



Crime Free Housing Seminar Workbook

Village of Schiller Park

9526 Irving Park Road

847-671-8567

Crime Free Housing Coordinator

Officer Anderson

Sanderson@schillerparkil.us

Copyright Statement

Copyright © 1996 by International Crime Free Association, Inc. All rights reserved. No parts of this book can be produced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or by any storage or retrieval system without written permission from the International Crime Free Association, Inc., except for the inclusion of quotations in a review.

Copyright © 2011 **Schiller Park, IL Schiller Park Police Department**. Portions of this workbook are reprinted and/or modified with permission from the International Crime Free Association, Inc.

The editorial decisions, reprinted and added texts are made by **Schiller Park, IL Schiller Park Police Department**, and do not necessarily reflect the views or opinions of the International Crime Free Association, Inc. These materials are copyright protected by the International Crime Free Association, Inc., and may not be duplicated without permission from the International Crime Free Association, Inc. and the **Schiller Park, IL Schiller Park Police Department**.

Copyright is granted to all law enforcement agencies at no cost, for the purposes of maintaining quality control of materials and a list of agencies participating in the International Crime Free Multi-Housing Program.

Acknowledgments

The Crime Free Multi-Housing Program and Workbook were developed by Timothy L. Zehring, Mesa Police Department Crime Free Programs Supervisor. The Fire Department's Section was developed by Inspector Brian Freehan of the Mesa Fire Department.

Special thanks to Karen Hubbard, Mesa Police Department Community Relations Administrative Assistant, for the exceptional graphics and design of The Crime Free Multi-Housing Workbook, without whom this project could have never been made possible.

Thanks to the Command Staff of the Mesa Police Department for the support they have given The Crime Free Multi-Housing Program, especially Police Chief Jan Strauss, Assistant Police Chief Ron Poulin, and Police Commander David Zielonka. Because they promote innovation and a progressive approach to law enforcement, citizens from Mesa and more than one thousand communities all over the United States and Canada have benefited from this remarkable program.

For every other person who has contributed in any other way, thank you for your support and participation in The Crime Free Multi-Housing Program.

This workbook is designed to provide accurate and authoritative information about subject matters addressed. It is offered as a community service for the sole purpose of reducing the likelihood of criminal activity in rental communities.

It is presented with the understanding that the Mesa Police Department is not engaged in rendering legal, accounting or other professional service other than crime prevention education. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.

Copyright © 1996 by Mesa Police Department. All rights reserved. No part of this book can be produced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or by any storage or retrieval system without written permission from the Mesa Police Department Crime Free Multi-Housing Program, except for the inclusion of quotations in a review.

Table of Contents

Overview vii
 Summary viii

PART ONE - Crime Prevention

Does It Work? 1
 Understanding Crime Prevention 2
 Managing Your Risks.. 3
 Set Rules 4
 Target Hardening 6

PART TWO - What Is The CRIME FREE MULTI-HOUSING PROGRAM?

Where It Began 9
 How It Works..... 9
 Who Should Attend 10
 Phase One: Training 10
 Phase Two: C.P.T.E.D. Inspection..... 10
 Phase Three: Safety Social..... 11
 Full Certification 11
 Phone In Requests..... 12
 Maintaining Crime Free Signs..... 12

PART THREE - Crime Prevention Through Environmental Design

C.P.T.E.D. Elements 13
 Improve Surveillance..... 13
 Improve Access Control 14
 Improve Territoriality 15
 Improve Activity Support 16
 The 3-D Concept of C.P.T.E.D..... 17
 Solving Conflicts With C.P.T.E.D. Concepts 18
 C.P.T.E.D. Lighting 20
 Types of Outdoor Lighting..... 23

PART FOUR - The Application Process

It's Worth The Effort 25
 Protected Classes 25
 Making A Commitment..... 27

Refusing An Application	33
PART FIVE - Common Sense Self Defense	
Awareness Is The Key	35
Working After Dark.....	35
Employee Training Programs.....	36
Stay In Touch.....	36
Armed Robbery Prevention.....	36
PART SIX - Community Rules and Lease Agreements	
Leases.	38
Use Of The Crime Free Lease Addendum.....	39
Examples of Lease Elements.....	40
PART SEVEN - Communities, Not Complexes!	
Not A Complex.....	43
Not A Police Problem.....	43
How To Begin	44
Form vs. Function	44
The Next Step	45
Closing The Deal.....	46
Keep It Going.....	46
PART EIGHT - Active Property Management	
Taking A Complaint.....	48
Routine Property Inspections	48
Good Property Maintenance	49
PART NINE - Combating Crime Problems	
Who's Job Is It?.....	50
The Displacement Theory	50
Civil Laws vs. Criminal Laws	51
Taking Action	52
Drugs In Apartments	53
General Disturbances	53
Who Has The Power?	53
Trespassing	54
Attempted Murder	54
Management's Responsibility	56
Resident's Responsibility	56

PART TEN - To Serve and Protect?

The Police Won't Talk To Us..... 59
Privacy Laws..... 60
How To Approach The Officer..... 60
Establishing More..... 61
Requesting Extra Patrol 61
Narcotics Surveillance..... 62
Management Surveillance..... 62
But I'm Scared! 63

PART ELEVEN - Partnership With The Fire Department

When to
evict.....64
Do I need an Attorney.....65
Notices.....6
5
Forms
Needed.....66
What is needed in Court.....67
Order of Protection.....68

VILLAGE OF PALATINE SERVICE DIRECTORY.....APPENDIX

Overview

Rental properties present a unique challenge for law enforcement. The typical Block Watch approach to residents in single family homes is not easily adapted to rental communities. In single family homes, owners generally have a large cash investment in the purchase of their home. This motivates owners to a greater concern about crime in their neighborhoods. With rising crime rates come lowering property values.

An owner of a single family home might also be looking at a long term of residency. Typically, homeowners have a thirty-year mortgage for their property. Home is where they come each day and perhaps, to raise a family. There tends to be a lot of pride and ownership of their property. When crime problems begin to appear, owners are very likely to organize Block Watch activities to protect the long-term interests of their families.

In rental properties, the communities tend to be much more transient. Most often, residents sign a six-month, nine-month, or a twelve-month lease for a rental property. In many cases, owners don't even require leases, and residency is based on a month-to-month agreement. This allows for an occupant to move very easily if they feel crime has reached a level they will not tolerate. It is easier to move away from crime than to confront it.

The police have historically fought a losing battle with Block Watch in multi-family rental properties. In January of 1992, the Mesa Police Department was faced with a difficult decision. To no longer offer Block Watch training in rental properties, or to develop a new concept for crime prevention in the rental communities.

The result was the **CRIME FREE MULTI-HOUSING PROGRAM**. This bold, new program had no precedent. The program's concept was to take a multi-faceted approach to crime prevention. A unique coalition of police, property managers and residents of rental properties, the program was to be an on-going program with a three-phase approach to address all of the opportunities of crime in rental property.

The program was designed to include a certification process, never before offered by a police department. The incentives of police issued signs, certificates, and advertising privileges provided immediate interest in the program.

The development of the **Crime Free Lease Addendum** proved to be the backbone of the CRIME FREE MULTI-HOUSING PROGRAM. This addendum to the lease agreement lists specific criminal acts that, if committed on the property, will result in the immediate termination of the resident's lease.

The CRIME FREE MULTI-HOUSING PROGRAM achieved almost instant success. In rental properties with the highest crime rates, the immediate results showed up to a 90% reduction in police calls for service. Even in the best properties reductions of 15% to 20% were not uncommon.

The CRIME FREE MULTI-HOUSING PROGRAM began to spread nationally after the first year, and internationally after the second year. The CRIME FREE MULTI-HOUSING PROGRAM has been a success all across the United States and Canada.

Summary

The CRIME FREE MULTI-HOUSING PROGRAM is successful because it approaches crime on many fronts. The police cannot solve crime problems alone. Neither can the management or residents of rental properties. But by working together, the end result has been the most successful approach to crimes in rental communities.

There are three (3) ways criminal activity comes into a rental community. The criminal lives there, they visit friends there, or they come to the property to commit crimes. The CRIME FREE MULTI-HOUSING PROGRAM addresses all three of these possibilities. By not renting to people with criminal intent, they not only reduce the likelihood of crime in the community, they also reduce the number of visitors who come to the property with criminal intent, i.e., to purchase drugs.

For the opportunistic criminal, the use of C.P.T.E.D. (Crime Prevention Through Environmental Design) has been used to combat crimes that might occur in the parking lots or common areas. This includes assaults, robberies, drive-by shootings, and auto thefts.

If the police, property managers and residents will make a dedicated effort to crime prevention and the CRIME FREE MULTI-HOUSING PROGRAM, the outlook for success is extremely high. Good luck as you endeavor to make your community a safer place to live and enjoy for many years to come.

Cordially,

Timothy L. Zehring, Supervisor
Crime Free Programs
Mesa Police Department

PART ONE

CRIME PREVENTION

DOES IT WORK?

Many people feel helpless against crime, because too often crime is seen as an inevitable part of our society. It has been said, "If a criminal WANTS to get you, he'll get you!" This belief leads to helplessness, fear and apathy. Apathy is one of the most dangerous elements in society today. When law-abiding citizens refuse to go outside after dark, they have voluntarily turned over their neighborhoods to the ones perpetrating crimes.

Criminals Are Like Weeds

Many times a community will not battle crime because they feel they cannot be successful. Often, people view dangerous criminals like a large rock that cannot be moved, or even be budged. Dangerous criminals are NOT like rocks; they are more like plants.

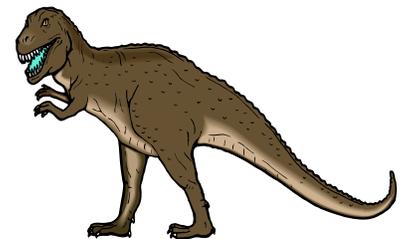


Unlike an inanimate rock, a plant will grow. A weed can best illustrate this. As a weed grows, it roots, it sprouts and it chokes out healthy plants. A single weed quickly overtakes an entire garden. When criminal activity is allowed to flourish, the effect is the same.

The typical police approach to crime is **REACTIVE**. Once a crime has been committed, the police officer responds, writes a police report and begins the preliminary investigation. It is certainly more humane and cost effective to prevent a crime from even occurring. Crime Prevention is the **PROACTIVE** side of law enforcement. Crime **Prevention** is more desirable because it addresses the potential for crime before it becomes a serious problem.

Unfortunately, many people don't address crime situations until it is too late. (A good example is the victim of a burglary that suddenly becomes interested in home security systems.)

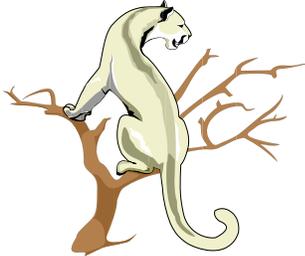
Once a crime problem has gotten too large, it is often easier to run away than face it. Equate the crime problem to killing a dinosaur. The easiest way to kill a dinosaur is while it is in the egg. Once the dinosaur is given the opportunity to grow, it will become progressively harder to defeat. The same is true regarding criminal activity.



UNDERSTANDING CRIME PREVENTION

To prevent crime, you need to understand crime, and you need to understand the criminal mind. When you think of criminals, think of predators. Most criminals are like predators, looking for easy victims.

When you think of predators you might think of the lion. When the lion is hungry, she will go out to stalk her prey. The lion knows the watering hole is a good place to find food, as this is where all the animals come to get water. The lion is a skilled



hunter. She knows the best approach is from downwind. This way she can smell the herd, but they cannot smell her. The lion is also careful to approach slowly, staying low in the tall grass to avoid detection.

At just the right moment, the lion pounces into the herd. The lion does not run past the injured, the diseased or slowest ones in favor of the strongest one at the lead of the pack. In fact, it usually is the one that is injured, sick or simply NOT PAYING ATTENTION that gets attacked. This is called *survival of the fittest* or *thinning the herd*.

The two-legged urban breed of predator, the criminal, works the same way. They stalk their victims, looking for the easy prey. To be successful against an attack, you don't necessarily have to be the strongest one, but you don't want to be the weakest!

Lions only hunt when hungry; but criminals are always a danger. This is why crime prevention is so important. Crime prevention is a shared responsibility. It cannot be imposed upon a community. Crime is a community problem -- crime prevention must be a community effort.

3% - 5% OF SERIOUS
HABITUAL OFFENDERS ARE
RESPONSIBLE FOR A
MAJORITY OF VIOLENT
OFFENSES.



RISK (LOSS) MANAGEMENT

When assessing the potential for crime, it is important to decide whether to accept the risk (risk acceptance), without investing in counter measures, or to take sometimes costly steps to reduce the risk (risk transference). Transferring the risk may involve spending a little money now to save much more later on.

There are other less expensive ways to prevent crime. This includes the removal of the elements necessary for a crime to occur (risk avoidance). There are also ways to reduce the risk, or spread the risk to reduce losses. The following page demonstrates the types of risk management.

MANAGING YOUR RISKS

1. SEVERAL TYPES OF RISK MANAGEMENT:

2. RISK AVOIDANCE:

3. RISK REDUCTION:

4. RISK TRANSFERENCE:

5. RISK SPREADING:

6. RISK ACCEPTANCE:

SCENARIO ONE (Eliminate TARGET)



If a car thief comes to an apartment community to steal a Corvette, the **DESIRE** is there. If all of the residents are inside their rental units, now the **OPPORTUNITY** is there. But if there is not a Corvette on the property, you will not have a crime because there is no **TARGET**.

SCENARIO TWO (Eliminate DESIRE)



If a person sees a Corvette, the **TARGET**, and all of the residents are in their apartments, allowing the **OPPORTUNITY** for crime, but the person who sees the Corvette has no **DESIRE** to steal the car, again, you will have no crime.

SCENARIO THREE (Eliminate OPPORTUNITY)



If a person comes to the property with the **DESIRE** to steal the Corvette, and sees the perfect **TARGET**, but the residents of the apartment community are out in the recreation and common areas, this will reduce or eliminate the **OPPORTUNITY**.

The **CRIME FREE MULTI-HOUSING PROGRAM** is effective because it addresses all three (3) elements: **TARGET**, **DESIRE AND OPPORTUNITY**. To eliminate the **TARGET**, we teach how to “target harden”. To eliminate **OPPORTUNITY**, we train residents to be the ‘eyes and ears’ of the community, and to eliminate the **DESIRE**, a concerted effort is made to keep those with criminal intent from trespassing, visiting or living at the property.

SET RULES

If a person knows that rules are clearly stated and enforced, they are less likely to move into a community to commit criminal activity. Have a back-up plan to discourage the more determined individuals.

By careful screening and active management principles addressed in the **CRIME FREE MULTI-HOUSING PROGRAM**, the criminal activity among residents and visitors can be virtually eliminated.

Safety Socials, which incorporate the principles of Block Watch, will encourage residents to become an organized group of eyes and ears for the property.

It is not uncommon to see once distressed properties show a 70% - 90% **decrease** in police calls for service, as a result of the **CRIME FREE MULTI-HOUSING PROGRAM**.

The Village of Palatine as of the 2006 census has 4,773 multi-family rental units. The average household family members total 2.34, making the total estimated population of multi-family housing 11,169. If the total population was roughly 75,000 residents that would mean 6.75% of the population was living in multi-family housing. At first glance, it does not appear that a large portion of people live in rental units. As a manager, one must always take into account, that those 11,169 residents, live in very close quarters with other residents. Those residents do not have a backyard, or a garage, or a basement. Those residents will be using your property, common area, playground, swimming pool, and other common areas to spend their time. There is a decrease in the level of responsibility and ownership when renting units, as opposed to owning them. You are responsible for repairs, safety, upkeep, and all other matters. When you view the residents in this manner, 18,355 people can cause a lot of damage, and cost a management company a lot of money.

Every rental property wants more police patrol, and more attention, the fact of the matter is, there are never going to be enough police officers to go around all the time. Even if the beat officer in your area did not receive a call for service all shift long, the officer would only be able to patrol your complex at the most three times during one shift. The officer has responsibilities to other areas as well, and must equally patrol their beat. With a population so high in such a small area, it is your responsibility to recognize problems and work cooperatively with the police department to help resolve those issues. If there is always the opinion that it is the responsibility of the police, then there again is no ownership, and with no ownership, there is no resolution. Since the police cannot be on the property 24 hours a day, you are a useful tool in informing them of any situations on the property.

TARGET HARDENING

Sometimes you cannot remove a target. But you can harden the target. Target hardening involves the use of locks, electronic devices, or other hardware that will **DETECT**, **DENY**, **DELAY** or **DETER** the criminal (away from the intended target). Target hardening is directed to all structures, vehicles and personal property within the rental community.

❖ **DETECT:**

By utilizing good security techniques, you can cause the person to make more noise, which will **increase the risk of detection**. This may also persuade the person not to commit the crime.

❖ **DENY:**

By engraving valuables, using security electronic equipment, or by moving other valuables out of view, you can **remove the rewards received from a crime opportunity**. If the rewards are not there, this may persuade the person not to commit the crime.

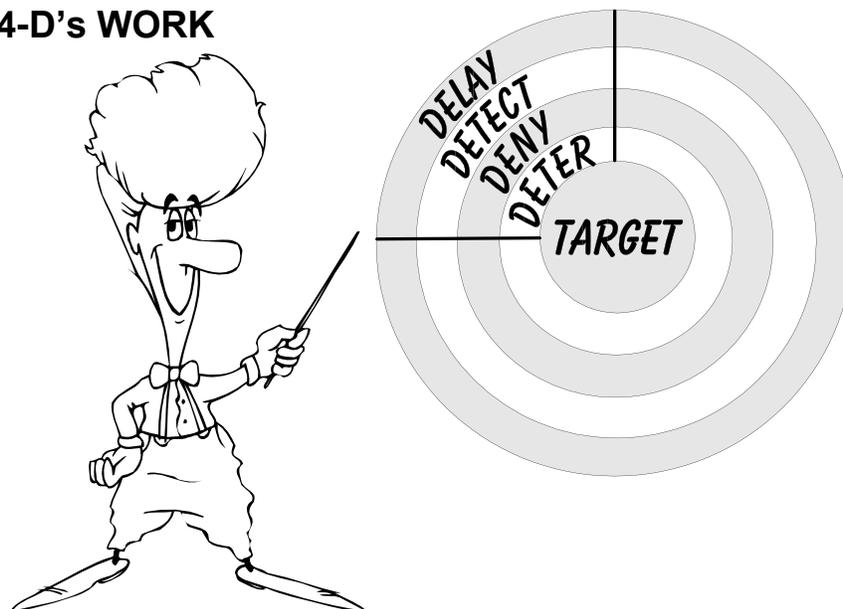
❖ **DELAY:**

Many times crimes are committed because of an easy opportunity. By using good crime prevention techniques you can **increase the time and effort needed to commit the crime**. This may persuade the person not to commit the crime.

❖ **DETER:**

By utilizing the previous three techniques, you may prevent a crime from happening by **deterring the criminal from the property** to an easier target elsewhere.

HOW THE 4-D's WORK



MANAGING CRIME PROBLEMS

1. How to encourage crime:

2. How to discourage crime:

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

PART TWO

WHAT IS THE CRIME FREE MULTI-HOUSING PROGRAM?

WHERE IT BEGAN

The CRIME FREE MULTI-HOUSING PROGRAM began in Mesa, Arizona in July 1992. It has spread across the United States and to Canada in a very short time. It was designed to be law enforcement driven.

HOW IT WORKS

The CRIME FREE MULTI-HOUSING PROGRAM is a unique, three-phase certification program for rental properties of all sizes, including single family rental homes. The first phase is the completion of an eight-hour program taught by attorneys, police and fire personnel. Frequently, guest speakers will also attend to address specific topics relating to rental properties. This police-sponsored program is designed to be very easy, yet extremely effective, at reducing criminal activity in rental properties.

The CRIME FREE MULTI-HOUSING PROGRAM addresses these topics:

- ❖ Understanding Crime Prevention
- ❖ C.P.T.E.D. Concepts
- ❖ The Application Process
- ❖ Common Sense Self Defense
- ❖ Community Rules/Leases
- ❖ Apartment Communities/Not Complexes
- ❖ Active Property Management
- ❖ Combating Crime Problems
- ❖ Police: To Serve and Protect?
- ❖ Partnership with the Fire Department
- ❖ Dealing with Non-Compliance

Typically, the CRIME FREE MULTI-HOUSING PROGRAM is taught during a single eight-hour day. Some police agencies will sponsor two four-hour training sessions. The program is designed to be flexible, as many communities have differing needs.

WHO SHOULD ATTEND

Property owners, managers, leasing staff, maintenance personnel and others in the management team should attend the entire 8-hour training program. It is also recommended that police officers attend the training to understand the civil nature of rental communities, and to establish a rapport with managers of rental properties.

PHASE ONE: TRAINING

After completion of the eight-hour training program, each participant will receive a certificate which has been signed by the chief law enforcement official of that community. The certificate is also signed by the program coordinator of the CRIME FREE MULTI-HOUSING PROGRAM, who sponsors the training.

This green certificate is to be immediately framed and displayed in the leasing office, or in a prominent place where applicants are sure to see it. **Prospective residents should be told as soon as possible that the property management is working with the police** to keep the community healthy. If there is no leasing office, a certificate can be displayed in a 3-ring notebook with other materials used in the CRIME FREE MULTI-HOUSING PROGRAM. The manager or owner should show the notebook to prospective residents.

Participating managers should also begin immediate implementation of the Crime Free Lease Addendum, which is the backbone of the CRIME FREE MULTI-HOUSING PROGRAM. This addendum to the lease cites specific actions that will be taken by management if a resident, or somebody under the resident's control, is involved in illegal or dangerous activity on or near the rental property.

If the management is conducting a background check that includes credit and criminal information, the applicant should be informed before they turn in the application or pay any fees or deposits. Every prospective resident must be treated exactly the same as the others. It is important to develop office policies to ensure this.

PHASE TWO: C.P.T.E.D. INSPECTION

In the second phase of the program a representative of the police department will inspect the rental property to assess physical security and general appearance of the property. If the property meets the agency's requirements, they will be given a second certificate signed by the chief law enforcement official.

This red certificate will certify the property has met the minimum-security requirements of the CRIME FREE MULTI-HOUSING PROGRAM. The minimum-security requirements are:

MANDATORY C.P.T.E.D. SECURITY REQUIREMENTS:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

PHASE THREE: SAFETY SOCIAL

In the third and final phase of the program, the sponsoring law enforcement agency will conduct a Safety Social for residents at the rental property. This will include information about general safety principles and crime prevention, including Block Watch information. This will also give law enforcement the opportunity to explain the CRIME FREE MULTI-HOUSING PROGRAM to the residents of the rental community.

Management is responsible for providing food, non-alcoholic drinks and entertainment for this event. It is also recommended that property managers raffle door prizes as an added incentive to draw residents to the meeting. **It is necessary to conduct at least one (1) meeting per year to maintain membership** in the CRIME FREE MULTI-HOUSING PROGRAM.

A blue certificate will be issued at the Safety Social to demonstrate to the residents that management is committed, and has completed all three (3) phases of the program.

FULL CERTIFICATION

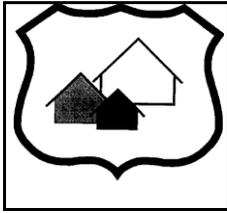
Once fully certified, the property manager will receive a gold certificate. (This certificate is the only certificate that has an expiration date. It is renewed each year after the subsequent Safety Social has been conducted.)

After completion of the first safety social, the management can post the CRIME FREE MULTI-HOUSING PROGRAM signs on the property. It is recommended that one sign be posted at each entrance to the property where prospective residents will see them.

SIGN REGISTRATION

There is a one-time registration fee of about **\$25.00** for each sign (to cover costs). **The sign is the property of the sponsoring police agency**, and permission to display the sign can be revoked if the property is sold or the management no longer wishes to participate in the CRIME FREE MULTI-HOUSING PROGRAM.





An added incentive to reach full certification is the use of the CRIME FREE MULTI-HOUSING PROGRAM logo in all appropriate advertisements, as well as on company letterheads, business cards and associated paperwork.

This logo has achieved a very high level of recognition in the United States and Canada. It has proven very effective in attracting honest residents looking for safe housing. It has worked equally well to discourage those looking for an apartment unit for conducting criminal activities.

PHONE-IN REQUESTS

An additional advantage to being fully certified is that people can call in for a list of fully certified properties.

MAINTAINING CRIME FREE SIGNS

It is the responsibility of the management to maintain and replace all lost or damaged signs. Contact the Crime Free Program Coordinator if this occurs. It is a good idea to use a car wax on signs to prevent them from fading or cracking. The police department may choose to maintain the signs if a budget permits.

Carefully consider how each sign is installed to prevent easy removal. Through bolts can be bent or stripped to prevent removal. Signs can be attached with liquid nails and/or bolted to a building at a height that cannot be reached.

PART THREE

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

C.P.T.E.D. ELEMENTS

Crime Prevention Through Environmental Design (C.P.T.E.D.) is comprised of four (4) key elements: **Surveillance**, **Access Control**, **Territoriality**, and **Activity Support**. Virtually any property crime can be eliminated by using C.P.T.E.D.

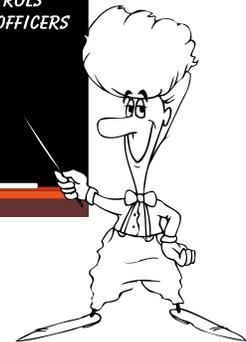
IMPROVE SURVEILLANCE

SURVEILLANCE is the first element of C.P.T.E.D. **Surveillance is the ability to look into an area, and the ability to look back out.** It can be formal or informal. **Formal surveillance** is generally organized, while **informal surveillance** is naturally occurring. **NOTE: You should observe your property from all locations, keeping in mind whether you can see into and out of the property. Keep in mind that residents and staff are formal surveillance partners, and that neighbors or visitors to your property will conduct informal surveillance of your property. Remove anything that hinders surveillance.** There are three types of surveillance to consider. *Natural, Mechanical and Organized.* The best plan will involve some combination of all three types of surveillance.

Natural Surveillance is naturally occurring. As people are moving around an area, they will be able to observe what is going on around them, provided the area is open and well-lighted. Natural Surveillance is typically free of cost, but observers may choose not to get involved in any situation that may pose a potential threat to themselves or others.

When considering surveillance of your property, remember that casual observers from neighboring properties might be willing to report suspicious activity. All you need to do is ask! It is a great idea to ask them to join with your Block Watch meeting and safety socials.

Mechanical Surveillance employs the use of cameras, mirrors and other equipment that allows an individual to monitor a remote area. Mechanical



Surveillance usually involves the purchase of moderately inexpensive mirrors to the more expensive electronic devices, such as closed circuit television (CCTV).

NOTE: Once the equipment is purchased, maintenance of the devices must be considered.

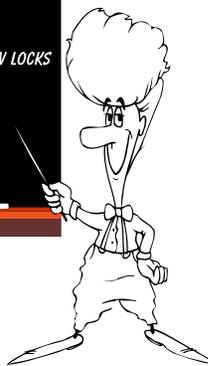
Organized Surveillance includes security patrols and other people who are organized to watch a targeted area. While this is the most effective deterrent to crime, it is also the least cost effective. While it may be necessary to employ security patrols or off-duty police officers, once the patrols are discontinued there is generally nothing left to show for your investment.

IMPROVE ACCESS CONTROL

ACCESS CONTROL is the second element in C.P.T.E.D. Because many criminals look for an easy escape, **limiting access into an area and back out again is a great way to deter criminal activity.** Access Control can be demonstrated by having one way into and out of a location, such as a security post or the use of mechanical gates. Others, who use alternative methods to enter an area look suspicious, risk detection and sense an increased risk of apprehension.

It is important to assess how the intended users are entering the property. It is equally important to assess how the non-intended users are entering the property as well. Look at perimeter fencing for damage. Look for footprints in the dirt and gravel. Check for wear patterns in grassy areas. Determining the weak points will be the first step to correcting the problem.

There are three (3) types of Access Controls to consider: *Natural (or Environmental), Mechanical and Organized.*



Natural/Environmental Access Control involves the use of the environment. To keep trespassers from climbing over walls for instance, you could plant a hearty cactus in the area where it will be highly visible. The use of dirt berms or large rocks can also keep unwanted visitors from entering onto private property and vacant lots.

Mechanical Access Control includes the use of security gates, which have proven very effective at reducing auto thefts, burglaries and drive-by

shootings. Most perpetrators of these crimes do not want to exit the way they entered as it gives witnesses the opportunity to record license plates and get better suspect information.

Organized Access Control entails the use of security or courtesy patrol to monitor those entering the property. Distribution of parking permits, affixed to registered vehicles, will identify which vehicles belong to the residents. **Vehicles should not be allowed to back into parking spaces, so that parking permits will be visible at all times.**

IMPROVE TERRITORIALITY

TERRITORIALITY is the third element in C.P.T.E.D. Territoriality is a psychological impression that people get when they look at the property. If management displays good territoriality, it will influence the community to respect the property as well. Good territoriality demonstrates a sense of ownership, alerting potential offenders that they don't belong there and they will be seen and reported, because undesirable behavior will not be tolerated. **It has two (2) principle components: Defensible Space and Maintenance.**

Defensible Space is divided into four (4) categories: Public, Semi-public, Semi-private, and Private.

1. **Public** areas are typically the least defensible. A car driving on a public street would not automatically arouse suspicion.
2. **Semi-public** areas might include a cul-de-sac. If there are only five homes in the circle, a driver would be expected to stop at one of the five homes or leave the area.
3. **Semi-private** areas might include sidewalks or common areas around residential areas. While most people may not confront a stranger in a common area, they are likely to call the police if the person does not appear to belong there.
4. **Private** areas are different in rental communities than in single-family home neighborhoods. In a typical apartment the private area may not begin until you actually enter into the unit. This is especially true if several units share a common balcony or stairways. In a single-family home neighborhood, many owners consider their front yard to be private, or defensible space.

There are many ways to establish defensible space. By planting low growing hedges or bushes, you will show a defined property line. By posting signs such as "No Trespassing" or "No Soliciting", you have established the area as defensible space.



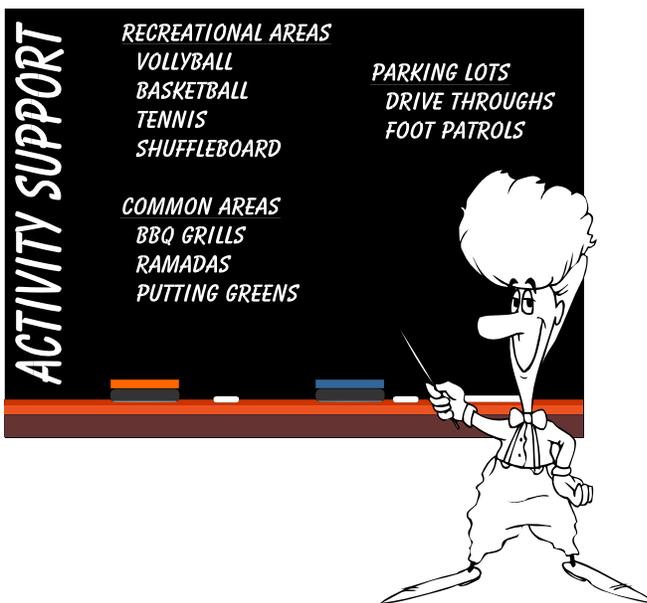
Maintenance is another key issue for Territoriality. Properties that are clean and well maintained are more likely to attract residents who take pride in their community. This also promotes confidence in the management team.

If you and a resident agree to improvements or repairs on the rental unit, make sure the details are in writing and signed by both parties. All improvements to the property must be approved ahead of time, by the landlord, especially if the tenant expects to be reimbursed for materials and/or labor. Keep receipts and records of the time and money spent.

IMPROVE ACTIVITY SUPPORT

ACTIVITY SUPPORT is the fourth element in C.P.T.E.D. This involves the appropriate use of recreational facilities and common areas. The objective is to **fill the area with legitimate users so the abusers will leave.**

It may be difficult to believe that filling an area with legitimate users will cause the deviant users, or abusers, to leave. But the opposite is also true. If you fill an area with deviant users, the legitimate users will withdraw.



To promote Activity Support, utilize common areas effectively. By incorporating ramadas, picnic areas and other amenities into open areas, the legitimate users will maintain ownership of the property.

In recreational areas, utilize proper lighting techniques and establish community rules to encourage the proper and safe use of the facilities. For laundry facilities, exercise and game rooms, maintain unobscured visibility for the intended users.

TROUBLESHOOTING

When you consider an area, ask yourself:

- ❖
- ❖
- ❖

Also ask:

- ❖
- ❖
- ❖

THE 3 “D” CONCEPT OF C.P.T.E.D.

1. D

2. D

3. D

CONFLICTS WITH C.P.T.E.D. CONCEPTS

SURVEILLANCE	ACCESS CONTROL
<p><i>Concept:</i></p> <p><i>Conflict:</i></p> <p><i>Solutions:</i></p>	<p><i>Concept:</i></p> <p><i>Conflict:</i></p> <p><i>Solutions:</i></p>
TERRITORIALITY	ACTIVITY SUPPORT
<p><i>Concept:</i></p> <p><i>Conflict:</i></p> <p><i>Solutions:</i></p>	<p><i>Concept:</i></p> <p><i>Conflict:</i></p> <p><i>Solutions:</i></p>

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

C.P.T.E.D. LIGHTING

Lighting by itself does not prevent crime. Many times cars are burglarized while parked under a light. Lighting provides the opportunity for choice; the choice to walk forward because you can see clearly that the path is **clear** AND free of danger. **IF** the user can see a potential danger (person hiding, a gang of kids at the corner), they may choose to walk a different way. Lighting can illuminate a target as easily as it provides a legitimate user to see a potential threat or criminal.

Lighting is a powerful tool the management and residents can use to control and reduce the fear and opportunity of crime.

Unless you have formal or informal surveillance of an area, lighting may not always prevent crime. In fact, good lighting without surveillance may actually encourage criminal activity in some cases.

NOTE: Mercury Vapor lighting is not permitted in Arizona due to the "Night Sky Ordinance."

GOALS OF LIGHTING

UNIT LIGHTING SHOULD BE:

- 5 Energy efficient (used consistently)
- 5 Non-tamperable (use special screws)
- 5 Break Resistant Lens (Polycarbonate-Lexan)

BUILDING LIGHTING SHOULD:

- 5 Illuminate building numbers
- 5 Illuminate building accesses
- 5 Illuminate front and back areas
- 5 Illuminate porch lights under control of building, not apartment user.

GROUNDS LIGHTING SHOULD:

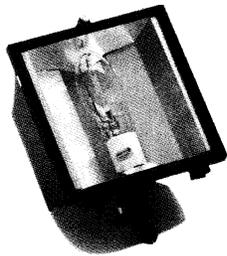
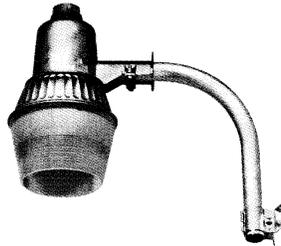
- 5 Provide a cone of light downward to walkways
- 5 Provide a level of lighting between buildings to distinguish forms and movement.

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

TYPES OF OUTDOOR LIGHTING

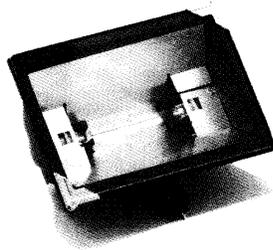
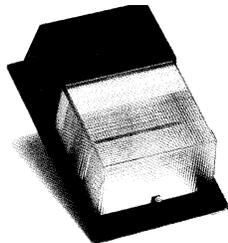
Energy-efficient lighting fixtures help you cut your electric bill. Plus, most products are easy to install because many models come pre-wired and pre-assembled. Each style comes with a lamp and you can also choose to add a photocell on some designs.

**Dusk-To-Dawn
High-Pressure Sodium**
150 watt



**High-Pressure
Sodium Flood**
150 watt

**High-Pressure
Sodium Wall Light**
70 watt



**Quartz Light Metal
Halide**
500 watt

TYPES OF LAMPS

High Pressure Sodium, Metal Halide, Mercury Vapor and Self-Ballasted Mercury Lamps are all high intensity electric discharge lamps. Except for self-ballasted lamps, auxiliary equipment such as ballasts and starters must be provided for proper starting and operation of each type, in accordance with American National Standards Institute (ANSI) specifications.

Low Pressure Sodium lamps, although technically not high intensity discharge lamps, are used in many similar applications. As with HID lamps they require auxiliary equipment for proper starting and operation. These lamps, which have efficacies up to 200L/W, have a mixture of neon and argon gas plus sodium metal in the arc tube and an evacuated outer bulb. When voltage is applied to the lamp the arc discharge is through the neon and argon gas. As the sodium metal in the arc tube heats up and vaporizes, the characteristic yellow amber color of sodium is achieved.

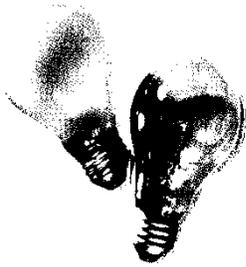
Nominal Wattage of Lamps

Lamp wattage varies during life, because of ballast and lamp characteristics. Ballast data should be reviewed for actual wattage levels.

Voltage Control

An interruption in the power supply or a sudden voltage drop may extinguish the arc. Before the lamp will relight, it must cool sufficiently, reducing the vapor pressure to a point where the arc will restrike with available voltage. Instant restrike lamps restrike immediately with the resumption of power providing approximately 5% of steady state lumens and a rapid warm-up. Other lamps require approximately one minute cooling before relighting. Still other HID types take 3 to 20 minutes, depending on type of lamp and luminaire.

Incandescent Bulbs

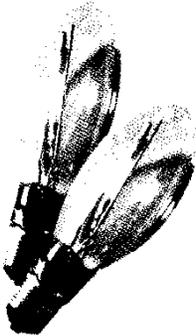


Supreme incandescent bulbs are rated at 5000 hours compared to 750 for regular bulbs. Cooler burn with 85% longer lamp life. Withstands voltage fluctuations, and its brass base offers reduced socket freezing. Frosted or clear, available in watt varieties.



Flood Light

One-piece weatherproof construction with a brass base to reduce socket freezing. Cooler burn.



High Pressure Sodium

Hermetically sealed, this high pressure sodium lamp offers 24,000 hours of dependable life. Built for outdoor uses, it absorbs wind and vibration, is insulated against high voltage pulses and has minimal freezing or rusting in the socket. Clear or coated. (For use in high pressure sodium fixtures only.)

COLOR RENDERING

Another key performance characteristic, *color rendering*, is the ability of a light source to represent colors in objects. The relative measure of this ability is color rendering index or CRI which rates light sources on a scale of 0 to 100.

The higher the CRI, the more vibrant or close to natural the colors of objects appear. For example, a CRI of 0 would come from a source that provides light without color, much like a black and white television. A CRI of 100 would represent a source that has the rendering capabilities of incandescent light (for sources below 5000K) or *Daylight* (for sources above 5000K). CRI is especially important when evaluating fluorescent and HID sources because they have a wide range of CRIs.

Fluorescent Tubes

Cast cool, bright, economical light indoors.

Pictured: Circular, one of the many fluorescent tubes available.



PART FOUR

THE APPLICATION PROCESS

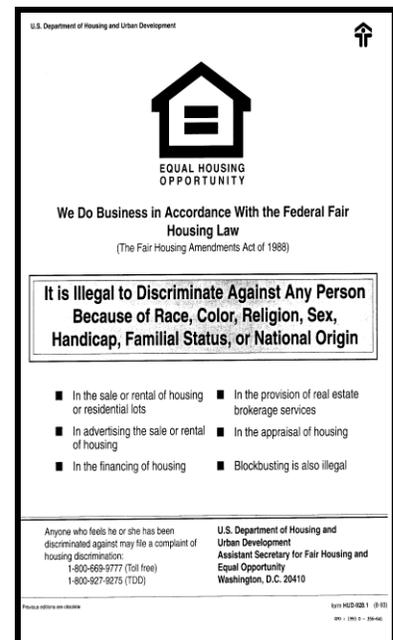
IT'S WORTH THE EFFORT

Property managers have differing views on how, or if, they should screen prospective residents. Some property managers have rigid guidelines established by their management company or owners. Other property managers may feel that calling references or checking prospective residents is not worth the effort. It is important to understand the application process and Fair Housing Laws.

WHAT ARE PROTECTED CLASSES?

Federal Fair Housing Laws strictly prohibit any discrimination against protected classes. Those protected classes may include these and others:

- ❖ race
- ❖ color
- ❖ religion
- ❖ sex
- ❖ handicap
- ❖ familial status
- ❖ national origin
- ❖ source of income
- ❖ sexual preference



What most people may not be aware of is that EVERYONE is in a protected class! Everyone has a race, a color, a sex and a national origin. No one can discriminate against an applicant based on their color, regardless of what color they are. No one can be denied residency based on their national origin, regardless of where they were born.

NOTE: You should keep an Equal Opportunity Housing sign in the office to remind prospective residents that you do not discriminate against the Fair Housing Laws.

WHAT ABOUT NON-PROTECTED CLASSES?

While discrimination against non-protected classes is not necessarily illegal, it may not be profitable either. For example, a property manager may discriminate against pet owners (provided that the applicant is not dependent upon the animal for a particular disability), but not allowing pets may turn away a large number of applicants. Another example is the property manager who chooses to rent to only non-smokers. Here again, it may be legal, but it may not be profitable.



WHAT ABOUT CRIMINAL BEHAVIOR?

At this time it is not illegal to deny residency to an applicant based on their criminal history. Keep in mind, you should not discriminate on the basis of an arrest; but only on a conviction. If an applicant says they were not convicted, but they made a plea bargain instead, it is **still** a conviction.

Behavior is not one of the federally protected classes. An applicant can be denied residency for behaviors at previous rental properties. For example, you could refuse residency to an applicant who has repeatedly disturbed or threatened previous neighbors, sold or manufactured drugs, or damaged properties they previously rented.

YOUR APPLICATION SHOULD ASK ABOUT THESE ITEMS...

APPLICATION (CONTINUED)

- HAVE YOU EVER BEEN CONVICTED? YES ___ NO ___
IF SO, PLEASE EXPLAIN: _____
- ARE YOU CURRENTLY INVOLVED IN ANY ILLEGAL ACTIVITIES? YES ___ NO ___
IF YES, PLEASE EXPLAIN: _____
- DO YOU CURRENTLY USE OR SELL ANY ILLEGAL DRUGS? YES ___ NO ___
IF YES, PLEASE EXPLAIN: _____



When looking at criminal history of prospective residents, ask yourself, Als this a crime that poses a threat to my residents? A felony embezzlement charge may not be a threat, but a misdemeanor charge for assault may constitute a threat.

Notes:

MAKE CRIME FREE MULTI-HOUSING A COMMITMENT!

It is important to convey to all prospective residents your intentions to participate in the Crime Free Multi-Housing Program. Some property managers will attach a copy of the Crime Free Addendum to each application, while other property managers will display a poster-sized copy of the addendum in an area where prospective residents fill out their application.

Be certain to treat all applicants equally and fairly. **Also be certain to tell them about your participation in the Crime Free Multi-Housing Program before they fill out the application.** This gives them the opportunity to continue looking for other options.

NOTE: If an applicant refuses to live in a Crime Free Community, you won't have to deny their application!

DISCLOSURE

If an applicant discloses previous criminal history of convictions on the application, you should decide whether or not to accept the application immediately. If you accept the application, you may lose the right to deny the application later for any information they have disclosed.

Check with your management company and/or attorney to be certain of your company's policy in this regard.

Bottom line. Check each application thoroughly before accepting it or any processing fees.

Notes:

**THE APPLICATION FORM
(EXAMPLE ONLY)**

PROPERTY:

APPLICATION FOR RESIDENCY

NAME _____ **SOCIAL SECURITY #** _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

SPOUSE=S NAME _____ **SOCIAL SECURITY #** _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

TOTAL NUMBER OF MINORS TO OCCUPY UNIT _____ LIST AGES _____

CURRENT ADDRESS _____ **SINCE** _____

CITY _____ STATE _____ ZIP _____ PHONE _____

LANDLORD=S NAME _____ PHONE _____

PREVIOUS ADDRESS _____ **SINCE** _____

CITY _____ STATE _____ ZIP _____

HAVE YOU EVER BEEN EVICTED OR HAD A FORCIBLE DETAINER FILED AGAINST YOU?

REASON

DRIVERS LICENSE # _____ STATE _____ EXP. DATE _____

SPOUSE=S DR.LIC. # _____ STATE _____ EXP. DATE _____

VEHICLES - YOU OWN, ARE BUYING, AND/OR WOULD BE PARKING ON THE PROPERTY:

MAKEMODELYEARCOLORLICENSE PLATE #EXP. DATESTATE

Employers Name _____

ADDRESS _____ CITY _____ PHONE _____

_____ DATED STARTED _____ POSITION _____

SUPERVISOR _____ GROSS INCOME _____ PER _____

SECOND/FORMER EMPLOYER

ADDRESS _____ CITY _____ PHONE _____

EMPLOYED FROM _____ TO _____ POSITION _____

GROSS INCOME _____ PER _____ SUPERVISOR _____

SPOUSE'S **EMPLOYER**

ADDRESS _____ CITY _____ PHONE _____

DATED STARTED _____ POSITION _____ SUPERVISOR _____

GROSS INCOME _____ PER _____

ANY ADDITIONAL INCOME - STATE SOURCE AND AMOUNT _____

NAME OF BANK BRANCH/ADDRESS TYPE OF ACCOUNT ACCOUNT NUMBER

CREDIT REFERENCES:

CREDITOR'S NAME TYPE OF ACCOUNT ACCOUNT NUMBER MONTHLY PMT. IN WHO=S NAME

TWO PERSONAL REFERENCES:

NAME

ADDRESS

CITY

PHONE

RELATIONSHIP

Have you ever been convicted of a crime, placed on probation/parole, is there a current warrant for your arrest, or are you currently involved in any criminal activity? _____ Explain:

All information furnished on this application is to the best of my knowledge, complete and accurate. Discovery of false or omitted information constitutes grounds for rejection of this application. You or any agent of your choice may verify any and all information from whatever source you choose. I authorize all persons/or firms named in this application to freely provide any requested information concerning me and hereby waive all right of action for any consequence resulting from such information.

I acknowledge payment of \$ _____ as a nonrefundable fee for the purpose of processing this application.

YOU ARE HEREBY INFORMED THAT A FREE COPY OF THE ILLINOIS LANDLORD AND TENANT ACT IS AVAILABLE TO YOU THROUGH THE ILLINOIS SECRETARY OF STATE'S OFFICE.

Applicant _____ **Date**
Spouse _____ **Date**

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

CREDIT REPORTING AGENCIES

Many credit reporting agencies will offer to search local or county court records for criminal data pertaining to your prospective tenants. While many of these companies make claims, the results they get may vary as greatly as the costs.

It is important to *shop around* for the best results, using a control group of names currently being processed. In most cases, you will see the best results from companies that use licensed private investigators, and search multiple courts and jurisdictions.

Notes:

MATERIAL FALSIFICATION

If there is a material falsification of the information provided on the rental application, the manager may serve a 10-day notice to the resident to terminate the rental agreement if the information is not corrected. If the corrected information provided would have disqualified the applicant in the beginning, the manager may proceed with the 10-day written notice.

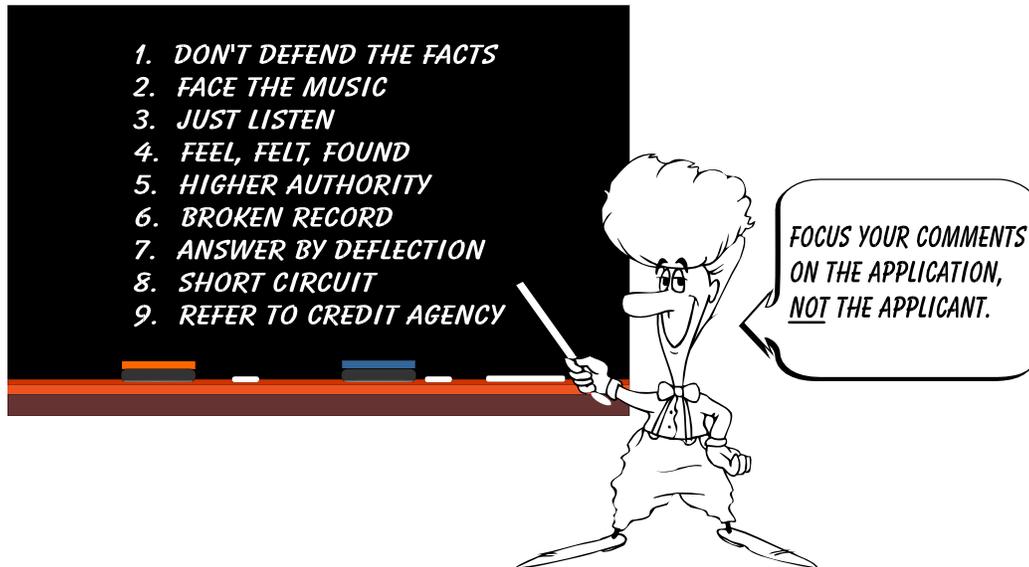
If the mistake was unintentional and the resident would have qualified anyway, the manager should void the 10-day notice.

FOR THE PURPOSES OF THIS SECTION, MATERIAL FALSIFICATION MEANS UNTRUE OR MISLEADING INFORMATION THAT "MATTERS," OR IS PERTINENT TO THE ISSUE OF THE APPLICATION PROCESS.



REFUSING AN APPLICATION

Try to resolve the applicant's questions by using as few of these techniques as possible.



1. **Don't Defend The Facts**

7. **Answer By Deflection**

2. **Face The Music**

8. **Short Circuit**

3. **Just Listen**

9. **Refer Applicant To Credit Agency**

4. **Feel, Felt, Found**

BOTTOM LINE:

PLAN YOUR WORDS VERY CAREFULLY --

DISCRIMINATION SUITS ARE FILED WHEN MANAGERS SAY TOO MUCH!

5. **Higher Authority**

6. **Dumb Broken Record**

Note: This is derived from an article that appeared in Property Management Magazine October 1992

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

PART FIVE

COMMON SENSE SELF DEFENSE

AWARENESS IS THE KEY

Most crimes can be prevented if there is careful consideration given to measures proven to reduce the likelihood of criminal activity. It is important to assess the types of crimes that have occurred on the property, as well as crimes that have been committed on similar properties. To discount the possibility of crime because "It has never happened before" is not using good sense.



It is imperative to understand the potential for many crimes exists and that steps to prevent those crimes should be taken before they occur. Many times, crime prevention involves keen awareness of the surrounding area, and that doesn't cost a lot of money. Using a buddy system after hours is one inexpensive way to reduce the likelihood of an attack.

WORKING AFTER DARK

When working late, it is a good idea to have another person in the office or nearby. A person walking to a car alone is much more likely to be attacked than a person who is walking with somebody else is. There is strength in numbers!



If a person must walk out to their car alone, it is a good idea to have the car as close to the office as possible, reducing the walking distance. Whenever possible, employees (especially employees who may leave after dark) should be given assigned parking spaces closest to the office area, or be allowed to move their vehicles closer before it gets dark.

If this is not possible, assign an area as close as possible which has excellent security lighting that cannot be easily disabled. It is also essential, when trimming bushes or trees, to keep in mind the casual observers who may live or be visiting in the general area. Keeping bushes and trees trimmed and/or removing any objects that may block surveillance of the area or offer a hiding place for an attacker will also allow the casual observer an open field of vision into the area.

EMPLOYEE TRAINING PROGRAMS

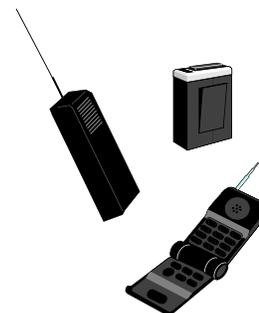
Employees should receive training to prepare themselves for all types of crime situations. Typically, police departments will offer free classes that deal with common sense self defense. There are also private firms that can take the training one step further, even offering chemical sprays or other devices to discourage an attack.



When working alone in an office an employee should be certain that all doors and windows have been secured. It is a good practice to notify another person when working late as well. There should be a telephone nearby, should they need to call the police or another person for assistance.

STAY IN TOUCH

Cellular telephones and two-way radios are another good way to stay in touch, not only when someone is in the office, but when they have to step out for a moment as well. Pagers are another good way to summon help from maintenance people or grounds keepers. Many property managers have established special codes that can be entered into digital pagers to quickly identify problem situations that may occur.



ARMED ROBBERY PREVENTION



Armed robbery is a serious concern not often recognized by property managers or leasing staff. It is not uncommon for managers to collect thousands of dollars during the first part of the month. Keep in mind, an armed robber will kill a convenience store clerk for \$50.00 in cash. Many property managers keep much more than this available in the form of petty cash alone.

Earlier, we addressed Risk Management and the option of Risk Acceptance, or accepting the risk. In this case, Risk Transference would involve transferring that risk by purchasing a good safe with a special courier service.

Risk Spreading is a third option in risk management. This involves keeping money in different locations, so even if one safe area is found, the money in other safe areas may go undetected. Another way to spread the risk is to make frequent deposits with smaller amounts per deposit.

Risk Avoidance is a fourth option. Make a No Cash Accepted policy in the office. This can also help to prevent internal theft and embezzlement, by avoiding a situation entirely.

At the very least, property managers should place signs in highly visible areas that say the management will not accept cash and they keep no cash on the premises. Recommended areas are at the front door and at reception or desk areas.

The potential for an armed robbery is not only in the office, but at the night drop as well, and everywhere in between. The potential for the money to be left behind, dropped or stolen is considerably high. The risk to employees who carry the money may be even higher.

CRIME FREE ACRES

Apartment Community

MEMO

TO: All Employees

FROM: Molly Manager

RE: Safety Policy

- ❖ All applicants shall be **required to show a state issued or military photo identification card**. This card shall be photocopied and placed in a secure place while the applicant looks at the unit. The identification will be returned immediately afterwards.
- ❖ Property managers and agents shall require the applicant to **complete a Guest Information Card** in the applicant's own handwriting. This should include their current address and phone number. (This policy should be posted as well.)
- ❖ Property managers and agents shall **notify another person about the showing** before you go and tell them what time you expect to return. If, for whatever reason, you feel in danger, do not take any risks! Trust your instincts! Reschedule the showing for another time when you are more comfortable.
- ❖ When showing an apartment to a prospective resident, allow them to enter first. **Position yourself by the nearest exit**. Leave the door open wide until you leave, but be aware for suspicious people lurking outside the unit. NEVER follow the prospect into another room. **If you feel threatened, leave immediately** and call for help.
- ❖ Always **keep vacant apartments or model units well secured**. When entering vacant units by yourself, lock the door behind you. It is a good idea to carry a radio or cellular phone with you. If possible, have a staff member accompany you when you make your appointed rounds.
- ❖ At the very least, agents should **consider carrying a whistle, personal alarm or self-defense spray**, and know the hazards and limitations of whichever method they choose. Self-defense classes may be another option to consider. Firearms are generally not a good option for many people.
- ❖ **Report all suspicious activity** to police and management immediately!

(It is a good idea to have a written policy posted where all applicants will see it.)

PART SIX

COMMUNITY RULES AND LEASE AGREEMENTS

LEASES

Property managers should routinely have their leases reviewed by their attorneys to insure that they remain current and accurate. As federal and state laws change and court decisions are issued, some aspects of your current “standard” leases may become outdated. This could then affect your options should a lease violation or other incident occur which would possibly have you considering an eviction of the tenant. You may wish to review the following points with your attorney or management company and if needed consider revising or adding to your current lease or lease addendum.

A. SUBLEASING

Subleasing should not be permitted without authorization of management and then only upon completion of the applicant screening process. The person(s) who wish to sublease an apartment should receive the same approval as a standard tenant.

B. UNIT OCCUPANCY

Only those people noted on the lease may occupy the rental unit. Community rules governing residents should specify the length a guest may visit or stay and under what circumstances (length or number of guests) that management permission should be obtained. Any violation of this could constitute a lease violation allowing you to serve notice to terminate the lease agreement if the situation is not resolved. This is done to prevent your tenants from allowing others to “move in” to your community without your knowledge. You may even wish to take a “family picture” (digital type) of those people noted on the lease and authorized to occupy the unit. You can also explain the photo will be kept in the rental file for such instances as issuing a spare key in the event the tenant is locked out. The management can then insure that entry is not granted to unauthorized people for the security of the residents and their property.

C. DRUGS AND/OR CRIMINAL ACTIVITY

All prospective tenants, before leasing, should have a clear understanding that **drug or criminal activity related to the unit, its occupants, or guests will not be tolerated.** This should be addressed in the community rules and even more importantly in a signed Crime Free or Drug Free Lease Addendum.

D. NUISANCE COMPLAINTS

Reducing the opportunity for criminal activity is not the only goal of this program. Nuisance situations often cause disruptions to the quality of life within a multi-family housing community. Residents should not unduly or repeatedly disturb their neighbors. Again as part of the lease, an addendum, or in the community rules, you should clearly spell out what constitutes a violation. A certain number or type of nuisance complaints within a certain period of time (clearly specified) would constitute a lease violation and thus be grounds to serve a 10 day notice of termination. Additionally tenants should understand that they would be held responsible for their own conduct, the conduct of their children and of their guests while on or near the property. You may also suggest to your tenants that they should contact the police for assistance should dangerous or illegal activities occur that is out of their control.

The Illinois Supreme Court has ruled that property owners/managers may ban non-tenants from their property.

MAKING RULES

Property owners or managers may choose to develop a booklet that lists guidelines for expected behavior, restrictions on excessive noise or nuisance violations, and other matters that are unique to your property and facilities. These items should be explained and the applicant may be asked to sign an addendum (or have it clearly noted in the rental agreement itself) indicating that community rules will be followed. If such groundwork is prepared, then rule violations could constitute a lease violation and serve as grounds to issue a 10-day notice of lease termination. As with all such matters, you should obtain legal assistance in reviewing and developing any such written materials prior to implementing them. Lastly, you should routinely review all materials and make necessary revisions to keep your paperwork “up to date.”

USE OF THE CRIME FREE LEASE ADDENDUM

If your current lease agreement does not contain sections pertaining to drug or criminal activity, you may wish to strongly consider using a Crime Free or Drug Free lease addendum. Such an addendum, when signed by the tenant, makes criminal or drug activity a lease violation in addition to a police matter. You can then terminate a lease based on drug and criminal activity. The following page has a sample lease addendum.

CRIME FREE LEASE ADDENDUM

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Resident agree as follows:

1. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in the Illinois Compiled Statutes).

2. Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the said premises.

3. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless or whether the individual engaging in such activity is a member of the household, or a guest.

4. Resident, any member of the resident's household or a guest, or another person under the resident's control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance, at any locations, whether on or near the dwelling unit premises or otherwise.

5. Resident, any member of the resident's household, or a guest or another person under the resident's control shall not engage in any illegal activity, including prostitution, criminal street gang activity, threatening or intimidating, assault, including but not limited to the unlawful discharge of firearms, on or near the dwelling unit premises, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent or other tenant or involving imminent or actual serious property damage.

6. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for immediate termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.

8. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

_____ Date: _____
Resident Signature

_____ Date: _____
Resident Signature

_____ Date: _____
Resident Signature

_____ Date: _____ Property
Property Manager's Signature

ADICION AL ARRENDAMIENTO PARA TENER VIVIENDAS LIBRE DE DROGAS

Cuando se considere entrar o renovar el arrendamiento para una unidad de vivienda identificada en el arrendamiento, el Dueño y el Residente, estaran de acuerdo con lo siguiente:

1. El residente, cualquier miembro de su familia, invitado, o cualquier otra persona bajo el control del residente, no debera comprometerse o permitir ningun actividad criminal, incluyendo actividades criminales relacionada con drogas, en la unidad, o en cualquier otro lugar en o serca de la propiedad; o cualquier otra actividad ilegal en la unidad, serca de o en la propiedad. Actos criminales relacionados a drogas se refiere a la fabricación, venta, distribución, uso o posesión con intencion de fabricar, vender, distribuir o usar ilegalmente sustancias controladas. Este parrafo tambien se dirige a toda persona mencionada anteriormente quien facilite cualquier acto criminal incluyendo actividades relacionadas con drogas.

2. El residente, cualquier miembro de su familia, invitado, o cualquier otra persona bajo el control del residente, **no debera comprometerse en cualquier actividad que facilita actos criminales, incluyendo actividades criminales relacionadas con drogas,** serca de o en la propiedad.

3. El residente, o miembros de la familia, **no permitira que la unidad se use para asistir o cometer cualquier actividades criminales incluyendo actividades relacionados con drogas,** sin deferinciar si la persona es miembro de la casa o invitado.

4. Residente o miembro de la familia no se comprometara en la fabricación, venta, uso, acumulación, o distribución de drogas ilegales y sustancias controladas, en ningun lugar, en o serca de la propiedad, o de ningun otro modo.

5. Residente, cualquier miembro de la familia o invitado, o cualquier otra persona bajo el control del residente, **no se puede envolver en actos ilegales, actividades sobre prostitución, actividades tocante a pandillas de las calles, amenazar o intimidar, asaltos,** incluyendo pero no limitado a ilegalmente descargar una arma de fuego en o serca de la propiedad. Cualquier infracción del arrendamiento que pone en peligro la salud, seguridad, y bienestar de el dueño, su agentes, o otro inquilino, o propenso a ocurrir o causar dano grave a la propiedad.

6. **VIOLACIONES DE LAS CONDICIONES MENCIONADAS ANTERIORMENTE SERA CONSIDERADO VIOLACION MATERIAL Y INCURABLE DE LOS TERMINOS DEL ARRENDAMIENTO Y CAUSARA LA CANCELACION INMEDIATA DEL ARRENDAMIENTO.** Una infraccion de cualquiera de las condiciones de este adición al arrendamiento sera considerada una violación incurable de los terminos del arrendamiento. Es entendido y esta de acuerdo que solamente una violación de los terminos sera suficiente para cancelar inmediatamente su arrendamiento. Almenos que la ley especifique diferentemente, no sera necesario que sea declarado culpable la ley, solamente que exista evidencia preponderante.

7. En caso de conflicto entre los terminos de esta adición y cualquier otra condición del arrendamiento, las condiciones de esta adición gobernarán.

8. Esta adición sera incorporada al arrendamiento que se comienza o se renueva este dia entre Dueño y Residente.

_____ Fecha: _____
Residente

_____ Fecha: _____
Manejador

Propiedad 6/95

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

PART SEVEN

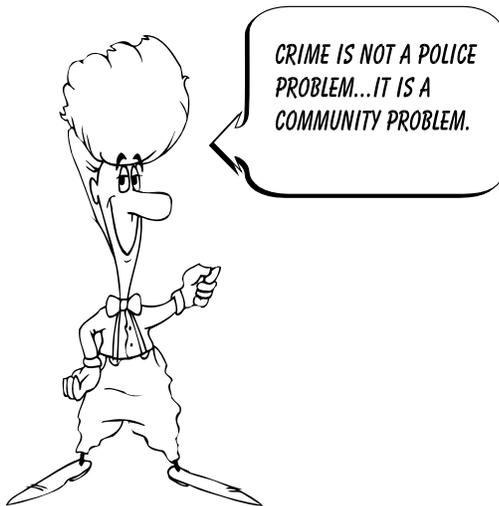
COMMUNITIES, NOT COMPLEXES!

NOT A COMPLEX

Rental properties are not complexes. **Complexes are disorders!** Rental properties are small communities where people live, and many raise a family. It is important to view each property as a community within a community. Residents need to feel they are a vital part of a healthy community. When residents feel at home, they are more apt to take pride and ownership of the area.

If residents of a rental property are fearful or not familiar with others in that community, many problems can result. Residents will be less likely to report suspicious or illegal activity, and that causes apathy. When apathy pervades, soon drug dealers and other undesirables will begin to take over the area. The only thing necessary for these activities to flourish is for good residents to do nothing to stop it. It doesn't take long for those who perpetrate illegal activity to realize no one is going to report them.

NOT A POLICE PROBLEM



Crime is NOT a police problem. It is a COMMUNITY problem. The police ARE a part of the community, so this does not exclude the police. It certainly is the police department's role to arrest people involved in illegal activity, but if the management re-rents to others committing criminal acts, the problem does not go away.

For example, if neighbors complain that various types of illegal activity are making a park unsafe for children at play, this is not necessarily a police problem. The police can remove the persons committing crimes in the park, but if the residents don't follow-up by using the park, other illegal activities will soon begin again.

HOW TO BEGIN

Start with residents that care about their environment. If you promote a strong sense of community concern, residents will not tolerate illegal activity, and are even willing to testify in court about abhorrent behavior among other residents. Remember that criminals are like predators, seeking the easy target. If they are able to scare residents into silence, they can perpetrate the crimes.

As previously stated, one of the most violent elements in society today is apathy. Ignoring a crime problem will allow it to flourish more rapidly. It works the same way as weeds. Ignoring a problem will not make it go away. Usually it will get worse.

FORM VS. FUNCTION

While a small sports car may be very attractive, it does not offer much protection in an accident. The 1955 sedan that weighs twice as much (or more) will offer better protection. The point is, **it doesn't matter how pretty something is. If it isn't safe, it isn't practical.**



Property management will spend tens of thousands of dollars to beautify a property, but they will not invest in security lighting. A person looking for a safe place to live may shy away from a property that is too dark, but a drug criminal may choose a property for that very reason.

The key to having a nice apartment community begins with attracting the right residents. If your property is clean and attractive, you are more likely to attract residents who will keep their rental units clean as well. Trimming trees and bushes doesn't have to be expensive. Responsible applicants will come if they feel responsible management is running the property

Notes:

It is difficult to attract good residents if you have current residents loitering in the parking lots or common areas drinking alcohol or using drugs. People who conduct this kind of behavior will not only prevent good residents from moving in, they will influence your best residents not to renew their lease.

ONE IRRESPONSIBLE RESIDENT CAN EASILY DISTRESS AN ENTIRE BUILDING AND CAUSE SEVERAL OF THOSE RESIDENTS TO REFUSE THE OPTION OF RENEWING A LEASE.



It is a good idea to visit the property at all times of the day and night to see how the residents behave. This is especially important for properties with off-site management or absentee landlords. Don't rely on independent management companies that contract their services. Many times they are chiefly concerned only with collecting the rent.

THE NEXT STEP

Once you have attracted the right applicants, be sure to sell them on the benefits of your particular property. It is a great idea to highlight the best features of the property. But keep in mind, many properties have great amenities. You need to appeal to their concerns about safety and security.

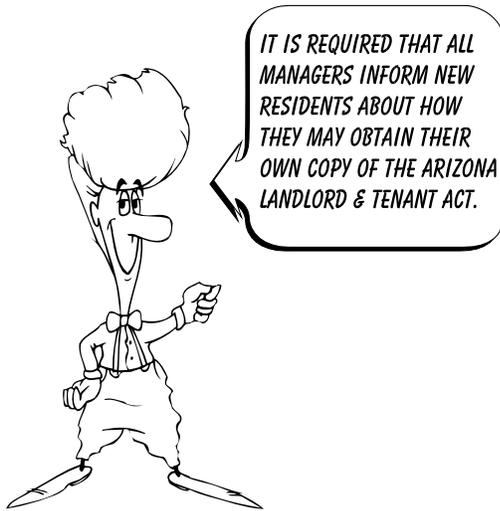
While no property manager can guarantee a resident will not be affected by crime, a resident will take great comfort in knowing the property has established a good rapport with the local police. Good prospects will be happy to hear management is a member of the CRIME FREE MULTI-HOUSING PROGRAM. **Prospects with a history of drug or other illegal activity may simply say, "Thank you, there is one other place I want to look at first."**

Be fair, but be firm in your residency requirements. It's your right. One property manager notorious for her strict guidelines was reported to the attorney general's office for possible discrimination. People from various classes were sent to the property to audit the manager. The report concluded the manager was equally rude to everyone; there was no discrimination, she was just very strict.

Once a resident shows interest in the property, let them know that all residents at the property have been required to sign the Crime Free Lease Addendum and pass a criminal background check. While this is no guarantee, it does show that management is doing everything they can legally do to reduce the likelihood of criminal activity on the property.

CLOSING THE DEAL

Once an applicant has been approved for residency, they will come into the office to review community rules and sign the rental agreements. This is a good time to explain management and resident responsibilities.



Managers may choose to supply a copy of the Illinois Landlord Tenant Act for new residents, or refer them to the Illinois Secretary of State Office.

Property managers should discuss their responsibilities, and the responsibilities of the residents in. This is a great way to establish a professional, yet personal, rapport with the new residents.

Note: Be sure to give the residents a photocopy of their signed, Crime Free Lease Addendum.

KEEP IT GOING

The Crime Free Multi-Housing Program requires community activities at least annually. Try to plan various activities that are sure to draw as many residents as possible. Food, drinks, door prizes and music are sure to draw large turnouts.

INCLUDE THE ADULTS, CHILDREN AND TEENAGERS IN YOUR COMMUNITY EVENTS!



When residents feel they are a part of a

Safety Social
Friday Night! 6:00pm
FUN FOR ALL AGES

Door Prizes
Carnival Games
Door Prizes
Carnival Games

Food
Drinks
Music

The Peoria Police Department Will Conduct a Brief Safety Meeting

community, they are more likely to work out differences with neighbors. Residents who don't associate with neighbors are much more likely to make complaints to management. People who use rental properties to promote illegal activity prefer to live in properties where residents keep to themselves, and community activities are less frequent.

To attract residents it may be necessary to invite a band, disc jockey, or sponsor a night of karaoke. This is likely to draw a lot of

residents, especially if you have free food, drinks and giveaways to raffle off. By having functions that include all ages, residents begin to put names with faces, and faces with unit numbers. Residents will be less likely to cause problems in an area where they are well known.

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

PART EIGHT

ACTIVE PROPERTY MANAGEMENT

TAKING A COMPLAINT

An apartment community needs active management to deal with the daily problems that can arise among residents and guests. A manager should always be fair and impartial when hearing about resident complaints. It is good management to hear both sides of the story whenever possible. Calling both residents into the office may be one way of resolving small problems between residents.



In cases where there is a potential for violence, it may be necessary to call the police, or at the very least try to keep the residents apart. If the complaint amounts to a breach of the rental agreement or the Crime Free Lease Addendum, and one resident is willing to write a complaint and testify in court, you may want to serve the notice even though you were not an eyewitness to the event. Let the judge decide.

When property managers show a genuine interest in the residents concerns, it encourages the residents to take ownership of the community. If residents feel their concerns will fall on deaf ears, they will stop bringing issues to management. This is not a good thing, as small problems will progress to larger ones, and those problems can lead to catastrophes.

ROUTINE PROPERTY INSPECTIONS

In Illinois, you must serve a notice before entering the unit. If a manager or agent of the property enters the unit without legal notice (with the exception of emergencies, i.e. water main break, fire etc.), the resident is entitled to file a civil complaint.

In some larger properties it may not be possible to inspect every unit on a quarterly or semi-annual basis, but for smaller rental properties it could be a valuable use of time. Routine property inspections should be conducted for all residents equally and fairly.

Routine inspections may be conducted for the purpose of replacing air conditioning filters or inspecting a property for damage, when reasonable grounds exist that a problem has occurred (such as roach infestation or water damage).

Inspections should never be conducted for the purpose of singling out a particular resident without cause. It should never be done for personal reasons or for retaliation on the part of the management.

If residents refuse to allow the manager or an agent to inspect the unit or any part of the unit, the manager may serve a ten-day notice for non-compliance. Residents can not install interior deadbolts or refuse you to inspect a part of the unit.

In an emergency situation, such as fire or water damage, a manager may enter the unit without serving notice to protect the property from excessive damage. If the manager has reason to believe a resident may be injured or ill, they may enter the unit to check the welfare of the resident if other attempts do not work.

PROPERTY MANAGERS DO HAVE A LEGAL RIGHT TO INSPECT THE UNITS, AND CANNOT BE DENIED ACCESS WHEN THE RESIDENT HAS BEEN APPROPRIATELY SERVED NOTICE.



GOOD PROPERTY MAINTENANCE

Building Maintenance - The building should have a bright colored paint to reflect ambient light. Keep it looking cared for.

Stairs/Balconies - Stairs & balconies should not have a cluttered appearance. They should appear clean and safe.

Courtyards - Keep trees and bushes trimmed. Maintain good lighting and litter control.

Common Areas - Laundry and recreational areas should be clean, well lit and promote a sense of safety.

Parking Lots - Maintain lighting, asphalt and signage. Paint speed bumps and fire lanes as necessary.

Perimeter Fencing - Inspect for damage to structures and repair immediately. Paint over graffiti ASAP.

Litter Control - All members of the management team should pick up litter or debris whenever they see it. Encourage residents to help keep their community clean.

PART NINE

COMBATING CRIME PROBLEMS

WHO'S JOB IS IT?

Property managers get frustrated very quickly when trying to report crime problems to the police. It just seems the police do not show enough interest. If they cared, they would arrest the troublemakers, right? Well, it is not that easy.

Some property managers are viewed as apathetic toward crime. It appears that property managers intentionally rent to anyone, as long as they pay the rent. Some police officers are viewed as apathetic toward problems that arise in rental communities. It appears the police are in too much of a hurry to get to the next call, or the next cup of coffee.

MANY MISCONCEPTIONS ABOUT THE POLICE DEPARTMENT AND PROPERTY MANAGEMENT CAN BE QUICKLY CLEARED UP WHEN POLICE AND MANAGERS OF RENTAL PROPERTY SIMPLY TALK ABOUT THEM.



The truth is, there are some property managers and police officers that could do a better job. But the majority of police officers and property managers are doing their level best. There is just the issue of misconceptions about what the police can and cannot do, as well as what the property manager can and cannot do.

The Displacement Theory

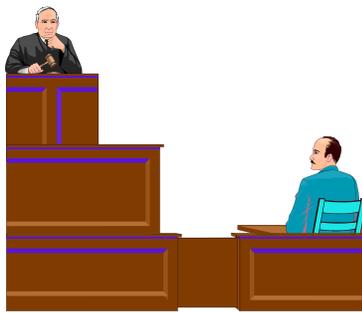
If management depends too heavily upon the police to deal with criminal activity on the property, they will likely be disappointed. The police cannot do very much alone. For example, consider the balloon displacement theory.

If a balloon is squeezed from one side, all of the air is displaced to the other side. When the balloon is released, all of the air comes back again. The police have this same effect on crime. The police can respond to a crime problem, apply pressure, and displace the problem. But as soon as they move on to the next area, and they **WILL** have to, the problem returns.

If a property manager squeezes one side of a balloon, maintenance squeezes another side, the police another side, and residents squeeze from the top and bottom, the balloon will burst. This team can have the same effect on crime. There is strength in numbers! United against crime, the team will always win.

Police officers do not have sufficient training in civil laws regarding landlord/tenant disputes. Frequently, the police expect the property management to do things that just are not allowed. The reverse is true. Many times the police are asked to do things that they are not allowed to do either. Because there is not enough time spent on explaining why a particular action cannot be taken, the other sees this refusal as apathy.

CIVIL LAWS VS. CRIMINAL LAWS



To clear up the matter, we first have to see the differences between civil and criminal matters. They have very little in common. In fact, sometimes they have NOTHING AT ALL in common. Property managers work with the Landlord & Tenant Act (civil laws) while the police work with Illinois criminal laws. The rules and the penalties are entirely different. The amount of evidence a police officer needs for probable cause to make an arrest is much higher than the preponderance of evidence you need as a property manager does.

Criminal Law

When you think of criminal laws, think of Perry Mason, the judge and jury. When you think of civil laws, think of Judge Judy. The issues and the procedures are quite different.

In criminal law, the police must have probable cause to arrest someone. Suspicion is not enough. Probable cause is where an officer knows a crime happened, and believes the perpetrator is the one being detained. When an officer begins to question the person who just got arrested, **they must tell the suspect about their ‘right to remain silent’.** **The police cannot search an apartment without a warrant, and they are not always easy to obtain.**

If the officer is able to build enough evidence to arrest a suspect, there is still no guarantee the prosecutor’s office will file charges. If charges are filed, there is no guarantee the person will be brought to a jury trial. If the person is brought to a jury trial, there is no guarantee the jury will convict. If the jury convicts, there is no guarantee the person will go to prison. If the person goes to prison, there is no guarantee they will stay there very long.

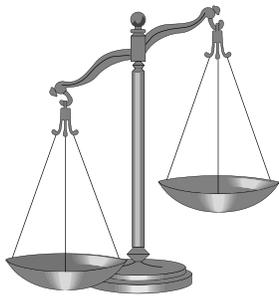
In many cases, plea bargains are made, probation is given, and in some situations, the charges are just dropped. In most cases, the people that get arrested at rental properties do not go to prison. They are released very soon after being arrested, and they go right back home to their apartment.

Civil Law

In civil law, the procedure is much different. **Property managers do not need probable cause to question a resident and they do not have to read them their rights. Property managers have the right to enter rental units (as provided by law), and they don't need a search warrant!** If the resident has committed a breach of the rental agreement, the resident must appear in court or risk losing the judgement.

In civil court there is not the typical courtroom scenario. You might be surprised not to see a jury. Each person stands before a judge; the judge weighs out both sides of the issue based on the evidence presented, and renders judgement. That's it.

In criminal cases, a jury must be convinced **beyond a shadow of a doubt**. In civil law, the judge only needs to see a **preponderance of evidence**. A preponderance of evidence is MUCH less than proof beyond a shadow of a doubt. A preponderance of evidence could be only 51% to win. Proof beyond a shadow of a doubt requires virtually 100% to win the case.



Criminal Preponderance
98%-100%

VS.



Civil Preponderance
51+%

TAKING ACTION

If a resident is conducting illegal activity at the rental property, a criminal conviction may not be as expedient as taking civil action. For instance, if a resident is suspected of selling drugs or gang activity, you should contact the police, but be prepared to take action yourself. There may not be a whole lot the police can do to help you in some cases. Document all of the activities you and others have observed, because you may have more ability to deal with the situation. For example:

DRUGS IN APARTMENTS

What will you do if *an employee in a resident's unit discovers Drugs*? Some management companies may want you to take the drugs to the office, another company may recommend that you secure the office, and yet some companies may want you to get a witness. **In all cases you should notify the police. They will secure a search warrant if possible.** Check with your company's attorney for legal advice in advance.



Drugs can be extremely dangerous; caution should always be exercised. It is not advisable to pick up or remove drugs, drug pipes, needles or other paraphernalia. At the very least, rubber gloves should be worn when touching any of these items.

Needles are especially dangerous, not only because of the drugs themselves, but because of the likelihood of the transmission of Hepatitis or the H.I.V. virus. Because children and adults frequently crawl into dumpsters, this is not a good place to dispose of them. Maintenance and grounds keepers should also be on the lookout for needles and other stashes in remote areas of the property and inside broken sections of block fences.

GENERAL DISTURBANCES



Loud music, loud parties and just rowdy behavior can be very annoying. The police can ask residents to reduce the noise, but frequently they will soon begin again. **The management has the most power to deal with this non-compliance.** A resident should be served with a 10-day notice for each breach of the rental agreement, if appropriate. The manager can simply tell the resident to stop violating the rental agreement, or the next time the violation happens it will be grounds for an eviction.

WHO HAS THE POWER?

The Fourth Amendment to the United States Constitution limits the power of the police. **The property manager has much more power to remove a resident from the property.** A resident can be free, awaiting trial for over a year. The criminal process is much slower than the civil one. You will need less evidence to remove the resident through a civil process. Having your paper work in order with thorough documentation will make the process. There are some things the police can do that managers cannot. But more often what the management can do, the police cannot. **Together the police**

and management can work with responsible residents to solve virtually any problems. It takes a concerted effort, and both sides have to be willing to do as much as possible. Though it may seem easier for the police to deal with it, that is not always the case. Here is another example:

TRESPASSING

Mark Manager calls the police to report a trespasser. When the officer arrives, the suspect is waiting for the police. The manager tells the officer, "I want this man arrested for trespassing!"

The officer talks to the man in question and finds out he is actually living in the unit. His clothes, television and other personal effects are in the apartment as well.

The officer explains to Mr. Manager, "The man is not trespassing, the resident is allowing him to live there."

"Aha!" replies the manager. "He is NOT on the lease!"

The officer responds, "The lease is a civil matter. You will have to serve notice to the resident who is allowing the unauthorized guest."

If a rental agreement has clearly stated policies regarding unauthorized occupants, the property manager can typically serve a notice for the resident to remedy the breach in 10 days, or face eviction. This is often the case with unauthorized pets.

While these stories may sound far-fetched, truth is sometimes stranger than fiction! These are actual cases.



ATTEMPTED MURDER

"9-1-1, what is your emergency?"

"It's my husband, he has a gun, and he says he's going to kill me."

"Okay, stay on the line. I have several officers responding to your apartment as we're talking."

"Please hurry."

"Which unit number are you in?"

CLICK -- Dial tone.

"Hello? Are you still there?"

(The line is busy on call back.)

The police respond at 1:40 a.m., set up a perimeter, and evacuate all of the neighboring units. It's the middle of the night, it's cold outside, but the neighbors could be in danger. They have to leave.

For several hours the police negotiate with the gunman, but he refuses to put the gun down. The hostage negotiator is also unsuccessful.

At about 7:00 a.m., the police fire tear gas into the unit, breaking the window and burning the curtains and carpeting. The rental unit smells bad. Fortunately, nobody is seriously injured. The S.W.A.T. Team takes the suspect into custody.

By 7:11 a.m. the suspect is handcuffed and placed into the back of a waiting patrol car. By 8:00 a.m. he is in front of a judge; by 9:45 a.m. he's released and has his guns back.

The manager is livid! She calls the police and insists in knowing why the police let this man go?

The response is, "The police did NOT let this man go, the judge did." The police department's job is to take a suspect before a judge. After that, it is up to the judge! If the judge orders the police to release him, they have to do it.

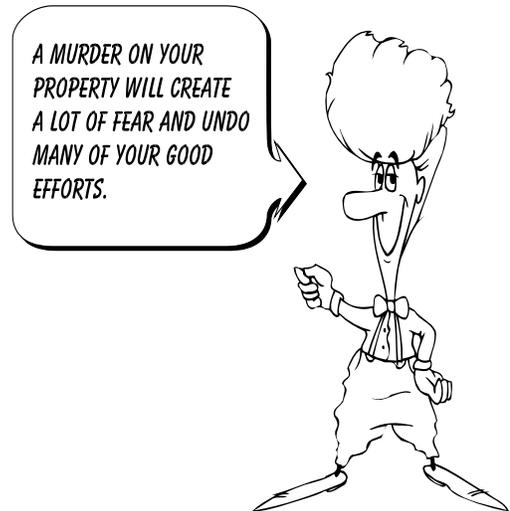
The manager lashes back, "I want to know why the judge let him go?"

The response is, "It happens all the time. The courts are so busy, and the jails are overcrowded, so not everyone goes to jail. In Cook County there are so many inmates, cell blocks are sometimes rented from other County Jails!"

If you call the sheriff, he'll tell you he doesn't have enough money or facilities because of budget cuts. It all comes back to the people who say, "No new taxes."

In a way, the people blame the police, the police blame the judge, the judge blames the sheriff, and the sheriff blames the people...who blame the police, who blame the judge, who blame the sheriff, who blames the people...

The irony of this true story is the manager was mad at the police for not doing their job, when in fact, they did all they could. The manager, however, did not do HIS/HER job. This was the third time the police were called to the same apartment unit in less than 10 months. The manager chose not to evict him the previous two times because they knew the resident was having personal problems.



MANAGEMENT'S RESPONSIBILITY

Frequently managers complain about all the problems they are having with a particular resident. They can tell many stories, but when asked to show written documentation of non-compliance, often times the manager has not kept records.

One manager was asked if he ever served a 10-day notice. His reply was "What's a 10-day notice?"

It is not uncommon to find managers who only know about the 5-day notice for non-payment of rent. They feel they were hired only to collect the rent, and it is the police department's job to deal with undesirable behavior involving residents.



 Granted, most apartment managers are familiar with the various notices, but far too many don't use them as often as they should. The three (3) keys to any successful eviction are "document... document... DOCUMENT".

RESPONSIBILITY

Train residents - to recognize and report illegal activity.

Empower residents - form Block Watches and resident councils.

Establish relationships/rapport - attend meetings, use suggestion boxes, have an open door policy.

Set goals - for residents.

- ❖ Smaller, short-term goals at first
 - people get discouraged
 - people need successes
 - people need a series of goals
 - remind residents of goals
 - advertise successes
- ❖ Larger, long-term goals later
 - more impact on community
 - more difficult, but more rewards

A TEN-STEP PROCESS

1. Contact all residents.
2. Arrange a timely meeting.
3. Provide handouts.
4. Follow up with newsletter to all residents who don't show up.
5. Have property manager facilitate meeting.
6. Arrange police/fire department presenter.
7. Present crime statistics.
8. Present reasons for crime.
9. Present resources.
10. Present solutions.

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

PART TEN

TO SERVE AND PROTECT?

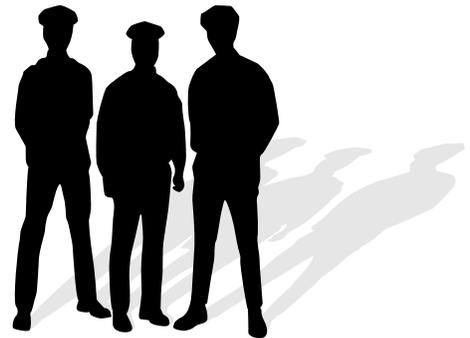
THE POLICE WON'T TALK TO US

Frequently managers will complain that the police do not stop at the office to report why they are called to the property. There are some very legitimate reasons why.

- ❖ Some problems are so minor, the officer may not feel it warrants reporting. For example, a couple has a verbal dispute, as many people do, but no one is hurt; the situation is minor, and there is no reason to "air the dirty laundry" to the neighbors.

Though it may be the manager who walks up to the officer asking about the call, the officer may not feel it is appropriate to disclose the information. It is also possible the officer is not certain the person is really the manager.

- ❖ Many times the officer is in a hurry to clear the call and get on to the next one that is waiting. Domestic calls take a lot of time in and of themselves, and officers are always being criticized about their response time by the next person who is waiting. The time it takes to locate a manager (and re-tell the whole story) can easily amount to 15 minutes, a half-hour or more. This is especially true when the manager has a lot they want to say to the officer as well.



- ❖ Some officers feel the manager is not going to follow through anyway. Though it may be hard to believe, there are property managers that are noseys. They never follow through with the appropriate notices. They just want to know everybody's business.

If a police officer knows the property manager actually follows through with an appropriate course of action, there is greater incentive to talk with the manager. The officer really doesn't want to have to keep coming back for the same problem over and over again.

Meet with the officer, even if you have to call the dispatcher to schedule an appointment. When the officer arrives, let them know you are an active member of the CRIME FREE MULTI-HOUSING PROGRAM and you are willing to work with the police. Meeting the officer is the first step.

Keep in mind, one officer works day shift, one works the afternoon shift, and one works the midnight shift. Also, other officers fill in on their days off! It could take a while to meet them all.

PRIVACY LAWS

There is another very key issue to be addressed. That is the issue of privacy laws. A police officer cannot stop by in person, or leave a card in the office telling you the "who, what, when, where, why and how."

The officer is more likely to give you a case number, and as a matter of public record, you can request a copy of the police report. Always try to get the case number if you get nothing else. While the officer may not be able to give you the names of the persons involved, they may be able to give you the unit number they went to.

*THERE ARE VERY STRICT
PRIVACY LAWS THAT
PROTECT THE PRIVACY OF
RESIDENTS...EVEN THE
RESIDENTS THAT BREAK
THE LAW.*



One of the benefits of being a **fully certified member** of the CRIME FREE MULTI-HOUSING PROGRAM is that you can contact the Crime Prevention Office to discuss the frequency and types of calls your property is receiving.

HOW TO APPROACH THE OFFICER

If you see a police officer on a call at one of your rental units, do not approach them -- stay back. The situation may become very volatile at any moment. The officer may order you to stand back for your own safety.

If you are certain things are settled, you can get the officer's attention and introduce yourself as the manager and ask to see the officer when they are through with the call. The less you say at this point, generally the better. Stand at a safe distance, but wait for the officer. Don't go back to the office.

When the officer is finished, let them know you are working with the CRIME FREE MULTI-HOUSING PROGRAM, and get a case number. Sometimes, a case is not drawn up and no report will be written. The officer will let you know.

If the officer is able to give you more information, it will help you follow through with the necessary steps you must take. If not, have your attorney subpoena a copy of the report. Let the officer know that you do plan to follow through, and you would appreciate working with them in the future.

ESTABLISHING MORE

If a property manager has a **serious** problem with crime, they may choose to hire off-duty officers to patrol the property. This is a very effective way to solve serious problems with residents. If a manager cannot do that, they may want to consider private security.

A HIGH POLICE PRESENCE WILL DEMONSTRATE TO THE RESIDENTS THAT MANAGEMENT IS SERIOUS ABOUT ADDRESSING PROBLEMS.



REQUESTING "EXTRA" PATROL

Frequently managers will call requesting "extra" patrol. While it never hurts to ask, it may not help either. There are many rental properties in Palatine. Many more properties than we have patrol officers. One thing they all have in common is, they want extra patrol visits through their property. Properties may pay for officer over-time.

It is important to understand that many places of business in Palatine are going to request extra patrols in their area throughout the year, and it is impossible to satisfy all requests since police officers have other responsibilities in patrol. Each beat in Palatine has an assigned beat Sergeant, and if necessary, the property manager should contact the Sergeant to address any concerns they may have about the property. The beat Sergeant will then pass that information on to the patrol officers that work that area, so that everyone is aware of your concerns and can address the situation appropriately.



And, of course, there are thousands of residents that want extra patrol in their residential neighborhoods. Everyone wants to see more police patrols in their neighborhoods.

There are still others that feel the police ought to spend more time writing tickets for speeders and people who do not use turn signals. There just are not enough police officers to fill all those needs.

Unfortunately, the police officers cannot provide security for everyone who asks. Even if they could visit the property a couple of times per day, the likelihood that they would be at the right place at precisely the right time is very slim. The best efforts will include officers that can spend hours at the property. Random passes through the property can be ineffective, and at times not possible.

NARCOTICS SURVEILLANCE

Property managers will also call the police requesting an investigator to set up surveillance on a resident they suspect of using or dealing drugs. While managers are aware the detectives are not sitting by the phone hoping somebody will call soon, they may not know how many calls are received.

Detectives are highly trained and do excellent work because they have methods that work so well. Typically, they rely on a person to introduce them to a suspect whenever possible. If they can get close to an operation, they are more likely not only to make an arrest, but also to arrest several people. If the quantities are high, they are likely to get prison time for the offender. The higher up the supply line that they penetrate, the more successful the operation.

The end user is not going to get the prison time or produce all of the other results the detectives are after. They want the "bigger fish to fry." They work the more serious cases. There are more calls than the police have detectives. It is a matter of prioritization.

MANAGEMENT SURVEILLANCE

You should call to report the drug activity, because you may be providing the very key information the police have been looking for. You should also document other behaviors associated with the drug activity, and serve the appropriate notices. **There are usually a string of other evictable offenses that managers overlook, trying to prove somebody is into drug activity.**

Rarely have property managers confronted residents with their suspicions, yet they call the police. When asked why they haven't confronted the resident they say, "I don't have any proof." Think about that. **The police need a whole lot more proof than the manager does. The police can not do anything without the proof either.**

IF YOU DON'T HAVE ENOUGH PROOF TO EVICT A SUSPECTED DRUG DEALER, THE POLICE DON'T HAVE ENOUGH PROOF TO ARREST THEM EITHER.



Why can't the police just watch and get the proof? There just aren't enough detectives available. The better question is "Why don't the property management teams watch the resident and get the proof?" It is much easier for those who live and work on the property to watch what is going on. They know who lives at and belongs on the property; the police don't. Because management needs a lot less proof than the police do, they will get faster results civilly.

Setting up video cameras or recording license plates may provide clues, but they may also spark retaliation from the resident. Whatever action is taken, safety should always

be foremost.

“BUT I’M SCARED!”

Because the potential for danger is there, **property managers should be more selective and forceful with prospective residents**. If policies are not strictly stated in the beginning, they will be harder to enforce in the end. Prevention is the key.

Most residents will stop drug activity if they find out the manager is onto them. The reason most people continue this activity is because they know the manager is afraid to confront them. Even if the police arrest a resident, you will have to evict them and others on the lease. They will come back awaiting trial in most cases.

NOTES □ NOTES □ NOTES □ NOTES □ NOTES

PART ELEVEN

EVICTION PROCEDURES IN ILLINOIS

In Illinois, the law which defines the process of eviction in this state is known as the Forcible Entry and Detainer Act. The Forcible Entry and Detainer courts are known as Courts of limited jurisdiction. This means that only claims for possession and rents can be heard. The court will not allow unrelated counter claims regarding the operation of the property. Therefore, a Forcible Entry and Detainer action is quick, simple and efficient. In order to ensure that your case is heard quickly, it is important that managers and landlords familiarize themselves with some of the basic procedures for proceeding with a forcible action. The following guideline is meant to answer some basic questions regarding the forcible process.

When should I consider evicting a Tenant?

Non-payment of rent is an obvious reason for evicting a tenant. However, the decision to evict a tenant for failing to abide by the specific terms of a lease is a more difficult decision. Effective property management includes the early recognition of noncompliance and immediate response to the problems associated with these behaviors. If you do not resolve problems quickly, you will find that you may jeopardize your ability to handle problems in the future. Most problem tenants exhibit noncompliance behaviors shortly after they move in. If you move quickly, you will find that tenants will stop believing that they can get away with non-compliant behavior. Many landlords do not take action because they do not want to get involved in the legal system. However, the penalty for indecision can be high. For instance, if you accept rent from a tenant who is noncompliant you may lose your right to evict for the noncompliance at a future date. If you fail to take action against a tenant who is engaged in noncompliant behavior and that behavior later causes damage or injury to another tenant, you may find yourself liable for damages. You will also find that other residents will assume that they can also get away with similar behaviors. The end result may very well be deterioration in the value of the property and an inability to get good, high quality tenants. Do not wait. Implement a policy that ensures residents are treated fairly, yet deals with problems in a consistent, yet forcible manner. Know your options. Understand the eviction process.

Can I evict a tenant for dealing drugs or engaging in illegal activity inside their unit?

Yes, you can. However, proving that there is drug dealing can be difficult. In order to increase your chances of successfully evicting this type of tenant, I would also recommend that you include a drug free addendum in your lease. Of course, it is illegal to use or deal drugs, but putting it in your rental agreement reinforces the idea that property management is committed to upholding the law. The biggest hurdle you have to overcome in evicting a tenant for drug use, is proving that drug use is happening. If there has been a drug arrest in your building, the prosecuting attorney may be reluctant

to allow police officers or other witnesses to testify in a civil eviction proceeding because of the fear that the criminal case may be jeopardized. However, many municipalities are not only participating in seeking to evict drug dealers from the communities, they are actively encouraging the landlord to take action. There are some things that you can do to bolster your case at court. Keep accurate records. Record the number of visitors that come and go into the apartment. Keep records of every disturbance that is reported from the building. Talk to your local police department regarding your suspicions. Ask the police to provide you with copies of police reports relating to disturbances at the building. Even if you can not ultimately prove that the tenant is taking or dealing drugs, you can probably prove that his behavior has unduly disturbed other tenants and neighbors and is interfering with the neighbor's peaceful enjoyment of the premises.

Do I need an attorney?

Not necessarily but it is highly recommended. However, some areas of eviction law are very complicated and detailed. Strict compliance with the statute is necessary because eviction is a drastic remedy. An attorney that is familiar with the forcible entry and detainer act can cut down on continuances and ultimately save you money. Many eviction attorneys will charge only two or three hundred dollars for a simple eviction. As long as your lease contains a provision for recovery of attorney fees, you also may be able to have your tenant reimburse you for this cost.

If you do choose to file a forcible action without an attorney, take the time to become familiar with court procedures. Spend an hour in the forcible court before your case is heard so that you can become familiar with the way these types of cases are handled. Many eviction cases are lost simply because the landlord is unfamiliar with the court process and does not have the proper paper work at the time of hearing.

Do I need to serve any notices on a tenant before I actually start court proceedings?

Yes. Serving proper notice on a tenant is generally a prerequisite to filing a Forcible Entry and Detainer action. Generally, the proper service of notice is "jurisdictional." This means that if you do not do it correctly, the Judge will have no choice but to dismiss your lawsuit. You will then have to start all over again. The following is a brief summary of the types of notice that can be served on a noncompliant tenant.

- A. **5-Day Notice**. This type of notice is served when a tenant is behind in the payment of rent. It provides that if all amounts are not paid within five days, the landlord will terminate the lease. It is important that the landlord not accept anything less than full payment of all amounts which are due and owing during this five day period unless very specific steps are followed. Partial payments may void the five-day notice. A five-day notice can also be used when the tenant uses the premises for drug activity. If the tenant utilizes the leased premises for the purpose of unlawfully possessing, serving, storing, manufacturing, cultivating, delivering, using, selling or giving away controlled substances, then the landlord has the option to void the tenant's lease. The first step in voiding the lease is the service of a five-day notice that the lease is being terminated. The notice should state the reasons for eviction.

- B. **10-Day Notice.** When a default is made in any of the terms of the lease, it is not necessary to give more than ten days notice of the landlord's intent to terminate the lease. Such notice may be in the following form: *"You are hereby notified that in consequence of your default in (insert character of the default) of the premises now occupied by you being (here describe the premises), I have elected to terminate your lease and you are hereby notified to quit and deliver up possession of the same to me within ten days of this date."* No other notice is necessary to terminate the tenant's lease. This type of notice can be used in cases where a tenant engaged in behavior which disturbs the peace, damages property or otherwise is prohibited under the terms of the lease.
- C. **30-Day Notice.** This notice is used to terminate a tenant who is occupying the premises on a month-to-month basis or whose lease term is close to expiration. In addition, a thirty-day notice is required in order to evict a unit owner who is delinquent in the payment of condominium assessments.

How do I serve these notices?

There are three basic methods for service of a notice on a tenant. (1) You can serve the notice on the person or a person at least 13 years of age who resides in the premises. (2) The notice can be sent by certified or registered mail with a returned receipt from the tenant. (3) If no person is in actual possession of the premises, the notice can be posted on the door. Make sure that you do not serve the original notarized copy of the notice. This portion of the notice should be completed only after a copy has been served. The original notarized copy should be brought to court on the day of the forcible entry.

Now that I have made the decision that I need to have a tenant leave, what are the basic steps for evicting a tenant for noncompliance with a lease?

The process is relatively simple. It is also what is called an expedited process. This means that you can obtain relief relatively quickly. First, a tenant should be served with the appropriate notice. Second, a Forcible Entry and Detainer action is filed. Third, the landlord must serve the tenant. Fourth, an order of possession should be entered at the court hearing. Fifth, the order of possession must be placed with the Sheriff for eviction.

What forms does a landlord need to have in dealing with eviction actions?

The most frequently used forms are as follows:

- Five-day notice
- Forcible Entry and Detainer complaint
- Forcible Summons
- Order of Possession
- Motion for special process service
- Notice of posting
- Affidavit for posting

Additional copies of these forms can be obtained at any office supply store or at the clerks office located in the Rolling Meadows Courthouse.

Which courthouse do I have to use when I want to file an eviction action?

Eviction actions should be filed in the municipal district where the property is located. For housing located in the Palatine area, most evictions are filed in the Third Municipal District located in Rolling Meadows, Illinois. Almost all eviction actions are heard in Courtroom 206 on Tuesdays. There are two court calls, one beginning at 0900 Hours and one beginning at 1330 Hours. Many litigants are unaware of the fact that a case can be scheduled for the 1330 Hours court call. You will find that this court call is considerably quicker and less crowded than the early morning court call. Always find out if rooms and times have changed, as they sometimes do frequently,

How do I actually file the case once I get to the courthouse?

The initial eviction case will be filed in the clerks office located on the first floor. You will need to have your complaint, summons and civil cover sheet at the time of the filing. The cost for filing a forcible entry in Rolling Meadows is about \$105.00. After the clerk files the case, you will need to place the summons for service with the Sheriff's officer. The Sheriff's office is also located on the first floor of the Rolling Meadows Courthouse.

What do I need to do before I go to court?

The most important thing you need to do is to make sure that your tenant is properly served. There is nothing that a Judge can do until you obtain service on the defendant. If the Sheriff cannot serve your tenant with legal papers, there are several options that will supplement the Sheriff's Department. You can appoint a special process server. The process server must be at least eighteen years of age and not a party to the action. You must have a Judge sign your order. These types of orders can be signed by the Judge at 0900 Hours on any Tuesday. The advantage of having your papers personally served is that you can get a monetary judgment against your tenant. This means that you can collect your judgment more easily. If your main objective is to evict the tenant, you can also obtain service by "posting." Posting service allows you to obtain "possession" of the property. This type of service is accomplished by the filing of an affidavit with the clerks officer. This affidavit and the posting notice are filed with the Sheriff. The Sheriff posts the summons at the Sheriff's office and sends a post card to the tenant. After ten days, posting service is complete and you can proceed with the entry of an order of possession.

What should I bring to court?

There are several documents that are absolutely essential to a forcible entry case. These documents should be brought to every single court call. These documents include: an executed copy of the lease, a signed copy of you notice, a copy of your complaint, a copy of your proof of proper service on the defendant, and any other documents that support your claim against the tenant. If your claim is for non-payment of rents, be sure and have a list of payments that have been made by the tenant. Many tenants will try and confuse the issues by producing a cancelled check and suggesting it

was for payment of rent for the months in question. You may find that this check was actually used for back rental payments. Be organized. You will find that forcible entry court is what is commonly called a “high volume” courtroom. There may be thirty or forty cases on a typical morning court call. Be observant of the cases that are called before you. You will find that each Judge has his or her own procedures. Try to organize your documents in a way that will complement the Judge’s procedures.

What happens after I am awarded an Order of Possession by the Judge?

The entry of an Order of Possession is not the end of the forcible action. Until the tenant is evicted, our court case has not really accomplished anything. Generally, the Judge will enter the order and “stay execution: for a period of 7 to 14 days. This means that the order can not be placed with the Sheriff for eviction for that period of time. After the stay has expired, the Order of Possession must be given to the Sheriff for service. The fee for eviction is around \$225.00. In Cook County, it will take anywhere from two to six weeks for the Sheriff to actually come out to the unit and evict the tenant. You will also need to be available on the day of the eviction. In Cook County, you cannot obtain the list of evictions scheduled for a particular day, until the day before. It is important that you know when an eviction is scheduled. The Sheriff’s Department may require you to be present.

I am on the board of a condo association. Can we do anything about a unit that is occupied by a tenant who refuses to abide by association rules?

Absolutely. The Condominium Property Act provides that all of the association’s declaration, bylaws and rules and regulations shall apply to a tenant and shall be incorporated into any lease executed for a unit located in the association. The board of managers may proceed directly against a tenant at law or in equity, or under the provisions of the forcible entry act, for any other breach by tenant of any covenants, rules, regulations or bylaws. This means that even if a landlord will not take action against a tenant who is violating association rules, the board can. In addition, the board can charge back all the attorney fees, court costs and expenses in removing the tenant from the property.

Can I do anything to protect my right to evict a tenant, even before he moves in?

Yes. Careful drafting of your lease can increase your chances of successfully managing your tenants. Include a drug free addendum in your lease. Make it clear that drug use in the property will not be tolerated. Include a provision that clearly states that tenants will be held responsible for the conduct of their guests as well as for their own conduct. The Illinois Supreme Court has stated that an owner can evict a tenant who’s guests violate the leasing rules. Ensure that the tenant will be responsible for ensuring that anybody in his unit will conduct themselves in a manner that will not interfere with the neighbor’s peaceful enjoyment of the premises.

NOTES □ NOTES □ NOTES □ NOTES □ NOTES