

2021 – 2022 KERN COUNTY GRAND JURY

**KERN COUNTY GENERAL SERVICES
GRAFFITI**



OR EYE-SORE

March 22, 2022

KERN COUNTY GENERAL SERVICES GRAFFITI



SUMMARY:

Within the County of Kern (County), there is a graffiti problem that has grown exponentially over the last two decades. During 2014-2015 the Kern County Grand Jury submitted a report on graffiti which had only one recommendation, to continue its “efficient operations.” Fast-forward to 2022, and although they continue to do stellar work with one employee and one truck, the County is buried under the daily requests they receive for graffiti abatement. The graffiti program and its workforce are frustrated and exhausted; they are in desperate need of some relief. The area of responsibility for graffiti abatement in Kern County is approximately 8,163 square miles.

The graffiti abatement equipment, not including backup, is stored on the maintenance truck. The inventory consists of paint (approximately three different colors), one pressure washer, one generator, one paint sprayer, and one countertop shaker. In 2014-2015 the County had two employees and two trucks with all necessary equipment. Seven years prior, there were 14 employees and nine trucks. In comparison, the City of Bakersfield’s Graffiti Abatement Program has continued to thrive and expand. With 12 trucks and 12 full-time employees, the City covers less than 2% of the area the County is expected to cover. It is understood that these two programs are independent of each other, however, they share the same website. Some of the scheduling problems the County faces are exacerbated by the design of the City’s website and the deficiency of the County’s graffiti abatement request form.

PURPOSE OF INQUIRY:

California Penal Code §925 authorizes a Grand Jury to conduct an inquiry and report on various departments throughout the County. Penal Code §594(a) defines the crime of vandalism as maliciously damaging, destroying, or defacing another person’s property.

METHODOLOGY:

The 2021-2022 Kern County Grand Jury (Grand Jury) inquired into the operations and functions of the Kern County Graffiti Abatement Program. The Grand Jury researched the internet, conducted interviews with the Kern County Maintenance Department, General Services, the City

of Bakersfield Maintenance/Graffiti Department, and toured the County maintenance warehouse along with Rexland Acres Park.

DISCUSSION OF FACTS:

Aerosol Art, Tagging, Piece (Short for Masterpiece) *Sticker*, most known as *Graffiti*, has been a controversial topic for many decades. Some consider it art; some view it as a crime. In the eyes of the law, graffiti is illegal. Although graffiti may be regarded as an artistic expression, when a neighborhood is cluttered with graffiti it sends a message that nobody cares about that community. From storefronts to staircases, shop owners worry the unsightly views could possibly cost them business.

Graffiti is typically under 6-square feet in size and falls into one of several categories:

- Gang graffiti - used to convey threats of violence or mark territories.
- Copycat gang graffiti - mimics gang graffiti.
- Tagger graffiti - may be an individual marking many places with a “Signature mark” to more complex art on the side of a building, bridge or other outdoor venues such as rocks, trees, and boulders.
- Conventional graffiti - isolated and typically associated with “exuberant” youth.
- Ideological graffiti - conveying political messages or racial, religious or ethnic slurs.

Before

After

(Same location different angle)



Hart Park Work Request July 2021
(Photos provided by Kern County General Services)

The perfect canvas for large scale paintings include:

- Residence and business’ with walls facing streets
- Fences
- Garages
- Sheds

- Large walls without windows and doors

According to Art Radar Journal, “There are many ways that graffiti’s bad reputation can harm local communities. Graffiti has acquired negative overtones due to gang culture and crime, so simply seeing it in your neighborhood can make you feel threatened. Public concern over graffiti is due to several factors. Graffiti, one of the most visible forms of crime and disorder in the community, can be a visible indicator of disruption, social decline, division, and rebellious behavior among the youth, homeless, and gang members.”

Surfaces such as windows, plastic, statues, park benches, and trees can be damaged by graffiti. Battery acid used for etching is one of the most challenging substances to remove.

Common substances for graffiti include:

- Spray Paint (perpetrators can work quickly while covering a large area)
- Shoe Polish
- Lipstick
- Pencils/Pens
- Razors
- Glass Cutters
- Glass-Etching Fluid (Armour Etch®)
- Permanent Markers

Traditional Graffiti Removal:

- **Spray Painting** - This is a short-term solution that covers the graffiti but leaves a fresh canvas for new perpetrators.
- **Chemical Removers** - This removal type will often etch, mar or damage the surface and leave a halo (outline), flashing or shadow leaving the graffiti visible, but in a faded form. Strong solvents must be used on concrete but will damage a coated substrate like a metal building or railcar quickly, which then requires stripping of the coating and repainting for complete resolution.
- **Pressure Washing** - Solvent added to water can be an effective approach depending on the graffiti medium used, but pressure washing can also wear down or damage the coating.
- **Stripping Paint** - Using Methyl Ethyl Keytone (MEK) or paint thinners, the graffiti painted on is stripped from the surface and then it is repainted.
- **Sandblasting and Repainting** - Complete and effective removal often involves sandblasting the graffiti and repainting the surface.

The typical processes to remove graffiti are complex, expensive, and time-consuming.

The Grand Jury noted the following:

- A. California Penal Code §594 defines the crime of vandalism as maliciously damaging, destroying, or defacing another person’s property. Vandalism is a misdemeanor if the amount of the damage is less than \$400; the charge can be a felony if the amount is \$400 or greater.
- B. In the United States, \$12 billion is spent on graffiti abatement each year.
- C. Retail stores are required by law to regulate the purchase of spray paint by underage individuals, and store paint in locked cabinets along with I.D. verification for the purchase.
- D. The internet has made the purchase of spray paint by underage individuals extremely easy. Proof of age is not required.
- E. Many people believe the purpose of graffiti is to tell a story, whether good or bad. It can tell you about people, politics, culture, and society in general. Some people can express themselves anonymously or it could just be an act of vandalism.
- F. Commercial real estate value can drop 25% to 30% if there is graffiti within two blocks of a building.
- G. According to county employees, the Adopt a Wall Program is fading fast due to COVID-19, and the lack of enthusiasm from the community. Although the County supplies the materials to cover the graffiti, community members do not want to do the work. They want county employees to come paint it for them.
- H. Work Order Rating System:
 - Priority 1 - Immediate (1 day) (Example: County parks and buildings)
 - Priority 2 - High (2 days)
 - Priority 3 - Medium (10 days)
 - Priority 4 - Preventative Maintenance (30 days)
 - Priority 5 - Low (90 days)

FINDINGS:

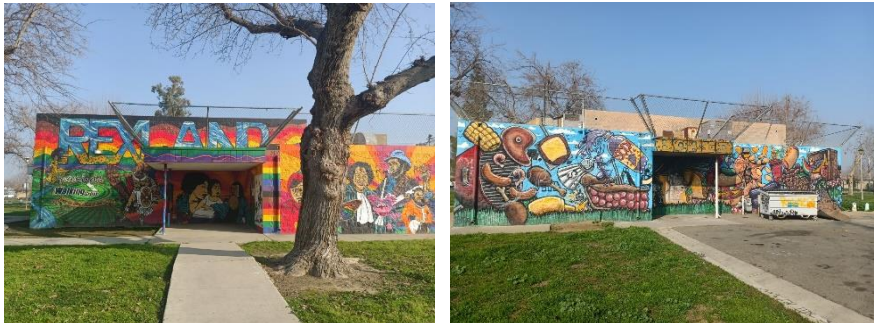
- F1. According to data from Graffiti Hurts, “Rapid removal of graffiti is an effective prevention tool.” The County and City of Bakersfield offer free graffiti removal on the Bakersfield City website. The process includes completing the form online and

submitting your request. However, this process can be confusing because the caller may not know if they are within city limits or county jurisdiction. This causes the County Maintenance Manager to spend several hours processing graffiti removal requests, by separating city and county prior to dispatching the employee to the location.

- F2. The County graffiti abatement truck is 15 years old and has 130 thousand miles on it.
- F3. Sandblasters are a benefit for graffiti abatement. This makes cleaning tough surfaces like metal, and cement much easier, which saves time and money. Neither the City nor County has a sandblaster in their inventory.
- F4. According to county employees, of all graffiti, 30% is from homeless individuals and 40% from gangs.
- F5. Currently, if an additional person is needed for graffiti abatement, they are pulled from the maintenance crew.
- F6. The County Graffiti Abatement Program is underfunded and understaffed. Additional funds and staffing are needed immediately.

COMMENTS:

In 2017, Rexland Acres Park had an enormous problem with one specific area being tagged consistently. After an artist brought two gangs together and painted a mural representing both points of interest, the two gangs work together to ensure the mural is left alone. According to county employees, as of 2021, that area has not been tagged since. In January 2022, the Grand Jury visited Rexland Acres Park and observed minimal damage to the mural.



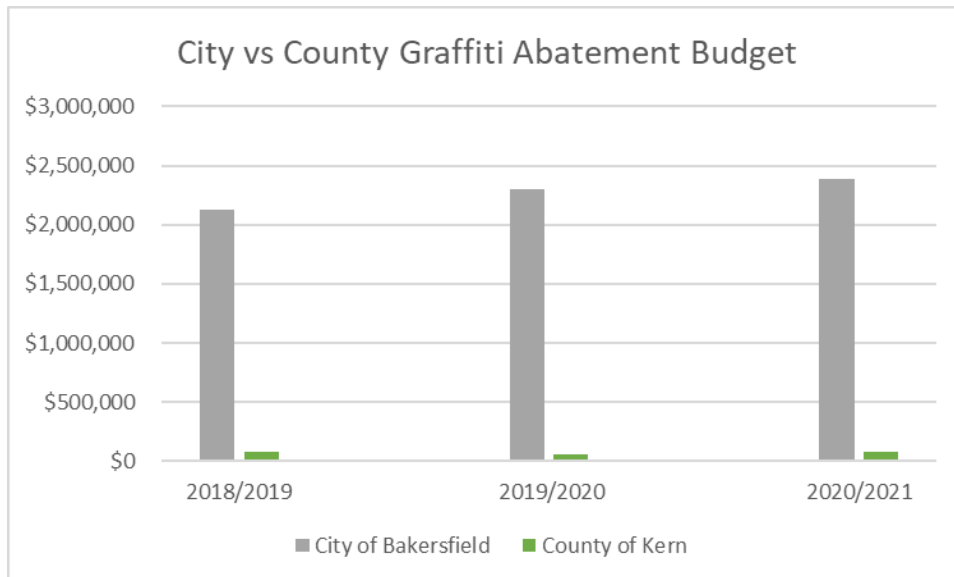


Rexland Acres Mural

(Photos provided by the Grand Jury)

County employees estimate that at a minimum, three people and an additional truck are needed for the workload. The County’s priority should be the budget. Budget cuts affect the maintenance department first, and graffiti abatement most. Equipment should be the second priority, and then staffing. With budget cuts at every turn, the County’s graffiti program has continued to become less of a priority.

Certain departments have been forced to forego an increase in wages and learn to do more with less. But, for the County of Kern’s Graffiti Abatement Program, it is more like “Doing Everything with Nothing.”



(Graph created by the Kern County Grand Jury)

Fiscal Year (FY)	City of Bakersfield	County of Kern
2018/2019	\$2,130,000	\$75,158

2019/2020	\$2,300,000	\$56,707
2020/2021	\$2,390,000	\$80,785

The Kern County Grand Jury would like to thank all the participants that were interviewed for providing very valuable information.

RECOMMENDATIONS:

- R1. The Kern County Graffiti Abatement Program should have its own dedicated budget. (Finding 6)
- R2. By FY 2022-2023, the Board of Supervisors should, at a minimum, double the budget of the Kern County Graffiti Abatement Program. (Findings 5 and 6)
- R3. By January 2023, purchase a new vehicle with new equipment. (Finding 2)
- R4. The County should consider purchasing a sandblaster in the next fiscal year. (Finding 3)
- R5. By February 2023, staff should be a minimum of three (one supervisor, one full-time employee, and one extra help). (Finding 5)
- R6. Within six months, a system should be implemented that automatically directs the removal request to the proper authority (between city and county). (Finding 1)
 - a. The graffiti abatement website needs to include an area map that CLEARLY indicates county and city jurisdictions for the reporter.
 - b. When filling out a request for graffiti abatement online, the forms need to specify where the request is needed, in the City or the County.
- R7. The City and County graffiti abatement staff should meet weekly to address their application problems until they are resolved. (Finding 1)
- R8. Kern County should apply for Federal Grant funds allocated for the homeless and gangs, as they are a major contributor to graffiti. (Finding 4)

NOTES:

- The Board of Supervisors should post a copy of this report where it will be available for public review.
- Persons wishing to receive an email notification of newly released reports may sign up at: www.kerncounty.com/grandjury
- Present and past Kern County Grand Jury Final Reports and Responses can be accessed on the Kern County Grand Jury website: www.kerncounty.com/grandjury

RESPONSES ARE REQUIRED PURSUANT TO CAL. PENAL CODE § 933, SUBD. (C) AND 933.05 WITHIN 90 DAYS TO:

- **PRESIDING JUDGE**
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301
- **FOREPERSON**
KERN COUNTY GRAND JURY
1415 TRUXTUN AVENUE, SUITE 600
BAKERSFIELD, CA 93301

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<https://artradarjournal.com/2021/11/17/10-reasons-why-graffiti-is-bad/>

<https://nypost.com/2021/06/02/locals-gripe-about-recent-rash-of-junkier-graffiti-in-nyc-neighborhood/>

<https://www.nytimes.com/2020/07/08/nyregion/graffiti-nyc.html>

<https://www.shouselaw.com/ca/defense/penal-code/594/>

DISCLAIMER

This report was issued by the Grand Jury with the exception of a Juror(s) pursuant to Cal. Penal Code § 916.2(a). The Juror(s) was/were excluded from all parts of the inquiry/investigation, including interviews, deliberations, and the writing and approval of this report.

BOARD OF SUPERVISORS
COUNTY OF KERN

TRACKING PAGE

JUNE 14, 2022

TUESDAY - 2:00 P.M.

COUNTY ADMINISTRATIVE OFFICE

CA-45) Proposed response to Grand Jury report titled Kern County General Services
- Graffiti (Fiscal Impact: None) - APPROVED; AUTHORIZED CHAIRMAN TO
SIGN CORRESPONDENCE

Maggard-Couch: 4 Ayes; 1 Absent - Scrivner

BOARD OF SUPERVISORS

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Kern County Administrative Center
1115 Truxtun Avenue, 5th Floor
Bakersfield, California 93301
Telephone (661) 868-3585
TTY Relay 800-735-2929

June 14, 2022

The Honorable Colette Humphrey, Presiding Judge
Kern County Superior Court
1415 Truxtun Avenue
Bakersfield, CA 93301

Dear Judge, Humphrey:

Transmitted herewith is the Board of Supervisors' response to the 2021-2022 Grand Jury's Final Report titled Kern County General Services-Graffiti.

The Board of Supervisors appreciates the Grand Jury's review and input.

Sincerely,

A handwritten signature in black ink, appearing to read "Zack Scrivner", is written over a faint, larger version of the signature.

Zack Scrivner, Chair
Kern County Board of Supervisors

ZS/SH/COMPL_GJ General Services A

Attachment

cc: Grand Jury

Kern County Board of Supervisors
Response to Grand Jury Final Report
Kern County General Services – Graffiti

Response to Findings F1- F6:

Kern County agrees with the Grand Jury's findings.

Response to Recommendation:

R1: *The Kern County Graffiti Abatement Program should have its own dedicated budget.*

The County agrees Graffiti Abatement Program is paramount in keeping pristine not only the aesthetics of our community but also to help protect property values. The County believes residents deserve the best service possible. As such, the County is evaluating how to best allocate funding to get the maximum value for the limited resources available.

R2: *By FY 2022-2023, the Board of Supervisors should, at a minimum, double the budget of the Kern County Graffiti Abatement Program.*

The County agrees the level of service should increase; however, further analysis is needed to determine the budget amount based on the ability to improve outcomes and the limited available funding. The County will continue to look for resources and the most efficient way of tackling the problem until the program is performing as desired.

R3: *By FY 2022-2023, purchase a new vehicle with new equipment.*

Purchase of the necessary equipment, including a vehicle will require further analysis. Ideally, funding will be available to outfit the Graffiti Abatement Program with the best equipment, however, the County is operating within fiscal constraints and will look to improve the program's outcome at a reasonable cost.

R4: *The County should consider purchasing a sandblaster in the next fiscal year.*

Similar to purchase of new vehicles, purchase of equipment, such as a sandblaster, will require further analysis in order to produce the best outcome while keeping costs within available resources.

R5: *By February 2023, staff should be a minimum of three (one supervisor, one full-time employee, and one extra help).*

As mentioned above, the County is conducting further analysis on the number of employees needed to provide the necessary service to Kern County in combination with the necessary equipment needed.

R6: *Within six months, a system should be implemented that automatically directs the removal request to the proper authority (between city and county).*

- a. *The graffiti abatement website needs to include an area map that CLEARLY indicates county and city jurisdiction for the reporter.*
- b. *When filling out a request for graffiti abatement online, the forms need to specify where the request needed, in the City or the County.*

Although the County agrees automatic redirecting of service requests to the proper authority (County or City) would improve the customer experience for residents, the County cannot compel the City to participate in a joint program as cities operate independently and are outside the jurisdiction of the Board of Supervisors. The County will, however, include improvements to the request process and the County website as part of our analysis.

R7: The City and County graffiti abatement staff should meet weekly to address their application problems until they are resolved.

The County agrees there is opportunity to improve and/or integrate services with incorporated cities within the County; however, the County cannot compel the City to participate in a joint program as cities operate independently and are outside the jurisdiction of the Board of Supervisors.

R8: Kern County should apply for Federal Grant funds allocated for the homeless and gangs, as they are a major contributor to graffiti.

The County agrees with the recommendation and departments are encouraged to look for any grant programs that address graffiti abatement or other underlying issues that may cause it.