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16-140  
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## Graffiti Arrest Investigations (Re-issue DB 14-172)

The following list includes important areas that need special attention when handling a graffiti case.

Graffiti arrest investigations should include the following;

- 1) Upon arrest, photograph both sides of hands with entire body shot of the suspect(s), showing face and complete clothing attire. Include multiple photos in case one is blurry or does not come out well.
- 2) Photograph tools and or back packs that are seized. This may include graffiti that is written on the suspect's back pack straps.
- 3) Include clothing description in other information on face page; this is very important in cases with multiple suspects.
- 4) Use one property bag per suspect in cases involving multiple suspects. Include on each bag which suspect the contents of the bag were seized from.
- 5) Include in the narrative of the report, the color of the paint on the suspect's hands, as well as the color of the paint used to make the graffiti.
- 6) Describe any kind of writing motion that you witness in an on view case.
- 7) Touch the graffiti and document its texture. Describe if the paint is wet, sticky, tacky, or dry.
- 8) Document if the odor of the wet paint or ink are present at the scene.
- 9) Describe the actions of co-conspirators that may have acted as look outs, e.g. looking around and, or alerting co-conspirators to the presence of law enforcement or witnesses.
- 10) Following proper search and seizure and seizure practices, examine the suspects belonging (e.g. graffiti practice books, slap tags or stickers, clothing, skateboards, back packs, etc.). Seize if related to a graffiti tag(s) and document their presence.
- 11) Upload all photos to Crime Data Warehouse even if a disk is retained in the case file or booked as evidence. This allows for the photos to be reviewed and identified by the graffiti abatement officer in a timely manner. Consider placing all photos into a compressed (zip) folder by taking the following steps:

- a) Drag or paste photos from cell phone into an individual folder on desk top or flash drive.
  - b) Highlight all photos and select send to.
  - d) Select compressed (zip) folder. (Zip) folder will be placed in the same file.
  - f) Upload and attach single compressed (zip) folder to police report through crime data warehouse by selecting the browse button.
- 12) If charging a suspect for possession of graffiti tools, articulate why you believe that they possessed the item with the intent to commit an act of graffiti vandalism. Note that possession graffiti stickers, also known as "slap tags" can be considered graffiti tools if articulated properly.
- 13) Prior to rebooking a graffiti case, a cost estimate from the victim should be obtained and placed in the case file. Please note that CA Penal Code section 594(b)(1) PC lists the threshold for felony vandalism as \$400 in damage or more.
- 14) Search the immediate area for surveillance cameras and document findings in the narrative of report. If possible, capture video surveillance through Crime Data Warehouse and book as evidence. Numerous arrests have been possible by comparing photos of graffiti tags, with prior arrest cases, and also by comparing surveillance video with suspect's mug shot.

### **For Muni Cases**

Graffiti vandalism cases on SF Muni buses will typically exceed \$400 dollars (a felony) in damage due to labor expenses, un-removable damage that devalues the bus, and graffiti cleaning supplies.

### **Important Note**

Graffiti can be broken down into five basic types:

- 1) Communicative graffiti. A written point of view or statement. Sometimes political.
- 2) Hate crime graffiti. Intended to strike fear with in a real or perceived protected class.
- 3) Art graffiti. A non-verbal symbol. Often written repeatedly.
- 4) Tagger graffiti. An individual graffiti name or moniker. Often written repeatedly.
- 5) Gang graffiti. Used by street gangs to mark territory, intimidate gang rivals, or pay honor to deceased gang members.

Of these five different types of graffiti; tagger graffiti is the most common form. A graffiti tagger's name is individual. There are no duplicate taggers with the same name in the same geographic area at the same time. It is extremely important to taggers that they establish fame for themselves and they cannot do that if there are numerous people with the same graffiti name. For this reason, it is possible to establish and prove an individual's graffiti tag through prior arrests and other types of corroborating evidence. Each arrest is an opportunity to identify tagger's graffiti name.

**Most Relevant Penal Code Sections**

594(b)(2)(A) PC Misdemeanor vandalism less than \$400.

594(b)(1) PC Felony vandalism over \$400 dollars.

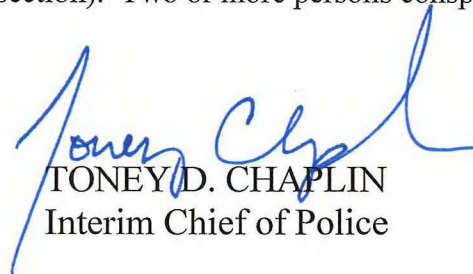
594(B) PC Misdemeanor damage / under \$400 dollars with a prior conviction.

594.2(a) Graffiti tools.

594.1(c)(1) PC Possession of etching cream or an aerosol container of paint for the purpose of defacing property by a person under the age of 18 years.

422.6(b)(c) PC Hate crime graffiti.

182PC Conspiracy defined (look up appropriate section). Two or more persons conspire to commit any crime.



TONEY D. CHAPLIN  
Interim Chief of Police

*Per DB 15-141, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.*

## **Agency Contacts for Graffiti Cost Estimates**

**(Contact the following agencies for a cost estimate for graffiti damage prior to rebooking)**

### **Cal Train/ Sam Trans**

San Mateo Sheriff's Office:

Detective Victor Lopez (650)622-8048 / [lopezv@samtrans.com](mailto:lopezv@samtrans.com)

Lt. Victoria O'brien (650)622-8045

District Chief of Protective Services Dave Triolla (650)508-6237

Restitution in Cal Train Cases should be made to *San Mateo Transit Chief Of Protective Services*.

### **San Francisco Department of Public Work (City Trash Cans, light poles)**

Alberto Zapato (415)794-8721 [alberto.zapato@sfdpw.org](mailto:alberto.zapato@sfdpw.org)

Supervisor Phil Galli (415)725-1502 [phil.galli@sfdpw.org](mailto:phil.galli@sfdpw.org)

### **San Francisco Park and Recreation (City Parks)**

Joe Padilla (415)242-6378 / [joe.padilla@sfgov.org](mailto:joe.padilla@sfgov.org)

Adrian Field (415)554-9521 / [adrian.field@sfgov.org](mailto:adrian.field@sfgov.org)

### **San Francisco Muni (SFMTA buses and LRV's)**

Neal Popp (415)606-5228 / [neal.popp@sfmta.com](mailto:neal.popp@sfmta.com)

### **Clear Channel (Muni bus shelter, advertising structures, billboards)**

Amy Landgraff (510)446-7230 / [AMYLANDGRAF@clearchannel.com](mailto:AMYLANDGRAF@clearchannel.com)

### **City Street Signs (SFMTA)**

Noel Laffey (415)558-7925 / [noel.laffey@sfmta.com](mailto:noel.laffey@sfmta.com)

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**Cal Trans (freeway graffiti)**

Charles Bankhead (650)222-4762 /charles.bankhead@dot.ca.gov

Peter Cortopassi (415)330-6500 /peter.cortopassi@dot.ca.gov

**Recology / Golden Gate Sunset Scavenger (trash and recycling bins)**

Daniel Kling (415)575-2469 / [dkling@recology.com](mailto:dkling@recology.com)