



Meeting Date: 07 / 17 /2012

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Cyndi Hookstra, Management Analyst III *CH* Agenda Item No. I-2  
 Reviewed By: City Manager *[Signature]* City Attorney *[Signature]* Finance *[Signature]* Other (Specify) \_\_\_\_\_

**DATE:** July 17, 2012

**TO:** City Council

**FROM:** Karen R. Burnham, Interim City Manager  
City Manager's Department

**SUBJECT:** Response to Ventura County 2011-2012 Civil Grand Jury Report Concerning Graffiti in Ventura County Cities Dated May 16, 2012 ("Grand Jury Report")

**RECOMMENDATION**

That the City Council, pursuant to the provisions of Penal Code section 933(c), approve the Response to Grand Jury Report attached to this agenda report as the response of the governing body and Mayor of the City of Oxnard to the Grand Jury Report, and authorize the transmission of the response to the Presiding Judge of the Ventura County Superior Court.

**DISCUSSION**

In December 2011, the Civil Grand Jury sent a survey to all the cities in Ventura County asking for information about graffiti vandalism in their cities. The survey sent to the City was completed by Cyndi Hookstra and returned. The final report on graffiti vandalism in Ventura County was issued by the Civil Grand Jury on May 16, 2012, and requires a written response from the City within 90 days of this date.

**FINANCIAL IMPACT**

No financial impact.

(CLH)

Attachment #1 - Grand Jury Report and Response

## Response to Grand Jury Report Form

Report Title: Graffiti in Ventura County Cities

Report Date: May 16, 2012

Response by: City of Oxnard Title: Mayor & City Council

### FINDINGS

- I (we) agree with the findings numbered: FI-02, FI-03, FI-06, FI-07
- I (we) disagree wholly or partially with the findings numbered: \_\_\_\_\_  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

### RECOMMENDATIONS

- Recommendations numbered R-01, R-04 have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered R-05 will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 6-27-2012 Signed: \_\_\_\_\_

Dr. Thomas E. Holden, Mayor

Number of pages attached 2



**Response to Grand Jury Report  
Graffiti in Ventura County Cities  
Final Dated May 16, 2012**

**RECOMMENDATIONS**

- R-01:** The City of Oxnard has a division dedicated to removing graffiti and stickers from throughout the city via various methods. The City devised a restitution cost recovery plan in 2008 to recover the full cost of the providing the removal services to the residents of Oxnard.
- R-04:** The City of Oxnard utilizes City Corps to supervise youths serving court ordered community service hours to remove graffiti in the City. The City also supports the Community Labor Experience and Responsibility (C.L.E.A.R) program through the Ventura Youth Correctional Facility. This program is coordinated by a resident volunteer. It provides youth from the youth correctional facility in Camarillo who are within six months of parole, an opportunity to participate in community beautification projects and gain some work experience.
- R-05:** See the attached California Vehicle Code section 13202.6 (a) (1). The court has jurisdiction over the suspension of driver's license privileges for minors convicted of graffiti vandalism and should be on a case by case basis.

## California Vehicle Code

13202.6. (a) (1) For every conviction of a person for a violation of Section 594, 594.3, or 594.4 of the Penal Code, committed while the person was 13 years of age or older, the court shall suspend the person's driving privilege for not more than two years, except when the court finds that a personal or family hardship exists that requires the person to have a driver's license for his or her own, or a member of his or her family's, employment, school, or medically related purposes. If the person convicted does not yet have the privilege to drive, the court shall order the department to delay issuing the privilege to drive for not less than one year nor more than three years subsequent to the time the person becomes legally eligible to drive. However, if there is no further conviction for violating Section 594, 594.3, or 594.4 of the Penal Code in a 12-month period after the conviction, the court, upon petition of the person affected, may modify the order imposing the delay of the privilege. For each successive offense, the court shall suspend the person's driving privilege for those possessing a license or delay the eligibility for those not in possession of a license at the time of their conviction for one additional year.

(2) A person whose driving privilege is suspended or delayed for an act involving vandalism in violation of Section 594, 594.3, or 594.4 of the Penal Code, may elect to reduce the period of suspension or delay imposed by the court by performing community service under the supervision of the probation department. The period of suspension or delay ordered under paragraph (1) shall be reduced at the rate of one day for each hour of community service performed. If the jurisdiction has adopted a graffiti abatement program as defined in subdivision (f) of Section 594 of the Penal Code, the period of suspension or delay ordered under paragraph (1) shall be reduced at the rate of one day for each day of community service performed in the graffiti abatement program when the defendant and his or her parents or legal guardians are responsible for keeping a specified property in the community free of graffiti for a specified period of time. The suspension shall be reduced only when the specified period of participation has been completed. Participation of a parent or legal guardian is not required under this paragraph if the court deems this participation to be detrimental to the defendant, or if the parent or legal guardian is a single parent who must care for young children. For purposes of this paragraph, "community service" means cleaning up graffiti from any public property, including public transit vehicles.

(3) As used in this section, the term "conviction" includes the findings in juvenile proceedings specified in Section 13105.

(b) (1) Whenever the court suspends driving privileges pursuant to subdivision (a), the court in which the conviction is had shall require all drivers' licenses held by the person to be surrendered to the court. The court shall, within 10 days following the conviction, transmit a certified abstract of the conviction, together with any drivers' licenses surrendered, to the department.

(2) Violations of restrictions imposed pursuant to this section are subject to Section 14603.

(c) The suspension, restriction, or delay of driving privileges pursuant to this section shall be in addition to any penalty imposed upon conviction of a violation of Section 594, 594.3, or 594.4 of the Penal Code.

Rec'd 5/23/12

Grand Jury  
800 South Victoria Avenue  
Ventura, CA 93009  
(805) 477-1600  
Fax: (805) 658-4523

grandjury.countyofventura.org

# county of ventura

May 10, 2012

City Council, City of Oxnard  
% Karen Burnham, City Manager  
305 W. Third Street L#5240  
Oxnard, CA 93030

Re: Graffiti in Ventura County Cities

Dear Ms. Burnham:

Enclosed please find a copy of the subject report by the 2011-2012 Ventura County Civil Grand Jury.

This report is provided to you two working days prior to its public release in accordance with the provisions of Penal Code section 933.05(f). Please note that under the provisions of that code section no officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to public release by the Grand Jury.

The Grand Jury requests that you respond in writing to the Findings and Recommendations contained in the report pursuant to Penal Code sections 933(c) and 933(d). Penal Code sections 933.05(a) and 933.05(b) are specific as to the format of the responses. A form showing the required format is enclosed. The Penal Code is also specific about the deadline for responses. You are required to submit your response within 90 days to the Presiding Judge of the Superior Court as follows:

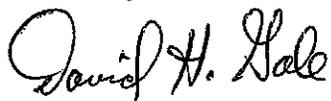
The Honorable Vincent J. O'Neill, Jr.  
Presiding Judge, Superior Court of California  
County of Ventura  
800 S. Victoria Avenue  
Ventura, CA 93009

Please send a copy to the undersigned at the address below:

Foreman, Ventura County Grand Jury  
800 S. Victoria Avenue  
Ventura, CA 93009

Responses are public records. The clerk of the agency affected must maintain a copy of your response. Should you have any questions, please contact me at the above address or at one of the numbers below.

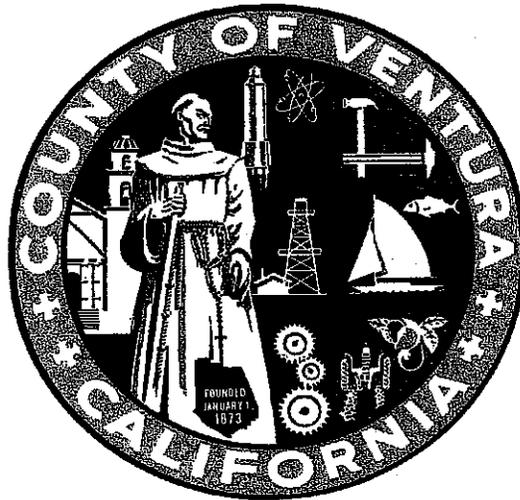
Sincerely,



David H. Gale, Foreman  
2011-2012 Ventura County Grand Jury  
(805) 477-1600  
David.Gale@ventura.org

Enclosures: Response to Grand Jury Report Form

# Ventura County Grand Jury 2011 - 2012



## Final Report

## Graffiti in Ventura County Cities

May 16, 2012

## **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)<sup>1</sup> 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]

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<sup>1</sup> 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](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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**Attachment 02**

Elements of the Cities' Ordinances

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Elements of the Cities Ordinances

<u>City</u>	<u>Fine</u>	<u>Incarceration</u>	<u>Restitution</u> <u>Costs*</u>	<u>Community</u> <u>Service.</u>	<u>Reward</u>	<u>Parental</u> <u>Liability</u>	<u>Driving</u> <u>Privileges</u>
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