

COSTA MESA POLICE DEPARTMENT

MEMORANDUM

TO: CITY COUNCIL

FROM: John D. Hensley, Chief of Police

By: Officer D. Casarez #442, Gang Detail

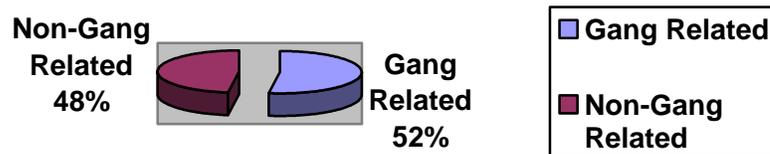
SUBJECT: City Council's Request Reference Vandalism Incidents

DATE: August 12, 2005

Between August 1, 2004 and July 31, 2005 the City of Costa Mesa had 971 graffiti incidents (gang or tagger style) within the city limits. Graffiti is regularly removed by the City's graffiti abatement service. This is usually completed within 24 hours of the graffiti being discovered or reported to the police department and cost approximately \$73,371 last year. For purposes of this memorandum, we will use the police department's three (3) geographic Police Areas for statistical analysis¹.

Of the 971 graffiti incidents, 508 were gang related and 463 were non-gang related. (Fig.1).

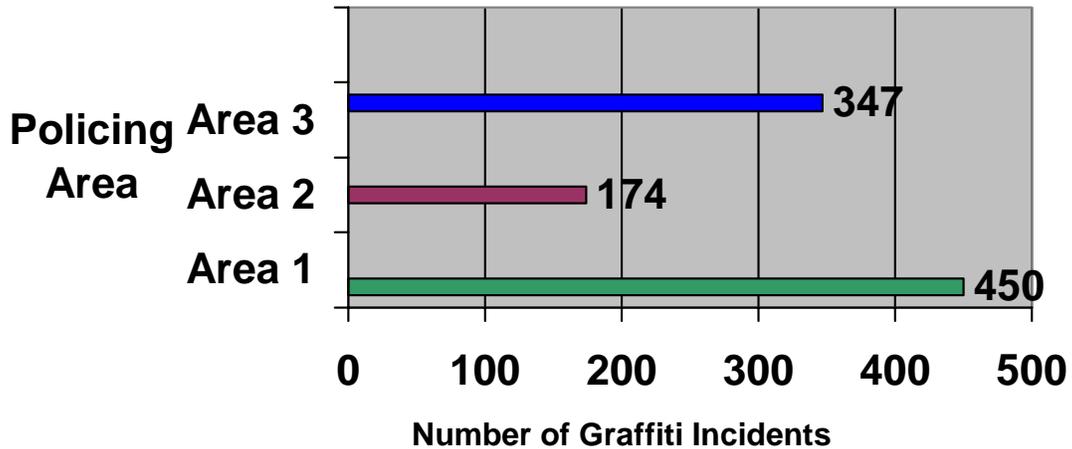
Type of Graffiti Incidents



(Fig.1)

During the sampling time, Area 1 had the most amount of graffiti incidents while Area 2 had the least amount. (Fig.2)

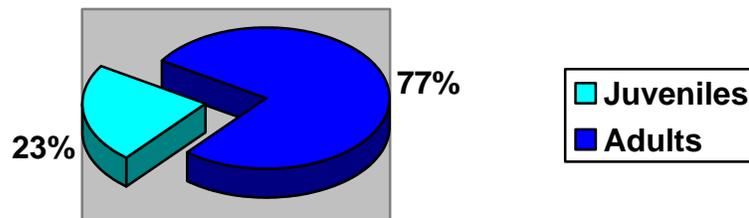
Graffiti Incidents by Policing Area



(Fig.2)

During the past twelve months, 42 incidents of defacing property were closed with the arrests of 44 subjects. Adults were arrested more often than juveniles for defacing property (Fig.3) and males were arrested 3:1 over females.

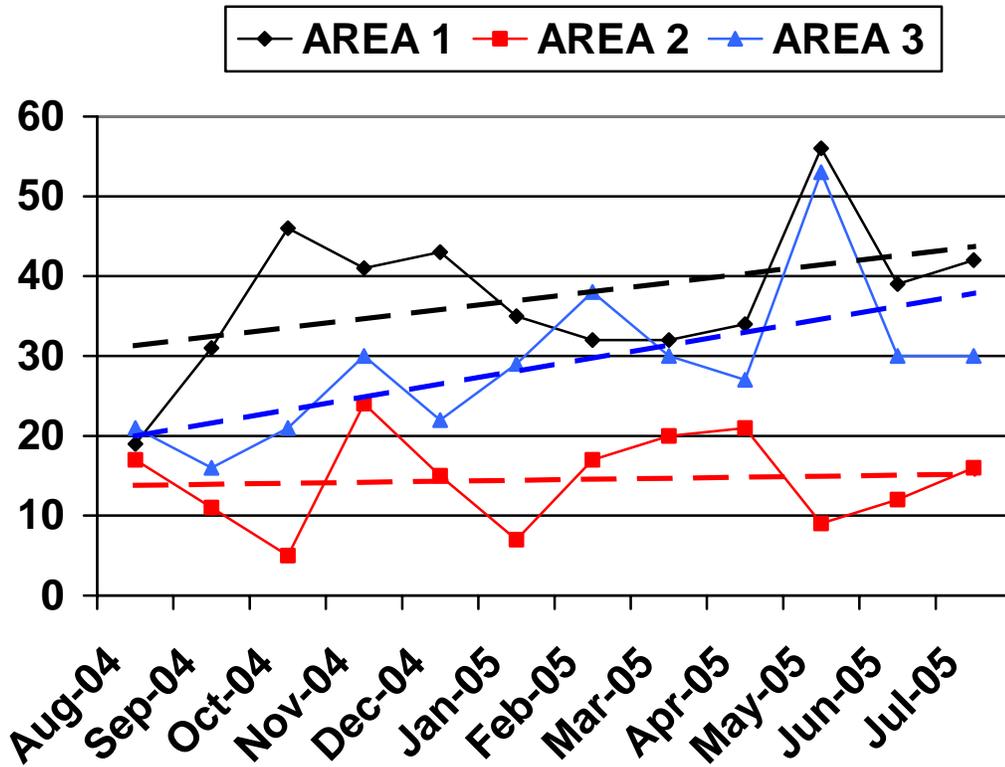
Adults vs. Juveniles Arrested for Defacing Property



North Costa Mesa Concerns:

Recent concern was expressed of a possible increase of graffiti incidents in the northern area of the city. The area of concern was Between Harbor Boulevard and Bristol Street, and between Fair Drive and Sunflower Avenue. This is primarily within the boundaries of Police Area 2. Between the months of April and June 2005, a sharp increase of graffiti incidents was noted in Police Area 1 and Area 3. Police Area 2 showed over a 50% decrease in graffiti incidents during the same period. (Fig.4) At this time, there are no significant signs of an increase of graffiti in Police Area 2.

GRAFFITI INCIDENTS BY AREA



(Fig.4)

Figure 4 shows that the trend for policing area 2 has been stable with no sharp increase or decrease in graffiti incidents within the last twelve months. Figure 4 also shows that policing Area 2 has had the lowest amount of graffiti for each of the twelve months.

Enforcement, Prevention and Removal:

The act of vandalism (graffiti) is a crime of opportunity and is usually completed within a few moments. The Field Operations Division along with the gang unit, continue their efforts to arrest graffiti vandals. This effort consisted of high visibility patrol, contacts with juveniles during the hours of darkness and unmarked surveillance of gang areas. These efforts have resulted in 44 arrests last year for acts of graffiti or the defacing of property. The gang unit routinely conducts home visits along with the Orange County Probation Department to insure that subjects who have been placed on probation for graffiti or defacing property are not violating their terms and conditions by being in possession of graffiti instruments and other contraband.

Generally, acts of graffiti vandalism are misdemeanor crimes. If the act-committed results in damage valued over \$400 or is committed at a place of worship, it is then considered a felony crime. A police officer must witness the misdemeanor crime to affect an arrest or have a witness willing to make a citizen's arrest. Probable cause must exist to affect a felony arrest.

The City's graffiti abatement program continues to remove graffiti within 24 hours of the time that it is reported. The City has spent approximately \$73,371 last year to abate graffiti. Staff contacted the City of Newport Beach and spoke to General Services Superintendent Rick Greaney. He reports that they spend approximately \$90,000, a year removing and repairing graffiti vandalism. Staff also contacted Officer K. Ruiz of the Santa Ana Police Department Gang Unit. He reports that the city of Santa Ana spends approximately \$1,000,000 to \$1,500,000 a year to remove graffiti.

Curfew:

The police department has not found the use of curfew laws to be effective in combating acts of graffiti vandalism. While a significant number of graffiti incidents occur during the hours of darkness, it also frequently occurs during the after school hours. The summer months also result in an up swing of graffiti incidents. Additionally, many adults are involved in the criminal act of graffiti.

The City of Costa Mesa has Municipal Code Section 11-51.5 which states that it is unlawful for any minor to remain in any public place or on the premises of any establishment within the city during the curfew hours (10:00 PM to 6:00 AM) or any parent or guardian of a minor to knowingly permit, or by insufficient control, allow the minor to remain in any public place or on the premises of any establishment within the city during curfew hours or any owner, operator, or employee of an establishment to knowingly permit a minor to remain in or upon the premises of any establishment during curfew hours.

The above municipal code also lists 11 defenses, which makes the municipal code hard to apply in many cases. Curfew violations are a status offense and therefore, no criminal time or probation would apply. The minor is usually given counseling or possibly community service hours for repeated offenses. Officers routinely enforce the curfew violations when appropriate. Attached is a photocopy of the curfew ordinance.

In closing, the gang unit, and the Field Operations Division will continue to conduct high visibility patrol and make contacts with subjects in gang and graffiti areas in an attempt to keep subjects from defacing property. The police department will also be exploring options with regard to photo surveillance of high incident locations where graffiti frequently occurs.

D. CASAREZ
Police Officer

ⁱ **Area 1** is outlined as all streets Between the Santa Ana River Bed and Newport Boulevard, south of Victoria to 15th Street and all streets between Newport Boulevard and Irvine Boulevard south of 19th Street to 15th Street.

Area 2 is outlined as all streets between Fairview Road and Irvine Boulevard, south of Sunflower Avenue to Wilson street and all streets between Newport Boulevard and Irvine Avenue south of Wilson Street to 19th Street.

Area 3 is outlined as all streets between the Santa Ana River Bed and Fairview Road, south of MacArthur Boulevard to Victoria.