



**Audit of City of Milwaukee's
Anti-graffiti Program**

W. MARTIN MORICS
City Comptroller
City of Milwaukee, Wisconsin
January, 2002

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Office of the Comptroller

January, 2002

W. Martin Morics, C.P.A.
Comptroller

John M. Egan, C.P.A.
Deputy Comptroller

Michael J. Daun
Special Deputy Comptroller

Anita W. Paretti, C.P.A.
Special Deputy Comptroller

To the Honorable
the Common Council
City of Milwaukee

Dear Council Members:

The attached report summarizes the results of our audit of City of Milwaukee's Anti-graffiti Program. The main objective of this audit was to evaluate the effectiveness of the City's Anti-graffiti Program. The audit also sought to determine the extent that current statistics are useful in measuring the effectiveness of the Anti-graffiti Program and how it could be improved based on research of programs in other cities. The scope of the audit included interviews of staff in the Departments of Neighborhood Services and Public Works and the Police. The audit also included attendance at meetings of the Anti-graffiti Policy Committee, obtaining familiarity with the computer system used to track graffiti complaints, review of complaint files and available reports and performing research of the anti-graffiti programs in other cities.

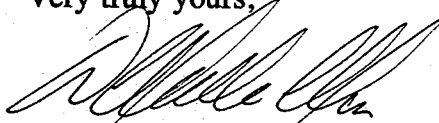
The audit concluded that the City of Milwaukee possesses a strong and active Anti-graffiti Program (Program). The audit also concluded that the City's Program works in a manner that results in low cost to the City and achieves a high degree of voluntary compliance by property owners charged with the responsibility to remove graffiti by City Ordinance. The audit further concluded that the City's Program is actively managed with an involved policy-making body and lead City Department (Neighborhood Services). A number of other Program strengths are presented in the attached audit report. There is a need for better information concerning trends in the location and extent of graffiti over time and the law enforcement and prosecution aspects of the Program. The need for improved information in these areas prevents the Audit from making a conclusion on the specific level of success the Program has achieved.

The audit suggests opportunities for Program enhancement and recommendations for consideration by the Anti-graffiti Policy Committee, the Department of Neighborhood Services and the Milwaukee Police Department.

Audit results and recommendations are discussed more fully in the Audit Questions, Conclusions and Recommendations section of the report. The Department of Neighborhood Services response is also presented in the audit report.

Appreciation is expressed for the cooperation extended to the auditors by the staff of the Department of Neighborhood Services, Police Department and Department of Public Works.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'W. Martin Morics', written over a horizontal line.

W. MARTIN MORICS
Comptroller

AUDIT SCOPE AND OBJECTIVES

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The scope of this audit focused on the City's Anti-graffiti Program administered by the Department of Neighborhood Services (DNS). This audit included interviews with staff members of DNS, the Milwaukee Police Department (MPD), the Department of Public Works (DPW), the Milwaukee Christian Center (MCC), Business Improvement Districts (BID's) and the South Side Organizing Committee. The audit included attendance at meetings of the Anti-graffiti Policy Committee (Policy Committee). The audit included observation of graffiti removal processes used by DPW and MCC. The audit included obtaining familiarity with the DNS computer system and tracing a sample of graffiti complaints through it and to related complaint files. The audit included the review of available reports, billing records and other sources of information relating to the City's Anti-graffiti Program and performing research of anti-graffiti programs of other cities.

The main objective of this audit was to evaluate the effectiveness of the City's Anti-graffiti program. In addition, the audit sought to determine the extent that current statistics are useful in measuring the effectiveness of the Anti-graffiti program and how it could be improved based on research of programs in other cities.

**PROGRAM BACKGROUND,
DESCRIPTION AND FISCAL IMPACT**

PROGRAM BACKGROUND, DESCRIPTION AND FISCAL IMPACT

An Anti-Graffiti Task Force (Task Force) was established in December of 1993 through the concern and active leadership of Task Force members including Common Council members. Prior to that time, there was no organized City anti-graffiti effort. The Task Force was formed because of the belief that graffiti was becoming a serious problem adversely affecting residents' quality of life, business attractiveness and property values in many areas of the city. Gang graffiti was of particular concern because of the atmosphere of fear it was believed to create. The Task Force was directed to assess established programs and efforts relating to graffiti and to develop a plan to coordinate citywide graffiti removal efforts.

In 1994 under the direction of the Task Force, the Department of City Development, Milwaukee Police Department and the Department of Building Inspection developed and implemented an Anti-graffiti Program that involved eradication, enforcement and education (prevention) in response to a growing presence of graffiti vandalism in Milwaukee neighborhoods. As part of the overall Anti-graffiti program, an Anti-graffiti Hotline was implemented. The Anti-graffiti program as established also included the establishment of a retail awareness program concerning the sale of spray paint to minors. Furthermore, the program included the publication and mailing of brochures concerning how to wipe out graffiti and a citizen's response to graffiti, the distribution of free paint to residential owners and subsidizing graffiti removal costs for business owners through a matching grant program.

On August 16, 1995, Section 275-35 of the Milwaukee Code of Ordinances (Code) relating to graffiti abatement became effective. Under this ordinance property owners are responsible for removing graffiti. If a property owner does not remove graffiti the City will cause the graffiti to be abated and the cost of the abatement and a re-inspection fee will be charged against the property. From its outset, City anti-graffiti efforts have focused on graffiti abatement based on voluntary property owner compliance, thus minimizing the level of City funds required.

Section 106-34 of the Code was enacted to prohibit the sale of spray paint and wide-tipped markers to children and outlaws the possession of spray paint and markers by minors. Section 110-15.5 of the Code prohibits the commission of graffiti related vandalism. Each of these Ordinances provides for penalties to offenders of fines of up to \$5,000 or imprisonment of up to 90 days.

Common Council file number 960233 approved June 8, 1996 created section 320-37 of the Code to establish an Anti-Graffiti Policy Committee (Policy Committee), replacing the Task Force. The Committee is responsible for developing and monitoring plans to coordinate citywide graffiti removal efforts and designing programs to reduce the proliferation of

graffiti. The various ordinances relating to graffiti provide the framework for the administration of the City's Anti-graffiti program.

Organizational Structure & Responsibilities

- Anti-Graffiti Policy Committee (Policy Committee) – The Policy Committee is comprised of five members of the Common Council, the Associate Director of the Neighborhood Improvement Project of the Milwaukee Christian Center (MCC) and a Senior Staff Assistant to the Mayor. The Committee meets on a bimonthly basis at the call of the Chair.
- Department of Neighborhood Services (DNS) – DNS is charged with the responsibility for running the City's Anti-graffiti Program. Direct staffing within DNS includes a Special Enforcement Inspector, and a Senior Administrative Specialist (.5 FTE) and a Customer Service Representative II.
- Department of Public Works (DPW) – DPW removes graffiti from all City owned property. DPW utilizes a graffiti-abatement crew consisting of two Bridge and Iron Workers under the direction of the DPW Bridge Maintenance Manager. Additional staffing is provided as needed. Assistance is also provided by DPW - Electrical Services.
- Milwaukee Police Department (MPD) – The MPD makes arrests of graffiti vandals throughout the City relying on patrols and other methods. A police Captain attends Committee meetings and provides assistance in the coordination of anti-graffiti enforcement efforts. The Captain maintains communications with other Police Districts regarding anti-graffiti enforcement activities.
- City Attorney – A Special Deputy City Attorney prosecutes graffiti vandals in Municipal Court in cases in which police issue citations for municipal ordinance violations.
- Milwaukee County District Attorney's Office - prosecutes graffiti vandals arrested for violations of the State anti-graffiti statute. The State statute provides for more severe penalties, including possible incarceration, than do municipal ordinances.

In-house meetings of representatives from DNS, DPW, MPD, and MCC are held to coordinate efforts.

The City also works with various organizations and businesses within the community on graffiti related matters. These organizations include:

- Volunteer groups such as Victory Church and Journey House
- Other government agencies such as the United States Postal Service, Milwaukee County Transit, etc.
- Private business entities such as rail road, waste removal and phone companies
- Neighborhood associations
- Business associations

Under the direction and with the support of the Anti-graffiti Policy Committee, the DNS takes appropriate action for the removal of graffiti. Graffiti removal, for the most part, is the responsibility of property owners in accordance with established ordinance requirements. The DNS notifies property owners about graffiti complaints that have been received and performs property inspections to determine whether graffiti has been removed. Where graffiti has not been removed, DNS issues orders to property owners for graffiti removal and as necessary causes graffiti to be removed by an independent contractor. In these instances, the costs of graffiti removal and a re-inspection fee are charged to the property owner through the tax roll. DNS refers graffiti complaints relating to City owned property directly to the Department of Public Works. DNS refers complaints of graffiti vandalism relating to property owned by other governmental units such as the United States Postal Service directly to the appropriate agency. This program has been designed and developed to be both low cost and practical in relation to the needs of the City. Please reference Exhibit I for more detailed information relating to the graffiti abatement process.

Program Costs

DNS receives funding for the City's Anti-graffiti Program through three sources; the City's Operating Budget, a Special Purpose Account and Community Block Grant Funding. In 2000, available funding from these three sources totaled about \$264,000. Total Anti-graffiti Program costs also include staff time and other costs incurred by DPW and the Police Department. However, Program cost information from these City departments was unavailable. Compared to other cities having an organized anti-graffiti program, the City of Milwaukee's program can be considered a minimum cost, abatement-focused approach.

Volume of Graffiti Complaints and Arrests

There were approximately 4,000 graffiti complaints received and abated in 2000 by DNS. In 2001, DNS has received about 2,600 complaints through August. The MPD received 263 anti-graffiti complaints in 2000. However, information regarding the disposition of these complaints was not reported to the Policy Committee. The Audit also determined that arrest data initially reported by the MPD to the Anti-graffiti Committee for the years 2000 and 2001 was inaccurate. Discussion of this matter with the MPD disclosed that 114 graffiti vandalism arrests were made in 2000 and 162 in 2001 through September of 2001. The MPD subsequently reported the correct arrest data to the Committee.

**AUDIT QUESTIONS, CONCLUSIONS
AND
RECOMMENDATIONS**

AUDIT QUESTIONS, CONCLUSIONS AND RECOMMENDATIONS

Question 1. How effective are the City's Anti-graffiti Program Efforts?

Overall, the Audit concludes that the City of Milwaukee possesses a strong and active Anti-graffiti Program (Program). Given the Program creation in 1993, much has been accomplished with minimal City taxpayer cost. The very existence of an organized, sustained and active City anti-graffiti effort is testimony to the City's program efforts. While "hard data" on graffiti reduction within the City since 1993 was not available to the Audit, the overriding consensus from audit interviews was that there has been a substantial reduction in the level of graffiti in the city over the past eight years. In addition, in 1997 the Anti-graffiti Program received a City innovation award.

The audit further concludes that the City's Anti-graffiti Program is actively managed, with an involved policy-making body and lead City Department (Neighborhood Services). The Audit found a number of effective Program elements including thorough follow-up on complaints received by DNS and a high degree of voluntary compliance by property owners. The need for better information about trends in the location and extent of graffiti over time, and the law enforcement/prosecution aspects of the Program prevent an Audit conclusion on the specific level of success the Program has achieved.

Program Strengths

- **Thorough Abatement on DNS Complaints** – Audit tests showed that virtually all graffiti complaints received and processed by DNS are abated.
- **High Degree of Voluntary Compliance by property owners in abating graffiti** – As noted, the City Program emphasizes property owner voluntary compliance. While this approach generally requires more time to complete the abatement, it also lowers the taxpayer cost of the Program and leaves property maintenance responsibility with the property owner. Fees of \$50 to \$300 are assessed for non-compliance to cover the cost of City abatement (See points below regarding cost and timing.) Of the 28 graffiti complaints in the audit sample involving property owner notification, 20 or 71 percent resulted in owner abatement.
- **Low Cost** – As mentioned above, relative to other comparably sized cities with organized anti-graffiti programs, the City's Program is a minimal cost program. The above fees provide a strong incentive for prevention and keep government costs down.
- **Active, Involved Anti-graffiti Policy Committee** – The Policy Committee directs the Program and encourages co-ordination among City departments, outside agencies and neighborhood organizations. In addition, DNS promotes coordination among City Departments and other agencies through periodic meetings and other communications.
- **Formal Complaint process** – A complaint can be made by a phone call to the graffiti "Hot-line", e-mail, recorded messages on a 24 hours per day, seven days per week basis.

Action taken leading to graffiti abatement is performed in a structured, controlled, and documented manner.

- Program Flexibility – There is a high degree of flexibility in the Program. DNS may decide to order neighborhood sweeps to ensure that graffiti is removed promptly. DNS may give special consideration to the elderly and handicapped whose property is vandalized with graffiti. Property owners may be given one-day orders to remove graffiti in certain instances. Personnel involved with the Program actively consider alternatives and adapt what they determine to be useful in relation to the needs of the City. The Program is enhanced through the efforts and contributions of business associations and community groups resulting in the presence of less graffiti and in lower costs to the City.
- A Special Enforcement Inspector position exists to administer DNS Program efforts.
- A formal DNS “Route Sheet” is used to schedule and report the results of property inspections.
- The DNS computer system is used to track complaints and to record action taken in relation to complaints received. “Route Sheets” are relied on to record the results of field inspections by DNS on the DNS computer system.
- “Order to Correct Condition” – DNS mails property owners formal notification letters and Orders to Correct Conditions (Order) as required. Pictures are taken to document the non-removal of graffiti and support issuing an Order.
- Special Abatement Initiatives – Special efforts have been initiated through the Policy Committee and by DNS with the United States Postal Service, railroad and waste removal companies to address graffiti problems and to abate graffiti.
- DNS works with DPW to remove graffiti from City property.
- The City assists the downtown and other Business Improvement Districts’ efforts to prevent and remove graffiti.
- DNS provides educational presentations, works with various community groups to promote community involvement in graffiti abatement efforts.
- Other Cities have studied Milwaukee’s approach and program development and have expressed high regard for it. A Network Coordinator with Nograp (an Anti-graffiti web site) who previously developed and coordinated the Anti-graffiti program in the City of Rockford, Illinois has commented that “When someone asks me where to look for a model municipal graffiti program, my answer is always, without hesitation, Milwaukee”.

Opportunities for Program Enhancement – Policy Committee, DNS and DPW

- The Audit sampled 28 completed complaints processed by DNS for 2000 and 2001 through April. The average elapsed time from complaint receipt to the recording of the abatement totaled 32 days. The Audit could find no public or internal management goal setting out the standard for “timely” abatement. Successful graffiti abatement efforts in downtown Milwaukee have shown that the time required to abate graffiti vandalism is critical to its long-term reduction. This 32 day average time required for abatement is

related to the voluntary, low-City-cost approach mentioned above. Therefore, the Audit does not conclude that this time period is excessive.

- DNS does not record the result of graffiti complaints it refers to DPW or other government agencies (Milwaukee County, US Postal Service, etc.) on its computer system. Once a complaint has been referred out of DNS it is considered "completed" by DNS regardless of its outcome.
- The Audit could not determine the extent of Anti-graffiti educational efforts. Event specific information on the nature and extent of these efforts is not readily available, or provided to the Policy Committee. Also, the Audit noted several Anti-graffiti Program initiatives implemented by DNS, but could find no formal evaluation comparing the extent of success or failure of the pilot efforts DNS has attempted.

Opportunities for Program Enhancement – MPD and District Attorney

- The MPD reports the number of arrests to the Policy Committee at each meeting. However, the Audit found that MPD under-reported graffiti arrest totals for the year 2000 and 2001. This error was related to using an incorrect query to obtain arrest results. The MPD has since corrected this arrest information. Also, data from MPD was generally unavailable regarding the disposition or final result of graffiti complaints made directly to the MPD or complaints received by MPD from DNS or other entities. However, information concerning the disposition of prosecution results is available on the Internet and could therefore be accessed and reported to the Policy Committee. Please refer to Exhibits III and IV for summaries of prosecution results relating to adults charged with graffiti vandalism under either municipal ordinances or State statutes in 2000.
- The Milwaukee County District Attorney's Office does not provide the City or MPD with the results of City graffiti arrests or its prosecution efforts, notification of court hearings relating to graffiti vandalism cases or cases reduced to an ordinance violation and referred to Municipal Court. Apparently, the MPD arrest information and the District Attorney's case files are resident on separate databases which are not inter-faced.
- There are indications that some MPD anti-graffiti law enforcement efforts are not well understood in the community. For example, MPD indicated that it will accept criminal graffiti complaints from business improvement districts (BIDs). However, BID representatives interviewed during the Audit were unaware of this.
- MPD sergeants have access to digital cameras. However, it is not clear whether this equipment is used to photograph graffiti vandalism for intelligence gathering efforts. The MPD has demonstrated that the use of a digital camera and printer to investigate graffiti crime is an effective tool in enforcement. The audit concurs that such equipment could be effective in identifying graffiti vandalism committed by the same "tagger" or tag crew in different places. Also, this equipment could be used to receive graphic transmissions of graffiti vandalism from DNS.

Other Points for Consideration by DNS

- The DNS Special Enforcement Inspector receives clerical assistance from various individuals in the DNS clerical pool. No one individual was assigned to this duty. This results in a loss of efficiency due to a lack of knowledge of the special requirements of the anti-graffiti program. As a result, the Special Enforcement Inspector consumes a significant portion of time performing clerical duties.
- Invoices for City payment to community agencies (Milwaukee Christian Center and BID districts) for anti-graffiti activities often lack sufficient support information. Information needed includes the addresses of properties abated, labor time and materials expended, etc.
- DNS does not have a policy and procedure manual describing its anti-graffiti complaint abatement process.

Question 2. How Useful is Current Information Produced for City Officials in Measuring the Status & Effectiveness of the Anti-graffiti Program?

Major Information & Reporting Strengths

- DNS provides monthly and year-to-date statistics on complaints received with comparative statistics for the previous year.
- MPD submits a separate report of criminal damage graffiti offenses and arrest information on a year to date basis at each Policy Committee meeting. However, trends pertaining to arrest information are not presently reported to the Committee by the MPD.
- The Municipal Court occasionally submits a statistical report summarizing prosecution results in its court.
- A monthly report to the Community Block Grant Agency from DNS provides the number of complaints processed, inspections performed, referrals to outside agencies, and educational presentations made within the Block Grant area. (Little if any analysis of the significance or trends in these data is regularly presented.)
- DNS provides reports concerning complaints by aldermanic and police district to Council members. These reports seem to provide useful information but are not provided to the Committee as a whole.

Opportunities for Enhancement: Information & Reporting: DNS and DPW

- Information on the time elapsed between graffiti complaint and abatement was generally unavailable. This was true for complaints processed by DNS, those referred by DNS to DPW and criminal complaints received by the MPD. Since the timeliness of abatement is critical to avoiding repeat graffiti vandalism, this information would give added insight to overall Anti-graffiti Program effectiveness. Likewise, the percentage of DNS complaints abated and trends in the incidence of graffiti in specific areas of the City could be extracted from the DNS computer system but are currently not reported.

- DPW does not provide information tracking its follow-up on anti-graffiti complaints on City property referred to it by DNS.
- No routine, formal assessment on the status, accomplishments and plans for the Citywide Anti-graffiti Program is presented to the Policy Committee. Also, many reports are provided to the Policy Committee independently by several departments. As a result, their formats are inconsistent and reporting periods covered often differ, making the reports more difficult to interpret and analyze.

Opportunities for Enhancement: Information & Reporting: MPD/District Attorney

- The MPD reports criminal damage offenses and arrests, but the percentage of arrests leading to convictions is not reported. No prosecution results are provided for the Policy Committee by the County District Attorney's Office.
- Routine reports from MPD do not track individual complaints to their corresponding arrest and prosecution results. Doing so would allow analysis and reporting of the ultimate outcome for a given group of graffiti complaints. Nor does the MPD report complaints received to DNS for follow-up and abatement.

Recommendations for Consideration by the Anti-graffiti Policy Committee

1. Maintain the Current High Level of Common Council Leadership and Active DNS Involvement. Above all other items discussed in this Report, these factors are crucial to the continued success of the City of Milwaukee's Anti-graffiti Program.
2. Request that DNS work with DPW, MPD and the Milwaukee Christian Center to develop an Annual Anti-graffiti Status Report & Action Plan. This Annual Report would be submitted to the Policy Committee early in the calendar year for the year just completed to provide:
 - An overall assessment of the extent of graffiti – city-wide and in selected areas
 - A summary of the trends, initiatives & progress made over the past year to prevent and abate graffiti,
 - An update of the Program goals and measurable objectives for the coming year,
 - Actions to be taken over the coming year to further these goals and objectives.
 The last two points above would be developed with the help of guidance and discussion from the Policy Committee.
3. Request that DNS work with DPW, MPD and the Milwaukee Christian Center to consolidate and streamline existing reports to the Policy Committee. The audit makes a series of recommendations concerning reporting as stated below. Based on limited staffing available to DNS, it may wish to implement some of the reporting enhancements now, combine or otherwise streamline proposed reports and defer others to the future. The focus should be to make the reports as readable and understandable as possible while

providing the analysis sought and requested by the Policy Committee in past meetings. Enhancements that could be considered include:

- Either consolidate the individual agency reports into a single report or use a consistent format covering the same time periods to ease interpretation of the information. For example, report the incidence of graffiti-complaints, referrals, arrests, abatements, etc, since the last Policy Committee meeting in a consistent, easy to understand format – graph, Geographic Information System (GIS) map, etc. for all reporting departments and agencies.
- Provide a summary of prosecution results in Circuit Court and Municipal Court. This data can be obtained on the Internet using arrest information available from the MPD. Report statistics on the status and disposition of all criminal referrals to MPD.
- Report the result of abatement referrals to DPW and other agencies including completion dates. Record completion dates on the DNS computer system.
- Report the average elapsed time from complaint filing to the date of abatement.
- Show the extent of voluntary property owner abatement of graffiti and the percentage of graffiti complaints involving repeat graffiti vandalism.
- Report all restitution received from graffiti including restitution ordered by the Milwaukee County Circuit or the Milwaukee Municipal Court.
- Track and report information on the extent and success of anti-graffiti abatement education efforts.
- Clarify and provide instructions to BID representatives concerning the proper protocol to file criminal damage complaints with the MPD.

Please reference Exhibit II for sample reports to address some of the needs identified above. Graphical information such as that produced by DNS for the November 16th meeting of the Policy Committee is an excellent example consistent with this recommendation.

4. Consider establishing a time period goal regarding the average time between complaint and final recording of abatement. Report the actual average time to the Policy Committee.
5. Consider establishing a simple Graffiti Status Monitoring System to measure the trends in the extent of graffiti within the City over time. This would involve identifying a cross-section of targeted indicator locations throughout the city (frequently vandalized blocks, public buildings, prominent thoroughways, etc.). Such a system would involve surveying and “scoring” the existence and extent of graffiti at each of these locations on a semi-annual or annual basis.

6. Other Audit Recommendations

- DNS should designate a specific individual to assist the Special Enforcement Inspector with clerical and secretarial responsibilities.
- DNS should require additional information to substantiate the accuracy and completeness of billings received from MCC and BID's as identified above. DNS should develop an Anti-graffiti Policy and Procedure Manual describing its anti-graffiti activities.
- The MPD should consider whether the transfer or acquisition and utilization of a digital camera and printer dedicated to investigative work involving graffiti vandalism would be useful. If the MPD determines that such equipment would be useful, the equipment used should be able to communicate with the computer system used by DNS.

Question 3. Are there features of anti-graffiti programs in other Cities that could enhance Milwaukee's Anti-Graffiti program?

The audit included a review of available information regarding anti-graffiti activities in other cities. The audit concluded that there are opportunities to improve the City's graffiti abatement program based on programs established in other cities.

Recommendation Concerning DNS Surveys

7. During the course of the audit, DNS performed a survey of all graffiti incidents in a selected area of the City's eastside. This area had a high incident rate of graffiti. The survey resulted in issuing letters to property owners and making referrals for the removal of all graffiti identified. A similar survey is being planned for the City's southside. This type of survey is similar to the use of zero tolerance zones established in other cities. In such zones graffiti is not tolerated and is removed quickly. The establishment of zero tolerance zones typically involves constant monitoring and taking action to remove graffiti without cost to property owners. The audit commends DNS for performing the recent eastside survey and recommends that DNS (as staffing time permits) continue to perform surveys to identify and remove all graffiti in defined areas of the City. The audit also recommends that surveys of defined areas of the City be repeated to keep such areas graffiti free and to serve as a monitoring tool to determine whether graffiti is increasing or decreasing. DNS may also wish to consider issuing orders for correction of other public nuisances or code violations that are noticed during the performance of surveys.

Recommendations for Future Consideration – Milwaukee Police Department

8. The MPD should consider offering rewards to citizens that provide assistance in the apprehension and conviction of graffiti vandals. Rewards are used in number of other cities including Phoenix, Arizona and San Francisco, California.
9. The MPD may wish to consider establishing a web site to publish a list of prosecution results. This has been done in San Francisco, California.
10. A number of other cities including San Jose, California have reported the successful use of anti-graffiti squads. The MPD formerly had an anti-graffiti squad. This squad was discontinued in 1997. It is not clear why the City's anti-graffiti squad was discontinued. Reported police graffiti arrests dropped from 161 in 1998 to 153 in 1999 and to 114 in 2000. The MPD states that it currently has a dedicated anti-graffiti squad operating out of the Second District at 245 West Lincoln Avenue. This squad is responsible for the investigation and enforcement of graffiti related crimes. This squad has been in operation since March of last year and investigates graffiti crimes in other districts. There have been 162 graffiti arrests through September 30th 2001. There appears to be a correlation between the increase in the number of arrests and the reinstitution of the anti-graffiti squad. The MPD should consider closely monitoring the impact of the anti-graffiti squad through arrest information and report the results attained by police district to the Committee.

The Policy Committee should be recognized for continuing to work for legislative change to increase penalties associated with graffiti vandalism. The State of Wisconsin recently passed legislation raising the threshold for graffiti vandalism to be considered a felony from 1,000 to \$2,500. A number of other states and cities including California, Phoenix, Arizona have substantially lower thresholds. The Policy Committee has contacted State legislators regarding reduction of the threshold.

DNS should likewise be recognized for beginning a program under which community groups take responsibility for the removal of graffiti in specific areas of the City similar to programs in other cities including Denver, Colorado and San Jose, California. DNS should continue this program and expand it as feasible.

EXHIBITS

Exhibit I

Program Description

Graffiti abatement programs throughout the nation revolve around the three "E's": education, eradication and enforcement. DNS has the primary responsibility for coordinating educational initiatives and eradication of graffiti. DPW is responsible for the eradication of graffiti on City owned property. The MPD and the court systems have primary responsibility for enforcement.

Eradication

DNS maintains a graffiti complaint hotline to report acts of graffiti vandalism. The hotline is staffed during established business hours. Complaints can also be made after hours by leaving recorded messages or e-mailing the City. DNS accepts graffiti complaints from anyone who observes graffiti. A receptionist records information relating to a complaint using the Neighborhood Services computer system. The system assigns a complaint number and records the date and time that a complaint was received and the name of the receptionist who received the complaint. The receptionist obtains and records the property address, location of graffiti, source of complaint, whether the complainant is the owner of the property, whether confidentiality has been requested, and an open status on the computer system. The system adds information pertaining to tax-key number, census tract and ownership information. The receptionist prints out a complaint form and provides it to a secretarial pool employee.

The secretarial staff employee using the computer system enters information on the complaint form, including property address, to identify whether a complaint already exists. If there is a pre-existing complaint, the most recent complaint recorded is cancelled. Otherwise, the secretary proceeds to generate an Advisory Letter notifying the property owner that he/she must have graffiti removed within three days. Additional time may be allowed during winter months. At other times, if graffiti is bad enough, the property owner may be allowed a single day to remove it. If the property owner is elderly or handicapped, DNS will cause the graffiti to be eradicated without charge. The secretary changes the complaint status to indicate that an Advisory Letter is being sent out. The system dates and timestamps the transaction identifying the secretary making the change. The system then generates two copies of the Advisory Letter, that now includes information relating to property owner, owner address, address and location concerning where graffiti is located, and the number of days allowed to abate graffiti. A copy of the letter is mailed to the property owner. The second copy is provided to the Special Enforcement Inspector.

The Special Enforcement Inspector performs field inspections relying on the Advisory Letters described above, Orders to Correct Conditions (described later), Aldermanic Service Requests and notifications from Building Inspectors and other City departments. Copies of these letters, etc. are placed in census tract order. The Special Enforcement Inspector establishes a routing schedule based on the census tract and location of graffiti. Each property is then visually inspected to verify the existence of graffiti or to verify that it has been removed. The result of each inspection is summarized on a Daily Activity Report (DAR). Where corrective action has been taken and graffiti has been satisfactorily removed, appropriate notation is made on the DAR. Where graffiti has not been removed a Polaroid picture of it is taken and attached to the appropriate documentation. With respect to Orders to Correct Conditions, pictures have been previously attached to the Advisory Letters. Incidents involving a lack of abatement are also recorded on the DAR. Additional comments are added to the DAR. Information pertaining to the number of inspections, time to inspect, date of inspection and Inspector is also recorded on this report.

The Special Enforcement Inspector uses the information obtained from field inspections to update the computer system. Referrals are made to DPW, the MCC and other entities for the physical removal of graffiti. The MCC abates graffiti and forwards invoices and proof of abatement to DNS. DNS verifies that invoices are accurate and pays them. DNS also updates the computer system to close a complaint when graffiti has been abated. Charges for the abatement of graffiti paid to the MCC are placed on the tax roll with a re-inspection fee.

DPW is responsible for the removal of graffiti from all publicly owned property including bridges, buildings, streets, alleys, police call boxes, etc. DNS notifies DPW of the type and location of graffiti by fax. DPW has a two-person crew that responds to these notifications from DNS. DPW abates graffiti using a soda blaster, black beauty and various solvents. Upon completion of graffiti removal, DPW staff will write the date that graffiti was removed on the notification faxed by DNS. Completed notifications or work orders are then filed and maintained by DPW. DNS is not notified that work has been completed.

In addition to making referrals to DPW, DNS also makes referrals to other agencies and businesses including the United States Postal Office, Milwaukee County Transit System, Milwaukee County Parks, Milwaukee Metropolitan Sewerage District, Ameritech, various rail road companies, etc. DNS is not typically notified that graffiti has been removed by such agencies or businesses and does not perform inspections to verify that graffiti has been removed.

DNS has a working relationship with about 12 business associations in the City. Based on provisions of signed agreements with these business associations, the City will provide reimbursement of 50 percent of removal costs up to a maximum of \$5,000. Many of these business associations also abate graffiti on public property using their own funds. Periodically, BID's submit letters requesting reimbursement from DNS for graffiti removal costs. Attached to the BID's letter is an invoice from the contractor that removed the graffiti and a copy of the cancelled check used by the BID to pay the contractor.

Education

DNS undertakes a variety of initiatives relating to educating the public about the City's graffiti abatement program. Presentations are made to and involve the Milwaukee Public Schools and other groups:

- National Council to Prevent Delinquency
- Keep Greater Milwaukee Beautiful
- Business associations
- Landlord associations

DNS presentations include the annual spring kick-off in May of each year. This event includes activities involving the Milwaukee Public Schools, speeches by City officials and media coverage.

DNS publishes brochures providing citizens with information on the anti-graffiti program including how to report graffiti. This information is also available on the DNS web site. DNS also publishes a brochure that provides information on methods of removing graffiti, as well as information on where to obtain graffiti removal supplies. The MPD also distributes fliers regarding graffiti to students and property owners and sends cards to retailers concerning their responsibilities with respect to the sale of spray paint, markers and other supplies that could be used for graffiti.

Educational activities also include visits to area businesses to familiarize them with City ordinance requirements regarding the sale of spray paint, markers and other supplies that could be used in graffiti vandalism.

Enforcement

The MPD is responsible for arrests of graffiti vandals. The Milwaukee County District Attorney's Office is responsible for the prosecution of graffiti vandals arrested under state statutes. The City Attorney's Office is responsible for prosecution in Municipal Court of graffiti vandals who are issued municipal citations. The Milwaukee County District Attorney's Office has the discretion to reduce state statute charges to municipal citations and to refer them to the City Attorney.

State Statute Chapter 943.017 establishes the penalties for graffiti offenses. Graffiti causing property damage greater than \$2,500 is a Class D felony. Graffiti causing property damage less than \$2,500 is a Class A misdemeanor. Officers also have the discretion to charge graffiti vandalism as a municipal offense, in accordance with Section 110-15.5 of the City's Code of Ordinances.

The MPD accepts complaints of graffiti vandalism from property owners. The MPD can only accept complaints from property owners in order to be able to prosecute the person responsible for graffiti. Property owners must file complaints with the MPD to be eligible for restitution if the perpetrator is convicted.

MPD conducts surveillance operations to apprehend graffiti vandals. MPD also receives information from DNS, DPW and the MCC regarding locations in which graffiti activity is occurring or is expected.

Proposed Reports

- **Consolidated Report of DNS Complaints, MPD Criminal Damage Complaints and Arrests and Court Prosecution Results (Municipal and Criminal)**
Content Description – DNS complaints by month and year to date with comparative statistics for the prior two years, MPD complaint and arrest statistics, and the results of prosecution efforts by both the Municipal and Circuit Courts.
Purpose – Provide combined statistics to show the relationship among complaints, arrests, and prosecution results at a glance rather than relying on separate reports and information not currently provided by the Circuit Court.
Frequency – At each Policy Committee meeting
Distributed to – The Policy Committee
Data Source – Statistics compiled by City Departments and results of prosecutions in Municipal Court and Circuit Court as reported on the Internet
- **Summary of Educational Presentations Made and Inspections at Area Retailers**
Content Description – Identification of presentations provided, audience reached, number of participants and emphasis of presentation. This report should encompass all presentations and inspections made including schools, landlords, business associations, representatives from other cities, area businesses, etc.
Purpose – Provide the Policy Committee with a more complete understanding of the educational presentations made by DNS and the MPD.
Frequency – At each Policy Committee meeting
Distributed to – The Policy Committee
Data Source – Departmental records
- **Report of Voluntary Compliance by Property Owners with Ordinance Requirements, Repeat Graffiti Incidences and Comparison of Incidents Involving Real Property Compared to Street Furniture**
Content Description – A statistical report that shows information on trends to measure cooperation from the public, rate of repeat vandalism and type of vandalism occurring
Purpose – Provide the Policy Committee members and management with information concerning trends pertaining to voluntary compliance, repeat vandalism and type of property damage
Frequency – At each Policy Committee meeting
Distributed to – The Policy Committee
Data Source – DNS computer system with modifications

- **Report of Restitution Received through the Circuit Court or by the MCC**

Content Description – Summary of restitution ordered and recovered

Purpose – Provide a measure of effectiveness in one area of enforcement

Frequency – At each Policy Committee meeting

Distributed to – The Policy Committee

Data Source – Milwaukee County Circuit and Municipal Courts

- **Report of Timeliness in Abating Graffiti**

Content Description – This report would provide information concerning the time required to abate graffiti and include DPW referrals and referrals to other agencies

Purpose – Provide information on the length of time elapsed from when a complaint is received until graffiti is abated

Frequency – Prior to each Policy Committee meeting

Distributed to – Attendees at in-house meetings including representatives from the MPD, DPW, MCC and DNS management

Data Source – DNS computer system with modifications

City of Milwaukee
Audit of Anti-Graffiti Program
Year 2000 Adult Municipal Ordinance Arrests

<u>Individual</u>	<u>Arrest Date</u>	<u>Prosecution</u>	<u>Verdict</u>	<u>Penalty</u>
1	5/16/00	Yes	Guilty	\$651 fine
1	5/16/00	No	N/A	N/A
2	3/27/00	Yes	Guilty	\$651 fine
3	4/26/00	Yes	Guilty	\$651 fine
3	4/26/00	No	N/A	N/A
3	4/26/00	No	N/A	N/A
4	3/31/00	Yes	Guilty	\$651 fine
5	11/28/00	Yes	Guilty	\$651 fine
6	9/6/00	Yes	Guilty	\$651 fine
6	9/6/00	No	N/A	N/A
7	9/29/00	Yes	Guilty	\$1,000 fine
8	5/26/00	Yes	Guilty	\$331 fine
9	7/26/00	Yes	Guilty	\$651 fine
9	7/26/00	No	N/A	N/A
10	2/11/00	Yes	Guilty	\$331 fine
11	11/12/00	No	N/A	N/A
12	3/27/00	Yes	Guilty	\$331 fine
13	3/15/00	Yes	Guilty	\$331 fine
14	11/22/00	Yes	Guilty	\$658 fine
15	11/22/00	No	N/A	N/A
16	10/20/00	No	N/A	N/A
17	12/5/00	Yes	Guilty	\$651 fine
18	12/5/00	Yes	Guilty	\$651 fine

Summary:
 23 arrests of 18 individuals
 15 prosecutions
 15 convictions

**City of Milwaukee
Audit of Anti-Graffiti Program
Year 2000 Adult State Statute Arrests**

<u>Individual</u>	<u>Arrest Date</u>	<u>Prosecution</u>	<u>Verdict</u>	<u>Penalty</u>
19	2/22/00	Yes	Guilty	\$500 fine
20	2/13/00	Yes	Guilty	12 months' probation, 60 days in House of Correction, 50 hours community service
20	2/13/00	No	N/A	N/A
20	2/13/00	No	N/A	N/A
21	7/9/00	Yes	Guilty	\$400 fine
22	7/9/00	Yes	Guilty	\$400 fine
23	8/21/00	No	N/A	N/A
24	8/27/00	No	N/A	N/A
24	8/27/00	No	N/A	N/A
24	8/27/00	No	N/A	N/A
24	8/27/00	No	N/A	N/A
24	8/27/00	No	N/A	N/A
24	8/27/00	No	N/A	N/A
25	8/27/00	Yes	Guilty	12 months probation, 75 hours community service, \$75 fine
25	8/27/00	No	N/A	N/A
25	8/27/00	No	N/A	N/A
25	8/27/00	No	N/A	N/A
25	8/27/00	No	N/A	N/A
26	10/28/00	No	N/A	N/A
27	11/8/00	No	N/A	N/A
28	11/8/00	No	N/A	N/A
29	4/24/00	Yes	Dismissed	N/A
29	4/24/00	No	N/A	N/A
29	4/24/00	No	N/A	N/A
29	4/24/00	No	N/A	N/A
30	4/19/00	Yes	Trial scheduled 1/17/02	
30	4/19/00	No	N/A	N/A
30	4/19/00	No	N/A	N/A
30	4/19/00	No	N/A	N/A
31	10/9/00	No	N/A	N/A
32	8/27/00	Yes	Guilty	18 months probation, 5 months in House of Correction, 60 days community service, \$75 fine
32	8/27/00	No	N/A	N/A
32	8/27/00	No	N/A	N/A
32	8/27/00	No	N/A	N/A
32	8/27/00	No	N/A	N/A

Summary:
37 arrests of 14 individuals
8 prosecutions
6 convictions

DEPARTMENT RESPONSES



Department of Neighborhood Services
Inspectional services for health, safety and neighborhood improvement

January 10, 2002

Martin G. Collins
Commissioner

Schuyler F. Seager
Deputy Commissioner

Mr. Wally Morics
Comptroller
Office of the Comptroller
Room 404, City Hall

ATTENTION: Mike Daun

Dear Mr. Morics:

REGARDING: Anti-Graffiti Audit

Thank you for the opportunity to comment on the audit of the anti-graffiti program. My overall reaction is that your staff has done a very comprehensive effort at looking at a program that has many elements performed by multiple agencies. At the outset of the audit, I indicated that we welcomed it as you had proposed that it would be for constructive purposes. I feel that is the method and the tone with which the audit has been performed and we thank you for the constructive suggestions that have been made as a result.

The Department of Neighborhood Services (DNS) graffiti enforcement effort has been recognized by your audit as having been able to accomplish a great deal with a very small amount of resources. Unlike other cities that have many full time staff dedicated to this problem, the department has a mere 1½ enforcement positions dedicated to this process. We feel, and you appear to concur, that we have used those resources effectively in combating the problem that we confront.

Recommendations already being acted upon.

1. Audit Recommendation: Obtain additional detail from Milwaukee Christian Center and the business improvement districts in relationship to itemizing the cost of each job on the invoice. Meetings have already been set up with MCC to work out the details and agreement in concept has already been reached.
2. Audit Recommendation: Provide additional reports to the Common Council Anti-Graffiti Policy Committee. At this point, the one additional report that is in process of being incorporated is a mapping program to show graffiti trends and occurrences so that a visual evaluation can be made by committee members as to where the problem exists.

Mr. Wally Morics
January 10, 2002
Page Two

Comments on other recommendations.

1. You have listed an opportunity for a program enhancement of the setting of a standard for abatement timeliness. In that section, you noted that 28 completed complaints were sampled. The system used to track the number of days to abate the violations as described in your audit was set up for complaint tracking and not for abatement tracking. Our effort and documentation was designed to ensure that follow-up was completed and not to track the number of days to do this. The system has now been altered to allow for timeliness tracking. DNS does have an internal standard for a number of days for reinspection after the issuance of an advisory notice and for the reinspection after order issuance. The standard is seven days after each of those reinspections. The number of days it takes to abate by our contractors or by owners can vary widely with weather conditions and work backlog. We have no problem with setting a standard for those actions under our control. We will monitor the timeliness of actions by our contractors for problems.
2. The audit states that DNS does not record the results of graffiti complaints that it refers to DPW and other governmental agencies and recommends that it should do so. Contrary to the audit, DNS does not consider the complaints to be completed once we turn them over to other agencies. This is evidenced by the fact that subsequent complaints on the same graffiti are handled through an informal enforcement by persuasion system with those agencies. While it is true that we do not follow-up to see whether they have completed their work, it is our position that this would be redundant in many cases and would not be a cost efficient use of our limited resources. Additionally, DNS has no legal ability to abate graffiti on other governmental buildings. The Committee has clear evidence that DNS does follow up on these issues as our department has worked to bring this issue to the Committee's attention whenever a problem existed.
3. The audit states that auditors could not determine the extent of the anti-graffiti educational efforts. DNS could attempt to estimate the number of people attending educational events if the Committee wishes us to collect the data. Please see my subsequent comments on suggestions for additional recordkeeping.

Mr. Wally Morics
January 10, 2002
Page Three

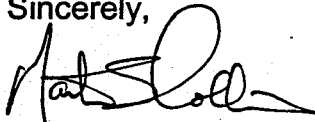
4. The audit states that DNS lacks a manual on the program. DNS does have manual on the program and it is not clear what information that the auditors thought we should add. I speculate that the complaint intake information, which is located to elsewhere, is what was being referred to. DNS will include the complaint intake information into the manual for graffiti. A copy of this audit will also be included in the manual. Any additional specific recommendation on what is lacking is welcome.

Recommendations for additional documentation and recordkeeping.

DNS has 1½ enforcement positions plus clerical time dedicated to this problem. A number of the recommendations made in the audit would take resources away from our current ability to enforce the code in the field. If the Committee feels that they need additional information to carry out their duties over and above the reports that are currently being provided to them by DNS, we will work to comply with the Committee's request. However, this is a "guns or butter" issue. The time that DNS spends on preparing additional reports will be time that will come from enforcement time in the field. Compared to other cities we have a very small amount of staffing to carry out this responsibility. The impact of shifting some of the resources from enforcement to documentation, recordkeeping and monitoring would be quite noticeable. DNS does not currently have additional resources to dedicate to carrying out these recommendations in the audit without having an adverse impact on our ability to enforce the code.

Thank you again for the over nine month effort by your department to analyze and improve the program. I look forward to the presentation of the audit to Anti-Graffiti Policy Committee.

Sincerely,



Martin G. Collins
Commissioner

c Alderwoman Suzanne Breier
Sharon Blando
Roger Cortez
Candace Maynard
Jim Morawetz
Skip Seager



Police Department

Arthur L. Jones
Chief of Police

January 16, 2002

W. Martin Morics, Comptroller
City of Milwaukee
200 E. Wells Street, Rm. 404
Milwaukee, Wisconsin 53202

Dear Mr. Morics:

I have reviewed the proposed "Anti-Graffiti Program Audit" draft, and for the most part agree with the "Organizational Structure and Responsibilities" outlined within. Some areas have been changed to better describe the Police Department's role and responsibility in this program.

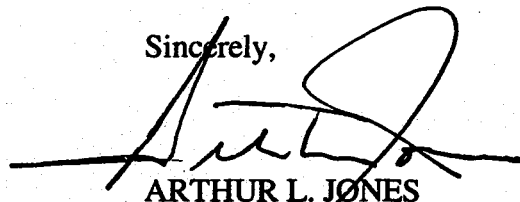
An update to the final number of adult and juvenile graffiti arrests for the year 2001 will follow very soon. Our records indicate that between January 1 and September 30, 2001 there were 162 graffiti related arrests.

Attached is a sheet containing the annotations of the changes to the proposed draft. The proposed changes are arranged by page number, paragraph or bullets and contain the original language in strikethrough text, with my response highlighted in yellow.

The police department will continue to enforce city and state laws governing graffiti related vandalism. We will seek to prosecute all individuals responsible for the destruction of property. Graffiti is a serious crime that creates disorder and diminishes our sense of security in our city. I offer my full cooperation in this important matter and look forward to working together to reduce graffiti in Milwaukee.

If you have any questions, please contact Captain Robert Puente of District Two (935-7220) or Sergeant Herman Z. Resto of the Crime Analysis Section (935-7831).

Sincerely,



ARTHUR L. JONES
CHIEF OF POLICE

Page 3, Paragraph 1

~~The Audit could not verify the 84 arrests reported by the MPD to the Anti-graffiti Committee for the year 2000. The MPD made graffiti related 62 arrests in 2001 through August of 2001.~~

For the year 2000, the MPD reported 114 verifiable graffiti related arrests. The MPD has also provided a list containing the name, date of birth, age, and sex of adult offenders, as well as officer district, payroll number and issuance of citation or arrest date. The list also describes the charge and citation or booking number as well. The list is useful for tracking the disposition of each individual through the Consolidated Court Automation Programs (CCAP) for state charges, and Municipal Court Case Information Records for city charges (internet).

The MPD made 162 graffiti related arrest in 2001 through September 30th of 2001.

Page 4, Paragraph 2, bullet 3

~~The MPD reports the number of arrests to the Committee at each Committee meeting. However, the Audit could not verify the MPD reported arrest totals for the year 2000 (unless provided after 10/29). Also~~

Data from MPD was generally unavailable regarding the disposition or final results of graffiti complaints made directly to the MPD.

Page 5, Paragraph 2, bullet 5

~~The MPD does not presently have a dedicated digital camera and printer to investigate graffiti crime.~~

The MPD does not presently have a dedicated digital camera and printer to investigate graffiti crime. However, every district has a digital camera available for use by a primary patrol sergeant or authorized member for documenting squad accidents, property damaged caused by police intervention, stolen property returned to owner, and other relevant items (General Order NO. 2001-23).

If used to document graffiti, the cameras can be interfaced with a computer and the images can be archived to a hard drive. The archived images can be viewed or printed at a later time. Such images can be used as documentation and prosecutable evidence that demonstrate style or signature of a "tagger" or graffiti vandal. At this time there is no graffiti related images database.

Page 7, Paragraph 2, bullet 1

~~Through MPD, obtain prosecution results from the District Attorney (DA) and Municipal Court.~~

Through Open Records, obtain prosecution results from Circuit Court Records and Municipal Court Records.

Page 9, Paragraph 2, section 6

~~While the number of DNS graffiti complaints has remained relatively constant during the past few years police arrests for graffiti dropped from 161 in 1998 and 153 in 1999 to 84 in 2000. There have been 62 arrests through August of this year.~~

While the number of DNS graffiti complaints has remained relatively constant during the past few years police arrests for graffiti dropped from 161 in 1998 and 153 in 1999 to 114 in 2000. There have been 162 arrests through September 30th of this year.

The MPD currently has a dedicated Squad (626A) operating out of the Second District at 245 W. Lincoln Ave. This squad is responsible for the investigation and enforcement of graffiti related crimes. The squad has been in operation since March of 2001, and does investigate graffiti crimes in other districts.
