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A Legal Impact Study of a Nuisance Property Ordinance

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ABSTRACT AND ARTICLE INFORMATION

This research involves a legal impact study of the State College (Pennsylvania) Nuisance Rental Property Ordinance. The Ordinance is based on the concept of third party policing and was designed to reduce crime and disorder in nuisance rental properties. The impact of the Ordinance was assessed by employing an interrupted time series design which examined five years of pre-Ordinance crimes against five years of post-Ordinance crimes in nuisance rental properties. The impact was also assessed by comparing the crime rate in nuisance rental properties against the general crime rate in State College. The data suggest that the Ordinance was very successful in reducing crime in nuisance rental properties.

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Third party policing is an example of a larger movement known as civil remedies for crime prevention and crime control. Several factors have led to civil over criminal remedies. While those factors are important, of more importance for the purposes of this study are an in depth examination of third party policing and the results of third party policing programs. Third party policing is a byproduct of the community and problem oriented policing movement of the 1980s and 1990s (Buerger & Mazerolle, 1998). Specific factors such as quality of life policing, the growing practice of civil remedies for crime prevention and control, and computerized crime analysis have contributed the most to third party policing. The need for a third party comes from the inability of the police to deal with certain problems effectively. As presented later, lower level nuisance and disorder types of crimes are the most common in State College. These types of

crimes diminish the quality of life in a neighborhood. In order for the police to effectively respond, they need the assistance of others.

Police partnerships are a cornerstone in our current era of community oriented policing. The need for police partnerships was identified by the President's Commission on Law Enforcement and Administration of Justice in the late 1960s due to the fact that police cannot control crime alone. This is attributed to the fact that the police do not have control over many of the factors that contribute to crime. It is obvious that police do not have control over the broader social factors that contribute to crime, and, in some cases, do not have control over or access to impacting the "crime event" as described by routine activity theory. Police partnerships with different groups can range from citizens to non-enforcement entities, as well as agencies within the criminal justice system. Additionally, due to their

front line position in the criminal justice system, police are very adept at identifying groups within and outside of the criminal justice system that can assist in solving a problem. For example, police work closely with probation, parole, prosecutors, and also peripheral criminal justice system agencies such as children and youth services and mental health services. Police form partnerships with a variety of groups for several reasons. At times, the partnerships can simply be for public relations and/or educational in nature. Other times, the partnership can be quite necessary as with other criminal justice system agencies. An issue arises when the police identify a desirable partnership and the other party is not interested in the partnership. As with our current research topic, rental property managers in State College were generally unwilling to consistently fill the role needed by the police. The State College Nuisance Rental Property Ordinance created what is referred to as a “lever” for the police to use to engage the rental property managers into their role as place manager/intimate handler of offender (Mazerolle & Ransley, 2005, p. 45).

The two primary purposes of third party policing are crime prevention and crime control (Mazerolle & Ransley, 2005). Crime prevention can be accomplished through third party policing by focusing the third parties’ actions toward underlying criminogenic conditions that foster crime. For example, with the current research topic, the police do not have control over the people who rent/live in their jurisdiction. A rental property manager does have some control over who lives in a rental through a legal screening process that could eliminate potential problem tenants. Additionally, a rental property manager can dictate acceptable renter behavior and punish or evict a tenant for unacceptable behavior. The crime prevention potential of a third party such as a rental property manager is evident. Additionally, they often have greater access than the police to the crime event for crimes occurring at rentals. From a crime control standpoint, a third party is expected to alter their routine activity and take on the role of place manager/intimate handler of offender, specifically initiating actions to control the crimes occurring at their rentals (Mazerolle & Ransley, 2005).

The literature review will examine third party policing programs that have undergone evaluation. The literature review will specifically focus on deterrence and routine activity theory. The theoretical basis for third party policing and how this specifically applies in the State College Nuisance Rental Property Ordinance will also be presented. The latter sections will present the research done to

determine the impact of the Ordinance and provide a discussion on the implications.

Literature Review

In October, 1988 the Oakland Police Department created the Beat Health Unit to focus on drug and disorder problems (Mazerolle, Kadleck, & Roehl, 1998). The Beat Health Team consists of a police officer and a police service technician who opens cases on properties based upon repeat emergency calls, several narcotics arrests, and/or requests from the community. Once the case is opened, the Beat Health Team makes a visit to the location and meets with the property manager, who could be a homeowner, landlord, or business owner. At the meeting, the Beat Health Team provides crime prevention suggestions and works toward gaining the confidence of the property manager. The Beat Health Team also schedules site visits by the Specialized Multi-Agency Response Team (SMART) which is comprised of a group of city inspectors from Housing, Fire, Public Works, and Pacific Gas and Electric. SMART inspects the property for respective code violations and takes enforcement actions when necessary.

An evaluation of the Beat Health Program studied the impact of property managers on drug dealing and signs of disorder. The study occurred over five months and consisted of 100 street blocks as the units of analysis, where 50 were assigned to Beat Health, and the remaining 50 control sites were treated with traditional patrol tactics. Over three-quarters of the locations consisted of rental properties with the remaining being businesses and owner occupied housing. The study found that the actions of the property managers in the experimental Beat Health sites significantly reduced disorder and drug dealing versus the control sites that were subject to traditional patrol tactics. The study concluded that property managers play a significant role in reducing drug dealing and disorder (Mazerolle et al., 1998).

A similar program in San Diego also emphasized the role of the property manager. In an effort to address drug dealing in rental properties, the San Diego Police Department focused on rental property managers (Eck & Wartell, 1998). It was determined that drug dealers actually seek rental properties with weak management practices. In cases where management practices are weak, the police and prosecutors do have the option of nuisance abatement, which involves a civil suit against the property manager to end the nuisance. Unfortunately, this is a time-consuming process that can only be applied to a few persistent locations. An alternative to

nuisance abatement is for the police to partner with the rental property manager and assist them by training them on how to detect and eliminate drug trafficking.

To determine the effectiveness of this program, a randomized experiment was conducted involving 121 rental property units that were subject to some form of drug enforcement activity from June through November, 1993. The 121 rental property units were randomly assigned to one of the three groups. A total of 42 places were assigned to a control group where no further police action was taken during the experiment. The second group, also consisting of 42, received a letter from the San Diego Police Department's Drug Abatement Response Team (DART). The letter informed the property manager of the recent drug activity and offered police assistance in eliminating the drug dealers. The letter also warned the property manager that continued drug dealing could result in a civil suit filed by the City of San Diego and a possibility of a \$25,000 fine as well as the rental unit being closed for up to one year. The remaining third (37 places) received the most police action. The rental property manager received a letter from DART emphasizing the legal action described above that the city could take if the drug problem was not corrected. The letter also indicated that the rental property manager should contact a DART detective or a detective would contact them to schedule an interview at the property. The DART detective and a member from the City's Code Compliance Department then met with the rental property manager to conduct an inspection and develop a plan to deter future drug dealing. After the meeting, the detective continued to work with the property manager to ensure that changes were made. To determine the effectiveness of this program, all felony level crime incidents for each site were measured for 30 months following the treatment. At the end of the 30 months, the control group had the highest level of crime, followed by the group that only received the letter, and the group that received the meeting had the lowest reported crime. This research concluded that rental property managers do play a significant role in preventing illicit activities such as drug dealing.

Crime in State College and the Nuisance Property Ordinance

State College Borough is located in central Pennsylvania. State College is often associated with being home to the Pennsylvania State University. Penn State is the largest university in Pennsylvania, and the 11th largest in the United States with approximately 44,000 students (University Budget

Office). Conversely, State College Borough encompasses only four square miles; however, it is the most populated borough in Pennsylvania with 39,898 residents. State College Borough geographically surrounds Penn State University. Approximately 19,000 Borough residents are Penn State students, most of whom live in rental housing (State College Police, n.d.). Consistent with the social disorganization literature (Kubrin & Weitzer, 2003; Sampson & Groves, 1989), there is a high correlation between rental properties and crime in State College (State College Police, n.d.). Additionally, since at least 1970, there have been a disproportionate and growing number of rentals in State College Borough, and this trend has continued to present day with nearly 80% (9,717) of all housing in State College Borough as renter-occupied (State College Police, n.d.).

In response to the high correlation between crime and rentals, the growing complaints at the neighborhood level regarding quality of life issues, outward migration, and diminishing resources, the State College Borough Council revised their Nuisance Rental Property Ordinance in November, 2004 (State College Police, n.d.). Ordinances such as this normally involve civil penalties and have been used or created throughout the United States when criminal laws have been ineffective at addressing a variety of issues ranging from neighborhood quality of life issues to domestic violence protection orders (Mazerolle & Roehl, 1998). The revision to the State College Nuisance Rental Property Ordinance allows for suspension of rental permits for continued criminal violations. The revision was directed at the rental property managers and essentially holds them accountable for violations with the threat of rental permit pension, thereby not allowing the property to be rented. This practice is known as "third party policing," which is part of the growing trend of using civil remedies for crime prevention and crime control (Mazerolle & Ransley, 2005).

In 2009, State College, PA was ranked the safest metropolitan area in the United States (Congressional Quarterly, 2009). This ranking is based on Part I Index Crimes collected by the FBI for the Uniform Crime Report. The level of serious crime in State College is lower than any other metropolitan area in the United States. While serious crime is low in State College, the crime that does occur is highly correlated with several variables. The common denominator in over 2/3 of all reported crime is alcohol (State College Police, n.d.). This is not surprising with so many Penn State students living in State College and the high alcohol outlet density in State College. Age is also highly correlated with State College crime (State College Police, n.d.).

Nearly 80% (2,667) of the 2009 arrests (3,372) were in the 18–24 year-old age group (State College Police, n.d.). Again, this is not surprising with nearly half of the population being Penn State students. Other correlated factors include location, time, and type of offense. As stated earlier, there is a high correlation between crime and rental properties. The occurrence of crime in State College is also found to be highly correlated with proximity of liquor establishments, and crime is highest from 6 PM Friday to 6 AM Sunday. The most prevalent types of crime in State College add additional context. In 2009, Disorderly Conduct (2,536) and Criminal Mischief (945) comprised over 60% of all Part II reported crimes (5,669), and even with all Part I reported crimes (1,282) added in, Disorderly Conduct and Criminal Mischief still accounted for 50% of all the crimes reported (State College Police, n.d.). Crime in State College is best described as a lot of drunken disorder and property damage.

These lower level types of crime and disorder are particularly difficult for the police to deal with effectively, especially when the often offending populations are transient students. Additionally, while these lower level types of crimes will not be highlighted on the evening news or on an episode of one of the crime-based TV series, these types of crimes take direct aim at quality of life in neighborhoods. The most troublesome areas for maintaining quality of life have been in locations where owner-occupied housing meets rental housing. With the trend of increased rental housing expected to continue in State College, the Nuisance Rental Property Ordinance provides a tool for addressing crime and disorder.

The State College Nuisance Rental Property Ordinance is explicitly deterrence based. If a rental property manager fails to control and prevent crime at a rental property, the permit can be suspended resulting in significant monetary loss. The Ordinance was created due to the perceived inefficiency of current legal avenues available to State College Police and Ordinance Officials. For example, the fine in 2010 for an ordinance violation such as not shoveling a snow covered sidewalk or trash strewn about a property is \$25.00 (State College Police, n.d.). Additionally, these ordinance violations do not result in any sort of criminal record for the accused. State College Officials found that too often, the threat, and even imposition of a \$25.00 fine was not enough to persuade a rental tenant to shovel their sidewalk and/or clean their trash up (State College Police, n.d.). Additionally, State College Borough resources, such as ordinance enforcement officers, not only had to patrol to find these violations and/or

respond to complaints by neighbors, they had to follow up with the property to ensure compliance. Prior to the Ordinance, many rental property managers likely felt that this was the responsibility of the tenants, and if the tenants did not shovel walks or clean up trash, then they would simply be subject to the \$25.00 fine. The enactment of the Ordinance obviously changed the level of responsibility. Post-Ordinance, if a tenant would fail to shovel the sidewalk and/or clean up trash on five occasions and receive an ordinance citation each time, the rental unit would be deemed a “nuisance property” due to having accumulated five points. Another example is disorderly conduct citations. As mentioned earlier, disorderly conduct is the most common crime in State College. Disorderly conduct citations are often issued at residential locations for “unreasonable noise” due to a loud party. Disorderly conduct is a summary level offense, and the maximum fine is \$300.00 (State College Police, n.d.). A disorderly conduct citation would not result in a permanent record for the person cited. Additionally, the fine of \$300.00 may seem like a lot of money; however, the parties that they are issued to can often spread the cost of that across several tenants, and/or through the cover paid to enter a party. Again, prior to the Ordinance, the rental property manager likely had the attitude that tenants being cited for criminal behavior, even though it occurred at the rental unit, was not of their concern. The Ordinance specifies that disorderly conduct is a two point violation. More serious crimes such as drug dealing and violent and sexual crimes assign three points to the rental permit. A rental property can quickly become a “nuisance property,” and several have reached 10 points allowing for the option of rental permit suspension. Suspension of a rental permit for six months would result in thousands of dollars of lost income to a rental property manager.

Related Deterrence Theory and Research

As mentioned earlier, the State College Nuisance Rental Property Ordinance is deterrence-based. Deterrence theory was initially proposed by Beccaria and Bentham in the 18th century as a move away from spiritual explanations of criminality (Kubrin, Stucky, & Krohn, 2009). Beccaria and Bentham specifically argued that people possess free will and make decisions based upon weighing the potential pleasure and pain. Applying this to crime, the deterrence doctrine hypothesizes that the punishment for a crime must be greater than the reward. Beccaria added that punishments should also be certain and swift to deter crime and that punishments should be proportional to the crime to avoid criminals from

committing additional, more serious crimes to avoid apprehension in fear of too harsh of a punishment for committing the initial crime (Kubrin, Stucky, & Krohn, 2009). The deterrence perspective has been the leading basis for most modern criminal justice systems since the 18th century. The deterrence perspective has been especially popular in the United States since the 1970s and the perceived failure of rehabilitative programs. Deterrence theory has been tested on a variety of crimes and has received mixed support for its three main predications (Nagin & Pogarsky, 2001). Specifically, several studies have shown that punishment certainty consistently deters crime, whereas the impact of severity and swiftness are mixed (Kubrin et al., 2009). The fact that deterrence theory assumes that all people are rational may be the reason for the mixed results. Rationality is not a simple dichotomy and can easily be argued as subjective and circumstantial.

Tittle and Rowe (1974) accurately identified that the varied impact of deterrence is due to differences in characteristics of offenders, specifically their moral/normative commitments. Sherman (1993) concurs with this and adds to this by specifying that the question is not whether punishment controls crime, but the question is “under what conditions does each type of criminal sanction reduce, increase, or have no effect on future crimes?” (p. 445). Sherman (1993) proposes that answering this question is crucial to the future of criminological research. Additionally, recent research on deterrence theory has begun to consider additional deterrents other than sanctions meted out by the criminal justice system. These sources of control can be informal, such as shame or embarrassment. The sources of informal control could also come from an individual’s status or position such as being an undergraduate student (Higgins, Wilson, & Fell, 2005), or being employed (Pate & Hamilton, 1992). Whether formal or informal, these deterrent forces are what Felson (1986) referred to as a “handle” on an offender. Felson (1986) went on to explain that the only people who could not be handled or deterred were those who had no commitments or bonds to anyone or anything. Ironically, the notion of essentially aiming deterrence at what matters to people is in contrast to the trend of legislative changes made in the American criminal justice system; however, it clearly makes more sense. Several criminologists have noted that the political and public response to an ineffective deterrence based law is often to simply make the punishment more severe. Increasing the severity of a punishment for a given crime does not necessarily make it more effective. The following section presents studies

which further illustrate how certain offender characteristics deter crime.

In the early 1980s, Sherman and Berk (1984) completed the “Minneapolis Arrest Study” which found that arrest of perpetrators of domestic violence was more effective than counseling and/or sending the perpetrator away from home for several hours. Despite Sherman and Berk’s caution regarding the fact that these results were from a single experiment, the impact of this single study was unprecedented. Police departments enacted mandatory arrest procedures and several states enacted mandatory arrest upon probable cause of domestic violence legislation. Interestingly and unfortunately, a subsequent replication in Florida found that arrest had no overall impact on recidivism (Pate & Hamilton, 1992). More importantly, this lack of impact was offset by two effects; Employed suspects were deterred significantly after the initial arrest, whereas arrests of the unemployed led to a significant increase in assaults. Another study on software piracy among undergraduate students found that shame and family discovery were significant deterrents (Higgins et al., 2005). Additionally, Nagin and Pogarsky (2001) found extralegal factors, such as the cost of an effective attorney, just as significant as actual legal consequences with regard to deterring criminal behavior. Over a variety of crimes, factors other than criminal sanctions can have a significant deterrent impact. While this section has highlighted research that has focused on the deterrent ability of informal controls, this is not necessarily the focus of the research. The focus is upon controls, informal and/or formal, that have an impact. These controls can be best understood by examining the rental property manager in the role of both place manager and intimate handler offender under routine activity theory. Briefly, the original routine activity theory proposed by Cohen and Felson (1979) explained crime by way of the convergence of a motivated offender on a suitable target in a situation lacking capable guardianship. For the purposes of this study, two revisions to routine activity theory, Felson’s (1986) role of intimate handler of offender and Eck’s (1994) role of place manager, are important and discussed in the next section.

Rental Property Manager as Place Manager/Intimate Handler of Offender

There are several reasons to support this new hypothesis for the State College Rental Property Managers as place manager/intimate handler of offender. As a reminder, Eck’s (1994) research created and tested the role of place manager for rental property managers. Eck (1994) found that rental property managers could control crime from

occurring at the rental properties through responsible management practices. However, Eck (personal communication, 2009) stated that “place managers (including apartment managers or owners) are not handlers—they seldom have emotional ties to offenders that characterize handlers in Felson's original definition.” It is important to note that when Eck (1994) proposed the role of place manager for rental property managers, he was conducting research on removing drug dealers from rental properties in San Diego. In this research, Eck (1994) specifically mentioned that the role of the place manager was particularly effective in addressing a consensual crime such as drug dealing. While drug dealing is included in the State College Nuisance Property Ordinance, it is only one of over twenty offenses, the remainder of which are not consensual in nature, do have victims, and are much more visible.

Additionally, the number of rental properties managed by the rental property managers in San Diego was approximately 40 units and much higher than the average in State College. Thus, the rental property managers in San Diego had a wide span of control, decreasing their ability to reasonably be in a position to handle offenders. Conversely, as of December, 2009, there were 9,717 rental units in State College Borough and 769 corresponding rental property managers (State College Police, n.d.). The average number of units managed was a little over 12 (12.63), but the modal category was one unit managed.

The State College Rental Property Managers clearly have a much narrower span of control and are addressing offenses that are much more visible than drug dealing. Another supporting factor of this dual role is the growing number of rental properties in State College. This growing number of rentals and rental property managers shows the demand and profitable nature of rental property management in State College. As a reminder, this growing number of rentals and rental property managers has been a trend since 1970 and is expected to continue. Additionally, and as presented earlier, there is a high correlation between rental units and crime. The fact that renting is profitable to the rental property manager, yet a financial burden to the police and other enforcement agencies, coupled with a rental property manager's contractual relationship through the more applicable civil (vs. criminal) law places the rental property manager in a practical position to deter and control crime at their rental properties. Finally, if rental property managers choose not to address crime at their rental units, they will likely lose the right to rent and subsequent revenue, which is likely their rationale for being a rental property manager. The following section presents how State College Rental

Property Managers can fulfill the role of place manager/intimate handler of offender.

First, an effective rental property manager would take the position that they have the ability to deter and control crime at their rental unit through the contractual relationship they establish with a tenant. The effective rental property manager would also believe that it is their responsibility to deter and control crime in their rental unit. Once the proper attitude is set, the effective rental property manager can begin to take specific steps to ensure minimal crime in their rental unit. Eck (1994) stated that access control was one way to effectively manage a place. An effective rental property manager can control access to the rental unit by having an application process. The application process should include a criminal history check and also contact with previous landlords. If the criminal history check reveals that the applicant has recent criminal history activity, they should likely be denied from renting. Additionally, if contact with a previous landlord(s) results in a negative reference, the applicant should be denied from renting.

The next step in being an effective rental property manager is to establish a relationship with a tenant. This relationship can be established quite easily through a lease. The lease allows the rental property manager to establish rules for the tenant. In order for the lease to be a valuable tool, the rental property manager must be familiar with the Ordinance so that specific language in the lease can be included that includes prohibiting the specific violations listed in the Ordinance, as well as specific punishments for violating this portion of the lease. Once the relationship is established through the lease, the effective rental property manager will check the property for violations. The rental property manager should regularly physically check the property for violations, as well as check the State College Nuisance Property Point List. If the rental property manager is physically checking the property and finds that a tenant(s) is committing one of the offenses specified in the Ordinance, s/he should report it to the appropriate enforcement agency. If the rental property manager finds that a tenant has committed one of the offenses specified in the Ordinance as a result of checking the Nuisance Property Point List, the rental property manager should contact the offending tenants and warn them that continued violations will result in eviction. An intermediate step that can also be used at this time is for the rental property manager to fine the tenant for accumulated points. An effective rental property manager should also conduct full inspections of the rental unit. Conducting inspections at least twice per year keeps the tenants in check and allows for more

regular contact between the rental property manager and tenant. Specifically, the full inspection places the rental property manager in close contact with the tenant and rental unit, allowing the rental property manager to “handle” the tenant if necessary. Since many of the rentals in State College are occupied by undergraduate students, an effective rental property manager should require a co-signor on the lease. The purpose of the co-signor creates another social bond for the tenant. For example, a rental property manager may not be able to handle certain tenants through the relationship established in the lease. The rental property manager can turn to the co-signer, who is now financially tied to the rental unit, and request assistance.

The added role of intimate handler of offender for the rental property manager is less clear and understandable than place manager. Earlier support for the practicality of this role has been provided in terms of a small span of control for State College Rental Property Managers, type of offender (tenant), and offenses responsible for, as well as the financial stake in the rental unit (State College Police, n.d.). The Ordinance forces this role on the rental property manager with the threat of rental permit suspension. The question here becomes how a rental property manager becomes a handler of the tenant. First, the rental property manager starts with a specific lease. This lease provides the rental property manager with what Felson (1986) referred to as the “handle,” one of the two necessary requirements for the intimate handler of the offender (State College Police, n.d.). The second requirement is that the handler of offender is close enough to grasp the handle and keep the person, in this case the tenant, from committing crime. It is important to note that the rental property manager is only expected to handle the tenant from committing the criminal and ordinance violations listed in the Ordinance at the rental unit. For example, the tenant could commit some of these offenses, or other offenses, at places other than the rental unit, and the rental property manager is not expected to have an impact on this. A rental property manager can handle a tenant in some of the same ways as described for the place manager; however, this additional role of intimate handler of offender is important because of what is known about deterring and controlling people from committing crime.

As presented earlier with regard to the research on deterrence, several studies presented illustrated that certain sanctions deter certain people (in general). This is what Felson (1986) was referring to when he stated that the majority of people could be handled away from crime because they have some bonds to society. And this is also what Sherman (1993) was referring to when he discussed the future

of criminological research in terms of identifying the circumstances and conditions under which people are deterred from committing crime. Due to the nature of the relationship (civil) between the rental property manager and the tenant, the rental property manager can identify and stipulate in the lease conditions and circumstances to prevent and control crime. As mentioned earlier, the rental property manager can also evict the tenant for ongoing problems. These factors make the dual role of place manager/intimate handler of offender more reasonable.

The State College Nuisance Rental Property Ordinance exploits the obvious, and possibly only, leverage point for rental property managers. As discussed earlier, the unique aspect of third party policing is that a non-offending party is forced into action. In this case, the non-offending third party is a rental property manager. Rental property managers are obviously not police officers or any other type of government agent with enforcement powers. However, rental property managers do have some control over to whom they rent, as well as dictating in a lease what types of behavior are acceptable and unacceptable. Herein lays the objective and success of this Ordinance. A rental property manager who allows a rental unit to accumulate continuous and substantial points is allowing a nuisance in the neighborhood. This continued nuisance can arguably continue to contribute to the outward migration of owner-occupied residents. In State College, the police and ordinance enforcement agencies readily observe the high correlation between rental units and crime. However, past practice has revealed that even if these enforcement agencies enforce the law to the fullest extent, future crimes remain largely undeterred. In keeping with their role of providing the proper framework and support for a neighborhood, the police identified the rental property manager as a pivotal role in assisting the police to provide this proper framework and support to neighborhoods. Now when police and/or ordinance officials respond to problems at a rental property, they can address the tenant and also address the rental property manager. Depending on the nature of the problem, the rental property manager is then expected to either work with police and/or code/ordinance officials or work independently on correcting the problem. In the five years since the ordinance has been in effect, some rental property managers have become proactive and physically monitor their rentals on a regular basis. Additionally, some have added provisions to the lease that specifically fine the tenant for each point accumulated.

Administration of the State College Nuisance Property Ordinance

The State College Nuisance Rental Property Ordinance was revised on November 15, 2004 to include a point system ranging from one to three points for specific local/ordinance and criminal violations for rental properties (State College Police, n.d.). All of the one point offenses are local laws/ordinances and include refuse, sidewalk obstruction, grass and weeds, and dogs. All of the two and three point offenses are criminal laws included in the Pennsylvania Crimes Code (Title 18) and include a variety of offenses spanning all grades of criminal offenses (summary, misdemeanor, and felony). The two point offenses include disorderly conduct, alcohol possession or consumption by a minor, possession of controlled substances, simple assault, harassment, open lewdness, and indecent exposure. Three point violations include furnishing alcohol to a minor, aggravated assault, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, and possession with intent to deliver a controlled substance. The State College Department of Health and Ordinance Enforcement is tasked with maintaining a list of all rental properties and the points associated with each. The list of rental properties is updated monthly by the Centre Region Code Office and provided to the State College Department of Health and Ordinance Enforcement. The Centre Region Code Office is the only agency that can issue a rental permit for a rental property in State College Borough. The State College Department of Health and Ordinance Enforcement maintain a website that includes a list of rental properties and associated points, commonly referred to as the "Nuisance Rental Property Point List" (State College Police, n.d.). This list is updated weekly to reflect all offenses and subsequent points that have occurred through the previous week. Access to the Nuisance Rental Property Point List is also available by telephone and in person. In addition to accessing the list, rental property managers can request additional information on offenses. The rental property managers are often interested in the name of the tenant cited or arrested, as well as specific information about the incident that led to a citation or arrest.

The State College Department of Health and Ordinance Enforcement is also tasked with notifying the rental property manager when their unit has accumulated five points within a 12 month time period. This notification occurs through certified mail and informs the rental property manager of the offenses and corresponding five points. The letter

expresses a concern for these offenses as they are a negative impact in the neighborhood and creating a nuisance. The letter explains that accumulation of ten points could result in rental permit suspension. The rental property manager is also encouraged to submit a written corrective action plan within 30 days specifically identifying how the ongoing problems at the rental property will be addressed. The Ordinance specifies that failure to submit a corrective action plan would be negatively considered if the rental property does accumulate 10 points and suspension is possible. If a rental property does accumulate 10 or more points during a rolling 12 month period, the corresponding rental permit can be suspended for up to 12 months at the end of the current lease. It is important to note that points are removed one year after they accumulate and the maximum number of points that can accumulate in a 24 hour period is three. Also, if a rental property manager evicts problem tenants or agrees not to renew their lease, they are generally not subject to the rental permit suspension. Shortly after the Ordinance was revised, State College Borough formed a Nuisance Rental Property Task Force comprised of representatives from the police department, code enforcement, ordinance enforcement, zoning department, health department, and representatives from Penn State University. The Nuisance Rental Property Task Force meets at least monthly. During peak times (early in the fall semester and late in the spring semester), the task force often meets weekly to specifically discuss nuisance rental properties and strategies to address them.

The Current Study

The purpose of this study is to determine the impact of the Ordinance. The primary objective of the State College Nuisance Rental Property Ordinance is to reduce and prevent crime and disorder at nuisance rental properties. To determine the impact of the Ordinance, an interrupted time series (ITS) design was used, examining five years of offenses prior to the Ordinance against five years of offenses after the Ordinance was enacted. An interrupted time series design is an accepted and widely applied method for determining the impact of an intervention on a social process (McDowall, McCleary, Meidinger, & Hay, 1980; Shadish, Cook, & Campbell, 2002). In addition, one of the most common applications of the ITS has been specifically in the area of legal impact studies. For example, ITS designs have been used to examine a wide range of phenomena in criminology, to include the impact of three strikes sentencing legislation, as well as hotspots in policing, and increased penalties for

driving under the influence (Briscoe, 2004; Lawton, Taylor, & Luongo, 2005; Ramirez & Crano, 2003). The ITS can be diagrammed as:

...OOOOOOOOOOOXOOOOOOOOO...

with “O” as observation points and “X” denoting the intervention, thus separating the time series into two sections: pre-intervention and post-intervention (McDowall et al., 1980). It is necessary to know the specific point in the time series when the treatment occurred in order to determine the impact (Shadish et al., 2002). If the treatment had an impact, there would be an interruption in the series, which would be indicated by a change in the slope of the regression line and/or as a discontinuity in the y intercept. There are several different elements of impact that can occur in an ITS: 1) form of effect (changes in drift, trend, or slope), 2) permanence of effect (continuous effect vs. decaying over time), and 3) immediacy (immediate vs. delayed effect) (Shadish et al., 2002). The level and type of impact is important for determining if, and to what extent, the Ordinance has been successful in reducing ordinance and/or criminal violations in rental properties.

Data

All data for this study came from the State College Police Department Records Management System. The system has the capability to sort crime based on location and housing type (rental vs. non-rental).

Dependent Variable

The State College Nuisance Rental Property Ordinance covers several levels of offenses. As discussed earlier, these offenses are separated into a one, two, or a three point category and correspond to a specific offense. The first dependent variable, Pre-Ordinance Nuisance Rentals, included all of the violations listed in the Ordinance during the research period (November, 1999 – November, 2009), however, was restricted to rental properties that would have received at least a five point letter during the pre-ordinance or pretreatment period (November, 1999 – November, 2004). In order to receive a five point letter, a rental property would have accumulated at least five points during a rolling 12 month period. Some of these rentals would have been suspended if the Ordinance had been in effect during the pre-ordinance or pretreatment period (November, 1999 – November, 2004). This variable was reported as the total number of violations for the specified units divided by the total number of specified rentals. A total of 96 rental properties were identified as ones that would have received at least the five point letter

during the pre-Ordinance time period. This variable was reported by summing the violations for all of the identified pre-Ordinance nuisance rental properties and reported on a monthly basis. This ITS model can be diagrammed as:

OA1 OA2....OA60 OA61 X OA62 OA63
OA64...OA122

Independent Variable

The independent variable is the State College Nuisance Rental Property Ordinance. The Ordinance was enacted in November, 2004 and contains a point system for specific offenses. As mentioned earlier, if a rental property accumulates five or more points, they receive a warning letter regarding the nuisance; at 10 or more points in a 12 month time period, the rental permit can be suspended for a period of six to twelve months, thereby not allowing the rental property manager to rent the property, which results in monetary loss.

Non-equivalent Dependent Variable

A non-equivalent dependent variable was used in the ITS model to enhance validity. Specifically, Shadish et al. (2002) point out that the construct validity can be strengthened, and the probability of many of the threats to internal validity in a times series can be examined by collecting time series data on a nonequivalent dependent variable that the treatment should not impact, but, however, would be expected to react in a similar fashion as the research dependent variable to an applicable validity threat. The non-equivalent dependent variable, Non-Rental Violations, was a monthly count of all ordinance violations not covered by the State College Nuisance Property Ordinance. These violations occurred outside of rentals and were not expected to be impacted by the Ordinance. The ITS model can be diagrammed as:

Pre Ordinance Nuisance Rental Unit Violations
OA1 OA2....OA60 OA61 X OA62 OA63
OA64...OA122

Non-Rental Violations
OB1 OB2....OB60 OB61 X OB62 OB63
OB64...OB122

Results

The first step taken in assessing the impact of the Ordinance was an examination of the pre-Ordinance mean versus the post Ordinance mean through independent sample t tests. The table below includes

the primary dependent variable (Pre-Ordinance Nuisance Rentals) and the non-equivalent dependent variable (Non-Rental Violations).

Table 1: Independent Sample *t*-Test Output for Dependent Variables

Variable	Pre-Ordinance Monthly Mean	Post Ordinance Monthly Mean	Monthly Mean Difference	% Change
Pre-Ordinance Nuisance Rentals	21.57	9.86	-11.71***	-54.29%
Non-Rental Violations	216.08	232.67	16.59	7.67%

Note: $p < .001$ ***

Pre-Ordinance Nuisance Rentals decreased an average of 11.71 offenses per month in the post-intervention time period, representing a near 55% reduction ($p < .001$). The Pre-Ordinance Nuisance Rentals included 96 rentals that were identified in the pre-Ordinance time period (November, 1999-November, 2004) as rental properties that would have received a five point warning letter as discussed earlier (i.e., the unit would have accumulated five points under the current Ordinance). These 96 rental units accounted for 1,316 citations or arrests during the pre-ordinance time period. It is important to note that these 96 rental units represent less than 1% of all rental properties in State College; however, they accounted for approximately 58% of all citations and arrests in rentals during the pre-ordinance time period. This significant reduction is a key finding as the Nuisance Rental Property Ordinance was directly aimed at rental properties with this number of violations. Interestingly, and of importance, during the same period, the non-equivalent dependent variable, Non-rental Violations increased by 16.59 offenses per month, representing a 7.67 % increase.

ITS Models

The two ITS models examined the primary dependent variable (Pre-Ordinance Nuisance Rentals) and the corresponding non-equivalent dependent variable (Non-Rental Violations). These ITS designs

examined 61 months of pre-ordinance data and 61 months of post-ordinance data. Since autocorrelation was not identified as an issue in any of the models, ordinary least squares regression (OLS) was used in the analysis.

The first ITS model examined the dependent variable Pre-Ordinance Nuisance Rentals. The Pre-Ordinance Nuisance Rentals experienced an immediate, abrupt, and permanent decrease in the post ordinance months.

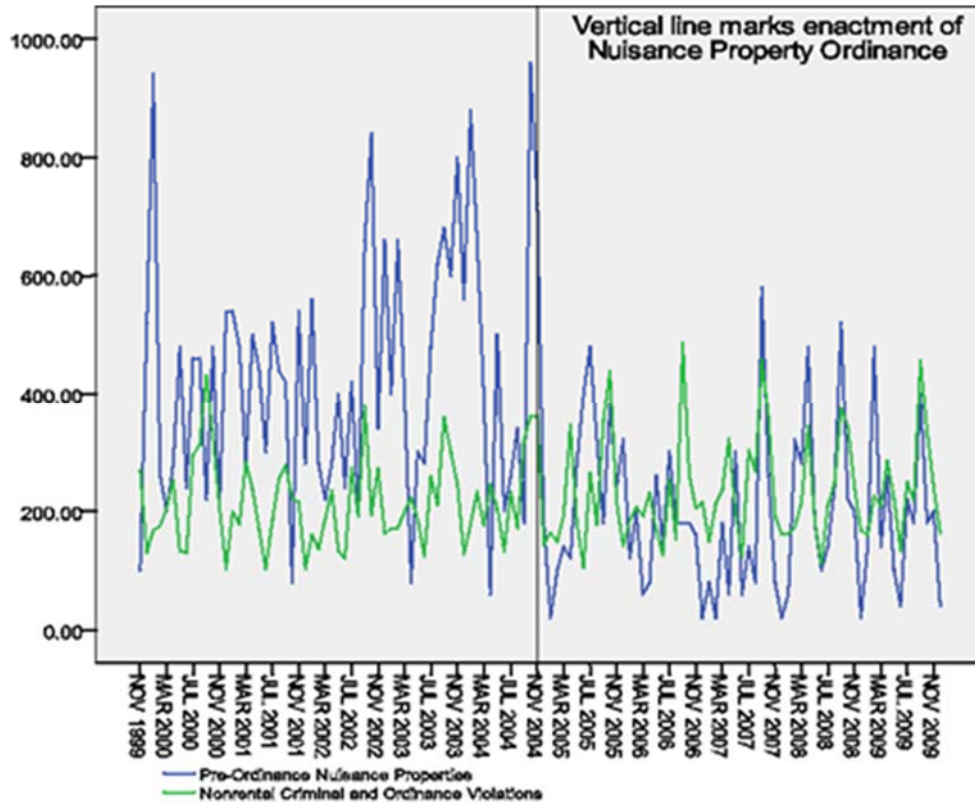
It is important to note that it appears as if violations were decreasing in the months prior to the Ordinance; however, by examining the entire sequence plot, there is the same or similar seasonality both pre and post. The decrease around this time is likely due to the end of the fall semester and colder weather, which has been a slower time for police calls (State College Police, n.d.). Table 2 presents the results of the OLS regression analysis for Pre-Ordinance Nuisance Rentals. The r-square of .302 reveals that the State College Nuisance Rental Property Ordinance explained approximately 30% of the variance in crime for Pre-Ordinance Nuisance Rentals during the post ordinance time period. The data indicate that monthly rental crime in the identified pre-ordinance nuisance rentals decreased on average by 11.705 ($p < .001$) offenses per month after the ordinance was enacted.

Table 2: OLS Regression Output for Pre-Ordinance Nuisance Rentals

Variable	B	SE	Beta	t
Constant	21.57	1.147		18.801
Ordinance	-11.705	1.623	-.550	-7.213***

Note: $r^2 = .302$, $F = 52.028$, $p < .001$ ***

Figure 1: Sequence Plot of Pre-Ordinance Nuisance Properties and Non-rental Violations



The second ITS model examined the dependent variable Non-rental Crime. Non-rental Crime experienced a fairly immediate, as opposed to a delayed, increase in crime. However, the increase was gradual and seemed to follow the trend during the pre-ordinance time period. This is supported by the low explanation of variance, or little impact, discussed next. Table 3 presents the results of the

OLS regression analysis for Non-Rental Crime. The r-square of .016 suggests that the Ordinance explained approximately 1.6% of the variance in crime. The data indicate that monthly non-rental crime increased on average by 16.59 offenses after the ordinance was enacted.

Table 3: OLS Regression Output for Non-rental Crime

Variable	B	SE	Beta	t
Constant	216.082	10.597		20.391
Ordinance	16.590	14.986	.101	1.107

Note: $r^2 = .016$, $F = 1.967$

Statistical analyses of the data revealed that the State College Nuisance Rental Property Ordinance had a significant impact on reducing the crime in nuisance rental properties. The additional time series model strengthened the internal validity and causal argument that the Ordinance was responsible for the reduction of crime in rentals.

Discussion and Conclusion

This research has identified several implications for policy. One of the most meaningful findings of this research was the significant reduction in crime in nuisance rental properties and support for third party policing programs involving rental property

managers. In addition, the data show that the impact of this reduction was permanent over the five years after the Ordinance was passed. This was likely due to revocation of six rental permits and the threat of dozens more. Without the Nuisance Rental Property Ordinance, it is reasonable to conclude that the crime in the nuisance rentals would have likely followed the trend of all other crime in State College. There were 1,316 citations or arrests in nuisance rental properties in the pre-ordinance time period, versus 601 in the post-ordinance time period. If the level of crime in the nuisance rentals had remained constant, there would have been an additional 715 violations in the post ordinance time period. If the crime had followed the same or similar trend of violations in all other rental units and all other crime in State College (about an 8% increase), there would have been approximately 1,420 citations and arrests in nuisance rentals in the post Ordinance time period.

It is difficult to determine the full impact that this reduction had on the community as well as on the State College Police Department and Department of Ordinance Enforcement. First, from a community standpoint, there were approximately 700 to 800 fewer crimes in the five year post Ordinance time period in comparison to the pre-Ordinance time period. That equates to 700 to 800 fewer "victimizations." Since the levels of the offenses specified in the Ordinance vary greatly (from an unshoveled sidewalk to rape and serious physical assaults), the level of victimizations cannot be determined. In addition, while victimizations are certainly an important area of concern, from a more general neighborhood/quality of life perspective, not knowing the specific level of victimization is not as essential. For example, many of the complaints at the neighborhood level are not about serious crime. The complaints often fall under the lower level local violations (trash, grass, snow) or lower level criminal violations (noise). Research has shown that focusing on lower level offenses improves quality of life, results in reductions in more serious crime, and also reduces fear of crime (Wilson & Kelling, 1982). The Nuisance Rental Property Ordinance could play a significant role in reducing crime and disorder and improving the quality of life in State College neighborhoods. This improvement in neighborhood-level quality of life could help curb the 50 year trend in declining owner-occupied residences and possibly increase the rate of owner occupied housing.

In addition to the reduction in violations and the positive impact in the neighborhoods, there are also budgetary impacts. It is difficult to determine a specific amount of money that was saved given the divergent nature of the violations involved. However, it is reasonable to assume that hundreds, if not

thousands, of personnel hours were saved from the 700 to 800 fewer crimes. This translates into tens of thousands of dollars in savings to State College Borough and also allows for personnel to focus on other pressing issues. It is rare that an initiative has such an impact on reducing crime and saves money at the same time.

The positive impacts on the community and cost savings to State College Borough are obviously important and desirable benefits of the Ordinance. Another benefit that is difficult to quantify and measure, although very important, and possibly most important for the police department and community, is that there is a viable strategy to reduce crime and disorder in the vast majority of housing (i.e., rental) in State College Borough. The State College Nuisance Rental Property Ordinance is not simply a "feel good" program. The Ordinance works. It provides the police and community with a tool to effectively reduce crime and disorder in nuisance rentals. This is directly in line with how the police role has changed and continues to change since the 1960s. Since that time, many police departments have adopted a community and problem oriented approach that is designed to mobilize the community against crime (Johnson, Golub, & McCabe, 2010).

Third party policing programs are a common and growing trend. Some suggest that third party policing represents a new form of decentralized policing (Anleu, Mazerolle, & Presser, 2000). Others go farther and assert that it represents an overall shift in the government's approach to enforcement and regulation (Weisburd, 2008). Whether it represents a change in policing or overall government, it is important to monitor and evaluate the success and failure of third party policing programs, as well as the benefits, costs, and consequences to those in the third party role. Sherman (1993) identified that the future of research on crime and delinquency was dependent on understanding the specific conditions that impact crime. Similarly, the future of third party policing is dependent on understanding the ability and span of control of the third party, and the impact they can have on crime.

References

- Anleu, S., Mazerolle, L., & Presser, L. (2000). Third-party policing and insurance: The case of market-based crime prevention. *Law & Policy*, 22(1), 67–87. doi: 10.1111/1467-9930.00086
- Briscoe, S. (2004). Raising the bar: Can increased penalties deter drunk-drivers? *Accident Analysis and Prevention*, 36(5), 919–929.

- Buerger, M. E., & Mazerolle, L. G. (1998). Third party policing: A theoretical analysis of an emerging trend. *Justice Quarterly*, *15*(2), 301–327. doi: 10.1080/07418829800093761
- Cohen, L. E., & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, *44*(4), 588–608. doi: 10.2307/2094589
- Congressional Quarterly. (2009). *City crime rankings 2009–2010*. Retrieved from http://os.cqpress.com/citycrime/2009/MetroCrime2009_Rank.pdf
- Eck, J. E. (1994). Drug markets and drug places: A case-control study of the spatial structure of illicit drug dealing. (Unpublished doctoral dissertation). University of Maryland, College Park.
- Eck, J. E., & Wartell, J. (1998). Improving the management of rental properties with drug problems: A randomized experiment. In L. Mazerolle & J. Roehl (Eds.), *Civil remedies and crime prevention* (pp. 161–186). Monsey, NY: Criminal Justice Press.
- Felson, M. (1986). Linking criminal choices, routine activities, informal control, and criminal outcomes. In D. Cornish and R. V. Clarke (Eds.), *The reasoning criminal* (pp. 119–128). New York, NY: Springer-Verlag. doi: 10.1007/978-1-4613-8625-4_8
- Higgins, G. E., Wilson, A. L., & Fell, B. D. (2005). An application of deterrence theory to software piracy. *Journal of Criminal Justice and Popular Culture*, *12*(3), 166–184.
- Johnson, B. D., Golub, A., & McCabe, J. (2010). The international implications of quality of life policing as practiced in New York City. *Police Practice and Research*, *11*(1), 17–29. doi: 10.1080/15614260802586368
- Kubrin, C. E., Stucky, T. D., & Krohn, M. D. (2009). *Researching theories of crime and deviance*. New York, NY: Oxford.
- Kubrin, C. E., & Weitzer, R. (2003). New directions in social disorganization theory. *Journal of Research in Crime and Delinquency*, *40*(4), 374–402. doi: 10.1177/0022427803256238
- Lawton, B. A., Taylor, R. B., & Luongo, A. J. (2005). Police officers on drug corners in Philadelphia, drug crime, and violent crime: Intended, diffusion, and displacement impacts. *Justice Quarterly*, *22*(4), 427–451. doi: 10.1080/07418820500364619
- Mazerolle, L. G., Kadleck, C., & Roehl, J. (1998). Controlling drug and disorder problems: The role of place managers. *Criminology*, *36*(2), 371–403. doi: 10.1111/j.1745-9125.1998.tb01252.x
- Mazerolle, L., & Ransley, G. (2005). *Third party policing*. New York, NY: Cambridge University Press.
- Mazerolle, L., & Roehl, J. (1998). Civil remedies and crime prevention: An introduction. In L. Mazerolle & J. Roehl (Eds.), *Civil remedies and crime prevention* (pp. 1–20). Monsey, NY: Criminal Justice Press.
- McDowall, D., McCleary, R., Meidinger, E., & Hay, R. (1980). *Interrupted time series analysis*. Beverly Hills, CA: Sage.
- Nagin, D. S., & Pogarsky, G. (2001). Integrating celerity, impulsivity, and extralegal sanction threats into a model of general deterrence: Theory and evidence. *Criminology*, *39*(4), 865–892. doi: 10.1111/j.1745-9125.2001.tb00943.x
- Pate, A. M., & Hamilton, E. E. (1992). Formal and informal deterrents to domestic violence: The Dade County spouse assault experiment. *American Sociological Review*, *57*(5), 691–697. doi: 10.2307/2095922
- Ramirez, J. R., & Crano, W. D. (2003). Deterrence and incapacitation: An interrupted time series analysis of California's three-strikes law. *Journal of Applied Social Psychology*, *33*(1), 110–144. doi: 10.1111/j.1559-1816.2003.tb02076.x
- Sampson, R. J., & Groves, W. B. (1989). Community structure and crime: Testing social-disorganization theory. *American Journal of Sociology*, *94*(4), 774–802. doi: 10.1086/229068
- Shadish, W. R., Cook, T. D., & Campbell, D. T. (2002). *Experimental and quasi-experimental designs for generalized causal inference*. New York, NY: Houghton Mifflin.
- Sherman, L. E. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of Research in Crime and Delinquency*, *30*(4), 445–473. doi: 10.1177/0022427893030004006
- Sherman, L. W., & Berk, R. A. (1984). The specific deterrent effects of arrest for domestic assault. *American Sociological Review*, *49*, 261–272. doi: 10.2307/2095575

State College Police Department. (n.d.). *State College Police Department Crime Data*. State College, PA: Author.

Tittle, C. R., & Rowe, A. R. (1974). Certainty of arrest and crime rates: A further test of the deterrence hypothesis. *Social Forces*, 52(4), 455–462. doi: 10.2307/2576988

University Budget Office. (n.d.). *Fall to Fall Enrollment Comparison 2009 and 2008*. University Park: The Pennsylvania State University. Retrieved from: <http://www.budget.psu.edu/FactBook/StudentDynamic/EnrollmentFallToFallComparison.aspx?SemesterCodes=200809FA200910FA>

Weisburd, D. (2008). Place-based policing. *Ideas in American Policing*, 9, 1–16.

Wilson, G. L., & Kelling, J. L. (1982). Broken windows: The police and neighborhood safety. *The Atlantic Monthly*, 29–38.

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