

# **[2015 Session] Provide Property Owners Relief from Graffiti Through Cost-Effective Programming with Cleanup Services, and Reduce Graffiti Penalties to Lower Local Expenses**

## **Policy Background:**

Despite the belief that graffiti is typically associated with gangs, only a small portion of all graffiti is done by gang members. Most graffiti is caused by the common “tagger,” someone who marks easily accessible locations, sometimes repeatedly.

Graffiti costs some Texas cities millions of dollars in cleanup costs each year. While the reaction to ongoing graffiti in the community may be to penalize graffitiists more harshly, many Texas cities are seemingly seeing no decrease in graffiti from such an approach. What’s worse, punitive approaches to graffiti come with high price tags, draining city budgets and saddling graffitiists with criminal convictions that pose lifelong obstacles, including limited employment and housing opportunities.

Texas policy-makers should allow for participation in a pretrial diversion program, where individuals – with the consent of the district attorney – would complete community service, including graffiti removal where possible, and potentially engage in other community-based programming, including outreach education focused on graffiti prevention and eradication, mentoring in art programs, mural painting, or other available opportunities. Ideally, successful completion of the program could result in dismissal of the charges.

Policy-makers should also create a new, minor offense level (a Class C misdemeanor) for graffiti that causes up to \$200 worth of damage; under current law, all graffiti up to \$500 worth of damage is a Class B misdemeanor, which brings with it potential public defense expenses, county jail time, and associated collateral consequences.

Separately, policy-makers should modify damage amounts for Class A and B misdemeanors in light of inflation.

## Key Facts:

- From 2009 through 2011, Texas counties sentenced 22 individuals to state jail for graffiti, for a cumulative sentence length totaling 9,475 days.[1]

At an estimated cost per day of \$42.90 per person,[2] **the cost to the state was approximately \$405,000**. This figure does not contain the costs of investigation, arrest, pretrial detention, public defense, and trial. Neither does this include costs for the arrest, detention, and prosecution of juveniles, whose pre-adjudication costs range from a low of \$70 per day in Starr County to a high of \$152.34 in Harris County.[3]

- Studies have pointed to the positive outcomes of involving at-risk youth in arts programs. A 2006 report found that “Youth in the juvenile justice system who have participated in art programs display important pro-social and mental health characteristics, including greater self-efficacy, the ability to express themselves, improved attitudes toward school, and appropriate behavior and communication with adults and peers.”[4]
- Corpus Christi[5] and Houston[6] have invested in a “rapid response”[7] approach to graffiti that has had success. This strategy involves two crucial components: (1) a community-wide campaign, where citizens detect and report graffiti as soon as it occurs, and (2) the ability of the community to respond to the graffiti within 24 to 48 hours to remove it as quickly as possible.

In Corpus Christi, graffiti writing has dropped “tremendously” since the program began in 2008.[8]

In Harris County, the program has cleaned up more than 141,000 graffiti sites since its inception. And according to the first Director of Graffiti Abatement, it has been helpful to assign probationers who have been convicted of graffiti to clean up after themselves: “We have people who were assigned here from the Harris County probation department, and I think it really makes an impact on them when they see exactly the work and cost of what they do.”[9]

He goes on to say that gang activity in the district has dipped; he attributes

some of that to the fact that the District cleans up gang-related taunting immediately, and “they don’t get to see their names crossed out.”<sup>[10]</sup>

### Relevant Bill:

- **Bill Number:** [HB 883](#) (Moody)  
**Bill Caption:** Relating to the punishment for the offense of graffiti and the creation of a graffiti pretrial diversion program; authorizing a fee.  
**TCJE Materials:** [Fact Sheet](#)  
**Hearing Notice:** House Criminal Jurisprudence Committee, [Notice of Public Hearing on April 15, 2015](#)  
**Archived Hearing Video:** House Criminal Jurisprudence Committee, [04/15/15 Video](#) [TCJE testimony begins at 05:20:55]

### Other TCJE Materials:

- **Report:** [Effective Approaches for Reducing Graffiti in Texas: Strategies to Save Money and Beautify Communities](#) [April 2013]

### Outside Publications:

- House Committee on Corrections, [Interim Report to the 84th Legislature](#) [January 2015]

See *Charge 5*: Examine the current pecuniary loss thresholds associated with graffiti offenses. Study the costs of enhancing the penalties associated with the offense of graffiti, as well as a study of pretrial diversion programs that exist in other states and are specific to persons convicted of graffiti offenses. Study the existing Graffiti Abatement Programs in Texas. (pages 39-41)

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<sup>[1]</sup> Texas Department of Criminal Justice, response to open records request by Texas Center for Justice and Equity, November 12, 2012.

<sup>[2]</sup> Legislative Budget Board, *Criminal Justice Uniform Cost Report, Fiscal Years 2010 to 2012*, Submitted to the 83rd Texas Legislature, January 2013, p. 8;

[http://www.lbb.state.tx.us/Public\\_Safety\\_Criminal\\_Justice/Uniform\\_Cost/Criminal%20Justice%20Uniform%20Cost%20Report%20Fiscal%20Years%202010%20to%202012.pdf](http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Uniform_Cost/Criminal%20Justice%20Uniform%20Cost%20Report%20Fiscal%20Years%202010%20to%202012.pdf)

[3] Texas Center for Justice and Equity, *Community Solutions for Youth in Trouble*, see “Appendix B, County Data Sheets,” October 2012;  
<https://texascje.org/sites/default/files/uploads/Community%20Solutions%20for%20Youth%20%28Oct%202012%29.pdf>

[4] S. Anderson, K. Becker & N. Walch, *The Power of Art: The Arts as an Effective Intervention Strategy for At-Risk Youth*, prepared for the California Endowment, p. 25;  
[http://www.calendow.org/uploadedFiles/Publications/By\\_Topic/Disparities/General/The%20Power%20of%20Art.pdf](http://www.calendow.org/uploadedFiles/Publications/By_Topic/Disparities/General/The%20Power%20of%20Art.pdf)

[5] Lawrence Mikolajczyk, Director of Solid Waste Department, City of Corpus Christi, in telephone conversation with Jorge Renaud, TCJE Policy Analyst, September 30, 2014, discussing the high-priority, rapid-response model initiated in 2008.

[6] Martin Chavez, Director, Constituent Services, Greater East End District Management, in telephone conversation with Jorge Renaud, TCJE Policy Analyst, October 1, 2014, discussing the program that initiated in 2001; program details available at <http://www.greatereastend.com/graffiti-abatement>

[7] C. Thompson & R. Hills, *Congress Paper on Graffiti Vandalism in America – Shaping the Municipal Response*, presented to World Jurist Association’s 24<sup>th</sup> Biennial Congress on the Law of the World, October 23-28, 2011.

[8] Lawrence Mikolajczyk in telephone conversation with Jorge Renaud.

[9] Martin Chavez in telephone conversation with Jorge Renaud.

[10] Ibid.