

# **SAFE STREETS!**



**CREATING A NEIGHBORHOOD FREE FROM NUISANCE  
A COMMUNITY ACTION GUIDE  
2015**

**SPOKANE C.O.P.S.**

This is a brief summary of a complex process and set of laws. This is given for information only and not a substitute for any individual's own investigation. It is encouraged that you seek your own legal advice.



| <b>SPOKANE C.O.P.S. SHOPS</b> |                          |  |                               |
|-------------------------------|--------------------------|--|-------------------------------|
| C.O.P.S.<br>EAST CENTRAL      | 625-3330<br>Fax-533-2586 | 2116 E. 1 <sup>st</sup> Ave.<br>99202  | NCO Dion Mason<br>625-3380    |
| C.O.P.S.<br>LOGAN             | 625-3333<br>Fax-482-3697 | 802 E. Sharp Ave.<br>99202             | NCO Wayne Downing<br>625-4103 |
| C.O.P.S.<br>NEVA-WOOD         | 625-3353<br>Fax-482-3853 | 4705 N. Addison St.<br>99207           | NCO Keith Cler<br>625-4267    |
| C.O.P.S.<br>NEWTECH           | 354-7447                 | 4141 N. Regal<br>99207                 | NCO Wayne Downing<br>625-4103 |
| C.O.P.S.<br>NORTH CENTRAL     | 625-3348<br>Fax-568-3104 | 630 W. Shannon Ave.<br>99205           | NCO Traci Ponto<br>625-3342   |
| C.O.P.S.<br>NORTHEAST         | 625-3343<br>Fax-482-3653 | 5208 N. Market St.<br>99217            | NCO Wayne Downing<br>625-4103 |
| C.O.P.S.<br>NORTHWEST         | 625-3336<br>Fax-625-3338 | 2215 W. Wellesley, #D<br>99205         | NCO Doug Strosahl<br>625-3384 |
| C.O.P.S.<br>SOUTHEAST         | 625-3326<br>Fax-534-0179 | 2809 E. 29 <sup>th</sup> Ave.<br>99223 | NCO Tim Ottmar<br>625-3383    |
| C.O.P.S.<br>WEST              | 625-3340<br>Fax-568-3107 | 1901 W. Boone Ave.<br>99201            | NCO Traci Ponto<br>625-3342   |
| GREATER SPOKANE<br>C.O.P.S.   | 755-2677<br>Fax-625-5526 | 169 N. Stevens<br>99201                | NCO Tim Ottmar<br>625-3383    |

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## TABLE OF CONTENTS

|  |    |
|--|----|
| Spokane C.O.P.S. Substations .....                               | 1  |
| Criminal and Civil Nuisances.....                                | 6  |
| Public Nuisances.....  | 6  |
| Activities and conditions.....                                   | 7  |
| Activities on property .....                                     | 7  |
| Conditions on property.....                                      | 7  |
| Emotional and mental distress.....                               | 8  |
| Whose responsibility is it to get rid of a Nuisance House? ..... | 9  |
| Start with your block.....                                       | 10 |
| Make contact with nearby institutions .....                      | 10 |
| Approach problems systematically .....                           | 10 |
| Assemble a core group .....                                      | 10 |
| Get outside help .....   | 11 |
| Focus on a specific, manageable problem .....                    | 11 |
| Analyze before you act.....                                      | 11 |
| Identify and recruit key partners .....                          | 11 |
| Come up with a plan of action .....                              | 11 |
| Attack the problem head on .....                                 | 11 |
| Celebrate your victories .....                                   | 11 |
| Go back and start over again.....                                | 11 |
| Break the circle of blame .....                                  | 11 |
| Neighborhood neglect, deterioration, crime and disorder .....    | 11 |
| What are Block Watch groups? .....                               | 12 |
| How do I start a Block Watch?.....                               | 12 |
| Call a meeting .....   | 12 |
| Contact your Neighborhood Resource Officer .....                 | 13 |
| Take down phone numbers .....                                    | 13 |
| Make a map .....   | 13 |
| Choose a Block Watch representative .....                        | 13 |
| How do I get my neighbors interested in a Block Watch? .....     | 14 |
| How do I know what to look for?.....                             | 14 |
| How can I report lawbreakers? .....                              | 15 |
| What else can my Block Watch do besides watching? .....          | 15 |
| Document everything .....  | 16 |
| Get information .....  | 16 |
| How do I keep my Block Watch alive and successful? .....         | 16 |
| Don't stop recruiting .....                                      | 16 |
| Don't leave anybody out .....                                    | 16 |
| Don't be too narrow.....   | 16 |
| Don't be too serious .....                                       | 17 |
| How do I raise the community feeling in my neighborhood?.....    | 17 |

|  |    |
|--|----|
| Protect your neighborhood .....  | 18 |
| How does my neighborhood appearance affect its<br>probability as a crime target? ..... | 18 |
| How can I make crime in my neighborhood harder to commit?.....                         | 18 |
| What can I do with a vacant lot? .....   | 18 |
| How can I bust an unsightly residence in my neighborhood?.....                         | 19 |
| Can I do anything about illegal dumping?.....  | 19 |
| Can I clean an unsightly residence myself? .....                                       | 19 |
| What can I do as a last resort about an unsightly residence?.....                      | 20 |
| What can I do about graffiti in my community? .....                                    | 20 |
| What does the law say about defacing property? .....                                   | 20 |
| Protecting your property .....   | 21 |
| How do I deter thieves from my car or home?.....                                       | 21 |
| How can I enhance the value of my home?.....   | 21 |
| Get to know your Nuisance House .....  | 21 |
| Identify the property owner .....  | 22 |
| How do I get rid of a Nuisance House? .....  | 23 |
| Organize your block.....   | 23 |
| Start a Block Watch. ....  | 23 |
| A block meeting is easy and fun .....  | 23 |
| Make a telephone/email tree .....  | 23 |
| Select and use a name for your neighborhood group .....                                | 23 |
| Define an action plan for the next few<br>weeks or months and delegate tasks. ....     | 24 |
| It is your job to wisely use resources. ....   | 24 |
| Document everything .....  | 24 |
| When to call 9-1-1 .....   | 24 |
| How to make a 9-1-1 report.....  | 25 |
| Goodbye Nuisance House! .....  | 26 |
| Occupied by tenants .....  | 26 |
| Occupied by owner .....  | 27 |
| Property owner takes appropriate action .....  | 28 |
| Property owner does not take appropriate action.....                                   | 29 |
| Small Claims mediation .....   | 29 |
| Small Claims Court .....   | 31 |
| Starting a Small Claims Court lawsuit.....   | 31 |
| Getting ready for court .....  | 34 |
| The court hearing .....  | 36 |
| Appeal hearing in Superior Court.....  | 38 |
| Filing fee and costs.....  | 38 |
| Collecting your judgment .....   | 39 |
| APPENDIX.....  | 40 |

## **DEAR SPOKANE NEIGHBOR,**

First came the crack cocaine buyer, then the prostitutes. My daughter was harassed, my son robbed at gunpoint. Shouting, screaming, gunshots and cars screeching tires could be heard at all hours of the day and night. We were afraid to walk on the street where we lived. On our street corner, an open drug market flourished under the eyes of the neighborhood residents. We were outraged and indignant at the moral and physical human decay we were forced to witness.

Overnight my once quiet neighborhood was being destroyed by the drug culture. Held hostage in my own home by criminal nuisances, I watched as fear and desperation ripped my family apart. My neighborhood was taken over by drug dealers, criminals and hoodlums who operated from an apartment building down the block. When countless calls to the police, City Hall and the landlord failed to halt the drug dealing, several neighbors decided to take a novel approach and looked at the drug house in a new light ... as a business that was causing a public nuisance!

After a two-year struggle, eighteen neighbors collectively sued the property owner in Small Claims Court for allowing a public nuisance to emanate from his property. They were each awarded \$2000.00 in damages. Within weeks, the nuisance house was closed down and the neighborhood was on the mend."

What started out as an act of desperation evolved into a community mobilization tool that empowered neighbors throughout California to rid their neighborhoods of drug houses and prevent them from coming back - Safe Streets!

Safe Streets! in Spokane motivates individuals to participate at the most fundamental level of the democratic process to create a community that reflects the standards and moral of the residents. It also teaches the community how to maintain those standards.

Safe Streets! will show you how to recognize nuisance house danger signs, organize your block, form a team with police and possibly city officials, document a public nuisance, research property ownership, deal with the cooperative and uncooperative property owners.

In the face of growing crime and violence in our neighborhoods, we must unleash our talents, resources and moral courage at the grass root level to take back our streets.

Safe Streets! empowers citizens to create a nuisance free neighborhood that is a safe, clean, and healthy environment for individuals and families. Through this process, people rediscover a lost treasure far more valuable than any gem ... their community.

Good Luck in Your Neighborhood Endeavors!

Safe Streets! extends heartfelt thanks to all who make our neighborhoods safe, clean, and healthy environments. The purpose of Safe Streets! is to introduce neighborhood organizations choices in dealing with nuisance houses in their neighborhoods. Nuisance houses are typically involved in numerous criminal and civil nuisance activities and conditions that seriously impair the quality of life in their neighborhood.

Neighborhood groups must manage themselves by appointing a group leader. The group may then use the Safe Streets! booklet to guide them through the process. Spokane C.O.P.S. and Spokane County S.C.O.P.E. provide published educational materials.

"He is happiest, be he king or peasant, who finds peace in his home."

- GOETHE

"The only thing necessary for the triumph of evil is that good men and women do nothing."

- EDMUND BURKE

"It takes a village to raise a child."

- AFRICAN PROVERB

#### **PLEASE NOTE:**

**Since these laws are complicated, subject to change, and continually being interpreted by the courts, please contact an attorney when dealing with specific nuisance questions.**

FOR MORE INFORMATION, CONTACT SAFE STREETS!  
AT SPOKANE C.O.P.S. 625-3300 OR S.C.O.P.E. 477-3376

SAFE STREETS! Manual revised January 2012 by Michael St Victor and Maurece Vulcano.  
SPOKANE C.O.P.S.



## **CRIMINAL AND CIVIL NUISANCES**

### **Public Nuisances**

Public nuisances commonly operate from a piece of property that contains a structure such as a house, apartment, motel or liquor store or the property may be a vacant lot. Individuals, partnerships, groups or government entities own each piece of property. In the City and County of Spokane, state property law, city ordinances and county codes regulate the use of this property.

State law defines public nuisances as "Every act unlawfully done and every omission to perform a duty, which act or omission 1) Shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons; or 2) Shall offend public decency; or 3) Shall unlawfully interfere with, befoul, obstruct, or tend to obstruct, or render dangerous for passage ... a public park, square, street, alley, highway...; or 4) Shall in any way render a considerable number of persons insecure in life or the use of property ...".

Spokane City ordinances state that "No person may do an act, omit to act, engage in a course of activity, or create or maintain a condition which unreasonably 1) interferes with the comfort, solitude, health, or safety of others; or 2) offends common decency; or 3) offends common sensibilities and senses by way of extreme noise, light, or odor; or 4) obstructs or renders hazardous for public passage any public way or place ... "

Allowing a nuisance house to operate from a piece of property is breaking state property laws; therefore, a nuisance house can be regulated by good management practices. In addition, a drug house nuisance can be abated whether it is a public or private nuisance. Besides being illegal, drug houses are nuisances by introducing crime, fear, violence, noise, litter and health risks to a neighborhood, thereby destroying the peace, harmony and general quality of life in that neighborhood.

State law states that "Every building or unit within a building used for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance..., legend drug..., or imitation controlled substance ..., and every building or unit within a building wherein such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance."

Spokane City Ordinances state "No person, whether as owner or agent, employee or servant, may maintain or conduct a disorderly house, a bawdy house, a house of ill-fame, or any place for the practice of prostitution, or for any lewd, obscene, or indecent purpose. Upon the trial of any person charged with a violation of this section in municipal court, evidence of the general reputation of the place shall be admissible for the purpose of providing the existence of such place."

## ACTIVITIES AND CONDITIONS

When a piece of property fits the definition of a public nuisance you usually have several of the following:

### Activities on Property

- ✱ loud, excessive, unnecessary noise (music/voices/fireworks/vehicles)
- ✱ violence (fighting/obscenities/gunplay)
- ✱ excessive foot and vehicular traffic to and from premises (stop/enter/street contact/leave)
- ✱ open exchange of drugs/money/valuables
- ✱ open use of drugs
- ✱ loitering on and around premises
- ✱ open sexual activity
- ✱ threats or intimidation associated with the illegal use of the premises
- ✱ vandalism to own premises or adjacent property
- ✱ graffiti on own premises or adjacent property
- ✱ organized criminal activity
- ✱ suspected gang activity
- ✱ animals (bites/at large/unlicensed/inherently dangerous)
- ✱ in-home business
- ✱ other activity (describe)

### Conditions on Property

- ✱ garbage, litter or solid waste on premises, adjacent to premises or in street
- ✱ raw sewage
- ✱ chemicals, flammable, other dangerous materials
- ✱ rodents or other predatory animals
- ✱ overgrown grass, brush or noxious weeds
- ✱ drug paraphernalia
- ✱ temporary or unsafe structures
- ✱ numerous unlicensed, junk or illegally parked vehicles





## EMOTIONAL AND MENTAL DISTRESS

The day-in and day-out craziness a nuisance house creates in your life damages you in many ways. In legal terms, damages caused by a public nuisance are called "Emotional and Mental Distress."

Emotional and mental distress involves "mental distress, mental anguish, and mental suffering. It includes all highly unpleasant mental reactions such as fright, horror, grief, shame, humiliation, embarrassment, anger, disappointment and worry." If you live near a nuisance house, emotional and mental distress may be a way of life.

To rid your neighborhood of a nuisance house, you may look at it in a new light ... as an illegal operation from a piece of property that is causing a public nuisance and causing emotional and mental distress. It is the property owner's responsibility to rid the property of the offending nuisance and to restore peace and harmony to the neighborhood.

Examples of damages may include several of the following:

- |  |                      |
|--|----------------------|
| ✱ loss of quiet enjoyment                            | ✱ loss of sleep      |
| ✱ cannot freely go outside                           | ✱ emotional distress |
| ✱ watched constantly                                 | ✱ afraid/fearful     |
| ✱ constant noise                                     | ✱ frustrated         |
| ✱ unsightly litter, weeds or deteriorated conditions | ✱ angry              |
|  | ✱ nervous            |

### Injury to Person or Property Caused by Nuisance

- ✱ fence damaged by neighbor's activity
- ✱ medical treatment for physical or emotional distress

## **WHOSE RESPONSIBILITY IS IT TO GET RID OF A NUISANCE HOUSE?**

One person or agency in our community cannot win the war on criminal and civil nuisance houses. It is usually won by a combined effort by all of us ... a team effort! A Safe Streets! team is a coordinated effort by members of the community to ensure that all available resources are utilized within an organized system. Your team may be key to achieving success in your campaign to eliminate nuisances in your neighborhood.

Members of your Safe Streets! team could include:

- ✿ Neighbors impacted by the specific nuisance house.
- ✿ The owner of the nuisance house.
- ✿ Other professional facilitators for and in your neighborhood.

Once your team is organized, you may want to be selective in adding new neighbors. It is time consuming to bring other neighbors up to speed. Your first meeting should be focused on defining the problem. What are each of you experiencing? Is it nuisance or harassment? What kind of nuisance? Once you have defined the nuisance, you may want to invite your resource agencies, i.e. Community Corrections Officers (CCO), Neighborhood Resource Officer (NRO), child protective service social workers, Code Enforcement Officer, etc., to your next meeting. Remember that the bottom line is stopping the nuisance activity, which may include closing down the nuisance house.

This step-by-step approach teaches people how to channel their strengths into an effective action plan, reclaiming their neighborhood in a safe, fast, effective, and economical way.

Unfortunately, there are not enough law enforcement and city or county resources to pursue every drug dealer, gang member, blighted and abandoned property owner, unsupervised disruptive juvenile and violent family in every neighborhood.

However, neighbors can address these problems by getting the properties declared "Public Nuisances" and, if necessary, taking the owners to Small Claims Court. Safe Streets! is established to provide neighborhood groups with community problem-solving tools for making their neighborhoods clean, safe, and healthy.

Through Safe Streets!, citizens become empowered to create a safe, serene, and cohesive environment for individuals and families. And through the process of taking direct action, people rediscover a lost treasure – their community.

There's only one practical way for you and your neighbors to confront your common problems – together. This is the sort of thing that is best begun in small groups, among people who already know each other, at least a little; people who, whether they like it or not, share the same streets, the same schools, the same worries – the same boat.

**Start with your block.** Nobody's ever going to care about it the way you do!

Block Watch groups are a handy size to start with. Remember that nobody cares about your block and its problems the way you and your neighbors do. That's why it makes sense to use any mechanism that brings you together, even on an irregular basis, as a chance to address those problems.

If your block isn't already organized, contact your local C.O.P.S. Substation to get a Block Watch group going. See inside front cover for substation locations. But remember that the goal isn't just to solve particular problems. It's also to show, in a broad sense, what concerted action can do. It's to provide opportunities for further planning and organizing. Ultimately, it's to strengthen your shared commitment to the place where you live.

**Make contact with nearby institutions.** They have a stake in the neighborhood too. If your "neighbors" happen to include businesses, schools, hospital, churches, synagogues, and other institutions, as well as people, don't overlook the fact that they have a vested interest in your neighborhood, too. If you have a crime problem, they have a crime problem. If signs of local disorder and deterioration are troubling you, they are no doubt troubled, too – and perhaps wondering about their long-term investment in the area.

Find ways to bring them into the discussion. At least let them know that you are organizing. If you're collecting numbers for a Block Watch telephone tree, try to get their security staff to participate. Some local neighborhood organizers have gotten even more substantial help from their institutional neighbors. You may even be able to get free legal advice from community leaders who have common interests.

**Approach problems systematically.** Every neighborhood's problems are different, but most successful problem-solving strategies share a few common elements.

You and your neighbors have decided to start taking action to solve them. You've consulted with community organizations that can help you. Now what?

This guide will give you an inventory of practical techniques for dealing with lots of particular kinds of local problems. The approach you take will vary from problem to problem. Still, it's possible to generalize about successful problem-solving techniques. If you want to be effective, you're going to have to take something like the following combination of steps:

**Assemble a core group.** These are the people who care as much as you do, whose commitment you can count on. They're not just willing to work; they're willing to take responsibility.

**Get outside help.** Your area Spokane C.O.P.S. substation can often provide a facilitator to help clarify problems and focus on solutions. This kind of help can be invaluable when the going gets tough. Every neighborhood group gets to a point when they just want to give up. Your C.O.P.S. substation can guide the neighborhood through those tough times by providing encouragement and professional resources.

**Focus on a specific, manageable problem.** Start by isolating something concrete, something that's a pain to live with, even if it's not the worst problem your neighborhood has. It should be something you are confident you can do something about. You want to start with a win.

**Analyze before you act.** Don't rush to conclusions. Take your actions to a logical conclusion so that you can identify the steps along the way.

**Identify and recruit key partners.** Whose help do you need? Why should they help you? What – exactly – do you want them to do? Again, C.O.P.S. volunteers can help by suggesting other community or professional resources. See pages 47-48 for suggested enforcement agencies.

**Come up with a plan of action** and (generally) stick to it. Break everything down into specific tasks, divide up responsibilities, and set timetables. Then, be flexible.

**Attack the problem head on.** If you feel comfortable, ask the offending person(s) to fix, or help fix, the problem. Sometimes people do not know that their activities or the appearance of their property is offensive to others. Unless the person or persons are of a violent nature, you may just want to ask if they will remedy the problem. You may even offer to help.

**Celebrate your victories.** Otherwise, progress will go unnoticed, enthusiasm will fade, and neighborhood members will lose heart and drift away. When you've accomplished something, have some kind of a party, even if it's only twenty minutes with cake and ice cream. For big victories, have big parties.

**Go back and start over again.** Remember that the aftermath of one victory is the best time to start planning the next one. Think big. Talk big. But make sure you keep your core group together, take on problems one at a time, and otherwise repeat the process that got you here.

**Break the circle of blame.** Responsibility for your neighborhood's problems tend to travel in circles forever – until you step up and claim it as your own.

**Neighborhood neglect, deterioration, crime, and disorder.** There's never any trouble figuring out who's to blame for it – politicians, courts, agencies, and landlords. If you can't find somebody to point the finger at, you're not using your imagination. Of course, they in turn point at each other or point back at you. The blame shifts from one to another, around until it's a kind of circular blur.

This action guide is for people who are tired of what we call the “Circle of Blame” and want to break it up. The good news is that anyone can do it. Step up and assume whatever responsibility you can handle. Show that you’re less interested in how your neighborhood got to this point than in where it’s going from here. That’s how you disarm suspicion and overcome barriers to action. That’s how you get people focused on problems, rather than their own indignation.

Consider taking the problem to small claims court; for a \$39 filing fee, each person can sue for \$5,000. As you can imagine, a dozen or so households can get the attention of almost anyone.

### **What are Block Watch groups?**

Whatever the stated purposes and however they’re organized, Block Watch groups tend to assemble groups that are big enough to take useful action, but not so big as to lose focus. Their structures are pretty informal and flexible. Generally, they consist of many, if not all, of the neighbors on a particular block. The Block Watch can be bigger or smaller, but it is convenient to have them sized so that neighbors are in sight of each other.

You should talk about things like a neglected vacant lot or a local traffic problem at your Block Watch meetings. Remember that nobody cares about your block and its problems the way you and your neighbors do. That’s why it makes sense to use any mechanism that brings you together as a chance to address those problems. Block parties or neighborhood garage sales are good examples.

### **How do I start a Block Watch?**

If your block isn’t already organized to take collective action, there are lots of ways to remedy that. The Block Watch group is the simplest way to get started. You don’t even have to live on a “block.” Any group of residents living in the same general living area – a set of apartment houses, a public housing development, a cluster of streets around a small park – can cooperate to form a Block Watch. (Some communities even have a “Business Watch” program for area merchants.) Chances are there are Block Watch groups scattered throughout your part of town, making up a loose Block Watch “network,” but one that falls far short of covering the whole area. All you have to do is organize your immediate neighbors, then get plugged into the network.

**Call a meeting.** Handing out flyers door-to-door and, if possible, following up with phone calls is the most efficient way to get a crowd for an initial organizing meeting. But bear in mind, if the crime problem is bad enough in your area, you should take sensible precautions from the very beginning. Get some advice from your nearest C.O.P.S. substation or local Neighborhood Resource Officer. They may advise you to hold your first meeting away from the neighborhood. See sample Neighborhood Meeting Flier on page 47.

**Contact your Neighborhood Resource Officer.** This is the Spokane Police Department's Officer whose responsibility is to work with your area C.O.P.S. substation and your neighborhood. The NRO will attend your Safe Streets! meeting when it is important for organizing communication and briefing your group on law enforcement progress.

**Take down phone numbers.** At your first meeting, you'll collect the names, addresses, and telephone numbers of everyone who's willing to participate (some may be initially wary of providing phone numbers, so be sensitive to their fears). At a minimum, participation means agreeing to keep your eyes open, to report crime to the police, and to alert your neighbors to suspicious activities in the area through a "telephone tree." See page 44 for form.

**Make a map.** Make a map of all the potential Block Watch members. Include street names, addresses for each lot and the last name of the resident for each lot. This will be a requirement to be an "official" Block Watch and it will be a handy reference for the members of the group. It will be especially helpful for the Block Watch Representative or leader.

**Choose a Block Watch representative.** The Representative agrees to coordinate this telephone tree information and pass it on to the area C.O.P.S. substation, to chair regular block meetings that promote neighborliness, canvass for complaints and suggestions, and keep the group focused on safety. The Rep maintains supplies such as brochures and distributes periodic Block Watch newsletters or substation letters. They are an important contact point for law enforcement and to pass along crime trends to other Block Watch members. He or she may also join with other Reps in the area for periodic information-sharing meetings. Each Block Watch Representative must complete an application and all members of the household 18 and over must pass a criminal background check. See page 45 for a Block Watch application form.

Remember that the goal isn't just to solve particular problems. It's also to show, in a broad sense, what concerted action can do. It's to provide opportunities for further planning and organizing. Ultimately, it's to strengthen your shared commitment to the place where you live and protect it from other problems even getting started.



To start a Block Watch, visit or call your local C.O.P.S. Substation. See substation location map on inside front cover. For more information and resources, go to:

**[www.spokanecops.org](http://www.spokanecops.org)**

## **How do I get my neighbors interested in a Block Watch?**

Sometimes just getting a Block Watch group started can be difficult, and not because residents aren't concerned about local crime. On the contrary, it may be they're frightened and intimidated by it, because they lack confidence in their ability to do anything about it. They don't want to antagonize anybody, or draw attention to themselves, or they have already experienced some form of retaliation.

Focus on any problem in order to establish some mutual trust and self-confidence first. There is a sense of safety in numbers. Target a problem that's less conflict-ridden and frightening. Then, when you've begun to feel strong, start using your strength.

## **How do I know what to look for?**

Know what to watch for. Look out for the obvious and the not-so-obvious.

There are some obvious things Block Watch members should look out for and report, no matter when they occur. Below are some examples of when to call 9-1-1:

- ✿ someone you don't know entering your neighbor's house
- ✿ screams
- ✿ breaking glass
- ✿ strangers poking around parked cars or peering inside them
- ✿ people going into or out of a business after hours
- ✿ anyone tampering with an entrance
- ✿ anyone running or being chased
- ✿ anyone being forced into a car
- ✿ someone walking or riding up and down your street or alley that you haven't seen before

Look for anything that seems out of place, unusual or suspicious.

These are also 9-1-1 call scenarios:

- ✿ a door-to-door salesman who makes you uneasy
- ✿ an open window or the beam of a flashlight in a closed business or empty house
- ✿ someone cutting through a backyard
- ✿ a car traveling with its lights out at night, or following an aimless or repetitive course around the neighborhood
- ✿ someone sitting in a parked car, alone or accompanied
- ✿ excessive traffic around a particular house

Whatever you're reporting, be sure to make note of – or better yet, write down – as many details as you can, so your information can be of real use to law enforcement. See page 49-50 for a sample Activity Log and Description of Suspects and Automobiles. Report any crime in progress, any suspicious situations or medical emergencies to 9-1-1. To make a police report, call Crime Check at 456-2233.

## **How can I report lawbreakers?**

Make noise...quietly. There are lots of ways to report crime safely and anonymously.

Even without leaving the house, or having to give your name, there are ways you can contribute to neighborhood safety. If you have information about illegal activity or the whereabouts of a fugitive, you can report it anonymously, any time of the day or night, by contacting 9-1-1 or Crime Check. There are several "hotlines" for specific reporting issues:

- \* Traffic Hotline..... 625-4150
- \* Abandoned Auto Hotline..... 625-4246
- \* Domestic Violence Hotline ... 326-2255
- \* Gang Unit direct line ..... 625-4264
- \* Drug Unit ..... 363-8210

There are some great concerns for reporting anonymously. If law enforcement has additional questions, they won't be able to contact for questions or follow-up. Without any way to contact you from a voicemail message, there is no way you can be sure you left the information with the right person. All of the hotlines that are voicemails do not go out over police radio, so you shouldn't worry about your name and location being broadcast. If you state right at the beginning of your conversation or message that you wish to remain anonymous, systems will do so, even when you call 9-1-1. If they cannot maintain your anonymity, they will let you know. Some reporting, such as Code Enforcement and graffiti, require a name in order to validate the complaint; however, there is the option that you may request to remain anonymous.

During your Safe Streets! communication process, your letters never need to contact individuals' names or signatures. You only identify yourselves by a group name. Up until the time you file in Small Claims Court, you may remain anonymous, but your name and address will be on the filing form after you file.

## **What else can my Block Watch do besides watching?**

Your Block Watch is a standing committee of good, committed neighborhood people. With a simple structure, an excuse for meeting regularly, and nobody to tell you what to do. Which is to say, it's an open-ended opportunity. If you do nothing more than stay in touch with one another and funnel information to law enforcement, you'll be doing something important and making a difference to the neighborhood. But there's no reason why you should stop there. You should also share with each other things you see and are reporting. Give each other the "heads-up" about what's going on in your neighborhood.



**Document everything.** Once you have organized your block and identified the nuisance house location, you need to keep a record of everything you see, hear or do. This means writing down all nuisance activities and conditions that occur in or around the nuisance house and what you did in response. Photos are a must and are absolutely the best documentation. If you go to court, these will be the best evidence you can have. Videotapes and message machine recordings are also very good. You may videotape anyone in the open spaces of their yard, but you cannot peer into their vehicles or house at any time. Remember to keep a copy of all activity logs, letters and any other paperwork of your files. See page 49 for a blank "Activity Log".

**Get information.** Lots of Block Watch groups fade away for lack of information. There's no excuse for that. Attend your local C.O.P.S. substation meetings or, better yet, become a C.O.P.S. volunteer. You gain knowledge about crime-control measures being introduced locally, listen to guest speakers on public safety issues, have questions and complaints about crime-control issues answered. You can also get specific information about recent crime in your area – where it's occurring. You can also participate in Neighborhood Observation Patrol as a C.O.P.S. volunteer, where you have the opportunity to patrol the streets and report incidents to your Neighborhood Resource Officer.

One good resource for finding out what other groups are doing is an area C.O.P.S. substation newsletter. You should also visit the Crime Map for current crime reporting information at [www.spokanegis.org/crimemap](http://www.spokanegis.org/crimemap).

### **How do I keep my Block Watch alive and successful?**

Once you've got a group started, how do you keep it going? Many Block Watch groups fizzle out after the initial organizing effort. If you don't want that to happen, here are a few common tips:

**Don't stop recruiting.** One key to keeping your Block Watch group going is to involve everybody you possibly can, both to broaden the base of support and to share the work of the group. If you have churches, synagogues, schools, businesses, or other institutional "neighbors" close by, try to get them involved, too. Bring in new families, the elderly, and everybody else who's willing.

**Don't leave anybody out.** Even the housebound can help. You can establish a "buddy system" of telephone contact with people who don't get out much. They in turn, as "window watchers" hooked into your telephone network, can be of great help in looking out for kids, keeping an eye on strangers, and passing along information.

**Don't be too narrow.** Your overall goal is a safer, tighter, stronger neighborhood. Don't get too narrowly focused on the negative. Good Block Watch groups circulate newsletters, organize clean-ups, sponsor holiday decoration competitions – whatever brings you and your neighbors closer will ultimately make you stronger.

**Don't be too serious.** Occasional parties, particularly when they celebrate group successes, are a good way to foster healthy ties between neighbors. In fact, one study of New York Neighborhood Watch groups found that the most successful ones tended to balance business and pleasure all the time, so that members looked forward to their meetings as occasions for socializing, as well as routine work.

### **How do I raise the community feeling in my Neighborhood?**

Make a "National Night Out Against Crime" of it!

Every year on the first Tuesday in August, residents in neighborhoods throughout Spokane are encouraged to spend the evening outside with neighbors, police, and other community service providers. Many Spokane neighbors will be hosting a variety of special events, including: block parties, backyard cookouts, ice cream socials, city council members, police and other official visits.

Hosting a National Night Out event is easy and rewarding; especially if you have an active C.O.P.S. Block Watch. Otherwise, it's an opportunity to start one. Crime Free Multi-Housing communities can count NNO participation as an Apartment Watch meeting. Spokane C.O.P.S. invites citizens to join forces and "Give Neighborhood Crime and Drugs A Going Away Party."

To register for a National Night Out party, call C.O.P.S. at 835-4572 or contact your local C.O.P.S. substation. Please be prepared to leave your name, address, zip code and phone number, along with what kind of event (potluck, ice cream social, barbeque, etc.), and the number of people (adults and children) you expect. Are you interested in having visitors drop by? Please let us know if you'd like visits from C.O.P.S. volunteers, McGruff, law enforcement, city official, fire department, or other guest at your party.

The National Night Out advantage:

- ✱ Heighten Crime & Drug Prevention Education
- ✱ Generate Awareness & Participation in Local Anti-Crime Resources
- ✱ Strengthen Neighborhood Spirit and Community Policing Partnerships
- ✱ Send A Message To Criminal Elements – Watch out, neighborhoods are organized & have the resources to fight back!

National Night Out is an extraordinary way to build neighborhood unity and strengthen community-policing partnerships.

## **PROTECT YOUR NEIGHBORHOOD**

### **How does my neighborhood appearance affect its probability as a crime target?**

Your neighborhood's appearance matters more than you think.

A defaced wall, a weed-choked lot, and trash in a back alley – if your immediate neighborhood bears visible signs of deterioration and neglect, you've got a problem. But is it a serious problem? Does it really call for a determined, collective response? If you and your neighbors are going to get organized, make phone calls, ring doorbells, have meetings. Shouldn't it be about something more important than tidying up? Maybe not.

In recent years, criminologists have come to believe that signs of neighborhood neglect are like markers designating outlaw territory. Everyone senses them. Predators come forward, emboldened. Decent people draw back, intimidated. Kids get the wrong message. Activists lose heart. When things look bad, in other words, they tend to get worse.

That means when you work with your neighbors to clean up the area around you and enforce minimum standards of upkeep, you're not just sprucing up the place where you live, you're demonstrating and proving to one another, as well as to outsiders, that yours is not a "bad" neighborhood. You care about it. You face up to its problems. You stick together and you're no pushovers.

Contact Code Enforcement at 625-6083 for information on required conditions and city ordinances. See page 72 for Code Enforcement Officer Assigned Areas map.)

### **How can I make crime in my neighborhood harder to commit?**

Harden the Target – Make policing easier by making crime harder.

"Hardening the target" is a phrase coined by a prominent criminologist, for measures taken by ordinary citizens that make a criminal's job harder – changes in habits and routines, investments in personal and home security, and so on. Visit your area C.O.P.S. substation for ideas and information about securing your property.

### **What can I do with a vacant lot?**

- ✿ Bust It: The law requires that property owners keep their lots clear, clean and safe.
- ✿ Clear It: Is there anything preventing you from cleaning up that lot yourself?
- ✿ Fence It: Some cities assist residents in clearing and fencing city-owned lots.
- ✿ Buy It: It may be cheaper than you think.
- ✿ Farm It: Urban gardens can help you turn an eyesore into food, flowers, and fun.

## **How can I bust an unsightly residence in my neighborhood?**

The law requires that property owners keep their lots clear, clean and safe.

In Washington State, private owners of vacant lots have to comply with the Health and Nuisance Codes, just like private owners of buildings. Among other things, vacant land has to be kept free of rubbish. The rules are enforced by code enforcement officials, either at the city or county level. If a lot is unsafe or unsightly (i.e., if it tends to degrade the area around it or poses a health hazard to nearby residents), the Code Enforcer finds out who the owner is and requires him or her to bring it up to code within a specified time or face fines.

Contact the owner. If a friendly phone call does not bring actions, write a letter demanding action. The appendix contains two sample letters to property owners.

If the lot turns out to be city or county owned, as some are, typically because of tax-delinquency forfeitures, its upkeep is the responsibility of that entity. See Sample Letter to a Governmental Official on page 54.

Whether it's private or public, be aware that a littered and neglected vacant lot is a magnet for illegal dumping. So don't put off doing something about it.

You may choose to file a Small Claims Court Claim. See Small Claims Court Process starting on page 31.

## **Can I do anything about illegal dumping?**

Illegal dumping can be a big problem in some communities. Vacant property, particularly when it isn't being properly cared for, tends to attract trash from elsewhere, courtesy of unscrupulous haulers, contractors, and others who want to save themselves the trouble and dumping fees by imposing on you and your neighbors.

Don't allow dumping. It is a serious crime punishable by stiff fines. Report violations to the appropriate authorities and, if possible, give them a description of the dumpers, the license number, make, color and model of any vehicle involved, and some idea of the material that was dumped. See pages 55-61 for Nuisance Information about civil and criminal laws. These apply to dumping as well as other types of nuisance.

## **Can I clean an unsightly residence myself?**

Is there anything preventing you from cleaning up that lot yourself?

If you and your neighbors are concerned about the safety of appearance of a vacant lot in your area, don't overlook the possibility of simply cleaning it up yourself. It is always a good idea to get owner permission. In instances where cleanup will only take a short amount of time and only a few garbage bags, permission may not be necessary.

## **What can I do as a last resort about an unsightly residence?**

Buy It. It may be cheaper than you think. If the private owner hasn't been paying the taxes on the property, and long-term neglect and unpaid taxes do generally go hand-in-hand, you can see if the city/county has seized the property and made it available for purchase at a sale. If the owner has been cited and fined for code violations, the unpaid housing court fines can also result in a lien on the property in favor of the city or county. In addition, the Spokane County Assessor at 477-3698 or any title company can help you determine legal ownership of the property in question.

## **What can I do about graffiti in my community?**

Call Crime Check at 456-2233 to report incidents of graffiti.

## **What Does The Law Say About Defacing Property?**

In the State of Washington, defacements such as graffiti or vandalism, are covered by malicious mischief laws, as outlined on page 56-61. Our city ordinance reflects expectations of removal the responsibility of the victim.

### **Regulation of Activities Division I: Penal Code**

Chapter 10.10 Offenses against peace and order

Listing 10.10.070 Graffiti prohibited

- A. No person shall commit the offense of graffiti vandalism.
- B. A person is guilty of the offense of graffiti vandalism if the person intentionally defaces public or private property, including any property of the City, by etching, painting, spray painting, covering, gouging, drawing upon or otherwise placing of a mark upon public or private property without authorization of the owner.

#### Listing 10.10.080 Graffiti Defined.

- A. "Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the applicable City department director or designee determines is necessary in the interest of the general health, safety, and welfare of the community.
- B. "Graffiti" shall mean the unauthorized writing, painting, drawing, inscription, figure, or mark of any type that has been placed upon any property through the use of paint, ink, chalk, dye, markers, objects, adhesive material, or any other substance capable of marking property.
- C. "Graffiti tools" shall mean any tool, instrument, article, substance, solution, or other compound designed or commonly used to etch, paint, cover, draw upon, gouge, or otherwise place a mark upon a piece of property, including paint contained in pressurized containers (spray paint), broad-tipped markers, etching compound, or other spray devices or mechanisms used to propel liquid which contains ink, paint, dye, or other similar substances which can be expelled under pressure, either through the use of aerosol devices, pumps, or similar propulsion devices, and is capable of marking property.

## **PROTECTING YOUR PROPERTY**

### **How do I deter thieves from my car or home?**

#### **Engrave your valuables.**



Operation Identification works on some basic principles: All residents should have an engraving pen and some Operation Identification window decals, which are available from your area C.O.P.S. substation. Use the engraving pen to etch your driver's license number on bicycles, cameras, power tools, TVs, and whatever else you own that a thief might want, making all of it harder to fence and easier to recover if found by law enforcement. Stickers in the window are a signal to burglars that your property is marked for identification. The thief would have to take time to look for your mark and cover it up before selling it to a pawn or second hand shop, or selling it at a yard sale.

Using your driver's license number allows officials to check with the Department of Licensing to locate and notify you that your property has been located.

Jewelry and other antiques should be photographed and stored in a safe-deposit box or other secure area. It is also a good idea to include an inventory list of your valuables to keep with your photographs.

### **How can I enhance the value of my home?**

If you care about your neighborhood at all, it probably has a lot to do with the way your house looks from the street. Maintaining your home is of paramount importance in enhancing the value of your home and that of your neighborhood. Having a peaceful neighborhood, free of nuisance, will always be a factor in where other people choose to establish.

#### **Get to know your Nuisance House.**

If you suspect the nuisance house is a drug house, do not confront the drug dealer or customers. That is a job for the property owner/manager and law enforcement agencies. By observing the drug house, you will know who the regular customers are, what they drive, what routes they take, what they do, and the hours of operation. Make identification cards with code names for the customers to easily describe them to law enforcement. See Activity Log on pages 49.

## IDENTIFY THE PROPERTY OWNER

Call the County Assessor's Office at 477-3698 or a title company to identify the property owner. Ask for owner/taxpayer information at the street address of the nuisance house. You will be provided the name and address of the taxpayer, whom is usually the owner of the house, so ask additional questions to verify ownership.



If the property owner is an individual or a married couple, you now have the information necessary to contact them and resolve the problem. If the property owner is a corporation or partnership, you must complete a few more steps to determine who owns the business.

The State of Washington requires that all people doing business under a name other than their own must:

- ✿ File a Fictitious Business Name Statement with the County Clerk in the county in which the business operates; or
- ✿ File a Partnership Statement with the County Clerk; or
- ✿ File an Article of Incorporation or a Certificate of Partnership with the Secretary of State's Office in Olympia.

Another way to figure out who owns a business is to contact the Department of Revenue or local business tax and license offices in the city, county or state where the business is located. Remember, this is public information and you are entitled to receive it. Please remember to be polite as you work to get this information.

Certain types of owners pose special problems. These owners include those who live out of state, business owners, and deceased owners. You may need to contact an attorney to proceed with these types of owners. The law reads that "anyone maintaining a nuisance" may be held liable. If the property owner/manager is outside of our courts' jurisdiction and there is a local manager or management company involved, you may list them as the defendant in your suit.

## HOW DO I GET RID OF A NUISANCE HOUSE?

### Organize Your Block

**Start a Block Watch.** Block-by-block community mobilization is the most powerful weapon in reclaiming our neighborhoods from nuisances, drugs and crime. A neighborhood group is the fastest, safest and most effective way to rid your neighborhood of a nuisance house and prevent it from coming back. Why? Because numbers give you power, and power gives you results. Numbers also give you a lot of extra eyes and ears. Call your area C.O.P.S. substation or S.C.O.P.E. office to start a Block Watch if you do not have one.



**A block meeting is easy and fun.** Pick a place and time to meet. This could be a home, business office, library or church. Invite your neighbors and, if needed, your local law enforcement officers. Prepare a simple flyer that includes the date, time, place and agenda of your meeting. Deliver flyers to your neighbors and mail them to your invited guests. See page 41 for a sample Neighborhood Meeting Flyer and page 42 for a sample Neighborhood Meeting Agenda. To have a productive block meeting, start on time and stick to the agenda. Talk about the problem and determine what actions the group would like to take. Remember the bottom line is preventing nuisance conditions and activities from existing in your neighborhood.

**Make a telephone/email tree.** Compile a list of Safe Streets! team members' names, addresses, phone numbers and emails. Include other important phone numbers. Make a telephone tree and email group of the members of your neighborhood and use it! Identify a neighborhood leader to sign up in the first box. Write down this person's name, address and phone number in the first telephone tree box. Have other neighbors sign up in the remaining boxes. This is the most valuable weapon you have! See page 44 for a blank Telephone Tree. When the nuisance house is active, contact the neighborhood leader who will then contact the persons named in the boxes directly below. These neighbors will then contact the persons directly below, etc. Neighbors who witness the nuisance activities and conditions should document their observations and contact all appropriate enforcement agencies; e.g. call Crime Check to report drug activity or City Code Enforcement or County Building and Planning to report code and zoning violations. See pages 47-48 for Enforcement And Resource Agencies.

Every member of the neighborhood group must be active to avoid burnout and make this empowerment program work! So get active and call, call, call, and then call again!

**Select and use a name for your neighborhood group.** A volunteer secretary should draft and distribute minutes from each meeting. This is important because minutes provide evidence if your case goes to court. It is also a helpful way to keep the neighbors informed.



**Define an action plan for the next few weeks or months and delegate tasks.**

See page 43 for a sample Neighborhood Action Plan. Everyone should participate in one way or another in all group actions. The worst thing a neighborhood group can do is rely on one or two people to do the work of the whole. These people will "burn out" long before you rid your neighborhood of the nuisance house.

**It is your job to wisely use resources.** It is a fact of modern life that city and county resources are scarce. Designate one or two people in your group to act as liaisons with government entities who join your Safe Streets! team. Use your secret weapons ... the telephone and email... to provide updates, pick their brain and get their support.

**Document everything.**

Once you have organized your block and identified the nuisance house location, you need to keep a record of everything you see, hear, do or feel. This means writing down all nuisance activities and conditions that occur in or around the nuisance house and what you did in response. Remember to keep a copy of all Activity Logs, letters and any other paperwork for your files. See page 49 for a blank Activity Log.

Each block member should keep a record of the problems the nuisance house causes them. Every time there are illegal or suspicious activities or conditions, write it down and call the appropriate city or county enforcement agency. Your Activity Logs should include headings for: date, time, place, condition, activity and persons causing the problem. You may also include headings for: vehicle, make, model, color and license number.

**When To Call 9-1-1**

If you have a life-threatening situation, see suspicious activity or need an immediate response from the Police Department, County Sheriff's Office, Fire Department or medical personnel, call 9-1-1.

To make a police report and receive an incident number for non-emergencies or you wish to give information to police, you should call Crime Check at 456-2233.

## **How to make a 9-1-1 report**

**Identify yourself.** Even with Enhanced 9-1-1, don't trust a computer with vital information necessary for emergency personnel to respond to the correct address.

**Describe the activities or conditions taking place.** State whether it is a robbery, burglary, motor vehicle accident, injured persons, etc. Make note of any pattern of activity or conditions, and descriptions of persons, vehicles, or weapons.

**Give an accurate location.** Addresses are best, but you may have to describe the location by providing the nearest cross streets, type and color of building, neighboring landmarks, etc.

**Stay on the line.** The operator will signal the end of the call by telling you the kind of response you may expect.

**Activate your telephone tree and email distribution and log the activity or condition.** Contact your telephone tree leaders as soon as reasonable to let them know what is occurring.

When you call Crime Check, note the time you called, who you talked to, and the action taken in your log book. Remember to request an incident number each time you contact Crime Check. See page 50 for Description of Suspects and Automobiles. You may tell the operator you do not want your name or address going out over the airwaves. You may also choose to use a code name when you call, because drug dealers and other criminals using scanners often monitor law enforcement broadcasts. These measures protect your identity and prevent potentially explosive situations. Stay safe!

## **GOODBYE NUISANCE HOUSE!**

Once your neighborhood group completes the previous steps, it is time to "unwelcome" the nuisance house. Preventing drug dealers from doing business and code and zoning violators from maintaining their activities or conditions does this.

- ✿ Continue to contact the appropriate enforcement agency every time there are illegal nuisance activities.
- ✿ Always update your Activity Log.
- ✿ Communicate conditions to the responsible parties.
- ✿ Mediate, if possible.
- ✿ Apply pressure to have nuisance tenants evicted or nuisance owners subjected to an abatement action.

### **Occupied by tenants**

You may also invite the property owner/manager to join your Safe Streets! team to become a partner in your campaign to create a neighborhood free from nuisances.

Offer to assist the property owner/manager in any possible way, but insist that he/she protect you from possible retaliation by not revealing your identity to the tenants.

Your group may write a letter to the nuisance house property owner/manager identifying the location of the nuisance house detailing the documented public nuisance. Use your group name and state the number of neighbors your group represents. See page 51 for a sample Initial Letter. Describe the fear and emotional upheaval the nuisance house is causing you, your family and your neighborhood. Keep the letter simple. Send the letter by both regular mail and certified mail with return receipt requested. Keep a copy of this letter and the return receipt for your file. Remind the property owner/manager that it is illegal to allow this public nuisance to continue. Request that they take whatever steps necessary to resolve the problem, e.g. please begin immediate eviction proceedings against those tenants responsible for the nuisance. Ask that he/she respond to your letter within seven (7) days of receipt of your letter. To further protect your individual identities, use a post office box for all correspondence. This letter may be a tool for the property owner if he/she has to file in court for the eviction.

Nuisance is a legal ground to evict tenants. State law allows a property owner/manager to issue a 3-day eviction notice if a tenant creates a waste or nuisance. There is no option for the tenant to stay and correct the problem with this type of eviction. In addition, state law generally takes precedence over any local rent control requirements when a tenant uses the premises for illegal drug activity.

If the property owner/manager fails to respond in a timely or reasonable manner, your group may write a follow-up letter. This letter could resemble your initial letter, but include a request that the property owner takes whatever steps necessary to resolve the problem within seven (7) days or the individuals in your group will be forced to sue the owner in Small Claims Court. This letter should also be sent by certified mail. See page 52 for a sample Follow-Up Letter.

You may also want to send a copy of the follow-up letter to your local C.O.P.S. Substation and NRO, the Mayor, Chief of Police, your City Council representative and the City Attorney or the County Commissioners, Sheriff, Drug Unit, Code Enforcement, and Prosecutor's Office to notify them of the presence of the nuisance.

### **Occupied by owner**

If the owner occupies the nuisance house, you may follow a letter writing procedure similar to that described for nuisance houses occupied by tenants. Remember to adapt your letter based on the following differences.

- ✿ You cannot demand eviction proceedings.
- ✿ The appropriate city and county offices should receive copies of all correspondence.
- ✿ Your group could directly contact the City Attorney and County Prosecutor to request abatement proceedings if the activities and conditions at the house are a drug or public nuisance.

Write a letter to the City Attorney or County Prosecutor describing the public nuisance and the trauma the nuisance house is causing you, your family and your neighborhood. Identify the name and address of the property owner. State that the owner lives in, and is responsible for, the nuisance house. See page 53 for a sample Letter to the City Attorney or County Prosecutor. At the end of your letter, you should "cc:" the Drug Unit, Code Enforcement and your local substation and NRO.

Offer your assistance in resolving the problem, but insist that your identity be protected for as long as possible, especially if the owners are involved in drug activities. Ask the City Attorney or County Prosecutor to immediately use all applicable laws to abate the drug or public nuisance. Ultimately, it may be necessary for your neighborhood group to come forward and testify in court. Send a copy of this letter to the Mayor, Chief of Police and your City Council representative or the County Commissioners and Sheriff. Keep a copy of this letter for your file and send a copy to your C.O.P.S. Substation and NRO. Call each office every week for results.

## **PROPERTY OWNER TAKES APPROPRIATE ACTION**

### **Step 1:**

The property owner/manager is contacted for mediation and/or to communicate conditions. This is done by phone or you may choose to write a letter for better documentation.

### **Step 2:**

The property owner/manager receives the initial letter from the neighborhood group documenting the public nuisance activities that are taking place on the nuisance house property and requesting action. The group must establish that the tenant is violating city, county or state nuisance statutes.

### **Step 3:**

The property owner/manager takes reasonable remedial steps such as installing lighting, fencing, security doors, or hiring an on-site manager; or starts eviction proceedings against the tenants that use or allow their premises to be used for illegal nuisance activity.

### **Step 4:**

The property owner/manager contacts your Safe Streets! group by mail to state what action is being taken. Once the owner responds in a positive manner, your neighborhood group should attempt to reach a resolution with the assistance of a mediator if needed.

### **Step 5:**

If eviction is appropriate, the tenant is given a 3- or 20-day Notice to Vacate. If the tenant does not comply, the property owner/manager serves the tenant with a Motion and Order to Show Cause. A court hearing will be scheduled within the next 5 business days. Make sure the property owner/manager knows that you and others in the Safe Streets! group are available to attend the court hearing and either provide testimony or support for eviction.

### **Step 6:**

The tenant may appear and challenge the eviction. The property owner/manager may present evidence (your letter) and testimony from the Safe Streets! neighborhood group. The judge considers all evidence and testimony to determine if the facts justify eviction. Eviction is usually automatic if the tenant fails to appear at this hearing.

### **Step 7:**

If the court rules in favor of the property owner/manager, a sheriff's deputy serves a 5-day eviction notice. If the tenant refuses to leave within 5 days, the Sheriff's Office may physically remove the tenant and the tenant's belongings.

In most cases, a property owner/manager will not have to go through the entire eviction process, especially if the nuisance involves illegal drug activities. Drug dealers generally do not want to be hauled into court and tend to move out after being served notice or within a negotiated time frame.

## PROPERTY OWNER DOES NOT TAKE APPROPRIATE ACTION

# Spokane County District Court Small Claims Mediation

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- Procedures -
- Most asked questions -
- Understanding the court -

Published by  
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### Steps for District Court Small Claims Mediation for Plaintiffs and Defendants

Mediation is the intervention into a dispute or negotiation of an acceptable, impartial and neutral third party who has no authoritative decision-making power to assist contending parties to reach voluntarily their own mutually acceptable settlement of issues in dispute.

#### Procedural Steps for Mediation:

1. Initial Contact with Disputing Parties - Each mediation center will contact the parties to confirm the mediation appointment assigned when a small claims action is filed. This is generally done with phone calls and follow-up letters.
2. Once the plaintiff confirms that the defendant is served, the mediation center will contact the defendant to confirm the mediation appointment.
3. Opening Statements - Your mediator will provide an opening statement that outlines the process of mediation, ground rules and an agreement to mediate. Then each party will be given the opportunity to present their case from their perspective.
4. The mediator will then identify the issues of the mediation and work with the parties towards resolution of those issues.
5. You will be asked to generate options for settlement.
6. If you are able to reach an agreement, your mediator will draft a Voluntary Settlement Agreement that each party will sign.
7. The mediation center will file your signed Voluntary Settlement Agreement at the District Court, Small Claims office, and your court date will be cancelled.

#### Procedural Steps for Non-Compliance:

1. In the event of non-compliance, a letter from the complaining party should be written to the mediation center. The mediation center will then contact the other party to assist in resolving the matter of non-compliance.
2. If that is unsuccessful, the mediation center will send documentation for the first party to complete. Upon completion and return to the mediation center of those documents, they will send certified mail notification to the other party who will be given 10 days to bring the matter current.
3. After 10 days have passed, if the case is still in non-compliance, the mediation center will send documentation to the court and the court will either issue a judgment based on the terms of the agreement, or set a hearing on the matter of non-compliance.

## **Six Important Questions to Ask Yourself**

### ***Can I mediate any small claims District Court case?***

The simple answer is yes.

### ***How can I schedule a time to mediate?***

A time to mediate is scheduled when a District Court Small Claims action is filed. The mediation center will contact you to confirm.

### ***Do I tell the Defendant about mediation?***

It isn't necessary for you to contact the defendant regarding mediation. They get notice when they are served with the notice of small claims and the mediation center will contact them to confirm after you have confirmed they have been properly served.

### ***Do I have to attend mediation?***

The simple answer is no. You may decline once you are contacted by the mediation center.

### ***Do I want to make decisions about my case?***

If the answer is yes, then mediation may be the appropriate avenue for you.

### ***If a mediated agreement is not followed, what happens?***

There are procedures in place to handle non-compliance. (See previous page)

## **The Spokane County District Court**

The Spokane County District Court Small Claims system is designed to be used by individuals not represented by an attorney. There is a filing fee paid to the court upon filing. Part of your filing fee pays for all mediation sessions in your small claims case.

## **Other Services Offered by Dispute Resolution Centers**

- Conflict Resolution Training
- Superior and District Court Mediation
- Business Training
- Workplace Reconciliation Mediation
- Landlord/Tenant Mediation
- Sharing the Children Seminar (Parent Education Seminar LR94.03)

The ADR Section of the Spokane County Bar Association does not endorse any particular group or individual attorney to assist you in drafting court documents for either District or Superior Court in Spokane County. However, Voluntary Settlement Agreements will be drafted by your mediator.

## **The following county wide resources may be available for some assistance:**

1. Spokane County Bar Association Volunteer Lawyer Program  
1-509-624-0144
2. Spokane County Family Law Division Office  
Family Court Facilitator  
1-509-477-7612
3. Superior Court Family Law Center  
1-509-477-5702, Option #1
4. Coordinated Legal and Education Service (CLEAR)  
1-888-201-1014

Forms are also available at [www.washingtonstatelawhdp.org](http://www.washingtonstatelawhdp.org) and [www.spokanecounty.org](http://www.spokanecounty.org)

An attorney or attorneys may be recommended by your mediator should additional documentation be necessary beyond the Voluntary Settlement Agreement.

Note: As an alternative to contacting an attorney, either of the two Dispute Resolution Clinics may provide you with assistance or they may recommend other options.

### **The Fulcrum Institute Dispute Resolution Clinic**

915 W Second Ave, Ste 1  
Spokane, WA 99201 Phone:  
509-838-2799  
[www.fulcrumdispute.com](http://www.fulcrumdispute.com)

### **Northwest Mediation Center**

35 W Main Ave, Ste 230  
Spokane, WA 99201 Phone:  
509-456-0103  
[www.nwmediationcenter.com](http://www.nwmediationcenter.com)

## **SMALL CLAIMS COURT**

If the property owner/manager does not take appropriate positive action, and mediation did not work, it is time to consider filing a claim for your damages in Small Claims Court. If the owner occupies the nuisance house, you may first want to contact the City Attorney or County Prosecutor to determine if they are pursuing abatement proceedings, although you may file a Small Claims Court action against the owner even if abatement proceedings are in the process. City abatement only closes the property for 1 year, and may be opened again after fees are paid and code requirements are met.

A Small Claims Court lawsuit is often the best way for a neighborhood group to force an irresponsible property owner to act. The speed and low cost of a Small Claims Court action makes it an attractive alternative to other civil litigation. Small Claims Court is cheap, fast, effective and lawyers are generally not allowed.

Any individual, sole proprietor, partnership, or corporation with a couple of exceptions, may bring a Small Claims suit for recovery of money only for an amount up to \$5,000. A Small Claims case is generally filed in the county of the defendant's residence.

A lawsuit involving a claim for injuries to a person or property can be brought either where the injury occurred or where the defendant resides. A lawsuit involving unlawful issuance of checks may be brought either where the defendant resides or where the check was issued or presented as payment.

The State of Washington may not be sued in Small Claims Court. Attorneys and paralegals are excluded from appearing or participating with the plaintiff or defendant in Small Claims suit unless the judge grants permission. You CAN obtain legal advice from an attorney, but they cannot represent you in Small Claims Court.

It is the plaintiff's responsibility to accurately identify the defendant; i.e., individual, husband and wife, sole proprietorship, partnership, corporation, etc. and to provide a proper address and, if possible, a phone number.

Before you start any Small Claims Court action, read "Everyone's Guide to Small Claims Court" by Ralph Warner. This self-help law book gives you a detailed account of what to do and how to do it. Contact the law library at Gonzaga University or the Paulsen Center to review similar self-help law books.

### **Starting a Small Claims Court lawsuit**

Caution: This process has no guarantees. It may require extended court visits if your case is appealed. The initial process does not allow attorney's to voice representation during the courts proceedings, unless the judge makes an allowance.



The fee for filing is only \$39 dollars, but the appeal process for your defense may require the expense of an attorney. This process is not for the faint of heart and should be considered your last resort!

Small Claims Court cannot provide free legal advice, but the clerk will usually help you fill out all necessary forms.

## **SPOKANE COUNTY DISTRICT/MUNICIPAL COURTS/PROBATION LOCATIONS**

### **Step 1:**

Visit the Small Claims Court clerk at 721 N. Jefferson, 1st Floor, Spokane, WA 99260. Every person in your neighborhood group who has been damaged by the nuisance must individually file a claim that will then be heard on the same day in court. Let the clerk know that you are filing a Safe Streets! lawsuit. Our local courts recommend only 1 (one) claim per household. Their hours are Monday-Friday from 8:30 a.m. to 4:30 p.m. You may call them at (509) 477-4770 #8 or fax them at (509) 477-6387.

### **Step 2:**

Arrange another neighborhood meeting to review the pre-filing information. Each neighbor damaged by the nuisance activities or conditions may fill out a Notice of Small Claim form. Every person listed as a legal owner on the property deed must be named as a defendant. You may request monetary damage up to the maximum amount allowed in Small Claims Court ... \$5,000. You may only claim damages for anything that occurred in the past 3 years, reimbursement for your costs, and filing fees. The amount owing, or reason for your lawsuit, may be due to property damage and/or that:

"Defendant/s allow illegal nuisance activity to occur on their property at (nuisance location) that deprives me of the quiet use and enjoyment of my property and causes me emotional and mental distress."

You will be required to sign the Notice in the presence of the clerk. See page 69 for a sample of the Pre-filing Small Claims form. Any errors on your form may be grounds for the judge to dismiss your claim.

### **Step 3:**

Return the Notice of Small Claim forms to the Small Claims Court clerk. Ask the clerk to schedule the same court date and time for all the claims in your neighborhood group. It costs \$39 to file each claim in Small Claims Court. If you state that this is a Safe Streets! Action, the clerk will schedule the court dates successively so the defendant (owner) does not have to appear on several different days.

#### **Step 4:**

The clerk will also fill in the date and circle the assigned mediation agency. Mediation is your opportunity to negotiate a settlement with the property owner that includes other requirements to mend the situation. Safe Streets! highly recommends mediation as the appropriate time to effectively come to a resolve. For a large group, you should pick a spokesperson to attend mediation. Small Claims Court can only offer money judgments. During mediation, you may be more creative with your settlement conditions, i.e. participate in future tenant selections, require that they prove criminal background checks are being done in the future, communication process agreements, etc.

#### **Step 5:**

A copy of each form must be delivered to the defendant/s. This is called Service of Process. The form Certificate Of Service is on page 62. If you have any questions, ask the Small Claims Court clerk for details or visit the website. Service of the claim form can be accomplished by any of the following:

- ✿ The Sheriff's Office.
- ✿ A process server (see yellow pages of the phone book).
- ✿ Any Washington State resident, over the age of 18 who is not connected with the case either as a witness or as a party and does not stand to gain financially from the suit.
- ✿ By a disinterested 3rd party mailing the copies to the defendant by registered certified restricted delivery mail with the return receipt requested. However, if the defendant does not personally sign for the mail, service is not complete and you will need to find another way to serve.

The defendant can be served personally anywhere in Spokane County. Service on a business depends on how they are licensed. A sole proprietorship must be served on the owner. Partnerships require service on each partner. Corporations require service on a registered agent or a corporate officer. Information regarding how a business is licensed may be available at City Hall at 808 West Spokane Falls Blvd. in the business license department or by accessing: **[www.secstate.wa.gov/corps](http://www.secstate.wa.gov/corps)**.

A Notice of Small Claim must be served on the defendant not less than ten (10) days before the first hearing. The Certificate of Service, including the signed green card and receipt, if applicable, needs to be returned to the Small Claims office at least a week prior to court. If you are unable to serve the defendant, you may return the defendant's copies to the office, complete an amended claim form, and be issued a new court date.

#### **Step 6:**

Review your material to make sure you have completed forms and taken all necessary steps.

You are encouraged to try to settle your case before trial. If you settle the dispute before the hearing, you must inform the court so the hearing can be canceled and your case closed.

If the other party agrees to pay at a later date or change conditions, you may ask the court for a continuance providing both parties agree. If you have not received your money or conditions have not improved by the time of the continued hearing, proceed with the case to court. If you drop the suit, your filing fee and service costs are not returned.

### **Getting ready for court**

You may need evidence or testimony from the Fire Department, City Code Enforcement, County Building and Planning, and other city and county agencies to show ongoing illegal activities and conditions. You may subpoena enforcement agency personnel for their personal knowledge and as custodians of their agency records. This way they may bring the relevant records. See page 68 for the Subpoena form. The court clerk has these forms or you may access these from the website. Check the instructions to confirm acceptable methods of service.

The designated spokesperson, or lead case, should be the one to request the subpoenas. After the initial testimony is given in the first case, the judge may ask if their testimony is requested to apply to the statements of the upcoming cases.

Remember that owners living out of state, business owners, and deceased owners pose special problems because “long arm statutes,” which bring these owners before the court, generally are not applicable to courts with limited jurisdiction. Review RCW 3.02 and RCW 3.66, then consult with an attorney for additional information. You should have few problems subpoenaing owners and managers living in the county. Confirm with the clerk what area is covered by the court’s jurisdiction. If the owner does not live in your jurisdiction, you will need to file in the court whose jurisdiction the owner resides.

#### **Step 1:**

Ask the Small Claims Court clerk to help subpoena the law enforcement officer or deputy who has been working with your neighborhood group. You may also subpoena law enforcement reports that corroborate your Activity Logs. Do not request all reports regarding the property address because such a request is too broad. Identify specific reports and ask the Small Claims Court clerk to help draft a subpoena for these reports. Each subpoena request will require the approval and signature of the judge. The clerk will assist you.

#### **Step 2:**

Organize your records. Each plaintiff should have a separate file to give the judge. Be sure to keep a copy of the file for yourself. This file should include the Activity Logs, all correspondence to the property owner and city or county officials, and any relevant reports regarding health or safety code or zoning violations.

#### **Step 3:**

Prepare a personal statement of damages detailing the emotional and mental distress the nuisance house has caused you. This statement is for the Small Claims Court judge. See page 55 for a sample Nuisances And Damages Letter.

#### Step 4:

Before your court date, hold a meeting of all neighbors involved in your lawsuit to discuss how you are going to present your case to the judge. The following areas should be addressed:

- ☼ **Nuisance activities and conditions** - Remember the property owner is not the nuisance; the misuse of the property is a nuisance. Also, there is a difference between nuisance and civil harassment.
- ☼ **Documentation** - You need clear documentation of all nuisance activities, conditions and damages, e.g. times, dates, places, description, receipts.
- ☼ **Spokesperson** - This neighbor is generally the plaintiff most damaged by the nuisance. The spokesperson presents the first case to lay the foundation for the following cases. If the spokesperson presents evidence and testimony applicable to other cases, he/she should ask the court to incorporate evidence into the following cases.
- ☼ **Witnesses** - Prepare a list of questions you want to ask your witnesses. Each party may subpoena witnesses to testify on their behalf. If one witness intends to testify on behalf of multiple plaintiffs, you should ask the court to incorporate their testimony into the following cases. When subpoenaing these witnesses, put "Various" in the plaintiff (spokesperson) designation spot on the subpoena form.
- ☼ **Evidence** - Make two copies of all documents and/or photographs you want the court to consider. One copy will go to the court and one copy will go to the defendant at the start of your case. This is not necessary with video or audiotapes, which will be played in court. Bring equipment to present your evidence, e.g. a television and VCR. Notify the bailiff if you will be bringing electronic equipment.
- ☼ **Damages** - Prepare a clear statement of damages based on above referenced documentation. Include your filing fee and any charges for service of process, receipts or damage estimates.
- ☼ **Mediation** - Have the parties made a full and complete attempt to settle these cases through the use of alternative dispute resolution?

If you are unable to properly serve the property owner, you must notify the Small Claims Court clerk at least three (3) days prior to the hearing date and request a continuance or your cases may be dismissed. Continuances may also be granted at the scheduled hearing date if you can show good cause. At your scheduled hearing date, the judge may hear your case, dismiss your case or continue your case to another hearing date.

## **The Court Hearing**

Immediately before the court hearing, re-verify that the named defendant still owns the nuisance house. There have been cases where the defendant transfers ownership prior to the hearing. These cases may be dismissed because the defendant is not a proper party. A good time to get this information is at the alternative dispute resolution hearing. However, if they were the owner/manager at the time you experienced the nuisance, you may still have cause for judgment.

Lawyers are generally not allowed to represent parties in Small Claims Court, although the judge may allow them to testify on behalf of a party or clarify a legal point. Usually, it will only be your neighborhood group members and the property owner(s) sitting before the court to state your case.

If you cannot attend on your scheduled court date, you will lose by default. Spouses cannot claim a judgment for each other in their absence.

Your case is based on the legal theory that the property owner/manager is liable for maintaining a public nuisance. You must prove that:

- ✱ The property owner owns the nuisance house, was notified of the problem and was given a reasonable opportunity to correct it, and;
- ✱ The nuisance activities and conditions have deprived you of the quiet use and enjoyment of your premises and/or caused you mental and emotional distress.

Each plaintiff must prove that the defendant's use of the property caused a nuisance and that the plaintiff suffered damages caused by the nuisance. This must be proven by a preponderance of the evidence, which means by producing enough evidence to show that the defendant more likely than not caused the nuisance and that the nuisance more likely than not caused your damages.

### **Step 1:**

When you arrive at the court, report to the courtroom in which your case has been assigned. When your case is called, come forward to the counsel table and the judge will swear in all the parties and witnesses.

### **Step 2:**

Your spokesperson should provide an overview of the cases to the judge and briefly outline the group's position at the beginning of the hearing. Don't be nervous. Remember that the trial in Small Claims Court is informal. The judge will ask the plaintiff to give his or her side first, then will ask the defendant for his or her explanation. Be brief and stick to the facts. The judge may interrupt you with questions, which you should answer straight out and to the best of your knowledge.

### **Step 3:**

Do not approach the judge without permission. Present your own case. Give any evidence to the bailiff and the defendant, and then describe the problem in detail. A neighborhood map and photographs of the nuisance house are good supporting documents.

Describe the efforts you have taken to get rid of the nuisance and tell the judge what contacts you have had with the property owner/manager and the results. Remember to stick to the facts. Exhibits presented in court will be held for the 30 day appeal period. If not appealed, exhibits are available for pick up between 31 and 60 days. After 60 days, exhibits may be destroyed.

**Step 4:**

Have your witnesses testify. The judge will call them.

**Step 5:**

Read your personal statement detailing the emotional and mental distress the nuisance house has caused you. Be polite. Do not interrupt. Not just to the judge, but also to your opponent. Whatever happens, keep your temper. Good manners and even tempers help the fair, efficient conduct of the trial and make a good impression.

**Step 6:**

The property owner/manager will respond to your claims, question your witnesses, and present his/her own case. Do not interrupt. You will have another chance to respond.

**Step 7:**

When your presentation is finished, remind the judge that you have also incurred costs for filing and service of process and ask that these costs be added to the judgment.

**Step 8:**

After the judge has heard both sides, he or she will normally announce the decision at that time. The judge may make a decision at the end of each case presented or may wait until all of the cases are presented. However, the judge may make the decision at a later date. In this event, you will be notified of the result by mail. The Small Claims Court judge can award each plaintiff up to \$5,000, plus costs, but does not have the power to order an eviction or other remedial action. Small Claims Court may only award monetary damages.

If the defendant fails to appear for trial, the plaintiff will be granted judgment for the amount of the claim proven in court, plus costs, provided the plaintiff can show proof of service.

If the plaintiff fails to appear, the claim may be dismissed; however, generally the court will permit the plaintiff to start over if good cause for the non-appearance is shown. If the defendant files bankruptcy at any stage, this could stop your efforts cold!

Small Claims Court hearings are not recorded unless requested. The transcript is a letter that recites the terms of the judgment, not a traditional verbatim transcript of the proceedings. Transcripts are available 30 days after the judgment for a \$20.00 fee.

## **Appeal hearing in Superior Court**

If you win in Small Claims Court, the property owner may appeal the case in Superior Court. The appeal hearing is the similar to the Small Claims Court hearing and similar laws apply. If the Superior Court judge allows lawyers to represent the parties, you may want to consider hiring an attorney. If your award is upheld, be sure to request attorney's fees from the Superior Court judge.

### **PROCEDURES FOR APPEALS FROM SMALL CLAIMS COURT REVISED 3-4-11**

No appeal shall be permitted from a judgment of the small claims department where the amount claimed was less than Two-Hundred Fifty Dollars (\$250.00); nor shall any appeal be permitted by a party who requested the jurisdiction (plaintiff) of the small claims court where the amount was less than One Thousand Dollars (\$1,000.<sup>00</sup>). (RCW 12.40.120) Form Notice Of Small Claims Appeal is on page 65.

A Notice of Appeal to Superior Court must be filed in District Court and all parties served within 30 days of the entry of judgment. This form is available from the small claims office.

When an appellant has filed a notice of appeal, paid the statutory filing fee, and posted bond as required, the clerk of the District Court shall immediately file a copy of the notice of appeal with the Superior Court along with the bond.

## **Filing fee and costs**

- ✿ The filing fee is \$220 (Superior Court) and Preparation Fee is \$40 (District Court).
- ✿ Bond must be posted in a sum equal to twice the amount of judgment and costs, or twice the amount in controversy, whichever is greater, (RCW 12.36.020) so the appellant will be able to pay any judgment, including costs, as may be rendered on appeal. No bond is required if the appellant is a county, city, town, or school district. The bond must be cash or surety bond only – NO CHECKS.
- ✿ A \$40 appeal preparation fee must be paid before the case is transferred to Superior Court. The small claims clerk will notify you when it is ready to be transferred. The court has 14 days to prepare the record and notify the appellant that the record is ready to transfer. The appellant has 10 days from the date of the notice to pay the \$40.00 fee. Upon payment, the designated record shall be transmitted to Superior Court.

The appeal from a small claims judgment or decision shall be de novo upon the record of the case, as entered by the district court. (RCW 12.36.055).

In all cases of appeal to the Superior Court under this chapter, if the judgment is against the appellant, in whole or in part, such judgment shall be rendered against the appellant and his or her sureties on the bond on appeal. (RCW 12.36.090 Sec. 9. RCW 12.36.030 & 1929 c58 s 3).

When an appeal and any necessary bond are properly filed in District Court, and the appeal filed in Superior Court pursuant to RCW 12.36.010, the appellant may move through Superior Court to stay all further proceedings of the District Court judgment. If any property was held pursuant to such proceedings at the time the stay is granted and the process recalled, such property shall be returned immediately to the party entitled to such property. Once a case is sent to Superior Court, that court makes all the decisions regarding the case and the case remains there permanently.

You do not automatically receive a hearing date in Superior Court when you appeal. Please direct questions to them after case has been transferred; but remember, they cannot give you legal advice. Clerk's office personnel are not authorized to give legal advice. Do NOT ask!! Pro se parties should contact an attorney for legal guidance.

### **Collecting your judgment**

A money judgment in your favor does not necessarily mean the money will be paid. The Small Claims Court does not collect the judgment.

When a judgment is obtained, it will be valid for a period of 10 years from the date of judgment. It is your responsibility to make sure the court is aware at all times of your current address in the event they receive payment from the defendant. You may reference the form Petition, Declaration And Order From Court Approved Time Payment on page 62-64.

If no appeal is taken and the judgment is not paid within 30 days, or the time set by the court in the payment plan, you may request an abstract of your judgment. This may be done over the phone or in writing and will take 3 days to complete. The fee will be \$20. Remember, the clerks cannot give you legal advice. At this point, you may need the assistance of an attorney or collections agency. Collecting your judgment is not as hard as many people believe. However, you will need patience because it may take longer to get your monetary award than it did to close down the nuisance house. Contact a law library to request self-help law books to outline the procedure to collect your money. The abstract may be transferred to the Civil Department where you may proceed with methods of collection as the law allows. In the alternative, you may take your abstract of the judgment and file it in Superior Court for a fee of \$20. There may be additional fees required. When this is done, it places a lien against all real estate in the name of the judgment debtor that is located in the county.

When the judgment has been paid in full, you must send written notice to the District Court that the judgment has been satisfied. See Satisfaction Of Judgment page 66. This is why mediation settlement for action is usually more satisfying. In some cases, citizens have gone all the way through the Small Claims process, won the appeal, collected their maximum judgment, the property owner did not move and resumed the nuisance activity. This is not the norm, but you should be aware it is possible.

Remember, for the over 450 nuisance houses that have used this process, less than five were unresolved.



## **SAFE STREETS!**

### **APPENDIX**

|  |    |
|--|----|
| Neighborhood Meeting flyer.....                          | 41 |
| Neighborhood Meeting agenda .....                        | 42 |
| Neighborhood Action Plan.....                            | 43 |
| Telephone Tree and Email Group .....                     | 44 |
| Block Watch Representative application.....              | 45 |
| Enforcement agencies and resources .....                 | 47 |
| Activity Log.....  | 49 |
| Description of suspects and automobiles .....            | 50 |
| Initial sample letter .....                              | 51 |
| Follow-Up sample letter .....                            | 52 |
| City Attorney/County Prosecutor sample letter .....      | 53 |
| Government Official sample letter .....                  | 54 |
| Nuisances and Damages sample letter .....                | 55 |
| RCW 9.66.010 and City Ordinances .....                   | 56 |
| Certificate of Service .....                             | 62 |
| Petition and Order for Court Approved Time Payment ..... | 63 |
| Declaration .....  | 64 |
| Notice of Small Claims Appeal .....                      | 65 |
| Satisfaction of Judgment .....                           | 66 |
| Small Claims Appeals Instructions .....                  | 67 |
| Subpoena .....   | 68 |
| Small Claims Pre-filing Form .....                       | 69 |
| Definitions for Calls for Service and Priorities .....   | 71 |
| Code Enforcement Officer Areas Map .....                 | 72 |

# **NEIGHBORHOOD MEETING FLYER**

**(NEIGHBORHOOD GROUP NAME)  
NEIGHBORHOOD MEETING**

**To DISCUSS CRIMINAL AND CIVIL NUISANCES  
IN OUR NEIGHBORHOOD**

**Hope to see you there!**

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

ADDRESS : \_\_\_\_\_

HOSTED BY: \_\_\_\_\_

## NEIGHBORHOOD MEETING AGENDA

Meeting Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Neighborhood Representative: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

| WHAT                  | HOW   | WHO      | TIME       |
|-----------------------|---|----------|------------|
| Introductions         | Name, Address, Issue  | Everyone | 15 Minutes |
| Setting the Stage     | Discuss Ground Rules & Roles                                  | Leader/s | 5 Minutes  |
| Getting Organized     | Discuss Strategies & Tools                                    | Leader/s | 30 Minutes |
| Neighborhood Planning | Identify & Prioritize Problems, Solutions, Resources, Actions | Everyone | 30 Minutes |
| Next Steps            | Assign Tasks, Set Next Meeting Date                           | Everyone | 10 Minutes |

## NEIGHBORHOOD ACTION PLAN

GROUP NAME: \_\_\_\_\_

NUISANCE LOCATION: \_\_\_\_\_

**Research Property Ownership** by \_\_/\_\_/\_\_.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**Review Activity Logs** by \_\_/\_\_/\_\_.

(Each citizen is responsible for the content and possession of their own log sheets.)

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**Communicate/Mediate with Owner.**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

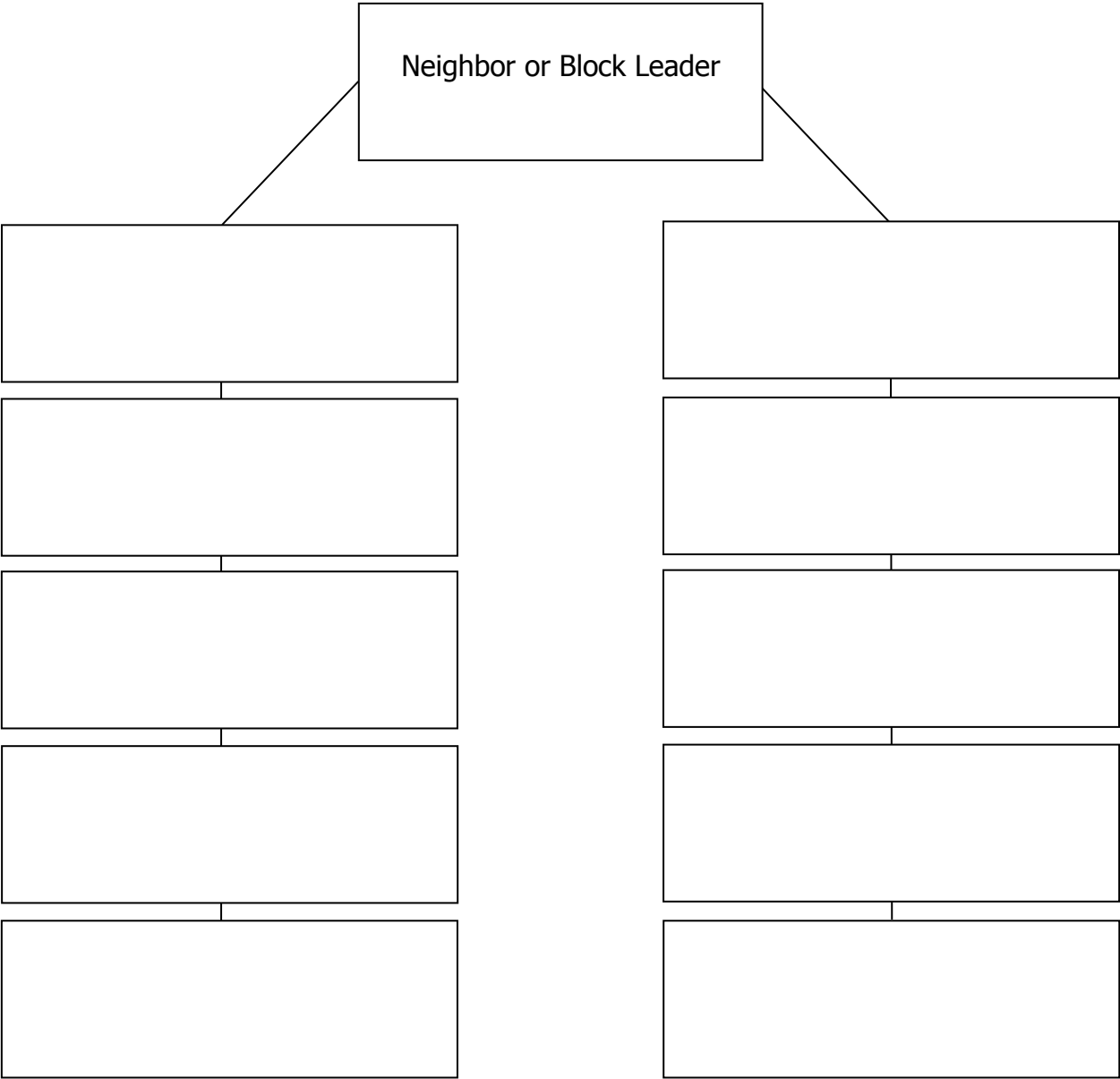
**Write Initial Letter** by \_\_/\_\_/\_\_.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**Mail Initial Letter** by \_\_/\_\_/\_\_.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

**TELEPHONE TREE AND EMAIL GROUP**





## SPOKANE C.O.P.S. BLOCK WATCH REPRESENTATIVE APPLICATION

☐ DENIED   
 ☐ APPROVED BY: \_\_\_\_\_   
 FOR SHOP: \_\_\_\_\_   
 DATE: \_\_\_\_\_

PLEASE INDICATE WHICH SHOP YOU ARE APPLYING TO

|   |   |
|---|---|
| <b>EAST CENTRAL</b> ..... 2116 E. 1 <sup>st</sup> ♦ 99202 ..... 625-3330<br><b>LOGAN</b> ..... 802 E. Sharp ♦ 99202 ..... 625-3333<br><b>NEVAWOOD</b> ..... 4705 N. Addison ♦ 99207 ..... 625-3353<br><b>NEWTECH</b> ..... 4141 N. Regal ♦ 99207 ..... 354-7447<br><b>NORTH CENTRAL</b> ..... 630 W. Shannon ♦ 99205 ..... 625-3348 | <b>NORTHEAST</b> ..... 5208 N. Market ♦ 99217 ..... 625-3343<br><b>NORTHWEST</b> ..... 2215 W. Wellesley ♦ 99205 ..... 625-3336<br><b>SOUTHEAST</b> ..... 2809 E. 29 <sup>th</sup> ♦ 99223 ..... 625-3326<br><b>WEST</b> ..... 1901 W. Boone ♦ 99201 ..... 625-3340<br><b>GREATER SPOKANE</b> ..... 169 S. Stevens ♦ 99201 ..... 755-2677 |
|---|---|

|  |            |  |
|--|------------|--|
| Last Name  | First Name | Middle Initial                             |
| Address  | Zip Code   | Phone Number                               |
| Date of Birth  | Email      |  |
| How long at present address?   |            | If less than 1 year, give previous address |
| State where born   |            | Other states lived in                      |
| Have you ever been convicted of a crime in a court of law, civilian or military?<br><div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Yes - explain</span> <span><input type="checkbox"/> No</span> </div> |            |  |

LIST EVERYONE 18 YEARS AND OLDER WHO LIVE IN YOUR HOME. ALL SPACES MUST BE FILLED IN COMPLETELY TO BE PROCESSED

1. \_\_\_\_\_  

Print Full Legal Name
Signature
Date of Birth
2. \_\_\_\_\_  

Print Full Legal Name
Signature
Date of Birth
3. \_\_\_\_\_  

Print Full Legal Name
Signature
Date of Birth
4. \_\_\_\_\_  

Print Full Legal Name
Signature
Date of Birth
5. \_\_\_\_\_  

Print Full Legal Name
Signature
Date of Birth

SPOKANE C.O.P.S. 5/1/15

List any organizations of which you are a member.

Are you or any member of your household currently involved in any neighborhood disputes that may have to be mediated by police?

☐ YES - explain

☐ NO

Are you or any member of your household the subject of a criminal investigation being conducted by any law enforcement agency?

☐ YES - explain

☐ NO

Would you have any problem with or providing service to any person because of race, religion, culture or sexual orientation?

☐ YES - explain

☐ NO

Are you a member of any organization that advocates the overthrow of the U.S. Government?

☐ YES - explain

☐ NO

**REFERENCES** (Other than relatives or past employers)

|         |      |              |          |
|---------|------|--------------|----------|
| Name    |      | Phone Number |          |
| Address | City | State        | Zip Code |
| Name    |      | Phone Number |          |
| Address | City | State        | Zip Code |
| Name    |      | Phone Number |          |
| Address | City | State        | Zip Code |

**SPOKANE POLICE DEPARTMENT - AUTHORIZATION TO RELEASE INFORMATION**

As an applicant to be a Spokane C.O.P.S. Block Watch Representative, I hereby authorize Washington law Enforcement agencies to conduct a background investigation to determine the qualifications of all household members, age 18 years and over, to participate in this program. I understand that such a background investigation is being conducted solely to make sure adult members of the household of the Block Watch representative are law-abiding citizens and cleared for providing such services. All information is to remain confidential as required by state and federal law.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Note: A photocopy reproduction of this document shall be for all intents and purposes as valid as the original.

## SAFE STREETS! ENFORCEMENT AGENCIES AND RESOURCES

| AGENCY                       | ADDRESS  | PHONE                | AREA                            |
|------------------------------|--|----------------------|---------------------------------|
| Abandoned Car Hotline        |  | 625-4246             | City                            |
| Assessor                     | 1116 W. Broadway 99260   | 477-5793             | Real Property Legal description |
| Auditor                      | 1116 W. Broadway 99260   | 477-2270             | Real Property recording         |
| Block Watch                  | Area C.O.P.S. or SC.O.P.E. substations<br>901 N. Monroe, Ste 254 | 835-4572             | City/County                     |
| Building & Planning          | 1026 W. Broadway 99260   | 477-2205             | County Code & Zoning            |
| Child & Family Services      | 1313 N. Atlantic #2000<br>99201                                  | 456-4451             |                                 |
| City Attorney                | 808 W. Spokane Falls Blvd.<br>99201                              | 625-6225             | Represent City                  |
| City Council                 | 808 W. Spokane Falls Blvd.<br>99201                              | 625-6255             | City complaints                 |
| City Mayor                   | 808 W. Spokane Falls Blvd.<br>99201                              | 625-6250             | City complaints                 |
| Code Enforcement             | 808 W. Spokane Falls Blvd.<br>99201                              | 625-6083             | Code & zoning                   |
| County Commissioners         | 1116 W. Broadway 99260   | 477-2265             | County complaints               |
| County Prosecutor            | 1100 W. Mallon 99260   | 477-3662             | County prosecution              |
| Crime Free Multi-Housing     | 901 N. Monroe, Ste 254   | 835-4572             | City/County                     |
| Drug Activity                | 1100 W. Mallon 99260   | 363-8210<br>477-4778 | City/County                     |
| Environmental Health         | 1101 W. College 99201  | 324-1589             | City Sewer problems             |
| Fire Marshall                | 44 W. Riverside 99201  | 625-7000             |                                 |
| First American Title Company | 521 W. 1 <sup>st</sup> Ave. 99204                                | 838-5281             | Real Property Ownership         |
| Fulcrum Institute            | 915 W. Second Ave. Ste 1   | 838-2799             | Neighborhood Mediation          |
| Gang Activity                | 1100 W. Mallon 99260   | 625-4264<br>477-4264 | City/County                     |
| Graffiti                     | Crime Check  | 456-2233             | City/County                     |
| Havermale Alternative Center | 1300 W. Knox 99201   | 354-6409             | Truancy                         |



| <b>AGENCY</b>                         | <b>ADDRESS</b>  | <b>PHONE</b> | <b>AREA</b>                    |
|---------------------------------------|---|--------------|--------------------------------|
| Neighborhood Watch                    | Area S.C.O.P.E. substations<br>12710 E. Sprague 99216 | 477-3376     | County                         |
| Northwest Conflicts Management Center | 35 W. Main Ave. 99201                                 | 456-0103     | Neighborhood mediation         |
| Police Department                     | 1100 W. Mallon 99260                                  | 625-4100     | City law enforcement           |
| Regional Health District              | 1101 W. College 99201                                 | 324-1500     | Animal bites, solid waste, etc |
| S.C.O.P.E.                            | 12710 E. Sprague 99216                                | 477-3376     | County substations             |
| Sheriff's Office                      | 1100 W. Mallon 99260                                  | 477-2240     | County law enforcement         |
| Small Animal Control                  | 2521 N. Flora Road 99216                              | 458-2532     | County complaints              |
| Small Claims Court                    | 721 N. Jefferson 99260                                | 477-6386     | Civil claims under \$2500.00   |
| Spokane C.O.P.S.                      | 901 N. Monroe #254<br>99201                           | 835-4592     | City Substations               |
| Spokanimal                            | 710 N. Napa 99204                                     | 534-8133     | City complaints                |
| Traffic Hotline                       | 1100 W. Mallon 99260                                  | 625-4150     | Spokane Police Department      |
| Weed Board                            | 222 N. Havana 99212                                   | 456-5777     | Noxious weed complaints        |

## ACTIVITY LOG

Nuisance Location: \_\_\_\_\_

Resident Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

| DATE | IN/OUT<br>TIME | VEHICLE<br>MAKE &<br>MODEL | STATE &<br>LICENSE # | YEAR<br>&<br>COLOR | REPEAT<br>VISITOR? | DESCRIPTION OF PERSON/S<br>& ACTIVITY OR CONDITION | HOW THIS<br>AFFECTED ME | REPORT<br># |
|------|----------------|----------------------------|----------------------|--------------------|--------------------|--|-------------------------|-------------|
|      |                |                            |                      |                    |                    |  |                         |             |
|      |                |                            |                      |                    |                    |  |                         |             |
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## Description of Suspect

|                              |      |     |
|------------------------------|------|-----|
| Sex                          | Race | Age |
| Hair—Length and Color        |      |     |
| Tattoos—Marks—Scars          |      |     |
| Facial Hair—Beard, Moustache |      |     |
| Weapon—Type                  |      |     |



|                 |        |            |
|-----------------|--------|------------|
| Height          | Weight | Complexion |
| Hat—Color, Type |        |            |
| Pants           |        |            |
| Coat            |        |            |
| Shirt           |        |            |
| Shoes           |        |            |

Specific Facial Features  
(only what you definitely remember)

Year \_\_\_\_\_ Make \_\_\_\_\_

License No. \_\_\_\_\_ Color \_\_\_\_\_

Body Style (Doors) \_\_\_\_\_

Outstanding Features or Damage \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

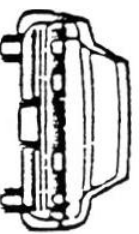
## Auto Description Guide



SIDE



FRONT

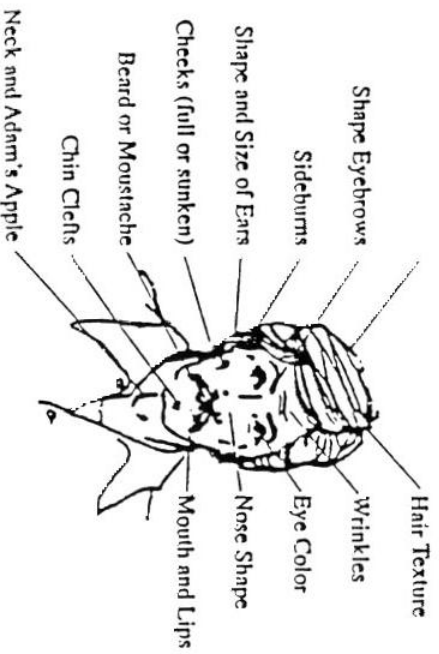


REAR

No. Headlights \_\_\_\_\_ Shape Taillights \_\_\_\_\_

Where Did Car Go? \_\_\_\_\_

## Facial Appearance



What Did Suspect Say?

Which Way Did Suspect Go?

9-1-1 • Stay on the Telephone • Do Not Hang Up

# INITIAL SAMPLE LETTER

Certified Mail/Return Receipt Requested

Date

Mr. & Mrs. Nuisance Property Owner  
XXXX W Five Mile Road  
Spokane, WA 99208

Dear Mr. & Mrs. XXX:

We are residents of (Name of Street) in (City) who are concerned about the nuisance activities and conditions that are occurring on or around your property at (Nuisance Location). From careful and documented observation, we have determined there are serious (General Description of Nuisance Activities or Conditions) being committed by your tenants.

We strongly encourage you to consider our observations and take appropriate actions to alleviate these problems. Because of the serious nature of these problems, we believe the only solution to this antisocial and disruptive behavior is eviction of the offending tenants.

Accordingly, we request that you act immediately to initiate eviction proceedings against your tenants for creating a waste or nuisance that is endangering our health and safety and causing us emotional and mental distress.

Please write to us (Neighborhood Box #), within seven (7) days of receipt of this letter. (Alternate sentence: We wish to hear from you regarding mediation of this problem.) We look forward to working with you to obtain a fast and expedient ending to this intolerable situation.

Sincerely,

(Name of Neighborhood Group)

cc: Mayor XXX  
Chief XXXX  
Council Members  
Code Enforcement Officer  
C.O.P.S. or S.C.O.P.E. Substation  
File

## **FOLLOW-UP SAMPLE LETTER**

Certified Mail/Return Receipt Requested

Date

Mr. & Mrs. Nuisance Property Owner  
1000 W Five Mile Road  
Spokane, WA 99208

Dear Mr. & Mrs. NPO:

We, the (Name of Neighborhood Group) regret to inform you of our intent to take further action against you as owners of the property at (Nuisance Location).

We strongly encourage you to reconsider our observation regarding the continuing activities or conditions, as mentioned in our letter of (Date), and take appropriate actions to alleviate these problems.

Based on the serious nature of these problems, we again request that you act immediately to initiate eviction proceedings against your tenants who reside at (Nuisance Location) for creating a waste or nuisance that is endangering our health and safety and causing us emotional and mental distress.

If no action is taken within seven (7) days, (number) neighbors will be forced to sue you collectively in Small Claims Court for maintaining a public nuisance. As you may be aware, the courts have upheld numerous claims such as this and each neighbor has been awarded up to \$2,500 for damages plus court costs.

Please write us (Neighborhood Box #), within seven (7) days of receipt of this letter. We look forward to working with you to obtain a fast and expedient ending to this intolerable situation.

Sincerely,

(Name of Neighborhood Group)

cc: Mayor XXX  
Chief XXXX  
Council Members  
Code Enforcement Officer  
C.O.P.S. or S.C.O.P.E. Substation  
File

# CITY ATTORNEY/COUNTY PROSECUTOR SAMPLE LETTER

Date

City Attorney/County Prosecutor  
Address  
Spokane, WA Zip Code

Dear Mr. City Attorney/County Prosecutor:

We are writing in regards to an owner-occupied nuisance house located at (Nuisance Location). We are concerned about the owner's use of this property and would appreciate assistance or advice from your office to deal with this property owner. Below are a list of nuisance activities and conditions that recently occurred at this house.

- 1) In June of 2006, the owner's minor children were involved in a fight in their front yard. One child beat the other child with a 2X4 board and threatened a neighbor who tried to intervene. The police did not arrest the child because he is ten years old.
- 2) On July 4, 2006, the owner threw a drinking party attended by many underage males. Teenagers were in and out of the house all day and night, screeching tires in the street and blaring loud music until early the next day. Several drug buys were witnessed.
- 3) During the last several months, the owner has repeatedly made verbal threats against neighbors who attempt to talk to him about the problem. These threats include threats to sick his kids on us, to break our knees and to vandalize our property.

These are merely a few examples of the nuisance activities and conditions at this house. See the attached Activity Logs for additional examples. We contact the appropriate enforcement agencies every time nuisances occur, but the problems continue.

During the last year, we have lived in fear of this man and his children. Our children are unable to play in their own front yard or walk to school unmolested. We have not had a good night's sleep since this man purchased this house. We are all working families and this situation makes it difficult to deal with our own families and work demands. We would appreciate any assistance or advice you may offer.

Sincerely,

(Name of Neighborhood Group)  
(Mailing Address or contact instructions)  
cc: File

## GOVERNMENT OFFICIAL SAMPLE LETTER

TO: City of Spokane, City Council Members

FROM: Concerned Citizens of the 500 West 3<sup>rd</sup> Avenue Area

RE: Unsanitary Landfill

DATE: June 9, 200X

We, the 3<sup>rd</sup> Ave Neighborhood Group, are concerned about the unsanitary landfill that exists in our neighborhood. We represent 12 concerned citizens located near the location of this unlawful landfill on the North side of 3<sup>rd</sup> Ave. It is the fifth lot East of Jackson Ct.

The fenced backyard contains an unbelievable, unsanitary landfill. It is a home for raccoons and mice. The front yard is progressively getting worse. A station wagon filled with "stuff" which hasn't moved since 1994, and a pick-up filled with "stuff" which hasn't moved for over a year, sit in the driveway. Dalmatian Toad Flax, one of the fourth most noxious weeds in the county, grows in two separate areas near the curb in the front yard. Garbage service to the property has not occurred for the last 2 years.

Approximately twelve to fourteen years ago, the neighbors attempted to have action taken to remedy the situation. The City Council, Spokane County Health Department, Spokane City Fire District and SCAPA were contacted. Very little, if anything, has been done. The neighbors that took the lead in trying to resolve the problem gave up, sold, and moved. The rest of us have taken a "sit back and let the landfill self-destruct" attitude, as it gets progressively worse. We can't sit back any longer.

When we receive our next property change of value notices, we plan to protest them on the grounds the City is allowing an "unsanitary landfill" to exist in our neighborhood. This condition has a definite impact on the value of our property.

We would appreciate your attention and response to this neighborhood concern, and look forward to hearing from you on this matter. Please contact us at \_\_\_\_\_.  
Thank you!

Respectfully,

The 3<sup>rd</sup> Ave. Neighborhood Group

cc: File

## NUISANCES AND DAMAGES SAMPLE LETTER

Date

Judge  
Small Claims Court  
721 N. Jefferson  
Spokane WA 99260

RE: Case No. \_\_\_\_\_

Dear Judge:

Since (Date), I have been continuously (Specific Description of Personal Damages) from activities and conditions on or around the property at (Nuisance Location). On over (Number) occasions, I have documented these activities and conditions and reported them to (Name of Enforcement Agencies).

I have lost many hours of sleep from (Specific Descriptions of Nuisance Activities and Conditions) and from the general mayhem and fear that grips me night and day.

Numerous times persons residing at or visiting this property have confronted me. I am now afraid to walk down the street. In fact, I constantly fear for the safety and well being of my children and myself. This fear permeates my home, my life and my soul.

On (Date), I will present testimony and evidence documenting these nuisance activities and conditions and supporting my resulting damages. I request that the Court award me (\$ Amount), plus court costs, for the suffering these nuisance activities and conditions have caused me.

Sincerely,

(Name)  
(Address)

cc: File



# REVISED CODE OF WASHINGTON (RCW) AND CITY OF SPOKANE ORDINANCES

## **RCW 9.66.010 - Public nuisance.**

A public nuisance is a crime against the order and economy of the state. Every place

- (1) Wherein any fighting between people or animals or birds shall be conducted; or,
- (2) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;  
or,
- (3) Where vagrants resort; and

Every act unlawfully done and every omission to perform a duty, which act or omission

- (1) Shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons; or,
- (2) Shall offend public decency; or,
- (3) Shall unlawfully interfere with, befoul, obstruct, or tend to obstruct, or render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley, highway, or municipal transit vehicle or station;  
or,
- (4) Shall in any way render a considerable number of persons insecure in life or the use of property;
- (5) Shall be a public nuisance.

## **RCW 9.66.030 - Maintaining or Permitting Nuisance**

Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed; or who shall willfully omit or refuse to perform any legal duty relating to the removal of such nuisance; and every person who shall let, or permit to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance, shall be guilty of a misdemeanor.

## **Spokane City Ordinances**

Regulation of Activities

Division I: Penal Code

Chapter 10.06 Offenses Against Decency and Morality

Listing 10.06.010 Disorderly House

No person, whether as owner or agent, employee or servant, may maintain or conduct a disorderly house, a bawdy house, a house of ill-fame, or any place for the practice of prostitution, or for any lewd, obscene, or indecent purpose. Upon the trial of any person charged with a violation of this section in municipal court, evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of such place.

Chapter 10.10 Offenses Against Peace and Order

Listing 10.10.030 Disorderly Place

No owner, operator, or manager of a place of public accommodation may willfully allow breach of the peace or disturbance of public order or decorum by noisy, riotous, or disorderly conduct or otherwise keep the place in a disorderly manner.

## Chapter 10.01 General Provisions

### Listing 10.01.070 Landowners

Each owner, occupant, or person having the right of possession or control of real property is responsible for the condition of the premises and is liable for creating, maintaining, or failing to abate any nuisance or any unlawful condition or activity.

**The Chronic Nuisance Ordinance** is A Tool for Spokane Law Enforcement And City Legal. You may want to request that police focus on using this tool. It is based on three police reports being written on one residence within a 60-day time frame. You should work with law enforcement in reporting incidences that fit the criteria for this action.

## Chapter 10.08A Chronic Nuisance Properties

### Listing 10.08A.010 Purpose.

Chronic nuisance properties present grave health, safety and welfare concerns, which the property owners or persons in charge of such properties have failed to take corrective action to abate the nuisance condition. Chronic nuisance properties have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This chapter is enacted to remedy nuisance activities that repeatedly occur or exist at chronic nuisance properties by providing a process for abatement; and this remedy is not an exclusive remedy available under any state or local laws and may be used in conjunction with such other laws.

Also, chronic nuisance properties are a financial burden to the city by the repeated calls for service to the properties because of the nuisance activities that repeatedly occur or exist on such property, and this chapter is a means to ameliorate those conditions and hold responsible the owners or persons in charge of such property.

### Definitions.

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

1. "Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the applicable city department director or designee determines is necessary in the interest of the general health, safety and welfare of the community;
2. "Control" means the ability to regulate, restrain, dominate, counteract or govern property, or conduct that occurs on a property;
3. "Chronic nuisance property" means property on which three or more nuisance activities occur or exist during any sixty-day period;
4. "Drug-related activity" means any unlawful activity at a property which consists of the manufacture, delivery, sale, storage, possession, or giving away of any controlled substance as defined in chapter 69.50 RCW, legend drug as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW;

5. "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition, means any person designated as a representative of the landlord;
6. "Nuisance activity" means and includes:
  - a. a nuisance as defined by state law or local ordinance occurring around or near the property; or
  - b. any of the following activities, behaviors or criminal conduct:
    - i. stalking, SMC 10.11.060;
    - ii. harassment, SMC 10.11.070 through 072 and SMC 10.11.079;
    - iii. failure to disperse, SMC 10.10010;
    - iv. disorderly conduct, SMC 10.10.020;
    - v. assault, SMC 10.11.010, including d.v. assault, SMC 10.09;
    - vi. reckless endangerment, SMC 10.11.020;
    - vii. prostitution, SMC 10.06.030;
    - viii. patronizing a prostitute, SMC 10.06.010;
    - ix. disorderly house, as defined by SMC 10.06.010;
    - x. indecent exposure, SMC 10.06.025;
    - xi. lewd conduct, SMC 10.06.020;
    - xii. any firearms violation listed in SMC 10.11.042 through 10.11.050;
    - xiii. noise, SMC 10.08.020;
    - xiv. loitering for the purpose of engaging in drug related activity, SMC 10.15.020;
    - xv. drug related activity;
    - xvi. gang related activity (as defined in RCW 59.118.030); and
    - xvii. any attempt to commit and/or conspiracy to commit any of the above activities, behaviors or conduct;
7. "Owner" means any person having any interest in the real estate in question as indicated in the records of the office of the Spokane County Auditor, or who establishes under this chapter, their ownership interest therein;
8. "Person" means natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer or employee of any of them;
9. "Person associated with a property" means any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or a person present on property, including without limitation, any officer, director, customer, agent, employee, or any independent contractor of a property, or a person in charge of or owner of a property;
10. "Person in charge" of a property means any person, in actual or constructive possession of a property, including but not limited to an owner, occupant, agent, or property manager of a property under his or her control;

11. "Premises and property" may be used by this chapter interchangeably and means any building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as residential or commercial property;
12. "Rental unit" means any structure or that part of a structure, including but not limited to single family home, room or apartment, which is rented to another and used as a home, residence, or sleeping place by one or more persons;

Violation.

1. Any property within the City of Spokane which is a chronic nuisance property is in violation of this Chapter and subject to its remedies; and
2. Any person in charge who permits property to be a chronic nuisance property shall be in violation of this chapter and subject to its remedies.

Procedure.

1. When the Chief of Police, or his designee, receives police documentation confirming the occurrence of three or more nuisance activities within a sixty day period on the property, the Chief of Police, or his designee, may review such reports to determine whether they describe the nuisance activities enumerated in 10.08A.020. Upon such a finding, the Chief of Police, or his designee, shall notify a property owner at the address shown on the County Auditor records and shall notify the person in charge of the property in writing that the property is in danger of being declared a chronic nuisance property.
2. The notice shall contain:
  - a. the street address or a legal description sufficient for identification of the property;
  - b. a concise description of the nuisance activities that exist, or that have occurred on the property;
  - c. a demand that the owner or person in charge respond to the chief or his designee within ten days of service of the notice to discuss the nuisance activities and create a plan to abate the chronic nuisance;
  - d. offer the person in charge an opportunity to abate the nuisance activities giving rise to the violation; and
  - e. a statement describing that if legal action is sought, the property could be subject to closure, civil penalties and/or costs assessed up to one hundred dollars per day after the notice of the chronic nuisance property is received.
3. notice shall be either (a) personally served, or (b) delivered by first class mail to the person in charge of the property with a copy mailed to the owner at the address indicated by the Spokane County Auditor, if different than the person in charge of the property. Such

4. If the person in charge fails to respond to the notice within the time prescribed, the Chief of Police, or his designee shall post such notice at the property and issue the person in charge a class one civil infraction. If the person in charge fails to respond to the issued infraction the matter shall be referred to the Office of the City Attorney for further action.
5. If the person in charge responds as required by the notice and agrees to abate the nuisance activity, the Chief of Police, or his designee, and the person in charge and/or property owner, may work out an agreed upon course of action which would abate the nuisance activity. If an agreed course of action does not result in the abatement of the nuisance activities or if no agreement concerning abatement is reached, the matter shall be forwarded to the Office of the City Attorney for enforcement action.
6. It is a defense to an action for chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the Property had become chronic nuisance property, or could not in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is chronic nuisance property.

#### Commencement of Action–Enforcement.

1. Once the matter is referred to the City Attorney, the City Attorney shall immediately review and make a determination to initiate legal action authorized under this chapter or state statute, or may seek alternative forms of abatement of the nuisance activity. The City Attorney may initiate legal action on the chronic nuisance property and seek civil penalties and costs in superior court for the abatement of the nuisance.
2. In determining whether a property shall be deemed a chronic nuisance property and subject to the court's jurisdiction, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property. The City may submit official police reports and other affidavits outlining the information that led to arrest(s), and other chronic nuisance activity occurring or existing at the property. The failure to prosecute an individual, or the fact no one has been convicted of a crime is not a defense to a chronic nuisance action.
3. Once a superior court determines the property to be a chronic nuisance under this Chapter the court may impose a civil penalty against any or all of the persons in charge of the property and/or the owner of the property, and may order any other relief deemed appropriate. A civil penalty may be assessed for up to one hundred dollars per day for each day the nuisance activity continues to occur following the date of the original notice by the Chief of Police, or his designee, as described in SMC 10.08A.040. In assessing the civil penalty, the court may consider the following factors, citing to those found applicable: (a) the actions taken by the person in charge and/or owner to mitigate or correct the nuisance activity; (b) the financial condition of the persons in charge; (c) the repeated or

continuous nature of the nuisance activity; (d) the statements of the neighbors or those affected by the nuisance activity; and (e) any other factor deemed relevant by the court.

4. The superior court which determined the property to be a chronic nuisance property shall also assess costs against the person in charge and/or owner in the amount it costs the City to abate, or attempt to abate, the nuisance activity.
5. If the superior court determines the property to be a chronic nuisance property, the superior court shall order the property closed and secured against all unauthorized access, use and occupancy for a period up to one year, and may impose a civil penalty and costs.
6. Once a determination has been made by the superior court that the chronic nuisance property shall be subject to closure the court may authorize the City to physically secure the premises and initiate such closure. Costs for such closure shall be submitted to the Court for review. Any civil penalty and/or costs awarded to the City may be filed with the city treasurer who shall cause the same to be filed as a lien on the property with the County Treasurer. The City shall file a formal lis pendens notice when an action for abatement is filed in the superior court.
7. The superior court shall retain jurisdiction during any period of closure or abatement of the property.
8. Spokane Municipal Court is to have jurisdiction of all civil infractions issued pursuant to this chapter.

#### Summary Closure.

Nothing in this chapter prohibits the City from taking any emergency action for the summary closure of such property when it is necessary to avoid an immediate threat to public welfare and safety. The City may take summary action to close the property without complying with the notification provisions of Section 10.08A.030, but shall provide such notice as is reasonable under the circumstances.

#### Severability.

If any portion of this ordinance, or its application to any person or circumstances, is held invalid, the validity of the ordinance as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances is not affected.

Date Passed: Monday, June 4, 2007

Effective Date: Wednesday, July 11, 2007

Ord C32855

## CERTIFICATE OF SERVICE

### IN THE DISTRICT COURT OF SPOKANE COUNTY WASHINGTON

|                       |                        |
|-----------------------|------------------------|
| _____<br>Plaintiff(s) | NO. _____              |
| vs. _____             | CERTIFICATE OF SERVICE |
| _____<br>Defendant(s) |                        |

#### PERSONAL SERVICE

I served the Notice by delivering a true copy to the defendant personally in Spokane County, State of Washington, as follows:

| Name of Defendant | Address Where Served | Date of Service |
|-------------------|----------------------|-----------------|
| _____             | _____                | _____           |

#### SUBSTITUTE SERVICE

I served the Notice by delivering a true copy to the defendant's place of residence in Spokane County, State of Washington, and leaving it with a person over 12 years of age residing there, as follows:

| Name of Defendant | Residence Address | Name of Person<br>Receiving Copy | Date of Service |
|-------------------|-------------------|----------------------------------|-----------------|
| _____             | _____             | _____                            | _____           |

#### SERVICE BY MAIL (Attach both the postal receipt and the signed return receipt to this form.)

I served the Notice by depositing in the United States Post Office in Spokane County, State of Washington, a true copy of the Notice enclosed in a sealed envelope having adequate postage and sent Certified Mail, Restricted Delivery, Return Receipt Requested, as follows:

| Address of Post Office | Date Mailed | Addressed to Name of Defendant at: | Address of Defendant |
|------------------------|-------------|------------------------------------|----------------------|
| _____                  | _____       | _____                              | _____                |

I, the undersigned, declare under penalty of perjury that the foregoing is true and correct and that I was at the time of service of the above notice(s) a resident of the State of Washington over the age of 18 years and not a party to the above numbered claim.

|                          |                              |
|--------------------------|------------------------------|
| DATED _____              | _____<br>Signature of Server |
| Server's Phone No. _____ | _____<br>Address of Server   |

CERTIFICATE OF SERVICE

PAGE 1 OF 1

## PETITION & ORDER FOR COURT APPROVED TIME PAYMENT

### IN THE DISTRICT COURT OF SPOKANE COUNTY WASHINGTON

\_\_\_\_\_  
Plaintiff(s)

vs.

\_\_\_\_\_  
Defendant(s)

NO.

PETITION, DECLARATION AND  
ORDER FOR COURT APPROVED  
TIME PAYMENT

I \_\_\_\_\_, request permission to make \$ \_\_\_\_\_  
payments commencing on \_\_\_\_\_ and payable on the \_\_\_\_\_  
day of each month thereafter until the judgment is fully satisfied. The petition is based upon financial  
information appended.

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_

Hearing set for \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ am/pm at

Broadway Center Building, 721 N. Jefferson, Spokane, WA 99210, **Court Room 202**

PETITION FOR COURT APPROVED TIME PAYMENT PLAN Rev. 08/10

Page 1 of 2



# DECLARATION

## DECLARATION

### INCOME AND ASSETS

- (a) Personal Gross monthly income \_\_\_\_\_
- (b) Spouse's Gross monthly income \_\_\_\_\_
- (c) Other income \_\_\_\_\_
- (d) Cash on hand \_\_\_\_\_
- (e) Home (cash value less amt. owing) \_\_\_\_\_
- (f) Auto (cash value less amt. owing) \_\_\_\_\_
- (g) Furniture (approx. value) \_\_\_\_\_
- (h) Notes, mortgages trusts, deeds \_\_\_\_\_
- (i) Stocks, bonds (approx. value) \_\_\_\_\_
- (j) Other assets & property \_\_\_\_\_
- (k) Persons whom you financially support:

Spouse [ ]  
 Children [ ] ages \_\_\_\_\_  
 Other [ ]

Total \_\_\_\_\_

### EXPENSES AND DEBT

- (a) Monthly living expenses (itemize)
- Rent or mortgage \_\_\_\_\_
- Food \_\_\_\_\_
- Utilities \_\_\_\_\_
- Transportation \_\_\_\_\_
- Installment payments \_\_\_\_\_
- Medical & Dental \_\_\_\_\_
- Insurance \_\_\_\_\_
- Other \_\_\_\_\_

(b) Debts  
 Name of creditor: Amount owed:

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Total \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of Washington the foregoing is true and correct.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Place of Signature

\_\_\_\_\_  
 Date of Signature

## ORDER

Based upon the foregoing, the Petitioners time payment plan is APPROVED / DISAPPROVED.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 JUDGE/COMMISSIONER

## NOTICE OF SMALL CLAIMS APPEAL

### IN THE DISTRICT COURT OF SPOKANE COUNTY WASHINGTON

|                       |                               |
|-----------------------|-------------------------------|
| _____<br>Plaintiff(s) | NO.                           |
| vs.                   | NOTICE OF SMALL CLAIMS APPEAL |
| _____<br>Defendant(s) |                               |

The undersigned feeling aggrieved by the decision of the Small Claims Court in the above entitled matter entered on \_\_\_\_\_, hereby gives notice of appeal to the Superior Court of Spokane County.

Dated: \_\_\_\_\_

|                         |                                 |
|-------------------------|---------------------------------|
| _____<br>Signature      | _____<br>Name of Opposing Party |
| _____<br>Name (Print)   | _____<br>Address                |
| _____<br>Address        | _____<br>City State Zip         |
| _____<br>City State Zip |                                 |

NOTICE OF SMALL CLAIMS APPEAL  
RCW 12.40.1201

PAGE 1 OF 1

## SATISFACTION OF JUDGEMENT

### IN THE DISTRICT COURT OF SPOKANE COUNTY WASHINGTON NOTICE OF SMALL CLAIM

SMALL CLAIM # \_\_\_\_\_  
☐ AMENDED NOTICE OF SMALL CLAIMS

|                  |               |                  |               |
|------------------|---------------|------------------|---------------|
| PLAINTIFF'S NAME |               | PLAINTIFF'S NAME |               |
| ADDRESS          |               | ADDRESS          |               |
| CITY             | STATE         | ZIP              |               |
| CITY             | STATE         | ZIP              |               |
| HOME PHONE NO    | WORK PHONE NO | HOME PHONE NO    | WORK PHONE NO |

**VS.**

|                  |               |                  |               |
|------------------|---------------|------------------|---------------|
| DEFENDANT'S NAME |               | DEFENDANT'S NAME |               |
| ADDRESS          |               | ADDRESS          |               |
| CITY             | STATE         | ZIP              |               |
| CITY             | STATE         | ZIP              |               |
| HOME PHONE NO    | WORK PHONE NO | HOME PHONE NO    | WORK PHONE NO |

**YOU ARE HEREBY NOTIFIED** that the above named Plaintiff has filed a claim against you amounting to \$ \_\_\_\_\_; the reasons for which are stated below.

**YOU ARE HEREBY FURTHER NOTIFIED** to be and appear at Spokane County District Court at the

☐ Broadway Center Building, 721 N. Jefferson, Spokane, Washington on \_\_\_\_\_ [Date], at \_\_\_\_\_ a.m./p.m. for trial.

☐ Valley Court Office, 12710 E. Sprague, Spokane Valley, WA 99216 on \_\_\_\_\_ [Date], at \_\_\_\_\_ a.m./p.m. for trial.

You are to bring with you any and all papers, contracts and proof needed by you to establish or defend this claim. At the time of trial you must bring any witnesses who will testify on your behalf.

**YOU ARE FURTHER NOTIFIED** that if you fail to personally appear as directed, a Judgment may be entered against you for the amount claimed, plus Plaintiff's costs of filing and service of the claim upon you. Plaintiff must also appear if a Judgment is to be entered. If Plaintiff fails to appear, the claim may be dismissed. If this claim is settled prior to the hearing date, the parties must notify the Court immediately, in writing.

\_\_\_\_\_  
Clerk

Notice of Small Claim Page 1 of 2  
RCW 12.40.020, .050, .060, .070

Original -- Court Copy -- Plaintiff(s) Copy -- Defendant(s)

District Court complies with Americans with Disability Act requirements – for accommodations contact Court Operations Manager 477-2903

## SMALL CLAIMS APPEALS INSTRUCTIONS

### SMALL CLAIMS APPEALS INSTRUCTIONS Rev 3-4-11

No appeal shall be permitted from a judgment of the small claims department where the amount claimed was less than Two-Hundred Fifty Dollars (\$250.00) nor shall any appeal be permitted by a party who requested the jurisdiction (plaintiff) of the small claims court where the amount was less than One Thousand Dollars (\$1,000.00). (RCW 12.40.120)

A Notice of Appeal to Superior Court must be filed in District Court, and all parties served within 30 days of the entry of judgment. This form is available from the small claims office.

When an appellant has filed a Notice of Appeal, paid all fees and posted the cash or surety bond the clerk of the District Court shall notify all parties and file the case in Superior Court, along with the bond.

#### FILING FEE AND COSTS

1. The fees are payable in cash, cashiers check or money order including:
  - a. **Filing Fee \$220.00**
  - b. **Abstract Fee \$20.00**
  - c. **Preparation Fee \$40.00**
2. **A Bond must be posted in a sum equal to twice the amount of judgment and costs, or twice the amount in controversy, whichever is greater, (RCW 12.36.020)** so that the appellant will be able to pay any judgment, including costs, as may be rendered on appeal. No bond is required if the appellant is a county, city, town, or school district. The bond must be cash or surety bond only – **NO CHECKS.**

3. The small claims clerk will notify you when the case has been transferred. The court has 14 days to prepare the record and notify the appellant that the record is ready to transfer. If only the bond and filing fee were filed, the appellant has 10 days from the date of the court's notice to pay the \$40.00 fee. Upon payment, the designated record shall be transmitted to Superior Court.

The appeal from a small claims judgment or decision shall be de novo upon the record of the case, as entered by the district court. (RCW 12.36.055).

In all cases of appeal to the Superior Court under this chapter, if the judgment is against the appellant, in whole or in part, such judgment shall be rendered against the appellant and his or her sureties on the bond on appeal. (RCW 12.36.090)

Sec. 9. RCW 12.36.030 & 1929 c58 s 3-When an appeal and any necessary bond are properly filed in District Court, and the appeal filed in Superior Court pursuant to RCW 12.36.010, the appellant may move (through Superior Court) to stay all further proceedings of the District Court judgment.

If any property was held pursuant to such proceedings at the time the stay is granted and the process recalled, such property shall be returned immediately to the party entitled to such property.

**Once a case is sent to Superior Court, that court makes all the decisions regarding the case and the case remains there permanently.**

**YOU DO NOT AUTOMATICALLY RECEIVE A HEARING DATE IN SUPERIOR COURT WHEN YOU APPEAL. PLEASE DIRECT QUESTIONS TO THEM AFTER CASE HAS BEEN TRANSFERRED, BUT REMEMBER, THEY CANNOT GIVE YOU LEGAL ADVICE.**

**CLERK'S OFFICE PERSONNEL ARE NOT AUTHORIZED TO GIVE LEGAL ADVICE. DO NOT ASK!! PRO SE PARTIES SHOULD CONTACT AN ATTORNEY FOR LEGAL GUIDANCE.**

# SUBPOENA

## IN THE DISTRICT COURT OF SPOKANE COUNTY WASHINGTON

x

Plaintiff(s)

vs.

x

Defendant(s)

NO.

## SUBPOENA

TO: \_\_\_\_\_

In the name of the State of Washington, you are hereby required to appear before the undersigned Judge in and for said County, on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M, this Court at \_\_\_\_\_ to give evidence in a certain case then and there to be tried between the above parties on the part of the \_\_\_\_\_.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Judge of District Court

I HEREBY CERTIFY, That I have subpoenaed the within named person \_\_\_\_\_,

in \_\_\_\_\_ County, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Dated \_\_\_\_\_

\_\_\_\_\_  
Signature of Server

Server's Phone No. \_\_\_\_\_

\_\_\_\_\_  
Address of Server

District Court complies with Americans with Disabilities Act (ADA).  
Persons with disabilities that would require accommodation should call the Court (509) 477-3661, TDD available.

## SMALL CLAIMS PRE-FILING FORM

### IN THE DISTRICT COURT OF SPOKANE COUNTY WASHINGTON NOTICE OF SMALL CLAIM

SMALL CLAIM # \_\_\_\_\_  
☐ AMENDED NOTICE OF SMALL CLAIMS

|                  |               |                  |               |
|------------------|---------------|------------------|---------------|
| PLAINTIFF'S NAME |               | PLAINTIFF'S NAME |               |
| ADDRESS          |               | ADDRESS          |               |
| CITY             | STATE         | ZIP              | CITY          |
| HOME PHONE NO    | WORK PHONE NO |                  | HOME PHONE NO |
|                  |               | WORK PHONE NO    |               |

**VS.**

|                  |               |                  |               |
|------------------|---------------|------------------|---------------|
| DEFENDANT'S NAME |               | DEFENDANT'S NAME |               |
| ADDRESS          |               | ADDRESS          |               |
| CITY             | STATE         | ZIP              | CITY          |
| HOME PHONE NO    | WORK PHONE NO |                  | HOME PHONE NO |
|                  |               | WORK PHONE NO    |               |

**YOU ARE HEREBY NOTIFIED** that the above named Plaintiff has filed a claim against you amounting to \$ \_\_\_\_\_ ; the reasons for which are stated below.

**YOU ARE HEREBY FURTHER NOTIFIED** to be and appear at Spokane County District Court at the

☐ Broadway Center Building, 721 N. Jefferson, Spokane, Washington on \_\_\_\_\_ [Date], at \_\_\_\_\_ a.m./p.m. for trial.

☐ Valley Court Office, 12710 E. Sprague, Spokane Valley, WA 99216 on \_\_\_\_\_ [Date], at \_\_\_\_\_ a.m./p.m. for trial.

You are to bring with you any and all papers, contracts and proof needed by you to establish or defend this claim. At the time of trial you must bring any witnesses who will testify on your behalf.

**YOU ARE FURTHER NOTIFIED** that if you fail to personally appear as directed, a Judgment may be entered against you for the amount claimed, plus Plaintiff's costs of filing and service of the claim upon you. Plaintiff must also appear if a Judgment is to be entered. If Plaintiff fails to appear, the claim may be dismissed. If this claim is settled prior to the hearing date, the parties must notify the Court immediately, in writing.

\_\_\_\_\_  
Clerk

Notice of Small Claim Page 1 of 2  
RCW 12.40.020, .050, .060, .070

Original -- Court Copy -- Plaintiff(s) Copy -- Defendant(s)

District Court complies with Americans with Disability Act requirements – for accommodations contact Court Operations Manager 477-2903

Small Claim # \_\_\_\_\_

**STATEMENT OF CLAIM**

I, \_\_\_\_\_, the undersigned plaintiff, declare that the defendant named above owes me the sum of \$ \_\_\_\_\_, which became due and owing on \_\_\_\_\_ [Date]. Plaintiff has demanded payment and Defendant refuses to pay.

The amount owed is for:

☐ Faulty Workmanship    ☐ Merchandise    ☐ Auto Damages-Date of Accident \_\_\_\_\_

☐ Wages    ☐ Loan    ☐ Return of Deposit    ☐ Rent    ☐ Property Damage

☐ Other \_\_\_\_\_

Explain reason for claim \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A voluntary Settlement/Mediation Conference has been scheduled as follows at the below location. Please call the telephone number below to confirm your appointment.

Date: \_\_\_\_\_

TIME: \_\_\_\_\_

☐ **NORTHWEST MEDIATION CENTRE**  
Second Floor, Community Building  
35 W. Main Ave., Spokane WA 99210  
Telephone: (509) 456-0103

☐ **FULCRUM INSTITUTE DISPUTE  
RESOLUTION CLINIC**  
915 W. Second Ave., Suite 1  
Spokane, WA 99201-4530  
Telephone: (509) 838-2799

Mediation is a voluntary process in which an impartial person assists parties to reach a mutually acceptable settlement of a dispute. *The Judges of the District Court urge you to use the voluntary settlement/mediation conference to settle your dispute before it goes to court. (Please see mediation sheet/folder for explanation.)*

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at Spokane, Washington on \_\_\_\_\_ [Date].

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

# DEFINITIONS FOR CALLS FOR SERVICE AND PRIORITIES

## **1 = Emergency/Immediate:**

- a) life is in immediate or great danger of serious physical injury or major property damage.
- b) active felony, violent misdemeanor or active incident that may result in either.
- c) felony or violent misdemeanor that recently occurred and the logical probability exists that a suspect(s) near the scene or in the area may be apprehended.
- d) circumstances of similar magnitude when time is crucial (i.e., major disasters, toxic spills).
- e) life or property is or may be in danger.
- f) active incident that does represent a significant threat to life or property.
- g) active incident that could be classified as a possible crime such as a suspicious vehicle or person.
- h) rapid response may result in apprehension.
- i) other serious incident that does not qualify under the guidelines of emergency.

## **1P = Emergency/Immediate:**

- a) this is the same as a priority 1; however, the "P" indicates that the incident/crime is in progress.

## **2 = Prompt**

- a) the situation is not an emergency, but timely police response is necessary to provide adequate services.

## **2P = Prompt**

- a) is the same as a priority 2; however, the "P" indicates that the incident is in progress.

## **3 = Routine**

- a) the situation is cold and response time is not a factor (reports).
- b) no hazard will occur if response is delayed.
- c) delay will not result in loss of evidence.
- d) incident involving non-criminal services, such as parking violations, traffic services, etc.
- e) non-violent misdemeanor that is not active and, because of its nature, cannot be handled by telephone.

## **4 = Broadcast (low in importance)**

## **5 = Lowest Priority**

### **Incident Disposition Codes**

|  |  |
|--|--|
| 1. = Officer contact                             | A = Miscellaneous Report                   |
| 2. = Gone on arrival                             | B = Additional Report                      |
| 3. = Unable to locate incident/complainant       | C = Accident Report                        |
| 4. = Assistance rendered                         | D = No Report                              |
| 5. = Referred to another agency                  | E = Arrest/Booking                         |
| 6. = Referred to desk/Crime Reporting Center     | F = Juvenile Referral                      |
| 7. = No police action required                   | G = Warrant Arrest                         |
| 8. = Assist other officer/agency                 | H = Citation/Notice Of Infraction (N.O.I.) |
| 9. = False complainant/unfounded                 | I = Field Information Report (F.I.R.)      |
| 10. = Nothing found -- Complainant contacted     | J = Settle Slip                            |
| 11. = Nothing found -- Complainant not contacted | K = Evidence/Property                      |
| 12. = Cancelled/radio -- Phone                   |  |
| 13. = Non Response                               |  |
| 14. = Unit Broadcast (UBC)                       |  |



# CODE ENFORCEMENT OFFICER AREAS

