Texas Must Adopt Effective Approaches For Reducing Graffiti

*Diversion and Victim Restitution will Provide Relief to Property Owners, Save Money, And Beautify Communities*

**OVERLY PUNISHING GRAFFITI OFFENSES LEADS TO EXPENSIVE, INEFFICIENT OUTCOMES**

Graffiti is defined as any marking, etching, or painting that defaces public or private property without the owner’s permission. Despite the belief that graffiti is typically associated with gangs, it is found in all locales and jurisdictions, and in fact 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, feeling little connection to place or neighborhood.

Regardless of the features or motive behind graffiti, it is considered a crime, and it 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 graffitists 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 tag, draining city budgets and saddling graffitists, many of them youth, with criminal convictions that pose lifelong obstacles, including limited employment and housing opportunities. This lack of access to employment and housing may lead to further criminal behavior and result in fewer contributions to the community’s tax base.

**KEY FINDINGS**

- **Corpus Christi** and **Houston** have invested in a “rapid response” 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. More specifically, these efforts include neighborhood education, hotlines, and probationers serving as clean-up crews.

- **Philadelphia** has pioneered the diversion of adjudicated graffitists into mural making, allowing graffitists to express their artistic impulses and be recognized as legitimate artists. Beginning in 1984, the city began offering youth charged with graffiti a chance to conceive of and assist in painting murals that celebrated their neighborhood’s achievement and history. The resulting murals created a large economic boost to Philadelphia, and the beauty and variety of the murals were recognized in a report as crucial to the development of vibrant commercial corridors in Philadelphia. The report recommended more efforts like the Mural Arts Program (much of which is funded through private investments), calling such programs “effective and cost-efficient ways of replacing eyesores with symbols of care.”

*Continued on reverse.*
**Cost-Saving and Public Safety-Driven Solution: Support HB 883 by Representative Moody**

- **HB 883 will allow a pretrial diversion program, requiring community service and victim restitution, for property owner relief, as well as long-term reductions in recidivism and its associated costs.** Participation in a deferred prosecution program, as based on the consent of the district attorney, will require community service, including graffiti removal where possible, and may involve participation in outreach education focused on graffiti prevention and eradication, youth mentoring in art programs, mural painting, or other available community service opportunities. Furthermore, successful completion of the program may result in dismissal of the charges. This will give a fair chance to individuals who have taken responsibility for their actions, helping them avoid the reentry barriers typically associated with a criminal record.

- **HB 883 creates a new, minor offense level (a Class C misdemeanor) for graffiti that causes up to $50 worth of damage.** Currently, 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 the aforementioned collateral consequences. This new Class C offense level will make penalties for petty crime more proportional to the offenses committed and avoid wasting valuable resources on prosecution and incarceration.

**Citations**

2. Julia Narum, Child Development Program Supervisor, City of Austin Health and Human Services [dedicated budget of $500,000 to $600,000 yearly to address graffiti], telephone conversation with Jorge Renaud, Texas Criminal Justice Coalition (TCJC), Oct. 22, 2012; Lisa McKenzie, Neighborhood Services Coordinator, City of San Antonio [dedicated budget of $1,008,000 in 2012], telephone conversation with Jorge Renaud, TCJC, Oct. 22 2012; Jerry McDowell, City of Fort Worth Parks Department [dedicated budget of $464,000 in 2012], telephone conversation with Jorge Renaud, TCJC, Nov. 26, 2012.
4. Research has consistently found unemployment to be linked with crime (and crime’s associated costs to victims and communities): “one of the most important conditions that leads to less offending is a strong tie to meaningful employment.” Information from Roger Przybylski, “What Works: Effective Recidivism Reduction and Risk Focused-Prevention Programs,” RKC Group, February 2008, p. 38. Also note: Housing barriers contribute to homelessness and recidivism; information from Jeremy Travis, Amy L. Solomon, and Michelle Waul, “From Prison to Home: The Dimensions and Consequences of Prisoner Reentry,” The Urban Institute, June 2001, pp. 35, 39.
7. Telephone conversations with Mikalajczk and Chavez, noted directly above.