dealers/buyers
- Increase in litter, trash, graffiti, broken bottles, Condoms, abandoned/non-operating vehicles, Debris associated with drug use.....
- Property deteriorating or not maintained
- Increase in crime & violence
- Afraid to go outside or freely use the streets
- Property values decrease





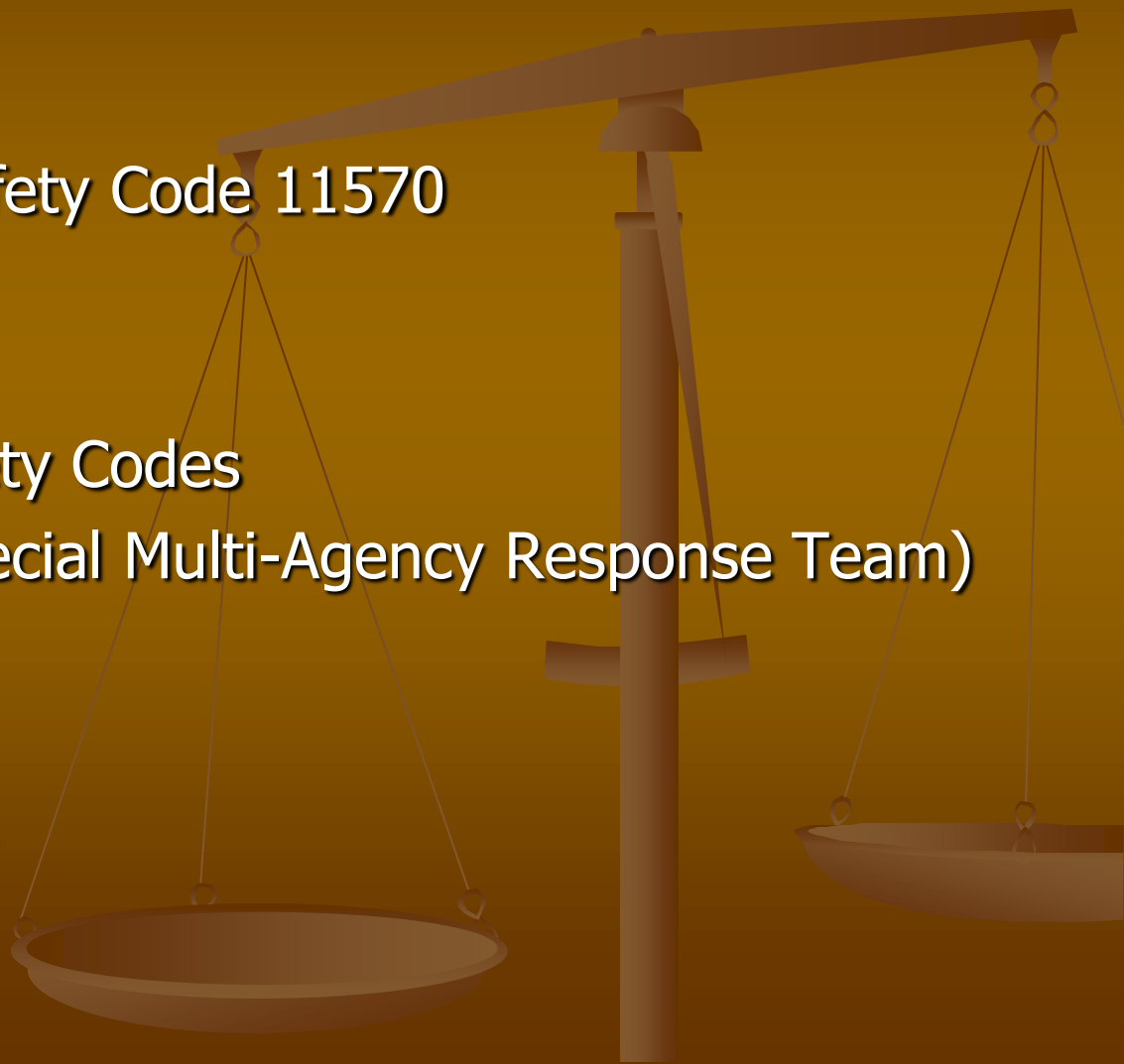
Retail Business of Drugs

- “Crack-in-the-box” Drug House
- “Walk-and-drop” Drug House
- “Drug delivery service” Drug House
- Three-person facilitated sales



Tools to Abate Retail Business of Drugs

- Drug Abatement Act
 - State Health & Safety Code 11570
- Beat Health
 - City Health & Safety Codes
 - SMART Team (Special Multi-Agency Response Team)
- Civil Abatement
 - Organized citizens
 - Block Watch





Citizen Organizational Model



**COLLECTS
ACTIVITY
LOGS**

**SCHEDULES
MEETINGS**

**LIAISON TO
POLICE**

**WRITES
DEMAND
LETTERS**

SPOKESPERSON

**LIAISON TO
COUNCIL**

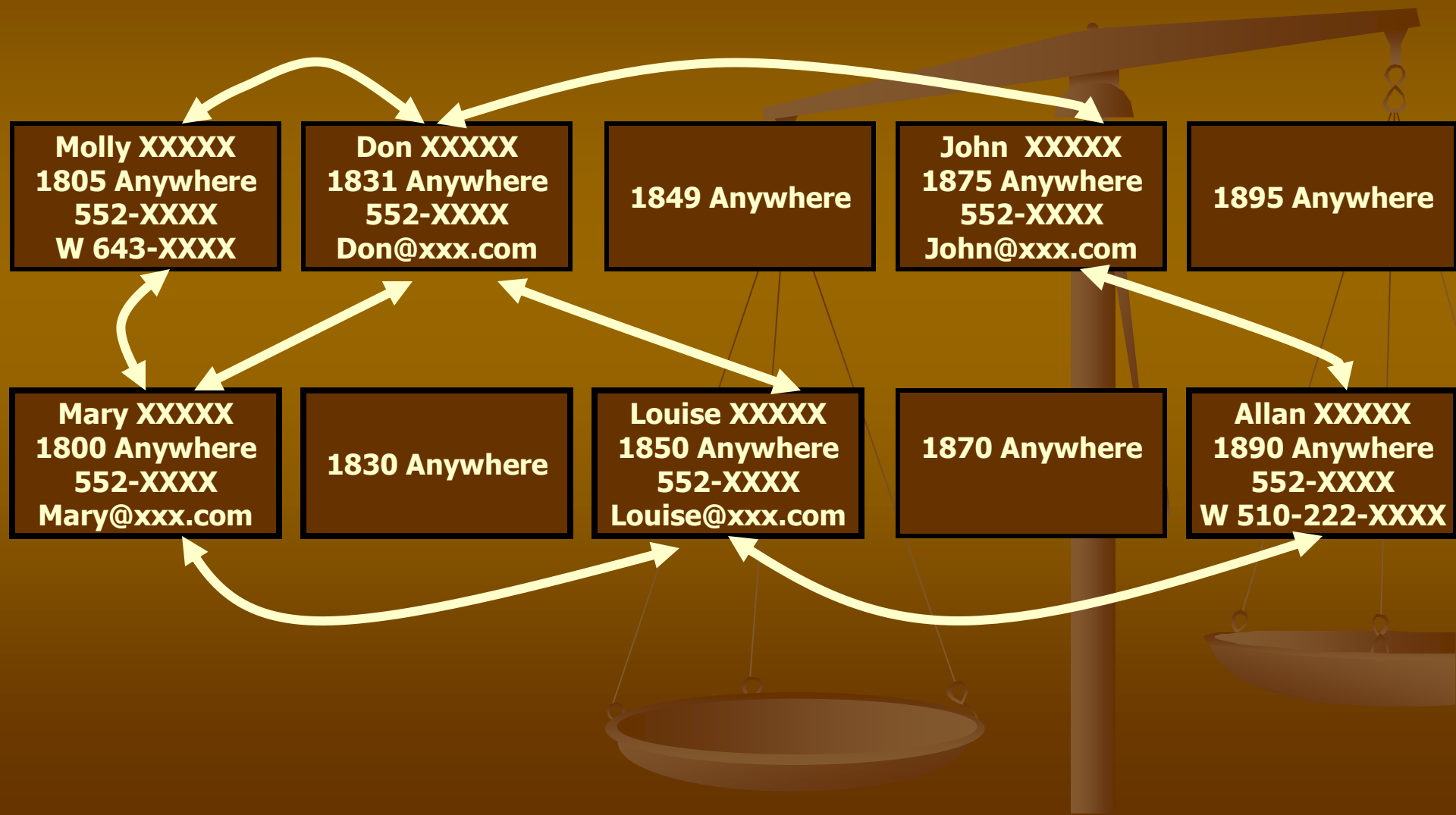
**FAXES
&
E-MAILS**

**ID NEIGHBORHOOD
ASSOCIATION**

**TAKES
MINUTES**



Anywhere St. Telephone Tree





Activity Log

Where: _____ **Police (NON-EMERGENCY) 648-4321 "0"**

DATE	TIME	Activity taking place and <u>how I feel about it</u>	Who contacted
3-2-06	3:05 am	Loud music, screaming and talking loud. Man thrown out of house again. I'm afraid to go to sleep. I'm worried the man may come back and start fights	Badge 426
3-4-06	11 pm	Fighting in the street. People are poring out of 1849 into street to watch	Opr #110
3-6-06	2:38 am	Loud music and cursing. A man drove up on front lawn, went to the door. Exchanged something and was handed a small package	Badge 520
3-9-06	11:39 pm	I'm angry and exhausted. Nuisance is now taking it's toll during workdays from not sleeping at night	PA 312



Demand Letter

Mr.. Joe Cool
375 High Rolling Ln
Vallejo, CA

March 13, 2006

Dear Mr. Cool,

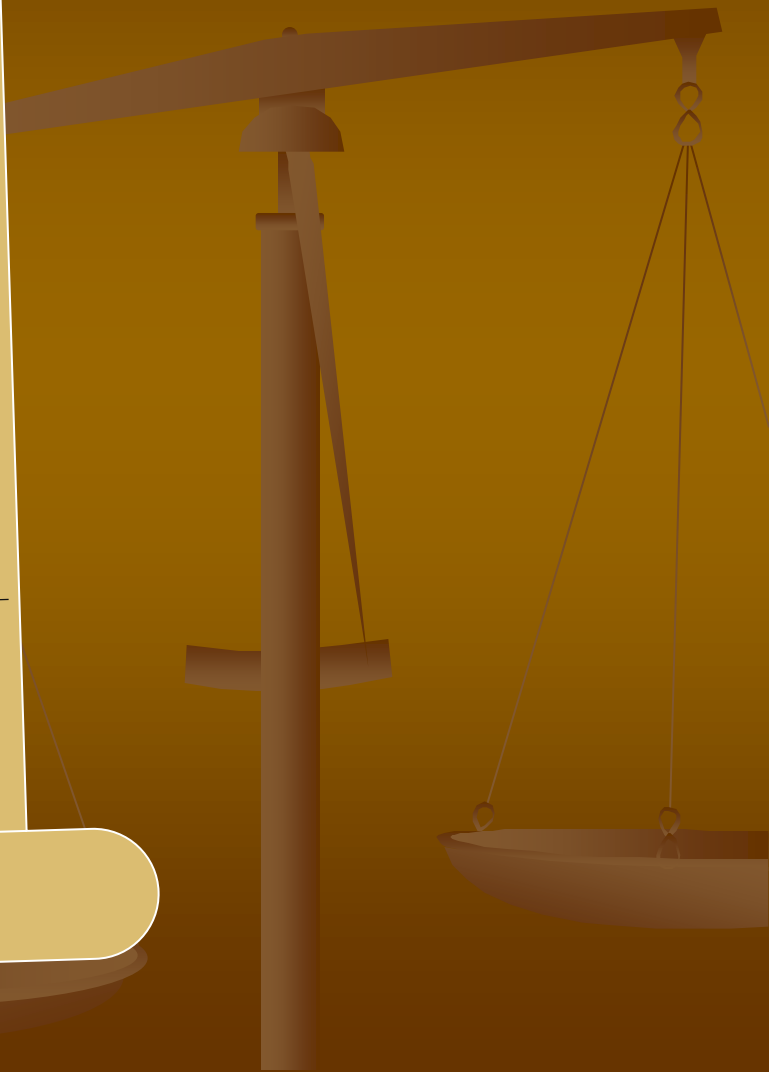
We _____ criminal activity on your property _____
destroying our peace and harmony.

We have activity logs _____ illegal activities by your tenants
_____.

_____ act immediately _____ sue you in small claims court _____

Sincerely,

Anywhere Street Neighborhood Group



PLAINTIFF'S CLAIM

D
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P
Y

PLAINTIFF

• LEO XXXXX
1805 Anywhere
Vallejo, CA

DEFENDANT

• Joe Cool
375 High Rolling Ln
Vallejo, CA

• Sue Cool
375 High Rolling Ln
Vallejo, CA

PLAINTIFF'S CLAIM

1, Defendant owes me the sum of \$7,500.00 because the defendants allow illegal activities to occur on their property at 1849 Anywhere Street which caused me emotional and mental distress.

2. _____ .

3. _____ .

4. ☐ I have filed

Date: March 13, 2006

LEO XXXXX

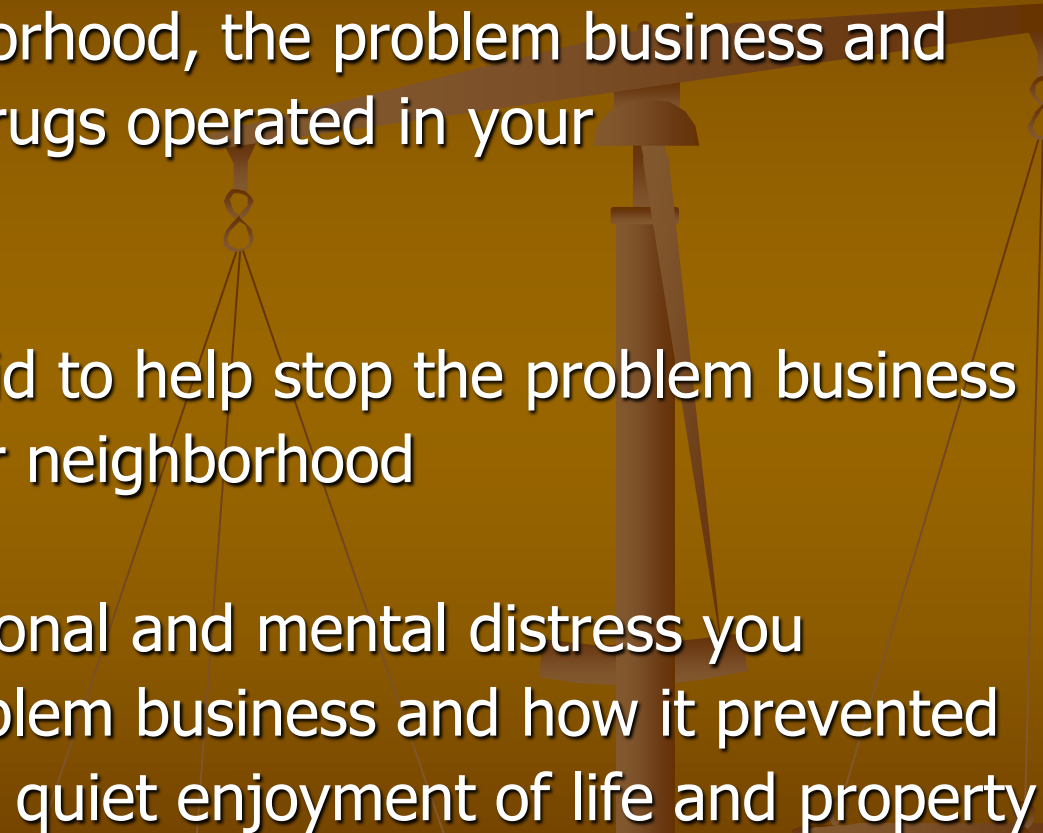
ORDER TO DEFENDANT

DATE ISSUED	TRIAL DATE	TIME	DEPARTMENT

FILED ON:



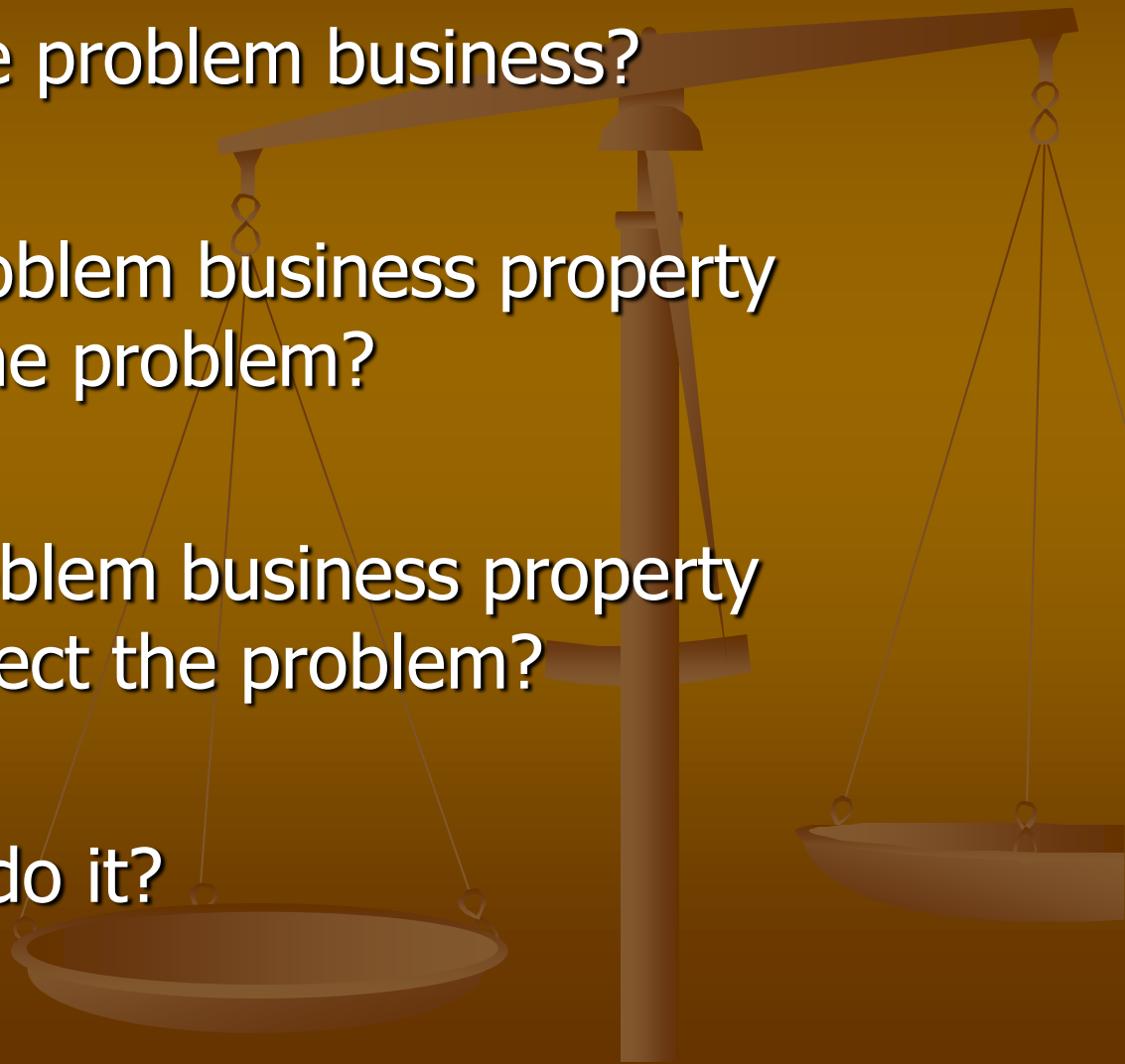
Court Presentation

- 
- A large, faint background graphic of a pair of scales of justice, symbolizing the legal process. The scales are positioned on the right side of the slide, with the pans hanging from a central beam.
- I. Introduce your neighborhood, the problem business and how the business of drugs operated in your neighborhood
 - II. Introduce what you did to help stop the problem business from operating in your neighborhood
 - III. Introduce what emotional and mental distress you suffered from the problem business and how it prevented you from enjoying the quiet enjoyment of life and property



The Judge Will Want to Know

- How bad was the problem business?
- When did the problem business property owner learn of the problem?
- What did the problem business property owner do to correct the problem?
- How fast did he do it?





Awarding of Judgement

- Judgment is made for **EACH** case and not as a group
- Each judgement is made by the judge based on how well the plaintiff demonstrates:
(Log Information & Police Reports)
 - a. How has the plaintiff suffered
 - b. How often the plaintiff suffered
 - c. How long the plaintiff has suffered
 - d. Has the suffering ended?
 - e. How well did the defendant respond

Civil Process



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