

**STATEMENT OF
SUSAN PETITO
ASSISTANT COMMISSIONER, INTERGOVERNMENTAL AFFAIRS
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE PUBLIC SAFETY COMMITTEE
NEW YORK CITY COUNCIL
JUNE 25, 2007**

Good morning, Mr. Chairman and members of the Council. I am Susan Petito, Assistant Commissioner, Intergovernmental Affairs of the New York City Police Department, and I am joined today by Captain Elwood Selover, Commanding Officer of the NYPD's Citywide Vandals Task Force. On behalf of Police Commissioner Raymond Kelly, we are pleased to be here today to express our support for the bill before you, Intro. 576, which amends Administrative Code Section 10-117 regulating the sale and possession of graffiti instruments.

The bill represents a collaborative effort between the Council and the Administration, intended to address a decision of the United States Court of Appeals for the Second Circuit which affirmed an injunction against enforcement of some aspects of Section 10-117, as added by Local Law No. 124 of 2005. Specifically, the plaintiffs had challenged the provisions of Local Law 124 which raised the age prohibition for the sale of aerosol spray paint and broad-tipped markers from 18 to 21, and made it illegal for anyone under 21 to possess such materials "on the property of another or in any public building or upon any public facility."

The Court found that these new provisions of the law most likely violated the First Amendment, by imposing a burden on free speech beyond what was necessary to further the City's interest in combating graffiti. So, we have worked together to tailor the bill more narrowly, so that it may provide a strong enforcement tool against this destructive crime while comporting with the Court's findings.

Intro. 576 retains the prohibition on sale of graffiti instruments to those under 21. We continue to believe that raising the age for the lawful sale of graffiti instruments will assist the City in its efforts to prevent graffiti crimes. The bill also makes clear that the law prohibits possession of graffiti instruments on all property not owned, rented, leased, or resided in by the offender. The bill provides reasonable exceptions to that prohibition, including: possession in a manufacturer-sealed package; possession in a locked container such as a briefcase or backpack; possession on property whose owner has consented in writing or is actually supervising the use of the instrument; possession in the course of employment with written permission; possession at a school where the instrument will be used in class; or possession in a location with the consent of a government agency.

We have discussed many times the message of disorder and lawlessness that graffiti communicates. We have also discussed the comprehensive initiatives undertaken by the Police Department to address this problem: by enforcement, by education, and, with the

help of the Community Assistance Unit, by cleanups. This year, as of June 10th, the Police Department has effected 1,836 arrests for graffiti crimes, representing a 44% increase over the 1,278 such arrests at this time last year. The Department continues to devote significant resources to fighting this crime, including not only focused enforcement efforts, but also the development of a graffiti tag database, implementation of a reward program, educational outreach efforts, and the introduction of a weekly "GraffitiStat" meeting, to ensure that the Department's emphasis on addressing this offensive conduct remains strong.

Graffiti crimes are overwhelmingly committed by young people, an observation which we believe was one of the primary reasons for the enactment of Local Law No. 124, specifically addressing graffiti committed by young adults aged 18, 19 and 20. We would refer you to the chart attached to our statement, which demonstrates the overrepresentation of those under 21 in the population of criminals arrested for Making Graffiti or Possession of Graffiti Instruments. One of the more telling statistics is that while 15% of those arrested for graffiti crimes in 2006 were aged 18, 19 and 20, that age group constitutes only 4% of New York City's population.

In conclusion, we thank you for this opportunity to express our support for Intro. 576, and will be pleased to answer your questions.

NYPD GRAFFITI ARRESTS BY AGE

The following table reports arrests made by the NYPD for violations of Penal Law Section 145.60, Making Graffiti, and Penal Law Section 145.65, Possession of Graffiti Instruments. Figures are preliminary and subject to further analysis and revision. Percentages may not add correctly due to rounding.

Census data is drawn from the U.S. Census Bureau's 2000 Census.

CALENDAR YEAR 2005

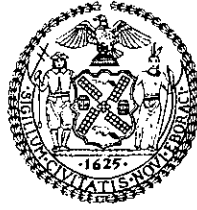
AGE RANGE	NUMBER OF ARRESTS	PERCENT OF TOTAL ARRESTS	PERCENT OF POPULATION
10-17	1,426	55.2%	10.5%
18-20	473	18.3%	4.0%
10-20	1,901	73.5%	14.5%
21-54	684	26.5%	51.5%

CALENDAR YEAR 2006

AGE RANGE	NUMBER OF ARRESTS	PERCENT OF TOTAL ARRESTS	PERCENT OF POPULATION
10-17	1,873	63.2%	10.5%
18-20	437	14.8%	4.0%
10-20	2,310	78.0%	14.5%
21-54	650	21.9%	51.5%

CALENDAR YEAR 2007 (through May 20, 2007)

AGE RANGE	NUMBER OF ARRESTS	PERCENT OF TOTAL ARRESTS	PERCENT OF POPULATION
10-17	1,087	68.7%	10.5%
18-20	225	14.2%	4.0%
10-20	1,312	82.9%	14.5%
21-54	269	17.0%	51.5%



MICHAEL R. BLOOMBERG
MAYOR

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Good morning Chairperson Vallone Jr. and members of the Public Safety Committee. My name is Nazli Parvizi and I am the Commissioner of the Mayor's Community Assistance Unit. The Community Assistance Unit (CAU) serves as the Mayor's "eyes and ears" in the City's many diverse neighborhoods and also plays a pivotal role in the Administration's efforts to improve quality of life for all New Yorkers. Through our direct work with various community organizations and city agencies, we are able to address issues to make New York City a better place to live and work. CAU is also actively involved in carrying forward the Mayor's city and borough-based initiatives to address larger issues facing communities, a major component of which is graffiti. Graffiti is a symbol of urban blight which can instantly, and in many cases unfairly, portray a community as neglected and dangerous.

Nationwide, and especially in New York City, graffiti is a serious problem. An estimated \$12 billion a year is spent cleaning up graffiti in the United States. In New York City, agencies spent approximately \$13.5 million in 2006 for paint, labor and equipment to clean up graffiti in all 5 boroughs.

Graffiti remains a serious problem in 2004 there were 2,661 calls. In 2005, the number increased to 4,861. In 2006, there were 7,407 calls. This constitutes a 300% increase in graffiti related complaints to 311 between 2004 and 2006.

The City devotes a lot of time and resources to graffiti removal. The Community Assistance Unit works with the New York Police Department, 311, and other City agencies on the Citywide Anti-Graffiti Initiative. Since 2002, the City has removed over 77 million square feet of graffiti citywide. Last year, the Graffiti removal program cleaned over 4,600 locations citywide, more than double the number of locations cleaned in 2004 and surpassing the City's previous graffiti removal records. CAU offers free graffiti removal and clean-up to any NYC resident or business owner that has been a victim of graffiti vandalism. Other City agencies, including the Department of Transportation, the New York City Housing Authority and the Department of Parks and Recreation, just to name a few, are responsible for removing graffiti from public property that falls under their respective jurisdictions.

Currently, CAU operates 13 graffiti trucks in all five boroughs to assist us in graffiti removal. In addition, the Department of Sanitation's Graffiti Program was reinstated in July 2005 which returned two graffiti removal trucks and personnel into operation.

Another tool used by the City to fight graffiti is the Mayor's Paint Program. The Mayor's Paint Program is an important part of the Mayor's Anti-Graffiti Initiative and provides community groups up to 26 gallons of paint, 26 roller sleeves and 12 roller frames for their local graffiti removal project. Since 2002, the Mayor's Paint Program has distributed over 5,400 gallons of paint to various community groups and helped combat the graffiti problem from a local level.

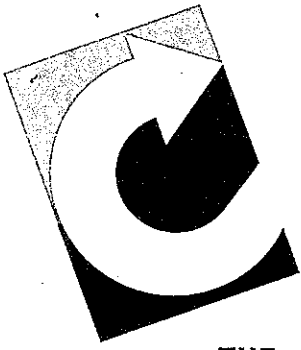
Applications for free graffiti removal as well as the Mayor's Paint Project are available on CAU website, www.nyc.gov/cau, in English, Spanish, and Chinese. A new addition to our website, one that I am very proud of, is the listing of all pending and completed locations of

graffiti removal throughout the City, and can be found by borough, community board, police precinct, or council district.

Intro. 576 will prohibit the sale to and possession of graffiti instruments for anyone under the age of 21. Prohibiting the sale of wide tipped markers and spray paint to young adults will help to prevent their access to these materials and thus prevent more graffiti throughout New York City.

The Administration supports Intro 576, which will be another effective tool in combating this quality of life crime so that we may rid the City we love of this blight.

Thank you for the opportunity to speak with you today about a major concern of the Administration and my agency in particular and to voice my support of your bill. I'd be happy to take your questions at this time.



**THE
NATIONAL
COUNCIL
TO PREVENT
DELINQUENCY**

*Values
Responsibility
Direction*

**Statement of
The National Council to Prevent Delinquency
before**

**The Committee on Public Safety,
Council of the City of New York,
in support of
Int. No. 576,**

**relating to the possession and sale of graffiti instruments
June 25, 2007**

Good morning, my name is Robert Hills and I serve as the Executive Director of the National Council to Prevent Delinquency (NCPD) and director of the NCPD Anti-Graffiti Project.

I am here today in support of the proposed changes to strengthen the administrative code of the City of New York as it relates to the possession and sale of certain potential graffiti implements.

I believe the Committee is aware that we supported the original version of this proposal and, when the new law was challenged in US District Court, submitted a Declaration in support of the Mayor, the Chairman and the City, the defendants in that action.

While I am not qualified to discuss the points of law that brought us back here today, I can tell you that our position on the principles of good anti-graffiti programming have not changed.

Possession ordinances are a powerful law enforcement tool. Graffiti vandalism is a crime committed swiftly, usually at night, and on the move. The damage can be extensive and costly to correct.

The chances of a law enforcement officer witnessing a graffiti crime or of responding to an "in progress" call while the vandal is still present are usually slim.

Consequently, providing the police with the power, under certain well defined circumstances, to interdict on the basis of illegal possession of implements commonly used in such crimes can be extremely helpful in identifying and punishing serial graffiti vandals.

Regarding age-related purchase restrictions, the NCPD has never opposed them. We base that position on the belief that, in protecting the young and the public, governments have the right to determine what products or activities require mature judgment for use or participation.

On the specific issue of setting the possession and purchase age at 21 years, while we cannot offer compelling data such as those compiled by the NYPD, it has been our experience that, in a number of jurisdictions with which we have worked, many graffiti vandals have been in the 18 to 21 age group.

In closing, I'd like to point out that our position on graffiti implement possession and purchase is not unique. Our guidelines for the ordinance component of comprehensive anti-graffiti programming are based, in large part, on the International Municipal Lawyers Association (IMLA) model anti-graffiti ordinance. That model contains both age limits for the purchase of potential graffiti instruments and for the possession of such products by young people.

These are not unique concepts. They are widely used components of comprehensive anti-graffiti planning. They belong in the City's anti-graffiti arsenal.

Thank you for providing the opportunity to share our views on this issue.