

MESA POLICE Department Policy Manual	Criminal Nuisance Abatement	DPM 2.8.90 Effective 04/06/2012 Revised 09/21/2018
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1. PURPOSE

This policy provides Mesa Police Department (MPD) members with the requirements and guidelines relating to criminal nuisance abatement.

2. DEFINITIONS

Nuisance Abatement: Residential and/or commercial property that is regularly used in the commission of a crime is a nuisance and the criminal activity causing the nuisance shall be enjoined, abated and prevented and damages may be recovered ([ARS 12-991.A](#) and [ARS 12-998.A](#)).

- Examples: Properties where the following occurs regularly on the property:
 - Drug dealing/usage.
 - Prostitution.
 - Chop shops.
 - Violent crimes.

3. GENERAL

- A. Community Action Detective, Street Crime Detective, or Asset Forfeiture Detective shall initiate and direct all nuisance abatement actions.

3.1 Courtesy Letter

- A. A courtesy letter may be sent to the owner(s) of the property once it is determined that the property meets the criteria for nuisance abatement.
 1. All letters shall be sent by CAD or SCD using [DPM 2.8.90F1 Courtesy Letter](#).
 2. An affected Division Commander will review and approve the letter.
 3. The letter will be sent by certified mail or hand delivered by the investigating officer.
 - a. A supplemental report will be completed if hand delivered.

3.2 Statutory Letter

- A. In some instances, a courtesy letter may not be applicable given the extent of criminal activity occurring on the property. In those instances, [DPM 2.8.90F2 Statutory Letter](#) will be sent.
 1. The statutory letter will contain the formal notice per [ARS 12-991.I](#).
 2. The affected Assistant Chief will review and approve [DPM 2.8.90F2 Statutory Letter](#).

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3. [DPM 2.8.90F2 Statutory Letter](#) will be sent by certified mail or hand delivered by the investigating officer.
 - a. A supplemental report will be completed if hand delivered.

3.3 Departmental Report (GO)

- A. A GO will be written to document the problems and the completion of service of the courtesy/statutory letter to the owner(s) of the property.
 1. The report will be titled "Criminal Nuisance Abatement."
 2. The report will summarize the incidents cited in the letter, along with the appropriate GO numbers.
 3. A copy of the applicable letter will be attached to the report.

3.4 Attorney General/County Attorney/City Attorney

- A. If the owner(s) allow the criminal activity to continue on the property, the Attorney General, County Attorney, or City Attorney may bring an action in Superior Court against the owner(s) to abate and prevent the criminal activity.
- B. The Attorney General, County Attorney, or City Attorney may be consulted at any time throughout this process for assistance.

REFERENCES

- [DPM 2.8.90A1 Abating Crime Handout](#)
- [DPM 2.8.90F1 Courtesy Letter](#)
- [DPM 2.8.90F2 Statutory Letter](#)
- [ARS 12-991.A](#)
- [ARS 12.991.I](#)
- [ARS 12.998.A](#)
- [ARS 13-2908](#)