

Ventura County Grand Jury 2011 - 2012



Final Report

Graffiti in Ventura County Cities

May 16, 2012

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Graffiti in Ventura County Cities

Summary

It is well documented that the direct costs associated with the crime of graffiti vandalism are increasing not only within the ten Cities of Ventura County (Cities) but across the country.

The 2011-2012 Ventura County Grand Jury (Grand Jury) decided to examine the current direct cost impact on the Cities based on the numerous incidences of graffiti occurring in these communities.

All Cities, with the exception of the City of Ojai (Ojai), reported graffiti as a significant source of financial impact on their city budget. The eight Cities reporting direct costs for their graffiti programs spent over \$1.5 million in the 2010/2011 Fiscal Year (FY). The Cities continue year after year to develop programs to prevent and abate this unwanted impact to their communities. Increasing sums of tax dollars are invested in graffiti abatement.

The Ventura Council of Governments (VCOG)¹ held a Graffiti Summit in December 2007. The VCOG has yet to follow up on any of the roundtable recommendations established during this 2007 summit.

The Grand Jury recommends that the Cities aggressively pursue the recovery of their costs when individuals are convicted of graffiti vandalism.

The Grand Jury further recommends that the VCOG schedule a follow-up to the 2007 Graffiti Summit for the purpose of completing the roundtable recommendations previously established and to allow the Cities, and others, to share their current "best practices" toward fighting graffiti.

Finally, the Grand Jury recommends that the Cities follow Port Hueneme's and Santa Paula's example and amend their city codes regarding graffiti to include provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism.

Background

Graffiti is everywhere. Every city, every country, nearly every continent has been scarred by graffiti. The cost of graffiti eradication has significantly increased over the years. In the early 1990s, it was estimated that graffiti eradication costs in the United States (U.S.) were approximately \$8 billion per year. By the latter part of the 1990s this had risen to \$15 billion per year. In June 2008, experts estimated the annual cost of graffiti eradication in the U.S. would be \$25 billion. [Ref-01]

¹ A voluntary joint powers authority representing the ten cities of Ventura County as well as the County. VCOG's goal is to facilitate cooperative sub-regional and regional planning, coordination and technical assistance on issues of mutual concern.

On the 5th of December 2007, the VCOG held a Graffiti Summit with the intention of sharing each city's "best practices" for combating the graffiti problem.

The summit included representatives of the Cities, the Ventura County Superior Court, the District Attorney, and the County Probation Department. Additional stakeholders in attendance included: Ventura County Transportation Commission, Caltrans, Moorpark School District, Pleasant Valley Recreation and Parks District, Southern California Edison, County of Santa Barbara, Moorpark Graffiti Coalition, Ventura Police Department, and Ventura County Watershed Protection District.

The Graffiti Summit addressed such issues as: characteristics, locations, perpetrators, impacts, identified trends, and general strategies to address the problem of graffiti.

The major "Consensus Points" as identified in the 2007 Graffiti Summit Summary were:

- Caltrans and the railroads should participate in graffiti abatement
- graffiti programs should include prevention strategies, identification of at-risk youth, involve the school districts and school curriculum
- newer technologies should be incorporated into graffiti abatement programs
- VCOG will set up a follow-up meeting with principals of each city to discuss best practices and strategies, and to put together a model countywide graffiti ordinance

The Grand Jury decided to examine the current impacts on the Cities due to the continued occurrences of graffiti vandalism throughout these communities. The Cities were selected to provide some direct measure of the cost of graffiti removal over a five-year period (2007-2011).

It should be clearly noted that graffiti vandalism is not confined to just the Cities; it appears throughout the unincorporated areas of the County. While the report is directed to funds spent by Cities on graffiti eradication, other public and private areas are also impacted by graffiti vandalism. Throughout the County, schools, parks, libraries, public utilities, and private properties are also subjected to this crime.

Methodology

The Grand Jury developed and mailed to the Cities a Graffiti Survey, to determine the impacts of graffiti vandalism on each city. The Grand Jury also reviewed the extensive information available on the internet. (Att-01)

Facts

FA-01. There are four major types of graffiti vandalism; these include:

- *Gang graffiti*, used by gangs to mark turf or convey threats of violence

- *Tagger graffiti*, from high-volume simple hits to complex “street art”
 - *Conventional graffiti*, isolated or spontaneous acts of “youthful exuberance,” but sometimes malicious or vindictive
 - *Ideological graffiti*, political or hate graffiti, which conveys political messages or racial, religious, or ethnic slurs [Ref-02]
- FA-02.** Graffiti locations are characterized by the absence of anyone with direct responsibility for the area. This includes public areas, schools, vacant buildings, and buildings with absentee landlords. [Ref-02]
- FA-03.** Vandals often target locations with poor lighting and little oversight by police or security personnel. [Ref-02]
- FA-04.** Some targets and locations are particularly vulnerable to graffiti. These include:
- easy-to-reach targets, such as signs
 - freeway overpasses or other particularly hard-to-reach locations
 - highly visible locations, such as building walls
 - locations where a wall or fence is the primary security, and where there are few windows, employees, or passersby
 - locations where oversight is cyclical during the day or week
 - mobile targets, such as trains or buses
 - places where gang members congregate
- [Ref-02]
- FA-05.** Graffiti offenders most often use spray paint. They may also use large markers or tools for etching on glass surfaces. [Ref-02]
- FA-06.** Participation in graffiti vandalism may be an initial or gateway offense from which offenders may graduate to more sophisticated or harmful crimes. [Ref-02]
- FA-07.** Graffiti vandalism is sometimes associated with truancy, drugs, and alcohol. Graffiti offenders who operate as members of gangs or crews may also engage in physical violence. [Ref-02]
- FA-08.** Government Code section 53069.3 defines graffiti as “any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on any real or personal property.” This section of the law also gives the authority for local jurisdictions to pass ordinances for the control and removal of graffiti. [Ref-03]
- FA-09.** Penal Code section 594, in part, states:
- (a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:
 - (1) Defaces with graffiti or other inscribed material.

- (2) Damages.
- (3) Destroys.

Penal Code section 594 also provides the criminal penalties for violation of the code. [Ref-04]

FA-10. As indicated in the responses to the Graffiti Survey, Attachment 1, all Cities, with the exception of Ojai, reported graffiti as a significant source of financial impact on their city budget.

FA-11. The financial impact on city budgets for graffiti removal for FY 2010–2011 is shown in the table below. The City of Moorpark did not specifically budget or track costs for graffiti removal, but reported it as a fiscal impact in their response.

<u>City</u>		<u>2010/11</u>
Camarillo	\$	69,682.00
Fillmore	\$	43,528.00
Oxnard	\$	739,825.00
Port Hueneme	\$	120,000.00
Santa Paula	\$	102,235.00
Simi Valley	\$	227,462.00
Thousand Oaks	\$	91,830.00
Ventura	\$	150,004.00

FA-12. There are other costs associated with graffiti vandalism. They are:

- homeowner costs - the California Realtors Association estimates purchase prices for homes decreased 20% in areas that are victimized by graffiti vandalism
- societal costs are the hardest to quantify. Decreased perception of safety, lower community pride, at risk youth, are all effects of vandalism in a community
- neighborhood and business impacts are as follows:
 - intimidates residents
 - scares away customers
 - discourages tourism
 - invites street gangs and other vandals
 - attracts crime in general

[Ref-01]

FA-13. The 2007 VCOG Graffiti Summit Summary described graffiti offenders as “. . . typically young males ranging in age from 15 to 23.” It further stated that “Statistically, of that group, the majority are 16 years of age and younger.” [Ref-05]

- FA-14.** A review of the VCOG agenda/minutes, posted on their website, revealed no information indicating that the VCOG has followed up on any of the roundtable recommendations established during the 2007 summit.
- FA-15.** Each of the Cities has either a City Ordinance and/or a separate control/abatement plan to address graffiti vandalism.
- FA-16.** Graffiti control/abatement plans typically provide for some or all of the following elements:
- graffiti hotline
 - graffiti taskforce
 - timely removal of graffiti
 - educational materials for both children and their parents
 - information regarding the potential penalties for graffiti violations
 - provide graffiti removal kits to volunteer groups
 - tips for graffiti prevention
- FA-17.** Each city has an ordinance addressing graffiti abatement. These ordinances contain some or all of the following elements:
- fines and/or incarceration
 - restitution costs
 - community services in lieu of fines
 - rewards for information leading to arrest and conviction
 - parental liability
 - suspension or delay of driving privileges
- (Att-02)
- FA-18.** A volunteer group, Sheriff's and Youth Graffiti Removal Incident Team (SAY GRIT), has provided invaluable services to the Ventura County Watershed Protection District by the removal of graffiti in flood-control facilities within the Moorpark area. [Ref-06]

Findings

- FI-01.** Graffiti vandalism is a crime. (FA-08, FA-09)
- FI-02.** With the exception of Ojai, graffiti represents a significant financial impact in all the other Cities. (FA-11)
- FI-03.** The eight cities reporting direct costs for abatement programs, reported total costs in excess of \$1.5 million in FY 2010/2011. (FA-11)
- FI-04.** Intangible factors make the overall cost of graffiti abatement impossible to calculate. (FA-12)

- FI-05.** The VCOG has yet to follow up on any of the roundtable recommendations established during the 2007 summit. (FA-14)
- FI-06.** There is no "one size fits all" graffiti abatement program for the Cities. The Cities' abatement plans vary. (FA-16)
- FI-07.** Only the city ordinances for the cities of Port Hueneme and Santa Paula contain provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism, as allowed for in the state vehicle code. (FA-17) [Ref-04] [Ref-07]
- FI-08.** Some of the graffiti abatement programs utilize volunteer groups. (FA-18)

Recommendations

- R-01.** The Cities should aggressively pursue the recovery of costs from the individual(s) convicted of graffiti vandalism. (FI-02, FI-03)
- R-02.** The VCOG should schedule a follow-up to the 2007 Graffiti Summit for the purpose of updating and/or completing the roundtable recommendations previously established and to allow participants to share their current "best practices." (FI-05)
- R-03.** The VCOG should expand summit participation to include all entities that may experience graffiti damage. In addition to the 2007 Graffiti Summit participants, the following should be included: various volunteer organizations; railroads within the County; public transportation entities; and other special districts in the County. (FI-05)
- R-04.** The Cities should enlist the assistance of volunteer groups within the County for graffiti abatement. Such groups might include: Sheriff's and Youth Graffiti Removal Incident Team; Keep America Beautiful; and various civic groups. (FI-07)
- R-05.** The Cities, with the exception of Port Hueneme and Santa Paula, should amend their city codes regarding graffiti vandalism to include provisions for the city to petition the sentencing court for the delay or suspension of driving privileges for those convicted of graffiti vandalism, as allowed for in the state vehicle code. (FI-08) [Ref-07]

Responses

Responses Required From:

City Council, City of Camarillo (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)

City Council, City of Fillmore (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)

City Council, City of Moorpark (FI-02, FI-06, FI-07) (R-01, R-04, R-05)

City Council, City of Ojai (FI-06, FI-07) (R-01, R-04, R-05)

City Council, City of Oxnard (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)

City Council, City of Port Hueneme (FI-02, FI-03, FI-06, FI-07) (R-01, R-04)
City Council, City of Santa Paula (FI-02, FI-03, FI-06, FI-07) (R-01, R-04)
City Council, City of Simi Valley (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)
City Council, City of Thousand Oaks (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)
City Council, City of Ventura (FI-02, FI-03, FI-06, FI-07) (R-01, R-04, R-05)

Responses Requested From:

Chairperson, Ventura Council of Governments (FI-05) (R-02, R-03)

References

- Ref-01.** GRAFFITI 911 website. *Graffiti Facts: Costs of Graffiti*.
<http://www.graffiti911.com/costs.php> (accessed March 25, 2012).
- Ref-02.** Weisel, Deborah. "Graffiti". U. S. Department of Justice, Office of Community Oriented Policing Services. August 2004 2012.
http://www.cops.usdoj.gov/Publications/e07042448_09update.pdf
(accessed March 23, 2012).
- Ref-03.** Official California Legislative Information website. *Government Code section 53069.3* <http://law.onecle.com/california/government/53069.3.html> (accessed March 24, 2012).
- Ref-04.** Official California Legislative Information website. *Penal Code section 594* <http://law.onecle.com/california/penal/594.html> (accessed March 24, 2012).
- Ref-05.** Ventura Council of Governments. *2007 Graffiti Summit*. "Summary." December 5, 2007.
<http://www.venturacog.org/documents/GraffitiSummitSummary.pdf>
(accessed March 22, 2012).
- Ref-06.** Willer-Allred, Michele. "New youth group removing graffiti in Moorpark." *Ventura County Star*. February 22, 2012.
<http://www.vcstar.com/news/2012/feb/22/new-youth-group-removing-graffiti-in-moorpark/?print=1> (accessed March 23, 2012).
- Ref-07.** Official California Legislative Information website. *Vehicle Code section 13202.6* <http://law.onecle.com/california/vehicle/13202.6.html> (accessed March 24,2012).

Attachments

- Att-01.** Graffiti Survey
Att-02. Elements of the Cities' Ordinances

Glossary

TERM

DEFINITION

Camarillo	City of Camarillo
Cities	The ten cities within the County of Ventura: Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, Ventura
County	County of Ventura
Fillmore	City of Fillmore
Grand Jury	2011-2012 Ventura County Grand Jury
Moorpark	City of Moorpark
Ojai	City of Ojai
Oxnard	City of Oxnard
Port Hueneme	City of Port Hueneme
Santa Paula	City of Santa Paula
Sheriff	Ventura County Sheriff
Simi Valley	City of Simi Valley
State	State of California
Thousand Oaks	City of Thousand Oaks
VCOG	Ventura Council of Governments
Ventura	City of Ventura

Attachment 01

Graffiti Survey

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Graffiti Survey

1. Has graffiti had a serious financial impact on your community? Yes ___ No___

2. During the preceding five years has there been an increase or decrease in graffiti?

3. What are the major factors related to this change?

4. Aside from the financial impact what are the other major negative issues related to graffiti?

5. Does your community have a graffiti control or abatement plan? If yes, please furnish a copy.

6. Does your community use a multi-agency approach to graffiti control? Yes___ No ___
Please list: _____

7. Are you aware of graffiti abatement or control programs used in other communities that have had a positive effect on the problem? If yes, please list: _____

For additional information please contact: _____ Title: _____
Phone # _____ email _____

Please return completed survey to:
Ventura County Grand Jury
800 S. Victoria Ave.
Ventura, CA 93009

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Attachment 02

Elements of the Cities' Ordinances

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Elements of the Cities Ordinances

City	Fine	Incarceration	Restitution Costs*	Community Service.	Reward	Parental Liability	Driving Privileges
Camarillo	Not to exceed \$1,000	Not to exceed 6 mo.	x		x	x	
Fillmore	Not to exceed \$1,000	Not to exceed 6 mo.	x	x	x	x	
Moorpark	Infraction \$100/300/500** Misdemeanor Not to exceed \$1,000	Not to exceed 6 mo.	x	x	x	x	
Ojai	\$50/100/250**	Not to exceed 6 mo.	x		x	x	
Oxnard	\$1,000		x	x	x	x	
Pt Heuneme	Not to exceed \$1,000		x	x	x	x	x
S. Paula	\$100/300/500**		x	x		x	x
Simi	Not to exceed \$1,000	Not to exceed 6 mo.	x	x	x	x	
T.O.	Infraction \$100/300/500** Misdemeanor Not to exceed \$1,000	Not to exceed 6 mo.	x		x	x	
Ventura	Infraction \$100/300/500** Misdemeanor Not to exceed \$1,000	Not to exceed 6 mo.	x		x	x	
*Restitution may include- Admin., Removal, and Prosecution Costs							
** Fines for 1st, 2nd and subsequent convictions							