COUNCIL AGENDA: 08-13-13
ITEM: 5.3

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Toni J. Taber, CMC
Acting City Clerk

SUBJECT: **SEE BELOW**

DATE: 08-01-13

SUBJECT: AUDIT OF GRAFFITI ABATEMENT

RECOMMENDATION

As recommended by the Public Safety, Finance, and Strategic Support Committee on June 20, 2013 and outlined in the attached memo previously submitted to the Public Safety, Finance, and Strategic Support Committee, accept the Audit of Graffiti Abatement.

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Office of the City Auditor

Report to the City Council
City of San José

GRAFFITI ABATEMENT: IMPLEMENTING A COORDINATED APPROACH

Report 13-08
June 2013

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Office of the City Auditor
Sharon W. Erickson, City Auditor

June 13, 2013

Honorable Mayor and Members
Of the City Council
200 East Santa Clara Street
San José, CA 95113

Graffiti Abatement: Implementing a Coordinated Approach

The City of San José's Anti-Graffiti Program resides in the Department of Parks, Recreation and Neighborhood Services (PRNS). Its mission is to "beautify San José by preventing and removing graffiti through Community Involvement, Eradication and Enforcement". In June 2011, the City outsourced graffiti removal services to Graffiti Protective Coatings (GPC). The objective of our audit was to review the changes in the City's Anti-Graffiti Program before and after outsourcing, the impacts of outsourcing on the Program, the overall effectiveness of the Program, contractor performance, and concerns about the methodology used in the Citywide Graffiti Survey.

Finding 1: The Contractor Provides Quality Graffiti Removal Services; Ongoing Monitoring Is Needed. The contractor removes graffiti in San José and provides a number of improvements to the previous service delivery model, including a web-based work order management system, a graffiti hotline, a smartphone app (San José Clean), and paint-matching services. Since 2011, the contractor has completed over 80,000 work orders, and 3.6 million square feet has been painted or cleaned. This includes contractor sweeps of graffiti hotspots and responses to service requests. Using a "restorative" approach that paints entire surfaces, the contractor is painting more surface area per month than was covered under the old system that exclusively painted-out the graffiti. With respect to contractor performance, people who have requested services are overwhelmingly satisfied. Although the ambitious graffiti removal timelines of 100 percent abated within 24 to 48 hours are not always being met, graffiti removal has been prompt, in spite of having fewer crews than before. However, the City will likely have spent over 50 percent of the total contract in the first 2 years of the 5-year contract term. Possible reasons include: more graffiti, increased reporting of graffiti, and the contractor's restorative approach, which increases the square footage of abatements. Under direction of Program staff, 41 percent of this work has been completed outside of the geographical areas specifically assigned to the contactor.

Finding 2: The Anti-Graffiti Program Needs to More Effectively Involve Property Owners and Other Agencies. The San José Municipal Code holds property owners responsible for maintaining graffiti-free property. However, the City is currently removing graffiti from public and private properties that can easily be reached from the street. The City is doing this in the interests of removing graffiti quickly, without notifying or obtaining consent from owners, which is required by the Municipal Code and contract, even though some owners may be willing and able to remove the graffiti themselves. Moreover, many sites are being abated numerous times. The City could require owners to remove graffiti and/or potentially seek reimbursement, but the process for Code Enforcement recourse

is circuitous and leads to graffiti persisting on problem properties. The Program can do a better job encouraging voluntary compliance, referring non-compliant owners to Code Enforcement, and working with the San José Police Department on graffiti trends, hotspots, and prolific taggers.

Finding 3: Managing and Supporting Outsourced Services Has Been Resource-Intensive. Some of the productivity gains achieved throughout outsourcing have been offset by the need for additional contract management and support of the contractor. Because of already thin staffing in the Anti-Graffiti Program, this has strained other key Program functions, namely community involvement and enforcement. Outsourcing has also brought on additional burdens in the form of staff time needed to provide progress reporting to the City Council and its Committees and subcommittees. Furthermore, while the graffiti contractor provides efficient ways for members of the public to report graffiti, the Anti-Graffiti Program has not taken full advantage of those opportunities. To address these problems, we recommend that PRNS seek analytical staff support for the Program, and work with its contractor and others to streamline processing of service requests. Lastly, we recommend the City discontinue the resource-intensive Citywide Graffiti Survey, and instead rely on the wealth of data provided by the contractor.

Finding 4: The Anti-Graffiti Program Should Improve Community Outreach, Visibility to the Public, and Data Transparency. Community involvement is one of the three pillars of the Program. However, given the Program's reduced staffing, the focus has been on managing graffiti abatement and the contract – not managing or coordinating volunteers. While many people have participated in the program by reporting graffiti through the smartphone app (reporting over 15,000 incidents of graffiti), the number of active volunteers (that is, people willing to help abate graffiti) is significantly lower than what is needed to support the contract and significantly lower than what the Program has reported in the past. Furthermore, the Program's overall visibility is limited and inconsistent, hindering awareness and volunteerism. Residents are not made aware of their responsibilities, are not adequately informed of the City's graffiti contractor or of the City's services, and are not actively encouraged to volunteer. In addition, there are limited translation services for the non-English speaking population of San José. Lastly, the Program could provide the public with open access to graffiti data.

We would like to thank the Parks, Recreation, and Neighborhood Services Department, City Manager's Office, and Graffiti Protective Coatings, Inc., for their time and insight during the audit process. This report includes 20 recommendations designed to help improve the City's Anti-Graffiti Program. We will present this report at the June 20, 2013 meeting of the Public Safety, Finance, and Strategic Support Committee. The Administration has reviewed the information in this report and their response is shown on the yellow pages.

Respectfully submitted,

Sharon W. Erickson
City Auditor

finaltr
SE:lg

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Introduction

In accordance with the City Auditor's 2012-2013 Audit Work Plan, we have completed an audit of the City of San José's Anti-Graffiti Program (the Program). We conducted this performance 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. We limited our work to those areas specified in the Audit Objective, Scope, and Methodology section of this report.

The City Auditor thanks the management and staff of the Department of Parks Recreation and Neighborhood Services, the graffiti contractor (Graffiti Protective Coatings, Inc.), San José Police Department, the Public Works Department, the Department of Planning Building & Code Enforcement, the Finance Department, and the City Attorney's Office for their time and cooperation during this audit.

Background

San José's Municipal Code defines graffiti as the "unauthorized inscription, word, figure, mark, design or other inscribed material that is written, marked, etched, scratched, drawn, or painted on any real or personal property" (9.57.220). The United States Department of Justice has described specific types of graffiti, features, and the common motives of perpetrators, as shown below.

Exhibit 1: Types of Graffiti and Associated Motives

Type of Graffiti	Features	Motives
Gang	• Gang name or symbol, including hand signs • Gang member name(s) or nickname(s), or sometimes a roll-call listing of members • Numbers Distinctive, stylized alphabets • Key visible locations • Enemy names and symbols, or allies' names	Mark turf; Threaten violence; Boast of achievements; Honor the slain; Insult/taunt other gangs
Common Tagger	• High-volume, accessible locations • High-visibility, hard-to-reach locations • May be stylized but simple name or nickname tag or symbols • Tenacious (keep retagging)	Notoriety or prestige; Defiance of authority

Type of Graffiti	Features	Motives
Artistic Tagger	• Colorful and complex pictures known as masterpieces or pieces	Artistic; Prestige or recognition
Conventional Graffiti: Spontaneous	• Sporadic episodes or isolated incidents	Play; Rite of passage; Excitement Impulsive
Conventional Graffiti: Malicious or Vindictive	• Sporadic, isolated or systematic incidents	Anger; Boredom; Resentment; Failure Despair
Ideological	• Offensive content or symbols • Racial, ethnic or religious slurs • Specific targets, such as synagogues Highly legible • Slogans	Anger; Hate; Political; Hostility; Defiance

Source: Department of Justice (http://www.cops.usdoj.gov/pdf/e11011354.pdf)

Why Does Graffiti Matter?

There are many negative effects that arise from graffiti:

- Blight that diminishes the community's physical environment
- Deterioration of property values
- Costs and inconvenience to property owners and occupants
- Public safety threats when for instance, gang communiqué is posted through graffiti
- Offenses and threats to specific people or groups
- Disorder and lawlessness
- Health and safety risks to graffiti vandals

Some theories (e.g. broken windows theory) hold that graffiti spawns more graffiti and other crime, which compounds the initial problems. Cities across the country have anti-graffiti programs. While they all focus on painting over graffiti, many programs (including San José) subscribe to the approach that successful anti-graffiti programs involve more than just paint. A successful program will focus on prevention, and will involve the community, code enforcement, and law enforcement.

San José's program includes three basic pillars:

- Community involvement
- Eradication (i.e. graffiti removal)
- Enforcement

Who Cares About Graffiti?

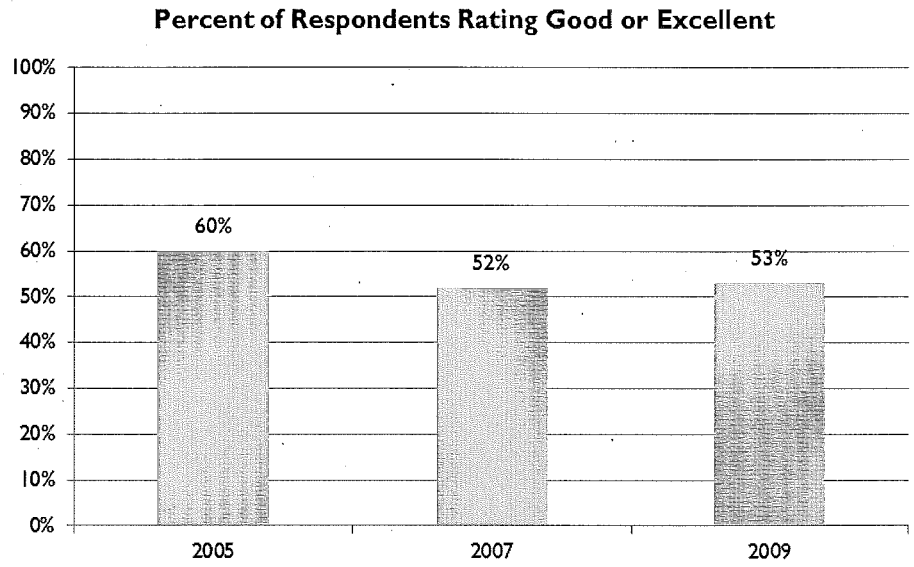
Residents care. In addition to the above negative effects from graffiti, widespread interest from diverse stakeholders also warrants the City's involvement in the issue. Local media including the San José Mercury News, and the local affiliates for FOX, ABC, CBS, and NBC have covered San José's graffiti issues in numerous news stories. Other indications of graffiti's importance to the community are the City Council's regular discussions on the topic and the proposals offered by City Councilmembers.

On the community level, there has been community organizing around graffiti, as evidenced by the grassroots Art Box Program, which has gathered sponsorships from private sources and neighborhood groups to convert graffiti-targeted utility boxes to art installations.

Citywide Resident Satisfaction

The City conducts periodic citywide surveys of residents regarding City services. These surveys of City residents suggest that satisfaction with graffiti services may have declined. From 2005 to 2009, the survey asked residents to "Please Rate the Job Being Done by the City in Removing Graffiti from Buildings". More than half of respondents rated the job being done as good or excellent.

Exhibit 2: San José Residents' Opinion of the "Job Being Done by the City in Removing Graffiti From Buildings" (2005, 2007, 2009)

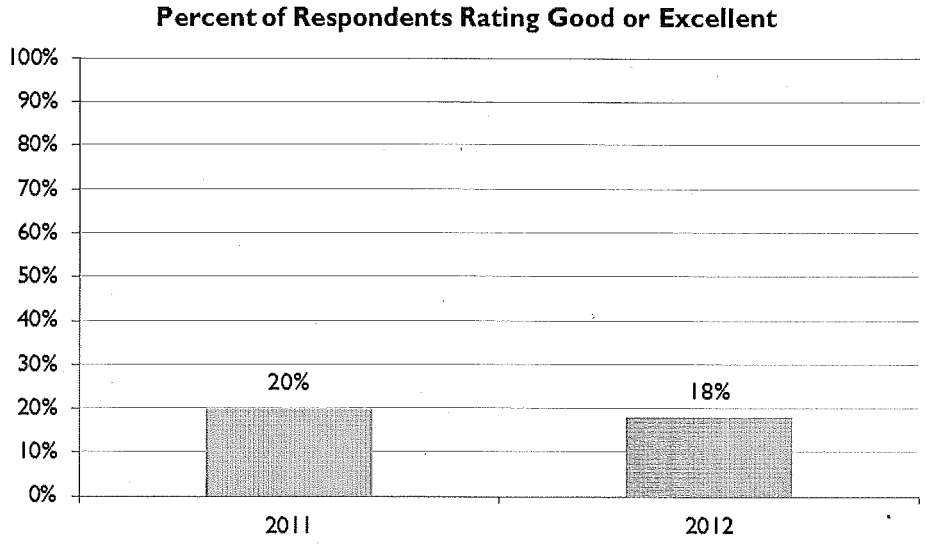


Source: Surveys by Fairbank, Maslin, Maullin & Associates

However, a different survey conducted in 2011 and 2012 by a different consultant which asked residents to "Rate the Quality of Graffiti Removal in San José" found that only 18 to 20 percent of respondents rated the quality of graffiti removal in

San José as good or excellent. The decline in ratings in 2011 and 2012 could be due to a number of reasons including the wording of the questions. Also, in 2011, the survey coincided with controversy and publicity about the decision to outsource the program. Outsourcing occurred in the first six months of 2011 and the survey was conducted in September 2011.

Exhibit 3: San José Residents' Opinions of the Quality of Graffiti Removal in San José



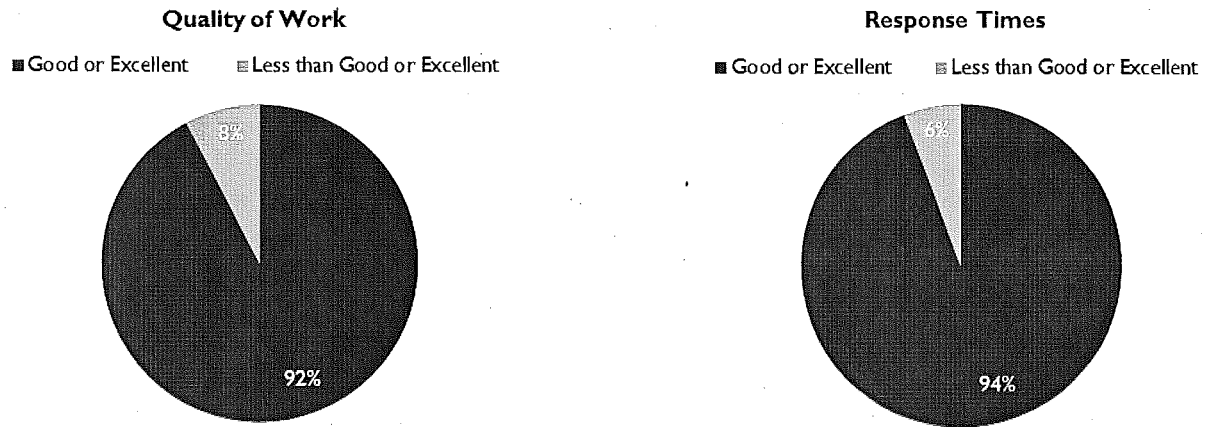
Source: National Citizen Survey™

Customer Satisfaction

On the other hand (as noted later in this report), users of the new smartphone app report strong satisfaction with response times and the quality of graffiti removal since January 2012 when the app was made available to the public. From February 2012 to June 2013, over 90 percent of San José Clean app users who provide feedback reported the contractor's quality of work *and* timeliness as good or excellent.[1]

[1] It should be noted that while extremely important, this is different than a satisfaction rating from a statistically-valid citywide survey of **residents**. The feedback that is submitted by customers typically represents their impressions of the handling of their specific service requests – not their overall impression of graffiti removal services citywide, and results from self-selected customers cannot be extrapolated citywide.

Exhibit 4: Customer Satisfaction with Handling of Graffiti Removal Requests



Source: Graffiti Protective Coatings, provided by PRNS

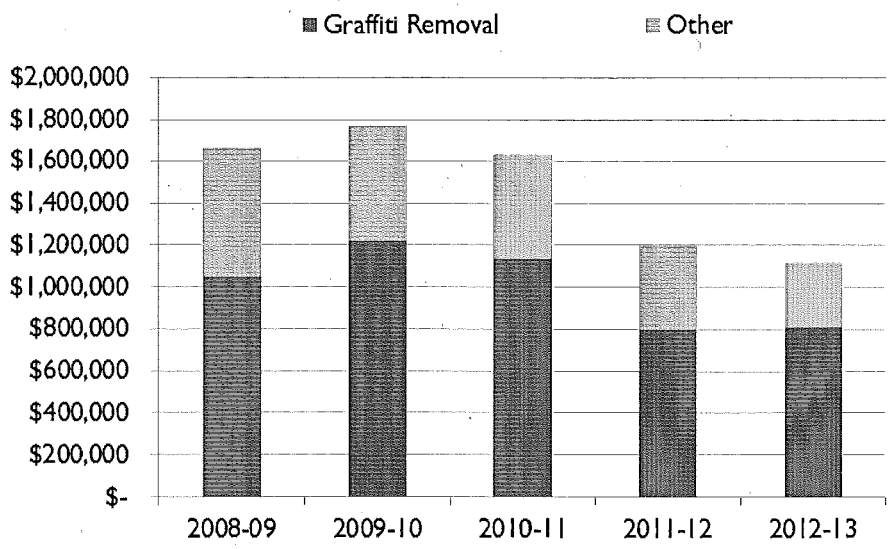
The Anti-Graffiti Program

The City of San José's Anti-Graffiti Program resides in the Department of Parks, Recreation and Neighborhood Services (PRNS). Its mission is to "beautify San José by preventing and removing graffiti through Community Involvement, Eradication and Enforcement."

Previously, graffiti removal was provided by City crews. Maintenance and painting staff would drive City vehicles on pre-determined routes Monday through Friday. Crews would remove graffiti on public properties; graffiti on private property was removed in a limited fashion. While driving their routes, crews would complete service requests made to the Program office – targeting removal within 24-48 hours. Crews painted over graffiti using one of four colors. According to former PRNS staff (corroborated by photographic evidence), crews prioritized removing graffiti and placed little emphasis on beautification. As such, graffiti removal at times, left visible blotches of mismatched paint.

The Program has seen significant declines in both budget and staffing. In FY 2008-2009, its budget totaled $1.66 million, with 18 fulltime employees. In FY 2012-2013, the Program's budget totaled $1.12 million, with 3.75 fulltime employees. This represents a 32 percent decline in budget and a 79 percent decline in staffing over the five-year period, as displayed in the Exhibit below. In addition, over the years, the Anti-Graffiti Program lost support as other City resources (including the Strong Neighborhoods Initiative) that contributed to PRNS' efforts were reduced or eliminated.

Exhibit 5: PRNS Anti-Graffiti Program Budget*



*This graph does not include additional funding from other City resources that contributed to PRNS' efforts.

Source: Financial Management System

Furthermore, the Program has experienced significant management turnover, with 3 program managers since FY 2008-09. Program staff were affected by layoffs and bumping from citywide budget cuts and staffing reductions. In addition, the Program felt the impacts of overall reductions in PRNS, City support staff, and the Program's partnering departments – SJPD graffiti enforcement and PBCE Code Enforcement – also saw budget cuts, staffing reductions, and personnel changes which affected the Program's operations.

Outsourcing Graffiti Removal

Facing significant budget cuts, PRNS drafted a Business Case Analysis in Spring 2011 to outsource graffiti removal services. The analysis compared in-house services against outsourced services used in several other cities. By replacing in-house maintenance staff with a private contractor, the analysis estimated annual savings of $613,000 based on past graffiti efforts. It was expected that the remaining staff and budget would be used to oversee the contract and maintain the other arms (enforcement and community involvement) of the Program.

The analysis assumed that the Program would remove 1.5 million square feet of graffiti (based on the estimated amount of graffiti removed in fiscal year 2009-10 at $0.40 per square foot at an estimated cost of $595,000.[2] PRNS predicted that outsourcing of the graffiti removal function would lead to *better* service at a *lower* cost.

[2] For more information, See Finding 1.

On March 23, 2011, a Request-for-Proposal (RFP) for graffiti removal services was released. Six prospective contractors submitted proposals, which were reviewed by PRNS' evaluation team. The evaluation team recommended awarding the contract to Graffiti Protective Coatings, Inc. (GPC).

The Contract with Graffiti Protective Coatings (GPC)

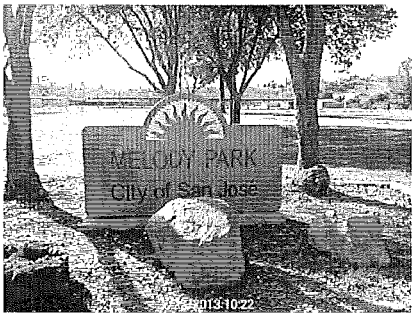
The contract with GPC was approved at the June 14, 2011 City Council meeting. At this same meeting, PRNS also discussed the contractor's restorative approach, where "they strip down all previous graffiti on a block wall and completely go through and paint match that wall so it looks like no graffiti has ever occurred." Concerns were raised at the time that such an approach would increase costs. Exhibit 5 shows samples of the contractor's work in San José.

The contract between the City and GPC was executed for a five-year term, with a not-to-exceed amount of $3,159,505 and began on June 29, 2011. The contract outlines a compensation structure whereby the City pays $0.40 per square foot.[3]

Exhibit 6: A Sampling of "Before-and-After" Pictures of the Contractor's Work

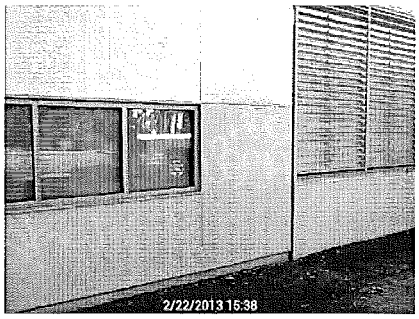
City Traffic Sign

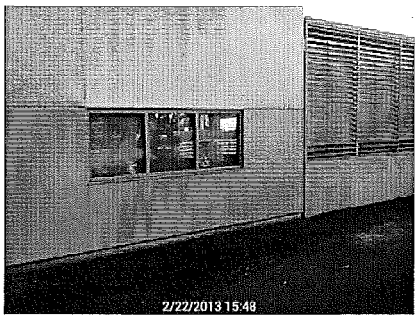
City Park Sign



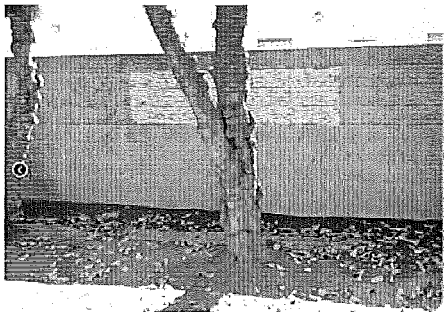
[3] The contractor had originally proposed a base price of $20 per location plus $0.10 per square foot. According to the contract: "After the initial 24 month period, Contractor may request price adjustments for consideration by city...Under no circumstances may prices increase by more than 5% from the contract price that is in effect at the time the adjustment is granted."

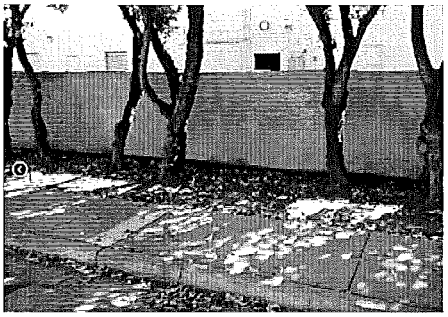
City Library





Non-City Wall





Source: "Before-and-after" photos from the contractor's work order management system. All work shown in this exhibit was performed on February 22, 2013.

To provide assurance to the City Council that the contractor was sustaining an acceptable level of graffiti removal services, PRNS was also tasked with providing semi-annual reports on the Program to the Neighborhood Services & Education Committee and to the City Council.

In addition, under direction from the City's Parks and Recreation Commission, PRNS established the Graffiti Services Review Committee in October 2011 to observe the new service delivery model, and to provide feedback and recommendations. According to PRNS, after meeting eight times, the committee determined that the smart phone app was an effective graffiti reporting tool, acknowledged the contractor's efforts, and encouraged the contractor to continue exploring opportunities to work closely with volunteers and City staff to further promote graffiti eradication.

Under outsourced services, the contractor responds to service requests and also removes graffiti proactively. Per the contract, the contractor was initially assigned two areas where graffiti has known to be heavy. The contractor was to respond to service requests and proactively remove graffiti in those *"assigned"* areas within 24 hours. These areas were established by Program staff, using the results of the 2010 Citywide Graffiti Survey,[4] and data from the Mayor's Gang Prevention Task Force and the PRNS Gang Intervention Unit. In other

[4] For more information about the Citywide Graffiti Survey, see Finding 3.

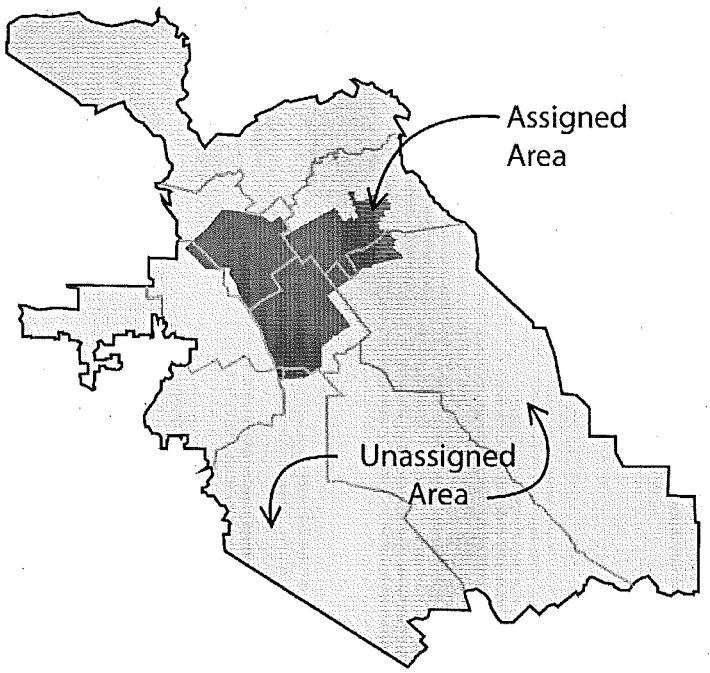
"unassigned" areas, the contractor would be responsible for assisting the City's network of volunteers to remove graffiti within 48 hours. The contract reads as follows:

> *1.1 For geographical areas assigned to Contractor by the City of San José ("Assigned areas") Contractor shall be responsible for providing a turnkey program to provide graffiti abatement... Contractor shall eradicate graffiti on all exterior surfaces within 24 hours of notification on all public and private property.*
>
> *3.2 For "Unassigned Areas," Contractor shall provide best efforts to assist City and City's volunteer network to meet the following outcomes:*
>
> > *3.2.1 Remove gang graffiti, if so identified, tags within 24 hours*
> >
> > *3.2.2 Remove all other graffiti within 48 hours as prioritized by City's Contract Manager.*

Since the start of the contract, the City has expanded the contractor's assigned areas from two zones to five zones. The exhibit below shows all the assigned areas as of April 30, 2013.

Though the contract does not specify, PRNS staff and the contractor expect that, over time, new assigned areas will be adopted such that the entire City would be eventually be in an assigned area.

Exhibit 7: The Contractor's Assigned Area as of April 2013



Source: Audit team presentation of the contractor's maps

Appendix I summarizes and compares key program components before graffiti removal was outsourced and after.

Audit Objective, Scope, and Methodology

The objective of our audit was to review the changes in the City's Anti-Graffiti Program before and after outsourcing, the impacts of outsourcing on the Program, the overall effectiveness of the Program, contractor performance, and concerns about the methodology used in the Citywide Graffiti Survey.

For this audit, we compiled, quantified, and analyzed data as trasmitted through, and stored within the contractor's work order management system. We confirmed our interpretation of the work order data with the contractor, and conducted validity testing of the data by conducting a complete scan of a full day's worth of work orders.

As part of this audit, we initially sought to perform a before-and-after comparison of graffiti removal services delivered pre- and post-outsourcing. However, as pointed out throughout this report, outsourcing to the contractor coincided with budget cuts, staffing reductions, and employee turnover within PRNS, the Anti-Graffiti Program, and in other City departments that support the Program's efforts (i.e. PBCE and SJPD). These changes affected all three pillars of the Anti-Graffiti Program – "community involvement," "eradication" and "enforcement." As a result, it is difficult to compare the Anti-Graffiti Program's success before and after outsourcing.

The following is a list of steps we conducted during this audit:

- Reviewed graffiti- and nuisance-related sections of the San José Municipal Code;
- Reviewed graffiti ordinances and programs in other cities;
- Reviewed historical organizational structures, budgets, and cost reports of the Anti-Graffiti Program;
- Interviewed former and current employees of the Anti-Graffiti Program, San José Police Department, Department of Planning, Building, and Code Enforcement, Department of Public Works, , Finance Department's Purchasing Division, the City Attorney's Office, and Strong Neighborhoods Initiative.
- Reviewed former and current outreach materials used by the Anti-Graffiti Program (e.g. websites, brochures, etc.);
- Analyzed historic data from the Anti-Graffiti Program's electronic work order system and volunteer database;

- Reviewed the contractor's work order system and analyzed work orders from July 2011 through April 2013;
- Reviewed the methodology, processes and results from historical Citywide Graffiti Surveys;
- Reviewed San José Police Department's data on graffiti-related arrests and cases;
- Examined code enforcement processes;
- Reviewed PRNS' alternative service delivery proposal, request-for-proposal, proposer submissions, and evaluation process;
- Reviewed memoranda and presentations from meetings of the Neighborhood Services & Education Committee and the City Council;
- Reviewed contract between contractor and San José, as well as between contractor and other cities;
- Checked for contract compliance (e.g. insurance certificates, safety plan, etc.);
- Reviewed a sample of invoices;
- Reviewed the Anti-Graffiti Program's process for handling work orders and managing the contract with the contractor;
- Interviewed contractor staff;
- Observed parts of the 2013 Citywide Graffiti Survey;
- Observed a technician complete a proactive work order, and respond to a graffiti servce request; and
- Observed the January 24, 2013 inter-jurisdictional meeting about removing graffiti on the13th Street rail bridge.

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Finding I The Contractor Provides Quality Graffiti Removal Services; Ongoing Monitoring Is Needed

Summary

The City outsourced graffiti removal services in June 2011. The contractor removes graffiti in San José and provides a number of improvements to the previous service delivery model, including a web-based work order management system and a smartphone app (San José Clean) for reporting graffiti. Since 2011, the contractor has completed over 80,000 work orders, and 3.6 million square feet has been painted or cleaned. This includes contractor sweeps of graffiti hotspots and responses to service requests. Using a "restorative" approach that paints entire surfaces, the contractor is painting more surface area per month than was covered under the old system that only painted-out graffiti. With respect to contractor performance, people who have requested services are overwhelmingly satisfied. Although the ambitious graffiti removal timelines of 100 percent abated within 24 to 48 hours are not always being met, graffiti removal has been prompt, in spite of having fewer crews than before. However, the City will likely have spent over 50 percent of the total contract 2 years into the 5-year contract term. Possible reasons include: more graffiti, increased reporting of graffiti, different methods of measuring graffiti, and the contractor's restorative approach, which increases the square footage of abatements. It should be noted that 41 percent of this work has been completed outside of the geographical areas specifically assigned to the contactor (unassigned areas).

The Contractor Provides Turnkey Graffiti Removal Services and More

Graffiti removal services were outsourced to Graffiti Protective Coatings (GPC) in June 2011. Under the 2011 contract, the contractor responds to service requests from members of the public and proactively removes graffiti when its technicians see it.

The contractor offers additional services to the City:

- An online system that provides a real time work order management system, as well as a digital filing system that supports law enforcement investigative activities.
- A 24-hour hotline to receive graffiti reports;
- Smartphone application (San José Clean) for reporting graffiti, and providing feedback on service requests;

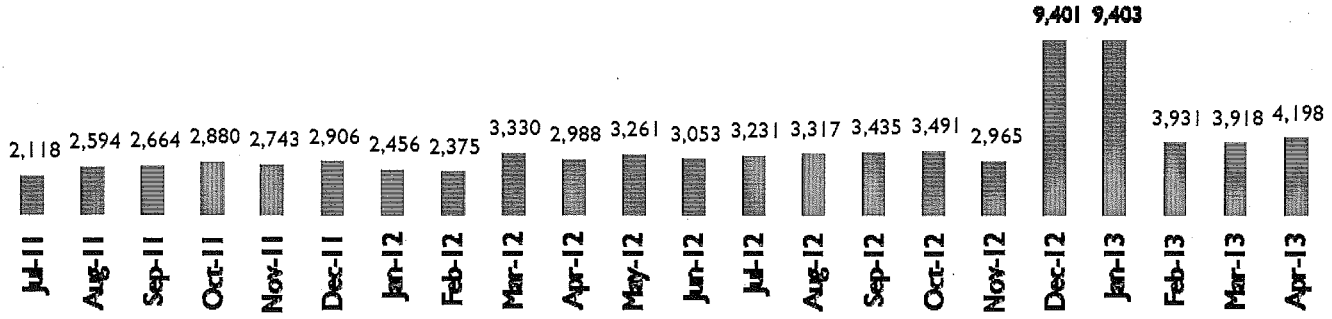
- All data created and transmitted in the work order management system;
- Coordinated volunteer graffiti eradication training.

For the above services, the contractor charges the City $0.40 per square foot. Based on our review of other agencies' contracts, it appears the City was able to secure a reasonable bundle of services at a reasonable rate. Long Beach and Santa Cruz (cities that both use the same contractor) are charged a minimum fee per location plus a larger charge based on square footage.[5]

Over 80,000 Work Orders Have Been Completed

Over the 22 months of its contract, the contractor has completed 80,758 work orders and painted, washed, and/or chemically treated more than 3.6 million square feet. The exhibit below shows the monthly volume of work completed by the contractor.

Exhibit 8: Work Orders by Month

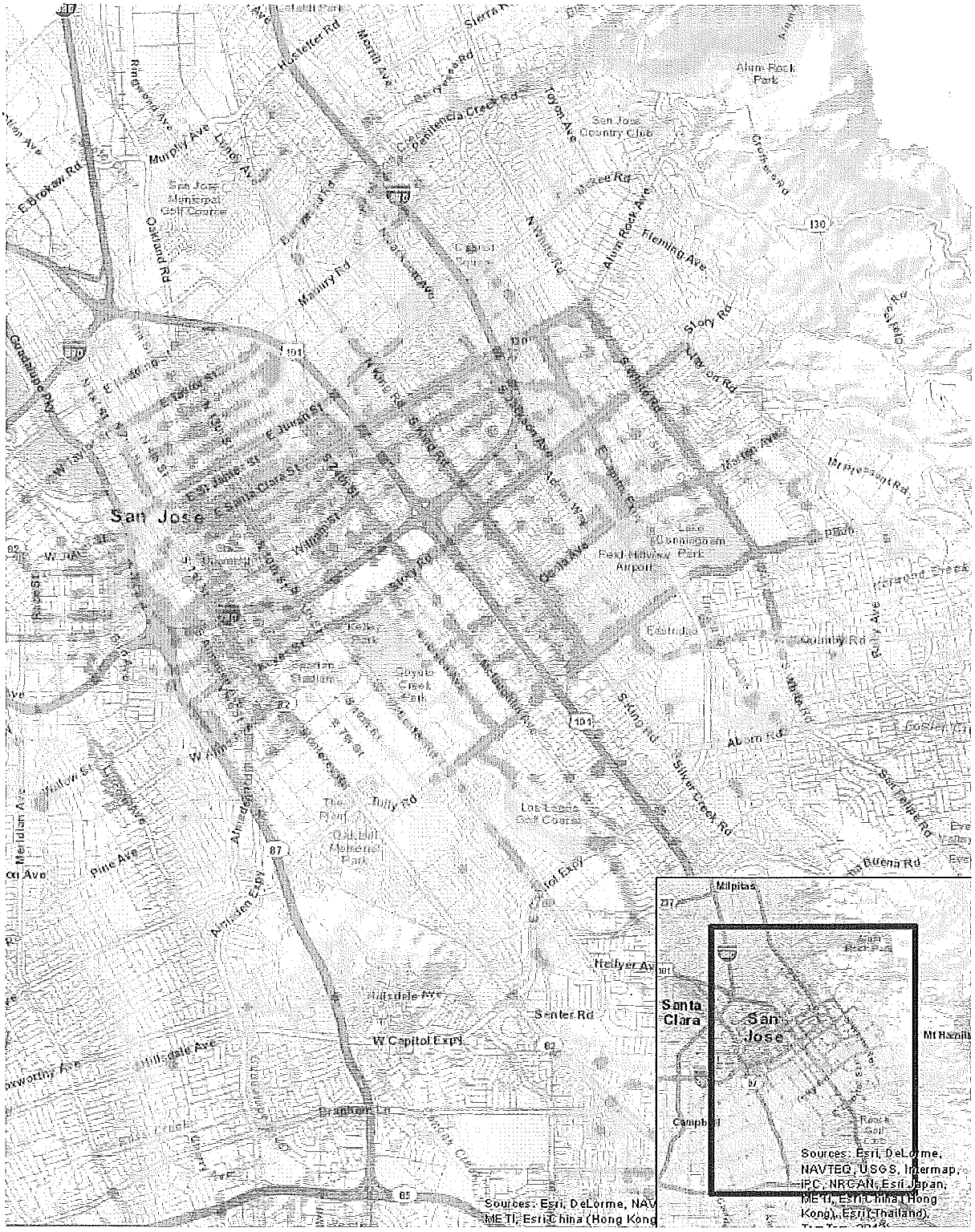


Source: Audit team analysis of data from work order management system from June 2011 through April 2013.

The contractor periodically conducts sweeps, where multiple technicians are sent to one area to remove all graffiti. Large sweeps were conducted in December 2012 and January 2013, accounting for the spikes seen above. Exhibit 9 below shows a heatmap of graffiti removal activity in San José since the beginning of the contract.

[5]Comparing rates across different agencies is complicated due to differences in scopes of services and wage standards. Rates in place at some cities may not be attainable by the City of San José and vice versa.

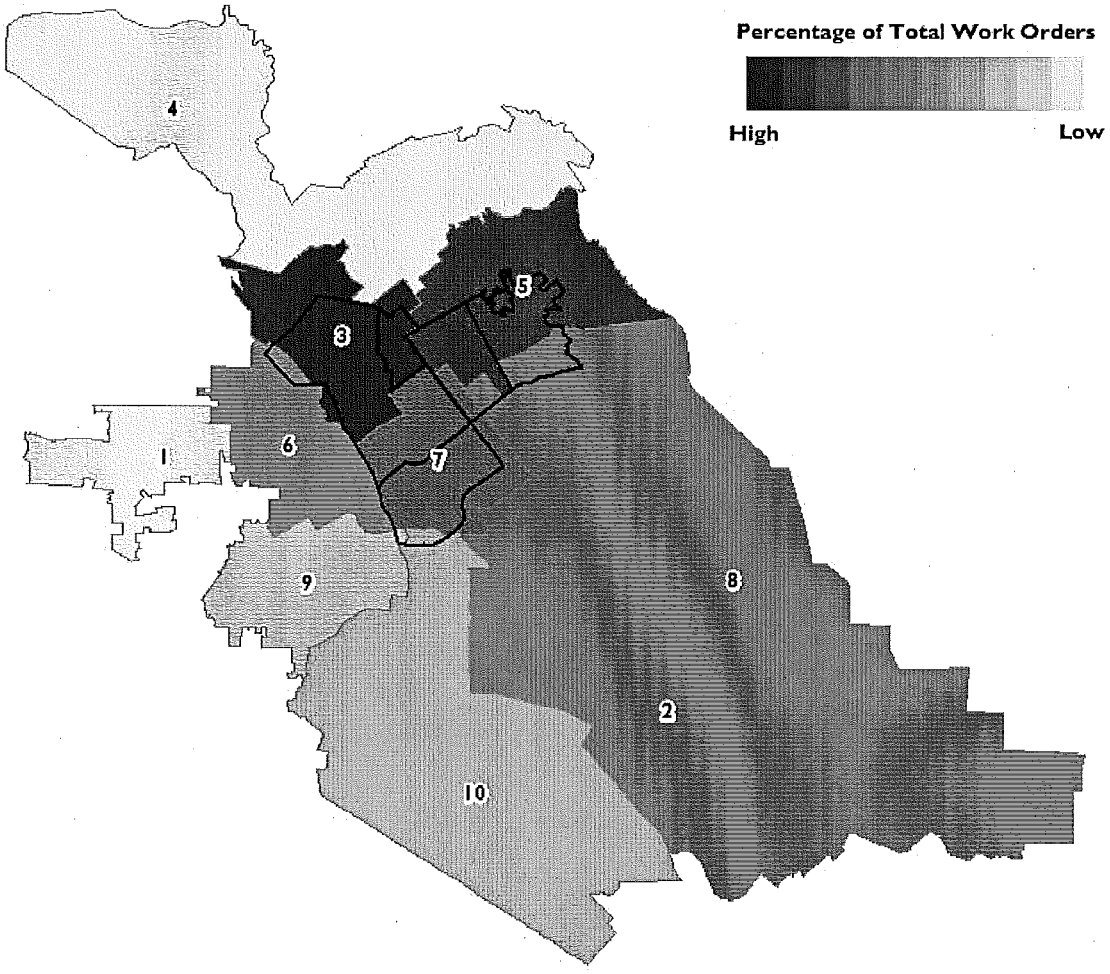
Exhibit 9: Heatmap of Graffiti Removal Activity (June 2011-February 2013)



Source: Audit team analysis of data from work order management system from June 2011 through February 2013

More than half of all graffiti removal has been in Council Districts 3 (31 percent), 5 (14 percent), and 7 (10 percent). The contractor concentrated its initial efforts in assigned areas of these Districts, where Program staff had identified graffiti hotspots.

Exhibit 10: Percentage of Work Orders by Council District (June 2011-April 2013)



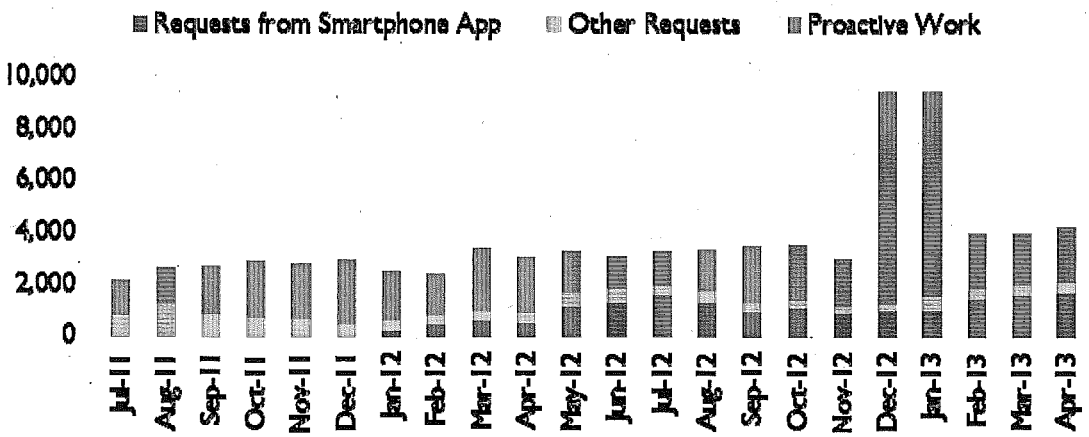
Copyright: ©2013 Esri, DeLorme, NAVTEQ

Black outline denotes assigned areas.
Source: Audit team analysis of data from work order management system from June 2011 through April 2013.

The contractor responds both to requests from members of the public ("customer-initiated") and removes graffiti proactively ("technician-initiated"); combined these two sources comprise the total 80,758 work orders. Proactive graffiti removal—work orders initiated by the contractor's technicians—have made up the bulk of graffiti removal in San José, with almost 70 percent of all work initiated proactively. Before the smartphone app, the public reported

graffiti directly to Program staff via phone, email, or in-person. The introduction of the smartphone app in early 2012 provided another convenient way of reporting graffiti, thus the number of service requests for graffiti removal has doubled, from a monthly average of 700 between July 2011and January 2012, to over 1,400 requests per month since February 2012.

Exhibit 11: Requests from Members of the Public vs. Proactive Graffiti Removal by Month



Source: Audit team analysis of data from work order management system from June 2011 through April 2013

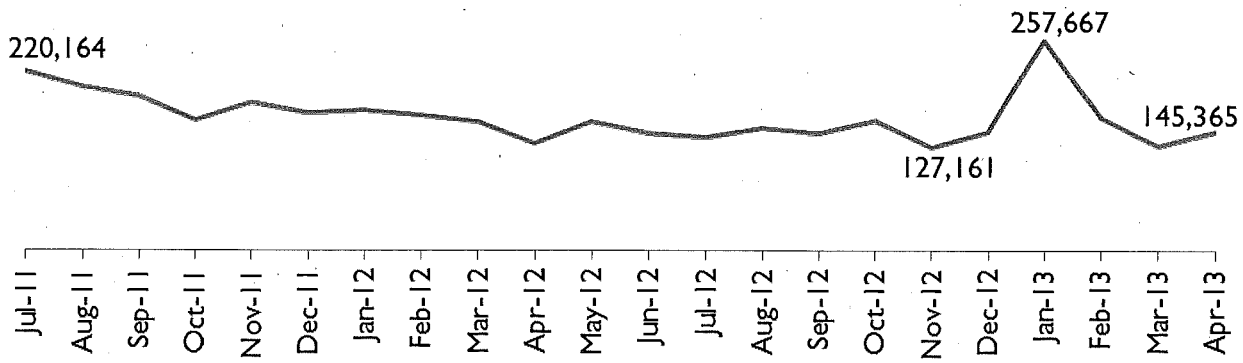
Square Footage and Costs Have Exceeded Initial Estimates

As a prerequisite for outsourcing a program, the City prepares a business case analysis which projects program costs should outsourcing occur. In the case of graffiti removal services, the business case assumed that a graffiti contractor would remove 1.5 million square feet of graffiti (based on the estimated amount of graffiti removed in FY 2009-10) at $0.40 per square foot, and thus estimated an annual cost of $595,000 for graffiti removal alone.[6]

Square footage, however, has far exceeded initial estimates. In FY 2011-12, the contractor painted, washed or chemically treated just over 2 million square feet, and the contractor has already painted over 1.5 million square feet so far in FY 2012-13 (as of April 30, 2013).

[6] Audit team interviews with previous program staff and the review of documents from FY 2009-10 verified that square footage was based on actual measurements in the field.

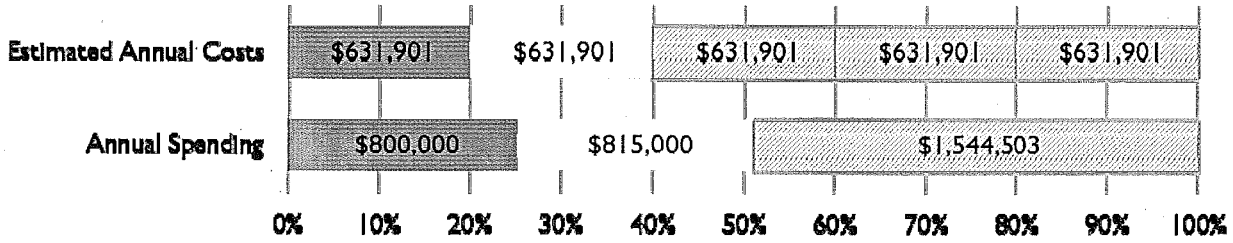
Exhibit 12: Square Footage of Surface Cleaned



Source: Audit team based on review of PRNS records.

The City Council has approved additional program funding to cover the costs.[7] However, this does mean that after year two of a five-year contract term, the Anti-Graffiti Program will have spent $1.6 million in graffiti removal, just over 50 percent of the $3.2 million contract (see Exhibit 13 below).

Exhibit 13: Spending Over 5-Year Contract Term



Source: Audit team based on review of PRNS financial records.

Factors Contributing to Higher Than Expected Costs

If the current pace of work continues, the dollar amount of the contract will need to be increased. Potential contributing factors to higher-than-expected graffiti costs include:

- More people are reporting graffiti and/or graffiti vandalism may be on the rise;
- The City has asked the contractor to serve a larger portion of the City's footprint than was anticipated (areas that were originally expected to be served by volunteers and property owners);

[7] PRNS has requested an additional $200,000 per fiscal year to supplement FY 2011-12 and FY 2012-13 contract spending.

- The City has adopted a "restorative" approach, which at least initially, significantly increases square footage (which is the basis for costs); and
- The City has authorized occasional "sweeps" of areas, where multiple trucks are sent to a concentrated region to locate and abate all the graffiti in the area.

These factors are described in more detail below.

Increased Reporting and/or Increased Graffiti?

In trying to determine possible reasons for higher-than expected graffiti removal costs, we cannot rule out the possibility that graffiti is on the rise. While the Program has conducted a Citywide Graffiti Survey to estimate the prevalence of graffiti, we find that it is subjective and prone to human error, as discussed in Finding 3. Without this data, the only other data that can be used as an indicator of graffiti prevalence is the amount of graffiti removed. However, graffiti abatement has changed both in scope and in measurement since the Program was outsourced. Previously, staff were instructed to paint over visible graffiti only, whereas the contractor currently restores entire surfaces. This leads to a change in how abatement work is measured. Thus, without having data that is consistent between the in-house model and the outsourced model, we cannot determine if there has been an increase in graffiti since outsourcing.

At the very least, we do know that the smartphone app has given people another easy way to report graffiti and that the number of service requests has doubled since its introduction. According to staff and the contractor, smartphone app usage is expected to grow dramatically.

The Added Cost of the Unassigned Areas

Per the contract, the contractor was responsible for assisting the City and its volunteer network in the unassigned areas.[8] According to the contract:

> *"For Unassigned Areas, Contractor shall provide best efforts to assist City and City's volunteer network to meet the following outcomes... remove gang graffiti, if so identified, tags within 24 hours... remove all other graffiti within 48 hours as prioritized by City's Contract Manager..."*

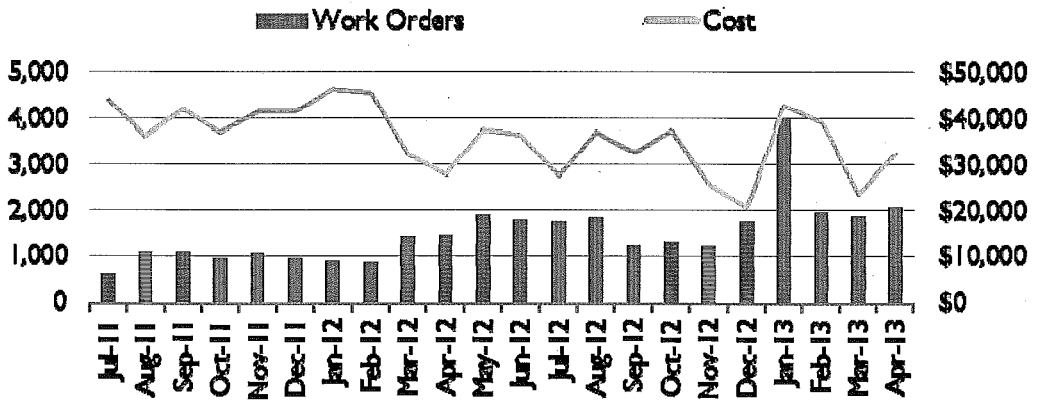
According to the contractor, they originally expressed hesitation about operating in the City because the City's budget did not allow for the number of technicians they believed necessary to service the entire City. However, both parties came to an agreement whereby the contractor would work in limited "assigned areas" if volunteers would lead abatement in the rest of the City ("unassigned areas"). The "assigned areas" initially comprised just over 8 square miles of the City's 178

[8] For a description of the "assigned areas" where the contractor is responsible for removing graffiti, see the Background section of this report.

square mile footprint; currently the "assigned zones" comprise 25 square miles.[9] According to the contractor, they planned to train and assist volunteers in removing smaller, easier-to-remove tags, while technicians would handle the larger, more difficult tags.

Unfortunately, the large base of volunteers expected in San José never materialized. This left the contractor to serve the entire City with 3 to 4 technicians from the beginning of the contract.[10] Under direction of Program staff, the contractor has responded to service requests and proactively removed graffiti in these areas. As of April 2013, the contractor has completed over 33,000 work orders in the "unassigned areas," totaling 41 percent of the 80,000 total work orders, at a cost of nearly $800,000 (55 percent of total costs). Monthly activity in the unassigned areas is shown in Exhibit 14 below.

Exhibit 14: Graffiti Removal Activity and Costs in Unassigned Areas



Average # of Work Orders per Month:	1,508
Average Cost per Month:	$35,893

Source: Audit team analysis of data from work order management system from June 2011 through April 2013.

[9] It is important to note here that the "assigned" areas were considered graffiti hotspots and that while the area of San José is 178 square miles, not all of that area is prone to graffiti.

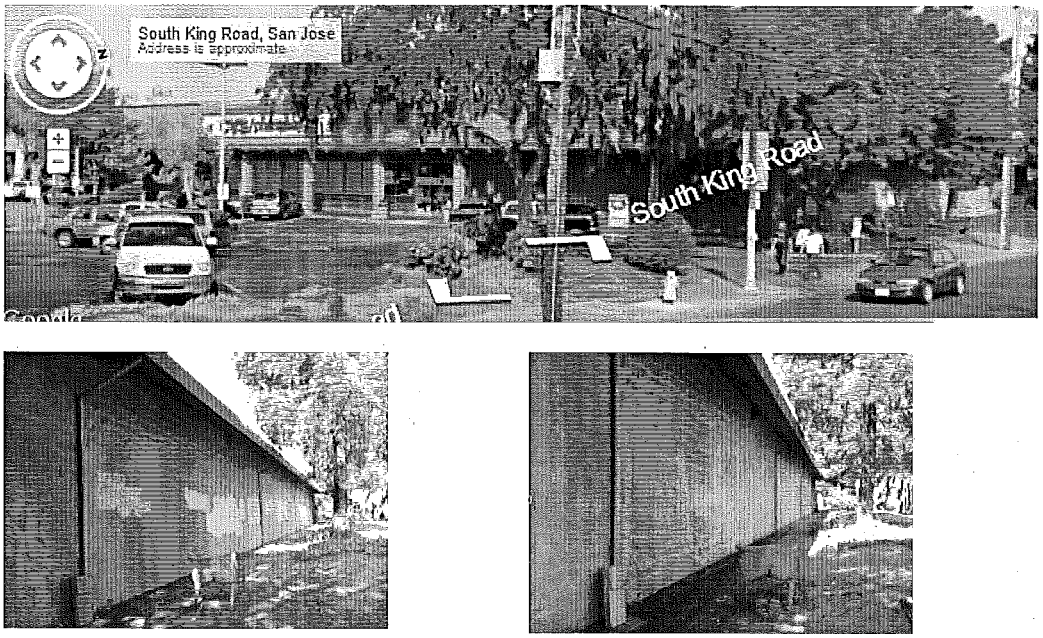
[10] While the Anti-Graffiti Program previously worked with a number of organizations, including the Conservation Corps, the Sentencing Alternatives Program, and juvenile offenders through the Santa Clara County Juvenile Probation Department, these programs' involvement have declined. It is our understanding that the only partnership in existence today is with the County's Juvenile Probation Department, which provides weekend supervision of graffiti abatement by juvenile offenders.

The City Also Underestimated the Square Footage of the Restorative Model

In removing graffiti, the contractor employs a restorative approach that incorporates the area around a graffiti tag as well as the graffiti tag itself. In a January 23, 2012 report to the City Council, PRNS declared: "*One of the significant outcomes of GPC's service delivery model is the targeted elimination of blight not only as visible graffiti, but also to restore surfaces and eliminate secondary graffiti. Secondary graffiti is caused by mismatched paint or painting techniques that are used to cover the original graffiti.*"

This approach is markedly different from the previous graffiti removal method used by the in-house crews, who treated only areas directly affected by graffiti tags. Under the restorative approach, square footage now represents the area of the graffiti tag PLUS the area surrounding it. It also includes the restoring areas of "secondary graffiti," or blotchy paint, which may have been created by property owners or by previous City maintenance crews. Exhibit 15 shows an example of a wall, newly restored by the contractor in September 2012. The restoration totaled 2,100 square feet and cost $840.

Exhibit 15: Secondary Graffiti Restored by the Contractor



Source: Photos from Work Order #TG12-0027880, September 29, 2012

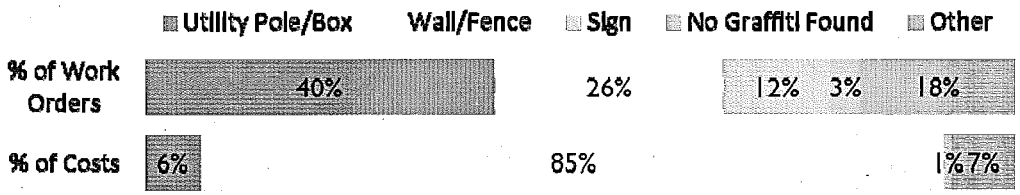
This restorative approach paints more surface area than was painted under the previous approach (which painted only the graffiti itself). However, the estimated square feet that the contract was based on (1.5 million square feet) was based on the square feet of actual graffiti tags removed in FY 2009-10 – a year in which the City only painted the graffiti itself. Thus, the estimated annual square feet to be treated by the contractor was likely underestimated.

Yet to be Seen: Does the Restorative Model Reduce Costs Over Time?

According to PRNS and the contractor, restorations such as these result in lower costs, easier graffiti removal in the long-term, and deter future graffiti vandalism. Under the restorative approach, costs are front-loaded, with future work being less costly.

As discussed above, the different approaches between the in-house model and the outsourced service, prevents us from comparing costs between the two. However, we can see that under the new outsourced model, costs are driven by larger surfaces such as walls and fences. These surfaces account for only 26 percent of all work orders, but 85 percent of costs. At the same time, graffiti on utility poles and boxes make up 40 percent of all work orders, but only 6 percent of costs.

Exhibit 16: Work Orders and Cost by Surface



Source: Audit team analysis of data from work order management system from June 2011 through April 2013

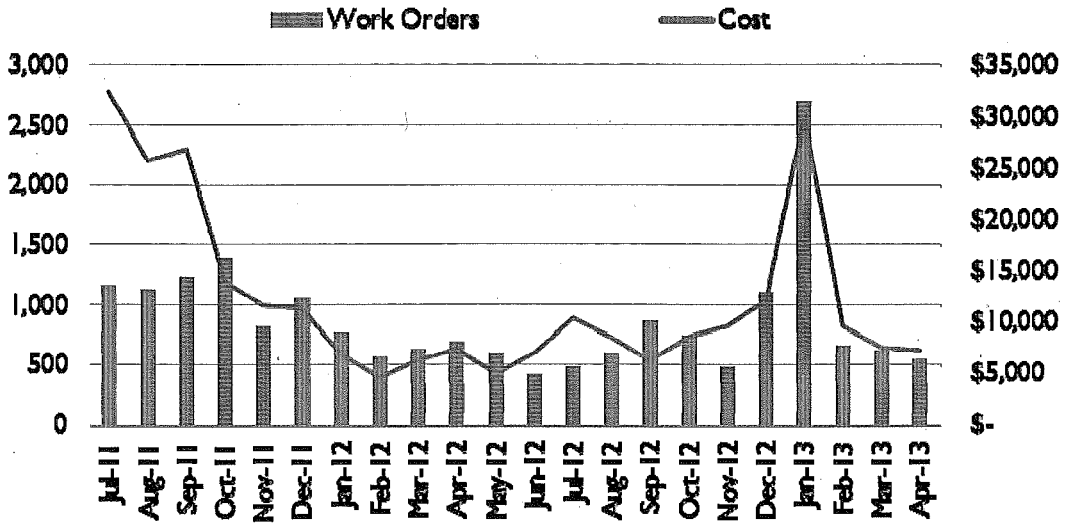
Restoration, Maintenance, and Sweeps

When the City directs the contractor to start work in a newly assigned area, it considers the area in *restorative mode*. As technicians complete restoring surfaces in the area (i.e. making all walls look like they had never been tagged), they bring the area into *maintenance mode*, where most work will only require covering up tags and not painting entire surfaces.

Assigned areas 1 and 2 were created at the start of the contract (July 2011). Assigned areas 3 and 4 were created at the end of 2011, and assigned area 5 was created in early 2013. After new areas are adopted, the City and contractor may agree to conduct one or more "sweeps," aggressively removing visible and previously patched graffiti.

As shown in Exhibit 17 below, the cost of abatement in assigned areas 1 and 2 averaged $24,770 per month during the first few months after the contract began, when those areas were in restorative mode. By November 2011, these areas were considered in maintenance mode, meaning that all major restorations were completed. Since entering maintenance mode, average costs have decreased to $9,424 per month.

Exhibit 17: Monthly Activity in Assigned Areas 1 & 2

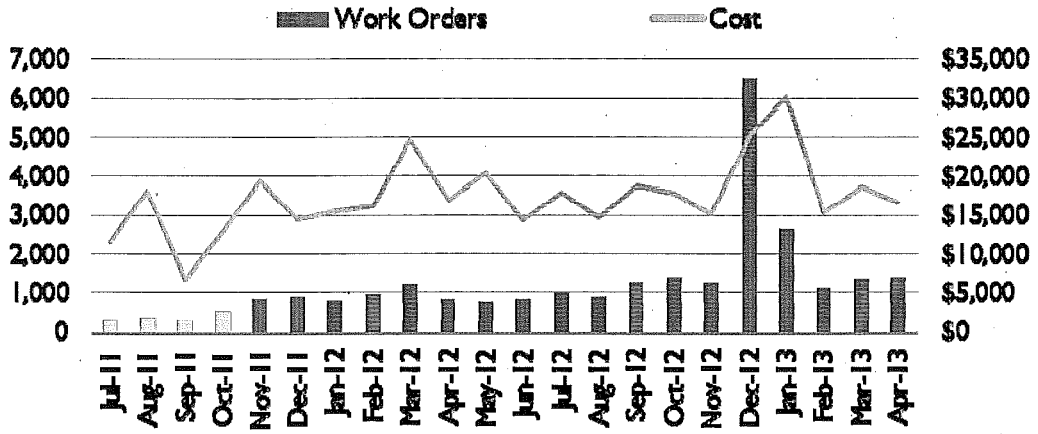


	Restorative Mode (July – Oct 2011)	Maintenance Mode (Nov 2011 – Present)
Average # of Work Orders per Month:	1,235	800
Average Cost per Month:	$24,770	$9,424
Note: In Jan 2013, the contractor used one truck to restore all signs and poles on residential streets in Areas 1 and 2.		

Source: Audit team analysis of data from work order management system from June 2011 through April 2013

Similarly, assigned areas 3 and 4 were in restorative mode (including aggressive sweeps in December 2012 and January 2013), from November 2011 to February 2013. In restorative mode, there were approximately 1,483 work orders with an average monthly cost of $18,797. Exhibit 18 shows that since entering maintenance mode, work orders and costs have only declined slightly, to an average of 1,304 and $16,893 per month, respectively. This may be due to the high visibility of this area which includes City Hall. As shown in Exhibit 19, this area also has the largest proportion of service requests.

Exhibit 18: Monthly Activity in Assigned Areas 3 and 4



	Restorative Mode (Nov 2011 – Jan 2013)	Maintenance Mode (Feb 2013 – Present)
Average # of Work Orders per Month:	1,483	1,304
Average Cost per Month:	$18,797	$16,893
Notes: Assigned areas 3 and 4 were created in late 2011. Prior to that, they were considered unassigned, which is noted by the lightly colored bars. In Dec 2012 & Jan 2013, the contractor conducted aggressive sweeps, accounting for the spikes in work orders and costs.		

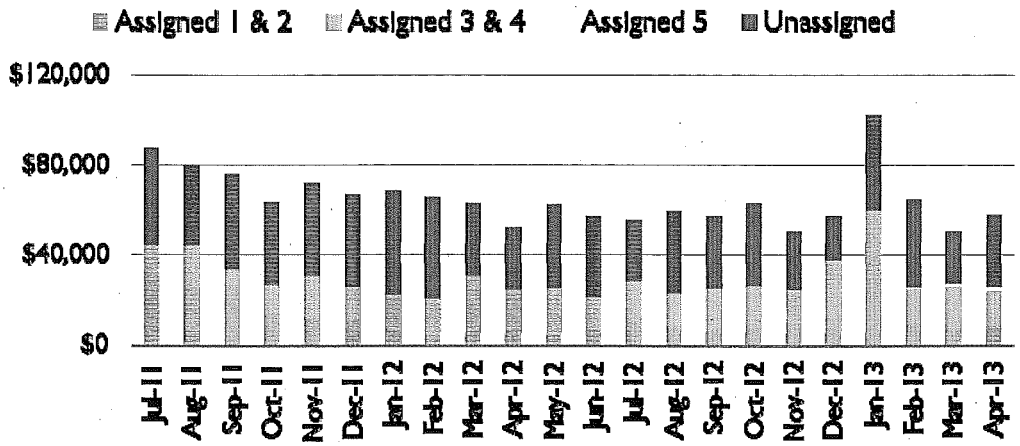
Source: Audit team analysis of data from work order management system from June 2011 through April 2013

Average Monthly Costs

As shown in the above exhibits, monthly abatement costs decrease between restorative and maintenance mode but have remained steady since being in maintenance mode. Even with four assigned areas in maintenance mode, graffiti abatement costs still averaged over $62,000 per month. Considering that there are 38 months left in the contract, and that there are additional areas yet to be restored, the potential remaining costs could exceed $2.3 million or $700,000 more than the full amount of the contract.

The following chart summarizes the above exhibits, showing changes in graffiti costs in assigned and unassigned areas over time. The addition of more assigned areas and/or additional sweeps would further increase monthly costs. Based on our analysis, we do not believe the City should expect that these costs will go down over time.

Exhibit 19: Monthly Graffiti Abatement Costs



Source: Audit team analysis of data from work order management system from June 2011 through April 2013

Formalize Budgetary Controls

In addition to underestimating square footage, the contract between the City and the contractor does not define the restorative model, or describe the frequency or costs of sweeps. There are no contract provisions allowing for staff to limit spending when necessary. Lastly, although the contract specified graffiti removal in certain to-be-defined and limited *assigned areas*, the contractor is currently serving the entire City anyway.

In reviewing contracts other clients have with this same contractor, we found more specific language regarding oversight and budgetary limits, such as monthly do not exceed amounts. For example, the City of Long Beach specifies that the program manager "...shall determine whether or not an entire surface will be abated on a case by case basis." While we recognize that staff are working closely with the contractor to monitor work and spending, it is important that the formal contract reflect actual scope of work and budget in order to help sustain funding for the five-year contract term.

Recommendation #1: To improve and formalize budgetary controls, we recommend PRNS document its policies and procedures to:

a) **Clarify its approach and the contractor's responsibility in unassigned areas;**

b) **Define the restorative approach;**

c) **Consider establishing monthly do not exceed guidelines; and**

d) **Clarify its approach for working with the contractor regarding notification and/or preapproval of large work orders and secondary graffiti to help control costs.**

Recommendation #2: PRNS should work with the contractor to minimize costs by:

a) **Increasing volunteer activity in unassigned areas to reduce contractor workload;**

b) **Prioritize spending by service requests, proactive graffiti removal, and proactive secondary graffiti removal; and**

c) **Monitor spending by month and against the contract total.**

Timeliness of Graffiti Abatement

The City Council, staff, and members of the public have placed a premium on addressing graffiti as soon as possible. As stated earlier, the contract reflects this by setting the following response times:

- Assigned area: 100 percent of graffiti requests completed by the contractor within 24 hours.[11]
- Unassigned area: 100 percent of graffiti requests completed within 48 hours and 100 percent of gang tags removed within 24 hours.[12]

[11] Per the contract, for the assigned areas, "Contractor shall eradicate graffiti on all exterior surfaces within 24 hours of notification on public and private property."

[12] Per the contract, "For Unassigned Areas, the contractor shall provide best efforts to assist the City and City's volunteer network to meet the following outcomes...to remove gang graffiti, if so identified, tags within 24 hours...remove all other graffiti within 48 hours as prioritized by the City's contract manager."

Ambitious Graffiti Removal Timelines Are Not Always Being Met

Prior to outsourcing, Program staff had a target of removing all graffiti reported through its hotline within 48 hours and gang graffiti within 24 hours. The Exhibit below shows the figures reported by the Program between fiscal years 2007-08 through 2010-11.[13]

Exhibit 20: Timeliness of Graffiti Removal, FY 2007-2011 (unaudited)

	Target	2007-08	2008-09	2009-10	2010-11
Hotline Graffiti	100% within 48 hrs	86%	84%	99%	99%
Gang Graffiti	100% within 24 hrs	89%	92%	99%	100%

Source: Data reported by PRNS in the respective fiscal years.

Since outsourcing graffiti removal in June 2011, PRNS, in its semi-annual reports to the City Council, has reported that the contractor has abated 96 to 99 percent of graffiti incidents within 48 hours. It is likely that the figures reported in the semi-annual reports included response times of all work-orders—customer-initiated and technician-initiated – as well as work orders that were entered into the system but were not served by the contractor. These work orders, a small portion of the total, slow response times, as they need to be redirected to the appropriate parties. However technician-initiated requests, the bulk of work orders, improve these response times because they are created and completed at the same time.

Exhibit 21 shows the actual response times for the 26,448 customer-initiated requests from June 2011 through April 2013.[14] The response time is the duration between when the request was created, and the time the technician completed and closed the work order, as recorded in the work order management system. Crews may be delayed for a number of reasons including difficult-to-find locations, difficult-to-access graffiti, and bad weather.

[13] Data for FY 2010-11 is only available through March 2011.

[14] The calculation only includes 1) requests from individuals that were created through either the smartphone app or by reporting graffiti directly to Program staff and 2) where the contractor actually removed graffiti (i.e. a cost greater than $0 was incurred). These figures also include about 725 work orders totaling $1,669 due to a data entry error by the contractor. Contractor has credited the City for this amount.

Exhibit 21: Timeliness of Graffiti Removal, Current

	Target*	Actual
Assigned Areas	100% within 24 hrs	63% within 24 hrs 84% within 48 hrs
Unassigned Areas	100% within 48 hrs	88% within 48 hrs
Citywide, Urgent	100% within 24 hrs	85% within 24 hrs
Citywide, All	None	67% within 24 hrs 86% within 48 hrs

*Per the contract

Source: Audit team analysis of data from work order management system from June 2011 through April 2013

In the Proposed FY 2013-14 Operating Budget, PRNS has identified the following results for FY 2012-13:

1. 89 percent of graffiti service requests completed within 48 hours (service requests reported by the public)

2. 79 percent of gang or other offensive graffiti service requests completed within 24 hours (service requests reported by the public)

The FY 2012-13 estimates reported in the Proposed Operating Budget more closely match our calculation of response times than do the figures reported in previous semi-annual reports.

Nonetheless, as cited earlier, smartphone app users are overwhelmingly positive about the response times of the contractor. However, we note that with limited funding to remove graffiti and increasing number of app users, the Program will be more challenged to meet its goal of graffiti removal within 24/48 hours.

Moreover, the City's current practice of allowing graffiti to persist on non-City property for over 60 days (as discussed in Finding 2) means that the City will have to confront the trade-off of graffiti persisting for longer periods of time, against the extra costs incurred by immediately removing graffiti everywhere possible. For example, if the City wants to hold property owners accountable for removing their own graffiti, it will have to tolerate graffiti persisting for longer periods of time. On the other hand, if the City chooses to remove all graffiti it can access within 48 hours (including graffiti on non-City property), greater costs will be incurred.

Marking Gang Tags as 'Urgent'

The City has established a more ambitious response time target and performance measure for certain types of graffiti that it considers urgent, namely gang tags (which may incite future violence) and hate speech. Previously, users of the smartphone app had the option of marking a request as "urgent". However, Program staff report that members of the public used this feature to get faster response times, rather than to report gang or hateful graffiti. Additionally, the contractor reports that its technicians do not always mark gang tags as urgent upon arriving at the location.

These issues lead to two problems: 1) the data does not show where gang and urgent tags occur, and 2) challenges in reporting response times for these 'urgent' tags.

To address these issues, we recommend that instead of the ability to mark service requests as 'urgent', smartphone app users should be prompted to enter in what the tag says (i.e. the moniker). If that tag matches to a list of tags the City considers urgent (i.e. gang or hateful), then this work order would be marked as urgent within the work order management system. This would eliminate the need for users to know what is gang/hateful and eliminate the misuse of 'urgent'. It would also allow for more accurate response time reporting. Currently, Program staff and the contractor's technicians have the ability to mark 'urgent' through the work order management system.)

Recommendation #3: To improve tracking of urgent work orders, we recommend PRNS:

a) **Provide better instructions to smartphone app users to write out monikers and tags when creating a service request;**

b) **Identify known gang or hateful tags/monikers that should be abated within 24 hours,**

c) **Work with contractor to electronically match monikers that should be marked as urgent within the work order management system; and**

d) **Continue to report response times for 'urgent' tags.**

Additional Transparency and Improved Reporting

Reports to the City Council and the Neighborhood Services and Education Committee are the Anti-Graffiti Program's primary means of presenting Program activity and setting expectations for Program operations. They are important forums to ensure that the City Council's understanding of the Program is accurate. Current reports to the City Council would be enhanced by including: current spending, actual expenditures to date, expenditures relative to the full contract amount, response times for customer-initiated requests, volunteer efforts, and cost and location of recent graffiti "sweeps."

The Program's reports often identify the total number of volunteers. More information on the number of *active* volunteers, including gallons of paint distributed and number of events held, would be a more informative measure of volunteer activities (see Finding 4).

Lastly, Program staff should also be consistent in informing the City Council of their major challenges and efforts. Large graffiti incidents (e.g. abatement work on highway overpasses) should be discussed, as well as staff's efforts towards resolving them and any challenges staff may be facing in garnering cooperation of other partners.

Recommendation #4: To improve transparently and reporting, include the following elements in Council and committee memos:

a) **Actual expenditures and remaining budget;**

b) **Geographic changes in service delivery;**

c) **Number of active volunteers, gallons of paint distributed, events held;**

d) **Response times for resident-initiated requests; and**

e) **Major interjurisdictional challenges and efforts.**

Finding 2 The Anti-Graffiti Program Needs to More Effectively Involve Property Owners and Other Agencies

Summary

The San José Municipal Code holds property owners responsible for maintaining graffiti-free property. However, the City is currently removing graffiti from properties it owns, as well as properties it does not own—which we refer to as 'non-City' property. Moreover, the City is doing so without notifying or obtaining consent from owners and in many instances, is visiting sites numerous times. In some of these cases, others are willing and able to remove graffiti themselves. The City does not seek reimbursement, and the process for Code Enforcement recourse is circuitous and leads to graffiti persisting on problem properties. The Program can do a better job encouraging voluntary compliance, referring non-compliant owners to Code Enforcement, and working with the San José Police Department on graffiti trends, hotspots, and prolific taggers.

Graffiti Removal on Non-City Property

The City is currently removing graffiti from surfaces that are accessible from the public right of way, including on private property (e.g. fences accessible from public sidewalks). Due to data limitations, it is currently not possible to determine how much graffiti is on non-City property. While the work order management system has a field for designating publicly or privately owned property, it is not consistently and accurately used by technicians. For example, on one soundwall along Capitol Expressway owned by Santa Clara County, 38 percent (753) of the work orders were marked as private, and 62 percent (1,242) were marked as public. Furthermore, the City has not provided its contractor with a list of which properties are public and private.

The public/private designation is important because it would give the City a clearer understanding of how much graffiti is on property owned by the City and non-City property. It would also allow the City to determine a strategic policy towards private property graffiti removal, such as how many times one property should receive courtesy abatements from the City.

Moreover, it would be helpful for the City to know not only what properties are City-owned and not City-owned, but also who else owns properties that are being tagged in San José. For example, AT&T, Santa Clara County, and Union Pacific are all responsible for property in the City limits. Including this information in the work order management system would allow for faster forwarding of service requests to the parties responsible, and reduce the burden

of Program staff who have to identify the appropriate responsible parties, and also greatly assist in coordinating efforts with other entities, as discussed later in this report.

Cities vary in their policies on abating graffiti on private property. According to its Public Works Code, San Francisco does not remove graffiti on private property, but the municipal codes of Oakland and San Diego provide for those cities to remove graffiti on private property. Many cities that remove graffiti on private property limit the number of abatements. For example, Oakland provides one free "courtesy" removal and San Diego provides five per year before seeking reimbursement. These cities have policies to notify property owners of services provided, or require owners to give consent.

Recommendation #5: To better identify ownership and parties responsible for non-City properties, PRNS should determine public/private property ownership, particularly specific agencies and major property owners to whom the City should be referring graffiti requests.

The City Needs to Communicate with Property Owners

San José's Municipal Code defines graffiti as a public nuisance and requires that property owners maintain graffiti-free property. Per SJMC Section 9.57.300:

> *No person shall maintain graffiti that has been placed upon, or allow graffiti to remain on, any real property, including but not limited to any building or structure, nor on any motor vehicle, boat, trailer, or other personal property located on the real property, when the graffiti is visible from a street or from any other public or private property.*

The Municipal Code further allows the City to remove graffiti given the property owner's consent, and for the City to recoup "graffiti abatement costs and expenses," including removal, law enforcement efforts, administrative costs, and court/attorney's fees. Per Section 9.58.070:

> *A. The director may remove or authorize the removal of graffiti from publicly or privately owned real or personal property.*
>
> *B. The director may replace or repair or authorize the replacement or repair of publicly or privately owned real or personal property that has been defaced with graffiti when the director determines that the graffiti cannot be removed cost effectively.*
>
> *C. The director may not authorize the painting, repair or replacement of other parts of property that were not defaced with graffiti pursuant to this part.*

Additionally, Section 9.58.080 requires the City to obtain permission from property owners when removing graffiti on non-City owned property:

> *A. The director shall obtain the consent of the public entity having jurisdiction over publicly owned, defaced real or personal property prior to the commencement of any removal, repair or replacement work under this part.*
>
> *B. The director shall obtain the consent of the owner or possessor of privately owned, defaced real or personal property prior to the commencement of any removal, repair or replacement work under this part.*

The entity responsible for overseeing these provisions is the Department of Planning, Building and Code Enforcement's Code Enforcement Division, whose mission is to "enforce and promote compliance with local and State codes to ensure a safe, healthy, and attractive community."

Property Owners Should Be Notified

Although the City currently removes graffiti on private property as a courtesy to residents, there is no effort to communicate with property owners or occupants. Property owners are not informed that the City has observed graffiti on their property, that they have an obligation to keep their property graffiti-free, or that the City is providing them courtesy abatements. The City currently does not leave any fliers or other documents with property owners. As a result, the City loses an opportunity to encourage voluntary compliance from property owners.

Property Owner Consent Is Required by the Municipal Code and the Contract

In addition to the lack of noticing to property owners, the City also is not currently obtaining consent from property owners before removing graffiti from their property. While PRNS is aware of the consent clause of the Municipal Code, obtaining property owner consent would require significant staff time. Although required by the contract between the contractor and the City, obtaining consent is actually not easily integrated into the contractor's business model or the City's desired removal timelines, as it would potentially require visiting a site twice (once to ask permission and a second time to get permission and abate if the owner is not available the first time). It may be useful to pursue an amendment to the Municipal Code to allow for implied consent once a property owner has been notified.

Previous City practice included leaving a door-hanger on private property. The door-hanger was left when no one was present to either request permission to remove graffiti, or to inform that graffiti had been removed (if permission was on file), and also to inform occupants that color-matching paint had been left at the

property.[15] Additionally, notices regarding the limits on courtesy graffiti removal served as reminders to property owners of their responsibilities. A copy of the door-hanger can be found in Appendix 2.

Recommendation #6: To better involve property owners and parties responsible for non-City properties, we recommend PRNS develop:

a) Door-hangers, fliers, or other notices in multiple languages to inform property owners of their responsibilities, and of City services; and

b) A permission gathering process or proposal to amend the Municipal Code to allow for implied consent to remove graffiti on non-City owned property.

Deadlines for Graffiti Removal Are Not Defined

Despite the City's policy of holding property owners accountable, the Municipal Code does not define deadlines for property owners to abate graffiti before the City takes action. Current practice is to allow for a minimum of 60 days to pass before the Anti-Graffiti Program refers a property to Code Enforcement, and another 60 days before Code Enforcement potentially issues an administrative citation.

In contrast, other cities establish a number of days between the time graffiti is found and the property owner is notified, and when the City can take action. Oakland's Municipal Code allows for a grace period of 10 days, and San Francisco allows 30 days before property owners are referred to Code Enforcement. We recommend setting a deadline consistent with San José's standard of removing graffiti in a timely manner (currently, within 24 to 48 hours), and the community's desire to see quick removal.

Recommendation #7: PRNS should propose amending the Municipal Code to specify and reduce the number of days graffiti is allowed to persist on property before action is taken, with special consideration for urgent graffiti.

The City Is Abating Some Locations Multiple Times

The City is currently removing graffiti an unlimited number of times on any given property. Previously, the City had a policy of providing one courtesy abatement

[15] Our review of historical documents shows that in both FY 2009-10 and FY 2010-11, consent was received for about 600 properties each year.

every six months, and abating an individual property a limited number of times before forwarding the property to Code Enforcement for action. This cycle was supplemented with printed materials and warnings. However, as the City transitioned to an outsourced service model, staff have been occupied with day-to-day operations of the contractor and challenged to continue this previous practice.

In a review of the work order management system, we identified locations that have been served multiple times, and determined how frequently they have been served. Over the course of 22 months, the contractor has abated properties anywhere between 1 and 120 times. Exhibit 22 below shows 63 locations where more than five courtesy abatements have occurred; asterisked entries are City-owned.

Exhibit 22: Instances of More Than 5 Courtesy Graffiti Abatements

# of Work Orders	Address
120	180 Woz Way*
117	870 E Santa Clara St.
76	2454 Story Road
71	2495 Ocala Ave.
68	250 S. King Road
58	1448 E. Santa Clara St.
56	N 25th and Santa Clara St.
55	459 S. Capitol Ave.
54	70 S. Jackson Ave.
46	1002 E. Santa Clara St.
45	21st and E. Santa Clara St.*
38	2662 Glen Fenton Way
37	2039 Kammerer Ave.*
35	5604 Silver Leaf Road
34	5400 Monterey Highway
34	1855 Tully Road
33	1982 Alum Rock Ave
32	203 S. King Road
31	1948 Alum Rock Ave.
30	1148 E. San Antonio St.
27	2448 Story Road
26	2001-2149 Story Road

# of Work Orders	Address
24	139 S. White Road
22	3098 Florence Ave
20	18th and E. Williams*
20	190 N. 5th St.
20	2780 E. Capitol Expw.
18	123 E. Alma Ave.
17	1197 Lick Ave.
16	851 S. Sunset Ave.*
16	278 E. Santa Clara St.
14	25xx Riparian
14	12710 Mabury Rd.
14	1275 Lundy Ave.
14	1464 Kelly Court
14	1300 Senter Road*
13	2166 Calla Ct.
13	272 E. Santa Clara St.
12	1276 Capitol Ave.
12	2728 Sturla Drive
12	854 S. Sunset Ave.
11	12991 Berryessa Rd.
11	3102 Bagworth Court
10	24 N. 5th St.

# of Work Orders	Address
9	1717 Kammerer Ave.
9	301 Preservation Drive
9	1065 S. 5th St.*
8	1153 Lelong St.
8	854 Gateview Ct.
8	2202 Dobern Ave.
8	2301-2411 Tully Road
8	2526-2548 Story Road
8	680 and Berryessa Road
7	2205 Dahlia Ct
7	2420 Lava Drive
7	3217 Quimby Road
7	716 N. Jackson Ave.
7	760 Hillsdale Ave.
7	799 Sweetwater Way
7	251 E. Empire St.
7	31 N. 2nd St.
6	2154 Commodore Drive
6	780 Gateview Drive

* City-owned property as identified by Program staff.

Source: Audit team analysis of data from work order management system from June 2011 through April 2013. (May include various types of surfaces that are the responsibility of various parties).

The Need to Standardize Addresses

Many work orders do not include a street address (e.g. only an intersection was identified). In addition, because the work order management system and the smartphone app do not require addresses to be standardized, one property in the work order management system may be recorded many different ways. For example, City Hall is located at 200 East Santa Clara Street, which could also be written as:

- 200 E. Santa Clara Street
- 200 E Santa Clara
- 200 East Santa Clara
- 200 East Santa Cara Street
- 200 e santa clara street
- 200 Santa Clara St.

Standardized addressing would allow for a much more complete analysis of properties that have been visited multiple times. Moreover, standardized addressing would also help the City link properties to ownership data, which would expedite outreach efforts and Code Enforcement recourse, if necessary.

Cost of Multiple Abatements

During this audit, we analyzed abatements on five major streets. These five streets represent about 20 percent of all work orders and 10 percent of costs through February 2013. The total cost of graffiti removal on these streets was $127,516. A large portion of these costs could not be attributed to specific sites because of incomplete addressing. Exhibit 23 shows the number of identifiable sites and costs on these five streets.

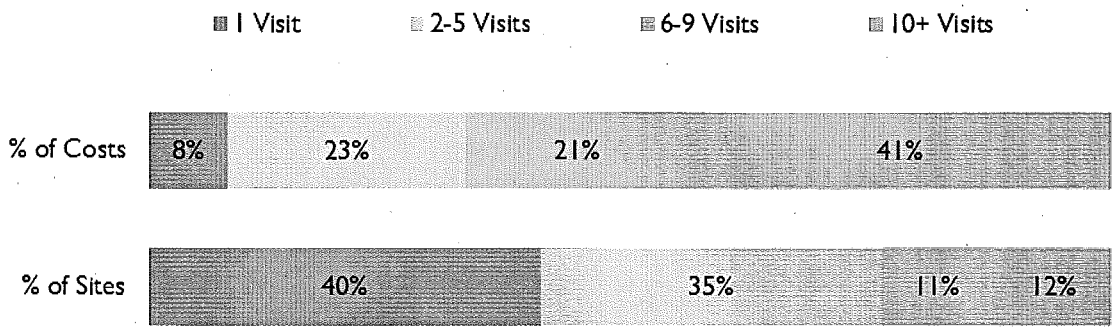
Exhibit 23: Frequently Served Streets

Street	No. of Identifiable Sites	Cost of Graffiti Removal at Identifiable Sites	Total Cost of Graffiti Removal
Story Road	255	$17,379.20	$31,945.60
Tully Road	195	$12,812.00	$29,793.20
Santa Clara Street	325	$22,596.40	$29,253.60
Alum Rock Ave	158	$15,942.00	$21,211.60
White Road	299	$8,894.80	$15,312.00
TOTAL	**1,232**	**$77,624.40**	**$127,516.00**

Source: Audit team analysis of data from work order management system from June 2011 through February 2013.

Many sites receive multiple courtesy abatements. This was particularly true along the street corridors shown in Exhibit 23 above. Of 1,232 identifiable sites, 60 percent received multiple abatements. As a whole, sites cost an average of $63 per visit; sites visited more than 5 times have an average cost higher than $63. Further, sites that are visited multiple times take up a large share of the graffiti removal budget. Forty percent of sites are visited only once and take up only 8 percent of expenditures to date; 12 percent of sites are served 10 or more times but take up 41 percent of expenditures.

Exhibit 24: Percent of Sites and Costs, by Frequency of Visits



Source: Audit team analysis of data from work order management system from June 2011 through February 2013.

Appendix 3 shows a map of these five streets and the 63 locations receiving more than 5 courtesy abatements.

The City Is Providing Unlimited Courtesy Abatements

Rather than removing graffiti an unlimited number of times, the City may benefit from reaching out to these property owners, advising them of their responsibilities and encouraging voluntary compliance and/or seeking reimbursement. In other cases, properties should be referred to Code Enforcement for further action, particularly if the property has other non-graffiti Code Enforcement violations that should be addressed. Moreover, many of these properties could be referred to responsible parties in lieu of continuing to spend the City's limited resources on graffiti removal.

However, there is a significant trade-off that must be recognized when considering holding others accountable for removing their own graffiti. A policy in which property owners are held responsible may lead to graffiti persisting for more than the current 24/48-hour standard. Such a policy may also increase administrative duties not only for PRNS staff, but also for Code Enforcement staff. However, those costs may be reimbursable. On the other hand, a policy in which the City provides unlimited graffiti removal for everyone will result in greater costs that may not be sustainable forever. This is an important policy decision for the City with respect to graffiti.

Recommendation #8: To improve PRNS' ability to hold property owners and responsible parties accountable, we recommend PRNS:

a) **Work with the contractor to standardize addresses and link them to the City's property ownership data;**

b) **Establish limits on the number of courtesy abatements within a specific time frame to be performed on non-City property;**

c) **Track the number of abatements on properties; and**

d) **Refer to Code Enforcement and seek reimbursement after limit is reached.**

Streamlining the Enforcement Process

If graffiti persists on private property, San José's Municipal Code also allows the City an enforcement mechanism. Section 9.57.400 states:

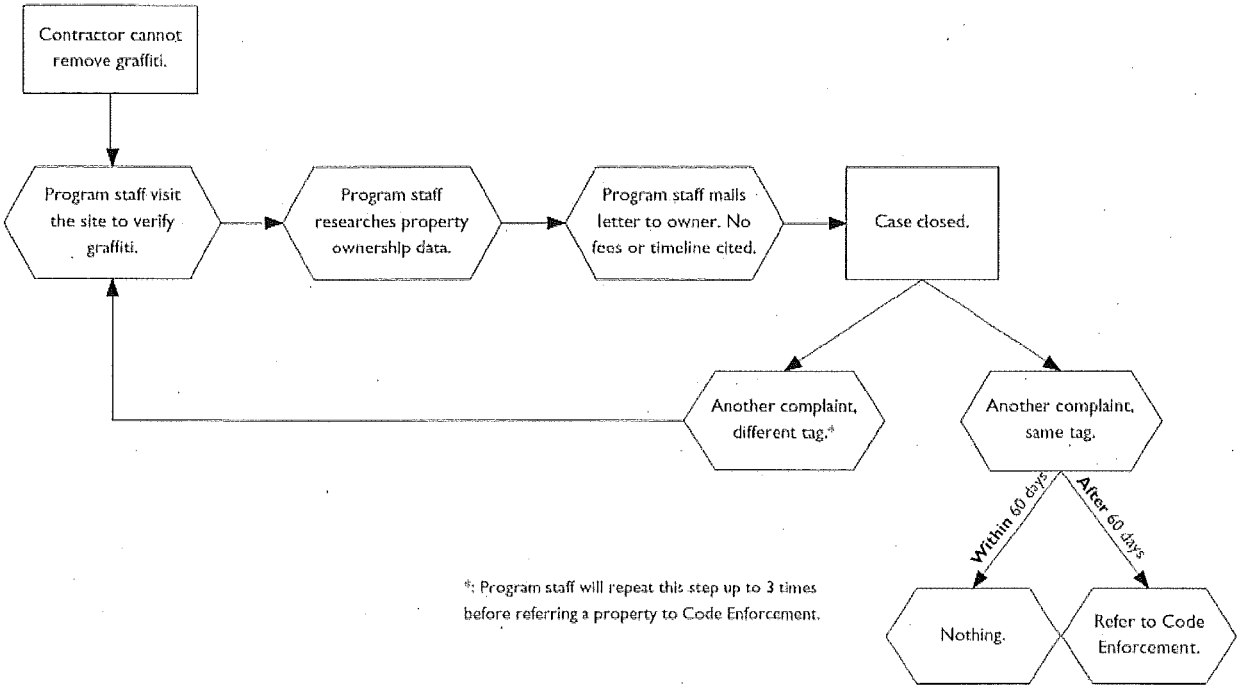
> *A. Without limiting the generality of the provisions in Title 1, any person who violates any provision of this chapter shall be subject to enforcement for each violation through any lawful means available to the City, including, without limitation, administrative nuisance abatement procedures...administrative citation procedures...or the enforcement provisions.*

The Current Process for Referring Properties for Enforcement Is Lengthy and Labor Intensive

Without specific timelines established in the Municipal Code, the informal practice in the City in both Code Enforcement and the Anti-Graffiti Program allows graffiti to persist for **a minimum** of 60 days before beginning the code enforcement process; previous practice allowed approximately 10 days.

When the contractor is unable to remove graffiti from a property, its technicians send the work order back to Program staff for referral to other agencies or Code Enforcement. For those properties not served by the contractor, current practice is as follows:

Exhibit 25: Current Code Enforcement Process Used by the Anti-Graffiti Program



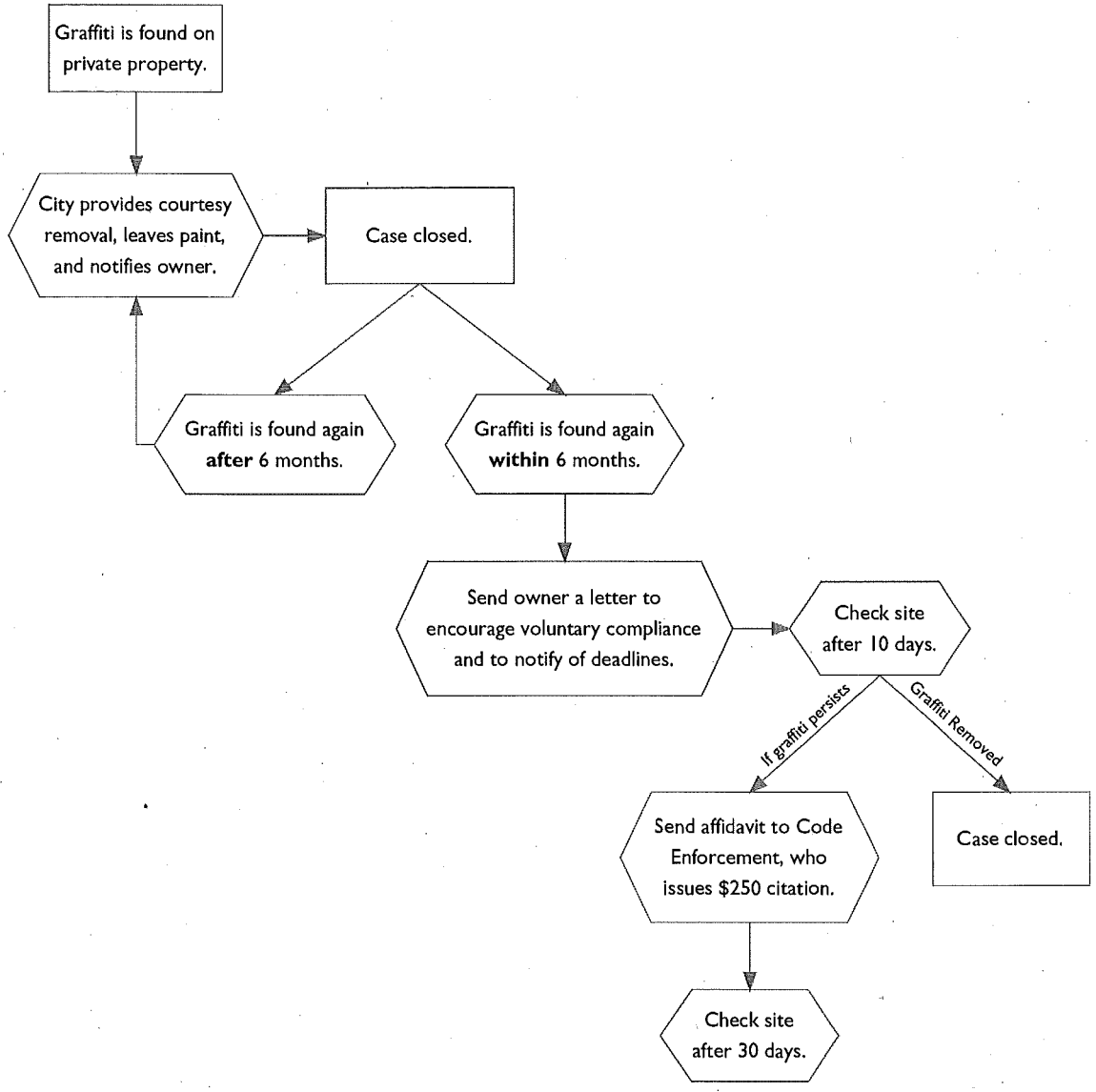
Source: Audit team summary of Anti-Graffiti Program's records and processes.

This process is time-consuming, and took 50 to 75 percent of one employee's time. Between July and December 2012, PRNS staff visited about 450 properties, but ended up referring fewer than 20 cases to Code Enforcement.[16] Records of these visits are not well-documented enough to analyze frequency of specific outcomes, which include not finding graffiti, talking to the owner/tenant, offering paint, sending a letter, and/or referring to Code Enforcement.

Previously, the Anti-Graffiti Program worked with Code Enforcement to develop a more expedited process, which is outlined below in Exhibit 26. This process incorporated courtesy abatements, as well as code enforcement recourse (including an affidavit executed by Program Staff), and closing cases only after graffiti had been removed. Records show that in fiscal year 2009-10, the Program mailed 353 notices to property owners and referred 36 cases to Code Enforcement.

[16] Code Enforcement handled a total of 238 graffiti cases in Calendar Year 2012.

Exhibit 26: Previous Code Enforcement Process Used by the Anti-Graffiti Program



Source: Audit team summary of Anti-Graffiti Program's records and processes.

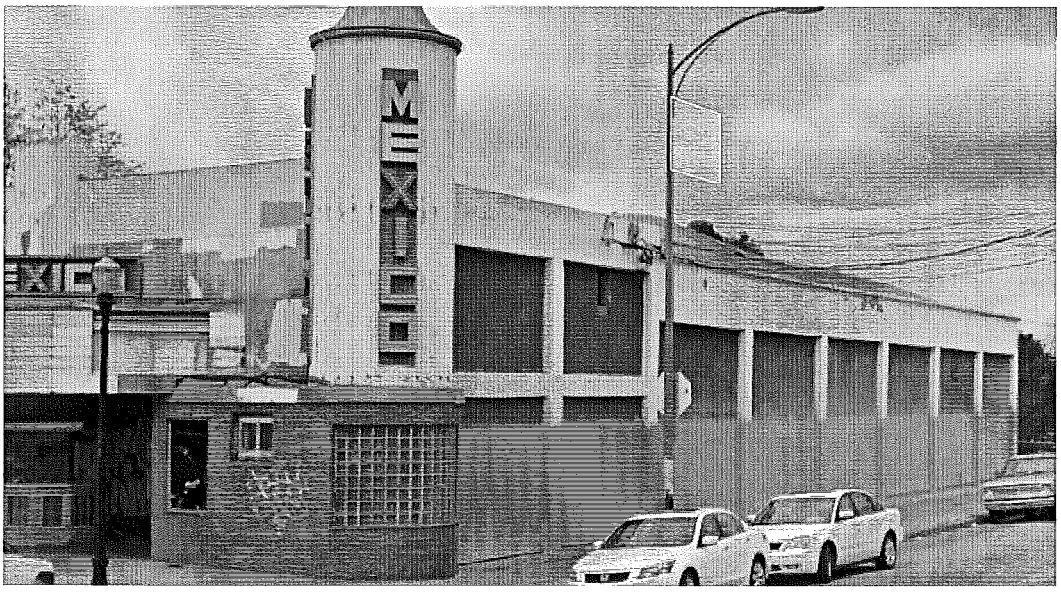
There are two primary changes between how cases were referred to Code Enforcement then and now. First, cases used to be closed when graffiti was removed. Now, cases are closed once owners have been notified, unless PRNS receives another complaint *about the same tag within 60 days.* If PRNS receives a complaint about a *different* tag *within 60 days*, current process does not refer the property to Code Enforcement, which leads us to the second difference. Previously, non-responsive owners of properties that had been tagged multiple times within six months would be referred to Code Enforcement; now, staff repeat the process of verification and notification.

While the previous process likely requires more staffing, the current process does not efficiently use limited staff time and refers significantly fewer properties to Code Enforcement. It also is more likely to allow graffiti to persist on buildings for longer periods of time. We encourage PRNS and Code Enforcement to work on a coordinated approach that maximizes staff time and reduces the amount of time graffiti can persist on private properties.

Some Properties Should be Referred Immediately to, and Coordinated With, Code Enforcement

There are some properties that should be sent to Code Enforcement immediately (e.g. abandoned buildings), but are actually being abated by the contractor multiple times without a referral to Code Enforcement to pursue other remedies. For example, the building in Exhibit 27 appears to be vacant, but has been visited by the contractor over 30 times and has cost the City over $2,000. We surmise this building has other code enforcement issues that need to be remedied and/or that the property owner should reimburse City costs.

Exhibit 27: Graffiti on Abandoned Building



Source: Contractor's work order management system

Recommendation #9: To streamline its code enforcement referral process, we recommend PRNS:

a) Reduce the number of visits staff makes to a site, and/or link visits directly to an administrative citation/affidavit process; and

b) Refer properties that have clearly identifiable code enforcement violations beyond graffiti directly to Code Enforcement for further action.

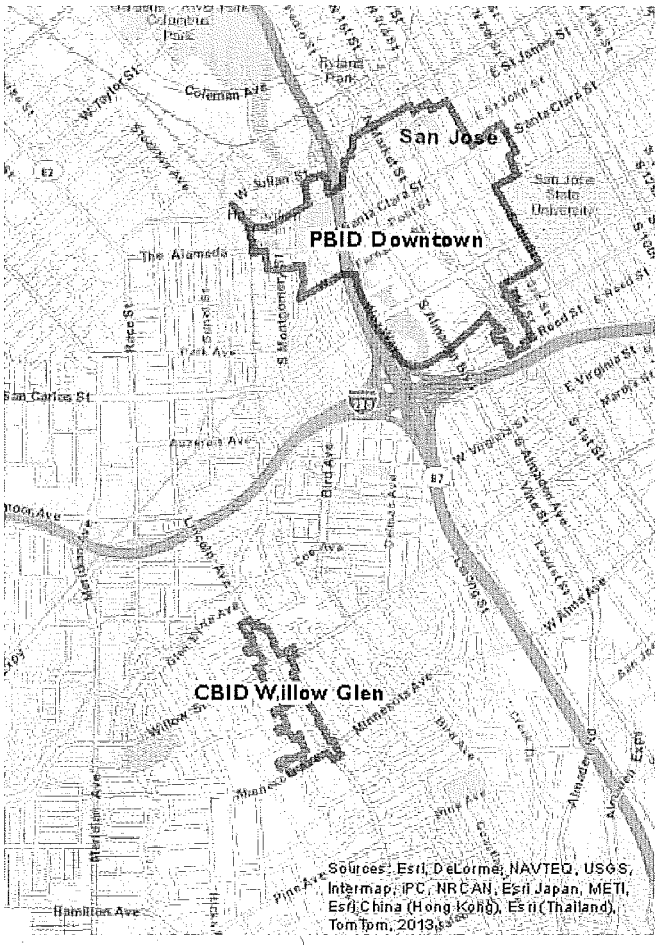
The City Is Cleaning Graffiti on Properties Where Others Are Responsible

Many non-City property owners remove graffiti within their areas of responsibility. However, we found the City is removing some graffiti that is the responsibility of other jurisdictions, agencies, districts, and contractors. The two primary examples found in the course of this audit are the soundwalls along Capitol Expressway (maintained by Santa Clara County) and property within the Downtown Property-Based Improvement District (PBID) and Willow Glen Community-Based Improvement District (CBID).

- Capitol Expressway Soundwalls between the Interstate 680 and Highway 87 have accounted for about $70,000 in graffiti removal costs.
- Downtown and Willow Glen Improvement Districts have accounted for about $27,000 in graffiti removal costs.

When Santa Clara County was contacted regarding the soundwalls, staff seemed ready and able to dispatch a crew to the impacted area. For the Downtown and Willow Glen areas, agreements are already in place that require other parties to remove graffiti.

Exhibit 28: Maps of Downtown PBID & Willow Glen CBID



Source: Audit team mapping of Property/Community-Based Improvement Districts

There may be potential savings in similar areas in which other agencies are primarily responsible, such as Monterey Highway. Again, it is important to note that other parties may not have the same response times as the City and may not adopt a restorative approach like the City's current contractor.

Furthermore, for some reasons, (such as high visibility, or particularly severe vandalism), the City may choose to take immediate action. In such cases, however, the City may choose to remove the graffiti, and seek reimbursement.

Recommendation #10: To better hold non-City property owners and responsible parties accountable and help preserve limited graffiti removal resources, we recommend PRNS:

a) **Identify other jurisdictions, agencies, districts, and contractors who are responsible for graffiti removal within City boundaries;**

b) **Formalize acceptable timelines with parties through Memoranda of Understanding;**

c) **As technology allows, refer work orders for these types of properties directly to the responsible parties; and**

d) **Establish a process such that when timelines have expired, it can remove the graffiti and seek reimbursement.**

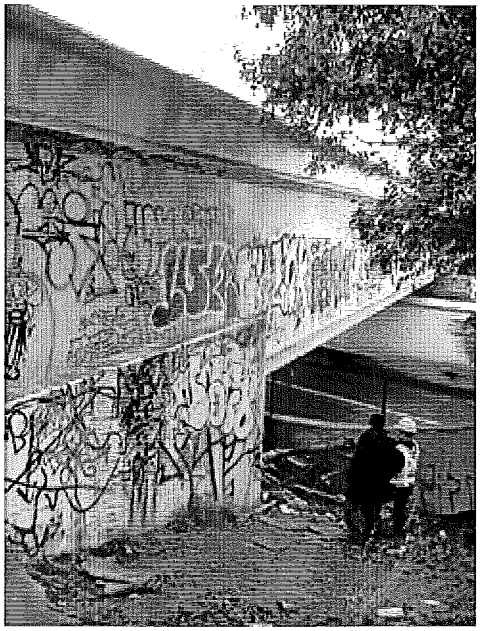
Graffiti on High-Profile Freeways, Railroads, Expressways, and Construction Sites Continues to be a Problem

In San José, a number of high-profile graffiti tags have attracted significant attention from the public. Highway overpasses and railroad crossings, in particular, have been a target for graffiti. These are also some of the most challenging sites for the City in terms of graffiti removal due to issues around jurisdiction and liability.

These sites, where multiple jurisdictions have authority, require complicated coordination over time between several different parties. For instance, the 13th Street bridge over Highway 101 (see Exhibit 29 below) is a rail bridge owned by Union Pacific Railroad. Although it is within the boundaries of San José, the City does not have authority to clean the site. Graffiti removal will involve the City's Anti-Graffiti Program staff, Union Pacific, CalTrans (which is responsible for the area directly below the bridge), and the San José Police Department. In the case of freeway overpasses, the California Highway Patrol may also need to be brought in to shut down parts of the freeway during the actual removal work.

Meetings of all parties to determine a timeline and who will be responsible for various aspects (e.g. materials, painters, security, etc.) can take months to schedule. Meetings regarding the 13th Street bridge began in January 2013 and graffiti removal did not happen until May 2013. In actuality, staff efforts began long before January 2013, when Program staff established relationships with counterparts and convinced their counterparts that this was an area of joint concern.

Exhibit 29: 13th Street Rail Bridge Over Highway 101



Source: Audit team photos from January 24, 2013 meeting with CalTrans and Union Pacific

Another example of high-profile sites that have proved challenging to staff is construction sites and barriers. While construction permits have requirements regarding litter removal, there is no language requiring removal of graffiti, and staff reports that voluntary compliance is low.

Sustaining Momentum

Significant progress was made during the course of this audit with respect to interjurisdictional coordination. Before this audit began, staff communicated with other agencies, but meetings were scheduled only when a specific problem site needed attention and were not held on a periodic schedule. Because graffiti on high-profile interjurisdictional sites remains problematic within San José, we believe consistently scheduled meetings would significantly ease the process of removing graffiti on logistically challenging sites.

Program staff report that with this effort, they hope to hold meetings, especially with local CalTrans officials, on a regular basis. While we recognize that it may be challenging to regularly meet with all key parties, meetings should continue to be held even if only a few of the parties can attend, to keep momentum going. Sites that will be jointly addressed have been identified as overpasses located at McKee Road and Bird Street.

Recommendation #11: To address graffiti on freeways, railways, and expressways, the City should continue building relationships by:

a) Continue meeting periodically with large property owners (e.g. Caltrans) who also have a graffiti problem, to address joint areas of concern; and

b) Explore possible Memoranda of Understanding between parties.

Recommendation #12: To address graffiti on construction sites, we recommend PRNS work with the departments of Planning, Building and Code Enforcement and Public Works, to ensure permits clarify the responsibility for promptly abating graffiti on construction barriers and in construction zones.

SJPD Enforcement

As a result of budget cuts, SJPD eliminated its two dedicated graffiti officers as of September 2012.[17] Until then, the Program had previously benefited from a dedicated police team which investigated high-profile cases.

According to data provided by the SJPD, graffiti officers cleared 4,052 graffiti cases, 740 of which involved at least one arrest between January 2008 and June 2012. The officers unit was responsible for several major graffiti arrests, accounting for over $100,000 in restitution/damages.

In May 2013, PRNS met with SJPD to discuss potential uses of information about graffiti and collaboration on graffiti removal efforts. The contractor has the ability to enter unique characteristics of the graffiti (including monikers) into the work order system. This type of information is being used in other communities, and used to be used here, to track prolific taggers.

In June 2013, the Mayor's June Budget Message recommended an allocation of $150,000 for implementing cameras to help record graffiti crimes.

[17] SJPD will make arrests if they see graffiti vandalism occurring on their patrol, but no longer actively investigate cases.

Recommendation #13: To address graffiti hotspots, PRNS should:

a) **Continue to track monikers in the work order management system;**

b) **Provide the Police Department with information about graffiti trends, hotspots, and prolific taggers;**

c) **Work with Police Department on placement of cameras; and**

d) **Work with Police Department to investigate high profile graffiti cases and coordinate strategic enforcement efforts.**

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Finding 3 Managing and Supporting Outsourced Services Has Been Resource-Intensive

Summary

Some of the productivity gains achieved throughout outsourcing have been offset by the need for additional contract management and support of the contractor. Because of its thin staffing, the Anti-Graffiti Program has felt added strain on other Program functions (community involvement and enforcement). Outsourcing has also brought on additional burdens in the form of staff time needed to provide progress reporting to the City Council and its Committees and subcommittees. Furthermore, while the graffiti contractor provides efficient ways for members of the public to report graffiti, the Anti-Graffiti Program has not taken full advantage of those opportunities. To address these problems, we recommend that PRNS seek analytical staff support for the Anti-Graffiti Program, and work with its contractor and others to streamline processing of service requests. Lastly, we recommend the City discontinue the resource-intensive Citywide Graffiti Survey, and instead rely on the wealth of data provided by the contractor.

Lessons Learned from Outsourcing

Outsourcing graffiti abatement was intended to reduce costs while enhancing service delivery to the public. The business case that PRNS presented in Spring 2011 estimated that 3.75 fulltime equivalent staff (FTE) would be retained to manage the contract and oversee the Anti-Graffiti Program's community involvement and enforcement activities.

According to San José City Council Policy #0-29, 10 percent is "the general percentage used in business to account for the cost of contract administration and basic transition costs." Using this standard, contract administration costs associated with outsourcing should fall under $81,500, based on the Anti-Graffiti Program's allocation of $815,000 to the contractor per the FY 2012-13 budget.

However, we found that actual contract-related costs exceed this threshold. In FY 2012-13, we conservatively estimate that PRNS spent about $140,000, or 17 percent of the contract amount, managing and supporting the contract. With the Program's entire personnel budget being only $270,000, contract management and support is over half of the Program's personnel costs. Only $130,000 was left for all other programmatic aspects, including community involvement and enforcement.

Contract Management Can Be Time Consuming

Prior to outsourcing graffiti removal, day-to-day monitoring of the maintenance crews was performed by senior maintenance staff, with some additional support from other Anti-Graffiti Program staff (specifically, the Program's manager and office support staff). Despite decreased staffing, Program staff now have additional oversight responsibilities including:

- Program staff spends significant time reviewing monthly invoices.
- On a daily basis, Program staff spends time troubleshooting service requests that present challenges for the contractor.
- Processing and forwarding graffiti requests that do not come from the smartphone app. (See Section on disparate reporting methods)
- Program staff regularly plans with the contractor to create new "assigned areas."
- Program staff meet with the contractor to discuss scheduling of work orders, outstanding issues, and performance targets.

In addition, during the early period of the contract term in 2011, Program staff spent significant time "onboarding" the contractor to San José. While not directly related to the day-to-day support of the contractor, Program staff, as well as other PRNS staff, spend significant time preparing the semi-annual reports to the Neighborhood Services & Education Committee and the City Council. In addition, Program staff spend time supporting the Graffiti Services Review Committee of the City Council's Parks & Recreation Commission.

Some Contract Management Tasks Fell Through the Cracks

One of the effects of all of this work is that key duties are likely to fall through the cracks. For instance, the City requires up-to-date insurance certificates because they outline key provisions in insurance coverage and verify that contractors are adequately insured so that the City is insulated from liability if certain incidents occur. Expired insurance certificates raise the risk that the contractor is no longer covered in areas that the City deems necessary. In June 2011, prior to the contract term, the contractor had submitted proof of adequate insurance coverage to the City, but Program staff never requested up-to-date certificates when the originally submitted certificates expired. During the course of this audit, PRNS requested and received updated insurance certificates from the contractor.

The Need for Dedicated Resources for Contract Management

While additional training would provide greater assurance that important contract compliance steps are performed, current Program staff are recreation, program, and community services professionals. Therefore, to address the aforementioned resource-intensiveness of contract management, and acknowledging that current Program staff are better suited to work on anti-graffiti aspects other than contract management, we recommend PRNS propose the addition of an analytical support staff member to the Anti-Graffiti Program, or transfer some of the Program's contract management tasks to its contract professional staff in PRNS' Administrative Division.

It is important that "organizations should take care to build a vendor management capability with clearly defined processes and specific skill sets in mind, and to appropriately staff the various roles that need to be filled."[18] Across the City, resources for support functions have declined. Over ten years, PRNS staff has been reduced by 47 percent to 460 FTE. In our opinion, the Program would benefit with an analyst taking on contract management duties (e.g. time spent reviewing and analyzing invoices, and timeliness of abatement), allowing existing staff to be freed up to focus on other program goals, including community involvement and enforcement as was described in the business case.

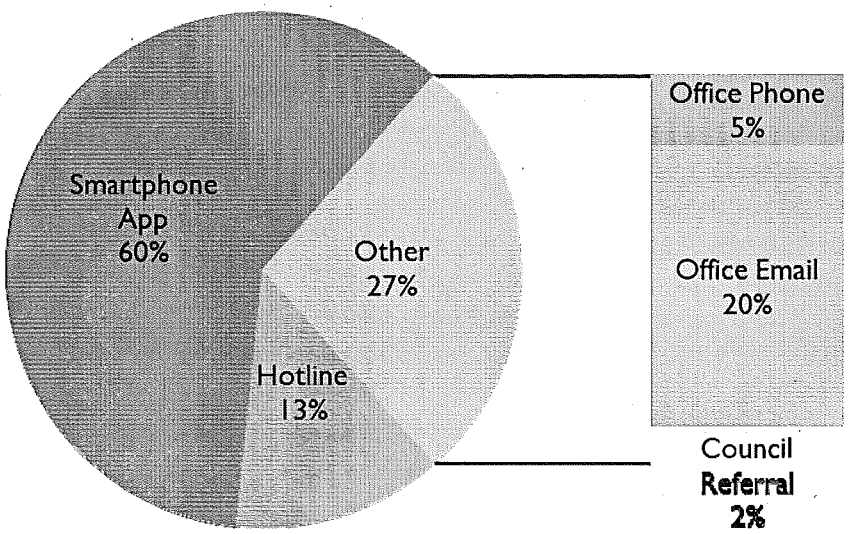
Recommendation #14: To free up existing Anti-Graffiti Program staff to perform programmatic duties, we recommend PRNS propose the addition of support staff to the Anti-Graffiti Program to manage the graffiti abatement contract, or to transfer some contract administration duties to PRNS contract staff.

Disparate Means of Reporting Graffiti Take Up Significant Staff Time

Currently, members of the public request graffiti removal through: 1) the smartphone app, 2) the contractor's hotline, 3) Council District 1's smartphone app, 4) staff referrals, 5) walk-ins, and 6) phone calls to the Anti-Graffiti Program's office.

[18] "Outsourcing Transitions: Avoid The 'Ditch.'" Deloitte Consulting. 2013.

Exhibit 30: How Graffiti Is Reported



Source: Audit team analysis of work order management system from June 2011 through April 2013.

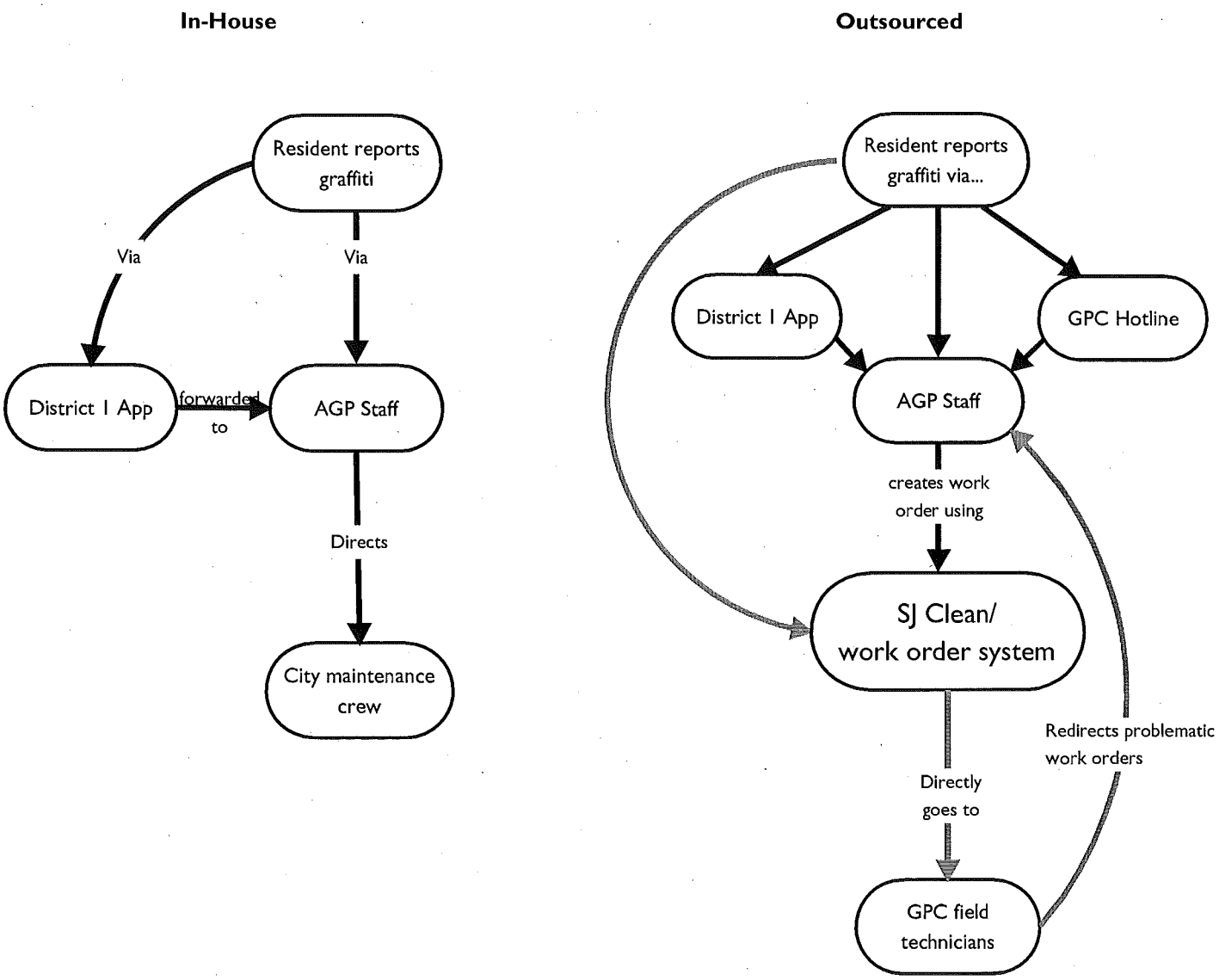
Disparate forms of customer-initiated work orders (outside of the smartphone app) create additional work for PRNS staff. We estimate that somewhere around 40 percent of work orders were entered into the work order system by PRNS staff. The time that is spent processing these customer-initiated work orders is in excess of the contract management and support costs cited at the beginning of this Finding, and comes out of the diminishing $130,000 reserved for community involvement and enforcement. We estimate that staff process about 22 service requests per day and that each request takes about 15-20 minutes, or about 5.5 hours per day. All of these could be handled more efficiently if they were reported via the smartphone app, the hotline, or an online reporting form available by the contractor:

- When people report graffiti by calling or walking into the Program office or sending emails, Program staff must enter them into the online work order management system. There were over 6,450 such requests, or 25 percent of all work orders.
- Council offices have reported nearly 700 incidents since the contract began. Over half of these (380) originated from Council District 1's smartphone app. These requests are received by the Councilmember's staff, and then forwarded to Anti-Graffiti Program staff, who then have to enter them into the work order system, leading to potential delays. Additionally, these emails are large and clog Program staff's inbox (they typically include photos), often making it impossible to continue to receive and send emails.
- When graffiti is reported through the contractor's hotline, dispatchers answer the calls, and then email the requests to the Program office, at

which point, staff create work orders. This circuitous process arose when the contractor's dispatchers, unfamiliar with San José streets and landmarks, were entering incorrect addresses into the system. However, even when City staff receive these emails, they often have to verify addresses using internet mapping tools (e.g. Google Maps). This is a step that should be completed by the contractor, especially considering that the contract states that "Phone operators shall log all such calls into the work order management system."

Exhibit 31 below compares the flow of graffiti service requests and work orders in-house services against the outsourced service model.

Exhibit 31: How Graffiti Is Reported



Reporting graffiti through the smartphone app is the least burdensome on City staff. If hotline calls are entered by the contractor's dispatchers into the work order system directly, then the hotline would also be a good method of reporting. Reporting through Program staff is the most burdensome and diminishes the responsiveness to the public. Having the contractor directly handle service requests would free up Program staff for other duties.

Recommendation #15: We recommend that PRNS work to streamline service requests so that they are entered directly into the work order system (and thus bypass PRNS staff) by:

a) **Promoting the smartphone app and the contractor's hotline as the primary ways to report graffiti for all of San José, including City Councilmembers;**

b) **Implement the contractor's online reporting form; and**

c) **Allowing the contractor to reassume entering hotline calls directly into the work order system.**

The Citywide Graffiti Survey Requires Extensive Resources but Yields Little Benefit

The Anti-Graffiti Program has been conducting an annual Citywide Graffiti Survey since 1999. The Survey, which is conducted in the beginning of the calendar year, consists of City staff driving each of San José's 178 square miles street by street, recording all tags that are visible from the street; results represent graffiti prevalence during a snapshot in time. Until the contractor's smartphone app, which allows members of the public to report graffiti incidents, the Survey was the main method of measuring the prevalence of graffiti in the City of San José.

The Citywide Graffiti Survey is Labor Intensive

About a dozen City employees, in teams of two, drive every street of the City and count each graffiti tag that they see and record the count on a paper form. Specific instructions are given to staff regarding how to count multiple tags, how to record tags on private and public property, and what surfaces to exclude.

We estimate that the driving portion of the survey takes about 900 hours. The forms are then compiled in the office, where a staff member transfers the records into the computer and analyzes all the results. We conservatively estimate that compiling and analyzing results takes another 80 to100 hours. As a whole, we estimate that the survey takes over 1,000 hours, or the equivalent of about half of a fulltime employee.

The Survey Is Prone to Human Error

As part of this project, we rode along with two separate teams as they completed routes as part of the Survey. We found that the survey methodology produced unreliable results, due to the referencing of numerous rules and guidelines, complicated form fields, the need to multitask between navigating the driver and counting graffiti tags, and the subjectivity between individuals. For example, 2013 survey results in a small zone of District 3 initially showed 1,200 tags of graffiti. When this area was re-surveyed shortly thereafter, staff counted fewer than 700 tags which—although still significant—indicates the original count may have been off by as much as 40 percent.

Moreover, the Survey is now being conducted by staff from the Anti-Graffiti Program and from other PRNS programs. This is far different than when the Survey was conducted by the in-house crews who were simultaneously noting locations for future abatement. Thus a driving survey that may once have been linked to graffiti removal efforts, has now become time-intensive and removed from the abatement function.

Recommendation #16: To free-up limited resources, we recommend PRNS discontinue the Citywide Graffiti Survey, and instead use actual incident data from the graffiti work order system to assess the prevalence of graffiti.

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Finding 4: The Anti-Graffiti Program Should Improve Community Outreach, Visibility to the Public, and Data Transparency

Summary

Community involvement is one of the three pillars of the City's Anti-Graffiti Program. However, given the Program's reduced staffing, the focus has been on managing the graffiti abatement contract – not managing or coordinating volunteers. The number of actual active volunteers is significantly lower than what is needed to support the contract and significantly lower than what the Program has reported in the past. Furthermore, the Program's overall visibility is limited and inconsistent, hindering awareness and volunteerism. Residents are not made aware of their responsibilities, are not informed of the City's graffiti contractor or of the City's services, and are not actively encouraged to volunteer. In addition, there are limited translation services for the non-English speaking population of San José. Lastly, the Program could provide the public with open access to graffiti data.

The Importance of Community Involvement and Outreach

Previously, the Anti-Graffiti Program employed program and community services staff specifically for community involvement. Duties included recruiting and training volunteers throughout the City and developing social marketing materials, public service messages, putting on graffiti removal events, and recognizing volunteers at recognition events. In addition, staff prepared and distributed marketing materials to ensure the visibility of the Program. Office staff also assisted with walk-ins from members of the public, responded to inquiries, and evaluated calls and distributed assignments.

In addition, the Program previously tapped into the Redevelopment Agency's Strong Neighborhoods Initiative program (SNI) on a regular basis to clean graffiti in designated neighborhoods, and worked with Anti-Graffiti Program staff to connect those communities to City services.

All these efforts have been hampered by years of budget cuts and staffing reductions and turnover in PRNS. In FY 2009-10, there were more people assigned to community involvement than there are assigned to the entire Anti-Graffiti Program today.

By June 2011, when the contractor came on board, the Program's community involvement capacity had already been significantly cut. Still, there was optimism

that the Program would be able to sustain community involvement activities, because the contractor expressed a willingness to host training events for volunteers. However, battered by media reports about outsourcing and contractor invoicing, PRNS staff have focused on monitoring contractor performance, and the contractor has focused on sweeping neighborhoods of graffiti. Other things, including outreach, have fallen by the wayside.

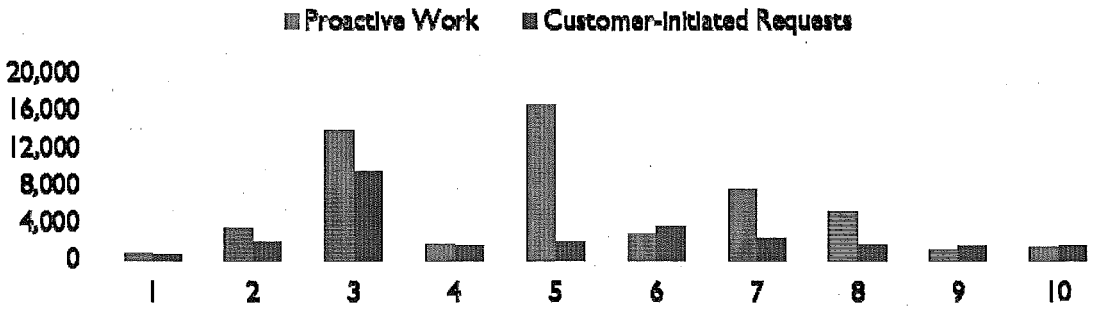
Starting in 2013, the Anti-Graffiti Program moved from PRNS' Parks Division to the Neighborhood Engagement Unit within the Recreation and Community Services Division. The Recreation and Community Services Division works with City staff across departments, as well as staff from other public agencies, and community-based organizations. This unit, which also houses the Mayor's Gang Prevention Task Force, has already had extensive involvement on graffiti-related issues in San José. As such, the Recreation and Community Services Division may offer new opportunities for valuable information to be passed to the Anti-Graffiti Program, and potentially, a built-in source of more Program volunteers.

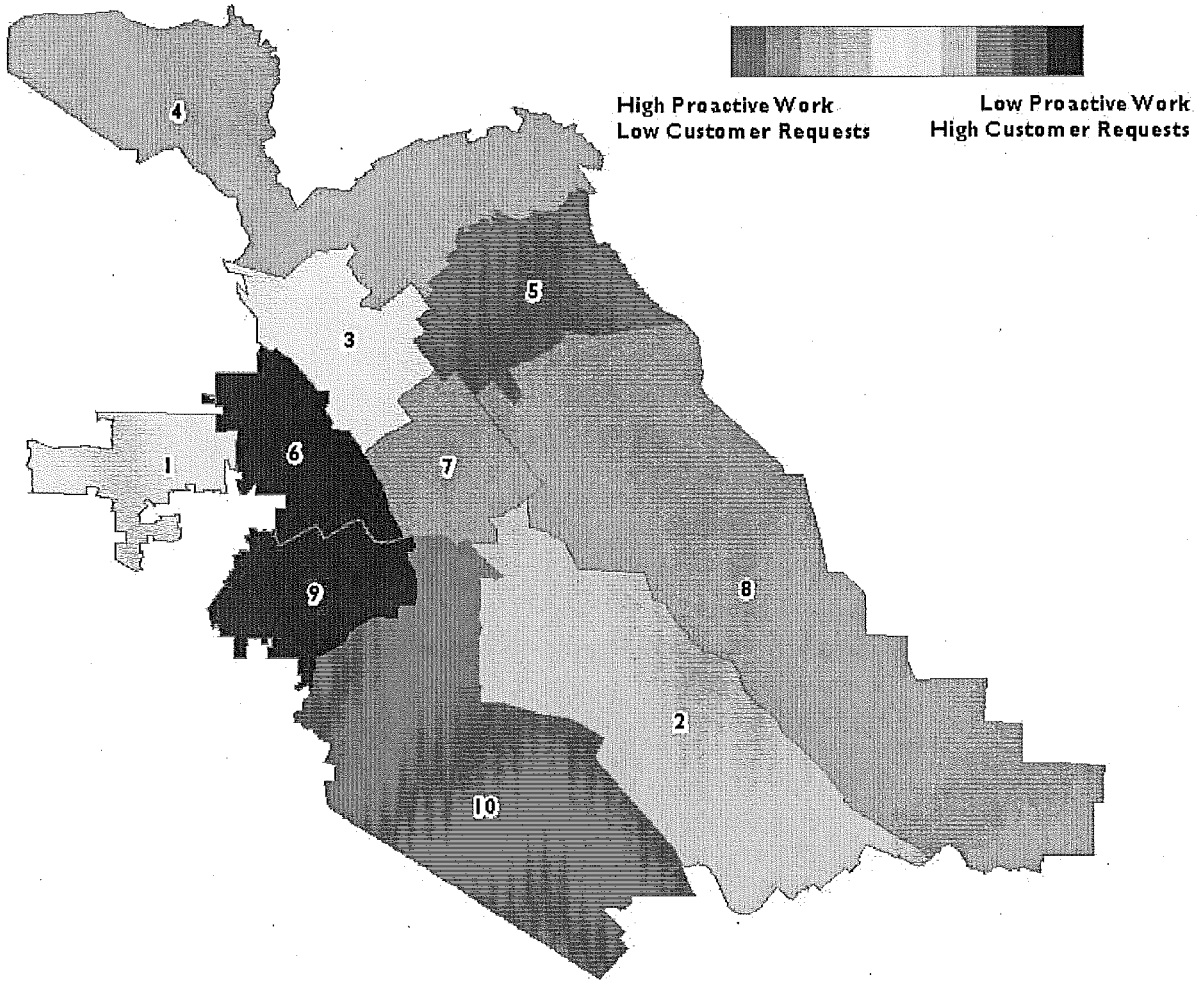
Enhance Outreach to Members of the Public and Volunteers

The smartphone app provided by the contractor, has made it more convenient for the public to report graffiti incidents. There have been over 5,000 downloads of the app since it was introduced in January 2012, and the contractor expects over 10,000 by the end of 2013. Some of these app users are super-users – submitting more than 10 requests for graffiti removal per day.

In reviewing customer-initiated requests and technician-initiated work orders in different neighborhoods, however, we found significant disparities. As shown in Exhibit 32 below, Council Districts 5 and 7 show the greatest disproportion between the amount of work done and the number of requests made by the public. Council Districts 6, 9, and 10, on the other hand, see more service requests than proactive work orders.

Exhibit 32: Proactive Work and Customer Requests by Council District





Copyright: ©2013 Esri, DeLorme, NAVTEQ

Source: Auditor summary based on work order management system (July 2011 through April 2013).

As we have pointed out throughout this report, the contractor's service delivery model relies on members of the public actively reporting graffiti vandalism. Low numbers of service requests in areas where graffiti is heaviest, may suggest a need for more direct outreach on the part of the Anti-Graffiti Program.

Volunteers Are a Key Element of the Anti-Graffiti Program

As discussed in Finding 1, the City and its volunteer network were expected to lead graffiti abatement in the unassigned areas, allowing the contractor to restore and maintain assigned areas gradually. According to PRNS, volunteers are the "cornerstone" of the Anti-Graffiti Program. The department, in various committee and City Council meetings and memos, has reported 3,600 volunteers.

Historically, the Anti-Graffiti Program's volunteer database shows a total of 7,698 volunteers who have ever volunteered with the Program, dating back to 1995. Of those, only 62 volunteers in the database were considered "active" between January 2012 and March 2013 – that is individuals willing to help remove graffiti.

We can only conclude that volunteerism has suffered as a result of staffing reductions that severely limited outreach efforts on behalf of the Program. The time of remaining staff is absorbed with other responsibilities, including contract management, which is discussed in Finding 3.

Evidence of lower volunteerism was found in the number of gallons of paint issued to volunteers, which PRNS has long used as a proxy for volunteerism. The number of gallons of paint has been cut in half – from 420 gallons in the last six months of FY 2009-10, to 221 gallons during the same period in FY 2011-12.

The City Manager's Proposed FY 2013-14 Operating Budget recommends adding $75,000 which would, in part, be used to market volunteer opportunities and support part-time staff to manage and oversee volunteers. In addition, this report recommends additional support staff to handle contract monitoring. This should free up program staff to focus on volunteer efforts as originally envisioned.

Recommendation #17: To improve its community involvement goals, PRNS should dedicate additional staff time to increasing volunteer efforts.

Program Visibility Needs to Be Improved

The visibility of the Anti-Graffiti Program is limited and inconsistent. As described below, there are no materials available to hand out to residents, contact information varies by source, and the Program's office location on Senter Road is difficult to find, making it more difficult for volunteers to pick up supplies or to check-in with Program staff.

When crews are in the field abating graffiti, there is generally very little communication with residents, either to ask permission to abate on their property or to inform property owners of what they are doing. This lack of engagement does little to encourage people to take care of their properties and communities.

Previously, the City's practice of leaving a door-hanger provided additional benefits beyond just requesting consent. For example, the door-hanger referred to resident responsibilities as cited in the Municipal Code, referred residents to resources such as free paint, and provided contact information to the Program office, as well as providing a space to leave comments for Program staff. It also outlined many of the issues around graffiti, and cited a job number and date visited. In general, it served as a way to engage the community and increased program visibility.

Improved Responses Would Make the Smartphone App More Satisfying

Additionally, when residents use the smartphone app to report graffiti, responses are not always consistent. First, the app's default setting is that residents have to **opt-in** to get responses, which occurs at the very end of the process. To ensure app users stay informed about the status of their requests, this should be changed to an **opt-out**.

Secondly, when the contractor completes work orders, users receive thank you notes with before and after pictures. However, in cases where the contractor cannot complete work orders, users receive notes stating that their work orders have been closed and referred elsewhere. The notes do not provide information regarding how to follow-up or who to follow-up with.[19]

[19] During our audit we noted some cases where the user received a cryptic message. We reported this apparent bug to the contractor.

Recommendation #18: PRNS should work with the contractor to enhance its smartphone app to:

a) Change the default to require residents to opt-out of a follow-up message, and

b) Give residents more information about why their requests could not be completed and who to contact when the contractor cannot handle their requests.

Lack of Communications in Multiple Languages

In San José, the most common languages other than English, are Spanish and Vietnamese. Despite 25 percent of residents having a limited ability to speak/understand/read English, virtually all the available information about the Anti-Graffiti Program (including services and property owner obligations) is provided only in English.

In addition, we found that reporting mechanisms are also limited in translation services. The hotline is not able to accommodate Vietnamese speakers, and the app is only available in English.

To date, there has been little effort to accommodate non-English speakers, either to allow them to report graffiti, or in program outreach. This results in members of the public being less able to stay informed about the Program and their responsibilities to maintain graffiti-free properties, less empowered to become involved as graffiti volunteers, and less aware of the services offered through the Program and its contractor. In our opinion, PRNS should commit to ensuring its written materials are accessible to all members of the community.

Physical Accessibility to Volunteer Toolkits Can Be Improved

The Program's relocation from Vine Street to the Central Service Yard has been particularly detrimental to Program visibility. The lack of signage at the Program's new location makes it difficult for members of the public to find; this, in turn, makes it more difficult for volunteers to pick up supplies or to check-in.

Some other jurisdictions, like Seattle, improved program accessibility by storing graffiti toolkits throughout the City at popular public facilities, so that residents and volunteers can more easily access them. Other cities, like San Francisco, direct residents to retailers (e.g. hardware or paint stores) to supply resources for members of the public.

Providing Accurate and Complete Contact Information

Program information provided on the City of San José's cable television channel on which public meetings are aired, is missing key information that could help enhance program visibility, like information for prospective volunteers, a notice of new Program address, and instructions for downloading the smartphone app. San José Police Department's graffiti website has attributes that would improve the Anti-Graffiti Program's website. For example, the best way to report graffiti is through the hotline or the smart phone app. Accordingly, the San José Police Department's Graffiti website, instructs members of the public to report graffiti to the contractor's hotline, and contains a quick response (QR) code for smartphone users to easily download the contractor's smartphone app.

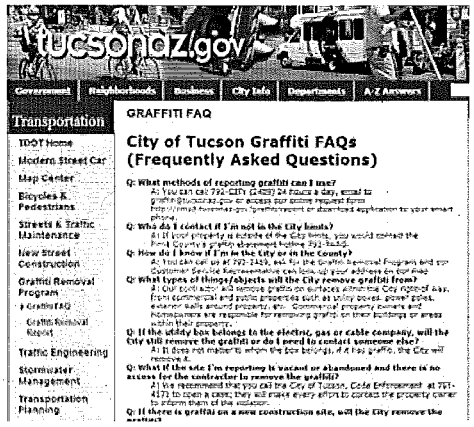
Ideally, contact information including phone numbers, addresses, websites and instructions for accessing Program information and resources are accurate and consistent. This helps ensure that members of the public can easily access services, volunteer for graffiti removal, access information, and refer others to the Program. The address listed on volunteer toolkits still contain stickers with the Program's former Vine Street address.

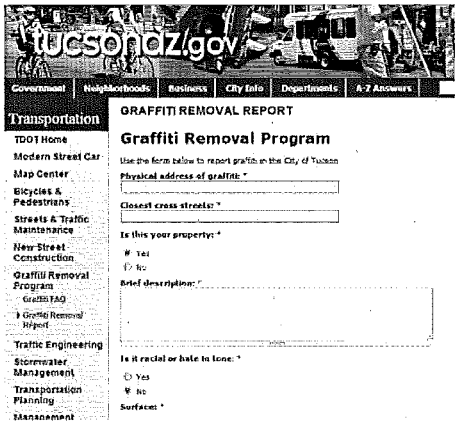
Building an Informative Website

Many cities' graffiti websites provide greater information than what is currently provided on the City's Anti-Graffiti Program website. The City of Tucson (like many other cities) provides information about what properties and surfaces the city will abate, and which are property owners' responsibility. It describes the services that the city provides and, like many other cities, provides contact information for other jurisdictions (e.g. "to report graffiti on highways, call..." ; "to report graffiti at bus stops, call..."), as well as a frequently asked questions (FAQ) section.

San José's website lists other agencies, districts, jurisdiction, and contractors, but does not provide contact information, nor does it include a FAQ section or multiple phone numbers, and despite a reference to the smartphone app, there is no QR code that would allow smartphone users to directly download the app, and directly connect to it. Through their graffiti websites, New York and Chicago also allow residents to report incidents using online forms, instead of having an email address.

Exhibit 33: City of Tucson FAQ





Source: Audit team screenshot from Tucson's graffiti website. May 2013

Recommendation #19: PRNS should work to improve the Anti-Graffiti Program's visibility and accessibility through:

a) **Brochures: Develop brochures like previous door-hanger that outline muni code, city policies and services.**

b) **Language accessibility: Develop materials in multiple languages, ensure residents can report graffiti in multiple languages.**

c) **Physical accessibility: Place volunteer materials at more central locations. Consider partnering with retail stores so volunteers can pick up materials (and also get paint-matching services).**

d) **Unifying contact info: Publicize the hotline number on all materials.**

e) **Website improvement: Clearly define City services and improve access to graffiti reporting, including an online reporting form, a QR code on the smartphone app, and contact information for referrals to other agencies.**

Open Data

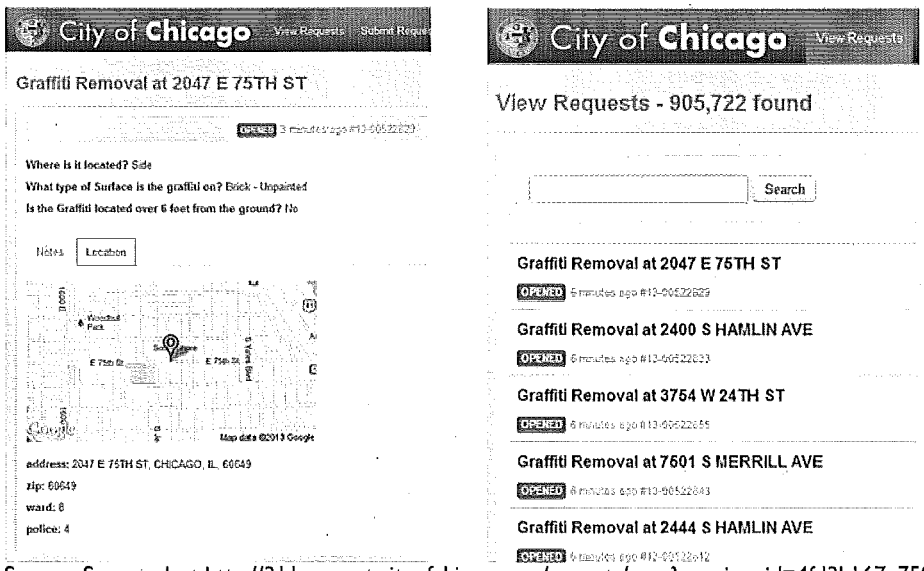
The importance of having up-to-date information about graffiti in San José and the Anti-Graffiti Program is evidenced by the semi-annual reporting to the Neighborhood and Educational Services Committee and the City Council. If made accessible to the public, data from the graffiti work order management system provides an opportunity to keep members of the community and Councilmembers abreast on graffiti vandalism and removal activity. The system

contains real-time work orders, including photos of pending and completed work orders.

To date, the current graffiti work order management system has only been accessible by the contractor's technicians and PRNS staff. All the data from the system, with exceptions of users' names and contact information, could be made available to the public to improve transparency and increase engagement as users can track the status of their requests.

Many cities, including Chicago and New York, make their 311 service requests (non-emergency services) open to the public. In doing so, residents can track the status of their requests, and see where requests are being made throughout the City.

Exhibit 34: Reporting Graffiti (Left) and Tracking Requests (Right)



Source: Screen shot http://311request.cityofchicago.org/reports/new?service_id=4fd3b167e750846744000005, May 2, 2013

Opening graffiti data to residents is a mechanism to engage the community and provide them with accurate, real-time, information about graffiti in the City. Among other things, it would allow residents to track where graffiti is most prevalent; volunteers could then easily figure out where their help is most needed. Such a system could potentially offer much of the same information that is currently made available during the semiannual reports to the Neighborhood Services and Education Committee and the City Council. At the very least, opening graffiti data is an opportunity to show residents the City's responsiveness in removing graffiti in San José.

Recommendation #20: To promote transparency and accessibility to the public, PRNS should make graffiti data open to the public by posting extracts from the work order system to the City's website (e.g. maps, locations, date of request and abatement, and costs).

Conclusion

Since outsourcing, the contractor has provided quality graffiti removal services, completing over 80,000 work orders and painting or cleaning 3.6 million square feet of damaged surfaces. Members of the public who have requested service are overwhelmingly satisfied. However, over half of the contract will have been spent 2 years into the 5-year contract term. Property owners and other agencies need to be more effectively involved, and we recommend additional analytical support so that Program staff can focus on community involvement and outreach.

RECOMMENDATIONS

Recommendation #1: To improve and formalize budgetary controls, we recommend PRNS document its policies and procedures to:

a) Clarify its approach and the contractor's responsibility in unassigned areas;

b) Define the restorative approach;

c) Consider establishing monthly do not exceed guidelines; and

d) Clarify its approach for working with the contractor regarding notification and/or preapproval of large work orders and secondary graffiti to help control costs.

Recommendation #2: PRNS should work with the contractor to minimize costs by:

a) Increasing volunteer activity in unassigned areas to reduce contractor workload;

b) Prioritize spending by service requests, proactive graffiti removal, and proactive secondary graffiti removal; and

c) Monitor spending by month and against the contract total.

Recommendation #3: To improve tracking of urgent work orders, we recommend PRNS:

a) Provide better instructions to smartphone app users to write out monikers and tags when creating a service request;

b) Identify known gang or hateful tags/monikers that should be abated within 24 hours,

c) Work with contractor to electronically match monikers that should be marked as urgent within the work order management system; and

d) Continue to report response times for 'urgent' tags.

Recommendation #4: To improve transparently and reporting, include the following elements in Council and committee memos:

a) Actual expenditures and remaining budget;

b) Geographic changes in service delivery;

c) Number of active volunteers, gallons of paint distributed, events held;

d) Response times for resident-initiated requests; and

e) Major interjurisdictional challenges and efforts.

Recommendation #5: To better identify ownership and parties responsible for non-City properties, PRNS should determine public/private property ownership, particularly specific agencies and major property owners to whom the City should be referring graffiti requests.

Recommendation #6: To better involve property owners and parties responsible for non-City properties, we recommend PRNS develop:

a) Door-hangers, fliers, or other notices in multiple languages to inform property owners of their responsibilities, and of City services; and

b) A permission gathering process or proposal to amend the Municipal Code to allow for implied consent to remove graffiti on non-City owned property.

Recommendation #7: PRNS should propose amending the Municipal Code to specify and reduce the number of days graffiti is allowed to persist on property before action is taken, with special consideration for urgent graffiti.

Recommendation #8: To improve PRNS' ability to hold property owners and responsible parties accountable, we recommend PRNS:

a) Work with the contractor to standardize addresses and link them to the City's property ownership data;

b) Establish limits on the number of courtesy abatements within a specific time frame to be performed on non-City property;

c) Track the number of abatements on properties; and

d) Refer to Code Enforcement and seek reimbursement after limit is reached.

Recommendation #9: To streamline its code enforcement referral process, we recommend PRNS:

a) Reduce the number of visits staff makes to a site, and/or link visits directly to an administrative citation/affidavit process; and

b) Refer properties that have clearly identifiable code enforcement violations beyond graffiti directly to Code Enforcement for further action.

Recommendation #10: To better hold non-City property owners and responsible parties accountable and help preserve limited graffiti removal resources, we recommend PRNS:

a) Identify other jurisdictions, agencies, districts, and contractors who are responsible for graffiti removal within City boundaries;

b) Formalize acceptable timelines with parties through Memoranda of Understanding;

c) As technology allows, refer work orders for these types of properties directly to the responsible parties; and

d) Establish a process such that when timelines have expired, it can remove the graffiti and seek reimbursement.

Recommendation #11: To address graffiti on freeways, railways, and expressways, the City should continue building relationships by:

a) Continue meeting periodically with large property owners (e.g. Caltrans) who also have a graffiti problem, to address joint areas of concern; and

b) Explore possible Memoranda of Understanding between parties.

Recommendation #12: To address graffiti on construction sites, we recommend PRNS work with the departments of Planning, Building and Code Enforcement and Public Works, to ensure permits clarify the responsibility for promptly abating graffiti on construction barriers and in construction zones.

Recommendation #13: To address graffiti hotspots, PRNS should:

a) Continue to track monikers in the work order management system;

b) Provide the Police Department with information about graffiti trends, hotspots, and prolific taggers;

c) Work with Police Department on placement of cameras; and

d) Work with Police Department to investigate high profile graffiti cases and coordinate strategic enforcement efforts.

Recommendation #14: To free up existing Anti-Graffiti Program staff to perform programmatic duties, we recommend PRNS propose the addition of support staff to the Anti-Graffiti Program to manage the graffiti abatement contract, or to transfer some contract administration duties to PRNS contract staff.

Recommendation #15: We recommend that PRNS work to streamline service requests so that they are entered directly into the work order system (and thus bypass PRNS staff) by:

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c) Allowing the contractor to reassume entering hotline calls directly into the work order system.

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Recommendation #18: PRNS should work with the contractor to enhance its smartphone app to:

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Recommendation #19: PRNS should work to improve the Anti-Graffiti Program's visibility and accessibility through:

a) Brochures: Develop brochures like previous door-hanger that outline muni code, city policies and services.

b) Language accessibility: Develop materials in multiple languages, ensure residents can report graffiti in multiple languages.

c) Physical accessibility: Place volunteer materials at more central locations. Consider partnering with retail stores so volunteers can pick up materials (and also get paint-matching services).

d) Unifying contact info: Publicize the hotline number on all materials.

e) Website improvement: Clearly define City services and improve access to graffiti reporting, including an online reporting form, a QR code on the smartphone app, and contact information for referrals to other agencies.

Recommendation #20: To promote transparency and accessibility to the public, PRNS should make graffiti data open to the public by posting extracts from the work order system to the City's website (e.g. maps, locations, date of request and abatement, and costs).

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APPENDIX I

A Comparison of the Anti-Graffiti Program Before and After Outsourcing

Program Component	Before	After
Community Involvement	• Outreach to private property owners o to advise property owners on their obligations to remove graffiti o to encourage voluntary compliance with free paint o to seek permission for graffiti removal • Public service announcements • Annual Volunteer Recognition Event • Partnerships with "San José Beautiful" and the Strong Neighborhoods Initiative • Volunteer recruitment and training at schools, neighborhood associations • Program information provided on website and local civic television channel	• Annual Volunteer Recognition Event • Program information provided on website and local civic television channel
Enforcement	• 2 dedicated police investigators + occasional additional support through approved overtime • Ongoing coordination with the District Attorney's Office • Expedited Code Enforcement process to address problem sites and hard-to-remove graffiti	• When needed, coordination with the District Attorney's Office • Forwarding problem sites to Code Enforcement
"Eradication"	• 10-12 maintenance workers • Proactive routes + responding to service requests • Covers entire City footprint • Monday through Friday. • Specific weekend routes of juvenile offenders supervised by County probation staff • Specific weekend routes of juvenile offenders supervised by City staff through the County Sentencing Alternatives Program • Ongoing coordination with major property owners (e.g. CalTrans and Union Pacific) and occasional partnerships to address specific cases	• 3 - 4 technicians • Assigned areas: Proactive + responding to service requests • Unassigned areas: Responding to service requests • 7 days a week • Specific weekend routes of juvenile offenders supervised by County Probation staff • Ongoing coordination with major property owners (e.g. CalTrans and Union Pacific) and occasional partnerships to address specific cases
Budget and Staffing	$1.7 Million 18.13 Fulltime equivalents	$1.1 Million 3.75 Fulltime equivalents
Performance Targets	• Service requests completed within 48 hours (goal of 95%) • Gang Graffiti removed within 24 hours (goal of 100%) • Percentage of graffiti occurrences in City parks removed within 24 hours (goal of 99%)	• Assigned area: Service requests completed within 24 hours • Unassigned area: Service requests completed within 48 hours • Gang Graffiti removed within 24 hours (goal of 100%) • Percent of customers rating City efforts at removing graffiti as good or better (goal of 90%)

Source: Compiled by audit team, based on historical and current data, documents and interviews

APPENDIX 2
Anti-Graffiti Program Door-Hanger

Graffiti Awareness
Information Sheet

Remove Graffiti within 24 hours. If you do this consistently, eventually the tagging will diseppear. Taggers interpret tags that stay up as permission to continue to deface your property. The quicker you get rid of tags consistently, the sooner taggers stop.

Do Not Ignore The Problem
The Blight Code Says:

No person, whether as owner, agent, manager, operator, lessee, tenant, sublessee, or occupant in possession of a property, shall maintain that property as a blighted property or cause or permit that property to be maintained as a blighted property.

A building or structure that is in a state of disrepair constitutes property blight. A building or structure is in a state of disrepair when any of the following conditions exist: Any part of the property, including any building or structure located on property, that is visible from a street, right-of-way, or neighboring properties is defaced with an inscription, word, figure, mark, design or other inscribed material that is written, marked, etched, scratched, drawn, or painted on the property.

For more information of Municipal Codes call the City Clerk's office at

Property owners not cooperating in keeping their property graffiti free will be referred to the Department of Code Enforcement, and may be subjected to penalties and fines.

Taggers do get caught. Over 200 taggers are cited or arrested in San José for graffiti. Four hundred dollars worth of damage is now a felony. Do your part by refusing to be a victim. Take responsibility and demonstrate civic pride in fighting the battle against graffiti.

One gallon of free paint per person can be obtained through the City of San José, Anti-Graffiti & Litter Program to cover tags. Call to make an appointment to pick up free paint.

The City of San José's Anti-Graffiti & Litter Program will clean up graffiti called into our Hotline at within 48 hours.

CITY OF SAN JOSE
Parks, Recreation and Neighborhood Services

Job #

Date:

Help Beautify San José

Anti-Graffiti and Litter Program

Dear Property Owner or Occupant,

The Anti-Graffiti and Litter Program has/will removed the graffiti on your property as a one-time courtesy.

As the property owner or occupant, it is now your responsibility to remove any graffiti from your property that should reappear.

San José Municipal Code Section states that any person owning, leasing, occupying or having charge or possession of any premises in the City is responsible for maintaining their property. *If future graffiti is not removed and further complaints arise, you will be subject to Code Enforcement action.*

Attached is a permission slip to gain entry to your property to abate the graffiti.

We have left paint for your use in the future.

We have powerwashed the graffiti.

We have removed graffiti from this property in the past. Please abate immediately. Call 277-3208 for free paint or graffiti solvent.

To make an appointment to pick up paint or graffiti solvent, call

For suggestions on graffiti-proofing your property, call

Call to volunteer to pick up litter.

Check out our website at: http://www.ci.san-jose.ca.us/pros

To volunteer to keep your area clean of graffiti and receive free paint/supplies, call today!

Comments: _____

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY
Parks, Recreation and Neighborhood Services

Job # _____ ☐ 1st

Date: _____ ☐ Fin

Address _____

Consent To Access Property To Remove Graffiti And Release Of Liability

It has been noted that there is graffiti on your property. The City of San José would like you permission to enter onto your property to either 1) use your water source to power wash ove graffiti or 2) paint over graffiti. This is a **FREE ONE TIME** service provided by the Anti-Graffiti & Litter Program. According to San José Municipal Code, property owners an tenants are responsible for maintaining their property. If your property is vandalized wit graffiti again, we encourage you to remove the graffiti immediately or you will be subject t Code Enforcement action. Free paint and graffiti solvent is available from the Anti-Graffiti & Litter Program to cover over graffiti. Call the Anti-Graffiti and Litter Program Office at **(408) 277-3208** to schedule an appointment to pick up paint and graffiti solvent

Property at: _____

I, the undersigned owner of the property, or the authorized agent representing the propert owner, hereby consent to entry upon the above described property for the removal of graffiti. understand the organization removing graffiti can only provide for the removal of the graffi or the painting of the immediate area where the vandalism appears. I further understan colors cannot be matched exactly. In consideration of my participation in this graffiti remove program, I hereby release and hold harmless the City of San José, its officers, agents an employees of and from any and all liability claims, demands, causes of action or obligation whatsoever arising out of or relating to entry upon my property for the purpose of removin graffiti and agree that I, my spouse, heirs, tenants, legal representatives, agents and assign will not make a claim against, or sue the City of San José, its officers, agents and employee for any injury, property damage, or death arising from the negligence or other acts by the Cit of San José, its officers, agents and employees in connection with the entry on my property fo the purpose of removing graffiti. This consent and release shall remain in full force and effe unless and until written revocation is received by the organization.

Name: ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐
(Please Print)

Signature: _____ Date: ☐☐-☐☐-☐☐

We would like to obtain permission to paint your _____ (Object)

_____ (Color)

We would like to obtain permission to use your water source to power wash your _____

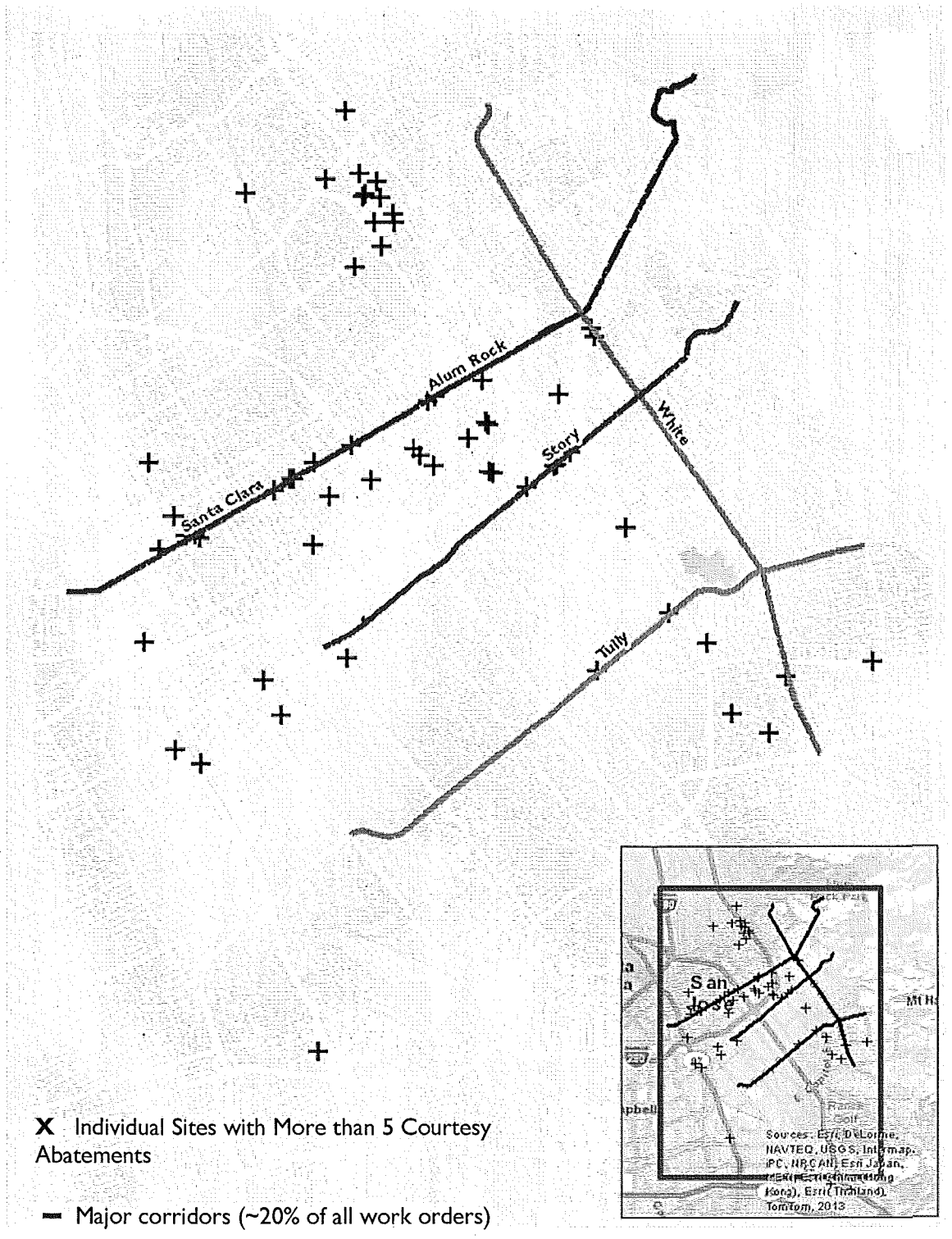
Please forward completed form to:

Anti-Graffiti and Litter Program | 501 Vine Street, San José, CA 95110 or call/fax to give your permission | Phone: (408) 277-3208 | Fax: (408) 298-7020

Carbon: White (Customer Copy) | Yellow (Staff Copy) | Pink (Final Notice)

APPENDIX 3

Map Showing 5 Most Active Streets and 62 Most Visited Sites



Source: Audit team analysis of data from work order management system from June 2011 through April 2013.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Public Safety, Finance, and Strategic Support Committee

FROM: Julie Edmonds-Mares

SUBJECT: **2013 Audit of Graffiti Removal Services**

DATE: June 12, 2013

Approved

Date 6/12/13

SUBJECT: RESPONSE TO 2013 AUDIT OF GRAFFITI REMOVAL SERVICES

This memorandum is in response to the recently completed audit of the Anti-Graffiti Program. The Parks, Recreation and Neighborhood Services Department appreciates the efforts and comments made by the City Auditor in the completion of the audit.

Overall, the Department understands and accepts the findings and recommendations in the audit report.

BACKGROUND

During fiscal year 2010-2011 the Department of Parks, Recreation and Neighborhood Services (PRNS) conducted a Service Delivery Evaluation to assess the benefits of contracting the eradication portion of Graffiti Abatement to an outside vendor. At the conclusion of the evaluation, PRNS moved forward with transitioning Graffiti Abatement and began delivering services in coordination with a vendor in 2011-2012. Through internal Department assessments we have found the vendor to be both cost effective and has improved the quality and responsiveness to graffiti within the City. Additionally, through the vendor we have had the opportunity to incorporate new technology to better document graffiti eradication efforts and have been able to provide residents with a quick and easy way to report graffiti via the San Jose Clean App.

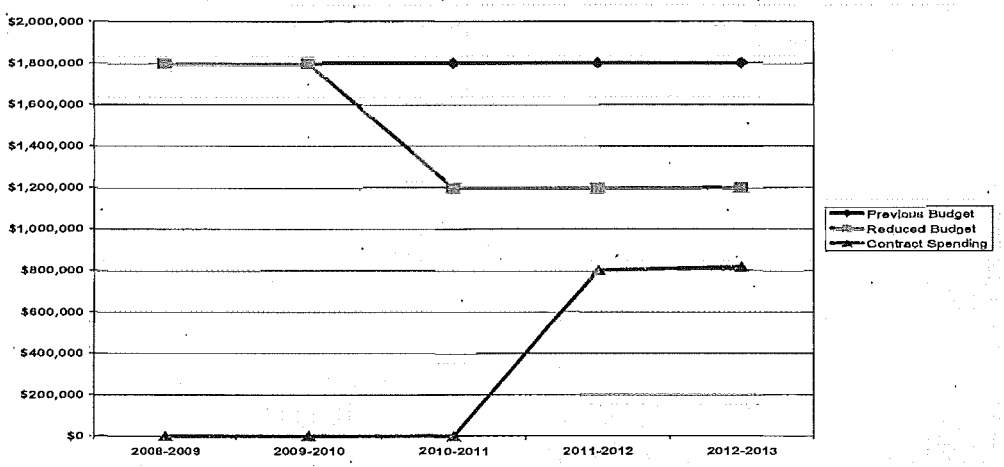
In order to address the areas within the City with the highest graffiti, the City assigned "areas" or "zones" where the vendor would remove graffiti with PRNS managing the "un-assigned areas." However, PRNS uses the vendor along with Santa Clara County Probation Department, Juvenile Justice Department, Santa Clara County Sheriff's Department, the small parks contractor and volunteers to assist with graffiti removal in un-assigned areas. PRNS' goal is to eradicate urgent graffiti, meaning gang-affiliated or hate-speech related graffiti, within 24 hours in both the assigned and un-assigned areas. All other graffiti is removed within 48 hours. While this is a performance measure that PRNS uses to measure graffiti eradication, there are times that there could be a delay in addressing graffiti due to several factors.

While outsourcing the eradication portion of the program was an innovative approach to cost savings while maintaining services to the community, delivering this service has some inherent challenges. Those challenges include volunteer recruitment, the forecasting of graffiti that would

need to be eradicated, the difficulty in coordinating graffiti removal from non-City property and limited City staffing to manage the contract and the remaining elements of the program. It is important to note that during the time that this program transitioned to the vendor there were several key staff members and supporting programs that were reduced and/or eliminated due to budget reductions. The Strong Neighborhood Initiative Program had been a key partner in eradicating graffiti, litter and blight within targeted neighborhoods; the administration of the Graffiti Program experienced substantial impacts due to staff changes; there were reductions in Planning Building and Code Enforcement; and the elimination of the Graffiti Investigation Unit within the San Jose Police Department, all impacted the City's graffiti program.

By outsourcing the eradication portion of Anti-Graffiti Program to an outside vendor the City was able to realize cost savings of approximately $600K the first year and forecasts that we will continue to have program savings in subsequent fiscal years. The current Anti-Graffiti Program budget is $1.1 million dollars for the 2012-2013 fiscal year. While the Department may spend more per month on graffiti eradication, this variance can be attributed to the amount of graffiti that needs to be eradicated. Although the programs monthly expenses may be higher than expected, the program does not spend more than its annual budget.

Anti-Graffiti Program Budget Synopsis



Although PRNS began the transition of the program in 2011 -2012, the program is continuously undergoing changes and modifications to meet the programs outcomes. We have found that the program is within the transitionary phase meaning that we are still assessing and reconciling the management of program. Through this transition process we have made mistakes and learned from them; have learned that graffiti is not static and is ever-changing; and have been able to more effectively use technology to better document graffiti and its trends. Moreover, we have had the ability to assess gaps within the program as we work to reconcile and develop the best methods to address graffiti within our community.

While there have been many challenges, PRNS continues to be dedicated to providing the best services to ensure the beautification of our City for residents. We look forward to working with the City Auditor's Office and City Council in finding ways to make the graffiti program more

effective, but must do so in a way that does not place increased costs or workload on a program that has limited staff and resources.

RECOMMENDATIONS AND RESPONSE

Recommendation #1: To improve and formalize budgetary controls, we recommend PRNS document its policies and procedures:

a) Clarify its approach and the contractor's responsibility in unassigned areas;
b) Define the restorative approach;
c) Consider establishing monthly do not exceed guidelines; and
d) Clarify its approach for working with the contractor regarding notification and/or preapproval of large work orders and secondary graffiti to help control costs.

Administration Response:
The Administration agrees with sections a, b, and d, this recommendation the Department does not agree with the section c. The Department will formalize the contractor's responsibilities in un-assigned areas and clarify the approach to be used when performing restorative graffiti eradication. PRNS will also develop guidelines for "restorative" graffiti removal. PRNS does not agree with the establishment of "monthly do not exceed guidelines." The cost of graffiti eradication is based on the amount of graffiti that needs to be eradicated each month and is seasonal in nature. PRNS will continue to mange the annual program budget.

Recommendation #2: PRNS should work with the contractor to minimize costs by:

a) Increasing volunteer activity in unassigned areas to reduce contractor workload;
b) Prioritize spending by service requests, proactive graffiti removal, and proactive secondary graffiti removal; and
c) Monitor spending by month and against the contract total.

Administration Response:
The Administration agrees with a portion this recommendation, PRNS does not agree with letter b. The Department will continue to monitor spending on a monthly basis to ensure that graffiti eradication efforts meet both the City and residents expectations. Furthermore, section b of this contract doesn't allow for prescriptive spending to address graffiti. In order to make the program more effective we will need to increase volunteers throughout the City. In fiscal year 2014-2015 PRNS will be adding additional staff to recruit, retain and manage volunteers. We will also be utilizing the City's new volunteer management program to tack the service hours that volunteers provide to support the program. The Department will continue to work with the contractor and use all resources available to effectively manage graffiti removal..

Recommendation #3: To improve tracking of urgent work orders, we recommend PRNS:

a) Provide better instructions to smartphone app users to write out monikers and tags when creating a service request;
b) Identify known gang or hateful tags/monikers that should be abated within 24 hours; and

c) *Work with contractor to electronically match monikers that should be marked as urgent within the work order management system; and*
d) *Continue to report response times for 'urgent' tags.*

Administration Response:
The Administration agrees with this recommendation, however, its implementation is based on staffing and available budgetary resources. PRNS will work with the contractor to discuss the possibility of adding additional functions to the app and assess any additional cost related to this recommendation. However, it is important to note that the San Jose Clean App is designed to make graffiti easy to report, increasing requirements for those reporting graffiti may deter some individuals from using the app and may incur additional costs.

While the Department can provide a list of monikers, it is important to note that gangs and taggers change monikers on a regular basis to elude law enforcement. Known gang and hate speech related graffiti will continue to be removed within the 24 hour time period. PRNS will continue to ensure that urgent tags are removed from property within 24 hours.

Recommendation #4: To improve transparency and reporting, include the following elements in Council and committee memos:

a) *Actual expenditures and remaining budget;*
b) *Geographic changes in service delivery;*
c) *Number of active volunteers, gallons of paint distributed, events held;*
d) *Response times for resident-initiated requests; and*
e) *Major interjurisdictional challenges and efforts.*

Administration Response:
The Administration agrees with this recommendation. PRNS will include these elements within Council and Committee memos.

Recommendation #5: To better identify ownership and parties responsible for non-City properties, PRNS should determine public/private property ownership, particularly specific agencies and major property owners to whom the City should be referring graffiti requests.

Administration Response:
The Administration agrees with this recommendation, however, its implementation is based on staffing and available budgetary resources. IT support and PW/PBCE mapping and database resources must be allocated to support this recommendation. Once resources are allocated PRNS will work with the appropriate City staff to identify public/private property ownership.

Once property is determined this information will need to be coordinated with the vendor to enter it within their database, which may lead to additional costs. Additionally, referring graffiti to owners to remove, may delay the removal of graffiti and contribute to additional blight within the City. Furthermore, through early meetings with major property owners, we have found that their graffiti removal timelines are not in sync with the City's, which may further delay graffiti removal and increase blight.

Recommendation #6: To better involve property owners and parties responsible for non-City properties, we recommend PRNS develop:

a) *Door hangers, fliers, or other notices in multiple languages to inform property owners of their responsibilities, and of City services; and*
b) *A permission gathering process or proposal to amend the Municipal Code to allow for implied consent to remove graffiti on non-City owned property.*

Administration Response:
The Administration agrees with this recommendation, however, its implementation is based on staffing and available budgetary resources. The Department will work to develop fliers and other documents in multiple languages in order to educate property owners regarding their graffiti removal responsibilities as well as City services available. The Department will also assess the best method to gather consent to remove graffiti on non-City owned property, which may include proposing changes to the Municipal Code.

Recommendation #7: PRNS should propose amending the Municipal Code to specify and reduce the number of days graffiti is allowed to persist on property before action is taken, with special consideration for urgent graffiti.

Administration Response:
The Administration agrees with this recommendation. PRNS in conjunction with PBCE will work to establish guidelines regarding the number of day's graffiti can remain on private property. Once completed a proposal to amend the Municipal Code will be submitted for approval.

Recommendation #8: To improve PRNS' ability to hold property owners and responsible parties accountable, we recommend PRNS:

a) *Work with the contractor to standardize addresses and link them to the City's property ownership data;*
b) *Establish limits on the number of courtesy abatements within a specific time frame to be performed on non-City property;*
c) *Track the number of abatements on properties; and*
d) *Refer to Code Enforcement and seek reimbursement after limit is reached.*

Administration Response:
The Administration agrees with a portion of this recommendation, however, its implementation is based on staffing and available budgetary resources. This proposal will require support from other City Departments to implement. PRNS will work with the contractor to assess the feasibility of this recommendation, taking into account additional costs that may incur to implement it. It is important to note that most graffiti reports are submitted via the San Jose Clean App and this recommendation may lead to additional App management and staff resources to implement. PRNS does not agree with section b of this recommendation. We feel that there will be an increase in blight if we move to limit the number of courtesy abatements. PRNS will continue to track the number of courtesy abatements on properties to develop policies that will best serve the City. PRNS will meet with Code Enforcement to discuss the options available to

seek reimbursement for graffiti abatement on private property including repeated courtesy abatements.

Recommendation #9: To streamline its code enforcement referral process, we recommend PRNS:

a) Reduce the number of visits staff makes to a site, and/or link visits directly to an administrative citation/affidavit process; and
b) Refer properties that have clearly identifiable code enforcement violations beyond graffiti directly to Code Enforcement for further action.

Administration Response:
The Administration agrees with this recommendation; however we recommend that it should be a coordinated response between Planning Building & Code Enforcement and PRNS for implementation. This recommendation is more in line with the work of Code Enforcement and not PRNS.

Recommendation #10: To better hold non-City property owners and responsible parties accountable and help preserve limited graffiti removal resources, we recommend PRNS:

a) Identify other jurisdictions, agencies, districts, and contractors who are responsible for graffiti removal within City boundaries;
b) Formalize acceptable timelines with parties through Memoranda of Understanding;
c) As technology allows, refer work orders for these types of properties directly to the responsible parties; and
d) Establish a process such that when timelines have expired, the City can remove the graffiti and seek reimbursement.

Administration Response:
The Administration agrees with this recommendation, however, its implementation is based on staffing and available budgetary resources. PRNS has had three meetings with key partner organizations to address graffiti on non-City owned property within the City limits. PRNS is in the process of developing a semi-annual meeting schedule to ensure coordination of graffiti removal on non-City property. During these meetings PRNS will explore the possibility of establishing Memoranda of Understanding with partners where feasible. During these meetings sessions PRNS will discuss the best methods to use to guide residents to the appropriate agency when reporting graffiti.

Recommendation #11: To address graffiti on freeways, railways, and expressways, the City should continue building relationships by:

a) Continue meeting periodically with large property owners (e.g. Caltrans) who also have a graffiti problem, to address joint areas of concern; and
b) Explore possible Memoranda of Understanding between parties.

Administration Response:
The Administration agrees with this recommendation. PRNS will continue to meet with partner organizations to eradicate graffiti throughout the City on non-City property. PRNS will also continue to seek Memoranda of Understanding with partners where feasible.

Recommendation #12: To address graffiti on construction sites, we recommend PRNS work with the departments of Planning, Building and Code Enforcement and Public Works, to ensure permits clarify the responsibility for promptly abating graffiti on construction barriers and in construction zones.

Administration Response:
The Administration agrees with this recommendation. PRNS will meet with Planning Building and Code Enforcement and Public Works to determine the best process to ensure that permits clearly state the permit holder's responsibility for graffiti abatement at construction sites.

Recommendation #13: To address graffiti hotspots, PRNS should:

a) *Continue to track monikers in the work order management system;*
b) *Provide the Police Department with information about graffiti trends, hotspots, and prolific taggers;*
c) *Work with the Police Department on placement of cameras; and*
d) *Work with the Police Department to investigate high profile graffiti cases and coordinate strategic enforcement efforts.*

Administration Response:
The Administration agrees with this recommendation, however, its implementation is based on staffing and available budgetary resources. PRNS will continue to track monikers in the work order system and provide San Jose Police Department, Santa Clara County Probation Department, Santa Clara County District Attorney's Office; Santa Clara County Sheriffs Department and other law enforcement agencies quarterly reports that outline graffiti hotspots and trends to be used to investigate graffiti incidents. In the June 2013 Mayor's Budget Message funding has been proposed to place cameras in areas of high graffiti tagging. If this proposal is approved PRNS will work with SJPD to determine the best areas to locate cameras.

Recommendation # 14: To free up existing Anti-Graffiti Program staff to perform programmatic duties, we recommend PRNS propose the addition of support staff to the Anti-Graffiti Program to manage the graffiti abatement contract, or to transfer some contract administration duties to PRNS contract staff.

Administration Response:
The Administration agrees with this recommendation. In the past ten years PRNS has lost 47% of the Departments staffing due to budget reductions. This has eroded the Departments ability to provide analytical and support to programs. At this time the Department does not have the staffing bandwidth to shift contract management duties to other staffing. To accomplish this task

the Department would need an additional program support position to provide this level of contract management support to meet this recommendation.

Recommendation #15: We recommend that PRNS work to streamline service requests so that they are entered directly into the work order system (and thus bypass PRNS staff) by:

a) Promoting the smartphone app and the contractor's hotline as the primary ways to report graffiti for all of San José, including City Councilmembers;
b) Implementing the contractor's online reporting form; and
c) Allowing the contractor to reassume entering hotline calls directly into the work order system.

Administration Response:
The Administration agrees with this recommendation, if technology allows. In order to implement it, we would need funding to provide develop and distribute marketing materials that could fully market the San Jose Clean App and the hotline as the primary reporting tools. PRNS will work the vendor to move to a process where the vendor will directly enter hotline calls into the work order system. The Department will continue to explore an online graffiti reporting tool.

Recommendation #16: To free-up limited resources, we recommend PRNS discontinue the Citywide Graffiti Survey, and instead use actual incident data from the graffiti work order system to assess the prevalence of graffiti.

Administration Response:
The Administration fully agrees with this recommendation. PRNS will implement this recommendation in FY 2013-2014.

Recommendation #17: To improve its community involvement goals, PRNS should dedicate additional staff time to increasing volunteer efforts.

Administration Response:
The Administration agrees with this recommendation, however, its implementation is based on staffing and available budgetary resources. Currently PRNS does not have the ability to dedicate staff to volunteer recruitment efforts due to the limited staffing in the program. In order to implement this recommendation PRNS would need to funds to add an additional staff member to the program who would be responsible for recruiting, retaining and managing volunteers.

Recommendation #18: PRNS should work with the contractor to enhance its smartphone app to:

a) Change the default to require residents to opt-out of a follow-up message, and
b) Give residents more information about why their requests could not be completed and who to contact when the contractor cannot handle their requests.

Administration Response:
The Administration agrees with this recommendation, however, its implementation is based on staffing and available budgetary resources. PRNS will work with the vendor to update the San

Jose Clean App to add an "opt-out" feature and promote additional follow-up information to requests for graffiti removal. It should be noted that additional features added to the San Jose Clean App, may incur additional costs.

Recommendation #19: PRNS should work to improve the Anti-Graffiti Program's visibility and accessibility through:

a) *Brochures: Develop brochures like previous door hanger that outline muni code, city policies and services.*
b) *Language accessibility: Develop materials in multiple languages, ensure residents can report graffiti in multiple languages.*
c) *Physical accessibility: Place volunteer materials at more central locations. Consider partnering with retail stores so volunteers can pick up materials (and also get paint-matching services).*
d) *Unifying contact info: Publicize the hotline number on all materials*
e) *Website improvement: Clearly define City services and improve access to graffiti reporting, including an online reporting form, a QR code for the smartphone app, and contact information for referrals to other agencies.*

Administration Response:
The Administration agrees with this recommendation, however, its implementation is based on staffing and available budgetary resources. PRNS will be developing new outreach materials and updating the website during fiscal year 2013-2014 to 1) educate private property owners on their graffiti removal responsibilities, 2) to recruit resident volunteers to assist with graffiti eradication 3) provide residents with graffiti reporting information for other agencies that own property within the City. PRNS will develop all materials in English, Spanish and Vietnamese and ensure that outreach materials are located in areas where residents can easily access information.

Recommendation #20: To promote transparency and accessibility to the public, PRNS should make graffiti data open to the public by posting extracts from the work order system to the City's website (e.g. maps, locations, date of request and abatement, and costs).

Administration Response:
The Administration agrees with this recommendation, however, its implementation is based on staffing and available budgetary resources. PRNS will explore with IT and the vendor the possibility of posting information from the graffiti work order system on the website for easier access to information.

for JEM

Julie Edmonds-Mares
Director of Parks, Recreation and
Neighborhood Services