

REQUEST FOR ABATEMENT MURAL PROTOCOL

June 15, 2015

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To Lynette Gibson-McElhaney
President of Council
Oakland City Council
One Frank H. Ogawa Plaza
Oakland, CA 94612

Subject: Request for Graffiti Abatement/Deterrent Mural Protocol

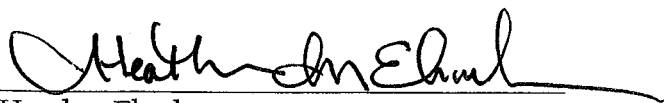
At the discretion of the Chair, this is a formal request from the East Oakland Beautification Council that is asking that before any monies are disbursed or approved for "abatement murals," Council be provided with the attached information regarding murals by Matthew Artz ("Extortion or Art?" news article), Caltrans' ("Graffiti: Art or Nuisance?" newsletter), and the EOBC Case Study ("The Mural Debate").

The term "Abatement Murals" is vague and ambiguous. It fails to identify the complexities of graffiti-blighted areas. There are different kinds of murals that could fall under the category of "abatement murals," including "permissive murals," "historical murals," "cultural murals," "deterrent murals," "pressure murals," "political murals," and "extortion murals." Therefore, please provide City Council with the research and studies about these differences. Also we are requesting that all murals in the City of Oakland follow the same approval process, because taxpayer money could be used without the proper knowledge about these differences of murals and muralists that often intertwine with illegal graffiti vandalism.

At the discretion of the Chair we further request that any Councilmember proposing a resolution for a grant from the "Abatement Mural and Green Wall Fund" follow the lead that was done with the community mural at Thomas Berkeley Way in Uptown (see attached photo). This mural was the desire of a condominium association that reached out to PG&E and yourself, identified the artist and provided sketches of the proposed mural before the mural was installed. We are requesting that all murals in the City of Oakland to be approved in this manner with public notice and community input, from Uptown to Downtown, from West Oakland to Deep East Oakland.

At the discretion of the Chair, please provide this information to full Council and respectfully request their input and opinions on this issue before approving any future funds for abatement murals.

Sincerely,



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sonofOakland@gmail.com

cc: Dan Kalb, Councilmember District 1; Abel Guillen, Councilmember District 2; Annie Campbell Washington; District 4, Noel Gallo, Councilmember District 5; Desley Brooks, Councilmember District 6; Larry Reid, Councilmember District 7

Extortion or art: Oakland grapples with graffiti

ContraCostaTimes.com

OAKLAND -- To Ernest Doty, the walls of Mary and Robert Jeffrey's print shop are an artistic and financial opportunity. But to the Jeffreys, they are a costly magnet for graffiti vandals and profiteers.

Their conflicting visions are being played out in neighborhoods throughout the city as street artists such as Doty go door-to-door pitching murals to property owners as insurance against rampant tagging.

"They say the tagging will stop if you let us put a mural on your building," Mary Jeffrey said. "How much more blunt can they be? That is extortion."

In Oakland, the line between extortion and free enterprise has blurred. So has the line between vandalism and art.



Desi Mundo talks about the elements in one of the bigger projects that he was a large part on International Boulevard in the Fruitvale district of Oakland,

The city is enjoying a golden age of murals and street art. But it also is grappling with a graffiti epidemic like none it has ever seen. Nothing is off-limits anymore. Not churches, not the top of the iconic Paramount Theatre, not even murals themselves. Doty's work gets tagged regularly.

And it's difficult to separate the good guys from the villains. Several of Oakland's most prolific taggers are also its most gifted artists.

City leaders hope that subsidizing more street art will reduce tagging, but they are struggling to reconcile the twin phenomenon. This year, the City Council passed a law that criminalized tagging while setting aside up to \$400,000 for mural projects.

Meanwhile, property owners in heavily tagged parts of East and West Oakland are trapped in a graffiti no man's land. The city won't protect them from taggers, but still threatens them with fines if they don't clean up quickly after the vandals strike.

The only people offering protection are muralists. Many will paint for free if given creative carte blanche. But if a property owner wants input on the design, they can expect to pay about \$1,000. Some murals do the trick; others get tagged.

Doty, a reformed tagger whose slender frame, bald head and tattooed neck give him the look of a punk rock monk, has been turned down many times. But he said the most hostile rejection came earlier this year when he and a friend made their pitch to Robert Jeffrey at his West Oakland print shop.

"He just unleashed a flurry of hatred on us like a tornado," Doty recalled. "He said, 'the next person I catch (tagging), I'm going to shoot them. I don't care how long I'm going to be in prison.'"

Jeffrey, an 82-year-old retired police officer turned small-business man, doesn't recall the encounter. But he said frustration over graffiti is starting to boil over.

There already had been several tagging-related confrontations before a law student ran over an Oakland man with her car while pursuing taggers earlier this month. One tagger, who goes by the name Irot, said a motorist tried to run him over two months ago while he was spray-painting in West Oakland.

"The danger is there are a few people ... who are very upset and if they catch somebody, something bad is going to happen," Robert Jeffrey said. "As a matter of fact, if I catch somebody ... I'm going to commit an act that I'll be sorry for."

Graffiti has been part of Oakland's aesthetic for decades. But in the last couple of years the nature and sheer volume of it has changed dramatically. Gang-related tags that had reigned supreme are harder to find. Stepping into the void are aspiring artists and self-promoters who aren't marking territory so much as marketing themselves.

Their monikers range from mundane scribble and bubble letters to gallery-quality calligraphy that now blanket buildings, utility boxes, freeway signs and even trees across town.

City graffiti removers covered up nearly 60 percent more tags in 2012 than in 2010. The abatement effort cost taxpayers more than \$1 million last year.

The rise in vandalism has coincided with Oakland's emergence as a leading center for street art beckoning muralists from all over the country. "This is it," Kristi Holohan said of Oakland, where she organizes mural projects with politicians and taggers alike. "It's like here and Paris and Eastern Europe."

Irot is in many ways the quintessential new breed Oakland street artist. He's a 28-year-old transplant from New Mexico who has a foothold in both the art and tagging worlds.



Councilman Noel Gallo abates graffiti off Northbound 880 near 29th Avenue with a group of volunteers in Oakland, Calif., on Wednesday, Sept. 11, 2013.

"(Tagging) is like an adrenaline rush pretty much," he said while contributing to a mural in Oakland's Uptown District. "After awhile the thrill is gone, so you have to keep escalating."

Like Doty, Irot has offered to paint murals for people whose properties get frequently tagged, but he doesn't always take "no" for an answer.

"It's almost like if you don't want me to do it, then I'll just do it when you're asleep," he said. Asked what he would say to property owners whose buildings he's tagged, Irot replied,

"Oops. I did it again."

Council members tried to get tough on tagging this year. They approved funds for more graffiti removers and passed a law allowing the city to fine taggers up to \$1,500 and seek additional civil penalties. But so far no fines have been levied, primarily because taggers are elusive targets.

Oakland police have little time to chase after 20-something vandals and can't identify masked taggers caught on security cameras. As of September, police had made 116 vandalism-related arrests this year, about 10 percent of which involved graffiti, Sgt. Johnna Watson said.

Muralists have a different solution for tagging: less graffiti abatement and more graffiti art.

"If you're going to invest in continually doing something, invest in something that is beautiful and creative, instead of something that is dull and ugly and guaranteed not to last," street artist Desi Mundo said.

Mundo, who founded the nonprofit Community Rejuvenation Project, is among several leading street artists who double as community leaders spearheading mural projects and working with local kids.

Doty also has contributed his time to volunteer beautification projects, and sees his work as helping the city. "What if every house had a mural on it?" he said. "Can you imagine how exciting it would be to walk across the street?"

The fine line between street art as a public service and street art as a public nuisance can best be seen along the Solano Way alley in East Oakland. The alley was frequented by prostitutes and a haven for illegally dumped trash until several artists, including Doty and Irot, transformed it two years ago into an outdoor gallery that is now a source of neighborhood pride.

Yet, less than one block away, along East 17th Street at 12th Avenue, street artists of a different stripe ran roughshod over Sam Chan's auto shop. Facing threats from the city and hundreds of dollars in annual painting bills, Chan finally said "yes" when two artists stopped by and offered to paint. Sections of his building now look like a 1970s New York City subway car.

"I don't like it, but I have to let them," he said. "They can't be stopped."

For property owners, there is no easy answer when muralists come knocking. Some reported agreeing to murals that got wrecked by taggers; others, such as David Perez, who was paying \$6,000 a year to cover graffiti on his West Oakland buildings, say their murals have worked as advertised.

"I think it is wrong for me to pay to support guys tagging the city," Perez said. "But on the flip side, I think that some of this stuff has some kind of meaning and you either give in or it is going to cost you \$6,000."

Mary Jeffrey is giving in, too. She recently decided to commission a mural that will honor important people in Oakland history. One of those to be immortalized is none other than Robert Jeffrey, who fought discrimination as a regional director for the U.S. Equal Employment Opportunity Commission after he left police work.

Jeffrey is not excited about being on the mural. But Doty is excited for him.

"I'd like to think that something I said had an impact in there," he said. "I hope that it brightens his spirit and eases his mind."

Contact Matthew Artz at 510-208-6435.

YEAR TAGS REMOVED

2010 2,928

2011 3,713

2012 4,602

SOURCE: CITY OF OAKLAND

Graffiti: Art or Nuisance?

by Patrick Chandler

Caltrans efforts to combat graffiti bandits is a never-ending battle to stop vandalism.

Graffiti has been around long before any freeways were built. Graffiti can be found in ancient cave dwellings, pyramid stones in Egypt (not referring to the hieroglyphics), and even on ancient ruins in Greece and Rome. In this case, graffiti can be found almost anywhere, on any freeway in Los Angeles.

Unfortunately, this form of what some may call art costs Caltrans millions of dollars to prevent and abate, burdens maintenance road crews, is a nuisance, and damages the landscape of California's highways and freeways, especially in Los Angeles.

"Graffiti is kind of like trash. It is not part of the usual freeway wear and tear," said Deputy Director of Maintenance Dan Freeman. "We hire people to cover up or clear graffiti but it takes them away from other duties that Caltrans road crews need to accomplish such as improving the condition of landscape, irrigation systems, and trees."

Taggers have sprayed or "thrown up" their "bombs" or "pieces" on freeway overcrossings, soundwalls, signals and lighting, pedestrian walkways, freeway and highway signs, retaining walls, and other portions of Caltrans transportation facilities. Many taggers are so daring that they have climbed over fences on overpasses to tag freeway signs or the side of a bridge.

Strategies to Combat Tagging

Caltrans makes every reasonable attempt to eradicate graffiti within 10 days of a request. To clear graffiti effectively and safely, crews occasionally have to rent equipment and shut down freeway lanes. Road crews try to build a rapport with the local residents and businesses so that they understand what it takes to remove graffiti and how quickly vandals deface freeways.

According to Graffiti Program Coordinator Vincent Moreno, Caltrans works with law enforcement to capture taggers and receive restitution for damaged property. From 2007 to 2008 law enforcement agencies requested damaged estimates from District 7 for 61 tagger court cases. From 2008 to 2009, local law enforcement requested 77 estimates. Most graffiti cases involved vandalism of property in the Los Angeles area. However, the courts have levied \$62,000 in restitution fines in Caltrans favor since July 2009.

"Sometimes my crew would cover up graffiti on a pedestrian overpass on the Pomona Freeway and later that day, the same tags would reappear in the same location," said former Road Crew Worker Peter Jones, speaking about the tenaciousness of some taggers. "After completing our tasks and feeling proud of what we had done, it was really disappointing to see someone so immediately vandalize the structure."

The scenario Jones describes is all too common. To make things worse residents often to call Caltrans complaining that the road crews had done nothing.

Crews have also been hampered by furloughs, lack of funds, and decreased staffing. The furloughs have prohibited crews from working during non-peak (safer) hours on weekends. A graffiti crew can cost as much as \$1,100 per hour.

"Law enforcement officials have found that graffiti is more than just a delinquent act by juveniles, it is a criminal act that is being perpetrated by adults," said South Region Maintenance Manager Christine Anderson. "The courts and law enforcement agencies have found that by going after taggers they can also reduce crime."

The costs to fight tagging is staggering, especially when much of what has been covered up reappears shortly thereafter. The battle against taggers is a long one, but it is a battle that will require more than just Caltrans and law enforcement.

