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Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

INTRODUCED BY PRESIDENT PRO TEM LARRY REID

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**RESOLUTION AUTHORIZING THE ALLOCATION OF GRAFFITI ABATEMENT MURAL AND GREEN WALLS FUNDS IN THE AMOUNT OF \$25,000 TO ADD ADDITIONAL EFFECTIVE ABATEMENT AND DETERRENCE METHODS TO DETER ILLEGAL GRAFFITI**

WHEREAS, City Council adopted the City Attorney's Third Revised Graffiti Ordinance No. 13146 ("Graffiti Ordinance") on January 22, 2013, which states "the proliferation of illegal graffiti has been an increasing problem in Oakland and its neighborhoods and has contributed to a perception of deterioration in Oakland"; and

WHEREAS, pursuant to the Graffiti Ordinance on June 27, 2013, City Council established a Graffiti Abatement Fund, commonly referred to as the "Graffiti Abatement Mural and Green Walls Fund" in the amount of \$400,000 for Councilmembers to award, at their discretion, subject to Council approval, in an effort to deter illegal graffiti in their respective districts; and

WHEREAS, it is likely that an innovative public/private partnership approach, which supplements blight abatement services, could make a significant, positive improvements to the community's overall livability, appearance, and social and economic stability; and

WHEREAS, the negative effects of blight are significant enough to strongly discourage private investment in new development and business start-ups; and

WHEREAS, the purpose of the "Graffiti Abatement Murals and Green Walls Fund" is for the City of Oakland to implement graffiti abatement programs and to work to create visibility and media coverage for some initial successful prosecution examples; and

WHEREAS, the City of Oakland intends to combine basic facts about the problem of illegal graffiti with a more specific understanding of the local problem, in order to add additional effective response strategies as prescribed in the U.S. Department of Justice Graffiti Guide; and

WHEREAS, each Council District has the ability to analyze its local problem in order to ascertain certain conditions and select the appropriate response in addressing illegal graffiti as prescribed in the U.S. Department of Justice Graffiti Guide; and

WHEREAS, measuring the effectiveness of Oakland's present illegal graffiti abatement initiatives is needed to determine whether these methods have succeeded based on the U.S. Department of Justice Graffiti Guide; and

WHEREAS abatement and deterrence needs of each Council District in Oakland differs depending on the volume, extent and type of illegal graffiti; and

WHEREAS, the analysis of the local problem of illegal graffiti provides a baseline from which each Council District can address the problem, and it is critical that deterrent responses be tailored to local circumstances, landscaping and structural conditions, as prescribed by the U.S. Department of Justice Graffiti Guide; and

WHEREAS, many areas and clearly identifiable Districts within the City of Oakland have been targeted by serial vandals, including but not limited to blatant vandalism, vandals promoting their tags on social media, etc.; and

WHEREAS, the U.S. Department of Justice Graffiti Guide recommends modifying the present responses to illegal graffiti if efforts have been ineffective in the past; and

WHEREAS, the U.S. Department of Justice Graffiti Guide prescribes measuring an illegal graffiti problem before implementation of an initiative

(program) to determine how serious the problem is, and again measuring the problem after implementation, is needed to determine whether a pilot is effective; and

WHEREAS, research by the U.S. Department of Justice Graffiti Guide shows that illegal graffiti can be substantially reduced, and sometimes eliminated by tracking the amount or size of graffiti, the number and type of graffiti locations, the content and type of graffiti, length of time graffiti-prone surfaces stay clean; and assessing public fear and perceptions about the amount of graffiti; and

WHEREAS, in most cases an effective strategy will involve implementing, in addition to green walls and murals, several different responses to illegal graffiti, which are clearly identified in the U.S. Department of Justice Graffiti Guide; and

WHEREAS, the U.S. Department of Justice Graffiti Guide recommends solutions outside law enforcement, and to give careful consideration to others in the community who can help to better respond to illegal graffiti; and

WHEREAS, as prescribed by the U.S. Department of Justice Graffiti Guide, deterrent responses to illegal graffiti must be thorough and consistent, as some offenders are highly opportunistic, adaptive, and tenacious, and deterrence should include ways to monitor illegal graffiti; and

WHEREAS, detecting illegal graffiti rapidly and routinely; monitoring graffiti-prone locations routinely; increasing reporting of graffiti and offenders; and removing graffiti rapidly rank as the highest effective responses as prescribed by the U.S. Department of Justice Graffiti Guide; and

WHEREAS, the amount and volume of illegal graffiti in certain Districts in Oakland meets the criteria of "Level 3-- Third Prevention Strategy" as determined by Fear and Perception of Crime academic studies by Constable Valerie Spicer, Ph.D., referred to herein as the "Spicer Studies"); and

WHEREAS, according to the Spicer Studies a Level 3 volume of illegal graffiti is deemed to be the most serious phase because the conditions have become both widespread and entrenched; and

WHEREAS, the Spicer Studies show that once a community is overwhelmed by Level 3 illegal graffiti, negative ramifications are significant; and

WHEREAS, illegal graffiti is known to be a “gateway crime” where other crimes stem from or are encouraged by; and

WHEREAS, as prescribed in the Spicer Studies, the responses needed in a Level 3 graffiti problem are the most reactive, as the problem is fully manifested; and

WHEREAS, as prescribed in the Spicer Studies, in order to ensure longtime protection, in addition to green walls and murals, direct action is required with a comprehensive solution, to ensure long-term sustainability of urban vitality; and

WHEREAS, as prescribed by the U.S. Department of Justice Graffiti Guide, a comprehensive solution to deterring illegal graffiti requires multiple responses strategies; and

WHEREAS, certain areas in Level 3 graffiti stage would benefit from the allocation of funds in the FY 2013-15 budget (Line Item 39) set aside for “graffiti abatement initiatives” to fund a comprehensive strategy pilot that combines the most effective responses as prescribed by the U.S. Department of Justice with the deterrence efforts presently in place; and

WHEREAS, the \$400,000 set aside for graffiti abatement initiatives commonly referred to as the “Graffiti Abatement Mural and Green Walls Fund” originated from the “ALL-IN Budget Proposal” Line Item 39 [Graffiti Enforcement and Abatement], adopted in the FY 2013-15 “Summary of Significant Budget Changes and Revenue Enhancements”; and

WHEREAS the FY 2013-15 Significant Budget Changes included in the final budget were passed by Resolution 84466 by City Council on June 27, 2013; and

WHEREAS, the City Administrator may re-appropriate funds provided that said funds are used for the intent in which they were approved by City Council; and

WHEREAS, the intent of City Council in establishing the “Graffiti Abatement Mural and Green Walls Fund” was to address and deter illegal graffiti by establishing a fund for murals, green walls and other deterrents to illegal graffiti; now, therefore, be it

RESOLVED: The City Administrator is directed to allocate \$25,000 of the appropriated \$50,000 from Council District 7’s “Graffiti Abatement Mural and Green Walls Fund” for additional effective abatement and deterrence response methods, to complement green walls and murals, as prescribed by the U.S. Department of Justice, and supported by the Spicer Studies; and be it

FURTHER RESOLVED: That City Council hereby authorizes the allocation of said funds for the sole purpose and effective abatement and deterrence response methods for the eradication of illegal graffiti in Council District 7.