



**Graffiti Restitution  
Program**

# Welcome & Introductions

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*Deputy City Attorney*

*Best Best & Krieger LLP*

# Background

- Firm
  - Best Best & Krieger LLP practices public law. The firm is the City Attorney for the City of San Jacinto (amongst numerous others).
- Chief Kevin Vest – instrumental in this program
- Myself – work relevant to the Graffiti Restitution Program
  - Handle Criminal Code Enforcement Prosecutions
  - Previously worked with the Ventura County District Attorney's Office

# Purpose

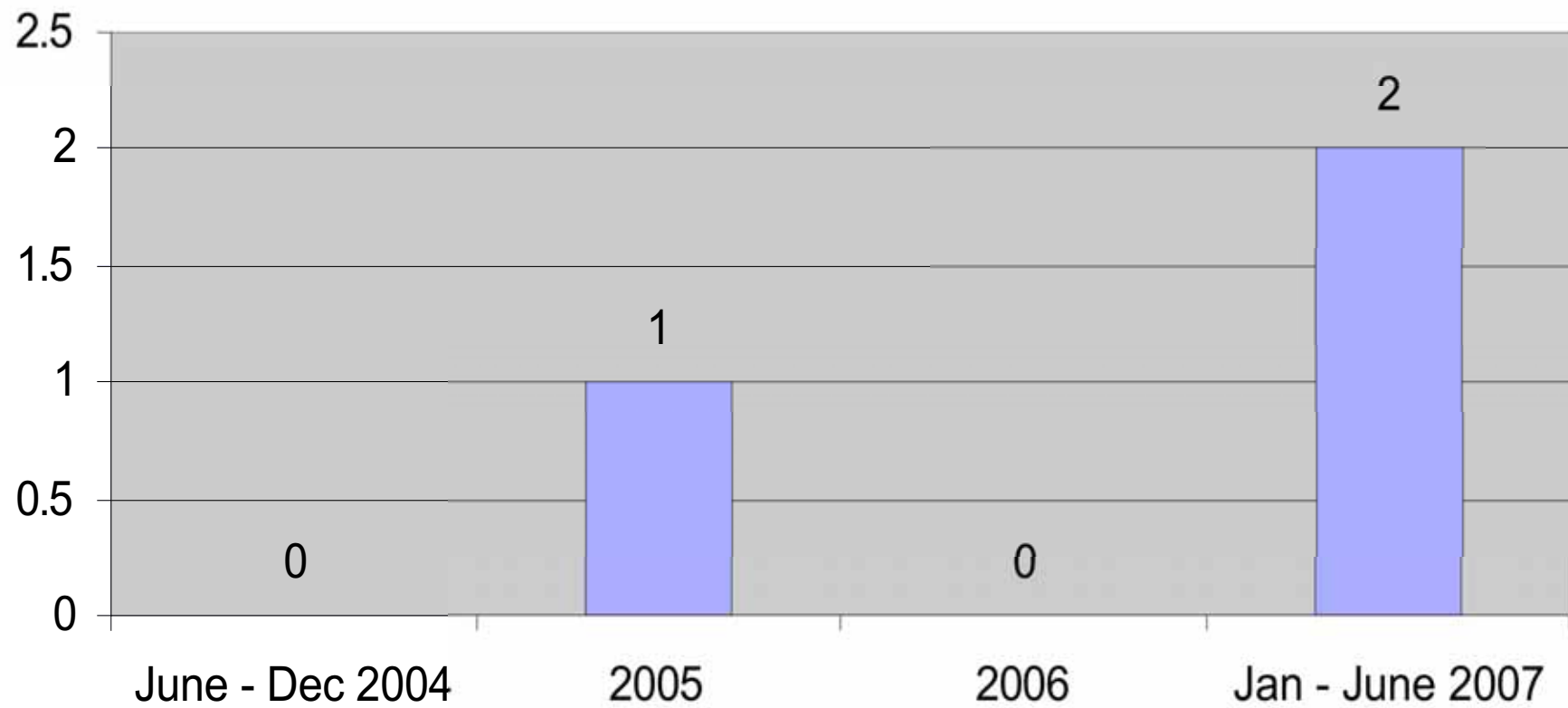
Overview of program, partnerships,  
key aspects, and results.

# Assessment

- Review of existing components
  - Ordinances
  - Public Works
    - Public Phone Number
    - Removal vehicle and operator
- Enforcement efforts
  - Rarely observed by or reported to patrol officers
  - Low priority
  - General consensus was there was no problem.
  - Few arrests or apprehensions

# Enforcement

## Graffiti Arrests



# Reward and Reimbursement

- Graffiti Reward
  - Never awarded
  
- Reimbursements
  - No cases had been submitted for collection

# Conclusions

- Little communication between departments
  - Public Works
  - Police
  - City Attorney
- Lack of data or analysis for investigations
- Min. impact on Public Works and Police operations is a requirement.

# Goals

- Implement an aggressive anti-graffiti program using existing city ordinances, public works graffiti removal crew, and police staff without increasing workload for all personnel.
- Add a data collection and analysis component.
- Develop cooperative partnerships with school district staff.
- Emphasize importance of graffiti crimes to patrol and specialty teams.
- Increase apprehensions and reimbursements to city by convicted offenders.

# Strategy

- Removal
- Data Collection
- Analysis
- Enforcement
- Civil Action
- Education
- Prevention

# Legal Foundation

City Ordinances

# CA Legal Foundation

- California Codes

- California Civil Code § 1714.1(b) –

- Civil Liability of parents up to \$25,000 for any act of willful misconduct by the minor that results in defacement of the property with **paint** or a **similar substance**.
    - Includes recovery of court costs, attorney's fees
    - Parent and juvenile are **jointly and severally** liable

# City Legal Foundation

- SJMC 9.12
  - .040 - Civil Liability of parents
  - .050 - Abatement and enforcement
  - .070 - Implements possession
  - .080 - Furnishing to minors prohibited
  - .090 - Poss. of implements in designated public places
  - .110 - Graffiti reward system fund

# Removal & Data Collection

Public Works  
Department

# Components

- Graffiti Removal Line
  - Website
  - Phone Directory
- Removal Crew
  - One truck and employee
  - Removed from right-of-ways or areas visible to public
    - Consent form for removal of graffiti on private property.

# Removal



# Removal



# Removal



# Removal



# After



# Data Collection

- Digital Photographs taken prior to removal
- GPS Coordinates captured with photograph
- Images uploaded daily via internet at end of workday

# Analysis

FY 07/08 - Graffiti Tracker

FY 08/09 - GRIP

# Investigation

Problem Oriented Policing Team

# Investigation

- Try arriving at the residence around dinner time or a little after and speak to the parents and juvenile together.
- Make sure the parents see the types of graffiti their child has committed (most likely the work will match graffiti in the child's room)
- Obtain a "Consent to search" from parents.
- Be prepared to obtain a search warrant for computers, cell phones, or other electronic devices.

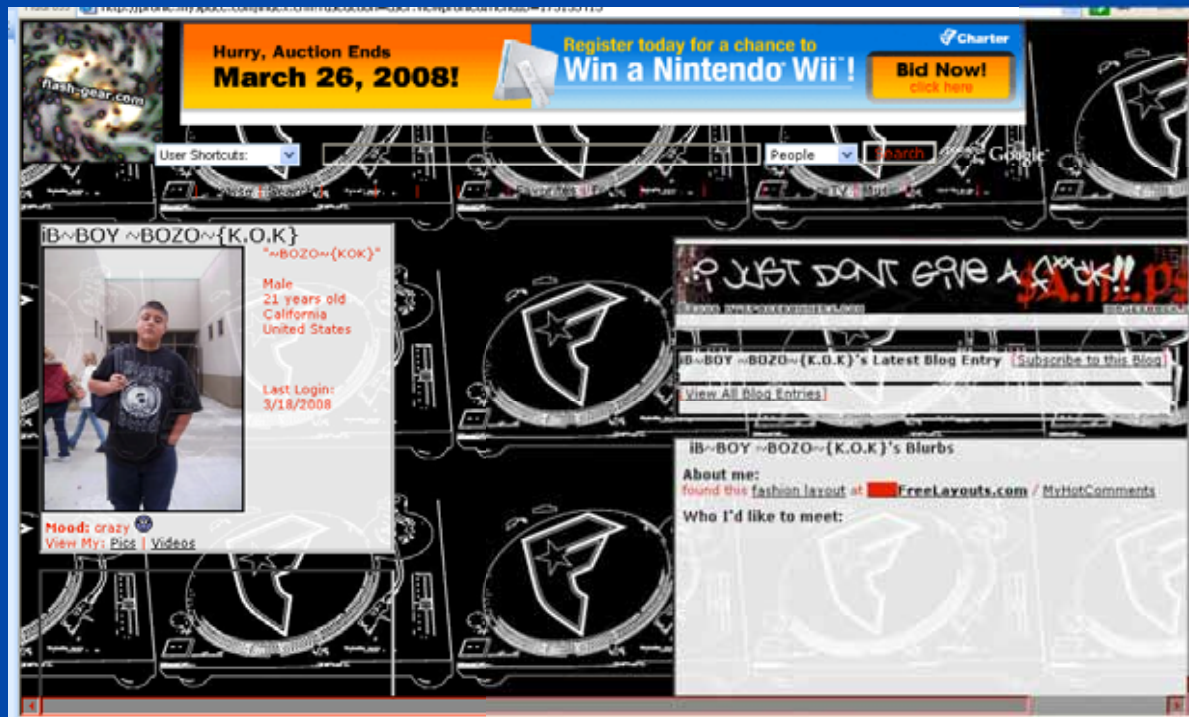
# Investigation Cont.

- Photograph all markers, paint, notebooks, and anything with graffiti on it. Graffiti artists like to tag everything and also have their friends tag in their rooms.
- Look through the graffiti artist's cellular phone for photos and contacts (several cases can be solved by looking through the cell phone contact list).



# Investigation Cont.

- Graffiti artist rarely know each other by full name. They can identify each other by first name, moniker, and grade level.
- Obtain any “Myspace” pages or addresses.
- Constantly speak to the School Resource officers



# File#I07272107

- 16 yr old graffiti artist attending a local high school.
- Used the moniker “Sire”.
- Moniker showed status in the group/gang of power or authority.



# Types of markers

- Graffiti artists will purchase markers from stationary stores, Wal-mart, or any store carrying a variety of colors and tips.
- Graffiti artists will always have a marker in their possession/control.

# Spray Cans

- Spray Cans are sometimes ordered from out of state/country.
- Some parents believe their child only tags at home.
- Parents believe child is expressing their artistic ability.

# Investigation Tips

- Try to befriend the graffiti artist.
- Do not leave the residence without getting several names of other artists.
- Never identify the informant.
- Do not offer a contract to roll on other artist without the District Attorney's approval.
- Graffiti artists will most likely never see jail, but be billed for restitution.

# Prosecution

- Penal Code § 954
- Usually the juvenile will never see jail time.
- Oftentimes, juveniles we have found think they “got off easy” or “beat the system.”
- This means we usually find them out on the streets tagging again.

# Civil Process

- How does it get started?
- Police Report
  - Name, phone number, and address
  - Number of incidents
  - Square feet of damage
  - Pictures with signatures
  - Tagger's moniker

# Civil Process

- Initial Form Letter
  - Name
  - Number of incidents
  - Square feet of damage
  
- Phone Call (From the parent or the juvenile)
- Form Settlement Agreement
- Payments

# Civil Process

- Initial Form Letter
  - Sets out the City's options
  - Sets out which options the City has chosen to pursue (collection of restitution)
  - Asks them to call me within fifteen days
  - Collect \$10 per square foot of damage
  - Add one civil penalty of \$1000
    - Gives room to negotiate

# Civil Process

- Initial Form Letter – City's Options
  - Litter or graffiti cleanup;
  - Suspension or delay of issuance of a driver's license;
  - Performance of community service;
  - Prosecution to the fullest extent possible under California Penal Code Section 594 and other applicable state statutes, which may include fines ranging from ten thousand dollars (\$10,000) to fifty thousand dollars (\$50,000);
  - Liability for any graffiti reward paid by the City;
  - Liability of parents or legal guardians for any and all costs in connection with the removal of graffiti and for all law enforcement costs, city staff costs, attorney's fees and court costs, up to twenty-five thousand dollars (\$25,000).

# Civil Process

- Phone Call
  - Wide variety of parental attitudes
  - Sometimes upset
  - Sometimes need some time to think about it
  - Walk the parent through the process
    - Photographs of other tags
    - Signature next to them taking responsibility

# Civil Process

## ■ Phone Call

- All that we have spoken to on the phone have agreed to enter into a settlement agreement with the City.
- City is currently considering how to handle the ones who do not return our calls or respond to our letters
  - initiate filing of lawsuit in small claims court – if less than \$10,000
  - limited civil court – under \$25,000

# Civil Process

- Form Settlement

- Normal Settlement

- Facts

- Does not require juvenile or parents to admit to guilt

- City reserves the right to come after the juvenile and parents if it discovers additional graffiti already committed by juvenile or committed in the future.

# Civil Process

- Payment Plan
  - How much?
    - Civil Penalty of one thousand dollars allows for negotiating room
  - Keep it short
    - Twelve months
    - Do not go more than eighteen months
  - Do not ask them to pay more than they can afford
    - Looks bad for the City
    - They won't pay

# Prevention & Education

# Prevention & Education

- Awareness
- Deterrence
- Publicity

# Awareness

- Public Campaign

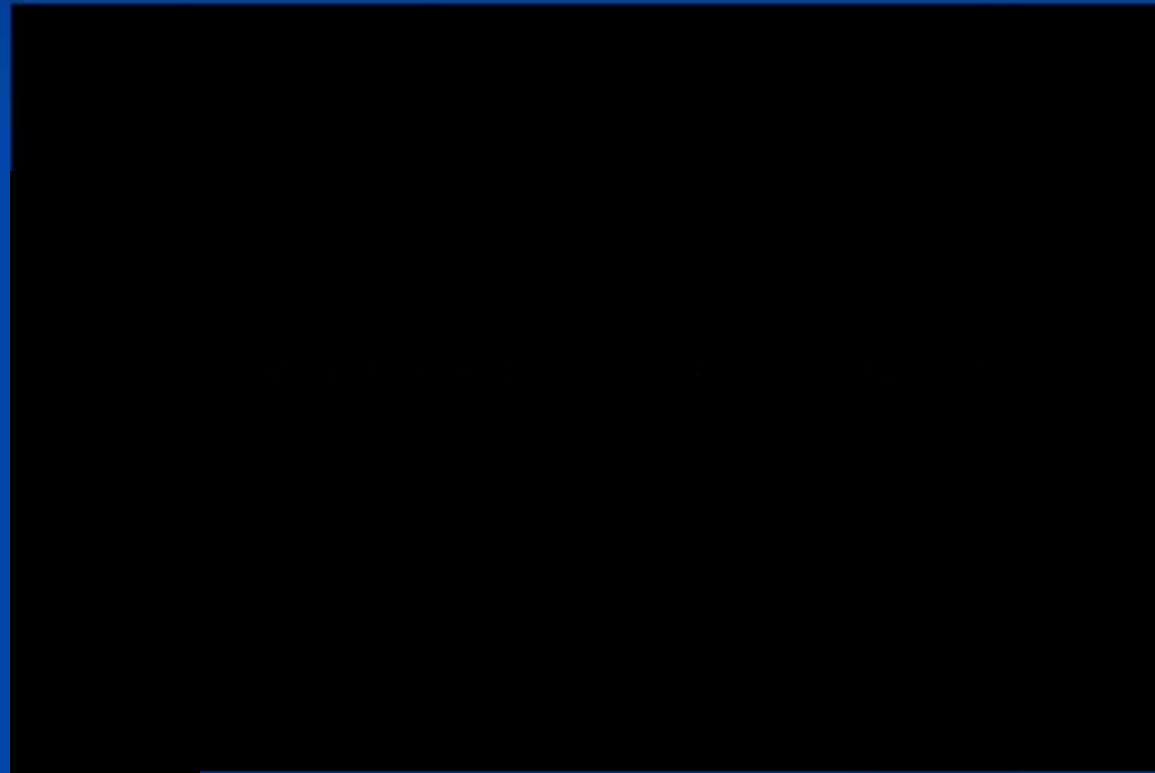
- Bus Stop Posters
- Business Districts
- School Posters
  - Every SJUSD campus and classroom
- Bumper Stickers
  - City Vehicles
- Telephone TIP Line
- Movie Theater Ad
  - Started July 1, 2008



# Awareness



# Awareness



# Deterrence



# Deterrence



# Deterrence



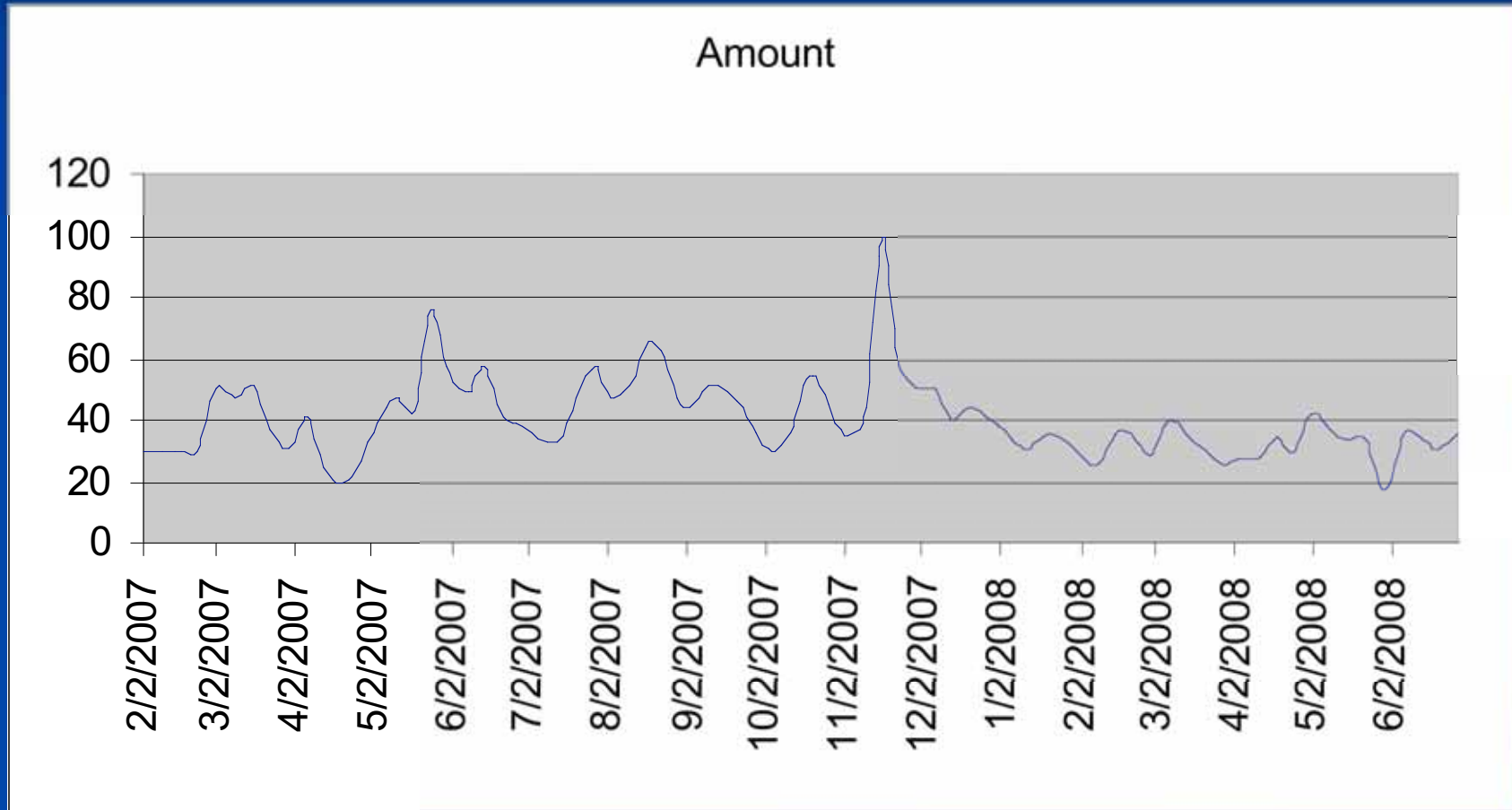
# Publicity

- Press releases on all major arrests
  - Crews
  - Large volume offenders

# Results

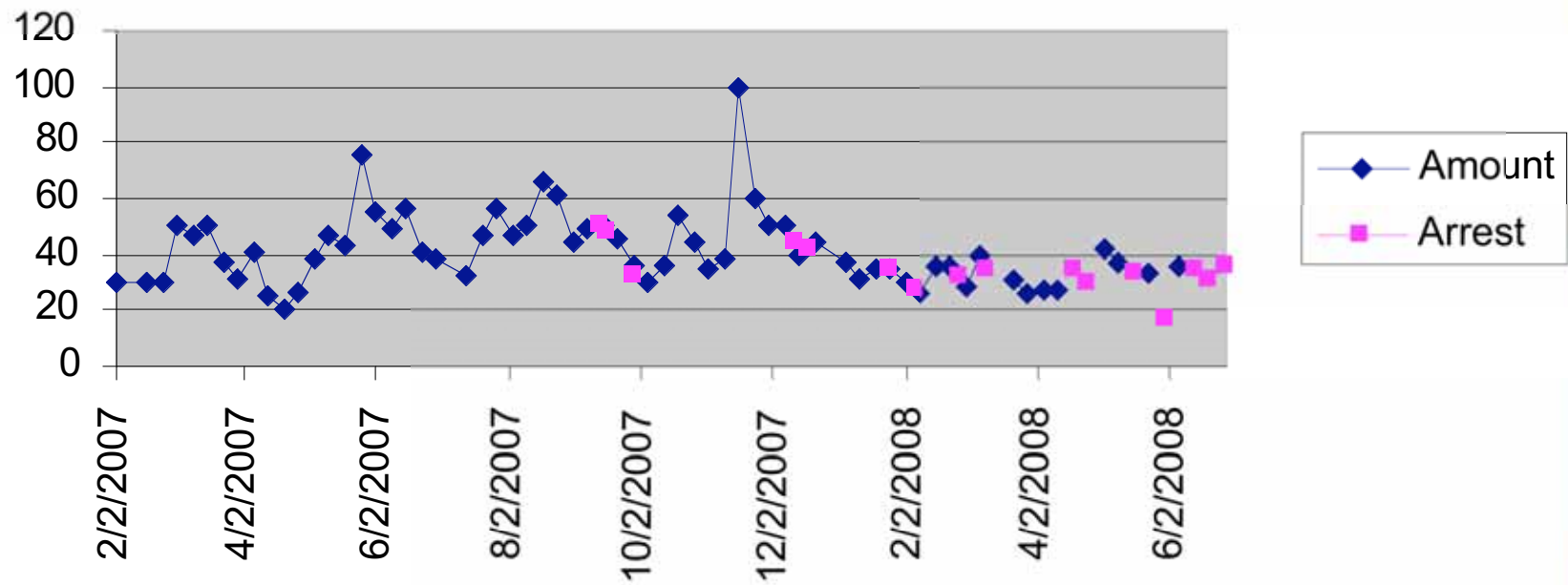
- 46 taggers identified
  - 42 juveniles
  - 4 adults (18 years old)
- 815 graffiti incidents closed
- \$85,150 total amount
- Rewards
  - (1) \$1,000 reward awarded
  - (5) additional rewards pending

# Results



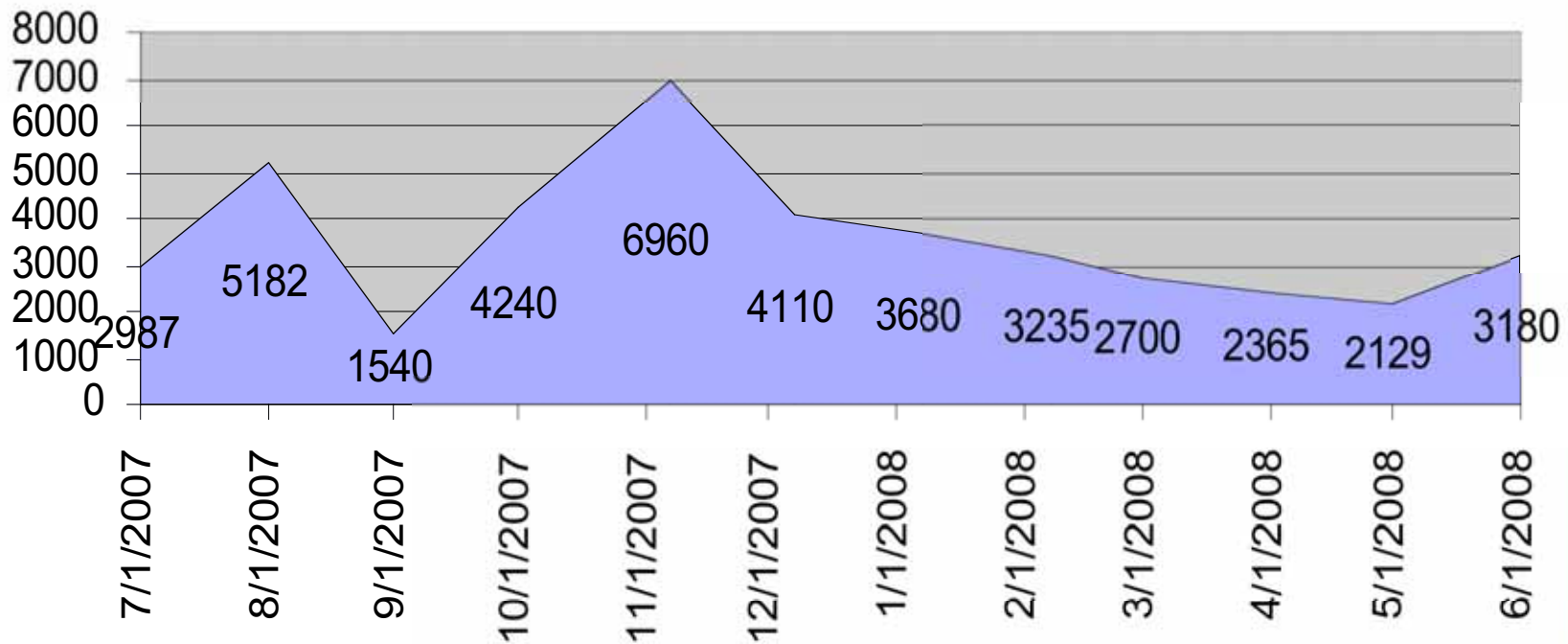
# Results

## Graffiti Incidents & Arrests



# Results

## Sqft of Graffiti Removed by Month



# Questions and Answers

- Contact Information:
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  - Telephone (951) 826-8370
- Will provide our form demand letters and settlement agreements