

One Stop Tobacco Shop

Summary

The City of Las Cruces has approximately 100,000 residents and like many cities, includes a population of disadvantaged and homeless individuals who require specialized services. There are several resources within proximity to each other in the western part of the city that deliver these services effectively. However, there also exists a significant problem with drug abuse and the conditions associated with it that disrupts services and places a high demand on first responders.

A group of approximately two dozen individuals in this one square mile target area were determined to contribute to most of the problems. These individuals were routinely involved in a variety of crimes and behavioral problems that required daily interaction with police and first responders. These individuals were also found to be heavy abusers of synthetic marijuana or “spice”.

At the outset, spice was not the primary focus of this project. Rather, it was to address petty crime and general disorder among the poor and homeless who lived and received services in the target area. The discovery of the spice problem was an unanticipated outcome, although it was ultimately determined to be the main contributor to the area’s instability. In addition to crime, the area had excessive amounts of trash surrounding makeshift camps that impacted private property owners and local businesses. There were overdoses and incidents of violent behavior that posed a threat to those who received and provided services in the area. Notably, this included approximately twenty children that lived in the target area at El Crucero. Further, a local park was taken over by this group who smoked spice, occupied picnic areas and other structures making the park unsafe for visitors.

Our initial strategy began in January 2018 by assigning officers to bike patrols throughout the target area. In addition to enforcement, measures were initiated to enhance security that included the relocation a bus stop for school children and by obtaining funding for a fence to control foot traffic in an area where children were placed at risk. Most significant was intelligence gathered that pointed to a local smoke shop as the supplier of spice which was ultimately closed after a search warrant and its owner charged.

With the closure of the smoke shop and drop in spice use, community stake holders immediately noticed a significant improvement in the area as well as feelings of greater safety and security. Most significantly, the five most common crimes in the area decreased by 56%.



Target Area

BRANIGAN
PARK

GOSPEL
RESCUE
MISSION

COMMUNITY
OF HOPE

EL CRUCERO

“ONE STOP”
TOBACCO
SHOP



Scanning

Within an approximate one square mile area in western Las Cruces are several key resources that provide services to disadvantaged and homeless people. These resources provide specialized services that include shelter, mental health and medical care, food delivery services, temporary employment, and administrative assistance to obtain driver's licenses, identification cards and financial aid. Also, within this area are twenty-five small businesses, one city park, a bus terminal, a child day care center and a major intersection at Amador Avenue and Valley Drive. Additionally, there are six large tracts of vacant private property including an irrigation system operated by Elephant Butte Irrigation Department (EBID). Notable among these stakeholders are social service centers that bring those in need to the area.

- Community of Hope This resource has a medical clinic, child day care, grocery store, housing placement, cafeteria, services to obtain an identification card, and Camp Hope where individuals can find short and long-term shelter. This service also operates the "Mano y Mano" program which offers employment to ten individuals each day based on a lottery system.
- Gospel Rescue Mission This faith-based resource provides meals and short-term shelter to include accommodations for children. It offers a chapel and in-house employment to help operate the mission.
- La Clinica de Familia While not in the target area is important to mention for its mental health services and counseling. Case workers and counselors often conduct field work in the target area.
- El Crucero Provides short and long-term housing for disadvantaged families with children. The director has numerous programs designed to strengthen families as well as to provide activities in art and sports for children.

These resources provide vital services to hundreds of individuals and families each day without incident. However, there is a smaller population of individuals whose behavior is beyond the capacity of these resources. These individuals have repeatedly violated rules of conduct by fighting, threatening staff, being intoxicated and using drugs and have subsequently been banned from facilities and services. Despite the ban, these individuals remained in the area and often required police and first responder interaction. According to research, while homeless individuals are more likely to be victims of crime, they are also more likely to commit crimes. The Police Executive Research Forum noted that, "Homeless individuals also commit crimes at a disproportionate rate."¹

A "reactive" response model by patrol officers to the frequent calls for service had proven ineffective in deterring criminal activity or improving the deteriorating conditions in the target area. The target area represented a small part of their assigned district. To address the problems unique to this area, officers from the department's "Targeting Neighborhood Threats" unit (TNT) were assigned to develop a strategy and come up with a long-term solution.

The use and abuse of synthetic marijuana or "spice" has been an ongoing problem for police and first responders for many years in the City of Las Cruces. For years it was widely available

from numerous smoke and tobacco shops. **Frequent overdoses** required the response of fire and ambulance services and many individuals had to be transported to a hospital for treatment. The effects of this drug are unpredictable, and it was not unusual for those under its influence to threaten and sometimes assault medical staff and first responders. Additionally, **numerous use of force incidents by officers** were directly related to the effects of spice on a person's demeanor. "People who have used synthetic cannabinoids and have been taken to emergency rooms have shown severe effects including rapid heart rate, vomiting, violent behavior, suicidal thoughts. Synthetic cannabinoids can also raise blood pressure and cause reduced blood supply to the heart, as well as kidney damage and seizures. Use of these drugs is associated with a rising number of deaths."² All of these factors identified spice as an immediate concern for this community and those who served it.

In 2013, the U.S. Drug Enforcement Agency, along with local and federal law enforcement agencies including the Las Cruces Police Department, conducted a city-wide raid of spice dealers. This effort resulted in the seizure of spice and drug paraphernalia but no prosecutions. A second task force was assembled in 2017 and search warrants resulted in the seizure of spice but again no prosecutions resulted. However, due to this pressure the sale of spice declined throughout the city until late 2018 when a its widespread use was observed in the western part of the city where the Gospel Rescue Mission, Community of Hope and El Crucero are located.

The discovery of the resurgence of spice resulted after officers from the TNT unit focused patrols in the areas surrounding the Community of Hope, Gospel Rescue Mission and El Crucero. Stake holders reported trash accumulation, human waste, illegal camps, trespassing, discarded needles, drug use and sales, fights, harassment, vandalism, aggressive panhandling, felony battery and overdoses.

These incidents disrupted services at the Gospel Rescue Mission and Community of Hope. Additionally, nine families with twenty young children lived at El Crucero. Immediately next to this location was a popular place for vagrant camps and where drinking alcohol and drug use was common. The director of El Crucero reported an incident of prostitution in broad daylight, within feet of the playground. These incidents highlighted the need for some type of physical barrier to protect these families. These same children used a school bus stop that was located where several spice cases were charged and where responsible adult supervision was not always available.

This situation was beyond the capacity of the one or two district patrol officers to effectively manage.

In January of 2018 a POP project was initiated by the Targeting Neighborhood Threats unit to come up with a long - term solution to address a wide range of problems. To gain greater insight into the problem, **TNT officers contacted stakeholders throughout the area** including businesses, homeowners, and staff members of community service organizations. Staff members of the Gospel Rescue Mission, Community of Hope and El Crucero were especially helpful as they knew many of the individuals who were responsible for most of the problems.

Within a short period of time, frequent patrols on bikes and marked units revealed the widespread use of spice, but the source of this dangerous drug was unknown.

Analysis

The primary method used to analyze the problem was through **direct observation** by TNT officers patrolling the target area and through the type and frequency of calls for service patrol was being dispatched to. On any given day, a bike patrol into the area would reveal dozens of people gathered in small groups throughout the vicinity. Some occupied small camps on private property while others gathered in Branigan park or on the Community of Hope campus. Others were hidden behind businesses or within areas of deep brush. In these areas individuals were engaged in drinking alcohol, using marijuana or spice, trespassing, littering and damaging property. These offenses are common among the homeless and poor throughout the city, but in this area possession of spice and paraphernalia was unusually high. In no other part of the city was there a concentration of spice use that compared. It also became apparent that the same group of individuals were being contacted and cited over again. These individuals were typically homeless with limited or no income and no means of transportation. One known spice user was caught committing a theft which was most likely to support his addiction. Within the area were other reports of theft and burglaries.

The most obvious problem in the area was the presence of trash throughout the area. In open lots and along the EBID ditch bank were mattresses, shopping carts, bicycle parts, blankets, clothing and cardboard that made the area look like a landfill. Eighteen illegal camps were active in the target area at the beginning of the project and all were set up on private property and in Branigan park. Some consisted of a single tent camp while others housed numerous individuals with make - shift structures attached to trees and fences. Many were hidden on large tracts of vacant private property and along an irrigation system operated by Elephant Butte Irrigation Department. These camps were not easy to detect during normal police patrols and therefore grew into a significant problem without being noticed. According to a report by the Police Executive Research Forum also noted that, "Being homeless in the United States is not a crime. However, community members frequently complain when they can't use their parks or other public spaces without having to navigate around people who are living there. In these circumstances, residents don't call the health department or social services. They call the police."¹ These conditions made this problem an immediate priority.

Before TNT officers were assigned to this project, crime in the target area was handled on a case by case basis with no emphasis on the "big picture" or long-term solutions. There was no effort to address the root cause of the problems. A partnership with key stake holders was needed to come up with a solution that would address a variety of safety and security issues. Key stake holders offered valuable information as to who was causing most of the trouble and what illegal activities they were involved in. Among the typical offenses it was reported that spice was widely used among a certain group of people.

Response

In developing a response, the following goals were established:

- Eliminate the need for illegal camps and secure housing for homeless individuals.
- Reduce feelings of insecurity and threats to the community and stake holders, to include those receiving services (some of whom are homeless) but who are not contributing to the problem.
- Facilitate trash removal through court ordered community service and communication with private property owners. Codes Enforcement will provide a City of Las Cruces industrial dumpster to large land tract property owners and haul it away when full.
- Increase the number of individuals receiving services to help improve their lives.
- Erect no trespassing signs on vacant land tracts and other areas to deter camps and loitering.
- Determine the source of spice, eliminate it and file criminal charges.
- Coordinate relocation of school bus stop with City of Las Cruces traffic engineering and Las Cruces Public schools.
- Replace burned and vandalized picnic table at Branigan Park.
- Obtain \$5000.00 grant from Las Cruces Builders Association to fund security fence construction around El Crucero.
- Build security fence to control foot traffic away from El Crucero family housing unit.
- Coordinate with forensic lab for a timely test result on seized contraband to facilitate a search warrant of the One Stop Tobacco Shop.
- Maintain dialogue with community and key stake holders to determine effectiveness of response.
- Empower community and stake holders to maintain stability and order with a reduced police presence.

A wide range of response alternatives were considered to include the use of undercover units to detect drug transactions and use, marked police units to provide officer presence, and foot and bike patrols to contact citizens, develop intelligence and detect criminal activity. Bike patrol was determined to be the most effective given the terrain and size of the target area. For a brief period, canine officers were deployed to act as a visual deterrent, but this became impractical due to scheduling. However, based on experience bike patrol had an equal deterrent effect. When approached by a bike officer, groups of individuals who frequented problem areas would

immediately disperse. At the same time, bike patrol is very effective in accessing difficult terrain and for stealth operations.

Initially, officers issued verbal and written warnings for trespassing and illegal camps and gave a reasonable time for individuals to move on before being cited. After a brief warning period enforcement action began and offenders were cited or arrested as appropriate. As the project progressed officers began citing individuals for drug paraphernalia with spice residue as well as for possession of the drug itself. Five months into the project an individual was arrested and told officers where he purchased spice and explained how the dealer was able to sell without detection. He stated a man named Daniel owned the One Stop Tobacco Shop and would sell to only those individuals on a "VIP" list located behind the sales counter. On the list was a photo and street moniker of those "trusted" to purchase spice and not reveal its source. If you were not on the list, the employee was instructed to deny having the product. This is how the shop's owner was able to keep the sale of this product secret. But the concentration of spice use within proximity to the shop and the information obtained through investigations pointed to the One Stop Tobacco Shop as the likely source. As the project continued more individuals gave similar information on where and how they obtained spice.

The One Stop Tobacco Shop is located within the target area and only a block from Community of Hope campus. Surveillance of the shop revealed individuals on foot or bikes going into the store and then leaving within a few minutes. This traffic was busiest just after the store opened in the morning. Most customers left the store with no visible package or anything in their hands. The individual referred to as Daniel was determined to be Eduardo Daniel Diaz who was registered with the city as the owner of the One Stop Tobacco Shop.

On May 29, 2018 **a bike patrol unit set up surveillance on the shop** and observed an individual enter the store and leave within a few minutes. He was stopped by the officers who seized 24 grams of spice which he admitted purchasing from the One Stop. This seizure was sent to the lab and tested positive for synthetic cannabinoids. This seizure served as probable cause for a search warrant which was executed immediately upon the test result two days later.

The search warrant was executed by the TNT unit and resulted in the seizure of 2.7 pounds of spice which also tested positive for synthetic cannabinoids. This combined with interviews of store employees was probable cause to indict the shop's owner with possession of a synthetic cannabinoids with intent to distribute to which he eventually plead guilty.

Within two weeks of the search warrant the One Stop Tobacco Shop closed and spice cases in the target area dropped off to not a single incident. However, on-going patrols of the target area determined the offender population had relocated to nearby Branigan Park. At any given time, there were twenty or more individuals occupying the park along with large amounts of personal property in shopping carts and other property making the park undesirable and unsafe for citizens. Through field interviews it was reported that one or two individuals were travelling to another city to buy spice and return it to Las Cruces for sale on the street. These individuals were contacted and identified at the park. Frequent patrols, combined with heavy enforcement action and banning these individuals and the offender population from the park, eliminated the problem in Branigan Park.

With the One Stop Tobacco Shop and spice problem greatly reduced, efforts shifted to trash clean - up and other strategies to improve conditions in the target area. These included the relocation of a school bus stop where children were at risk, securing funding for a security fence to protect children at the El Crucero, the installation of no trespassing signs on private property to deter illegal camps, better brush and tree control, the removal of trash by private property owners and through court ordered community service, and the placement of a new picnic table at Branigan Park.

Assessment

The assessment period spans a one-year period and began immediately after the One Stop Tobacco Shop was served with the search warrant. With the seizure of spice and subsequent closure of the shop, spice cases and related criminal activity dropped off significantly as indicated in the tables below. **This is based on officer’s observations who continue to patrol the area and who observe far fewer incidents.** Key stake holders have also reported the target area to be much quieter and safer. All these point to spice and the One Stop Tobacco Shop as being the biggest contributor the problems in the target area. Some specific indicators of the success of this project include:

2017

Row Labels	Count of Case Number
CRIMINAL TRESPASS	36
DRINKING IN PUBLIC	1
INHALING HARMFUL VAPORS	4
POSS. OF MARIJUANA <1 OZ.	9
POSSESSION PARAPHERNALIA	24
Grand Total	74

2018 Jan 1 – May 31

Row Labels	Count of Case Number
CRIMINAL TRESPASS	42
DRINKING IN PUBLIC	6
INHALING HARMFUL VAPORS	16
POSS. OF MARIJUANA <1 OZ.	11
POSSESSION PARAPHERNALIA	68
Grand Total	143

2018 June 1 – Dec 31

Row Labels	Count of Case Number
CRIMINAL TRESPASS	28
DRINKING IN PUBLIC	6
INHALING HARMFUL VAPORS	4
POSS. OF MARIJUANA <1 OZ.	20
POSSESSION PARAPHERNALIA	49
Grand Total	107

2019 Jan 1 – May 31

Row Labels	Count of Case Number
CRIMINAL TRESPASS	30
DRINKING IN PUBLIC	1
INHALING HARMFUL VAPORS	0
POSS. OF MARIJUANA <1 OZ.	11
POSSESSION PARAPHERNALIA	21
Grand Total	63

(Source: Law Enforcement Records Management System L.E.R.M.S)

- Spice use in Branigan Park has dropped off with no cases being reported. Children are now safe to use the baseball field and facilities without the presence of drug users and trash build up. The park was also used for a large family event without disruption.
- Trespass signs and bike patrols on large land tracts have all but one vagrant camp in the target area. Only one camp remains off and on that is problematic. This is being addressed by frequent patrols and communication with the property owner to report activity to police.
- Areas on the Community of Hope campus once occupied daily by spice users are now free of drug use. Behaviors associated with spice including overdoses and fights have also dropped noticeably.

- All trash has been removed from large land tracts and overgrowth of brush has been cut back.
- The director of the Gospel Rescue Mission reports far fewer incidents of behavioral problems associated with drug use.
- Residents of El Crucero expressed feelings of greater safety and that life is much quieter in the area.
- Several regular spice users report there are no sources for the drug in the city and one user stated he had not used any since the One Stop was closed.
- Court ordered community service for spice cases, possession of marijuana, drug paraphernalia, trespassing, larceny and similar offenses are used as part of sentencing and will contribute trash clean up and removal in the target area.

Additionally, feedback from two of the project's primary stake holders are below:

“The work that has happened is obvious and has not gone unnoticed. FYI El Crucero has seen fewer people walking through and attempting to sleep on the grounds at night, although this still happens. The school bus stop being moved dramatically increases the safety and security of the kids as they go and return from school each day. This being said, it takes the effort of the nonprofits on campus to keep this on-going of course. Explaining to people where they can/cannot be and asking people to remain off the property if they don't have any business here. The work being done in our area is very appreciated.

-Nicole Fuchs El Crucero”

“Hi Officer Klimeck,

We have seen dramatic positive results thanks to you and your team! The campus has been much more quiet and we have seen a lot less drug activity. It has also helped that we housed about 20 people in the last two months!

Thank you again for your continued assistance. We are truly grateful. We have also initiated a contract with Security Concepts to provide security around the campus from 11-3. They will help with traffic and general safety.

Thanks!

Nicole Martinez

Executive Director

Mesilla Valley Community of Hope

The discovery of the One Stop Tobacco Shop as the source of spice was the most significant contributor to nearly all the problems in the target area. While the area is still not perfect is by far much cleaner and with fewer calls for service than during the height of the project. Given the challenges associated with prosecuting a spice distribution case this outcome and its far - reaching positive effects far exceeded expectations for the project. Statistics listed below reflect efforts during the response phase and took place between January 2018 and August 2018 the following statistics were recorded:

- 70 criminal citations and/or written warnings for trespassing. Incidents of trespassing were recorded on trespass warning cards and kept on file by project officers. Citations were used to charge the offense and required defendants to appear before the City of Las Cruces Municipal court within three working days to answer to the charge. These are issued in lieu of physical arrest. The POP project was kept on the city's server where other officers and supervision could monitor progress.
- Twenty field interviews, several of which resulted in intelligence vital to obtaining the search warrant.
- Twenty arrests, mostly for outstanding arrest warrants.
- Four criminal citations for drinking in public.
- Eighteen criminal citations for possession of drug paraphernalia with spice residue.
- Eleven cases for possession of spice.
- Two criminal citations for possession of marijuana.
- One felony arrest for possession of methamphetamine.
- One burglary investigation, no charges or suspects located.
- One criminal citation for littering.
- One criminal citation for receiving and transferring stolen property.
- One criminal citation for resisting, evading and obstructing an officer.
- One search warrant for the One Stop Tobacco Shop resulting in the seizure of 2.7 pounds of spice, documents, video surveillance equipment and packaging material.
- One felony indictment for possession of synthetic cannabinoids with the intent to distribute for the owner/operator of the One Stop Tobacco Shop. Two employees were cooperating witnesses and were not charged.
- Guilty plea for owner of One Stop Tobacco Shop, Eduardo Daniel Diaz who received 18 months of supervised probation and 60 hours community service.

Due to the nature of this area frequent patrols and law enforcement visibility will always be required. Additionally, information regarding current conditions in the target area will be passed through bi-weekly intelligence committee meetings. Information about crime trends, wanted subjects etc. will be disseminated to all commissioned officers.

Las Cruces Police Department

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Reference

1. Wexler, C. "Police Response to homelessness, problem solving, innovation and partnerships" <http://www.policeforum.org/assets/PoliceResponsetoHomelessness.pdf>

2. Synthetic cannabinoids (k2/spice)

<https://www.drugabuse.gov/publications/drugfacts/synthetic-cannabinoids-k2spice>