

12.372 CHRONIC NUISANCE PREMISES

References:

CMC 701-27, Loud dog
 CMC 708-27, Discharging firearms
 CMC Chapter 761, Chronic nuisance premises
 CMC 906-9, Public gaming
 CMC 908-3, Criminal Intimidation
 CMC 908-7, Aggravated menacing
 CMC 908-9, Menacing
 CMC 910-1, Attendance at school
 CMC 910-21, Loitering with the intention of committing unlawful drug transaction
 CMC 910-23, Possession of marijuana
 CMC 911-27, Curfew for minors
 CMC 1213-7, Unauthorized possession, sale or discharge of fireworks
 CMC Title XVI, Neighborhood Quality of Life Uniform Code
 ORC 2903.11 – 13, Assault offenses
 ORC 2903.21 – 22, Menacing offenses
 ORC 2905.01, Kidnapping
 ORC 2907.21 – 25, Prostitution and related offenses
 ORC 2909.04, Disrupting public services
 ORC 2915.04, Public gaming
 ORC 2917.11, Disorderly conduct
 ORC 2917.32, Making false alarms
 ORC Chapter 2925, Drug Offenses
 ORC 3743.65, Unauthorized possession, sale or discharge of fireworks
 ORC 5323.02, Property owner registration
 2016 Chronic Nuisance Regulation

Purpose:

To assist victims of crime and penalize those who commit crimes or those who permit conditions to exist that give rise to crime or create a disproportionate burden on police resources. To establish rules, procedures and penalties to address the owners of multi-family premises that have chronic nuisance issues and fail to take corrective measures. These nuisances include activities related to drugs, disorder, and violence.

Policy:

To work in partnership with the owners and operators of multi-family premises to address the negative impacts caused by chronic nuisance activities and improve the vitality of neighborhoods by addressing criminal activity.

For the purpose of this procedure, calls for service made by the owners or operators of multi-family premises demonstrate their commitment to abate nuisance activities on their premises and are not eligible for billing or criminal enforcement. In addition, domestic violence calls for service are **not** considered nuisance activities.

If a multi-family premise is deemed to be a chronic nuisance under Cincinnati Municipal Code (CMC) Chapter 761, the premises owner may be billed for the cost of enforcement services and cited civilly or criminally.

Definitions:

Chronic Nuisance Investigator - A sworn officer, serving as liaison between the police department and the Cincinnati Solicitor's Office; duties include investigating, reporting and monitoring chronic nuisance premises.

Multi-family premises - any property capable of housing more than a single family by design or as classified by the Hamilton County Auditor.

Chronic nuisance - a premise or property, in violation of Cincinnati Municipal Code (CMC) 761-5.

Call for Service - any request for assistance received by the Cincinnati Police Department related to a nuisance or nuisance activity on a premises where there is probable cause that the nuisance or nuisance activity occurred. Call for Service does **not** include the following: (1) domestic or dating violence; (2) trespassers; (3) calls for service made by the owner or operator; (4) incidents when the tenant causing the nuisance activity was evicted; and (5) the disposition of a call for service is "canceled", "duplicate incident", "false alarm", "handled by fire", "no violation", "nothing to report", "handled by other", "error incident", "gone on arrival", "accident report", unable to locate", "no report", "no such address", "referral issued", "tow report", "missing report", or "false alarm report".

Nuisance or nuisance activity - any of the following activities, conduct, or behavior whenever engaged in by owners, operators, occupants, or persons associated with a premise:

- Assault, aggravated assault, or felonious assault as defined in CMC 908-5 or as defined in Ohio Revised Code Sections 2903.11, 2903.12, or 2903.13.
- Menacing, aggravated menacing, or menacing by stalking as defined in CMC 908-3, 908-7, or 908-9 or as defined in Ohio Revised Code Sections 2903.21, 2903.22, or 2903.211.
- Inducing panic, making a false alarm, or perpetrating a hoax weapon of mass destruction as defined in Ohio Revised Code Sections 2917.31, 2917.32, and 2917.33.
- Disrupting public services as defined in Ohio Revised Code Section 2909.04.
- Curfew violation as defined in CMC 911-27.
- Attendance at school violation as defined in CMC 910-1.
- Disorderly conduct as defined in Ohio Revised Code Section 2917.11.
- Discharging firearms in violation of CMC 708-27.
- Commission of any drug offense under Chapter 2925 or 3719 of the Ohio Revised Code or loitering with the intention of committing an unlawful drug transaction as defined in C.M.C. 910-21. Compelling or promoting prostitution, procuring, soliciting, or loitering to engage in solicitation, or prostitution as defined Ohio Revised Code Sections 2907.21 through 2907.25, inclusive.
- Public gaming as defined in CMC 906-9 or in Ohio Revised Code Section 2915.04.

- Unauthorized possession, sale, or discharge of fireworks as defined in CMC 1213-7 or in Ohio Revised Code Section 3743.65.
- Loud, dangerous, or vicious dog as defined in C.M.C. 701-4, 701-5, 701-6, 701-7, or 701-27.
- Loud noises or excessive sound from a motor vehicle as defined by C.M.C. 909-3 or 909-5.
- Kidnapping as defined in Ohio Revised Code Section 2905.01.

Occupant - the person residing in or having use of premises. The same person or persons can be owner and occupant.

Operator - any person, firm, company, corporation or association, including their employees, agents, or contractors, that controls, operates, or manages a premises.

Owner - any person, partnership, firm, or corporation, who alone or jointly with others, shall be in possession of or have control of any premises or is listed as the owner of a premises on the records of the Hamilton County Auditor.

Person associated with - any person who, whenever engaged in a nuisance or nuisance activity, enters, patronizes, visits; attempts to enter, patronize or visit; or waits to enter, patronize, or visit, a premises or person present on premises, including any officer, director, customer, agent, employee, or independent contractor of a premises owner.

Property or Premises - a platted lot or part thereof, or un-platted lot or parcel of land, or plot of land either occupied or unoccupied by any building or structure, equipment, or property of any kind.

Computer Aided Dispatch (CAD) - Cincinnati Police computer system utilized for dispatching all calls for service and maintaining a record of all dispatches and calls for service. A computer system capable of receiving and disseminating detailed information related to emergency services.

Information:

Criminal offenses relating to drugs, disorder, and violence will be analyzed monthly to determine if any multi-family residential premises are a chronic nuisance. Domestic violence offenses and CFS made by an owner or operator are not included in this analysis.

Multi-family premises designations are established by the actual use of the premises.

A premises is in violation of the annual threshold established in CMC 761-3(a)(3) when, within a 12-month period, the following number of nuisance activities has occurred at the premises:

- a) Premises with 2 or 3 residential units: 6 nuisance activities.
- b) Premises with 4 to 19 residential units: 14 nuisance activities.
- c) Premises with 20 to 39 residential units: 18 nuisance activities.
- d) Premises with 40 to 119 residential units: 20 nuisance activities.
- e) Premises with 120 to 199 residential units: 26 nuisance activities.

Procedure:**A. Opening Cases**

1. On a quarterly basis, the chronic nuisance investigator reviews all CAD events for multi-family premises for the last 12-month period.
 - a. The chronic nuisance investigator pulls all potential qualifying nuisance activities, eliminating all ineligible calls for service such as domestic violence events.
 - b. Once a premises meets the threshold of CMC 761-3, a CAD summary will be forwarded to the Law Department containing incident numbers, dates and times of the incidents, types of incidents and the address of the premises where the incidents occurred. (Law then uses that information to create an initial notice to be sent to premises owner or operator, thereby opening a case).

B. Enforcement Process

1. Each month, the chronic nuisance investigator will retrieve all reports (CAD, arrests and offenses) for all premises having received an initial notice of nuisance activity.
 - a. CPD Records will provide all arrest and offense reports upon request from the chronic nuisance investigator.
 - b. CAD incidents are reviewed, and a report is generated for relief officers to complete regarding potential applicable chronic nuisance activity runs. (Chronic Nuisance Incident Report)
 - c. Chronic nuisance reports are sent to District Commanders through the Patrol Bureau Commander for distribution to relief officers.
 - 1) Relief officers complete the chronic nuisance incident reports and return them to the District Commander or designated supervisor. Reports are forwarded to the Patrol Bureau and then to the chronic nuisance investigator.
 - d. The chronic nuisance investigator saves and reviews all reports (CAD, arrests and offenses) and submits all reports of qualifying calls for service to the Law Department.
 - e. The Law Department reviews and confirms qualifying incidents, and/or otherwise eligible for enforcement under the Chronic Nuisance Regulation as well as local, state and federal laws, sending the investigator a list of approved incidents for billing.
 - f. Upon request by the chronic nuisance investigator, the Finance Section generates an invoice for each premises where a qualifying call for service has occurred to be issued to the premises' owners or operators in violation of each chronic nuisance incident.

- 1) The Finance Section shall create an invoice charging \$100 for each qualifying call for service to the owner or operator of the premises.
 - g. The chronic nuisance investigator generates a billing notice containing date, location, type of incident and disposition of the qualifying call for service.
 - h. The chronic nuisance investigator reviews prior billing notices for chronic nuisance premises and drafts a civil citation to the owner or operator of a chronic nuisance premises, if applicable under CMC 761-7(b);
 - i. The invoices, billing notices and civil citations (if any) are forwarded to the Law Department to be served.
- C. Closing cases
1. On a monthly basis, the chronic nuisance investigator reviews the CAD for premises with open chronic nuisance case for the last 12 months.
 - a. The chronic nuisance investigator pulls all potential qualifying nuisance activities, eliminating all ineligible calls for service such as domestic violence events.
 2. Law will be notified of properties falling below the thresholds of CMC 761-3 for case closure. Law will generate a notice and close the case.
- D. Abatement Plan Review
1. Upon notification from the Law Department that an abatement plan has been received, the chronic nuisance investigator will generate a CAD report of arrests, offenses, and calls for service and conduct any further investigation required by the circumstances including but not limited to inspecting the premises or contacting neighbors, the complainant or the District Neighborhood Liaison Unit for input on the proposed abatement plan.
 2. The chronic nuisance investigator reviews all reports and the abatement plan with the Law Department and will make a recommendation whether to accept the plan, reject the plan or request additional information.
 3. The Law Department will determine whether to accept, reject or request more information for the abatement plan and will provide notice to the premise owner or operator of the decision.
- E. Posting/Serving Notices
1. Upon notification from the Law Department that an initial notice or billing notice has been returned by the post office, the chronic nuisance investigator will post the notice at the premises, document the posting by photograph and notify the Law Department that the posting has been completed.

F. Appeals

1. The chronic nuisance investigator shall appear at appeal hearings and bring applicable reports to the hearing.

G. Complaints of Retaliation for Reporting Criminal Activity

1. Should the chronic nuisance investigator receive any information that a tenant or other occupant has been retaliated against by a landlord for reporting criminal activity to the police, the chronic nuisance investigator shall notify the Law Department in a timely manner of the complaint.
2. The chronic nuisance investigator will participate in any investigation of retaliation upon the request by the Law Department and issue a civil citation in consultation with the Law Department where a landlord has violated CMC 761-14.