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November 18, 1995

Kathy Regalado, Legislative Assistant
Office of Karen Clark, Representative District 60A
State Office Building, #503
Saint Paul, Minnesota 55155

**RE: Legislation for Housing Court Evidence Threshold
Law Enforcement to Evict Illegal Drug Activity from the Property**

Dear Kathy,

As a follow-up to our Saturday Workshops conducted by Representative Karen Clark, I wish to offer the following specific proposal to modify the current laws to allow for a "Preponderance of the Evidence" that should be acceptable to any reasonable Person, when documented by Trained and Organized Groups, so that Individuals conducting Illegal Activity may be evicted from Properties, while at the same time we are not jeopardizing or diminishing our Individual Rights within our Society.

RECITAL

OUR SOCIETY requires that each Person act as a responsible Law Abiding Citizen, so that we may freely interact within our Society. So that we may conduct business to promote our mutual Economic and General Welfare. So that we may encourage Individual participation within our Communities to improve our overall Social and Human Condition. Therefore, our purpose as a Society is to adopt the proper Laws to enforce, that will serve to secure, stabilize and maintain a positive Environment for each of our Individual Citizens, as well as their Families and our Posterity.

WHEREAS, proper Laws are passed under Due Process, which are deemed to be necessary for the Public Good, which are to protect and promote the Public Safety.

WHEREAS, enforcement of the Law is to be applied equally to all of the Citizens within the Society to assure compliance, so that those Law Abiding Citizens may continue to live, work, educate and improve the overall Social and Human Condition within our Society.

WHEREAS, the Laws that are necessary for the Public Good and the Public Safety must not be waived, altered, or unenforced, due to the particular Race, Sex, Economic Class or other current Political and Social bias of any Individual Citizen or Member Groups within the Society.

WHEREAS, enforcement of the Law serves to promote the Personal Belief by all Citizens, that their Family and their Community will be Safe and Secure from any physical danger, which is necessary to stimulate a positive Environment for future Social and Economic Growth within the Society.

WHEREAS, the Law defines possession of Cocaine, Crack-Cocaine, as well as other Controlled Substances as Illegal, which is counter to the Public Good and endangers the Public Safety.

NOW, THEREFORE, BE IT MUTUALLY AGREED AND RESOLVED:

THE HOUSING COURT is established as a viable means to enforce the Laws of the Society which have been deemed to be necessary for the Public Good, which serve to protect and promote the Public Safety. Therefore, proper Law Enforcement by the Housing Court will enable the Law Abiding Citizen to continue to freely interact to improve their community. Accordingly, the Individual Citizen that respects the Law, will continue to Personally Believe that their Family and Friends, as well as themselves, are Safe and free from any potential physical harm.

Therefore, we seek relief from the Housing Courts to assist the Landlords and Communities in shutting down the known Drug Related properties. The relief requested is the immediate eviction when Drug Activity has been properly documented. This is the most effective method of removing the Drug Traffic while also disrupting their Drug Sales. We propose that each of the following points qualify as sufficient evidence to render the Defendant guilty in a Housing Court Proceeding:

- I A "Controlled Buy", conducted under the supervision of the Police Department or the SAFE Team, which is properly and procedurally documented, should in and of itself, be sufficient Evidence to substantiate the possession of a Controlled Substance without the need to obtain a Search Warrant. A Confidential Reliable Informant (CRI) may be used during this procedure. This Evidence should be admissible in the Housing Court Hearing. The Defendant need not confront the anonymous CRI, provided that the procedure has been properly conducted by the Police or SAFE Team.
- II Documented observance conducted by trained Officers within the Mobile Safety Unit (MSU) which should accompany the Testimony of the Landlord, which reasonably presumes that Drug Activity is taking place upon the premises. The level or threshold to which the Defendant is found guilty should merely be the "Preponderance of the Evidence" as should be believed to be true and accurate, if a Sworn Affidavit or Testimony is provided by the trained Officers on Duty in the MSU Division.
- III Documented 911 Police Calls, along with a Sworn Affidavit submitted by trained Officers of SAFE, which accompany the Testimony of the Landlord, which reasonably presumes that Drug Activity is taking place upon the premises. The level or threshold to which the Defendant is found guilty should merely be the "Preponderance of the Evidence" as should be believed to be true and accurate, if a Sworn Affidavit or Testimony is provided by the trained Officers of the Operation SAFE Team.
- IV A Sworn Affidavit submitted by an Official Block Club Leader, which has been properly trained by SAFE, or the Police Department, which should accompany the Testimony of the Landlord, which reasonably presumes that Drug Activity is taking place upon the premises. The level, or threshold to which the Defendant is found guilty, should merely be the "Preponderance of the Evidence" as should be believed to be true and accurate, if a Sworn Affidavit or Testimony is provided by a trained Official Block Club Leader.

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V If the Public Health Law is modified to include certain Controlled Substances, that when used are known to cause Physical Damage to non-Users by merely being in the same physical proximity, then any possession of a Controlled Substance is deemed a Health Hazard that would be automatic grounds for immediate eviction of the User/Tenants.

INDIVIDUAL RIGHTS vs THE SOCIETY: During our discussions held at your Workshops, I continually heard from Administrators and Housing Court Referees about their concerns of the possible abuse of a Person's individual rights. That we must always be careful not to "Cross the Line" which may lead to the abuse any Individual Constitutional Rights. I do not believe that my suggestions offered above, or those suggestions offered by others, are in any way extreme, such that a Person's Individual Constitutional Rights will be abused. Certainly, a Law Abiding Citizen would not feel threatened with the above mentioned provisions. On the contrary, we are only seeking to institute a reasonable Preponderance of the Evidence, such that a reasonable Person could rightfully believe that illegal Drug Activity is taking place upon the premises in question. We seek the assistance of the Housing Court as only one method to disrupt and discourage the known Drug Related Activity within our Communities. We only ask, that when there are Documented Controlled Buys, or Sworn Affidavits provided by trained Individuals, which may accompany any documented 911 Police Calls, or other documented observance by various trained official sources, that the Courts deem this to be sufficient evidence to believe that there is suspicious Drug type behavior activity, such that the Defendants should be removed from the premises. It is not reasonable to assume that Drug Dealers will be caught in full view in an open Drug Transaction. It is reasonable to presume that documented 911 Police Calls, Operation SAFE Observance, MSU Observance and Block Club Sworn Affidavits, indicate that there is apparently some form of Drug Related Activity which requires immediate relief by the Housing Court.

CONCLUSION: The "Law of the Land" is generally formed within a Society to provide the guidelines and security for the Individual Citizens of that Society. Accordingly, the Law Abiding Citizens within that Society need to be assured that the Law of the Land is indeed working. Otherwise, the positive Environment that we so desperately need to live and work in, to continue our daily business and to educate and raise our Families, will be frustrated and rendered useless. The Laws and the Courts will no longer be effective, or serve the Good People that the Laws were intended to protect. Instead, we appear to expend more of our time and attention worrying about the violation of the rights of the known Drug Dealers, rather than to find solutions. If we do not take some serious and creative action to reverse and counteract this violent trend, then we as a Society will no longer be able to provide the Safe, Secure and positive Social Environment that we must attain, if we are to have any hope for our future growth.

Sincerely,

William E. Bryant, Member of the Eleventh Avenue Block Club
cc: Block Club Members.