



NEWPORT BEACH POLICE DEPARTMENT

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BOB McDONELL
Chief of Police

May 3, 2000

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The Herman Goldstein Award Selection Committee
1120 Connecticut Ave., NW, Suite 930
Washington, D.C. 20036

Dear Committee Members:

For several years, the cities of Newport Beach and Costa Mesa, California as well as the County of Orange have experienced recurring crime problems in a ninety-seven acre area of undeveloped preserve known as Talbert Regional Park. This area is bordered by housing tracts that belong to both cities. Many transient and homeless individuals had taken up camp in this area and over time the crime rate there had climbed significantly. Violent crimes, narcotics trafficking, batteries and trespassing were common to the area. Because the park is situated between two municipalities and is owned by the County of Orange, multi jurisdictional issues arose each time officers responded to service calls. Due to the recurring nature of the problems, and the number of years these problems existed, this project was assigned to the Problem Oriented Policing (P.O.P.) Unit of the Newport Beach Police Department.

Once assigned to the P.O.P. Unit, the officers coordinated the Department's responses to the Talbert Park problems. The P.O.P. Unit was assigned to form partnerships with a myriad of agencies involved in different levels of enforcement in the park. Notwithstanding the many bureaucratic problems they encountered, the P.O.P. officers maintained their course of action and never allowed the other government officials to abandon the project. This resulted in a multi-agency agreement that would forever solidify law enforcement in this previously neglected area.

The P.O.P. project was broadened to truly solve the long-term problems related to the transient/homeless people living in the park. After joint meetings and strategy sessions with agencies from all aspects of government, the P.O.P. officers organized a plan to not only provide for immediate relief for the park, but also to establish a plan to resolve the park's homeless problem. Plans included safe relocation of the homeless to shelters and the situation in Talbert Park was ultimately resolved successfully.

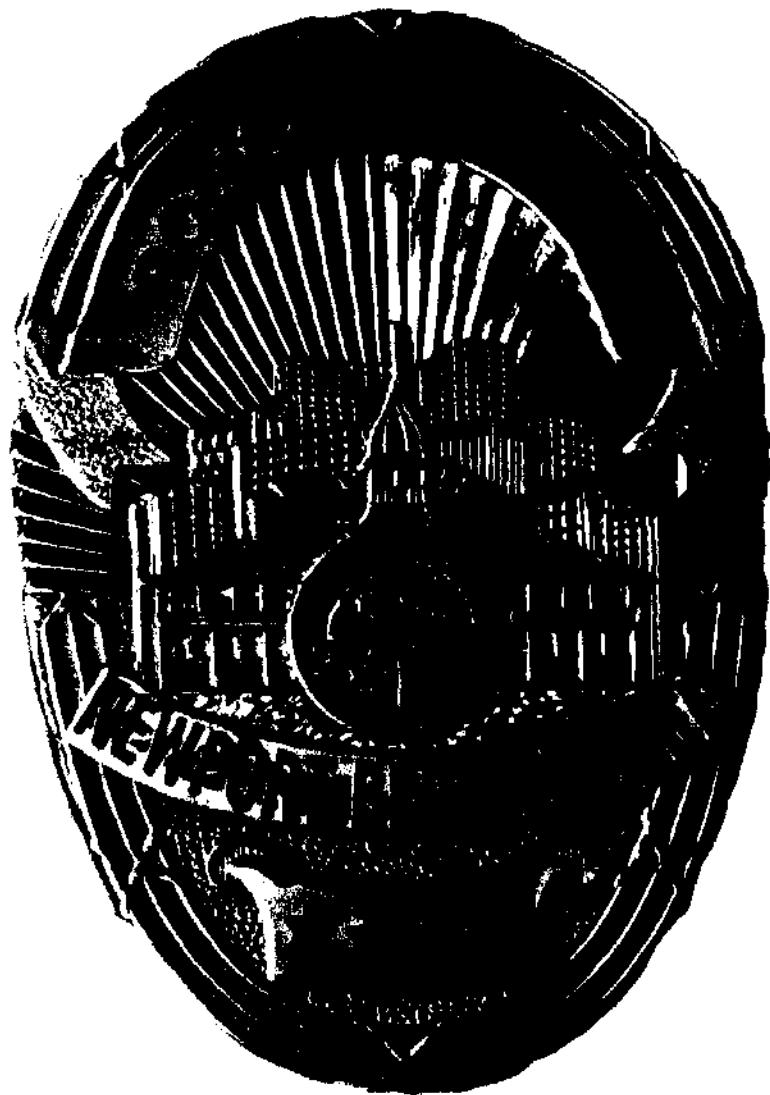
The tenacity, teamwork, diplomacy and effective planning of the P.O.P. officers and the program itself allowed for this operation to be completed without problems or complaints. It is because of the successful efforts of these P.O.P. officers, and with great pride, that I nominate this project to be considered for the Herman Goldstein Award for Excellence in Problem Oriented Policing.

Sincerely

A handwritten signature in black ink, appearing to read "Bob McDonell".

Bob McDonell
CHIEF OF POLICE

TALBERT REGIONAL PARK



**NEWPORT BEACH POLICE
DEPARTMENT**

Talbert Regional Park Newport Beach California Police Department

Talbert Regional Park contains developed as well as undeveloped areas. The developed area of the park lies within the city limits of Costa Mesa, California. The ninety-seven acre undeveloped area is immediately adjacent to the tightly clustered residential tract of Newport Terrace, which is located within the city limits of Newport Beach. Over the years there were no clear-cut guidelines as to who was responsible for policing this area. Within the past two years significant problems began to occur. Serious crimes and disturbances were usually reported to the Newport Beach Police Department from the residents of Newport Terrace. It was not uncommon to receive complaints of armed robberies, violent rapes, felony assaults, drug trafficking, thefts, and brush fires that had occurred in the park. Officers investigating these crimes soon learned that transients were living in the park and were largely responsible for the incidents. Jurisdictional confusion greatly impacted the efforts to control the problems.

Officers had to unite over a dozen city, county, state and federal agencies and over forty civic leaders and government officials to agree on a strategic plan to address the critical problems at the park over the years. The P.O.P. plan developed helped to solve long-standing problems of homelessness and crime that had long permeated this regional park. This was done by first assessing the problem of the homeless and developing a program that would move the homeless into shelters. Once the homeless were relocated, the park had to be cleaned of literally tons of trash left behind. Finally, an agreement was made

between the concerned agencies that would define future law enforcement responsibility in the park. The plan developed by the officers effectively resolved the problem and restored order. This project demonstrates what can be achieved through the problem solving techniques of Problem Oriented Policing. It also restored the public's confidence in dealing with the situation demonstrating the potential success when true P.O.P. partnerships are formed to resolve quality of life issues.

Talbert Regional Park had seen a 300% rise in its crime rate in the three years prior to the implementation of this project. Since the P.O.P. plan has been put into effect only one call for service has been reported in Talbert Park. The project's greatest measure of success is the realization that this area has once again been returned to the citizens of the surrounding communities for safe day use.

Scanning

The lower Talbert Regional Park is ninety-seven acres of wooded recreational wilderness whose borders are contiguous with the cities of Newport Beach and Costa Mesa, California. This park, however, is owned and operated by the County of Orange, California. The Santa Ana River, which empties into the Pacific Ocean, defines the western boundary of the park. The northern and eastern boundaries are comprised of residential districts belonging to the cities of Newport Beach and Costa Mesa. For years this reserve has provided the citizens of Orange County with an area to hike, bicycle and simply stroll down to its southern most border, the **Pacific Ocean and beaches**. The

vegetation of this park contains many endangered and protected species that are protected by both the United States and State of California Fish and Game Departments. During recent years a number of homeless individuals have moved into this area and set up permanent "residential" camps. The camps and the presence of individuals living in the park have presented several problems. A significant number of felons had been identified as residents. Within the same park exists a bicycle moto-cross area where daily forty to fifty children access this facility yards away from the illegal campers and felons. One would assume that the Orange County Sheriffs Department would be responsible for Law Enforcement services in the park, however this was not the case. In fact, their policy states that if one or more municipality borders a county park then that municipality would be responsible for law enforcement in the park. It was the minor crime of trespass to a neighboring residential area that brought to light several serious problems within this park.

Located on the park's eastern border lies the housing community known as Newport Terrace. This community is located within the corporate limits of the City of Newport Beach. In December of 1998 the homeowners association of Newport Terrace complained to the Newport Beach Police Department of homeless individuals that were observed coming out of Talbert Regional Park and entering the Newport Terrace community. Residents complained about the homeless illegally using the showers and toilets located at the community's pools and recreational areas. Transients were either jumping over the fences of the pool areas or compromising locks to the gated pools. The complaints were of such frequency that they warranted the attention of Area One

Commander, Lt. Richard T. Long. Lt. Long assessed the complaints of the Newport Terrace residents and determined the complaints sufficient to assign them to the police department's Problem Oriented Policing (P.O.P.) unit. The Newport Terrace P.O.P. was assigned to Sgt. Jim Kaminsky, the Area One P.O.P. supervisor, Sgt. Kaminsky along with Officer Mike Pule initiated the P.O.P. with interviews of residents in the Newport Terrace community. According to residents, their specific complaint was that while using the community's restrooms, transients took showers and defecated in and about the toilets. This caused an obvious mess and significant health hazard. In an attempt to ascertain the extent of the problem, Sgt. Kaminsky and Officer Pule utilized the office of the Crime Analyst of the Newport Beach Police Department. Crime Analyst Paul Salenko was asked to study the increase in the crime rate at the Talbert Regional Park within the last three years. Officer Salenko surveyed all of the reported crimes generated in this particular reporting district over the past three years. Salenko's data revealed that there had been a 300% increase in reported offenses and calls for service in the area. Outstanding in Salenko's report was a violent rape and an armed robbery that had occurred deep in the brush of Talbert Regional Park.

In the case of the rape, the female victim also resided in one of the park's camps. This crime came to the attention of the authorities when the victim appeared at the local hospital for medical treatment. In addition to the rape, the victim had been badly beaten. During the armed robbery, the victim had been beaten so severely that virtually every bone in his face was broken. In both of these incidents the local hospital, in Newport Beach, called the Newport Beach Police Department to investigate the crimes. Newport

Beach officers learned that the crimes occurred at Talbert Regional Park and they called the Orange County Sheriff's Department as the park was owned and operated by the County of Orange. Once the Sheriff's deputies arrived at the hospital and began their investigation, they determined that the park carried a Costa Mesa address and called in the Costa Mesa Police Department to investigate the cases. This is where it became apparent that no agency was clear about which jurisdiction controlled Talbert Regional Park.

In addition to these more serious crimes, bicycle officers from the Newport Beach Police Department found the following: While responding to a radio call of a man brandishing a knife in the Talbert Regional Park, officers encountered another male drinking in public. This individual was found to be in possession of a loaded .25 caliber pistol. Once the bicycle officers dealt with the weapons investigation, they continued to the original call and encountered yet a second subject hiding in some bushes. This subject was found to be a parolee at large, with a felony warrant. The officers finally arrived at the original radio call of the man brandishing a knife, wherein they arrested him. Frequently, officers responding to the park found stolen property in the transient camps.

Sgt. Kaminsky, Officer Pule and other assigned P.O.P. officers entered the Talbert Regional Park in an attempt to survey the area for similar problems. During this assessment they discovered numerous people, many of whom were obviously illegal permanent residents of the park. Within the ninety seven-acre enclave officers encountered several separate villages of homeless/transient individuals. Each of these

villages was comprised of makeshift shanties. Most of the shanties were constructed of what appeared to be discarded building materials. Many of the shanties found had two or three different rooms. Several utilized deep cycle marine type batteries to power television and radios. In addition to being illegal by ordinance these makeshift homes and villages posed an environmental hazard because of the existence of battery acids, latrines and fuels used to cook and start fires. At the conclusion of the survey, officers had arrested two felony parolees at large, five misdemeanor suspects for outstanding arrest warrants, and one subject for being drunk in public. Two additional subjects received citations. Several other subjects were admonished verbally for minor offenses.

Based upon the arrest/contact statistics found thus far, this P.O.P. problem was extended to include the air bureau of the Newport Beach Police Department. With the aid of the helicopter Sgt. Kaminsky and Officer Pule conducted aerial surveillance of the area. From the air, the officers were able to observe several more homeless/transient camps within plain view. Further, with the use of the helicopter's rotor wash, at very low altitudes, the trees and brush began to part and officers identified even more camps that were heretofore hidden from view by thick brush.

Initially presented with the seemingly simple problem of preventing a homeless/transient population from encroaching upon the Newport Terrace homeowner's public toilets and showers, P.O.P. officers soon learned through the scanning process that the issues were significantly more complex. The emerging problem was a ninety-seven acre park that was owned by the county, bordered by two cities, and protected by state and federal

agencies, and no law enforcement entity willing to take responsibility for the crimes. The crime problems were occurring daily and they were affecting not only the nearby citizens of Newport Terrace, but the very residents of Talbert Regional Park themselves; transient and homeless as they were. A rape or armed robbery victim lying in an emergency room bed with officers from three or four different agencies arguing above the victim over jurisdiction was common and nothing short of a disservice to the public. Additionally, the homeless population in this park had to be dealt with, as it appeared that it singularly was preventing the citizens from enjoying the many benefits this park had to offer.

Analysis

During the analysis of this problem the P.O.P. officers involved determined several missions needed to be accomplished. Recalling that this P.O.P. was created in response to citizen complaints of homeless individuals leaving the park and trespassing at the pool restrooms, officers first needed to contact the homeowners association of the Newport Terrace housing tract. The purpose of this contact was to devise a better security plan for the association to prevent trespassing. The plan included improvement offences, locks at the pools, and additional lighting.

The second, and possibly the most important for public safety reasons, was to establish a Memorandum of Understanding (M.O.U.) between the agencies having any possible law enforcement affiliation to Talbert Regional Park. This included the police departments of Newport Beach and Costa Mesa, and Orange County Sheriffs Department. The

agreement also included the Orange County District Attorney's Office, the Orange County Department of Harbors, Beaches and Parks, and State of California Fish and Game Department. An M.O.U. provided a clear understanding between agencies of exactly what responsibilities each had in dealing with law enforcement, safety and environmental protection of the park.

Finally, a plan was developed to determine how and where to move the homeless currently residing in Talbert Regional Park. Officers researched several case law decisions from surrounding jurisdictions that were applied with similar objectives. Past case law showed that specific steps must be taken before displacing individuals in order to avoid a lawsuit. Therefore, in accordance with the moving of the homeless, a contingency plan would have to be set up for those individuals refusing to leave. This would possibly involve the issuance of citations and/or arrest for various violations of Orange County code, which prohibited living in a county park. Finally, a maintenance plan would have to be implemented that would be revisited from time to time in order to make sure that the park did not return to its prior state of habitation for the homeless,

Considering these concerns, the officers prioritize them into short and long term goals for the project.

The short term goals included:

1. To work with the Newport Terrace Homeowners Association and help them to implement a better security plan around its private pools and restrooms.
2. To establish an M.O.U. between law enforcement agencies contiguous to the park

or others that had an interest in it, whether it be proprietary, environmental or otherwise. This understanding would be for the duration of this P.O.P. project only and would guide the agencies involved throughout the project.

3. To find alternate shelter housing for the homeless persons currently living in Talbert Regional Park. This would include providing the homeless with shelter information and giving them enough time to move their belongings out of the park and into a shelter. It would also involve citing and/or arresting those who refused to leave the park.

The project's long term goals were:

1. To develop a lasting agreement between the involved agencies that would *forever* define law enforcement responsibility in the park.
2. To develop a maintenance plan that would be exercised by all contiguous and interested agencies in order to keep Talbert Regional Park free from trespassers and criminals and safe *for* use by the public.

Response

Sgt. Kaminsky and Officer Pule first set out to implement their short-term goals by meeting with members of the Newport Terrace Homeowners Association. At this meeting the officers showed the association ways in which they could shore up the security at their pools and restrooms contained therein. The pools had fences with locked gates, however the doors to the restrooms within those fences were without locks and individuals from the park easily accessed them. The officers also suggested better lighting for each of the pool/restroom areas. The association agreed to these improvements and implemented the changes.

The second short-term goal was to form an M.O.U. between the agencies that would eventually carry out the mission of the P.O.P. project. This M.O.U. would detail the responsibilities of each agency during the project and would only be binding for the duration of the project. Such an M.O.U. was drawn up and signed by representatives of the cities of Newport Beach, Costa Mesa, Orange County Sheriffs Department and the Orange County District Attorney's Office. With this agreement in place, the group could now advance to its third short-term goal.

The third short-term goal that needed to be implemented was to move the homeless from the park and into suitable sheltered locations. Pursuant to this goal a meeting was held on July 14, 1999 between concerned members of the Newport Beach and Costa Mesa Police Departments along with the Orange County Sheriffs Department. It was decided that officers and supervisors from each of these agencies would conduct of tour of the park in order to ascertain the extent of the illegal camping taking place there. The tour would also enable the departments to determine the proper deployment that would be required to achieve the group's objectives. On July 21, 1999 a contingent of staff personnel entered the park and began its survey. This contingent found 29 separate illegal campsites. Following this survey Sgt. Kaminsky and Officer Pule proposed a three phase process with which to move the illegal campers. The group approved the three phase process as follows:

Phase One: All illegal campers would be advised by way of written notice that they were violating the County's ordinance that prohibits camping in a county park. They

would be further advised of pending enforcement by the three agency group and told to vacate the area. At this time they would be provided with a list of alternative shelters to use. The individuals in violation would be provided with a date to vacate the area.

Phase Two: After expiration of the notification given in Phase One, citations would be issued for continued violations and final notice would be given to vacate the area or individuals would be subject to arrest.

Phase Three: After expiration of the second notice, any remaining violators would be arrested and their property stored.

In order to develop the three phases outlined previously, Kaminsky and Pule did prior research. This research led to other agencies within Orange County who had dealt with homeless issues on prior occasions. This research revealed two significant court decisions that had negative effects on the efforts of law enforcement in prior attempts to displace homeless from public lands. In the first such case, People v. Eichom, the defendant was issued a citation for sleeping in a prohibited place (in this case a public parking lot). Eichorn was found guilty of the violation. Upon appeal, however, Eichorn raised the "defense of necessity". The appellate court held that "Sleep for humans is a physiological need, not an option. There was substantial evidence that the defendant slept in the civic center because his alternatives were inadequate and economic forces were primarily to blame for his predicament." The appellate court reversed the decision of the trial court in this case. In essence, and in particular for our P.O.P. project, the appellate court said that prior to taking law enforcement action in such instances, alternative shelter

information must be provided to homeless individuals. To satisfy the court's findings in Eichorn, Kaminsky and Pule further researched shelters in the immediate area of Talbert Park. The officers needed to find out what facilities would be available to accept individuals from the park. They went one step further and personally called each shelter prior to implementation of Phase One to ascertain the number of beds that were actually available on that particular day. Armed with this information, the group contacted the illegal campers and provide them with shelter locations and availability of bed space thus complying with the Eichorn ruling.

The second court case the officers found that might affect the operation, was Tobe v. City of Santa Ana. In this case the City of Santa Ma's anti-camping ordinance was found to be generally vague and overbroad. Of specific interest to our project was language in the decision that concerned the disposal of a homeless individual's property upon his arrest. In Tobe the court essentially said that while certain property belonging to a homeless individual might appear to be trash, it was nonetheless, the property of the individual. Therefore, a certain degree of care needs to be exercised regarding that property in the case of the arrest of its owner. In the Talbert project there may very well have been instances wherein some individual refused to be relocated and an arrest would ensue. The officers would follow the Tobe decision and make arrangements for the storage of the property of any arrestee. If the property was in anyway infectious or rotting, for example, arrangements were made with the County of Orange to store the property in an outside location at a corporate yard that belonged to the county. The property would be

held there for a maximum of two weeks and the arrestee would be notified of its whereabouts upon his arrest.

In summary, in order to comply with the two cases cited, Sergeant Kaminsky and Officer Pule would issue notices to the homeless individuals that gave deadlines in which they would have to move, dates of all enforcement activity, and current shelter information. The officers also had a plan to book any property that belonged to any one arrested and notified the owners as to where their property was stored.

Finally, Kaminsky and Pule worked with the Orange County Department of Harbors, Beaches and Parks and the County Attorney's office to help rewrite the county's ordinance prohibiting camping on public lands. This collective effort brought the ordinance in line with what the court ordered in Tobe v. Santa Ana. The new ordinance was then put on signs and clearly posted at perimeter locations of the park.

On August 28, 1999 the tri-agency group implemented Phase One. All twenty-nine previously discovered illegal campsites were visited and all persons were advised of their violations and of future enforcement action. Notices were posted at each encampment advising the campers of moving deadlines and available shelters. Due to prior commitments of some of the other agencies involved in this project, Phase Two had to be postponed for approximately a month. Because of the time which had elapsed between the implementation of Phase One and Phase Two the group decided to go back in and re-

implement Phase One. This was done on October 5, 1999. Again, all notices were given to the illegal campers. On October 7, 1999 the group moved ahead with Phase Two. However, the group noticed an abundance of abandoned campsites and found no campers. Phase three involved the removal of any campers that refused to leave and also the removal of any property that had been left behind. Since no campers remained the group's final task would be to remove abandoned property. The property left behind was extensive since the ninety seven-acres had been a virtual campsite for many years. Phase three was broken down into a three-day operation due to the massive amount of abandoned property. Each agency in the group was responsible to supervise a county inmate work crew as they loaded up the abandoned property onto trucks for removal. Several tons of property was removed over the three-days. Phase three was completed on October 14, 1999.

The tri-agency group next began to implement its two longterm goals. The first was to establish a lasting agreement between the Cities of Newport Beach, Costa Mesa and the County of Orange. The group already had in place an M.O.U., which addressed the terms that would bind the three agencies to accomplish the very goals that were addressed. However, this M.O.U. was for this P.O.P. project only and would terminate at the conclusion of the third phase of the project. To create such an agreement the group enlisted the city attorneys of Newport Beach, Costa Mesa and the county attorney representing the County Sheriff. These individuals were given the task of completing this long-term goal.

The attorneys representing each agency concluded that the city and county governments involved should not commit to a written, binding agreement that would address future operation in the park. Faced with this, the Chiefs of Police and the County Sheriff verbally agreed to do the following: The police departments of Newport Beach and Costa Mesa would handle all misdemeanor crimes in the park. On felony crimes, Newport Beach or Costa Mesa would respond to the park depending on which agency received the call from the public. That agency would respond and stabilize the victim and the crime scene. In these cases, the Orange County Sheriffs Department would handle all investigative follow-ups, forensics or evidentiary issues. Through this agreement, the project also received the authority that enabled the two municipalities to issue citations for Orange County ordinances. The group also was assured by the Orange County District Attorney's Office that the citations issued and any subsequent arrests would be diligently prosecuted. Currently this agreement is in place and working.

The final long-term goal was to create a maintenance program that would consistently monitor the entire ninety seven-acre reserve to ensure that illegal camping was no longer taking place. This task proved to be easily implemented. Each agency agreed to provide manpower on a regular basis to routinely patrol in the park. In the case of Newport Beach, bicycle and helicopter patrols are heavily utilized. Patrols are discontinued during inclement weather due to the bad terrain. This proved to not be a problem since the frequency of people camping in inclement weather is very low.

Assessment

The initial problem was simply a group of homeless individuals trespassing on private property and utilizing unsecured restroom facilities. A simple solution was to install locks on the restroom doors. This was ultimately done. During the analysis stage of the P.O.P. it was learned just how high the number of transients living in this area actually was. The installation of locks on a few restrooms doors would only be a short-term solution. A long-term goal of eliminating the criminal element was now the primary objective. The Newport Beach Police Department, Costa Mesa Police Department and the Orange County Sheriffs Department formed an alliance to eliminate the crimes that were occurring in and about the Talbert Regional Park. With assistance from the Orange County Harbor, Beaches and Parks Department and other County and State agencies, a safe and successful operation was completed, eliminating the criminal element permanently living in the Talbert Regional Park. Additionally, the transients were referred to appropriate private or government shelters. At the conclusion of the P.O.P. project, it appears the Talbert Regional Park has been turned back into a day use recreational facility, and the quality of life has been restored in the Newport Terrace neighborhood.

This project posed interesting problems. The most significant of which was the coordinating and collaboration of the agencies involved in the P.O.P. project. Originally the Newport Beach Police Department, Costa Mesa Police Department and the Orange County Sheriffs Department were the three agencies involved in improvement efforts at the park. Quickly, information about the project spread and our meetings began to

include the Orange County Harbors, Beaches and Parks Department, the State of California Department of Fish and Game, city and county attorneys, and a myriad of county and state social service agencies. Aside from the obvious difficulty in coordinating so many people and agencies, officer safety began to emerge as our most difficult problem. One must remember that many individuals illegally camping in Talbert Park were felons that were known from prior intelligence reports to be armed and dangerous. As a result, officer safety concerns for the team dictated that most of our visits to the park would be unannounced. It was surmised that some of the civilian agencies represented in our project meetings either did not share our officer safety concerns or simply did not understand them. Due to this problem, officers who believed that they were making an unannounced entry into the park later found the local media waiting for them or were told by the illegal campers that they had been expected.

The P.O.P. project completed its last cleanup of the Talbert Regional Park in mid October of 1999. Since that time the Crime Analyst for the Newport Beach Police Department, Paul Salenko, has maintained crime statistics for the area. Statistics reveal that from the time period of mid October 1999 to mid March 2000 there was one call for service in the area of the Park. Coincidentally, Officer Pule was the beat car working the area and he was given the call. The incident involved a case illegal dumping of hazardous materials. Pule investigated the case and submitted it to the Detective Division.

Area One Problem Oriented Policing Unit of the Newport Beach Police Department adopted this particular P.O.P. project. Patrol supervisor Lt. Long selected Sgt. Kaminsky

and Officer Pule from that unit to initiate a P.O.P. Other P.O.P. officers were utilized in later stages to help implement the project's goals. All of the officers involved had received prior in-house training in Problem Oriented Policing and had received training through programs and conferences offered by the Police Executive Research Forum. Incentives for officers who train and work in the P.Q.P. program include training and preferential assignment to their preferred area, or beat, within the city. In order to bring the Talbert Park project to a successful conclusion the Newport Police Department alone expended 217 total man-hours at a cost of approximately \$8,390. The cost was absorbed within the police department's regular annual budget. It is almost certain that other agencies involved expended equal amounts of manpower and resources. Beyond the cost and hours spent on this effort, the officers involved used additional resources to assist with the problem solving model. These resources included legal resource manuals for researching case law, Orange County codified ordinances and the Orange County District Attorneys office.

Please direct questions concerning this P.O.P. project to:

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