



DEPARTMENT NOTICE

20-124
08/14//20

Graffiti Arrest Investigations

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 for each suspect in the other information section on the face page of the incident report; this is very important in cases with multiple suspects.
- 4) Use separate property bag(s) per suspect in cases involving multiple suspects. Avoid mixing items and identify each bag regarding whose contents are inside.
- 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 is present at the scene.
- 9) Describe the actions of additional suspects that may have acted as a lookout, e.g. looking around and/or alerting others to the presence of law enforcement or witnesses.
- 10) Following proper search and seizure practices, examine the suspect's belongings (e.g. graffiti practice books, slap tags or stickers, clothing, skateboards, back-packs, etc.). Seize if related to a graffiti tag(s) and document in the report.
- 11) Upload all photos to Crime Data Warehouse (CDW) 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. All photos may be compressed into a "zip folder" by taking the following steps:

- a) Drag or paste photos from cell phone into an individual folder on desktop or flash drive.
 - b) Highlight all photos and select send to.
 - d) Select compressed zip folder. The zip folder will be placed in the same file.
 - f) Upload and attach the single compressed zip folder to police report through CDW by selecting the browse button.
- 12) If charging a suspect for possession of graffiti tools, articulate why you believe they possessed the tool(s) with the intent to commit an act of graffiti vandalism. Note that possession of graffiti stickers, also known as "slap tags" can be considered graffiti tools if articulated properly.
 - 13) Prior to the rebooking of 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 or more.
 - 14) Search the immediate area for surveillance cameras and document findings in the narrative of the report. If possible, capture video surveillance in CDW 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 a 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.

Graffiti Classifications

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 within 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 a 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) PC 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.

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

Additional Information

- The SFPD has a graffiti abatement officer assigned to the Major Crimes Unit, (415) 553-1145, who handles certain serial and/or significant graffiti cases and is available to assist on other graffiti investigations. Generally, felony and misdemeanor graffiti rebookings are handled at the district station level.
- Juveniles arrested for graffiti offenses are assigned by the courts, CARC or the probation department to perform community service under the supervision of SFPD. This program is called the SFPD JAWS (Juvenile Alternative Work) program.
- California Proposition 47, passed in November, 2014, changed the felony threshold to \$950 dollars for certain theft, shoplifting and forgery crimes, but it did not make any changes to the dollar amount for felony vandalism (\$400).

The general contents of this bulletin apply to the members assigned to the Airport Bureau; however, Airport Bureau members will comply with any specific San Mateo County administrative or notification procedures.


WILLIAM SCOTT
Chief of Police

Per DB 20-081, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS. Any questions or clarification regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional guidance about the directive.