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Concord police crack down on gang members, truant students, 'problem houses'

By Paul Thissen
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CONCORD -- Police here are cracking down on troublemakers.

"If you're a gang member in Concord, we know who you are, and if we see you we're going to stop and talk to you," said Concord police Chief Guy Swanger, who took the job in January.

The department has also started truancy sweeps, in which police have picked up dozens of students and taken them back to school.

And when a house is searched for drugs or someone arrested for selling them, officers sometimes suggest to the landlord that an eviction be considered.

Swanger earned praise from the City Council after an April presentation about the department's methods. But the American Civil Liberties Union says some of those methods also raise legal concerns.

Policing is more than making arrests, Swanger said. The department has recently given STAND for Families Free of Violence space in the Police Department's headquarters and invited its staff to ride with officers to domestic violence calls.

And officers and a deputy city attorney recently visited a metal-recycling business that had been accepting metals without asking for identification, as state law requires. Officers told the business owner to shape up, or to expect a sting operation; he shaped up, and copper thefts have dropped since, Swanger said.

"I know you guys are doing a great job," Vice Mayor

Ron Leone told Swanger at the council meeting. "You certainly can tell by the numbers that you guys are on top of

things."

The total number of major crimes such as robbery, assault, burglary and theft was slightly lower in Concord in the first quarter of 2011 than in the previous year -- 1,090 incidents versus 1,109 in 2010, according to statistics Swanger showed the council. Auto burglaries also dropped by almost 50 percent.

After a spike in gang activity early this year, police focused on known gang members and trouble spots. It worked, and problems decreased, Swanger said.

Patrol officers are now briefed on the identities of gang members, based on work by the department's gang intelligence officers and by other law enforcement agencies.

Keeping close tabs on known gang members prevents crime, Swanger reiterated last week.

"When they're lounging on a particular corner they're more open for a drive-by shooting," he said.

But with that approach, officers walk a blurry legal line, said Michael Risher, a staff attorney with the American Civil Liberties Union of Northern California.

"When you start singling people out as potential



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gang members, there's going to be racial profiling concerns, there are going to be concerns that it's being done in an arbitrary way," Risher said. "Police cannot stop someone simply because they think they're a gang member. It still happens, but it shouldn't."

Police can talk to anyone they want -- but only if the person knows he is free to leave at any time, Risher said.

"Even if police officers may think that they're just stopping and asking someone to talk to them, (that person) may not feel they're free to leave," Risher said. In that case, he said, it may be an illegal detainment.

Truancy sweeps

In each of five truancy sweeps since January, officers have picked up between 30 and 40 truant students and taken them back to school, Swanger said.

Vice Mayor Leone and Councilman Tim Grayson asked the city to research a daytime curfew, so police could cite or arrest truants instead of relying on the school's discipline. Mayor Laura Hoffmeister said the plan might run into the same public opposition that stopped a similar daytime curfew several years ago.

In another change, the city plans to move some building inspectors into the Police Department.

"We deal with the same houses code enforcement deals with, but we have different bureaucracies and different focuses," said police Lt. Bill Roche. "Now they can work side-by-side with the officers. ... We can get (a house) red-tagged. We can get it boarded up."

Police already sometimes encourage landlords of "drug houses" to consider evicting their tenants after a drug-related arrest or search there, said Roche, noting that once a landlord is informed of problems at his property, he becomes legally liable.

"The city can file a suit against you if we find drugs on your property," Roche said. Neighbors can sue, too.

To drive that point home, Roche said, he hands

property owners a photocopied newspaper article about a landlord who was sued in such a case.

In a more recent case on Treegarden Place, once officers made an arrest, landlords evicted the tenants. The house was "off the hook" with reports of drugs and guns, Roche said.

"When (landlords) find out the liability that they have by not acting, they'll usually act," Roche said.

But encouraging landlords to consider eviction based on an arrest or a search warrant -- which requires only probable cause -- could be problematic, the ACLU's Risher said.

"We have, in this nation, a presumption of innocence," Risher said. "It raises issues of people being singled out based on rumors, based on ethnicity, based on who they associate with, and facing real troubling consequences. Losing your home for a lot of people is devastating."

Again, the legal questions are complicated, he said. But the California Supreme Court ruled that landlords should not be evicting people or refusing to rent to them because of rumors of gang membership, Risher said.

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