

# Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women

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Matthew Desmond<sup>a</sup> and Nicol Valdez<sup>b</sup>

## Abstract

Recent decades have witnessed a double movement within the field of crime control characterized by the prison boom and intensive policing, on the one hand, and widespread implementation of new approaches that assign policing responsibilities to non-police actors, on the other. The latter development has been accomplished by expansion of third-party policing policies; nuisance property ordinances, which sanction landlords for their tenants' behavior, are among the most popular. This study, an analysis of every nuisance citation distributed in Milwaukee over a two-year period, is among the first to evaluate empirically the impact of coercive third-party policing on the urban poor. Properties in black neighborhoods disproportionately received citations, and those located in more integrated black neighborhoods had the highest likelihood of being deemed nuisances. Nearly a third of all citations were generated by domestic violence; most property owners abated this "nuisance" by evicting battered women. Landlords also took steps to discourage tenants from calling 911; overrepresented among callers, women were disproportionately affected by these measures. By looking beyond traditional policing, this study reveals previously unforeseen consequences of new crime control strategies for women from inner-city neighborhoods.

## Keywords

domestic violence, inner-city neighborhoods, policing, racial inequality, urban poverty, women

The United States has witnessed a prison boom of colossal proportions, fueled in large part by intensive policing of inner-city neighborhoods (Western 2006). At the same time cities were hiring more police officers and states were building more prisons, another far-reaching development was unfolding within the field of criminal justice. Across the Anglophone world, crime control was becoming decentralized and diffused throughout the social space. The police began convincing and coercing community actors (landlords, business owners) to assume some responsibility for correcting misconduct. Identified by a number of designations—here, we use the

term *third-party policing*—this approach constituted "a new crime control establishment" (Garland 2001:17). "The most significant development in the crime control field," according to Garland (2001:170), "[is the development of] a third 'governmental' sector . . . poised between the state and civil

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<sup>a</sup>Harvard University

<sup>b</sup>Columbia University

## Corresponding Author:

Matthew Desmond, Department of Sociology,  
Harvard University, William James Hall, 33  
Kirkland Street, Cambridge, MA 02138  
E-mail: [mdesmond@fas.harvard.edu](mailto:mdesmond@fas.harvard.edu)

society, connecting the criminal justice agencies with the activities of citizens, communities and corporations . . . [and extending] the field of 'formal' crime control and its potential for organized action."

Social scientists have devoted considerable attention to traditional policing and mass incarceration (Wakefield and Uggen 2010). The proliferation of third-party policing, however, is matched only by the paucity of inquiries into its ramifications. Among the first to assess empirically effects of third-party policing on the urban poor, this study evaluates some determinants and consequences of one of the most widespread coercive third-party policing policies: the nuisance property ordinance, designed to sanction property owners if their tenants generate an undue degree of police attention. Employing quantitative methods and content analysis to analyze every nuisance property citation distributed in Milwaukee, WI, from 2008 to 2009, we find that residential properties located in predominantly black neighborhoods were more likely to receive citations, even after controlling for a number of important factors, and that properties located in more integrated black neighborhoods had the highest likelihood of being deemed nuisances. Nearly a third of citations were generated by domestic violence; most property owners abated this "nuisance" by evicting battered women. Landlords also took steps to discourage tenants from calling 911; overrepresented among callers, women were disproportionately affected by these measures. By looking beyond traditional policing, this study reveals previously unforeseen consequences of new crime control strategies for women from inner-city neighborhoods.

## A NEW WAY TO POLICE

In response to a growing intolerance for urban rioting, a uniformed police force spread across U.S. cities in the latter half of the nineteenth century. The police grew in per capita strength through the first decade of the twentieth century, as officers stopped manning

soup kitchens, sheltering the homeless, and offering other social services to focus exclusively on crime control (Monkkonen 1992). During the second half of the twentieth century, the U.S. police force's per capita strength increased yet again; in recent decades, it grew more rapidly in cities with a sizeable percentage of African Americans (Kent and Jacobs 2005). Around 1990, and in sharp reversal from previous years, cities began proactively and persistently policing disadvantaged neighborhoods. The experience of being stopped, questioned, and frisked, cuffed, arrested, and convicted, would become commonplace for young and poor black men (Fagan and Davies 2000; Western 2006).

As the police increased their presence in poor urban neighborhoods through the use of traditional methods (enhanced by advanced tracking technologies), they also began adopting new approaches that incorporated a variety of actors into the business of crime control, approaches that would come to be known as third-party policing. Third-party policing attempts to control or prevent crime and disorder by activating nonoffending persons who are thought to influence environments where offenses have occurred or may occur (Mazerolle and Ransley 2005). Although this approach can involve voluntary and cooperative partnerships between the police and community members, it often relies on coercive techniques—fines, license revocations, and jail sentences—and thus differs from problem-oriented policing. The rise of third-party policing can be characterized by renovations at the levels of *police*, *perpetrator*, and *punishment*.

*Police.* Although in modern times the right to punish traditionally resided with the bureaucratic state, confidence in the state's capacity to control crime began to dwindle in the 1960s. An increase in crime, allegations of entrenched corruption, inner-city uprisings, and excessive force used against political demonstrators contributed to widespread disenchantment with the criminal justice system (Garland 2001; Reiss 1992). Its authority compromised, the police responded by

striking an arabesque, enlarging its force and adopting a set of abrasive policies that would drive the prison boom, while, at the same time, assigning some responsibilities for maintaining law and order to non-police actors (Loader and Walker 2001; Mazerolle and Ransley 2005). Supervision would be expanded and disorder policed by those with and without a badge and a gun.

*Perpetrator.* To justify assigning policing duties to civilians, the police began implicating them in the crime itself. If “‘the community’ [became] the all-purpose solution to every criminal justice problem” (Garland 2001:123), it was not only because community members could help curtail crime but also because some were found to be responsible for it: the pawnshop owner for gun violence, the absentee landlord for drug houses, the negligent parent for truant students. As this view became more widely accepted, municipalities drafted new ordinances that institutionalized a kind of “gatekeeper liability” imposed “on parties who, although not the primary authors and beneficiaries of misconduct, might nonetheless be able to prevent it” (Kraakman 1986:53). These ordinances were directed at three parties in particular: parents, business owners, and landlords.

*Punishment.* Third-party policing policies authorize the use of sanctions to incorporate these parties into the labor of crime management. Parents face penalties if their children violate curfew, break the law, or are chronically truant. Proprietors of bars, bodegas, and other businesses risk license revocations, fines, and other penalties if police find their patrons are engaged in illegal or disorderly conduct. And landlords are “coerced into making changes to their properties, or into controlling the people who live in their properties (through increased surveillance or evictions), in an effort to control crime” (Buerger and Mazerolle 1998:303).

In addition to dynamics internal to the field of crime control, broader forces also facilitated the rise of third-party policing. In

the legal sphere, an increasing relaxation of the barrier separating criminal and civil law expanded significantly the repertoire of incentives and sanctions at the disposal of the police (Mazerolle and Ransley 2005). In the political sphere, the state’s steady withdrawal from a number of central sectors gave rise to numerous public–private partnerships (Shearing 1992). With respect to economic factors, as the financial demands of mass incarceration, harsher sentencing, and growing citizen pressure on the police presented municipalities with steep budgetary challenges, police departments increasingly turned to third-party policing to control costs (Ayling, Grabosky, and Shearing 2009; Braithwaite 2000).

In third-party policing, cities found a new way to extend the long arm of the law at little cost to their budgets. But what might be the cost to the citizenry? Third-party policing has been justified and criticized mainly in the abstract, and the interaction of perhaps the two most consequential developments in urban policing in the past two decades—intensification of policing in inner-city neighborhoods and the rise of new crime control techniques based on public–private partnerships—has been overlooked. What, then, are the consequences of third-party policing for the urban poor? To investigate this question, we take as our case study perhaps the most common third-party policing policy: the nuisance property ordinance.

## NUISANCE PROPERTY

After 911 became citizens’ primary source of communication with the police, the volume of calls departments received quickly outpaced their capacity to handle them (Mazerolle et al. 2002; Reiss 1992). Inundated with calls, police departments began devising strategies to screen out nonemergency requests. One such strategy was to rely on nuisance property ordinances, which allow police departments to penalize landlords for their tenants’ behavior. A popular law found in cities large and small as well as small towns and villages (Thacher 2008), the nuisance property ordinance rests

“at the heart of [third-party policing] programs” (Buerger and Mazerolle 1998:311). Although nuisance ordinances vary across jurisdictions, most share three common features. First, they designate properties as “nuisances” based on excessive service calls made within a certain timeframe. Second, they include a broad list of “nuisance activities” that provoke the calls. And third, they coerce property owners to “abate the nuisance” or face fines, property forfeiture, or even incarceration (Fais 2008).

Third-party policing may be organized along two continua, one sorting policies according to the type of intervention (from cooperative to coercive strategies), the other according to the type of third party (from individuals to organizations) (Mazerolle and Ransley 2005). Nuisance property ordinances belong to the class of policies that target individuals (property owners) with coercive techniques. Other interventions that belong to this class include truancy sanctions directed at parents and license revocations directed at business owners. It is worth bearing in mind, then, that nuisance property ordinances, however widespread and influential, still represent but one case of one class of third-party policing.

Those considered nuisances used to be subject to vagrancy laws (Chambliss 1964; Foote 1954). After courts struck down these laws in the 1960s and 1970s, municipalities began drafting new ordinances that reached into a sector previously untouched by vagrancy laws: the home. They were able to do so, in part, because the recent criminalization of domestic violence allowed—indeed, required—the expansion of criminal law into private space. Other laws, both criminal and civil, followed domestic violence statutes into the home, which the legal system began to envision “as in need of public control, like the streets” (Suk 2006:8). In the United States, nuisance property ordinances began appearing in the 1980s mainly to combat drug dealing (Mazerolle and Ransley 2005); soon, however, the police came to view these ordinances as an effective way to allocate resources by offloading service calls to landlords.

Criminologists long have remarked on the considerable discretionary power of the police, yet they have been frustrated by the fact that police discretion, which typically involves only officers and accused lawbreakers, is largely invisible to citizens, supervisors, and scholars alike (Goldstein 1960; Reiss 1992). In functioning as a classification mechanism by which certain disorderly and illegal activities are elevated to the status of “crime,” while others are downgraded to the status of “nuisance” unworthy of police attention and resources, the nuisance ordinance provides a unique opportunity to observe police discretion clearly and systematically.

## QUESTIONS AND HYPOTHESES

This study is propelled by three questions. Are nuisance property citations disproportionately deployed in inner-city black neighborhoods? What activities are systematically classified as nuisances? And what are the consequences? We discuss each in turn.

### *Targeting the Inner City or Its Boundaries?*

The fact that inner-city neighborhoods are subjected to heightened levels of supervision and policing (Goffman 2009; Rios 2011) might lead us to hypothesize that nuisance property citations will be disproportionately deployed in such neighborhoods, even after accounting for their crime rates (Sampson and Loeffler 2010). On the other hand, a pair of complementary considerations would lead us to expect the likelihood of receiving a citation to be highest, not in *segregated* black neighborhoods within the ghetto’s core, but in *integrated* black neighborhoods encircling its edges. First, the minority threat thesis would predict that in integrated black neighborhoods—majority-black neighborhoods containing a large proportion of nonblack residents—police officers will face pressure to respond to disorder reported by nonblack residents threatened by their black neighbors

(Liska 1992). While residents of segregated black neighborhoods might be reluctant to call the police owing to entrenched distrust of the legal system (Carr, Napolitano, and Keating 2007; Kirk and Matsuda 2011), residents of integrated black neighborhoods (particularly nonblack residents) might be particularly likely to call owing to a heightened fear of crime based on their living in close proximity to African Americans (Quillian and Pager 2001). Alternatively, residents of integrated black neighborhoods might pressure the police through other means (e.g., citizen complaints), resulting in officers displaying heightened vigilance to disorder in transitioning areas. The same level of police vigilance could be displayed in segregated black neighborhoods, of course, but in these areas the police might prefer relying on traditional tactics (e.g., stops, searches) with the hope that a small infraction might lead to a larger bust or simply to boost arrest numbers (Moskos 2008). This observation, then, would predict that properties in integrated black neighborhoods will have the highest likelihood of receiving nuisance citations, owing not to interracial dynamics but to differences in policing styles between integrated and segregated black neighborhoods.

Neighborhood crime also could play a determining role in the distribution of nuisance citations. Because high-crime neighborhoods demand more resources from law enforcement agencies, we might hypothesize that budget-conscious police departments will rely more heavily on nuisance citations in such neighborhoods. On the other hand, criminological theories (e.g., Klinger 1997) postulating that police attentiveness to a wide variety of offenses (including those thought to be less serious) is highest in neighborhoods with lower crime rates would suggest the opposite hypothesis.

### *When Is a Crime a Nuisance?*

If the police are neither remotely able nor legally required to respond to all calls (Manning 1988), then of the millions of calls

for service received each year—in Milwaukee, the setting of this study, someone dials 911 every 90 seconds—what gets policed and what is “unpoliced” and outsourced to property owners? Because nuisance ordinances ostensibly target properties that exceed “the level of general and adequate police service,” we hypothesize that properties that repeatedly call 911 will have a higher likelihood of receiving a nuisance citation. And since they are designed to weed out frivolous requests, we expect citations to be applied regularly to calls reporting disorderly but relatively harmless activity (e.g., noise).

More important, however, the ordinance may be used to demote some harmful illegal activities to the status of nuisance, thereby effectively decriminalizing certain crimes. Social scientists have observed that women often are blamed for their own victimization and that the police traditionally have been reluctant to intervene in domestic violence situations (Ferraro 1989; Schneider 2000). This body of work would lead us to hypothesize that calls reporting domestic violence regularly will be classified as nuisances. On the other hand, recent years have witnessed widespread criminalization of domestic violence in law and practice. New criminal codes outlawing domestic assault have been adopted, penalties for abusers enhanced, and mandatory arrest laws made the rule. Police departments’ handling of domestic violence cases, furthermore, have come under increased scrutiny from victims’ and women’s rights organizations (Felson, Ackerman, and Gallagher 2005; Suk 2006). These trends would lead us to expect the police to display extra vigilance in treating domestic violence as a crime deserving of their time and resources.

As our focus on domestic violence indicates, to inquire into the primary activities responsible for nuisance citations is simultaneously to investigate *who* is most affected by these policies. Because young men often are the focus of police activity in poor black neighborhoods, we might expect them to bear the brunt of the nuisance ordinance. There are good reasons to suspect, however, that the



ordinance will have the biggest impact on inner-city women. Not only do women make up the vast majority of domestic violence victims, but in disadvantaged neighborhoods they often are the ones who call the police (Avakame, Fyfe, and McCoy 1999; Goffman 2009). Irrespective of the nuisance activity, then, inner-city women may be disproportionately affected by an ordinance based on repeated 911 calls simply by virtue of being overrepresented among callers.

### *Consequences*

Finally, we investigate how landlords abate nuisance activity in their properties; which is to ask: What are the consequences of the nuisance property ordinance? Because landlords face stiff penalties if they do not successfully address nuisance activity, we hypothesize that they often will respond to citations by relying on the most powerful tool at their disposal: eviction. Additionally, if an increased volume of service calls is the problem the ordinance seeks to address, then we also expect landlords to design abatement strategies that discourage tenants from calling the police.

## **DATA AND METHODS**

### *Nuisance Property Records*

This study analyzes every nuisance property citation distributed by the Milwaukee Police Department (MPD) from January 1, 2008 to December 31, 2009. Enacted in 2001, Milwaukee's ordinance classifies as a nuisance property "any premises that has generated 3 or more calls for police service for nuisance activities [within a 30-day period and that] has received more than the level of general and adequate police service[, thereby placing] an undue and inappropriate burden on the taxpayers of the city" (Milwaukee Code of Ordinances, 80-10-2). (The ordinance also can be applied to properties with more than two instances of violent or drug-related crime within a 12-month period.) The ordinance lists 32 nuisance activities that range in severity from harassment and arson to littering

and excessive noise. When a property is deemed a nuisance, the MPD sends the property owner a letter. The letter lists the address of the property, the nuisance activities responsible for the citation (typically displayed as 911 calls), and usually gender-specific pronouns of the 911 callers. After listing the nuisance activities, the letter informs property owners that they will be "subject to a special charge for any future enforcement costs for any of the listed violations . . . that occur at [their] property." It continues by instructing recipients to respond within 10 days with a written course of action aimed at abating the nuisance activity. The letter concludes by stating that, should the nuisance activities continue, property owners may be subject to a fine between \$1,000 and \$5,000 and that "the alternative penalty for non-payment of a chronic nuisance citation is imprisonment in the county jail or house of correction" for up to 90 days for each violation.

Each citation case includes three parts: (1) the original letter, sent by the MPD to the property owner; (2) the property owner's corresponding response, detailing abatement strategies; and (3) a letter from the MPD approving or rejecting these strategies. Between 2008 and 2009, 503 citation letters were distributed to owners of residential properties, all of them rentals with a handful of exceptions. Each citation listed multiple nuisance activities, 1,666 in all. Most letters (69 percent) listed three activities. Activities often were dissimilar from one another. One letter might list a fight, a 911 hang up, and "family trouble," for example. An abatement plan letter from property owners accompanied 243 citations.<sup>1</sup> The average letter from a property owner listed 4.5 abatement strategies. Letters often unveiled the context behind MPD's anti-septic categories of "battery" or "trouble with subjects," and many were accompanied by informative supplementary material (e.g., eviction notices, letters to tenants). A letter from the police approving or rejecting property owners' abatement plans accompanied 171 cases. Nuisance citations were distributed to 431 unique landlords, indicating that a

small number of slumlords were not primarily responsible for the citations.

We organized nuisance activities into 27 categories. Because police officers and 911 dispatchers applied multiple designations to family and intimate-partner abuse, it was necessary to create a category for domestic violence by scrutinizing the details of each case. We defined domestic violence as “the intentional infliction of physical pain, injury or illness; intentional impairment of physical condition; sexual assault; or physical act that causes the other person to reasonably fear that any of these actions will occur . . . [committed] by an adult person against his or her spouse or former spouse, against an adult with whom the person resides, or formerly resided[, or] against an adult with whom the person has a child in common” (Wisc. Stats. 968 § 075, 2010). Acts committed by current or former spouses, romantic partners, or family members all were counted as domestic violence. Brief descriptions of nuisance activities included in the letters from the MPD (e.g., “the complainant states her boyfriend beat her up”), as well as information gleaned from responses and supplementary materials submitted by property owners (e.g., “[the tenant] had a case where she had an abusive boyfriend”), enabled us to identify activities related to domestic violence but originally categorized under other designations. When we identified a nuisance activity as domestic violence, it was counted exclusively as such.

We organized property owners’ abatement strategies into 17 categories; three involved eviction. Landlords could address a nuisance (1) by initiating a (court-ordered) *formal eviction*; (2) by executing an *informal eviction* with methods that take place beyond the purview of the court (e.g., telling tenants to leave, changing locks); or (3) by *threatening eviction* if the nuisance activity occurred again.<sup>2</sup>

To gain information on the neighborhoods in which nuisance properties were located, we geo-coded addresses using ArcGIS and an associated road network database. It was then possible to merge citation records with Geo-

Lytics population estimates of Milwaukee block groups from corresponding years.<sup>3</sup> Next, we secured from the City of Milwaukee crime statistics and property code violations from 2008 and 2009; addresses recorded in these data were geo-coded and merged with our dataset. Finally, we procured a record of every 911 call made in Milwaukee in 2008 and 2009. During this time, 345,078 calls were placed. These data include the date and address of each call as well as a description of the incident that provoked it. Addresses were geo-coded and merged with our dataset. Service call data allowed us to pinpoint the precise location of each call and, crucially, to *identify all properties that were eligible to receive a nuisance citation*: that is, properties from which three or more 911 calls were placed within a 30-day period.

Because the nuisance property ordinance focuses on the private housing market, we excluded from our analysis Milwaukee’s 24 public housing complexes. We included Section 8 households—the city had 5,575 in 2008—because private landlords whose tenants hold vouchers are subject to the ordinance. Additionally, because we focus here on citations distributed to residential properties, we excluded nonresidential addresses (e.g., stores, schools) from our population of nuisance-eligible properties. We were able to distinguish residential from nonresidential properties after merging 911 records with yearly inventories of all Milwaukee properties.<sup>4</sup> The final dataset consists of the complete universe of all residential properties in Milwaukee that qualified for a nuisance citation in 2008 and 2009: 9,070 unique addresses in total, including 503 that received citations. During this two-year period, a citation was issued to a residential property every 33 hours. It is important to recognize, however, that the nuisance ordinance’s influence cannot be judged solely by the number of citations distributed. After conducting interviews with four Milwaukee police officers charged with administering the ordinance, as well as 10 landlords who had received citations, we learned that police officers often ask

landlords to meet with them before citations are mailed out. "On any given day, we could have had several meetings," a former police captain told us. During these meetings, landlords are made aware of nuisance activities and abatement strategies are proposed, all off the books.

### *Analytic Strategy*

We apply a multilevel mixed-effects logistic regression model to the dataset of nuisance-eligible properties. The probability  $p_{ij}$  of receiving a citation for property  $i$  in neighborhood  $j$  can be expressed as follows:

$$\log\left(\frac{p_{ij}}{1-p_{ij}}\right) = \gamma_{00} + \sum_q \beta_q X_{qij} + \sum_s \gamma_{0s} W_{sj} + \mu_{0j}$$

In our case,  $\gamma_{00}$  represents the log-odds of receiving a citation in the typical neighborhood,  $X_{qij}$  is the value of the property-level covariate  $q$  associated with property  $i$  in neighborhood  $j$ , and  $\beta_q$  is the partial effect of that covariate on the likelihood of receiving a citation. The term  $\gamma_{0s}$  refers to the partial effect associated with the neighborhood-level covariate  $W_{sj}$ , and  $\mu_{0j}$  refers to the neighborhood-level random effect associated with neighborhood  $j$ .

Our first model explores the relationship between receiving a nuisance citation and a single explanatory variable at the property level: the number of 911 calls made from a property after it became nuisance eligible (controlling for the nestedness of properties within neighborhoods). That is, we began counting 911 calls once a property entered the risk set by dialing 911 three times within a 30-day period. Once a property received a citation, we stopped counting its calls. Data limitations prevent us from including other property-level covariates; however, police officers distributing nuisance citations often lack this information as well.

Next, we introduce several neighborhood-level covariates, aspects of block groups in which nuisance-eligible properties were located. We account for the percentage of

black residents living in a neighborhood as well as the percentage of a neighborhood's population living at or below 150 percent of the poverty line. Because neighbors often report nuisance activities, we control for the ratio of the population to housing units. And because virtually all nuisance citations were addressed to owners of rental properties, we account for the proportion of housing units that were rentals. We also control for the ratio of property code violations to housing units, an indicator of landlord negligence, as well as the neighborhood crime rate, the number of Incident Based Report Group A offenses<sup>5</sup> in 2008 and 2009, per 100 people. We also include a binary variable for each police district; doing so produced our most conservative findings. Last, to examine if the relationship between the likelihood of receiving a citation and the percentage of black residents in a neighborhood is curvilinear, we square the percentage of black residents in a neighborhood and replicate our analyses. Table 1 displays the descriptive statistics.

Our models draw on 572 block groups, the average one housing 1,148 people. We use "neighborhood" and "block group" interchangeably. In the descriptive statistics, we designate a neighborhood as black, white, or Hispanic if these respective groups account for at least two-thirds of neighborhood residents. Neighborhoods in which no group makes up two-thirds of the population are designated "mixed." We also conduct a detailed content analysis of all materials, paying close attention to the prevalence of certain nuisance activities, interventions landlords employed to abate nuisances, and who was affected by the interventions. To facilitate a liberal use of primary source material within the allotted space, we refrain from affixing names and dates to each quotation drawn from nuisance citations. Additionally, owing to the high volume of grammatical mistakes within the primary material, we refrain from signaling each error with *sic*. Finally, when names are used, surnames are abbreviated to a single letter. Although these analyses draw on public records, they concern very private matters.



**Table 1.** Summary Statistics

Variable	Mean	SD	Min.	Max.
Level 1: Properties ( <i>N</i> = 9,070)				
Nuisance Citation (0,1)	.06	.23	0	1
911 Calls Post Eligibility	5.66	9.06	0	160
Level 2: Neighborhoods ( <i>N</i> = 572)				
Percent Black	.63	.35	0	1
Percent Poor	.56	.23	0	1
Ratio of Population to Housing Units	2.80	.65	.92	6.09
Percent Rental Housing Units	.54	.15	0	.97
Ratio of Property Code Violations to Housing Units	.26	.27	0	1.91
Crime Rate (per 100 people)	2.68	1.31	0	15.80
Police Districts				
One	.05	.21	0	1
Two	.11	.31	0	1
Three	.19	.39	0	1
Four	.15	.36	0	1
Five	.22	.42	0	1
Six	.08	.27	0	1
Seven	.20	.40	0	1

## RESULTS

We begin by plotting the location of nuisance properties against neighborhoods' racial composition and displaying the results of our models. We then identify the primary activities responsible for nuisance citations and the primary means by which property owners responded to citations. The last two substantive sections increase the magnification, exploring in depth the "nuisance of domestic violence" and its relationship to eviction and the "nuisance of 911 abuse" and how property owners discourage tenants from calling 911.

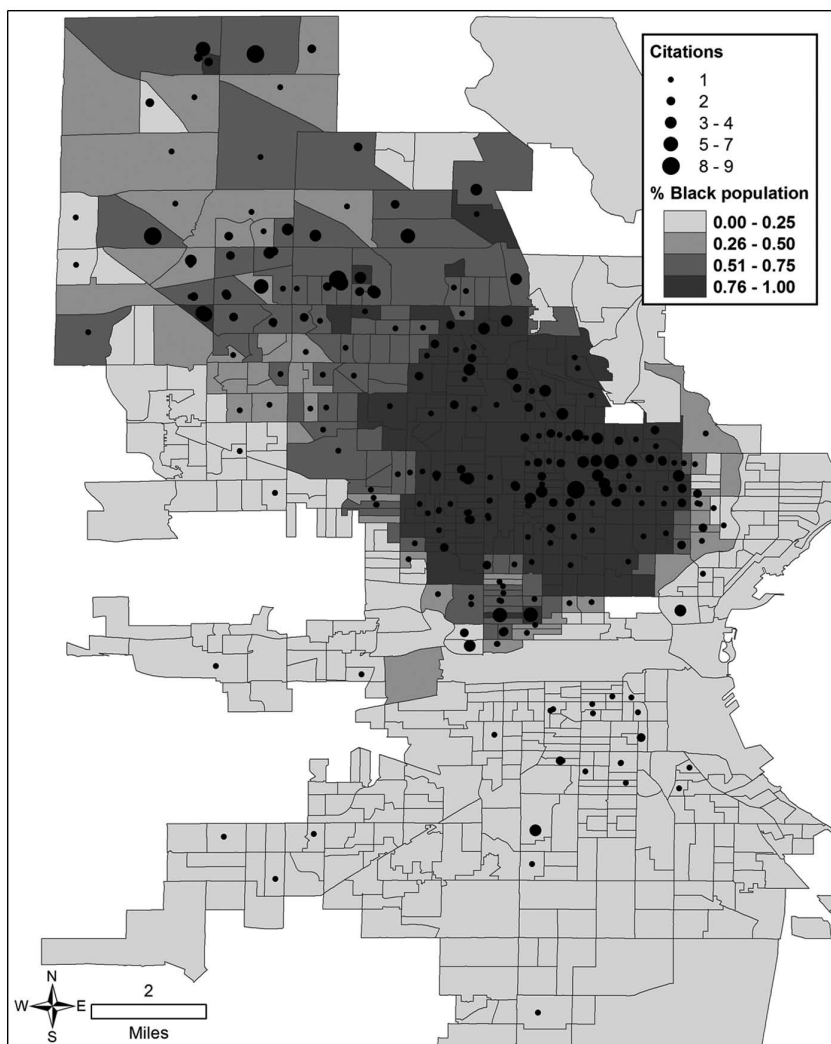
### *The (Racial) Geography of Nuisance*

As Figure 1 shows, most of Milwaukee's nuisance properties were found in the predominantly black inner city. Of the 503 properties deemed nuisances, 319 were located in black neighborhoods, compared to 18 in white neighborhoods, 14 in Hispanic neighborhoods, and 152 in mixed neighborhoods. Of the nuisance properties in mixed areas, 124 were in areas in which the proportion of black residents exceeded that of white or Hispanic

residents. Citations were concentrated in almost exclusively black neighborhoods, with 179 (36 percent of the total) distributed to properties in neighborhoods where over 90 percent of residents were black.

Nuisance-eligible properties in black neighborhoods were more likely to receive citations. In white neighborhoods, 1 in 41 properties that could have received a nuisance citation did. The same was true for 1 in 54 properties in Hispanic neighborhoods. But in black neighborhoods, 1 in 16 eligible properties received a citation. Figure 2 displays the percentage of properties that received citations by the number of (post-eligibility) 911 calls made from those properties.<sup>6</sup> Across the distribution, properties located in black neighborhoods were consistently more likely to receive citations compared to those in non-black neighborhoods from which a similar number of calls were placed.

We now turn to our mixed-effects logistic regression model to examine if this racial discrepancy remains after controlling for a number of potentially important factors. Table 2 reports the results of four models, each of which introduces neighborhood-level random

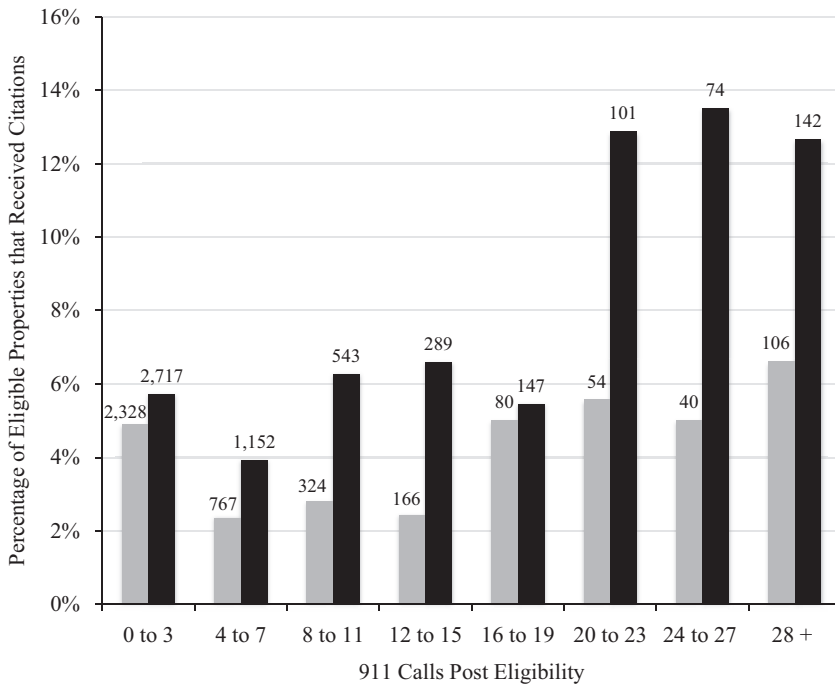


**Figure 1.** Nuisance Property Citations Concentrated in Milwaukee's Black Neighborhoods

effects to correct for unobserved heterogeneity.<sup>7</sup> Model 1 documents a positive, if small, association between the likelihood of receiving a citation and the number of 911 calls made from a property after it became nuisance eligible. The model estimates that a property from which five 911 calls were made post eligibility would have a 7.2 percent chance of receiving a citation, and a property from which 20 calls were made would have an 8.4 percent chance. But this association is rendered insignificant after level-2 predictors are introduced. Model 2 indicates that, even after including a number of relevant controls, as

the percentage of black residents in a neighborhood increases, so too does the likelihood that a property will be deemed a nuisance. The model predicts that a property from which no post-eligibility 911 calls were placed in an 80 percent black neighborhood would have a higher likelihood of receiving a citation than would a property from which 30 post-eligibility calls were placed in a 20 percent black neighborhood.

Model 3 introduces two interaction terms—(1) a cross-level interaction between a property's post-eligibility 911 calls and its neighborhood's percentage of black residents



**Figure 2.** Properties that Received Citations in Black and Nonblack Neighborhoods

*Note:* Black bars represent neighborhoods with over 66 percent black residents. Gray bars represent neighborhoods with less than 66 percent black residents. The number of nuisance-eligible properties per category is displayed above each bar ( $N = 9,030$ ).

and (2) a level-2 interaction between a neighborhood's crime rate and its percentage of black residents—and Model 4 introduces police district controls. In Model 4, the main effect of a neighborhood's percentage of black residents is reduced to insignificance. This was expected because district boundaries follow the contours of a segregated city and therefore net a considerable amount of neighborhood-level racial variation.<sup>8</sup> We nevertheless included these controls to demonstrate that even after accounting for sizeable variation in the distribution of nuisance citations across districts, both interaction terms are positive and significant. The insignificance of the main effect of the percentage of black residents in Model 4, then, should not be confused with the insignificance of race per se, because the effect is actuated under certain conditions. According to Model 4, it is not enough to place multiple 911 calls or to live in a black neighborhood; rather, the likelihood of receiving a citation increases only

for those who place a high number of 911 calls *and* live in a predominately black neighborhood. Stated differently, the odds of receiving a citation for a high-calling property in a white or Hispanic neighborhood are significantly lower than for high-calling properties in black neighborhoods.

Models 1 and 2 of Table 3 introduce the squared term for the percentage of black residents in a neighborhood and include all the controls used in Models 3 and 4 of Table 2, respectively. In both models, the coefficient for the percentage of black residents in a neighborhood is positive, and that for its squared term is negative; likewise, the term interacting crime rate with the percentage of black residents is positive, and that interacting crime rate with its squared term is negative. Accordingly, Figure 3 draws on Model 2's estimates to illustrate the relationship between the likelihood of receiving a citation, crime rate, and the percentage of black residents in a neighborhood. The solid black line represents the mean crime rate, and

**Table 2.** Mixed-Effects Logistic Regression Model Estimating the Likelihood of Nuisance Property Citation

	Model 1	Model 2	Model 3	Model 4
<i>Fixed Effects</i>				
Level 1: Properties ( <i>N</i> = 9,030)				
Intercept	-3.318*** (.088)	-3.298*** (.084)	-3.339*** (.086)	-3.506*** (.198)
911 Calls Post Eligibility	.010* (.005)	.008 (.005)	-.007 (.007)	.003 (.007)
Level 2: Neighborhoods ( <i>N</i> = 572)				
Percent Black		1.353*** (.262)	1.506*** (.273)	-.133 (.448)
Percent Poor		-.043 (.445)	.067 (.452)	1.059 (.560)
Population / Housing Units		-.217 (.131)	-.215 (.131)	-.033 (.164)
Percent Rental Housing Units		.136 (.556)	.263 (.562)	.029 (.648)
Property Code Violations / Housing Units		-.478 (.323)	-.599 (.328)	.661 (.410)
Overall Crime Rate (per 100 people)		.083 (.050)	.138* (.056)	.097 (.067)
Police Districts				
One (reference)				
Two				-3.056*** (.490)
Three				-4.503*** (.421)
Four				-.523 (.298)
Five				-1.112*** (.267)
Six				-3.367*** (.532)
Seven				-1.817*** (.305)
Interactions				
911 Calls Post Eligibility × % Black			.090*** (.027)	.075** (.026)
Overall Crime Rate × % Black			.276 (.163)	.552** (.202)
<i>Random Effects</i>				
Standard Deviation $\sigma$	.722*** (.135)	.592*** (.125)	.586*** (.124)	.899*** (.100)
Intraclass Correlation $\rho$	.180	.152	.151	.215

Note: Standard errors are in parentheses. All variables are mean-centered.

\* $p \leq .05$ ; \*\* $p \leq .01$ ; \*\*\* $p \leq .001$  (two-tailed tests).

the gray dashed lines represent one standard deviation above and below the mean. All other variables are held at their mean. The graph illustrates that the predicted likelihood of

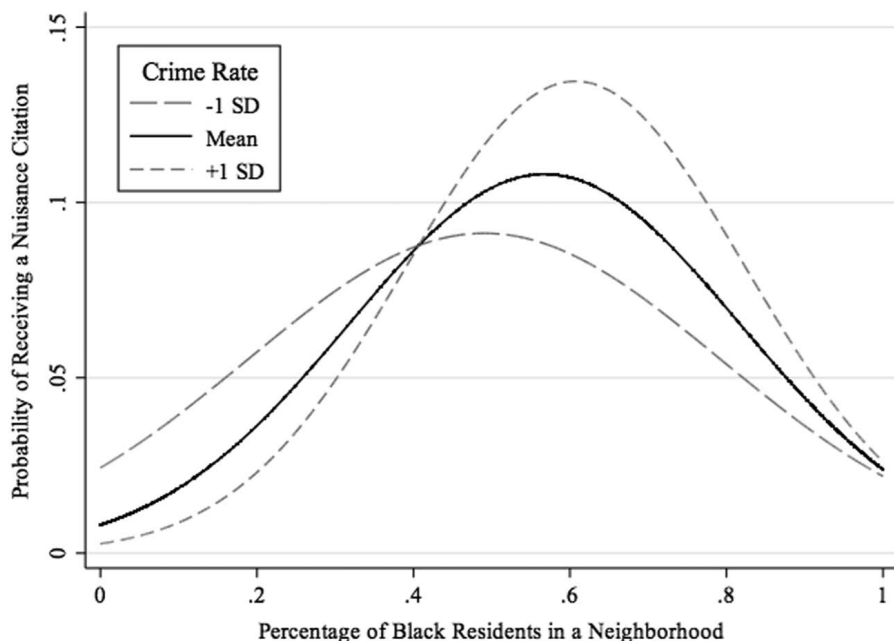
receiving a citation crests with approximately 60 percent black residents before falling as the neighborhood percentage of black residents increases.<sup>9</sup>

**Table 3.** Curvilinear Models Estimating the Likelihood of Nuisance Property Citation

	Model 1	Model 2
<i>Fixed Effects</i>		
Level 1: Properties ( <i>N</i> = 9,030)		
Intercept	−3.377*** (.089)	−3.848*** (.218)
911 Calls Post Eligibility	−.001 (.009)	.004 (.009)
Level 2: Neighborhoods ( <i>N</i> = 572)		
Percent Black	5.993*** (1.055)	9.158*** (2.019)
Percent Black Squared	−4.452*** (.945)	−8.069*** (1.657)
Percent Poor	.488 (.445)	1.067 (.555)
Population / Housing Units	−.272* (.132)	−.195 (.170)
Percent Rental Housing Units	.111 (.555)	.206 (.653)
Property Code Violations / Housing Units	−.080 (.322)	1.244** (.415)
Overall Crime Rate (per 100 people)	.044 (.066)	−.052 (.083)
Police Districts		
One (reference)		
Two		−1.848*** (.571)
Three		−4.725*** (.425)
Four		−1.045*** (.316)
Five		−.891*** (.268)
Six		−2.321*** (.608)
Seven		−1.950*** (.308)
Interactions		
911 Calls Post Eligibility × % Black	−.098 (.118)	.025 (.130)
911 Calls Post Eligibility × % Black Squared	.155 (.089)	.046 (.096)
Overall Crime Rate × % Black	1.426 (.751)	2.876** (.960)
Overall Crime Rate × % Black Squared	−.983 (.677)	−1.964* (.831)
<i>Random Effects</i>		
Standard Deviation $\sigma$	.496*** (.113)	.855*** (.098)
Intraclass Correlation $\rho$	.131	.206

*Note:* Standard errors are in parentheses. All variables are mean-centered.  
\* $p \leq .05$ ; \*\* $p \leq .01$ ; \*\*\* $p \leq .001$  (two-tailed tests).





**Figure 3.** Predicted Probability of Receiving a Nuisance Citation by Crime Rate and Racial Composition of Neighborhood (Table 3, Model 2)

All else being equal, properties located in integrated black neighborhoods had the highest likelihood of receiving a citation. This was not because the police relied singularly on traditional tactics in segregated inner-city neighborhoods; nuisance citations were concentrated heavily in these areas. Nor was it because residents of integrated black neighborhoods placed more calls for service. The average per capita police-related 911 call rate in neighborhoods with 50 to 59 percent black residents was .48, compared to .73 and .93 in neighborhoods with 80 to 89 percent and with over 90 percent black residents, respectively. Supplemental analyses (not shown) substituting neighborhood crime rate for 911 call rate produced similar results. We did, however, find other suggestive support for the minority threat thesis through interviews with police officers. Officers told us they decide to administer citations based on four information sources—(1) monthly Multiple Occurrence Reports listing properties with high call volumes; (2) major incidents (e.g., drug busts); (3) police observations; and (4) citizen complaints—but tend to give more weight to the

latter two. As an officer of Milwaukee's Fifth District explained, "I use citizen complaints and police complaints over the electronic report. The squeaky wheel gets the grease." Officers may thus have been particularly attentive to disorder in integrated neighborhoods, or they may have received a disproportionate number of citizen complaints from residents in these neighborhoods, or both.

### *Nuisances and Abatement Strategies*

Table 4 displays Milwaukee's 15 most common nuisance activities. Along with raw counts, the table records nuisance activities as a percentage of all nuisances. It also records the percentage of all police-related 911 calls related to each activity. The catchall category "trouble with subjects"<sup>10</sup> ranked first, and noise violations came next. The third most common nuisance activity was domestic violence. The fourth was 911 abuse.<sup>11</sup> Together, these four activities made up the majority of nuisances. The top three documented nuisance activities, along with drug-related activity, were overrepresented among nuisance citations in relation to

**Table 4.** Top 15 Nuisance Activities

Nuisance Activity	Count	% Nuisances	% 911 Calls
Trouble with Subjects	299	17.9	13.5
Noise	282	16.9	.4
Domestic Violence	261	15.7	3.8
911 Abuse	219	13.1	22.4
Family Trouble	111	6.7	5.0
Weapons / Shooting	104	6.2	9.6
Battery	75	4.5	8.9
Drugs	72	4.3	.3
Fight	63	3.8	5.5
Disorder	41	2.5	1.7
Threat	29	1.7	1.8
Theft	29	1.7	3.6
Property Damage	17	1.0	3.2
Trespassing	12	.7	4.8
Subject Wanted	12	.7	.5

*Note:*  $N = 1,626$  nuisance activities; 294,641 service calls.

their respective share of 911 calls. Domestic violence accounted for 3.8 percent of all 911 calls but for 15.7 percent of all nuisances. However, the former percentage is unquestionably too low: it relies on the 911 dispatcher's designation "battery: domestic violence," but many designations can be applied to violence within the home.<sup>12</sup>

Figure 4 displays the number of property owners' response letters in which each abatement strategy appeared at least once. Property owners' favored means of addressing nuisance citations was eviction. Of the 243 property owners included in our sample, 118 (or 49 percent) initiated or executed a formal eviction and 190 (or 78 percent) relied on a method involving a landlord-initiated forced move: formal and informal evictions as well as threats to evict if the nuisance continues. Landlords evicted tenants cited for minor infractions (e.g., noise) as well as for participating in violent crimes. Most evictees were minor actors involved in the drama, not those arrested for violent crimes. One record, for example, cited a single incident in which a man fled to his girlfriend's apartment after being shot twice. According to the citation, his girlfriend "hid [his] gun prior to the arrival of police officers," but the gun was

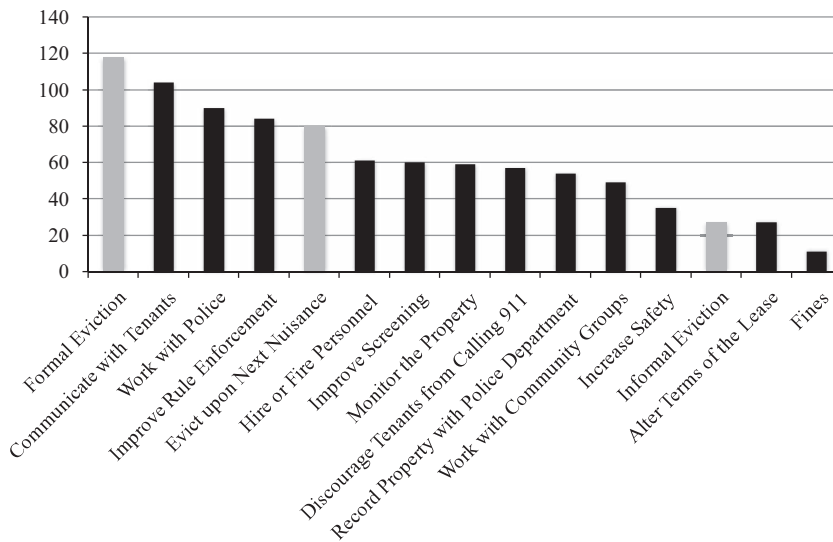
retrieved. The shooting victim was arrested, and his girlfriend was evicted. The police policed the former; the landlord, the latter.

Most landlords we interviewed expressed feeling as if they had no other choice but to evict what some called "nuisance tenants." This was especially true of landlords cited for domestic violence. One landlord, a middle-aged white man who owns 114 units, mostly in poor black neighborhoods, explained how he deals with being cited for domestic violence in his properties:

Like I tell my tenants: You can't be calling the police because your boyfriend hit you again. They're not your big babysitter. It happened last week, and you threw him out. But then you let him back in, and it happens again and again. Either learn from the first experience or, you know, leave. Don't take him back and get hit because you tell him, I don't know, "I don't want to sleep with you."

*And what do you normally do when you get a nuisance letter?*

I evict them. . . . Look, you're rolling the dice if you don't evict the tenant. Because



**Figure 4.** Property Owners' Abatement Strategies

Note:  $N = 243$  abatement strategy letters; gray bars represent eviction-related action.

[the police] want the problem eliminated. Not gradually fixed, but totally *eliminated*. A five-day [eviction] notice is exactly what the police want.

### *The Nuisance of Domestic Violence*

The 261 incidents of domestic violence appeared in 157 citation letters (31 percent of the sample). This means that every 4.6 days a Milwaukee property owner received a citation listing at least one count of domestic violence. Eighty-one percent of incidents involved female victims, 88 percent of these identified male abusers.

Of the 157 citations generated by domestic violence, 109 were addressed to properties in black neighborhoods, compared to six in white areas, three in Hispanic areas, and 39 in mixed neighborhoods. Most nuisance-eligible properties from which domestic violence related 911 calls were placed were located in black neighborhoods. Multivariate analyses found, however, that the concentration of domestic-violence related citations in black neighborhoods was not fully attributable to

the prevalence of domestic violence in these areas. Table 5 displays results of a mixed-effects logistic regression model estimating the probability of receiving a domestic-violence related citation. In addition to introducing covariates used in our previous models, this model controls for the prevalence of domestic violence calls made from nuisance-eligible properties with a binary variable that takes the value of 1 if a property placed at least one 911 call designated "battery: domestic violence." It also controls for the rate of domestic violence within neighborhoods with a variable recording the proportion of all 911 calls in a neighborhood designated "battery: domestic violence." The primary finding is that properties located in black neighborhoods were more likely to receive nuisance citations for domestic violence even after controlling for the prevalence of domestic violence calls made from properties and neighborhoods' domestic violence rates.<sup>13</sup> All else being equal, a property located in an 80 percent black neighborhood and from which at least one 911 call reporting domestic violence was placed was over 3.5 times more

**Table 5.** Mixed-Effects Logistic Regression Model Estimating Domestic Violence Citations

	Model 1	Model 2
<i>Fixed Effects</i>		
Level 1: Properties ( <i>N</i> = 9,030)		
Intercept	−4.663*** (.166)	−4.718*** (.165)
911 Calls Post Eligibility	.016** (.006)	.012* (.006)
Called 911 for “Battery: Domestic Violence”	.749*** (.173)	.723*** (.174)
Level 2: Neighborhoods ( <i>N</i> = 572)		
Percent Black		2.102*** (.426)
Percent Poor		.199 (.581)
Population / Housing Units		−.306 (.192)
Percent Rental Housing Units		.326 (.761)
Property Code Violations / Housing Units		−1.027* (.462)
Overall Crime Rate (per 100 people)		.129* (.066)
Percent of 911 Calls for “Battery: Domestic Violence”		8.672 (7.061)
<i>Random Effects</i>		
Standard Deviation $\sigma$	.497*** (.216)	.189*** (.185)
Intraclass Correlation $\rho$	.131	.054

Note: Standard errors are in parentheses. All continuous variables are mean-centered.

\* $p \leq .05$ ; \*\* $p \leq .01$ ; \*\*\* $p \leq .001$  (two-tailed tests).

likely to receive a nuisance citation than a property in a 20 percent black neighborhood and from which a similar call was placed.

Table 6 records the nature of the abuse for all incidents of domestic violence. The abuse took many forms—one incident involved a woman having bleach thrown in her face; in another, a woman was “hit [on the] head with a can of food”—but most involved hitting, choking, or beating. Forty-four percent of incidents involved physical abuse, and 14 percent involved a weapon. Box cutters, knives, and guns were used. In one incident, “the caller stated that [her boyfriend] just sprayed her with lighter fluid and also set a piece of paper on fire.” Property damage (primarily involving men kicking in doors and breaking windows) was the third most fre-

quent type of domestic violence, accounting for 12 percent of incidents.

A landlord’s response accompanied 86 of the 157 nuisance citations involving domestic violence. In 57 percent of cases, a landlord formally or informally evicted tenants occupying the apartment where the domestic violence occurred. In 83 percent of cases, property owners relied on either eviction or the threat of eviction for future police calls.<sup>14</sup>

To gain a deeper perspective on the chain of events linking domestic violence, nuisance citations, and eviction, we examine a single case closely. The three activities that generated this nuisance citation occurred on the same day. Twice, a woman reported having trouble with her ex-boyfriend, who was refusing to remove himself from her front porch,

**Table 6.** Domestic Violence Activities

Abuse	Count
Physical Abuse	117
Abuser Uses Weapon	38
Property Damage	31
Violent Threats	27
Pounding on Windows and Doors	17
Escalated Argument	10
Trouble with Intimate	8
Violation of Restraining Order	5
Breaking and Entering	4
Not Allowing Victim to Leave	2
Rape	1
Victim Thrown Out of House	1

Note:  $N = 261$  incidents.

and once she told the 911 dispatcher that “her boyfriend beat her up.” The landlord responded with a letter warning the female tenant: “Because the numerous calls from this address, the police has identified the property as a nuisance property. . . . Many of the calls involved physical alterations with another individual, identified as your boyfriend and ex-boyfriend who appears to be living at the unit. . . . This is your notice to cease this behavior and to cure these problems. . . . If these activities continue, your lease will be terminated.” The MPD accepted this plan. Four months later, however, the police informed the landlord that “problems still exist.” “Due to the fact that the letter you sent is not a sufficient course of action,” the letter from the Police Captain read, “I am requesting another written plan to abate the problems.” This time, the landlord responded by evicting the tenant. “Another letter was sent . . . outlining problems with your unit,” the landlord wrote in a letter to the tenant dated November 3, 2008. “Your lease is terminated, effective December 15, 2008, and you must vacate the premises by December 31, 2008.” The landlord mailed a copy of this letter to the MPD. Upon reading it, the Police Captain scribbled in the upper corner: “Plan Accepted! Please ensure eviction takes place.” It did.

This case features several important (and typical) aspects of nuisance citations generated by domestic violence calls. First, domestic violence was treated as a nuisance to the City of Milwaukee. Not surprisingly, then, many landlords viewed domestic violence as petty, undeserving of police attention. As one observed in a letter to his tenant: “Please note the police are not to be used to solve disputes and family problems. . . . The police are to notify me immediately if 911 is called [again]. . . . If the situation they are called for is deemed to be *non-life threatening*, I will immediately start the eviction process for the tenant or tenants where the problem originates from.” Many landlords apologized to the MPD for tenants who “wasted their time” with domestic violence calls. “I am sorry for the time you have wasted here. . . . This is one girl in one apartment who is having trouble with her boyfriend. She was a good tenant for a long time—until her boyfriend came around. Probably things are not going to change, so enclosed please find a copy of a notice terminating her tenancy served today.”

Second, landlords often assigned to battered women the responsibility of curbing the abuse. In the above example, the landlord told the battered woman to “cure these problems.” In his letter to the MPD, another landlord cited for two counts of domestic violence succinctly captured a perspective shared by many of his peers: “The Tenants have been required to vacate the unit or terminate the causes via a 30-day [eviction] notice. It does not matter if they are the cause of the problems or not. It is their responsibility to prevent the problems at all times.”

If a victim could not control her abuser, she often was sanctioned by the landlord. In the above example, it was not the perpetrator but the victim who was evicted. After reviewing the 71 cases in which property owners cited for domestic violence evicted the tenant or threatened eviction for future police calls, we discovered that only nine cases involved a couple living in the same household. In four cases, the tenant evicted or threatened with eviction was a man, and in 19 cases the sex of



the tenant was unknown. In the remaining 39 cases, the tenant evicted or threatened with eviction was a woman, many abused by men who did not live with them. "First, we are evicting Sheila M., the caller for numerous help from police," one landlord wrote to the MPD. "She has been beaten by her 'man' who kicks in doors and goes to jail for 1 or 2 days. . . . We suggested she obtain a gun and kill him in self-defense, but evidently she hasn't. Therefore, we are evicting her."

Finally, the MPD cleared landlords who evicted domestic violence victims—"Plan Accepted!"—but pressured those who refused to do so. We identified eight cases involving domestic violence in which the MPD rejected a landlord's original abatement plan that did not involve eviction and then accepted a revised plan that did.<sup>15</sup> In one case, the landlord explained to the MPD: "The new tenant that moved in is having marital problems. They broke up and the husband won't stay away! . . . If the problems with her continue I will ask her to vacate the premises." Upon reading this letter, the Police Captain underlined the word "ask" and in the margin drew a question mark. "Not accepted," he wrote at the bottom. "No plan to abate." After being notified that her plan was rejected (and that she would be billed "for the cost of future enforcement"), the landlord evicted the woman. The MPD accepted that plan.<sup>16</sup>

### *The Nuisance of 911 Abuse*

We now turn to the nuisance of 911 abuse, which appeared at least once in 28 percent of citation letters. Some incidents of 911 abuse involved nonemergency requests or accidental dials, but many others involved victims, the majority of them women, who, although seemingly confronting real threats and harm, were unable to communicate as much to the dispatcher. One landlord noted that a tenant's 911 abuse calls had to do with a "domestic violence issue that she seems to have no ability to control." The landlord continued, "Her lease is up at the end of May and she has been counseled that if her behavior does not change she will also be non-renewed."

Of the 142 citations listing 911 abuse, 82 were accompanied by responses from property owners. Twenty-five property owners evicted tenants who generated the calls, but most landlords responded by discouraging their tenants from calling 911 ( $N = 49$ ). This was not an abatement strategy unique to citations listing 911 abuse calls. Of the 243 property owners who tendered a written abatement strategy, nearly a quarter discouraged tenants from calling 911.

Property owners deployed a combination of three strategies to discourage 911 use. The first involved warning tenants to use 911 "only for emergencies," typically without specifying what constituted an emergency. After receiving a nuisance citation for two counts of battery and one count of 911 abuse, one landlord told the MPD, "I am sending a memo out to each tenant, to let him or her know, that they cannot just dial 911 when they feel there may be an emergency. They must first make sure that it is a real emergency."

Second, landlords encouraged tenants to call other parties besides the MPD: namely, the building manager, private security officers, or the landlord himself. After receiving a nuisance citation for three counts of theft, one count of harassment, and one threat, a couple mailed the following letter to all their tenants: "Effective Immediately Anyone Involved In Any of This Nuisance Activity, Will Be EVICTED IMMEDIATELY!! . . . If You Have A Problem With Another Tenant In This Building Or With someone From On[e] Of Our Other Buildings, THEN CALL ME FIRST, DON'T WASTE THE POLICE DEPARTMENT'S TIME WITH THESE FRIVULOUS CALLS, OR YOU WILL BE THE ONE BEING EVICTED!!" Another landlord running a facility housing "persons with disabilities" responded to her nuisance citation by posting the following sign for all tenants to see: "Stop before calling 911 / you can be fined by the / police for / non-emergency calls / Call [phone number] / Ask for Dawn."

The above examples also show the third strategy property owners employed to discourage 911 use: threatening tenants with

eviction or fines. A third of landlords threatened tenants with eviction or fines if they contacted the police again. Many landlords intended to direct threats at nuisance activity itself, not the act of calling 911, but sometimes the nuisance activity *was* the act of calling 911. Not surprisingly, then, some landlords threatened eviction and fines for 911 abuse. One landlord told the MPD: "A memo will be sent out to all tenants . . . explaining that 911 abuse calls will be considered a 'nuisance activity.' More than one abuse call[, and we] will issue a 5 day [Eviction] Notice." At least six landlords asked tenants to sign an agreement acknowledging that steep consequences could come from "inappropriate 911 calls." One landlord, for example, asked tenants to sign a document with five admissions, including this one: "I understand any police calls due to my actions, the actions of others living in my apartment, my pets or my guests may result in my eviction from my apartment." Eleven landlords threatened to issue fines for nuisance activity, including 911 abuse. One landlord wrote, "Any calls made to the police that are deemed to be a nuisance by the City of Milwaukee [will result in the tenant being] fined \$75.00 for the first call, \$150.00 for the second call and \$300.00 for the third call."

Because 911 abuse can be applied to a wide variety of calls, including calls reporting crimes, threatening eviction or fines for committing 911 abuse likely discouraged tenants from calling 911 in a variety of circumstances. Indeed, in the majority of cases, 911 calls decreased after a property received a citation letter. (Sixty-six percent of properties made fewer calls during the 30 days after receiving a letter than during the prior 30 days.) A brief report issued by the MPD in 2004 listed similar findings: "The chronic nuisance code is effective at reducing, if not eliminating[,] all calls for service" (Weed 2004:3). When homeowners received nuisance citations—we identified a dozen such cases in our sample—they often responded by vowing to stop calling 911. When a household was cited for domestic violence, family

trouble, and a runaway teen, a family member responded by stating simply: "We live at that address, [and we] will refrain from using '911.'" In another case, a man received a nuisance citation for reporting crimes that occurred in his neighborhood, including battery and drug use. In a smoldering response to the MPD, the homeowner, who identified himself as a 67-year-old black man and retired doctor, wrote: "The course I intend to take in the future, in response to your order letter, is to take care of my problems the best way that I can and not involve the police. I will keep my mouth shut and move on."

Among those identified in the citation letters as calling 911, women were represented at significantly higher rates than men. Only women callers were identified in 201 letters; only male callers in 41; and both female and male callers in 47. (Callers' sex was unspecified in 214 letters.) Of the 201 letters that identified only women callers, 136 of them were addressed to properties located in black neighborhoods. Although accounting for less than 10 percent of Milwaukee's population, women living in majority-black neighborhoods were the largest group of callers in the sample.

## DISCUSSION

In recent years, third-party policing policies have spread throughout the United States. Yet their consequences for the urban poor have remained largely unknown. Taking as our case study perhaps the most common coercive third-party policing policy—the nuisance property ordinance—we generated several findings.

Properties in black neighborhoods were disproportionately deemed nuisances to the City of Milwaukee. After accounting for a number of neighborhood characteristics as well as variation between police districts, we found that properties from which multiple 911 calls were placed increased their risk of citation only if they were in predominately black neighborhoods. Although citations were concentrated heavily in segregated black neighborhoods, nuisance-eligible properties

located in more integrated black neighborhoods—namely, those in which roughly a third of residents were nonblack—had a higher likelihood of being deemed nuisances than those located in the ghetto's core.

We also found that police employed the nuisance citation to address a wide variety of activity, from noise complaints and frivolous 911 calls to violent crime, including shootings, fights, and most notably, domestic violence. The sum of domestic violence activities exceeded the total number of batteries, fights, disorderly conduct charges, and drug-related crimes combined. The vast majority of landlords who received a nuisance citation for domestic violence either initiated formal eviction proceedings against the household in which the abuse occurred, forced the tenants out by more informal means, or threatened the tenant with eviction if the police were called again. In the majority of cases, the tenant evicted or threatened with eviction was the battered woman. *The nuisance property ordinance has the effect of forcing abused women to choose between calling the police on their abusers (only to risk eviction) or staying in their apartments (only to risk more abuse).* Women from black neighborhoods disproportionately face this devil's bargain: the likelihood that a property will receive a domestic violence related citation increases with the percentage of black residents in a neighborhood, controlling for domestic violence calls made from properties as well as neighborhoods' domestic violence rates.

Landlords also made efforts to discourage tenants from calling 911. Roughly half of landlords who responded to the MPD relied on this strategy, one that also affected a large number of women from black neighborhoods. Calls for service typically decreased after a property received a citation letter, suggesting that landlords' strategies to deter 911 use had the desired effect.

To assess the representativeness of our case, we reviewed nuisance property ordinances in 58 other jurisdictions, from large cities (e.g., Los Angeles, Houston) and midsized municipalities (e.g., Cleveland, Cincinnati) to small

towns (e.g., Freeport, IL, Tigard, OR). The core elements of the ordinances are summarized in the online supplement (<http://asr.sagepub.com/supplemental>). We found that Milwaukee's ordinance resembles those in many other cities and towns. Although future research is needed to evaluate the degree to which other nuisance property ordinances resemble Milwaukee's in practice, it is clear that many mirror Milwaukee's in design. Future research also is needed to assess the consequences of other kinds of third-party policing policies, especially those directed at parents, business proprietors, community organizations, financial institutions, and other parties living or operating in poor neighborhoods.

### *Theoretical Implications*

This study holds broad implications for our understanding of the reproduction of racial, economic, and gender inequalities. For one, we have uncovered a mechanism that helps to explain why women from poor black neighborhoods are evicted at significantly higher rates than men, as previous work has found (Desmond 2012). Eviction, we stress, is a severely consequential and traumatic event. Researchers have linked eviction to homelessness, material hardship, increased residential mobility, job loss, depression, and even suicide (Hartman and Robinson 2003; Serby et al. 2006). The mark of eviction on one's record often prevents tenants from securing affordable housing in a decent neighborhood, and it disqualifies them from many housing programs (Desmond 2012). It follows, then, that uncovering one reason why women from black neighborhoods are evicted at alarmingly high rates not only deepens the sociology of urban poverty and housing but also allows for development of new policy initiatives.

By analyzing a unique case that rendered police discretion visible, we were able to systematically document how extralegal phenomena, such as a neighborhood's racial composition, affected decisions to police certain activities through the nuisance ordinance.

Our study's findings suggest that police often treat domestic violence—and especially domestic violence that occurs in black neighborhoods—as a nuisance rather than a crime. Our results lead us to wonder if recent decreases in domestic violence (Bureau of Justice Statistics 2006) should be credited to the increasing criminalization of family abuse or to the proliferation of nuisance property ordinances that discourage reporting (Catalano 2007; Renzetti 2001). These ordinances may even embolden batterers, who, upon realizing that a call to the police could result in their victims being evicted, may abuse with relative impunity (Fais 2008). By propelling battered women into a cycle of homelessness, poverty, and residential instability, eviction can exacerbate their vulnerability and increase their reliance on abusers. In light of these observations, it is especially distressing that domestic violence related citations are disproportionately deployed in black neighborhoods, given that black women often face unique obstacles when attempting to escape abusive relationships (Crenshaw 1993; Russell-Brown 2006).

Our study also contributes to the growing literature documenting how the criminal justice system is implicated directly in the reproduction of social inequality. This literature primarily is focused on traditional policing and mass incarceration (Wakefield and Uggen 2010). Yet recent decades have witnessed not a unidirectional augmentation of penal power but a double movement within the field of crime control, one characterized, on the one hand, by proactive policing, harsher sentencing, and the resulting prison boom and, on the other, by widespread implementation of new policing techniques based on public-private partnerships. Our findings suggest the police have increased their presence in the inner city not only through traditional methods but also through third-party policing. Unless we pay mind to this latter movement—the quiet diffusion of decentralized crime control policies (Braithwaite 2000; Garland 2001)—our theories of crime and inequality will remain lopsided and underdeveloped.

By documenting how women from inner-city Milwaukee bear the brunt of the city's most popular third-party policing policy, this article contributes to the goal of elevating women to a more prominent place within our theories of modern punishment and social inequality (cf. Comfort 2008). To concentrate strictly on proactive policing and the prison boom is by and large to tell a story about men: namely, poor black men. (Although women in the United States are incarcerated at steep rates by international standards, they still account for only 7 percent of the prison population [Bureau of Justice Statistics 2010]). One implication of our study, however, is that to fully understand how women from disadvantaged neighborhoods are affected by today's justice system, we must look beyond traditional policing, the courts, and prisons—the cornerstones of conventional criminology—to new approaches transforming the field of crime control. Indeed, the double movement within the justice system may be a thoroughly gendered one. If the prison boom has exposed large numbers of poor black men to the punitive arm of the state, then the rise of coercive third-party policing policies may be preventing their female counterparts from benefitting fully from its protective arm (Harris 1990).

### *Legal Implications*

Policymakers should consider how nuisance property ordinances harm innocents and victims as well as how they may violate constitutional and statutory protections. Property owners who themselves have committed no illegal acts may be able to argue that threats of fines, property seizure, and jail time imposed on them by nuisance ordinances violate Fourth Amendment protections (Blue 1992). Additionally, legal scholars (Fais 2008; Phillips 2007) have argued that nuisance property ordinances trample due process rights protected under the Fifth Amendment and deny citizens the right “to petition for a redress of grievances” protected under the First Amendment.

These ordinances may also be susceptible to challenges under the Violence Against Women Act (VAWA) and the Fair Housing Act (FHA). The VAWA forbids evicting tenants from federal housing for lease violations or criminal activity related to domestic abuse. A number of states and municipalities have extended similar protections to people living (unassisted) in the private sector (National Housing Law Project 2011). If the nuisance ordinance impels landlords to evict domestic violence victims who repeatedly call 911, as this study shows, then it may stand in violation of the VAWA and similar statutes. The FHA forbids unlawful denial of housing to members of protected groups, including racial minorities and women, manifest in policies or practices that have a “disparate impact” on these groups. This study has produced evidence that Milwaukee’s nuisance property ordinance disproportionately affects residents of predominantly black neighborhoods—women, and battered women in particular—and, therefore, may stand in violation of the FHA’s disparate impact standard.

Perhaps what Caleb Foote (1954) said of U.S. vagrancy laws almost 60 years ago can be said of nuisance property ordinances today: the only reason they are tolerated is because families struggling to make ends meet in the low-income housing market are simply too poor or too vulnerable to assert their obvious rights.<sup>17</sup>

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## Notes

1. Supplemental analyses found no large systematic differences in landlord response rates across neighborhoods or nuisances.
2. Because the MPD closely monitors nuisance properties after they are so designated, and because subsequent 911 calls could result in stiff penalties, there is little reason to doubt that the vast majority of landlords who told the police they were evicting tenants in fact did. Additionally, several landlords included proof of the eviction in their letters to the MPD, and the MPD often took steps to ensure evictions took place.
3. Three percent of calls ( $N = 10,433$ ) could not be geo-coded and were dropped from the analysis.
4. In 2008 and 2009, Milwaukee distributed nuisance citations to 36 businesses, 24 of which were located in majority-black neighborhoods. Because 1,404 nuisance-eligible properties were not identified in the Master Property Records, we looked up each of these properties individually, relying on the City Assessor’s records and the 911 call log. In the end, only six addresses remained unclassified and were dropped.
5. These include four violent crimes (homicide, assault, sex offenses, and robbery) and six property crimes (burglary, theft, vehicle theft, locked vehicle entry, arson, and criminal damage to property).
6. The MPD has at its disposal two nuisance property ordinances, a general (city) ordinance that lists dozens of nuisance activities and a specific (statewide) ordinance for drug houses (Wisc. Stats. 823§113, 2010). We included both in our sample, but we excluded 18 of the latter cases from Figure 2 and the multivariate analyses because they were not based on 911 calls. We also excluded 22 addresses that received citations but were not listed in the 911 call records. Including these 40 cases in our analyses did not affect results.
7. Following the formula given by Guo and Zhao (2000), we estimated intraclass correlation by  $\rho = \sigma_u^2 / (\sigma_u^2 + \sigma_e^2)$ , where  $\sigma_e^2 = \pi^2 / 3$ . We used Wald tests to assess the strength of the between-neighborhood variance ( $\sigma_u^2$ ).
8. Police districts 2 and 6, located on the predominantly Hispanic and white south side, had *no* nuisance-eligible properties located in black neighborhoods. In District 4, 41 percent of eligible properties were in black neighborhoods, compared to over 69 percent in Districts 1, 3, 5, and 7. The distribution of citations also may have been affected by police districts’ personnel or budgetary characteristics—such as yearly expenditures and the number of sworn officers per district—but the MPD declined to release this information.



9. We substituted an overall crime rate variable for variables measuring violent and property crime. Doing so did not significantly alter our findings. Neighborhood violent crime rate was a strong predictor of the likelihood of receiving a citation; and the level-2 interaction between violent crime rate and the percentage of black residents in a neighborhood was insignificant across models. Perhaps the police rely on the nuisance citation in neighborhoods with high violent crime rates to conserve resources required to address violent crime, or perhaps they view the citation itself to be effective at addressing violent crime.
10. We counted 57 distinct acts classified as "trouble with subjects." The most common violation involved a subject refusing to leave a residence, followed by people arguing or causing disturbances.
11. When callers inadvertently dialed 911, failed to communicate clearly, or relied on the 911 service for nonemergency or non-police matters, a dispatcher usually cited them for "911 abuse." When callers specifically requested the police, their requests were usually coded as "calls for service." We combined these categories.
12. Supplemental analyses revealed that with respect to the content of 911 calls, the patterning of calls in black neighborhoods was not significantly different from that in other neighborhoods.
13. Because we found it to be insignificant, we excluded from this model the squared term for the percentage of black residents in a neighborhood.
14. In each case, we made sure the eviction applied to the household responsible for the domestic violence call and not to those cited for other nuisances. A case in which, say, Tenant A was cited for loud music and Tenant B was cited for domestic violence but only Tenant A was evicted would not have been included in these totals.
15. This count may not be higher owing to the fact that police officers sometimes revealed their preference for eviction to landlords (in person or over the phone) before landlords wrote their abatement plans. One landlord, for example, noted the following in his letter to the MPD: "I received a call from officer Joy B., stating that my tenant's daughter caused trouble with the police and was fighting with her boyfriend. . . . She [the officer] stated that there were several incidents in the last 3 months and that I would have to evict the tenant as soon as possible."
16. Battered women were not the only victims evicted. Tenants were evicted for reporting threats ("someone [was] getting ready to shoot [the] house up") and for reporting fights involving weapons. In one case, a landlord evicted a couple who were targeted in a drive-by shooting.
17. There is another way. Evidence of the effectiveness of coercive third-party policing policies on reducing crime is thin and mixed (Mazerolle and Ransley 2005), but strong evidence shows noncoercive public-private partnerships—that strike at the root

causes of crime—to be considerably effective (Reisig 2010).

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**Matthew Desmond** is an Assistant Professor of Sociology and Social Studies and a Junior Fellow in the Society of Fellows at Harvard University.

**Nicol Valdez** is a PhD student and Paul F. Lazarsfeld Fellow in the Department of Sociology at Columbia University. Her primary research interests include public policy, racial inequality, education, and immigration.