



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Albert Balagso

SUBJECT: ANTI-GRAFFITI/ANTI-LITTER
PROGRAM STATUS REPORT

DATE: February 22, 2008

Approved

Date

2-25-08

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

It is recommended that the Neighborhood Services & Education Committee accept this report on the status of the City's Anti-Graffiti and Anti-Litter programs.

OUTCOME

The Committee will be advised of the current performance of the Anti-Graffiti/Litter programs.

BACKGROUND

The City has been recognized internationally for its pro-active efforts to address issues of litter and graffiti abatement. This effort involves the coordination of multiple City Departments, the Redevelopment Agency, outside organizations, and thousands of resident-volunteers. The purpose of this memorandum is to share with the Committee an overview of current work efforts, issues and/or trends that are impacting the programs and actions that are being taken to ensure that the City remains vigilant in its efforts to maintain a safe, clean city.

ANALYSIS

Anti-Graffiti

Graffiti removal in the City of San Jose is a shared responsibility between internal City Departments (Parks, Recreation and Neighborhood Services, General Services, the Redevelopment Agency and the Department of Transportation) and a variety of external partners

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such as the Valley Transportation Agency, Cal Trans, the County of Santa Clara and the Santa Clara Valley Water District. (A general overview of stakeholders, their area of responsibility and a brief description of their role is attached and referenced as Attachment A)

The City's Anti-Graffiti program began in 1987 with the diversion of juvenile offenders to perform community service hours in the form of graffiti removal under the supervision of the Parks, Recreation and Neighborhood Services Department. Today, the program includes a continuum of service from education to eradication to enforcement.

Each of these components complements the others. Through our educational efforts, the Program has been able to build a base of more than 3,000 volunteers who have been trained to remove graffiti. Through our eradication efforts, City staff has removed over 50,000 graffiti tags during the first six months of this fiscal year. This is almost double the amount of tags removed during the same period last year. Finally, the enforcement component provides a mechanism for dealing with property owners who fail to remove graffiti in a timely manner. It should be noted that the enforcement effort also includes the Police Department who plays a vital role in investigating and arresting taggers.

The integration of all these components provides three advantages: 1) the City can engage residents and property owners as active partners in prevention efforts; 2) resources are available to remove graffiti in a timely manner to reduce long-lasting blight impacts; and 3) enforcement actions are undertaken to ensure timely compliance when educational efforts and/or eradication are not successful.

Trends and Issues

The Anti-Graffiti program staff conducts an annual city-wide survey to record all tags visible from the street. This survey allows the program to gather valuable information including the increase/reduction in the number of tags each year, the percentage of gang versus tagger graffiti, the Council Districts that have experienced the highest number of tags, and the object that is most often the target of tagging.

The baseline data from the first survey conducted in 1999 showed a total number of tags of 71,541. Of this amount, 2,605 were gang-related and the most popular target to tag was light poles. At that time, the program had 445 adopt-a-block volunteers. Districts 5, District 3 and District 7 experienced the highest number of tags (14,732; 12,130 and 8,332 respectively).

Since the initial baseline year, Districts 3, 5 and 7 continue to be the most heavily impacted with the most popular target also continuing to be light poles. The number of volunteers has grown from the original 445 to 3,076 as of December 31, 2007. Annual surveys have indicated a consistent decline in the number of tags as shown in the following chart:

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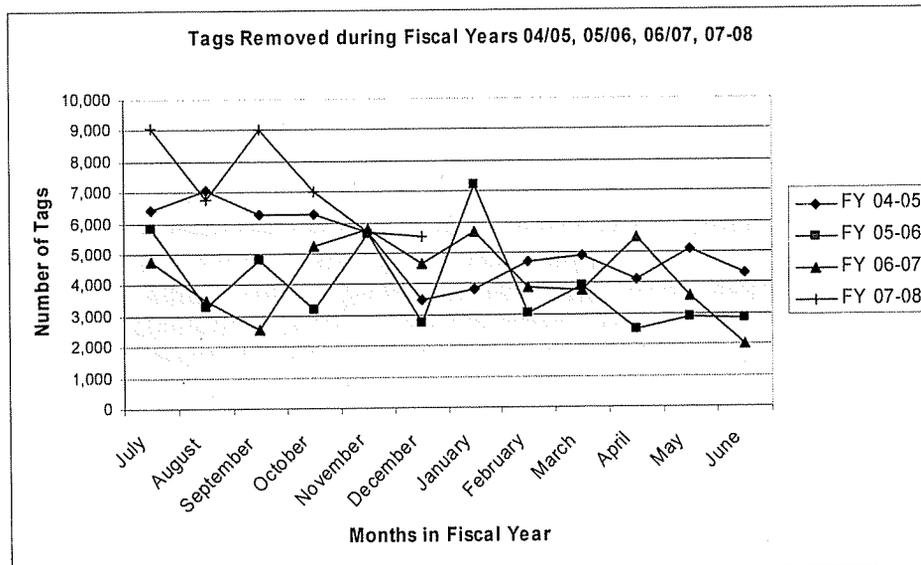
Year	Total Tags	Year	Total Tags
1999	71,541	2004	3,913
2000	35,744	2005	2,035
2001	10,498	2006	129
2002	5,612	2007	2,594
2003	3,827		

The success of the program has been due, in large part, to the effective coordination between City departments, volunteers and our external partners. Over the years, this collaboration has enabled the City to ensure a broad continuum of services without increasing reliance on reduced City resources. City resources have been leveraged by the recruitment of over 3,000 community volunteers, the use of sentencing alternative programs and contract services in specific areas of the City (i.e., the downtown and Neighborhood Business Districts).

Despite these efforts, however, the 2008 survey results indicate that the City has experienced a significant increase in the level of graffiti activity. The most recent survey, conducted the third week of January, 2008, identified over 13,900 tags. A discussion of potential contributing factors for this increase is described later in this report.

An initial review of tags abated during the first 6 months of this fiscal year compared to the same time period last year indicates that staff removed almost 61% more tags this year. The following chart provides an historical overview of the tags abated by PRNS over the past four years.

YEAR	TAGS ABATED (July – December)	ANNUAL TOTAL
2007-08	43,159	
2006-07	26,455	50,902
2005-06	25,489	47,863
2004-05	35,167	62,076



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As this chart indicates, there does not seem to be a consistent pattern or correlation to times of the year in which graffiti abatement is higher. However, the chart does indicate that the total volume of graffiti abated is significantly higher during the first six months of this year when compared to previous years. As such, while it appears that staff is working harder than ever before, they are unable to keep up with the total volume and level of activity within the context of current resources.

PRNS convened a working group comprised of representatives from the Police Department, the Department of Transportation, General Services, the Redevelopment Agency and Code Enforcement to discuss contributing factors for the recent increase in activity and to develop action steps. Contributing factors that have been identified include:

1. A need to review current processes to ensure proper coordination among partners, both internally and externally. As Attachment A illustrates, there are many partners involved in graffiti abatement. Consequently, communication and coordination become critical. One example where process improvement review is needed is the implementation of Juvenile Detention Reform (JDR). In implementing JDR, juvenile offenders who were previously referred to the City's abatement program were no longer being referred. This was because the City's program required 66 hours of service and this could not be completed within the 90-day window allocated within the parameters of JDR. Consequently, the referrals stopped. Communication amongst the parties created a solution; however, it raises the importance of on-going coordination.

Other examples where a review of current processes would be beneficial is the use of technology to track incidents and a review of contract services. Each of the partners involved in graffiti abatement maintained a separate tracking system. A consolidated system would not only improve information flow but also enable faster response times as well as provide the mechanism needed to document non-compliance. A review of contract services would enable the City to eliminate duplication and provide better oversight of contract services.

2. New trends and unique challenges that require a change in response. An example of this is the emergence of large, visible tags on high rise buildings in the downtown. While DOT is responsible for graffiti removal in the downtown, that scope of work is generally limited to graffiti located under 15 feet. Graffiti located above 15 feet is ultimately the responsibility of the property owner. As such, the response time for removal is delayed as the property owner must first be notified of the issue and then obtain their own resource to get the graffiti abated. Given that the goal is to remove graffiti as quickly as possible, this new trend and unique challenge requires that staff re-evaluate current systems and develop a new approach.
3. Funding challenges that restrict the nature and scope of work that can be performed is also a factor. A large portion of PRNS' graffiti abatement program (7 of 11 FTEs) are funded through CDBG. This limits the area of service that can be provided and requires

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an extensive amount of documentation to verify income eligibility. This is counter-productive to the program's goal of removing graffiti as quickly as possible. Another funding challenge has been the inability to add resources to support anti-litter efforts. Anti-graffiti resources were re-directed to support litter activities and the result was that the number of tags increased. Without additional resources to support anti-litter activities, there will continue to be an impact to the anti-graffiti program. Finally, there is a need to identify additional resources to re-allocate certain positions in order to ensure compliance with classification requirements for supervising work crews. The current labor agreement for maintenance worker positions requires that work crews be supervised by a position at least at the level of a Maintenance Worker II. However, the Program only has 1 Maintenance Worker II available to work weekends. As a result, the program's capacity to utilize juvenile offender crews is severely limited. A temporary solution was implemented using a vacancy; however, a permanent solution is needed.

The following actions are being taken in response to these issues:

1. The issue of tags on high-rise buildings is a recent phenomenon. Responsibility for graffiti in the downtown is the responsibility of the Department of Transportation (DOT) who receives funding from the Redevelopment Agency. Ordinarily, DOT removes the graffiti for the property owner when it is within reach, generally within 15 feet, as a courtesy to the property owner. The ability to remove graffiti beyond 15 feet is more challenging and the City looks to the property owner to partner with the City to remove graffiti beyond the 15-foot level.

City and Redevelopment staff met with the Downtown Association to discuss this new trend and to solicit their input and to develop a new approach for eradicating graffiti above the 15-foot level. It was agreed that DOT would continue to take primary responsibility for graffiti removal below the 15 foot level in the downtown. For graffiti over 15 feet, the Downtown Association has agreed to serve as the initial point of contact with the property owner and to catalog the incident so that it could be entered into the City's graffiti tracking system. This is important in the event that the property owner is non-responsive in taking corrective action to abate the graffiti. Property owners that are not responsive are subject to citation by the City's Code Enforcement Unit and subject to an escalating schedule of fines (\$250 for the first citation, \$500 for the second and \$1,000 for the third.) It should be noted that, in general, property owners are very responsive once an initial citation has been issued by Code Enforcement.

The City also agreed to provide a list of graffiti removal resources to the Downtown Association that can be provided to property owners to help expedite the removal process. Finally, it was agreed that the newly created Property Business Improvement District (PBID) would be utilized to the extent possible to assist with general cleaning so that DOT's graffiti removal services could be leveraged.

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2. The need to review implementation issues related to Juvenile Detention Reform was added to the agenda for the February 22 Mayor's Gang Task Policy meeting. As part of this discussion, the City proposed that changes be made to reinstate the diversion of juvenile offenders to the City's Anti-Graffiti program.
3. One of the biggest challenges for the Anti-Graffiti program is that a limited number of positions in the graffiti abatement unit are supportive by the general fund. The majority are funded through CDBG¹. This is problematic in that CDBG limits the area of the City where work can be performed and requires extensive documentation to determine eligibility. PRNS is working with other departments to identify an alternative source of funding for the Graffiti program. The Redevelopment Agency is exploring other resources that can support removal of blight. The Department of Environmental Services is also exploring the feasibility of funding the litter program. In the event that these alternatives are not viable, it may be necessary to identify general fund dollars to support the program as part of the FY08-09 budget process.

Additional activities in the past six months include:

1. The clearing of 86 cases by the Police Department. Repeated investigation by the Graffiti Unit resulted in the identification and arrest of "MTS". This investigation spanned several months and resulted in 39 felony cases being cleared with 8 adult arrests.

Sentences ranged from four to six months. All individuals plead guilty and received felony probation. A second investigation resulted in the identification and arrest of "BELK". This arrest resulted in five felony cases in San Jose and six felony cases filed in the City of Fremont.

2. The Graffiti Unit in the Police Department has obtained a vehicle to be used in decoy operations to combat gang graffiti. Four digital mobile surveillance cameras were also purchased to further the investigation efforts of the Police Department's Graffiti unit.
3. Staff is exploring the expanded use of technology to improve tracking systems and data collection that can be used to expedite code enforcement actions as well as prosecution. The use of handheld Personal Digital Assistants (PDA) will enable field staff to capture incident data and images on-site that can automatically be downloaded to a central tracking system. The Police Department is currently working on implementing a web-based tracking system that can be used throughout the County. Efforts are underway to ensure that technology works across programs and can also be used by the Downtown Association as they work to assist the City in documenting blight in the downtown.

¹ 4.0 FTEs are supported by the General Fund. 7.5 are funded through CDBG.

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4. A citywide clean-up effort to remove graffiti will take place the week of February 25 through the 29th. As part of this effort, PRNS will be collaborating with other City departments and outside agencies to conduct a comprehensive abatement effort. The Department of Transportation will focus on the downtown core business district and the General Services Department will focus on all city parks and city buildings. In addition, we have asked our partners to assist and have received the following commitments: The Santa Clara Valley Water District will address their efforts in the water shed areas such as the Guadalupe, Coyote and Los Gatos Creek Trails, and the Alviso Water ways. Cal-Trans will abate graffiti on the highways and freeways which run through San Jose. Santa Clara County Roads and Airports will target their efforts on the expressways within San Jose and the Valley Transportation Agency (VTA) will abate graffiti on their bus and light rail areas.
5. PRNS staff is working with staff from the Redevelopment Agency to conduct a schedule of community presentations to the Neighborhood Business Districts. This will be a concerted effort to advise property owners of the resources available to them from the City and to provide guidance on actions they can take to prevent graffiti.

Anti-Litter

The Anti-Litter program, like the Graffiti program consists of three elements: education, eradication and enforcement.

As of December 31, 2007, there was a total of 3,234 "Pick up San Jose" (PUSJ) volunteers. These volunteers picked up a total of 2,094 bags of litter during the first six months of the year. If all the bags of litter picked up by all participating PUSJ organizations and volunteers from July 1, 2002 through December 31, 2007 were lined up next to each other (13,900,557 bags), these bags would stretch for 7,898 miles, spanning a distance from San José to just outside Thailand, Bangkok.

A major element of the education component is the presentation of three litter educational commercials running on various cable television channels. During the period, November 14 through December 31, 2007, the commercials ran a total of 1,149 times.

Two recent major efforts related to litter removal have been the creation of a county-wide Litter Technical Advisory Committee and the establishment of a Litter Hotline to receive calls from residents who witness individuals littering from their vehicles.

The County Litter Technical Advisory Committee (TAC) has created four subcommittees led by leaders from the participating agencies with the goal of creating a litter-free county. The TAC sponsored a special "Alviso Shines" clean-up event on October 27, 2007 that was a highly successful event and included the participation of volunteers, local officials and neighborhood groups.

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The second major effort related to litter was the initiation of the DMV Anti-Litter Campaign that was launched on October 30, 2007. Individuals who call the litter hotline provide the vehicle license number of a car seen littering. City staff then works with the DMV to identify the car owner and a courtesy notice is sent to the owner notifying them that the violation has been cited and encouraging the owner to refrain from littering in the future. To date, 367 violations have been reported and the City has been able to issue 258 warning letters to identified vehicle owners.

Volunteers play a critical role in the success of both the anti-litter and anti-graffiti programs. As such, a volunteer recognition event was held on December 1, 2007 at JTS Northside Community Center. Over 100 volunteers participated in the event.

On April 12th, the Great American Litter Pick-up event will take place. This is an annual event where hundreds of volunteers come out to help pick up litter in their neighborhoods. A report of the success of this event will be provided in the next report on the Anti-Graffiti/Litter programs.

EVALUATION AND FOLLOW-UP

The Anti-Graffiti/Litter program makes a presentation to the NSE Committee twice a year regarding the status of the program as well as reports any performance issues as part of the quarterly performance measurement report.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Not applicable

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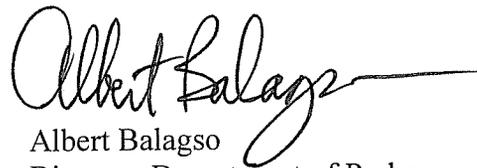
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COORDINATION

This memorandum has been coordinated with the Department of Transportation, the Department of General Services, the Redevelopment Agency, the City Attorney's office and the Office of the City Manager.

CEQA

Not a project.

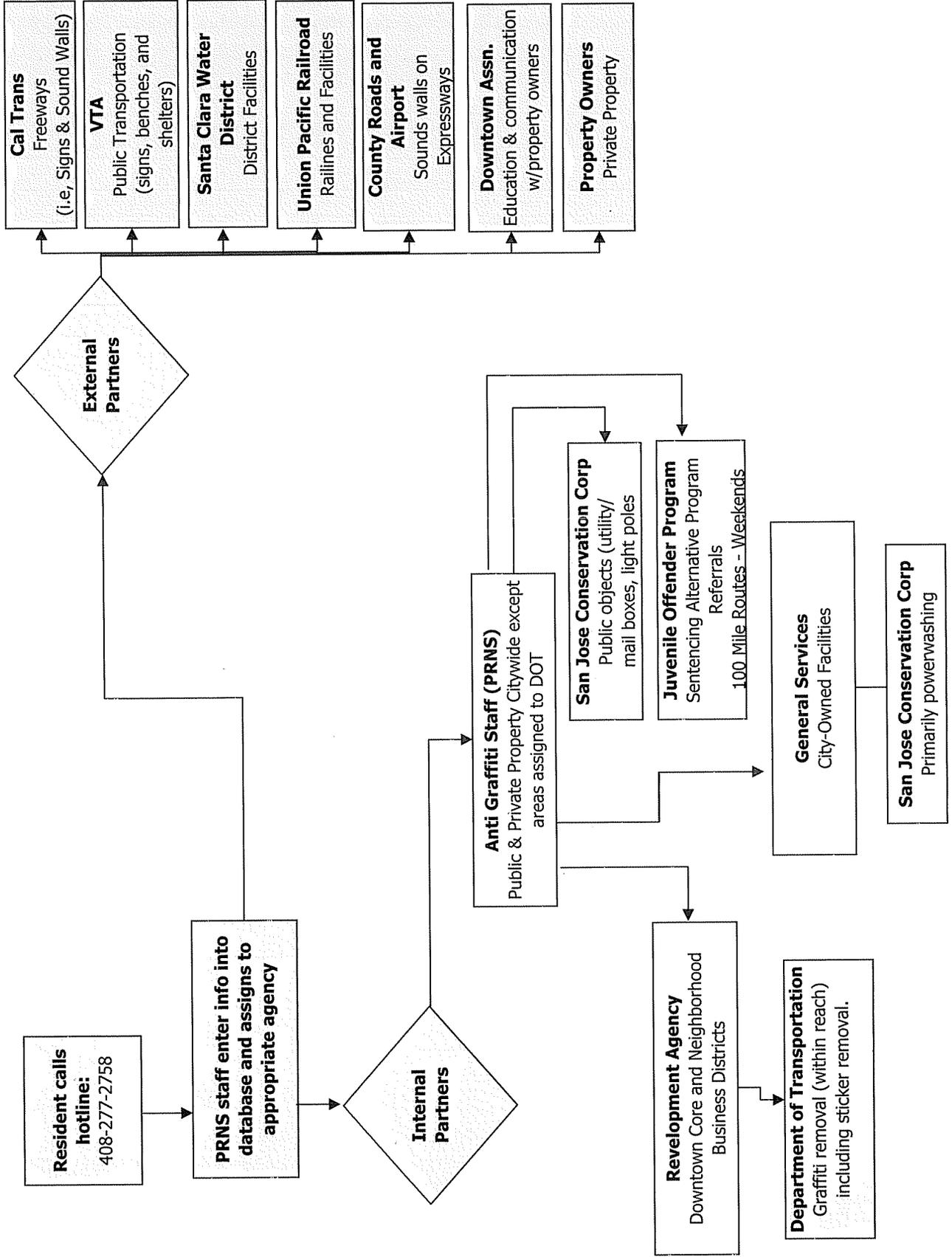
A handwritten signature in black ink, reading "Albert Balagso", with a long horizontal flourish extending to the right.

Albert Balagso
Director, Department of Parks,
Recreation and Neighborhood Services

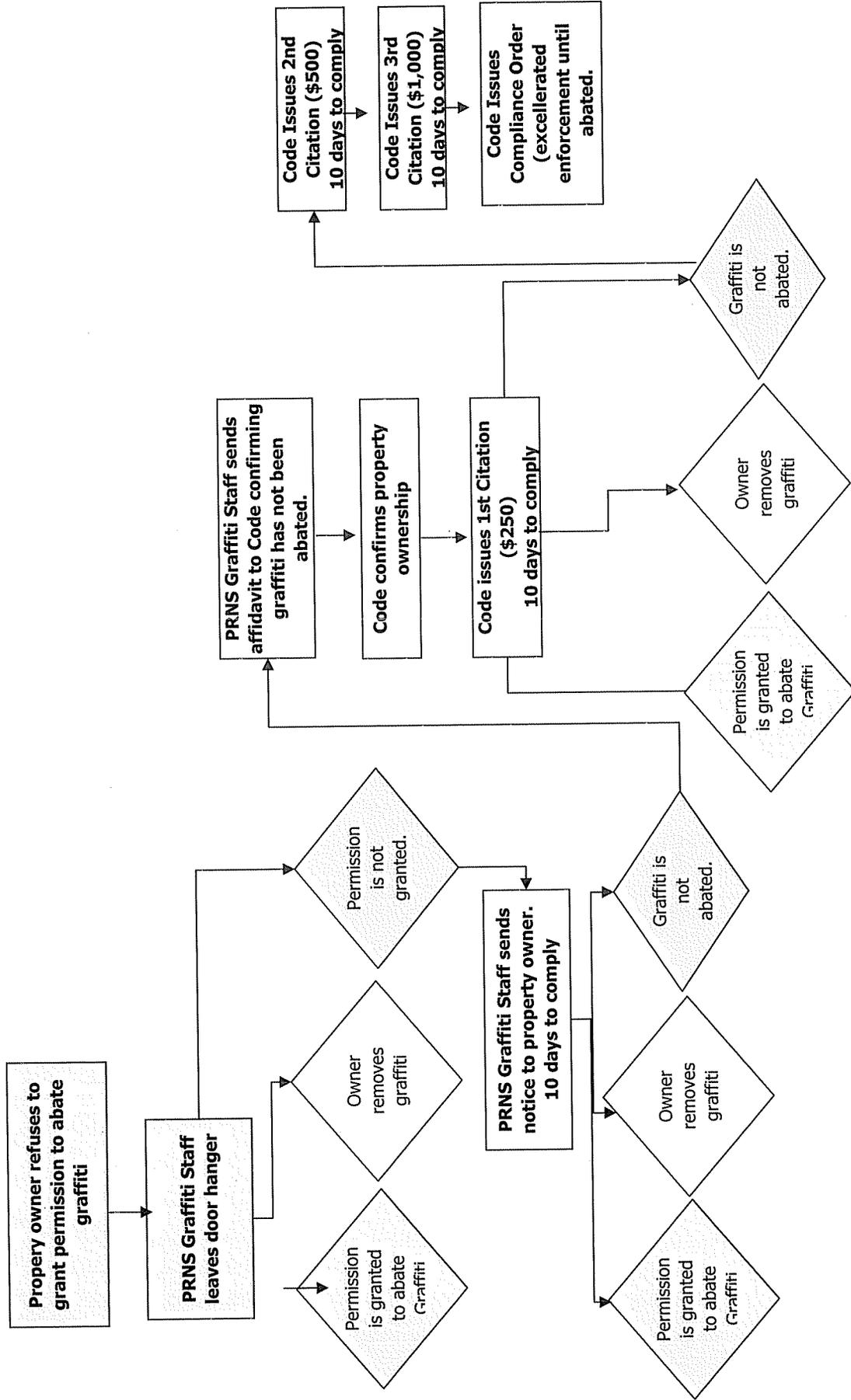
For questions please contact Cynthia Bojorquez, Deputy Director, at 535-3581.

Attachment A – Graffiti Eradication and Enforcement

Graffiti Eradication



Graffiti Enforcement



Property Owners are required to maintain their properties free of graffiti. If City removes graffiti, paint is given to property owner and property must remain graffiti free for six months. If graffiti occurs again within six months, it is considered to be part of the initial complaint and is one enforcement action--meaning Code proceeds with citation process. Redevelopment DDAs and OPAs that include funding from the Agency include provisions requiring the removal of graffiti. Sign grants recipients must remove graffiti within 5 days.