



LEGISLATIVE ANALYST REPORT

To: Members of the Board of Supervisors
From: Gabe Cabrera, Office of the Legislative Analyst (OLA)
Date: October 23, 2007
Re: **Municipal Anti-Graffiti Programs** (BOS File No. 071118) (OLA No. 034-07)

SUMMARY OF REQUESTED ACTION

The Board of Supervisors approved a motion introduced by Supervisor Sandoval requesting that the OLA 1) draft a model graffiti abatement program for implementation by the City and County of San Francisco, 2) research the efforts of other city and/or county municipalities directed toward graffiti abatement including outreach, prevention and deterrence programs and any other related efforts, and 3) report back to the Board of Supervisors and provide a copy of the findings to the City's Graffiti Advisory Board.

EXECUTIVE SUMMARY

Based upon our review of the research literature as well as our analysis of a number of municipal programs comprehensively designed to reduce graffiti vandalism, the OLA offers the following recommendations for your consideration addressing graffiti prevention, enforcement and abatement.

Prevention

1. Urge the City's Department of Public Works (DPW) and the San Francisco Police Department (SFPD) to partner with schools to educate students about the costs and consequences of graffiti.
2. Urge DPW to create a graffiti reward program to provide citizens with a reward for information leading to the arrest and conviction of graffiti vandals.
3. Urge DPW to engage at-risk youth in the creation of public murals and other creative activities.
4. Urge the City's Planning Commission to include Crime Prevention Through Environmental Design (CPTED) in the General Plan for the City. The General Plan is a comprehensive, long-range declaration of purposes, policies and programs for the development of San Francisco.

Enforcement

5. Urge the San Francisco Superior Court to adopt the Graffiti Advisory Board's recommendation for one judge to review all graffiti cases which may result in more consistent sentencing and greater accountability for repeat offenders.¹

¹ Other advisory board recommendations are in its FY 05-06 annual report, which is on file with the Clerk of the Board.

6. Urge DPW and the SFPD to use the media to publicly announce the arrest and conviction of graffiti vandals, thus potentially deterring others from committing acts of graffiti vandalism.
7. Urge State Senator Leland Yee to introduce in the Legislature his proposal to prohibit “civil compromises” in misdemeanor graffiti cases.² Currently, graffiti vandals can avoid criminal prosecution under these compromises.

Abatement

8. Urge DPW to conduct an initial graffiti assessment to measure the baseline amount of graffiti in the City and to do the same every year thereafter to measure the impact of its efforts to reduce graffiti.
9. Urge DPW to offer free graffiti removal kits to all San Franciscans, not just to those who participate in its “Graffiti Watch” program.
10. Urge DPW to expand the City’s Community Corridors Partnership Program to include more merchant blocks and to begin cleaning up residential blocks along with merchant blocks.

Based upon the greatest potential of certain anti-graffiti activities as well as our conversations with City officials and residents about how to best reduce graffiti in San Francisco, the Legislative Analyst believes that of these recommendations, five, seven and eight would go furthest to help curb graffiti vandalism in the City, and should be prioritized. Adoption and implementation of any of these recommendations is of course a policy matter for the Board of Supervisors.

EXISTING PRACTICES

The Bureau of Street Environmental Services (BSES) within DPW operates the City’s graffiti abatement program, which consists of approximately 25 FTE employees, including both abatement and office staff. The program’s FY 07-08 budget totals approximately \$3.4 million.

In FY 06-07, BSES abated approximately 700,000 square feet of graffiti, which was largely on public property such as utility poles, signs, mailboxes, signal boxes, trash cans, fire hydrants, benches and meters. Program staff advised us that although BSES strives to perform graffiti abatement on a service area basis, individual requests for removal through the City’s 311 Customer Service Center and gang-related graffiti receive highest priority. Responses to removal requests typically occur within 48 hours. As described later in this report, the City requires private property owners to abate graffiti on their own property.

The City also has the Graffiti Advisory Board, a volunteer program (Graffiti Watch), an adopt-a-street program and a dedicated anti-graffiti unit within the SFPD. This unit, which consists of two FTE police officers, investigates graffiti cases and assists the District Attorney to prosecute them. It also supervises juvenile offenders who have been ordered by a traffic court judge to abate graffiti.

² According to his staff, Senator Yee has not yet introduced a bill on this matter because the Senate’s Public Safety Committee has promised all lawmakers that it will not consider any proposed legislation that would increase the State prison population.

STATE AND LOCAL LAW

State law. Depending upon the cost of repairing the damage and whether the offender has been convicted of a prior offense, Section 594 of the California Penal Code currently provides for fines of up to \$50,000, jail/prison sentences of up to one year or both for graffiti offenses. In addition to these penalties, it allows judges to order misdemeanor and/or felony graffiti offenders to perform community service for up to 300 hours over a period not to exceed 240 days and to undergo counseling.³

Note that Penal Code Sections 1377 and 1378 generally allow victims of crime to “civilly compromise” with their offenders in misdemeanor cases. In a graffiti vandalism case, this means that when the amount of the damage is less than \$400, a victim of graffiti can reach a private agreement with the graffiti vandal for reimbursement of the cost of repairing the damage. If this occurs, the court will dismiss the case and no criminal charges are brought against the graffiti vandal.

Section 38771 of the California Government Code allows local legislative bodies to place liens on the properties of convicted minors (or their parents or guardians) to abate the cost of removing the graffiti.

Local law. The San Francisco Public Works Code makes it unlawful for private property owners to leave graffiti unabated on their property.⁴ Owners must either remove the graffiti themselves or pay the City the greater of \$500 or the actual cost to abate the graffiti on their behalf. If property owners fail to act, the City has the power to place a lien on their property equal to the unpaid amount.

BEST PRACTICES

The research literature identifies the following sixteen best practices in graffiti prevention, enforcement and abatement.

Prevention

- Form a task force to focus on graffiti
- Educate students about the impact of graffiti
- Engage at-risk youth
- Practice crime prevention through environmental design
- Hold a “graffiti summit” to rally the community against graffiti

Enforcement

- Adopt local anti-graffiti laws
- Involve local law enforcement
- Put graffiti vandals “on notice” via local media
- Involve the court system

³ Section 594 also makes it unlawful to sell or give aerosol paints and etching cremes to minors, as well as to carry such compounds in plain view in public spaces (i.e., parks, playgrounds, etc.) without prior authorization to do so from the government agency which has jurisdiction over the area.

⁴ San Francisco Public Works Code, Section 1303.

Abatement

- Set up a graffiti hotline
 - Launch an adopt-a-spot program to keep areas graffiti free
- Conduct a local graffiti assessment
- Keep a database
- Offer graffiti removal kits
- Provide victim assistance
- Focus on “hot spots” where graffiti is concentrated

Each best practice is described in further detail below. We also denoted whether San Francisco currently practices them.

Form a task force. Forming a local task force to focus on graffiti is the first step toward an effective strategy to tackle graffiti vandalism. Indeed, such a task force already exists in San Francisco. It is called the Graffiti Advisory Board and consists of a total of 23 members, including a member of the Board of Supervisors, but no representative from the City Attorney’s Office. A deputy city attorney was once assigned to counsel the advisory board on graffiti related matters. However, this attorney has since left the department. The Board of Supervisors may want to urge the City Attorney to assign a replacement or create an additional permanent seat on the advisory board for the City Attorney or his designee.

Educate. Educating the public about the costs and consequences of graffiti is arguably the most effective strategy to combat graffiti vandalism. Currently, the City has limited public education programs in place. Note that the OLA’s 2005 report entitled “Graffiti Prevention and Abatement” contains two recommendations that call for the City to increase public education programs about the impact of graffiti.⁵

Engage at-risk youth. The research literature states that engaging at-risk youth in the creation of public murals and other community activities gives them a sense of pride in their neighborhood and discourages them from “tagging”. Although there is no such program in place in San Francisco, BSES advised the OLA that it routinely hires Log Cabin Ranch graduates for graffiti abatement positions within the Department, such as Class 9916 Public Service Aides and 7501 Environmental Service Workers.

Practice Crime Prevention Through Environmental Design (CPTED). CPTED is a multi-disciplinary approach to city planning to create safer communities through the physical environment. Among other strategies, CPTED includes “natural surveillance” or placing physical features, such as landscaping and lighting, in ways that maximize the ability to see what is occurring in public spaces and thus discourage crime. In San Francisco, BSES provides citizens and other public agencies with informal consultation about CPTED, but it does not retrofit existing environments to meet CPTED. For instance, BSES recently advised the Port of San Francisco to install surveillance cameras and lighting at the Warm Water Cove area to discourage graffiti vandalism.

⁵ This OLA report contained a total of eleven recommendations and can be accessed online at http://www.sfgov.org/site/uploadedfiles/bdsupvrs/leganalyst/OLA_034-04_Graffiti_Prevention.pdf

Hold a “graffiti summit”. Some cities surveyed periodically hold a graffiti summit or other public event to educate and rally their residents around responding to graffiti vandalism. Invitees typically include experts who speak about graffiti enforcement, removal technologies and education. Similarly, DPW recently hosted its first Graffiti Summit in 2007. The event was held at Sunset Scavenger Company (a City contractor) and included representatives from several City departments and 100 other attendees.

Adopt local anti-graffiti laws. The research literature states that local anti-graffiti laws are a strong deterrent. State law remains the basis for the criminal prosecution of graffiti vandals in San Francisco. However, as previously mentioned, there is a San Francisco law that requires property owners to clean-up graffiti on their property regardless of whether there was a conviction for the vandalism.

Involve local law enforcement. The research literature states that proactively involving local law enforcement is another best practice. Police can 1) increase patrols in areas where there have been spikes in graffiti, 2) speak to neighborhood and school groups about preventing and reporting graffiti and 3) question and apprehend taggers. BSES advised the OLA that it currently funds, through a departmental workorder totaling \$60,000, the juvenile offender component of the SFPD’s anti-graffiti unit.

Put graffiti vandals “on notice”. The research literature states that once a city has established a plan to prevent and report graffiti, it should then use the media to publicly announce that it intends to be vigilant about responding to graffiti vandalism and making arrests. Also, it should publicize any specific arrests of graffiti vandals to increase the perceived risk for offenders. BSES advised the OLA that it does not currently pursue this strategy because some graffiti vandals with personal “tags” may actually want the publicity.

Involve the court system. Many interventions for graffiti vandals are connected with the court system. Therefore, it is important that judges understand and are educated about graffiti vandalism, its impact on the community and the most effective way to handle those who offend. Presumably, San Francisco’s judges meet these standards. Note that the City’s Graffiti Advisory Board recently recommended that one judge review all graffiti cases for more consistent sentencing and greater accountability for repeat offenders.

Set up a graffiti hotline. Nearly all successful graffiti abatement programs provide a way for citizens to report graffiti vandalism. In most of the cities surveyed, a dedicated telephone line or Web site exists for this purpose. BSES currently receives requests for graffiti removal via the City’s 311 Customer Service Center. Before 311 was implemented, BSES received such requests via its all-purpose 28-CLEAN telephone line. Note that 311 call-takers also forward requests for advice on how to combat graffiti to the SFPD’s anti-graffiti unit. Police staff advised us that 311 customer service representatives should be trained to provide callers with such advice. This would allow police staff to spend more time investigating graffiti cases and helping the District Attorney to prosecute cases.

Launch an adopt-a-spot program. Some cities surveyed ask their citizen volunteers to help keep an area they have “adopted” graffiti-free. Similarly, BSES administers Graffiti Watch, a citywide volunteer effort to prevent and remove graffiti from public property. Under this

program, BSES provides volunteers with graffiti removal training and supplies at no charge if they agree to commit to four heavily-tagged blocks where they live or work and to be responsible for keeping the area graffiti-free for a period of two years.

Conduct a local graffiti assessment. Nearly all successful graffiti abatement programs periodically “assess” or measure the amount and type of graffiti in their communities or designated/target areas. A graffiti assessment serves primarily as a tool by which city officials learn about the impact that their graffiti removal efforts have on graffiti vandalism. Currently, the City does not conduct a graffiti assessment, although BSES uses the number of requests for graffiti removal as a proxy for the actual amount of graffiti in the community.

Keep a database. Keeping a database of graffiti sites and abatement activities has numerous benefits. It helps to identify graffiti “hot spots” and graffiti vandals. If the costs of removal are logged, it allows the courts to charge offenders with the exact amount of removal costs. Currently, BSES maintains two separate databases: one tracks graffiti on public property, the other tracks it on private property. Also, BSES submits its number of abatements to SF Stat (the City’s performance measurement system) and works with the SF Stat panel to identify inefficiencies, address graffiti-related policy issues and drive overall performance.

Offer graffiti removal kits. One way to help citizens remove graffiti on or near their properties is to offer them graffiti removal kits. A typical kit includes paints, solvents, rollers, brushes and other graffiti removal equipment. As noted above, BSES already offers City residents graffiti removal training and supplies at no charge provided that they participate in the Department’s Graffiti Watch program.

Provide victim assistance. Some cities surveyed help victims of graffiti (i.e., property owners and businesses) to know what to do when they are “hit” with graffiti, where to obtain help with removal and other assistance appropriate for their communities. The SFPD’s anti-graffiti unit currently performs a similar function. It provides victims of graffiti advice on how to combat graffiti. In addition, the City’s Community Corridors Partnership Program, which is a citywide initiative to clean the highest need and busiest merchant blocks in San Francisco, provides graffiti abatement, education and outreach services to victims of graffiti along these blocks at no charge.

Focus on “hot spots”. Targeting graffiti prevention and abatement efforts on “hot spots” or areas where graffiti is concentrated is another best practice. Identifying these areas can be done visually or through a local graffiti assessment. BSES advised the OLA that although it does not target hot spots per se, the City’s Community Corridors Partnership Program deliberately operates in areas where graffiti occurs most.

OTHER JURISDICTIONS

The OLA contacted a number of professional associations and non-profit groups for help identifying successful graffiti abatement programs nationwide. These included the League of California Cities, California State Association of Counties, American Public Works Association, Keep America Beautiful and NoGraf Network. As a result, we identified and examined abatement programs in eight U.S. cities, namely Bakersfield, Concord, Dallas, Los Angeles,

Minneapolis, San Diego, San Jose and Washington, DC. Their responses to key questions are as follows.

Bakersfield, California

Budget and staff. The Department of Public Works runs the city's graffiti abatement program, which consists of 17 FTEs, including 15 FTE trade maintenance and craft-workers and two FTE clerk typists. The program's FY 07-08 budget is approximately \$1.7 million.

Program highlights. In FY 06-07, abatement staff removed approximately 3.6 million square feet of graffiti. Although the Department strives to perform graffiti removal on a service area basis, individual requests for removal through a dedicated hotline (32-ERASE) and a Web site (BakersfieldGraffiti.us) receive highest priority. Responses to graffiti removal requests typically occur within 48 hours. Other program highlights include abatement crews that work 7 days per week, a reward program, an adopt-a-wall program and a dedicated graffiti crime unit within the Bakersfield Police Department. This unit administers graffiti education/outreach programs through its crime prevention/community watch events and activities.

Penalties. Section 594 of the California Penal Code is the basis for prosecution of graffiti vandals. However, there is a local law that makes it unlawful for any person to sell or give wide-tipped marker pens to minors.⁶

Concord, California

Budget and staff. The Public Works Department operates the "Anti-Graffiti Program", which consists of two FTEs. However, during spikes of graffiti, the Department employs up to five FTEs to abate graffiti. The program's FY 06-07 budget was \$132,829.

Program highlights. According to program staff, they remove approximately 3,000 tags each month or 36,000 tags every fiscal year. They abate by geographic area as well as respond to individual requests through a dedicated hotline. They remove obscene and/or racial graffiti within 24 hours and all other graffiti within one to four days. The Department partners with police and local schools to educate students about graffiti prevention. The Department also operates an adopt-a-street program, uses anti-graffiti coating sealant for easier clean up, photographs tags to assist investigations and prosecutions and rotates abatement staff working in the community to ensure their safety.

Penalties. Like most California cities, State law is the basis for the prosecution of graffiti vandals.

Dallas, Texas

Budget and staff. The Department of Code Compliance operates the city's graffiti abatement program, which consists of five FTEs, including four FTE abatement workers (two of which are seasonal workers) and one FTE coordinator. The program's FY 07-08 budget is \$273,000.

⁶ Bakersfield Municipal Code, Section 9.36.050.

Program highlights. The program abates approximately 75 sites each month or 900 sites per fiscal year. It abates by geographic area and responds to individual requests through the city's all-purpose 311 telephone line. Responses to requests typically occur within 24 hours. The program includes a volunteer program and works with neighborhood groups to educate the community about graffiti. It also has good rapport with the Dallas Police Department on graffiti matters.

Penalties. The State of Texas Penal Code provides for the prosecution of graffiti vandals. Depending on the cost of repairing the damage and whether the offender has been convicted of a prior offense, State law provides for fines of up to \$10,000 and/or prison sentences of up to two years for graffiti offenses.⁷ Furthermore, Dallas City Code prohibits any person with the intent to make graffiti (as measured by his/her physical proximity to certain infrastructure) to possess graffiti implements (i.e., aerosol paint, felt-tip marker, etc.).⁸ The City Code provides for fines of up to \$500 for this offense.

District of Columbia, Washington

Budget and staff. The Department of Public Works houses the city's graffiti abatement program, which consists of nine FTEs who are organized into crews of three employees. The program's FY 06-07 budget was \$650,000.

Program highlights. The Department has not yet provided us with the amount of graffiti that it removes each year. Still, program staff advised us that they abate by geographic area as well as respond to individual requests through an all-purpose Department telephone line. They remove graffiti in the public right-of-way within 24 hours and on private property within 10 days of receiving the owner's permission. Gang-related and offensive graffiti is prioritized. The Department sponsors anti-graffiti "spots" on local radio stations, maintains a Web site dedicated to graffiti and educates children about graffiti at schools.

Penalties. The District of Columbia Official Code provides for the prosecution of graffiti vandals.⁹ It sets fines up to \$1,000 and/or incarceration in jail for up to 180 days for graffiti offenses. Note that the District is neither a state, nor part of a state. It is a federal district with Congress's approval to elect a mayor and council. However, all legislation passed by local government is also subject to Congress's approval.

Los Angeles, California

Budget and staff. The Office of Community Beautification within the city's Board of Public Works consists of 10 FTEs who manage a total of 15 service contracts with community-based organizations to abate graffiti throughout the city. As of the writing of this report, the Office had not yet provided us with its annual budget. However, according to another source, its FY 06-07 budget for service contracts alone was \$7.7 million.¹⁰

⁷ Texas Penal Code, Section 28.08.

⁸ Dallas City Code, Section 31-39.1.

⁹ District of Columbia Official Code, Section 22-3312.01.

¹⁰ San Francisco Department of Public Works, Report on Anti-Graffiti Programs, No Date Provided.

Program highlights. The Office has not yet provided us with the amount of graffiti that it removes each year. Still, it advised us that contractors abate by geographic area as well as respond to individual requests through the city's all-purpose 311 telephone line. They prioritize high profile areas and requests from the mayor and council. All graffiti abatement service contracts contain a provision that requires contractors to abate graffiti within 72 hours. However, according to the Office, contractors routinely abate graffiti within 24 hours. The Office reports that it has a graffiti education and outreach program, which primarily focuses on gangs and their activities.

Penalties. State law is the basis for prosecution of graffiti vandals. In addition, irrespective of State law, Los Angeles holds graffiti vandals liable in civil actions brought by the Los Angeles City Attorney's Office in amounts of up to \$1,000 (depending on the cost of repairing the damage).¹¹

Minneapolis, Minnesota

Budget and staff. The Department of Public Works operates the Clean City Program, which consists of 4.75 FTEs, including eight 0.25 FTE abatement workers, one 0.25 FTE field foreman, two FTE office staff and one 0.5 FTE office administrator. Clean City's FY 07-08 budget is \$1.2 million.

Program highlights. According to Clean City staff, they abate approximately 800 sites per month or 9,600 per year. Although they strive to perform graffiti removal by geographic area, individual requests for removal through the city's all-purpose 311-telephone line receive highest priority. Requests are processed in the order they are received. Response times vary depending on the characteristics of each graffiti case. If a case meets certain requirements set by city ordinance, then it is abated, on average, within four days.¹² Otherwise, it is abated, on average, within 16 days.¹³ Clean City educates the community about graffiti through a dedicated Web site, one-on-one telephone conversations, anti-graffiti brochures and neighborhood/block club meetings.

Penalties. The Minneapolis Code of Ordinances prohibits graffiti vandalism.¹⁴ However, a violation of this prohibition is not criminal but rather civil in nature. It holds property owners responsible for abatement and the parents of offenders liable for the payment of a civil fine of up to \$100 for each offense.

¹¹ Los Angeles Municipal Code, Section 49.85.

¹² These requirements include 1) the structure upon which graffiti exists cannot be a primary residence, 2) it must begin within five feet of a public street or alley, 3) the graffiti must be visible from public property, 4) the graffiti must be on a painted surface and 5) the graffiti must be less than eight feet from the ground.

¹³ In addition, Clean City tracks the following on a monthly basis: the number of cases, where the case was generated (311 or field staff), the number of open versus closed cases and the number of cases by neighborhood. It tracks the following on a daily basis: photographs of graffiti damage, tag names and graffiti types (i.e., gang-related, offensive, etc.).

¹⁴ Minneapolis Code of Ordinances, Section 244.495.

San Diego, California

Budget and staff. The Development Services Department operates the city's Graffiti Control Program, which consists of 8.5 FTEs, including five FTE utility workers, two FTE code compliance officers, one FTE supervisor and one 0.5 FTE coordinator to abate graffiti on public property. The program's FY 07-08 budget is \$1.2 million, which includes a service contract totaling \$480,000 for graffiti abatement on private property.

Program highlights. According to program staff, they remove approximately 2,700 tags per month or 32,400 tags every year. They respond first to requests for removal from a dedicated graffiti hotline then to sites proactively identified by staff. They also prioritize gang related and hate graffiti followed by requests from the mayor, council members and community activists with good rapport with the city. According to staff, graffiti on public property is typically removed within 48-72 hours. However, during spikes of graffiti, the backlog extends to two weeks. The service contract to abate on private property states that graffiti must be removed within 72 hours. Other program highlights include a reward program, an adopt-a-block program, school assembly presentations, a volunteer program, neighborhood "paint-outs" and a Paint and Materials Exchange Bank.

Penalties. Although State law provides for the prosecution of graffiti vandals, the city is currently considering a "Zero Tolerance of Graffiti Vandalism" ordinance, whose major provisions include: 1) requiring vendors to secure broad-tipped indelible ink markers; 2) tightening security regulations for graffiti implements; 3) seeking aggressive prosecution of graffiti offenders; and 4) increasing oversight of graffiti enforcement and abatement efforts.

San Jose, California

Budget and staff. The Parks, Recreation and Neighborhood Services Department houses the city's "Anti-Graffiti Program", which consists of 19.5 FTEs, including both abatement and office staff. The program's FY 07-08 budget is \$2 million.

Program highlights. In FY 05-06, the program removed a total of 42,238 square feet of graffiti, or an average of 3,520 square feet per month. Program staff abates by geographic area, especially in "Strong Neighborhood Initiative Areas" where graffiti is most prevalent, as well as responds to individual requests through a dedicated graffiti hotline. During FY 05-06, the response time for all hotline calls was 98% within 48 hours. The response time for gang related graffiti was 99% within 24 hours. Program staff administers an annual graffiti assessment and an annual customer satisfaction survey. They educate the community about the impact of graffiti at community-based meetings, county fairs and "storefront" booths. Only limited education occurs in schools. Other program highlights include "Graffiti Free Freeways and Expressways" projects, an adopt-a-block program, a volunteer program (over 3,000 volunteers) and a dedicated graffiti crime unit within the San Jose Police Department. This unit consists of three FTEs, including one FTE sergeant and two FTE officers. Together, they investigate graffiti cases and assist the District Attorney to prosecute cases.

Penalties. State law is the basis for the prosecution of graffiti vandals. Under the city's Weekend Paint Program, first-time graffiti offenders receive a minimum of 66 hours of

community service, second-time offenders receive 132 hours and third-time offenders must spend at least one day in jail. Other penalties for first and second-time offenders include loss or suspension of their driver's license for up to one year.

OTHER ISSUES TO CONSIDER

In determining how to improve anti-graffiti efforts in San Francisco, the Board of Supervisors may want to consider these issues:

Vehicle related graffiti vandalism. By California law, it is currently unlawful for any person to deface with graffiti any real or personal property, which is not his or her own.¹⁵ Staff within the District Attorney's Office advised us that for the purposes of this law, the term "personal property" includes motor vehicles and that the District Attorney regularly brings criminal charges against individuals for vehicle related graffiti vandalism.

San Francisco law currently makes it unlawful for the owners of "real property" to leave graffiti unabated on their property.¹⁶ The fact that this law does not specifically make it unlawful for the owners of "personal property", such as motor vehicles, to leave graffiti unabated on their property appears to make it possible for them to do so. However, the Legislative Analyst recommends that the Board of Supervisors seek a formal legal opinion from the City Attorney on this issue.

By way of comparison, Daly City, California specifically deems it a public nuisance for any person to permit graffiti to remain upon the exterior of motor vehicles, vans or trucks which are parked on public streets or driveways or are otherwise visible to the public.¹⁷ The city may pursue administrative remedies as well as criminal and civil actions against the owners of vehicle related public nuisances.

Graffiti on metal roll-up doors of commercial properties. BSES staff advised the OLA that graffiti on the metal roll-up doors of commercial properties in San Francisco represents a particularly pernicious problem. During the day, these doors are typically rolled up and their graffiti is not visible, but at night, when they are rolled down, entire commercial areas of the City appear blighted. To remedy this situation, the Board of Supervisors may want to urge DPW to step up enforcement of San Francisco's law that requires private property owners (in this case, business owners) to abate graffiti on their own property. The Board could also urge DPW to increase the number of staff who abate graffiti along the merchant blocks in the City's Community Corridors Partnership Program. These blocks contain a large number of businesses with metal roll-up doors.

CONCLUSION

Based upon the greatest potential of certain anti-graffiti activities as well as our conversations with City officials and residents about how to best reduce graffiti in San Francisco, we believe that of the recommendations in Executive Summary of this report, five, seven and eight (as

¹⁵ California Penal Code, Section 594.

¹⁶ San Francisco Public Works Code, Section 1303.

¹⁷ Daly City Health and Safety Code, Section 8.16.030.

shown below) would go furthest to help curb graffiti vandalism in the City, and therefore should be prioritized.

5. Urge the San Francisco Superior Court to adopt the Graffiti Advisory Board's recommendation for one judge to review all graffiti cases.
7. Urge State Senator Leland Yee to introduce in the Legislature his proposal to prohibit "civil compromises" in misdemeanor graffiti cases.
8. Urge DPW to conduct an annual graffiti assessment to measure the amount of graffiti in the City and the impact of its efforts to reduce graffiti.

Adoption and implementation of these recommendations as well as the others is a policy matter for the Board of Supervisors.