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Judiciary Committee
October 22, 2008

[LR333]

The Judiciary Committee met at 1:00 p.m. on Wednesday, October 22, 2008, at Metro Community College-South Omaha Campus, Omaha, Nebraska, for the purpose of conducting an interim hearing on LR333. Senators present: Brad Ashford, Chairperson; and Steve Lathrop, Vice Chairperson. Senators absent: Ernie Chambers; Vickie McDonald; Amanda McGill; Dwite Pedersen; Pete Pirsch; and DiAnna Schimek. Also present: John Nelson; Don Preister; and John Synowiecki. [LR333]

SENATOR ASHFORD: Welcome, everyone. Senator Preister is here. Senator Synowiecki is going to introduce the resolution and his reasons for bringing it. And I'm sure we'll have some comments. Councilman Gernandt, thank you for coming and inviting us to your district. I know it's your district, I know that for sure. [LR333]

_____ : Senator Lathrop is on his way. [LR333]

SENATOR ASHFORD: I spoke with Senator Lathrop and his GPS system broke down, (laugh) but he said he'd be here. So...let me...my legal or my committee counsel, LaMont Rainey. Oh, here's Senator Lathrop, he's here, Steve Lathrop, LaMont Rainey is my legal counsel and he's here. He's working on this issue in our office. Jono Bradford is my administrative aide or legislative aide, I get them all confused. Steve Lathrop from the Ralston area. So welcome, everyone. I appreciate you coming. And this is an important issue to our community. I recognize many of you in the audience and I'm glad you're here on this rainy day. I did talk to my colleague, Senator Johnson, in Kearney; he said he was...they were getting five to six inches of snow. But, hopefully, that won't happen here. Anyway, Senator Synowiecki, why don't you go ahead and start. [LR333]

SENATOR SYNOWIECKI: Thank you, Senator Ashford. Members of the Judiciary Committee, my name is John Synowiecki and I represent District 7 in the Legislature. I'd

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like to, first of all, welcome you all to south Omaha. I think Don joins me (inaudible) welcome to the committee. I think it's really important that you make an appearance here on this very important community issue. This is where I was born and raised, where I chose to raise my children, it is an area rich in ethnic tradition. Its diversity, I believe, adds to the dynamics of the area. And with the resurgence of the entrepreneurial activity within the south Omaha business corridor it is a forward and progressive community. We are very fortunate in our area, and Don can affirm this, we have very dedicated citizens. They involve themselves in a viable community, neighborhood and business organizations. These citizen-based organizations work extremely hard through collaboration with local units of government, faith-based organizations, law enforcement and nonprofit organizations with (inaudible). And unfortunately, today we are here to discuss a recent problem associated with those that seem to devalue and destroy (inaudible) community efforts. I bring you LR333 to the committee today. It is a study, a review of the (inaudible) through the use of graffiti. As I said, I strongly feel (inaudible) today, that by convening a formal (inaudible) of citizens, of city elected leaders, local (inaudible) departments, neighborhood business leaders and law enforcement to help develop a coordinated plan to keep our communities clean and safe from these crimes. We know that if we allow graffiti to fester in our neighborhoods it leads to a perception that neighborhoods are unsafe and significantly impacts community morale, not to mention the monetary impact related to housing and business value. Mr. Chairman, I think you will agree that we have impressive and knowledgeable (inaudible) testifiers for your committee today. As well, I'm particularly interested in the testimony that will be offered by other citizens and community leaders. Testifiers that are slated to follow me include Lieutenant Rich Gonzalez with the Omaha Police Department Gang Unit, a personal friend of mine who (inaudible) in south Omaha. He will testify relative to his experience working with gangs and the relationship to graffiti. Councilman Gary Gernandt, himself a former police officer, will speak on how graffiti causes a negative perception in our community and how it is often a stepping stone to harder crimes and how we need, as a state, to step up and make graffiti a crime within our statutes. Council member Jim Suttle will offer some testimony on graffiti

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in connection to gun and violence issues. Mike Getty, from the city prosecutors office, who kind of specializes in this in their office, will offer testimony on the impact (inaudible) potentially made (inaudible) and the keys to successful prosecution for graffiti offenses. Tim Kephart, who is the owner of Graffiti Tracker and he will speak on his experiences in our community as compared to other communities, to offer his suggestions. And finally, Virgil Armendariz, who is a former president of the South Omaha Business Association and a long time community organizer and has been involved with this issue, will provide comments to the committee. Mr. Chairman, graffiti is an increasing problem in south Omaha and across the metro area. The Omaha city graffiti van has received in excess 1,500 calls per year. But the van is backlogged 150 to 160 calls, on average, during the winter months, and is backlogged at about 50 calls on average in the summer months. At its maximum backlog, the graffiti van can take anywhere from two to four weeks to respond to a call. The number of prosecution cases filed for graffiti crimes in Omaha has dramatically increased, from 36 cases in 2004, to 66 cases in 2007. The cost of graffiti impacts private property owners and public agencies. Omaha typically spends in excess of \$100,000 a year on graffiti removal alone. Currently, in Omaha (inaudible) criminally charge graffiti offenders (inaudible) city ordinance. There is no state law covering these cases specifically. (Inaudible) charged as a separate offense, carrying up to six months jail and a \$500 fine each. But the penalties are not (inaudible). The typical adult conviction results in some jail, though the sentences are relatively shorter, normally a few days and perhaps probation supervision. In cases of younger youngsters, those 16 to 17 years old, are filed as adults, but judges ultimately refer the cases back to juvenile court. As I mentioned, Mike Getty is here from the city prosecutors office. And he should be able to offer more (inaudible) relative to local prosecution of these cases. Recently, the Omaha City Council passed a city ordinance that increased penalties for those who commit graffiti crimes and (inaudible) penalties on businesses that sell spray paints to minors. A minor under the age of 18 must have express written consent by a parent or legal guardian for spray paint. This ordinance went into effect on March 28 of this year. Again, we are very fortunate to have two city council members that are present here today that can offer

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additional insights into these (inaudible) legislative actions on the local level. After a spike in graffiti crimes, in 1999, Omaha created a graffiti task force. The goal of the task force was to eradicate and educate. There is currently a hotline which citizens can call to report incidences of graffiti. In the spring of 1998, Omaha received an Operation Wipe-Out Graffiti Van that cleans up graffiti before (inaudible). The van is equipped with computerized paint matching systems, as well as water blasting mechanisms to remove painting from brick and paving. Due to the increased need mentioned earlier, the city is adding a second graffiti van. And that should be operational by the spring of 2009, as I understand it. Additionally, Omaha has also been engaged with a new program, called Graffiti Tracker. This program allows cities to track the types of graffiti and tag certain offenders in a nationwide database. Graffiti Tracker has been used in the city of Pico Rivera, California. California has reduced their graffiti over 35 percent, and they have been fortunate to recover over \$40,000 of restitution. As I mentioned, Tim Kephart, the owner of Graffiti Tracker, will be here to tell you about how this program works. In Nebraska other cities have pushed to take on graffiti. This is not a problem that is exclusively located here in the metropolitan area. The city of South Sioux, for example, has installed flash cameras for catching graffiti offenders in the act. And have thus far, as I understand it, arrested two individuals as a result of this installation. South Sioux provides free graffiti cleanup kits, as we do here in Omaha as well and vouchers for (inaudible) clean up graffiti. Mr. Chairman, I'd like to offer the committee just a quick snapshot of initiatives and programs that have been undertaken in other cities and communities in attempting to combat this problem. By no means is this list all inclusive. There are other strategies out there as well, but I've attempted to list a few of them for the committee's consideration. Ft. Collins, Colorado, for instance, a team of local artists paint otherwise blank canvases that (inaudible) graffiti offenders (inaudible). Offenders (inaudible), and I don't pretend to know the reason why, are less likely to deface someone else's art. Since November of 2006, transformer boxes that have been painted have not been vandalized. In Phoenix, Arizona there is a program called Graffiti Busters. This program not only has a telephone hotline, but you can notify authorities by text message, e-mail. And there is a cash reward program for turning in vandals. There

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are hotlines for everything from painting tips to free rental of a paint sprayer. (Inaudible) County Colorado has an innovative program that utilizes minimum security inmates that use industrial-based sandblasters, air compressors, high pressure washers and paint sprayers under the supervision of the sheriff's deputies to eradicate graffiti. The equipment was purchased using no (inaudible), but instead utilized the funds through the legal process of asset forfeiture. In the state of Texas it is actually (Inaudible) for a minor to be in possession of a can of spray paint or a marker if it isn't being used for specific purposes. Mr. Chairman, these are again a few examples from across this country to help perhaps spur the discussion today. I will (inaudible), Mr. Chairman, information on all the programs I've mentioned and (inaudible) as well. And I look forward to working with the committee should there be any interest in pursuing innovation at the state level. I generally hope that working together we can identify some best practice interventions from the state level that will provide truly effective tools in eradicating this problem. Again, Mr. Chairman, thank you for your attention to this important matter. And thank you for your presence here today. I'm available to answer any questions. [LR333]

SENATOR ASHFORD: Thank you, Senator Synowiecki. And I want to commend you and your service. This is your last few months in office and you've done a great job for your district. You're going to be a hard act to follow for whomever follows you. And also, Senator Preister, real leadership. This will probably be the last public opportunity I have to thank you both for your service. Senator Nelson has come in. And Senator Nelson is in charge of the money (laugh), so if this costs any money, we'll have to run it through Senator Nelson. So I'm glad he's here. And as I mentioned, Senator Lathrop is here. How many, other than the testifiers we have on the list, how many plan to testify here today? A few. Okay. Good. So six or seven people. There's no real time limit. We're not using our...in Lincoln we have this light system. And people are ejected from the chair and fly up into the air. But that's not going to happen here today. So what we're going to do is kind of, you know, limit it to five or seven minutes or so, because there may be some questions that we may want to ask. Does anyone have any questions of Senator

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Synowiecki? Yes, Senator. [LR333]

SENATOR PREISTER: Thank you, Senator Ashford. Senator Synowiecki, you mentioned a list of things that are being done in other locations, also the purpose for this hearing, a legislative hearing, is to look at what we can do legislatively statewide because, as you characterized it, it is a statewide problem. Did you have any recommendations specific to Nebraska that you thought would be helpful if we did them in Nebraska at a state level? [LR333]

SENATOR SYNOWIECKI: You know, my suggestions, Senator Preister, number one, recognizing in our state statute we don't have a graffiti state statute. It really reminds me, if you recall when we put together the Prosecution Intervention Act and (inaudible) under the crime of prosecution on the state level we didn't recognize solicitation on the act. And what the Prosecution Intervention Act did was, first of all, (inaudible) solicitation of the (inaudible) statute. The second thing we did is not only recognize it in statute, but we also provided graduated sanction fees. In other words, first offense was a relatively low misdemeanor. If you offended again it became a felony. So it sent a clear message that we were serious in that area. And as you know, and as the Chair knows, I'm not (inaudible) the answers to all of our social problems. As a matter of fact, (inaudible) Prosecution Intervention Act actually lowered the penalties for prostitution itself, but it recognized solicitation, it implemented (inaudible) sanction, whereas the second offense is a felony. I think the Legislature would be well-advised to maybe look at it from that angle. [LR333]

SENATOR PREISTER: Good, thank you. [LR333]

SENATOR ASHFORD: Thank you, Senator Synowiecki. Do you plan to close? All right. Who do we have next? Garry. Don't (inaudible). (Laughter) [LR333]

GARRY GERNANDT: I recall the rules from Lincoln, so I've prepared my remarks from

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that. [LR333]

SENATOR ASHFORD: Okay, thank you. [LR333]

GARRY GERNANDT: Senators, my name is Garry Gernandt. I'm a city council member for District 4, southeast Omaha. (Inaudible) particular district on West 72nd Street to east of the Missouri River, Martha Street, basically, on the north and Harrison Street on the south. I'd like to share some facts with you. First of all again, (inaudible) to south Omaha. The facts are quite simple, just a few, if you don't mind. This simple can of spray paint (inaudible) sitting on a shelf or (inaudible), but in the hands of a gang member or a tagger it continues to destroy neighborhoods not only in Omaha but across our great state. That's a fact. Our criminal justice system, early on (inaudible) slap on the hand or a (inaudible) that's not the answer to graffiti abatement. What is probably the solution I believe and others will testify as well is to upgrade graffiti to a crime (inaudible) and at some point make it a felony not just Omaha but all over our state. We have so many good things to offer. But to have neighborhoods taken hostage by gangs and graffiti should not be tolerated to any extent. There isn't a month that goes by that someone in the business community or the buyer of a home or a buyer of a local business in my district tells me that refuse to consider a neighborhood that is (inaudible) by graffiti. Can you imagine the number of buyers that bypass neighborhoods and communities and they don't tell officials why. (Inaudible) that number is slightly off the charts. (Inaudible). So, yes, graffiti does have a negative economic impact. Gentlemen, this has to stop. And you have (Inaudible) to do just that. (Inaudible) criminal justice system (inaudible) by thinking outside of the toolbox and (inaudible) graffiti. I will never forget a senior state senator whose abilities to bring the Legislature and the state, for that matter, to its knees on any or more than one issue, whether it's good or bad. I would respectfully ask... [LR333]

SENATOR ASHFORD: That's giving Senator Lathrop much, much too much credit. (Laughter) But proceed. [LR333]

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GARRY GERNANDT: I would respectfully ask for that same energy, that same resourcefulness and that same fact-finding ability be brought to bear in adopting a (inaudible) graffiti statute for the state of Nebraska. Senators, I pledge to you today every ounce of my being, every resource at my disposal to help you develop an effective (inaudible) statute to eradicate this destructive behavior. It can be done with the research, looking across the state, as Senator Synowiecki has mentioned, (inaudible) Senator Preister about good practices across the country. We can take the best out of those and mold something for the state of Nebraska. It can be done. This isn't just an Omaha problem. This isn't just a south Omaha problem. This is across the whole state and it can be done. In closing, I told you I was going to keep to the time, I would just like to borrow (inaudible). Gentlemen, it's time to kick ass. Thank you.

[LR333]

SENATOR ASHFORD: Thank you, Garry. Thanks for your comments. Any questions of the Councilman. [LR333]

SENATOR LATHROP: Can I ask just one? [LR333]

SENATOR ASHFORD: Senator Lathrop. [LR333]

SENATOR LATHROP: Garry, is most of the graffiti done by gangs? When you call it tagging, is that marking territory? [LR333]

GARRY GERNANDT: Two different types of graffiti are done by gang and taggers. And the taggers are not necessarily gang members, that's my understanding, the way that I have been briefed. (Inaudible). And the taggers are the ones that basically (inaudible) because they don't have any respect for it. Gang members (inaudible) graffiti on private property, public property because they want to send a message to rival gangs. And there may be more to that, and I believe (inaudible) some people who will brief you on

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that (inaudible) this afternoon. [LR333]

SENATOR LATHROP: So the taggers are just people who want to write their name or Mary plus Bill or something like that. [LR333]

GARRY GERNANDT: They just want to get out there and destroy property or (inaudible), they want to be part of a gang or show what their qualities are, and if a gang member sees it and they bring them in for an initiation process, that happens as well. So you have two different types. [LR333]

SENATOR LATHROP: All right. Thanks. [LR333]

SENATOR ASHFORD: Thanks, Garry. Thanks for your work on this. Councilman Suttle. [LR333]

JIM SUTTLE: Members of the committee, thanks for being here in south Omaha. I'm Jim Suttle, city council member, representing District 1 which (inaudible) basically Dundee (inaudible) and (inaudible). This graffiti problem is a serious dilemma for our city, for our culture, for our people. You're going to hear a lot of testimony, you already have, and you will hear more about the (inaudible) and that is bringing legislation, strong legislation in place (inaudible). And I'm going to be open-minded and listen to all that and support that. But I must address that (inaudible) the (inaudible) is not working. I want to take you back to (inaudible), that is how do we (inaudible) information, how do we change behavior, because that's the psychology that is in front of us. If we only focus on the end results after the graffiti or the tagging has been found and try to come up with the perpetrators of that, we, in essence, are chasing (inaudible). (Inaudible) how do we go back and deal with the front end of it? How do we deal with changing behavior and deal with the psychology of why young people, teenagers, people in their twenties from wanting to do this type of destruction? That word "why" needs to be asked early and often if we're (inaudible) these individuals that are doing this, why? I submit that we

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need to think about the front of this problem, and how we can do the proper (inaudible). And this is something that I said earlier, in a previous hearing as we talked about the gangs (inaudible) of looking at the problem from 360 degrees, not this 20 degree wedge. And I submit that in the case of our area (inaudible) graffiti problem we are dealing with gangs. The council has (inaudible) shared with you this is about territory. This is about marking who you are, where you are, and sending a warning and other things. It's a different ball game than what we have with the gang-want-to-be's who are trying to be a gang and think that graffiti is just part of being a gang member, but they really don't have a sense of what it is. And then we have the taggers who are, in essence, (inaudible). So I would implore you to spend as much time and energy and money on the front end of this problem as you may be inclined to spend on the tail end of the problem. We truly need an intervention in this community. We truly need adult mentoring for our young people of all ages, all income levels, all races, all creeds, all walks of life. Something is going on, that something is we have young people with nothing to do. We have young people with energies that are taking out those energies and talents, whatever they might be, by putting markings on the side of buildings, utility boxes, signs, benches, so forth. And we need to (inaudible) that and we need to do it as 800,000 people in this metropolitan area spend that extra time, energy and effort in mentoring and listening and trying to provide the right direction to our young people. Now it's interesting as I go around the entire metropolitan area, and I'm talking about the Bluffs, and Sarpy County, and Elkhorn and Millard, my district as well. When you see the graffiti as being (inaudible) in south Omaha (inaudible) and it is tied to gangs, and it is tied to a certain level of culture. That is different than what we're seeing in the Millard area where it's more of a tagging, it's a different type of let's say vandalism. So one solution to the problem in the two areas is maybe not the right solution. It's interesting in my (inaudible) as I'm look at (inaudible) and as I look up 72nd Street and Dundee, I don't have a lot of graffiti. I have some, but I don't have a lot. I needed to find out why. What's the difference with the kids and the young people there are opposed to the kids and young people in other parts of the metro area. So that's the word, why? If we don't get in and get good, (inaudible) definition on all aspects of this (inaudible) curse , we will

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never find the right solution. And of the laws on the books, and all the (inaudible) law enforcement will not produce results. So in closing, (inaudible), I am open to listen to all of the items suggested here. I think we need to entertain a solution, Senator Synowiecki brought from other areas, and then there's all these examples were not about laws, they were about actions, reactions, or preventative measures. I think that we need to set a policy, a firm policy--graffiti is up, it's down in 24 hours, somehow, somehow it's down within 24 hours (inaudible). Thanks for having me today. Thanks for taking an interest in this dilemma in our society. Any questions? [LR333]

SENATOR ASHFORD: Thanks, Jim. Any questions of Jim? Senator Preister. [LR333]

SENATOR PREISTER: Thank you, Councilman. I appreciate you being here and your comments. Particularly, you're talking about not dealing with just the symptoms, which is the graffiti itself, but the cause of the problem. We've got Boys and Girls Clubs here, we've got our youth agencies, we've got some of the programs and the mentoring that we're attempting to do. And I think they're working very hard to do those things. And I think we have to, I agree with you, attack it all the way around. Everything that we can do we need to do, including getting everything painted over within 24 hours at the maximum rather than some of the problems we've had with...in weeks and even months. Do you have suggestions on how the city or the state can do some of the things that you are suggesting in terms of dealing with the actual problems that lead to graffiti? [LR333]

JIM SUTTLE: Well, I think in order to answer that question of why, we (inaudible) young people who are doing or attempting to (inaudible) graffiti. So that takes us into our youth who are not related to gangs, but just why are they doing it? And why are middle class kids doing this? We also need to (inaudible) former gang members to (inaudible) into the gang culture. We know a lot about that culture already, but we need to find out even more. So just (inaudible) two totally separate cultures (inaudible) society. So why would middle class young people want to do this, why? Why are those that are involved

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(inaudible) gangs doing it? And why are they doing it more in the center part of the city and not the northern part of the city? I think we need to understand that further. And we're going to have to rely on other professionals that deal with gangs, and who deal with the gangs on a regular basis. I think it's very interesting, it was interesting to me when I first started exploring (inaudible) Boys Club, and Girls Clubs, and that's just one example. We could go to the YMCA or others. I was told, you won't appreciate what's going on until you come at 4:30. And went over at 4:30, I thought I would stay 15, 20 minutes, I stayed two hours and I saw 350 kids doing what kids do, noise. And I was told noise is a good thing. (Inaudible). I saw an interaction of kids being kids, or kids working on the computers, of kids playing games, of kids just horsing around, it was all fun. And then (inaudible) further we don't have all of this available to our kids on the weekends. Saturday's and Sunday's are days off. Well, they shouldn't be days off, not for we as (inaudible). If we're going to mentor and (inaudible) taking more time with our youth, we have no days off, it's seven days a week. So how do we get from just school and after school activities to looking at this in a bigger (inaudible) of seven days a week, full-time job as we mentor our youth and bring them along to be the future adults that will be productive in our society? I think that's the \$64,000 question. Changing behavior, (inaudible) this problem (inaudible) so we can (inaudible) approach (inaudible). [LR333]

SENATOR PREISTER: Thank you. [LR333]

SENATOR ASHFORD: Jim, just one following. The cost of changing behavior is significant. Boys Club, Girls Club needs more money to take care of the additional...and I agree with you. They have many more additional young people at their facilities now than they did five years ago or a year ago. Their budget is...they need a half million dollars to complete the year, more than what they already have. I understand the Omaha Police Division is underfunded, understaffed by I don't know how many officers. I'm not an expert, but it's a...so I...my...without going into a long reason because it's a long question, but I...changing behavior costs money. Solving crime costs money. We're short money. Is making it a felony, making this a felony (inaudible) without the

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resources to get at these systemic issues that you're raising? And I think they're correct that you raise them. But how do we get at that with the budget that we have? [LR333]

JIM SUTTLE: Set a priority, Senator. If we can raise \$140 million to keep the College World Series for 25 years, the deal of the century, why can't we put together a deal of the century (inaudible). (Inaudible). [LR333]

SENATOR ASHFORD: I don't disagree, it's a big priority. It's a big priority. And I'm not questioning that. I mean, I think you're right, it is a big priority. [LR333]

JIM SUTTLE: And a question that we've raised before that you've addressed, how do we continue to strive in any way possible to be number one in football in this state, and then accepting number 50 among the states in children? It's (inaudible). [LR333]

SENATOR ASHFORD: That's a fair answer. It is a question of priorities. We don't have the money to enforce the laws we have now. I'm not sure where we're going to get it. But that's not your...maybe that's our problem, on the state level, to find it. [LR333]

JIM SUTTLE: It's all of our problem. And let's (inaudible) we've got how many hundreds of thousands if not millions of dollars of damage to buildings alone right now from graffiti. If we add those same dollars and them in new programs, where would we be as opposed to using paint thinner and hot water or scrubbing brushes to remove paint to try and take care of it. (Inaudible). [LR333]

SENATOR ASHFORD: I just thought maybe you had a...something under a rock, money you weren't telling us about. (Laughter) [LR333]

JIM SUTTLE: (Inaudible) we have (inaudible) 360 degrees (inaudible). Too often what we do is we say, let's put it on the police, let's give them more power and it's their problem. And that's not the way (inaudible). [LR333]

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SENATOR ASHFORD: That's a fair point. And I wasn't really arguing the point. I was just suggesting that money is an issue. [LR333]

JIM SUTTLE: (Inaudible). [LR333]

SENATOR ASHFORD: Fair enough. [LR333]

JIM SUTTLE: We have to have (inaudible). [LR333]

SENATOR ASHFORD: Thank you, thank you very much. Okay. Mike is next. You're still fighting the fight, Mike. [LR333]

MIKE GETTY: Still fighting, that's the point. Senators, staff, ladies and gentlemen, thanks for coming. We appreciate your time (inaudible). I guess I'm hoping we're at the beginning of what will be an extensive and (inaudible) study by the Legislature of this. I'm going to talk about (inaudible), if I can for just a few minutes. Back in January, (inaudible) said I was going to be in a graffiti group in our office, attempted to do that in a short amount of time. Before that, I was working with zoning and enforcement aspects of city government. And I could tell you that I've been a lot better acquainted with the problem in the last few months. And I can tell you that the graffiti problem hasn't changed much. (Inaudible) salvation. If you have a neighborhood where there's (inaudible), where weeds grow high, where (inaudible) exists (inaudible) again it's not going to be attractive to your business, to the neighbors, and it's going to be uncomfortable for the people (inaudible). I can tell you that we talked about taggers here. I had a citizen get up in a meeting at a neighborhood center, a month or so ago, and said, (inaudible) vandals, for God sake. The tagger implication, I know, Senator, you asked the question about taggers and gang graffiti. There are many taggers that consider themselves artists, they think they're just putting their name on top. I can tell you, too, (inaudible). (Inaudible) a tagger wall where people could go to put up their

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(inaudible). (Inaudible) become (inaudible) tagger wall (inaudible) so (inaudible) around it (inaudible) became the backup walls for the unofficial tagger wall. Can also tell you as a model railroader you can find in some of the catalogs now they have (inaudible) with (inaudible) and you can buy that match lifelike, (inaudible) decals (inaudible) taken from graffiti painted on railroad (inaudible). If you go into research and you start looking (inaudible) graffiti, (inaudible) graffiti one of the first (inaudible) is (inaudible) materials and advertised in books and (inaudible) and (inaudible) that are not (inaudible) graffiti to (inaudible), that is the nature of (inaudible). It's definitely not south Omaha, definitely not an Omaha problem, definitely beyond the state problem (inaudible). I think that (inaudible) will continue to be accountability and deterrence. However, I do believe that there is such a thing as deterrence. I wish (inaudible) address the ability for us to measure (inaudible). (Inaudible) tagger or (inaudible) communities. Five cases that I'm personally acquainted with from the spring, in those cases they were 60-, 90- and 180-day sentences on three of them. The other one got 30 days, and he told the judge (inaudible) when she asked him why he was doing this (inaudible) to other people's property that (inaudible). He said (inaudible. He was just imparting his social skills to those around him. (Inaudible). The fifth case I ran across was (inaudible) transfers that we continue (inaudible) possible (inaudible) 120 hours of community service at the facility he was at, Boys and Girls Club. (Inaudible) gang conference and ran across (inaudible) who said that this can help. This was something (inaudible) seen his attitude change about everything since he ended up washing dishes (inaudible). But that's (inaudible). (Inaudible) can do (inaudible) assets, Senator Nelson, somebody mentioned (inaudible). Senator Synowiecki talked about Phoenix. I think Phoenix has a dozen or so dedicated pickups or vans for their graffiti eradication. But they have a problem that's being going on for 25 years, I think it's pervasive all over the state, much worse than here. I think it's a good thing that we (inaudible) southwest Omaha (inaudible). I think that woke up a lot of people to the fact that this was not somebody else's problem. It is in their backyard. Omaha is the backyard of all of us. (Inaudible) we have (inaudible) trespass (inaudible) on somebody's property and spray painting, you're trespassing and the city has (inaudible). (Inaudible) we will see a citation (inaudible) all three of those

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(inaudible). There is also a new tool that (inaudible) possession of graffiti materials. (Inaudible) scenario (inaudible) illegal (inaudible) it is illegal for adults to possess spray paint, markers, graffiti tools, (inaudible), (inaudible) that is (inaudible). Each of these ordinances carry up to six months (inaudible). (Inaudible) managed (inaudible), but I can tell you we did it here recently for a landlord who had seven houses that were so deteriorated that he was facing six months on each of those cases. While those seven cases were pending, (inaudible) landlord went out and slashed the tires on contractor's vehicle who was hired to (inaudible). In that case the judge gave him 90 days on each (inaudible) and ran them one after the other. So there are tools (inaudible) can use that (inaudible). City ordinances are the result of (inaudible) result in (inaudible) these (inaudible) 60 to 75 days. State statute (inaudible) bigger cities, there's also jury trials. And sometimes, as we've seen (inaudible) that can be a year old before a case gets to a resolution (inaudible). (Inaudible) have on potential (inaudible) years (inaudible). People that age (inaudible) versus (inaudible). I think in summation, (inaudible) and giving everybody--police and the agencies (inaudible) the assets and (inaudible), not necessarily monetary support (inaudible) to resolve these issues (inaudible) efficient and as direct of an approach we can take. I do not know (inaudible) lot of these youngsters are under 16, they're transferred to juvenile court. (Inaudible) juvenile court has to try them (inaudible) city ordinance, although (inaudible). (Inaudible) try to get these (inaudible) out there. One theory is (inaudible) clean up graffiti. There (inaudible) gentleman here (inaudible) 15 years ago. He said, the problem with having (inaudible) gang or (inaudible) friends who are taggers and say, (inaudible). (Inaudible) once again (inaudible). (Inaudible) questions, that's pretty much, I think, like I say, this is the beginning of where we need to go on these issues (inaudible). Whether it's funded or not (inaudible) examination. (Inaudible). I think it's something we have to do because (inaudible). Thank you. [LR333]

SENATOR ASHFORD: John. [LR333]

SENATOR NELSON: Yeah. Thank you for your testimony, Mr. Getty. In your opinion,

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and experience is a 30-day or 60-day or 90-day sentence, does that have a strong enough effect on some of these young persons that you think they're not going to do it again? And we maybe should differentiate between taggers and gang members.
[LR333]

MIKE GETTY: Well, (inaudible) need to at this point, because the only person (inaudible) prosecutors last year. But as far as these cases go, (inaudible) before that (inaudible) went (inaudible). And I know I talked to one victim said that, (inaudible) peeling off his wall (inaudible). He said that he did get 90 days rest from tagging when the guy that tagged him last (inaudible). I don't know the answer to that. I'm thinking that it has to have some effect because they're not (inaudible) six months. [LR333]

SENATOR NELSON: Is most of your prosecution based on tickets that are issued by officers or are there citizens that are able to report? Does this all happen at the dark of night, for the most part, you know, when this is done? [LR333]

MIKE GETTY: The answer to your first question is, yes, it's almost all tickets. And, yes, (inaudible) daytime stuff, too, but generally it's going to be night time. (Inaudible) question in my mind (inaudible). (Inaudible) late last year was the (inaudible) officer taking a report and some seven year old, catching him literally red-handed (inaudible), and then (inaudible), and they oftentimes (inaudible) cruiser and ride around and say, what else (inaudible) some addresses. But (inaudible) calling people up and asking for their address and then by the time the next shift took over they were missing that information. Didn't have a person that was the actual victim. Now we have gone and got some training for this (inaudible) gang (inaudible). (Inaudible) in fact, they were telling Escondido, California has a way to make those reports (inaudible) more efficiently. (Inaudible). [LR333]

SENATOR NELSON: Okay, thank you. [LR333]

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SENATOR ASHFORD: Yes, Senator Lathrop. [LR333]

SENATOR LATHROP: Just a couple questions. Mike, if you're charging somebody, and I know you've charged a lot of them with the city ordinances. But if you were charging somebody under a state statute, which we have control over, what is the crime that you charge somebody with for graffiti? Is it destruction of property or criminal... [LR333]

MIKE GETTY: Well, (inaudible) criminal mischief, (inaudible). [LR333]

SENATOR LATHROP: And what's the penalty for criminal mischief right now? [LR333]

MIKE GETTY: It's over \$1,500, no, it's under \$1,500. It's a Class I misdemeanor, \$500 to \$1,500 and Class II it's \$100 to \$500, I think. So that's...the Class II is six months, the Class I is one year. [LR333]

SENATOR LATHROP: So typically, if somebody paints the side of a business or the side of a home, is that...how do you measure what the cost is? Is it the cost to just paint a little square that they filled up with their tagging or is it painting the side of a house or a building or how do you calibrate what the level of damage is? [LR333]

MIKE GETTY: Well, that is one of the problems that the county attorney has when they decide whether somebody (inaudible), what is the damage? What is the actual damage to that building? So that would be (inaudible) sort of scenario. [LR333]

SENATOR LANGEMEIER: The...Garry came in with the idea of graduating the punishment for these kinds of offenses. And would it not be better just to require mandatory sentences at some level? My concern is that we hear in different hearings that now we've made everybody a felon, so nobody can get a job. And then they hang around town and they don't work. And then they get into all kinds of problems. And we have gun problems that come from people being unemployable because of their felony

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convictions. I'm just wondering if the answer isn't to graduate the sentencing within the present penalty structure. [LR333]

MIKE GETTY: That's not...that would be an option. I mean, (inaudible) the felony would be that, in my own experience would be that people under 16, if they're facing a felony, I would think it would be more likely for a judge to transfer a juvenile to juvenile court than to keep it in adult court because of those long-term effects. Obviously, (inaudible) arrested. [LR333]

SENATOR LANGEMEIER: So in some respects, by making it a felony we might see more of these young people, at least the ones under 18, go to juvenile court where they don't really get jail time, they get the juvenile court's effort at rehabilitation. [LR333]

MIKE GETTY: Well, I (inaudible) maybe because the juvenile court has some of the tools we were talking about earlier. And the juvenile court is, as you know, (inaudible) for rehabilitation is not designed for punishment in any sense. And obviously, a lot of these 15 and 14 year olds are (inaudible). So I mean, that would depend on (inaudible) in terms of what people (inaudible). [LR333]

SENATOR LATHROP: Okay, thanks, Mike. [LR333]

SENATOR PREISTER: Thank you, Senator Ashford. Mr. Getty, you've been involved with this for a while. And you commented that you've been assigned this by the prosecutor. And that you, as an attorney working in the office, are supposed to be working on this issue. [LR333]

MIKE GETTY: Right. [LR333]

SENATOR PREISTER: That says to me that there is some priority in the prosecutor's office to deal with this. Could you speak to that. In the past, we've been told, one, you

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can't catch them because they do it late at night, as Senator Nelson said. And the police aren't able to get them. And then we don't give prosecution, and then the judges don't understand it. There are different components. Can you tell me the attitude now through the prosecutor's office and with the judges as you see it currently. [LR333]

MIKE GETTY: Well, as I said, I think part of this, and this is a (inaudible) on my part, (inaudible) because a couple of people (inaudible). Again, that's a political statement (inaudible). But I think that that could (inaudible). And the prosecution had (inaudible) always (inaudible). And, of course, (inaudible) kids (inaudible) didn't just paint a doorsill, they were dedicated to this for awhile. So I think that raises (inaudible). The other thing was (inaudible) enforcement (inaudible). Obviously, (inaudible) a scenario as (inaudible). But I think that every south Omaha (inaudible) task force (inaudible) courthouse (inaudible). It's an active problem too. I think it would be nice if we had more time to wrestle (inaudible). There is (inaudible), it's mostly because of (inaudible) also (inaudible) neighborhood associations (inaudible) as well. And that's (inaudible) because that's two-way feedback. So (inaudible) task force, that is (inaudible). So (inaudible, Senator, (inaudible) community working with one another to get past the issues of law enforcement (inaudible) to get solution. And I think (inaudible). (Inaudible) because I've been able to go to meetings (inaudible). [LR333]

SENATOR PREISTER: Sure. What I was glad to hear you say is that it is priority, that the cases are being prosecuted, it's not just seen as a childish act. It is prosecuted. And the other part of that is as you're in court, at one time we were told the judges didn't see it as a serious crime and that the judges weren't taking it serious. In your experience being in the courtroom, are the judges now seeing that this is serious and giving it the kind of attention that we in the community would like to see it given? [LR333]

MIKE GETTY: Well, I think so. I think that that again headlines the story that the council amend the ordinance, changed (inaudible) change to community service. The headlines throughout the city (inaudible) concerns everybody, on the front page, (inaudible) big

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difference. I do believe that they are as serious as they're going to be about (inaudible).
[LR333]

SENATOR PREISTER: Good. And I think that's important, because if we're asking state policymakers to enhance penalties or to create a new environment that's not so friendly to these young folks then we need to know that it's being taken seriously at those levels.
[LR333]

MIKE GETTY: And there needs to be a (inaudible) word "mandatory" in the statute or ordinance means mandatory. And that's a mission that we're happy to take on, but that's been the problem in the past. (Inaudible) think probation is more appropriate here, you know. And we're willing to (inaudible). We cannot appeal a sentence (inaudible). There's no (inaudible) for us to do that. The county (inaudible) appeal clear (inaudible). (Inaudible) best we can do (inaudible). [LR333]

SENATOR PREISTER: Okay, thank you. I appreciate all the effort and time that you've personally put into this issue. [LR333]

MIKE GETTY: Thank you, Senator. [LR333]

SENATOR ASHFORD: Senator Synowiecki. [LR333]

SENATOR SYNOWIECKI: Mr. Getty, thanks so much for your valuable information. And Don actually hit upon what I was going to talk about a little bit, was judicial prioritization. I remember my old days in the south Omaha probation office, many times these cases come through as relatively short-term probation, relatively small fine but no restitution involved. What I'm hearing you today is that there has been a shift change in judicial perspective relative to this crime. And some of the examples you've illustrated today, that we're seeing in some instances even significant jail time. So I'm happy to hear that. And, hopefully, that prioritization will continue. My question is relative to the graduated

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sanction piece and how many repeat offenders do you see? I mean, if we...if the Legislature or the city council looked seriously at mimicking DWI statutes or what have you with a graduated sanction piece, how many kids would this impact? [LR333]

MIKE GETTY: Okay, let me correct (inaudible) perception (inaudible) kids, because a lot of these, I think, (inaudible) said the average age is 22 or 23 for taggers and gang-bangers (inaudible). There's people (inaudible), people (inaudible). I can't say, I mean since I've been paying attention to this as a specific assignment last, I can't say that I've seen any repeat offenders. I would like to think it's because the message is there. That is again speculation (inaudible). I know I don't see that many people dedicated to this enough to not (inaudible) 15 year old (inaudible). I think that's (inaudible). [LR333]

SENATOR SYNOWIECKI: Okay, thanks again, Mike. [LR333]

MIKE GETTY: Okay. [LR333]

SENATOR ASHFORD: Mike, let me just follow up. Eighteen or 15 to 25, 18 to 25 is what your class of offenders... [LR333]

MIKE GETTY: I think Lieutenant Gonzalez (inaudible) better (inaudible). [LR333]

SENATOR ASHFORD: Well, I'll ask him, but... [LR333]

MIKE GETTY: (Inaudible). [LR333]

SENATOR ASHFORD: But you're right, I mean, handing off a spray can, it's not a...and interestingly enough, that's the key ages for the shooters as well. I mean, we're finding it's the same group. And someone asked the question, and maybe it was not of you, but the gang relationship again to these offenses is... [LR333]

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MIKE GETTY: I think (inaudible) Lieutenant Gonzalez (inaudible) probably (inaudible). You know, a lot of cities it's (inaudible) I think about 10 percent of their graffiti activity is gang, the rest of it is (inaudible). (Inaudible). [LR333]

SENATOR ASHFORD: But I mean, is that...I mean, without having any data it's hard to say. But is it more than 10 percent? [LR333]

MIKE GETTY: I don't know. I really (inaudible). I think you could find (inaudible). [LR333]

SENATOR ASHFORD: What was that? (Laughter) No, you don't have to repeat that. Thanks, Mike. All right. Actually, Lieutenant Gonzalez is next, so...welcome. [LR333]

RICH GONZALEZ: Thank you very much. It's a pleasure to be here. I'm going to stick around for the entire day and answer any questions that you may have or some of the committee may have. I may have the answers, I may not. I think if I had all the answers, we wouldn't be here today (inaudible). Like my friend, Senator Synowiecki, I was born and raised in south Omaha. My name is Rich Gonzalez. I'm a lieutenant with the Gang Unit for about three years now. I took a personal interest in graffiti in our community. And I actually took a personal interest because it's not only in south Omaha, I think that needs to be...I think we're talking about it being statewide, it's not only in south Omaha. We're seeing graffiti increase in high numbers in southwest Omaha and northwest Omaha and northeast Omaha, as well. I think it's become a statewide issue, not just a south Omaha issue. We had some questions earlier about repeat offenders. I think one of the issues that we do have, and we do not feel that what we do, (inaudible) to that, one of the issues that we have after the arrest of an individual for graffiti, is the fact that these kids that are doing it really don't take, take it serious. They don't think it's serious enough, what's happening to them, to the point that they will come right back and often do it again the next night. Do we have repeat offenders? Yes, many of them. In one

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case, on 24th and E as in Edward, in south Omaha, one night we were doing a graffiti operation. We arrested an individual, a juvenile. He ran from the police officers. We took him home, released him to his parents. About a half hour was still at the same place watching a building that has had numerous graffiti on it in the past. The same individuals show up and start doing graffiti on the same building. So then we take, we would have to take (inaudible) and (inaudible) person in, (inaudible) that person in, in the evening time when most of the kids are caught. It's also difficult as was told by the city prosecutor earlier, because of the report system and what they need in the morning and the information that we can't get from the business owners or the victims that early in the morning, 2:00 or 3:00 in the morning. What we do as a gang unit, since 2005, we go back a few years when we were really seeing a need to actually address the graffiti problem we had 44 arrests, prior to that, in '04, there were nine. In 2006 there were 71 graffiti arrests; in 2007 there were 103 graffiti arrests; and year to date, in 2009, I'm sorry 2008, we've had (inaudible) 50 graffiti arrests. When I say arrests, there are several incidents where we may arrest an individual and using prior knowledge, prior reports, our (inaudible) citizens that we've been working with, Graffiti Tracker, we're able to track some additional graffiti sometimes clearing between 15 to 25 incidents on one individual. So when I say 103 arrests in 2007, probably close to...could be between 1,000 and 1,500 actual graffiti incidents that we cleared during those investigations. We have assigned specific officers to (inaudible) graffiti investigations and follow-up graffiti investigations. We have been working very closely with the prosecutor's office and Mr. Gernandt. We've had some meetings involving (inaudible) not only our process as far as the arrests or the report system but the follow up and the prosecution afterwards. We've been working closely, recently, with Graffiti Tracker, with Mr. Tim Kephart, who you will hear from later. That's a new graffiti track system that's helping us track individuals and keep logs and intelligence on graffiti. We recently send three officers out to California with Graffiti Tracker. They were able to go through some additional training on Graffiti Tracker and also worked some different police departments, Escondido, California and another one, I believe, at Pico Rivera Police Department. And we're currently in the process of putting that information and intelligence together so we can meet with

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prosecutors, Mr. Gernandt, later on to get some ideas that they have, because both of those cities have had tremendous success in their graffiti investigations. We do have some cameras. We have cameras up, they have sometimes been effective, but again it's difficult sometimes with weather and different reasons that you may not be able to identify the individual when they have a hoodie on and they have a hat on, so cameras are not always effective, sometimes they can be. We have a graffiti hotline. (Inaudible) we do tracking. We work closely with the Boys and Girls Club. Along with the arrests of the youth that are committing the graffiti crimes for the most part, we also understand as a gang member or a police department that's always not going to be the best thing. It's...that's not always going to be what we need to do, so we end up looking into and have actually done some outreach to youth at the schools, talking about graffiti. We've had individuals, one is here today, who actually starred in a video on keeping the neighborhood clean. And in the past, he actually took the initiative upon himself walking across the city to talk to kids about committing the crime of graffiti in their neighborhood. We have got to the point of other cities. I've spoken with Mr. Kephart quite a bit, I've spoken with other departments doing research. Kids will graduate to more violent crimes. This is a crime of probably 13 to 14 and 15 year olds. And some of the kids that we have arrested for graffiti in the past are now 17, 18 years old, and we are seeing them graduate into more violent crimes involving (inaudible). In the research as well we've seen gang legislation...we've done some research on gang legislation. We've seen that in other cities, we don't know how well it works. We do know there are some states that it is effective, or some other cities it's effective. (Inaudible). We've looked into their gang legislation in Iowa, South Dakota, Missouri, Kansas, Oklahoma, surrounding Nebraska, about how well it works. But we haven't done quite enough research (inaudible). We've looked into...we talked about earlier how do we...the amount of money or how do you determine that. Some of the research that we have done is, and again Mr. Kephart will cover some of this, but other cities have (inaudible) rather than the business. And using the city as a victim, we've looked at the number of hours that the graffiti van spends taking down graffiti, the amount of paint that they had to use to clean the graffiti off the walls. And also Mr. Kephart, we were talking earlier and he told

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me that some cities (inaudible) a fee as far as paying back the amount of money. The last thing I want to say is the resources that we have I think everybody would agree that everybody, once in awhile, (inaudible) more employees, more money. I believe what we're doing right now to put the graffiti criminals in jail is effective. We're making a number of arrests, we're working with what we have, we're utilizing the resources that we have and doing the best that we can, spending many, many, many hours on these graffiti follow-ups. But after us, I guess, that's why we're here because then it goes to a different level, something we don't have (inaudible). [LR333]

SENATOR ASHFORD: Lieutenant, thanks for your service. Any questions of the Lieutenant? Yes, Senator Preister. [LR333]

SENATOR PREISTER: Lieutenant Gonzalez, thank you very much for the work that you've put into this personally, as well as the department. At one time, the police didn't know what to do with it. And Captain Sundermeier, the precinct captain at the time, made it a point to find out what to do and that has only grown, including sending police officers to other parts of the country to find out. So from the police aspect, as we talked about the judges and the prosecutors, it's taken very seriously from what you're saying. Would you agree with that? [LR333]

RICH GONZALEZ: Yes. Yes, it's one of our, believe it or not, with the many issues that there are, it's one of the more, I should say it's the top priority for the community, one of the top priorities right now. Yes. And I do want to clarify, those arrest statistics I gave to you, the 103 arrests in 2007, that is simply the gang unit alone. That's simply a seven man unit (inaudible) works on graffiti. And I (inaudible) two officers are working, for the most part, on graffiti, making 103 arrests. That does not include the number of arrests that uniformed patrol has made, and a great job they've done out there when we're not there (inaudible). [LR333]

SENATOR PREISTER: And the last question, would you tell us what the public, what

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citizens can do to help you as you try to catch the perpetrators of graffiti. [LR333]

RICH GONZALEZ: Yeah, and it's kind of difficult. We want to tell them what to look for and there are a lot of different ways of...a lot of the communities citizens like to go out and clean it up right away and they can. If they have the resources, they clean up. But we ask them if there is any way to get photos of that graffiti for us to follow up on. That's probably a top priority. A lot of the graffiti that's happening between 2:00 and 6:00 in the morning, late evening hours, most are not up. We also tell them not to approach (inaudible) not to approach (inaudible). I believe, in Escondido once there was a community or actually (inaudible) approached some graffiti gangsters, and they actually turned and shot her and killed her, which I think took Escondido to the point that they're at right now in taking their graffiti a little bit more serious. [LR333]

SENATOR PREISTER: Okay, thank you. [LR333]

SENATOR ASHFORD: Just intrigued by a couple of your...first of all for having two gang unit officers on the street and have this kind of success is amazing to me. And I applaud Councilman Gernandt and you and the other members of the gang unit. It seems to me that this focus has resulted...has had results. And, you know, I can't help but think that if you had more support that...in the...on the street that that would have an impact. But I'm not an expert. So it's amazing work you've done. The gang unit is involved because these are potentially gang related activities, is that why you have jurisdiction over this? [LR333]

RICH GONZALEZ: Yes. The majority of the graffiti that we've seen lately has specifically been in Councilman Gernandt's area or Senator Preister and Senator Synowiecki's area is gang graffiti. And we get called on because people may not be aware that it's gang graffiti or not. [LR333]

SENATOR ASHFORD: And you can make that judgment. And also I know Senator

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Synowiecki and Senator Preister have spent a lot of time on this issue as well. And that would lead me to the next question. Looking at possibilities on the state level to help you, would it...the idea...he raised the idea of gang enhancement statutes. And I do...I know Iowa does have one. Would that be helpful in Nebraska if the penalty could be enhanced if you can make that connection between the criminal activity and the gang participation. Is that something that would help you? [LR333]

RICH GONZALEZ: I believe it would. There is some gang legislation, there's a lot of it out there. There's some that I would say and some would say that may be (inaudible) and used more than others. [LR333]

SENATOR ASHFORD: Well, it might target...I'm thinking about, in my own mind, as differentiating between the...not that the prank is not serious, it is serious. But try and differentiate between the prank or one-off kind of an incident which is destructive in and of itself and the incident which has a gang relationship. And would it not be helpful to you if we, for example, were to pass a law that would enhance the penalty to a felony if the connection could be made between what is done in gang activity. [LR333]

RICH GONZALEZ: I think probably so, yes. [LR333]

SENATOR SYNOWIECKI: Rich, just a real quick question. When you make an arrest how cooperative are they in terms of these offenders. As a group, generally, how cooperative are they in turning collaborators in, if you will? [LR333]

RICH GONZALEZ: For the most part, as far as the actual graffiti they're fairly cooperative. I don't think that they really realize it's...that graffiti is that serious of a crime. It's more of a well we talk about it, joke or don't take it serious. And they're proud of what they do, they're proud that they went out there and the older gang members actually seeing them do it or told them to do it and they went up into another person's neighborhood and put their gang marking there. It's something that they're proud of.

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And a lot of times (inaudible) when you're seeing a 13-, 14-, 15 year old kids that are doing this. It's a lot easier to get them to show us different areas. And like I said, those arrests that are made, it happens often where we may make one arrest and clear 10, 15, 20, sometimes 25 cases just by driving one of them around and having them show us all of the areas that they've put graffiti on. [LR333]

SENATOR ASHFORD: Is it an initiation for these 13- to 15 year olds? [LR333]

RICH GONZALEZ: (Inaudible) different ways of initiation. Sometimes it could be an initiation. But for... [LR333]

SENATOR ASHFORD: It's a soft initiation, in some sense, because it isn't shooting somebody, it's destroying property. [LR333]

RICH GONZALEZ: And I think it's...if it is an initiation, it's just that's what their part of the job is to, that's what they do. And they will be (inaudible) graffiti in the areas. But (inaudible)... [LR333]

SENATOR ASHFORD: Right. But they could be carrying money, they could be delivering a firearm to somebody else, they could be doing some other task but their task could be spray painting, destroying property. [LR333]

RICH GONZALEZ: And I think there have been cases where we caught individuals with guns in their cars, just driving around doing graffiti, (inaudible). [LR333]

SENATOR ASHFORD: So would it be...and again, it would seem to me that it would be helpful in trying to intervene, and the comments about intervention early, which is great. I mean, if you can intervene and the crime doesn't happen, then crime doesn't happen so that's better. But you have to...it's a carrot and stick approach. If you tell a kid, this happens again or happens at all, you know, it's a felony because, you know, if this is

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part of your gang activity, if you're involved it's a felony. That could be an effective deterrent, could it? [LR333]

RICH GONZALEZ: Yes, it could. And the word gets around you're going to serve time, they know what they can and they can't do. And they take it to that level where they know they're going to have to do this many years or (inaudible) slap on the wrist. And they know that this currently (inaudible) number of repeat offenders, it's something that they just don't take serious. [LR333]

SENATOR ASHFORD: We've kept you up here too...a long time, Lieutenant. But thanks for your answers. [LR333]

RICH GONZALEZ: Okay. I'll be here if anybody wants. [LR333]

SENATOR ASHFORD: Tim. Seen you on TV. [LR333]

TIMOTHY KEPHART: Oh boy. (Laugh) (Inaudible). Good afternoon, senators. Thank you, senators, for having this hearing today and thank you for inviting me. I think what we're all here today...obviously this is a big issue. I think it's an issue that...it's not new to a lot of states. I think it's relatively new to the state of Nebraska. There's a lot of growing pains as Nebraska grows a little bit as a business community and also as a great place to raise family. To give you a background on myself, I went to grad school, have a masters degree in criminal justice at Cal. State, Long Beach. That is where I got involved in graffiti in the first place. (Inaudible) it was 1999, I had no idea about graffiti, didn't know anything about it, but fortunate enough to get part of a research project to study and analyze graffiti. And one of the things that I found was that there was a lot of myths related to graffiti. And one of the biggest myths was that taggers, first of all, there was nothing to do about it. You would be surprised in California how it was, and sometimes in some of the smaller communities that aren't familiar with it is the prevalent notion that there was nothing you could do about it. But what we found in research was

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that there is a lot of intelligence information contained in graffiti that was very often being overlooked. And there was no systematic program in place to address this issue. The idea was first initially cities were starting to have...you know, a community (inaudible) and it worked really well (inaudible). And then, you know, two weeks later the place is just completely (inaudible) again, and so they tried (inaudible). (Inaudible) and you can see where that's going. And so what eventually a lot of cities ended up doing was getting these graffiti (inaudible). As was mentioned before, the zero tolerance, absolutely you have to have that. You have to have (inaudible) 24 hour (inaudible). You cannot (inaudible). A lot of cities in California on the southwest United States, where graffiti really is prevalent the most, that's where (inaudible). And they figured if we paint it out, kids aren't going to come back. And unfortunately, they came back just as equally and sometimes faster and painted (inaudible). We've had instances where (inaudible) as they were driving away (inaudible). So it's not something where they (inaudible). I believe personally (inaudible) expert for the (inaudible) California on graffiti. I've qualified several times in superior court and testified in several cases. So I bring a rich background and rich history of graffiti to this. My company, Graffiti Tracker, was really born out of research that I did. When I said that there was really no systematic program in place, what I was getting at was that (inaudible) law enforcement had no idea what was (inaudible) problem. And so community members were very upset, they were calling for (inaudible) what's going on, am I going to get killed. And so the police department would sit at a location that they hear is vandalized a lot. And they'd sit there for seven, eight hours overnight. If they're lucky they're going to catch one individual. They'd catch them while painting, they were cited, sent to court, and the judges are afraid. Giving them time, you know, (inaudible) other cases, so (inaudible) taken serious (inaudible). But quite frankly, the approach that the cities were taking wasn't very serious. You can't expect one 14-year-old kid for one count of vandalism being thrown in jail; it's just not going to happen. So what we developed was a tracking system that allowed for quick removal of graffiti, but also allowed for intelligence to be gathered. And that intelligence is then used by law enforcement to identify which taggers are doing the most damage in your city. Now the discussion about graffiti, for us we break graffiti in

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two different ways. We break it into two separate categories--as gang graffiti and as tagger graffiti. Gang graffiti is motivated by experience and addiction. The whole purpose is to create as much fear and intimidation to the community, to other gang members, rival gangs, to law enforcement. It's not uncommon for us to see perhaps some law enforcement and gangs in the graffiti, which (inaudible) without being tracked would never be known before. We (inaudible) in Palmdale, California where the tagger put (inaudible) and they put it up n the wall, (inaudible) penal code for homicide. And they put this out (inaudible) because, you know, that's 15, 16 members in this tagging group. Had we not had this information, certainly that would be a great cause for concern. But he did have that, the captain of the station and the sheriff's department, they took the necessary precautions and nothing (inaudible) has happened to them (inaudible). But certainly that is a problem that could come up. With regards to tagging graffiti, we look at it as fame and (inaudible). That's the sole purpose for people that are taggers. Now within a tagging group you have tagging crews. These are people that just get together and say, (inaudible), those best known, or sometimes (inaudible). There's not a generational history to it. They just kind of get together and make up what they want. Sometimes it's (inaudible) those meetings are. (Inaudible) instances and cases where we've taken the tagging crew and arrested and hauled them to jail. And it goes to...in front of the judge, and then (inaudible) explain to the judge that DCK is...or DCC tags is (inaudible). And the judge (inaudible) see that because he can see that this group is not about (inaudible), it's not about having fun, they were out destroying property. And so the tagging side, as I side, is tagging crews and (inaudible) people that are individual. They just (inaudible), they want to (inaudible). (Inaudible) or whatever the name might be, and they put that up and that's how they're known. So a tracking system that we developed was born out of years of research. I left, in 2001 I finished my masters degree (inaudible). My thesis was on gang graffiti. We proposed five ways which gangs were communicating using graffiti. Now one of these is interesting, and this is very much the case in California. You have cities out there where most of the police officers have no idea how to read graffiti. Yet what's the one biggest, single (inaudible), and that's graffiti, that's their way of communicating. If there was (inaudible) no way of

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tracking that communication. So (inaudible) in our society (inaudible). I want to talk about people in Escondido. We currently contract with, I think, about 42, 43 cities in five different states, as far west as California, and as far east as Palm Beach County, Florida. (Inaudible) Pico Rivera (inaudible) talk about them a lot because they started out where lots of cities started out. They had no systematic approach to dealing with their graffiti problem. From the legislative standpoint there really wasn't any teeth that they had to be able to (inaudible) the problem. And so they brought everybody together, from prosecutors to legislators, to investigators and got everybody on the same page. And the success for Escondido specifically was a 38 percent reduction in graffiti. Now I know people throw numbers around all the time. But these numbers can be backed up because their contract for graffiti removal services has gone down. They had three trucks, they now are down to two trucks, not because of (inaudible), because there's less graffiti. So it's one thing to say that there's been a reduction, it's another thing to say now we not only have a reduction, but you can see here we actually have saved money. So I think that's very significant. The other thing is the restitution. There's a lot of talk about the deterrence. Gentlemen, let me tell you there is nothing more deterring than a mother or father who (inaudible) about \$15,000, \$16,000 (inaudible) restitution. And one of the (inaudible) that we found was that people used to think, well, if you can't do anything about it, these people don't have the money. That is flat out wrong. I can give you one case example in Escondido. A kid was (inaudible) \$27,000 in restitution, I kid you not, the parent was there on that day in the courtroom, wrote a check out for \$27,000 to the city of Escondido for (inaudible). So there absolutely is money to be had. That doesn't need to be taken into account. The other ones are making \$1,500 in payments to the city for vandalism. When you do that the word gets out and then the parents become amazingly more involved with their children and become more parent-like. So I think that there is a greater oversight when mom and dad have got to go cut the cable bill down in half because they got to pay (inaudible) to the city for restitution. Pico Rivera, I want to submit this. (Inaudible) we pay for (inaudible) to come out to California (inaudible). I love Omaha, I love Nebraska. I moved my company here, in the process of it. I have season tickets (inaudible). But in all seriousness though, I will

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eventually move my wife and children here. We will raise them here. I left California for a reason. I do not want Nebraska to become California for a whole list of reasons. But one of the things I wanted to bring (inaudible) is a fact sheet that Pico Rivera (inaudible). (Inaudible) funding for public safety stuff. But there are some statistics here as a result of a graffiti program that was put in place. The one thing I want to point out there is the homicide rate, down 100 percent. In 2005, they at 15 murders; in 2006, they had 10 murders; in 2007, 8 murders; and so far as of October 15 nobody in Pico Rivera has been killed. And that is a significant stride if you knew the history of this community and the hostage they were being held to by the gangs. The reason being...on of the reasons being is what I outlined here, what I would call the keys to success. First and foremost, and I'm just going to go quickly here, abatement. Obviously, it's very important. You've got to get the graffiti down. I know that there are some concerns with temperatures and unable to abate graffiti in the wintertime, but we have to look at ways to be able to do that because certainly the gang members and the taggers are finding ways for graffiti to stick in the wintertime. So certainly, we should try to work and see if there's a way to get it down on the abatement side. But they play a critical role and each one of these keys that I'm going to talk about you couldn't take one out of it and have it be successful. Each one is extremely important, so you have to get the graffiti down as quickly as possible. Does that mean you've got to spend money on it? Then you need to spend money on it because the community, they're only going to remove graffiti one or two times before they say the heck with this, I'm out of here. Right now, they've got a couple hundred thousand dollar mortgage and now I'm going to go and have to clean out graffiti every day? They're not going to do it. They're going to move and you don't want that because that's not a good idea. The (inaudible). I talked a little bit about that. Investigation--very, very important. I know there was a discussion here about increasing some of the powers and so forth as far as legislation, but on the investigation side, super, super important. And we've worked really closely with Lieutenant Gonzalez and his folks. Like I said, we flew them out to California to get them to meet with some of our agencies out there that are really successful. So I think they're going in the right direction with that now. Prosecution--this is a huge thing. You've heard that they just

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recently within the year really, started to make it their priority and that is huge. Pico Rivera has a prosecutor assigned to their graffiti task force and that is their whole new mission in life is to file graffiti cases. From the legislative standpoint it would be very beneficial if you had gang enhancements, enhancements for doing those things. In California's proposition 186.22 it's the gang enhancement. It says if you commit a crime that is in the purpose of furthering the development of that gang, then you can have enhancements on top of that. And I think we can all be in agreement that gangs that put up graffiti--graffiti certainly is a crime--therefore it enhances the gang's image and you'll enhance the gang itself. So I would also recommend looking at Section 595, California Penal Code. That is their vandalism statute, and we've had discussions before with certain folks over there who are wanting to make it tougher. And I recommended against that because I can't imagine how much more tough you can make it. To give you an idea, if you're caught doing graffiti vandalism in the state of California and you're a minor, they suspend your driver's license for a year. There's no ifs, ands or buts about it, it is automatically suspended. If you're 15 years old and you don't get your license until 16.5, now you don't get it until you're 17.5, so that's pretty strict. If you take a driver's license away from a child, I think it's a pretty good deterrent. So they've got some good things there as well as the graffiti tools. One thing very, very important, make the city the victor. Mom and dad, sitting in the corner don't want to come out of work every day, come to court to testify that their house was vandalized and that they didn't give the kid permission to do graffiti on their house. If there is data that you're getting coming from the paint-out crews, obviously, they are the ones that have been incurring the cost. The city paint-out crews are the ones that are spending the money. The city is the one that is spending the money to go out and paint over the graffiti, so they should be the victim. The only purpose for the homeowner is to go and say that they need to give permission for the person, and in California they now, like in Escondido, they no longer have the homeowners come in. The city is considered the victim because the city was the one that went out and removed the graffiti. They're the ones that incurred the cost. When it comes to the costs, I like to say that I learned that in plumbing school because I couldn't get my disposal unit to work and a guy came out

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and went underneath the sink and pushed a button and charged me \$75. So that was my plumbing class of how to hit the reset button because I didn't even know it was there. I say that because there's no reason why as a city you can't have basic costs just to show up and paint out the graffiti. You don't need to get really fancy with a formula and have, you know, based on X, Y, and Z, and say \$250 just to show up and then \$5 for each square foot on top of that. And it's very simple, it's uniform. The police agencies, now the uniformed patrol, they now know what it is. It makes everything a lot, lot better. And then lastly, restitution--very, very important. If you're spending a couple hundred thousand dollars a year painting out the graffiti and your police department is making the arrests, you certainly, and the prosecution that's following these cases, you need to get that money back. And like I said, if you've got 100 people that they've arrested and they're all paying \$100 a month...I flunked math. Fortunately, criminal justice, you don't need to have a math degree, but do the math on it and you can see there's some money that can come in, restitutionwise, to help out with that. So I'll be around here today. Certainly, I live in this community. I've been traveling back and forth to California to remind me why I live here. If you ever have questions, I'll be available. [LR333]

SENATOR ASHFORD: Any questions of Tim? Thank you, Tim. [LR333]

TIMOTHY KEPHART: Thanks. [LR333]

SENATOR ASHFORD: Virgil is next and then Crystal Rhoades, and then after that we will open it up for other people. Virgil. [LR333]

VIRGIL ARMENDARIZ JR.: Virgil Armendariz Jr.; I live at 7101 South 45th Street. I'm here from the South Omaha Business Association. I am the past-president of our organization and ten years ago we initiated an antigraffiti campaign. At the time we were told from the other cities that we visited that learn to live with it. And we didn't want to do that and we decided we were going to find a way to resolve this. Unfortunately, we're

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back here again. And our part of the city, south Omaha, spent ten years trying to tell the rest of the state and the rest of our city that you don't want to know what we know, you don't want to have to confront what we have confronted. All these (inaudible) you hear today, south Omaha has been through it. I had to go to meetings and tell people that it's not a terrible place to go to. It is not ridden with crime, that there's not a lot of gang members walking around on our streets. And when you get off the interstate and you see all that smeared on a building, that's not an indicator of what kind of community we have. While we have continued to grow this business district and continued to contribute to this city, we have had to confront every poor statement and every bad rumor, every misconception about our community, and it's emphasized every time somebody does a graffiti report or somebody gets on the bandwagon about what they can do about graffiti, and they come down and take a picture and (inaudible) shows south Omaha is the center of it. Sadly, ten years ago what kicked off the action against graffiti was somebody who tagged the back of the Nebraska Furniture Mart. And there was a lady on television right in front of that building that you know what that building is, saying this says you don't want to come to this area. That gave us a real boost and we were able to get some things done at the time. The second kickoff was that the whole community, and that there was a kid that did 120 days in jail for graffiti. And that kid never came out; he was connected to other crimes. By the time his graffiti time was done they had a whole list of other things that he'd been involved with. We need something from the state that gives our prosecutors and our law enforcement people the tools that they need to continue to do this. To add on that if it's gang related it's an additional fine and additional punishment. To add these together. You've got the kid that goes out and hits ten buildings at one time, you've got ten incidents. Actually that's one incident. That's one day's work. And he should be paid for that and he should be paid heavily for that. But we have to consolidate those things. We have to take graffiti out of being a part of something, the misdemeanor class, and make it a separate crime. The impact it has on the business district alone is amazing. It's unbelievable how fearful people are of coming into this area, and it's sad that when they do come into this area they find out the graffiti is just a little incident out there and that there's a whole lot more to this

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community being offered to anyone who wants to come down here and do business or live here, than to this gang impression. What I have run into in four years down at the Legislature now to try get some kind of bill in, is that we don't want to put the kid that climbed the water tower in the same classification as a gang member who's communicating with his other gang members. The fact is that gang member has been hiding behind that kid on the water tower, and we have not distinguished that but we must distinguish that. I don't want to put the kid on the water tower in jail either, but if he's going to climb it every year for his entire high school experience, the maybe he needs to be in jail when he's a senior. We need to continually go after this, and I think we have done a good job here in this community of the effect on crime. Officer Gonzalez can't tell you all the wonderful things that all of his officers have done. We in the community see that the incidents of violence have been greatly reduced and it's primarily because of the gang unit and the people on that gang unit. We have peace in this community. It's not continuous and it isn't everyday what we'd like but we have a community that's gone through a whole lot and we've been able to endure this and we continue to draw, and we continue to draw new people in because some of the businesses out here have expanded. We've lost some because of the graffiti, and when a mom-and-pop has to go out and put money into repairing their building and repainting their building, it makes it harder for them to survive. As a community, we've been involved in Y-PALS. I sat out on the citizens patrol all night long, waiting. There is no shortage of community participation in this area to combat this. There's no shortage of enthusiasm. There's no shortage of ambition. What we need is more tools, and it's come down to that we've used everything that we have in our army. You can supply us with the next tool that will make a difference and we need you to do that. [LR333]

SENATOR ASHFORD: Thank you, Virgil. Any questions of Virgil? And thanks for your tenacity. Eventually government may come around and help you. You never know. Keep plugging. But you've been tenacious and you've done good work, so. [LR333]

VIRGIL ARMENDARIZ JR.: And we're going to continue to be here. [LR333]

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SENATOR ASHFORD: Good. [LR333]

VIRGIL ARMENDARIZ JR.: Thanks. [LR333]

SENATOR ASHFORD: I don't doubt that. Thanks, Crystal. [LR333]

CRYSTAL RHOADES: Hello. My name is Crystal Rhoades. I am the assistant and executive director of the Neighborhood Center. I am also a Metropolitan Community College board member--we want to thank you for coming to visit us today--and an active member in the South Omaha Neighborhood Alliance. I live neighborhoods, I breathe neighborhood, I am in neighborhoods every single day. And graffiti is a pervasive, expensive, horrible problem. The reality is, though, that the constituents that you are hearing from are largely victims and they have a victim's perspective which you would expect. And while I certainly encourage you to reevaluate the penalties and the tools that law enforcement has to use in terms of graduated sentencing or elevating with each successive offense, I would also caution you that that isn't the only answer. The reality is that very few of the people that are perpetrating graffiti are caught. When they are caught they oftentimes are not really going to disclose who their counterparts are, and we spend an awful lot of time and energy prosecuting them, and they should be punished, but graffiti is a symptom of a larger problem. I worked with the mayor's office on a project to look at after-school programs in Omaha. Now, middle-schoolers who are the primary targets of gangs in terms of recruiting new members, have no middle school programs. Marrs and Norris, which are two of the largest middle schools in the south Omaha area don't have middle school programs. Now, you may not get these kids to be committing their crimes until they're 16, 17, 18, 19, 20, but they started recruiting them when they were 13, 14, and 15. We can't allow that to continue. Penalties are not the only remedy. What we need to do is look at ways to abate it. Of course, you've heard numerous people say that getting it down quickly is one of the most effective ways to treat it, and that's certainly true, but we also need to be careful as we start to talk about

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assessing fees, and we don't want to have ourselves in a situation where we are victimizing victims. When you start looking at assessing those penalties, I would caution you to be very careful to make sure that those are directed at the criminals that we're catching--at the vandals. Because when you start to require homeowners or business owners who have unjustly been victimized already, to start to pay the city to have these things removed, there's a great deal of push back. There was a similar ordinance proposed by the Omaha City Council, and I will tell you the Neighborhood Association lost their minds. I had dozens of calls. My phone didn't stop ringing until the city council announced that they were not going to continue to pursue that course of action. If we really want to get at graffiti, it's time that we start looking at ways to prevent it. And in doing that, we're not only going to prevent graffiti, we're going to prevent drug use, we're going to prevent unplanned teenage pregnancies, we're going to prevent a number of other crimes associated with what happens when our children are unsupervised. Of course, there's a great deal of parental responsibility involved in that, but we also need to recognize that particularly when we're talking about children that fall into gangs and become gang members, they don't necessarily have the same resources that we...they've got parents that are working, a lot of times in some of our homes. And the best thing that we can do is to help prevent them from ever getting in this sort of trouble to begin with. So I am really hoping that as you look at this issue and you assess what tools law enforcement needs and what policies need to be strengthened, that you're also going to look at what we can do to prevent it, because that's every bit as important as what we do to punish it. Thank you. [LR333]

SENATOR ASHFORD: Thank you, Crystal. Any question of Crystal? Thanks very much. Okay, now I have no one else on my list but I know there are other interested testifiers, so who would like to come up? How many testifiers do we have potentially? One, two, three, four, five. Great. Welcome. [LR333]

VIRGIL PATLAN: Virgil Patlan, 3305 East Street. I recently retired from the Omaha Police Department after 25 years. Twelve of those years I was with the Omaha Police

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gang unit, and I don't even think Rich was out of grade school when I started.
(Inaudible)...anyway. [LR333]

SENATOR ASHFORD: He's out of earshot, so. [LR333]

VIRGIL PATLAN: (Inaudible). One of the key things that...and I don't know if you remember Captain Foxall, not the one now but his father. He was the one that first put the gang unit together. And on his...he broke it down real simply because there was never any gangs here so we had no idea what the heck he was doing. But he...after a trip to California and coming back, he said we're going to be 50 percent intelligence, 25 percent education, and 25 percent enforcement. And so we had to figure out how to work that all in. Well, one of my best parts was the education part. And we were talking to kids that I thought were already beyond help, but the education part worked with some of them. In fact, I could call up a few guys who are married now. I had a young man in the south projects come up to me and I hadn't seen him a long time and (inaudible), and he just is getting ready to graduate from college as a Marine, and I think a news station did a story on him a couple months ago. But the education part was something we couldn't keep going because we ran out of money. The graffiti and education program that Lieutenant Gonzalez was talking about, the grant, we did it at every school in south Omaha, and we spoke to about 2,000 kids (inaudible) the fourth-graders. And the reason we stopped was because we ran out of money. And I don't want to go into it, but the gist of the thing is that graffiti is bad and this is your neighborhood, and we wanted to give the kids an option. We started in the fourth grade because we thought that they were still real impressionable, and with officers in uniform and other leaders of the community coming in. It was very successful. So any legislation that you should do, should include money for education. Again, this is (inaudible) targeted gangs and their influence. And we should also, as far as the enforcement part, ensuring that our gang unit has the money needed to do the overtime and buy the equipment they need. And as far as I know now, the crews are strapped to the bone so they can't do a lot of the prevention that is needed, especially at night, cruising around

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to get those people (inaudible) call to call. So that's my thoughts. Give them money for education. There are tons of programs out there that need funding that would work if they could go into the schools. The one program that was started, This is Your Neighborhood, didn't cost very much, and towards the end of the thing we gave away a mountain bike (inaudible) kids, and that ran about 200 programs. But again I think we should do this up north. (Inaudible) there's going to be a group of African-American officers to step up to the plate over there and come up with a program to work with the kids over there. The Latino police officers, we've been doing it here for the last 15-20 years. [LR333]

SENATOR ASHFORD: Thanks, Virgil. Any questions of Virgil? Seeing none, thank you. I wish we could encourage some of, Virgil, some of your cohorts to keep working out in the gang unit and never retire. Is there any way we could do that? [LR333]

VIRGIL PATLAN: Uh, we'll see. [LR333]

SENATOR ASHFORD: Okay. Who would like to come next? Yes. [LR333]

GUS DWORAK: Well, good afternoon, senators and staffers. I'll be brief, very brief. I come here today because I'm a landowner in south Omaha. [LR333]

SENATOR ASHFORD: Give us your name. [LR333]

GUS DWORAK: Oh, I'm sorry. Pardon me. Gus Dworak. I live at 80th and Pacific and I own...all my rental property is in south Omaha. And I've heard a lot of good things here today, and one of the things that I really think is important is that with the current system when you call in, as I have about 85 times, that the reports, when they ask you if you want somebody to call you back and I say yes, they don't do it. So you don't offer that. I'm just talking about using the system as it is now, so. But primarily I think there needs to be a lot of all these good things that have been talked about. But I think the other

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factor is that we need to have enforcement out there on third shifts. I think that's where it's weakest and that's where you really the help out there in the field. The other thing is, I've heard all these good things as far as...and I believe (inaudible), that you need to humble the offenders. I really think that's important because when they're out there, you can make (inaudible) cleaning up their own graffiti, but when they're out there painting graffiti and their friends see them do this, (inaudible) pass in south Omaha. I've seen it many times as far as results and the kids bragging (inaudible). I try to keep that in perspective, of course, but I think the main thing is the hotline system as it is now doesn't really work. It takes too long. I've had reports...I've called in reports of graffiti where it took from two to four weeks or longer. I even had to call Garry Gernandt to get some action on that. He just left the room. [LR333]

SENATOR ASHFORD: Oh, did he? [LR333]

GUS DWORAK: Yes. [LR333]

SENATOR ASHFORD: He can't do that. (Laugh) [LR333]

GUS DWORAK: He had a committee meeting to go to. That's what he said. But I think we need more teeth in what we do here. In fairness, I mean these are children but they are recruited. I am a father of five. I know. My kids are between the ages of 10 and 20, so I've seen a lot of the stuff they have to go through in that regard. But this is still a crime. I have an investment in south Omaha. I believe in it. My family has been in it for four generations and I don't intend to give it up. We need teeth in what we do here, and I think Graffiti Tracker, the comments by the owner, are right on target. You know, I'm sure it's...we have to do this now. But ultimately we need to get behind what's causing the crime, but right now we have to stop the crime. That's all I have to say. Thank you, (inaudible). [LR333]

SENATOR ASHFORD: Thank you, Gus. Yes, sir. [LR333]

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JEFF BELLING: Thank you very much, gentlemen, for being here today. [LR333]

SENATOR ASHFORD: Welcome. [LR333]

JEFF BELLING: My name is Jeff Belling and I am currently the maintenance coordinator for Holy Ghost Church on 52nd and Q. I've been doing the kind of work that I've been doing for about 22 years now in the city of Omaha. And recently over the past couple of years I cannot count how many times that we've had graffiti in the area, and especially on the schools' playground equipment and you name it. Senator Preister comes to our area. I wish I had Councilman Gernandt's paint can because it would have fit in my coat pocket. I just can't stress that something needs to be done about this problem. And everybody that's come up today and spoken have said very important things, things to take to heart, and I hope that this group can take that and do something with it. The two things that I would ask and I don't know if it's something that can be done or not, is...you know, I'm not sure what kind of an ordinance there is for the spray paint. I hear everything that's being done about different penalties and all of that, but the spray paint ordinance, I know there are stores and retailers that they won't sell to a certain age group and this and that. But I just don't understand the city of Omaha and even around the country, you know, you have to be 21 to buy alcohol; you have to be 18 to buy cigarettes or tobacco. If you go into your local hardware store, anything that they don't want stolen on something that's small, that's valuable will be behind a locked cage. Why can't we put spray paint in our stores in Omaha or the state of Nebraska or whatever, and make it harder for them to get to this stuff. And I understand they're going to find something else to use, you know, but they're asking what...it could be that. I know they use magic markers. Spray paint is tough to get off and I'll testify to that because I've been doing it for 22 years. And I mean I can commend...I have met Lieutenant Gonzalez and he's been out to the Holy Ghost before. I mean, a lot of people...well, if you're Holy Ghost (inaudible) I know their fish fries or whatever, but there are some of the people in this room that might know me or heard me or talked to me on the phone

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about graffiti in the past two or three years. And I am on a first-name basis with a gang unit, with the graffiti unit, and they know me. And this past week, three times we've been hit, and our pastor got up in his services on Sunday and asked the people to come forward. We couldn't send our children outside to play because of the words and the stuff that was on the playground equipment. It's awful. This is an awful, awful thing that's happening. And Sunday we had volunteers come in, because I know that unit is two weeks behind and they can't get out there. And our children can't come to school and play on that equipment with it like that. We have 12 volunteers, and I went and purchased chemicals so that we could get that removed before Monday before school would start this week. I sent pictures into the gang unit which Mr. Gonzalez probably has seen and probably transferred around. And I've just been told we need to put up expensive cameras. And I just think that besides some stiffer spray paint ordinance, the other thing I would ask for would be--and I don't know if this is possible--a closed property ordinance, after hours, for churches and schools in the city of Omaha, however. You know, I mean it's something to think about. You know, this is the information. You're gathering information to take it back and do with it what you can. So I thank you for your time. [LR333]

SENATOR ASHFORD: Well, I am sorry that is happening to your parish. [LR333]

JEFF BELLING: Well, it's all over. I wouldn't say...I heard there are many people in the room that it's happening to them. [LR333]

SENATOR ASHFORD: No, I understand, but I mean that's a sad commentary. [LR333]

JEFF BELLING: It is. It's a (inaudible). [LR333]

SENATOR ASHFORD: I don't know, before you leave does anybody have a question? [LR333]

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SENATOR SYNOWIECKI: I just have a quick question. Has there been any apprehension? You said you've been hit (inaudible). [LR333]

JEFF BELLING: Yeah, and I know the information that's been said, they say these are 12- to 14-year-olds, 16-year-olds. (inaudible). We don't necessarily think that. We think these are 10 to 12-year-old... [LR333]

SENATOR ASHFORD: Younger. [LR333]

JEFF BELLING: ...members that want to be in these gangs. Because we don't want any of this to move this far west. We're on 52nd and Q and it hasn't moved this far west to us. We think these are little kids in the neighborhood and we can't seem to...Wednesday evening we had a meeting...just to give you a...our parishioners came for a meeting. And while they were in this meeting for one hour, several cars were vandalized with graffiti while these people were just inside the (inaudible) rectory for an hour. These children, these youths are that bold just to breeze through and do that, and they're gone, and then the next night they're back again. [LR333]

SENATOR ASHFORD: It's a bad deal. [LR333]

JEFF BELLING: You know, we just don't have...we're working on our own neighborhood watch group right now, which we will put together and we'll do that, but we just have to have something tougher. We can't let them get their hands on this stuff. And everybody just said today about helping these kids, getting them into groups. That's all great stuff, you know. Now is the time you're going to hear people come up and talk and tell you the bad stuff that's been happening because that's why we're here, you know. Enough of this has been happening so we need to meet and discuss it. [LR333]

SENATOR ASHFORD: Thanks very much. Yes. [LR333]

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MARILYN HOOPER: Graffiti became a new part of my life these last two years. I'm president of our housing association in west Omaha. We have 1,500 homes; square mile--132nd and Center to Pacific--244. Two years ago we started seeing gang graffiti: OMB, Omaha Mafia Bloods. Okay. We had the gang unit out to a meeting. I've always tried to be very proactive with our community. We (inaudible), hey, we've got this under control and we were told about the gang unit; it's nothing to be alarmed about; we talked to the kids. A year later it exploded. We had OMB; we had another gang that formed, LOC. We had (inaudible) shooting of an individual. We had a lot of graffiti going on. And when you talk about these kids needing things on the weekends, one of the businesses that got hit was Westlake Hardware, okay. So they...they had cameras up--2:00 a.m., Thursday night, a school night; 14-, 15-, 16-year-old kids pull up in two loads of cars, graffiti all over, and you know, go on their merry way. We got in touch with the gang unit immediately, asked what we could do. They said take pictures. They told us to get them to Kara Hindman as quickly as we could. We did all of that. I have taken over 200 pictures of graffiti. I've worked with the businessmen. I've gotten their names or address. Kara has been very appreciative because she said they don't have the legwork to do all of this. So we've tried to be proactive. In this last situation that happened, 12 kids were caught. Now, we have been following these kids through the system. What happened to them? (Inaudible). One of the individual's trial will come up November 7, okay. He's got that dropped from adult court to juvenile court. One of my big complaints that I have on this whole graffiti issue is that these kids are not paying restitution and their parents. These kids have money...these parents have money to hire lawyers to get them dropped from adult court down to juvenile court. That's (inaudible). I am a firm (inaudible) the guy that spoke, Tim I believe was his name, we need restitution. And if we hold parents accountable for these actions I think we're going to see a huge deterrent right there. I think a lot of these kids that are resorting to this activity are coming from very dysfunctional families. The parenting structure is not what it should be in those homes. How much of all these society problems can the world take on, and is having all of the extra activities? I think a lot of the need for parent guidance and education and being a good parent. If the kid is charged with a crime, then the parents

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should have to go through some type of counseling program or something with this child to try to get the family back on focus. The kids that I have been aware of, their families are not functioning very good, and the kids aren't feeling wanted, they're not feeling needed. There is just a big gap. But one of the big things I would like to say is out of the businesses that we took pictures of, there was at least \$5,000 damage. One business got restitution of \$350. The others have not gotten one penny and I think that is so wrong. I think these parents need to be held accountable. And I just hope they can do something with enforcement, and there's been a lot of great ideas and I want to thank you for all giving this matter the seriousness, and hopefully we can come up with a (inaudible) solution. Thank you. [LR333]

SENATOR ASHFORD: I know you signed in, and give us your name for the record even though you've signed in. [LR333]

MARILYN HOOPER: Okay. It's Marilyn Hooper. [LR333]

SENATOR ASHFORD: Okay. Marilyn, hold on just a second, because does anyone have any questions of Marilyn? I think you bring up really an excellent point, a couple of good points. One of them is this family dysfunction issue. It plagues us, and I know that as we discussed the safe haven law in the Legislature and as we're going to be discussing it next year, it's a very serious matter. In our district--you know, we live close together, you're a little west of where my district is but very close--is that we had that incident on 120th and Westover a year and a half ago where the family was killed. And these issues of family dysfunction are real, and so I think your point is very well-taken and I do think there is something we can do. We can't solve all societal problems but I do think there needs to be an entry point for help or even not only help but treatment and action for families that are in a state of dysfunction. And I'm not sure exactly how we do it but I think we have to...we're going to debate that next year and I think that's part of it. The second point is also good, and that is that--and we've heard all over again--is that the graffiti in and of itself is a criminal act. It's also reflective of a lot of

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other family trouble, but other troubles as well. And we're hearing over and over again that we're talking about 13- to 15-year-olds, and in your example 12 or 10--well, maybe not 10 but 12-year-olds. These are the kids that are getting into gangs. These are the kids that are getting into trouble. No police officer in the world, no matter how many police officers we have--though I think it's unfortunate we don't have more out there--but can stop all of that. It's way too much of a burden on them. And they're not trained to stop every crime before it starts; it's an impossible act. But somehow we need to be able to intervene in this continuum of behavioral problem. So if a child exhibits behavioral problems, is it a family problem or is it the child's problem? And if it happens at 9 or 10, is there something we should do at that age? Because what's going to happen after the graffiti age is the gang age, and they're going to shoot somebody or they're going to get shot, and it happens over and over again. And it's the same children. And I think you've identified--and everyone else here has done the same thing--have identified a real problem. And so I appreciate your comments because I think...and these are things we're going to work on in the Legislature. [LR333]

MARILYN HOOPER: Well, the gang...when we first started seeing the gang stuff, it was only the Omaha Mafia Bloods... [LR333]

SENATOR ASHFORD: Right. [LR333]

MARILYN HOOOPER: ...but that (inaudible) LOC and we (inaudible) shot. [LR333]

SENATOR ASHFORD: Well, there are...right...there are--I believe I'm right. There are I think it's 100 gangs in Omaha, and where...is the Lieutenant coming back, and he's going to stop me if I'm wrong--but (inaudible) that have around 1,500 members, something like that. So we have 15 major gangs and a lot of neighborhood gangs, and they arise just out of nowhere sometimes. It isn't...and you've identified another point, and that is we don't have these two large rival gangs like West Side Story and some major battle. It's a lot of little groups. They have access to firearms anywhere they want

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to get them; they're everywhere. So the next step after the graffiti or even as part of or even parallel with the graffiti, after they come off other behavioral issues, is exactly what you're talking about. It's a continuum. And can government solve all that? No. But we can certainly start to address it in a collaborative way, because it's going to take everybody working together, and I know that sounds trite, but really working together to solve this. And the police division doesn't have the manpower nor are they set up to stop it all. But you've identified some good points. Thank you. [LR333]

MARILYN HOOPER: Thank you for your time and thank you for your work. [LR333]

SENATOR ASHFORD: Yes, ma'am. Sorry for that speech, everyone. [LR333]

LaVERNE HARRIS: My name is LaVerne Harris and I'm the president of Indian Hill and Highland Neighborhood Association. This is my first year as being president. But I have been involved every since I've been here in Omaha, about (inaudible) years, in south Omaha. It's the only place I've lived, in south Omaha, and I see quite a few familiar faces and (inaudible) involved in the Weed and Seed Program (inaudible) gang's graffiti. I just want to say just a few words. We here in south Omaha, last year we had to sit all of the winter looking at Q Street, L Street, all that, all the (inaudible) over to Harris and even to some (inaudible) of sections of (inaudible) looking at all of this graffiti (inaudible). And they got the back of my garage. I live on S Street. They got the back of my garage and my nextdoor neighbor's garage. My neighbor across the street and across the alley from the garage, and then there was an empty house. So they went all the way up into the yard and marked on the house (inaudible) the house. So that's how bad it was (inaudible). It kind of slowed up for awhile, so now it's started back again (inaudible). So they've taken advantage of, okay, cool weather is coming in and (inaudible) paint. (Inaudible) they listened to what they want to listen to on the news and on the radio. So (inaudible) it's too cold to paint over our graffiti. It has to be a certain degrees. So therefore they have to look at it. They have to watch it. But many of us, like myself (inaudible)...and I'm way up in my 70s, and some of us, so therefore we are still

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out there fighting it because I (inaudible) and (inaudible), we've worked hard to buy our homes and our property. We raised our children, sent our children to school there and everything. We did as far and as much as we could. We watched our children and gave them neighborhood activities, and so forth and so on, so. And we would like to continue in our old age to have the same (inaudible), and now I'm going on 79, I think that your life is mighty short if it be (inaudible). Well, why can't we have some volunteers? Why can't the mayor and the city council call...to bring the children in at 9 o'clock. No kids at a certain age out at 9 o'clock, and if they are out there, get the parents. The parents should be involved, and the children that are caught and whatever they have done, don't just let them sit there (inaudible). Make them go to school because (inaudible).

(Inaudible) make them go to school and let them come out of there with a certificate and some goals (inaudible). So these are some of the things we do have in south Omaha. We feel that (inaudible) in South Omaha Library (inaudible) people in this community. Girls Inc. has been (inaudible). Indian Hills School had added on and we're getting the Educare (inaudible). And then we get into a beautiful new (inaudible) building. It's supposed to be ready sometime between August and the middle of October of next year. So there are things that families have. The (inaudible) center has (inaudible) for our boxing (inaudible). We bring in young people who might want to box, kickbox, or wrestle, so that's going to be open and I think (inaudible). So there are a lot of things that's coming in for young people to participate instead of getting into trouble.

(Inaudible) we need parents. We need the young parents, the young people.

(Inaudible). It's all of our children, not that they are my grandchildren and I work with them four or five days a week, four or five or six hours at Indian Hills. I'm known as Grandma Harris there, so I'm there. But we have after-school, our program (inaudible), and I think Highland also has (inaudible) after school. But these things, and I know (inaudible), this is the time that if we don't pray, we really need to pray. If we really say that we believe in God, we need to put Him in our lives and we need to let Him stand out. (Inaudible). We need to put our God up there and let Him in our lives and teach Him to our children. This is one of the main important things that's been lacking in our cities, our nation, and our communities. Thank you. [LR333]

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SENATOR ASHFORD: Grandma Harris, just sit down here for a second. Thank you and I know you do wonderful work. Do you remember Ms. Evans? [LR333]

LaVERNE HARRIS: Yes. Very (inaudible). [LR333]

SENATOR ASHFORD: We used to have wonderful talks and sometimes lectures. I was lectured many times by Ms. Evans, and she said a lot of the same things you're saying, and I learned a lot from her. So thank you for that. [LR333]

SENATOR SYNOWIECKI: LaVerne, I just kind of have a comment really and Senator Ashford kind of touched on this a little bit and you touched on it. What's missing from when I was a youngster growing up, we all were involved in extracurricular activities. We all played football. We all played baseball. We all played basketball. We didn't have time to go out and spray paint on buildings and that sort of thing. I think a lot of youngsters, and I don't know why, are disenfranchised from those positive kind of outlets. And when you've got a high school like South High and you get 20 kids that go out for the freshman football team out of hundreds within the freshman class, I think that's a problem. I think that's a problem. I think positive extracurricular activity and the lack of involvement--you kind of touched on that--I think that's an avenue we can explore as we...particularly as the Building Bright Futures initiatives comes to fruition and that sort of thing, I think that would be looked at quite a bit. And thanks for your testimony. [LR333]

SENATOR ASHFORD: Thank you, Mrs. Harris. All right. [LR333]

SENATOR PREISTER: Chairman Ashford, before anybody..and anybody else may come up, Jonathan Rich, who had to leave to go back to work, said he... [LR333]

SENATOR ASHFORD: Said he was going to try to come back. [LR333]

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SENATOR PREISTER: Okay. I don't know if he will make it but he has the shop that Officer Gonzalez talked about on 23rd and E Street. I know they have planted plants to grow along the side of the building as a deterrent. Even those have not fully solved the problem. And I asked him if his paint was about an inch thick yet, and he said, no, it's only approaching a half-inch thick. And that building gets painted, "graffitied," painted, "graffitied," painted. It's been such an occurrence that literally he is going to have to scrape all that old paint off and start over pretty soon because the paint just isn't going to stick to itself any longer. So he is frustrated and he's seeking answers as all of us are, and I am particularly glad that we were able to have this hearing in an area that has the problem. But as we heard, this is a statewide problem and we need to look at solutions to help some of the smaller communities statewide, because they don't have the resources. They don't have the Lieutenant Gonzalez and they don't have the Graffiti Tracker. They don't have these resources. We as state policymakers have a responsibility to assist them with these problems, and I think we've gotten some good feedback, some good information. We've coordinated things here and I think we can do that. [LR333]

SENATOR ASHFORD: Senator Preister, and I would second that. In my...I just got back from touring the state. And in Grand Island, for example, they have an issue...they have had some significant issues in Grand Island. It is...I'm convinced it's a statewide issue. I'm also convinced that it leads to other gang-related activity. I am absolutely convinced the state has an interest in passing legislation to deal with this issue, and I'm very appreciative of you and Senator Synowiecki and everybody for bringing this to our attention. Anybody else want to...? All right. Two more. Okay. [LR333]

RUTH LEININGER: Thank you, senators, for inviting me, and especially thank Senator Preister for spending (inaudible) Monday (inaudible) after (inaudible) our pastor and our custodian just left... [LR333]

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SENATOR ASHFORD: I noticed they just left. [LR333]

RUTH LEININGER: ...but we're looking at starting our neighborhood association and it's kind of been the drive to do that. We moved Senator Synowiecki's area to Senator Preister's in the last year and a half. And I used to work in the mental health industry and I worked with juveniles for many years. I don't currently but I...but what the officer who was saying (inaudible) gang and it's gang members, that was very...I can see that. These kids don't take it seriously. They don't think it's a big deal. But I would recommend a couple things, having worked in that area before. Number one, I agree with her, it's as a family issue. If there's a juvenile who was arrested and found that there was a mandatory assessment of that family, that they are part of that process to find out because it usually is a family issue, as well as there would be some restitution done either from the parent's or a child or a combination of both, because that will make them take it a lot more seriously. I know our people in our parish and our area were really surprised to see the amount of graffiti that happened this last week. I have photos in my camera just in case (inaudible). We do believe it's gang-related or want-to-be's. We've asked the kids, if they know anything to let the adults know so that can be reported to the police and they can find whoever has done that. But there's a lot of terror at having those people (inaudible) terrorize (inaudible). Kids were kind of scared to go out and see what was written there. There were die threats on one of the buildings and just very graphic things that were there, and we're dealing with kids seeing that. That is something totally different than just adults viewing that. [LR333]

SENATOR ASHFORD: Thank you. I think that just reinforces what we're hearing. And what did you do in the juvenile court system? [LR333]

RUTH LEININGER: I worked at Uta Halee and Cooper Village. I worked at assessment and admissions, and so I saw... [LR333]

SENATOR ASHFORD: Oh. You saw some things. [LR333]

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RUTH LEININGER: I saw some things. And I worked (inaudible) with kids for a number of years that were highly aggressive and abused, as well, so [LR333]

SENATOR ASHFORD: Well, the juvenile system will be in front of our committee this year where we have a number of initiatives we're working on to try to address some of the holes or gaps that result in some of this violent behavior later in life. So thank you very much for your comments. Any other...? Senator Preister. [LR333]

SENATOR PREISTER: Just...I don't know if you had a chance to sign in, but if you're testifying, Ruth, be sure to sign in so we have your name and your spelling for the record. Thank you. [LR333]

RUTH LEININGER: You're welcome. [LR333]

SENATOR PREISTER: And Jon is back. [LR333]

SENATOR ASHFORD: Jon's back but first we have two more, I think. Is that right? Nobody can leave until...no, I'm just kidding. (Laugh) Go ahead. [LR333]

REBECCA BARRIENTOS-PATLAN: Thank you, senators, for coming down (inaudible). [LR333]

SENATOR ASHFORD: It wasn't that long a trip. [LR333]

REBECCA BARRIENTOS-PATLAN: I'm Rebecca Barrientos-Patlan, born and raised in the area. I am founder and president of Burlington Road Neighborhood Association. I want to hit upon the area of BRNA. It's a ten-block radius, 42nd to Dahlman, L Street to the I-80 interstate. We have suffered a lot of graffiti in the past. And thanks to Garry Gernandt, he came down this past week to BRNA and gave us a little bucket full of

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spray paint (inaudible) and stuff like this, so it helps out a little bit. Thanks to OPD; they have always been awesome to us to come down immediately. I want to speak to...I was a security guard for OPS for five years, and during that time--it was an elementary school--and during that time we had the largest property damage in the state of Nebraska, and that was by the KOB gang who were 9- and 10-year-olds, and that's where it starts--fourth and fifth grade. A couple of people have talked before and have stated that they thought it was 15--14, 15. In all actuality, (inaudible) sat at the kitchen table and tried to figure out what can we do. This is where it starts. These kids are trying to make a name for themselves. They're not at the top of the class at the school (inaudible). And we sat there and figured out that we needed to do something more, do something different. There were programs for high-schoolers, junior high, but nothing for grade school. And this program--we put together This is Your Neighborhood. It had a huge impact. Like Virgil said, the funding stopped, and it's a shame that we couldn't continue something like this because it hit directly right where we needed it to--the kids' hearts. And like the lady said, we need to bring (inaudible) back to our state, and we are...you know, Nebraska, the Good Life. And we want to... [LR333]

SENATOR ASHFORD: The whole world actually could probably a little (inaudible.) [LR333]

REBECCA BARRIENTOS-PATLAN: Well, yeah. You know, that's true. But sometimes one spot and it keeps growing. And these kids, these fourth-graders, they're trying to make a name for themselves, and this program deals with them going where it feels like. And you have all this fourth grade class watching this whole thing happen in front of them. And what happens is, they're affected by it, they can see how it makes other feel. And so I would like to...you know, if I send this to you--we have it on disc--if I send to you, you just sit down and watch it. I will be willing to show it to you... [LR333]

SENATOR ASHFORD: Okay. Rebecca, give it to us and we'll make it a part of the record. [LR333]

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REBECCA BARRIENTOS-PATLAN: Oh, that sounds great. Thank you so much.
[LR333]

SENATOR ASHFORD: Thank you. Jon, I think you're batting cleanup over here.
[LR333]

JONATHAN RICH: Okay, in the nick of time. Thank you for allowing me to speak before you guys today. My name is Jonathan Rich. I'm the president of Business Printing on 24th and F. Our company was founded in 1947 and we moved to our current location, which was formerly the old Grobeck Dairy in south Omaha, in 1972. In 1981, we added roughly 15,000 square feet to our facility and made the decision to stay in south Omaha as opposed to moving more out west. In the last ten years our building has been hit with graffiti over 300 times. I think most of us in this room that know south Omaha, know my building and it is quite a billboard. Because of that, we've had some real costs to our business. We've had to...before the graffiti van, we had, obviously, to pay at times professional painters to paint our building because it would be so vast that it was something we couldn't just grab and brush and do. When we did not...when we could paint it ourselves, it would take time and money away from our company, which is to...you know, we're there to print materials, not to be painting, and we have to have employees and personnel go out and paint to try and save ourselves some money from having to pay a professional. We've also had...with graffiti we've had a couple of...we only have windows in one spot--that's our front door--and on a couple of occasions those have been taken out, late at night. In 2007, I purchased a small printing company that was located on 89th and J, and we had a number of their customers tell us that they would not come down to south Omaha to pick up their work. So we then had to have some increased costs in shipping express and some messenger services. It has had somewhat of an effect on our business. I suppose of all the things that I think is kind of interesting about what we do is it would be nice to have people say how's your business, how are things (inaudible) a lot of times when I run into people, the first thing

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they ask me is how is the graffiti problem. That's not something that...it's something I've become known for and not something that I necessarily wanted to be known for. Whether it's the media or people that I know, whenever the graffiti topic comes around, typically my building is front and center on one of the news stations or in the newspaper, and I would like it to be something that I wasn't known for. Aside from the fact that (inaudible) the building itself, the three-sixteenths or so, there, of paint that's not our building, is now starting the peel off the building itself (inaudible). At some point in time we're going to have an issue with what can we do with that building to remove that paint, and they'll be (inaudible) a two-day (inaudible) back up. It's not only because it has a (inaudible) material on it and it can't be sandblasted and the normal paint removers can't be used on it. It's a sand-based material so that if that paint peels off, it just doesn't (inaudible) off our building. So (inaudible). And I'd like to thank the city. The graffiti van does a great job. The police department has done a great job and they take good care of my building the best they can. They know, obviously, that we're quite targeted, and I want to thank them for what they do. Another something to mention, also in the same vein, is how often do we have repeat offenders in. That building, my building had the same (inaudible) two hours (inaudible) just up the street on 25th between F and G, so half a block away from our building. So I would ask that you consider any legislation that could toughen up these laws I would be in support of and we have to take back our streets and take back our communities. It's unfortunate that we have the (inaudible). It's the one bad apple in the bunch that ruins it, but I think it's something we need to do. And again I want to thank you for sticking around and for giving me the opportunity to testify. [LR333]

SENATOR ASHFORD: Thank you, Jon. When was Grobeck Building built, initially?
[LR333]

JONATHAN RICH: I believe 1920-ish. I think we're around building...if you look up online, it's about 80 years old. [LR333]

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SENATOR ASHFORD: It's a great building. [LR333]

JONATHAN RICH: It's built out of the same material as Mutual of Omaha and (inaudible). [LR333]

SENATOR ASHFORD: Well, good for you for keeping it. Any questions of Jon? Thank you, Jonathan. Why we don't just give everybody...? Do you want to give a little closing, John, and then Don. [LR333]

SENATOR SYNOWIECKI: I actually...Mr. Chairman, can I recall a testifier or not? [LR333]

SENATOR ASHFORD: Recall a testifier? Yourself. [LR333]

SENATOR SYNOWIECKI: Mike, could you...? I just have a...if you don't mind. [LR333]

MIKE GETTY: Sure. [LR333]

SENATOR SYNOWIECKI: There's a lot of testimony, Mike, about the importance of restitution. Are we...is that an important element within your criminal justice prosecution and are you getting judicial buy-in to the restitution? I know back when I was in the system, it wasn't. And has it evolved toward restitution-based sentencing for graffiti? [LR333]

MIKE GETTY: I think part of the problem and what I've heard was (inaudible) and restitution, I think part of the problem is that I don't think any of the judges expect somebody who's given (inaudible) jail is going to make restitution. I think the judges think those are mutually exclusive. And I think the (inaudible) on that, they may be. I think that (inaudible). I know two judges, one who (inaudible) south Omaha is the last nasty graffiti case he had, he continued it for 60 days to see if the kid could make

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restitution (inaudible) what the effect of the penalty...what the penalty should be. So it's in their thought process. [LR333]

SENATOR SYNOWIECKI: Okay. It's on their radar screen. [LR333]

MIKE GETTY: It is. There's no question about it. [LR333]

SENATOR SYNOWIECKI: The only other question I have for you, Mike, is there was a lot of discussion on the city being the victim. In instances where we have apprehended someone and the graffiti van corrected the problem, if you will, do we have a formula by which we designate a restitution level for those actions? [LR333]

MIKE GETTY: We don't and part of the reason is that with...I guess one of the advantages of the city ordinance is that we get pretty rapid prosecution and a trial within 60 days. It may be that the city doesn't have a cost for repainting if it's the van that does it. It isn't always the van that does it either. [LR333]

SENATOR SYNOWIECKI: Right. Right. [LR333]

MIKE GETTY: And know I was talking to lieutenants before this, and they had some of those documents from Pico Rivera, I think, and I got to glance at a document they use for when people sign to allow that to happen. I know the city does have a document where the permission slip, basically it's about the same size as that document, so there may be some similarities. It may be a matter of just tweaking that to make that work. And that's I guess one of the three things I wrote down that's important to talk to Mr. Conboy about when I get back (inaudible). [LR333]

SENATOR SYNOWIECKI: Right. I agree. Okay, thanks a lot. [LR333]

MIKE GETTY: Sure. And I guess I better sign in. [LR333]

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SENATOR ASHFORD: Yes. I think we have your name, though, so. [LR333]

MIKE GETTY: (Inaudible) the same. [LR333]

SENATOR ASHFORD: Thank you. Senator, do you wish to make a closing comment or... [LR333]

SENATOR SYNOWIECKI: No other testifiers. I really don't have any closings other than to say thank you. It's an indication of good citizenship when you come to a hearing such as this to address a communitywide problem. I'm happy to hear the Chairman speak to this as a statewide issue. I think we are well, well overdue...well overdue for action from the state level. And because of this hearing...and we had a lot of good information here--more than I thought we were going to get actually. We got a lot of great information. I think what the committee needs to do is to sit back, deliberate, process through this information--I'll assist the committee in that process--and come back next session, with the input received here at this hearing, with a coherent, constructive, coordinated state response. And I think that can be done. [LR333]

SENATOR ASHFORD: Yes. I would...thank you, John, for bringing this matter up. I just had a couple comments. I can assure you that the committee will have a bill that will deal with graffiti as part of the, what I think is a continuum from early age on through the fourth, fifth, sixth grade, and then into the junior high and high school years. For many of these families and children there's a continuum that is very well-evidenced that it occurs in many instances where there have been minor offenses and offenses like a graffiti offense, and then God-forbid, a shooting or other violation. I think we just have to get more involved. I think that the graffiti issue is reflective of gun activity. It's evidence of gang activity and I think there's no question about it. Law enforcement needs our help. They need to be able, as do the prosecutors--and I'm going to mention as you know, also John--Mike and Marty Conboy's office do an incredible job, in my view, and have

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always been coming before our committee, always are solution-based. So this has been a good hearing. This has been a very good conversation. We are going to address this. I can assure we will address this issue and keep...Butch is here from the mayor's office, and thank you and thank Mayor Fahey for his leadership, and certainly the gang unit and the Omaha Police Division. I think we've got the assets in place to address some of your issues on whatever we can do on the state level. Again, it comes down to community response and I know you all know that, but if we can do anything to help we're sure going to try to be there to help. Thank you very much. [LR333]