



STOP STRATEGY

A Strategy for
Change
2008–2011



MINISTRY OF
JUSTICE
Tāhū o te Ture

New Zealand Government

Crime Prevention Unit

**Ministry of Justice
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New Zealand**

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MINISTER'S FOREWORD

Graffiti is a major form of vandalism throughout the country, with significant effects for both rural and urban communities.

Most noticeable as 'tagging', graffiti vandalism has the greatest impacts in more densely populated areas, contributing to some neighbourhoods appearing uncared for and, at the extreme, dangerous. It also has significant financial and social impacts on the community – directly through the costs of graffiti removal, and indirectly through increased insurance premiums and local government rates to cover the costs of repairing damage to property.

This Stop Tagging Our Place (STOP) Strategy provides a framework for reducing graffiti vandalism in New Zealand. It builds on the practical actions already developed by central and local government, communities and voluntary organisations – and takes a collaborative approach, recognising that no single initiative will lead to the results our communities deserve. Success can only be achieved through effective partnerships of agencies and community groups in preventing and managing graffiti vandalism, and enforcing appropriate penalties.

The Strategy is not, and cannot be, a static, one-off document. With limited research in New Zealand on the causes, incidence and demographics of graffiti vandalism, our approaches will need to adapt as we learn more during its three-year life.

The true costs of graffiti vandalism may never really be known, as its impacts are far reaching. For example:

- graffiti vandalism incurs significant social costs, especially when specific areas are targeted. This can create an impression that crime is out of control, and in turn encourage further criminal activity. In the wider community, it can also contribute to a general sense of apprehension about crime levels and, in particular, a fear for personal safety
- businesses may be affected by decreased property values, and in turn add to a cycle of decline in disadvantaged areas. Businesses can also suffer the direct losses of the damage caused, the loss of patronage due to public safety fears and the theft of graffiti materials
- New Zealand's reputation as a clean, green environment for tourism could decline in areas with particular graffiti problems.

This Strategy is the result of collaboration by a number of key stakeholders. They have generously contributed their knowledge and expertise to ensure value in the work as we move forward together. I thank them for their efforts.

Hon Annette King
Minister of Justice

ACKNOWLEDGEMENTS

A number of people have helped to develop the Stop Tagging Our Place Strategy.

Particular acknowledgement goes to the Advisory and Steering Groups. The Advisory Group's members, comprising representatives of a number of organisations, contributed invaluable knowledge and expertise in tackling graffiti vandalism. The Steering Group, made up of representatives from central government organisations, made the final decisions on combating graffiti vandalism.

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1. INTRODUCTION

The Stop Tagging Our Place (STOP) Strategy is the result of a partnership between central government, local government, community organisations and utility companies.



It responds to increasing public concerns that graffiti vandalism is a serious and growing issue in some New Zealand communities. Preventing or managing graffiti vandalism is seen as important to making New Zealand a safe and pleasant place in which to live, and has a role in protecting our tourism industry.

Led by the Ministry of Justice, the Strategy was developed by an Advisory Group and its work overseen by a Steering Group comprising representatives from the Ministries of Justice and Social Development and the New Zealand Police.

The Strategy is designed for practitioners in local government, the New Zealand Police, utility companies and voluntary and community organisations. It recognises that a number of successful graffiti vandalism prevention initiatives have already been implemented around the country, and presents a number of these as case studies in this document. The aim is to build on, and complement, this important and valuable work.

What is graffiti vandalism?

According to the Summary Offences Act 1981, graffiti vandalism is the act of a person damaging or defacing any building, structure, road, tree, property or other thing by writing, drawing, painting, spraying or etching on it, or otherwise marking it,—

- “(a) without lawful authority; and
- (b) without the consent of the occupier or owner or other person in lawful control.”

The Strategy recognises that many people display considerable artistic talent and can express this with graffiti-style graphics. However, if through this ‘expression’ they mark or damage someone else’s property without permission, it is a crime.

Note that the scarcity of robust data collected in New Zealand means the graffiti problem is difficult to quantify accurately. However, the Strategy includes a focus on collecting more data on this important social issue.

Who are the graffiti vandalism offenders?

Just as there is little data on the extent of graffiti vandalism in New Zealand, so is there limited statistical information on who is committing it. However, the data available indicates that graffiti vandalism offenders are most often teenagers, although some continue offending into their 20s and 30s.

People's motivations for creating graffiti are many and varied, as they are for other forms of antisocial behaviour. During the STOP Strategy's three-year life (2008–2011), research to support the graffiti-reduction work will be commissioned to explore:

- the psychology and culture of graffiti vandalism and tagging
- the extent of graffiti vandalism and tagging nationally
- the Strategy's overall impact.

When complete, the findings will be made available on the website of the Ministry of Justice's Crime Prevention Unit (www.justice.govt.nz.cpu).

Note that because the STOP Strategy specifically aims to reduce graffiti vandalism, it does not attempt to address the broader issues that may contribute to this behaviour. Its focus is on preventing, managing and enforcing the laws against graffiti-related offences.



Territorial authorities can spend in excess of \$1m per year eradicating graffiti vandalism from their district.

The Strategy's objectives

The STOP Strategy's main objective is to prevent graffiti vandalism in New Zealand.

Its secondary objectives are to:

- encourage an approach to graffiti vandalism that tackles all aspects of the issue
- encourage innovation and persistence in the development of local strategies targeting graffiti reduction
- encourage the identification and sharing of best practice activity that reduces and eliminates graffiti vandalism.

The Strategy's structure

The Strategy has three main parts: prevention, management and enforcement.

The **Prevention** section focuses on how local communities can work to reduce the likelihood of graffiti vandalism in their areas. It encourages community ownership of initiatives that aim to:

- change people's (both the public's and offenders') attitudes to tagging
- reduce the number of people engaging in graffiti vandalism
- contribute to developing an environment where graffiti vandalism cannot thrive.

The **Management** section provides information on how local authorities, community trusts, businesses, utility companies and organisations such as volunteer groups and schools can identify the scale of the graffiti problem and the best way to manage it.

The **Enforcement** section provides information on the legal framework to reduce graffiti vandalism, roles of the Police and local authorities in enforcement, how penalties can be applied to offenders and how reparation can be made to victims and the community.

The Strategy acknowledges that addressing vandalism will have different priorities among New Zealand communities – so does not prescribe initiatives or require specific activities. Instead, it encourages innovation in locally specific strategies, and initiatives that strengthen community resilience and pride in the local environment. After all, the Strategy's impacts will only be seen in the local environment, and success will only come through the efforts of local people.

2. THE STRATEGY'S FRAMEWORK

The STOP Strategy's framework is based on the SARA (Scanning, Analysis, Response and Assessment) model. The model's concepts align with the following Prevention, Management and Enforcement sections and should be considered by any organisation seeking to develop graffiti-related strategies and initiatives.

The New Zealand Police already use SARA for problem-oriented policing and as a crime-reduction tool. Applying it to graffiti vandalism will help ensure the problem is efficiently and effectively identified and dealt with appropriately.

Stage 1: Scanning

'Scanning' is all about identifying problems using knowledge, basic data and mapping.

It involves grouping recurring, similar or related graffiti incidents into clusters, or 'problems' and identifying graffiti 'hotspot' locations or targets. The incidents can be identified from Police intelligence, local authority knowledge and local communities.

Note that graffiti problems identified through scanning should have been happening for some time. This is because it is more effective to spend time and resources on long-term problems.

Stage 2: Analysis

'Analysis' involves using information technology and local knowledge to dig deeper into problems' characteristics and underlying causes.

It identifies the conditions causing a particular graffiti problem by examining its characteristics and impacts in detail. It helps to isolate the factors that can most easily and effectively be tackled in trying to resolve the problem.

Analysis may include collecting information on:

- offenders and their targets/victims
- graffiti occurrence times
- graffiti locations and other details of the physical environment
- the history of the local problem
- the motivations, gains and losses of the parties involved
- the apparent (and hidden) causes
- any competing interests
- the results of current responses.

Police, local authorities and other practitioners may need to talk to colleagues, local businesses, or community members to better understand the problem.

The analysis stage is based on 'Routine Activity Theory', which maintains that when a crime occurs, three things happen at the same time, in the same space:

- a suitable target is available
- a suitable guardian is lacking to prevent the crime happening
- a likely and motivated offender is present.

The related 'Problem Analysis Triangle' breaks graffiti problems into three corresponding elements:

- the place – the features of the location where graffiti happens
- the target/victim – the features of the target (object) or victim of the graffiti
- the offender – the features of the graffiti vandalism offender themselves.

Figure 1 combines these two sets of components. The outer triangle (manager, guardian and handler) relates to individuals or interventions that could reduce the risks of a graffiti offence – such as a shopping centre manager (manager), security guards or Maori wardens (guardian) and police or parents (handler).



Figure 1: Problem Analysis Triangle

The inner triangle can help in establishing what features of the place, target/victim and offender or source of the graffiti problem contribute to its occurrence. The process may benefit from lateral thinking; and if a response to a problem fails, practitioners can return to the tool to analyse another element.

Stage 3: Response

Response involves devising a solution, working with the community wherever possible.

It relates to any action taken to address a graffiti problem – from the simple (such as planting shrubs beside a building to discourage graffiti) to the complex (such as involving the community, local bodies and non-government organisations [NGOs] in projects to divert young people into other activities).

It's often beneficial for responses to be a combination of actions, tackling more than one aspect of a problem identified in analysis. It's also crucial to apply some intervention logic – that is, to work out in detail how the response is expected to produce its intended effects.



Using urban murals to replace graffiti-vandalised walls works well when the murals are reflective of the local community.

Stage 4: Assessment

Assessment involves reviewing a response and its success in reducing or eliminating a particular graffiti problem(s), and identifying any lessons to be learned.

It is an important vehicle for:

- finding out whether the problem still exists and requires continuing attention and/or resources
- improving problem-solving skills (by finding out what works in different circumstances)
- enabling agencies and individuals' efforts and success to be recognised.

Assessment is not an evaluation of the practitioners' performance; it looks at what happened in the response. It's also important to note that an assessment concluding that a response was successful may not mean the problem has been eliminated.

There are different types of success – for example:

- a graffiti problem and its impact may remain the same but local government efforts to address it may have reduced
- the locations covered by a graffiti problem may have reduced, even though the graffiti volume remains the same.

An effective assessment should:

- clearly define the problem and describe the response to ensure that measurement focuses on areas where success is most realistic
- accurately describe the response and when it took place
- if the response 'failed', identify whether this was because it was not applied as originally intended or because it genuinely failed to make an impact
- include a thorough collection of incident and other data about the problem before and after the response.

3. PREVENTION

Prevention at a glance

- The most effective crime prevention strategies involve communities working together.
- Community plans aimed at preventing graffiti vandalism should engage the whole community, including young people, media and business groups.
- 'Crime Prevention Through Environmental Design' is effective in preventing or reducing graffiti vandalism.
- The STOP Strategy does not support the use of legal graffiti walls.
- The internet is a growing problem as a vehicle for promoting graffiti vandalism and must be considered during the course of the implementation of the Strategy.



Prevention is the first stream of the STOP Strategy.

Broadly defined, 'crime prevention' is the anticipation, recognition and appraisal of a crime risk and the initiation of action to reduce the likelihood of the crime occurring. Crime prevention also involves promoting activities, attitudes and behaviours that create and maintain safe communities where crime cannot thrive.

This section of the Strategy focuses on how local communities can work to prevent graffiti vandalism in their areas through:

- reducing the number of people engaging in graffiti vandalism
- reducing the amount of graffiti vandalism being perpetrated.

It focuses on practical, action-oriented approaches, including involving the community, engaging with young people, designing public spaces effectively, publicising the graffiti issue, restricting access to graffiti equipment and reporting problem websites.

Involving the community

If a community has a problem with graffiti vandalism, it's vital that everyone in the community works together to tackle it.

The most effective crime prevention/reduction campaigns involve partnerships between local councils, community organisations and community members such as businesses, schools, sports clubs and private individuals – all with a focus on community engagement, ownership and action.

As a start, Police and local government should collectively identify areas targeted by graffiti vandalism offenders, then coordinate opportunities to engage with volunteer organisations and paid staff to prevent and remove graffiti vandalism.

Engaging with young people

Data indicates that most graffiti vandalism offenders are young people, however only a very small percentage of the total youth population is thought to be involved in the crime.

Tackling youth offending is vital if we are to prevent young people from becoming entrenched in offending patterns or graduating to more serious offences. Interventions that effectively target 'hardcore' graffiti vandalism offenders are also more likely to lead to a significant and rapid reduction in graffiti than those seeking to address pro-graffiti attitudes among all children and young people.



Some graffiti vandalism education programmes give young people an opportunity to paint out the tagging.

Effective interventions for youth involved in offending behaviours are those that build strengths by teaching new skills, target the causes of offending, strengthen families, and provide comprehensive treatment that addresses all issues leading to the offending.

Significant literature exists about the most effective ways to intervene with at-risk young people to reduce offending behaviours including the "Tough is Not Enough - Getting Smart about Youth Crime (2000)" publication which is available through the Ministry of Youth Development website at <http://www.myd.govt.nz>

Engaging with local youth groups and organisations can be immensely beneficial when working to address graffiti vandalism. Effective youth engagement can be a positive way to:

- assess local youth attitudes about graffiti vandalism
- develop collaborative partnerships with the youth community to identify effective strategies to combat graffiti vandalism
- foster a sense of community pride and respect in children and young people – with flow-on benefits in reduced graffiti vandalism.

Designing public spaces effectively

Well designed public spaces can significantly reduce the crime and antisocial behaviour that take place there.

The theory of 'Crime Prevention Through Environmental Design' (CPTED) recognises and responds to the relationship between the physical environment and its users.

The term CPTED was coined by Dr C. Ray Jeffrey in the early 1970s. He described CPTED as "The proper design and effective use of the built environment that can lead to a reduction in the form and incidence of crime and improvement in the quality of life".

The seven CPTED qualities of well designed, graffiti-free places are:

- access – safe movement and connections
- surveillance and sightlines – see and be seen
- layout – clear and logical orientation
- activity mix – using a range of people to provide 'eyes on the street'
- sense of ownership – showing a space is cared for
- quality environments – well designed, managed and maintained environments
- physical protection – using active security measures.

The STOP Strategy encourages the thoughtful use of CPTED techniques to reduce the prevalence of graffiti vandalism – including considering the redevelopment of areas already targeted by graffiti vandalism offenders.

The Ministry of Justice is producing CPTED guidelines that focus specifically on preventing graffiti vandalism. From late 2008 these will be available at www.justice.govt.nz/cpu

Case study: Keep New Zealand Beautiful

Keep New Zealand Beautiful (KNZB) is a non-profit organisation operating as a charitable trust to promote litter abatement, waste reduction and town and city beautification including the prevention and removal of graffiti vandalism.



KNZB collaborate with local communities and territorial authorities to implement CPTED principles by designing and erecting murals on walls previously targeted by graffiti vandals. KNZB staff and volunteers also maintain the murals, keeping them graffiti free.

Publicising the graffiti issue

Effective communication is an important part of any action taken to combat graffiti vandalism.

It's vital that local communities are well informed on the negative impacts of graffiti vandalism on their environment. Raising the profile of work being done to tackle the problem can also help to encourage members of the public to report incidents of graffiti vandalism.

Much of what is currently known about 'what works' in educating people on the negative impacts of graffiti vandalism – and steering them away from this behaviour – is based on experience rather than quantitative research. Current knowledge suggests that educational resources should include three key messages:

- graffiti vandalism is any graffiti done without the permission of the property owner
- graffiti vandalism is a crime, and has legal consequences
- dealing with graffiti vandalism has a significant social impact and costs communities, businesses and individuals significant amounts of money.

Advertising is noted as having an important role in helping people (especially children and young people) to develop their beliefs on what is right and wrong.

In addition to the development of broader attitudes and opinions, the portrayal of graffiti vandalism in media, broadcasting or publicity material is thought to encourage graffiti vandals by giving them the exposure they crave.

Because of this, the Strategy:

- discourages the display of examples of graffiti vandalism in the media

- encourages advertising agencies and their clients to recognise the impact images and messages about graffiti vandalism has on local communities.

If you're using images of graffiti vandalism in public forums or education resources alter (eg, reverse, blur or warp) the image in some way so that the mark, tag or picture is not readily identifiable.

Including unaltered images of graffiti vandalism only serves to give the graffiti vandalism offenders' wider public recognition.

Both the Broadcasting Standards Authority and the Advertising Standards Authority have useful information on how crime, including graffiti vandalism, is portrayed in the media (see www.bsa.govt.nz). Local authorities are encouraged to engage with their local media (such as radio stations, community newspapers and television networks) to discuss the possible implications of publicising aspects of graffiti vandalism.

Considering a legal graffiti wall?

A number of communities have created 'legal graffiti walls' – that is, walls to which anyone can legally apply graffiti, at any time.

There is little evidence that legal graffiti walls contribute to a reduction in graffiti vandalism – and the concept doesn't fit well with the Government's legislative stance on the sale and possession of spray-paint cans to minors.

As a result, the STOP Strategy does not support the use of legal graffiti walls.

Restricting access to graffiti equipment

The whole community has a role in ensuring graffiti vandals can't easily access commonly used graffiti equipment. Businesses, parents and schools have a responsibility for ensuring that spray-paint cans and other common graffiti implements are stored and disposed of appropriately so that they don't fall into the wrong hands.

The Summary Offences Act 1981 (as amended in 2008) restricts the sale of spray-paint cans to minors. While this restriction will contribute to a reduction of graffiti vandalism, it will have the greatest impact when combined with other courses of action proposed in the strategy.

Local authorities that identify other equipment as of particular concern, such as broad tipped marker pens, could consider negotiating voluntary codes with retailers to restrict their sale.

Graffiti vandalism and the Internet

The use of the Internet to promote crime, including graffiti vandalism, is a growing problem. Some websites, notably social networking forums, enable people to publicise crimes and can give offenders the notoriety they seek.

The Internet is also used to sell graffiti equipment. The provisions of the Summary Offences Act prohibit the sale of spray cans to people under 18 years but provides a defence if an approved form of identification is sighted (or if the seller is an educational board). This provision should significantly limit the sale of spray cans via the Internet where the sale transaction occurs in New Zealand.

Following the legislative provisions introduced in 2008 we expect New Zealand based Internet sites to adapt their policies to comply with the new requirements. Some sites, such as Trade Me, acted quickly to respond to the legislation and no longer allow the sale of spray-paint cans via their website.

The broader issue of crime and the Internet is beyond the immediate scope of this STOP Strategy, but communities can take steps to address this problem. For example, any New Zealand based website promoting graffiti offences should be reported to the Police.

4. MANAGEMENT

Management at a glance

- Removing graffiti vandalism quickly reduces the likelihood of the offender receiving respect from their peers.
- It's important to:
 - assess the scale of local graffiti vandalism problem before trying to manage it
 - evaluate the resources required to address the problem and those that are immediately available
 - identify any gaps in capacity
 - develop strategies to address the gaps.

For most government agencies, local authorities, community organisations and businesses, graffiti management involves protecting surfaces and removing graffiti images and writing¹.

Removing graffiti vandalism quickly² is essential, as it helps to build community pride. Rapid graffiti removal also removes the visibility and profile offenders crave. This section provides information on how local authorities, community trusts, businesses, utility companies and organisations such as volunteer groups and schools can identify the scale of the problem and the best way to manage it.

Assessing and identifying the problem

An effective management plan requires a careful evaluation of the local problem.

To establish the scale of the problem and the best tools for managing it, it's important to answer five key questions:

- where does the graffiti vandalism happen?
- when does the graffiti vandalism happen?
- how much graffiti vandalism is there?
- what type of graffiti vandalism is it?
- who is victimised by the graffiti vandalism and how does it affect them?

The answers are also key to the 'scanning' and 'assessment' stages of the SARA framework.

¹ More information is available at: www.lgnz.co.nz/projects/BeatGraffiti

² For the purposes of this Strategy, it's considered timely to remove graffiti vandalism within 24 hours of it being reported.

Responding to the problem

Once the graffiti vandalism problem has been assessed, the 'response' stage of the SARA framework can begin.

There are a number of ways to respond to graffiti vandalism. The soon-to-be-released 'Graffiti Eradication Handbook', provides a practical resource for graffiti eradicators. Available at www.justice.govt.nz/cpu from November 2008, the handbook will support the Graffiti Control and Eradication Matrix and include information on:

- CPTED approaches to general deterrence
- ways to surface walls and other targets to deter and/or minimise graffiti opportunities
- ways of cleaning off graffiti vandalism.



Using CPTED principles in high target areas may assist in reducing the amount of eradication required.

Who's responsible for managing the problem?

Managing graffiti vandalism is the responsibility of everyone – householders, retailers, business park landlords, utility companies, educators, community groups, local authorities, government and others with specific roles.

The extent of the responsibility depends on the individual or group – from simply reporting the graffiti to removing it and/or managing future graffiti vandalism by either changing the environment or protecting surfaces to make removal easier.

It's important to be clear about the key players' roles and responsibilities, and to make this information available to the public. By updating communities on processes and plans, all parties can address the issue collaboratively.

As an example, utility companies often have well established processes for dealing with graffiti vandalism that directly affects their property. Many have taken steps to combat vandalism, such as using anti-graffiti paint on new plant.

Businesses and retailers can also help to manage graffiti vandalism, such as through:

- reporting graffiti vandalism on their property to their local authority as soon as it occurs
- removing vandalism as soon as possible
- using the CPTED principles.

Learning from others

Organisations throughout New Zealand and overseas use a number of responses to manage graffiti vandalism. These include eradication programmes and managing anti-graffiti information, such as through websites and databases.

Eradication programmes

The nature of eradication programmes depends on factors such as:

- the organisation running the programme
- the severity of the problem
- the resources available to address the problem.

Resource availability may have a significant effect on the establishment and management of a graffiti eradication programme. Well resourced programmes often employ professional workers and contractors, especially where access is difficult and the health and safety of volunteers or offenders doing community work as part of an enforcement programme may be at risk.

Eradication programmes are run by a number of groups and agencies, such as:

- the Police, whose programmes are likely to have a large enforcement element
- local authorities, whose programmes are usually part of a wider crime prevention strategy and may be sub-contracted to external organisations with agreed targets and results

- community groups and trusts, whose programmes range from highly organised projects to localised, occasional street events
- volunteers, whose programmes provide local resources to combat graffiti vandalism
- the Department of Corrections – the Summary Offences Act includes provisions for offenders to be sentenced to community service, which will often involve eradicating graffiti.

As it's important to remove graffiti quickly, eradication programmes should include an agreed timeframe for responding to reports.

Case study: The Manukau Beautification Charitable Trust

The Manukau Beautification Charitable Trust, funded mainly through the Manukau City Council, aims to eradicate graffiti vandalism in Manukau through its 'Three 'E's' strategy: eradication, enforcement and education.

Eradication

- The Trust employs 25 eradication staff operating seven vans.
- Where possible, the eradication teams will respond to graffiti vandalism within 24 hours of it being reported to its graffiti hotline.
- The trust will assist commercial property owners/leasee to paint out graffiti vandalism on their property if the building owner/leasee supply the paint.
- 2008 removal statistics (square meters painted out): April 12,284 tags (14,729 M²); May 13424 tags (15,130 M²) June 13,405 tags (15,247 M²).

Enforcement

- Database collecting information by eradication teams is used to assist police with the prosecution of graffiti vandalism offenders.

Education

- School education programmes may include a paint out exercise.
- Diversion scheme is implemented for convicted graffiti vandalism offenders.

Case study: Christchurch City Council – graffiti vandalism management

Christchurch City Council's commitment to reducing graffiti vandalism is reflected in the 'Safer Christchurch Strategy' and the establishment of the Nuisances in Public Places Working Party, which plans, oversees and supports the Council's Strategy on a number of issues, including graffiti vandalism.

Since 2005 the Council has been working with the Police and the community on developing and implementing processes to address graffiti vandalism. As a result of this collaboration, the Council agreed to the establishment of a Christchurch City Council Graffiti Office in April 2008. The Office's role is to "Develop strategic regional or cohesive local approaches by working with police, local authorities, government agencies, public utilities and community groups to form partnerships to target local or regional graffiti vandalism".

Local and city-wide advisory groups will provide direction and support for the project. Their members possess relevant professional knowledge and expertise and represent key stakeholders such as community groups, the education and youth sectors, the Police, Christchurch City Council, community boards and the business community.

Initiatives designed to reduce the incidence of graffiti vandalism and promote eradication include:

- contracting removal services to "achieve citywide consistency of approach in the removal of graffiti vandalism in Christchurch and to maintain a focus on the removal of graffiti vandalism within the communities of Christchurch"
- localised area clean-ups through volunteer removal programmes, coordinated throughout the city's neighbourhoods
- a database system linked to the Council's Request for Service management system, which will track incidents, trends and community clean-up events, identify potential hotspots and, in collaboration with Police Intel, help in identifying and tracking taggers
- marketing materials and public information about graffiti vandalism, produced in collaboration with the Council's education and marketing services and the Police Education Unit
- restorative justice and youth work interventions, developed in collaboration with Police Youth Aid. Through this process, identified taggers will be held accountable for their offences. They will be expected to complete community service hours in eradicating graffiti vandalism, while being linked with a youth worker professional who supports them to make positive life changes and reduce recidivism.

Case study: Timaru – the Totally Against Graffiti project

Under the Timaru District Safer Communities' TAG (Totally Against Graffiti) project:

- tagging is reported
- tagging is photographed if possible, and reported to the Police
- the Police pass on the details to Neighbourhood Support, which posts a 'Permission to Remove' form and brochure to the premises' owner/occupier
- requests for assistance are returned to the graffiti coordinator, who assesses the graffiti and photographs it if required
- clean-up kits are provided (including cleaner and brush, gloves etc)
- Resene provides paint from its community project
- clean-up/painting programmes are allocated and supervised
- the coordinator can allocate the clean-up to the graffiti community worker gangs from Community Corrections, Youth Justice Community Workers or a church youth group.

The STOP Strategy recommends that graffiti vandalism be removed within 24 hours of it being reported.

Communicating and managing graffiti-related information

A number of tools are available for communication and managing graffiti-related information. The two most common are websites and databases.

Graffiti vandalism websites

Graffiti vandalism websites have a number of purposes and can be targeted at a wide range of people. Many local government and NGOs' websites contain information on what graffiti vandalism is and how to report or remove it.

Graffiti database

Most graffiti vandalism databases in New Zealand are used to track offenders and are therefore useful enforcement tools. They also have the potential to track graffiti vandalism images and even to monitor the number of times a specific location is targeted. More information on databases can be found in the 'Enforcement' section.

5. ENFORCEMENT

Enforcement at a glance

- The Summary Offences Act 1981 (as amended in 2008) and the Crimes Act 1961 comprise the legal framework for graffiti vandalism enforcement.
- The Government expects the Police and local authorities to be primarily responsible for enforcing graffiti offences, but the law does not specify a particular agency.
- Penalties are at the discretion of decision-makers in the justice system, and often depend on the circumstances of the offence, offender and victim.
- Graffiti enforcement action should not unnecessarily bring children and youth into the formal criminal justice system.
- Community work, where graffiti vandalism offenders can be involved in graffiti eradication, is likely to be appropriate for many offenders.
- Compensation and restitution can be included as part of a restorative justice process to meet victims' needs.

This section provides information on the graffiti-related enforcement actions available under New Zealand law. Enforcing the law is important in deterring potential offenders and ensuring effective consequences for actual offenders.

New Zealand's legal framework

New Zealand law includes several graffiti vandalism-related offences. The key statutes are:

- the Summary Offences Act 1981 as amended in 2008
- the Crimes Act 1961, which also contains a graffiti-related offence.

Anyone involved in graffiti-related enforcement should be familiar with the relevant offences under these Acts. They can be found at www.legislation.govt.nz but in summary they are:

The Summary Offences Act 1981

- **Section 11 – Wilful damage** – intentionally damaging property, with penalties of a fine up to \$2000 or a prison term up to three months.
- **Section 11A – Graffiti vandalism, tagging, defacing, etc** – committing graffiti vandalism, with penalties of a community-based sentence or a fine up to \$2000, or both
- **Section 11B – Possession of graffiti implements** – possessing implements without reasonable excuse in circumstances which show an intention to commit

graffiti vandalism, with penalties of a sentence of community-work³ or a fine up to \$500 or both

- **Section 14A** – Sale of spray cans to people under 18 prohibited - the offence of selling spray cans to people under the age of 18 years, with a penalty of a fine up to \$1500 – however, spray can sales to under 18s are legal if the seller is:
 - a school board of trustees or board employee; or
 - the governing body of a tertiary education provider or employee of such; and
 - the buyer was enrolled at an educational institution managed by the above; and
 - the spray can was sold to the buyer to enable them to undertake coursework for the above institution.
- **Section 14B – Access to spray cans in shops to be restricted** – failing to restrict access to spray cans in shops so that they are only accessible with the help of shop staff, with a penalty of a fine up to \$1500.

The Crimes Act 1961

- **Section 269(2) – Intentional damage** – intentionally damaging property, with a penalty of a prison term up to seven years.

These wilful damage, graffiti vandalism or intentional damage offences allow a range of penalties for committing graffiti vandalism, depending on the severity of the offending.

However, the Government expects a community-based sentence (where the offender is involved in cleaning up graffiti) to be the most appropriate and effective penalty for many offenders. The community is also likely to support community work, as it has the dual benefits of enabling the offender to ‘right their wrong’ and removing graffiti from communities.

Who’s responsible for enforcement?

The Government expects the Police and local authorities to be primarily responsible for enforcing graffiti offences – to undertake different but complementary enforcement roles, working together to ensure compliance with the law. However, neither the Summary Offences Act 1981 nor the Crimes Act 1961 names a responsible agency, so there is potential for another relevant agency to investigate and prosecute graffiti offences.

This flexibility is a key feature of effectively enforcing graffiti-related law. It enables the Police and local authorities to enforce or take action under any part of the legal framework as appropriate, while having primary responsibility for enforcing certain

³ A sentence of ‘community work’ could involve graffiti clean-up work.

parts. It also enables local prioritisation, collaboration and enforcement alignment between these parties. Working together, the Police and local authorities can identify the extent and priority of local problems, which will in turn determine the enforcement response and relative roles.

The Police's role

The Police are committed to tackling graffiti vandalism. Through the STOP Strategy, the Police will continue to work in partnership with their local sector partners, including local authorities and NGOs, to develop local solutions to localised graffiti problems.

The Government expects the Police to take primary responsibility for enforcing graffiti-related offences under the:

- Summary Offences Act 1981: sections 11, 11A and 11B
- Crimes Act 1961: section 269.

Enforcing these sections aligns with the Police's core function of enforcing criminal offences. The approach they take will reflect district, area, station and community differences in the nature of the issues and the local resources available.

Police may also act on sections 14A and 14B of the Summary Offences Act (relating to spray can sales and access restrictions) to support local authorities and other community partners. The Police response would reflect the nature, frequency and magnitude of the offending and follow the processes of intelligence-led policing. Their involvement could cover cases:

- identified as a local priority between the community, the Police and local authorities
- involving particularly serious or repeat offending
- where such intervention is an obvious consequence of a Police enquiry.

The local authorities' role

The Government expects local authorities to be responsible for enforcement and compliance monitoring under the Summary Offences Act's sections relating to:

- the prohibition of spray can sales to under 18s (section 14A)
- the physical restriction of access to spray cans in shops (section 14B).

Enforcing offences in relation to more regulatory activities like this aligns with current local authority roles.

Local authorities decide on service priorities in consultation with their communities through their Long Term Council Community Plans. They should initially focus on reducing offences against sections 14A and 14B by actively working with the

business sector to ensure under 18s can't access spray cans. This is likely to be a three-step escalating process of:

1. preventive work with retailers
2. informal or formal warnings
3. pursuing prosecution.

This process is also likely to encourage positive relationships between local authorities and retailers.

It's important to note that local authorities are not required to enforce graffiti-related offences. Instead, they may prioritise graffiti enforcement, in collaboration with the Police where necessary, according to the extent of the local problem.

It's up to individual local authorities to decide on the type of enforcement action they take, and to what level, to support the spray can sales and access offences. The extent of local action should reflect the scale of the local problem.

This action may include:

- providing spray can-offence-related information to retailers
- visiting retailers to check:
 - compliance with the restrictions of spray can access
 - that spray can offence notices are displayed (although this is not compulsory)
- undertaking spray can controlled purchase operations (jointly with the Police, as complex prosecutorial issues may result).

Local authorities can choose to work collaboratively with the Police on any of the above enforcement activities.

Bylaws

Under the Local Government Act 2002, local authorities can introduce bylaws⁴ for their districts or cities to address issues concerning the community, including graffiti. Many councils have generic bylaws that include provisions relating to graffiti vandalism.

The new graffiti-related offences may mean graffiti-related bylaws are less necessary. However, local authorities can introduce them where they believe the national law does not enable them to address their local situations adequately. In particular, local authorities should consider compliance-type bylaws for dealing with graffiti that is within view of public places, is offensive or precipitates a decline in community safety.

⁴ See Local Government Act 2002 Part 8, Subpart 1 – Powers of local authorities to make bylaws.

Graffiti-related bylaws could provide:

- the ability to compel private owners to enter agreements with local authorities on graffiti-removal protocols
- the ability to require owners or authorisation for local authorities to remove graffiti within 24 hours
- the ability to ensure that private premises are maintained in accordance with district plans
- the ability to prevent premises or places becoming accepted locations for criminal offending

Educating and informing spray can retailers and educational institutions

The Ministry of Justice has developed several resources to help spray can retailers and educational institutions to understand and comply with the spray can sales offences under the Summary Offences Act.

The Crime Prevention Unit's website (www.justice.govt.nz/cpu) includes:

- general information on the STOP Strategy, including spray can-related offences
- information for retail premises managers
- information for retail premises staff
- a shop display notice on the prohibition of spray can sales to minors
- information for school boards of trustees and governing bodies of tertiary education providers on the ability of schools and institutions to sell spray cans to enrolled students for their coursework.

Local authorities should either place this information on their own websites or provide a link to the Ministry of Justice, Crime Prevention Unit's site.



Shop display notice for retail outlets.

Reviewing spray can law enforcement

The Ministry of Justice will be assessing the success of enforcing spray can sale restrictions in high-graffiti vandalism areas during 2010/11. Should the review show they're not operating effectively, the Ministry and the Police will propose changes to the current regime or an alternative model.

The justice system's response to graffiti vandalism

The legal penalties for graffiti vandalism are at the discretion of decision-makers in the justice system, such as the Police and judges, or through the Family Group Conference (FGC) process (see Child and youth graffiti vandalism offenders below). These decisions are made on a case-by-case basis and are often informed by the individual circumstances of the offence and the offender, as well as the views of victims and family members.

Generally, however, the penalties and activities that may be appropriate for graffiti offences include:

- reparation for the victim(s)⁵
- working for the victim(s)
- writing a letter of apology and explanation to the victim(s)⁶
- participating in a relevant programme – for instance, to address the underlying causes of the offending
- community work (particularly cleaning up graffiti or related work where this is possible)
- a fine imposed by the court (either the Youth or the District Court)⁷
- for serious and recidivist offenders, supervision with residence (ordered by the Youth Court where a young person is placed in a CYF residence) or a prison sentence (imposed by the District Court).

These penalties are available as appropriate whether the offender is a child (10–13 years), a youth (14–16 years) or an adult (17 and over).

In general, younger, first-time and non-serious offenders receive minor penalties and are dealt with informally. However, more serious offences and recidivist offenders are likely to receive harsher penalties and be dealt with more formally. The seriousness of penalties is also likely to increase with the offender's age.

⁵ In the case of young people, a parent or guardian can be ordered to pay reparation.

⁶ Letters of apology and explanation usually accompany another penalty, such as reparation.

⁷ In the case of young people, a parent or guardian can be ordered to pay a fine.

Child and youth graffiti vandalism offenders

The Children, Young Persons and Their Families Act 1989 (CYPF Act) sets out the process for dealing with child and youth⁸ offenders, including the functions and roles of the Family and Youth Courts. The Act is designed to minimise the formal involvement of children and young people in the criminal justice system, while still holding them accountable for their offending. The Government is concerned that graffiti enforcement action should not unnecessarily bring children and young people into the formal criminal justice system.

The FGC is a key tool in facilitating appropriate responses to serious and/or repeat child and youth graffiti-related offending. It brings together the young offender, members of the family/whānau/hapu/iwi, and the victim(s) to decide how the young offender can be encouraged to take responsibility for their behaviour and be held accountable. Others attending the FGC are the youth justice coordinator, the Police (Youth Aid), and sometimes a youth advocate, social worker, iwi/cultural service representative, and the victim support representatives.

FGCs are always used when matters are referred to the court. The court receives a recommendation on appropriate penalties from the FGC and tends to support those recommendations.

Police action

If the Police believe a child or young person has committed a graffiti-related (or any other) offence, they may (depending on the offence):

- make an arrest
- whether or not an arrest is made, deal with the child/young person:
 - by warnings
 - alternative action⁹, or
 - referral for a FGC.

Police Youth Aid officers are likely to deal with children and young people who have come to attention for graffiti offences. In most cases, Youth Aid issues a warning or formal caution or involves the child or young person in an alternative action programme. In cases of serious or repeat offending, the Police are likely to refer the child or young person to CYF or take action through the Family or Youth Courts. Approximately 25 percent of apprehensions for 14- to 16-year-olds are resolved through prosecution in the Youth Court.

⁸ The CYPF Act update (No. 6 Bill) proposes to raise the upper age of the CYPF Act 1989 to 17 years.

⁹ The term 'alternative action' refers to alternative ways of dealing with child and youth offenders than formal criminal proceedings. It is referenced in section 208 (a) of the CYPF Act, which states, "... unless the public interest requires otherwise, criminal proceedings should not be instituted against a child or young person if there is an **alternative** means of dealing with the matter".

Serious and persistent youth graffiti vandalism offenders

In rare cases, young people who have committed very serious offences or are persistent offenders can have their cases transferred from the Youth Court to the District Court. When this happens, the more serious penalties applying to adults are available (including, for example, prison).

Community work

Children and young people are most likely to undertake community work (unpaid work for the benefit of the community) as part of an informal Police alternative action plan.

Formal community work ordered by the Youth Court and part of an FGC plan is likely to be facilitated by CYF and organised and supervised by the family or a CYF social worker. Community work is usually organised in collaboration with either a trust or marae, or contracted to a council-appointed organisation.

CYF social workers do not normally have direct contact with local councils in arranging community work, but engage a council-appointed sub-contractor. For example, the Manukau Beautification Trust provides community work for young people and arranges materials, transport and work supervision on the local council's behalf.

Adult graffiti vandalism offenders

As adults are considered more responsible for their actions than children and young people, the applicable legal framework is not as focused on diversion from the criminal justice system. However, the Police can:

- make an arrest
- whether or not an arrest is made, deal with the offender by:
 - warning, or
 - diversion¹⁰.

An offender may qualify for diversion when:

- there is sufficient evidence and it is in the public interest that the matter be prosecuted
- either the offence is the offender's first offence or there are special circumstances where it may be appropriate to offer diversion (for example, the offender's previous court outcomes were for dissimilar offending or occurred five years or more previously)
- the offence is not serious
- the offender has accepted full responsibility for the offence

¹⁰ Diversion allows for adult offenders who've been charged to be dealt with in an 'out of court' way. If the offender completes agreed conditions (eg makes reparation to the victim), the prosecutor can seek to have the charge withdrawn and a conviction won't be recorded. The Police may also exercise their discretion to 'divert' offenders before a Court appearance.

- the offender's legal rights have been clearly outlined
- the offender agrees to the terms of diversion.

Restorative justice (see below) may also be considered for adult offenders who meet the Police Adult Diversion Scheme criteria, but its use is not limited merely to diverted offenders.

Community work

Adults may undertake community work as part of an informal Police diversion plan or as ordered by a court. Formal community work ordered by a court will be administered by the Department of Corrections.¹¹

Community work requires offenders to do unpaid work for non-profit organisations and community projects. Courts can sentence offenders to between 40 and 400 hours of community work for offences punishable by imprisonment or specifically punishable by a community-based sentence.

Some offenders on community work will clean up graffiti as part of their sentence. In practice, local authorities advise the Department of Corrections of areas for clean-up, and offenders are allocated to graffiti clean-up work parties. Local authorities cover all costs related to equipment and materials.

As part of its commitment to the STOP strategy, the Department of Corrections will endeavour to have a graffiti clean-up work party in every area where it can work with a local authority, to augment the work already being done to clean up graffiti. Where possible, offenders with convictions for tagging and graffiti vandalism will be engaged in graffiti clean-up work parties.



Community work being carried out.

¹¹ The Department of Corrections manages sentences and orders imposed on adults by the courts and the Parole Board.

Meeting victims' needs

Restorative justice

Restorative justice is a process where parties with a stake in a specific offence come together in a facilitated meeting to talk about the effects of the offence and agree how those effects could be overcome or reduced.¹² The meetings may take place as part of the Police Adult Diversion Scheme or at the pre-sentence stage of the court process after a guilty plea.

The restorative justice process appears well suited for addressing graffiti-related offending, as it enables:

- offenders to be made aware of the true effects on victims of what they may see as relatively minor offending
- victims to negotiate suitable redress – for graffiti offences, this often involves the offender cleaning up graffiti in the victims' community.

The Government wishes to expand the use of restorative justice for graffiti cases. It has allocated additional funding to existing restorative justice services in areas with high volumes of graffiti offences, to enable services to increase.

Other compensation and restitution channels for victims

Two sentencing options may be used to meet victims' needs:

- a reparation order, through which the offender is required to pay the victim the value of the loss or damage to property and any consequential loss or damage
- a community-based sentence, in which the offender cleans up graffiti (not necessarily their own) as part of their sentence.

The Sentencing Act also allows for offenders to make amends for their offending voluntarily – an approach that may be appropriate in graffiti offending. The court can adjourn proceedings until:

- compensation has been paid
- the offender has completed any work or service they've agreed to do
- an agreement between the victim and the offender has been fulfilled.

The court will then take this into account when sentencing. It may also consider victim impact statements from the victims.

The Government has asked the Law Commission to assess the adequacy of existing schemes for compensating and making reparations to victims of crime. The Commission aims to produce an issues paper for public consultation by 1 September

¹² Ministry of Justice (2008) *Restorative Justice Facilitator Induction Training* p 5.

2008, and the timing of a final report will depend on the number of submissions received.

Enforcement databases

Enforcement databases are an important graffiti-related enforcement-specific tool.

They can be used:

- to identify high-risk, recidivist offenders and consequently reduce the risks they pose
- to identify key offence locations ('hotspots')
- to determine the extent of multiple offences at various locations
- to initiate evidence-based interventions
- to target resources to high-risk locations
- as a basis for criminal investigations
- as a prosecution resource.

They are likely to comprise two linked components:

- offender analysis (offender tracker)
- offence analysis (graffiti vandalism tracker).

It's important to consider the different methods available for identifying the offenders and offence locations to go into these databases (for example, offering rewards).

Note that enforcement-related databases can only operate effectively if they comply with privacy principles and follow guidelines acceptable to all users. For example, databases should:

- be web based and hosted from an agreed location
- involve a single or several linked regional databases
- be designed around geographical areas, enabling a focus on a person or location of interest
- be secure, with password-enabled access
- include differing rights for entry and information retrieval
- have more restrictions on offender-related information than on location information
- ensure that only known and identified offenders can be entered
- be designed on the assumption that less than 20 percent of offenders commit more than 80 percent of offences
- be supported by a user manual and agreed operating protocols
- have a guarantee of system integrity at all times.

6. REVIEWING THE STOP STRATEGY

The STOP Strategy outlines a systematic response to tackling graffiti vandalism in New Zealand. It provides a framework for local and national action and its implementation will be both supported and assessed throughout its lifespan.

On-going reviews of best practice and the impact of different approaches will be undertaken and additional information and findings added to the Ministry of Justice's website at www.justice.govt.nz/cpu

The Government will be informed of the impact of this strategy throughout its implementation and future action on graffiti violence will be based on this on-going work.



