

GRAFFITI REPORTING AND MITIGATION IN SAN DIEGO COUNTY

SUMMARY

As residents and visitors travel San Diego County mass transit routes, they see an enormous amount of graffiti. The City of San Diego Get It Done website reports receiving 13,274 graffiti complaints in 2017, and more than 1,600 in the first month of 2018. This graffiti of various types and sizes detracts from the beauty of San Diego County. Graffiti-covered walls and facilities discourage tourism, and drive business away from mass transit facilities, retail and hotel areas. National reports have documented how graffiti has a negative impact on business and real estate values and attracts gang activity.

All San Diego County jurisdictions encourage the public to report graffiti, but information on how to make these reports is difficult to find. The lack of a single San Diego County point of contact (telephone hotline, smartphone application, or internet link) makes it even more difficult to report graffiti to the proper office.

The 2017/2018 San Diego County Grand Jury (Grand Jury) recommends that agencies:

- Improve reporting of graffiti to ensure that the proper jurisdiction receives the report, eliminate confusion and delay in mitigating graffiti, and provide updated information to local law enforcement. The Grand Jury believes that a single, county-wide, user-friendly reporting system (telephone hotline, website, and/or smartphone app) could be effective in achieving these goals.
- Find ways to better publicize the use of graffiti-reporting systems throughout the County, via methods such as news agencies, flyers, and signage.

INTRODUCTION

The Grand Jury investigated a complaint regarding the large quantity of graffiti along Metropolitan Transit System (MTS) trolley lines. Since MTS shares right-of-way with the North County Transit District (NCTD), both mass transit systems were examined. Both transit systems include bus lines that travel public roads, so the Grand Jury included bus routes. Graffiti was clearly evident in and around all areas of mass transit. Graffiti is not restricted to mass transit routes, but exists throughout the region. Conclusions about mitigation of graffiti near mass transit routes can be extended to the problem countywide.

PROCEDURE

Grand Jury members rode public transit, documenting and reporting graffiti along Metropolitan Transit System (MTS) and North County Transit District (NCTD) routes.

Using websites available to the public, the Grand Jury:

- Reviewed graffiti-reporting policies of MTS and NCTD, the County of San Diego, and its various municipalities.

- Reviewed the San Diego City Audit report, *Significant Program Revisions Are Needed to Improve Graffiti Control Efforts*, dated March 2014.
- Reviewed available smartphone applications as well as the corresponding policies and procedures of local jurisdictions.

The Grand Jury interviewed a variety of personnel from mass transit, and other governmental agencies to determine how a graffiti complaint is received and processed. The Grand Jury sent a survey to all municipalities and the County requesting similar information as to how graffiti complaints are received and processed.

Members of the Grand Jury rode the Trolley, Coaster, and various buses noting graffiti along the routes. These Grand Jury members then submitted reports on “Get It Done,” “My Oceanside,” “Tell Us Now!” and other apps to test the existing graffiti reporting procedures.

DISCUSSION

The public has a difficult time determining how and to whom to report graffiti. There are no clear boundaries defining jurisdictions; nor are there signs on trains, buses, or trolleys explaining how and where to report graffiti. Although much advertising for commercial companies and for schools and cultural events is found on trains, buses, trolleys and their facilities, there is little that clearly defines how and where to report graffiti.

Although many San Diego city and county agencies including the Metropolitan Transit System (MTS) and North County Transit District (NCTD) have the ability to receive complaints about graffiti and act on them, each one acts independently and does not always share information with other jurisdictions. Creating a single point of contact to report graffiti anywhere in the county would make it much easier for the report to get to the right office more quickly for mitigation.

A number of websites and procedures exist to report graffiti in San Diego County, including:

- Hotlines (often referred to as Customer Service) maintained by MTS and NCTD. These numbers can be found on the appropriate websites, but they are not prominently displayed on transit equipment or in stations.
- The California Department of Transportation (CALTRANS) has a link on its website for reporting graffiti, but the form is so long and complicated that it discourages reporting. CALTRANS District 11 Liaison (San Diego) directs a reporting party to notify a different agency in San Diego County if it cannot immediately determine the graffiti is in its jurisdiction rather than forwarding the report to the proper agency.
- The San Diego Association of Governments (SANDAG) division, Automated Regional Justice Information System (ARJIS), contracts with the non-profit agency, *2-1-1 San Diego*, to operate a telephone hotline and website to receive reports for entry into a system called *Graffiti Tracker*. The Graffiti Tracker system is not intended for public reporting of graffiti but rather for internal agency work for mitigation and tracking to prosecute individuals who create graffiti.

- Many agencies have smartphone apps for reporting graffiti, but none of these are linked to other agencies:
 - the County has “Tell Us Now!”
 - the City of San Diego has ”Get It Done”
 - the City of Escondido has “Report It!”
 - the City of Carlsbad has “Carlsbad @ Your Service”
 - the City of Oceanside uses “My Oceanside”
 - the City of Santee uses “mySantee”
 - Several cities use individual apps designed by SeeClickFix, e.g. “accessVista,” “National City Connect,” “ACT Chula Vista,” “Encinitas Seeclickfix.”
 - La Mesa and Poway use “Your Gov” app. It is the same smartphone app but the information is not linked between cities.
- Municipal and County websites maintain graffiti-reporting information relating to their jurisdictions that can be found with varying degrees of difficulty. Some are easy to navigate such as the City of La Mesa’s “Your Gov” pages and advanced web page search functions. Other websites, such as the San Diego County web page, has a search function that is frustrating at best, returning long lists of official documents but little useful information on how to file a report.
- Most agencies recommend people call 9-1-1 or the local law enforcement phone number to report graffiti in progress.
- The City of San Diego received 13,274 graffiti complaints in 2017, and more than 1,600 in the first month of 2018.

Table 1 Graffiti Reporting

	Graffiti/Services Hotline*		Public can report by email, online form or paper form*		Graffiti/Services Agency Smartphone App*	
	Individual Agency	Number Shared with other Agencies	Individual Agency	Website Shared with other Agencies	Individual Agency	App Shared with other Agencies
Carlsbad	Yes	No	Yes	No	Yes	No
Chula Vista	Yes	No	Yes	No	Yes	No
Del Mar	Yes	No	No	No	No	No
El Cajon	Yes	No	Yes	No	No	No
Encinitas	Yes	No	Yes	No	Yes	No
Escondido	Yes	No	Yes	No	Yes	No
Imperial Beach	Yes	No	Yes	No	No	No
La Mesa	Yes	**	Yes	**	Yes	No
Lemon Grove	Yes	No	Yes	No	No	No
National City	Yes	No	No	No	Yes	No
Oceanside	Yes	No	Yes	No	Yes	No
Poway	Yes	No	Yes	No	Yes	No
San Diego City	Yes	No	Yes	No	Yes	No
San Diego County	Yes	No	Yes	No	Yes	No
San Marcos	Yes	No	Yes	No	No	No
Santee	Yes	No	Yes	No	Yes	No
Solana Beach	Yes	No	Yes	No	No	No
Vista	Yes	No	Yes	No	Yes	No
CALTRANS	Yes	No	Yes	No	No	No
MTS	Yes	No	No	No	No	No
NCTD	Yes	No	No	No	No	No
2-1-1 San Diego	Yes	No	Yes	Yes	No	No

Notes: * Very little or no signage to advise public of numbers, websites, email addresses or smartphone apps.

** Uses 2-1-1 San Diego number and website which is accessed by some agencies.

Table 1 clearly shows there is limited coordination among agencies to pass on reports of graffiti. While most agencies have graffiti-reporting hotlines, email addresses, websites and apps, they do not share them with others. There is little readily available information on how and where to report graffiti in most jurisdictions. Some graffiti-reporting methods require reporting parties to know what jurisdiction they are in and how to report it, e.g. smartphone apps, hotline, etc. Other graffiti-reporting methods, such as some websites and smartphone apps, require the reporting party to submit an exact location of the graffiti. There is no effective feedback to reporting parties in many jurisdictions.

Both MTS & NCTD use their corporate Customer Service telephone numbers for accepting graffiti complaints but these numbers are not posted anywhere on trains, trolleys, buses or in stations. CALTRANS has a link on its website for filing a report in San Diego County, but it is rather long and exhaustive and may discourage completing a report.

Most mass transit and local government websites have directions for reporting graffiti, but the information is difficult to locate on most websites. In many cases, users have to look under a title such as “SERVICES,” “Code Enforcement Complaints” or some other very general term that is buried among the many links to other agency business. Search engines on some of these websites cannot find the proper page for reporting graffiti. Some agency websites recommend residents call 911 or another local number for law enforcement to report graffiti in progress but give little instruction about reporting existing graffiti.

In many cases when Grand Jury members found graffiti along a route, it was difficult to determine which agency had responsibility for that particular area so they filed reports to the most likely agency, with varying levels of success. Some reports were rejected, noting that the area in which the graffiti occurred belonged to another jurisdiction. These reports, however, were not passed to the appropriate agency by the rejecting agency. Thus, in an area of high-volume graffiti that encompasses multiple jurisdictions or private property, one site may be mitigated while others nearby are ignored.

These results confirm the need for a centralized San Diego County reporting procedure because very often reports went nowhere. The “Get It Done” app used by the City of San Diego is very effective, easy to use, uses built-in smartphone GPS location data from the included photograph to notify the agency of the location and provide feedback to the submitter. The “Get It Done” app automatically captures the Global Positioning System (GPS) coordinates or address closest to any picture taken by a smartphone using the app and uses that data to direct the mitigation effort. Based on this, the Grand Jury believes that the “Get It Done” app could be the basis for a centralized San Diego County graffiti-reporting and mitigation system. San Diego County has the smartphone app “Tell Us Now!” and a corresponding link on its website, but, as shown in table above, neither is linked to other agencies.

SANDAG tested a program called *Graffiti Tracker* in San Diego County for one year starting January 2011. *Graffiti Tracker* records incidents for law enforcement, is used to prosecute offenders, and some public works offices use it to track their work cleaning up graffiti. After the test period was completed, SANDAG published reports of the program’s effectiveness. A number of agencies, including San Diego County, Oceanside, Escondido, Lemon Grove and other cities, still use *Graffiti Tracker* to record graffiti activity for mitigation and law enforcement activity. But it’s not evident that they relay information to other agencies. *Graffiti Tracker* is not available for public use to file reports as the data is maintained for department mitigation teams and validated as law enforcement evidence.

At the start of the Grand Jury investigation, the SANDAG website had information about the 2-1-1 San Diego telephone hotline and a link to the its website to receive graffiti reports. However, it has since removed the reference and any mention of reporting graffiti beyond the 2011 *Graffiti Tracker* study. SANDAG has placed all the graffiti-reporting information onto its ARJIS

division website. A search of the SANDAG site returns only information on the study, with no mention of the ARJIS graffiti-reporting function.

Responses from the municipalities and county offices to the Grand Jury graffiti survey show a general endorsement of a single countywide reporting system. Some cities do report calling or sending emails to neighboring jurisdictions to pass on graffiti reports but that increases their workload and may not be a priority. Most stated that a centralized countywide system would be beneficial.

Graffiti reporting and mitigation is not a new issue in San Diego. In March 2014, The San Diego City Auditor published a report titled *Significant Program Revisions Are Needed To Improve Graffiti Control Efforts* which studied graffiti reporting and mitigation. The Auditor's report contained recommendations for centralizing graffiti reporting and mitigation on a citywide basis. The Auditor's recommendations for handling graffiti in the City are similar to those in this report that are made on a county-wide basis.

FACTS AND FINDINGS

Fact: There is a large quantity of graffiti along the railroad tracks shared by AMTRAK, North County Transit District (NCTD/Coaster/Sprinter). Graffiti was also found along MTS Trolley lines and MTS and NCTD bus routes across San Diego County.

Fact: San Diego County, its municipalities and local mass transit agencies have different, uncoordinated websites and/or smartphone apps to report graffiti.

Fact: Throughout the county there is almost no signage in public places or on mass transit vehicles advising the public how to report graffiti.

Fact: The cities and county have separate graffiti hotline telephone numbers for reporting but the numbers are not generally publicized.

Finding 1: There is no easily available information to guide the public on reporting graffiti.

Finding 2: Residents trying to report graffiti find it difficult to locate information explaining reporting procedures.

Finding 3: There is little effective effort by county, city and mass transit agencies to increase public awareness on how to report graffiti.

Fact: In an area of high-volume graffiti that encompasses multiple jurisdictions or private property, one site may be mitigated while others around it are ignored.

Fact: While riding any of the mass transit systems a passenger often quickly and unknowingly enters a new jurisdiction.

Finding 4: It is extremely difficult to determine which agency has jurisdiction over a graffitied area in order to report it properly since often there is a very fine line between what is in the mass transit right-of-way and what is in state, county or city jurisdictions.

Finding 5: Graffiti in high-volume areas sometimes may be overlooked because of jurisdictional issues.

Finding 6: There is very little coordination among agencies in San Diego County to pass on graffiti reports.

Finding 7: County residents wishing to report graffiti may become discouraged because there are multiple reporting systems requiring different means for reporting.

Finding 8: A single, centralized, user-friendly San Diego County graffiti reporting system would improve graffiti reporting and mitigation.

RECOMMENDATIONS

The 2017/2018 San Diego County Grand Jury recommends that the San Diego County Board of Supervisors work with Mayors and City Councils within San Diego County to:

18-37: Improve reporting of graffiti to ensure that the proper jurisdiction receives the report, eliminate confusion and delay in mitigating graffiti, and provide updated information to local law enforcement. The Grand Jury believes that a single, county-wide, user-friendly reporting system (telephone hotline, website, and/or smartphone app) could be effective in achieving these goals.

18-38: Find ways to better publicize the use of graffiti-reporting systems throughout the County, via methods such as new agencies, flyers, and signage.

The 2017/2018 San Diego County Grand Jury recommends that the North County Transit District (NCTD) and the Metropolitan Transit System (MTS) management:

18-39: Improve reporting of graffiti to ensure that the proper jurisdiction receives the report, eliminate confusion and delay in mitigating graffiti, and provide updated information to local law enforcement. Consider working with local government agencies in its efforts to ensure the proper jurisdiction receives graffiti reports. The Grand Jury believes that a single, county-wide, user-friendly reporting system (telephone hotline, website, and/or smartphone app) could be effective in achieving these goals.

18-40: Find ways to better publicize the use of graffiti-reporting systems, via methods such as new agencies, flyers, and signage.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations

pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
San Diego County Board of Supervisors	18-37 through 18-38	9/4/18
North County Transit District	18-39 through 18-40	9/4/18
Metropolitan Transit System	18-39 through 18-40	9/4/18