

BLUE LINE

Canada's National Law Enforcement Magazine

April 2007



PM No. 40051073



www.BLUELINE.ca



Blue Line Trade Show
April 24 & 25

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WHEN A SEARCH IS WARRANTED

Case studies of graffiti criminal investigations in the city of Saskatoon

by Lee Jones



Although graffiti crime causes an estimated two billion dollars damage annually, Canadian police have generally done little to tackle the issue. The two main types of graffiti, Hip Hop and Gang, have been with us since the 1970s, yet only

two police agencies have full time anti-graffiti units. Vancouver Police formed its unit in 2003 and Saskatoon Police in 2006.

A handful of talented officers in police agencies such as Calgary, Edmonton, Winnipeg and Toronto deal with the problem on a part-time basis. Many other officers volunteer countless hours of their own time to combat the problem, including Cst Wendy Hawthorne of the Greater Vancouver Transportation Authority Police Service and Special Cst Craig Wright of the Toronto Transit Commission.

Fortunately, the few graffiti cops we do have are a dedicated bunch and work collaboratively on a national and international level to improve graffiti abatement and criminal investigations.

Saskatoon began using search warrants to conduct graffiti investigations in 2003, the first Canadian police service to do so. I learned the mechanics of conducting investigations during a visit to Seattle, where I researched the Seattle Police Department's (SPD) 'Tagger Tracking Database.'

SPD Det Rod Hardin was an invaluable resource, providing not only numerous contacts but also materials such as search warrant examples and case studies. The first search document has been revised since then, with input from Saskatoon Senior Crown Prosecutor Judy Hayluk, to its present very polished form, well received by provincial court judges.

I can not overstate the importance and necessity of using search warrants in investigations. Catching a graffiti writer in the act is extremely rare, but unfortunately seems to be Canadian law enforcement's main response to the problem. This is completely inadequate.

Few cities have recognized the importance of providing adequate resources to deal with

graffiti as part of an overall crime reduction strategy, although more Canadian municipalities appear to be interested in getting tough with graffiti vandals.

"Graffiti creates an impression of disorder and of lawlessness," then New York City Mayor Rudolph Giuliani noted in 1997. "A city tainted by vandalism invites more vandalism and more serious crime because it sends the message that the city doesn't care and isn't paying attention..."

"As we work to reduce crime by nearly 40 per cent since 1993 and improve the quality of life for all New Yorkers, we've made cleanliness and graffiti removal two very important components of our efforts."

The homes of graffiti writers, particularly Hip Hop, are an Aladdin's cave of evidence, since it takes many hours of practice to attain their tagging skills. A typical search warrant will recover spray paint and tips (caps), markers, videos, posters, books, sketch (piece) books, practice boards/walls, painter masks and pictures.

Cell phones (depending on type) will have pictures, video clips and text messages. So will computers, but they will also have records of websites the user has visited and uploaded too. Graffiti writers use a high level of technology in their criminal activity. To combat being buffed ('cleaned up'), writers frequently carry digital cameras and take pictures of their work to upload to the Internet.

Since the smallest item you're searching for is a spray can cap, you can pretty much search every conceivable location. The chances of finding illicit drugs is very high, since usage is common among graffiti writers. Examples of paraphernalia and drawn tags, when coupled with style analysis, will lead to convictions.

'It's just kids messing around' is a usual reaction to graffiti crime, however this is far from the truth in most cases and a little naive. The elements of Hip Hop graffiti cover a wide spectrum of criminal and illegal behaviours.

Supplies are "racked" (stolen) by shoplifting. Writers trespass and, in some cases, break and enter to access the surface to be tagged. Then there's the act itself (mischief under or over \$5,000), which is usually done after ille-

gally consuming alcohol and illicit drugs.

Finally, assaults occur over disagreements or as a consequence of contravening the rules and etiquette of the graffiti subculture, which is violent by nature.

Warrants

I have executed 16 graffiti search warrants so far; two in particular drive home their importance in investigations.

Hip-hop graffiti case study



Illegally placed in 2004



Recovered during search warrant 2005

A 20 year old male from Saskatoon who placed his CRUSE/CRUSER graffiti tag throughout the city between 2003 and 2005. Records showed he had steadily escalated his graffiti and other criminal behaviours since his first tag in 2000. Several Crime Stoppers tips, coupled with police interactions and informa-



tion from confidential informants, led to the execution of a graffiti search warrant on his residence — his parents home — in the spring of 2005.

Unfortunately, his parents had just kicked



him out and the only evidence that remained were various tags on the walls and furniture and posters of graffiti pieces, however a tag in pink spray paint matched the characteristics of a tag found in various areas of Saskatoon. His



parents confirmed their son had done the tag. The 20 year old graffiti writer provided a video confession, including drawing examples of his tag, and subsequently pled guilty to 19 counts of mischief under \$5,000.

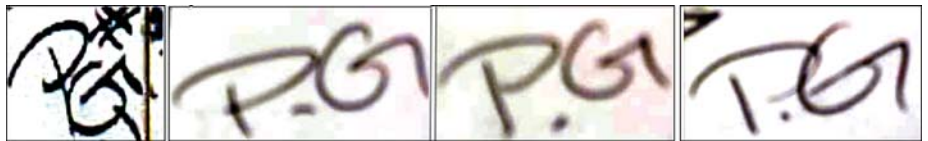
Gang graffiti case study



Native Syndicate gang graffiti symbols were placed on a Saskatoon school in June 2006. Of particular interest was a challenge left by PG#32 to the person who had spray painted the school, as the Native Syndicate symbol had been drawn incorrectly.

Cst James Represse of the Saskatoon Police Street Crimes Unit was able to provide key information linking this to a 17 year old First Nation youth who had earlier admitted to being a member of the Native Syndicate street gang. He recognized the PG #32 from previous interactions with the 17 year old, who had an extensive criminal background. His charges — 24 between 2002 and 2006 — ranged from theft and break and enter to aggravated assault.

A graffiti search warrant was executed in August, 2006 at his residence, with the assistance of the street crimes unit. A large quantity of gang graffiti material and a small amount of marijuana was recovered. Of particular in-



School "PG" Three examples of "PG" from gang materials recovered on search

terest was the use of the number 32 in the dice and the PG initials, which matched characteristics with the PG left on the school.

The 17 year old gang member subsequently provided a video confession which included extensive information on the Native Syndicate gang, including its structure, gang hand signs, etc. Most significant is the importance of this evidence to the courts, especially when the Crown is trying to have an accused designated a gang member.

Both of these case studies highlight the importance of using graffiti search warrants to effectively deal with what many regard as a mi-

nor crime. Using warrants and other tools to investigate graffiti crime will significantly improve your ability to target and hold to account those who continue to victimize our communities, and will help combat more serious crime.



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