



TOM VAN DYKE — MERCURY NEWS

Deneise Thomas, left, Ken Hahn and Estela Guerrero helped clean up their street, Palo Verde Avenue in East Palo Alto.

Neighbors get rid of crack house

BY JENNIFER MENA
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For years, some East Palo Alto neighbors lived in the glow of lighted crack pipes, the stench of trash and screeching cars along Palo Verde Avenue.

Residents said these were the sounds and sights that emanated from a house where crack was smoked, stealing a delicate peace preserved in a city tainted by a reputation for crime.

But instead of closing their curtains and their mouths, neighbors employed a tactic new to East Palo Alto but increasingly popular around the country to fight crime: They sued the homeowner in civil court for damages using a public nuisance law.

Four neighbors recently won \$22,500, an award upheld on appeal in San Mateo County Superior Court. The tenants have since moved from the house in the 2300 block of Palo Verde Avenue and another family bought the property.

"People are afraid of crime and criminals, but when they get together with others to fight this, and when they win, they feel good," said Dennis Scherzer, who heads Turnaround East Palo Alto, an anti-drug group hoping to take similar actions in the city.

Small claims faster

More people are turning to small claims court because they don't need the evidence required by criminal courts, usually proof obtained through lengthy undercover operations. Moreover, the process is much faster than in criminal court, which can take five years or more.

"If you have neighbors saying, 'It's a crack house, it's a crack house,' that may be good enough. They don't have to get an undercover officer to buy drugs there," Scherzer said.

The East Palo Alto neighbors — Deneise Thomas and her husband, Claudia Thomas, Estela Guerrero and Ken Hahn — simply told the court of their losses, including the guard dogs they bought, the smashed windshields they replaced and the time from

Anti-drug group goes to court

work they lost taking care of problems caused by the house.

Small claims campaigns around the country are cleaning up drug-entrenched neighborhoods, according to Molly Wetzel, the founder of Oakland-based Safe Streets who got rid of a drug house in her Berkeley neighborhood through a 1989 small claims court judgment.

"Five years ago, police departments would conduct raids, make arrests. Now, people are seeing those traditional methods are not working. ... People are looking for faster, more effective methods," Wetzel said.

Unlike criminal courts that face delays, a small claims court hears a case 30 days after a complaint is filed. California residents can sue, without a lawyer, for up to \$5,000 in damages. Each of the East Palo Alto neighbors sued for the maximum amount, except Claudia Thomas, who asked for \$2,500.

Last resort

The East Palo Alto residents were the first in San Mateo County to use small claims court in such a way. But they sought that alternative only after repeated efforts with city authorities and the property owner, the neighbors said.

Rick Pedersen, an attorney in the law firm that represented landlord Ram Chander, said his client, 80, is in poor health and was unaware of the problems.

"I don't know he was aware it was a quote, unquote crack house," said Pedersen, retained by an insurance company that paid the judgment through a comprehensive personal liability policy Chander held.

Pedersen also told the court that Chander needed "good cause" to evict his tenants under East Palo Alto's local laws, something that would require a great deal of proof that he might not have been able to collect.

Neighbors didn't believe that defense. Hahn repeatedly awoke at night as he heard his car wind-

shield shatter. Guerrero's four children holed up in their living room, fearful of their yard, a frequent path used by drug dealers fleeing the police. Deneise Thomas gave up her out-of-town vacations because she feared her possessions would be gone before she returned.

"A home is your sanctuary but I just wanted to stay at work," said Deneise Thomas, whose mother, Claudia Thomas, was also part of the lawsuit.

Passersby frequently begged them for money after telling a predictable sob story: Their cars ran out of gas, their children were hungry or they just lost their jobs.

Gunshots, cocaine

Police responded to calls about gunshots, weapons brandished and the use of marijuana and cocaine. Arrests between 1992 and 1995 involved parole violations, drug sales and "a myriad of public nuisance violations," said Police Lt. Rahn Sibley.

Between May and November, 1995, Scherzer, two dozen neighbors and even some police conducted night and weekend vigils to discourage the drug dealing. But the results were minimal.

University of Wisconsin criminal law professor Herman Goldstein said residents gain more than money when they turned to small claims court for help: "This is a way for people to get access to authority and power that they may not realize they have."

Deneise Thomas said \$5,000 provided her a "sense of closure." As a result, Hahn is wondering whether he should take on the owner of another property that he believes is a crack house. Guerrero's children were delighted that she got \$5,000 and wanted her to buy a car.

"I told them, this is money I'm not happy about. It came with so much grief. But now that I have it, I feel I need to do something with it that means something," she said. She deposited the check

SAFE STREETS NOW SUCCESSES

The following are examples of small claims actions taken in California, many with the help of Safe Streets Now.

- San Francisco, 1997: A state court affirmed an award to 12 plaintiffs, who won \$5,000 each from the owner of the Baldwin House Hotel. The court found the owner "failed to take all reasonable measures" to prevent the hotel from becoming a haven for drug activity.
- Pasadena, 1996: Thirty-one residents received judgments of \$100 to \$500 each in a lawsuit against an apartment owner whose property was the site of prostitution, drug dealing and gang activity.
- Long Beach, 1996: Thirty-four neighbors sued the owners of a home near Heartwell Park and won \$170,000. The house, known in the neighborhood as, "the house from hell," was the site of an attempted murder, an armed standoff with police and a carjacking.
- Oakland, 1995: Eleven neighbors on Lewis Street win \$44,000 from Sara "Mama" Scott, 82, whose house was allegedly the site of drug dealing and fights. Neighbors gave the award to Scott for her care, blaming the chaotic situation on her 10 children, who lived in the downstairs. The children left the house following the suit.
- Berkeley, 1993: 75 neighbors sued the owners of the 36-unit Lew Apartments after they claim police were ineffective in stopping illegal drug dealing and win \$218,325, a judgment upheld on appeal. The case became the precedent for similar lawsuits filed in other states.

Source: MERCURY NEWS RESEARCH

in a savings account for their college educations.

IF YOU'RE INTERESTED

Safe Streets Now can be reached at (510) 836-4622.