



# Effective Approaches for Reducing Graffiti in Texas:

## Strategies to Save Money and Beautify Communities

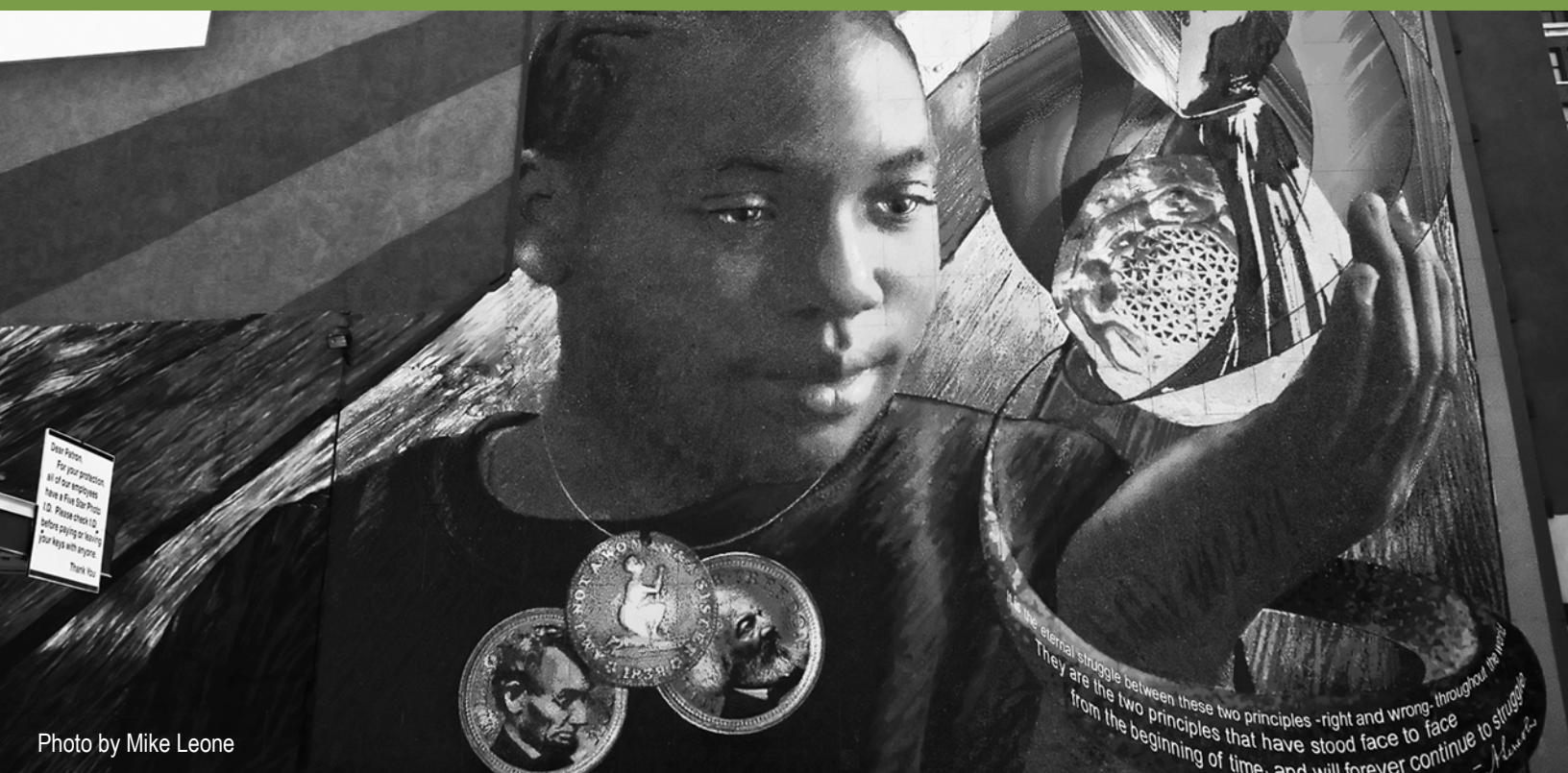


Photo by Mike Leone



## ACKNOWLEDGEMENTS

### Report Author

Jorge Antonio Renaud, M.S.S.W.

### Report Editing and Design

Molly Totman, J.D.

Kim Wilks

For more information, please contact:

#### **Ana Yáñez-Correa, Ph.D.**

Executive Director

1714 Fortview Road, Suite 104

Austin, Texas 78704

(work) 512-441-8123, ext. 109

(mobile) 512-587-7010

acorrea@TexasCJC.org

2013

The Texas Criminal Justice Coalition (TCJC) works with peers, policy-makers, practitioners, and community members to identify and promote smart justice policies that safely reduce the state's costly over-reliance on incarceration – creating stronger families, less taxpayer waste, and safer communities.

© 2013 Texas Criminal Justice Coalition. All rights reserved. Any reproduction of the material herein must credit the Texas Criminal Justice Coalition.

## GRAFFITI OFFENSES AND RESPONSES

Over recent years, Texas cities have increased their efforts to address and prevent graffiti. Some cities have implemented abatement programs, aimed at educating communities about graffiti, while simultaneously engaging in expensive cleanup efforts. Others have ramped up arrests for graffiti, which can now lead to prison terms.

Although comprehensive statistics can be difficult to obtain on this issue, Texas cities are seemingly seeing no decrease in graffiti, despite the efforts described above.<sup>1</sup> And the costs – both of cleanup<sup>2</sup> and incarceration<sup>3</sup> – pose a significant drain on already strained local budgets. Likewise, property owners can pay thousands of dollars to remove graffiti from their property.

Communities are struggling to find solutions. However, further criminalizing graffiti adds other costs without providing any true relief. Enforcement and incarceration come with a high price-tag in the immediate term, but long-term costs also result from criminalizing individuals, many of them youth, for graffiti offenses. A criminal conviction poses lifelong barriers, including limited employment and housing opportunities. Fewer contributions to the local tax base end up burdening communities, while a lack of opportunities drives people to further criminal behavior.<sup>4</sup>

Some effective models *are* available to prevent graffiti. Studies recommend a “rapid response” approach: eradicating graffiti within 48 hours. This has proven most successful in preventing recurring instances of graffiti.<sup>5</sup> Another method promotes community involvement, encouraging graffitiists to turn their artistic talents into mural paintings. In Philadelphia, this has resulted in the city becoming famous for the quality of its murals and the cohesiveness of its neighborhoods.

Considering the economic and personal costs of criminalizing certain behavior, Texas must begin identifying and implementing approaches other than incarceration to address and prevent graffiti.



# Graffiti Types and Motives

Graffiti is defined as any marking, etching, or painting that defaces public or private property without the owner’s permission. Despite the belief that graffiti is typically associated with gangs, it is found in all locales and jurisdictions, and in fact only a small portion of all graffiti is done by gang members.<sup>6</sup> As noted in the table below, most graffiti is caused by the common “tagger,” someone who marks easily accessible locations, sometimes repeatedly, feeling little connection to place or neighborhood. Other graffiti can be done for artistic purposes – and given the beauty and originality of an occasional graffiti piece, many people may see it as the artistic expression of a misunderstood and marginalized population, and thus legitimate art. But much of graffiti is simple and ugly, and it can consist of racist diatribes or offensive language directed at different religious faiths.

Types of Graffiti and Associated Motives		
Type of Graffiti	Features	Possible Motives
<b>Gang</b> (10% to 15% of all graffiti, depending on municipality)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Gang name or symbol, including hand signs</li> <li><input type="checkbox"/> Gang member name(s) or nickname(s), or a roll-call listing of members</li> <li><input type="checkbox"/> Numbers</li> <li><input type="checkbox"/> Distinctive, stylized alphabets</li> <li><input type="checkbox"/> Key visible locations</li> <li><input type="checkbox"/> Enemy names and symbols, or allies’ names</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Mark turf</li> <li><input type="checkbox"/> Threaten violence</li> <li><input type="checkbox"/> Boast of achievements</li> <li><input type="checkbox"/> Honor the slain</li> <li><input type="checkbox"/> Insult/taunt other gangs</li> </ul>
<b>Common tagger</b> (80% to 85% of all graffiti)	<ul style="list-style-type: none"> <li><input type="checkbox"/> High-volume, accessible locations</li> <li><input type="checkbox"/> High-visibility, hard-to-reach location</li> <li><input type="checkbox"/> May be stylized but simple name or nickname tag or symbol</li> <li><input type="checkbox"/> Tenacious (keeps tagging)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Notoriety or prestige</li> <li><input type="checkbox"/> Defiance of authority</li> </ul>
<b>Artistic tagger</b> (3% to 5% of all graffiti)	<ul style="list-style-type: none"> <li><input type="checkbox"/> Colorful, complex, artistic</li> <li><input type="checkbox"/> Known as pieces, or masterpieces</li> <li><input type="checkbox"/> Shows knowledge of art, history, culture, community</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Artistic prestige or recognition</li> </ul>
<b>Conventional graffiti</b> spontaneous	<ul style="list-style-type: none"> <li><input type="checkbox"/> Sporadic episodes or isolated incidents</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Play</li> <li><input type="checkbox"/> Rite of passage</li> <li><input type="checkbox"/> Excitement</li> <li><input type="checkbox"/> Impulsiveness</li> </ul>
<b>Conventional graffiti</b> malicious or vindictive	<ul style="list-style-type: none"> <li><input type="checkbox"/> Sporadic, isolated, or systematic incidents</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Anger</li> <li><input type="checkbox"/> Boredom</li> <li><input type="checkbox"/> Resentment</li> <li><input type="checkbox"/> Failure</li> <li><input type="checkbox"/> Despair</li> </ul>
<b>Ideological</b>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Offensive content of symbols</li> <li><input type="checkbox"/> Racial, ethnic, or religious slurs</li> <li><input type="checkbox"/> Specific targets, such as synagogues or mosques</li> <li><input type="checkbox"/> Highly legible</li> <li><input type="checkbox"/> Slogans</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Anger</li> <li><input type="checkbox"/> Hate</li> <li><input type="checkbox"/> Politics</li> <li><input type="checkbox"/> Hostility</li> <li><input type="checkbox"/> Defiance</li> </ul>

As this table shows, the drive to create graffiti varies among individuals who participate in it. It may be a rite of passage. It may be an exuberant “thumbing of the nose” towards authority common to many youth, or it may be prompted by anger and hostility toward society, thus fulfilling some psychological need.<sup>7</sup> The great majority of graffiti (“tagging”) may be prompted by the thrill of the act, and by the ensuing notoriety.

# Community and Individual Repercussions of Graffiti

## Community Harm

Regardless of the features or motive behind graffiti, it is considered a crime, and it costs some Texas cities millions of dollars in cleanup costs each year.<sup>8</sup> According to the “broken windows” theory, unchecked graffiti may also cause other crimes: By ignoring low-level vandalism or community decay, more dangerous crime and deeper, more intractable community problems may result.<sup>9</sup> While a single incident of graffiti may not seem important or offensive, graffiti in one area almost invariably attracts more.<sup>10</sup>

## Individual Consequences

The laws addressing graffiti in Texas are scattered throughout different codes. The Penal Code defines the offense and mandates levels of punishment for adults, which can range from Class B misdemeanors to first degree felonies;<sup>11</sup> the Family Code sets out punishments for youth;<sup>12</sup> and the Local Government Code describes the responsibility of removing graffiti.<sup>13</sup>

From 2009 through 2011, Texas sentenced 22 adults to state jail for graffiti, whose cumulative length totaled 9,475 days.<sup>14</sup> At an estimated cost per day of \$43.03,<sup>15</sup> the cost to Texas taxpayers for incarcerating these individuals amounted to nearly \$420,000. This figure does not include costs of investigation, arrest, detention, or trial.

In Travis County alone, 72 adults were arrested and charged with felony-level graffiti-related crimes between January 2010 and December 2011; 20 of these individuals were sentenced to terms of at least 20 days in county jail,<sup>16</sup> which carries an average statewide per-day cost of \$59 per person.<sup>17</sup>

# Recommendations

Because of graffiti's prevalence and the costs associated with cleanup, the focus of some Texas lawmakers has been to push for increasingly punitive laws against graffiti. However, targeted diversion strategies, rapid removal plans, and the use of products that minimize graffiti are more effective at reducing unwanted graffiti in the community.

- 1. Other than graffiti offenses committed as part of gang activity or in conjunction with burglary or criminal trespass, graffiti should be designated as a misdemeanor offense, and all efforts should be made to redirect graffitists into community supervision and community-sponsored arts programs.**

Communities should retain the right to prosecute individuals who commit multiple or gang-related offenses. However, the costs of prosecution, detention, and incarceration for simple graffiti could be better used to fund arts programs for convicted graffitists that will redirect them towards more positive behavior. Philadelphia has pioneered the diversion of adjudicated graffitists into mural making, allowing them to express their artistic impulses and be recognized as legitimate artists. Beginning in 1984, the city began offering youth charged with graffiti a chance to conceive of and assist in painting murals that celebrated their neighborhood's history. The resulting murals created a large economic boost to Philadelphia, and the beauty and variety of the murals were recognized in a report as crucial to the development of vibrant commercial corridors in Philadelphia.<sup>18</sup> The report recommended more efforts like the Mural Arts Program (much of which is funded through private investments<sup>19</sup>), calling such programs "effective and cost-efficient ways of replacing eyesores with symbols of care."<sup>20</sup>

Texas should take a similar approach, where possible, even if it does not involve mural making specifically. This is especially critical for youth who commit graffiti. Studies have repeatedly pointed to the positive outcomes of involving at-risk youth in arts programs. In fact, one report spoke of art as "an unparalleled means for young people to develop the strength, resiliency, and self-image that allow them to participate in society on healthy terms."<sup>21</sup>

- 2. Cities should implement a "rapid response" model, which focuses on the prompt eradication of graffiti to remove the perception of blight and decay. Additionally, cities' "rapid response" teams should be comprised of convicted graffitists, as part of their community service.**

As discussed above, the "broken windows" theory finds that graffiti, similar to broken windows and abandoned buildings, creates the perception of blight and decaying neighborhoods. This necessitates the rapid removal of graffiti, which in turn can reduce the opportunity for the graffitist to gain satisfaction from his or her act, and thus cause him or her to lose interest in re-committing graffiti offenses.<sup>22</sup>

A rapid removal approach involves two crucial components: (1) a community-wide campaign, where citizens detect and report graffiti as soon as it occurs, and (2) the ability of the community to respond to the graffiti within 24 to 48 hours, to remove it as quickly as possible. Both Corpus Christi<sup>23</sup> and Houston,<sup>24</sup> through East End District Management – which has formed collaborations with 18 other Houston neighborhoods – have claimed success with programs that respond within 48 hours to reports of new graffiti. These efforts include neighborhood education, hotlines, and referrals of probationers as clean-up crews from local probation departments.<sup>25</sup>

Other Texas cities that have the means to implement a community-wide response to graffiti should undertake similar efforts to quickly eradicate it, utilizing individuals on court-ordered community supervision to form teams for graffiti removal.

**3. Cities should seek creative methods of discouraging graffiti by investing in products that diminish or eliminate opportunities for graffiti on public buildings, and by encouraging property owners to do the same.**

Paint-like products such as polyurethane-based coatings are resistant to graffiti and easy to clean. Property owners can use these on steel, concrete, or brickwork to prevent damage from graffiti. Likewise, sealers on concrete prevent absorption of paint. And wash-off coatings, known as sacrificial coatings, are wax or silicon applications on walls or buildings; when hot water is applied, these coatings break down, allowing graffiti to be washed off.

Other means for reducing graffiti include using textured surfaces on outer walls to obscure graffiti legibility. Typically, grooved and rough surfaces are unattractive to graffiti artists.

While these approaches may be expensive and require replacement, they are cheaper than repeatedly recovering or repainting over graffiti, and less destructive in human costs than incarceration for simple graffiti acts.

## Conclusion

Grffiti poses difficult logistical and financial problems for affected communities. Repeated instances of graffiti discourage property owners, limit economic investment in affected areas, and drain city budgets of funds that could be better spent on education and community development. But imposing increasingly severe criminal penalties on graffiti artists have little to no deterrent value, while only adding costs to local and state budgets. Criminal penalties also burden individuals with the collateral consequences of felony convictions, deferring costs to communities struggling to address the needs of individuals who cannot access employment or housing due to their criminal records. Efforts aimed at eradicating graffiti should revolve around diversion of graffiti artists into positive, artistic endeavors that include communities, while reserving the prosecution of graffiti artists only for those who are involved in other, more serious crimes.



## Endnotes

<sup>1</sup> “Austin seeing a spike in graffiti,” KXAN-TV report, aired July 19, 2011 (cites 22% increase in graffiti from 2010); available at <http://www.kxan.com/dpp/news/local/austin-seeing-a-spike-in-graffiti->. “CCPD reports increase in graffiti,” KIII-TV report, aired Jan. 27, 2012; available at <http://www.kiiitv.com/story/16565472/ccpd-reports-increase-in-graffiti?clienttype=printable>; Martin Chavez, Director, Graffiti Abatement, Greater East End District Management, in telephone conversation with Jorge Renaud, Texas Criminal Justice Coalition (TCJC), Nov. 20, 2012; Mr. Chavez made the caveat that greater community recognition and reporting may account for increases.

<sup>2</sup> Julia Narum, Child Development Program Supervisor, City of Austin Health and Human Services [dedicated budget of \$500,000 to \$600,000 yearly for graffiti], telephone conversation with Jorge Renaud, Texas Criminal Justice Coalition (TCJC), Oct. 22, 2012; Lisa McKenzie, Neighborhood Services Coordinator, City of San Antonio [dedicated budget of \$1,008,000 in 2012], telephone conversation with Jorge Renaud, TCJC, Oct. 22 2012; Jerry McDowel, City of Fort Worth Parks Department [dedicated budget of \$464,000 in 2012], telephone conversation with Jorge Renaud, TCJC, Nov. 26, 2012.

<sup>3</sup> According to the Texas Commission on Jail Standards (TCJS), average county jail costs per day total \$59 per bed; information from Brandon Wood, Director of TCJS, in presentation at American Bar Association, Criminal Justice Section, Roundtable on Pretrial Detention in Texas, held in Austin, Texas, March 30, 2012.

<sup>4</sup> Research has consistently found unemployment to be linked with crime (and crime’s associated costs to victims and communities): “one of the most important conditions that leads to less offending is a strong tie to meaningful employment.” Information from Roger Przybylski, “What Works: Effective Recidivism Reduction and Risk Focused-Prevention Programs,” RKC Group, February 2008, p. 38. *Also note:* Housing barriers contribute to homelessness and recidivism; information from Jeremy Travis, Amy L. Solomon, and Michelle Waul, “From Prison to Home: The Dimensions and Consequences of Prisoner Reentry,” The Urban Institute, June 2001, pp. 35, 39.

<sup>5</sup> C. Thompson & R. Hills, *Congress Paper on Graffiti Vandalism in America – Shaping the Municipal Response*, Paper presented to World Jurist Association’s 24<sup>th</sup> Biennial Congress on the Law of the World, Oct. 23-28, 2011. Available at <http://anti-graffiti.org/making-local-laws/municipal-responses-to-graffiti-vandalism>.

<sup>6</sup> *Ibid.*

<sup>7</sup> Deborah Lamm Weisel, *Graffiti: A problem-oriented guide for police* (citing P. Wilson), U.S. Department of Justice, Office of Community Oriented Policing Services, 2004. Available at <http://www.popcenter.org/problems/PDFs/Graffiti.pdf>.

<sup>8</sup> Julia Narum, Child Development Program Supervisor, City of Austin Health and Human Services [dedicated budget of \$500,000 to \$600,000 yearly for graffiti], telephone conversation with Jorge Renaud, TCJC, Oct. 22, 2012; Lisa McKenzie, Neighborhood Services Coordinator, City of San Antonio [dedicated budget of \$1,008,000 in 2012], telephone conversation with Jorge Renaud, TCJC, Oct. 22 2012; Jerry McDowell, City of Fort Worth Parks Department [dedicated budget of \$464,000 in 2012], telephone conversation with Jorge Renaud, TCJC, Nov. 26, 2012.

<sup>9</sup> G. L., Kelling & J. Q. Wilson, “Broken windows: The police and neighborhood safety,” *The Atlantic*, 1982. Available at [http://www.manhattan-institute.org/pdf/\\_atlantic\\_monthly-broken\\_windows.pdf](http://www.manhattan-institute.org/pdf/_atlantic_monthly-broken_windows.pdf).

<sup>10</sup> Deborah Lamm Weisel, *Graffiti: A problem-oriented guide for police* (citing P. Wilson), U.S. Department of Justice, Office of Community Oriented Policing Services, 2004. Pg. 1. Available at <http://www.popcenter.org/problems/PDFs/Graffiti.pdf>.

<sup>11</sup> TEXAS PENAL CODE § 28.08.

<sup>12</sup> TEXAS FAMILY CODE § 54.046.

<sup>13</sup> TEXAS LOCAL GOVERNMENT CODE § 250.006.

## EFFECTIVE APPROACHES FOR REDUCING GRAFFITI IN TEXAS

- <sup>14</sup> Texas Department of Criminal Justice (TDCJ), information received via Freedom of Information request, Nov. 12, 2012.
- <sup>15</sup> Legislative Budget Board, *Criminal Justice Uniform Cost Report Fiscal Years 2008-2010*, January 2011, p. 6.
- <sup>16</sup> Travis County Sheriff's Office, information received via Freedom of Information request, Nov. 12, 2012.
- <sup>17</sup> Brandon Wood, Director of TCJS, in presentation at American Bar Association, Criminal Justice Section, Roundtable on Pretrial Detention in Texas, held in Austin, Texas, March 30, 2012.
- <sup>18</sup> *Commercial Corridors: A strategic investment framework for Philadelphia – Executive Summary*, March 2009, p. 7. Available at [http://www.philadelphialisc.org/pdfs/Strategic\\_Investment\\_Framework\\_Econsult.pdf](http://www.philadelphialisc.org/pdfs/Strategic_Investment_Framework_Econsult.pdf)
- <sup>19</sup> A. Markusen & A. Gadwa, *Creative Placemaking*, Executive Summary for the Mayor's Institute on City Design, a leadership initiative of the National Endowment for the Arts in Partnership with the United States Conference of Mayors and American Architectural Foundation, 2010. Available at <http://www.arts.gov/pub/CreativePlacemaking-Paper.pdf>.
- <sup>20</sup> *Ibid.*, p. 9.
- <sup>21</sup> S. Anderson & N. Walch, *The Power of Art: Pathways to Healthy Youth Development*, Executive Summary for the CEO of the California Endowment. Pg. 4. Available at <http://www.californiaartsadvocates.org/POWEROFARTExecutiveSummary-w-images.pdf>.
- <sup>22</sup> D. L. Weisel, *Graffiti: A problem-oriented guide for police*, U.S. Department of Justice, Office of Community Oriented Policing Services, 2004. Available at <http://www.popcenter.org/problems/PDFs/Graffiti.pdf>.
- <sup>23</sup> Lawrence Mikalajczk, Asst. Dir. Of Solid Waste Dept., City of Corpus Christi, in telephone conversation with Jorge Renaud, TCJC, Nov 13, 2012, discussing the high-priority, rapid-response model initiated in 2008.
- <sup>24</sup> Martin Chavez, Director, Graffiti Abatement, Greater East End District Management, in telephone conversation with Jorge Renaud, TCJC, Nov. 20, 2012, discussing the program which initiated in 2001. Program details available at <http://www.greatereastend.com/graffiti-abatement>.
- <sup>25</sup> Telephone conversations with Mikalajczk and Chavez, *noted directly above*.





# Effective Approaches for Reducing Graffiti in Texas:

## Strategies to Save Money and Beautify Communities

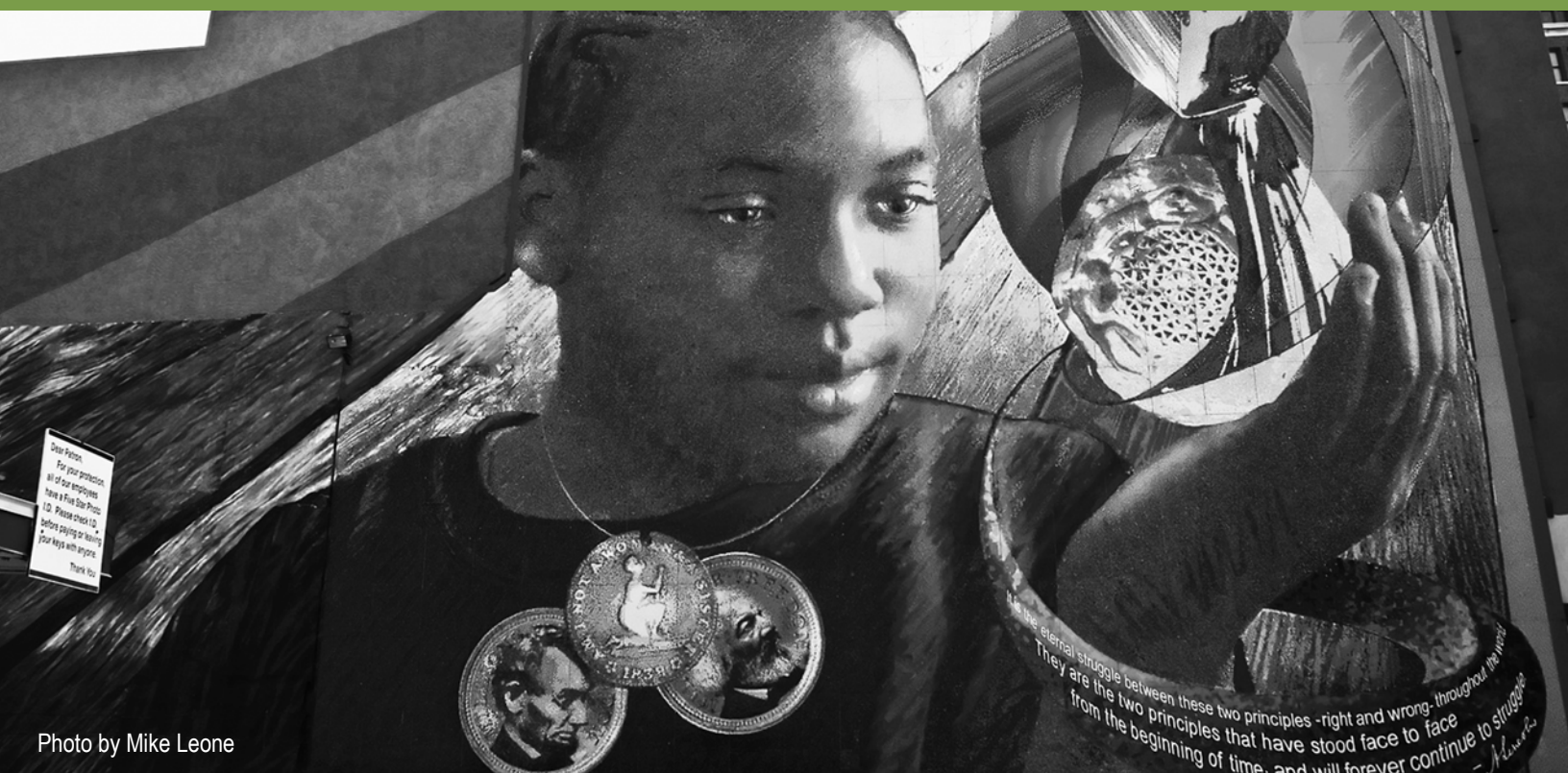


Photo by Mike Leone