



Metropolitan Transit System

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SAN DIEGO
COUNTY GRAND JURY

September 5, 2018

Rose Orcino-Madruga, Foreperson
2018/2019 San Diego County Grand Jury
550 W. C Street, Suite 860
San Diego, CA 92101-3513

Re: Graffiti Reporting and Mitigation in San Diego County

Dear Ms. Orcino-Madruga,

San Diego Metropolitan Transit System (MTS) is in receipt of the above-entitled Grand Jury report dated May 29, 2018. MTS has reviewed the report and has the following responses pursuant to Penal Code section 933.05:

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

MTS response: MTS disagrees in part with the finding. MTS has not investigated general county-wide public information related to graffiti reporting. As it relates to MTS facilities, vehicles or properties, MTS receives reports from the public through the MTS Customer Service call center or email form submission¹, the MTS "See Something Say Something" phone numbers² (posted on all vehicles and in special notices distributed by MTS) or as a referral from the City of San Diego's "Get It Done" system. Each case reported by the public through these methods is documented in MTS's Customer Records Management (CRM) system and assigned to the appropriate department (Bus or Trolley) for action. The action taken is documented before the case is closed. A search for "graffiti" in the CRM system returned 167 cases between May 2016 and May 2018, all of which were closed. On this basis, MTS cannot conclude that the public is unaware of how to report graffiti or other issues to MTS. MTS acknowledges that it does not have a separate reporting mechanism dedicated only to graffiti reports.

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

MTS response: See response to Finding 1, above. MTS has not surveyed residents on this issue, so cannot agree or disagree on whether San Diego County residents find it difficult to locate information explaining graffiti

¹ See: <https://www.sdmts.com/about-mts-customer-service/customer-feedback>

² Patrons can call the Security Control Center at 619-595-4960 or text them at 619-318-1338.



reporting procedures. The 167 graffiti reports documented by MTS over a 2-year period is evidence that some residents were ultimately able to report graffiti to MTS.

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

MTS response: MTS disagrees in part with the finding. MTS acknowledges that it is currently not part of a joint public awareness campaign related to graffiti reporting. However, MTS works cooperatively with neighboring jurisdictions to share reports of graffiti and to remediate any graffiti on MTS property. Graffiti on MTS vehicles, shelters or property are generally reported in two ways: directly by MTS employees and indirectly by members of the public. MTS field personnel (bus or trolley operators, maintenance employees, and security employees) are trained to identify and report graffiti to appropriate personnel. Unfortunately, much of the graffiti visible while riding transit is on private property. To the extent MTS cooperation is necessary for a property owner to remediate graffiti, MTS makes good faith efforts to do so. For example, MTS has issued right of entry permits allowing various cities and private contractors to access MTS right of way in order to remediate graffiti on their adjacent property.

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.

MTS response: MTS disagrees in part with the finding. MTS agrees that it may be difficult for a member of the public to know which agency may have "jurisdiction" over graffiti. MTS notes that it only has "jurisdiction" over property that MTS directly owns or operates. It does not have any legal jurisdiction over a private property adjacent to MTS right-of-way. That property would be subject to the laws and enforcement mechanisms of the city or unincorporated area where the property is located. As it relates to MTS property, upon receiving a report of graffiti, MTS is generally able to identify if the graffiti is located on MTS property by consulting our real estate records.

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

MTS response: MTS disagrees in part with the finding. MTS takes great pride in the cleanliness of its transit vehicles, shelters and other facilities. While MTS agrees that graffiti is an important issue that deserves law enforcement attention and innovative programs for prevention and remediation, in MTS's experience our reporting systems are robust and result in graffiti being promptly identified and remediated on our system. Graffiti is documented by security staff and then cleaned by MTS or contract personnel within 24 hours. Each evening at the end of service, bus and trolley vehicles are inspected for graffiti. If found, the vehicle is not sent back into service until the graffiti has been removed. MTS has a contract for a special window film that allows graffiti on trolley or bus windows to be promptly removed. If graffiti is found on a vehicle seat, the seat is replaced. Graffiti found on MTS bus shelters and benches is remediated by our third-party contractors within 24 hours of reporting. This is a material term of our maintenance contracts. Graffiti found at MTS transit centers is remediated by MTS Facilities Maintenance employees within the same day. We believe this program of aggressive graffiti remediation is effective and allows MTS to maintain its vehicles and facilities in a responsible manner. MTS is not aware of graffiti on MTS property that has been overlooked because of jurisdictional issues. MTS agrees that there may be graffiti on private or non-MTS owned property that is not promptly remediated. MTS has no knowledge whether the failure to promptly remediate graffiti is because of jurisdictional issues.

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

MTS response: MTS disagrees in part with the finding. MTS cannot comment on coordination among other agencies. MTS receives reports from the City of San Diego's "Get It Done" system when graffiti on MTS property is identified.

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

MTS response: MTS has not surveyed residents on this issue, so cannot agree or disagree on whether such residents may become discouraged by different graffiti reporting systems for each agency.

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

MTS response: MTS disagrees in part with the finding. MTS cannot comment on the efficacy of a centralized reporting system for other agencies in the county. MTS believes its program of aggressive graffiti remediation is effective and allows MTS to maintain its vehicles and facilities in a responsible manner. We have not identified an information gap that would be addressed through a reporting method that is consolidated with other agencies.

GRAND JURY RECOMMENDATIONS to NCTD and MTS:

18-39: Improve reporting on 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 smart-phone app) could be effective in achieving these goals.

As it relates to MTS, it does not appear that this recommendation is warranted; therefore MTS has not implemented any new or revised program in response to this recommendation. As identified above, MTS has a robust in-house graffiti reporting and remediation program using trained staff. This is supplemented by reports of graffiti from the public, which are also promptly remediated if on MTS property. MTS has no jurisdiction over private property owners and cannot require remediation by neighboring properties. In the event a single, county-wide reporting system is established for graffiti reporting, MTS would cooperate with the system sponsor to assist in verifying if a report relates to MTS property, and would promptly act to remediate the graffiti in accordance with MTS's existing practices. MTS would also continue to receive and review public reports of graffiti from any source available, including MTS's Customer Service call center, its "See Something, Say Something" reporting line, and referrals from other agencies or elected officials.

As it relates to cooperation with local law enforcement, MTS began participating in a pilot of the Graffiti Tracker program in 2011 and continues to use that system to this day. MTS Security personnel document and upload information about graffiti crimes into the Graffiti Tracker program, which is managed by ARJIS and integrated with graffiti crime reports. Therefore, information about graffiti crimes in San Diego County is available to all police departments. The Graffiti Tracker program has been successful in connecting cases of graffiti that have

September 5, 2018
Letter to Grand Jury
Page 4

targeted multiple property owners or facilities, documenting the scope and scale of the property damage caused by a single offender.

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

MTS has not implemented this recommendation with any specific program. However, MTS will add references to graffiti reporting (and how to report to MTS) in public announcements, flyers or signage if appropriate to the subject being advertised or explained.

Thank you for the opportunity to provide feedback on the Grand Jury's report. If you have any questions for MTS, please call me directly at (619) 557-4512 or email me at karen.landiers@sdmts.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Landers", with a long horizontal flourish extending to the right.

Karen Landers
General Counsel