

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Legislative	Greg Doss	TBD

1. BILL SUMMARY

Legislation Title:

An Ordinance relating to a new civil cause of action against graffiti taggers for illegal graffiti on public and private property and requiring restitution; adding a new Section 10.07.055 to the Seattle Municipal Code; and amending Section 10.07.010 of the Seattle Municipal Code.

Summary and Background of the Legislation:

This ordinance 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 City Attorney's Office (CAO) is authorized to enforce restitution and penalties through a civil action commenced in the Seattle Municipal Court, within three years of the graffiti violation. The City has the burden of proving by a preponderance of the evidence that a graffiti violation was committed.

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.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? **Indeterminate**

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 One Seattle Graffiti Program has provided to the City Attorney's Office and the King County Prosecuting Attorney's Office 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 may be mitigated by restitution orders and penalties brought under the authority of the proposed legislation.

However, Executive and City Attorney staff have indicated that they are currently unable to determine how much revenue might be collected from restitution orders or penalty fines. The lack of any comparable civil penalties for other crimes have led the Executive to conclude 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, many of which are already spending time documenting, investigating and pursuing criminal enforcement against prolific taggers.

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

Per the Executive and CAO, this legislation has no such financial impacts.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

See above.

Please describe any financial costs or other impacts of *not* implementing the legislation. It is possible that the civil actions authorized in this legislation would provide a deterrence against graffiti related destruction of city and private property. If so, the City may spend less to remediate graffiti related damage.

4. OTHER IMPLICATIONS

- a. Please describe how this legislation may affect any department besides the originating department.**

The ordinance could affect workload at the Seattle Police Department and the Executive’s One Seattle Graffiti Program. Representatives of the Executive’s Graffiti Program have indicated that any additional workload will be handled within existing resources.

- b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

N/A

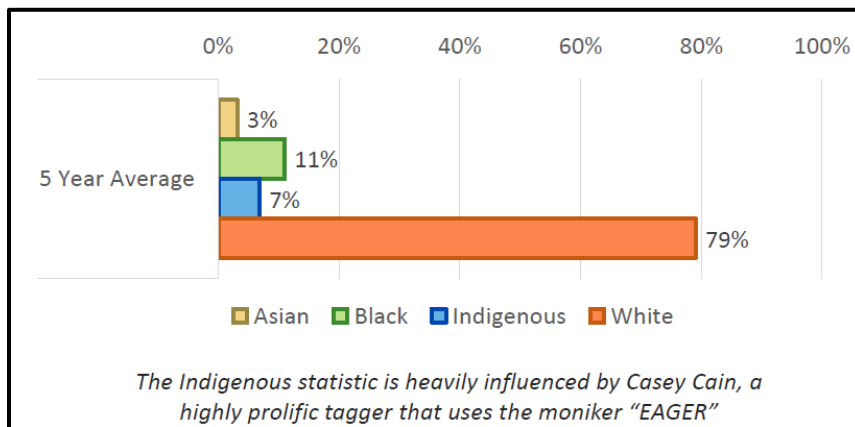
c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

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.

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. 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, graffiti offenders are primarily male (85%) and white (79%). The CAO does not have information on the income status of graffiti offenders.

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



d. Climate Change Implications - N/A

e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals? N/A

5. CHECKLIST

Please click the appropriate box if any of these questions apply to this legislation.

None of the following items apply to this resolution.

- ☐ **Is a public hearing required?**
- ☐ **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- ☐ **If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- ☐ **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**