

June 10, 2025

## MEMORANDUM

**To:** Public Safety Committee  
**From:** Greg Doss, Analyst  
**Subject:** CB 120995 – Graffiti Restitution and Penalty Ordinance

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On June 10, 2025, the Public Safety Committee will discuss [Council Bill \(CB\) 120995](#), which would make graffiti taggers who cause property damage subject to a civil penalty and liable to the City for restitution of labor and material costs incurred to remove illegal graffiti.

The Public Safety Committee Chair has indicated that today’s hearing will be the first of two hearings on CB 120995. The second hearing is scheduled for June 24, 2025, and a vote by the Full Council is anticipated on or before July 8, 2025.

### Background

The City Attorney’s Office (CAO) and Executive have indicated that Graffiti abatement places a significant financial strain on city resources. The city spends approximately \$6.0 million annually on abatement services, which includes its contractor (Uplift NW) and department abatement teams that are coordinated as one resource through Mayor Harrell’s One Seattle Graffiti Plan (OSGP).<sup>1</sup>

The OSGP Director and Seattle Police Department (SPD) detectives report is that tagging is the most problematic illegal graffiti, which is the application of a “signature” as a boast to other taggers. Tagging is sophisticated and often involves individuals who travel up and down the West Coast applying their tag. According to the Mayor’s Office and SPD, these individuals have resources and are engaged in a long-term pattern of criminal behavior.

The City Attorney’s Office has indicated that cleanup costs for a single graffiti “tag” will often exceed \$750.<sup>2</sup> Many incidents cost considerably more to abate. As an example, the City and the Washington State Department of Transportation recently collaborated to abate graffiti tags in the Mercer Street tunnel from I-5. The combined cost of these incidents was approximately \$24,000.

As part of the abatement process, the OSGP team will at times photograph and document major illegal graffiti tags created by known offenders. The team then shares the documentation with SPD and the CAO for potential prosecution. Felonious level graffiti tags, which are those that involve damage that exceeds \$750, are referred to the King County Prosecuting Attorney’s Office (KCPAO) for prosecution in Superior Court. Last year, the OSGP and OCA coordinated with the KCPAO to bring felony charges against 17 prolific taggers who collectively caused more than \$100,000 in property damage in the Seattle area.

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<sup>1</sup> [One Seattle Graffiti Plan - Mayor | seattle.gov](#)

<sup>2</sup> According to the [U.S. Department of Justice Office of Community Oriented Policing Services](#), there are four main types of graffiti: gang, ideological, spontaneous and tagger. In most cases, tag graffiti reflects a moniker of the artist or offender who creates the tag.

The CAO has indicated that many of these taggers plead guilty to lesser charges, potentially diminishing the deterrent value that might otherwise have resulted from felony-level convictions. The taggers in these cases were primarily white, adult men with sufficient financial means to hire legal representation and eventually pay for court-ordered restitution.

The CAO has indicated that misdemeanor graffiti enforcement under [Seattle Municipal Code 12A.08.020.B](#) often fails to produce meaningful outcomes and that case resolution can take many years. CAO data shows that SPD has made an average of 43 referrals per year, and the number of referrals for graffiti prosecution has been dropping despite increased graffiti citywide.<sup>3</sup> The CAO data shows that only 11 percent of graffiti cases result in a conviction. All other cases are either dismissed or unresolved. Attachment 1 to this memo shows the CAO data on misdemeanor charges, referrals and case outcomes.

Private property owners have the ability, under state law provisions, to seek reimbursement for costs related to illegal graffiti. However, it is rare for businesses to invest the time and effort required to pursue restitution. Most property owners self-abate as required by [SMC 10.07](#) or request the services of the OSGP Graffiti Rangers.

#### **CB 120995**

CB 120995 would make graffiti taggers who cause property damage: (1) subject to a civil penalty of up to \$1,000 per illegal graffiti violation; and (2) liable to the City for restitution of labor and material costs incurred to remove illegal graffiti. Graffiti taggers would not be subject to these provisions if the tagger obtained the express permission of a private property owner prior to applying the graffiti.

The bill defines a “graffiti tagger” as any person or entity who applies illegal graffiti to public or private property, or who assists or encourages another person or entity to do the same. A “Graffiti violation” is defined as a single piece of graffiti, including but not limited to a graffiti tagger name or design, in a single location.

The CAO would be authorized to enforce restitution and penalties through a civil action commenced in the Seattle Municipal Court, within three years of a graffiti violation. The City has the burden of proving by a preponderance of the evidence that a specific graffiti violation was committed by the individual charged. The legislation allows a Court to convert some or all monetary penalties to community restitution.

State law recognizes the authority of municipalities to abate public nuisances through civil actions. CAO staff have indicated that establishing an appropriate civil cause of action in the Seattle Municipal Code will allow City prosecutors to bring civil actions that would discourage future illegal graffiti and remunerate the City for the substantial costs of abatement.

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<sup>3</sup> Five-year average 2020-2024.

## **Civil Restitution, Penalties and the Preponderance of the Evidence Standard**

As noted above, the CAO has indicated that it has had limited success enforcing misdemeanor graffiti crimes at the Seattle Municipal Court. CAO prosecutors have found that, unless the defendant was caught in the act, criminal graffiti cases are difficult to prove beyond the reasonable doubt standard. Consequently, the CAO is unable to prove guilt even when prosecutors have identified known graffiti taggers, images of their graffiti tag (signature) on Instagram, and can show that the act occurred after a recently documented abatement. CAO staff believe that such cases would be more viable under the civil preponderance of the evidence standard, which for practical purposes, means “more likely than not,” or that there is a greater than 50 percent likelihood.

## **Restitution and Fine Revenue**

If the CAO is successful in bringing civil actions against prolific taggers, it is likely that the City would receive some restitution and fine revenue for the graffiti-related property destruction that occurs in Seattle. Between 2023-2025, the OSGP provided to the CAO and the KCPAO estimated costs for approximately 134 abatements, many of which surpass the \$750 cost threshold necessary for a felony property destruction charge. The costs for many of these abatements could potentially be mitigated by restitution orders and penalties brought under the authority of the proposed legislation.

The CAO has indicated that it would, in some cases, consider expenses incurred by private parties for removing illegal graffiti and ensure that the Court directs restitution funds to the private party under court order.

The CAO has indicated that the principal purpose of a civil action is to create a deterrence to high-volume graffiti tagging. The CAO does not expect to collect a significant amount of revenue, partly because the bill authorizes the court to convert fines and restitution into community service hours for graffiti-related abatement. The Executive has concluded that “It would be wise to assume no net revenue from this ordinance, at least not in the first year of its effectiveness.”

Executive and CAO staff also indicate that they do not expect any additional programmatic costs to result from the civil enforcement actions that would be authorized in this ordinance. Additional civil enforcement activities will be completed with existing personnel.

## Issues for Council Consideration

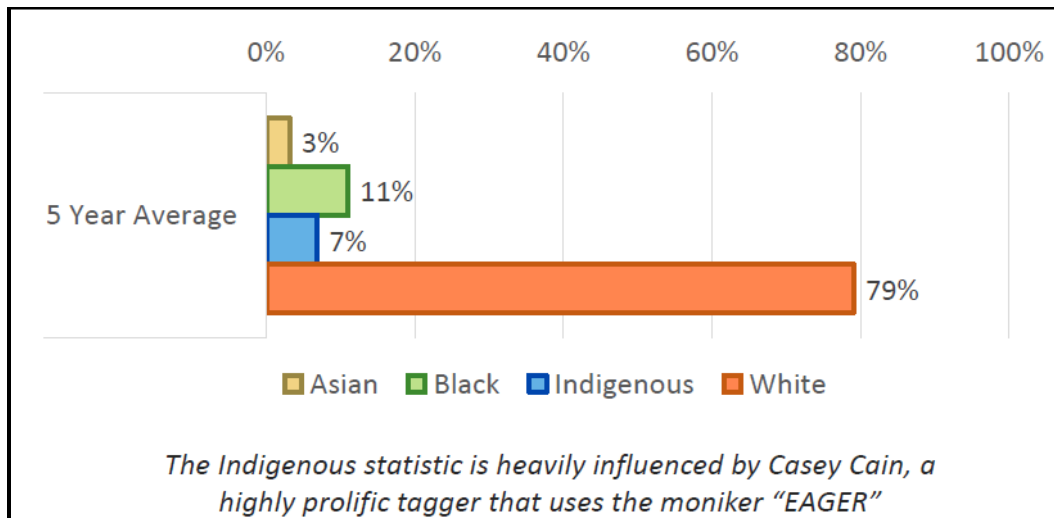
### Impacts on low income and vulnerable individuals

The legislation's restitution and penalty provisions may result in legal and financial obligations that can create a significant financial hardship on low-income individuals, who are disproportionately represented among vulnerable populations and people of color.

As noted above, the legislation allows a Court to convert some or all monetary penalties to community restitution. Such conversions may be made upon motion of a graffiti offender or their attorney or CAO attorneys. Because public defenders are not provided for civil actions in the Seattle Municipal Court, the cost of retaining legal defense must be borne by the tagger. Low-income individuals may have difficulty retaining or paying for effective legal representation.

According to an analysis conducted by the CAO, known graffiti offenders are primarily male (85 percent) and white (79 percent). The CAO does not have specific data on the income status of graffiti offenders, but has indicated that recent experience prosecuting 17 prolific taggers showed that most were white, adult men with sufficient financial means to hire legal representation and eventually pay for court-ordered restitution.

**Chart 1:** *Demographics of Graffiti Offenders referred to the Seattle City Attorney*



### Reporting Requirements

CB 120995 currently contains no reporting requirements for the CAO or the Executive. The Council may wish to add an annual reporting requirement that includes the number of cases that have been brought under this legislation, the case outcomes and any penalties and/or restitution received from offenders. The Council may also wish to know whether civil fines and restitutions have an impact on reoffending.

### Clarifying the definition of Graffiti Offenders

As noted above, CB 120995 defines Graffiti Offenders as “any person or entity who applies illegal graffiti to public or private property, or who assists or encourages another person or entity to do the same.” The CAO has indicated that this provision is intended to allow it to seek restitution and penalties from on-line graffiti promoters, who incentivize tagging and publish graffiti on Instagram. The Council may consider asking the CAO to elaborate on how this provision might work in Court, and whether any additional clarity should be provided to ensure successful case resolution.

### **Attachments:**

1. Summary of Graffiti Prosecution in Seattle – from the City Attorney’s Office

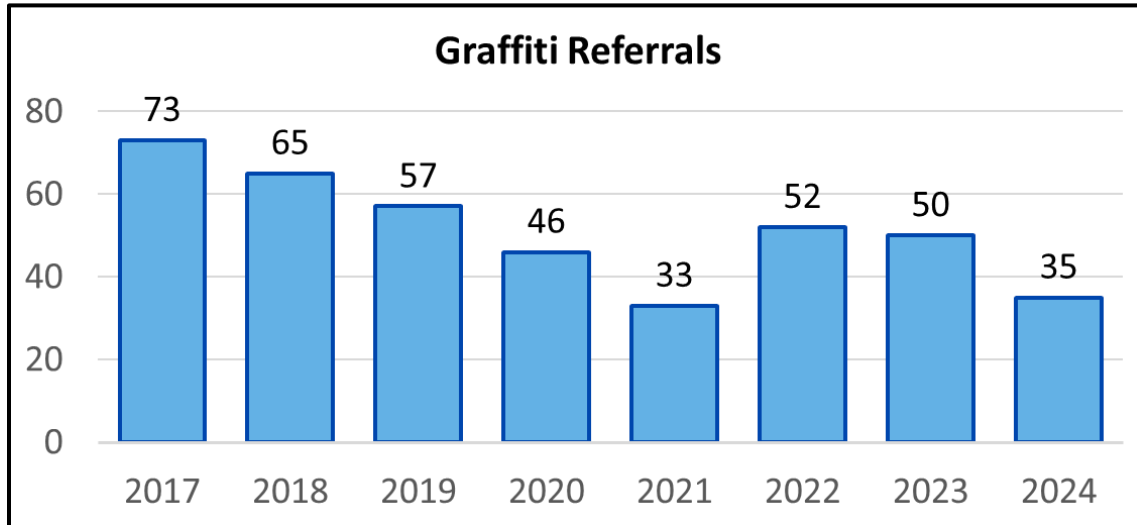
cc: Ben Noble, Director

## Seattle Graffiti Prosecution

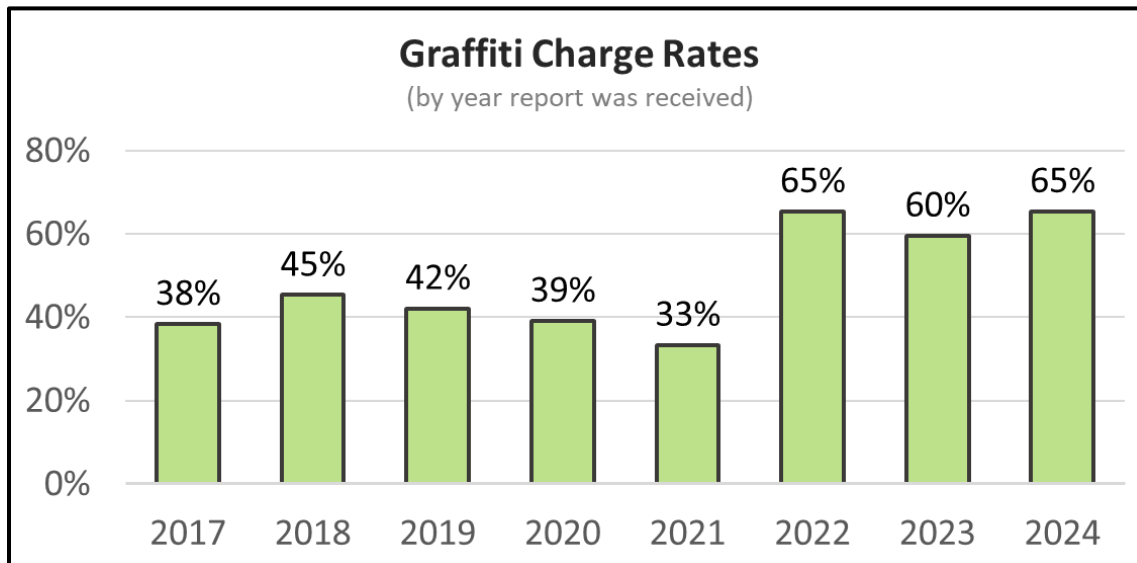
May 2025



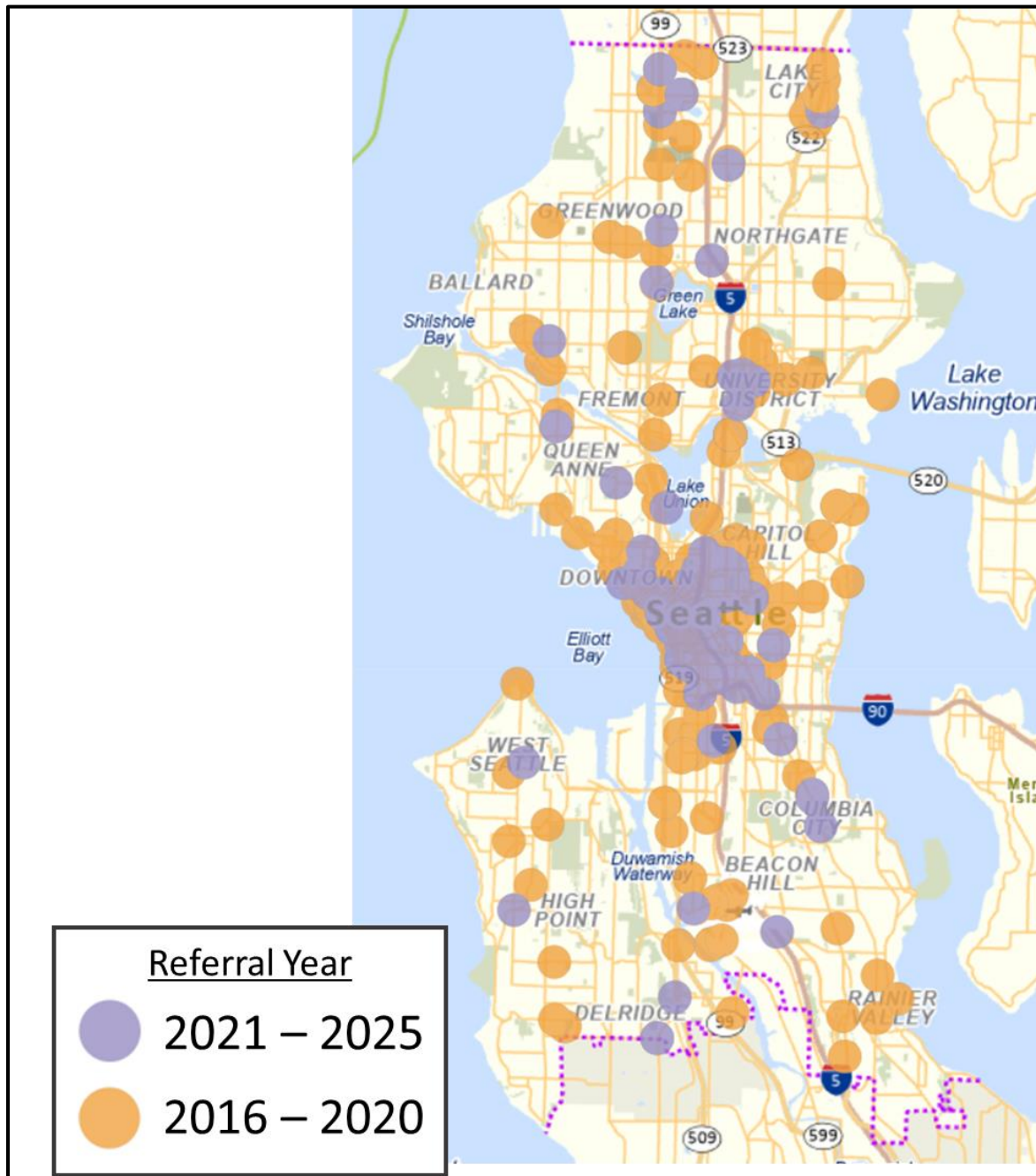
The number of SPD referrals for graffiti prosecution has been dropping despite increased graffiti citywide, primarily due to inadequate detective capacity.



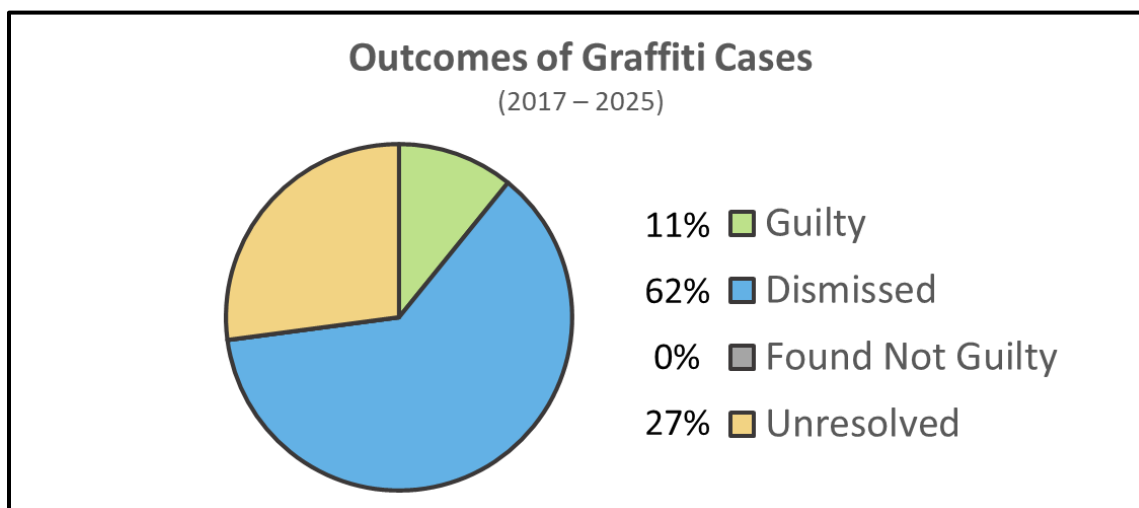
Graffiti charge rates have nearly doubled in recent years, but total number of cases remains low.



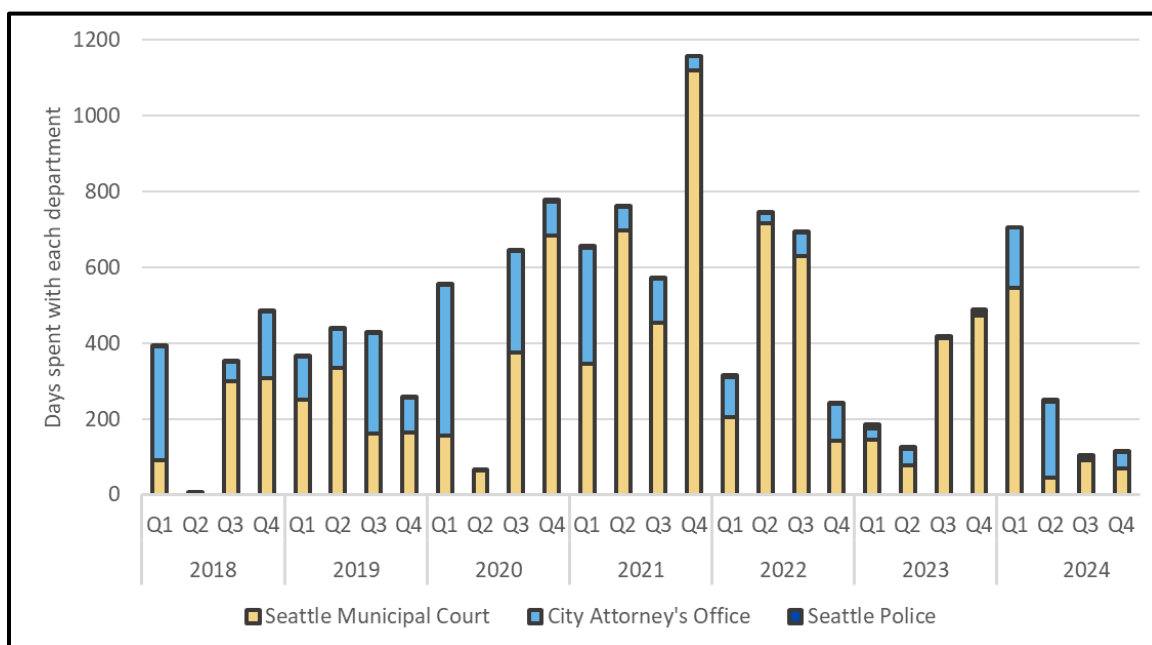
Graffiti Referrals have been largely limited to the downtown core in recent years



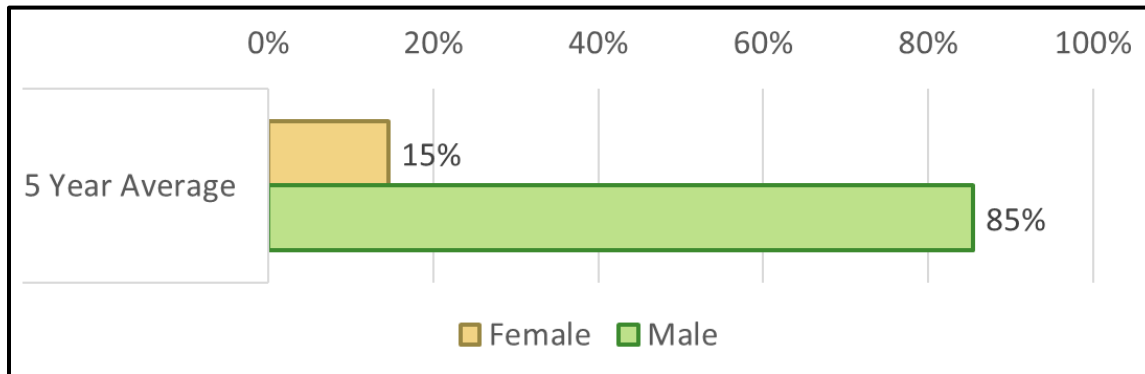
Few graffiti cases have meaningful outcomes



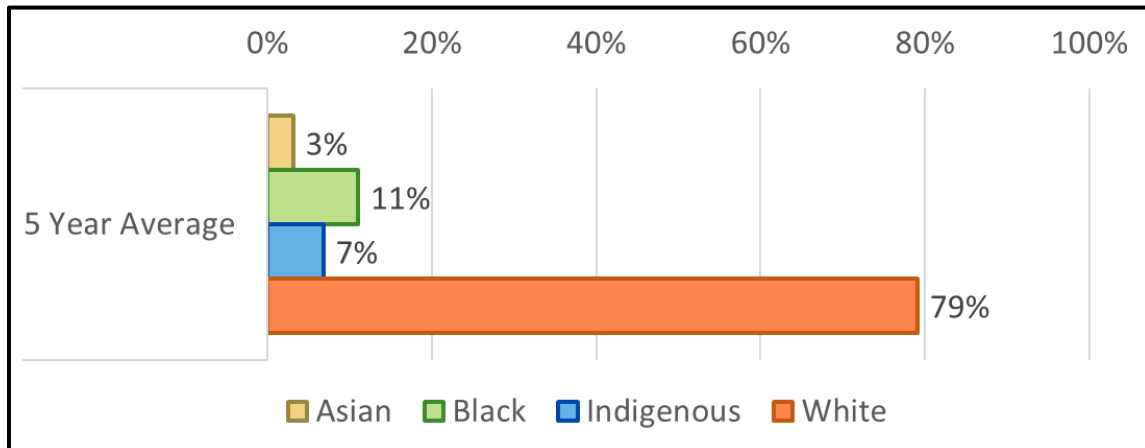
Many cases are in warrant status for a long time and resolution often takes years



Graffiti Suspects are more likely to be male.



Graffiti Suspects are more likely to be white compared to most other crimes.



*The Indigenous statistic is heavily influenced by Casey Cain, a highly prolific tagger that uses the moniker "EAGER"*