Background
According to citizen participants in *Partnership Denver*, a series of community meetings in early 2006, graffiti vandalism ranks as one of Denver’s top concerns. Our own Public Works Department has seen tremendous year over year growth in graffiti abatement, and despite our best efforts, we have been unable to keep up with the growth of this vandalism. Communities working with the Denver Police Department to reduce crime struggle with this very visible, serious sign of disorder.

In recognition of this serious problem, Mayor Hickenlooper convened a citywide summit on graffiti in October of 2006. Here, City agencies and interested community members, businesses and nonprofit organizations began to examine how other cities are addressing graffiti and to develop new strategies for Denver to more effectively abate graffiti damage, enforce graffiti ordinances, and prevent future vandalism. More than 200 people attended the summit, and dozens committed their involvement in the ensuing Graffiti Task Force, which approved final recommendations on May 30, 2007.

The Task Force members envision a city free of graffiti within 3 years. The group’s mission has been to develop a 3-pronged approach (prevention, abatement and enforcement) to graffiti elimination that recognizes the values of Denver residents relating to abatement of graffiti on public and private properties, develops enforceable ordinances that recognize those values, and provides the resources necessary to support and encourage positive programs for prevention.

Sub-Committee Work Overview:
The Graffiti Task Force was formed along with 3 subcommittees – Prevention, Enforcement and Abatement. Each subcommittee was asked to:

- Identify a shared philosophy to guide the development of a public-private strategy for addressing graffiti;
- Draw from current best practices in Denver and other communities to establish clear objectives for abatement, enforcement and prevention of graffiti in Denver; and to
- Articulate, where possible, the financial and human resources needed to implement the final recommendations.

The committees focused their work in the following areas:

**Prevention:** The Prevention Subcommittee identified programs to reduce the likelihood of graffiti offenses and outline roles and responsibilities for stakeholders to prevent graffiti vandalism.
Enforcement: The Enforcement Subcommittee was tasked with reviewing the effectiveness of the current criminal justice process concerning graffiti. The committee made recommendations to improve the effectiveness and efficiency of the system where weaknesses were identified.

Abatement:
The Abatement Subcommittee was tasked with identifying methods and practices for expedient and efficient graffiti removal.

Guiding Principles
Each subcommittee developed “Guiding Principles” that acted as foundations for the development of recommendations. The following combined Guiding Principles have been adopted by the full Task Force, and provide a basis for their recommendations.

1. Policies and practices to combat graffiti must include integration of prevention, abatement and enforcement.
2. Graffiti vandalism, as defined by ordinance, is a crime.
3. Education about respect for property and the consequences of illegal graffiti should be available to all community members.
4. A primary role of graffiti enforcement is to establish swift and sure penalties for violations.
5. Individuals found guilty of vandalism and other graffiti related crimes should be held accountable to the community and victim for their crime. Major components of accountability will include restitution, community service and sentencing alternatives.
6. Community members and the City of Denver should embrace a zero tolerance attitude towards graffiti vandalism and foster an expectation for removal.
7. Graffiti removal is a shared responsibility between the City and property owners. Assistance should be provided to those residential and business property-owners unable to adequately remove graffiti due to an undue burden.
8. Community members should be empowered with strategies and tools to help them prevent graffiti.
9. Community members, children in particular, should have access to positive outlets. These outlets should include artistic expression with the city serving as lead advocate for developing the positive outlets.
10. The City must provide ongoing leadership and coordination to ensure that there are adequate resources to make the anti-graffiti efforts more effective and efficient.
TASK FORCE RECOMMENDATIONS FOR CONSIDERATION BY MAYOR HICKENLOOPER AND MEMBERS OF CITY COUNCIL

In response to the need for offender accountability for graffiti vandalism, for prevention of graffiti vandalism and for swift, coordinated abatement and enforcement, the Task Force presents the following recommendations. They appear in order of importance as determined by community members who “ranked” the draft priorities. However, the Task Force encourages the Mayor and City Council to implement all recommendations in as timely a fashion as possible.

1. Ensure an on-going, comprehensive, coordinated and accountable approach to anti-graffiti efforts through a formalized body and dedicated resources.

Intent and Rationale: A graffiti-free community is only possible through an organized, multi-tiered anti-graffiti effort. This effort should include dedicated resources and persons responsible for implementing current and future recommendations across agencies and jurisdictions.

Key Components:

a. Responsibilities and authority include, but are not limited to, the coordination, implementation and monitoring of anti-graffiti recommendations and the ability to devote additional resources as approved.

b. Exploration and implementation of new initiatives and system change as appropriate to address current and emerging issues.

c. Support Registered Neighborhood Organizations, Business Improvement Districts, “Cop Shops”, offender services and other organizations in efforts to remove graffiti in their respective areas, including coordinating with businesses to provide possible incentives for these organizations in removing graffiti.

d. Solicit new funds for anti-graffiti strategies.

e. Continue and improve upon the tracking of graffiti removal efforts and costs by all public and private entities. A reduction in these costs in the future will be a gauge of the success of the anti-graffiti efforts.

f. Effectively communicate anti-graffiti strategies through the City’s communication networks and other forms of media (such as; Registered Neighborhood Organizations, Business Improvement Districts, local papers and news outlets, and via the internet, etc.).

g. Work within the City and with other stakeholders to routinely examine all anti-graffiti laws, rules, policies and practices and to make recommendations for changes to laws/ordinances and policies.

h. Ensure coordination of City and other stakeholder anti-graffiti resources and priorities. Work should include identifying and working toward reconciling areas of conflict and enhance support within and between agencies.

i. Support Keep Denver Beautiful in recruitment and management of an anti-graffiti volunteer program.

j. Ensure other stakeholders (Utility providers, Colorado Department of Transportation, news box providers, Denver Public Schools, etc.) are notified of graffiti vandalism on their property.
k. Notify stakeholders of target zone priority areas.

2. Work with County and District Court judicial officers to implement recommendations and to pass ordinance changes as necessary to create consistent court graffiti sanctions.

Intent and Rationale: Denver has 2 court systems: District and County Courts for adults and 2 systems for youth offenders. Depending on the charge, a person could end up in any one of the four court systems. Within each court system, sanctions are imposed inconsistently. A minimum “Graffiti Package” would increase consistency in sentencing.

Key Components:

a. Explore implementation of ordinances which create meaningful community service and monitor meaningful consequences for graffiti offenses.

b. Suggested minimum “Graffiti Package”:
   i. Scheduled mandatory minimum number of hours of meaningful community service:
      a) 1st offense – 40 hrs.
      b) 2nd offense – 80 hrs.
      c) 3rd offense – 160 hrs.
   ii. Order that restitution be paid in all cases.

c. Amend City Ordinances – RMC 38-61 and 38-71 on damaging, defacing or destruction of public/private property to increase fines to the following amounts:
   i. 1st offense from $250 to $500.
   ii. 2nd offense from $400 to $750.
   iii. 3rd and subsequent offenses from $650 to $999.

d. Amend City Ordinance – RMC 34-66 regarding possession of graffiti materials by minors to include a mandatory minimum sentence and the amount of fine assessed for first time offenders. Exceptions to Ordinance RMC 34-66 are: 1) A minor under the direct supervision of the minor's parent, legal guardian, school teacher, or a law enforcement officer in the performance of duty. 2) Affirmative defenses (i.e. the burden is on the defendant to elicit some evidence of the fact, which the City must then disprove beyond a reasonable doubt in order to obtain a conviction): the minor possessing the material was: (1) Within their home; (2) At their place of employment; or (3) Upon real property with permission from the owner, occupant, or person having lawful control of such property, to possess such materials.

e. Mandatory minimum sentencing for 1st time offense as follows:
   a. $100 fine (In cases where a defendant can articulate a hardship, Useful Public Service hours can be performed at an equivalent of $10.00 per hour).
   b. Supervised County Court Probation as appropriate.
3. Create and increase access to alternatives for youth including positive arts opportunities.

*Intent and Rationale: Increase children and youth access and exposure to positive and monitored alternatives and support systems. Positive use of recreational/leisure time is an important skill to learn. Self expression, whether developed through sports, writing, drawing, theater, creation or music, is largely valued in the City of Denver.*

*Key Components:*

The following recommendations provide support for diverting community members and youth from graffiti vandalism through City support of positive arts programs which provide opportunities for expression, development and recognition.

a. Create and support mural programs in schools, communities, and public spaces – both temporary/rotating and permanent murals.

b. Encourage art classes and workshops within school curriculum, after-school programs, recreation centers, libraries, etc.

c. Explore and provide a comprehensive art program and space. Exploration should include a proposed “art park” that provides free, approved, daytime location for youth arts expression, mentoring and artistic development with competition, recognition and community.

d. Explore Urban Art Festivals featuring art exhibitions on temporary painting surfaces and incorporating competitions that stimulate development and provide positive recognition.

e. Explore the cost/benefit of waiving youth’s recreational fees during the summer months.

4. Increase youth offender accountability through restorative programs

*Intent and Rationale: Restorative programs such as community service, restitution, victim impact classes, letters of apology, mediation and accountability boards provide an opportunity to hold the offender accountable to the victim and to the community where the offense has occurred. Offenders are often unaware of the harm their behaviors had on the victim and community. Currently, restorative justice practices are used effectively with offenders charged at a state level and enrolled in programs such as the Denver DA Diversion Program and State Juvenile Court Probation. In addition, restorative justice practices are used effectively as a disciplinary tool in Denver Public Schools.*

*Key Components:*

a. Use restorative philosophies and practices as an alternative for first-time juvenile offenders and their families at state and county levels, available as sentencing option for graffiti vandalism. Offenders participate in making restitution, engage with victims and the community, and work their way into positive alternatives to graffiti vandalism.

b. Youth offender service providers implement and supervise restorative practices and cognitive skill based training to offenders.
c. Neighborhoods create opportunities for meaningful community service.

5. Mobilize community ownership and efforts around graffiti abatement and enforcement.

Intent and Rationale: To support Denver Partners Against Graffiti in coordination, training and mobilization of existing community/neighborhood organizations and volunteer programs to provide education, abatement and enforcement activities at the community level.

Key Components:
   a. Coordinate, train and mobilize neighborhood organizations and volunteer programs to prevent, document and abatement graffiti vandalism.
   b. Neighborhood groups work through Denver Partners Against Graffiti to augment and implement graffiti programs at a community level including graffiti education, training and clean-up activities.
   c. Utilize “Cop Shops” and other community based organizations to coordinate current and retired law enforcement with community volunteers in anti-graffiti efforts.
   d. Encourage and support police/community partnerships in local graffiti “stings”.
   e. Provide education to volunteers about the most effective products and practices for graffiti removal and prevention.

6. Develop abatement policies and practices that prioritize zero tolerance of graffiti vandalism, expediency of removal, that share the burden of graffiti vandalism with property owners and that establish financial consequences for negligent property owners.

Intent and Rationale: Quick removal of graffiti is a disincentive to graffiti vandals. The primary responsibility for graffiti abatement is held by property owners. In the spirit of fairness, the City, through its resources, recognizes the burden placed on frequently tagged homeowners and businesses.

Key Components:
   a) The City should prioritize abatement operations on major thoroughfares, high visibility areas, schools and areas of frequent tagging. Designate these areas as “zones” that receive more frequent and intense removal, enforcement and prevention efforts. Investigate means to increase partnership with Colorado Department of Transportation (CDOT), Denver Public Schools, Xcel Energy and other public and private entities with publicly-displayed property.
   b) In addition to “zone areas”, the City should continue to provide abatement services on a request basis; recognizing the response time may need to be altered. The City should prioritize partnerships between property owners and the City by providing paint materials to individuals or groups.
c) The City should establish operating policies that provide assistance to property owners who are financially or physically challenged in removing graffiti.

d) When a residence or business has illegal graffiti and has been formally notified by the City that it must be removed (within 48 hours for businesses and 72 hours for residences), the property owner can abate within the specified time, or request assistance from the City to have it removed within the specified time frame.

e) Residents and businesses which are negligent in graffiti vandalism removal or in seeking assistance for removal may be assessed costs for removal. City abatement crews should be granted expedient legal access to private property for the purposes of delinquent graffiti removal.

f) Revise the existing graffiti ordinance to 1) change the time frame in which graffiti must be removed from the current standard of 10 days from notification (to meet the time frame listed above – 48 hours for businesses and 72 hours for residences), and to 2) remove the necessity for a warrant to abate graffiti.

g) Property owners who desire to have “art work” on their property that would be visible from a public place, should first obtain authorization from the Mayor’s Office of Cultural Affairs.

h) Recommend to property owners who have authorized murals to use sealant on the mural.

i) Encourage property owners to authorize graffiti vandalism abatement.

7. Create developmentally appropriate curriculum that increases the fundamental understanding of the value of property by children and families.

Intent and Rationale: Establish family, school and community-based education programs regarding the value of and respect for public and private property. Educational programs for youth and parents can reduce the likelihood of vandalism.

Key Components:

a) Develop curriculum that identifies the costs and consequences of graffiti vandalism through (Teen Health Teaching Modules are one model of the type of curriculum needed to be developed. This evidence-based curriculum is designed for middle school youth and is easy to teach using a variety of exercise that easily engage youth):

i. Parent Prevention Education

ii. Stand-alone Graffiti Vandalism Education (School assembly and Classroom programs)

iii. Integrated Graffiti Vandalism Education (component added to existing educational efforts)

8. Explore the cost, benefit and use of new technologies, landscaping, and paint color-matching and make appropriate recommendations based on findings. Implement new practices that expedite abatement and enforcement efforts such as zone related “hot
spot” abatement efforts.

Intent and Rationale: New anti-graffiti products continue to become available and should be considered for incorporation into the City’s efforts.

Costs: Funds to be solicited and/or re-budgeted to assess new technologies and establish efficient practices.

Key Components:

a) Develop pilot programs for targeted areas or “hot spots” to explore new abatement and enforcement technologies such as graffiti resistant coatings, cameras and use of the internet, etc.
   i. Camera systems should have overt and covert usage.
   ii. Decoy cameras can provide a cost effective deterrent.

b) Selection of “hot spots” should be based on abatement frequency and incorporate enforcement efforts while tracking all activity. Results of these efforts should be communicated to the community.

c) Solicitation of government, businesses and private foundations for funding these efforts should be conducted.

d) Create an incentive program for “graffiti smart” construction and improvements by businesses with the City leading by example.

e) Explore and make information available to consumers on the various graffiti resistant coatings, landscaping techniques and new anti-graffiti technologies.

f) Explore the cost and use of a “color match” paint system. Explore fee to property owners for cost of the service.

g) Encourage businesses to consult with Public Works to use anti-graffiti products such as coatings and sealants.

h) Where possible, the City should encourage the use of environmentally safe removal methods and materials.

9. Improve and/or develop efficient and effective data tracking and collection methods for graffiti crimes.

Intent and Rationale: Currently, data is inconsistently collected and managed within and across systems. Accurate data collection is essential to all anti-graffiti efforts.

Key Components:

a. Create a shared Graffiti Database in cooperation with public and private graffiti removal companies and law enforcement to document graffiti and tie specific offenses to a specific offender(s). The data base should provide tracking regarding both the incidence and abatement of graffiti vandalism. Entries into the data base should not be limited to incidents where charges have occurred.
i. Abatement crews, and where possible, community members, identify and document graffiti with digital photo and necessary information – including actual abatement costs where possible.
ii. Information is forwarded electronically to the DPD for investigation.
iii. Use intelligence collected to connect multiple offenses to an individual suspect and to identify patterns in graffiti vandalism.
iv. DPD identifies suspect and criminal incidents and sends case to the District Attorney for prosecution.
b. Add a “graffiti check-off box” to reports, forms, and the Records Management System project to allow for easily researchable and accurate statistics on reported graffiti offenses.
c. Create baseline information to determine the amount of graffiti in and across the city.

10. Improve law enforcement’s ability to impact graffiti related crimes through police resources and efficiencies.

Intent and Rationale: Current police resources related to graffiti are centralized and antiquated. A decentralized law enforcement approach promotes “ownership” and targets resources at a local level while ensuring a coordinated approach between districts and the Police Administration.

Key Components:

a. Districts are responsible for ensuring adequate local anti-graffiti efforts.
   i. District Commanders utilize police decentralization to deploy graffiti resources based on need.
   ii. District Commanders present weekly graffiti efforts at weekly Command meeting.
   iii. SCAT teams are deployed to “Hot-Spot” designations.
   iv. District officers coordinate with graffiti abatement crews.
   v. District detectives file local cases.
b. Graffiti Unit and Command Staff are responsible for city-wide coordination of investigation efforts.
   i. Intelligence coordination on large crews and/or prolific individuals.
   ii. Conduct Hot-Spot stings in coordination with CID resources and Patrol Division.
   iii. Work with media to publicize success and keep anti-graffiti efforts current.
   iv. Train local level “team leaders” in community coordination efforts.

11. Maximize resources and success by coordinating Denver City and surrounding jurisdictional resources.

Intent and Rationale: A coordinated anti-graffiti approach between Denver City agencies
and among surrounding municipalities can leverage local and state resources and create uniform enforcement of policy and practices.

**Key Components:**

a) Identify, convene and solicit the support of Denver City resources and those who serve Denver residents such as corrections (probation, diversion, community corrections, sheriff) to assist in abatement efforts.

b) Work with the Metro Mayors Caucus, Chamber of Commerce, National League of Cities, Denver Regional Council of Governments, Colorado Department of Transportation, etc to coordinate resources and garner support for cross jurisdictional efforts.

12. **Work with State legislators and other jurisdictions to recommended legislative changes that strengthen and/or clarify current state laws.**

**Intent and Rationale:** Jurisdiction over offenders and types of crimes is managed by County and State court systems. Strengthening laws as they relate to misdemeanors and felonies is accomplished at the state level.

**Key Components:**

a) Amend the language of CRS 18-4-509 Defacing Property:
   i. Strengthen first offense to class 1 misdemeanor.
   ii. Mandatory minimum $750 fine (consistent with current language).
   iii. Earmark fines as listed:
      i. 1/3 to highway users tax fund.
      ii. 1/3 to juvenile diversion cash fund.
      iii. 1/3 to an anti-graffiti trust fund - used for local anti-graffiti efforts.

b) Develop mandatory “Graffiti Package” for sentencing:
   i. Scheduled mandatory minimum fine
   ii. Scheduled mandatory minimum number of hours for meaningful community service.
   iii. In addition to fine, mandate restitution

c) Increase retail controls and responsible management of potential graffiti tools by advocating for a state-wide graffiti material “lock-up” law where sales of specific materials to minors is banned and retailers are required to choose a prudent display option of such materials.

d) Amend language of CRS 13-21-107 to include “Damages for destruction or bodily injury caused by minors.”

e) Add “defacing” to list of offenses in property section. (1) add language for civil lawsuit. Seek civil lawsuits against graffiti offenders to recoup abatement costs in addition to a filed or unfiled criminal case.
   i. Explore suing all adult graffiti offenders.
   ii. Explore suing the parents of juvenile offenders.
Appendix:

Case study (Athmar Park)

Data base fields

Philadelphia model (murals)

Albuquerque Model – Civil Suits

San Jose Model – volunteers

Chicago Art park

IMLA and NCPD material control materials

Guide to Court Systems and Laws

  Summary of each ordinance (3)

  Copy of CRS 18-4-509

  Copy of CRS 13-21-107
Graffiti Task Force
Membership

Task Force Co-Chairs
Councilwoman Judy Montero & Regina Huerter, Executive Director, Crime Prevention and Control Commission

Prevention Subcommittee Co-Chairs
Erin Trapp, Director, Denver Office of Cultural Affairs & Jerome Davis, Xcel Energy

Abatement Subcommittee Co-Chairs
Danimarie Schmitt, Solid Waste Management, Don Pesek, Downtown Denver Partnership; & Lisa Flores, Gates Foundation

Enforcement Subcommittee Co-Chairs
Captain Doug Stephens, Denver Police & Margaret Escamilla, Globeville Civic Association #1

Members
Andrew Armatas
Marilee Aust
Seif Bendiff
Rion Bergquist
Patti Blanchard
Ben Blanchard
David Booth
Jerrilie Bylsma
Dean Contos
Jerome Davis
Dave DeForest-Stalls
Margaret Escamilla
Tom Fazio
Lisa Flores
Sarah Funk
Francisco Gallardo
Eric Garcia-Gillespie
Margot Gilbert-Frank
Ted Gill
Tom Gordon
Leslie Juniel
Stella Madrid
Todd McGuire
Scott Meiklejohn
Judy Montero, City Councilwoman, District 9

Constance Mortell
Janice Packard
Don Pesek
Ken Shoopman
Regina Skov
Amber Smith
Steve Steele
Errol Stevens
Stephanie Syner
Jaime Tafoya
Wendy Tally
Anthony Thomas
Diane Wolta
Stella Yu
Bob Zaragoza

Ex-Officio Members
Jan Brennan, Denver Office of Cultural Affairs
Amber Callender, Mayor’s Office
Neddra Niblet, Denver Partners Against Graffiti
John Poley, City Attorney’s Office