

Date: July 30, 2018

To: Councilor David Patrick, Chair
Councilor Vanessa Hall-Harper
Councilor Jeannie Cue
Councilor Blake Ewing
Councilor Karen Gilbert
Councilor Connie Dodson
Councilor Anna America
Councilor Phil Lakin
Councilor Ben Kimbro

From: G.T. Bynum
Mayor, City of Tulsa

Subject: Veto Ordinance #23943

Dear Colleagues:

I am vetoing Ordinance #23943 which was approved by the Council on July 18, 2018, due to several factors and would like to share those with you. Before I do so, I want to apologize for not communicating my concerns around this ordinance earlier in the Council's deliberative process. That breakdown in communication is not the norm for the collaborative relationship we have established, and it is entirely my fault. Again, I apologize.

I entirely agree with the concerns raised around graffiti in Tulsa and its cost both to taxpayers and property owners. My concerns regarding this particular ordinance, however, fall in a few main areas.

First, it places a significant burden and legal risk on local businesses that is disproportionate to the problem evidenced by City of Tulsa vandalism data. Vandalism falls under the crime heading of "malicious mischief" in our City Code. From 2015-present, Tulsa Police have made 1,229 arrests for malicious mischief. Of those arrested during that time, only 15% were minors. The proportion of minors arrested for malicious mischief has declined every year since 2015, from 20% that year to 17% in 2016 to 14% in 2017. In the first half of 2018, it was down to 5% - only 8 minors arrested. Of those minors arrested for malicious mischief in the first half of 2018, none were arrested for graffiti.

The ordinance in question focuses exclusively on minors, even though they represent the vast minority of those arrested for malicious mischief in Tulsa. It places a burden on business owners, both financial and legal, to do so. It is also worth noting that this ordinance only places

such a burden on bricks-and-mortar stores locally, but cannot render the same requirements for online retailers – giving an advantage to the latter.

Second, this ordinance is intended to address something that is already illegal. As is shown by the data above, the Tulsa Police Department already arrests people for malicious mischief in Tulsa.

Third, at a time when we are working locally to reduce non-violent incarceration and when one in four Tulsa children live in poverty this ordinance has the potential to increase the number of Tulsa youth who are incarcerated. With a fine of up to \$200 (not inclusive of costs, fees, and assessments) this presents the very real potential for poor kids in Tulsa – unable to pay such a fine - to be jailed simply for possessing an aerosol spray paint can. Again, if they are caught vandalizing property they are already subject to arrest under existing ordinances. Beyond that initial instance of incarceration, studies show the more time a person spends in jail the greater their odds of recidivism. I do not believe possession of an aerosol spray paint can is an offense worth the potential damage that could be caused to a young Tulsan's life by this ordinance. I also do not believe it is fair to Tulsa Police officers to put them in position of having to decide in the field whether or not to enforce the laws that you and I pass. We should only pass something if we expect it to be fully enforced.

Because of these reasons, I am respectfully vetoing Ordinance #23943. I hope the Council will take my reasoning above into consideration in your deliberations moving forward. I again apologize for not raising these concerns earlier. Should you wish to explore other strategies for addressing graffiti and vandalism, I of course am eager to work with you in doing so.

Best Regards,



G.T. Bynum
Mayor
City of Tulsa