

Audit of Orange County Graffiti Abatement

**Report by the
Office of County Comptroller**

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November 28, 2016

Teresa Jacobs, County Mayor
And
Board of County Commissioners

We have conducted an audit of the Orange County graffiti abatement process. The scope was limited to a review of the reporting, tracking, and timeliness of graffiti removal and the County's graffiti abatement policies and procedures. The period audited was January 1, 2015 through August 31, 2015.

We conducted this audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Responses to our Recommendations for Improvement were received from the Manager of the Code Enforcement Division, the Assistant Manager of the 311 Call Center and the Deputy Chief of the Corrections Department Security/Support Operations Division and are incorporated herein.

We appreciate the cooperation of the personnel of the Corrections Department and the Code Enforcement Division during the course of the audit.

Martha O. Haynie, CPA
County Comptroller

c: Ajit Lalchandani, County Administrator
Rafael Mena, Chief Information Officer, Information Systems and Services
Cornita Riley, Chief, Corrections
Jon V. Weiss, P.E., Director, Community, Environmental and Development Services

EXECUTIVE SUMMARY

Executive Summary

The Orange County Code defines graffiti as the unauthorized writing, painting, marking, marring, drawing, defacing or etching of any inscription that has been placed upon any public or private property, real or personal, through the use of paint, ink, dye, indelible marker, or any other substance capable of marking property which is not water soluble or through the use of any implement that can be used to deface, mar or etch on property.

Citizens can inform the County regarding graffiti through the County's 311 Customer Service Call Center (311 Call Center). Graffiti complaints received by the 311 Call Center are routed to either the Corrections Security Intelligence Unit (Security Unit) or the Code Enforcement Division (Code Enforcement) depending on the location of the graffiti. The divisions inspect the graffiti and, if the graffiti is not on a building and is accessible from the County road or right-of-way, the graffiti is painted over by the divisions. In addition, Code Enforcement has one code enforcement officer whose main job is looking for graffiti on private property, vacant homes, and unsecured pools.

The scope was limited to a review of reporting, tracking, and timeliness of graffiti removal and the County's graffiti abatement policies and procedures. The period audited was January 1, 2015 through August 31, 2015. The audit objectives were to:

- Ensure graffiti reported through the 311 Call Center is adequately tracked and removed in a timely manner; and,
- Verify procedures to reduce and eliminate graffiti are adequate.

Based on the results of our testing, we found that graffiti complaints reported through the 311 Call Center were adequately tracked and removed timely, except for the graffiti referred to the Corrections Security Intelligence Unit. In addition, procedures and practices to reduce and eliminate graffiti are adequate. Specifically, we noted the following:

Graffiti complaints received by the 311 Call Center employees were not consistently assigned to the correct entity responsible for inspection and/or cleanup based on the Call Center's guidelines.

Seventy-two percent (28 of 39) of the graffiti complaints referred to the Security Unit were not investigated until after 30 days of receipt. The number of days to arrive to the reported location for the 28 noted above, ranged from 37 to 255 days. In addition, based on data reported by the Security Unit, most of complaints investigated (21 of the 39) were already painted-over or cleaned prior to their arrival.

Certain provisions of the County Code for graffiti abatement appeared to be outdated or inconsistent with State law.

There are no graffiti removal standards included in the County Code, County regulations, or in practice. During our review of Code Enforcement files documenting instances of graffiti found and removed (the Security Unit did not document before and after pictures) within the County, we noted that some fences and walls were painted without an attempt to paint an entire section or match the existing paint or fence color.

Neither the County Code nor related policies address the long-standing practice of County employees removing graffiti on private property such as walls and fences that face a County roadway, or non-County owned government/utility property such as utility boxes and poles. County personnel generally do not seek permission from the applicable owner of the property before painting over or removing the graffiti.

Recommendations for Improvement were developed and discussed with the 311 Call Center, Security Unit, and Code Enforcement. Management of these areas concurred or partially concurred with our recommendations and steps to implement the recommendations are underway or planned. Responses to the Recommendations for Improvement are included herein.

ACTION PLAN

AUDIT OF THE ORANGE COUNTY

NO.	RECOMMENDATIONS	CONCUR	
1.	We Recommend the 311 Call Center enhances procedures to ensure employees follow written procedures for forwarding graffiti complaints.	✓	
2.	We Recommend the Corrections Department reconsiders its use of inmates and Security Unit Officers to remove graffiti. Any continued graffiti removal should include an effective and efficient process.	✓	
3.	We Recommend the Code Enforcement Division works with the County Administration and Legal Department to update the County Code.		
4.	We Recommend Code Enforcement performs the following:		
A)	Develops standards of how the graffiti should be removed and prevented; and,		
B)	Works with County Administration to Modify existing regulations to address the removal of graffiti by County employees on private property such as walls and fences that face a County roadway, or non-County owned property such as utility boxes and poles.		

INTRODUCTION



Background

The Orange County Code defines graffiti as the unauthorized writing, painting, marking, marring, drawing, defacing or etching of any inscription that has been placed upon any public or private property, real or personal, through the use of paint, ink, dye, indelible marker, or any other substance capable of marking property which is not water soluble or through the use of any implement that can be used to deface, mar or etch on property.

The U.S. Department of Justice classifies graffiti into six types as noted in the following chart:

Types of Graffiti and Associated Motives		
Type of Graffiti	Features	Motives
Gang^a	<ul style="list-style-type: none"> • Gang name or symbol, including hand signs • Gang member name(s) or nickname(s), or sometimes a roll-call listing of members • Numbers^b • Distinctive, stylized alphabets^c • Key visible locations • Enemy names and symbols, or allies' names 	<ul style="list-style-type: none"> • Mark turf • Threaten violence • Boast of achievements • Honor the slain • Insult/taunt other gangs
Common Tagger^d	<ul style="list-style-type: none"> • High-volume, accessible locations • High-visibility, hard-to-reach locations • May be stylized but simple name or nickname tag or symbols^e • Tenacious (keep retagging) 	<ul style="list-style-type: none"> • Notoriety or prestige • Defiance of authority
Artistic Tagger	<ul style="list-style-type: none"> • Colorful and complex pictures known as masterpieces or pieces 	<ul style="list-style-type: none"> • Artistic prestige or recognition
Conventional Graffiti: Spontaneous	<ul style="list-style-type: none"> • Sporadic episodes or isolated incidents 	<ul style="list-style-type: none"> • Play • Rite of passage • Excitement • Impulsive
Conventional Graffiti: Malicious or Vindictive	<ul style="list-style-type: none"> • Sporadic, isolated, or systematic incidents 	<ul style="list-style-type: none"> • Anger • Boredom • Resentment • Failure • Despair
Ideological	<ul style="list-style-type: none"> • Offensive content or symbols • Racial, ethnic, or religious slurs • Specific targets, such as synagogues • Highly legible • Slogans 	<ul style="list-style-type: none"> • Anger • Hate • Political • Hostility • Defiance

- Copycat graffiti looks like gang graffiti, and may be the work of gang wanna-bes or youths seeking excitement.
- Offenders commonly use numbers as code in gang graffiti. A number may represent the corresponding position in the alphabet (e.g., 13 = M, for the Mexican Mafia), or represent a penal or police radio code.
- Stylized alphabets include bubble letters, block letters, backwards letters, and Old English script.
- Tagbangers, a derivative of tagging crews and gangs, are characterized by competition with other crews. Thus crossedout tags are features of their graffiti.
- The single-line writing of a name is usually known as a tag, while slightly more complex tags, including those with two colors or bubble letters, are known as throw-ups.

The majority of graffiti complaints are reported to the Orange County 311 Customer Service Call Center (311 Call Center). Both the County's Corrections Security Intelligence Unit (Security Unit) and the Code Enforcement Division (Code Enforcement) are involved in the removal of reported graffiti. Code Enforcement has one officer whose primary job is looking for graffiti on private property, vacant homes, and unsecured pools. Code Enforcement has the authority to issue a notice to home or business owners requiring them to remove graffiti.

In addition to the above graffiti cleanup efforts, we were informed that the following County divisions and departments perform the following:

- The County's Parks and Recreation Division may perform their own clean-up when graffiti is found.
- The Utilities Department cleans graffiti found on the walls around pump stations and to prevent graffiti, they may plant vines or bamboo to conceal the wall.
- The Public Works Department refers complaints concerning graffiti on any County roads, bridges, or signs to the Security Unit.

Scope, Objectives, and Methodology

The scope was limited to a review of the reporting, tracking, and timeliness of graffiti removal and the County's graffiti abatement policies and procedures. The period audited was January 1, 2015 through August 31, 2015. The audit objectives were to:

- Ensure graffiti reported through the 311 Call Center is adequately tracked and removed in a timely manner; and,
- Verify procedures to reduce and eliminate graffiti are adequate.

To determine whether the reported graffiti was adequately tracked and removed in a timely manner, we performed the following:

- Selected a sample of 311 complaints and verified the complaints were recorded in the complaint records of Code Enforcement or the Security Unit;
- Selected a sample of graffiti complaints and reviewed the divisions records to ensure the complaint was adequately documented and addressed.
- Calculated the number of days from the time the graffiti complaint was recorded in the 311 Call Center data until completed to ensure timeliness.

To determine whether procedures to reduce and eliminate graffiti are adequate, we performed the following:

- Reviewed procedures for the reporting and tracking of graffiti complaints.
- Selected and conducted visual inspections of graffiti present on selected roadways in the County.
- Compared County Ordinance, Administrative Regulations, and the procedures utilized on graffiti abatement County-wide to the practices recommended in the U.S. Department of Justice Community Oriented Policing Services Guide on Graffiti.

Overall Evaluation

Based on the results of our testing, we found that graffiti complaints reported through the 311 Call Center were adequately tracked and removed timely, except for the graffiti referred to the Corrections Security Intelligence Unit. In addition, procedures and practices to reduce and eliminate graffiti are adequate. Opportunities for improvement are discussed herein.

RECOMMENDATIONS FOR IMPROVEMENT

1. The Procedures and Practices to Assign and Review 311 Call Center Complaints Should Be Improved

Citizens' complaints about graffiti are received by dispatchers working in the Orange County 311 Customer Service Call Center (311 Call Center). Complaints can be made by completing an online form or calling the 311 Call Center. Upon receiving a complaint, the 311 Call Center attempts to verify the location reported is within unincorporated Orange County and whether the location is on public or private property based on the information provided. 311 Call Center procedures note that complaints concerning graffiti on public property are forwarded to the Corrections Security Intelligence Unit (Security Unit) and complaints on private property are forwarded to the Code Enforcement Division (Code Enforcement).

Forwarded complaints are investigated, painted over or removed, and closed. When a complaint is closed, the date closed and the employee ID are recorded in the 311 Call Center data. During our review of the 49 complaints recorded in the 311 Call Center's data for June, July, and August of 2015, we noted dispatchers working in the 311 Call Center assigned similar types of graffiti complaints to both Code Enforcement and the Security Unit, regardless of whether the graffiti was reported on public or private property. For example, complaints of graffiti on the backside of fences that faced a County roadway were referred to both Code Enforcement and the Security Unit.

Procedures should be enhanced to establish where graffiti complaints received by the 311 Call Center are routed.

We Recommend the 311 Call Center enhances procedures to ensure employees follow written procedures for forwarding graffiti complaints.

Management's Response:

311 Call Center: We concur. We have already implemented enhanced procedures to ensure employees follow written protocol for forwarding graffiti complaints.

2. The Corrections Department Should Reconsider Using Inmates and Security Unit Officers to Remove Graffiti

As noted in Recommendation for Improvement No. 1 above, the Call Center forwards certain graffiti complaints to the Security Unit for removal. From January 1, 2015 to August 31, 2015 there were 85 complaints in the 311 database that were noted as forwarded to the Security Unit. We were informed by the Security Unit personnel that once or twice per month, a corrections officer in the Security Unit will review the complaints and prepare work orders to remove the graffiti. Two Security Unit officers then utilize an inmate road crew, Corrections Department vehicles, equipment, and supplies to travel to the reported site and remove graffiti. As part of our testing, we reviewed the 43 work orders prepared by the Security Unit from June through August 2015. Thirty-nine of the work orders related to complaints received through the Call Center and four related to work orders created because graffiti was discovered by the Security Unit. The following concerns were identified relating to these work orders:

- A) Most of the graffiti complaints (21 of the 39) investigated by the Security Unit were already painted-over or cleaned prior to the Security Unit arriving. We were able to verify some of the graffiti had already been painted over by Code Enforcement.
- B) Seventy-two percent (28 of 39) of the graffiti complaints referred to the Security Unit were not investigated for at least 30 days after receipt. The number of days to arrive to the reported location to remove the graffiti ranged from 37-255 days. In comparison, our analysis of the 311 Call Center complaints forwarded to Code Enforcement found that complaints were investigated

and the graffiti removed or cleaned within 10 days, on average.

- C) Documentation of the graffiti removal investigations was not consistent or sufficient to document the work performed. Our review of the 43 graffiti complaints in our sample found that only 13 of the 20 complaints that involved removing graffiti included a picture on the work order to document the graffiti prior to removal (two additional work orders had pictures attached, but the picture related to a different graffiti complaint). None of the work orders had a picture to document the cleanup or removal performed or that it was removed prior to their arrival.

Graffiti should be removed in a timely manner. At a minimum, graffiti should be painted over or cleaned within 15 days of notice to the County as is required in Article IV, Section 26-77, Enforcement, Abatement of Graffiti, of the Orange County Code when a notice of violation is received from the public. Delays in removing graffiti creates the appearance of not being responsive to citizen's complaints. Research cited in U.S. Department of Justice Community Oriented Policing Services Guide on Graffiti (U.S. DOJ Graffiti Report) noted that the presence of graffiti encourages more graffiti and other crimes to occur (called the broken-window theory). In addition to the issues noted above, the approximate cost of each of the five trips reviewed during the three-month period exceeded \$60 per hour of Corrections officers' salary and benefits during each trip, or \$98 per graffiti marking removed (these costs exclude any duties performed before or after the trips, administrative support, equipment, and supplies).

We Recommend the Corrections Department reconsiders its use of inmates and Security Unit Officers to remove graffiti. Any continued graffiti removal should include an effective and efficient process.

Management's Response:

Corrections Department: We concur. Currently, the Orange County Corrections Department does not have staff dedicated

solely to respond and provide clean-up for the Graffiti Abatement Process. Both, the Security Intelligence and Road Crew Officers have primary security-related job functions, which supersedes the clean-up of public property, on most days. The Orange County Corrections Road Crew partners with the Orange County Roads and Drainage and is given assignments for each Road crew to complete daily. In an effort to prevent scheduling conflict with this partnership, the Road Crew Officer is taken off his assignment to conduct graffiti abatement tasks on prescheduled days only. In addition, Road Crew Officers are not issued cameras to photograph the area once cleared of graffiti.

Orange County Corrections Department concurs with the audit recommendations that graffiti abatement should be completed in a timely manner. We also agree that the use of senior Correctional Officers that are assigned to the Security Intelligence Unit and Road Crews may not be the most cost efficient practice.

3. The County Code Establishing the Graffiti Abatement Process Should Be Updated

Article IV, Section 26-76 through 26-80, Orange County Code provides a definition of graffiti enforcement, remedies, and penalties. As part of our testing, we interviewed managers within the County's Parks and Recreation Division, and the Public Works and Utilities Departments about their process and role in reporting, removing, and preventing graffiti. Our interviews determined Code Enforcement takes the primary role within the County for graffiti removal, but other departments may participate in the removal or prevention of graffiti for the areas or structures they manage. Relating to our review, we noted the following:

- A) Penalties contained in the ordinance appear to conflict with State law. For example, Part (d), Section 26-76 of the County Code notes that in addition to a monetary fine, any person placing prohibited graffiti shall be punished by imprisonment in the county jail for a term not to exceed sixty days or by both fine and

**RECOMMENDATIONS
FOR IMPROVEMENT**



imprisonment at the discretion of the court. However, in summary, Section 806.13, 1(b), Florida Statutes provides the following:

Dollar Value of Damage to Property	Punishable Offense	Maximum Jail term
\$200 or less	Second degree misdemeanor	Imprisonment not exceeding 60 days.
\$200 > \$1,000	First degree misdemeanor	Imprisonment not exceeding 1 year;
\$1,000 or greater	Third degree felony	Imprisonment not exceeding 5 years.

Section 806.13 (9), Florida Statutes notes, “Because of the difficulty of confronting the blight of graffiti...counties are not preempted by state law from establishing higher penalties than those provided by State law and mandatory penalties when State law provides discretionary penalties.” This language does not allow a County to establish lesser penalties than State law mandates for an offense; thus the provision appears to conflict with the State Statute. Local governments in Florida are prohibited from actions that are either preempted by State law or in conflict with State law.

B) Certain provisions appear to be outdated or are not currently practiced. For example, the County Code notes the following:

- The Sheriff’s Office is to be the primary liaison regarding removal and requests for removal should emanate from that office.
- The Zoning Director is the County employee responsible for carrying out the graffiti removal process for the County.

Currently, the graffiti removal and issuance of violations for graffiti on private buildings reside within Code Enforcement (It should be noted that Code Enforcement was previously within the Zoning

Division). Complaints by citizens are routed to the 311 Call Center and not through the Sheriff's Office.

We Recommend the Code Enforcement Division works with the County Administration and Legal Department to update the County Code.

Management's Response:

Code Enforcement Division:

Partially concur. The Code Enforcement Division agrees to bring this audit to County Administration and the County Attorney. If a determination is made that effort and resources should be committed to a comprehensive, inclusive process to revisit the graffiti ordinance, Code Enforcement will proceed as directed.

We agree that there is some benefit in revisiting the ordinance, which was drafted in 1998. However, an update would require cooperation from the Orange County Sheriff's Office, State Attorney's Office, Neighborhood Stabilization and Preservation Division and others. It is not clear that the extent of the graffiti problem in Orange County will compel all the required actors to contribute to a review of the ordinance.

4. The Graffiti Abatement Process Should Be Revised

During our review of the graffiti abatement process in the County, we noted the following:

- A) There are no graffiti removal standards included in the County Code, County regulations, or in practice. Code Enforcement files document instances of graffiti on fences and walls painted over without an attempt to paint an entire section or match the existing paint or fence color. The Security Unit did not document before and after pictures so we could not evaluate their practices. We were told by Code Enforcement that painting is almost exclusively used and documentation

RECOMMENDATIONS FOR IMPROVEMENT



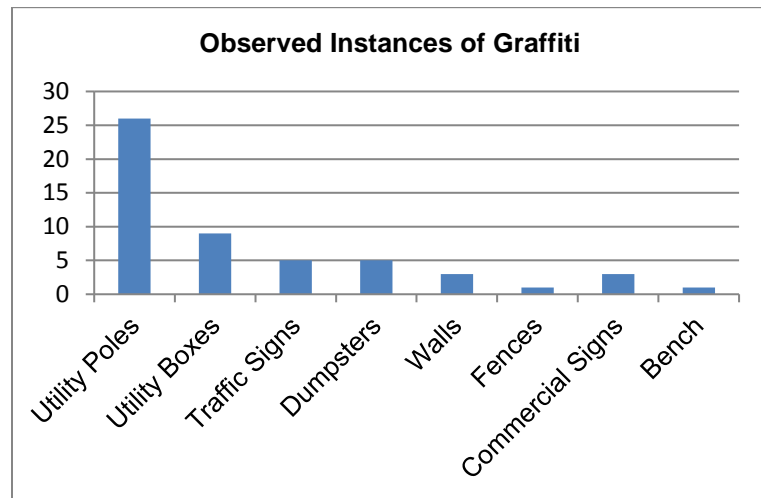
showed surfaces were often painted over several times, without continuity of areas (see pictures below).



Best practices for graffiti removal include attempting to match the existing color and not “patch-working” paint over graffiti. For example, in the case of a fence, the entire section is painted instead of just the graffiti. In addition, there are many different methods cited in the best-practices of the U.S. DOJ Graffiti Report used to eliminate graffiti (See Appendix).

- B) Neither the County Code nor related policies address the removal of graffiti by County employees on private property such as walls and fences that face a County roadway, or non-County owned government/utility property such as utility boxes and poles. As part of our procedures, we surveyed approximately 13 miles in east Orange County and 18 miles in west Orange County. This survey noted numerous instances of graffiti in east Orange County while the survey in west Orange County identified only a few instances of graffiti. A breakdown of the 53 instances cited in east Orange County was as follows:

RECOMMENDATIONS FOR IMPROVEMENT



As noted in our survey, most of the graffiti identified in our observation was on property not owned by the County, but local utility companies' property. The general practice undertaken by County departments is to paint over or remove graffiti that is reported or observed and can be accessed from public roadways. County personnel generally do not seek permission from the applicable owner of the property before painting over or removing the graffiti. If graffiti is found on a building or is not accessible, the property owner is notified to remove graffiti, and in some instances, code violation notices are issued by Code Enforcement.

The graffiti removal initiative taken by various County departments, especially Code Enforcement, is commendable and helps to reduce the proliferation and blight of graffiti. However, neither the County Code nor Administrative Regulations contain authorization for removing graffiti on private property. Further, the only written policies regarding responsibilities for removal are in the County Code which deems the property owner responsible for removing graffiti. The only provisions for removal of graffiti without the owner's permission by County personnel would be as part of the regular code enforcement process noted above where the costs to remove are then assessed to the owner.

We Recommend Code Enforcement performs the following:

- A) Develops standards regarding how graffiti should be removed and prevented; and,
- B) Works with County Administration to modify existing regulations to address the removal of graffiti by County employees on private property such as walls and fences that face a County roadway, or non-County owned property such as utility boxes and poles.

Management's Response:

Code Enforcement Division:

- A) Partially concur. Code Enforcement has developed a standard operating procedure as recommended. It describes how graffiti complaints are to be investigated, tracked, and abated. The Division, however, does not intend to go beyond the current practice of covering the graffiti which does not include painting an entire structure. We do not believe it is necessary to use a standard color palate or match colors with the subject structures. Speedy abatement is the most fundamental best practice. The aesthetic quality of the graffiti abatement is secondary.
- B) Partially concur. The Code Enforcement Division agrees to bring the findings of this audit to County Administration and the County Attorney. If a determination is made that effort and resources should be committed to a comprehensive, inclusive process to revisit the graffiti ordinance, Code Enforcement will proceed as directed.

Four major graffiti removal or cover-up methods¹:

1. **Painting over graffiti.** Painting over graffiti appears to be the most common and relatively cheapest method of removing it. Although paint-overs can be expensive if recurring, the approach is widely accessible, and usually requires no special skills or technology. Some cities provide recycled paints for free; some cities have cleanups funded by contributions; and in some cities, businesses donate paint. Property owners victimized by graffiti offenders often supply their own paint. They can match chips of paint at home supply stores. Once they make a paint match, they should keep a supply of the paint readily available. In areas with heavy graffiti, property owners can unify colors (e.g., of alley walls and fences) to make routine paint-overs easier. Painting over graffiti may require the use of a sealer to prevent bleeding through.
2. **Removing graffiti chemically.** There are a variety of chemical removal products available, but care should be taken in selecting one. The use of some removal products on certain porous surfaces may create a shadow of the graffiti. Paint companies sometimes donate paint-removal supplies.
3. **Cleaning graffiti off.** Depending on the surface and marking agent, many surfaces can be cleaned of graffiti. Methods include sandblasting with high-pressure hot-water jets—and sometimes baking soda—to remove graffiti from cement and other unpainted surfaces, although this, too, can be expensive and leave a shadow. Lasers to remove graffiti are becoming available.
4. **Replacing signs, materials, and other items vandalized.** Replacement is appropriate for materials from which graffiti cannot be painted over, chemically removed, or cleaned.

¹ The U.S. Department of Justice Graffiti Guide http://www.cops.usdoj.gov/html/cd_rom/solution_gang_crime/pubs/Graffiti.pdf