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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2009-96**

**INTRODUCED BY:**

Councilor Dominguez

**A RESOLUTION**

**ADOPTING THE *ANTI-GRAFFITI TASK FORCE RECOMMENDATIONS* DATED  
APRIL 15, 2009; IMPLEMENTING THE RECOMMENDATIONS OF THE ANTI-  
GRAFFITI TASK FORCE THAT HAVE NO OR MINIMAL FISCAL IMPACT;  
DIRECTING THAT A POSITION OF COORDINATOR FOR ANTI-GRAFFITI  
PROGRAMS BE CREATED IN THE POLICE DEPARTMENT; AND DIRECTING THE  
CITY ATTORNEY TO REVIEW THE CITY CODE AMENDMENTS RECOMMENDED  
BY THE TASK FORCE.**

**WHEREAS**, Resolution No. 2007-96 established the Anti-Graffiti Task Force (“Task Force”); and

**WHEREAS**, the Task Force was charged with making recommendations to the Governing Body regarding innovative and proactive solutions to the community-wide graffiti problem, the enforcement of existing graffiti laws, the development of new legislative initiatives, and mechanisms to encourage and aid in the clean-up of graffiti; and

**WHEREAS**, the Task Force found that:

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- There is a need for proactive and regional response to address graffiti/tagging prevention, abatement and enforcement;
- There is a need to increase the capabilities of present City staff and equipment;
- There is a need for the development of a team of city employees and volunteers that would be responsible for implementing current and future recommendations across all agencies and jurisdictions; and

**WHEREAS**, the Task Force created categories of recommendations which include art recommendations, business recommendations, police recommendations and property owner recommendations; and

**WHEREAS**, the Task Force recognized the budgetary shortfall the City is currently experiencing, however, recommended that the City make a difference in addressing the graffiti problem that affects the lives of citizens and the appearance of the City to tourists on whom a steady flow of positive income rests; and

**WHEREAS**, the Task Force recommended that the following minimal steps be taken:

- Develop volunteer programs to build a community partnership against graffiti/tagging;
- Develop the full potential of the graffiti/tagging hotline by publicizing the phone number in places other than the City website, such as radio/television announcements, neighborhood groups, websites, articles in regional newspapers, placing advertisements, creating flyers/posters and providing information to the schools;
- Creation of a response template to ensure that the hotline caller provides the exact location, type of surface and color of vandalized spot;
- Develop a marketing and awareness campaign to includes a logo and a

- 1                   catchy phrase to let the community know that graffiti/tagging removal is  
2                   only one call away;
- 3                   • Encourage the reporting of graffiti/tagging even if the report is not from  
4                   the property owner;
  - 5                   • Creation of a process for receiving and keeping signed release forms for  
6                   property cleanup from property owners;
  - 7                   • Immediate removal of graffiti/tagging upon receipt of a report;
  - 8                   • Encourage anyone who reports graffiti to take pictures and submit those  
9                   pictures to a central database; and
  - 10                  • Install cameras (real or fake) on graffiti/tagging hot spots; and

11                  **WHEREAS**, the Task Force further provided an Addendum to their recommendations  
12 which includes various suggested amendments to the graffiti related ordinances in the Santa Fe  
13 City Code; and

14                  **WHEREAS**, Section 20-4.2 SFCC 1987 is a public safety regulation that created the  
15 *Graffiti Vandalism Ordinance* and established the Office of Anti-Graffiti Coordination (“Office”)  
16 within City government in order to facilitate the prompt removal of graffiti; and

17                  **WHEREAS**, Section 20-4.2 SFCC 1987 also authorizes civil fines to be assessed against  
18 perpetrators of graffiti vandalism; and

19                  **WHEREAS**, the Office is currently organized under the Parks Division of the Public  
20 Works Department; and

21                  **WHEREAS**, currently, when the Office is notified by staff or the public that graffiti or  
22 tagging has occurred on private property, staff will notify property owners that the property  
23 owner has 10 days to remove the graffiti and if after 10 days the property owner has not complied  
24 with the City ordinance, City crews make every attempt to remove tagging and graffiti within 72  
25 hours; and

1           **WHEREAS**, if the graffiti is on public property, City crews will remove the graffiti  
2 within 48 hours; and

3           **WHEREAS**, Section 16-10.2 SFCC 1987 of the City's Criminal Code makes  
4 unauthorized graffiti on personal or real property a criminal offense; and

5           **WHEREAS**, since the graffiti ordinances are in the Criminal Code and the Public Safety  
6 Regulations of the Santa Fe City Code, anti-graffiti efforts should be lead by an anti-graffiti  
7 coordinator in the Santa Fe Police Department so that once the Office is notified of an occurrence  
8 of graffiti, the officers could immediately begin an investigation which could ultimately convict  
9 graffiti perpetrators; and

10           **WHEREAS**, the Police Department would continue to work with Parks Division staff to  
11 coordinate the clean-up of graffiti on public and private property; and

12           **WHEREAS**, on December 13, 2006 the Governing Body adopted Resolution No. 2006-  
13 147 which directed staff to design and create a "Graffiti Busters" program to encourage and  
14 reward those who assist the city in the arrest and prosecution of those who commit graffiti  
15 vandalism.

16           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
17 **CITY OF SANTA FE that** the Governing Body hereby:

- 18           1.       Adopts the *Anti-Graffiti Task Force Recommendations* dated April 15, 2009; and
- 19           2.       Directs that a position of coordinator for anti-graffiti programs be created in the  
20 police department. Duties of the coordinator shall include, but not be limited to, the following:
  - 21               a.       Operating the graffiti hotline and serving as the city's primary anti-  
22 graffiti contact;
  - 23               b.       Performing the duties described in Section 20-4.1 SFCC 1987 for the  
24 Office of Anti-Graffiti Coordination;
  - 25               c.       Implementing the recommendations of the Anti-Graffiti Task Force that

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have no or minimal fiscal impact;

d. Coordinating the efforts of the police department, parks division, and the city attorney's office to ensure enforcement of the city's code regarding the eradication of graffiti on public and private property and penalties for violations of the code;

e. Working with law enforcement agencies, non-profit organizations and the public to combat graffiti;

f. Applying for grants to supplement the city's revenues to combat graffiti;

g. Implementing Resolution No. 2006-147, the "Graffiti Busters" program; and

h. Collecting statistics and evaluating trends regarding graffiti complaints, graffiti eradication and investigations, civil fines assessed, and violators cited and making quarterly reports to the Governing Body.

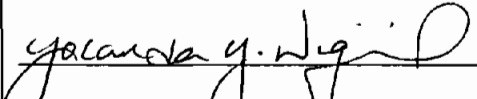
3. Directs the City Attorney to review the amendments to the City Code that have been recommended by the Task Force and draft a bill to reflect any amendments that are not currently addressed in the Santa Fe City Code.

PASSED, APPROVED and ADOPTED this 14<sup>th</sup> day of October, 2009.



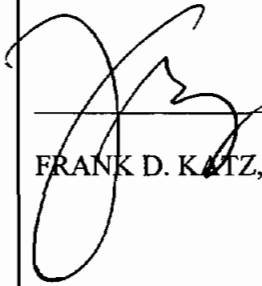
DAVID COSS, MAYOR

ATTEST:

  
YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:



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FRANK D. KATZ, CITY ATTORNEY

# City of Santa Fe, New Mexico

# memo

**DATE:** October 1<sup>st</sup>, 2009

**TO:** Mayor and City Councilors

**FROM:** Abram Anaya  
*Deputy Chief of Police*

**VIA:** Aric Wheeler  
*Chief of Police*  
Galen Buller *MB*  
*City Manager*

**RE:** Anti-Graffiti Coordinator recommendation

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## Item and Issue

This memorandum is in coordination with the recommendations made by the Anti-Graffiti Task Force as outlined in the resolution introduced by City Councilor Carmichael Dominguez. We agree with the Task Force in that the crime of graffiti is city wide nuisance affecting both public and private enterprise. This crime has a profound affect on the citizens of the community and may hurt the image and appearance of the city, which in turn may affect our tourism industry. The Police Department takes this crime very seriously and has explored new and innovated ways to combat it. Unfortunately, graffiti is a wide spread crime that has may not show patterns of certain times or places of common occurrence, making it very difficult to apprehend violators in the commission of the crime. Graffiti has spread across the city equally and the violators have become so diverse, from graffiti "vandals" to graffiti "artists" to gang "tagging", focusing efforts become very difficult to near impossible.

Because it is so difficult to catch offenders in the act, we agree with the "Graffiti Busters" program intended to encourage and reward those who assist in the arrest and prosecution of violators. The citizens of the community are our greatest ally in fighting the scourge of graffiti. Initiatives such as the "graffiti hot line", public awareness, volunteer programs, marketing campaigns, Citizens on Patrol (COPS) and the immediate removal of graffiti are all excellent ideas that can be implemented immediately with little

to no financial impact to the city. The installation of cameras, albeit very expensive, is another very good idea to be explored.

The concern facing the police department is the Anti-Graffiti Coordination, which was recommended to be placed under the Police Department. The police department currently does not have the staff required to under take on a new unit. The Police Department has shown the need for additional officers based on current call volumes and the Public Safety Committee as well as the City Council agreed with our assessment voting in favor of granting the police department 15 new police officer positions each year for a three year period. Unfortunately, with the down turn in the economy and budget shortfalls within the city, the police department only received four of these positions in the 2008/2009 fiscal year and no new position for the 2009/2010 fiscal year.

If we take on this responsibility without the addition of new personnel, we will affect service to the community. If this becomes a Patrol Division function, it will rob time away from traffic enforcement, residential patrols or/and calls for service. If this becomes an Investigation Division function, it will overburden our detectives who are inundated with and focused on major crime investigations, such as homicide, robbery, burglary, aggravated assaults and crimes against children. Our property crimes unit is working very hard on combating the increase in residential burglaries and we could ill afford to divert their attentions. The same could be said for our gang unit, which consists of only two detectives. These two detectives are working feverishly to reduce gang violence and the periphery crimes that come along with gang activity (graffiti, burglary, and drug dealing). We must stay vigilant to this initiative to ensure the public safety from gangs and gang violence.

We recognize that in the past there have been communication breaks that have disrupted proper coordination efforts between the Parks Division and the Police Department. Our recommended solution to this problem is to identify a singular point of contact within the Santa Fe Police Department where all graffiti will be sent to, evaluated, logged and tracked. This pivotal point of contact will be the *Anti-Graffiti Coordinator* and will work in conjunction with the Parks Division, the City Attorney's Office, Constituent Services and the Public Community Relations Unit of the Police Department. Once a complaint of graffiti is received by Anti-Graffiti Coordinator it will be logged in, categorized and then sent to the Gang Unit for further investigation. The Anti-Graffiti Coordinator will also send the same complaint simultaneously to the Parks Division, Graffiti Abatement, for immediate removal. If a suspected offender is identified, the Anti-Graffiti Coordinator will send a case file to the City Attorney's Office for civil actions. The Anti-Graffiti Coordinator will also be charged with media campaigns, community awareness, and neighborhood watch programs involving graffiti.

To further facilitate improved communication, an updated graffiti reporting form will be created. This form will contain the date, time, location, and a brief description of the graffiti along with a CAD (computer aided dispatch) number. This number will be obtained by the responding Parks Division employees calling the RECC and notifying them of the graffiti and the dispatcher will issue the incident a number. This will allow



for proper recording, tracking and identifying of trends in certain areas. Proper tracking will assist in developing strategies towards pro-active law enforcement and can be used in developing plans for the locations of camera systems. Once the form has been completed and a digital photograph is taken (to be attached along with the reporting form), both may be e-mailed to the Anti-Graffiti Coordinator.

This new reporting will not burden the Parks Division employees who currently work graffiti abatement, as they already have all the equipment necessary to complete the form and send it out to the Police Department electronically. This will allow for further dissemination between the Santa Fe Police Department and other law enforcement agencies, as the information gathered may easily be forwarded on. Once a case file is completed using known tagging monikers and an offender is identified, the case will be sent to the City Attorney's Office for civil action.

### **Recommended Actions:**

I recommend that an Anti-Graffiti Coordinator position be created and placed under the Santa Fe Police Department. This person will be the central point of all communication regarding graffiti. The Anti-Graffiti Coordinator will be responsible for gathering information on all reported graffiti through the "graffiti buster" hotline, City Parks Division, Constituent Services, RECC and the Police Department. This information will then be disseminated to the Gang Unit of the police department for investigation and prosecution and the Park Division for removal. This would create improved communication lines between the Parks Division and the Police Department regarding information sharing. The Anti-Graffiti Coordinator will also liaison between the Police Department and the City Attorney's Office for civil proceeding against offenders. A joint task force meeting, involving representatives from the Parks Division, Constituent Services, the Police Department, the City Attorney's Office and others, may take place quarterly to address concerns, trends and/or future initiatives. As the Parks Division will continue to be sent to every reported graffiti incident, they will continue to ensure that every incident of graffiti is documented and photographed and these reports are sent to the police department for documentation and tracking. A one page form containing the time, date, location and description of the graffiti, along with a photograph, will be collected and sent to the police department. This form will be issued a CAD number for tracking, all without over burdening our records division and/or the dispatch center. At which point, Parks employees can then remove the graffiti.

Only with the addition of this new position can the police department devote the attention needed to fully document, track and investigate each and every case of graffiti in the city without sacrificing other police services to the community. This position will aide the Police Department in taking ownership of this problem and will allow for the creation of operational plans to combat graffiti in an effort toward proactive enforcement.