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March 3, 1998

98-FW-201-1808

MEMORANDUM FOR: Chet J. Drozdowski, Director
Office of Public Housing, 6HPH

FROM: D. Michael Beard
District Inspector General for Audit, 6AGA

SUBJECT: Housing Authority of New Orleans
Evictions for Drug and Criminal Behavior

We performed a limited review of the Housing Authority of New Orleans' (Authority) eviction process for drug and criminal behavior. Specifically, we wanted to determine if the Authority is receiving all applicable information from law enforcement that would allow it to identify potential cases for eviction. We also wanted to know if the Authority was doing everything possible with the information to evict residents involved with drugs and other criminal activities. During the review we obtained documentation regarding arrests and evictions. We also interviewed applicable Authority and law enforcement staff. In addition, we coordinated our work with the Office of Inspector General for Investigations. The review covered the period January 1, 1997, through October 31, 1997. We discussed the results and recommendations for improvement in an exit conference with Authority officials on December 4, 1997. The Authority agreed with and contributed to the recommendations.

The review found the Authority is receiving adequate information from law enforcement for it to identify residents for eviction. Law enforcement reporting showed improvement because of regular meetings and discussions with Authority officials. The review also showed the Authority is improving on its drug and criminal evictions. The Authority has made drug and criminal evictions a high priority. The Authority does need to make improvements to its incident report database. It also needs to solve the important problem of obtaining timely crime lab results. The Authority realizes it can do better and agreed to do so in the future.

Law enforcement reporting

The Authority receives the majority of its arrest reports from two sources, the Multiple Agency Safe Home Task Force (Task Force) and Community Oriented Policing Squads (COPS). The New Orleans Police Department (Police Department) operates COPS. The Task Force is providing almost all of its arrest reports to the Authority. Although the Authority did not receive

all reports, the Task Force showed steady improvement throughout the review period. It was not possible to determine if COPS provided all of its arrest reports. Arrest statistics for 1997 were not available. From 1996 statistics, it appears COPS did not provide all of its arrest reports. The COPS did show improvement throughout the review period and Authority officials say they meet with the Police Department frequently regarding the reports. The Authority met with all the applicable law enforcement agencies on January 20, 1998 to re-negotiate new contracts. Authority officials say the meeting was positive and will result in better reporting from law enforcement.

The timeliness of the arrest reports is sometimes critical. Louisiana law does not permit the Authority to evict a resident for a violation under an invalid lease. Authority residents are re-certified annually which creates a new lease agreement. If law enforcement reports are untimely, a resident arrested for drugs could be re-certified before the Authority knows about the violation. The Authority could not evict the resident for the drug violation under the old lease. We suggest the Authority change its re-certification process by having the resident deny any previous arrests for drugs or criminal violations. The Authority agreed to this idea. The Authority's General Counsel also addressed this problem in a meeting with the District Attorney and a criminal court judge. The General Counsel wants the court to add a new condition to probation for public housing residents convicted of drug and criminal violations. As part of the conditions to probation, the convicted resident would agree to voluntary debarment from public housing. The General Counsel said the District Attorney and judge liked the idea.

The reports the Authority receives from law enforcement are adequate for the Authority to determine if the arrested individual is a resident. The Authority's tenant database allows it to search the system by the arrestee's name or address. This allows the Authority to determine if the arrestee is a resident or listed on the resident's lease.

During the review period, law enforcement agencies sent their arrest reports to the Authority's Director of Security. The Authority changed its policy in January 1998 to require that all reports be sent to its legal department. Authority officials think the legal department can process the reports more efficiently. They also think the legal department is a better place for decisions on which cases to pursue for eviction. We agree with this change.

Eviction results show improvement

The Authority showed significant improvement on pursuing evictions for drug and criminal violations. It initiated 67 percent more cases during the 10-month review period than it did during the last OIG review.¹ The last review covered a 17-month period. The following is the breakdown for the 72 cases the Authority initiated during the 10-month review period:

¹ Report number 97-FW-201-1804 issued March 20, 1997.

Evictions	25
Cases Pending Crime Lab Results	23
Resident's Dependent Barred from Property	5
Cases Pending Further Investigation	11
Cases Lost or Dropped Due to Insufficient Evidence	<u>8</u>
Total Cases Initiated	<u><u>72</u></u>

The increase in drug and criminal eviction cases is the result of better reporting by law enforcement and a proactive Authority General Counsel. The current General Counsel assumed his duties in January 1997. The General Counsel made drug and criminal eviction cases a high priority.

The Authority initiated the 72 cases from 272 arrest reports from law enforcement sources during the 10-month period. The Task Force and COPS contributed about equally to the number of arrest reports. After interviewing Authority and law enforcement personnel and reviewing individual arrest reports, it appears the majority of arrests involve individuals that do not reside in Authority property.

The Authority also made improvements to its tenant database system. The Authority created two new codes for its move-out reports, one for drugs and one for criminal activity. When a resident moves out or the Authority evicts the resident because of a drug or other criminal violation, the Authority codes the move-out report as such. This change will allow development managers to better screen potential residents. This will eliminate the possibility of a tenant evicted for drugs and criminal violations from going to another development or obtaining Section 8 assistance.

Crime lab problems

As indicated by the above schedule, there are 23 cases pending the release of crime lab results. The Authority cannot pursue these cases without the results from the lab. Local judges require the lab-certified results. The problem exists because the Police Department crime lab is understaffed and the volume of work is high. The District Attorney's Office is also experiencing the same problem. The elimination of this problem could almost double the Authority's drug and criminal evictions for the period.

We discussed with Authority officials the possibility of using Drug Elimination Grant funds to hire an additional crime lab employee dedicated to working Authority cases. The Authority agreed and addressed the issue with the Police Department in the meeting held January 20, 1998. The Police Department's Deputy Chief of Police did not agree to the solution. The

General Counsel said he told the Deputy Chief of Police the Authority would not sign a new contract until the Police Department eliminated the backlog of cases and provided all deliverables under the old contract. The Deputy Chief of Police agreed to increase the crime lab staff and eliminate the backlog of cases within 2 or 3 weeks. The Deputy Chief of Police also promised the Authority faster results in the future.

Incident report database

During the review period the Authority developed an incident report database. The database allows Authority personnel to track arrests, complaints, and various disturbances related to the Authority's developments. The system is very helpful but does not allow the Authority to track its drug and criminal arrest cases. The Authority's Director of Management Information Systems said he can make any changes necessary that would allow the Authority to track eviction cases. He agreed to work with the legal and operations departments to make the necessary changes. We discussed proposed changes to the incident report database with Authority officials at the exit conference. The Authority agreed to make the necessary changes to allow it to track all law enforcement arrest reports through every stage of the eviction process.

Other issues

In some instances, the Authority bars individuals from its developments. This usually occurs when an individual arrested for drugs is listed as a dependent on the resident's lease. If the Authority does not have enough evidence to evict the resident it can choose to bar the dependent from the property. Law enforcement personnel currently have no way of knowing the names of barred individuals. If law enforcement personnel can identify individuals barred from Authority property they can arrest them for trespassing. We think the Authority should prepare a list of barred individuals and distribute it to the applicable law enforcement agencies. Authority officials agree.

The Authority amended its dwelling lease on September 26, 1997, to include provisions for a "One Strike and You're Out" (One Strike) policy. The One Strike policy is part of the Housing Opportunity Program Extension Act signed into law in 1996. The One Strike policy provides additional authority to public housing authorities in the area of screening, lease enforcement, and eviction. The Authority's amended lease states:

The Authority has adopted a "One Strike and You're Out" policy that means in addition to reasons for termination contained in the Dwelling Lease, the Authority may terminate the Dwelling Lease for the following:

- (1) One and only one act or activity by a resident, any other household member, guest, or other person under resident's control, including criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Authority's public housing premises by other residents or employees, or any drug-related criminal activity on or off premises.

- (2) Weapons or illegal drugs seized in an Authority dwelling unit by a law enforcement officer.
- (3) Alcohol abuse that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents or employees.

The One Strike policy gives the Authority discretion to consider all circumstances before evicting a resident based on the criteria identified in Section 1 of the lease amendment. The New Orleans HUD Office of Public Housing's policy is that the Authority should strictly enforce the One Strike policy. The Authority's Operations Manager agrees they should take a "hard line" on enforcing the policy. As an example, if a single mother's son is arrested for selling drugs anywhere,² the Authority can attempt to evict her. So far, the Authority has not evicted a resident similar to the example. The Authority usually bars the resident's dependent from the property. The Authority's General Counsel cautions that the One Strike policy requires the Authority to evaluate each case separately. He said the Authority must have proper evidence so it can maintain the confidence of judges. We think the Authority should enforce the One Strike policy by attempting to evict residents that cannot control their dependents. If the Authority can succeed in some of these cases it will set a positive example for other residents.

Authority comments

As stated above, we discussed the results and recommendations for improvement in an exit conference with Authority officials on December 4, 1997. The meeting was positive with both sides making suggestions for improvement. The Authority agreed with our results and conclusions.

Recommendations

We recommend you require the Authority to:

- 1A. Continue to hold regular meetings with all applicable law enforcement officials to ensure the timely submission of all reports.
- 1B. Amend its re-certification process to include a statement signed by the resident saying they, and anyone listed as residing in their unit, have not been arrested for a drug or felony criminal violation in a specified period of time.
- 1C. Continue to work with the New Orleans Police Department in improving the response time for crime lab results on drug tests.
- 1D. Make changes to its incident report database system that will allow it to track the following information:

² Under the policy it does not matter where the arrestee committed the crime.

- (1) Arrestee name and date and reason for the arrest (drugs, theft, weapons, violence, etc.).
 - (2) Source of the arrest (Task Force, COPS, Police Department, etc.) and the person entering the data into the system.
 - (3) The date the legal department initiates a case for a drug or criminal eviction or the reason why a case is not initiated.
 - (4) The date of the notice to vacate and the move-out date.
 - (5) Information on the progress of the case (filing dates, court dates, rulings, settlements, etc.).
 - (6) Problems hindering the progress of the case (police reports, crime lab reports, etc.).
- 1E. Develop specific written procedures for entering the data described in 1D above and limit access to such data to selected authorized employees.
- 1F. Prepare a weekly report of individuals barred from Authority property and distribute to all applicable law enforcement agencies.
- 1G. Enforce the provisions contained in the One Strike policy to the fullest extent possible.

Within 60 days please give us, for each recommendation made in this report, a status report on: (1) the corrective action taken; (2) the proposed corrective action and the date to be completed; or (3) why action is considered unnecessary. Also, please furnish us copies of any correspondence or directives issued because of this review.

If you have any questions, please contact me or Frank Baca, Assistant District Inspector General for Audit.

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