

the GraffitiConsultants

Ten Steps To A Graffiti-Free City

Guidebook 4 of 10 Steps

Getting Graffiti Vandals To Stop: How To Establish an Effective “Package Of Penalties”.



By: Rick Stanton

www.thegraffiticonsultants.com

(408) 206-4259

Copyright © 2017 The Graffiti Consultants

We would like to commend
you for your dedication to
eliminating graffiti vandalism in
your city.

Rick Stanton, The Graffiti Consultants Ten Steps To A Graffiti-Free City

THE GRAFFITI CONSULTANTS

Rick Stanton, Owner

TEN STEPS TO A GRAFFITI-FREE CITY

By Rick Stanton

Owner of The Graffiti Consultants

We are the only full service graffiti consultation firm.
Our proven track record includes:

- Helping our first municipal client reduce their graffiti 62% in one year with almost no increase in their graffiti budget.
- Coaching one city to an 87.9% reduction in graffiti in just one year.
- Training in one city that resulted in a 91.3% reduction in graffiti hotline calls in less than one year.
- Assisting a city in recruiting 1003 new anti-graffiti fighting volunteers in one year.

How can we help you?

Dedication

This book is dedicated to my wife, Patricia Rolland and my three sons, Garrett, Ethan and Jordan.

Author's Acknowledgments

I would like to thank those who have been of great help along the way. They include Patricia Rolland, Jordan Stanton, Lois Rolland, Dave Bonillas, Adriana York, Traci Tokunaga, Erik Hove and Manny Ruiz.

**GETTING GRAFFITI VANDALS TO STOP. HOW
TO ESTABLISH AN EFFECTIVE "PACKAGE OF
PENALTIES
TABLE OF CONTENTS**

Introduction	7
Guidebook 4	18
Section 31 Why Graffiti Recidivism Is So High	19
Section 32 A "Package Of Penalties"	23
Section 33 Restitution And Civil Fines	25
Section 34 Court Ordered Community Service Hours	30
Section 35 Let's Go To Class – And Bring Mom And Dad	35
Section 36 Putting On The Brakes	38
Section 37 We're Watching You! Searchable Probation	40
Section 38 Putting It In Place	43
Section 39 Other Information On Penalties	46
Section 40 Penalties For Adults	49
Guidebook 4 Wrap Up	51
Conclusion	53
Bonus Documents	54

INTRODUCTION

TEN STEPS TO A GRAFFITI FREE CITY

My name is Rick Stanton and I despise graffiti. It frustrates me to no end that graffiti vandals eagerly deface the property of others. Given the target market for this information, I'm sure that the vast majority of you feel the same way. By the way, right now, some of you may be reading this and some of you may be listening to this on a CD. Either one is great because they are exactly the same. So, when those of you who are listening to this hear it referred to as a book, don't be alarmed – it is the same as the CD that you are listening to. In any case, how many of you have ever asked a coworker "How do you think they would like it if I wrote my name with spray paint on their car?" According to the United States Department of Justice, the annual cost of graffiti removal in the US in 2010 was a staggering \$12 Billion. I am also pretty sure that many of you have said "Just think of all the good things that could be done in the world if all the money that is needlessly wasted on anti-graffiti efforts was used for the good of the community. Imagine all the additional soccer fields, community centers, and libraries we could have built. Imagine how many

fewer potholes there would be". Can we all agree that working full-time (or even part-time) in an anti-graffiti effort can be frustrating, demanding, exciting, and challenging all at the same time? Most likely, you don't find it easy or boring.

The bottom line is that it is my hope and dream that this book will help you with your anti-graffiti efforts. If you follow the suggestions in this book, you'll succeed in your efforts to reduce (almost to the point of elimination) the graffiti for which you are responsible. The information contained in the following pages is the culmination of my 15 plus years of full-time work in the anti-graffiti field. It also includes the insights of other highly successful anti-graffiti professionals worldwide.

How do you know that it is worth your time to read this book? How do you know that the information (if followed) will lead to what I promise you – graffiti being substantially reduced in your area? Well...the best way to answer these questions is to give you some background of what happened when San Jose employed the systems and strategies that I've spelled out for you in this book. Other cities we have trained also achieved similar results.

First, however, let me identify the primary target market for most of the information in this book: city employees. We will spend most of our efforts explaining how cities should organize themselves and carry out the plans that are described herein. Some of the information does focus on county agencies – especially in regard to

the consequences graffiti vandals must face when they are caught. These groups include judges, adult and juvenile probation departments, and the offices of district attorneys.

I will now attempt to show you why I'm confident that the systems and strategies in this book will greatly reduce graffiti in your city. I was the manager of the City of San Jose's Anti-Graffiti and Litter Program for 10 years. Believe it or not, San Jose is the 10th largest city in the United States with a population of over a million and an area of 177 square miles. During my time there we were able to reduce graffiti in San Jose by 99.88%. Like any successful achievement, this improvement included the ingredients of hard work, learning from mistakes, and good luck. But most important of all was the mayor and city council who were determined to get rid of graffiti and allowed staff to design and follow a strategic plan that will dramatically reduce graffiti in any city that chooses to implement it. I freely admit that a very few cities may never be able to fully benefit from this information simply because they're too large to make improvements in systems that are written too deeply into stone and/or that have severe gang populations i.e. New York, Los Angeles, and Chicago quickly come to mind.

Let me paint a picture for you of the graffiti situation in San Jose when I was transferred into the Anti-Graffiti Program in 1997. The program was not new. It had been established as a multi-faceted anti-graffiti effort (or program) for at least five years. Individual pieces of the program had been in

existence even before that. They had embraced the popular "4E's": Enforcement (catching and prosecuting graffiti vandals), Education (sharing graffiti information with adults and telling youth not to participate in graffiti vandalism), Eradication (getting rid of the graffiti), and Empowerment (recruiting volunteers to remove graffiti in their neighborhoods). The program was well respected – both inside and outside of San Jose. They did an excellent job of promoting their strengths and successes. The staff in the program was very comfortable in their roles and very proud of their efforts. Their marketing materials were first-class. Their oral reports in meetings always put a positive spin on the many anti-graffiti activities that they provided with an immense amount of pride.

The only problem that I saw when I was transferred into the Anti-Graffiti Program was that there was graffiti **EVERYWHERE**. It had become part of the urban landscape. You couldn't drive anywhere without seeing graffiti - lots of it. It was in all corners of the city. It was big and small. It was on sound walls. It was on bridges. It was on freeway signs. It was on utility boxes. It was on buildings. It was on fences. It was on polls. It was on... well you get the idea. There seemed to be a huge disconnect between the image of this respected program and what you saw on the streets. What I didn't know was why this disconnect existed.

When I first started, I asked the staff lots and lots of questions. I assured them that I was not going to come in and make willy-nilly changes. I didn't

even tell them that I was thinking of the disconnect that I just described. Remember - they were proud of what they did and did not think that there was a problem. I felt that I had to tread lightly. During this initial period, I learned quite a bit. I learned that:

IN TERMS OF ERADICATION

- If someone reported graffiti on the Graffiti Hotline it would take an average of 22 days to remove it.
- If a member of the city council (or their staff) reported graffiti, staff would drop everything and remove it immediately.
- If a member of the public complained about the slow response time and threatened to call the mayor...staff would drop everything and remove it immediately.
- The performance measure target for removing graffiti was "48 working" hours. It was explained to me by staff that "48 working" hours was really six workdays NOT two days. They told me that sounded better and that the administration never really asked them specifically what that meant. I knew right away that deception would come back to haunt us some day when the administration figured it out...and boy did it!

IN TERMS OF EMPOWERMENT

- To become a graffiti volunteer, you were required to attend a three-hour class, held once a month, only on Saturday. The class covered the history of graffiti, how to remove graffiti with solvent, how to paint over graffiti

and my favorite...how to operate our power washer – which no one was ever allowed to borrow or use anyway.

- There were a total of 124 on-going graffiti volunteers.
- Staff organized group graffiti paint-outs every Saturday. Members of these groups did not do any additional graffiti removal throughout the rest of the year.
- Staff would go to community meetings to tell the group about the Anti-Graffiti Program and to recruit volunteers. They would usually go first on the agenda to explain the program and tell them about the three-hour class they needed to take to volunteer. They would ask for volunteers, give each a business card, and tell them to "call me at the office and I will tell you when the next class is and sign you up for it".

IN TERMS OF EDUCATION

- Staff conducted an anti-graffiti classroom skit for second graders with giant puppets.
- The Anti-Graffiti Program sponsored a large annual Graffiti Conference for the public.

IN TERMS OF ENFORCEMENT

- On the enforcement side, very few graffiti vandals were caught and when they were, not much happened to them. The recidivism rate was very high.
- The only police effort involved one officer who was given a small number of overtime hours each week to investigate graffiti crimes.

- There was a group of about ten adult volunteers (cop wannabees) who were given night-vision binoculars and were sent out to do surveillances at locations that were frequently hit with graffiti.

All in all, after talking with everyone concerned, I felt that San Jose's Anti-Graffiti effort was all "smoke and mirrors".

I will delve into the details of the previous highlights (or lowlights) in the later guidebooks and share with you the changes in those areas that ultimately took place and paved the way for San Jose to become a virtual graffiti-free city. What I will do now is share some bottom line results that will illustrate what is possible if a city trusts and follows the plan that I will present to you in this book.

Please keep in mind that I was involved in varying degrees in most, if not all, of the following examples of the fantastic turnaround we experienced. However, so were others. The main point here is that graffiti can be drastically reduced when dedicated and hard working people follow a proven plan that will lead them to great success.

From: No way to measure success, trends, percent of gang graffiti, etc.

To: An annual Citywide Graffiti Survey

From: 124 graffiti volunteers

To: Over 6,400 graffiti (and litter) volunteers

From: A very light penalty for graffiti vandals
To: An effective package of penalties that severely reduced graffiti recidivism

From: No proactive graffiti abatement
To: An extensive, strategic and successful proactive system

From: A hotline response time of 22 days
To: A hotline response time of 48 hours that was achieved 99% of the time

From: A poor system for dealing with graffiti on private property
To: A private property system that really works

From: A miniscule focus on graffiti from the police department
To: An actual police Graffiti Enforcement Team dedicated to graffiti cases

From: 71,541 citywide tags
To: To 129 citywide tags

These types of improvements are possible in just about every city that implements the systems and strategies that you will soon know.

During my last few years as the manager of San Jose's Anti-Graffiti and Litter Program (the mayor added litter to our responsibilities in 2002) word had spread that incidents of graffiti were going down in San Jose. I received over 60 calls from cities all over the world asking what we were doing to get such

good results. Some cities even sent representatives to shadow us. It was obvious that there was a real need out there to help cities that were struggling with graffiti. After I retired, I began working as a graffiti consultant and have successfully assisted other cities in their goal of drastically reducing their graffiti.

I would like to conclude this introduction by issuing a WARNING: The war against graffiti is never-ending. By following the recommendations in this book, the graffiti in your city will go down. Period. However, when it gets to a level that is satisfactory to most people...that is when the danger begins. The danger is that someone will decide that he can now take the "pedal off the metal" a little. He might think that you do not need to do all of the things that you did to get rid of the graffiti in the first place. He might think that it is now OK to cut or move one of the staff positions. He might think it is OK not to replace an old spray rig that can't perform any more. Please don't let this happen! In San Jose the graffiti has risen dramatically over the past few years because the effort has been largely neglected. Vancouver worked hard to be graffiti-free for the 2010 Winter Olympics. After the Olympics, city leaders felt they won the war on graffiti and defunded their anti-graffiti effort. You can all guess what happened – graffiti came back hard and fast. There will always be an undercurrent of graffiti everywhere. It will be there - ready to explode if cities turn their back on it or even water it down just a little.

It is almost time to begin getting into the details of how you can become a graffiti-free city. I just need to share a few housekeeping items with you. First of all, the Ten Steps to a Graffiti-Free City is made up of ten guidebooks. Each guidebook corresponds to one of the ten steps. You may have invested in all ten of the guidebooks or just the one or more that were of the most interest to you. In either case, each CD and guidebook has a different step or chapter on it but each has the same introduction. So, if you have more than one CD or guidebook, you don't need to listen to or read the introduction again. You can skip directly to the next track on the CD or chapter in the guidebook.

Also, (and I hope this does not offend anyone) instead of using "he or she" throughout the book, I will just use "he" for simplicity sake.

If you thought that this book on graffiti would have a lot of pictures of graffiti in it, you would be wrong. I will use pictures to illustrate some key points but I don't see the need to give the vandals any more sense of accomplishment than I need to. Besides, if you are already involved in an anti-graffiti effort, I'm sure that by now you have seen enough graffiti to last a lifetime.

As I mentioned earlier, this introduction is the same in all of the ten CDs and guidebooks. The same can be said for the short conclusion at the end. So if you have more than one of these books, you don't need to read or listen to the conclusion again.

Finally, most of the guidebooks have one or more "Bonus Documents" at the end of it for you read. Also, in the CD case, the CD that is labeled "Bonus Documents" contains the same documents ready for you to plug into your computer and use as needed. These documents will save you hours upon hours of time. So, thank you for taking the time to read this introduction and on with the show.

GUIDEBOOK 4 OF 10

GETTING GRAFFITI VANDALS TO STOP. HOW TO ESTABLISH AN EFFECTIVE "PACKAGE OF PENALTIES".

People frequently ask me "How do you actually get the taggers to really stop tagging?" I tell them that the answer has two parts:

Part 1: They need to get caught.

Part 2: When they get caught, the consequences need to be at a level so that they don't want to do it again.

Chapter 5 will focus on catching graffiti vandals. The focus of this chapter is on what happens to graffiti vandals when they get caught.

SECTION 31

WHY GRAFFITI RECIDIVISM IS SO HIGH

SECTION HIGHLIGHTS

- What is one of the biggest weaknesses of many anti-graffiti efforts?
- Why is it hard for many graffiti vandals to quit?
- What is needed to reduce the recidivism rate for graffiti vandals?

Typically, one of the biggest, if not the biggest weakness of any anti-graffiti effort is that the consequences given to graffiti vandals when they get caught are not high enough to motivate them to cease their destructive behavior. This is a real problem. I am sure that all of you know this, but doing graffiti is an extremely addictive behavior. Police officers frequently tell me that a graffiti vandal has told them "I want to quit but I just can't". I don't have any specific statistics to confirm this, but no one has ever disputed the concern that the recidivism rate for graffiti vandals is very high; it's too high. And it does not need to be that way. Not only would society be better off if these young people did not commit graffiti vandalism, obviously, but so would they. Here's why: Constable Valerie Spicer of the Vancouver Police Department estimates in her Master's Thesis that 95% of graffiti vandalism is committed by young males who start tagging around the age of 13 -14 and do the most damage

at ages 17-21. She concludes, "that many youth who would not normally stay in a criminal environment are lured by graffiti and, while mixing with a diverse range of offenders, are exposed to a wide variety of crimes. This has a corroding effect and slowly these youth become unable to function socially as normal adolescents and are isolated because of the subculture. The long-term effects can impact normal progression at school, adolescent socialization, peer acceptance and self-esteem. Many graffiti taggers enter early adulthood as socially immature individuals who may continue to engage in several at-risk behaviors."

I know that when graffiti vandals go through a sufficient penalty process that the odds of them repeating their offence drop dramatically. When the penalty phase is weak, these vandals' attitudes are "Wow, that wasn't so bad". The result is that they go right back to their graffiti vandalism. Remember the addiction I mentioned earlier? It is caused by the "rush" they get when they are sneaking around late at night, making their mark as big and as often as they can, usually fueled by drugs or alcohol and the companionship of one or more of their close graffiti crew members. This combination is hard to beat for young males full of testosterone who are usually not getting any other recognition or praise for their scholastic, athletic or musical achievements. The day after their "night out" they look upon the destruction they caused with a sense of pride and satisfaction...and an eagerness to do it again as soon as possible. However, when the penalties are strong enough

most vandals will stop their destructive behavior. This behavior is not only destructive to the victims of their vandalism but it is destructive to them also.

Professor Graham Martin in a study of 2000 youth subjects concludes that 10% of youth aged 13 do graffiti. He states "Those in the graffiti subculture are more likely to report serious or extreme drug use, perceived academic failure, physical and sexual abuse, suicide thoughts and behaviors and are more likely to indicate depression, hopelessness, anxiety, risk taking behaviors and lower self-esteem and parental control".

Even though a tough penalty process may seem harsh for teenagers, and their families, for a property crime, we are really doing them a huge favor when they decide to leave this destructive behavior behind. Graffiti is an entry-level crime that, if not stopped early, will often escalate into more severe activities that will undoubtedly have much more serious ramifications on society and on these youth when they are caught. David Shannon of the University of Stockholm reported that 25% of a sample of graffiti vandals also committed violent offences.

Another huge benefit of graffiti vandals going through a tough series of penalties that should not be underestimated is that their whole network of graffiti associates knows about it. They begin to worry that if they get caught that they will also have to go through the same difficult process that his or her "friend" is going through. Many times, this worry

will cause other associates of the vandal who was caught and is going through the tough penalty process to actually quit doing graffiti themselves. Tough penalties for graffiti vandals are the deterrent that is absolutely necessary for them to finally stop their destructive behavior.

SECTION 32

A “PACKAGE OF PENALTIES”

SECTION HIGHLIGHTS

- What is a “package of penalties”?
- What should be in that package?
- Why is it important that this package be given consistently to all juvenile graffiti offenders?

If in general, penalties in most areas of the country need to be stronger, exactly what should the penalties be and how do you get there? Since most graffiti vandals are juveniles, this guidebook will focus on those who are under 18 years old. Most areas can and do treat juvenile and adult offenders differently. I will discuss adult graffiti offenders in Section 40.

For juvenile graffiti offenders I recommend a package of penalties that they all get to experience when they are caught for the first time. The penalties in this package should include:

- Financial restitution to the victim for the cost of repairing the damage caused by the graffiti.
- A civil fine payable to the city.
- Community service hours where they perform labor while being supervised.
- Required attendance, with his parents, at a class about graffiti.

- One year loss of his driver's license or the license being delayed for one year from the date he applies for it if he does not yet have his license.
- Searchable probation until he meets the terms of his probation.

Having a package of penalties is important because it provides much-needed consistence when it comes to the prosecution of juvenile graffiti vandals...especially in areas where there are multiple juvenile court judges. It is human nature for people to see things differently – including judges. As you can imagine, two similar graffiti vandalism cases can have very different sentencing results because different judges handled each case. This package of penalties ensures that all juvenile graffiti vandals receive certain minimum penalties. Another benefit that is a bi-product of the package of penalties is that it can be publicized in the media, in online social networks, and especially in the schools. The more youth who know about all of the uncomfortable things that they will experience because of this package of penalties, the more youth will stop (or not start) tagging because it is just not worth it.

In the next five sections I will discuss each of the items in the package of penalties in more detail. It is also important to do some preliminary homework to see if each of the individual items in the package can actually be implemented in your city given the current laws and resources that are available there.

SECTION 33

RESTITUTION AND CIVIL FINES

SECTION HIGHLIGHTS

- What is restitution when it comes to graffiti vandalism?
- How is restitution determined?
- How do civil fines for graffiti work?

The concept of “an eye for an eye” has been around for a centuries; that is the basic concept of restitution. When property is vandalized with graffiti, it is usually cleaned up before the person who vandalized it gets caught. There was a financial cost to get rid of the graffiti that the owner incurred, whether it was the owner of private property or a governmental agency, such as a city. The concept of restitution is for the person who caused the damage to reimburse the owner of the property for the expense to repair it, both labor and materials. Many cities have a formula to determine the cost of restitution for graffiti damage based on labor, materials, method used to abate the graffiti, the size of the graffiti and/or the time it took to remove it. Some cities factor in law enforcement costs if their state allows it. In other cases, especially where cities have dedicated police officers who focus just on graffiti investigations, the vandal may end up on the hook for several incidents. This is especially true in cities that use a graffiti-specific database and the

financial cost to the vandal can end up being high enough for the case to classify as a felony in many states. Most of the time, graffiti cases do not end up going to trial. As a matter of fact, in my ten years, not once did a staff member from our program need to appear in court to testify in a graffiti case. However, it is not unusual for most cities to have a handful (or more) of these cases go to court and someone from the graffiti program will need to testify how the restitution figure was reached. This is where the formula that the city uses to compute the amount of restitution is very important. It needs to balance the fact that you want to get back all of the allowable costs that the city has incurred to remove the graffiti with the defense attorney's potential argument that you are being unreasonable with your formula. Ultimately, in most cases, a judge will decide if your restitution formula is fair. That's why when you develop your restitution formula; you should show it to the city attorney's office and the county attorney's office for feedback before you actually use it. In some cities, that formula will need to be formally approved by the city council. If, as part of the sentence that the judge imposes on a graffiti vandal is restitution to the victim, the vandal (or his or her parents if they are under 18 in many states) will need to reimburse the victim for the cost to repair the damage caused by the graffiti. This could include private property owners as well as the government agency that owns public property such as cities. If your city is due restitution, most of the time it will be paid to the city's finance department and go into the general fund. Typically, most cities do not actually receive

all (or even most) of the restitution they are due. After talking with many cities, I estimate that you can expect that you will generally receive between 20% and 30% of the restitution that is owed to you. Keep in mind the great thing about restitution is not that the city will collect a lot of money, but rather, that the vandal learns a valuable lesson: that he will be held financially responsible for his actions. Also, typically, he is not able to pass probation until all of his stipulated requirements are fulfilled, including paying restitution to all of his victims.

**PLEASE SEE BONUS DOCUMENTS:
“PACKAGE OF PENALTIES”
REQUEST FOR DAMAGE ESTIMATE
PAGE 55
AND
GRAFFITI RESTITUTION PAYMENT DEMAND
FORM
PAGE 56
AND
FLOW SHEET FOR GRAFFITI RESTITUTION
COLLECTION
PAGES 57 - 58**

Separate from paying restitution, several cities require convicted graffiti vandals (through their ordinances) to pay a civil fine to the city. Cities that impose this fine typically have the amount of the fine grow progressively larger for repeat offences. For example, the fines might look like this:

\$500 for the first offence
\$1000 for the second offence
\$1500 for the third and all subsequent offences

Again, the money is usually paid to the finance department and goes into the city's general fund. Some states, like Nebraska for example, require these types of fees to go directly to the school districts. Again, these fees are similar to traffic fines and are completely different from (and in addition to) any restitution that the city or any other property owner is owed by the vandal.



FINANCIAL RESTITUTION TO THE VICTIM

SECTION 34

COURT ORDERED COMMUNITY SERVICE HOURS

SECTION HIGHLIGHTS

- What are court ordered community service hours?
- Who needs to work court ordered community service hours?
- What kinds of work do the people need to do who have court ordered community service hours?

Earlier in Section 14, I discussed using high school students who need community service hours for school. In this section, I will talk about court ordered community service, which is a much different animal indeed. I am sure that you are very familiar with court ordered community service. This occurs when someone has been convicted of an offence of some sort and is required, by a judge, to work a certain number of hours as part of his sentence. Most of the time, this is in the form of manual labor and many times the hours are performed with a group of fellow offenders. Public or non-profit agencies are usually the beneficiaries of this court-mandated labor because they have the trained staffing to supervise the individuals sentenced to perform the community service. The kinds of work that can be assigned are almost limitless. Some

examples are picking up litter, cleaning creeks, pulling weeds, and yes, even abating graffiti. Most cities already have this system in place and all that needs to happen is for the community service hours to be included in the package of penalties that I am proposing. I would also recommend that the number of hours assigned to graffiti vandals also be established and consistent. All first time graffiti vandals should receive a minimum of 100 community service hours. All subsequent graffiti offences should earn the graffiti vandal a minimum of 200 community service hours. This minimum numbers of hours will go a long way to deter graffiti recidivism. All the first time offenders should be reminded constantly during their first time through the system that if they are caught again that the minimum number of hours doubles from what are working off now. This also feeds their fear of getting caught and will help them to break their habit of graffiti vandalism. One hundred unpleasant hours of hard labor is bad enough. For these teens, the thought of having to complete two hundred hours is an absolute nightmare. Remember, most if not all of these hours will be completed on the weekends. If they work eight hours a day then it will take them twelve and one half weekend days to get through their assignment. That is about six full weekends. If they need to come back a second time and if the penalty is doubled, they will lose all of their weekends for three full months. That is a long time!

If your area has a system already set up to accommodate the offenders who need to work community service hours to pay of their debt to

society and you want to have all the graffiti vandals go through this existing system – that's great. Another avenue for the convicted graffiti offenders is to have them spend their community service hours removing graffiti. You know...make the punishment fit the crime. There are a few downsides to this. First, if your city does not already provide this particular service, there will be an additional cost to establish things. These costs may include a passenger van, vehicle maintenance and gas, as well as staff. Second, even if you have these resources, some people argue that sending graffiti vandals to remove graffiti just gives them the opportunity to visit new locations for them to vandalize that they did not know about before and are now clean – ready for them to make their mark.

There is a flip side to the debate about whether graffiti vandals should work off community service hours removing graffiti. Assuming the city (or other agency) has the capacity to run a graffiti removal program for graffiti offenders, many good things can come out of it if it is run effectively. First, the punishment now fits the crime, which seems like what most of the general public wants. Second, if the offenders in the van were not allowed to talk unless they were asked a question by the supervisor, it makes for a very long and boring day. It also reduces the opportunity for "networking" as well as the opportunity for conflicts to develop. Third, I would recommend that they be taken on a route along busy streets and near high schools that tend to be frequent graffiti targets. Removing graffiti on this route keeps traditional graffiti hot spots graffiti-

free. It is also extremely boring for the vandals. This route should be one that city staff clean also. However city staff, many times, does not work on weekends, which is when a high percentage of graffiti happens. Cleaning this route keeps it graffiti-free on the weekends as well. Finally, to make this even less interesting for the vandals, they should be restricted to removing graffiti with solvent and using only one standard color of paint for painted utility boxes and sound walls (if they are the same standard color). This is the system I would recommend as I feel the merits of it outweigh any downside.

Guidebook 4. Getting Graffiti Vandals To Stop: How To Establish An Effective "Package Of Penalties".



COURT ORDERED COMMUNITY SERVICE

SECTION 35

LET'S GO TO CLASS – AND BRING MOM AND DAD

SECTION HIGHLIGHTS

- How can the courts get the parents of juvenile graffiti vandals involved in their activities?
- Who should teach the graffiti class with juvenile graffiti vandals and their parents?
- What should be included in the class?

I think it is fair to say that some parents of graffiti vandals are totally oblivious to their children's destructive behavior and others are aware of it but view it as a harmless activity. Whatever the case may be, I think we can all agree that parents can have a big impact on the behavior of children. Of course their efforts don't always guarantee that their children will be perfect angels but they can reduce the chances of them participating in illegal activities – such as graffiti. In order to get the graffiti vandals' parents more aware of their child's graffiti activities, another penalty to be included in the package is that the juvenile vandal and his parent(s) need to attend a class about graffiti together. It is best if this class is taught by a police officer because his experience and background allow him to share insights that most others simply don't possess. Also, the position commands automatic respect. In addition, I know of officers actually issuing citations

to class participants for having illegal graffiti writing implements in their possession when they were signing in for the class. Only officers can do that! The class can be as simple as one three-hour class held monthly. The lesson plan is pretty simple. It would cover the basics of graffiti, the dangers that could befall the vandals, what the parents should watch out for and do, why graffiti is a problem, alternatives to graffiti, what happens to them if they get caught again and how it can affect their future, as well as anything else you want to cover.

**PLEASE SEE BONUS DOCUMENTS:
"PACKAGE OF PENALTIES"
TAG CLASS AGENDA
PAGES 59 - 60
AND
YOUTH TAG CLASS EVALUATION
PAGE 61
AND
PARENT TAG CLASS EVALUATION
PAGE 62**

Of course, the class can be whatever you make of it. On the other end of the spectrum is a much longer, more formal series of parent/teen classes run by an organization called the Parent Project (www.parentproject.com). They are a national organization and may already have classes in your area. If not, you can establish your own. You can contact them for details. Regardless of the format of the class, the important thing to remember is to

mandate that juvenile graffiti vandals attend a graffiti class with their parent(s).

SECTION 36

PUTTING ON THE BRAKES

SECTION HIGHLIGHTS

- Why is losing their driver's license a good penalty for graffiti vandals?
- How long should graffiti vandals lose their license?
- What if the convicted vandal does not have his license yet?

Most teens, especially boys (the gender overwhelmingly responsible for graffiti damage) are eager to get their driver's license...and generally do so as soon as they can. Being able to easily expand their radius gives them a whole new taste of freedom that walking or bicycling never came close to giving them. Losing their license for one year (a virtual eternity for teenagers) is another great deterrent to graffiti vandalism...especially if all the youth in the city know that this will happen automatically if they get caught. Many states already have this penalty on the books but the presiding juvenile court judge does not always levy it. What happens when the graffiti vandal does not have his driver's license yet? No problem. Just make sure your state also stipulates that convicted graffiti vandals who do not yet have their license must wait one year to reapply for it from the date that they legally applied for it initially. The State of

Nebraska does have a law that allows for a graffiti vandal's license to be taken away for one year, but it does not address graffiti vandals who do not have their driver's license yet. At the time this book was written, there was a strong interest by several people to encourage their state legislature to add a provision to address graffiti vandals who don't possess their driver's license at the time of their conviction.

SECTION 37

WE'RE WATCHING YOU: SEARCHABLE PROBATION

SECTION HIGHLIGHTS

- What is searchable probation?
- Why does law enforcement like searchable probation?
- How can searchable probation deter graffiti recidivism?

Assuming that this package of penalties becomes standard operating procedure, all juvenile graffiti offenders will end up on probation. Searchable probation, however, gives law enforcement officers a very powerful tool that really helps them keep tabs on graffiti offenders. Searchable probation allows law enforcement officers to search convicted graffiti offenders "without cause". That means they can search anyone on searchable probation at any time and anywhere; at home, at school, on the street, etc. They don't need "probable cause" or a search warrant to stop and search them. I am aware of many cases when surprise searches have turned up items that the juvenile should not be possessing. This just ups the ante on his penalty.

The best part of having searchable probation isn't that the police get to easily bust these teens over and over, (even though that does happen

occasionally) it is that it is a huge deterrent. Just the threat that law enforcement officials can search them at any time is sometimes enough to keep many of these youth on the straight and narrow. Rarely will officers pay someone a visit during his or her searchable probation period for no reason. However, if the police start to hear rumors on the streets that a specific convicted juvenile graffiti vandal is tagging again, there is a good chance that the vandal will be hearing the sound of his doorbell ringing sooner rather than later.

Guidebook 4. Getting Graffiti Vandals To Stop: How To Establish An Effective "Package Of Penalties".



SEARCHABLE PROBATION

SECTION 38

PUTTING IT IN PLACE

SECTION HIGHLIGHTS

- What research do you need to do before you can push for a package of penalties?
- Who is going to lead the effort to push the package of penalties forward?
- What groups need to “buy in” to this package?

The first thing to do is some research on what happens to juvenile graffiti vandals currently in your city. Who knows, you may find another penalty or two to add to your package. Or, you may find out that one or more of the penalties in the package I recommended just won't work in your city. Perhaps, currently there is no state or local law that allows a driver's license to be suspended for one year. Perhaps there are no resources for a juvenile/parent anti-graffiti class. Perhaps there is currently no juvenile/parent class but, through your creative efforts and persuasive arguments, you were able to convince the police department to pay two officers three overtime hours once a month to conduct it. In any case, through your research you will have discovered what penalties are available today as well as which ones you are able to put into place that do not currently exist that can be part of your package of penalties.

This package of penalties needs the buy-in of several different groups and/or organizations. Due to this fact, it will take several months for this package to become standard operation procedure. It is not easy but it can be done. The first thing that needs to happen in order for this package of penalties to be designed and implemented is that someone needs to be in charge of leading this effort from start to finish. Once that person volunteers (or is chosen) to lead this effort, he needs to get consensus from several individuals who will support the concept of a package of penalties. This list includes:

- City and county juvenile prosecutors
- The police department
- The mayor and council
- The chief of juvenile probation
- Juvenile court judges

Start with the police and prosecutors. You will need to make sure the head of each organization is on board. However, you may need to start with staff to get their support first and work your way up. Next, make sure the mayor and city manager (if your city has one) are on board. This should not be a problem – especially if you already have the police and prosecutor's buy-in. Next, go to the chief of juvenile probation directly. Don't go up the chain of command here because probation departments are generally overworked and may not be thrilled with the potential extra work that this package of penalties may present to them because they will

need to manage youth who will now be required to meet more terms of probation than they had to before. Usually, because you have done your homework leading up to this point, the Chief of Probation will also support this package of penalties. Finally, the juvenile court judges need to be willing to approve this package if the probation department recommends it to them. Getting in the ear of these judges can be somewhat tricky. Some judges do not want any "help" from outsiders. Some may be very open to it. Who should approach them and how, should be decided by all the people who have been involved in the process up to this point. This may be where the old saying "it is not what you know but who you know" may come into play. Hopefully someone involved in the process has a personal relationship with one or more of the judges. Just maybe that person will get the needed buy-in on the "back nine"!

SECTION 39

OTHER INFORMATION ON PENALTIES

SECTION HIGHLIGHTS

- What is the financial amount for a crime to be classified as a felony in your state?
- Does your state have enhanced penalties for gang related crimes?
- Is there good communication between law enforcement agencies in regard to graffiti in your area?

Here is some additional general information about penalties for juvenile graffiti vandals:

- What is the dollar amount in your state for a crime to be considered a felony? In California it is \$400. It is not difficult for a graffiti case to reach the felony level of \$400...especially when officers can connect one vandal to several locations where he put up his tag.
- Some states have enhanced penalties for crimes that are committed in conjunction with gang activity. Tagging crews have successfully been determined to fit into the official definition of a gang. This allows for enhanced penalties for members of tagging crews convicted of graffiti vandalism.
- Some graffiti vandals are young and not very mobile. Consequently they do most of their damage close to home. Others, however,

are older and have access to a car. The damage from their graffiti vandalism can be spread far and wide. That's why it is critical for law enforcement agencies to have good communication systems established with each other. Several metropolitan areas in the country have several cities clustered together. A prolific mobile graffiti vandal can easily cause thousands of dollars worth of damage to several cities in one highly populated region of the country. It is very possible that he could get arrested for graffiti vandalism in one city and his damage to neighboring cities goes unpunished because the cities aren't talking with one another. If cities were communicating, the vandal in the example above would most likely be on the hook for all the damage he did. Another vehicle for even more widespread communication, especially between law enforcement agencies in different states is the NoGraf Network. Law enforcement officers can send in a notice that they are either looking for the writer of a specific tag or that they have caught the writer of a specific tag. Officers from cities all over the country and beyond belong to this network and it is a great way to get the word out about a tag or tagger. They can be found at www.nograf.net.

- Some cities have been very aggressive in their prosecution of graffiti vandals. Some cities have actually built in to the penalties extra fees to pay for specific activities such as:

Guidebook 4. Getting Graffiti Vandals To Stop: How To Establish An Effective "Package Of Penalties".

- A graffiti class the vandals need to attend with their parents.
 - The salary for the person supervising the community service hours they are required to attend.
 - A reward program for people to anonymously report graffiti vandals.
-
- Some people may think that all of these penalties are a little harsh for a minor property crime. Keep in mind however, as recently as 2010, a Swiss man was convicted in Singapore to five months in jail and three strikes of a cane for painting on a train. Now that's harsh!
 - Other penalties may include requiring the vandal to write a letter of apology to the property owner, electronic monitoring or even juvenile hall time.

SECTION 40

PENALTIES FOR ADULTS

SECTION HIGHLIGHTS

- What are some of the penalties that adult graffiti offenders will receive that juvenile graffiti offenders also receive?
- What steps should be taken to ensure that these are adequate penalties for adult graffiti vandals?
- What can cause a convicted adult graffiti offender to receive a more severe penalty than is typical?

Even though in most cities the percentage of graffiti vandals who are juveniles usually far outweighs those who are over eighteen years of age, there are definitely those who continue this destructive behavior even after they become adults. In many cases, the penalties for adult graffiti offenders will closely mirror those of juveniles. Penalties such as restitution, fines, community service hours and the loss of their driver's license are often penalties given to adult graffiti offenders as well as minors.

However, in some states, adult offenders of many crimes are treated differently from juveniles. My best advice to you on how to handle the penalties for adult graffiti offenders would be similar to the process that I described for juveniles. First, research what penalties are currently in place for adult graffiti offenders. Meet with those who are involved in this

area. Develop a consistent set of minimum penalties that all of them would need to experience. Finally, persuade the decision makers of the various organizations to implement these minimum penalties. Please keep in mind that even though it is important to have a consistent set of minimum penalties, the sentence may call for higher levels for some of those penalties or additional penalties as well if the offence is an exceptionally serious one.

In a few states, Nebraska and Arizona come to mind, convicted adult graffiti offenders automatically receive jail time.

GUIDEBOOK 4 WRAP-UP AT A GLANCE

- Sufficient penalties for graffiti offenders help them to abandon their destructive behavior.
- Having a consistent package of penalties for graffiti vandals is important.
- Graffiti offenders should reimburse their victims for the damage they caused and pay the city for their destructive behavior.
- Court ordered community service hours provide a lesson to the vandals and helps the city with much needed labor.
- Many times, educating the parents about their child's graffiti involvement can make a difference.
- For young adults, losing their driver's privileges for one year can be very devastating.
- Searchable probation gives law enforcement officers a strong tool to use on those past graffiti offenders they suspect of continuing to vandalize.
- There are steps that need to be taken to put the package of penalties in place.
- There are other penalties that also may be of interest to you.
- Adult graffiti offenders can have many of the same penalties as juveniles but can also be treated much differently depending on many factors.

In order for graffiti vandals to actually stop their destructive behavior, a significant deterrent needs

Guidebook 4. Getting Graffiti Vandals To Stop: How To Establish An Effective
"Package Of Penalties".

to be in place. An effective "package of penalties"
can be that deterrent.

CONCLUSION

Thank you for letting me share my experiences with you. I truly feel honored that you trusted me enough to listen to my story. I sincerely hope that you found something in this guidebook and CD that resonated with you and that you can use to improve the graffiti situation in your city. If this does happen, and I really hope that it does, please let me know. I would love to share your success with others!

If you would like more information on strategies that will drastically reduce graffiti in your city, please check our website at www.thegraffiticonsultants.com. There, you can find out more about our innovative Phone Training Program where you have direct access to me and we can work together, one-on-one to correctly and successfully implement any of the recommendations that have sparked your interest from this book and CD.

And finally, also in our website, is information on our full-service consulting packages that are designed to meet the needs and budgets of each individual city. This is really the best way to be sure that your graffiti will go away and stay away.

So, call today and watch your graffiti disappear. Thank you for taking the time to check out the information in this book and CD. I sincerely look forward to your city becoming graffiti-free!

Guidebook 4. Getting Graffiti Vandals To Stop: How To Establish An Effective
"Package Of Penalties".

BONUS

DOCUMENTS

BONUS DOCUMENT PAGE 55

REQUEST FOR DAMAGE ESTIMATE

(CITY NAME)

Request for Damage Estimate

Payment should be forwarded to: **Finance Department,**

Today's Date _____ Police Case# _____

Name of responsible person _____ Birthdate _____

Probation Officer _____ File # _____
name/phone

Incident occurred on _____ at _____
date location

What was damaged? _____ Cost _____

Total Cost _____

Other
Explanation _____

Anti-Graffiti Program contact person
to determine damage amount

BONUS DOCUMENT PAGE 56

GRAFFITI RESTITUTION PAYMENT DEMAND FORM

(CITY NAME)

Graffiti Restitution Payment Demand

Make a copy of the Request for Damage Estimate form to keep for yourself and submit a copy with this payment form to:

YOUR ADDRESS HERE

Or you can pay in person by cash, check, Visa, Mastercard, or Discover by going to (YOUR ADDRESS HERE). Make checks payable to the (YOUR CITY NAME HERE), and write account number on check. You need to make sure you bring proof of payment back to your probation officer. You can do this by bringing back a receipt from the Finance Department or a copy of your cancelled check.

Finance Hours are:

Name of Debtor: _____	Petition #: _____	Account #: _____
Name of cardholder (As it appears on the card): _____		
Address (Cardholder's billing address): _____		
State: _____	Zip: _____	
Amount Due: _____	Daytime Phone: (____) _____	
To Pay by Credit Card (specify Visa, MC, etc.): _____		
Card Number: _____	_____	Exp _____
Date: / _____		
Amount Paid \$: _____	Declined _____	Invalid _____
No. _____		
Signature: _____	Date: _____	

ALL INFORMATION MUST BE CLEAR AND COMPLETE OR PAYMENT WILL BE INVALID

BONUS DOCUMENT PAGES 57 – 58

**FLOW SHEET FOR GRAFFITI RESTITUTION
COLLECTION**

(CITY NAME)

Flow sheet for Graffiti Restitution Collection

Vandal commits crime against the city.

He/she is assigned Probation Officer who helps them through the restitution process.

Probation Officer contacts Anti-Graffiti Program to determine the amount of restitution due.

Probation Officer fills out as much as they can of the Request for Damage Estimate form.

Anti-Graffiti Program staff completes the Request for Damage Estimate form, makes a copy for their files and returns it to the Probation Officer.

Probation Officer gives a copy of the completed Request for Damage Estimate form to the vandal and files the original.

Probation Officer gives the vandal the Graffiti Restitution Payment Demand form.

Responsible party makes a copy of the Request for Damage Estimate form and completes the Graffiti Restitution Payment Demand form and makes a copy of it.

Responsible party pays the city according to the instructions on the Graffiti Restitution Payment Demand form.

Vandal shows Probation Officer proof (receipt from the city) that they made their restitution payment to the city.

Money is collected to be deposit into the General Fund.

Finance tracks how much money is collected.

Probation Officer notifies Finance if the vandal does not pay restitution to the city.

Finance is responsible for deciding if they want to go after those who do not pay if they receive notification from the Probation Officer.

BONUS DOCUMENT PAGES 59 – 60

TAG CLASS AGENDA

T. A. G.

Talking **A**bout **G**raffiti
Time

(no admittance for late participants)

Police Department
Location

Agenda

1. Introduction: Instructors will introduce themselves and review agenda
2. Each youth will be asked to explain their offense
3. Probation – informal vs. formal; search and seizure clauses
4. Penalties/legal consequences
5. Costs of graffiti vandalism

6. Health risks associated with graffiti vandalism
7. Evaluation by Parents and Youth
8. Alternatives to tagging; resources for parents
9. Reinforce Rules and Regulations of Weekend Paint Program
10. Adjournment

BONUS DOCUMENT PAGE 61

YOUTH TAG CLASS EVALUATION

(CITY NAME)

Anti-Graffiti Program

Youth TAG Class Evaluation

Name (Optional) _____ Date: _____

Please take a few minutes to evaluate our class. The following questions are rated on a scale of one to five, with one being poor and five being excellent. Please be honest with your answers. Thank you.

1. How would you rate the content of the class?
5 4 3 2 1
Excellent Poor
2. How would you rate the format of the class?
5 4 3 2 1
Excellent Poor
3. How would you rate the effectiveness of the instructor?
5 4 3 2 1
Excellent Poor
4. How would you rate the overall effectiveness of the class?
5 4 3 2 1
Excellent Poor
5. What are the chances that you will do graffiti again?
5 4 3 2 1
Excellent Poor
6. Why did you start tagging? peer pressure fame to trash property
7. Before this incident, did your parents know you were tagging? Yes No
8. What would get you to stop tagging? fear of getting caught parent pressure
 grow out of it other _____
9. Have you been cited or arrested for graffiti before this incident? How many times? _____
10. Before this incident, approximately how many tags did you put up in a month's time? _____
11. What do you use to tag? (Check all that apply) spray paint markers/pens
 etching tools other _____
12. What tag(s) do you write? _____
13. Are you a member of a crew or do you tag alone? crew alone
If you are a member of a crew, which one is it? _____

You may use the back of this paper for any additional comments.

BONUS DOCUMENT PAGE 62

PARENT TAG CLASS EVALUATION

(CITY NAME)

Anti-Graffiti Program

Parent TAG Class Evaluation

Name (Optional) _____ Date: _____

Instructor: _____

We appreciate you taking a few minutes to evaluate our class. The following questions are rated on a scale of one to five, with one being poor and five being excellent. If you have any additional comments, we have provided space at the bottom. Thank you.

1. How would you rate the content of the class?
- 5 4 3 2 1
Excellent Poor

Comments: _____

2. How would you rate the format?
- 5 4 3 2 1
Excellent Poor

Comments: _____

3. How would you rate the effectiveness of the instructor?
- 5 4 3 2 1
Excellent Poor

Comments: _____

4. How would you rate the overall effectiveness of the class?
- 5 4 3 2 1
Excellent Poor

Comments: _____

5. What are the chances that your son/daughter will do graffiti again?
- 5 4 3 2 1
Excellent Poor

Comments: _____

6. Do you have any questions, comments or suggestions to add?

Comments: _____

Thank you for taking the time to complete this evaluation!

Rick Stanton is the owner of The Graffiti Consultants. He has a great track record in the development and implementation of highly successful graffiti reducing strategies. He led the City of San Jose's effort that resulted in a 99.88% reduction of graffiti before his retirement. Now as a consultant, Rick and his firm have been working with various cities with amazing results. He can do the same for your city by providing you with tailor made plans that fit not only your city's needs but your budget as well. Call today and watch your graffiti start to disappear!

Don't forget these powerful programs designed to help you drastically reduce graffiti in your city:

- Just How Bad Is It Anyway? How To Conduct A Citywide Graffiti Survey.
- How To Recruit A Volunteer Graffiti Fighting Army.
- The Best Solution For Graffiti On Private Property: Graffiti Ordinances That Work.
- Getting Graffiti Vandals To Stop: How To Establish An Effective "Package of Penalties".
- Tips and Tricks For Catching Graffiti Vandals.
- State Of The Art Graffiti Abatement Strategies For Success.
- Save Money In Your Graffiti Program: What Not To Do.
- Let's Work Together: How To Build A Successful Anti-Graffiti Collaborative Partnership.
- Let's Stop It Before It Starts: Graffiti Prevention And Alternatives.
- Treasure Chest Of Graffiti Related Topics.

ASK ABOUT OUR PERSONALIZED GRAFFITI FREE INITIATIVE FOR YOUR CITY!

ASK ABOUT OUR FULL SERVICE GRAFFITI CONSULTING!