

GRAFFITI INSIDER INFO

Graffiti offences and Punishments

Graffiti means to write, draw, mark, scratch or otherwise deface property by any means so that the damage is not removable by wiping it with a dry cloth. Graffiti implements are tools that you use like spray paint or markers.

You cannot carry a graffiti tool with you on or near public transport or if you're trespassing. The only excuse for having a graffiti tool is if you use the tool for work, it's not enough if it's a hobby or for school. You could get an on the spot fine or a larger fine later.

Creating graffiti is illegal unless you have the property owner's permission. Crafting graffiti with the owner's permission can still be illegal if it offends people. You can also get into trouble for damaging property. Depending on how serious the situation is you could go to jail and/or get a fine.

You cannot sell spray paint to someone under the age of 18.

Inhaling

If the Police or PSO's think you might inhale a substance like glue, gas or spray paint and you're under the age of 18 they can detain you for your own safety. They will also call your parents or guardian.

Search Rights

Police and PSO's can search you in a designated place (public transport stops or stations, most parking areas, roads near public transport, taxi ranks) if they reasonably suspect that you have a graffiti tool and if you're over the age of 14 years.

They can perform a pat down search on you, search your property (i.e. jacket or bag) or car.

They can take any graffiti tool or evidence (e.g. gloves) of an offence and use reasonable force to do so (e.g. holding you down to take your gloves off). If you're hurt as a result of reasonable force you can make a complaint. Take photos of your injuries and see a doctor as soon as possible for a report.

The person searching you has to tell you their name, rank and place of duty and show you their ID if they're not in uniform. They must also make a record of the search which you can request a copy of.

Ticket inspectors can only search you or take your graffiti tools off you if they see the tool immediately beforehand (i.e. if the spray can is poking out from your jacket pocket).

What if you...

Run – If you try to run after you've been arrested you could be charged with hindering police or resisting arrest. You could get a big fine or go to jail.

Throw away or hide your spray cans/marker – if you try to hide or destroy evidence you could go to jail and/or get a big fine.

Refuse to give the Police/PSO's your name and address – You must tell them your real name and address. You could get a fine.

Refuse to answer questions other than your name and address – You do not have to answer other questions, you can either remain silent or say "No comment".

Lie – If you lie to the police this may be used as evidence against you or your friends.

Refuse to be searched – Police can use reasonable force to take your graffiti tools and search you.

Trespass – if you go on to someone's private property without permission or refuse to leave a public place when asked to leave you can get a fine or go to jail.

Rude to police – If you swear in a public place you can get a fine. Being rude to police may land you in more trouble so it's important to stay calm.