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Vandalism: Responses and Responsibilities

Report of the Task Force on Vandalism

NCIRS
Oct 16 1986
ACQUISITIONS

Chairman:
His Honour Senior Judge Lucien A. Beaulieu



Ontario

Sr. Judge L. A. Beaulieu
Chairman
Allan Q. Shipley
Counsel
Anthony N. Doob
Director of Research

Task Force
on
Vandalism

416/965-7800

22nd Floor
180 Dundas Street West
Toronto, Ontario
M5G 1Z8

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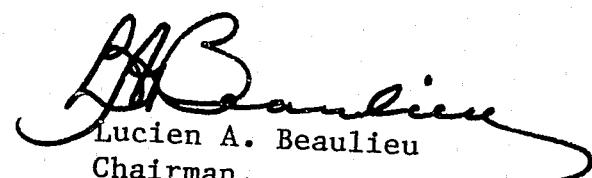
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The Honourable R. Roy McMurtry, Q.C.
Attorney General for Ontario

Dear Mr. Attorney:

As chairman of the Task Force on Vandalism, appointed by you on December 17, 1979 to study, examine and report upon the problem of vandalism in Ontario, I now have the honour to submit my Report and recommendations for your information and consideration.



Lucien A. Beaulieu
Chairman.

Terms of Reference

The public and private costs of vandalism are frequently raised as matters of concern in Ontario communities. Recently the Mayor of the City of North York and the Chairman of the Municipality of Metropolitan Toronto have made submissions to the Attorney General regarding the high rate of vandalism and have requested that steps be taken to reduce the problem.

The Attorney General is of the opinion that this issue merits careful study and examination with a view to making recommendations to Ontario communities as to methods for eliminating or reducing vandalism.

The Attorney General has agreed to conduct, in co-operation with the City of North York and the Municipality of Metropolitan Toronto, a study and examination of vandalism in the Municipality of Metropolitan Toronto and other Ontario communities as well.

Accordingly the Attorney General of Ontario has decided to refer the issue of vandalism for study, examination and report to a Task Force under the chairmanship of His Honour Senior Judge Lucien Beaulieu, with a special committee of volunteer advisers to be named by him,

1. To identify the nature and scope of vandalism in the Municipality of Metropolitan Toronto and elsewhere in Ontario.
2. To determine whether the acts of vandalism and the costs occasioned by those acts are increasing.
3. To compare the incidence and impact of vandalism in Ontario with similar jurisdictions in Canada and elsewhere.
4. To investigate vandalism prevention programs in Ontario and in other jurisdictions and to assess the effectiveness and appropriateness of those programs.
5. To assess the role of the juvenile justice system and the criminal justice system in dealing with the problem of vandalism.

6. To review methods of evaluating vandalism prevention programs.
7. To receive written submissions from the public and to consult with such persons as may be necessary concerning the issues under review.
8. To report and to make recommendations by December 31, 1980 or as soon as possible thereafter, to the Attorney General on programs and program evaluations that may be undertaken and any other action that is appropriate to eliminate or reduce the problem of vandalism in the Municipality of Metropolitan Toronto and other Ontario communities.

The Task Force on Vandalism

Chairman:
Senior Judge Lucien A. Beaulieu
Provincial Court (Family Division)

Counsel:
Allan Q. Shipley

Director of Research:
Professor Anthony N. Doob
Director, Centre of Criminology
University of Toronto

Researchers:
Ann Cavoukian Julian Roberts
Leonora Hoicka Alexis Singer
Susan James Mary Lou King
Linda Goluboff

Secretaries:
Stephanie Perry) Municipality of
Brenda Walters) Metropolitan Toronto
Judy Towers)

Support Staff:
Carroll Brooks
Connie Hurley
Marko Katic
Doris Wagg

vi

Advisory Group to the Task Force on Vandalism

Chief Judge H.T.G. Andrews
Provincial Court
(Family Division)

Professor Howard Irving
Faculty of Social Work
University of Toronto

Reverend E. Boehler
Blessed Sacrament Church

Mr. John Larke
Principal
Agincourt Collegiate Institute

Dr. Clive Chamberlain
Director
Thistletown Regional Centre
for Children and Adolescents

Dr. Saul Levine
Senior Staff Psychiatrist
Hospital for Sick Children

Chief Judge W.E.C. Colter
County, District and
Surrogate Courts

C.H. (Baz) Mackie
Principal
Sir Sanford Fleming
Secondary School

Dr. Jerry Cooper
Chief of Psychiatry
York-Finch General Hospital

Deputy Chief Jack Marks
Field Operations
Metropolitan Toronto Police
Department

Mr. Gunter Gazdag
Principal
St. Raymond's Separate School

Ms. Pat McKay
President
Alliance for Children - Ontario

Commissioner H.H. Graham
Ontario Provincial Police

Mr. Harry Nixon
Smith Nixon & Company
Chartered Accountants

Professor John Hagan
Department of Sociology
Erindale College
University of Toronto

Professor Graham Parker
Osgoode Hall Law School
York University

Chief Judge F.C. Hayes
Provincial Court
(Criminal Division)

vii

Mr. D.R. Richmond
Deputy Commissioner
Metropolitan Toronto
Planning Department

Mr. John Roe
Provincial Co-ordinator of
Community Service Orders &
Restitution Programmes
Ministry of Correctional
Services

Mr. R.G. Thomas, Q.C.
President
Criminal Lawyers Association

Claude R. Thomson, Q.C.
Campbell, Godfrey & Lewtas
Barristers and Solicitors

Mr. R. Michael Warren
Chief General Manager
Toronto Transit Commission

Mr. James Westcott
James W. Wescott and
Associates Limited
Industrial Psychologists

* Institutional affiliations of members are noted as of the date
of joining the Advisory Group.

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Preface

When the Task Force began its study of vandalism, one of the first things that became clear was that vandalism was both widespread and varied in its forms. It also appeared that there were almost as many causes of vandalism and proposed solutions as there were different forms. Consequently, it seemed desirable to approach the problem within a very general framework of analysis in an attempt to gain a broad overview of the subject and a perspective on the interrelationship of the various problems that must be addressed in dealing with vandalism. In this way specific topics, such as law reform, education and recreation, would be dealt with in the report in the context of more general problems and recommendations would be made on the specific topics as they relate to larger issues. Therefore, the report is organized around this generalized approach to the subject.

Chapter 1 sets the background for the study by outlining the nature of the concern and the operational approach of the Task Force. Chapter 2 then attempts to identify and describe the nature and extent of vandalism. Chapter 3 discusses some of the theories regarding the causes of vandalism. In Chapter 4 one will find a description of some the programs and legal remedies that already exist in Ontario for dealing with vandalism. Chapter 5 then examines the range of options that have been suggested for tackling the problem. Finally, in Chapter 6 a strategy is proposed to assist communities in developing their own vandalism prevention programs.

Because the recommendations were made with respect to specific subjects as they became relevant to more general issues, some subjects are dealt with in more than one chapter. For example, amendments to the Criminal Code are relevant both to the problem of assessing the nature and extent of vandalism and to the discussion of legal responses to vandalism. Similarly, there are points to be noted about recreation strategies when considering the cause of vandalism and when developing options for vandalism prevention programs. In an attempt to link the recommendations on specific subject areas more closely together, we have prepared a guide to the recommendations. Although the guide includes all the recommendations, it must be kept in mind that they have been taken out of their context. Page references have been given for each recommendation and the

reader is strongly urged to consider the recommendations in relation to the discussion surrounding them.

A task of this nature obviously requires great effort and dedication by many people. I had the privilege of meeting and working with a number of devoted, competent and committed individuals whose participation was essential.

I wish to express my sincere gratitude to all the individuals, groups and organizations who took the time to prepare briefs, write letters, be interviewed in person or by telephone to provide information, express their views and suggest remedies. The individual and collective knowledge gained from real-life experiences with vandalism and society's responses to the issue which were shared were of immeasurable help in our deliberations. The degree and nature of these responses makes me optimistic for the future of our communities.

I am particularly indebted to the members of the Advisory Group who agreed to assist us. These individuals represent professional and personal qualities, skills, expertise and judgment that were of crucial value in arriving at a balanced perception of the issues and especially the potential solutions. I knew at the outset that each of these individuals would be extremely pressed for time but I also was convinced that their sense of commitment was such that we would nonetheless be blessed with the benefit of their counsel. For their unselfish and untiring assistance, both formally and informally, I am truly grateful.

I appreciate the keen help and assistance provided by research assistants, secretarial and administrative personnel whose time and devotion to the varied, and sometimes tedious, tasks of typing, editing, compiling information, checking materials, conducting projects, arranging schedules, co-ordinating maximum results of effort within minimum time frames and resources. Ann Cavoukian and Julian Roberts each conducted two major research studies, which are included in the appendices to this report. I am also pleased to acknowledge the assistance of The Municipality of Metropolitan Toronto who graciously provided us with secretarial services. Stephanie Perry's assistance in organizing and implementing the office procedures at the outset was of inestimable help. Brenda Walters then fulfilled the varied administrative and secretarial duties in admirable fashion until her return to studies. Judy Towers thereupon was assigned to these tasks until her new duties with Metropolitan Toronto September, 1981, and she too demonstrated an impressive interest and commitment to the work of the Task Force. We are sincerely grateful to these fine and

dedicated people. Connie Hurley has willingly provided further secretarial assistance as the Task Force completed its work. Carroll Brooks has cheerfully and confidently worked wonders on the word processing equipment to produce this report.

It is appropriate at this time to also acknowledge the patience, assistance and support that Teresa Tedesco, my secretary at the Court, who throughout the life of the Task Force had the unenviable task of attempting to co-ordinate committents arising from a variety of sources to either office.

The judiciary is occasionally called upon to assist the community beyond the narrow confines of the courtroom. I appreciate and am indebted to my brother and sister Judges for their understanding of this commitment during my absences from the court.

I have been privileged to receive and rely upon the administrative knowledge, skill and directions of Roland d'Abadie, Chief Administrative Officer with the Inquiry Management Branch of the Ministry of the Attorney General, and Doris Wagg, Royal Commission Administration Officer.

Finally, but certainly not least, I wish to express my sincerest gratitude to two gentlemen whose participation was essentially a condition precedent to the meaningful undertaking of this task.

I will forever be indebted to Professor Anthony N. Doob, Director of the Centre of Criminology at the University of Toronto, for accepting the responsibilities of directing the research component of the Task Force. I feel sincerely privileged to have had the opportunity of witnessing first hand and experiencing the intellectual and human qualities of a dedicated and committed professional academic. His contribution and assistance in the collection, review and evaluation of research materials and his direction and supervision of projects was always a source of inspiration and expanding knowledge. His professional expertise, personal qualifications and general appreciation for the sense of social justice was a tremendous source of support in what could otherwise have been a very onerous and frustrating experience.

Mr. Allan Shipley, Counsel, Policy Development Division, Ministry of the Attorney General, provided me with consistent administrative, legal and policy advice and counsel. His keen interest in and knowledge of the policy implications of various legislative and social proposals was always in evidence in our deliberations. His ability to lend administrative

assistance and liaison with other ministries and various organizations was invaluable.

Finally, the talent and facility which both of these young professionals exhibited in digesting existing materials and drafting new written materials was a blessed bonus in the preparation of this report. For their central role in this undertaking, their unceasing diligence, devotion, loyalty, commitment and initiative, I am deeply and sincerely grateful.

I hope that this report will provide an additional stimulus for the increased realization that complex social problems, vandalism being only one example, will not be resolved by simplistic short-term responses. Neither will the solutions automatically be found in the legislature or in the strong arm of the legal system.

We will have faith and truly believe in our social and justice systems when we, as a community, appreciate the need for collaborative efforts in identifying the real nature of the problem, undertaking realistic assessment and practical implementation of any possible remedies. Our individual and collective skills and knowledge provide boundless potential in this regard. This potential should and can be actualized.

In our efforts to operate a system that reflects essential fairness, balances competing claims, balances rights and responsibilities, and reinforces human values, we may better appreciate that neither law, nor courts, nor judges, nor policemen, nor lawyers, nor legislators, are by themselves synonymous with Justice. True, a meaningful system of justice involves each of them but not in isolation of each other. Furthermore, it also involves the victim and the offender, their respective families and friends, the witnesses, and a whole variety of other citizens, be they individuals or groups in the labour, business, religious, educational or service sector of the community.

In the last analysis the responsibility for social justice is in our respective and collective hands. We have a challenge to find in our heads and our hearts the energy, the will, and the moral courage to ensure that the human values of respect for the dignity of the person, the dignity of parenthood, the value of property, and the need to balance rights and responsibilities are clearly evident in our daily activities, whoever and wherever we may be. The commitment to moral constraints which foster, support and reinforce positive, non-criminal conduct surely deserve as much of our attention as does our reliance on strictly legal restraints which prohibit negative, criminal conduct.

Guide to the Recommendations

Vandalism, like other crimes, is not a new problem. In various forms, it has been with us throughout the ages. Because vandalism is not a problem that is unique to Canadian society in the 1980s its causes are unlikely to consist of factors peculiar to this time and place. However, throughout history, it appears that the response to vandalism has often been to lay the blame on social institutions, such as the family, the courts, and the schools. The Task Force felt that this approach ignored the central figure, the vandal himself. Therefore it recommends that:

Studies and programs about vandalism should recognize that primary responsibility for vandalism rests with the person committing the act. (p.7)

One of the initial problems in combatting vandalism is there is no uniform definition of the term. The Task Force used "vandalism" to describe the "wilful damage or destruction of the property of another". In order to clarify what is properly considered to be vandalism and to underline the recommendation that the person committing an act of vandalism be seen as responsible for his actions, the Task Force recommends:

Vandalism should be specifically defined in the Criminal Code and made a separate offence. (p.19)

The offence of vandalism should include the appropriate provisions of section 387 (mischief) and section 388 (wilful damage). (p.19)

In its investigations of the nature and extent of vandalism in Ontario, the Task Force noted that communities varied markedly in terms of the exact type of vandalism they experienced. Indeed, because the nature of the problem varied so much, the Task Force took the position that evaluating the nature and extent of the problem should centre on the community. Therefore, the Task Force recommends that:

Collection of data on the incidence of vandalism should be done at the community level as part of assessing the vandalism problem in the community. (p.31)

Emphasis should not be given at this time to efforts to measure the incidence of vandalism on a province-wide basis. (p.31)

Collection of data on the costs of vandalism should be done at the community level as part of assessing the vandalism problem in the community. (p.40)

Emphasis should not be given at this time to efforts to measure the costs of vandalism on a province-wide basis. (p.40)

At the same time, the Task Force felt that information about vandalism should be collected not simply for the sake of gathering statistics but only where they would serve a clear need or purpose. As a result it recommends that:

So far as possible in collecting data on the amount of vandalism, the community should try to identify the purpose for which the data are being collected. (p.31)

Where it is necessary to determine the costs of vandalism, uniform standards and criteria should be established and maintained in light of the problems identified in the community. (p.40)

The Task Force was concerned at times by what appeared to be well intentioned, but inefficient, use of time and resources in the fight against vandalism. Therefore it recommends that:

In planning vandalism prevention programs, a community should not assume that its vandalism problem is similar to the vandalism problem of other communities. (p.23)

In developing programs to combat vandalism a community should consider that vandalism may have more than one cause and may, therefore, require more than one type of response. (p.25)

Vandalism can be attacked at a number of different levels. Although specific programs attempting to deal with specific targets are often very appropriate, it is worth remembering that most young people commit acts of vandalism. Consequently, it is recommended that:

In addition to intensive prevention programs for specific types of vandalism, general programs that are capable of reaching all young people in the community must be developed. (p.34)

Many solutions have been offered for vandalism. One of the most frequent suggestions made to the Task Force was that it should recommend heavier sentences for those convicted of offences involving vandalism. In examining a sample of sentences given by the courts for vandalism, the Task Force was not convinced that in general the courts were being especially lenient with vandals. The concern, however, is strong, and, therefore, the Task Force recommends that:

As a general principle in sentencing vandals, the court should impose a sentence that will be perceived by the offender and the community alike as commensurate with the seriousness of the act. (p.63)

Sentences for persons convicted of vandalism should be commensurate with sentences given for similar criminal offences. (p.63)

Alternatives to imprisonment such as restitution and community service, should be considered in sentencing persons convicted of vandalism. (p.63)

Indeed, in order to underline the Task Force's view that convicted vandals should make a direct contribution to society for their criminal acts, the Task Force recommends:

The use of community service orders should be encouraged in sentencing persons convicted of vandalism. (p.92)

The Court and the justice system cannot carry out this recommendation without community support. It is recommended, therefore that:

Communities should consider the establishment of community service order programs for persons convicted of vandalism. (p.155)

Because the general public does not appear to be getting a complete view of the nature of sentences given to vandals, the Task Force recommends that:

The media, in reporting sentences given to vandals, should attempt to report the full range of factors

considered by the court in determining the sentence.
(p.169)

There is no shortage of law relevant to vandalism. Although the most obviously relevant laws are contained in the Criminal Code of Canada, there are many provincial statutes that are relevant to vandalism. It has already been noted that the Task Force recommends that there be a clear section of the Criminal Code dealing with vandalism. However, there are additional problems with the present Criminal Code in its handling of vandalism, and, therefore, the Task Force recommends the following changes be made in order to allow prosecutions of vandals to proceed more appropriately:

In the Criminal Code the distinction between damage to public and private property should be abolished.
(p.75)

Vandalism should be an indictable offence if the alleged amount of destruction or damage exceeds \$1,000. (p.75)

Where the alleged amount of destruction or damage does not exceed \$1,000, vandalism should be an indictable offence and an offence punishable on summary conviction. (p.76)

The appropriateness of these monetary limits should be reviewed on a periodic basis. (p.76)

Where the accused is convicted of an indictable offence the court may order adequate compensation in order to allow victims of vandalism to be compensated for their losses. Where the offender is convicted by a summary conviction court, the same power should exist. Therefore it is recommended that:

A summary conviction court should have the authority to order the accused to pay compensation to the victim not exceeding an amount of \$1,000. (p.76)

The victim may, however, need advice and assistance in order to make his claim for compensation and, therefore, it is recommended that:

The Attorney General should issue a new directive encouraging Crown attorneys to assist victims of vandalism in obtaining compensation from the offender.
(p.93)

From surveys carried out for the Task Force, it appears that vandalism peaks when young people are approximately fifteen years old. Thus the Task Force examined carefully the laws relating to juveniles. Noting that the federal government has introduced new legislation to replace the Juvenile Delinquents Act, the Task Force recommends that:

The proposed Young Offenders Act should be supported insofar as it includes the following principles:

- (a) young persons who commit offences should bear responsibility for their contraventions although they should not in all instances suffer the same consequences for their behaviour as adults.
 - (b) a young person should be subject to the criminal law only where he commits an offence against federal law.
 - (c) young persons who commit an offence against federal law should be dealt with on the basis of the specific offence rather than the general condition of delinquency.
 - (d) the sentencing options, in general, and compensation, restitution and community service orders in particular, provide a useful range of dispositions for young persons who commit vandalism.
- (p.110)

On one important point, however, the Task Force recommends a change in the Bill (C-61) as it was at first reading:

The proposed Young Offenders Act should authorize the court to determine the level of custody required for an offender and to determine whether the young person may be released from custody prior to the completion of his sentence. (p.110)

The province, as has already been noted, also has a number of different statutes that relate to vandalism in particular settings. Some of the fines set out in these statutes appear to be inordinately low in the context of our modern economy. Therefore, the Task Force recommends:

A maximum fine of \$1,000 should be considered for provincial offences relating to wilful damage or destruction of property. (p.117)

The appropriateness of the maximum fines for provincial offences relating to wilful damage or destruction of property should be reviewed on a periodic basis. (p.117)

In order to deal quickly and efficiently with those who commit acts of vandalism covered by provincial statutes, it is recommended that:

Proceeding by way of offence notice under the Provincial Offences Act should be considered where appropriate for provincial offences related to vandalism. (p.119)

In appropriate cases fines should be set for provincial offences relating to damage to property so that the offence notice procedure under the Provincial Offences Act will be available. (p.120)

There are other changes that are recommended to improve handling of vandals under provincial statutes. In particular restitution and compensation might be accomplished more easily if the following recommendation were followed:

Ontario statutes creating offences related to vandalism should be amended to include where appropriate,
(a) provisions for suspension of fines subject to the performance of a condition, and
(b) authority to order payment of compensation or restitution. (p.122)

One recent Ontario statute obviously has enormous relevance for vandalism -- the Trespass to Property Act. It appears that its provisions are not normally considered when searching for legal means of preventing vandalism and preserving property. Therefore it is recommended that:

The Trespass to Property Act should be specifically included in any public information about provincial legislation relating to vandalism. (p.127)

Often the suggestion is made in relation to vandalism that the parents be held legally liable for the damage caused by their children. The Task Force examined in some detail the current law and a variety of proposals, ranging from strict criminal liability to vicarious civil liability. It was found that at present the law provides many opportunities for obtaining redress against the parents and the child and that increasing the liability of parents would not likely be an effective way to reduce the amount of vandalism in society. However, where a victim decides to sue the parents in respect of vandalism committed by their child the victim is sometimes at a disadvantage in obtaining evidence of the parents' conduct. Therefore, the Task Force recommends that:

In an action for damages against the parent of a child in respect of damage to property by the child, the onus of proof that the parent provided reasonable supervision and control of the child should be upon the parent. (p.186)

This Task Force reviewed many of the laws that relate to vandalism. Although it recommended some changes of the laws, it is suggested that the view that there exists a "legal solution" to vandalism should be regarded with scepticism. Proposals that there should be more laws to deal with vandalism must be seriously questioned. Laws are not self-enforcing. Individuals and the community invoke laws and what may be seen as apparent weakness in the law may in fact reflect our unwillingness to use laws that currently exist. Therefore it is recommended that:

Subject to the recommendations made in this report, no new legislation is required to deal with the problems of vandalism. (p.132)

Consideration should be given to the effectiveness of providing more public information about the law relating to vandalism. (p.132)

In some instances, it appeared to the Task Force that the amount of vandalism might be reduced by relatively simple changes in policies and programs. However, before such changes are made, it is recommended that an analysis be carried out to ensure that:

Changes in the use or structure of property susceptible to vandalism must be effective in relation to financial costs, social costs, and the specific nature of the offence. (p.140)

Where a public area is the object of night-time vandalism, the lighting policy for the area should be reviewed to determine the effects of a change in policy. (p.141)

Where a community wishes to implement a surveillance program consideration should be given to "natural" surveillance opportunities that make use of existing community resources. (p.142)

A community should use curfew laws to prevent vandalism only where there is clear and convincing evidence

that the curfew will apply to the individuals suspected of vandalism. (p.144)

There appeared to be some evidence that, to a degree, vandalism begets more vandalism. Thus it is recommended that:

Damage to property to which the public has access should be repaired as quickly as possible in order to minimize the likelihood of additional damage. (p.146)

The research on deterrence suggests that the most important factor in deterring people from committing acts that otherwise they would commit is the perception the individual has of the likelihood that he would be apprehended. Thus it is recommended that:

In developing vandalism prevention programs consideration should be given to programs that emphasize the likelihood of being apprehended for vandalism. (p.147)

Changing potential vandals' assessments of the likelihood of apprehension may not be easy. Therefore, it is recommended that:

Programs that emphasize the likelihood of being apprehended should be related as directly as possible to the specific vandalism problem of the community. (p.147)

Many individuals and groups raised the question with the Task Force whether vandalism might be decreased by providing additional recreational facilities. Although the Task Force takes the view, as noted earlier, that those committing acts of vandalism are responsible for their criminal acts, it is worth noting that boredom was a frequent reason given for vandalism. The providing of reasonable recreational outlets, then, should be assessed in its own right and, when considered in relation to vandalism, should be assessed very carefully. It is recommended, therefore that:

An increase in the number of recreational facilities and organized programs should be considered only in cases where it is apparent that there is a lack of reasonable alternative recreational opportunities. (p.158)

No new recreational facility or organized program should be developed for the sole purpose of reducing vandalism. (p.158)

In some places, however, there appear to be no lack of organized recreational facilities. The lack, if there is one, appears to be in other less structured places for young people to spend time and engage in activities acceptable to the general community. Therefore it is recommended that:

When recreation strategies are being considered as part of a vandalism prevention program, consideration should be given not only to the availability of facilities and formal programs but also to the availability of acceptable natural recreational opportunities for young people. (p.64)

Where a community lacks acceptable natural recreational opportunities for young people, the promotion of unstructured activities should be considered in recreational planning. (p.160)

One obvious approach to the prevention of vandalism is through education. Because very young people appear to be involved in vandalism, it is important that attempts to combat this problem begin early. Thus the Task Force recommends that:

Communities should encourage local school boards to include the teaching of legal values in relation to private and public property in the elementary school programs. (p.162)

Education programs for young people should stress the effects of vandalism on the community. (p.163)

Ideas for how to integrate discussions of vandalism into school curricula are available and it is recommended that:

The Ministry of Education should ensure that the curriculum proposal, "From values to laws" is brought to the attention of all school authorities. (p.163)

Just as there appear to be sufficient laws that deal with vandalism, there appears to be adequate authority within the Education Act for initiatives with respect to vandalism. It is recommended, therefore that:

School principals should assume the initiative in combatting vandalism in their schools. (p.165)

One serious problem that the Task Force was confronted with repeatedly was that unsupported claims were made for the

success of large numbers of programs aimed at dealing with vandalism. Many of these claims were unsupported by any reliably collected data. Others were supported by estimates of vandalism costs that either could not be presumed to be reliable or which were collected over an insufficient period of time to allow conclusions about whether apparent decreases in the amount of vandalism were due to the program or events completely independent of the program. Thus in order to ensure that experience with vandalism prevention programs will be useful to others concerned with the problem, the Task Force recommends that:

Evaluation of vandalism prevention programs must be conducted over a sufficient period of time to permit useful comparisons. (p.148)

In assessing vandalism prevention programs uniform standards must be applied in measuring the amount of vandalism before and after instituting the program. (p.149)

Because vandalism varies so much from community to community and from time to time, it is unlikely that any single solution applicable at any time in any place exists to the problem. Therefore, the Task Force recommends that:

Initiatives for dealing with vandalism should be taken at the community level. (p.191)

Communities should accept that vandalism is a complex and varied problem that requires a comprehensive and varied response. (p.189)

In planning vandalism prevention programs it should not be assumed that the solution for one community is similar to the solution in some other community. (p.192)

Unless it is clear that vandalism is an exceptional problem in the community, vandalism prevention programs should be developed as part of a general crime prevention strategy. (p.191)

The Task Force recommends to communities that a series of activities be undertaken to identify the exact nature of the problem, to determine whether intervention is appropriate, and then, if intervention is warranted, to implement and assess the program that is developed. Such a plan of action will in the long run help use scarce resources effectively in dealing with the community problem and will provide other communities with

information on the effectiveness of specific intervention strategies. Thus, it is recommended that:

Even though it may not be clear how best to intervene to reduce vandalism, the community should develop an intervention plan as soon as a vandalism problem is clearly identified. (p.192)

Before intervention takes place, the exact nature of the problem must be identified. (p.193)

When a vandalism problem is identified, a careful assessment must be made to determine whether the problem is serious enough to warrant intervention. (p.194)

The choice of intervention program must be made in light of all the factors that are known about the specific nature of the problem in the community. (p.196)

In choosing a vandalism prevention program a community should assess both the direct and indirect costs and benefits of the alternatives available. (p.196)

When a vandalism prevention program is undertaken efforts should be made to enlist the support of the whole community. (p.198)

An assessment strategy should be designed for each intervention program in order to measure the impact and success of the program. (p.199)

The assessment strategy should ensure that the measuring techniques are applied uniformly throughout the project. (p.199)

The assessment strategy should include a comparison between the project area and a similar area with no project. (p.199)

Finally, in order to coordinate and exchange information, the Task Force recommends that:

The Ministry of the Attorney General should consult with other ministries of the Ontario Government to consider the most appropriate means for facilitating exchanges of information about vandalism among communities and for providing an advisory service to communities. (p.200)

The Task Force has suggested a series of responses that can be followed to deal with the problem. Each step involves thought, work, and co-operation. But each step can be made successfully and at the end we will be on our way toward dealing with the problem of vandalism.

Vandalism is not often a problem that can be solved by one or two people working alone. The responsibility of individuals who commit vandalism must be enforced by a responsible community. Like most complicated social problems a co-ordinated effort involving all parts of the community is necessary to deal effectively with vandalism. During its investigations, the Task Force saw many things which indicated a commitment on the part of many to work together on the problem. The recommendations of the Task Force are designed to guide the enthusiasm that we are confident exists.

CHAPTER 1

The Context of Study

A. VLANDALISM: A CONTINUING COMMUNITY CONCERN

Vandalism has been a problem in our society for a very long time. It is all too easy to delude ourselves into thinking that such things did not happen in the "good old days". Yet, the history of crime and deviance would suggest that we are not living in the worst of times.

Certainly one of the most consistent themes in our civilization is that each generation is more unruly and disrespectful than the preceding generation. Youth in particular are identified as the source of this moral decline. For example, the view that the world is getting steadily worse was illustrated about 2,800 years ago by the Greek poet Hesiod in a story about the gradual decline of society from a perfect golden age to an age of iron, which represents his generation. He typifies this as an age when,

The father will not agree with his children, nor the children with their father...

Men will dishonor their parents as they grow quickly old, and will carp at them, chiding them with bitter words...

There will be no favour for the man who keeps his oath or for the just or for the good; but rather men will praise the evil-doer and his violent dealing.

Works and Days, lines 181-192

Similar sentiments are expressed in the works of Plato in the fourth century B.C., in Juvenal in the first century A.D., and in Chaucer in the fourteenth century. The term "vandal" is itself derived from a fifth century A.D. tribe that caused havoc and destruction in Rome. Government records of the laws of seventeenth century Massachusetts reveal the degree of parental concern about the disorderliness of the younger generation:

Forasmuch as it appears by too much experience that divers children and servants do behave themselves too disrespectively, disobediently, and disorderly towards their parents, masters, and governors, to the disturbance of families and discouragement of such parents and governors: For the ready prevention whereof it is ordered by this Court and the authority thereof that it shall henceforth be in the power of any one magistrate, by warrant directed to the constable of that town where such offender dwells, upon complaint, to call before him any such offender, and upon conviction of such misdemeanors to sentence him or them to endure such corporal punishment by whipping or otherwise as in his judgment the merit of the fact shall deserve, not exceeding ten stripes for one offence, or bind the offender to appear at the next Court of that county.

Massachusetts, 1654

And in nineteenth century Britain still no solution to the problem of juvenile delinquency had been found. In 1851, The Edinburgh Review observed:

What shall we do with our Juvenile Delinquents? is a question often asked, but as yet most unsatisfactorily and variously answered. 'Punish them more effectually,' says one class of philosophers, 'and so deter.' 'Educate them better,' says another class, 'and so prevent.' 'Open houses of refuge and asylums,' says a third party, 'and so reform.' But prisons multiply and are better regulated; Juvenile Offenders Acts are passed and boys whipped by the hundreds; the school-master walks abroad enlightening our youth on geography, history, the steam engine and social sciences.... And still, in spite of all, the vexing fact of a large amount of juvenile delinquency remains and the young offender gains ground among us, the plague of the policeman, the difficulty of the magistrate, a problem to the statesman and a sorrow to the philanthropist.

But the fact that concern about vandalism and apparent increasing crime rates is as old as civilization does not diminish the problems that we must face today.

Vandalism is unusual because it has provoked citizens to set up action groups to combat vandalism in communities which have shown little inclination to undertake local initiative for the prevention of shoplifting, assaults or robberies. Perhaps

the average Canadian has become preoccupied with vandalism because this crime seems so senseless, wanton or pointless. Assaults can be explained on the basis of disagreement between disagreeable human beings and robberies may be attributed to greed but vandalism does not have understandable everyday explanations. Yet it is more visible and has a cumulative effect on our collective consciousness. On any day, we may see a broken bottle, a damaged tree, a slashed seat in a street-car, graffiti, or initials carved into a park bench. On the other hand, most of us do not witness an assault or robbery on a daily basis.

Perhaps another element of our concern is that vandalism is an attack on property. The concept of property is central to our society and this may explain why acts of vandalism arouse such strong emotions in members of the public. Property is very important to all of us, not just homeowners. A large proportion of our income is spent acquiring it in various forms and we have been raised to be aware of the value of property, both personal and collective. Vandalism most often strikes at property with which we easily identify ourselves. In fact the direct loss to a private citizen is probably greater when his window is smashed or car aerial snapped than when a school is set on fire. As a result, even minor damage to property is felt very personally.

Thus we are faced with a problem that is both visible daily to large portions of the population and for which we do not have explanations that fit into our everyday notions of the factors that motivate people. Vandalism, then, seems to be a serious matter requiring special attention.

Nevertheless, vandalism today should not be seen as an isolated phenomenon; it should be viewed within the general social context, by reference to today's values and the current attitudes of youth and adults alike. The problems associated with adolescence, of which vandalism is but one, have traditionally been regarded as matters to do with the family. However, over the past few decades the role of the family has changed as we have looked in other directions for solutions to these problems.

One reason for the dwindling importance of the family is the decreasing number of its members. Large families are a phenomenon of the past and today social agencies of various kinds have taken over areas of an individual's life traditionally believed to fall within the ambit of the family.

Another characteristic of a society in which the extended family is the exception rather than the norm is the increased influence of government and other external forces. Functions previously belonging to the family have passed into other hands. One of the consequences of this transfer may be a diminished sense of responsibility on the part of all concerned. Parents of the present (and previous) generation have been constantly told to allow their children the freedom associated with the times in which we live. We must be careful of accusing them of abdicating their responsibilities now when in the past they have been accused of being too repressive.

The balance between control and licence is of course a difficult one. It touches upon the notions of responsibility and freedom, both for parents and their offspring. We shall return to this theme later in this report.

The deep-seated generalized concern about vandalism is reflected in the newspaper editorial comment in response to the formation of the Task Force.

There are some things happening in these parts that are thoroughly disturbing, totally out of character with years past, and at the very least worthy of community response. There's the vandalism which we have discussed of late and we await with anticipation and concern the suggestions from around the province that have been solicited by Attorney General Roy McMurtry.

- The Intelligencer, Belleville,
February 15, 1980.

Vandalism inquiry looks at a major problem.

- Guelph Daily Mercury,
December 19, 1979.

Vandalism - a perennial problem

Good news this week from the office of the Attorney General of Ontario, R. Roy McMurtry. In a letter to provincial municipalities recently, the Attorney General advises there is now a provincial-municipal study going on into the problem of vandalism.

- Goderich Signal Star,
February 1, 1980.

Vandalism cure is doubly needed.

- Toronto Star,
February 14, 1980.

Vandalism: Full probe could help...though there are no easy answers to the problem, however solutions must be sought. Attorney General Roy McMurtry's announcement of a year-long study into the causes and prevention of vandalism is thus good news.

- Windsor Star,

December 26, 1979

The general public expressed its concern to the Task Force in various ways. Individual members of the public wrote, in no uncertain terms, that they were concerned with vandalism and expected someone, be it the police or the courts or some other institution or group within society, to do something about it.

Public opinion surveys done for the Task Force found similar high levels of concern in every place surveyed. When asked the question, "Is vandalism a serious problem in your community?", in each of five areas of the province surveyed at least 37% of the respondents felt that vandalism was a serious problem. While vandalism is not the kind of problem that is likely to concern and involve individual citizens in the same way that unemployment or inflation may involve and concern them, it does, however, appear to be the kind of social problem that acts as a symbol for more generalized concerns about the society in which they live.

As noted above, despite the widespread concern about vandalism, there seems to be an implicit understanding that it is a problem that has to be attacked at a local or community level. Certainly few social issues seem to generate as many local task forces as vandalism. We learned of a relatively large number of local groups who had assumed responsibility for looking into the problem of vandalism in their communities. Sometimes, of course, these groups suggest that vandalism can best be attacked at a central rather than at a local level; however, it is significant that it is groups of local citizens who get together to make these suggestions.

While the existence of such groups can only be applauded, it is of concern that the energy and resources of many of these groups are not being used with maximum effectiveness. The basic problem is that although concern is abundant, direction is lacking. Although we lack knowledge about how to deal with a large number of complicated social problems, in the area of vandalism the lack of knowledge has not resulted in a lack of action.

Thus one concern is to ensure that the interest and action at the local level is directed towards programs that have a realistic chance for success in the community. A large number of programs and solutions to vandalism have been tried in various parts of the world. Yet, though they appear to be plausible on the surface, they have little data to suggest that they really are successful. It sometimes seems that because something has been tried elsewhere and there are claims of effectiveness, it is presumed that the program is effective. Regrettably, such faith is not always deserved, and it appears that a good deal of energy is wasted on implementing programs of questionable effectiveness.

This problem is particularly serious because the most acclaimed programs may have the weakest evidence supporting them. When the Task Force approached supporters of a particular program to try to find out the factual basis for their acceptance of it, in many cases, the type of answer would be "it has been implemented all over the United States" or "it has worked in 24 suburbs of Chicago". Yet when these claims were examined more carefully, little or no reliable evidence of success could be found. Concern and belief, then, are not the same as facts and effectiveness.

B. ESTABLISHMENT OF THE TASK FORCE

From the time the Honourable R. Roy McMurtry, Q.C. became Attorney General he expressed concern about the problems of vandalism in our communities. For example, shortly after assuming office he issued a directive to Crown attorneys suggesting that acts of vandalism be treated seriously and the offences be prosecuted vigorously. His wish to have convicted vandals serve their sentences by making positive contributions to their community was one of the motivating factors for the establishment of the community service orders program in the fall of 1977.

Public concern about vandalism was expressed to the Attorney General through letters from the public and in resolutions of both municipal councils and school boards across the province. In the fall of 1979, Mr. McMurtry was approached by Mr. Paul Godfrey, Chairman of Metropolitan Toronto Council and Mr. Mel Lastman, Mayor of the City of North York, with a request that further steps be taken to reduce the high rate of vandalism. As a result of that request and in view of the continuing public concerns throughout the province, Mr. McMurtry agreed that further study of the problem should be undertaken. Mr. Godfrey and Mr. Lastman pledged their support and co-operation.

The establishment of the Task Force and its terms of reference were announced at a press conference on December 17, 1979.

Although officially a one person Task Force, from the beginning the Director of Research and counsel to the Task Force were actively involved in all aspects of the operation of the Task Force.

The broad terms of reference given to the Task Force by the Attorney General gave scope to operate without the constraints of preconceived notions about the nature and causes of vandalism and the most appropriate methods of dealing with it. It was particularly important that the terms of reference did not assume that there was any one person or group that was to blame for vandalism. Throughout history, it would appear that one way of dealing with a social problem is to search for a culprit. This was not the responsibility of the Task Force; indeed such an approach would be counter-productive. It is easy to attribute responsibility for an action to a group or an institution; it is somewhat more difficult to know what to do about it. Thus, although there may be concern about the role of such institutions as the family, the school or the courts in preventing vandalism, it is not productive to investigate which, if any, of these institutions is responsible for the continuing problem of vandalism. One or more of them may be able to do something about the problem but ultimately it is the person who commits the vandalism who must be held accountable. It is the duty of the community to hold him accountable. Finger pointing and assigning blame will not provide a solution to vandalism. This issue is a matter of such basic importance that it should be brought to the attention of anyone conducting further studies of the problem of vandalism. Therefore, it is recommended that,

Studies and programs about vandalism should recognize that primary responsibility for vandalism rests with the person committing the act.

C. OPERATION OF THE TASK FORCE

The method of operation was dictated in large part by the fact that the Task Force was asked to report relatively quickly and by the fact that the Chairman, Director of Research and counsel were all expected to be working only on a part-time basis. The Task Force did not carry the status of a royal commission or commission of inquiry; it was largely the creation of the Ministry of the Attorney General. A full-time secretarial

position was provided through co-operation with the Municipality of Metropolitan Toronto.

ADVISORY GROUP

The terms of reference authorized the Chairman to establish a group of volunteer advisors to broaden the resources of the Task Force and to provide a forum for discussion of and response to Task Force projects. Accordingly, a group of advisors was chosen to represent a broad cross-section of the interests and institutions concerned about vandalism.

The Advisory Group first met on May 15, 1980 to discuss the research proposals of the Task Force. Individual members were called upon regularly during the course of the research for advice and assistance. Advisory Group members were kept informed of the work of the Task Force and items of interest through a number of mailings.

Further meetings were held in October to report on the Task Force progress to that time and to discuss the proposed structure of the final report. In order to provide the maximum opportunity for discussion, the Advisory Group was split into two smaller subgroups, one whose interests and experience lay primarily in the justice area and the other whose interests were more related to social and educational issues. Advisors were free to attend both meetings if they wished.

During the writing of the report the advisors were called upon many times on an individual basis for comment, criticism and counsel. Throughout the life of the Task Force the co-operation and concern of the advisors was greatly appreciated. While the advisors provided much useful information they were particularly helpful in giving a balanced public perspective to the work of the Task Force.

PUBLIC PARTICIPATION AND CONSULTATION

Given the degree of public concern about the problem of vandalism it was evident that it would be of the utmost importance to give the public the opportunity to express its views to the Task Force. At the same time the terms of reference only called for the Task Force "to receive written submissions from the public and to consult with such persons as may be necessary". Therefore, in view of the limitations on the time and resources of the Task Force, no general public hearings were conducted.

Forgoing the opportunity for general public meetings did not seriously prejudice the work of the Task Force. Not having the powers of a commission established under the Public Inquiries Act witnesses could not have been subpoenaed and examined and it would have been necessary to rely on voluntary submissions to bring forward the relevant information. Because public hearings would have greatly added to the expense and time of the study, other ways were sought to encourage voluntary submissions. There was considerable response to media coverage of the announcement of the Task Force and that elicited a number of contacts with the Task Force.

On January 14, 1980, the Attorney General wrote to all the municipalities in the province informing them of the formation of the Task Force and encouraging each of them to contact the Task Force if they felt that they had something to contribute. On February 18, 1980, the Task Force wrote a follow-up letter to the municipalities suggesting topics that might be addressed in briefs to be submitted to the Task Force and indicating more specifically the kind of information that would be most helpful in planning the work. Altogether the Task Force received 83 responses from Ontario municipalities or municipal bodies. (See Appendix A.)

Both of these efforts were designed to increase municipal awareness of the Task Force. However, it was felt that many individual residents of Ontario had their own concerns which they might want to express. Thus, in March, 1980, the Task Force placed an advertisement in each of the daily newspapers in the province informing all readers of the existence of the Task Force and encouraging interested citizens and groups to write with regard to the terms of reference or anything else that related to vandalism.

On February 5, 1980, the Chairman wrote to a number of Ministers of the Ontario Government to determine whether their ministries had collected data on vandalism or had experience with vandalism prevention programs.

Voluntary and professional associations and organizations that may have had experience or views relevant to the problems of vandalism were contacted. Approximately 125 associations having offices in Ontario were invited to make written submissions on any of the issues raised by the terms of reference or any other aspect of vandalism. The associations contacted were as diverse as the Ontario Road Builders' Association, Canada Association of Fire Chiefs, and the Conservation Council of Ontario. As a result of these invitations 29 responses were received. (See Appendix B.)

More than 125 other individuals and organizations made submissions to the Task Force. (See Appendix C.)

Not surprisingly, a number of individuals and organizations asked to meet with the Task Force Chairman. Because the Task Force had no authority to conduct public inquiries, and because the structure of the Task Force did not facilitate public meetings, an attempt was made to control the amount of time available for meetings with the public. Nevertheless, a number of private meetings were held with interested groups and individuals involved in vandalism prevention programs or having special expertise in the area. For example, meetings were held with vandalism prevention task force personnel from Mississauga, Thunder Bay and Brantford. Another example is the meeting held with a number of people from York Region, consisting of two high school students, probation staff, family court judges, a policeman, school officials, a director of recreation, and a chief of security.

To increase access to the Task Force, the Chairman and the Director of Research made themselves available to the news media whenever possible for interviews or to give background information related to vandalism. This media contact was most heavily concentrated in the period after some early research findings were released in August, 1980, and after a speech by the Chairman of the Task Force received wide coverage in the news media.

During the latter part of the study the Chairman was often asked to address groups and organizations interested in vandalism prevention and to participate in workshops and panel discussions.

The Chairman was also able to attend a number of national and international conferences on crime prevention and juvenile justice. It was particularly fortunate that the Chairman was selected as a member of the Canadian delegation to the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

A representative sampling of interviews granted, addresses given, and consultations conducted is given in Appendix D.

APPROACHING THE TERMS OF REFERENCE

As mentioned above, the terms of reference of the Task Force were very broad. The Task Force, however, was relatively

small. Therefore, one of the earliest tasks was to develop a strategy for the most effective way to address the terms of reference in light of the time and resources available. In this context the point should clearly be made that the time and resources allocated for the Task Force were entirely satisfactory. There is always a danger of ever-expanding study and inquiry into such a complicated subject as vandalism. Consequently, it was agreed to focus on completing as quickly as possible a report that would provide a starting point and further direction for future action to curb vandalism.

The terms of reference could have been construed to include issues as broad as the causes and control of crime and delinquency. Obviously, it was necessary to limit the study to vandalism as a special case within the general category of crime. Also within the time period of the operation it was not possible to plan or carry out any long-term studies on the problem. This last problem -- the fact that long-term studies could not be done -- is important; its importance became evident as work progressed and it became depressingly clear that there were relatively few reliable evaluations of vandalism prevention programs. On the other hand, to plan, carry out, and evaluate such vandalism programs would have been a long-term process that is more appropriately done by other groups operating in different ways.

Some interesting issues that could not be pursued were issues relating to the mechanical aspects of the administration of justice, such as court scheduling, decentralization of the courts, witness fees, delays, victim advocacy, videotaped evidence and so on. Questions such as these were not evident as part of the problem of vandalism when the research program was established; however, such concerns were expressed from time to time. But the problem of administration of justice in the courts is an enormous problem that is continuously under study and review and that extends far beyond vandalism. It is evident that efforts to come to grips with problems such as delays and access to the courts must be encouraged and pursued, even though it was not possible for the Task Force to undertake such a review.

Although the number of well-designed and well-executed studies of vandalism prevention or control programs may be small, the amount written about vandalism is enormous. One of the first projects, then, was to commission a bibliography on the published work on vandalism. This bibliography, as updated at the end of 1980, is published as Appendix 7. A brief look at the bibliography reveals the interest that exists in this topic.

Against this background a plan was developed for responding to the terms of reference:

(a) nature and scope of vandalism

One concern was that most of the incidents of vandalism brought to public attention involved damage to public property or to private property owned by large organizations. Although this appeared from the published literature to reflect the nature of vandalism it seemed important to assess the nature and experience of private citizens with vandalism. Therefore the public opinion survey conducted for the Task Force included questions related to the nature of vandalism. (See Appendix 3.)

Further information on the nature and scope of vandalism was also available through the submissions from the municipalities and the general public.

Another major concern about the nature of vandalism was its identification as particularly deviant, anti-social behaviour. Accordingly, it was important to look at vandalism, in part, from the perspective of the vandal, especially in light of the fact that surveys in other jurisdictions suggested that a high proportion of people have at one time or another committed acts of vandalism that as a matter of law are criminal offences. (See Appendix 1.)

(b) increases in acts and costs of vandalism

To collect this information it was thought that one of the most productive sources of information would be the insurance industry. Consequently, researchers were assigned to develop liaison with the insurance industry on this issue. (See Appendix 4.)

Again, it seemed likely that the municipalities would address this topic. Also, the surveys of the public would result in data on this subject. Official statistics from the criminal justice system are of course relevant to this issue.

(c) comparison of incidence and impact of vandalism in Ontario with other jurisdictions

Comparisons across jurisdictions are difficult. However, the bibliography was used to search for reliable reports and studies done outside Ontario. The insurance data were also useful in approaching this question. An opportunity also arose to conduct an informal survey of foreign jurisdictions.

(d) investigate and assess vandalism prevention programs

Vandalism prevention programs in Ontario would be identified through the literature, personal contact, and submissions to the Task Force. Assessment would be based on studies published by the program and other published research on vandalism.

(e) assessment of the role of the juvenile and criminal justice system

From the beginning, one of the most consistent themes of letters from the public, the editorials in Ontario newspapers and, to a somewhat less extent, the responses of the municipalities, was that those people apprehended for committing acts of vandalism were being treated too leniently by the juvenile and criminal justice system.

It appeared that this concern could be broken down into two different sets of research questions:

(i) When a vandal is caught, what happens to him in the criminal and juvenile justice systems? What proportion of them are taken to court and how does this compare to the treatment of other property offenders? What penalties are given by the courts and, again, how do these penalties compare to the penalties given to other property offenders?

(ii) What effects do these penalties seem to have in preventing further acts of vandalism? Is there evidence for individual or specific deterrence in this area?

An empirical research project and a study of the published literature were established to investigate these questions. (See Appendix 2.)

(f) methods of evaluating vandalism prevention programs

Published research and experience within Ontario provided the basis for an examination and analysis of this question.

With this framework, which was discussed with the group of advisors to the Task Force, the Task Force proceeded with its study and examination of vandalism in Ontario.

CHAPTER 2.

The Nature and Extent of Vandalism

A. THE NATURE OF VANDALISM

(1) PROBLEMS OF DEFINITION

Vandalism is used as a blanket term to cover a wide variety of behaviour. For purposes of the Task Force, the following working definition applied: "vandalism" means wilful damage or destruction of the property of another.

The issue of the working definition was not taken lightly: many versions were available from other studies of vandalism. Besides the standard dictionary definitions it was necessary to catch the common meaning and this was no easy task. The definition, it must be stressed, is not intended as a legal category but just a working definition to guide us through a wealth of vandalism-related material.

'Wilful' is necessary to distinguish vandalism from accidental or negligent damage; 'damage' and 'destruction', to eliminate acts such as theft; 'property', to eliminate crimes against persons; and 'of another', to include both private and public property. This definition accommodated most of the individual incidents that had been described in submissions from the public and in large-scale research reports culled from the social science literature.

Although it is important to distinguish vandalism from other kinds of offences, it should be pointed out that in specific instances the motive for another kind of offence may be the same as the motive for vandalism. Thus, for example, in one educational institution in Toronto, public washrooms were damaged when urinals were removed from the wall and stolen. It does not seem likely that this "theft" was motivated by the usual motive of theft -- the desire for the particular piece of property. It seems more likely that whether the urinal was actually removed from the building or just removed from the wall, the motives for the behaviour would be the same. The lesson here is clear: limiting the definition of vandalism to "wilful destruction of property of another" does not mean that

causes of this behaviour will not also be causes of other offences.

One problem with any definition of vandalism is that it must take into account not only the physical act but also the social context. A police inspector from South Wales pointed out, "In the country [the cutting of a stick from a tree or hedgerow] would be deemed wholly justifiable and enhancing the enjoyment of one's legitimate activity. In an urban area, however, where trees are more scarce and placed to enhance environmental conditions, the same act would undoubtedly be construed as one of vandalism."

Another consequence of the definition is that certain acts -- such as the destruction of property in order to gain entry for purposes of committing another criminal activity (for example, breaking down a door to gain entry into a house) -- may be excluded although such conduct is often reported in the media as vandalism.

Representations to the Task Force also identified vandalism with the offence of breaking and entering. They were particularly concerned about destruction of property unrelated to the theft that was committed. These concerns must be considered in light of a recent study by Waller and Okihiro (1978) of burglary victims in Toronto.

In their survey they found that only three of 116 victims reported damage that was unrelated to the search for property or the original entry into the house, although a larger number of people had what is described as "extensive disarrangement" of their possessions (for example, dumping of the contents of drawers and closets on to the floor during the search for valuable possessions). However, it would seem that there were, in fact, few cases where the property destruction went beyond damage related to the theft.

When such damage does occur, however, the victims are understandably upset. These feelings are similar to some expressed to the Task Force.

Utter disaster faced us. Things had been smashed all over the kitchen, against the walls and the refrigerator and stove. The living room was unbelievable. Something had been thrown through the four foot plate glass window (we later found that one of our antique glass oil lamps had been thrown through the window), and the living room was full of snow. A cabinet radio and record player (built by the owner) had been taken

apart and smashed: a 21 inch black and white television smashed; a 15 inch portable black and white television missing and/or smashed: virtually all ornaments and keepsakes on the fireplace mantle smashed....

... Since our experience it has become quite obvious to us that a juvenile can commit "any crime" without fear of the consequences.

- a Guelph resident

There are also problems with the definition of "property". For example, it may be that one form of "vandalism" reported in the newspapers this past year -- the destroying of business records by erasing a computer's memory -- should be included in the definition of vandalism.

The problem of definition creates a further problem in assessing the amount of vandalism damage in a community, because it is often either very difficult or impossible to assess intent. Most people would probably assume that a school window broken during the weekend was caused by vandalism. However, in order to know that it was vandalism, and if so, what action to take, we would need to have further information. The window may have been broken by a stray foul ball during an innocent baseball game in the school yard. It may have been broken by an adult practising his tennis serve against the school wall, over-confident of his ability to avoid hitting the window. Or, of course, a vindictive student may have deliberately and maliciously broken the window. Thus, without full knowledge of an event, it is sometimes difficult to know what was purposeful, careless, or a freak accident, but our response to the problem of the broken window may well depend on this knowledge.

This kind of problem has plagued vandalism research, because, from the point of view of those in charge of maintaining the property, such distinctions are often not particularly important: if one's job is to fix the broken window, it probably does not matter too much how it happened to be broken. However, such distinctions are crucial for measurement of vandalism and design of prevention programs.

Another serious problem of definition and of assessing the nature and extent of vandalism is that other quite different acts are sometimes included within the definition of vandalism. Often this is done for good reasons: areas of interest are defined in terms of one's particular needs. Thus for example, in research conducted for the Ontario Ministry of Education study, Vandalism prevention programs used in Ontario schools (1980), the researchers, when asking principals of schools to

estimate the cost of vandalism to their schools, instructed the principals that under the category of vandalism they were to include not only arson and "irresponsible damage" but also the theft of school equipment. From the point of view of the school principal, this is undoubtedly a reasonable definition: it does not really make too much difference to the school budget whether a piece of equipment is stolen or completely destroyed, and it may make little difference whether the destruction was intentional or accidental. However, in terms of understanding the causes, and trying to reduce the losses it may make a difference.

There is also a tendency to put "vandalism" and "violence" together in the same category. Presumably, this association is based at least in part on a psychological assumption that the two forms of anti-social activity arise from the same basic causes. Because little is really known about the origin of either violence or vandalism it is difficult to confirm or refute this assumption.

A major problem is that there is no simple relationship between the kinds of behaviour that we often describe as vandalism and legal definitions of the various offences which might constitute vandalism. The most obvious sections of the Criminal Code that deal with vandalism are the sections on mischief and wilful damage. The sections in the Criminal Code are as follows:

387. (1) Every one commits mischief who wilfully
(a) destroys or damages property,
(b) renders property dangerous, useless, inoperative or ineffective,
(c) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

...

388. (1) Every one who wilfully destroys or damages property is, where actual danger to life is not involved, guilty of an offence punishable on summary conviction if the alleged amount of destruction or damage does not exceed fifty dollars.

However, these are not the only sections that deal with what could be considered to be vandalism. For example, sections 389, 390 and 392, dealing with arson and fires also are relevant to certain kinds of vandalism. A number of other

sections of the Criminal Code create specific offences that would also fit the working definition of vandalism. A more detailed discussion of the law relating to vandalism will be found in Chapter 4.

The lack of a common definition of vandalism can only hinder efforts to promote a better understanding of the problems and to find appropriate solutions. In particular the fact that vandalism is not specifically defined in our law makes it difficult to insist upon clear and precise usage of the concept. Much could be gained by defining vandalism in terms of a criminal offence. Therefore, it is recommended that,

Vandalism should be specifically defined in the Criminal Code and made a separate offence.

The offence of vandalism should include the appropriate provisions of section 387 (mischief) and section 388 (wilful damage).

More detailed recommendations for revising sections 387 and 388 are made in Chapter 4. However, defining vandalism as a criminal offence will underline the point of the first recommendation that persons who commit vandalism must be held accountable for their conduct. It will emphasize the seriousness of the behaviour. It will distinguish vandalism from other criminal offences, such as theft and breaking and entering. It will provide precision and clarity and so facilitate measurement. It will have a strong educative impact on society and especially young people.

(2) VARIATION IN ACTS OF VANDALISM AMONG ONTARIO COMMUNITIES

One issue that has enormous implications for understanding the nature of vandalism in Ontario is the variation that exists from community to community. As already pointed out, there are a large number of different acts which might be considered vandalism. However, these do not appear to be in any way evenly distributed around the province.

Although the study of vandalism began with the idea that it might be possible to give some kind of overall picture of vandalism across the province this idea had to be abandoned. In the first place, what was considered to be a vandalism problem varied enormously from community to community. Through correspondence from the municipalities, it became clear that the kind of vandalism varied throughout the province. What was a problem in one community was not necessarily a problem in

another. This is illustrated by the diversity in reports of damage described by various municipalities.

Barrie:

- Recreation Department - newly planted trees, water fountains, washrooms, community centres, horticultural displays, graffiti.
- Traffic Department - traffic meters, traffic and street signs, street lights
- Schools - broken windows, graffiti

Campbellford:

- glass windows, public windows, business premises and private homes
- motor vehicles, incurring damage such as slashed tires, broken windows and damaged radio aerials.

Flamborough:

- damage to the Beverly Community Centre Arena:
- holes in ceiling tile
- exit light plates
- graffiti on walls and washroom stalls
- damaging garbage cans
- pulling fire alarm which rings inside only
- discharging fire extinguisher

King Township Public library:

- lettering on signs
- defaced washrooms
- broken windows
- damaged walls
- stolen books, etc.

Kirkland Lake

- damage to schools
- public buildings (library)
- private buildings, store windows
- private recreational residences, cottages

North York

- damage to cemeteries, headstones knocked over
- cars in underground parking garages with broken antennas, scratched cars, broken windows, tires slashed
- damage to public parks
- damage to schools
- damage to T.T.C.
- damage to private property
- smashed light bulbs in bus shelters

North York (continued)

- construction sites, valuable equipment damaged,
- apartment and condominium buildings: damage to walls, furniture etc.

Prescott

- damage to water closets and sinks
- doors knocked in
- garbage strewn about
- vehicles driven over parkland
- broken windows
- destruction of sod
- damage to automobiles
- cut air hose at service station

Richmond Hill

- defacing park identification signs
- ripping fences in parks
- slashing swing belt seats
- damages to buildings
- miscellaneous damages in parks...someone smashed ten picnic tables.

Essex Region Conversation Authority:

- destruction of entrance signs
- destruction of trees
- dumping of garbage
- destruction of fencing and gates
- burning of washrooms, information kiosks and picnic tables

Trying to determine what acts of vandalism were most serious becomes even more complicated when one looks at the responses from individual citizens who were concerned enough to write to the Task Force. In individual cases the consequences often go beyond the actual damage.

A person or persons cut down and removed from our property a 12 or 14 foot blue spruce.

- a Kingston resident

Something had been thrown through the four foot plate glass window.

- a Guelph resident

An axe was used to smash in the doors of thirteen cottages in our group.

- a Hamilton resident

On September 15, 1980, our community was struck an incredible blow by vandalism. Chippewa High School (the largest, best equipped and most central high school) was entered after midnight, vandalized and then set on fire. The damage has come to two million dollars.

- a North Bay resident

Even my own mother of 81 years of age had recently stones thrown through her bathroom window, and such experiences can be very frightening for persons of her age.

- a Guelph resident

In one city the concern about vandalism was that in 1980, \$10,000 worth of parking meters had been destroyed. The City Council suggested that the "Attorney General be requested to urge those responsible for the administration of justice to consider the imposition of full restitution in cases involving wanton vandalism and that such restitution remain on the record of the perpetrators until it has been completely discharged...".

Unfortunately the City Council did not state whether they were successful in apprehending those who had committed acts of vandalism against parking meters. If their experience was the same as most municipalities, probably few vandals were apprehended the others knew they were not likely to get caught.

Variation in types of vandalism is partly due to variation in the opportunities available to commit vandalism. While knocking parking meters may be a preferred activity for vandals in an urban area, obviously such opportunities do not exist in most rural areas. Similarly a particular town or village might have one or more especially vulnerable buildings that are attractive targets for vandals.

However, it does not appear that all of the differences across communities are due solely to differences in availability or opportunity; some of it appears to be part of the history of the community itself. Certain types of vandalism become part of the culture of the community, so that an expectation is created over time that certain kinds of behaviour will occur. One example of this culture of vandalism is that which used to occur at the time of the Grey Cup festivities. Interestingly enough, it seems from the most recent information available that this form of vandalism has almost disappeared. According to the Metropolitan Toronto Police the downtown hotels report a "positive reduction" in the amount of damage caused by

Grey Cup vandals. Still it is clear that it is difficult to talk in general terms about the nature of vandalism in Ontario.

Moreover, it does not appear that vandalism is inevitable in modern society. It has been suggested that there are countries where there is little or no vandalism. However, as the countries mentioned are not based on principles of liberal democracy it is not certain how relevant any comparison might be. In any event, it is apparent that the nature of vandalism varies across communities and within communities over time. Therefore, it is recommended that,

In planning vandalism prevention programs, a community should not assume that its vandalism problem is similar to the vandalism problem of other communities.

(3) VARIATION IN THEORIES OF CAUSATION

Aside from the variation in the actual types of behaviour involved, vandalism has also been categorized according to different theories about causation. Just as there is no single set of definable acts which constitute vandalism, it has been quite reasonably suggested that there are a large number of discriminable causes of vandalism. One typology, made by Cohen (1973), distinguishes several different types:

- 1) Acquisitive vandalism - destruction of property which occurs in the course of some form of robbery. The classic example of this is the destruction of vending machines, public telephones and so forth.
- 2) Tactical vandalism - destruction, or more usually the defacement of property in order to draw attention to some point of view. Slogan painting falls into this category.
- 3) Vindictive vandalism - the motive for this form of destruction is revenge and it manifests itself in the destruction of property to obtain some personal satisfaction. Cohen points out that much vandalism that seems totally gratuitous is actually this kind of episode.
- 4) Malicious vandalism - this category coincides most closely with the classic notion of vandalism: it is an expression of anger that seeks diverse targets, ones not always associated with the stimulus of the emotion. Cohen's examples include

slashing the tires of all the cars in a car park, strangling swans, throwing stones at trains, urinating in public phone booths and so on.

Cohen then distinguishes among the following, less overt, kinds of acts:

- i) Ritualism - the Grey Cup festivities and any attendant destruction would be an example of this category.
- ii) Protection - by this he means the kind of collective activity characteristic of groups of people who receive a certain degree of licence from a society - end of term student parties for instance.
- iii) Play - vandalism as play activity - usually by small children in settings such as derelict houses. This form of vandalism is also tolerated to some degree because the targets are "fair game" or because the perpetrators are very young.
- iv) Writing-off - forms of vandalism which are accepted as part of the routine of everyday life. Graffiti on washroom walls which are regularly painted over or erased can be seen in this context. Although such acts are clearly vandalism, we expect them to occur and incorporate them into regular routines (such as cleaning washrooms).
- v) Walling-in - this condition refers to property destruction which takes place within a formal institution such as a factory or school. It encompasses acts such as sabotage on the assembly-line to gain extra rest periods. It is difficult to apprehend the vandals because of the cooperative nature of the work or school setting.
- vi) Licensing - this category overlaps with some others to a certain degree. It refers to the damages done by otherwise respectable groups of individuals, sporting teams staying in hotels for example. Frequently it is treated as just an additional expense to be added to the team's account.

Cohen presents these categories as examples of acts of vandalism that do not readily come to the attention of enforcement agencies and which are all to some degree condoned by our society.

The cataloguing of these different types of vandalism is not done simply as an intellectual exercise: the real purpose in having such a typology is to underline the variety of different factors that could be considered to be "causes" of vandalism. Highlighting the various factors that cause vandalism also highlights the fact that it is unlikely that we will be successful in finding a single solution to vandalism. Therefore, it is recommended that,

In developing programs to combat vandalism a community should consider that vandalism may have more than one cause and may, therefore, require more than one type of response.

However, an important point made throughout this report is that it is pointless to look for causes in particular groups, institutions, agencies or governments. That is not so much a matter of finding causes as an attempt to attribute blame.

B. THE EXTENT OF VANDALISM

(1) PUBLIC OPINION

There is no question that a substantial portion of the population of Ontario is concerned about vandalism. The extent of the concern expressed by the public to the Attorney General is confirmed by research done for the Task Force. (Appendix 3.) When asked whether vandalism was a problem in their community, 37% of the respondents in Toronto and 56% outside of Toronto indicated that they thought that it was a problem. In addition, a substantial number of people in Toronto (67%) believe that the incidence of vandalism is increasing. The survey results found additional support in submissions from some of the municipalities, individual citizens and associations:

This type of vandalism has been going on for years, but lately it is worse.
- a Toronto resident

The many acts of vandalism ... have been plaguing schools, homes and many other properties.
- a Windsor resident

It is apparent that vandalism is becoming a greater problem by the day in our society.
- an Eganville resident

Vandalism, or wanton destruction has reached such excess that an in-depth study is warranted.

- a Hamilton resident

However, nearly all felt that the severity or seriousness of the acts has increased greatly, from a few decades ago, when vandalism among juveniles consisted of painting moustaches on election posters, soaping windows or breaking insulators along the railway tracks with slingshots, to letting the air out of local policeman's tires. Adult vandalism was generally a bit more severe, stealing chickens, pushing over privies on Halloween, tying cats' tails together, shooting farm animals. Now among juveniles, the severity of the acts has increased to things like ruining the paint job on a car by running a sharp object along its side, slashing tires, smashing chairs in a community centre, setting buildings on fire, untying boats at marinas, etc.

- Township of Georgian Bay

Not only does a substantial portion of the public seem to believe that vandalism is a serious and growing problem, but they also view it as being more important than other offences of comparable value. In the survey for the Task Force (Appendix 3) respondents were asked to compare the seriousness of a theft of goods valued at \$100 and an act of vandalism creating \$100 damage. Not surprisingly, about half viewed these two offences as being equally serious. Of those who perceived there to be a difference, however, about three times as many saw the act of vandalism as more serious. Although there is considerable agreement among adults that vandalism is a serious problem, young people do not necessarily share this view. In the survey of students in Toronto and elsewhere in the province, reported in Appendix 1, they were asked whether they thought it was serious to commit an act of vandalism. Only about half of the secondary school students thought that vandalism was either quite or very serious. Overall, it was seen as less serious than either shoplifting or breaking and entering.

In their report on school vandalism in a Toronto high school Chepynoha and Parwicki (1981) indicated that a substantial number of both males and female high school students did not see particular kinds of vandalism as being serious. When given a choice of rating vandalism as "not serious", "serious" or "very serious" the proportion seeing particular acts as "not serious" obviously varied with the specific acts.

	% seeing act as not serious	
	<u>Males</u>	<u>Females</u>
Writing on desks	84%	84%
Writing on washroom walls	52%	60%
Breaking windows	15%	7%
Breaking or damaging toilet	21%	10%
Breaking a chair or desk	16%	11%

Chepynoha and Parwicki (1981)

Obviously, there is a lot of variability as to whether a particular act is seen as serious. On the other hand, it is important to note that acts presumably seen as serious by most of the community are not uniformly seen that way by the high school students involved in the acts themselves.

In this same report, Chepynoha and Parwicki conclude that most of the juveniles had been involved in at least some form of vandalism. The authors of the report contrast this with the view expressed by the teachers they interviewed.

The teachers in this particular high school felt that vandalism was not a serious problem in their own school. The majority of teachers interviewed felt that there was a link between a student receiving low grades, or belonging to a lower socio-economic background and the degree of vandalism committed by these students. Not one teacher felt that the blame of vandalism should be put upon the school or staff. Most of the teachers believed that the vandal and his/her parents should be held responsible. (p. 50).

Part of this difference in opinion about the seriousness of vandalism may be due to a difference in views between young people and adults as to the connotations of vandalism. The young people who were asked this question in the Task Force study had just finished going through a check list of twenty-nine different kinds of vandalism, some of which could only be described as minor (for example, scratching a desk at school). When asked about a typical act of vandalism they may well have been thinking about some of these more common trivial offences. Adults, on the other hand, when thinking about typical acts of vandalism may think of the more serious acts such as rampages of destruction at a school, park or recreation centre which receive public notice and media coverage. In any case, when considering both the "causes" and the "cures" for vandalism, it might be

worth remembering the difference in perceptions that adults and young persons have of the offence.

For some the issue was not wholly a financial one. One submission to the Task Force noted, "[T]he costs of reported acts of vandalism which are borne by the municipality and by the Board of Education are minuscule in relation to the total budgets of these departments. They amount to a fraction of 1%. The affront to the dignity of the two systems is far greater than the dollar figure."

(2) MEASURING THE INCIDENCE OF VANDALISM

As already pointed out, problems with the definition of vandalism make it difficult if not impossible to get an accurate estimate of the actual costs of vandalism in the province of Ontario. However, because of the continuing public interest in this matter, it is worthwhile reviewing the ways in which one might look at the incidence and costs of vandalism.

Perhaps the most obvious way of assessing the incidence of vandalism would be to look for data on adjudicated offences related to vandalism, that is, cases where someone has actually pleaded guilty or been found guilty of an offence related to vandalism. When that is done, however, it turns out not to be too useful since it ignores the fact that only a very small proportion of the offences are ever brought to court. In addition, there is the rather fundamental problem that such data are not being collected any longer by Statistics Canada.

The next place to go to for statistics on vandalism is to summary statistics on police reports. Detailed data from Metropolitan Toronto Police on this issue have been collected and are reported on in Appendix 6. Data from other jurisdictions have been examined in less detail. Police summary statistics, of course, are only as good as the actual data that go into the summary. In each case, before an event is reported as an act of vandalism in the summary statistics, a number of decisions have to be made. In the first place, someone has to notice and report the act of vandalism to the police. Both practical problems and problems of definition make it difficult to estimate what proportion of vandalism is reported to the police. The decision that something is an act of vandalism may reflect nothing more than the importance of the issue of vandalism to a member of the public. For example, when one of the Task Force staff noticed that a basement window in his house was broken, vandalism was one of the explanations that immediately occurred to him. However, an equally plausible

explanation was that workmen working on the house next door had accidentally hit the window while moving building material. In other words, the interpretation of the act by the observer will be a factor in determining whether the act is reported as vandalism.

Even where damage to property is seen as vandalism, the property owner makes an assessment of whether it is worth it to report the act. In making his assessment he will consider both the cost to himself and the likelihood that the offender will be apprehended. Most homeowners would not bother to report the uprooting of a half dozen tulips. Some may report the destruction of the whole flower bed. However, one suspects that many clear cases of vandalism such as these are not reported. In one study in Great Britain, it was estimated that between fifteen and thirty-five times as much vandalism occurred as was reported to the police (Sturman, 1978).

Even if an act of vandalism is reported to the police, it does not follow automatically that they will write a report of it. A good deal of research on the police, such as that by Ericson (1982), would suggest that police officers make quite sensible decisions in many cases not to bother with a formal report of a minor offence because they know that there would be little served by doing so.

At this point some acknowledgment should be made of the difficult conditions under which the police have to operate with respect to vandalism. Cases of vandalism frequently require the evidence of witnesses and at the present time the incentives for appearing to give evidence are few. Indeed many reasons exist why people should be disinclined to act as witnesses. The time and expense are obvious disincentives, but these exist for other offences too. The lack of night courts does not help. In addition, there is always the possibility of reprisal. The average person's property is particularly vulnerable to such attacks since he cannot be monitoring it all day and every day. The duties of witnesses should not be too onerous if cases are to proceed through the judicial system to their natural conclusion.

All these reporting problems would not be so serious if one could assume that the "error" were a constant one across communities and over time within a community. Unfortunately, such convenient assumptions cannot be made. For example, it has been shown by Giffen (1976) that police reporting practices are affected by administrative policy such as the creation of a Youth Bureau. In addition, the police and the public are often encouraged through publicity campaigns to report certain kinds

of activities to the police. Indeed, a campaign to increase the reporting of vandalism is often part of anti-vandalism programs in Ontario. When an anti-vandalism program is combined with changes in reporting by citizens or the police, then it is difficult to develop an estimate of the degree of reporting error.

As one researcher concluded,

It would seem that police records provide neither an unbiased estimate of the various types of vandalism nor a satisfactory estimate of the total amount (Sturman, 1978, p.18).

In summary, although presumably the police do the best job they can in recording vandalism statistics, their statistics must be taken only as a very rough indication of the amount of vandalism; it would be a serious mistake to make too much of these numbers.

With these cautions in mind, then, the statistics for Metropolitan Toronto can be examined. Overall, as shown in Appendix 6, there has been an increase in the number and rate of vandalism acts. In terms of "officially" reported acts of vandalism, there does appear to be a definite increase over the last decade in Metropolitan Toronto.

To keep these numbers in perspective, it should be remembered that vandalism, though common, is not as common a crime as, for example, minor thefts (including shoplifting). In Metropolitan Toronto during the 1970s there were more than twice as many minor thefts reported as there were instances of vandalism.

Similarly, it is easy to lose sight of the fact that vandalism apparently constitutes only a small proportion of the offences for which juveniles are apprehended. For example, in Metropolitan Toronto in 1979 and 1980, the most recent years for which we have statistics, the category of crime that includes "wilful damage" accounted for approximately 7% of the offences where juveniles were apprehended, whereas shoplifting alone accounted for more than twice that amount (approximately 17%).

Nevertheless, it is important for a community that perceives that it has a vandalism problem to make a systematic assessment of the amount of vandalism that is taking place. Only by making such an assessment can the community avoid overreacting to isolated but highly visible acts of vandalism. Therefore it is recommended that,

Collection of data on the incidence of vandalism should be done at the community level as part of assessing the vandalism problem in the community.

However, because of wide variations in the methods of reporting vandalism and in the records for collecting vandalism data it is recommended that,

Emphasis should not be given at this time to efforts to measure the incidence of vandalism on a province-wide basis.

Of course, simply counting all acts of vandalism will not necessarily help to assess the vandalism problem. For example, the community may be able to tolerate graffiti, even if there is a lot of it, but may not be able to tolerate broken windows in public buildings. In that case it may make sense to save the effort of counting occurrences of graffiti when collecting vandalism data. Therefore it is recommended that,

So far as possible in collecting data on the amount of vandalism, the community should try to identify the purpose for which the data are being collected.

Understandably, in some cases, it may be necessary to do some initial broad data collection in order to identify the problem more particularly. But, eventually the measurement of the amount of vandalism should be related to a specific purpose.

There are other ways of assessing the extent of vandalism. One is to use "citizen based" information rather than criminal justice based information. The usual, and now quite popular, method of doing this is the "victim survey" which has received a lot of attention and support in the past fifteen years, primarily in the United States. We do not, in Canada, have any data of this sort repeatedly collected over an appreciable time period; therefore we cannot use victimization rate data to make inferences as to whether vandalism has increased or decreased. However, from telephone surveys carried out for the Task Force (see Appendix 3) it would appear that an appreciable proportion of the population has at some point been the victim of some sort of vandalism. In Toronto, 19% indicated that they had within the previous year been the victim of an act of vandalism; for the towns outside of Toronto the figure was 14%. These data have to be interpreted with reservations as much vandalism may not easily be remembered (Sparks, Genn and Dodd, 1977).

Yet another way of approaching the problem of estimating the incidence of vandalism is to collect data from the population of people most likely to be offenders. This has been done in other jurisdictions and was also done as part of the research program of the Task Force. Researchers went to a variety of schools in Toronto and elsewhere in the province and asked students to tell about their involvement in acts of vandalism during the previous twelve months. Such studies have been shown to produce reasonably reliable data.

The results of these surveys were similar to those carried out in other jurisdictions: most of the young people surveyed indicated that they had at some point in the previous twelve months committed some form of vandalism. In the high schools, 89% indicated that they had committed acts of vandalism; in the elementary schools, the figure was 90%. Obviously, most of these acts of vandalism were not serious ones: however, the number admitting to some of the more serious acts is worth noting. A complete report of the results of these surveys can be found in Appendix 1.

PERCENT ADMITTING TO ONE OR MORE OF EACH OF A SELECTED NUMBER OF ACTS OF VANDALISM DURING THE PRECEDING 12 MONTHS:

	<u>Primary Schools</u>	<u>Secondary Schools</u>
Scratched a desk at school	71.9	88.7
Broken a bottle at school, in the street or in a park	45.8	42.4
Written on walls of buildings	25.7	21.7
Broken a window at school	6.0	12.0
Broken a window in an occupied house	17.7	15.3
Damaged park buildings	8.6	5.9
Damaged machinery on a building site	9.9	10.9
Damaged the tires of a car, truck or bicycle	28.9	19.2
Damaged street signs	25.1	22.2

A number of things should be noted from these figures. In the first place, it is a fairly clear that the more serious the act of vandalism the lower the likelihood that a person had committed an act of that sort during the previous twelve month period. In other words, the most serious forms of vandalism appear to be occurring least frequently. Second, even the more serious offences have been committed by many students. Although only 6% of primary and 12% of secondary school students admitted to breaking a window in school, this involves a large number of students -- and broken windows -- when one considers that there are roughly two million students in the primary and secondary schools in the province.

The importance of these findings about the nature and extent of vandalism cannot be underestimated. First, they suggest that the "true" incidence of behaviour which can be called vandalism is very widespread, at least within the school age population. Although there is some predictable variation in the amount of vandalism caused by different groups of people -- for example, males commit more than females, young people who are doing badly in school commit more acts of vandalism than do good students -- the most notable finding is that most juveniles commit some vandalism. As noted above, the same conclusion has been reached in other jurisdictions. That being the case, one has to question theories and solutions that have as an implicit assumption the notion that most of the vandalism is committed by a small and identifiable group of hard-core delinquents.

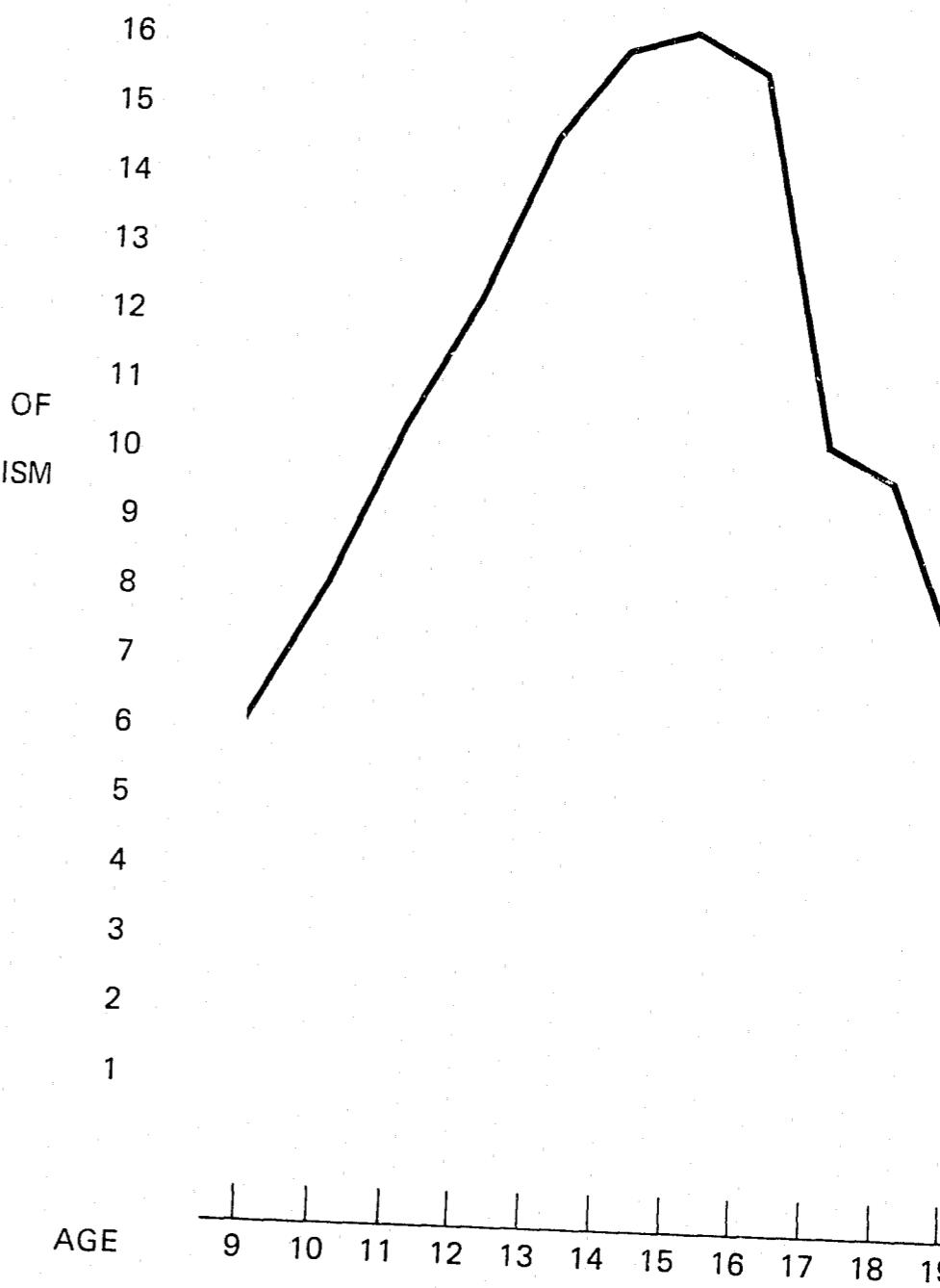
Another rather clear implication of finding that nine out of ten students damage property of others is that vandalism is, indeed, part of our culture. However, for the most part it appears to be a phenomenon that is age related: as shown in Figure 1, the average number of acts of vandalism appears to peak at about age fifteen or sixteen and to drop off quite dramatically thereafter. This relationship with age may not be unusual: other issues, such as use of certain drugs, show similar relationships with age. Certainly, the relationship between age and the likelihood of committing certain crimes shows a similar relationship, although the peak may be somewhat later. In view of the fact that almost all young people are involved in vandalism to some degree, it is recommended that,

In addition to intensive prevention programs for specific types of vandalism, general programs that are capable of reaching all young people in the community must be developed.

This issue is explained further in subsequent chapters. At this point, it is sufficient to emphasize that

Figure 1

MEAN NUMBER OF ACTS OF VANDALISM BY AGE



there is distinction between vandalistic and non-vandalistic behaviour and that specific programs can deal with vandalistic behaviour. But, because most young people commit vandalism it is difficult to distinguish between persons who are vandals and non-vandals. Therefore programs aimed at all youth must be general in nature.

Nevertheless it is important to add that vandalism is not exclusively an activity of adolescents who presumably do not know any better. The Task Force heard accounts of now well-respected members of the community who, as university students, caused damage to a medical students' residence even in the staid era of the 1950s. The almost ritualized vandalism that occurred regularly in relation to Grey Cup festivities was mentioned previously. The following quotation, from a memorandum to members of the exclusive Society for Experimental Social Psychology after its 1979 annual meeting, makes its point without further comment:

The Kellogg Center at Michigan State sent us a hefty bill for damage done to the wall murals and light fixtures after the Saturday night party. I do not believe that the whole membership should pay for negligence of a few. The charge was \$300 and I am asking those of you who were involved in throwing glasses and bottles at the wall mural to send me money to cover that charge.

In conclusion, then, it is clear that vandalism is both widespread and varied. Although there is considerable variation in the amount committed by individuals, most young people do a certain amount of vandalism.

(3) MEASURING THE COSTS OF VANDALISM

If the problem of assessing the number of incidents of vandalism is difficult, the problem of estimating costs is almost impossible. An obvious factor is the increasing costs due to inflation. It is even more difficult to determine what proportion of an original cost one should allocate to vandalism when there has been some depreciation of the property and some inflation in replacement costs. And, there are cost allocation problems when, for example, a decision is made to repaint all four walls of a room even though only one of the walls has been damaged.

More basic, perhaps, than these examples, is the problem of differentiating vandalism from hard play and from

general wear and tear. For example, if a door slowly works its way loose from its hinges, in part because it is opened and closed frequently and in part because children swing on it, it is not clear what proportion of the repair costs should be allocated to general maintenance and what to the damage caused by misbehaviour. In terms of formal reporting, it seems unpredictable whether such a door, when found off its hinges, would be seen as needing repair because of normal wear and tear or because of vandalism.

That is not to suggest that it is impossible to make such allocations of cost: in many situations, a decision could be made about such examples and formulae could be agreed upon. The reason that this is not ordinarily done is obvious: usually there is no incentive to make these fine distinctions. In the example given above, no matter what the actual cause the solution is the same: the door has to be fixed. It is little wonder, then, that a number of individuals and organizations reported that they do not find it to be useful to keep track of costs.

It is difficult, however, to ascertain the correct figure of what it may cost taxpayers and/or businesses, because the total number of instances reported do not reflect the total number of acts committed. Many of the acts of vandalism are paid for and covered under the heading of maintenance, thus skyrocketing maintenance budgets.

- Parks and Recreation Department
Sarnia

It is difficult, if not impossible, to differentiate [among] hard usage, normal wear and tear, mischief, break and enter, and vandalism [as causes]. Consequently, statistics are not maintained on the costs of these various categories.

- The Honourable C. F. Bennett,
M.P.P.,
Ontario Minister of Housing

...The Ministry has not recorded actual cost figures of damage on a provincial basis, because of questionable justification for the cost of collecting such statistics and the lack of any effective method of dealing with the problem...

- Highway Engineering Division,
Ministry of Transportation and
Communications

A submission from a Board of Education points out another problem. The submission showed an increase in costs due to fire loss, theft and vandalism but gave no indication as to which category contributed most, or least, to the overall increase.

Another problem in evaluating vandalism costs is that in small administrative or economic units, one very costly episode, such as the burning of a building, has the effect of making the costs for a given time period look enormous when compared to another area or another time period. Though it is obviously true that the costs would be high under such circumstances, the difficulty is that the cost factor does not adequately describe the nature and extent of vandalism in that situation. In other words, both Town A and Town B may have suffered \$100,000 of damage in 1980. But, if the damage in Town A was due to the burning of a school and the damage to Town B was caused by a thousand different occurrences amounting to \$100 each, the nature of vandalism in each community is quite different and the kind of prevention strategy would be quite different.

Data received from the city of Ottawa serve to illustrate this point. In 1979 they recorded 519 incidents of vandalism from 135 locations for a total cost of \$68,908. However within this one city the range of costs was great -- some places had as few as one incident costing under \$20, others had multiple incidents involving much greater amounts. The average of \$132.77 then, tells us little about the diverse pattern of incidents even within the same city.

As are already pointed out, a significant portion of the general public believes that there is an increase in the costs of vandalism, and, therefore, it was felt necessary to look at the problem so far as possible with the time and resources available.

In the circumstances it seemed that one of the most productive approaches to the question of costs was through insurance data. The data are available from across the province, are collected through relatively uniform criteria, and are fairly accessible. However, in considering insurance costs, it should be remembered what such figures do and do not include. In the first place, of course, insurance costs are not likely to include most of the low cost vandalism -- the kind which in isolation does not cost very much but which may, when aggregated, be very important. This limitation is particularly important to keep in mind when considering the fact that between 1974 and 1978 among policies with vandalism coverage there was a

threefold increase in the number of policies that contained deductibles. This could be interpreted to mean that because more policies contained deductibles, it was less likely that claims would be made relating to small amounts of vandalism. However, this interpretation is important only if one can assume that where there is no deductible, claims would normally be submitted. No evidence was presented that would have helped to test that assumption. Accordingly, it was assumed that just as most people do not report minor acts of vandalism to the police, it is unlikely that they make claims against their insurers in such cases. On the other hand it is possible that as a result of inflation incidents that previously caused only a few dollars damage are now reported because of inflated repair costs.

The second important limitation on these data is that they obviously deal only with insured property. Much vandalism of publicly owned property is probably not included in these figures, nor of course, is vandalism damage of private uninsured property included. Finally, unfortunately for our purposes, the insurance companies do not find worthwhile from their standpoint to separate vandalism damage into a category of its own. The closest category in the figures made available included glass and smoke damage with vandalism.

In order to determine whether losses in the glass, smoke and vandalism category had increased in relation to other categories of property losses both dollar amounts and number of losses were used. These data are reported in detail as part of Appendix 4.

Generally speaking it is fair to say that there does not seem to be a marked increase in recent years in the proportion of insurance losses attributable to the glass, smoke and vandalism category. Although there is variation from place to place within the province the costs are reasonably constant.

Comparing costs to other parts of Canada is difficult because, as is reasonably clear from the data for Ontario alone, there is considerable variation even within this one province. Because of the amount of variation, it is questionable whether any particular comparison is meaningful. Furthermore, it must be remembered that comparison of these figures involves the comparison of relative losses: these figures are the losses due to "glass, smoke damage and vandalism" as a proportion of all other losses. With these cautions in mind, the simple conclusion is that neither Toronto nor Ontario is clearly different from other areas of the country; there are undoubtedly some differences, but it does not appear that these differences are things that should be given much prominence.

Assuming that it were possible to determine the dollar value of property destroyed by vandalism in Ontario, one could also argue that the costs of preventing vandalism ought to be included as a cost of vandalism. For example, the Ontario Road Builders' Association pointed out in their brief the extensive security arrangements their industry undertakes to protect their sites and equipment from vandals and thieves. Similarly, of course, some portion of the elaborate alarm systems which have sometimes been purchased and maintained by some school boards might legitimately be considered to be vandalism costs since these costs are incurred in part in order to prevent vandalism. To make the illustration more extreme, it is clear that most, if not all, vandalism in a particular setting could be eliminated completely if we were willing to put enormous resources into constant and complete surveillance. In most cases such surveillance programs would not be cost effective; however, the actual costs of them should probably be considered to be vandalism costs. Although there are few places, if any, in the province that receive such protection, the cost to society of surveillance and protection devices should not be overlooked. It is likely that the Road Builders are not unique in describing vandalism prevention costs in their estimates of the costs of creating or maintaining some piece of property.

In conclusion it appears that trying to assess the costs of vandalism is fraught with difficulties, particularly where the data have been collected without reference to the specific purpose of assessing the costs of vandalism. Obviously many of the problems associated with trying to determine the amount of vandalism are the same as the problems in measuring the costs of vandalism. Accordingly, it is recommended that,

Collection of data on the costs of vandalism should be done at the community level as part of assessing the vandalism problem in the community.

Emphasis should not be given at this time to efforts to measure the costs of vandalism on a province-wide basis.

Where it is necessary to determine the costs of vandalism, uniform standards and criteria should be established and maintained in light of the problems identified in the community.

(4) SUMMARY

To summarize, then, it would seem that it is not really possible or productive to try to get an accurate estimate of the true extent of vandalism in Ontario. Reporting problems and, to some extent, definition problems make it almost impossible to do this. In addition, as noted, almost every young person commits some form of vandalism at some point each year; hence, the simplistic answer to questions about the extent of vandalism, is that it is everywhere that people, especially young people, can be found. It is clear that the people of Ontario are very concerned with vandalism, many of them perceiving that it is more of a problem than it was in the past. On the other hand, not all the measures of vandalism show a uniform increase in incidence; however, some measures, such as the number of reported cases of vandalism to the police have shown definite increases over the past ten years. These latter data may, of course, reflect the increased concern that the public has about the problem of vandalism and the costs of repairs rather than an increase in vandalism itself.

What is clear, however, and what does seem to have important implications in trying to understand and do something about vandalism is that the nature and extent of the problem does vary from community to community. It would have been ideal, one could argue, to try to find out something about the important differences between communities in the province that do and do not have vandalism problems. Unfortunately, such long, complicated, and expensive programs of research were outside of the terms of reference. However, they are an area that may well be worthwhile looking into as future areas of research.

C. COMMENTS FROM OTHER COUNTRIES

The Task Force was also fortunate to have the assistance of retired Ontario Family Court Judge Lorne Stewart who lent his considerable expertise and experience with the United Nations towards gathering information on an informal basis from some foreign sources. Through Judge Stewart comments were received from such countries as Japan, Brazil, Germany, England and Australia. It appears that vandalism has not increased in most of the countries which gave a response, although as one might expect there was considerable variation from place to place. There was also great diversity in the perception of vandalism as a social problem: some nations view

it as just another manifestation of general delinquency while others see it as an isolated and troublesome phenomenon. Thus, it is interesting to note that no matter how severe the problem may appear here, there is not a universal pattern of increasing damage and this suggests a solution may best be sought at a regional level.

CHAPTER 3

Causes of Vandalism

The hope that vandalism can be linked to a single cause must be regarded as a faint hope indeed. As already pointed out, there are too many different kinds of behaviour that fall under the general category of vandalism to expect that a single cause can be identified. However, whether suggesting a single cause or multiple causes, the submissions to the Task Force resulted in the identification of a wide variety of opinions about the reasons for vandalism. Ideally, each suggested cause should be discussed fully and the empirical data related to each should be examined. However, because this would be, in itself, an enormous task, it has been necessary to assign to categories these suggested causes, although, some specific suggestions that were received do not fall easily into one of the major categories described below; in most cases, however, the suggestion may be included in a combination of causes.

A. SOCIAL DECAY

One of the most frequently suggested causes or explanations for vandalism might be described as the "rotten society" explanation. As mentioned earlier, this explanation is not new. Indeed, the view that this is a new problem is itself an old phenomenon. Popular opinion forty years ago, as reflected in a 1939 edition of the English Picture Post, was expressed in terms frequently used today,

The great increase in juvenile crime is certainly one of the most horrible features of our time.

For reasons that can only be touched on, it seems that it is almost a universal phenomenon in our society that each generation sees its youth as embodying characteristics likely to bring society to complete ruin. Whether this is due to a misperception of what we were like when we were young, a selective memory, or simply an equating of changes in behaviour with a decline in morals is not clear. The difficulty, however, is that, for whatever reason, we tend to think that when we were young we caused no concern to our elders. Although it is possible that those most vocal critics of modern youth were

models of good behaviour in their day, this supposition ignores the fact that it is unlikely that their friends probably were also equally well behaved. A few quotes from the letters and formal submissions to the Task Force will illustrate this theme:

I feel my parents cared enough to have some very strong values and beliefs that I notice are disappearing in our culture today.

- a Peterborough resident

We all know that our lifestyles have changed and our family structure has changed but regardless of parental roles can we not retain the same values? What of moral excellence, intelligence, honesty and strength and especially respect?

- a Mississauga resident

I recently read an article that stated the kids of today have nothing to do but hang around the streets. There is no comparison between today and 40 years ago.

- a Hamilton resident

A perceived cause of vandalism that is somewhat more specific is that we have failed to teach young people the value of property. At times this failure is linked with the view that modern society can be described as a "throw-away" society -- where property is not meant to last for an appreciable period of time. The importance of property is clear from public submissions to the Task Force. Many people mention the need to have respect for property, as the following examples show:

You have to teach them to respect other people's property from the time they are toddlers and start to touch ornaments and things.

- a Burlington resident

I am very concerned about children's lack of respect for other people's property. They don't care.

- a Mississauga resident

I feel that young people must be taught to respect other people's property.

- a Ridgeville resident

Such a program - selling right principles - could be just as effective and produce the most beneficial of

results, a gentle pressure of encouragement to respect persons and property.

- Insurance Advisory Organization of Canada

A final explanation that is sometimes given for vandalism that falls into this overall category of causes is that we have not instilled in our youth sufficient respect for "law and order". For example:

I know from personal experience that some of our young people have genuinely and honestly no clear concept of right and wrong.

- a Peterborough resident

And a submission from the City of Barrie includes the following as one of the main causes of vandalism:

The increasing general community lack of respect for law and the softening of penalties for convictions... have both provided incentives to youths to commit such acts.

The common thread that all of these possible causes have is that they see vandalism as a symptom of a more important societal problem: society has, for one reason or another, gone bad, and one of the consequences is vandalism. Although this is a simple explanation, one of the major problems is that it does not help us find an equally simple solution. One study of vandalism stated,

Nor does it seem that greater success [in preventing vandalism] would have resulted from considering vandalism, not as a problem requiring solutions, but as symptomatic of a wider problem of 'social malaise' which must be tackled simultaneously on many fronts. (Clarke, 1978, p.77)

Few would argue against having a more peaceful, charitable, considerate and compassionate world and we could spend a large amount of time anguishing over the dismal state of society. But, after doing so, we probably would not have come any closer to solving the problem of vandalism.

B. INADEQUATE PARENTING

The second category of causes of vandalism could be called the "inadequate parents" theory. This theory has been expressed in a number of different ways:

If the working mothers stayed home and raised their own children, and disciplined them when necessary (I don't mean a beating) it could help a whole lot.

- a Cambridge resident

My personal belief is that parents and adult neighbours are responsible for much of this problem. Parents [are responsible] because so many of them do not teach their children the value of property in their own home or in their neighbourhood.

- a Toronto resident

I blame the parents because I always knew where my children were and with whom they were associating, even as teenagers.

- a Burlington resident

Both parents should be required to attend classes on their responsibility to their children in teaching respect of private and public property.

- a Windsor resident

and the City of Barrie mentions the following as a major cause of vandalism:

The decay of parental responsibility in teaching children the moral and social responsibilities of citizenship.

The basic assumption seems to be very similar to that already described. In this particular case, however, the reason that there is perceived to be a decline in social responsibility is more explicitly noted: parents are accused of being irresponsible in bringing up their children. The types of irresponsibility attributed to parents varies. Generally speaking, however, there is the assumption that all parents have the ability, but lack the motivation, to monitor and control their children adequately. Often there is a further presumption that society generally, and the criminal justice system in particular, should be able to do something to motivate parents to exercise their responsibility.

This perceived cause is based on a number of questionable assumptions. In the first place, it seems to assume that parents really do not care about the vandalism caused by their children. Although the research did not include a separate study of parents' views about the vandalism caused by their children, studies in other areas of youthful deviance, such as truancy show that parents are, indeed, quite disturbed by the

deviance of their offspring (Nielson and Gerber, 1979). Also, evidence from researchers who have studied interactions between parents and juveniles apprehended for committing offences would suggest that most parents react quite positively to suggestions for treatment of some sort or another for their offending child and very few (fewer than two per cent) of parents of offending juveniles are characterized in police reports about them as being "negative", that is, doing such things as encouraging disobedience (Doob and Chan, 1978). All of this is not to imply that all parents are ideal in their handling of children or that no parent could ever have contributed to his child's vandalism. But the view that the parents generally have adequate knowledge and resources but have chosen not to use them is not sustained by the evidence.

This explanation for vandalism is also a rather pessimistic one for much the same reason that the social decay theory is pessimistic: it is not clear, even if the cause of vandalism could be seen to be the parents, that it would be a simple matter to change the parents. After all, since most children commit vandalism it suggests that about ninety per cent of parents are inadequate. Like the previous explanation, vandalism is, in this explanation, a symptom of a more serious problem. If this cause were seen to be a prominent one, it seems more appropriate to look at the central problem, inadequate parenting, rather than to look at the symptom of it, vandalism. However, as already implied, the motivation of the parents does not seem to be a major factor in causing vandalism. This issue is discussed more fully in the section of the report relating to suggestions for remedies.

C. LENIENT COURTS

One of the most frequently mentioned causes of vandalism was the presumed leniency of the courts. As in almost all surveys that have been done on the topic, the dispositions set by the courts are seen by many observers as too lenient. This suggestion came from many individuals, municipalities and organizations.

When offenders are caught our laws at present do not provide sufficient deterrent.

- a Guelph resident

We have a lot of good children too, and do not mean all are bad, but the courts should be tougher with the bad ones.

- a Cambridge resident

I don't pretend to have any answers but I truly believe that the police do their job but the courts are far too lenient with the offenders when they are caught.

- a Burlington resident

It would appear that this situation has gotten completely out of hand and I would suggest heavier penalties and restitution could act as a more effective deterrent to help control this very serious and frightening situation.

- a Windsor resident

Repeatedly, these same people have been brought to the tribunal to account for their acts of theft, vandalism and destruction. Repeatedly, these same people have been dismissed with minimal or no punishment.

- Winchester Chamber of Commerce

We feel our Police are doing a good job in apprehending the offenders, however, the penalties assessed by our courts are far too lenient and often provide very little deterrent.

- South Easthope Farmers' Mutual Fire Insurance Company

Because of the great deal of public concern and in particular because the terms of reference called specifically for an assessment of the role of the juvenile and criminal justice system in dealing with vandalism, special emphasis was given to the question of the presumed leniency of the courts.

One interesting point that must be made about all of these perceptions of undue leniency by the courts is that hard data are seldom used to back up the assertions of leniency. It is not clear why the courts have this image; what is reasonably certain, however, is that the assertions made to the Task Force were made almost exclusively on the basis of inadequate or incomplete information.

As was quite forcefully pointed out by one judge, the courts can only deal with evidence that is before them and can only make dispositions within the general guidelines of the law as it is interpreted by the courts of appeal. Furthermore, it was pointed out that when a sentencing decision is reported in the public media, usually only a small fraction of the number of considerations the judge was forced to take into account are reported. Often the sentence that is reported is described primarily in terms of the offence committed with little or no

reference to other factors that the court is required to take into consideration on sentencing. Thus, for example, the nature of the offence and the views of the victim might receive a lot of coverage along with the comment that certain people saw the sentence as too lenient. But the same report might not contain the fact that the offender had no record, showed remorse, had pleaded guilty, and had offered restitution. The determination of the appropriate sentence for an adult or disposition for a young person is a complicated weighing of competing values and interests where the judge gets relatively little guidance (Hogarth, 1971).

The concern about the dispositions of the courts is not new. In the English publication, Saturday Review of August 30, 1862, it was noted that:

It is clear that we have not yet found out what to do with our criminals. We neither reform them, nor hang them, nor keep them under lock and key, nor ship them off to the Antipodes. Our moral sewage is neither deodorized nor floated out to sea but remains in the midst of us polluting and poisoning our own air.

Because this perception of the court is so widespread, a few of the people who expressed this opinion were asked to explain the basis of their view. As an example, one township reeve wrote, saying, "We feel the court's response to the law breakers involved [in vandalism] can only be described as lenient and weak." It was suggested to him that "it would be helpful for the work of this Task Force if we could be informed of the actual range or distribution of dispositions for the acts of vandalism you refer to." In this case, as in others, no reply was received.

In this context, it should be remembered that there is at present a very important distinction that must be made when considering dispositions for juveniles and for adults. When a young person turns sixteen in Ontario, he or she is an adult for the purposes of the criminal law and is processed by the adult courts if apprehended for an offence committed after the sixteenth birthday. In the adult court, various considerations such as the nature and gravity of the offence are supposed to be considered in deciding on the appropriate disposition. In juvenile cases, such sentencing principles are modified by the specific provisions of the Juvenile Delinquents Act. Although the federal government has introduced legislation to replace the Juvenile Delinquents Act, at present the Juvenile Delinquents Act provides:

3. (2) Where a child is adjudged to have committed a delinquency he shall be dealt with, not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision.

20. (5) The action taken shall, in every case, be that which the court is of opinion the child's own good and the best interests of the community require.

38. This Act shall be liberally construed in order that its purpose may be carried out, namely, that the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by his parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance.

The implications of these sections of the present legislation are important because they set the terms under which juveniles are dealt with by the courts. It should also be remembered that the separate system for dealing with juveniles originated from an explicit belief that juveniles should be dealt with differently, that they were not offenders per se, but rather were young people in a state of delinquency, and that the emphasis should be on non-institutional dispositions involving probation. Thus, when we look more carefully at the operation of the juvenile justice system, we have to remember that the police and judges working in it are working with a law with purposes that are quite different from the purposes of adult criminal law. The obvious and important implication of this is that the offence is not supposed to be the direct determinant of the disposition of the court. Under the Juvenile Delinquents Act, it would appear that the offence can be used to help the judge understand the nature of help, supervision, and guidance the juvenile needs; it is not, however, to be used directly to determine disposition. In brief, the philosophy of our juvenile justice legislation is that it is more important that the "punishment" should fit the "criminal" than the crime.

Before we look at the actual operation of the court with respect to vandalism, it is worthwhile to consider the nature of the intake into the court and the possible effects that the court and the criminal or juvenile justice system could

have. As already pointed out, almost all young people who filled out the vandalism self-report survey indicated that they had committed at least one act of vandalism during the previous twelve month period. In addition, these same respondents indicated that almost invariably they had not been caught for acts of vandalism. Indeed, only 3% of the high school students indicated that they had ever been apprehended by the police for acts of vandalism. It should be noted that this does not even mean that the real apprehension rate is 3%. These percentage figures refer to individual persons rather than separate acts of vandalism: each of those people who were apprehended had obviously committed a number of undetected acts of vandalism. Thus the juvenile and adult justice systems are faced with an extremely low apprehension rate.

Lest it be misinterpreted, it must be pointed out that this low apprehension rate is best considered an inherent problem of vandalism: the people who commit acts of vandalism are unlikely to commit them if there is apparently any likelihood of apprehension. In contrast, most assaults take place between people who know each other. Apprehension for vandalism is also difficult because, unlike other property crimes, such as theft, where the offender retains the stolen goods, there is seldom any evidence linking the vandal with the act after the offence has been committed. Thus, unless the person is seen, identified, and reported at the time he is committing an offence, it is almost certain that he will not be caught. Therefore, the police should not be criticized for being inefficient in apprehending vandals: without massive increases in police expenditure such that almost all property was constantly under active surveillance, it is unreasonable to expect that the police could be more effective in apprehending vandals.

A few words must be said about the view that apprehension or clearance rates by police are considerably higher than suggested here. For example, Commissioner H. H. Graham of the Ontario Provincial Police, stated in a letter to the Task Force: "The national average clearance rate of approximately 20% affords the would-be perpetrators of such unlawful acts, reasonable assurance against being apprehended." These apprehension rates are based on "clearances" as a proportion of number of vandalism reports received. Since one of the reasons commonly given for not reporting offences to the police is that the victim perceives little likelihood that the police could do anything, it is plausible to assume that a disproportionate number of instances of vandalism would be recorded where there is a known suspect. In other words, the apprehension rate seems high because the cases reported to the police are more likely to be cases where there is at least a suspect. Those without a

suspect would be less likely to be reported. Thus high clearance rates may reflect reporting practices more than efficiency of apprehension. As discussed above, there is every indication from Task Force data and from victimization studies done elsewhere that only a small proportion of acts of vandalism come to the attention of the police. The public, for the most part, are quite pragmatic in their reporting strategy: they apparently do not bother to report minor offences where they see the likelihood of apprehension to be low. However, there may be important differences across the province in the visibility and the likelihood of reporting new acts of vandalism. Reporting rates might, for example, be higher for certain kinds of offences in rural as compared to urban areas. At this point, however, there are no systematic data to help predict reporting or clearance rates across communities for acts of vandalism.

To return to the issue at hand, the fact is that very few people are apprehended for their acts of vandalism. However, it would be a mistake to think that even this small proportion of vandalism cases will end up before the court. From a number of different sources, such as Conly (1978), it is known that the likelihood of going to court is itself quite low in many and perhaps most jurisdictions. The police and social science researchers are in complete agreement about their description of this fact: for example in the 1979 annual report of the Metropolitan Toronto Police, it is reported that only about one fifth of the juveniles known to have committed offences are charged. This figure obviously varies somewhat from jurisdiction to jurisdiction; the general findings remain the same, however. It is a good assumption that only a small proportion of young people apprehended for offences will go to court.

The situation is very different for adults; they tend to be charged for offences if they are apprehended. With juveniles, however, the story does not stop here. A number of studies have shown that offence-seriousness is one of the factors considered by police officers in arriving at their decision as to whether to charge a juvenile. Thus, in a study by Doob and Chan (1978), it was shown that the likelihood of a juvenile going to court for a minor offence was significantly less than where the offence was more serious. As the self-report study carried out by the Task Force shows, most instances of vandalism are best described as minor. Therefore it should not be surprising that only a small fraction of vandalism cases are taken to court; the large majority are disposed of by the police as "cautions": the young person is taken to his parents, is warned not to engage in the behaviour again, and the only record that exists lies with the police. In the study referred

to above, where only 13% overall of the juvenile offenders were brought to court, an even smaller proportion of vandalism cases were taken to court.

Interestingly enough, a recent study looked at juveniles four years after they had been in contact with the police and there was no difference in re-apprehension rates between those juveniles who had been charged and those who had only been cautioned. Taking a juvenile to court, therefore, appeared to have no effect when compared to a simple caution (Kijewski, 1981).

When the juvenile actually does end up in court -- because the act itself was serious, or because of his response to being caught, or because of his record of previous offences -- the court, of course, must deal with the young person as set out in the federal legislation. As pointed out, this does not necessarily mean that he should be dealt with harshly or leniently; instead the judge is being asked to follow a treatment ideology that focuses on the needs of the juvenile.

Task Force researchers looked at the dispositions given to those few vandals who are apprehended and taken to one of the courts in Metropolitan Toronto (Appendix 2). For purposes of comparison, the dispositions given to others who were found to have committed theft or break and enter were also studied. This study was done for juveniles and for adults. In interpreting the findings, of course, it should be remembered that these data were collected in one court for one relatively short period of time; hence it is not clear to what extent they can be applied to all courts in Ontario. They are, however, a systematic survey of at least one area and, therefore, are likely to be more accurate a reflection of what really happens than many descriptions based on impressionistic and anecdotal reports.

Because there is no absolute or agreed-upon standard of what is the right disposition for either adults or juveniles, it is difficult to make any simple statement about the overall appropriateness of the sentences. However, what is clear is that when they go to court vandals are not getting off lightly in comparison with other offenders.

FREQUENCY OF INDIVIDUAL DISPOSITIONS
GIVEN TO JUVENILE OFFENDERS

	Vandalism %	Theft-Under %	Break & Enter %
Community Service Orders	11.1	2.7	7.5
Restitution	43.1	4.5	22.6
Fines	0.0	3.6	9.4
Donations to Charity	2.0	5.5	7.5
Probation	19.6	21.8	31.1
Training School	0.7	1.8	4.7
Family Court Clinic/ Children's Aid Society referrals	3.3	8.2	6.6
Cases Adjournded Sine Die	39.9	54.5	29.1
Cases Dismissed	4.6	1.8	0.9
Cases Withdrawn	11.8	4.5	9.4
Conditional Discharges	3.3	1.8	0.0

FREQUENCY OF INDIVIDUAL DISPOSITIONS
GIVEN TO ADULT OFFENDERS

	Vandalism %	Theft-Under %	Break & Enter %
Fines	29.3	21.4	5.3
Restitution	27.4	2.6	11.6
Community Service Orders	2.8	0.0	1.1
Probation	48.1	49.6	49.5
Incarceration	4.7	0.9	26.3
Conditional Discharges	22.6	40.2	7.4
Suspended Sentences	14.2	8.5	33.7
Absolute Discharges	0.0	2.6	0.0
Cases Dismissed	6.6	7.7	0.0
Cases Withdrawn	22.6	18.8	27.4

When one looks at the results, it is also important to remember that Parliament has made some statement about the relative severity of different kinds of offences in the criminal justice system: the maximum penalties set out by Parliament in the Criminal Code presumably are reserved for the worst possible offender for the worst possible offence. In the case of breaking and entering a private dwelling, the maximum penalty is life imprisonment (section 306 (1)(d)), for breaking and entering a building other than a private dwelling the maximum penalty is fourteen years (section 306 (1)(e)), for theft under \$200 it is two years if the Crown proceeds by indictment and 6 months if by summary conviction (section 294). For "vandalism" the penalties would, of course, depend on the exact charge, but for wilful damage the penalty would be 6 months (section 388 (1), section 722), for mischief to public property, the maximum penalty is fourteen years, and mischief to private property, the maximum penalty is five years (section 387 (3)(a), (4)(a)). In summary, then, it would be fair to say that the maximum penalties for break and enter would tend to be heavier than for vandalism; for theft under \$200, the maximum penalties would tend to be lighter.

When one looks at the results of the dispositions for juvenile offenders, it is not clear that this ordering is followed. Without going into detail, it would appear that vandalism is treated by the court in a manner comparable to break and enter and, predictably, more seriously than theft under \$200.

For adults, it would appear that the dispositions are clearly more severe for vandalism than for minor thefts, but are somewhat less severe than for breaking and entering.

Although it is difficult to evaluate the appropriateness of dispositions generally in the juvenile or the criminal justice systems it does not appear that there are any significant anomalies in the data that were gathered. Among other things, as described in more detail in Appendix 2, the existence of some previous involvement with the court tended to increase the severity for both juveniles and for adults. In particular, adults and juveniles with previous court records were more likely to be incarcerated. This was true for all offences examined.

In summary, then, the assumption that many people hold about the leniency of the court in vandalism cases does deserve to be challenged in its own right. The courts do not treat vandalism less seriously than they do comparable offences.

Even if the courts were unusually lenient on vandals it is questionable whether that could properly be described as a cause of vandalism. In the past ten years or so, there has been an enormous amount of interest in the general area of deterrence as a crime prevention strategy. Although this topic is often associated most closely with the capital punishment debate, it is a topic which can be investigated more generally than that limited issue.

Briefly, the questions that can be raised are as follows: (a) To what extent is perceived leniency of the courts a cause of crime, (b) What kinds of legislation or practice can deter people from crime, and (c) Is deterrence (or the lack of it) important in understanding the amount of crime in the community?

Obviously, the relationship between the amount of crime and sentencing practices in the criminal or juvenile justice system is important. If we could lower the crime rate by a centrally-made decision, this approach would, undoubtedly, be less costly than most other approaches.

The research published on deterrence reflects a large variety of approaches to the problem. For example, Henry (1978) looked at the relationship of average sentence length to the amount of crime officially recorded in an area. In that study it was shown that although there was variation in the average sentence and the amount of crime in the various judicial districts in Ontario, these two phenomena -- the typical sentence and the rate of particular offences -- were themselves unrelated.

An alternative approach was used by a number of other researchers (Chiricos and Waldo, 1970), in which apprehension rates (and sentences as well) were compared to official crime rates. Again, the results are reasonably consistent: apprehension rates but not sentences appear to be related to crime rates for certain crimes. Where people have a higher likelihood of apprehension, the rate of reported offending seems to be lower.

When the perceptions of offenders or potential offenders are examined, the data become even clearer (see, for example, Jensen, Erickson and Gibbs, 1978 or Anderson, Chiricos, and Waldo, 1977). The perceived likelihood of personally being apprehended for an offence is the best predictor of the likelihood of offending: not surprisingly, those perceiving a high likelihood of themselves being apprehended do not commit offences. The recent reviews (for example, Webb, 1980; Law

Reform Commission of Canada, 1976a; Walker, 1979; Teevan, 1976) on this topic have concluded that the important factor in deterrence is the perceived likelihood of apprehension rather than the objective likelihood of apprehension or the length of sentence given to those apprehended.

In other words, there is strong evidence in the empirical literature that changes in the sentences of the court will not alone affect the amount of vandalism in our society. Furthermore, as already discussed, it seems unlikely that it will be easy for the police to apprehend more vandals. In a recent article, Webb (1980) suggests that it is probably unreasonable to see deterrence as being relevant for all kinds of crimes for all kinds of criminals. Although our immediate reaction might be to reject this conclusion, on further reflection it is evident that a theory of general deterrence through sentencing does not easily fit with the view that there are many reasons why people commit offences.

The source of the public's faith in sentencing as a deterrent is, itself, an interesting question. However, it seems to be strongly supported by statements made by public officials and reported in the newspapers.

The Council...would respectfully urge Your Honour to make strong recommendations to the Attorney General with respect to...the need for new legislation or amendments to existing legislation to provide penalties for vandalistic acts which would be severe enough to serve as a deterrent to the perpetrator and those who might contemplate such activity.

- City of St. Catharines

Persons being convicted of vandal type offences [should] be dealt with severely which would act as a deterrent.

- Chief of Police, Lindsay

Now therefore be it resolved that the Council of the Township of Oakland petition the Attorney General of Ontario to undertake the following actions with respect to vandalism and related incidents:...Instruct the Courts to respond more firmly with all offenders, i.e. complete restitution, longer sentences, community work equivalent to the damage, etc.

- Township of Oakland

It is apparent that present day punishment for wanton and senseless vandalism is not a deterrent...The

Courts must impose a more meaningful penalty for conviction of vandalism which, we suggest, should be in the form of restitution by those convicted.

- Ontario Legislative Committee
Canadian Railway Labour
Association

Whereas the incidence of vandalism continues to increase;
And whereas the municipalities and the property owners must bear the cost of this destruction;
And whereas it is apparent that the laws are ineffective as a deterrent to this crime;
Be it resolved that the Federal and Provincial Attorneys-General be requested to convene a meeting of elected officials from the three levels of Government and of Police officials, for the purpose of discussing a change in the law that would provide heavier penalties as well as restitution to the victims of vandalism;

- Town of Trenton

Perhaps it is an attractive view because it implies that if only a few people, namely judges, changed their behaviour, the social problem would go away.

It is worth repeating at this point that a substantial portion of the public favours longer sentences for convicted vandals in part because of belief in the deterrent effect of these sentences. However, it is possible that these views about the effectiveness of long sentences as a deterrent may not be very strongly held. During the course of the study the Task Force was very fortunate to have the opportunity to appear on the London, Ontario two-way cable television system. This system enables the cable television subscribers to watch a presentation on an issue such as vandalism and to respond immediately through the system to questions raised on the program. On the program the question was asked initially whether people favoured imprisonment for second convictions for vandals: forty-five percent of the respondents answered in the affirmative. This was followed by a very short discussion about the ineffectiveness of heavy sentences in deterring vandals. When the same question was asked again the proportion of the viewing audience favouring this form of disposition dropped to 31%. Although this is a substantial drop we must not lose sight of the fact that almost one third of the respondents still favoured incarceration. The courts need to recognize this if they are to remain responsive to the currents of public opinion. Incarceration should remain a viable possibility to prevent offenders

and the general public from losing respect for the judicial system.

That the general public is not fully aware of the research findings in the area of deterrence should not be surprising. It is an area of research in criminology that only recently has received a great deal of attention. This research cannot be set out in great detail in this report. However, a few points are worth making. In the first place, deterrence is based on the assumption that a person will have before him certain information about the likelihood of apprehension and the likely penalty he will receive if apprehended. It is presumed, then, that through some form of rational process, the person will make a decision as to whether he will commit the offence: if he calculates that the risks are worth it or the threatened punishment is sufficiently light, then the presumption is that he will commit the offending act; if he decides that the chances of apprehension are too high and the punishment is too severe, the presumption is that he will not commit the act.

Put this way, the difficulties or the limitations with deterrence theory become clearer. In the first place, it can only be presumed to deal with a portion of offences, in particular those offences where the perpetrator goes through this logical process (Webb, 1980). Deterrence is presumably not relevant for those offences which might be called impulsive or where this logical analysis of the consequences does not take place. Although it is not clear exactly what portion of vandalism falls into this general category, it is clear that unlike armed robbery, corporate fraud or counterfeiting, some acts of vandalism are best described as impulsive -- decided on and committed without the planning and weighing of the consequences necessary for deterrence. Deterrence also is obviously not a relevant approach to crime prevention for those few who might commit offences even though they perceived the likelihood of apprehension and the severity of the penalty to be high. Skyjackers and some political assassins seem to fall into this category.

The second issue which must be considered is the relevance of deterrence to understanding the reasons why people do or do not commit vandalism. Again, as Webb (1980) pointed out, deterrence is probably not the reason why most people, as they grow older, decrease the amount of vandalism they do. There are other, more basic reasons. Most readers of this report, for example, probably have not committed vandalism in the previous twenty-four hours. This undoubtedly has more to do with their own interests, motivation, and socialization than it

does to their careful assessment of the risks and benefits of committing an act of vandalism.

The notion that increasing the penalties associated with a transgression will lead to fewer instances of that crime is not new. It reflects common sense intuitions about human behaviour and is an example of what Meehl (1971) refers to as a "fireside induction", that is, a commonly held belief about human conduct, and how it is predicted and controlled.

Occasionally social science research generates data which conflict with these "fireside inductions" and when this happens great care must be taken to ensure these data are reliable, and come from well-conceived and well-executed studies. The characteristics of research advocated by Meehl typify much of the deterrence studies conducted over the past few years. This leads us to have more faith in their findings but with such important questions at stake it is prudent to scrutinize the data very carefully. This is the line of reasoning adopted by Meehl, who concludes:

Unavoidably the law will continue to rely on the fireside inductions. They should be viewed with that skepticism toward anecdotal evidence and the received belief system that training in the behavioural sciences fosters, but without intellectual arrogance or an animus against fireside inductions in favor of overvalued or overinterpreted scientific research. I can summarize my position in one sentence. In thinking about law as a mode of social control, adopt a healthy skepticism toward the fireside inductions, subjecting them to test by statistical methods applied to data collected in the field situation; but when a fireside induction is held nearly semper, ubique, et ab omnibus [always, everywhere, and by all] a similar skepticism should be maintained toward experimental research purporting, as generalized, to overthrow it. (p. 99)

The research findings from a large number of studies on deterrence are quite consistent, and it would be fair to make the following points about them: (1) It is the perceived likelihood rather than the actual likelihood of apprehension that is important in deterring a criminal act. Indeed, it seems to be the perceived likelihood that the person himself rather than the perceived likelihood that people generally would be caught that is important. (2) It is the perceived likelihood of apprehension that is important rather than the perceived likelihood of receiving a lighter or heavier sentence that acts

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as a deterrent. (3) Publicity campaigns can, for a short time, increase people's perception of the likelihood that they would be apprehended, but this cannot be sustained unless the actual likelihood of apprehension is similarly affected.

These findings have led one research study to conclude:

It is clearly inappropriate to give way to those who demand that the full weight of the law must be brought down upon those who are responsible. Such demands... are particularly strong when people are aware only of the more dramatic incidents of damage, supposedly involving 'hard-core' delinquents. But substantial proportions of our children, especially those living in large cities, are involved in vandalism. For those [above the age of criminal responsibility] the minor nature of most offences would point to cautioning as the most appropriate disposal but when they do end up in court, it would be clearly unfair to impose heavy penalties in the hope -- largely unsupported by available research -- that others might as a result be deterred from such behaviour. Placing a child in some form of secure provision in the public interest would only be justified if a boy or girl had appeared repeatedly before the courts for more serious offences of vandalism. Finally, current forms of rehabilitative treatment for juvenile offenders are of doubtful effectiveness and those involving residential placement are expensive and may even be counterproductive.

An additional reason why deterrent solutions to the problem are of limited value is that very few vandals are caught.... (Clarke, 1978, p. 70)

To repeat, then, making penalties for apprehended vandals heavier will not likely affect the actual amount of vandalism that takes place. People may, however, want harsher sentences for other reasons (for example, to give the offender what they see as his "just deserts" or to express society's abhorrence of the act itself). These other justifications may not be relevant to decreasing the amount of vandalism in society but they may be very important in maintaining public respect and support for the administration of justice.

We are left then with directly conflicting views. On one hand, the social science evidence appears to demonstrate the ineffectiveness of harsher penalties in deterring many types of

crime. On the other hand, there seems to be a substantial portion of the public desiring a more severe form of punishment for convicted vandals. The solution to this dilemma, then, may lay in looking for some middle ground. A balance must be struck between giving sentences that are fair to the offender, while ensuring that vandals are held responsible for the consequences of their actions. Therefore, it is recommended that,

As a general principle in sentencing vandals, the court should impose a sentence that will be perceived by the offender and the community alike as commensurate with the seriousness of the act.

Given the nature of the majority of offences, it is unlikely that in most cases for most convicted vandals (especially juveniles) custodial dispositions are appropriate; therefore, attention should be given to the possible increased use of "middle range" dispositions such as fines, community service orders, and restitution by the offender. Accordingly, it is recommended that,

Alternatives to imprisonment such as restitution and community service, should be considered in sentencing persons convicted of vandalism.

Because vandalism is a criminal offence, dispositions for vandalism should be considered in conjunction with dispositions for all other criminal offences. Vandalism should not be singled out. Therefore, it is recommended that,

Sentences for persons convicted of vandalism should be commensurate with sentences given for similar criminal offences.

D. BOREDOM

One quite different explanation for vandalism is that vandalism is the product of boredom and a particular stage of adolescent development. In comparison with other activities available to young people vandalism seems like fun. Related to this explanation is the suggestion that society tends not to provide the kinds of recreational or, more specifically, the "unstructured" kinds of activities that young people aged approximately twelve to sixteen like to do. Because it was not possible to do a complete survey of recreational opportunities (as contrasted with recreational facilities or programs) that are available to various age groups it is difficult to know whether our society lacks enough unstructured activities for

young people. However, it does seem to be a concern that is worth considering.

The self-report surveys asked students to indicate why they committed particular acts of vandalism. Clearly, the explanation that is given in such a setting must be interpreted for what it is: a retrospective account of an explanation for behaviour where, even at the time when the act of vandalism was taking place, the person may not have been completely aware of the reasons for the act. Nevertheless, 52% of the respondents indicated the major reason for their engaging in the act was that they were bored or the act of vandalism itself was fun, or both. Accordingly, it seems that the issue of recreation is an important one to explore in understanding the motivation for and possibly solutions to vandalism. If such a large percentage of young people complain of being bored at a time when it appears that there are more recreational facilities and programs available than ever before, it may be important to determine whether they have recreational needs and opportunities in addition to and outside of formal recreational programs.

Thus, it is recommended that,

When recreation strategies are being considered as part of a vandalism prevention program, consideration should be given not only to the availability of facilities and formal programs but also to the availability of acceptable natural recreational opportunities for young people.

Recreation is discussed further in Chapter 5.

It is probably worth noting in this context that the data collected from the small sample of training school wards (Appendix 5) suggest that for special groups, the causes may have been somewhat different, and that boredom or lack of recreation may have been less important.

E. PEER PRESSURE

Related to the boredom theory of causation is the observation that much vandalism is done while young people are in groups. In the self-report surveys carried out by the Task Force, for example, 64% of the acts that were described were done when the young person was in the presence of others. Data such as these are often used to support the notion that vandalism is a result of peer pressure. The difficulty with this as an explanation is that peer pressure can operate in either

direction: to increase or to decrease vandalism. Nevertheless, peer pressure is sometimes recommended as a solution to vandalism. Usually "negative" peer pressure is said to be the cause and "positive" peer pressure the solution. However, that only demonstrates that peer pressure is a concern that requires other factors to explain it.

Perhaps people commit acts of vandalism when they are in the company of others simply because these acts are felt to be more fun or are more likely to be recognized when done in groups than when done alone. In addition, it is possible that it is more exciting to do something that is prohibited when with others than when alone.

In some cases, of course, being with other people is critical. Psychologists, such as Zimbardo (1969), have written about concepts they refer to as "contagion" and "de-individuation" whereby the presence of others serves to exaggerate or to make possible certain kinds of acts that would not be committed if the person were alone. For example, people appear to be more willing to inflict harm on others when in a group because the group allows a certain amount of anonymity as well as the diffusion of responsibility among the group members.

F. DEVELOPMENTAL FACTORS

The final cause of vandalism to be discussed in this section is the process of development from adolescence to adulthood. Vandalism may be a natural consequence of growing up. As one author pointed out,

[V]andalism is seen as the not unexpected expression of certain developmental needs of young children and adolescents who are being brought up (i) under current norms of parental supervision which allow children considerable freedom of movement and self-determination of leisure pursuits and (ii) under the conditions which prevail in our cities of high density living and the 'public' ownership of large categories of property. (Clarke, 1978, p. 70)

It should be pointed out immediately that this explanation does not imply that we necessarily have to accept vandalism in all of its various forms. It does, however, suggest that we should think about the problem in ways that are somewhat different from the view that vandalism is in some way pathological or unnatural, just as we seldom think of taking the

towels and ashtrays from hotels, drinking and driving, or income tax evasion as pathological. There are many offences which adults commit that should be considered in this context.

One observation that is relevant to this view of vandalism is that very young children do things which could be described as vandalism but are never referred to as such. For example, a three-year-old who clearly knows that her parents disapprove of her writing on the wall may, nevertheless, write on the wall. Seldom is this behaviour referred to as vandalism even though it might be easily demonstrable that the child had full understanding of the nature and consequences of her destructive behaviour. Similarly, in the probably apocryphal story about the first United States president, George Washington, chopping down the cherry tree, George is seldom referred to as a young vandal who grew up to be president. Instead, the inculpatory statement that George made to his father is used to raise George's credibility: the fact that he is not described to generations of students as a self-confessed vandal is given little prominence. George obviously is not an exceptional case; most young people in such situations would not be thought of as vandals. However, as the child matures we become less and less tolerant of such behaviour. Even George Washington would have been thought of as a vandal if both he and the cherry tree had been a little older!

The self-report data suggest that the incidence of vandalism is highly related to age. As shown in Figure 1 in Chapter 2, the incidence of vandalism seems to increase rather dramatically with age up to about fifteen or sixteen years old and then to drop off. Presumably, as with many adolescent problems, the challenge is to find ways to control this maturing process and to divert the unacceptable vandalism to other activities.

G. OTHER CAUSES

A variety of other suggestions have been made with respect to the causes of vandalism. Individuals and organizations who have written to the Task Force have suggested that vandalism is caused by various forms of emotional disturbance, alcohol and other drugs, or learning disabilities.

Lenient liquor laws are believed to be conducive to crime. It is felt that many commit vandalism while their judgement is impaired by liquor and/or drugs.

- Kirkland Lake Public Library
Board

I am thoroughly convinced that the empirical evidence available is strong enough to suggest that the correlation between learning disabilities and vandalism is begging to be researched.

In your deliberations on vandalism we would urge you to consider taking a serious look at the possibility that many acts of vandalism are committed by learning disabled children and youth "getting even" with a society that has consistently failed to understand their special needs.

- Ontario Association for
Children with Learning
Disabilities

Obviously explanations such as these may be relevant for that portion of the population committing offences while under the influence of drugs or alcohol or who suffer from difficulties such as learning disabilities. It should be kept in mind, however, that this type of explanation does not help account for the overall high rate of vandalism in the youth population.

A report prepared for the Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration in the U.S. Department of Justice concluded:

Explanations of delinquent behavior based on presumed personality differences, presumed biological differences, and a presumed connection between learning disabilities and delinquency have been subject to intense scrutiny and are not supported. On the basis of the evidence, individual psychotherapy, group counseling, casework, and other program efforts to apply these explanations should be rejected. In addition, early identification or selection for treatment based on personality test scores, individual socioeconomic level, intact vs. broken homes, or criminal histories of parents is not recommended. All of these factors have been found to have little or no utility in predicting delinquent behavior. (Delinquency prevention, 1979, pp. 92-93)

The report then voiced pessimism about the general "individual therapy" or treatment approach to delinquency which ignores the larger social context in which the young person finds himself:

Despite having some plausible theoretical or correlational basis, a number of programs should be rejected on the basis of their repeated failure to demonstrate effectiveness in reducing delinquency after having been tried and evaluated. These include behavior modification confined to treatment settings, wilderness programs without followup in clients' home communities, most forms of family therapy, recreation programs, employment programs that merely consume time, detached work in street gangs, and increasing the severity of punishment for wrongdoing. In addition, there are logical grounds for believing the following to be ineffective prevention practices: Admonishing young persons to associate with a better crowd; lecturing youth on the merits of respecting parents, teachers, or representatives of the justice system using individual treatment to counter the effects of negative labeling; and persuading young persons to reduce their aspirations. (p. 93)

Some of the perceived causes of vandalism have now been discussed. Clearly the causes must be evaluated in terms of what is known about vandalism (for example, that most young people commit acts of vandalism every year). It seems unlikely that vandalism can be reduced to a single cause. Thus it is reasonable to expect that most of these perceived causes deal with some portion, however small, of the problem. Therefore, in understanding the problem of vandalism it probably is not productive to argue at length for or against the relevance of a particular explanation, since each may be, to a greater or lesser extent, a valid explanation.

On the other hand, from a public point of view, and especially from a practical point of view, we must consider whether a particular cause is likely to account for a large or a small amount of vandalism. Thus even though technically a cause may be valid, it may, from a practical point of view, not account for a major part of the vandalism problem.

CHAPTER 4

Current Approaches to Vandalism

At present in Ontario there are a number of methods available for tackling the problem of vandalism. First there is already quite a vast network of laws that can be invoked to punish vandals, to obtain compensation from vandals and, in some cases, to prevent vandalism. Secondly, several programs have been established for the specific purpose of preventing vandalism.

PART I

LEGAL REMEDIES RELATING TO VANDALISM

While there is little doubt that vandalism is unlawful, the law does not recognize vandalism as a distinct legal concept. Rather, we have a variety of offences and wrongs defined in the law that might commonly be related to the notion of vandalism. However, to understand fully the law in relation to vandalism we must have some appreciation of the Canadian context of law.

NOTE ON CANADIAN CONTEXT OF LAW

In Canadian society our law has many dimensions. There are a number of ways to describe these dimensions, but it may be helpful to discuss the law relating to vandalism in at least four dimensions: public-private, federal-provincial, provincial-municipal and adult-juvenile.

Public law and private law

Public law refers to those laws that are enacted on behalf of and for the protection of the public, or society, in general. Usually the powers given under the law are exercised by the government or state rather than by private citizens. Relevant examples are criminal law and child welfare law.

Private law describes the law that relates to the regulation of conduct between individual citizens. It is the

private law that gives one private citizen the right of redress against another private citizen. The law of torts and the law of divorce are examples of private law.

The layman is often confused by the distinction between public and private law because the same incident can give rise to consequences under both the public and private law. If you are the subject of an unprovoked attack, under the public law the state will prosecute the attacker for the offence of assault and a penalty may be imposed. Under the private law, you may personally sue the attacker in a civil action for compensation based on the tort of battery.

Federal and provincial laws

Under the major statute of our constitution, the British North America Act, the authority to make laws is divided between the Parliament of Canada and the Legislatures of the Provinces. Legislation passed by one level of government in an area exclusively reserved for the other level of government is invalid. For example, the Parliament of Canada has exclusive power with respect to criminal law. The Legislatures of the Provinces have exclusive power with respect to property and civil rights, the administration of justice in the province, and the imposition of punishments for enforcing those laws that a province has the power to make.

As is obvious from these examples, the dividing line between the two spheres of authority is not always easy to draw. Forceable entry of a school could be dealt with as an offence under the federal criminal law or an offence under provincial trespass legislation that is enacted in relation to property and civil rights in the province.

Provincial laws and municipal by-laws

Another dimension that may also be relevant is the provincial-municipal dimension. The provincial government, through the Municipal Act, has delegated to municipalities the power to make by-laws to regulate certain types of conduct and behaviour. For example, a council of a local municipality may pass a by-law prohibiting the defacing of signs (section 210 paragraph 146) and may impose a fine for contravention of such a by-law (section 321).

Adults and juveniles

In Ontario, at the present time, different consequences are attached to an offence, whether criminal or

provincial, depending on whether the person committing the offence is over or under sixteen years of age. Persons sixteen years of age and over, even though they may have the general legal status of a minor, are treated as adults when they are charged with an offence. Persons under the age of sixteen who commit a criminal offence, a provincial offence, or even breach a municipal by-law, are dealt with under special federal legislation called the Juvenile Delinquents Act. No person under the age of seven years may be convicted of an offence under federal legislation.

Although a broad range of dispositions can be made under the Juvenile Delinquents Act, the philosophy is much different than that applied to adult criminals. When a person under sixteen is found delinquent "he shall be dealt with, not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision": the Juvenile Delinquents Act, section 3 (2).

The distinction in the treatment of persons sixteen years of age and over and under sixteen years is the result of federal legislation enacted pursuant to the authority of Parliament to make criminal law.

As we examine in greater detail the law relating to vandalism, it may appear disjointed and unorganized. There is no single law that deals with acts of vandalism in a comprehensive way, and there is no clear or cohesive policy that decides which law will be applied to an act of vandalism. Nevertheless, we will see that when the various areas of law are brought together they establish a broad framework of legal methods of dealing with vandalism. The foregoing sketch of the context of Canadian law, while not necessarily justifying the unco-ordinated response to the law to vandalism, may help to explain why the law has developed in the way that it has.

A. VANDALISM AND THE CRIMINAL LAW

(1) OFFENCES

(a) Mischief and Wilful Damage

The most common legal response to vandalism is to treat it as a crime. The criminal offence that deals most comprehensively with vandalism is the offence of mischief. The Criminal Code of Canada defines mischief as follows:

External elements of mischief

387. (1) Everyone commits mischief who wilfully
- (a) destroys or damages property,
 - (b) renders property dangerous, useless, inoperative or ineffective,
 - (c) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property, or
 - (d) obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

Because of the significance of the criminal law in dealing with vandalism, it is important to have a basic appreciation of the nature of a criminal offence in order to understand when a criminal charge is or is not appropriate for dealing with an act of vandalism. Most criminal offences consist of a physical element (actus reus) and a mental element (mens rea). Parliament, in creating an offence, will determine the nature of each of these basic elements. The external element may be an act (for example, applying force to another person), a set of circumstances (for example, being found in a bawdy house) or particular consequences (for example, criminal negligence causing death). The mental element may be intention, knowledge, or recklessness.

Mental element of mischief

With regard to the mental element of mischief, Parliament has given an expanded definition of "wilfully". Section 386 (1) provides:

Everyone who causes the occurrence of an event by doing an act or by omitting to do an act that it is his duty to do, knowing that the act or omission probably caused the occurrence of the event and being reckless whether the event occurs or not, shall be deemed, for the purposes of this Part, wilfully to have caused the occurrence of the event.

Consequently, while it is clear that a person who intentionally damages property will be found to have the requisite mental element, a person who knows either that an act or that an omission of his duty will probably destroy or damage property and is reckless whether the destruction or damage occurs, will also be found to have the requisite mental element. Accordingly, it appears that the person practising his golf drive too close to the school windows could be charged with mischief if one of the windows is broken.

The definition of mischief as set out above shows that mischief can be committed in four different ways:

- (a) destroying or damaging property,
- (b) rendering property dangerous, useless, inoperative or ineffective,
- (c) obstructing, interrupting or interfering with the lawful use, enjoyment or operation of property, and
- (d) obstructing, interrupting or interfering with any person in the lawful use, enjoyment or operation of property.

As the fourth mode relates to interference with a person rather than property, it may not be directly relevant to vandalism. The third mode relates to use of property, rather than property itself. This provision can be used to deal with cases where vandals blockade an entrance to property. Presumably it could also be used in cases where vandals litter a street, park or school yard with broken glass. However, it is difficult to predict the scope of this provision.

Damage to property (paragraph a) and rendering property inoperative (paragraph b) are the two types of mischief that would likely be most often alleged in vandalism cases.

It appears that section 387(1) merely defines mischief. Various external elements are added to this definition to create the particular offences of mischief. For example, the external element of actually causing danger to life is added to the basic definition to create the offence under subsection 2 of section 387:

- (2) Everyone who commits mischief that causes actual danger to life is guilty of an indictable offence and is liable to imprisonment for life.

It appears that subsections 3 and 4 create separate offences as well:

- (3) Everyone who commits mischief in relation to public property is guilty of
- (a) an indictable offence and is liable to imprisonment for fourteen years, or
 - (b) an offence punishable on summary conviction.

- (4) Everyone who commits mischief in relation to private property is guilty of

- (a) an indictable offence and is liable to imprisonment for five years, or
- (b) an offence punishable on summary conviction.

Crown attorneys have informed the Task Force that the distinction between public and private property in mischief cases can create problems.

In 1978 the Ontario Court of Appeal in the case of R. v. Flindall held that proof of the nature of the property, whether public or private, is also an essential ingredient of the offence. The case involved damage to a bus shelter. There is no general offence of mischief to property that includes damage to public and private property.

Theoretically, the task of determining whether property is public or private is not without some difficulty. However, provided that there is some evidence of the nature of the ownership the court might "dispose of the point adversely to the accused". The view has also been expressed that the court may take judicial notice of the public character of some property, such as streetcars. Nevertheless, in many cases the nature of the ownership may not be clear. Property of Crown corporations, such as the C.N. Tower, single family dwellings owned by municipalities as rental units, and property of children's aid societies, are examples of property that might not be easy to classify. A Crown attorney brief pointed out,

...the distinction between "public" and "private" property has no apparent relationship to our current social structure or to the function of institutions, whether public or private, as it likely did when the Code was originally drafted.

In fact, the general categories "public" and "private" seem to have been developed in 1955 in an attempt to consolidate a large number of specific offences, such as damage to windows or doors, hop-binds growing in a plantation of hops, post letter bags and flood gates of mill ponds. If this is correct, there is no historical basis for a distinction between damage to public and private property apart from such specific offences.

A notable result of the current distinction is the difference between the penalties for the two offences. Mischief in relation to public property carries a maximum penalty of fourteen years whereas mischief to private property carries a maximum penalty of only five years. In the absence of any strong arguments to the contrary, the distinction does not appear to be a sensible one, particularly in view of the potential

difficulty of determining what constitutes public and private property in this context. Furthermore, it may not be practical to have the criminal courts deciding civil law issues relating to the nature of ownership of property. Certainly from the point of view of vandalism prevention it is not obvious why breaking the window of the mayor's private car should be classified as less serious than breaking the window of a car owned by the municipality.

As it appears that the distinction between public and private property serves no useful purpose, it is recommended that,

In the Criminal Code the distinction between damage to public and private property should be abolished.

The Criminal Code does, in fact, create an offence for wilfully destroying or damaging property that does not distinguish between public and private property. However, this offence applies only to cases where the damage does not exceed fifty dollars:

388. (1) Everyone who wilfully destroys or damages property is, where actual danger to life is not involved, guilty of an offence punishable on summary conviction if the alleged amount of destruction or damage does not exceed fifty dollars.

Accordingly, where the amount of damage is small, distinctions between public and private property need not be drawn. Here, however, the usefulness of the section is restricted by the relatively low monetary limit. While the monetary limit for theft was raised from fifty dollars to two hundred dollars in 1972, the fifty dollar limit for wilful damage has been fifty dollars since 1954.

If the recommendation made in Chapter 2 is followed and an offence of vandalism is created from section 387 and 388 the dollar amount of the damage will not be part of the definition. Instead it seems more reasonable, as in the case of theft, to use a dollar amount as the distinction between an indictable offence and an offence punishable on summary conviction.

Therefore it is recommended that,

Vandalism should be an indictable offence if the alleged amount of destruction or damage exceeds \$1,000.

Where the alleged amount of destruction or damage does not exceed \$1,000, vandalism should be an indictable offence and an offence punishable on summary conviction.

The appropriateness of these monetary limits should be reviewed on a periodic basis.

There is, at present a distinct advantage in proceeding under section 388 on the offence of wilful damage because the criminal court may order compensation up to fifty dollars to the victim. Subsection 2 provides:

Where an accused is convicted under subsection (1) the summary conviction court may, in addition to any punishment that is imposed, order the accused to pay to a person aggrieved an amount not exceeding fifty dollars that appears to the summary conviction court to be reasonable compensation for the destruction or damage.

As pointed out below, the victim generally may seek compensation only where the accused is convicted of an indictable offence. The provisions of section 388 permitting compensation to be awarded by a summary conviction court should be retained. Accordingly, it is recommended that,

A summary conviction court should have the authority to order the accused to pay compensation to the victim not exceeding an amount of \$1,000.

A major problem in relation to these property offences is that the more serious is called "mischief", while the less serious is called "wilful damage". For the general public, however, "mischief" has the connotation of a minor irritation or annoyance, whereas "wilful damage" implies more serious harm. The Crown attorney brief referred to above stated, "The word 'mischief' fails to convey an act that is serious enough to be addressed in the Code." Accordingly, it must be kept in mind that when a person is charged with mischief in connection with \$2,000 damage to a community centre he is not being dealt with lightly.

The consolidation and renaming of the sections dealing with vandalism recommended in Chapter 2, should help emphasize the seriousness of the offence.

(b) Arson and fires

One way to damage or destroy property is to set fire to it. The Criminal Code has a group of specific provisions relating to damage by fires:

389. (1) Every one who wilfully sets fire to
- (a) a building or structure, whether completed or not,
 - (b) a stack of vegetable produce or of mineral or vegetable fuel,
 - (c) a mine,
 - (d) a well of combustible substance,
 - (e) a vessel or aircraft, whether completed or not,
 - (f) timber or materials placed in a shipyard for building, repairing or fitting out a ship,
 - (g) military or public stores or munitions of war,
 - (h) a crop, whether standing or cut down, or
 - (i) any wood, forest, or natural growth, or any lumber, timber, log, float, boom, dam or slide,

is guilty of an indictable offence and is liable to imprisonment for fourteen years.

(2) Every one who wilfully and for a fraudulent purpose sets fire to personal property not mentioned in subsection (1) is guilty of an indictable offence and is liable to imprisonment for five years.

390. (1) Every one who
- (a) wilfully sets fire to anything that is likely to cause anything mentioned in subsection 389(1) to catch fire; or
 - (b) wilfully and for a fraudulent purpose sets fire to anything that is likely to cause personal property not mentioned in subsection 389(1) to catch fire,

is guilty of an indictable offence and is liable to imprisonment for five years.

392. (1) Every one who causes a fire
- (a) wilfully, or
 - (b) by violating a law in force in the place where the fire occurs,

is, if the fire results in loss of life or destruction of or damage to property, guilty of an indictable offence and is liable to imprisonment for five years.

The expanded definition of "wilfully" set out in section 386, quoted above, also applies to these offences. The term "personal property" as used in these sections means property such as goods and materials, that is not real property, such as land.

(c) Other criminal offences

There are a number of other offences in the Criminal Code that deal even more specifically with damage to property. Some examples are the following:

232. Every one who, with intent to endanger the safety of any person, places anything upon or does anything to any property that is used for or in connection with the transportation of persons or goods by land, water or air that is likely to cause death or bodily harm to persons is guilty of an indictable offence and is liable to imprisonment for life.

This provision may be relevant in cases where vandals create hazards on highways and railway tracks.

387.1 Every one who commits an attack upon the official premises, private accommodation or means of transport of an internationally protected person that is likely to endanger the life or liberty of such person is guilty of an indictable offence.

Persons who commit vandalism against embassies and consulates might be dealt with under this section.

397. Every one who, wilfully and to the prejudice of a mortgagee or owner, pulls down, demolishes or removes, all or any part of a dwelling-house or other building of which he is in possession or occupation, or severs from the freehold any fixture fixed therein or thereto is guilty of an indictable offence and is liable to imprisonment for five years.

398. Every one who, wilfully pulls down, defaces, alters or removes anything planted or set up as the boundary line or part of the boundary line of land is guilty of an offence punishable on summary conviction.

399. (1) Every one who wilfully pulls down, defaces, alters or removes
(a) a boundary mark lawfully placed to mark an international, provincial, county or municipal boundary, or
(b) a boundary mark lawfully placed by a land surveyor to mark a limit, boundary or angle of a concession, range, lot or parcel of land,
is guilty of an indictable offence and is liable to imprisonment for five years.

Some types of signs and fences may be protected by sections 398 and 399.

(2) EXTENDED LIABILITY FOR OFFENCES

The offences created by the Criminal Code are only the most immediate way in which the criminal law responds to the problem of vandalism. There are many other provisions of the Code that are relevant to dealing with the problem.

Vandalism often involves more than one perpetrator. Accordingly, it may be useful to keep in mind the provisions of the Code relating to parties to an offence. Section 21 provides:

21. (1) Every one is a party to an offence who
(a) actually commits it,
(b) does or omits to do anything for the purpose of aiding any person to commit it, or
(c) abets any person in committing it.

(2) Where two or more persons form an intention in common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose is a party to that offence.

Mere presence or acquiescence may not establish one as a party; however, some encouragement or assistance in committing the offence may establish liability as a party. For example, presence at the occupation of a public building has been found

to be aiding and abetting mischief under section 387 of the Criminal Code.

Vandalism may involve a person who has counselled or procured another person to be a party to an offence. Section 22 provides:

22.(1) Where a person counsels or procures another person to be a party to an offence, and the person is afterwards a party to that offence, the person who counselled or procured is a party to that offence, notwithstanding that the offence was committed in a way different from that which was counselled or procured.

(2) Every one who counsels or procures another person to be a party to an offence is a party to every offence that the other commits in consequence of the counselling or procuring that the person who counselled or procured knew or ought to have known was likely to be committed in consequence of the counselling or procuring.

Section 422 of the Code further provides:

422. Except where otherwise expressly provided by law, the following provisions apply in respect of persons who counsel, procure or incite other persons to commit offences, namely,

(a) every one who counsels, procures or incites another person to commit an indictable offence is, if the offence is not committed, guilty of an indictable offence and is liable to the same punishment to which a person who attempts to commit that offence is liable; and

(b) every one who counsels, procures or incites another person to commit an offence punishable on summary conviction is, if the offence is not committed, guilty of an offence punishable on summary conviction.

Of course it would also be an offence to conspire to commit mischief and wilful damage. The Code states:

423. (2) Every one who conspires with any one
(a) to effect an unlawful purpose, or

(b) to effect a lawful purpose by unlawful means, is guilty of an indictable offence and is liable to imprisonment for two years.

"Unlawful purpose" as used in this section includes more than simply violations of the Criminal Code. For example, violating a municipal by-law where such breach would endanger public safety could constitute an unlawful purpose.

Finally, in this context it should be remembered that it is an offence to attempt to commit an offence such as mischief or wilful damage.

421. Except where otherwise expressly provided by law, the following provisions apply in respect of persons who attempt to commit or are accessories after the fact to the commission of offences, namely,

...

(b) every one who attempts to commit or is an accessory after the fact to the commission of an indictable offence for which upon conviction, an accused is liable to imprisonment for fourteen years or less, is guilty of an indictable offence and is liable to imprisonment for a term that is one-half of the longest term to which a person who is guilty of that offence is liable; and

(c) every one who attempts to commit or is an accessory after the fact to the commission of an offence punishable on summary conviction is guilty of an offence punishable on summary conviction.

While there may be understandable reasons why such provisions are not often invoked, the point remains that in a proper case the Criminal Code does provide the statutory basis for dealing with a wide range of conduct related to acts of vandalism, including, among others, the fact that the attempted or actual act may involve persons other than the specific perpetrator.

(3) PROTECTION FOR THE VICTIM

There are several sections in the Code which are aimed at protecting an owner or occupier, and his agent, from liability when employing self-help remedies to prevent vandalism or to apprehend a vandal.

(a) Self-Help

Anyone is justified in using as much force as is reasonably necessary to prevent the commission of an offence that would be likely to cause serious injury to property.

27. Every one is justified in using as much force as is reasonably necessary

- (a) to prevent the commission of an offence
 - (i) for which if it were committed, the person who committed it might be arrested without warrant, and
 - (ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or
- (b) to prevent anything being done that, on reasonable and probable grounds he believes would, if it were done, be an offence mentioned in paragraph (a).

Also, the occupier of a house or real property and someone acting under his authority is justified in using as much force as is reasonably necessary to prevent someone from forcibly entering the house or to eject a trespasser.

40. Every one who is in peaceable possession of a dwelling-house, and every one lawfully assisting him or acting under his authority, is justified in using as much force as is necessary to prevent any person from forcibly breaking into or forcibly entering the dwelling-house without lawful authority.

41. (1) Every one who is in peaceable possession of a dwelling-house or real property and every one lawfully assisting him or acting under his authority is justified in using force to prevent any person from trespassing on the dwelling-house or real property, or to remove a trespasser therefrom, if he uses no more force than is necessary.

(2) A trespasser who resists an attempt by a person who is in peaceable possession of a dwelling-house or real property or a person lawfully assisting him or acting under his authority to prevent his entry or to remove him, shall be deemed to commit an assault without justification or provocation.

However, reasonable force does not justify shooting at a trespasser merely in defence of property, nor does it justify setting traps on the premises likely to cause bodily harm to any trespassers.

(b) Arrest

Even private citizens have the power to arrest or detain vandals in certain situations. Any person who witnesses a breach of the peace may interfere to prevent further breach and even detain the offender until a peace officer arrives, using as much force as reasonably necessary.

30. Every one who witnesses a breach of the peace is justified in interfering to prevent continuance or renewal thereof and may detain any person who commits or is about to join in or to renew the breach of the peace, for the purpose of giving him into the custody of a peace officer, if he uses no more force than is reasonably necessary to prevent the continuance or renewal of the breach of the peace or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of the breach of the peace.

Although it is not easy to define what constitutes a breach of the peace, trespass would seem to be included.

Private citizens may make arrests in certain circumstances.

449. (1) Any one may arrest without warrant

- (a) a person whom he finds committing an indictable offence, or
- (b) a person who, on reasonable and probable grounds, he believes
 - (i) has committed a criminal offence, and
 - (ii) is escaping from and freshly pursued by persons who have lawful authority to arrest that person.

(2) Any one who is

- (a) the owner or a person in lawful possession of property, or
- (b) a person authorized by the owner or by a person in lawful possession of property,

may arrest without warrant a person whom he finds committing a criminal offence on or in relation to that property.

Subsection 1 extends the arrest power to all private citizens, but only in particular cases, the more usual being the finding of a person committing an indictable offence. In most cases an ordinary citizen will not know whether an offence is classified by the Criminal Code as indictable or summary conviction. Accordingly there is often some legal risk involved if a private citizen makes an arrest. However, mischief, arson, and the other offences referred to above are known as hybrid offences, that is, indictable or summary conviction at the election of the prosecutor. Hybrid offences are deemed to be indictable until the election is made. Consequently, most of the Criminal Code offences relating to vandalism would be indictable for the purposes of a private citizen making an arrest. The most important exception is wilful damage not exceeding fifty dollars.

Where a property owner, occupier or an authorized person, wishes to arrest a person for an offence in relation to property the distinction between indictable and summary conviction offences is not relevant. Under subsection (2) it is necessary only that the offender be found committing a criminal offence in relation to the property.

A private citizen who makes an arrest shall forthwith deliver the offender to a peace officer.

In pointing out the existence of these self-help and arrest powers the Task Force is not recommending that private citizens resort to them in every case. Private citizens should not expose themselves unnecessarily to damages and other risks. An attempt to arrest may make the situation more serious and lead to further offences. However, it is important to point out that in a proper case the provisions of the Criminal Code are available to support private citizens in ejecting or arresting vandals. These powers may be exercised against juvenile as well as adult offenders.

(c) Preventing Intimidation by Vandals

There is some concern that a victim of vandalism might not report an attack on his property because he fears retaliation by the perpetrator. Actual intimidation, such as repeated threats of personal violence or injury to property, to compel the victim to refrain from reporting or prosecuting the offence, is a summary conviction offence.

381. (1) Every one who, wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing anything that he has a lawful right to do, or to do anything that he has a lawful right to abstain from doing,

- (a) uses violence or threats of violence to that person or to his wife or children, or injures his property,
- (b) intimidates or attempts to intimidate that person or a relative of that person by threats that, in Canada or elsewhere, violence or other injury will be done to or punishment inflicted upon him or a relative of his, or that the property of any of them will be damaged,
- (c) persistently follows that person about from place to place,
- (d) hides any tools, clothes or other property owned or used by that person, or deprives him of them or hinders him in the use of them,
- (e) with one or more other persons follows that person, in a disorderly manner, on a highway,
- (f) besets or watches the dwelling-house or place where that person resides, works, carries on business or happens to be, or
- (g) blocks or obstructs a highway,

is guilty of an offence punishable on summary conviction.

(2) A person who attends at or near or approaches a dwelling-house or place, for the purpose only of obtaining or communicating information, does not watch or beset within the meaning of this section.

Certain types of threats also constitute criminal offences.

331. (1) Every one commits an offence who by letter, telegram, telephone, cable, radio, or otherwise, knowingly utters, conveys or causes any person to receive a threat

- (a) to cause death or injury to any person, or
- (b) to burn, destroy or damage real or personal property, or
- (c) to kill, maim, wound, poison or injure an animal or bird that is the property of any person.

(2) Every one who commits an offence under paragraph (1)(a) is guilty of an indictable offence and is liable to imprisonment for ten years.

(3) Every one who commits an offence under paragraph (1)(b) or (c) is guilty of

- (a) an indictable offence and is liable for imprisonment for two years, or
- (b) an offence punishable on summary conviction.

However, an oral threat made face to face is not an offence under this section. Nevertheless it may be dealt with under other provisions. In some cases the oral threat may amount to intimidation. In many cases it may be helpful to obtain a recognizance to keep the peace, commonly known as a peace bond:

745. (1) Any person who fears that another person will cause personal injury to him or his wife or child or will damage his property may lay an information before a justice.

...

(3) The justice or the summary conviction court before which the parties appear may, if satisfied by the evidence adduced that the informant has reasonable grounds for his fears,

- (a) order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for any period that does not exceed twelve months, and comply with

such other reasonable conditions prescribed in the recognizance as the court considers desirable for securing the good conduct of the defendant, or

- (b) commit the defendant to prison for a term not exceeding twelve months if he fails or refuses to enter into the recognizance.

Because the court can prescribe conditions for the accused to secure his good conduct, the peace bond can be tailored to the individual circumstances. For example, the accused could be prohibited from entering certain premises.

A person who breaches a peace bond is guilty of an offence punishable on summary conviction: section 746. Accordingly the property owner could arrest the person if he found him breaching the peace bond.

(d) Private Prosecution

Where a person has been the victim of property damage and the identity of the offender is known, it is likely that merely reporting the offence to the police will be sufficient to commence the criminal process. If, however, for some reason the police do not act on the complaint then it is possible for the victim to initiate criminal proceedings by appearing before a justice of the peace to undertake the procedure known as laying an information. The charge will then come to the attention of a Crown attorney who will assess the evidence and determine whether to prosecute. When the Crown attorney does not prosecute the case it may be possible in some cases for the victim himself to conduct the prosecution, but this step should not ordinarily be considered without legal advice.

(4) SENTENCING OPTIONS

(a) Imprisonment

Imprisonment is probably the sentence that people most often associate with conviction for a criminal offence. As set out above, a person who commits vandalism is liable to imprisonment for fourteen years where the offence is mischief to public property or arson, and to imprisonment for five years where the offence is mischief to private property.

The maximum terms of imprisonment apply to mischief when it is treated as an indictable offence. The prosecutor may

elect to proceed by way of summary conviction. Wilful damage is punishable on summary conviction only. Generally a person convicted of an offence punishable on summary conviction is liable to imprisonment for six months.

As pointed out previously, the maximum terms of imprisonment are rarely, if ever, imposed. A great many factors are taken into consideration in determining whether to order imprisonment and what terms of imprisonment are appropriate. It is beyond the scope of this section to enter upon a detailed discussion of sentencing principles. Major studies of sentencing are being conducted by the Law Reform Commission of Canada and the Australian Law Reform Commission. It is important to encourage and support these efforts to develop simple and just principles for one of the most difficult areas in the administration of justice. However, for this Report it is important to emphasize the great number of factors that are now reviewed in arriving at the appropriate sentence. The factors to be considered include the gravity of the offence, the manner in which it was committed, the degree of premeditation, the extent of mitigating circumstances, the age of the offender, his previous criminal record, his work or school record, and the attitude of the offender after the offence.

The provisions under which a convicted person can be released from prison before completion of his term of imprisonment are contained in the federal Parole Act and the Ontario Ministry of Correctional Services Act.

(b) Fines

The convicting court may, in its discretion, sentence the accused to pay a fine. Where the conviction is for a summary conviction offence such as mischief or wilful damage, a fine not exceeding \$500 may be imposed in lieu of or in addition to imprisonment (section 722(1)). Where the conviction is for an indictable offence punishable with imprisonment for five years or less, such as mischief to private property, the accused may also be fined in lieu of imprisonment (section 646(1)). There is no set maximum fine, however, where the conviction is for an indictable offence punishable by more than five years imprisonment, such as arson and mischief to public property. The accused may only be fined in addition to some other form of punishment such as imprisonment or probation. The proceeds of fines are paid to the Treasurer of Ontario. In the event of a default in payment of the fine, the court may order a term of imprisonment.

(c) Probation

(i) General Provisions

Probation is a very important sentencing power, especially in relation to vandalism. Therefore, it requires careful consideration. The relevant provision is as follows:

663. (1) Where an accused is convicted of an offence the court may, having regard to the age and character of the accused, the nature of the offence and the circumstances surrounding its commission,

(a) in the case of an offence other than one for which a minimum punishment is prescribed by law, suspend the passing of sentence and direct that the accused be released upon the conditions prescribed in a probation order;

(b) in addition to fining the accused or sentencing him to imprisonment, whether in default of payment of a fine or otherwise, for a term not exceeding two years, direct that the accused comply with the conditions prescribed in a probation order; or

(c) where it imposes a sentence of imprisonment on the accused, whether in default of payment of a fine or otherwise, that does not exceed ninety days, order that the sentence be served intermittently at such times as are specified in the order and direct that the accused, at all times, when he is not in confinement pursuant to such order, comply with the conditions prescribed in a probation order.

(2) The following conditions shall be deemed to be prescribed in a probation order, namely, that the accused shall keep the peace and be of good behaviour and shall appear before the court when required to do so by the court, and, in addition, the court may prescribe as conditions in a probation order that the accused shall do any one or more of the following things specified in the order, namely,

- (a) report to and be under the supervision of a probation officer or other person designated by the court;
- (b) provide for the support of his spouse or any other dependants whom he is liable to support;
- (c) abstain from the consumption of alcohol either absolutely or on such terms as the court may specify;
- (d) abstain from owning, possessing or carrying a weapon;
- (e) make restitution or reparation to any person aggrieved or injured by the commission of the offence for the actual loss or damage sustained by that person as a result thereof;
- (f) remain within the jurisdiction of the court and notify the court or the probation officer or other person designated under paragraph (a) of any change in his address or his employment or occupation;
- (g) make reasonable efforts to find and maintain suitable employment; and
- (h) comply with such other reasonable conditions as the court considers desirable for securing the good conduct of the accused and for preventing a repetition by him of the same offence or the commission of other offences.

Accordingly, a probation order may be made when the passing of sentence is suspended or when a fine or imprisonment is ordered. It is also important to note that this provision permits the court to combine an intermittent sentence not exceeding ninety days with a probation order. Thus, the convicted person could be ordered to serve time on weekends while maintaining his employment during the week to earn money to make restitution.

Every probation order requires the accused to keep the peace and be of good behaviour and to appear before the court when required to do so. The court may prescribe further conditions to the probation order. For example, where vandalism was committed while the accused was drunk the court could prescribe as a condition of probation that he abstain from the consumption of alcohol. However, in the sentencing of vandals the power to make restitution a condition of probation and the power to order compliance with other reasonable conditions are the two most important powers.

(ii) Restitution and reparation as conditions of probation

Restitution and reparation are not defined in the Criminal Code. Presumably together they include restoring the damage caused and providing monetary compensation. It is important to note that restitution and reparation are limited to the actual loss or damage sustained by the victim. Although it would be relatively easy to prove the amount of loss where a window was broken it may be much more difficult to establish beyond the cost of the paper the value of the manuscript of an unpublished novel. As we will see in relation to compensation, the criminal courts are not regarded as appropriate for conducting extensive inquiries for the purposes of assessing damage. Accordingly, the court will likely order restitution or reparation only where the damages are relatively concrete and easily ascertainable. Furthermore, in making conditions of probation the court cannot compensate the victim for personal injuries. However, the victim can still sue the accused on the basis of his civil liability.

In deciding whether to order restitution or reparation as a condition, the court will also take into consideration the ability of the accused to pay.

(iii) Community Services Orders as an "other reasonable condition" of probation

In January, 1977, the Ontario Court of Appeal in the case of R. v. Shaw and Brehn held that section 663(2)(h) authorized the imposition of a condition of probation that an accused perform a set number of hours of community service. Although there are no specific sections of the Criminal Code empowering a court to make a community service order, the authority was found in the power of the court under paragraph (h) when ordering probation to prescribe

...such other reasonable conditions as the court considers desirable for securing the good conduct of the accused and for preventing a repetition by him of the same offence or the commission of other offences.

A community service order is intended to serve as an alternative to imprisonment where the usual terms of probation would be insufficient to deal with the offender. The order requires the offender to work a specified number of hours for the benefit of the community. The use of community service orders was encouraged by the Court of Appeal.

When the program for administering community service orders was established the Attorney General stated that community service orders "will prove particularly useful in dealing with the increasing problem of vandalism to public and private property". The Task Force adopts this view. A community service order requires the offender to make a direct contribution to society for his criminal acts. Therefore, it is recommended that,

The use of community service orders should be encouraged in sentencing persons convicted of vandalism.

Section 666 provides that an accused who is bound by a probation order and who wilfully fails or refuses to comply with the order is guilty of an offence punishable on summary conviction. Accordingly, wilful failure to make restitution or to perform community service is a further offence.

(d) Compensation

The Code makes provision for compensation in addition to the power to prescribe restitution or reparation as a condition of probation. The most important section provides:

653. (1) A court that convicts an accused of an indictable offence may, upon the application of a person aggrieved, at the time sentence is imposed, order the accused to pay to that person an amount by way of satisfaction or compensation for loss of or damage to property suffered by the applicant as a result of the commission of the offence of which the accused is convicted.

(2) Where an amount that is ordered to be paid under subsection (1) is not paid forthwith the applicant may, by filing the order, enter as a judgment, in the superior court of the province in which the trial was held, the amount ordered to be paid, and that judgment is enforceable against the accused in the same manner as if it were a judgment rendered against the accused in that court in civil proceedings.

Some important points must be made with regard to this provision. First, this power exists where the accused is convicted of an indictable offence but not where he is convicted of an offence punishable on summary conviction. However, as seen above, mischief may be either indictable or a summary conviction offence and arson and setting fires are indictable offences. In a memorandum to Crown attorneys in 1976 the Attorney General

requested that in mischief cases the offence should be treated as indictable, other than in exceptional cases.

The second point to note is that the victim must apply for compensation at the time sentence is imposed. The criminal court cannot award compensation at some later time. Because victims are not usually involved in the sentencing process in other criminal proceedings, the Attorney General, in his memorandum, also requested that Crown attorneys bring the provisions of section 653 to the attention of the victim and assist the victim in presenting particulars of his loss to the court.

Moreover, it was recommended above that vandalism not exceeding \$1,000 be punishable on summary conviction and that the court be able to award compensation. That recommendation combined with section 653 would ensure that compensation can be awarded in all vandalism cases. If that recommendation is acceptable it would not be necessary for the Crown to elect to proceed by indictment simply to preserve the opportunity of obtaining compensation for the victim. Nevertheless, Crown attorneys should continue to be encouraged to assist victims of vandalism to obtain compensation. Accordingly, it is recommended that,

The Attorney General should issue a new directive encouraging Crown attorneys to assist victims of vandalism in obtaining compensation from the offender.

Another point that must be considered with regard to section 653 is that the amount of loss or damage to property is limited to actual direct losses. The Supreme Court of Canada in the case of R. v. Zelensky (1978), has indicated that an order should not be made under this section where there is any serious contest on legal or factual issues. Such disputes should be settled in civil, not criminal, courts.

Finally it is noteworthy that an order is enforceable by filing it in the Supreme Court of Ontario. That means, for example, if the accused does not pay, his property may be seized and sold.

(e) Discharges

An amendment to the Criminal Code in 1972 provides that in certain cases where an accused is guilty he may be discharged. Section 662.1 provides,

(1) Where an accused, other than a corporation, pleads guilty to or is found guilty of an offence, other than an offence for which a minimum punishment is prescribed by law or an offence punishable, in the proceedings commenced against him, by imprisonment for fourteen years or for life, the court before which he appears may, if it considers it to be in the best interests of the accused and not contrary to the public interest, instead of convicting the accused, by order direct that the accused be discharged absolutely or upon the conditions prescribed in a probation order.

A discharge may not be ordered where the offence is punishable by imprisonment for fourteen years or life. In the context of vandalism this means that a discharge could be ordered in relation to mischief to public property where the proceeding was by way of summary conviction, (section 387(3)(b)) mischief to private property (section 387(4)), wilful damage (section 388) and setting fires (section 392), but not in relation to mischief to public property where the proceeding was by way of indictment (section 387(3)(a)) or arson (section 389).

The significance of a discharge is that although the accused is guilty he shall be deemed not to have been convicted. Thus, a discharge has an important effect on the criminal record of the accused.

The discharge may be absolute or conditional. If it is absolute, the accused is at liberty. A conditional discharge is a discharge upon the conditions prescribed in a probation order. Accordingly, as discussed above, the accused could be ordered to make restitution or perform community service.

A discharge may be granted only where it is in the best interests of the accused and where it is not contrary to the public interest.

B. VANDALISM AND YOUNG PERSONS

THE JUVENILE DELINQUENTS ACT

NOTE: At the time of writing this report Parliament was giving consideration to Bill C-61, the Young Offenders Act, which would repeal and replace the Juvenile Delinquents Act. However, as the Juvenile Delinquents Act has applied for decades to juveniles who committed acts of

vandalism and will likely continue to apply for many more months, we must give it considerable attention.

(1) BACKGROUND

Until the middle of the last century children who committed criminal offences were liable to the same procedures and penalties as adults who committed criminal offences. With growing awareness of the special needs of children, legislation was enacted in 1894 to provide for separate trial and pre-disposition detention of children. However, as a result of social reform movements and legislation, particularly in the United States, increasing concern was expressed that criminal behaviour by children was essentially the product of neglect, lack of control and lack of guidance by parents. Therefore, it was felt that the more effective way to deal with juvenile crime was to "nip it in the bud". The optimism of the Victorian era convinced reformers that children could be saved from a life of criminality through treatment and correction and by the State assuming the role of a kindly parent.

In Canada this philosophical approach was reflected in the Juvenile Delinquents Act, first enacted in 1908. There were some subsequent amendments, but the Act has remained largely unchanged since 1929. Because of the constitutional framework of Canadian law, the legislation is a somewhat curious mixture of criminal law and child welfare law. The federal Parliament has authority to legislate with respect to criminal law but not directly with respect to child welfare. Therefore, unlike its American counterparts, which are civil in nature, the Juvenile Delinquents Act creates a special criminal offence, that of delinquency. However, once the delinquency is proven, then the child welfare approach predominates. This dual approach is adopted in the first substantive provision of the statute:

3. (1) The commission by a child of any of the acts enumerated in the definition "juvenile delinquent" in subsection 2(1), constitutes an offence to be known as a delinquency, and shall be dealt with as hereinafter provided.

(2) Where a child is adjudged to have committed a delinquency he shall be dealt with, not as an offender, but as one in a condition of delinquency and therefore requiring help and guidance and proper supervision.

Subsection (1) creates the offence of delinquency whereas subsection (2) directs that a child found to have committed a delinquency shall not be dealt with as an offender, thus creating a unique blend of criminal law and child welfare law.

(2) APPLICATION OF THE ACT

According to section 3, just quoted, the offence of delinquency consists of committing an act enumerated in the definition of "juvenile delinquent". That definition states:

2. (1) "juvenile delinquent" means any child who violates any provision of the Criminal Code or of any federal or provincial statute, or of any by-law or ordinance of any municipality, or who is guilty of sexual immorality or any similar form of vice, or who is liable by reason of any other acts to be committed to an industrial school or juvenile reformatory under any federal or provincial statute;

The most important aspect of this definition for present purposes is that it incorporates the offences created by the Criminal Code. Therefore, violation of such Criminal Code provisions as mischief, wilful damage, arson and setting fires constitutes the criminal offence of delinquency.

There is, however, a wide range of other behaviour extending beyond the Criminal Code that constitutes a criminal offence when engaged in by a child. Breach of the provincial laws against trespass to property, which is a provincial offence when committed by an adult, is a criminal offence when committed by a child. Breach of a municipal by-law prohibiting bicycle riding in the park also renders the child criminally liable. Nevertheless, it must be remembered that there is only one offence, delinquency. However, it can be committed in many different ways, ranging from murder to jaywalking.

For the purposes of the Juvenile Delinquents Act in Ontario, "child" means any boy or girl apparently or actually under the age of sixteen years. Section 12 of the Criminal Code provides that no person shall be convicted of an offence in respect of an act while he was under the age of seven years. All offences by juveniles are to be dealt with under the Juvenile Delinquents Act, though a provision does exist for exceptional cases, involving offences against the provisions of the Criminal Code by juveniles over fourteen, to be tried in the ordinary courts.

(3) PROCEEDINGS UNDER THE ACT

The proceedings under the Act are essentially the same as proceedings for prosecution of a summary conviction offence under the Criminal Code. However, the Act also provides that proceedings may be as informal as the circumstances permit, consistent with a due regard for the proper administration of justice. Another exception is that the trials of children shall take place without publicity and separately and apart from the trials of other accused persons. No report of the child's identity shall be published without special permission of the court. The rules of criminal procedure and evidence apply as they do in trials of adults, but the proceedings are often more informal than in the ordinary criminal courts.

In Ontario, the provincial courts (family division) have been designated as juvenile courts for the purposes of the Juvenile Delinquents Act.

(4) SENTENCING

The child welfare philosophy of the Juvenile Delinquents Act is most clearly apparent in the provisions for dealing with the juvenile once he has been found guilty of a delinquency. As stated above, an act of delinquency, whatever it may have been -- armed robbery, mischief, or smoking cigarettes under age --, is to be regarded not as an offence but as a condition of the juvenile for which he requires help, guidance, and proper supervision. Therefore no specific penalties are prescribed for the acts constituting the delinquency. Rather, a broad range of powers is given to the court to be used not so much as punishment for the offence as for treatment of the offender. The powers of the courts are set out in section 20 of the Act as follows:

20. (1) In the case of a child adjudged to be a juvenile delinquent the court may, in its discretion, take either one or more of the several courses of action hereinafter in this section set out, as it may in its judgment deem proper in the circumstances of the case:

- (a) suspend final disposition;
- (b) adjourn the hearing or disposition of the case from time to time for any definite or indefinite period;

- (c) impose a fine not exceeding twenty-five dollars, which may be paid in periodical amounts or otherwise;
- (d) commit the child to the care or custody of a probation officer or of any other suitable person;
- (e) allow the child to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required;
- (f) cause the child to be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court;
- (g) impose upon the delinquent such further or other conditions as may be deemed advisable;
- (h) commit the child to the charge of any children's aid society, duly organized under an Act of the legislature of the province and approved by the lieutenant governor in council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent, if there is one; or
- (i) commit the child to an industrial school duly approved by the lieutenant governor in council.

In making a disposition under subsection (1) the court is guided by subsection (5), which provides,

(5) The action taken shall, in every case, be that which the court is of opinion the child's own good and the best interests of the community require.

Here the importance of the condition of the offender is again emphasized, although equal weight is given to the best interests of the community, which presumably includes protection of the community.

(a) Final Disposition Suspended

Under this provision, presumably the court declines to make a disposition when the child is adjudged delinquent, while reserving the right to make a disposition with regard to the finding at a later date. This appears to be similar to the

power in paragraph (b) to adjourn disposition for an indefinite period. Although the court could suspend disposition and make another order, such as probation, it is not required to do so. Under similar provisions in the Criminal Code, the court is required when suspending the passing of sentence to make a probation order.

(b) Disposition Adjourned

Following a finding of delinquency the court may adjourn disposition of the case for a definite or indefinite period. This appears to be similar to the power to suspend final disposition. By retaining the power to make a disposition at a later time with regard to the finding of delinquency the court can ensure that the juvenile complies with another order under this section or refrains from further misconduct.

(c) Fine

The power to impose a fine is restricted by a limitation of twenty-five dollars on the amount of the fine. This amount has remained unchanged since 1924.

(d) Committal to Probation Officer or other Person

It is generally assumed that the power to commit the child to the care or custody of a probation officer authorizes the making of a probation order in accordance with section 663 of the Criminal Code, discussed above. If so, it would be possible, as a condition of probation, to require the juvenile to make restitution or reparation or to perform community services.

This paragraph also permits the child to be placed in the care or custody of a person other than a probation officer. The Ontario Court of Appeal recently established that this paragraph empowers the court to commit the juvenile to the custody of an employee of a group home with the condition that the juvenile remain in the group home. The case is under appeal to the Supreme Court of Canada.

(e) Supervision in the Home

This power appears to be a special form of probation that requires the juvenile to live in his own home.

(f) Committal to a Foster Home

This is another special form of probation that requires the juvenile to be removed from his home and placed in

a foster home. However, the foster home, including a group home, must satisfy the requirements of a "suitable family home".

(g) Further or other Conditions

This provision probably does not create an independent power to impose a disposition, but is to be used in conjunction with the dispositions set out in the other paragraphs. For example, the Supreme Court of Canada has said that this power cannot stand alone to authorize committal to a group home.

(h) Committal to a Children's Aid Society

In fulfilment of its goal of meeting the needs of the delinquent, the Act gives the court the power to commit the child to a children's aid society. Section 30 of the Ontario Child Welfare Act provides that where a child is so committed he shall be deemed to be a children's aid society ward for twelve months or such lesser period as the court directs. The provisions of the Child Welfare Act then govern the condition of the child's placement and eventual release from care.

(i) Committal to Training School

Ontario training schools have been approved as industrial schools for the purposes of the Juvenile Delinquents Act. Training schools are governed by the provincial Training Schools Act. A child committed to a training school is liable to remain a ward of the Crown until attaining the age of eighteen years unless the Minister of Community and Social Services terminates the wardship before that date. Considerable flexibility exists within the Ontario training school system, which ranges from detention in an institutional setting to placement in a home in the community.

In considering the most appropriate disposition the court is guided not only by subsection (5), quoted above, referring to "the child's own good and the best interests of the community", but also by section 38 of the Act which provides:

This Act shall be liberally construed in order that its purpose may be carried out, namely, that the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by his parents, and that as far as practicable every juvenile delinquent shall be treated, not as criminal, but as a misguided and misdirected child, and one needing aid, encouragement, help and assistance.

Because of the concern about the child's needs in the Act and the conferral of parental functions on the court, the court can exercise powers over the child that exceed the powers applicable to adults who commit similar offences. For example, an adult who breaches the provincial Trespass to Property Act is liable to a maximum penalty of a \$1,000 fine. In theory, a twelve year old child could be committed to training school and held there for six years! The current juvenile system does not provide for determinate sentences of any kind. Although society would not tolerate such a disposition, it is important to realize the extent of the powers that exist under the Act. Children are in fact committed to training school for behaviour that is not a criminal offence when engaged in by an adult. Moreover, the Act specifically provides that once a child has been found delinquent the court retains the right to deal with the child at any time until he reaches the age of twenty-one, even though the court has already made a disposition. Subsection (3) of section 20 states:

Where a child has been adjudged to be a juvenile delinquent and whether or not such a child has been dealt with in any of the ways provided for in subsection (1), the court may at any time, before such juvenile delinquent has reached the age of twenty-one years and unless the court has otherwise ordered, cause by notice, summons, or warrant, the delinquent to be brought before the court, and the court may then take any action provided for in subsection (1), or may make an order with respect to such child under section 9, or may discharge the child on parole or release the child from detention....

Again, it is unlikely that extreme exercise of this power would take place. However, it demonstrates the degree of concern that is expressed in the Act about the need to provide supervision, guidance and direction for a young person who commits an offence.

(5) OTHER POWERS

(a) Liability of parents for restitution

Where the child is adjudged guilty of an offence, a unique feature of the Juvenile Delinquents Act is that in certain circumstances the parent or guardian of the child may be ordered to pay a fine, damages or costs. The important provisions are as follows:

22.(1) Where a child is adjudged to have been guilty of an offence and the court is of the opinion that the case would be best met by the imposition of a fine, damages or costs, whether with or without restitution or any other action, the court may, if satisfied that the parent or guardian has conduced to the commission of the offence by neglecting to exercise due care of the child or otherwise, order that the fine, damages or costs awarded be paid by the parent or guardian of the child, instead of by the child.

(2) Where a fine is imposed and ordered to be paid by the parent or guardian, the limit of amount imposed by section 20(1) does not apply, but shall in no case exceed the amount fixed for a similar offence under the Criminal Code.

...

(4) No order shall be made under this section without giving the parent or guardian an opportunity of being heard; but a parent or guardian who has been duly served with notice of the hearing pursuant to section 10 shall be deemed to have had such opportunity, notwithstanding the fact that he had failed to attend the hearing.

The court must be "satisfied that the parent or guardian has conduced to the commission of the offence by neglecting to exercise due care of the child or otherwise". Accordingly the basis of parent's liability is not necessarily a criminal act, such as contributing to delinquency (discussed below) by the parent, but rather neglect by the parent in exercising due care of the child.

In other words sanctions may be imposed upon a parent in respect of the offence of his child even though the parent has committed no offence. The duty of a parent not to be negligent in exercising control of his child is normally enforced by civil law rather than criminal law. However this provision means that in vandalism cases, where it is shown that parental neglect conduced to the child's delinquency, the court can order the parent to compensate the victim. There does not appear to be any limit on the amount of damages the parent could be ordered to pay.

(b) Contributing to Delinquency

A parent who contributes to his child's being a delinquent or who neglects to prevent his child from becoming a delinquent is guilty of an offence under the Act. The relevant provisions are as follows:

33.(1) Any person, whether the parent or guardian of the child or not, who, knowingly or wilfully;

(a) aids, causes, abets or connives at the commission by a child of a delinquency, or

(b) does any act producing, promoting, or contributing to a child's being or becoming a juvenile delinquent or likely to make any child a juvenile delinquent,

is liable on summary conviction before a juvenile court or a magistrate to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding two years, or to both.

(2) Any person who, being the parent or guardian of the child and being able to do so, knowingly neglects to do that which would directly tend to prevent the child being or becoming a juvenile delinquent or to remove the conditions that render or are likely to render the child a juvenile delinquent is liable on summary conviction before a juvenile court or a magistrate to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding two years, or to both.

(3) The court or magistrate may postpone or adjourn the hearing of a charge under this section for such periods as the court may deem advisable or may postpone or adjourn the hearing sine die and may impose conditions upon any person found guilty under this section and suspend sentence subject to those conditions, and on proof at any time that those conditions have been violated may pass sentence on such person.

(4) It is not a valid defence to a prosecution under this section either that the child is of too tender years to understand or appreciate the nature or effect of the conduct of the accused, or that notwithstanding the conduct of the accused the child did not in fact become a juvenile delinquent.

Subsection (1) covers in part the provision of the Criminal Code whereby a person is deemed to be party to an offence. However, it goes considerably further and makes the parent liable for doing any act likely to make any child a juvenile delinquent, provided he does the act knowingly or wilfully.

Subsection (2) appears to be broader still in imposing liability on a parent who knowingly neglects to do that which would directly tend to prevent his child becoming a juvenile delinquent or to remove conditions likely to render his child a juvenile delinquent. In view of the wide definition of "juvenile delinquent" the potential liability of the parent may be quite extensive. For example, if his child, in a fit of anger, threatens to go outside and break a neighbour's window, a parent might be guilty of an offence if he fails to prevent his child from leaving the house, even if the child does not break the window.

It should be noted, however, that it appears that the primary purpose of section 33 is to protect children from moral corruption by adults. In some cases it is an offence under the Criminal Code to endanger the morals of a child (section 168).

PROPOSED YOUNG OFFENDERS ACT

(1) BACKGROUND

On February 16, 1981, the Solicitor General of Canada tabled in Parliament a bill to repeal the Juvenile Delinquents Act and to enact new legislation to be known as the Young Offenders Act. The tabling of this bill represents the culmination of a process commenced in 1961 to review the problem of juvenile delinquency in Canada and to make recommendations for reform. The main stages of this process were the Report of the Department of Justice Committee on Juvenile Delinquency, Juvenile Delinquency in Canada (1965); the introduction of Bill C-192, the Young Offenders Act (1970) (it was not enacted), the Report of the Solicitor General's Committee on Proposals for new legislation, Young Persons in Conflict with the Law (1975), and Highlights of the proposed new legislation for young offenders (1977).

The Young Offenders Act represents quite a marked departure from the Juvenile Delinquents Act in increasing the emphasis on the young person's responsibility and accountability for his contraventions of the law and lessening, though not

eliminating, the duty of the court to treat the offender as a misguided or misdirected child. It is sometimes said that whereas the Juvenile Delinquents Act was directed to the condition of the offender, the Young Offenders Act responds to the commission of the offence. There are many reasons why this shift in emphasis occurred, but it is not possible to explore them in this context. Nevertheless, it is important to note that the desire to treat young offenders more closely in accordance with criminal law principles did not appear to develop from a strong belief that juvenile crime is a more serious problem than it was seventy-three years ago. Rather, one of the concerns about the Juvenile Delinquents Act has been that the legal rights of young persons were too easily overlooked in the pursuit of the child welfare goals. As illustrated above, under the Juvenile Delinquents Act a young person can be sent to training school in circumstances where an adult is not liable to incarceration. At the same time, the child welfare approach does not always permit full recognition of the need to protect society from further criminal behaviour. The damage or harm suffered by a victim is the same whether the offender is fourteen or forty years of age.

The need to recognize a balance between the still-developing capacities of a young person and the protection of society is reflected in a declaration of principle contained in the proposed legislation. The Bill provides:

- 3.(1) It is hereby recognized and declared that
 - (a) while young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should nonetheless bear responsibility for their contraventions and society must be afforded the necessary protection from illegal behaviour
- • •

(2) APPLICATION OF THE ACT

One of the most significant changes concerns the behaviour that is dealt with under the Bill. Whereas the Juvenile Delinquents Act applied not only to criminal offences, but also to provincial and municipal offences and behaviour that was not an adult offence, the Young Offenders Act applies only to offences under federal law, most notably the Criminal Code. Therefore, a young person who breaches the Ontario Trespass to

Property Act or a municipal park by-law will have to be dealt with under provincial law. This change clearly marks the shift from a child welfare to criminal law approach.

Another important change in the application of the Act is the raising of the minimum age of criminal responsibility from seven years to twelve years. As a result, an eleven year old who commits an act of vandalism will have to be dealt with under provincial law.

While it appears that the maximum age has been raised from sixteen years to eighteen years in fact a province can ask that the age remain at sixteen years.

(3) PROCEEDINGS UNDER THE ACT

Under the Young Offenders Act the legal rights of the young person are set out much more clearly and fully than they are in the Juvenile Delinquents Act. While it is suggested that at present in Ontario juvenile proceedings are conducted on the principles of adult summary conviction proceedings, the reforms will be a helpful reminder of the fact that a trial under the Act is a criminal proceeding.

A major change proposed by the Act is to presume that all hearings will be open to the public until it is shown that serious injury or serious prejudice would result or that exclusion of the public is required in the interests of public morals, the maintenance of order or the proper administration of justice.

Another important change in policy is that under the proposed legislation where a young person violates the law he will be found guilty of a specific offence, such as mischief to public property or theft, rather than the general offence of delinquency. Again the purpose is to hold the young person more directly accountable for his criminal conduct.

(4) SENTENCING

The powers of the court to make a disposition in respect of a young person who is found guilty of an offence are greatly revitalized. The powers are modern and seemingly comprehensive.

The courts may make any one of the following dispositions or any number of them that are not inconsistent with one another.

(a) Absolute Discharge

The court by order may direct that the young person be discharged absolutely, if the court considers it to be in the best interests of the young person and not contrary to the public interest.

(b) Fines

The court may impose on the young person a fine not exceeding one thousand dollars to be paid at such time and on such terms as the court may fix. This increase, from the previous maximum of twenty-five dollars, is most welcome. The twenty-five dollar limit greatly reduced the scope of levying fines. One result may have been that the court was compelled to make a more serious intervention in the liberty of the young person through the imposition of a probation order. Such a disposition is also costlier to administer.

(c) Compensation Orders

The court may order the young person to pay to any other person at such time and on such terms as the court may fix an amount by way of compensation for loss of or damage to property, for loss of income or support or for special damages for personal injury arising from the commission of the offence where the value thereof is readily ascertainable, but no order shall be made for general damages. This provision gives a clear statutory recognition to the desirability of compensation orders, which are now made only as a condition of probation. The condition that the damage be readily ascertainable is in accordance with the present law.

(d) Restitution

The court may order the young person to make restitution to any other person of any property obtained by the young person as a result of the commission of the offence within such time as the court may fix, if the property is owned by that other person or was, at the time of the offence, in his lawful possession. Restitution in this context has the more technical meaning of return of property. Although it would appear to be more common in theft cases, it may still be relevant in some vandalism cases.

(e) Payment to Innocent Purchaser

If any property obtained as a result of the commission of the offence has been sold to an innocent purchaser, where restitution of the property to its owner or any other person has been made or ordered, the court may order the young person to pay the purchaser, at such time and on such terms as the court may fix, an amount not exceeding the amount paid by the purchaser for the property. This does not appear relevant to vandalism cases.

(f) Personal Service Orders

The court may order the young person to compensate any person in kind or by way of personal services at such time and on such terms as the court may fix for any loss, damage or injury suffered by that person in respect of which an order may be made under paragraph (c). This allows the court to order the young person to work directly for the victim. The consent of the victim is required. In many vandalism cases this may be the most appropriate type of order. For example, it can be used to order a young person to work for his victim, repairing the damage or doing other work such as cutting the grass or shoveling snow. The consent of the victim must be obtained and the length of service cannot exceed two hundred and forty hours.

(g) Community Service Orders

The court may order the young person to perform a community service at such time and on such terms as the court may fix. This type of order, which is now commonly made as a condition of probation, permits the court to direct the young person to do work for the community in general, rather than for the victim. The kind of orders that are made are described elsewhere in this report. As with personal service orders, the length of service cannot exceed two hundred and forty hours.

(h) Prohibition and Forfeiture

The court may make any order of prohibition, seizure or forfeiture that may be imposed under any Act of Parliament or any regulation made thereunder where an accused is found guilty or convicted of that offence. This power is probably not directly relevant to vandalism.

(i) Probation Orders

The court may place the young person on probation for a specified period not exceeding two years. The power to make

probation orders now more closely resembles the power to make probation orders in relation to adults.

(j) Custody Orders

The court may commit the young person to custody, to be served continuously or intermittently, for a specific period not exceeding two years from the date of committal. While the court may commit the young person to custody, it is within the power of a provincial official, known as the provincial director, in each case to choose the type of custody for the young person. The type of custody may range from open, unlocked group homes to secure, locked training schools. Once the court commits the young person to custody it has no authority to determine the setting in which the young will be placed. Thus, while the young person is under a custody order the primary responsibility for protecting society from further offences will lie with the provincial director.

(k) Ancillary Orders

The court may impose on the young person such other reasonable and ancillary conditions as it deems advisable and in the best interest of the young person and the public.

At least two other changes should be noted in the policy on sentencing. First there is a two year maximum on the duration of any disposition. Under the Juvenile Delinquents Act the only limitation appears to be that the court has no jurisdiction over the juvenile when he reaches the age of twenty-one.

Secondly, under the Young Offenders Act the court must specify the period of probation or custody. This is known as a definite or determinate sentence. It is generally regarded as desirable in the criminal law context, as it makes explicit the expectations on the offender. Under the Juvenile Delinquents Act, where the goal is treatment and rehabilitation, the length of the disposition, in effect, is determined largely by the conduct and behaviour of the juvenile while under sentence. If the juvenile responds well, he may be released soon; if he has difficulties, whatever the reason may be, he may be held for a considerable period of time.

Finally, it must be noted that the Young Offenders Act does not contain a provision similar to section 22 of the Juvenile Delinquents Act, permitting the court to order the parents of a child to pay damages where the parent has conducted to the commission of the offence. The reasons of the federal

government for not including such a provision are set out more fully in the next chapter. In brief, the view is that holding parents liable for the criminal acts of their children undermines the individual responsibility of children and that the concept of vicarious liability runs contrary to civil rights and is an unwarranted extension of criminal law.

It is not within the scope of this report to examine in detail the many issues raised by the proposed Young Offenders Act; however, there are a number of principles reflected in the proposed legislation that will assist in dealing more effectively and more fairly with young persons who commit vandalism. Accordingly, it is recommended that,

The proposed Young Offenders Act should be supported insofar as it includes the following principles:

- (a) *young persons who commit offences should bear responsibility for their contraventions although they should not in all instances suffer the same consequences for their behaviour as adults.*
- (b) *a young person should be subject to the criminal law only where he commits an offence against federal law.*
- (c) *young persons who commit an offence against federal law should be dealt with on the basis of the specific offence rather than the general condition of delinquency.*
- (d) *the sentencing options, in general, and compensation, restitution and community service orders in particular, provide a useful range of dispositions for young persons who commit vandalism.*

However, one matter of particular concern is that although custody is given a very broad definition so that it covers a wide range of services, the court has no authority to sentence the young person to a particular level of custody. The type of custody is treated by the Act as an administrative decision rather than as a judicial decision. Furthermore, where a review of custody is initiated, the role of the court in determining whether the young person ought to be released and placed on probation is very limited. Because of these limitations on the court in respect of custody it may be difficult for the court to exercise its responsibilities in relation to both the protection of society and the interests of the child. Therefore, it is recommended that,

The proposed Young Offenders Act should authorize the court to determine the level of custody required for an offender and to determine whether the young person

may be released from custody prior to the completion of his sentence.

C. CIVIL LIABILITY FOR ACTS OF VANDALISM

The Criminal Code, the Juvenile Delinquents Act, and the proposed Young Offenders Act are all legislation in relation to criminal law under the constitutional powers of the federal government. As stated at the beginning of this chapter, the criminal law is public law. Its primary purpose is to protect the interests of society and the public in general. Offenders are prosecuted by the state on behalf of the public interest and penalties are imposed.

Private interests, that is, the interests of individual citizens, are dealt with under private civil law. Civil law in this context means law that is not criminal law. The distinction is important because different courts, different standards of proof, different remedies, and different rules of procedure are involved.

The area of private civil law that is most relevant to vandalism is the law of torts. A tort may be described as a civil wrong for which the remedy is the payment of a sum of money as an indemnity or compensation.

(1) TRESPASS

Within the law of torts, vandalism that is wilful damage or destruction of the property of another constitutes the tort of trespass. Although in common usage trespass connotes unlawful entry on to the land of another, in law trespass includes both intentional interference with land and intentional interference with chattels. Accordingly a trespass to land may include not only wrongful entry on to land but also remaining on the land after being requested to leave and interfering with land by causing objects or materials to enter upon the land. Thus an action for trespass could be brought against vandals who trample a flower bed, who refuse to leave a recreation centre when ordered out, who break bottles in the park or who throw rocks at school windows.

A trespass to chattels consists of intentional interference with the personal property of another. Again, there need not be personal contact with the article. Propelling an

object or matter against personal property is trespass. Throwing eggs at a truck or spray painting street signs is trespass.

Although in earlier times persons were held strictly liable for trespass, under the present law it must be shown that the conduct was intentional. However, that may mean only that the person intended to do the act; he need not know that it was wrong. Moreover, it may not be necessary to prove actual damage to the land or chattels, though, of course, the amount of damage would greatly affect the award given to the victim.

The right to bring an action for trespass is the right of the person who has the right to possession of the land or chattel. That may not always be the person who has legal title. For example, where a tenant has exclusive possession of the house, it is the tenant, not the landlord, who has the right to bring an action against the trespasser.

The general principle governing damage awards for trespass is restitution: the trespasser should restore the plaintiff as nearly as possible to his original position at the time the trespass was committed. Where the trespasser has exhibited "violent and arrogant conduct" Canadian courts will allow recovery of punitive damages, even though no actual damage can be shown.

An important point to note with respect to actions for trespass is that a previous criminal conviction arising out of the same circumstances will not bar an action for trespass. Thus, a person who has been convicted of mischief for vandalizing a cottage may also be sued in separate proceedings for trespass. It must also be pointed out, however, that if restitution was awarded in the criminal proceeding the civil award for trespass will be reduced by the amount payable pursuant to the restitution order.

In an appropriate case there may be a number of advantages to taking civil action against a vandal. Throughout Ontario, cases in which the claim for damages does not exceed \$1,000 may be tried in the small claims court. In Toronto, a provincial court (civil division) has been created as a pilot project with jurisdiction over claims that do not exceed \$3,000. Small claims courts and the provincial court (civil division) are relatively informal and use streamlined procedures for trying civil cases. Court staff are accustomed to providing assistance to the parties regarding the court procedures to be followed. In many cases the parties are able to conduct the case without the assistance of a lawyer. Normally the

successful party is able to recover at least part of his actual expenses in conducting the case.

Another factor to be considered in taking civil action is that the claimant need only prove that on the balance of probabilities his case is made out. This standard applies in all civil courts. In criminal proceedings the offence must be proven beyond a reasonable doubt.

(2) CIVIL LIABILITY OF CHILDREN

One of the most important principles of civil liability is that there is no distinction between adults and children. In a 1799 case, Jennings v. Randall, Lord Kenyon, a British judge declared:

[I]f an infant commit an assault or utter slander, God forbid that he should not be answerable for it in a Court of Justice.

Thus, a child is liable for the tort of trespass the same as an adult is liable. No special rules apply. Of course, it must be proven that the trespass was intentional, but that requirement exists for both adults and children. In any event in the age range of children most likely to commit vandalism it would not likely be difficult to show that the trespass was intentional.

Perhaps the reason that civil action against young vandals is not often proposed is that it is felt that a judgment against a minor cannot be enforced. Nevertheless, it appears that in fact a judgment against a child may be enforced in the same way as a judgment against an adult. For example, an order may be obtained to have his property seized and sold and an order may be obtained to have his wages garnished. While neither an adult nor a child will likely have sufficient earnings or assets to pay for a school that is burned to the ground, many young people would have enough to pay for a broken window, a slashed car tire or a damaged park bench. It is not necessary to enforce the judgment immediately. Indeed, it is sufficient if legal action to enforce the judgment is taken within twenty years. The civil suit for the trespass must be started within six years.

(3) CIVIL LIABILITY OF PARENTS

Although it is common to speak of the liability of parents, our legal tradition has never imposed civil liability

on parents as such. No parental liability is imposed for the tort of a child simply by virtue of the parent-child relationship. That does not mean, however, that a person who is a parent may not be liable where a child has committed a wrong.

The general principle of law is that liability is incurred where a person responsible for supervising and controlling the child is negligent in performing that responsibility. Most often, of course, the responsible person is a parent. However, it is possible that other persons may be exercising that responsibility, in which case they would be liable for their negligence. It is not presumed in every case where a child has committed a wrong that someone has been negligent in supervising the child. If that were so, parents and others could protect themselves only by keeping each of their children under constant surveillance. But where it is reasonable to assume that the parent or guardian was aware that the child is likely to commit a wrong then negligence may be attributed to the parent or guardian. A parent who knows that his or her child has a propensity to throw rocks or play with matches will have a greater responsibility to control the child.

In his book, The Law of Torts, Fleming (1977), a leading authority, concludes:

The standard exacted by law is that of reasonable care and has regard to the practices and usages prevailing in the community and the common understanding of what is practicable. This requires a weighing of the risks to others which the child's conduct involves against the competing need, to which courts have been much alive, of giving those growing-up sufficient scope to develop a sense of personal responsibility and reasonable latitude in pursuing forms of amusement and activity not necessarily restricted to those alone that are perfectly safe and harmless. (p. 670)

Accordingly, where it is clear that a parent has been negligent in supervising a child's conduct the parent may be sued and ordered to pay damages to the victim.

Although the legal liability of parents is not affected, it should be pointed out that parents may insure themselves against liability for damage caused by their children. Indeed, the common home protection package includes personal liability insurance. Furthermore these policies usually apply to members of the immediate family of the insured. Therefore, if the child is found legally responsible but the parent is not found legally

responsible, the personal liability insurance of the insured parent will likely pay for the damage done by the child.

The question of whether or not the law relating to parental liability ought to be changed is considered in the next chapter.

D. PROVINCIAL LEGISLATION RELATING TO VANDALISM

As mentioned at the beginning of this chapter the Province has the power to impose punishment for enforcing the laws that it is constitutionally empowered to make. As a result the Legislature has created in its legislation a wide range of offences to enforce observance of Ontario laws. Provincial offences differ from criminal offences not only in the constitutional authority under which they are made, but also in their scope and purpose. In scope they are aimed at specific conduct in relation to specific subject matter. Their direct purpose is not the protection of society from breach of the peace or from conduct contrary to general moral principles but the enforcement of other provincial legislation for regulating activities in the public interest. Nevertheless there are some types of conduct that constitute both a criminal offence and a provincial offence. In some cases an act of vandalism may be a provincial offence.

(1) TYPICAL OFFENCES

The most obvious provincial offence relating to vandalism is a breach of the Trespass to Property Act, which will be discussed in detail below.

Other examples are the following:

(a) The Cemeteries Act

61.-(1) No person shall,

(a) wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in a cemetery, or any fence, railing or other work for the protection or ornament of a cemetery, or of any such tomb, monument, gravestone or other structure or of any lot in a cemetery;

(b) wilfully destroy, cut, break or injure any tree, any shrub or plant in a cemetery, or

wilfully injure, destroy or deface any building or structure or any road, walk or other works in a cemetery;

• • •
(f) commit a nuisance in a cemetery.

(2) Every person who contravenes any of the provisions of subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$4 and not more than \$40.

• • •
(4) Every person who contravenes subsection (1) or subsection (3) is also liable in an action in the name of the owner of the cemetery or of a burial plot upon which the damage is done or other unlawful act committed to pay all damages occasioned by his unlawful act and, when recovered, the damages shall be applied under the direction of the owner of the cemetery for the reparation and reconstruction of the property destroyed.

(b) The Education Act

188.-(1) Every person who wilfully interrupts or disquiets the proceedings of a school or class is guilty of an offence and on conviction is liable to a fine of not more than \$100.

(c) The Highway Traffic Act

160. Every person who wilfully removes, defaces or in any manner interferes with any notice or obstruction lawfully placed on a highway is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both.

(d) The Public Parks Act

19.-(1) No person shall,

• • •

(e) wilfully or maliciously injure, hurt, deface, tear or destroy any ornamental or shade tree or shrub or plant, or any statue, fountain, vase or fixture of ornament or utility in any street, park, avenue, drive or other public place under the control of the board [of park management],

• • •
(f) wilfully or maliciously injure, hurt or otherwise molest or disturb any animal, bird or fish kept in any such park or in the lakes or ponds connected therewith.

(2) Every person who contravenes any provision of subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$1 and not more than \$20; or may be imprisoned for a term of not more than thirty days; and is liable to an action at the suit of the board to make good any damage done by him.

There are undoubtedly many other provincial offences that are relevant to vandalism.

One of the most notable features about these offences is that the penalties are not very severe in relation to the penalties available under the Criminal Code. In part that is a reflection of the fact that the purpose of the offence is not directly to punish criminal behaviour. Even so, the fines seem inordinately low in the context of our modern economy. Therefore, it is recommended that,

A maximum fine of \$1,000 should be considered for provincial offences relating to wilful damage or destruction of property.

As in the case of monetary amounts for Criminal Code offences the fines for provincial offences relating to vandalism should be reviewed regularly. Therefore, it is recommended that,

The appropriateness of the maximum fines for provincial offences relating to wilful damage or destruction of property should be reviewed on a periodic basis.

(2) PROCEDURE FOR PROVINCIAL OFFENCES

A new code of procedure has been created under the Provincial Offences Act for the prosecution of provincial offences in Ontario. The background to and operation of this Act are described more fully in a booklet, Minor Offences (available without charge from the Ministry of the Attorney General). It must be pointed out, however, that while the Juvenile Delinquents Act remains in effect persons under the age of sixteen years will be dealt with under that Act when they breach a provincial statute.

The Act establishes two separate procedural processes, one for minor provincial offences and one for more serious or more complex provincial offences, such as environmental protection cases or securities trading offences. Under Part I of the Act minor offences may be dealt with in a simple and expeditious way. A provincial offences officer (a police officer or a person or class of persons designated by a Cabinet minister, such as conservation officers) who believes that a person has committed an offence may issue an offence notice to the person at the time of the offence or within thirty days. This notice is similar to the summary conviction ticket that was previously used for highway traffic violations.

The person who receives the offence notice has fifteen days in which to choose from among the following three options:

(a) Not guilty

5.-(1) Where an offence notice is served on a defendant, he may plead not guilty by signing the not guilty plea on the offence notice and indicate his desire in the form prescribed on the notice to appear or be represented at a trial and deliver the offence notice to the office of the court specified in the notice.

(b) Guilty, with an explanation

7.-(1) Where an offence notice is served on a defendant and he does not wish to dispute the charge but wishes to make submissions as to penalty, including the extension of time for payment, he may attend at the time and place specified in the notice and may appear before a justice sitting in court for the purpose of pleading guilty to the offence and

making submissions as to penalty, and the justice may enter a conviction and impose the set fine or such lesser fine as is permitted by law.

(c) Guilty

8.-(1) Where an offence notice is served on a defendant and he does not wish to dispute the charge, he may sign the plea of guilty on the offence notice and deliver the offence notice and amount of the set fine to the office of the court specified in the notice.

This procedure saves countless appearances in court where the defendant intends to plead guilty. In general it greatly streamlines the procedure used in the administration of justice for minor offences. At the same time, safeguards are built into the procedures to ensure the defendant full opportunity to be heard if he wishes.

One of the advantages of the offence notice system is that it allows the alleged unlawful behaviour to be dealt with as quickly as possible. Long delays between the allegation of the offence and the final verdict bring the administration of justice into disrepute and diminish the effect of any sentence that may be imposed. Although a larger fine might be imposed under the Criminal Code it may be advantageous in some instances of vandalism to proceed under the Provincial Offences Act and issue an offence notice to the defendant so that the penalty will have an effect more immediately. Accordingly, it is recommended that,

Proceeding by way of offence notice under the Provincial Offences Act should be considered where appropriate for provincial offences related to vandalism.

In order to use the offence notice procedure it is necessary that there be a set fine for the offence, that is, a fixed amount that is assessed for any violation for which the offence notice is used. This is the principle that has been well established in relation to highway traffic offences. For example, for an improper left turn the set fine is \$53 although the Highway Traffic Act permits a maximum fine of \$100. In practice the fine is set by the chief judge of the provincial court (criminal division).

As no fine has been set for a number of provincial offences relating to property damage, such as damage under the

Cemeteries Act, in order to give effect to the previous recommendation, it is recommended that,

In appropriate cases fines should be set for provincial offences relating to damage to property so that the offence notice procedure under the Provincial Offences Act will be available.

Where the offence notice procedure is not appropriate, as in a case of serious damage where a penalty higher than the set fine is sought, the provincial offences officer may lay an information and proceed under Part III of the Act.

Part III of the Provincial Offences Act provides for the initiation of formal proceedings similar to the summary conviction procedure under the Criminal Code, which previously applied to provincial offences. The Act sets out in detail the rules for the conduct of these trials.

(3) SENTENCING

The principal penalty for provincial offences is the fine. Improved procedures are contained in the Act for collecting unpaid fines. Jail is to be considered only where all other efforts fail to collect the fine. As mentioned above, commencing proceedings under Part III permits the court to assess a fine greater than a set fine where the offence notice is used.

The maximum fine in each case is the maximum established under the specific legislation creating the offence. Where no penalty is prescribed for a provincial offence the maximum penalty is a fine of \$2,000 (section 62).

The Provincial Offences Act also contains the following provision:

71. Where an Act provides that a fine may be suspended subject to the performance of a condition,

- (a) the period of suspension shall be fixed by the court and shall be for not more than one year;
- (b) the court shall provide in its order of suspension the method of proving the performance of the condition;
- (c) the suspension is in addition to and not in lieu of any other power of the court in respect of the fine; and

(d) the fine is not in default until fifteen days have elapsed after notice that the period of suspension has expired is given to the defendant.

Therefore, a statute creating an offence may also provide for suspension of a fine subject to performance of a condition.

Where a proceeding has been commenced by way of information under Part III, the court may also make a probation order. Section 72 states:

72.-(1) Where a defendant is convicted of an offence in a proceeding commenced by information, the court may, having regard to the age, character and background of the defendant, the nature of the offence and the circumstances surrounding its commission,

- (a) suspend the passing of sentence and direct that the defendant comply with the conditions prescribed in a probation order;
- (b) in addition to fining the defendant or sentencing him to imprisonment, whether in default of payment of a fine or otherwise, direct that the defendant comply with the conditions prescribed in a probation order

...

(2) A probation order shall be deemed to contain the conditions that,

- (a) the defendant not commit the same or any related or similar offence, or any offence under a statute of Canada or Ontario or any other province of Canada that is punishable by imprisonment;
- (b) the defendant appear before the court as and when required; and
- (c) the defendant notify the court of any change in his address.

(3) In addition to the conditions set out in subsection (2), the court may prescribe the following conditions in a probation order,

- (a) that the defendant satisfy any compensation or restitution that is required or authorized by an Act;
- (b) with the consent of the defendant and where the conviction is of an offence that is

- punishable by imprisonment, that the defendant perform a community service as set out in the order;
- (c) where the conviction is of an offence punishable by imprisonment, such other conditions relating to the circumstances of the offence and of the defendant that contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct or to contribute to the rehabilitation of the defendant; or
 - (d) where considered necessary for the purpose of implementing the conditions of the probation order, that the defendant report to a responsible person designated by the court and, in addition, where the circumstances warrant it, that the defendant be under the supervision of the person to whom he is required to report.

A number of points are worth noting in connection with this provision. First, the probation order may be made in addition to another penalty. Second, the defendant is restrained from committing the same or any related or similar offence. Third, the defendant may only be required to satisfy any compensation or restitution where authorized by some other Ontario statute. Fourth, a community service order may be made with the consent of the defendant and where the offence is punishable by imprisonment.

A probation order may remain in force for a maximum of two years.

With respect to sentences for provincial offences, it is recommended that,

- Ontario statutes creating offences related to vandalism should be amended to include where appropriate,
- (a) provisions for suspension of fines subject to the performance of a condition, and
 - (b) authority to order payment of compensation or restitution.

(4) OTHER PROVISIONS

Like the Criminal Code, the Provincial Offences Act contains provisions regarding parties to an offence and counselling offences.

An important difference between criminal offences and provincial offences is that there is no general power of arrest. The power to arrest for a provincial offence must be conferred by the particular statute creating the offence, such as the Trespass to Property Act. However, in most cases involving damage to property where it is necessary to arrest the offender, proceedings can be taken under the Criminal Code, in which case those arrest powers can be exercised.

A private individual may lay an information and commence proceedings under Part III.

(5) THE TRESPASS TO PROPERTY ACT

There is one provincial statute that may have particular relevance to the problem of vandalism: that is the Trespass to Property Act. Ontario has had legislation since 1834 making it an offence to enter premises where entry is forbidden. The legislation was greatly revitalized in 1980. Insofar as vandalism often involves unlawful entry or activity on the premises of another, the provisions of the Trespass to Property Act may be pertinent.

The operative section of the Act provides,

2.-(1) Every person who is not acting under a right or authority conferred by law and who,

- (a) without the express permission of the occupier, the proof of which rests on the defendant,
 - (i) enters on premises when entry is prohibited under this Act, or
 - (ii) engages in an activity on premises when the activity is prohibited under this Act; or

- (b) does not leave the premises immediately after he is directed to do so by the occupier of the premises or a person authorized by the occupier,

is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

"Premises" includes not only lands and structures but also other things such as cars and boats (section 1(1)(b)). School sites are specifically mentioned as being covered by the legislation.

The meaning of "occupier" is also important to an understanding of the Act:

1.-(1) In this Act,

(a) "occupier" includes,

- (i) a person who is in physical possession of premises, or
- (ii) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises,

notwithstanding that there is more than one occupier of the same premises

Accordingly, the occupier need not be the owner. Also, the rights of an occupier may be conferred upon others. Thus, the manager of a community centre may have the rights of an occupier under the Act.

Under the Act entry is prohibited by notice to that effect. Notice may be given orally or in writing, by signs, or by a special marking system created under the Act (section 5). For certain types of premises, however, entry is presumed to be prohibited without any notice:

3.-(1) Entry on premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises,

- (a) that is a garden, field or other land that is under cultivation, including a lawn, orchard, vineyard and premises on which trees have been planted and have not attained an average height of more than two metres and woodlots on land used primarily for agricultural purposes; or
- (b) that is enclosed in a manner that indicates the occupier's intention to keep persons off the premises or to keep animals on the premises.

Thus a vandal who breaks down a hedge or tramples a flower bed may be charged with trespass, even though no notice was posted prohibiting entry.

It is also important to note that there are two other offences contained in section 2, set out above. First, it is an offence to engage in activities prohibited in accordance with the provisions of the Act. The Act establishes a sign system for prohibiting activities. For example, it would be possible to prohibit fires in public parks, or mini-bike riding in schoolyards.

Second, failure to leave the premises after being told to do so is also an offence. This provision may be of greatest use in preventing vandalism because failure to leave a recreation centre, park or a school when directed to do so could result in charges under the Act.

Enforcement provisions

The Trespass to Property Act is particularly noteworthy for its range of enforcement procedures. As mentioned above the Act may be enforced not only by the occupier but by persons authorized by him. A booklet, Property Protection and Outdoor Opportunities, published by the Ministry of the Attorney General states:

Under the Act, the occupier may authorize any person to enforce the arrest provisions. The owner of a shopping centre may wish to authorize security guards. A school board may wish to authorize school principals and vice-principals. An apartment owner may wish to authorize the building superintendent. (p. 18)

The Trespass to Property Act, 1980 is one of the few provincial statutes that permits an arrest to be made. Section 9 provides:

9.-(1) A police officer, or the occupier of premises, or a person authorized by the occupier may arrest without warrant any person he believes on reasonable and probable grounds to be on the premises in contravention of section 2.

(2) Where the person who makes an arrest under subsection (1) is not a police officer, he shall promptly call for the assistance of a police officer and give the person arrested into the custody of the police officer.

Although an occupier or person authorized by him may make an arrest, as with arrests under the Criminal Code, private arrests should be avoided wherever possible.

The power of private arrest exists only where the trespasser is on the property. Therefore, if the identity of the vandal is unknown he would be able to avoid arrest simply by stepping off the property. This was perceived to be a problem particularly at schools. Consequently, the Act specifically states,

10. Where a police officer believes on reasonable and probable grounds that a person has been in contravention of section 2 and has made fresh departure from the premises, and the person refuses to give his name and address, or there are reasonable and probable grounds to believe that the name or address given is false, the police officer may arrest the person without warrant.

The Act also deals specifically with trespass committed by means of motor vehicles, such as trail bikes on farmlands. Often the driver will be able to escape without being identified. However, because the owner can be traced through the motor vehicle licence number, the owner may be held liable for the trespass.

Since trespass is a provincial offence the occupier may conduct a private prosecution under the Provincial Offences Act. The maximum fine is \$1,000, a very considerable increase from the \$100 maximum under the previous legislation.

A provincial offences officer may lay on information under Part III of the Provincial Offences Act or may issue an offence notice. The set fine is \$53.

An important feature of the Trespass to Property Act is that the court can be required to award compensation up to \$1,000 to the victim. The Act provides,

12.-(1) Where a person is convicted of an offence under section 2, and a person has suffered damage caused by the person convicted during the commission of the offence, the court shall, on the request of the prosecutor and with the consent of the person who suffered the damage, determine the damages and shall make a judgment for damages against the person convicted in favour of the person who suffered the damage, but no judgment shall be for an amount in excess of \$1,000.

However, where the damages exceed \$1,000 the victim cannot sue in a civil court for the excess. A choice must be made to take the \$1,000 maximum under this Act or to sue for the whole amount in a civil court.

Finally, it should also be pointed out that where the prosecution is conducted by a private prosecutor, on conviction the defendant may be required to pay the actual costs of the prosecution.

Public education programs about the Trespass to Property Act have largely focussed on its relevance to recreational use of land. Future public education programs could give equal emphasis to its usefulness in preventing vandalism and preserving property. Accordingly, it is recommended that,

The Trespass to Property Act should be specifically included in any public information about provincial legislation relating to vandalism.

(6) OTHER PROVINCIAL LEGISLATION

The Municipal Act

As mentioned at the beginning of this chapter; under the Municipal Act a municipality may make by-laws to regulate conduct that may amount to vandalism. The example given there was the power to make by-laws prohibiting defacing of signs. Another example is the power to make a by-law prohibiting vehicles in parks (section 208, paragraph 42).

Section 104 of the Act provides,

104. Every council may pass such by-laws and make such regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act as may be deemed expedient and are not contrary to law, and for governing the proceedings of the council, the conduct of its members and the calling of meetings.

However, the power to make by-laws at least in respect of morality is interpreted very restrictively, and to that extent it may be limited in its applications.

Municipal by-law offences are governed by the Provincial Offences Act.

The Child Welfare Act

The Child Welfare Act is relevant to vandalism in at least two ways. The more specific of the two is section 54, which imposes a curfew on persons under sixteen:

54.-(2) No person under sixteen years of age shall loiter in any place to which the public has access between the hours of 10 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by the person's parent or an adult appointed by the parent or in the case of a child in the lawful care or custody of a society, an adult appointed by the society to accompany that person.

(3) A person found contravening any provision of this section may be warned by a police officer, and, if the warning is not regarded or if, after the warning, the person is again found contravening any provision of this section, the person may be taken by the police officer to the person's home or to a place of safety and where the person is taken to a place of safety, the person shall be brought before a court as if the person had been apprehended pursuant to section 21 or 22.

Under the Act a "place of safety" is a place specially designated, such as a receiving or foster home. A child apprehended pursuant to section 21 or 22 must be brought before the family court to determine whether the child is in need of protection.

Municipalities sometimes feel that vandalism is associated with youths loitering in the streets at night. A curfew is often proposed as a means of dealing with this problem. Thus, section 54 of the Child Welfare Act is available to be used by the police in appropriate cases.

The Act also makes it an offence for parents to permit their children to loiter after 10 o'clock at night:

94.-(1) Every person who,

(e) is a parent and who permits his or her child to contravene any provision of subsection 54(1) or (2);

is guilty of an offence and on conviction by the court is liable to a fine of not more than \$1,000 or...to imprisonment for a term of not more than one year, or to both.

The Child Welfare Act is also relevant to some aspects of vandalism through its broader purpose of providing services and assistance to children and parents who are experiencing problems in the family.

Under the Act a children's aid society has the duty of,

6.-(2) . . .

(b) protecting children where necessary
(c) providing guidance, counselling and other services to families for protecting children or for prevention of circumstances requiring the protection of children.

Consequently, where a particular act of vandalism is seen to be related to a child's underlying social and psychological condition, action can be taken under the Child Welfare Act to meet the needs of the child and his family. A children's aid society may initiate proceedings in respect of a child under sixteen years of age who is alleged to be a child in need of protection. The definition of "child in need of protection" appears to be broad enough to deal with any condition or behaviour of a young person that might be related to his acts of vandalism:

19.-(1) . . .

(b) "child in need of protection" means,

(iii) a child where the person in whose charge the child is, cannot for any reason care properly for the child,

- (v) a child found associating with an unfit or improper person,
 - (vi) a child found begging or receiving charity in a public place,
 - (vii) a child where the person in whose charge the child is is unable to control the child,
 - (viii) a child who without sufficient cause is habitually absent from home or school,
 - (ix) a child where the person in whose charge the child is neglects or refuses to provide or obtain proper medical, surgical or other recognized remedial care or treatment necessary for the child's health or well-being, or refuses to permit such care or treatment to be supplied to the child when it is recommended by a legally qualified medical practitioner, or otherwise fails to protect the child adequately,
 - (x) a child whose emotional or mental development is endangered because of emotional rejection or deprivation of affection by the person in whose charge the child is,
 - (xi) a child whose life, health or morals may be endangered by the conduct of the person in whose charge the child is
- • •

Thus, where acts of vandalism are related to ineffective parental supervision, a harmful social environment, or an untreated condition of a child, the child may be found in need of protection. A hearing to find a child in need of protection is held in the provincial court (family division):

30.-⁽¹⁾ Where a court finds a child to be a child in need of protection ... the court shall make the one of the following orders that the court considers to be in the best interests of the child, namely:

1. That the child be placed with or returned to the child's parent or other person, subject to supervision by the society having jurisdiction in the area where the judge hearing the case

presides at the time of the hearing, for a period of not less than six months and not more than twelve months as in the circumstances of the case the court considers advisable.

2. That the child be made a ward of and committed to the care and custody of the society having jurisdiction in the area where the judge hearing the case presides at the time of the hearing, for such period, not exceeding twelve months, as in the circumstances of the case the court considers advisable.
3. That the child be made a ward of the Crown until the wardship is terminated ... and that the child be committed to the care of the society having jurisdiction in the area where the judge hearing the case presides at the time of the hearing.

Where the child is placed with a parent subject to supervision by a children's aid society, counselling or therapeutic programs can be provided for the child and the family. A child who is made a ward of the children's aid society or the Crown will usually be placed in a foster home, group home, or special treatment centre, according to his needs.

E. CONCLUSION ON THE LAW RELATING TO VANDALISM

This lengthy but far from comprehensive review of the law relating to vandalism clearly demonstrates that there is no lack of legal remedies for dealing with vandalism. Yet, vandalism is still regarded as an important problem in our society. In view of the broad range of remedies available and number of levels at which legal action can be taken it is not readily apparent that vandalism continues to be a problem because of major deficiencies in our system of legislation and legal rights. A number of areas where the law could be improved have been noted and recommendations have been made accordingly. But, any suggestion that there is a "legal solution" to vandalism must be regarded with scepticism. Proposals that there should be more laws to deal with vandalism must be seriously questioned. Laws are not ends in themselves: they are simply means by which the community regulates itself and realizes its social goals. Ultimately, they belong to the community. Thus, it appears that it is the decision of the community whether or not it wishes to take advantage of the laws it has made for itself. Laws are not self-enforcing. They depend upon the willingness of individuals and the community to invoke them. As with many other issues

discussed in this report, so with the law -- full community effort and commitment is required in the struggle to deal with complex social problems. Therefore, we must always be aware that the apparent weaknesses of the law may in fact be weaknesses in ourselves -- in our willingness to become involved, and in our commitment to using the full force of the laws we have already made.

In conclusion it is recommended that,

Subject to the recommendations made in this report, no new legislation is required to deal with the problems of vandalism.

Consideration should be given to the effectiveness of providing more public information about the law relating to vandalism.

PART II

CURRENT PROGRAMS IN ONTARIO

The previous section outlines in some detail the various kinds of legal remedies that are available both to deal with the apprehended offender and to try to allow the owner of property to protect that property. In addition, the various ways in which the owner of vandalized property might attempt to recover his costs have been outlined.

The remainder of the chapter describes what we, as members of society, are currently doing outside the legal arena to try to reduce the amount of vandalism that occurs.

Numerous claims have been made for different types of vandalism prevention programs; yet few if any of these seem to be programs that can be given unqualified support. There can be little disagreement with the motives behind the programs; it is simply that there are few data to support the generalized claims of effectiveness that are usually made for them. It is unfair and unwise to create an expectation of success that cannot be fulfilled. Repeated failure undermines commitment, increases frustration, and generates bitterness. However, since there are probably some circumstances where each type of program would be effective, it is important to outline the types of programs operating in Ontario that were brought to the attention of the Task Force. No attempt has been made to prepare an inventory of all the programs in existence in Ontario. (Many of the programs

can be traced through the Appendices of submissions and the Bibliography.) Also, the exact mechanics of the various programs have not been detailed; presumably if they are to be effective in a community, they must be adapted to the particular needs of a particular community. Instead, the programs are described in broad categories.

A. SURVEILLANCE AND TARGET HARDENING

One of the most obvious approaches to the control of vandalism is to make the target less vulnerable. This can be and is done in a number of different ways. For example, many school boards have policies of replacing glass windows with windows made of materials that are harder to break. Similarly, materials are used in some public transportation services that are less vulnerable to damage than traditional materials. The Toronto Transit Commission, for instance, follows this approach:

In the case where the temptation to vandals, e.g. tile ceilings in the earlier subway stations, has led to repeated damage, we have replaced with a more vandal-proof material and changed our design standards accordingly.

- M. Warren, Chief General Manager

Though initial investment may be higher in such circumstances, the cost of such initial investment obviously has to be considered in light of possible savings at some later point.

A related way of dealing with vandalism is to make the target less vulnerable by having it under some form of surveillance. The most obvious, but perhaps most expensive way of doing this would be to hire people such as security guards to keep watch over some vulnerable area. Less expensive approaches have been tried in some municipalities under such names as "neighbourhood watch" where people are encouraged to report to the police any suspicious activity or people on their streets, or "Teens on Patrol" where teenagers in some municipalities are enlisted as security patrol officers to watch vulnerable areas, such as parks.

The Brant County Anti-Vandalism Committee and Thunder Bay, for instance, have instituted a number of programs, including a Neighbourhood Watch in which a public awareness campaign was mounted to increase the likelihood of the public reporting vandalism incidents.

The town of Whitby employed a number of young persons in 1978 to monitor parks and other public facilities. Vandalism in parks was largely unaffected, however, since most incidents took place late at night when the patrols had ceased.

Trenton also had a public awareness campaign (Neighbourhood Watch, S.T.O.P. -- Start Teaching Our Public -- about vandalism) initiated by the police force, as part of a more general anti-vandalism campaign.

Other towns such as Kingston adopted Youth Job Corps programs in which a group of young people under a project leader contacted members of the public thereby increasing awareness of the problem of vandalism in their community.

B. DIRECT INCENTIVES

A second general approach that has been used, in schools more than elsewhere, to discourage vandalism is to give incentives for good behaviour. The typical plan is to offer the student council some proportion of expected vandalism damage costs if there is a decrease in vandalism. That is to say, if vandalism goes down, a proportion of the money that would have gone towards repairs is given to the student council to help pay for student activities such as dances. The theory behind such programs appears to be twofold: by offering an incentive (presumably benefiting all students), potential vandals will be deterred by their fellow students. In addition, it appears that it is the intent of the plan to instill pride (hence the name used in some circumstances: "Project Pride") in the school. The obvious theory behind the program is that young people will be deterred from doing vandalism because it would "cost" them something, namely, a decrease in the fund which would be "theirs" at the end of the incentive period.

The Lakehead Board of Education initiated Project Pride in their school system in 1979. The following year an evaluation under the auspices of the Ministry of Education concluded that the Project Pride program appeared successful during its first year. It appeared to the evaluators that the staff and students perceived progress. There was a reduction in the amount of vandalism from \$34,876 in 1979 to \$18,326 in 1980. There are however some constraints upon these optimistic conclusions -- for example, no comparisons were made with schools not taking part in the program. Later in the report it was acknowledged that the amount of the difference attributable to vandalism could not be determined, particularly because in

some schools there appeared to be little evidence of actual implementation of the incentive program.

It has been noted in discussions of the apparent success of this method of dealing with vandalism that co-operation among school boards, teachers and students may be far more important than the financial aspects of the program. Communication involved in decreasing vandalism may make a lasting impression on the students.

So the idea remains promising rather than proven.

C. PROGRAMS DESIGNED TO DISTRACT POTENTIAL VANDALS

Working on the reasonable assumption that one of the reasons that young people commit acts of vandalism is that it is fun, or relieves boredom, various programs have been initiated which might be described as having the purpose of finding something that is equally gratifying or more fun, but which is acceptable to the general public. Such programs include recreation programs or the providing of some form of alternative outlet for young people.

Using an Opportunities for Youth (O.F.Y.) grant the General Brock Public School in Windsor, Ontario sponsored a program of recreation activities for the children in the area. It is reported that there was only one act of vandalism committed at the school all summer.

As one Metropolitan Toronto Borough Department of Recreation and Parks department noted in their submission, "As the investigation proceeded it became evident that an important element in preventing the start of vandalism will be a recreation program that appeals to (and therefore involves) the youth from 10-15 years of age." This same organization noted, without making any judgment about it, that as the proportion of families with both parents working increased, the responsibility of the public sector for children in after-school hours obviously increases. They also suggested that "in its private development state, apartment type housing is not geared to families with children." Thus, if lack of appropriate recreational facilities is a problem now, it is likely to become even more of a problem in the future.

D. EDUCATION PROGRAMS

Another general approach to the problem of vandalism is through some sort of general or specific education program.

For example, in some municipalities, such as Fort Frances, a school program entitled "Operation Aware" has attempted to make potential vandals aware of the consequences of their actions. Similarly, there have been plays, films and slide/tape shows produced whose message is, in part, that vandalism costs society money and vandals, if caught, can find themselves in serious trouble. Such general education programs are similar in approach to some special education programs, often short lived, such as a "Respect for public and private property week" and the 1980 Police Week campaign against vandalism.

E. CORRECTIONAL PROGRAMS

Obviously, one way to approach the problem of vandalism is to try to do something constructive about vandals after they are apprehended and dealt with by the courts. One such program is, of course, Ontario's Community Service Order Program whereby convicted offenders through work in the community offer a symbolic or real form of restitution to the community against which they offended. This program is described in greater detail in the next chapter.

In addition there is the Victim-Offender Reconciliation Project. This approach uses third party intervention to effect a reconciliation between victims and offenders, two groups which seldom have contact within the traditional framework of the criminal justice system. It arose out of incidents occurring in Elmira, Ontario in 1974 and where it is now a joint Ontario project of the Mennonite Central Committee and the Ontario Ministry of Correctional Services.

Victims and offenders who agree to participate in the program are brought together, at which time they can air their opinions on the incident in question and come to a restitution arrangement that is mutually acceptable. Among the many benefits of this negotiated rather than imposed solution are that the victims have some input to the system and the offenders are frequently spared the alienation associated with imprisonment (which also costs the taxpayer approximately fifty dollars per person per day). By contributing more to the settlement each party to the dispute emerges less embittered about the experience. The project is in effect in 24 centres (10 jurisdictions) in Ontario.

F. INDIVIDUAL SERVICES

It is sometimes assumed that one of the most serious problems related to juvenile delinquency generally and vandalism

in particular is that there are not enough individual services. As pointed out elsewhere in the report, individual services are based on a kind of "individual pathology" model of the cause of vandalism. This approach is seriously questioned by a number of writers in the area of delinquency prevention.

There are a number of different agencies in our communities that provide services of various sorts, including services related to the criminal and juvenile justice system. The co-ordination of these services has, in many communities, become a serious problem with the result that the services that are available, are not readily accessible to those in need of them. For example, Don Richmond, Metropolitan Toronto's deputy planning commissioner, was quoted in the Toronto Star (March 15, 1981) with reference to programs to alleviate unemployment in the young adult population:

"we have more programs than we know what to do with, and they're just not reaching the kids."

Similar problems may be encountered in trying to use individual services to deal with vandalism.

CHAPTER 5

Options for Vandalism Prevention

If we were to accept, at face value, all of the claims of success that have been made for programs designed to do something about vandalism, it would be difficult to understand why we still have vandalism. The problem, as mentioned above, is that most programs designed to combat vandalism have not been adequately evaluated. Those that have been evaluated have not, for the most part, shown very encouraging results. This chapter outlines some of the major programs that are often proposed for prevention of vandalism. In the absence of evaluation studies, an attempt is made to assess the theories on which the programs are based and to make recommendations where possible or to suggest directions to follow in examining these options further.

A. TARGET HARDENING AND SURVEILLANCE

Logically, making targets of crime less vulnerable should greatly reduce the amount of vandalism. But here the problem is one of costs: it is of little use to suggest that all entrances to a building be made invulnerable to intruders when the real cost of such changes could easily outweigh the benefits. However, in some instances that have come to our attention, it appears that relatively simple changes in building practices or minor alterations in design or maintenance might be effective.

Even so, before such changes are instituted, available alternatives should be looked at carefully to compare not only the immediate financial costs, but also the potential social costs. For example, one approach to the problem of vandalism in public parks has been to reduce the hours when these facilities are available to the public. Although this may well result in less vandalism and lower maintenance costs, the savings have to be weighed against the costs to all of society of removing a public facility. When public buildings are policed more rigorously or closed more frequently other people besides vandals are deprived of access. Historical monuments come to mind in this context; they frequently have to be protected from vandals, at cost to the community as a whole. For instance, in England, Stonehenge is now roped off to protect the stones from

human abuse. It may also mean that vandalism is merely displaced to another target.

Accordingly, it is recommended that,

Changes in the use or structure of property susceptible to vandalism must be effective in relation to financial costs, social costs, and the specific nature of the offence.

A related suggestion made for reducing vandalism is that public areas should be kept lighted at night to discourage intruders who might vandalize the property.

To be practical I found 24 hour a day lighting and literally hiding in concealment the only way.

- a Windsor resident

To date, the Board of Education of the City of London realize that there has been considerable vandalism to their properties. Because of this there has been action taken to combat the situation. Some of the examples are:

- The installation of surveillance systems which monitor properties 24 hours a day.

The Public Utilities Commission (in London) have also taken action to reduce the incidents of vandalism.

- Provision of morality lighting.

- London

Programs of Alleviation [include]:

Lighting in riverfront park.

- Town of Prescott

Exactly the opposite suggestion has also been made: schools should be kept completely dark to make the target less attractive.

School systems are attempting to make school buildings and equipment more secure and less easily damaged through the following methods:

a) complete exterior illumination of buildings

b) total blackout of buildings (interestingly enough, school systems that experimented with both the above processes report the successes to be equal).

- Ontario Association of
Education Administrative
Officials

The apparently contradictory conclusions do not necessarily mean that one or the other of the conclusions must be wrong. Rather they illustrate the complexity of the issue. One of these alternatives may be wrong; but it is also possible that both are wrong (that is, that lighting does not make a difference one way or another) or that both are correct. This last situation could easily be the case where some other factor, such as the location of the school, also has an effect. It might be, for example, that schools that are near other facilities frequented by young people might be less vulnerable when well lit, yet schools in isolated areas might be more vulnerable if lit up as attractive targets. Unfortunately, there does not appear to be conclusive data in relation to either of these hypotheses; claims of success are easier to come by than data to back up these claims. The data that are available suggest that external lighting has no overall effect (Greenberg, 1969).

In view of the apparently conflicting evidence with respect to the use of lighting to reduce vandalism, it is recommended that,

Where a public area is the object of night-time vandalism, the lighting policy for the area should be reviewed to determine the effects of a change in policy.

A similar suggestion for making buildings, particularly schools, less vulnerable to vandalism is to increase the occupancy of the building. Waller and Okihiro (1978) suggest on the basis of their survey data that buildings that appear to be occupied (whether or not they actually are occupied) are less likely to be burglarized than buildings that appear to be empty. If one is willing to generalize from their suggestion for burglary to the problem of vandalism, one could suggest that if more use were made of school buildings they would be damaged less by vandalism. Under the Education Act a school board is authorized to operate the school ground as a park or playground and rink and to permit the school buildings to be used for any lawful purpose (section 150). Such a suggestion, of course, has other side effects that would have to be weighed in such a prevention strategy. On the one hand, there are some increased operating costs that would come from increased use. On the other hand, one might be willing to absorb those costs if it meant that people were able to take advantage of the presence of expensive and attractive facilities that would otherwise go unused for a large proportion of the available time. Although it is not possible to state that this is definitely going to reduce vandalism because of the other potential benefits to society, it seems a more attractive approach for a community to

take than programs to limit the use of facilities. Nevertheless a practical problem is that in evenings, on weekends and holidays, there are more public buildings than there are activities to keep them occupied.

There may be ways of increasing surveillance with minimal increase in costs. In at least one county in the United States, police officers were given access to the schools at night to make telephone calls and to prepare reports that normally might be prepared at the end of their shift. As a result, potential criminals could not predict when the police would visit the school. It is said that this helped control the amount of nighttime property crime at the schools involved, but unfortunately no data appear to be available.

Another innovative attempt to increase surveillance to reduce vandalism is described in some notes prepared by a police inspector from South Wales:

[S]chool children from three schools were invited to become caretakers of a building site during its two-year course of construction. A bargain was struck with the director of the company involved. It was agreed that, if the site was maintained vandal and theft free, a sum of two hundred pounds would be paid to each school to be disposed of as was felt fit. Each side honoured its part in the agreement and the money was handed over in a formal ceremony in July 1980 by the Lord Mayor of Cardiff.

Obviously, once again, the apparent success of this program may rest not only in the increased surveillance and incentives involved. It also may relate, in the long run, to changes in attitudes by the young people who did not vandalize.

Although the impact of increased surveillance on reducing vandalism is not fully known, in some cases it may appear a reasonable alternative for a community. In such a case, it is recommended that,

Where a community wishes to implement a surveillance program consideration should be given to "natural" surveillance opportunities that make use of existing community resources.

B. REMOVING OPPORTUNITIES TO COMMIT VANDALISM

A number of groups and individuals suggested that curfews were a way of reducing vandalism.

Recommendation #35

That the police continue to enforce section 43 of The Child Welfare Act (Curfew)

- Task Force on Vandalism
City of Thunder Bay

[The Town of Pelham set up a curfew By-law Committee to investigate the feasibility of a curfew by-law:]

The Committee concluded that implementation of the Child Welfare Act was sufficient and Pelham did not need its own by-law.

- Pelham

The Town [of Blind River] did institute a curfew of 10:00 p.m. to juveniles under the age of 16, in 1978. This curfew has proved quite effective with juveniles, however, the main problem with vandalism and loitering seems to be younger adults.

- Blind River

The O.P.P. are strongly encouraged to continue to enforce the curfew provisions of the Child Welfare Act.

Also time limits or curfews should be placed on teenagers; if parents continue to allow their children out to all hours of the night then the police should start enforcing the curfew laws.

- Peterborough

Such indirect approaches have to be considered along with potential costs. In the first place there is the cost of enforcement. Second, although there is ample legal authority for enforcing curfews, the curfew will be relevant only in certain circumstances, for example, where the damage is, indeed, being done after the curfew hour (that is, after ten in the evening) and where it is being committed by people under sixteen years old. Even if both of these are found to be the case, curfews are an indirect way of dealing with the problem: at best they include non-vandalizing youth in their net; at worst they trap a disproportionate number of non-vandalizing youth and miss those actually causing damage. It is worth pointing out that young people who report spending more hours on the street or who report that their parents do not mind if they spend time on the street admitted having committed more acts of vandalism (Appendix 1). It should not be concluded from these findings that curfews would automatically reduce the amount of vandalism that is committed since this rests on two unsupported assumptions:

(1) that the actual time when the vandalism occurs would come within the curfew hours and (2) that the curfews would be effective in stopping the vandalism even if it did occur during curfew hours. In any case, as has already been pointed out, there is ample authority under the provincial Child Welfare Act for the police to enforce curfews selectively or across the board if it is felt that the youth involved are potential troublemakers. In conclusion, it is recommended that,

A community should use curfew laws to prevent vandalism only where there is clear and convincing evidence that the curfew will apply to the individuals suspected of vandalism.

C. CREATING INHIBITIONS AGAINST VANDALIZING PARTICULAR TARGETS

A simple suggestion that does seem to have some empirical support is to repair damage from vandalism as quickly as possible. The underlying theory would seem to be that "vandalism begets vandalism". Analogous experimental and survey research has been performed in the area of littering, where it was shown that where there is no sign of other litter people are considerably less likely to litter than they are when litter is already present (Krauss, Freedman, and Whitcup, 1978). It seems reasonable to expect that the results of the studies on littering would hold for vandalism as well.

Presumably what occurs in the situation where others have littered or vandalized is that the further damage from subsequent anti-social behaviour is felt to be less serious and, possibly, the potential litterer or vandal assumes that the behaviour itself is more acceptable or less deviant. In other words, the potential vandal may perceive that because there is already damage, his own damage will not cost anyone anything. Alternatively, the potential vandal may assume that the object is a legitimate target for vandalism. It is also possible that the existence of vandalism in an area may encourage people to think of vandalism where otherwise they would not consider it.

A notable example in Toronto is the policy of the Toronto Transit Commission in repairing damage as quickly as possible; indeed, it is our understanding that vehicles do not go into service if damages cannot be fixed before the vehicle is scheduled to enter service.

We have a basic policy towards vandalism to which we are totally committed. This policy requires that wherever vandalism may appear on the system it

receives immediate attention. If it occurs on a vehicle, it is taken out of operation and the graffiti is removed or the slashed seats replaced before it returns to revenue service. Damage to our fixed facilities such as the subway stations is repaired as soon as possible.

- M. Warren,
Chief General Manager

A number of people have pointed out that as budgets for institutions, such as universities, get tighter, such maintenance jobs as repairing minor acts of vandalism necessarily will be given lower priority and will be done less frequently or postponed indefinitely. As a result, if the presence of vandalism encourages more vandalism (or makes similar acts of vandalism be seen as more acceptable) then the lack of maintenance funds will lead to more maintenance costs.

Additional support for this notion comes from the observation that vandalism is not random: it is not as if objects are chosen arbitrarily to be damaged. Property that is felt to be public seems more susceptible to vandalism. In apartment buildings, for example, a British Home Office Research report states:

Vandalism on [housing] estates was found to occur mainly at ground-floor level where most breakable items are situated and where children usually play. Public areas (for instance, entrances and underground garages) were much more vandalised than dwellings, presumably because they were less visible to residents and less clearly part of their 'territory'. Glazing was the most frequently recorded item of damage (followed by lifts) and the amount of observed vandalism at any one time was substantially affected by the amount of glazing in entrances and access ways. (Clarke, 1978, p.64)

It would appear that the public areas, rather than the private apartments themselves, are most vulnerable. This suggestion has been made by others, for example,

It would appear that vandalism is confined mainly to public property and institutions such as schools, churches, etc. Although in some cases private property has been severely damaged.

- The Provincial Grand Orange
Lodge of Ontario West

One commentator pointed out:

...A comparatively small proportion of vandalism appears to be committed against people's personal or private property... This is difficult to document precisely because there are no comprehensive records of damage to such property... (and) police records are highly unreliable in this respect. Evidence submitted to a Home Office Working Party, however, indicated that...damage to dwellings or to residents' property...was found to be a minute fraction of the correspondence rate of damage to...schools, telephone kiosks, and shops. (Clarke, 1978, p. 68)

To the extent that vandalism is directed to public areas or public property, it may be important to consider the costs of regularly repairing vandalism damage in comparison with the costs of postponing repair until the property has suffered extensive damage by vandalism. Accordingly, it is recommended that,

Damage to property to which the public has access should be repaired as quickly as possible in order to minimize the likelihood of additional damage.

D. DETERRENCE

The topic of deterrence has been discussed to some extent in Chapter 3 of this report. Independent of whether deterrence in general is an important factor in determining whether people commit offences, there are clearly ways in which people can be deterred from committing acts of vandalism. Certainly, making people believe that there is a reasonable likelihood of their being apprehended for their vandalism is one way in which this can be done. As mentioned, the various surveillance programs seem to be focused on this approach. Teens on Patrol, a program which recruits young people to patrol vulnerable areas, is one such program. Presumably an added aim of this program is to encourage those people "on patrol" to realize the importance and costs of vandalism. Neighbourhood Watch programs, as well, seem to be designed to increase the apparent control over private homes. Caution should be exercised, however, in ensuring that such programs do not turn into vigilante groups. Close liaison should be maintained with the police. It is recommended that,

In developing vandalism prevention programs consideration should be given to programs that emphasize the likelihood of being apprehended for vandalism.

One could even suggest that one of the purposes of such policies as the offering of rewards for the apprehension and conviction of vandals is to make potential vandals feel vulnerable to being turned in by a modern day bounty hunter.

One form of prevention program that is enticing at first glance is a program to try to increase the actual rate of apprehension of vandals and, presumably, by this means, increase the perceived likelihood of apprehension. A high apprehension rate is more likely to have a deterrent effect. One frequent suggestion is to increase police patrols or police surveillance of vulnerable sites. Though attractive in theory, the difficulty is that it creates an important practical problem: cost. Similarly, the suggestion that the police should put a higher proportion of their resources into apprehending vandals would involve removing them from other law enforcement functions. In any event the problem remains that it is not practical to place all property under surveillance. Thus, decisions on allocation of resources should be made according to the seriousness of the offence and the likelihood of affecting the problem. With most individual acts of vandalism relatively minor in cost, proposals that police give higher priority to vandalism probably would be difficult to justify. Therefore, it is recommended that,

Programs that emphasize the likelihood of being apprehended should be related as directly as possible to the specific vandalism problem of the community.

An alternative suggestion is to try to get the mass media to carry stories on the apprehension of vandals. Although this might work for a short time, it is unlikely to have long term positive effects as young people discover for themselves that their acts of vandalism go unapprehended.

The school incentive programs, such as Project Pride, which were described earlier, also fit into the general area of deterrence since, in part, they work on the assumption that the well-behaved students in the school will police the troublemakers and keep them from committing acts of vandalism. The programs are established with a fund that is set up for the school year. The amount in this fund is determined to be some proportion of the vandalism costs for the previous year. Costs of vandalism are then charged against this fund and any funds remaining at the end of the school year are turned over to a body such as the student council to spend for the benefit of the

students. Usually a school official holds a potential veto over their decision. Presumably, one of the assumptions behind such a program is that the potential vandal will not commit the act of vandalism because of the collective reward he will share in some months hence. There are a number of problems suggested by this analysis. In the first place, it assumes that the potential vandal values the potential reward more than the enjoyment from the vandalistic activity. Second, it assumes that he believes he will participate to some degree in the reward. For a student with no expectation of remaining at the school another year, for example, it is unclear what individual benefit the potential vandal will gain from abstaining. Finally it assumes that the potential vandal weighs the consequences of his actions in a particular way. Specifically, it assumes that he will forego an immediate personal reward for the possibility of a delayed, collective reward of unknown value to him. Indeed, it is difficult to imagine a reward that all students would enjoy equally.

Some attempt has been made to evaluate school incentive programs but the evaluations are open to question. In part the difficulty with these evaluations is the difficulty with the evaluations of many social programs. As Campbell (1969) notes, they are introduced at a time when the social problem is, or is perceived to be, at its worst. From a number of sources it appears that the vandalism problem is not consistent over time nor are trends uniformly upward. Hence, if a program is instituted at a time when the situation is very bad, and the only comparison that is made is between the year when the program was put in place and the previous year, when the problem was at its worst, it is almost inevitable that there would be some apparent success. It is impossible, however, on the basis of the data provided in such evaluations to determine whether the improvement had anything at all to do with the specific program.

Therefore, it is recommended that,

Evaluation of vandalism prevention programs must be conducted over a sufficient period of time to permit useful comparisons.

A second, not unrelated, problem that occurs in the evaluation of these programs and that probably occurs in many others is that in the system by which acts of vandalism are reported there are changes in the perceptions of damage due to vandalism. If after a particularly expensive year, a school institutes an incentive program such as Project Pride, it often does so without any explicit criteria as to what during the

previous year was a vandalism cost, and what was a wear-and-tear cost or a normal maintenance cost (for example, painting a wall). Thus one prediction that one could make is that in the year when an incentive program is instituted, there should be a reduction in the amount of vandalism since repair costs will be allocated more carefully to different causes. Whether or not students become more vigilant of their peers' behaviour it is likely they become more vigilant about the way costs are assessed against their vandalism fund. Therefore, it is recommended that,

In assessing vandalism prevention programs uniform standards must be applied in measuring the amount of vandalism before and after instituting the program.

While some of the theory that underlies incentive programs to deter vandalism was questioned above, the concerns expressed about the evaluation of these programs do not mean that the programs have not been successful. The point is simply that the evaluations are not sufficient to tell us whether the programs are successful or not.

E. PUNISHMENT

A large number of recommendations made to the Task Force might be reduced to a single recommendation: give vandals harsher penalties. A related, but somewhat different suggestion, is that the parents should be punished.

The public opinion surveys carried out for the Task Force suggested that many residents of Ontario, both within Metropolitan Toronto and elsewhere, feel that we are not punishing vandals sufficiently. Though the program presented on London, Ontario Two-Way Cable System (described in Chapter 3) suggests that this view is not very firmly held, it does appear to be a view that is widely held.

There are a number of reasons that we punish people for crimes; therefore, it is important to emphasize some of the different purposes that punishment can serve. First, it is necessary to differentiate the punishment of a person for reasons of general deterrence (that is, as a lesson to others) from the punishment of a person for individual deterrence (that is, to convince the person being punished that it is not worthwhile to do the act). Then we have to distinguish each of these from the inflicting of punishment on a person because we feel that it is moral and correct in our society to require offenders to pay their debt to society.

The issue of general deterrence has already been raised in Chapter 3. To repeat the conclusion here: an increase in the severity of punishment is unlikely to have much of an effect on a person about to commit an offence if the perceived likelihood of apprehension is low. The data on individual deterrence are not so easy to determine; however, various reviews of the effects of different kinds of court dispositions on the subsequent criminal behaviour of those being sentenced suggests that we cannot expect much to happen if we increase or decrease the level of punishment (see, for example, Brody, 1976). In any event, the recidivism rate among vandals is not likely to be very high (fewer than one-third of adult first-time property offenders are reconvicted within a five year period (Law Reform Commission of Canada, 1976b)). In other words, since the purpose of individual deterrence is to prevent the offender from repeating the offence, an increase in the level of penalty is probably not required because the adult first-time property offender is not likely to repeat the offence in any event.

Stories of young people being given a light sentence by the court and laughing about it on the front steps of the courthouse can be very disturbing. On the one hand the problem is that what the young person says right after the disposition is not very predictive of future behaviour: under circumstances like this, the relationship between "attitude" and "behaviour" is not likely to be very high. A great deal of social psychological research has looked at the relationship between attitudes and behaviour and most of this work has concluded that the relationship under such circumstances is never very strong (e.g. Lapiere, 1934; Wicker 1969; Wrightsman, 1969). In other words, the fact that the young person ridicules the court process in public does not necessarily mean that he has not taken the sentence seriously and that he will ignore the law in the future. Just as the contrite and repentant behaviour of a hardened criminal is unlikely to convince the public that he has changed his deeply-held attitudes, the boastful behaviour of a young person does not necessarily indicate that he holds deep contempt for the administration of justice.

On the other hand, it is a problem when a disposition of the court is publicly ridiculed. That is a legitimate concern to society. As has been pointed out, the meaning of such a response may be more complicated than it initially looks. But, whatever the actual meaning it should act as a sign to the court of possible inappropriateness of the disposition. The court, then, if such responses are common would probably want to look carefully to see if, indeed, the dispositions are appropriate

given the nature of the offence and the offender as well as the interests of society.

We must also consider the possibility that harsher punishments should be given out because society feels that it is just and moral to do so. This is obviously a view about which empirical evidence can contribute little. It is important to differentiate among these various views and to keep in mind why stronger sentences might be justified.

In this context, it might be worthwhile to review some of the comments that were received.

My personal choice of correction - wholly unacceptable in our own time - would almost eliminate rape and many other offences. It is a few whacks of the paddle such as they used to use at the Kingston Penitentiary.

- an Oshawa resident

Moreover in cases of refusal or resentment by the offender, "Police Brutality" should be ruled out and [the police] may be allowed to manhandle an obstinate guilty one. There is entirely too much pampering and "wondering where the offender went wrong" in cases such as this and we must establish a deterrent to such mischief.

- a Pembroke resident

Vandalism has grown so much that it sure needs a deterrent, and one that can be used for other crimes as well and I am sure that a form of corporal punishment, not to abuse, but something to remember, would do the job.

- a Peterborough resident

To reduce vandalism start with jail sentences and restitution.

- a Carlisle resident

Punishment severe enough to discourage repeating will ensure some degree of deterrence.

- a Windsor resident

The Perth County Council adopted the following recommendation of its Legislative Education and Public Relations Committee last year:

That since the present juvenile and criminal justice system does not give sufficient deterrent to vandalism

offenders, that offenders convicted of a second or additional offence receive a stroke of the lash.

Unfortunately, whatever one's position on the matter, the data on deterrence do not appear to support the view that increasing punishments will reduce significantly the amount of vandalism that occurs in Ontario. Nevertheless part of the function of the criminal law is to reflect, in the sanctions it provides, community attitudes towards proscribed acts. If the courts are perceived by most people to be too lenient, then the perceptions of those sanctions are at odds with prevailing social norms and consideration should be given to modifying them. People will only support the laws to the extent to which they perceive them as being functional. If the public believes the courts to be ineffectual in dealing with vandals, then they can have little incentive for supporting the courts by reporting acts of vandalism. However, in considering whether the courts are too lenient, the following points should be considered.

(a) Few people actually know what the normal sentencing practices of the court really are. Not surprisingly, attempts to verify with a number of persons their sources for their comments about lenient courts were not very successful. Accordingly, it is difficult to know how much weight to attach to general statements about the leniency of the courts.

(b) The harshness of a penalty is a relative matter. A fine may be harsh for a person in a low fixed income, but of no effect on a person with wealth. A community service order may be harsh for a busy professional for whom time is the most valuable commodity.

(c) The courts, both juvenile and adult, can only give out dispositions based on evidence presented to them in the court. They cannot respond to "what everyone knows" or says they know about an individual if that information is not brought out in court. The disposition cannot be better than the information presented to the court. In this respect the victim, the police, the Crown attorney, the defence lawyer, the offender's family, the employer, the school, the victim and the probation officer are all part of the sentencing process and share in the responsibility for providing the basic information for the disposition. There is reason to believe that complete information is not always presented to the court. In this context it should be pointed out that the view is sometimes expressed that private citizens are reluctant to appear in court as witnesses because they are not adequately compensated for the loss of time from work.

It should be obvious as well that the court can only sentence the offender for the crime for which he was convicted. An offender may be charged with several offences but the charges are dropped or not proven. The sentence must be limited to the offence for which he is found guilty.

(d) The trial courts are constrained not only by the laws of the federal or provincial government, but also by the decisions of the higher courts. Thus for example, the Courts of Appeal have made it clear that there have to be special circumstances to justify a prison sentence for a young person convicted of committing a minor offence. It is inappropriate, then, to urge trial judges to incarcerate young adults for minor acts of vandalism when the law appears to be quite to the contrary.

(e) The laws governing juveniles at present are very different from the laws dealing with adults. Although the federal government has introduced new legislation to deal with young people, the present Juvenile Delinquents Act, which is discussed in the previous chapter, encourages dispositions of a non-punitive nature. Therefore, family court judges cannot be expected to disregard the intent of the law which gives them the jurisdiction to hear juvenile delinquents cases.

(f) The judge has to consider a number of different interests when deciding on the appropriate disposition. For example, under the Juvenile Delinquents Act, the judge has very little choice of mid-range dispositions. Under the current legislation, for example, the maximum permissible fine is \$25. The proposed new legislation to deal with young offenders raises this maximum to \$1,000, an increase of 4000%. Judges do sometimes exercise their discretion to increase the monetary "penalty" by making as a term of probation the payment of a "contribution" to a charity of the young offender's choice. However this power does not appear to have been tested by an appeal to higher courts.

Although many members of the public appear to be suggesting that there be increased use of custodial sentences for young people, the judge, in considering such dispositions must, among other things, consider the interests of society. It is not clear that society gains much by paying \$100 a day to incarcerate a young vandal for an act which caused only a few dollars damage. That does not mean that it is never necessary to impose a custodial sentence on a juvenile. The point is simply that all factors have to be considered. Another of these factors is that under both the Juvenile Delinquents Act and the proposed Young Offenders Act the court has no power to ensure

that if a young person is ordered into custody he will in fact be removed from the community. This issue is the subject of a recommendation in chapter 4.

Recommendations relating to sentencing are made in Chapters 3 and 4.

A quite different punishment is provided in various forms in different communities under the general category of "community service order". These programs, which are administered through the Ministry of Correctional Services, can be seen as a combination of punishment and restitution. The Ministry itself describes community service orders as follows:

Community service is, first and foremost, a means of dealing with the non-violent offender in his own community. A community service order (CSO) provides an alternative to incarceration where the court feels that the usual terms of a probation order are insufficient. In these cases, the addition of a work requirement to the usual probation terms provides the option considered necessary by the court.

In Ontario, community service orders are therefore presently issued as a term of a probation order. A judge may, after having satisfied himself of the suitability of the offender for such a program and the existence of appropriate work, stipulate that an offender will work a specified number of hours for the benefit of the community.

Community service, as an additional requirement of a probation order, requires the offender to make reparation to the community for the harm he has done. It provides a framework for encouraging a more responsible attitude by the offender, for developing skills and abilities, and for acquiring new friends and more positive ways of spending his leisure time.

The types of activities in which offenders may be ordered to participate are those tasks which would generally not be performed at all unless by volunteers. CSOs are carried out in the offender's leisure time, giving him the opportunity to learn how to use that time in a positive way. None of the work undertaken will displace members of the community from paid employment.

The offender does not necessarily come into contact with his victim. A CSO may have no bearing on the crime, giving the offender a general social service type of activity to accomplish which is of tangible benefit to the community.

On the other hand, those committing acts of vandalism may find themselves cleaning up and repairing the damage they have caused.

Similar programs are available for juveniles, and, are currently being used quite extensively for vandalism. Obviously, such dispositions are attractive not only because they are constructive and productive, but they are also relatively inexpensive: the Ministry of Correctional Services estimates that a day of supervision of an adult offender on a community service order costs the public roughly 7% of the cost of incarcerating him.

Another major advantage of the community service order program is that it is administered through local community organizations such as the Rotary Clubs, church groups, and band councils. Not only does the program involve the offender in the community but it involves the community with the offender. Therefore, a community service order program allows the community to become an important participant in the administration of justice in the province. Accordingly, insofar as it is recommended that vandalism be tackled at the community level, it is recommended that,

Communities should consider the establishment of community service order programs for persons convicted of vandalism.

Other kinds of punitive action can be taken against vandals. For example, vandals may be punished by banning them from the facility that they have damaged. For example,

The Committee adopted a policy to prohibit use of the facilities by offenders. The first offence will carry a month's suspension, a second offence - three months and a third - one year.

- Committee of Management,
King City Community Recreation
Centre

The difficulty with this, of course, is that in some circumstances the potential harm to society may be greater than the gain. A recreation centre and its users will gain by prohibiting a troublemaker from using the building for a period of time and in some circumstances it may have a longlasting positive effect; however, if the effect of this is to move a potential problem from a relatively supervised building to a completely unsupervised area, it is not clear that society as a whole has benefitted. Therefore, a ban along with some alternative form of control of the potential offender may be a more reasonable short-term solution.

F. RECREATION

Another approach to vandalism is to try to make available to young people alternative activities that are less destructive than vandalism.

The Department of Justice (Prince Edward Island) took this approach when they organized recreational leisure activities for teenagers in the Greater Charlottetown area as part of their attempt to reduce the incidence of vandalism. The theory behind such programs is that vandalism (or delinquencies generally) is one way that people choose to fill leisure time, even though there are other choices available. This is the view of Richards, Berk and Forster (1979) in their recent book Crimc as play: Delinquency in a middle class suburb. A number of individuals and groups have made such suggestions to us:

The program (a Community Youth Program) has proven very successful and should funds be made available, we are looking at developing a Community Youth Drop-In Centre. This should be very influential in keeping juveniles off the streets and helping them develop social activities.

- Town of Blind River

Another way to cut down on the amount of vandalism would be to promote service clubs for young people. In these service clubs there is the opportunity to help better the community by doing constructive things and at the same time have fun doing them...these groups could be very helpful in showing our young people that there is more to be gained by doing something constructive rather than destructive.

- Township of Tay

It is the opinion of the community that if funding could be obtained to provide meaningful activities for our youth in the evening, that some of the problems of vandalism may be solved.

I think Youth Centres could do a lot to drastically cut down on vandalism.

- a Mississauga resident

Adventure playgrounds - recreational areas in which children are permitted (and encouraged) to build their own play environment - offer one alternative to conventional swings-and-roundabouts parks. As the author of an article on the topic states:

It has always been hoped by the proponents of adventure playgrounds that a space where children could build - and destroy - in relative freedom from adult interference, would lure off the streets some of those children who formerly turned to vandalism as an outlet for their creative/destructive urges. Although few systematic studies have been carried out on the social effects of adventure playgrounds, some evidence suggests that reduction of vandalism may be an additional "pay-off" of this form of permissive recreation. (Cooper, 1970, p. 23)

The report then goes on to describe some successful instances of the use of adventure playgrounds on both sides of the Atlantic and concludes in the following manner:

Although the evidence is limited as yet, it would seem reasonable to assume that at least some anti-social activities are forestalled by the attraction of these unconventional playgrounds. As the frustrations of growing up in the city became more acute, it is imperative that we think more seriously about the provision of places, such as adventure playgrounds, where the need to be energetically destructive as well as thoughtfully constructive, can be acted out without hindrance. (Cooper, 1970, p. 23)

In this context a design consultant has noted:

We have replaced play environments in which children could feel they had some autonomy, some subjectively-derived effect on their environment (which is the developmental purpose of play) with an environment totally reflective of adult needs. What hasn't changed is that the plaza area is the children's

CONTINUED

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playground for we haven't provided any appropriate alternative.

Peter Shore and Associates

One rather attractive reason for giving careful consideration to this approach is that presumably there are benefits attached to the creation of new recreational facilities even if they do little for the incidence of vandalism. Hence, unlike the use of guard dogs or expensive electronic alarm systems, which have few, if any, beneficial side effects, the providing of recreational facilities to reduce vandalism has, at minimum, the effect of making additional facilities available.

With respect to increasing the number of recreational facilities and organized programs to reduce vandalism, it is recommended that,

An increase in the number of recreational facilities and organized programs should be considered only in cases where it is apparent that there is a lack of reasonable alternative recreational opportunities.

No new recreational facility or organized program should be developed for the sole purpose of reducing vandalism.

The problem, of course, is that "[T]here seems no compelling, a priori reason to believe that increased investment in leisure provision would reduce vandalism and delinquency." (Clarke, 1978, p. 37) A careful look at the issue reveals a number of underlying assumptions behind the presumed link between lack of recreational facilities and vandalism. A few relevant facts referred to earlier in this report should be recalled. In the first place, it must be remembered that vandalism appears to be age related, peaking at about age fifteen. Second, one of the most common reasons given for committing an act of vandalism is that it was fun or relieved boredom. Third, vandalism seems to be related to performance in school: those doing well commit considerably less vandalism than those doing poorly. Finally, a relatively high proportion of acts of vandalism seem to be performed when young people are in groups: acts of vandalism when the young person is alone are not unheard of but are comparatively rare.

With these facts in mind, it is possible to examine the assumptions behind the presumed link between an increase in recreational facilities and a reduction in vandalism. First of all, it is presumed that those most likely to commit vandalism have not or could not find anything more interesting or fun to

do. Although it is a large assumption, it is possible that the relationship between poor school grades and vandalism is, in part, due to the ability of those doing well in school to find other more acceptable outlets. The link also would seem to imply that recreational facilities can be designed such that they will provide more interest, excitement, and fun, than committing acts of vandalism. It is important to remember that young people apparently find vandalism to be fun: if recreational programs are to compete, they have to compete on this dimension.

A number of people who communicated with the Task Force about vandalism pointed out that formal recreational facilities, designed in traditional ways, may be completely inappropriate both in terms of having an effect on vandalism and in terms of providing an alternative that is interesting to young people. They suggested that there be an increased number of what are sometimes referred to as "unstructured programs". Essentially, the view is that what tends to be lacking in our predominantly urban society is an attractive place for young people to congregate and do what they wish. This is not to suggest that what is needed is a "club house", as that is usually understood. Rather, it was pointed out, to see what interests young people, the easiest thing to do is to see where they congregate at the moment. Such facilities as fast food outlets, shopping malls, even pinball arcades seem to be attractive places for young people. Although we may have misgivings about encouraging young people to spend their time in such facilities, we might be able to learn something important from this observation. If nothing else, the observation that these kinds of facilities are popular suggests that popularity is not necessarily related to the availability of expensive recreational equipment or organized activities. All of these popular facilities have in common the fact that people can sit around, talk, watch others, and interact as they see fit with relatively little adult supervision.

Alternatively, of course, various constructive activities (for example, jobs in the public or private sector) appear to be something which young people are interested in but have a great deal of difficulty in finding. Accordingly, such activities should have the same goal: to give young people the opportunity to engage in activities that are interesting and attractive to them and acceptable to adults.

When the suggestion was made during the Task Force study that appropriate recreational facilities might be one aspect of our society to look at, a common response was that there are plenty of programs and opportunities in existence and,

therefore, no more are needed. The point here, however, is that it is not the number of such programs, but rather the nature and quality of them that is important. The poignant observation was made that in many popular places for young people to spend time -- fast food outlets, for example -- a parking meter mentality has been developed to discourage young people. It is all right for a young person to visit a shopping mall or fast food outlet as long as he passes his time there spending money. When he stops being a consumer, however, his time is up and he is asked to move on. Unstructured activities, on the other hand, would allow the young person to participate in the community in a manner interesting to him, and acceptable to society and help him to develop his own sense of worth. They might even be incorporated in existing programs, such as after-hours use of schools. As mentioned above, the school boards may authorize alternative uses of schools (Education Act, section 150). Like surveillance programs, discussed above, unstructured activities can take advantage of "natural" opportunities and existing resources.

Accordingly, it is recommended that,

Where a community lacks acceptable natural recreational opportunities for young people, the promotion of unstructured activities should be considered in recreational planning.

G. EDUCATION

It is perhaps a truism that the solution to vandalism is better education. If we define education in its broadest sense, the training and socialization of people, then education can be seen as the key to reducing the amount of vandalism that occurs in society. Education, in this sense, is obviously not just the responsibility of those employed by the education system; this view of education is much broader than that, though obviously it includes professional teachers and educators. In this context education includes all of the various parts of society that explicitly or implicitly are involved in the education or socialization of young people. In this context the primary source of education or socialization is the family itself. However, education includes not only the home and school but also extends to other institutions, such as the church and the mass media, whose functions include influencing the attitudes and values of society.

Looking again to research done for the Task Force, we see some areas that might be affected by education. First of

all, there is the finding that many young people who had committed an act of vandalism did not see it as hurting anyone. Second, there is the finding that the acts did not appear to be particularly highly planned: specific targets did not seem to be chosen. In addition, other research findings suggest that many young people who commit acts of vandalism know that it is "bad" but do not see it as an offence (Chepynoha and Parwicki, 1981).

Education, then, can potentially serve a number of different functions. The important question, of course, is to determine how best to "teach" the various points that are important. It is probably worth noting that it is part of the law of this province that the schools have a role in this form of education. The Education Act, for example states:

235.-(1) It is the duty of a teacher,

• • •

(c) to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues

• • •

The more difficult question is how this education should be accomplished. One very narrow approach to the issue is to depend on the formal courses taught, usually in high school, in the area of law. The difficulty with this approach is twofold: in the first place, the issue is not so much to teach the formal procedures and laws that are relevant to vandalism as to encourage young people to think about the consequences of their actions before they engage in vandalism. Hence it is not the technical aspects of law that are important as much as is a basic understanding of the role and purpose of laws and rules in our society. Thus, although these courses may be important for many purposes, they do not seem to be necessarily the best vehicle for trying to change young people's view of vandalism. The second problem with these formal law courses is that they are probably attacking the problem too late in the young person's life. To the extent that the Task Force data and those of others can be generalized, it would appear that the amount of vandalism falls off rather dramatically as the young person

approaches the end of his high school career. Therefore, to do anything effective about educating vandalism out of people, our teaching program would have to begin earlier. Even very young children understand the concepts behind "It's not fair!" and "It's against the rules". These are basic buildings blocks for an understanding and appreciation of the role of law in our society. It is important for young people to understand that law exists first for the protection of our freedom and rights, that it is made for the benefit of society as a whole. It only becomes a negative force when we infringe upon the common good.

It must be pointed out that the Ontario Ministry of Education statement of curriculum policy for kindergarten to grade six, The formative years (1975) provides:

The child in the Primary and Junior Divisions will be given opportunities to:

• • •

9. develop self-respect, respect for the rights of others, and respect for the rules of law

• • •

11. develop an awareness of law and government, and of the rights and duties of Canadian citizens.

However, it is the responsibility of local school boards to formulate local programs to implement this policy. Accordingly, Ontario communities have both the power and the responsibility to teach young people about the role of law in protecting private and public property. Accordingly, it is recommended that,

Communities should encourage local school boards to include the teaching of legal values in relation to private and public property in the elementary school programs.

One problem is that the suggestion that some more formal kind of education be done in the schools to deal with problems such as vandalism may be confused with a rather controversial area sometimes referred to as morals education. The controversy revolves around the nature of morality to be taught and how it is to be taught. The moral issues that are of interest and relevance to young people, such as abortion, drug use, and suicide, are the moral issues about which there is no strong consensus. The lack of consensus creates conflict in

some communities. Presumably, however, teaching children the value of someone else's property is not a controversial subject.

One way, then, that the education system can take a more active role in this area is to encourage teachers to use everyday examples of unacceptable behaviour, including vandalism, as a way of trying to raise consciousness in young people about the consequences of vandalism. As obvious as this may seem, there is some suggestion that school personnel are uncomfortable discussing vandalism problems in their school (see, for example, Chepynoha and Parwicki, 1981). Therefore, a necessary first step is for the school to admit that there is a problem. Then the students could be encouraged to think about and perhaps take some action themselves to reduce the amount of vandalism.

It should be remembered that most vandalism is committed against publicly-used property. Thus one means of trying to deal with vandalism might be to try to encourage young people to take some community responsibility for community property. If the cumulative effects were seen to be relevant to individual loss, then it is possible that young people could be "taught" that there are victims of vandalism of "public" property. Indeed some of the apparent short term favourable comments about almost any anti-vandalism program may arise from an increased awareness of the actual costs of vandalism.

In any education program, then, it is recommended that,

Education programs for young people should stress the effects of vandalism on the community.

Fortunately, many of the problems and potential pitfalls of teaching law and values in the schools are handled excellently in a document produced by and distributed by the Ontario Ministry of Education to provide curriculum suggestions for teachers. The booklet, entitled From values to laws (1977), outlines in detail two exercises that can be carried out by students in learning about the importance of respect for property. In each exercise, the purpose is to raise the students' consciousness about vandalism and to suggest ways of dealing with it. The exercises seem quite impressive and should go a long way to teaching young people about respect for property and the role of law. Therefore, it is recommended that,

The Ministry of Education should ensure that the curriculum proposal, "From values to laws" is brought to the attention of all school authorities.

There is a notion that a school must accept a certain level of vandalism because there is not power to take action against it. This notion is challenged by two school principals who shared their observations with the Task Force. Each of these people had been made principal of schools that apparently had high levels of vandalism in the past. Both of them, by their own accounts, made it clear by word and action that they were not going to tolerate vandalism and that vandalism would be regarded as a serious offence. It is not clear that it was the threat of harsh penalties as much as the communication of a set of values that was important in these instances. The teachers as well as the students were told that vandalism of any sort was not to be tolerated.

During school hours, school property is or can be under a relatively high degree of surveillance. Furthermore, the school community is relatively small and homogeneous. Thus, a school may present a very special situation. In any event, according to these school principals, they were able to make a substantial reduction in the amount of vandalism. After all, schools which have control over young people for a substantial portion of the first quarter of their lives are expected to teach certain skills. Therefore, it seems reasonable to expect as well that schools can exert enough influence on young people to affect at least their values concerning school property.

What is equally important in these accounts, however, is that these school principals were of the opinion that they, as principals, had adequate authority to deal with the problem. Indeed, the Education Act declares,

236. It is the duty of a principal of a school, in addition to his duties as a teacher,

- (a) to maintain proper order and discipline in the school;
- ...
- (j) to give assiduous attention...to the cleanliness...of the school, to the care of all teaching materials and other school property, and to the condition and appearance of the school buildings and grounds...

In this regard principals may look to the school boards for support because the Education Act also imposes a duty on boards:

144. Every board shall,
...
8. keep the school buildings and premises in proper repair and in a proper sanitary condition...and protect the property of the board.

Therefore it is not a matter of new legislation or regulations, or government guidelines being required. It is simply a question of a concern and commitment of the principal to do something about vandalism. This view is reaffirmed in the 1981 Annual Report of the Toronto Board of Education:

Just how vandalism at a school is dealt with is left to the discretion of the school principal who knows his or her community best. The principal knows if students are able to pay for damage they cause, and whether or not that would be an appropriate way to change students' attitudes to vandalism.

In brief, it seems that the school principal is in a unique position to take initiatives against vandalism in the schools and has both a duty and the necessary authority to do so. Accordingly, it is recommended that,

School principals should assume the initiative in combatting vandalism in their schools.

In terms of providing something relevant for the portion of the population who appear to be most likely to commit acts of vandalism (the fifteen year old who does not like school and is performing poorly), it would appear that the education system does, in theory, have at least one program which attempts to deal with the problem. The "early school leaving" programs of the various boards of education, would appear to be aimed at exactly this group. However, these programs are not without their own difficulties in finding jobs for untrained underage youth.

In the general area of education, it should also be pointed out that many of the other programs that are in place in Ontario can be seen as having "education" as one of their purposes. Such programs as Operation Aware are explicitly forms

of education and such programs as the school incentive programs are also forms of education.

H. USING THE MEDIA

Although one thinks first of the schools when education is mentioned as being relevant to an issue, schools are clearly not the only institutions that have some educational role in our society. The mass media, for example, were mentioned by a number of people as having some relevance to the problem of vandalism.

Our City Council felt that by refraining from giving much publicity to acts of vandalism, that there would be less of a tendency amongst the younger people to attempt to compete with the efforts of others.

- City of Woodstock

Preventative action by the news media [would be]

1. To publicize the names of the convicted vandals and the conditions of any sentence.
2. Donate public service time, news items and tips regarding vandalism.

- Town of Lindsay

(Report from Police to City Council)

The media should be encouraged to report daily the result of Provincial and County Court decisions, with a particular emphasis on punishments handed out for vandalism, loitering, causing disturbance charges and offences related to alcohol, such as impaired driving or drinking under age. Exposure such as this should have a long term deterrent effect on the community at large and at the same time indirectly reward a vast majority of citizens who have pride and respect for their community.

- Town of Lindsay

(Report from the Director of Protection)

Not surprisingly, there is no consensus of opinion on the role that mass media news reports might play in vandalism. As in other cases where there are contradictory views, there is no reason to accept one suggestion about the media over another; indeed, both might be right or both might be wrong. As repeatedly emphasized in this report, vandalism has many causes and takes many forms. Hence mass media reports of vandalism

might encourage people to do additional vandalism in some circumstances (for example, where the particular acts might appear to be "fun": at least one major newspaper has featured a cartoon called "Graffiti") and yet in other situations, reporting acts of vandalism and their nefarious consequences in the news media might well encourage people to take more responsibility for the property of others.

There can be little doubt that the media exercise great influence over the formation of attitudes in contemporary society. Direct effects are often hard to establish empirically but indirect effects probably abound. For instance, the presence of violent incidents in popular entertainment may not lead to actual acts of violence by viewers but may do much to legitimize the role of violence in everyday life.

The agents of socialization in previous years -- family members -- have been challenged to some extent by television. Since family size has shrunk, the television may well have taken over as the child's primary source of information about the world. We cannot expect our children to act differently from the role-models they view continuously on the screen. The importance of television, and the media in general, must be acknowledged in attempting to change the attitudes of youth towards concepts such as property and civil responsibility.

Carefully designed and evaluated programs using the mass media to prevent vandalism are difficult to find; unfortunately, those that were found are not very encouraging in their results. One of the most carefully evaluated attempts to try to reduce crime through a publicity campaign was carried out by the British Home Office in 1978 (Riley and Mayhew, 1980). Two separate film advertisements were produced, one highlighting the consequences of being apprehended for vandalism and the other encouraging parents to keep better control over their children. The advertising campaign cost the Home Office over two hundred thousand pounds in 1978 for the region being studied which they estimated would be the equivalent of 1.3 million pounds for the whole country in 1980. The conclusion of the study was quite straightforward:

None of the three publicity campaign evaluations... provides any reliable evidence that the advertising... had a significant effect on parents' attitudes to vandalism or on the amount of vandalism committed. In the present evaluation, the data relating to schools and telephone kiosks showed clearly that there were comparable decreases in the level of vandalism in both the test and control regions. In the case of the

housing data, the large variation in the average cost per repair between [the test and control areas] meant that the changes in the number of repairs could not be directly compared. However, on the basis of analysis of the trends in the data, it was concluded that the evidence did not support the idea that housing vandalism...had been influenced by the campaign. Similarly, although the level of criminal damage recorded by the police appeared to be lower where the publicity was televised than where it was not, this was interpreted in terms of the trend, pre-dating the campaign, towards decreasing numbers of recorded offences in the test area relative to the control.

The present campaign is the first one on vandalism conducted by the Home Office. Its largely negative results in changing behaviour are consistent with the findings of other offender-oriented advertising campaigns...which have relied on persuasion to deter potential wrongdoers, unaccompanied by changes in legislation or law enforcement...[T]wo reasons were suggested to account for the failure of purely persuasive offender-oriented campaigns: firstly, that potential offenders are unlikely to be moved by exhortation or generalised threats unless they have reason to believe that the actual risks and consequences of detection are worsened; and, secondly, that remote advertising messages may stand little chance of competing with the immediate pressures operating at the time an offence is being considered. (p. 25-26)

Perhaps another reason that such campaigns are not effective is that individuals perceive that the advertisements are really aimed at someone else: if a sizeable proportion of young people think that vandalism does not cost anyone anything, they may dismiss as irrelevant exhortations to improve their own behaviour.

As pointed out in Chapter 3 and earlier in this chapter, although the public has strong concerns about penalties given to vandals, they have relatively little information about the sentencing process, including the range of factors that are considered, the nature of the evidence before the court, and the average sentence given for specific offences. Presumably, most of the information that the public does have comes from the media. Therefore, the media may have a role to play in educating the public more generally about the administration of justice. Accordingly it is recommended that,

The media, in reporting sentences given to vandals, should attempt to report the full range of factors considered by the court in determining the sentence.

I. MAKE THE PARENTS PAY

Throughout the life of this Task Force there were two suggestions that kept recurring in various forms and in various places: "the courts are too lenient" and "make the parents pay". These two suggestions -- punish the child and punish the parent -- are not mutually exclusive. Some people wanted to increase punishment for both the children and the parents.

There seem to be three somewhat separate reasons why "making the parents pay" is seen as a solution to vandalism:

- a) It is presumed that if the parents were made to pay for the vandalism of their children, they would take additional responsibility for the behaviour of their children.
- b) It is presumed that young people, if they knew that their parents were going to have to pay, would be deterred from committing acts of vandalism, and
- c) It is presumed that victims would be compensated for the cost of vandalism damage.

Like many simple answers to complex questions, it seems that this solution is based on some questionable assumptions about the nature of the problem. In the first place, it would appear that some people presume that parents really do not care whether their children commit acts of vandalism and that making them pay for the damage would teach the parents to be responsible citizens who would look after their children. There are two questionable premises in this assumption: first of all, there is no evidence that parents in general do not care whether their offspring commit offences. Although there may be isolated cases where this is true, it is more likely that most parents would be quite upset to find out about the damage that their children have created. Though that has not been directly proven in relation to vandalism, one indication that this might be the case comes from a study of a different social problem, truancy. Neilson and Gerber (1979) found that though parents of truants were very concerned about their children not going to school, the problem was that they, like the schools themselves, did not know how to change their children's behaviour.

The second premise that deserves questioning is whether many parents really could exert more control on their children. If the vandalism is taking place at school, during school hours, there is probably little the parents can do. Similarly, if the child is fourteen or fifteen years of age, the age when children are most likely to commit acts of vandalism, and he is committing acts of vandalism after school or on weekends, it is probably unreasonable to expect that his parents can effectively exert the degree of control necessary to stop vandalism. This is not a novel conclusion. As a publication of the British Home Office Research Unit notes:

It is not easy to see how reductions in vandalism could be achieved by attempts to make parents exercise greater control over their sons. Although a considerable minority of parents make little effort to supervise their sons' activities, even among those who do try, the success rate is unimpressive -- not all boys will do what they are told and parental sanctions are limited. Even the most extreme sanction available to parents -- physical chastisement -- becomes increasingly impractical as the boy grows larger. Thus even if those parents who make no effort could be persuaded to begin, the chances are that many would fail. In any case it is difficult to identify any promising tactics whereby lax parents might be induced to take action...It is even harder to see what could be done to increase the effectiveness of the efforts of those who try but fail. (Clarke, 1978, p. 35)

In addition, of course, parents may feel a great deal of pressure from society generally to allow their children the same kinds of freedom allowed other children and adults. The comments from the public on this issue generally do not seem to address such practical problems as these.

One interesting phenomenon is that many members of the public may not hold their belief in parental liability very strongly in the face of discussion about it: after hearing only a few minutes of discussion, members of the viewing audience on the London Two-Way Cable system, described in Chapter 3, showed quite a dramatic shift away from their initial opinion on parental liability as a solution to vandalism. Nevertheless, the issue enjoys widespread popularity and a serious attempt must be made to examine the concerns that have been expressed.

The only good plan that I have heard of, personally, is to make the parents responsible for their children's vandalism.

- a Don Mills resident

Whoever is caught and charged with vandalism should be made to pay for all the damage he or she caused. In the case of juveniles under age who are not allowed to work yet, the parents should be made responsible and pay for the damage.

- a Port Carling resident

The parents should be made legally [liable] for the damage suffered as a result of the actions of their children. If they were, they would be more inclined to see their children behave properly.

- an Ottawa resident

I believe that the parents are responsible for the actions (of their children) which are criminal.

- a Cobourg resident

I believe when vandalism is committed by juveniles or children, that the parents should pay the cost to the owners that will restore that property to its fullest - as it was before the vandalism was committed.

- a Bramalea resident

Very few people who commented on this topic drew distinctions that may be important. First, it seems important to distinguish parents' social responsibility for the children from their legal responsibilities in the community. It is not questioned that parents should have direct moral and social responsibility for their children. However, this does not necessarily mean that they should carry full legal responsibility for everything that their children do. Secondly, within the realm of legal responsibility a number of distinctions should be made.

As has been pointed out in Chapter 4, there is an important distinction to be made between criminal and civil liability. Under our current law, a parent can be found civilly liable for the damage caused by his children if it can be shown in a separate legal action that the parent was negligent. This is a dramatically different provision than that where parents are deemed criminally liable for the acts of their children. Fining the parents or making the parents pay as a direct, automatic result of a finding of delinquency against the child is equivalent to saying that the parent or family is guilty of the criminal offence. It may also be suggested in such cases that parents should be strictly liable for the damage caused by their children, independent of the attempts at control that the parents may have made. Therefore, the parents would have to pay even if, for example, the parents have warned the school

authorities that their son had threatened to cause some damage. Those who favour such a position would like the court to order the parents to pay as part of the sentence imposed on the child. Thus if the child were to be found guilty of committing an act of vandalism, the parent would automatically be liable for the cost of the vandalism without any inquiry as to the role the parent might have played in the criminal act. It would also seem to follow that if the parent could not or would not pay, the parent should serve the compensatory time in prison.

Because there do appear to be supporters of this strict criminal liability approach it is important to point out that if the parents are in fact negligent or are in some way contributing to the delinquency of their children, there are various provisions described earlier in this report, for laying criminal charges directly against the parent. On conviction the parent might be liable to make restitution. Thus, if in some way the parents really are guilty of doing something which contributed to the offence, the parents can, at present, be made financially responsible. Therefore, the legal means do exist for attaching criminal and financial responsibility to the parents where the involvement of the parents can be proven.

Although the submissions to the Task Force did not fall into neat categories on this issue it seems likely that many people who said the parents should pay were not recommending strict criminal liability but some form of civil consequence, such as restitution, for the parent where his child is convicted of vandalism. Certainly this is the type of scheme that does exist in some areas and that has been proposed here from time to time.

Indeed, although the scope and purpose of section 22 of the Juvenile Delinquents Act has never been fully delimited, the elements of a parental liability provision can be seen in that section. England has a provision in the Children and Young Persons Act, 1933 that allows a court, where a fine, damages or costs have been ordered against a juvenile found guilty of an offence, to order the parent to pay unless the court is satisfied that the parent has not conducted to the commission of the offence by neglecting to exercise due care and control.

A number of municipalities in the United States have local ordinances relating to parental liability. For example, the Village of Deerfield, Illinois has an ordinance which provides that the parents may be fined if their child is found guilty of vandalism twice within twelve months.

Because of the popularity of this approach, it has been the subject of considerable thought and study. For example, in 1965 the federal Department of Justice Committee on Juvenile Delinquency gave very careful consideration to the problem. As the report strongly influenced the proposed Young Offenders Act, it is worth quoting extensively from the report, Juvenile Delinquency in Canada:

349. The Committee received a number of suggestions that the Act should be reviewed with a view to placing greater responsibility upon the parent or guardian of a child who engages in delinquent behaviour. Some persons have been concerned about the problem of restitution. There have been recommendations that the Act should be amended to provide specifically that the juvenile court judge may order that a parent or guardian make restitution for damage or destruction caused by a child found to be delinquent.

...

350. Before considering these proposals, we think it important to emphasize that the "punish the parent" approach has been repudiated by almost everyone who has made a careful study of the matter. For example, two important draft statutes prepared by committees of experts in the United States - the Standard Juvenile Court Act and the Model Penal Code - contain no provisions of the kind that are still part of Canadian law. In each case the omission was deliberate. Professor Tappan speaks of "punish the parent" laws as a "singularly futile expression" of the "recognition of the family's vital relationship to delinquency", and notes that "it has been fairly generally agreed that this approach has succeeded no more than could have been expected." Indicative of the controversy that this question has caused are the emphatic comments of still another noted authority on juvenile court legislation: "Wherever the concept takes hold that parents who fail should be punished, it should be exposed as a delusion....".

351. The objections in principle to provisions of this kind are perhaps nowhere better stated than in the recent Report of the Kilbrandon Committee in Scotland. Because of the importance of the issue involved we quote at length. The Kilbrandon Committee noted that there had been proposals "for (a) the

greater use of fines....against parents for the misdemeanours of their children, (b) requiring parents to make financial restitution for damage caused as a result of their children's delinquent behaviour, and (c) the placing of parents directly under compulsory measures of supervision in consequence of their children's misdemeanours." While recognizing that such proposals were "aimed at bringing home to parents their responsibilities", and, in this way, "strengthening and furthering those natural instincts for the good of the child which are common to parents", the Kilbrandon Committee rejected any such approach on the following grounds:

"We have found great difficulty in reconciling such proposals with their declared aims.... We recognize that there may be a variety of situations falling short of the stringent standard of criminal neglect in the legal sense, in which children may be the sufferers and in which there may equally be present many of the factors of incipient delinquency (in some cases leading to the actual commission of acts of juvenile delinquency). Such situations are, however, scarcely capable of being stated in a form which would ever be appropriate to the criminal law. With hindsight one can say that such and such a parental failure contributed to this child's delinquency; it is an entirely different matter, with different children all with different needs, to attempt to state parental duties in such a form that criminal sanctions might be applied. In a free society, we do not consider that proposals for so sweeping an extension of coercive powers against adult persons - on the basis of facts and circumstances falling far short of any existing standard of criminal neglect or criminal misconduct - could ever be tolerated as a result of proceedings instituted in a juvenile court ostensibly concerned with the child's delinquency, or, in some cases, incipient delinquent tendencies.

.....

The principle underlying the present range of treatment measures is...primarily an educational one, in the sense that it is intended, wherever possible, not to supersede the natural beneficial

influences of the home and the family, but wherever practicable to strengthen, support and supplement them in situations in which for whatever reason they have been weakened or have failed in their effect. Proposals for a more sweeping extension of coercive powers in relation to parents of juvenile delinquents are in our view not only unacceptable on general grounds...but are ultimately incompatible with the nature of educational process itself, more particularly in the context of the parent-child relationship. Such a process of education in a social context...essentially involves the application of social and family case-work. In practice, this can work only on a persuasive and co-operative basis, through which the individual parent and child can be assisted towards a fuller insight and understanding of their situation and problems, and the means of solution which lie to their hands... We consider that the alternative already discussed, based as it is on the view that in matters so closely concerning their children the co-operation of parents as adults persons can be enlisted by compulsive sanctions, is fundamentally misconceived and unlikely to lead to any practical and beneficial result."

352. So far we have been able to judge from the limited accounts available, wherever the "punish the parent" approach has been attempted the results have been at best inconclusive, and more probably negative. Indeed, an objection that has been made to provisions of this kind is that they themselves contribute to delinquency, in that their use often creates a number of conditions that promote delinquency. Generally, it seems, the effect is to aggravate still further an already disturbed family relationship. The parent tends to respond to punishment by increasing his hostility to, and rejection of, the child. The child in turn reacts to the parent's anger by getting into further trouble. Moreover, such a law places a tremendous weapon in the hands of an angry child. Cases have been recorded of children causing substantial monetary damage as a way of getting even with parents, who they expect will be fined or required to make restitution. The writers of one article have commented in this connection: "Parents, whether good or bad, cannot easily be turned into deputy sheriffs. Nor, in a democracy, do we take

happily to the idea that one person may be held a hostage for the good behavior of another."

353. . . .

Equally important, particularly in the light of the Kilbrandon Committee's observations, is the fact that there is reason to believe that the juvenile court experience sometimes has the effect of undermining the capacity of a parent to cope with the child. As one writer with long experience in juvenile court work has reported: "Along with their feelings of bitterness and failure...parents often experience a severe regression in their ability to act as adequately as they did prior to the hearing. Increased inadequacy, unnecessary dependency, a flagrant refusal to perform normal parental duties, and a hostile use of the court against the child are possible behavioral results...". Relevant also is his conclusion - that "the child's perception of his parent's worth may be seriously damaged by court action unless steps are taken to recognize and support the parent's continuing function...".

(footnotes omitted)

The issue was also recently addressed by the federal government in a paper, Legislative Proposals to Replace the Juvenile Delinquents Act (1979):

16. Vicarious Liability

The Juvenile Delinquents Act makes provision for the imposition of a fine, damages or costs against parents, if the court is satisfied that parents themselves have conducted to the commission of an offence by their child. The use of this procedure is discouraged and it is seldom used in practice. The new legislation would not retain such a provision, particularly as the Act is designed to hold young persons themselves responsible for the commission of illegal acts.

In recommending that parents be held liable for the illegal acts of their children, particularly children who are deemed under the law to be criminally responsible for such acts, individual responsibility would be undermined. In order to impress upon juveniles that legal consequences

exist for their criminal acts, liability and responsibility should rest with juveniles themselves.

Furthermore the concept of vicarious liability runs contrary to civil rights and is really an unwarranted extension of the criminal law. Where the parent is involved in the commission of an offence, he will be dealt with by the existing provisions of the Criminal Code, otherwise it is felt that the matter is better relegated to the civil law where it more properly belongs.

In view of the importance of stressing individual responsibility in vandalism cases, as recommended in Chapter 1, the possibility that emphasizing parental responsibility will undermine individual accountability is of very great concern. To say to the young person that he is responsible and then to turn around and tell him that the law also holds his parents accountable seems very likely to weaken the impact of his own responsibility. The concern of the Task Force is also recognized in the federal Young Offenders Act, Bill C-61. Section 22 of the Juvenile Delinquents Act would be repealed and the responsibility of the young person affirmed in section 3(1) which provides:

It is hereby recognized and declared that

- (a) while young person should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should nonetheless bear responsibility for their contraventions and society must be afforded the necessary protection from illegal behaviour. (emphasis added)

A good example of another of the problems with parental liability was raised by a Family Court judge. The particular offence involved was not vandalism; however, the principles and difficulties involved were the same. A juvenile, who had been doing some volunteer work with a senior citizen, stole a large amount of money from her. About a week later the juvenile's father found some of the money in their basement, questioned his son, and subsequently got the police involved. The matter was cleared up, though not completely satisfactorily, since some of the money was never recovered. The obvious problem is that if the father had thought that he was going to be liable for whatever money might be missing, there would have been a strong disincentive to getting involved himself. The judge in the case indicated that he found himself commanding the

father for reporting the offence, co-operating with the police, and encouraging his son to be honest. However, the judge felt, at the same time, that the father might not have acted in this responsible way if he had had any indication that he might have been liable, under law, for the costs. If that is the case, then parental liability laws may in fact discourage parents from fulfilling their responsibilities.

Not only must this approach to parental liability be questioned on philosophical and theoretical grounds but also claims of its practical success must be examined. One submission stated:

Some parents are not living up to their responsibilities and the law must clarify to those individuals that society will not tolerate parental negligence. Making parents pay will act as a deterrent in two ways - it will force the parent to exercise better control and it will remind the juvenile that the consequences of his acts of vandalism will be felt right in his own home. We know from the experience of at least 14 major cities in the United States that this kind of approach works. So how can you argue with success.

The fourteen major cities in the United States were not identified but an editorial in the Chicago Tribune in 1978 refers to "about two dozen Chicago suburbs" that were using a plan that included parental liability.

Because of the interest in the Deerfield program the Task Force contacted the Chief of Police for further information. He pointed out in the literature that he provided that, "Although we feel that our success in reducing youth crime is related to our program, no study has been made to make a positive correlation." Furthermore, the programs that were included in the village plan were numerous. Indeed, the Police Chief divided the programs into seven separate areas, one of which was changes in local ordinances. The ordinance in question states that on a second offence by their child the parents are presumed to have failed to exercise proper parental responsibility, and are liable for a fine. The Chief of Police noted,

Many of the inquiries we receive ask about one element of the program, whether it be the Youth Jury, or, most often, the Parental Responsibility Ordinance. I believe there is no simple method of reducing youth crime. The enactment of a law holding parents responsible for the actions of their children will

not, by itself, have any significant effect on the total crime situation. For a program to be successful, it must address the unique problems of a specific community. It must provide the necessary tools to the local police department so they can properly do their assigned tasks. It must receive the cooperation of the entire community: the schools, the churches, the park district, the businesses and the local government. All must accept their own responsibilities and not wait for someone else to solve the problem. We have this cooperation in Deerfield and this is why we have achieved some degree of success.

When the ordinance was discussed with the Chief of Police, he pointed out that one of the main reasons for passing it was that there were great difficulties in bringing minor offences involving juveniles before the state courts and the local ordinance was simply a way of getting the young person and his parents before a local municipal court. The police in Ontario do not necessarily experience similar difficulties. In any event, to use his words, the portion of the municipal ordinance dealing with parental liability was the "least important" of the programs in the village. He also stated that the apparent decrease in the amount of vandalism in his village could quite possibly be attributed to the fact that the number of vandalism-aged young people has decreased in recent years. Another important factor is that youth officers work closely with social workers on the police staff, and both work closely with the schools.

The Police Chief of the village recognized that the widespread interest in his village's program is, in many instances, misguided: people are looking for quick and easy solutions to chronic and difficult problems. The Chief then concluded by stating:

In my opinion, the success of the Deerfield Youth Program can be attributed to an attitude of total cooperation between all the components of the program and their staff in trying to solve an individual problem. We have developed and are continuing to refine a comprehensive response to youth problems in our community. This has allowed us to tailor our response to the individual's needs.

Accordingly this report from the Deerfield Chief of Police goes not so much to the support of parental liability laws as to the recommendations made in the next chapter regarding multi-faceted

programs and the development of community involvement and commitment.

The last area of legal liability that remains to be examined is the area of civil liability. As mentioned above, a parent can be found civilly liable if it can be shown in a separate legal action that the parent was negligent in supervising his child. The federal government paper, Legislative Proposals to Replace the Juvenile Delinquents Act (1979), quoted above, stated that the concept of vicarious liability "is better relegated to the civil law where it more properly belongs".

The matter of extending civil liability of parents for damage caused by their children was reviewed by the Ontario Law Reform Commission (1969) in its Report on family law: Torts. It noted that in 1966 a private member's bill was introduced in the Legislature imposing liability up to \$100 on parents whose children wilfully damage public property. The bill did not proceed.

After studying the question, the Commission concluded:

The Commission does not believe that any change in tort law with respect to parental responsibility is warranted. It considers that it would be unfair on parents to make them strictly or vicariously liable for damage caused by their children. Parenthood is a sufficiently demanding state in these times as it is. That a parent should be asked to do more than take reasonable care in the supervision and control of their children would be both impractical and unjust. Legislation of the kind passed in American states would be of doubtful value here. That legislation is aimed at juvenile vandalism. In nearly all the cases reviewed, vandalism was not a factor. (p. 80)

Presumably the last statement means that there are few reported cases, if any, in which an issue has arisen as to the extent of parental liability for vandalism committed by their children.

In any event, because the Commission indicated that American legislation was aimed at juvenile vandalism, the Task Force wrote to each of the forty-four state Attorneys General in those states that seemed to have parental liability laws. It is important to realize at the outset that in each of these states the laws relate to civil liability of parents. Briefly this means that the law simply enables a person, such as the victim, to bring legal action against a parent for negligence which

resulted in damage being caused by their children. None of the state laws deemed the parents to be criminally liable for vandalism done by their children. A typical provision can be found in the Civil Practice Code of Alabama:

Article 21
Malicious Act of Minor

6-5-380 Liability of parents for destruction of property by minor.

(a) The parent or parents of any minor under the age of 18 years with whom such minor is living and who have custody of such minor shall be liable for the actual damages sustained, but not exceeding the sum of \$500.00, plus the court costs of action, to any person, firm, association, corporation and the state of Alabama and its political subdivision for all damages proximately caused by the injury to, or destruction of, any property, real, personal or mixed, by the intentional, willful or malicious act or acts of such minor.

(b) Nothing in this section shall be construed to limit the liability of any such parent or parents as the same may now otherwise exist under the laws of the state of Alabama.

Each of the Attorneys General was asked for information relating to the use of and effectiveness of these laws. More than half of the Attorneys General responded to the questionnaire. None of the respondents was able to provide any evidence of any kind suggesting that the laws were effective in reducing vandalism or other juvenile crimes and generally the impression of most of the respondents was that the laws were seldom, if ever, used. Among the responses received were the following:

At the present time civil liability of parents for children's actions is limited to no more than \$500. This statute is seldom used by the courts due to the fact that many are extremely poor and also the philosophy of requiring the child to be responsible for his own actions prevails.

- State of Alabama
Department of Youth Services

In no instances may a juvenile court judge order a parent to pay damages. Only in cases where a parent has been directly sued for such damages may a judge

extend liability to a parent. Statistics relating to this latter event are unavailable.

[Q: What are the most common reasons that a court would not order the parents to pay?]

We can only speculate that a judge would not order parents involved in juvenile vandalism to pay because (1) the parents wouldn't be able to pay the damages or (2) that the judge felt it unreasonable to "punish" the parents for their child's transgressions.

[Q: Have these laws made a significant contribution to the reduction of vandalism in your state?]

We do not believe so.

- State of California
Department of Justice

It is more valuable for the juvenile to pay in order that he learn to be responsible for his actions.

It may create an excessive burden on the family which would simply compound their problems.

- State of Montana

The responses to the questionnaire tended to emphasize that a separate civil action would have to be instituted against the parents and that obtaining restitution from the juvenile himself is a preferable alternative.

In view of the lack of positive results in states having civil liability legislation, serious doubt must be expressed about importing such solutions to Ontario.

In addition to the American legislation, reference can be made to the survey, mentioned in Chapter 2, carried out by Judge Lorne Stewart. Although a number of respondents stated that parents could be required to pay compensation if they had been found to be negligent in supervising their children, in only one reply was there a suggestion that parents might be automatically liable. Although the respondents did not indicate the effectiveness of their laws, in some cases, at least, the laws derived from the same legal tradition as the civil law in Quebec. In fact, particularly relevant evidence about the effectiveness of extending the civil liability of parents as a means of preventing property damage by children can be gathered from our neighbouring province.

Article 1054 of the Quebec Civil Code specifically states that parents are responsible for damage caused by their minor children, unless the parents can establish that they were unable to prevent the act which caused the damage. The provision appears to place a very high duty and responsibility on parents with respect to the supervision of the conduct of their children. However, a review of several legal studies, such as those by Azard (1963), Boucher (1967), Jobin (1969) and Baudouin (1973), suggest that in practice the provision is difficult to apply. In fact, it is doubted whether in its application Article 1054 imposes greater liability on parents than does the common law, which is in effect in Ontario.

A number of points are worth noting about provisions such as Article 1054. First of all, responsibility attaches not only to parents but also to any person who had the power of control over the child when he committed the damage. Thus, school officials may share responsibility for supervision of the child's conduct. Trying to define who, in addition to parents, ought to be liable for damage caused by a child could be a problem for Ontario law. How far ought the liability extend?

In Quebec, there must be some fault on the child's part before liability can attach to the parent or person supervising the child. Therefore, not all damage caused by all children will give rise to a presumption of parental liability, but once fault of the child is proven, then responsibility of the parent is presumed. The parent then bears the onus of proving that he has provided the child with a good education and provided adequate supervision in the circumstances. It is at this stage that the Quebec approach has the most difficulty because it requires an assessment of appropriate education and reasonable community standards for parenting. Obviously the parent cannot be liable if it was impossible to prevent the act which resulted in damages. The impossibility can result from a variety of circumstances to be considered by the court in each given case. It is not a question of absolute responsibility; the parent merely has to do what was humanly and reasonably possible in the circumstances to prevent the act which resulted in damage. The parent cannot, however, merely say that it was immediately or practically impossible to prevent the damage. For example, the mere fact that he was not present when the minor committed the act is not relevant; the presumed fault is related to the lack of education, considering the child's status and social and general circumstances and, as well, the lack of supervision. The parent, for example, cannot invoke physical or immediate impossibility where the fact causing the damage was preceded by the parent's own fault which then led to the damaging act.

The parent should show that the child received a good education. Here, the case law suggests that the parent can be exonerated if he proves that he raised the child with care and diligence, giving him a good example and providing him with principles that lead to an appreciation of good behaviour. If the parent can satisfy the court that he gave the child a good religious, moral and social education, and that he took the necessary means to raise and supervise the child properly, there is no liability. This is particularly so where the damage was caused without malice or by accident and the parent could not foresee or prevent the occurrence. The fact that there has been no previous exhibition of misconduct or complaint about the child is also relevant.

The question of what is appropriate supervision is, predictably, problematic. Social values and customs as well as the actual circumstances must all be taken into account. The child's character and tendencies are important: for example, a difficult or disobedient child would require and demand greater and closer supervision than a child who is wise and obedient. If the child has a tendency to disobey the rules with respect to school attendance and curfew, the parent must then take necessary measures to prevent the child's use of this type of subterfuge and manipulation to commit truancy and to break curfew.

Because vandalism is an age-related offence it is of special interest to examine how the age of the child affects the parental duty to ensure adequate supervision. Not surprisingly it is found that a parent may be exonerated by showing that the child's age is such that the control that would normally be expected cannot be effectively provided in light of the child's particular development and maturity. It is worth noting the concern expressed by some, that changes in the centrality of the institution of the family may make it more difficult for parents to exercise control over their children.

In summary, experience of Article 1054 in Quebec seems to indicate that, once all the factors have been balanced, even laws that start from a strong presumption of parental liability do not in practice impose liability in significantly different circumstances than Ontario law does. It appears that Quebec parents "cannot easily be turned into deputy sheriffs" by provisions such as Article 1054. Accordingly, the enactment of legislation in Ontario similar to Article 1054 in Quebec is not likely to increase the number of cases in which a parent would be found liable for damage caused by his child. Therefore, it would be difficult to justify such legislation on the grounds

that it would increase the level of compensation to victims of vandalism.

As pointed out above, parental liability legislation is probably not effective in reducing the amount of vandalism. The parent-and-child relationship is not primarily an economic one that will respond to economic sanctions. There are too many complex factors at work to expect that a significant proportion of the ninety percent of young people who commit vandalism in Ontario would change their patterns of behaviour as a result of codifying the legal responsibility of parents to control and supervise their children.

In this context, it should be pointed out that in the self-report study of vandalism in primary and secondary school students carried out for the Task Force (Appendix 1), it was found that secondary school students who reported having strict parents admitted to fewer acts of vandalism. Although this is an interesting finding, it clearly should not be interpreted as meaning that making parents financially liable for the vandalism caused by their children would necessarily reduce vandalism. For this to be the case, two unsupported assumptions would have to be true: (1) that making parents financially liable would make them more strict and (2) that it is strictness *per se* that controls vandalism rather than some other factor (such as the attitudes inculcated in the children of strict parents) that is the determining factor.

Also, if the imposition of financial liability had such a direct effect than one would expect that there would be little cause for concern about juvenile vandalism in Quebec; however, that does not appear to be the case.

It may be suggested that enacting legislation in Ontario along the lines of Article 1054 might at least have educational value. However, the analysis of Article 1054 also shows that such general statements of principle are subject to so many practical qualifications and exceptions that they do not provide an accurate reflection of the parents' responsibilities and victims' rights and that recourse to the courts is necessary to clarify the law. As discussed in Chapter 4, the law in Ontario permits a person to be sued where his failure to exercise reasonable control over a child has resulted in damage by the child. Perhaps this law is not well enough known. A recommendation was made in Chapter 4 that the need for better public information about the law be considered. There may also be some undefined areas as to the scope of the present law, such as which persons other than parents are liable and the standard of care that must be exercised. Traditionally, these are

questions that are more appropriately answered by the courts, which can consider all the facts of a particular case, than by the Legislature, which can only make fixed rules for general cases. Certainly, it has not been shown that the courts have in any way failed to recognize the obligations of parental responsibility under our law.

Consequently there seems to be little to be gained in the battle to eliminate vandalism by codifying the legal duty of parents to exercise reasonable control and supervision over their children.

There is, however, one aspect of the Quebec law that might provide some assistance to the victims of vandalism. One result of the Quebec law is that if the child is shown to be at fault, then the parent has the onus of showing that he was unable to prevent the act which caused the damage. Without such a provision it may be quite difficult for the victim to prove that the parent did not provide proper control and supervision, because many of the facts that relate to the responsibility of the parent are solely within his knowledge. In these circumstances it does not seem unfair to expect the parent to show how he has discharged his responsibilities. Placing an evidentiary burden on the defendant is unusual in our law but not unheard of. For example, under the Highway Traffic Act where a person sustains injury by reason of a motor vehicle on a highway the onus of proof that the loss or damage did not arise through the negligence or improper conduct of the owner or driver is upon the owner or driver. Under the Child Welfare Act a person charged with leaving a child without reasonable provision for supervision of the child has the onus of establishing that reasonable provision was made in the circumstances. Thus, although placing the onus on the parent to show that he took reasonable care and in the supervision and control of his child may not be effective in reducing the amount of vandalism it may assist the victim in a proper case in proving the negligence of the parent. Therefore, it is recommended that,

In an action for damages against the parent of a child in respect of damage to property by the child, the onus of proof that the parent provided reasonable supervision and control of the child should be upon the parent.

The victim would still bear the onus of proving the other elements of the case, such as his damage and the causal connection between the damage and the breach of duty of the parent.

Once again it is important to emphasize that recognition of the limited role of law in enforcing parental responsibility does not diminish the importance of the principle of parental responsibility. Parents do have responsibility for the conduct of their children, but with respect to increasing legal liability for the costs of vandalism of their children, it seems that there are better solutions to the problem of vandalism that encourage individual accountability instead of deflecting responsibility onto others.

As the Scottish Killbrandon Committee observed, in the passage set out earlier in this chapter, in some cases what is required is not legal penalties but positive social support. So, in a case where our real concern is that the parents are not providing adequate supervision of their children and are failing to meet minimum community standards of parenting, then in Ontario measures can be taken under the Child Welfare Act. As pointed out in Chapter 4, the power exists under the Child Welfare Act for a children's aid society to intervene to protect children who are experiencing neglect, either as a result of inadequate parenting or their own behaviour. The children's aid society has the resources and expertise to respond in supportive and positive ways to the problems and pressures the family may be undergoing.

Perhaps of greatest importance are the provisions of the Child Welfare Act that permit the parent to enter into voluntary agreements. Instead of legal proceedings against the parent positive measures to increase the parent's capacity to control and supervise the child can be taken. Legal proceedings against the parent which do not increase his ability to cope with an unruly child only compound his frustration further.

In summary, it can be seen that a broad view can be taken of the question of financial liability and parental responsibility. First of all, the responsibility of the offender himself must be emphasized and the criminal law should recognize vandalism as a separate criminal offence. Secondly, within the context of the criminal law, including delinquency, many opportunities exist for obtaining restitution, compensation, community service, and personal service. Furthermore, these remedies may extend to a parent who is convicted as a party to the offence. Legislation relating to provincial offences, particularly trespass to property, also enables the victim to seek compensation and other forms of redress. Fifthly, civil remedies are accessible, particularly through the small claims courts, and the liability of both children and parents is clearly recognized in our tort law. It is recommended that in a civil case against parents that they bear the

burden of proving that they satisfied their duty of supervising and controlling their children. Finally, our child welfare laws can be invoked to provide social support and development of parenting skills that may be necessary to attack some of the root problems of the parent-and-child relationship.

CHAPTER 6

A Strategy for Intervention

One of the major themes of this report is that vandalism varies enormously from community to community and from time to time. Therefore, the response to vandalism may have to be as varied as the problem itself. In other words, the search for a strategy for intervention leads back to an earlier conclusion: complex problems do not have simple solutions. Just as there is no simple solution to crime in general, there is no universal solution for vandalism. To emphasize this point the following recommendation is made:

Communities should accept that vandalism is a complex and varied problem that requires a comprehensive and varied response.

As the discussion in previous chapters showed, the simple solutions, such as heavier penalties and making parents pay, are unlikely to be effective solutions to the problem of vandalism. But the absence of a simple solution need not be grounds for despair. It only indicates that a different approach may be needed. In fact, not only can something be done about vandalism, but something quite effective can be done. In brief, what is required is the development of individualized responses to individual community vandalism problems. Accordingly, the recommendations that follow do not suggest the adoption of any specific program for intervention. Instead the recommendations set out a strategy or plan of action that communities can follow in determining what program is most appropriate in the uniqueness of their circumstances.

Implementing a strategy of intervention may be more unfamiliar to communities than importing programs from elsewhere. But it may only involve more planning and analysis and not more work or resources. When there is no universal antidote for vandalism, the diagnosis and the treatment plan become the key to finding the right prescription. The remainder of this chapter outlines the process by which communities can choose the response that best meets their needs.

The first question that has to be faced is a basic one: whose problem is vandalism? The view was earlier

expressed that there has been too much finger pointing, and too many people looking for a group, organization, institution, or government to blame for vandalism. If we could find someone to blame, then presumably we could assign responsibility for stopping vandalism. Again, this is a tempting and diverting exercise, but not one that is likely to be very productive. In Chapter 1 the point was made that primary responsibility rests with the offender himself. But the effect of his behaviour is a problem for the whole community. Therefore, it is clear that vandalism is also everyone's problem and that there is an important role for everyone to play in reducing vandalism in our society. Indeed, throughout the duration of the Task Force the importance of two themes, responsibility and co-operation, was clearly established. Responsibility arose frequently in many of the submissions: some people wanted parents to be more responsible, sometimes even to the extent of being financially accountable for vandalism committed by their children, others thought the courts should be more responsible by handing down more severe penalties. In short, many people seemed to think the solution lay in making some group (parents, the courts) more responsible, with little emphasis on co-operation. On the other hand, it became evident that no single person or body can reduce the amount of vandalism in our communities. The courts alone cannot solve the problem by merely increasing penalties for offenders, even if this may be part of the solution. Parents cannot be expected to exercise more control over their children unless their efforts are supported by the co-operation of teachers, and vice versa. A uniform co-operative response is the only effective way of dealing with vandalism.

For example, the federal government definitely has a role in its jurisdictional control over the laws that deal with adult and juvenile offenders. As pointed out elsewhere in this report the federal government has tabled a new bill to replace the Juvenile Delinquents Act. When people criticize the provincially appointed provincial court (family division) judges, they should remember that at present they are still acting, in this regard, under federal legislation that encourages dispositions that assist the offender instead of punishing him for the offence.

The provincial government is relevant in a number of different ways, often in connection with the municipalities. For example, the provincial government has important responsibilities in the fields of education, housing, and policing, as well as in the administration of justice in the province.

The family, the school, the church, the media, voluntary organizations and so on also have roles and responsibilities with respect to vandalism.

But who then is responsible for starting the process of intervention? The answer to this question is clear: the initiative must come from the community that expresses the initial concern. "Community" in this regard might be as small as a neighbourhood or as large as a city. It could include a school or a parks department. However, it is the grouping that has the problem that must begin the process of doing something about it. There is no cause for establishing a central organization to take responsibility for initiating the process of controlling vandalism, for at least two reasons: in the first place, it is inefficient, because eventually the solution must be tailor-made to the community; second, it is the community that is going to have to make the changes necessary to do something about vandalism. They have the primary information available to them about what is workable and likely to be effective. Therefore, it is recommended that,

Initiatives for dealing with vandalism should be taken at the community level.

In this context a comment should be made about anti-vandalism committees. As noted in Chapter 1, one of the distinctive features of vandalism is that it provokes the organization of groups to combat this specific crime. However, to the extent that it is isolated as a special problem it may lose its significance as a crime. Furthermore, the evidence does not support the view that vandalism is a more serious problem than theft or breaking and entering. Accordingly, it is recommended that,

Unless it is clear that vandalism is an exceptional problem in the community, vandalism prevention programs should be developed as part of a general crime prevention strategy.

What then is the community to do? The first step is to resist the pressure to propose simplistic solutions that have been adopted in other communities. Given that the exact nature of vandalism is likely to vary from community to community, it cannot be stressed too much that a community should not automatically pick up solutions that are presumed to be effective in another community. There are two dangers in accepting other people's answers: first, the solution may, in fact, not be effective; second, the problem may be quite different. For example, the contradictory comments made about the effects of

lighting may illustrate the fact that what works in one situation may not work in another. Thus groups must be cautious about adopting solutions from elsewhere; suggestions should not be ignored, but they should not be accepted uncritically. A further suggestion is that the community should be cautious about accepting "solutions in search of a problem", that is, programs that seem like a "good idea" in any event, just as the community should be hesitant in accepting any broad claim of success of a program where careful evaluations have not been carried out. Without the British Study which showed the ineffectiveness of television advertising campaigns against vandalism, this may have been thought uncritically to be a "good idea" for any community.

In Chapter 2, it was recommended that communities should not assume that their vandalism problems are the same as vandalism problems in other communities. Now, as a corollary to that recommendation it is recommended that,

In planning vandalism prevention programs it should not be assumed that the solution for one community is similar to the solution in some other community.

Normally, communities cannot wait long enough to acquire knowledge so complete that a perfect answer can be found. The community should intervene when they diagnose a problem even if their intervention is not based on hard data. Indeed, the only way to build up a stronger data base in the area of vandalism prevention programs is to try a number of programs in a variety of communities to see if they are effective. Therefore, it is recommended that,

Even though it may not be clear how best to intervene to reduce vandalism, the community should develop an intervention plan as soon as a vandalism problem is clearly identified.

If carefully assessed such an intervention will provide knowledge about the effectiveness of that type of intervention. In addition, it may serve an educative function in publicizing the seriousness of the problem for the community.

A. IDENTIFY THE PROBLEM

The first serious step that a community must take is to determine exactly what is the nature of the vandalism problem in the community. It is not sufficient simply to say that there

is a vandalism problem. The exact nature of the problem should be specified as completely as possible. Thus it is not only important to know what the actual acts are (for example, breaking windows in schools, graffiti on buildings near bus stops, damage to trees in parks, damage to road signs, damage to cars in parking lots, damage in the public areas of certain apartment buildings) but when these acts typically take place, and, if possible, who seems to be involved (for example, young people under sixteen who have cars or access to automobiles). It might seem unnecessary to the reader of this report to make these suggestions concerning the specification of the nature of the problem, but unfortunately this step seems to be overlooked in far too many cases. The program for dealing with broken windows at an elementary school might be quite different than the program for stopping graffiti in high school washrooms. More than a few well-meaning communities or individuals seem to define their problem only in terms of "vandalism" and go no further. Therefore, it is recommended that,

Before intervention takes place, the exact nature of the problem must be identified.

B. ASSESS THE NEED TO INTERVENE

The next step is harder to carry out, but is one that is crucial. After a good description of the local problem has been obtained, a careful assessment should be done as to whether intervention is really warranted. To some extent the decision to intervene will have to be reconsidered at a later stage as well, after the costs of an intervention strategy are better known.

However, even at this stage, a formal decision must be made. If, for example, the nature of the problem is not as widespread as it was initially thought to be, it is possible that all that is really needed is to continue monitoring to make sure that the amount of vandalism stays within "acceptable" limits. This is a difficult and sometimes sensitive problem: how do we determine the level of vandalism that the community can tolerate? To put this question in a more problematic form: how do we indicate that a certain amount of vandalism is deemed to be acceptable? It is easy to say that steps should be taken to reduce the level of vandalism in a community to zero; however, it is usually necessary to weigh the costs of vandalism reduction against competing uses of time and resources. For example, even though the Toronto Transit Commission is considered to have quite a successful vandalism prevention program, it still experiences thousands of dollars of vandalism each

year. Thus, whether the process is explicit or not, a decision must be made as to whether a particular community's vandalism problem really warrants intervention. Therefore, it is recommended that,

When a vandalism problem is identified, a careful assessment must be made to determine whether the problem is serious enough to warrant intervention.

C. CHOOSE A PROGRAM

The next stage is probably one of the most difficult: choosing an intervention program. This task would be easier if there existed a set of proven programs to counteract vandalism. Unfortunately, such a portfolio of programs does not exist. There are three different levels of intervention to be considered. At the most specific level, there is intervention which is at the site of the problem. In various contexts, this might be referred to as "target hardening", such as installing hardened glass or steel doors with more sophisticated locks. Conceptually similar are interventions whose purpose is to increase surveillance over the vulnerable property. Both of these kinds of interventions are aimed at dealing with the specific property; they do not deal with the motivation of the vandal or the social situation that might create a climate encouraging vandalism.

Somewhat removed from programs that are associated directly with vulnerable targets are those attempts to deal with vandalism by trying to find acceptable alternative activities for potential vandals. Such programs might be developed for a number of reasons, one of which might be the reduction of vandalism. However, if the immediate purpose of them is to distract potential vandals from unacceptable behaviour, then the value of the alternative activity should be assessed in its own right.

The least direct approach to vandalism intervention involves programs whose intent is to change the attitude of the young person to the unlawful behaviour. Whether the program is a formal part of the school system or part of a community education program, the goal of such programs is to reduce vandalism by trying not only to convince young people of the importance of not destroying the property of other people, but also to get young people to think of the harm done if they destroy the property of others.

In choosing among these levels and in choosing a particular intervention, the community must keep in mind at all times exactly what its problem is. Obviously, if the problem is well localized in time and place, one of the first types of intervention might be the most appropriate. If, on the other hand, the problem is associated more with a group of the offenders, the second kind of intervention might be most appropriate, whereas for more diffuse problems, the third might be best.

In deciding what kind of intervention to implement, it is important to have some kind of theory connecting the intervention and the vandalism. Many unsuccessful vandalism programs would probably not have been implemented in the first place had those planning the intervention gone through this process. For example, if in a school setting there is evidence that the vandalism is caused by young people no longer at the school (during weekends or evening hours, for example), then a school incentive program (where delayed incentives are given to the student council for reduction in vandalism costs) is likely to be unsuccessful. Similarly, if it appears that the vandalism problem in a community is focused on a particular target or set of targets largely because the young people find it fun and run little risk of getting caught, an educational program emphasizing the punishments that a young person will receive if he is caught is unlikely to succeed.

The choice of intervention program is critical, and it is again emphasized that communities should not simply implement a program that they have been told is successful elsewhere. Where the problem varies and where the social situation varies so greatly from one community to another, it is crucial that each community makes its own decisions on what to do. As others have stated,

Not only, therefore, will solutions have to be sought separately for vandalism involving different targets, but also the process of assessing their feasibility in respect to a particular sort of vandalism may have to be repeated in different settings in localities. In general, what we need to do is to match our understanding of factors contributing to a particular kind of vandalism with an analysis of the practicability of the various ways of preventing it. (Clarke, 1978, p. 78)

Therefore, it is recommended that,

The choice of intervention program must be made in light of all the factors that are known about the specific nature of the problem in the community.

D. WEIGH THE COSTS AND BENEFITS

After an intervention program has tentatively been chosen, the next stage is to assess carefully what the costs and benefits of such a program might be. Chapter 2 deals extensively with the factors to be considered in assessing financial costs. Costs and benefits should be measured not only in dollars and cents; but also as social costs and benefits as well. Thus, for example, before a decision is made to close down a park after sunset to avoid a problem that appears to occur in the evening hours, the savings that might occur should be weighed against the social costs of not having the park available for any people after sunset. Similarly, when assessing the costs of opening up some public building after normal hours to increase "natural" surveillance of the property, the benefits to the community not only in terms of vandalism reduction but in terms of having additional facilities open to them must be considered.

Although this analysis may not always be consciously carried out now, it is an important step in dealing with vandalism. To overlook it might well mean that programs will be implemented that have more costs than benefits associated with them; or deprive the community of another alternative that has associated benefits. If increased surveillance is desired, the contrast between the cost and benefits of opening up facilities to more people and purchasing sophisticated detection equipment and services is obvious. The latter solution may have a more dramatic effect in reducing vandalism than the former. On the other hand the side benefits of the former might be greater and the immediate implementation costs might differ as well.

Therefore, it is recommended that,

In choosing a vandalism prevention program a community should assess both the direct and indirect costs and benefits of the alternatives available.

E. FOSTER COMMUNITY SUPPORT

One important aspect of this problem that cannot be ignored is that there must be a long term commitment by the community to do something about the problem. It does little

good to be enthusiastic and interested in the beginning and then to lose interest as it becomes clear that there are not going to be simple solutions to the problem. As repeatedly pointed out in this report, there are very few social problems that have simple solutions; therefore a community must not be discouraged to find that simple solutions do not work for vandalism. There is no simple act of a legislature or local council that can eradicate vandalism. Certainly changes in law alone will not make a major impact. Thus if it is the expectation of those initially interested in doing something about vandalism that they will be able to eliminate the problem by lobbying some law-making body to change the laws, then it would probably be best to save time and direct their efforts elsewhere. There is already a multitude of laws relating to vandalism. While some improvements to existing ones might be made, passing more laws is not the answer. What is most required is a continuing community commitment to keep pursuing the problem.

Any attempt to reduce the amount of vandalism in a community must be a co-operative one. The perpetrators of acts of vandalism are influenced by many forces -- their parents, their teachers, the police, the courts and the mass media. Expecting any one of these to be solely responsible can at best only lead to mere frustration, and at worst acceptance of the view that vandalism is an intractable social problem.

There must be a great deal of mutual support among the responsible groups before we can expect our youth to confront their responsibilities. If as parents we reinforce the kind of message being broadcast by teachers in schools, our children will be more likely to grasp that message, rather than casting it aside when the school day ends. Respect for property is a social attitude that must be instilled early and reinforced frequently.

This spirit of co-operation must also guide relations between the public and the police. If the penalties prescribed by the law are to be effective we, as members of that public, must support our laws by reporting incidents and individuals to increase the likelihood of apprehension. The police and the courts cannot be expected to tackle the problem for us; such an expectation smacks of irresponsibility. The effects of laws upon children are determined by other people and the conduct of these other people is what must concern us.

While there has been an increased tendency to seek legal solutions to social problems the courts are but one facet of a multi-dimensional solution. Their role is very important and they must provide sanctions severe enough to reflect both

the damage done and community attitudes toward the damage but they cannot work alone. Only when all the relevant groups respond in unison can a solution to the vandalism problem emerge. Accordingly, it is recommended that,

When a vandalism prevention program is undertaken efforts should be made to enlist the support of the whole community.

F. DESIGN AN ASSESSMENT STRATEGY

The final step to take before program implementation is to design and implement an assessment strategy. Too often attempts are made to evaluate programs only after they are implemented. As has been said in other contexts, it is hard to know if progress is being made unless you know where you started. One problem with this suggestion is that it might be seen by some in the community as unnecessarily delaying implementation. The alternative view is that unless information is collected systematically before a program is put in place, it is usually impossible to know whether the program is actually doing anything.

The assessment of a program need not be complicated and need not involve external "experts" who claim, often falsely, to have special skills. All that is needed is a clear idea of what the situation was before the implementation occurs and whether there was a change as a result of implementation. However, there are a number of pitfalls that catch even some of the professionals involved in this work. For example, as discussed earlier, there is the serious problem of changes in the criteria for deciding which damage is due to vandalism and which is due to wear and tear or an accident. Before the implementation of a vandalism strategy, a person responsible for maintenance might not make serious attempts to differentiate between vandalism and wear and tear. After implementation of the program, however, it may be that he is more aware of the importance of making a clear differentiation and, as a result, apparent changes could be due to this rather than the program. The point is that it is easy for the measuring instrument to change at the same time that the program is being implemented and safeguards must be adopted against this.

A similar problem that must be faced by those implementing and assessing a program dealing with vandalism is that there is a lot of variability over time in the amount of vandalism. It cannot be assumed in every case that the amount of vandalism in a community would naturally increase over time

if no program is adopted. That simply is not the case. Thus, in almost all program assessments, it is important to get some kind of comparison for what would have happened if the program had not been implemented. Often this is easier than one might think. For example, in a municipality it might be easier to implement a program slowly over a period of a year or so. Thus an area of a town that did not yet have a program might well serve as an appropriate comparison area. Alternatively, a neighbouring or similar municipality in the province might be the most appropriate comparison. For example, in a British study by Riley and Mayhew (1980) on the effectiveness of television commercials in reducing vandalism, when the commercials were shown on the independent television station in north-west England, a comparison was made with certain areas of north-east England which did not receive the television commercials. A comparison of the vandalism rates in each area before and after the experiment made it possible to assess whether the program had an impact on reducing vandalism.

As it is recommended that in planning a program consideration should be given to the possibility of indirect social benefits, in assessing the effectiveness of a program, it is important also to consider whether there were other benefits or costs of the program beyond its effect on vandalism. If, for example, substantial numbers of people took advantage of increased access to some facility as a result of a vandalism prevention program, then this obviously has relevance in terms of decisions about continuing the program.

It is recommended that,

An assessment strategy should be designed for each intervention program in order to measure the impact and success of the program.

The assessment strategy should ensure that the measuring techniques are applied uniformly throughout the project.

The assessment strategy should include a comparison between the project area and a similar area with no project.

G. DOCUMENT IMPLEMENTATION OF THE PROGRAM

Finally, of course, after the assessment procedures are in place the program itself has to be implemented. As much as possible, this should be done according to a well-defined plan

so that the characteristics of the program can be clearly specified. This is important for two separate purposes. In the first place, it is important that the program be clearly described, in writing if possible, so that other communities can know what actually occurs. Second, it is important that the program be as specific as possible so that those actually charged with the responsibility of implementing it know exactly what they are supposed to do. This does not mean that changes in the implementation cannot be made; however, these changes should be explicitly noted so that it is the actual program not the program theory that is described.

After the program has been put in place and information is gathered according to the agreed upon assessment strategy, then a clear decision must be made to assess carefully what has been learned. As obvious as this is, it may be as important to learn that a program is not effective as it is to measure success. Any real knowledge that is gained will be of immense help to the community itself and other communities. Knowing that something does not work can save others important time and money. In that context, although it may be difficult for those responsible for a program to admit that it was ineffective, this must be done so that scarce resources can be allocated more effectively.

Another important point must be raised. If communities are trying out programs, making assessments, and collecting information there must be a mechanism to facilitate the sharing of information among communities. It would also be helpful if there were a central resource available to advise communities particularly with respect to assessment and evaluation plans. However, it would be important to ensure that the central resource not replace community initiative and responsibility.

Because "community" as used in this report includes not only municipalities but also schools, neighbourhoods, organizations and so forth, it is not clear at this time to which department of government it is most appropriate to assign responsibility for this function. It appears that a number of government ministries have liaison mechanisms in place for communicating with communities on issues such as municipal affairs, recreation, policing, and education that might be relevant to vandalism prevention. Accordingly, it is recommended that,

The Ministry of the Attorney General should consult with other ministries of the Ontario Government to consider the most appropriate means for facilitating

exchanges of information about vandalism among communities and for providing an advisory service to communities.

CONCLUSION

It would be ideal if a simple solution could be found for vandalism. It is an attractive notion that if only some law were changed or if only some small group of people would change, a social problem such as vandalism would disappear. The Task Force looked for such solutions but did not find them, probably because they do not exist.

But the Task Force has recommended a plan of attack against the problem of vandalism. This plan is not a simple formula for success; instead it is a plan for a community to deal with its vandalism problem. The plan takes account of some important facts about vandalism -- among them that most young people have been involved in vandalism, that vandalism varies from community to community, and that it varies within a community from time to time. Because the "vandalism problem" varies across time and location, it is suggested that the actual solution must also vary.

The Task Force had, as a guiding principle, that people who are involved in an act of vandalism have committed a criminal offence and are, in the absence of specific arguments to the contrary, responsible for their own actions and for the consequences -- criminal and civil -- that flow from it. Though the individuals are presumed to be responsible for their own actions, this does not mean that the rest of society must sit back helplessly and tolerate vandalism. Indeed some of the facts about vandalism -- in particular the variability and the fact that it appears to be highly age related -- are cause for hope. Each of these facts tells us that things definitely can be better.

The Task Force has suggested series of responses that can be followed to deal with the problem. Each step involves thought, work, and co-operation. But each step can be made successfully and at the end we will be on our way toward dealing with the problem of vandalism.

Vandalism is not often a problem that can be solved by one or two people working alone. The responsibility of individuals who commit vandalism must be enforced by a responsible community. Like most complicated social problems a co-ordinated effort involving all parts of the community is necessary to deal

effectively with vandalism. During its investigations, the Task Force saw many things which indicated a commitment on the part of many to work together on the problem. The recommendations of the Task Force are designed to guide the enthusiasm that we are confident exists.

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APPENDIX A

LIST OF SUBMISSIONS RECEIVED IN RESPONSE TO INVITATIONS TO MUNICIPALITIES* [July 1, 1981]

APPENDICES

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Town of Almonte
Almonte, Ontario

Municipality of the Village
of Alvinston
Alvinston, Ontario

Town of Aurora
Aurora, Ontario

Township of Barclay
Dryden, Ontario

City of Barrie
Barrie, Ontario

Reeve F. E. McFadden
The Village of Bayfield
Bayfield, Ontario

Township of Bentinck
Elmwood, Ontario

Township of
Blandford-Blenheim
Drumbo, Ontario

Town of Blind River
Blind River, Ontario

County of Brant
Brantford, Ontario

Brant County Anti-Vandalism
Committee
Brantford, Ontario

City of Brantford
Brantford, Ontario

City of Burlington
Burlington, Ontario

Town of Campbellford
Campbellford, Ontario

Township of Dymond
New Liskeard, Ontario

Borough of East York
Toronto, Ontario

Township of Ekfrid
Appin, Ontario

Village of Erieau
Erieau, Ontario

The Etobicoke Board of
Education
Borough of Etobicoke
Etobicoke, Ontario

Township of Flamborough
Waterdown, Ontario

Fort Frances Police Force
Fort Frances, Ontario

Township of Georgian Bay
Port Severn, Ontario

City of Guelph,
Guelph, Ontario

The Regional Municipality of
Haldimand-Norfolk
Cayuga, Ontario

APPENDIX A -- (cont'd)

Mayor Walter R. Sellick
Town of Harrow
Harrow, Ontario

Township of Himsworth South
Powassan, Ontario

Innisfil Township Police
Force
Stroud, Ontario

Village of Iroquois
Iroquois, Ontario

King City Community
Recreation Centre
King City, Ontario

King Township Public Library
King City, Ontario

City of Kingston
Kingston, Ontario

Kingston Police Force
Kingston, Ontario

Town of Kingsville
Kingsville, Ontario

The Kirkland Lake District
Roman Catholic Separate
School Board
Kirkland Lake, Ontario

Town of Kirkland Lake
Kirkland Lake, Ontario

Kirkland Lake Teck Centennial
Library
Kirkland Lake, Ontario

Lindsay Police Force
Lindsay, Ontario

The Corporation of Lindsay
Municipal Offices
Lindsay, Ontario

City of London
London, Ontario

City of London
Board of Education
London, Ontario

City of Mississauga
Mississauga, Ontario

Township of Nairn
Nairn Centre, Ontario

City of Nanticoke
Port Dover, Ontario

The Carleton Board of
Education
Nepean, Ontario

City of Nepean,
Nepean, Ontario

Nepean Police Force
Nepean, Ontario

Mayor Mel Lastman
City of North York
North York, Ontario

Township of Oakland
Oakland, Ontario

Oakville Community Action
Committee on Vandalism
Oakville, Ontario

Corporation of the Village
of Oil Springs
Oil Springs, Ontario

City of Orillia
Orillia, Ontario

City of Ottawa
Ottawa, Ontario

APPENDIX A -- (cont'd)

Township of Otonabee
Keene, Ontario

County of Oxford
Woodstock, Ontario

Town of Pelham,
Fonthill, Ontario

Town of Penetanguishene,
Penetanguishene, Ontario

County of Perth
Windsor, Ontario

Town of Prescott
Prescott, Ontario

Township of Plympton
Wyoming, Ontario

Township of Puslinch
Guelph, Ontario

Town of Richmond Hill
Richmond Hill, Ontario

City of St. Catharines
St. Catharines, Ontario

Township of Sandwich West
Windsor, Ontario

City of Sarnia Parks and
Recreation Department
Sarnia, Ontario

City of Sault Ste. Marie
Sault Ste. Marie, Ontario

Scarborough Parks and
Recreation Department
Scarborough, Ontario

Township of Sebastopol
Roymount, Ontario

Township of Tay
Victoria Harbour, Ontario

Village of Thamesville
Youth Jobs Corps

City of Thunder Bay
Task Force on Vandalism
Thunder Bay, Ontario

The Lakehead Board of
Education
Thunder Bay, Ontario

City of Toronto
City Property Report
Toronto, Ontario

City of Toronto
Executive Committee
Toronto, Ontario

Metro Toronto School Board
Toronto, Ontario

Municipality of Metro Toronto
Department of Roads and
Traffic
Toronto, Ontario

Trenton Police Force
Trenton, Ontario

Township of Verulam
Bobcaygeon, Ontario

Township of Wallaceburg
Wallaceburg, Ontario

City of Windsor
Windsor, Ontario

Task Force on Leisure
Activities for Adolescents
Windsor-Essex County
Children's Services Committee
Windsor, Ontario

APPENDIX B

APPENDIX A -- (cont'd)

Town of Whitby
Whitby, Ontario

City of Woodstock
Woodstock, Ontario

Borough of York Citizens
Recreation Advisory Committee
Toronto, Ontario

LIST OF SUBMISSIONS RECEIVED IN RESPONSE TO
INVITATIONS TO ASSOCIATIONS AND ORGANIZATIONS*
[July 1, 1981]

Bureau of Municipal Research
Toronto, Ontario

Canadian Association of
Chiefs of Police
Ottawa, Ontario

Canadian Association of Fire
Chiefs Incorporated
Ottawa, Ontario

The Canadian Education
Association
Toronto, Ontario

Canadian Railway Labour
Association
Ontario Legislative
Committee
Smith Falls, Ontario

The Conservation Council of
Ontario
Toronto, Ontario

The Crown Attorney's Office
Judicial District of York

Ecclesiastical Insurance
Toronto, Ontario

Mr. F. H. Watson
Insurance Advisory
Organization of Canada
Pickering, Ontario

Kiwanis - Eastern Canada and
the Caribbean District
Toronto, Ontario

Office of the Fire Marshal
Public Safety Division
Ministry of the Solicitor
General
Toronto, Ontario

Ontario Association of
Children with Learning
Disabilities
Toronto, Ontario

Ontario Association of
Corrections and Criminology,
Toronto Branch
Toronto, Ontario

The Ontario Association of
Education Administrative
Officials
Toronto, Ontario

Ontario Association of
School Business Officials
Toronto, Ontario

Ontario Federation of
Agriculture
Toronto, Ontario

Mrs. Joan Anderson
Ontario Federation of Home
& School Associations
Toronto, Ontario

Ontario Motel Association
Peterborough, Ontario

Ontario Mutual Insurance
Association
Cambridge, Ontario

* Some of the submissions listed above were forwarded to the Task Force from the Office of the Attorney General.

APPENDIX C

LIST OF INDIVIDUALS AND ORGANIZATIONS MAKING SUBMISSIONS*

APPENDIX B -- (cont'd)

Ontario Recreation Society
Toronto, Ontario

Ontario Road Builders'
Association
Downsview, Ontario

Ontario Secondary School
Teachers' Federation
Willowdale, Ontario

Ontario Teachers' Federation
Toronto, Ontario

Organization of Small Urban
Municipalities
Cobourg, Ontario

Probation Officers
Association Ontario Inc.
Scarborough, Ontario

The Provincial Grand Orange
Lodge of Ontario West
Atwood, Ontario

Provincial Judges Association
(Criminal Division)
Peterborough, Ontario

Regional Transportation
Safety Council
CN Rail - Great Lakes Region
Toronto, Ontario

The Royal Canadian Legion
Belleville, Ontario

Ms. Marian Adams,
Ottawa, Ontario

Mr. Bruce Boyles,
Bramalea, Ontario

Algoma Mutual Fire Insurance Co.
Thessalon, Ontario

Mr. Greg Bridgeman,
Windsor, Ontario

Mrs. G. C. Allen,
Windsor, Ontario

Mr. Tim Crawford
Business Education Department
Eastview Secondary School
Barrie, Ontario

The Amherst Island Mutual
Fire Insurance Company
Stella, Ontario

Mr. M. Creamer,
Don Mills, Ontario

Anonymous,
Windsor, Ontario

Department of Justice
Probation and Family
Court Services
Charlottetown, Prince Edward
Island

Applegrove Community Complex
Toronto, Ontario

Mr. Mervyn de-Pendleton,
Windsor, Ontario

Mr. Steven G. Arlen,
Guelph, Ontario

Mr. & Mrs. James F.
Deverell,
Guelph, Ontario

Mrs. R. G. Bell,
Oshawa, Ontario

Mr. D.J. Dickson and others
London, Ontario

Mr. Raymond A. Bell,
Cobourg, Ontario

Mr. B. Dousell,
Picton, Ontario

Mrs. Pat Blanchard,
St. Catharines, Ontario

Judge Ian V. Dubienski,
Winnipeg, Manitoba

Mr. Paul Blundy, M.P.P.
Sarnia Riding
Parliament Buildings
Toronto, Ontario

Mr. & Mrs. D. Eagles
& Ms. C. Eagles,
Sarnia, Ontario

Mr. Joseph Bonner,
Hamilton, Ontario

* Some of the submissions listed above were forwarded to the Task Force from the Office of the Attorney General.

APPENDIX C -- (cont'd)

East Williams Mutual Fire Insurance Company Kerwood, Ontario

Mr. Carl Ehrhardt, Cambridge, Ontario

Ekfrid Mutual Fire Insurance Company Appin, Ontario

Mr. Tom Elliott, Toronto, Ontario

Mr. Michael Ellis, Toronto, Ontario

The Essex County Four Seasons Nature Club Inc. Windsor, Ontario

Essex Region Conservation Authority Essex, Ontario

Federated Women's Institutes of Ontario New Hamburg, Ontario

Mrs. F. Fernandez, Mississauga, Ontario

His Honour Judge F. Stewart Fisher Provincial Court (Family Division) Etobicoke Family Court Etobicoke, Ontario

Mr. Alex Forbes, Don Mills, Ontario

Ms. Vivian Franks, Co-ordinator Counter-Act Mississauga, Ontario

Mrs. Helen Gauvreau Lincoln Renaissance St. Catharines, Ontario

Mr. Gilbert Gervais, Timmins, Ontario

Mr. H. D. Glendenning, Elora, Ontario

Mr. M. S. Goldstone, Downsview, Ontario

Mr. T. L. Hoskin, London, Ontario

Ms. Eileen W. Hough, London, Ontario

Ms. Jo-Ann Hubble, Peterborough, Ontario

Mrs. J. F. Jacobs, St. Catharines, Ontario

Mr. R. J. Jordan, Ottawa, Ontario

Mrs. Eveline Kellman, Guelph, Ontario

Mr. J. Kennedy, Mr. F. Campbell and Ms. M. Sears Juvenile Observation and Detention Home Toronto, Ontario

Kirkland Lake and District Chamber of Commerce Kirkland Lake, Ontario

Mr. Donald C. Knoll, Port Colborne, Ontario

APPENDIX C -- (cont'd)

The Lanark Company Farmer's Mutual Fire Insurance Company Perth, Ontario

Mr. A. A. Lemke, Pembroke, Ontario

Mr. Walter Lightowers, Peterborough, Ontario

Mr. John C. Liston, Toronto, Ontario

Local Council of Women Niagara Falls, Ontario

Local Council of Women of Toronto Toronto, Ontario

Mr. Andrew Lowe, Toronto, Ontario

Lower Beverley Lake Protective Association Quakertown, Pennsylvania U.S.A.

Mrs. Leone MacDonell, Windsor, Ontario

Mr. Don MacDougall, Assistant Crown Attorney Ministry of the Attorney General Office of the Crown Attorney Ottawa, Ontario

Manitoba Association of School Trustees Winnipeg, Manitoba

Mr. Stan Obodiac, Publicity Director Maple Leaf Gardens Toronto, Ontario

Mr. William W. Markle, Q.C., Toronto, Ontario

Miss Irene Mayor, Toronto, Ontario

Mr. W. W. McCutcheon University of Ottawa Faculty of Education Teacher Education Ottawa, Ontario

Mr. Kevin C. McGuire, Toronto, Ontario

Mr. Wes Miller, Carlisle P.O., Ontario

Ministry of Agriculture and Food, Toronto, Ontario

Ministry of Community and Social Services, Mr. Les Horne, Special Services Co-ordinator Children's Services Division Toronto, Ontario

Ministry of Correctional Services and Provincial Secretary of Justice Toronto, Ontario

Ministry of Government Services Toronto, Ontario

Ministry of Housing Toronto, Ontario

Ministry of Natural Resources Toronto, Ontario

Ministry of the Solicitor General Ontario Provincial Police Toronto, Ontario

APPENDIX C -- (cont'd)

Ministry of Transportation
and Communications
Downsview, Ontario

Mr. Stanley Morris,
Toronto, Ontario

Mr. & Mrs. Mounteer,
Kingston, Ontario

Mr. R. A. Murdock,
Whitby, Ontario

Ms. Sheila Nabigon,
Peterborough, Ontario

Mr. William Miles Newberry,
Toronto, Ontario

Mr. & Mrs. H. Nieman,
Port Carling, Ontario

Mrs. Donna Niemann,
Guelph, Ontario

Mr. Ted Nishri,
Willowdale, Ontario

The Norfolk Mutual Fire
Insurance Company
Simcoe, Ontario

North Blenheim Farmers'
Mutual Insurance Company
Bright, Ontario

City of North York
Board of Education
Mr. D. P. Lowery, Supervisor
Educational Services Department
North York, Ontario

Mr. Michael M. O'Donnell,
Bramalea, Ontario

Mrs. K. O'Grady,
North Bay, Ontario

Mrs. L. Oliver,
Stratford, Ontario

Mr. Hugh P. O'Neil, M.P.P.
Quinte Riding
Parliament Buildings
Toronto, Ontario

Mrs. P. J. Wheeler, Chairman/
Program Committee
Ontario Association of
Directors of Hospital
Volunteer Services
Goderich, Ontario

Ontario Women's Christian
Temperance Union
Woodstock, Ontario

Otonabee Region
Conservation Authority
Peterborough, Ontario

Ms. Carole Paikin,
Hamilton, Ontario

Mr. David Palcso,
Ridgeville, Ontario

Mr. H. A. Pattinson,
Eganville, Ontario

People and Organizations in
North Toronto
Toronto, Ontario

Mr. Kenneth R. Petrie,
Peterborough, Ontario

Mrs. Joan Peterson,
Ottawa, Ontario

Mr. Fred Raaflaub,
Peterborough, Ontario

Mr. George Raffan,
Hamilton, Ontario

APPENDIX C -- (cont'd)

Mrs. Helen C. Robertson,
Burlington, Ontario

His Honour,
Senior Judge J. T. Robson
Provincial Court
(Family Division)
Judicial District of Sudbury
Sudbury, Ontario

Mr. C. D. Routliffe,
Mississauga, Ontario

Mr. John H. Runyon,
Ottawa, Ontario

Mr. Don Salvatore,
Scarborough, Ontario

Scarborough Central Block
Parents' Committee
Scarborough, Ontario

Mr. Alden Smalley,
Simcoe, Ontario

Mr. L. A. Smith,
Toronto, Ontario

Miss Myrtle Smith,
Hamilton, Ontario

Mrs. June A. Smith-Diltz
Mississauga, Ontario

Mr. John R. Snell,
London, Ontario

The Social Planning and
Research Council of Hamilton
and District
Hamilton, Ontario

Social Planning Council of
Oshawa-Whitby
Oshawa, Ontario

Social Planning Council of
Niagara Falls
Niagara Falls, Ontario

South Easthope Farmers'
Mutual Fire Insurance
Company
Tavistock, Ontario

Mr. Michael Stace
Downsview, Ontario

Mr. Donald Stacy,
Mississauga, Ontario

Mrs. Joan Taylor,
Peterborough, Ontario

Mrs. Renee Touw,
Don Mills, Ontario

Mr. C. Melvin Vice,
Winchester, Ontario

Ms. Doris M. Watts,
London, Ontario

Welland Eastdale Secondary
School
Welland, Ontario

Dr. James White,
Weston, Ontario

Mr. W. E. Wilson,
Trenton, Ontario

Winchester Chamber of
Commerce
Winchester, Ontario

Windsor and District Security
Council
Windsor, Ontario

Mrs. Shirley Witt,
Pembroke, Ontario

APPENDIX D

APPENDIX C -- (cont'd)

INTERVIEWS, ADDRESSES AND CONSULTATIONS*

Mr. Dick Wright,
Senior Public Relations
Officer
Insurance Bureau of Canada
Toronto, Ontario

Youth of Otonabee United,
Incorporated
Peterborough, Ontario

Canada

Agincourt Collegiate Institute,
Agincourt, Ontario

Professor J.L. Baudoin,
Université de Montréal,
Montreal, P.Q.

Mr. K.G. Bekker,
Security Liaison Consultant,
North York Board of Education
North York, Ontario

Mr. Sagar Bhardwaj,
St. Clair Secondary School,
Sarnia, Ontario

Big Brothers of Canada,
Mr. Frank Fogwell,
Mr. D. Larkin
Burlington, Ontario

Brampton Times,
Brampton, Ontario

Brant County Anti-Vandalism
Committee,
Mr. J. Kiedrowski,
Mr. C. Cowie
Brantford, Ontario

Cablecast Community
Broadcasting,
London, Ontario

Canadian Civil Liberties
Association,
Timmins, Ontario

Canadian Congress for the
Prevention of Crime,
Mr. Jim Bakken,
Winnipeg, Manitoba

Canadian Press

Catholic Women's League of
Canada,
North Bay, Ontario

CBC Radio Canada,
Windsor, Ontario

CBC Radio "Morningside"

CBLFT Radio

Central Toronto Youth
Services,
Mr. Grant Lowery,
Toronto, Ontario

Professor D. Chappell,
Simon Fraser University,
British Columbia

CHCH TV,
Hamilton, Ontario

CHCH TV - "Street Talk",
Hamilton, Ontario

CKCO TV News,
Kitchener, Ontario

Ms. M. Cooper,
British Columbia Research
Institute,
Vancouver, British Columbia

* Some of the submissions listed above were forwarded to the
Task Force from the Office of the Attorney General.

Counter-Act,
Mrs. Vivian Franks,
Co-ordinator,
Mississauga, Ontario

Mr. W.E. Crawford,
Toronto, Ontario

His Worship Mayor Michael Doody,
Timmins, Ontario

Mr. Ian Dunlevie,
Toronto, Ontario

Edmonton Police Department,
Sergeant A. Smith,
Crime Prevention Bureau,
Edmonton, Alberta

Essex Radio News,
London, Ontario

Etobicoke Department of Parks
and Recreation,
Mr. Thomas Riley, Commissioner,
Mr. Bruce Weaver,
Deputy Commissioner
Etobicoke, Ontario

Federation of Catholic
Parent/Teacher Associations of
Ontario -- Annual Conference,
Niagara Falls, Ontario

His Honour
Judge James P. Felstiner,
Provincial Court,
Family Division,
North York (York), Ontario

His Honour Judge Stewart Fisher,
Provincial Court,
Family Division,
Etobicoke (York), Ontario

His Honour
Judge A. James Fuller,
Provincial Court,
Family Division,
Halton Region, Ontario

Mr. P. Gendreau,
Ministry of Correctional
Services,
Toronto, Ontario

Globe and Mail,
Mr. A. Baker,
Toronto, Ontario

His Honour Judge D. Hamlyn,
Provincial Court,
Family Division,
Ottawa (Carleton Region),
Ontario

His Worship Mayor Gus Harris,
Borough of Scarborough,
Ontario

Mr. D. Hoerz,
Mississauga, Ontario

Staff Sergeant R. Holmes,
Royal Canadian Mounted
Police,
Ottawa, Ontario

Mr. T. Hoskin,
Personnel Consultant,
London, Ontario

John Howard Society of
Kingston and District,
Carol Keeler-Park,
V.O.R.P./C.S.O. Co-ordinator,
Kingston, Ontario

Le Journal Voyageur Sudbury,
Reverend Hector Bertrand,
Publisher,
Sudbury, Ontario

His Honour Harry J. Keenan,
County Court,
Brampton, Ontario

Kingston Whig Standard,
Kingston, Ontario

His Honour Judge K. Kirkland,
Provincial Court,
Family Division,
Belleville, Ontario

Kitchener-Waterloo Record,
J. Beltrane,
Kitchener-Waterloo, Ontario

Mr. D. Larkin,
Windsor, Ontario

Dr. H. Landis, General Counsel,
Ministry of the Environment,
Toronto, Ontario

His Worship Mayor Mel Lastman,
City of North York, Ontario

M. Leblanc,
Ecole de Criminologie,
Université de Montréal,
Montreal, P.Q.

City of London,
Board of Education,
London, Ontario

His Honour Judge David Main,
Provincial Court,
Family Division,
Toronto (York), Ontario

Manitoba Association of
School Trustees,
Mr. Keith Thomas,
Winnipeg, Manitoba

Marmora Herald Reporter,
Marmora, Ontario

Mr. F.N. Marrocco,
Toronto, Ontario

Ms. A. Mercier,
Department of Justice,
Quebec, P.Q.

Ministry of Education,
Mr. R. Lawton,
Chief Architect,
Dr. J. White,
Research Consultant,
Toronto, Ontario

His Honour
Judge Terry M. Moore,
Provincial Court,
Family Division,
Newmarket (York Region),
Ontario

His Honour Judge D. Morrison,
Provincial Court,
Family Division,
Scarborough (York), Ontario

His Honour
Judge Peter Nasmyth,
Provincial Court,
Family Division,
Toronto (York), Ontario

National Advanced Research
Course on Juvenile Justice,
Dr. Raymond R. Corrado,
Powell River,
British Columbia

His Honour Judge J. Nevins,
Provincial Court,
Family Division,
Newmarket (York Region),
Ontario

Northern Ontario Municipal
Recreation Association
Conference,
Kirkland Lake, Ontario

Oakville Community Vandalism
Committee -- "Youth and
Vandalism" Seminar
Oakville, Ontario

Ontario Association for
Curriculum Development,
Scarborough, Ontario

Ontario Association of Corrections and Criminology,
Dr. Ruth Bray,
Toronto, Ontario

Ontario Association of Directors of Hospital Volunteer Services,
Ms. Christine Bland,
Ms. Pat Wheeler,
Don Mills, Ontario

Ontario Association of Professional Social Workers,
Toronto, Ontario

Ontario Law Reform Commission,
Dr. D. Mendes da Costa, Q.C.
Mr. W. Poole, Q.C.
Toronto, Ontario

Ontario Mutual Insurance Association Annual Convention
Toronto, Ontario

Ontario Parks Association Seminar,
Humber College,
Toronto, Ontario

Ontario Youth Secretariat,
Provincial Secretariat for Social Development,
Toronto, Ontario

Operations, Maintenance and Construction Workshop,
Ontario Association of School Business Officials,
Mr. A.F. Meurling,
Peterborough, Ontario

Ottawa Journal
Ottawa, Ontario

Mr. Bob Paine,
University of Waterloo,
Waterloo, Ontario

Police-Community Relations Conference,
Dr. V.C. Goldbloom,
President,
Canadian Council of Christians and Jews,
Ms. Wendy J. Lyons, President Foundation for Police-Community Relations,
Toronto, Ontario

Ms. Wendy Pope,
Co-ordinator Youth Assisting Youth,
Scarborough, Ontario

Probation Officers Association of Ontario Conference,
Ottawa, Ontario

Principals Course,
Ms. Veronica Lacey,
St. Andrews Junior High School,
Windfields Junior High School,
North York Board of Education,
North York, Ontario

His Honour Judge J. Robson,
Provincial Court,
Family Division,
Sudbury, Ontario

Ryerson Polytechnic Institute,
Cherlyn Brooks,
Toronto, Ontario

Ryerson Polytechnic Institute,
Jean Marc LaChance,
Toronto, Ontario

Shoreline Co-operative Pre-school Conference,
Oakville, Ontario

Social Planning Council of Metropolitan Toronto,
Susan Keyes, Bruce Cappell,
John Gandy, Marvin Novik,
Toronto, Ontario

Social Service Committee,
Thunder Bay, Ontario

Mr. M.H. Solomon,
Chief of Police,
Fort Frances, Ontario

St. Lawrence Youth Association,
Mr. Merice Walker Boswell,
Executive Director,
Kingston, Ontario

Thunder Bay Task Force on Vandalism,
Thunder Bay, Ontario

Professor J. Trepanier,
Directeur, Ecole de Criminologie,
Université de Montréal,
Montreal, P.Q.

Tribunal de la Jeunesse,
His Honour Judge Marcel Trahan,
Montreal, Quebec

Other Countries

His Honour Judge John E. Benson,
Superior Court,
City and County of San Francisco, U.S.A.

Mr. J.J. Botka,
Chief Probation Officer,
Juvenile Court;
City and County of San Francisco, U.S.A.

TV Ontario,
Laurier Lapierre,
Gaston Blais
Toronto, Ontario

Vandalism and Violence Conference,
Stong College,
York University,
Toronto, Ontario

Windsor-Essex Task Force on Vandalism,
Mr. J. MacNeil,
Windsor, Ontario

Windsor Star,
Windsor, Ontario

York Mills Collegiate Institute,
Ms. Florence Scoggie,
Toronto, Ontario

Youth Services Network,
Toronto, Ontario

Mr. Justice T. Zuber,
Ontario Court of Appeal,
Toronto, Ontario

Mr. R.C. Brandt,
Chief of Police,
Village of Deerfield,
Illinois, U.S.A.

Dr. R.A. Burton,
Assistant Chief,
Office of Intergroup Relations,
California State,
Department of Education,
Sacramento, California,
U.S.A.

Professor W.E. Cavenagh,
Birmingham, England

Mr. K. Chapman,
Department of California
Highway Patrol,
San Francisco, California,
U.S.A.

Chief Magistrate Roland Crawford,
Trinidad and Tobago

E.J. Cooke,
Department of Community
Welfare Services,
Victoria, Australia

Mrs. L. Denebeim,
Chairman,
Delinquency Prevention
Commission,
San Francisco, California,
U.S.A.

Sir Alec Dickson,
Community Service Volunteer,
London, England

Margaret Dunn,
Southwest Texas State
University,
San Marcos, Texas, U.S.A.

Focus on Youth: First National
Symposium on Youth Violence;
Reno, Nevada, U.S.A.: Virginia
Cain, National Council of
Juvenile and Family Court
Judges; Adele Somers, Ed.D.,
Community Development
Continuing Education,
University of Nevada, Reno

Mr. P. Griffin,
Chief,
Office of Intergroup Relations,
California Department of
Education,
Sacramento, California, U.S.A.

Superintendent John
Heppelston,
Cambridgeshire Constabulary,
Cambridge, England

Home Office Research Unit,
R.V.G. Clarke,
I.J. Croft,
London, England

Penelope Jago,
Magistrate,
London, England

Mr. Kevin Kelly,
Tulsa, Oklahoma, U.S.A.

Professor Fred Martin,
University of Glasgow,
Glasgow, Scotland

Mayor's Criminal Justice
Council,
San Francisco, California,
U.S.A.

Dr. Jorge A. Montero,
San Jose, Costa Rica

Professor Allison Morris,
Institute of Criminology,
University of Cambridge,
Cambridge, England

E. Munch-Petersen,
Copenhagen, Denmark

Cathleen Murray,
Co-ordinator,
Childrens Hearing Research
Project,
University of Glasgow,
Glasgow, Scotland

National Association for the
Care and Resettlement of
Offenders
Mr. Steve Osborn,
London, England

Ms. Helen Nichols,
Adelaide, South Australia

Professor Jose Arthur Rios,
Rio de Janeiro, Brazil

Mr. Wilson Riles,
Superintendent of Public
Instruction,
Sacramento, California, U.S.A.

Chief Justice Simone Rozes,
Paris, France

County of Sacramento Sheriff's
Department,
Duane, Lowe, Sheriff,
James Hall, Lieutenant,
Roger Dickson, Corporal,
Dennis Kylen, Corporal,
Fred Mason, Corporal,
Barbara Skay, Corporal
Sacramento, California, U.S.A.

San Francisco Police Department,
James Ryan,
Deputy Chief of Police,
Frank Jordon, Henry Friedlander
San Francisco, U.S.A.

San Francisco Unified School
District,
Dr. R. Alioto,
Barbara L. Cohen
San Francisco, U.S.A.

Ira Schwartz,
Administrator,
Office of Juvenile Justice
and Delinquency Prevention,
U.S. Department of Justice,
Washington, D.C., U.S.A.

Seventh National Conference
on Juvenile Justice,
Orlando, Florida, U.S.A.

Sixth United Nations Congress
on Crime Prevention,
Caracas, Venezuela

Mr. Theodore Smith,
Editor-in-chief,
Bureau of Publication,
State of California,
Department of Education,
Sacramento, California,
U.S.A.

Mr. J.B. Smoot,
Acting Chief,
Youth Gang Task Force,
Department of Justice,
Sacramento, California,
U.S.A.

Dr. Horst Schuler-Springorum,
Munich, German Federal
Republic

Mr. R. Tafoya,
Vice-Principal,
Sutter Middle School,
Sacramento, California,
U.S.A.

Mme. H. Veillard-Cybulska,
Lausanne, Switzerland

Ms. Donna Waldrep,
Youth Gang Staff Assistant,
Department of Justice,
Sacramento, California,
U.S.A.

* It would have been an impossible undertaking to list all of the Task force contacts with the public on the question of vandalism. This large sampling does illustrate the range and extent of such contacts.

APPENDIX 1

VANDALISM SELF-REPORT STUDY

PREPARED FOR

THE TASK FORCE ON VANDALISM

BY

ANN CAVOUKIAN

1980

minor acts under the label of vandalism, these are typically the type of acts that constitute the "norm":

A. INTRODUCTION

The Task Force on Vandalism, in its terms of reference, was asked to report on the incidence of vandalism in Ontario. Although vandalism is believed to be widespread and increasing, there is considerable difficulty in determining the true extent of an offence.

Official statistics such as police records seldom reflect the actual incidence of a given offence. Zimmerman and Broder (1980) reported, "By some estimates, as many as 90% of delinquent acts may go undetected by the police" (p. 147). This would appear to be especially true for vandalism where the reported incidence of such acts is quite misleading. This is in part due to the fact that the detection and apprehension of those committing vandalism is very low -- in most cases less than 10% -- and, therefore, there is little motivation to report most instances of vandalism.

There are several reasons for the low rate of apprehension and reporting of these offences. Many acts of vandalism are ones in which the offender can easily remain anonymous and escape detection. Thus the apprehension of such persons becomes a very difficult task. A number of these acts, however, tend to be of such low severity that even if detected, they go unreported due to the minor nature of the act. The reported incidence of vandalism may thus differ considerably from the actual rate.

Self-report studies provide a different and perhaps a better estimate of the actual incidence of a given offence. Since such studies typically ensure the anonymity of the respondents, they can provide a better estimate of the number of people within a particular sample who have at some time committed the offence in question. Self-report studies also permit comparisons between those who are apprehended for an offence and those who are not.

A number of self-report studies in other jurisdictions have found that the incidence of vandalism is quite high, ranging from 85% to 92%. This may at first appear to be surprisingly high. One must keep in mind, however, that many of the acts admitted are of a very minor nature, such as scratching a desk or breaking a bottle. In light of this, the commission of one or more acts by a large number of people becomes less surprising. While some may think it misleading to include such

Vandalism ... consists essentially of an accumulation of innumerable rather petty incidents of graffiti, broken windows, defaced road signs, uprooted shrubs ... Only a few instances of vandalism, though these attract disproportionate publicity, involve large sums in repair or replacement.

[Home Office Research Study,
Tackling Vandalism, 1978, p. 58]

The major findings of the self-report studies on vandalism will be reviewed below. A brief discussion of the validity of such studies will first be presented.

B. VALIDITY OF THE SELF-REPORT METHOD

The extent to which the findings of a self-report study can be trusted depends upon the honesty of the respondents. Gladstone (1978) referred to this methodology as the "confessional" approach since those involved were "placing themselves at risk by admitting to undetected offending". This fear of detection is mitigated by ensuring not only the confidentiality of the findings, but also the complete anonymity of the respondents. In most cases, subjects are specifically told not to record their names on the questionnaires. It may be argued, however, that such anonymity may lead respondents to exaggerate their involvement in offences -- the opposite of the above. The question then is twofold: for those whose answers fall short of complete honesty, are respondents more likely to exaggerate or to under-report their involvement in acts which may constitute offences?

Several methods have been used to examine this problem. Stace (1978a) reported that follow-up retests yielded high correlations between test-retest responses. "A follow-up retest has been employed on a number of occasions and correlations of between .75 and .94 have resulted" (p. 27). While this reflects the high reliability of the testing instrument, it does not bear upon the actual validity of the measures taken.

Clark and Tifft (1966) used a polygraph to validate subjects' responses on a self-report study. They administered the questionnaire twice, but on the second occasion used a

polygraph or lie-detector. They found that 92% of the initial responses (on the first checklist) had been truthful. For the remaining responses, concealment or under-reporting was found to be far more likely than exaggeration -- three times as much. Despite the fact that some respondents under-reported in the initial testing, the majority were found to have responded truthfully. This led the investigators to conclude, "The overall finding is reassuring to those who are attempting to measure empirically the implications of juvenile activity" (p. 116).

Gold (1966) had other people who were well-known to the respondents validate the truthfulness of their responses. The results of this study again revealed the tendency to under-report. While 72% were truthful in their responses, 17% were found to have concealed or forgotten involvement in some offences; 11% of the responses were inconclusive -- their honesty was doubtful but this could not be determined conclusively.

On the basis of the above studies it would appear that for the most part respondents tend to answer reasonably truthfully, and for those who do not, there is a far greater likelihood of concealment or under-reporting involvement in offences.

Another method that has been used to determine whether self-reported delinquent activities reflected actual delinquencies was to compare them to police contacts. This, of course, is only applicable to a relatively small proportion of most samples, namely those who have had such contacts, or to an even smaller group who have been convicted. West and Farrington (1973) found that there was a strong relationship between self-reported and actual convictions. Interestingly, Shapland (1978) found a similar relationship between self-reported and actual police contacts. (Since the sample in this study was a small one, very few of the subjects had actual convictions.) Those with more serious contacts with the police also admitted to committing a significantly greater number of delinquent acts. "It appears that the criminal justice system is picking up those who engage in more frequent delinquent activity. It is interesting that the relationship between the self-reported delinquency and convictions appears to hold also for the discretionary practices of the police" (p. 262).

One final concern with the self-report approach has been the method of administration: should it be administered in a written form as in a questionnaire, or should an interview method be employed? One of the few studies that actually compared the use of the two methods of administration found no

significant differences between them with respect to the information elicited. Krohn, Waldo and Chiricos (1975) concluded that both methods were quite acceptable: "The issue of whether a researcher employing a self-report instrument should administer it orally or in a written manner is not a crucial question" (p. 552).

In summary, it would appear that the self-report method has proved to be fairly reliable. Zimmerman and Broder (1980) concluded, "Previous studies on self-report data have shown that these instruments are reliable and valid" (p. 148). Dentler (1962) arrived at the same conclusion a number of years earlier, saying that self-report data were "sufficiently reliable and valid to make their collection and analysis eminently worthwhile" (Dentler, cited in Zimmerman and Broder (1980), p. 148).

C. SELF-REPORT STUDIES ON VANDALISM

One common finding shared by most self-report studies is that involvement in offences by juveniles is far more widespread than police statistics suggest. Again, this is not surprising in light of the fact that most acts admitted are of a trivial nature. While involvement in more serious offences was also acknowledged, this was by no means widespread -- very few admitted to relatively serious offending. Stace (1978b) found that the most frequent occurrences of misbehaviour were of a fairly minor nature: "Offending by youths ... is not an infrequent event, but offending is minor, episodic, and each incident in itself is unlikely to cause alarm" (p. 23). Such things as writing on a school desk were acknowledged by 88.4% of the sample. Similar findings have also been reported by other researchers with respect to the minor nature of most delinquent acts admitted (West and Farrington, 1973). Shapland (1978) likewise found that involvement in more serious acts, such as smashing or damaging things in public places, was acknowledged by very few (11.8%): "The more trivial acts were admitted by a very large percentage of the boys ... whereas seriously deviant acts were endorsed by a very small percentage of the boys" (p. 259).

Gladstone (1978) conducted a self-report study on vandalism among secondary school boys aged 11 - 15 years. The questionnaires were administered in classrooms and were supervised by the researcher (with no teachers present). Most of the boys appeared to enjoy the task -- 81% expressed a positive view, while only 8% expressed a negative view.

Eighty-five percent of the students in this study admitted to committing some act of vandalism in the past year. The most common acts were once again quite minor in severity, such as scratching a desk (85%), breaking a bottle in the street (79%), breaking a window in an unoccupied house (68%), writing on walls in the streets (65%), and breaking trees or shrubs in a park (58%). For those boys whose parents were strict and did not like them hanging around in the streets, involvement in vandalism was far less than for boys whose parents were not regarded as strict. Boys with strict parents also spent considerably less time (fewer hours) on the streets than those with less strict parents.

Lack of school success also appeared to be associated with vandalism: boys who regarded themselves as unsuccessful at school reported more involvement in acts of vandalism than those who considered themselves to be successful. The low achievers tended to dislike school as well. Dislike of school, however, was associated with the tendency to commit a greater number of acts of vandalism, independent of success at school: "A negative attitude to school would appear to be associated with vandalism regardless of academic success or failure" (p. 32).

In summary, Gladstone noted that the three most important factors associated with high involvement in vandalism were:

1. lack of parental control,
2. dislike of school, and
3. poor success at school.

Boys who spent little time with their families tended to spend more time on the streets and hang out in "gangs". Both of these factors were associated with vandalism: "Boys seem much more liable to become highly involved in vandalism if they spend relatively little of their free time at home with their families" (p. 34).

In conclusion, Gladstone, like other researchers, found that "relatively petty" acts of vandalism were quite common among secondary schoolboys: 3 out of 4 boys reported having committed minor acts on at least one occasion. The commission of more serious acts, however, was far less prevalent: about one in four admitted to the more serious acts.

D. THE PRESENT STUDY

The present research consists of a self-report study on vandalism conducted among school children in the province of

Ontario. Many of the questions used in the self-report questionnaire were adapted from the above studies. A number of new questions, however, were also included in order to broaden the scope of the study. Questions exploring students' perceptions of various aspects of vandalism such as the costs, property ownership, reasons motivating the commission of such acts, and others were included.

(1) METHOD

Subjects: sample of schools

The sample consisted of students from two secondary schools and ten primary schools in the province. The schools were located in the Metropolitan Toronto area and several other communities in southern Ontario.

Since there were considerable time constraints upon the collection of the data, the schools used in the sample were not chosen on a random basis. Those schools whose principals co-operated readily by allowing their students to participate in the study were used. Altogether 1,222 students, ranging in age from 9 to 19 years, took part in the present self-report study.

(2) PROCEDURE

The questionnaires were administered either in classrooms or in larger areas such as auditoriums where several classes could assemble. In each case, students had a sufficient amount of space to themselves to complete the questionnaires confidentially.

Once the questionnaires were distributed students were given some introductory comments by one of the researchers. The comments consisted of some background information on the Task Force, the reason it was established, and an explanation of the purpose of the questionnaire. They were told that the Task Force was interested in determining the extent of vandalism that took place in the province, and that one method of estimating the actual (as opposed to the reported) incidence of vandalism was through the self-report approach. In order to ensure that people would feel free to reveal their involvement in various acts of misbehaviour, the identity of the respondents in self-report studies remained anonymous.

All the students were then repeatedly assured of their anonymity. They were specifically told not to put their names on the questionnaires in order to ensure that their answers would remain anonymous. They were then encouraged to answer as honestly as possible since no one would know what they had said.

If the students encountered difficulty with any of the questions, they were told to feel free to ask for help right away so as to avoid any misunderstanding. The students were assured of the anonymity and confidentiality of their responses for a final time and then asked to begin.

Most of the students completed the questionnaire in 15 - 20 minutes although they were allowed to take as long as they needed. While a few of the students encountered difficulty with some of the questions, the majority did not. Those who had problems understanding a question were helped out by the researchers.

Upon completion of all the questionnaires, the students were thanked for their participation. Any questions they may have had about the study were answered at that time. It seemed that most of the students enjoyed taking part in the study.

(3) MATERIALS

Design of the Questionnaire

The self-report questionnaire consisted of four sections. The first section, Part A, contained questions that were similar to most self-report studies concerning involvement in delinquent activities. Part A consisted of a checklist of 29 items that were considered acts of vandalism. These ranged in severity from very minor acts such as scratching a desk or breaking a bottle, to more serious acts such as damaging the tires of a car or slashing the seats of a bus.

A total of 29 acts was compiled from a review of previous self-report studies on vandalism. Those acts which could clearly be categorized as "vandalism" were included in the present study. (In some studies, a number of acts such as shoplifting and theft had also been included under the label of vandalism.) At the end of the checklist of the 29 acts was a blank space labelled "other". Students were told to write in the commission of any other acts that had not appeared in the list.

Next to each act in the list was a five-point scale marked: never, once, twice, 3 times, 4 or more times. The students were asked to indicate (along the 5-point scale) how often in the past year they had committed each of the acts in the list. If they had not committed an act, they would then mark "never". The researcher explained this section and the use of the scale very carefully to the students. Very little difficulty was encountered with Part A.

The remaining three sections contained questions on the students' motivations and perceptions of various aspects of vandalism. Part B consisted of questions pertaining to the perceived likelihood of apprehension: students were asked to indicate what they thought were their chances of getting caught for vandalism, theft-under*, and break-and-enter. They were again asked to indicate their response for each offence on a five-point scale: "would never get caught", "small chance of getting caught", "50/50 chance", "would probably get caught" and "would definitely get caught".

Students were also asked to indicate on a five-point scale how serious they considered each of the three offences. The scale went from "not at all serious" to "very serious".

Part C contained a number of questions specific to the circumstances around the commission of an act of vandalism. Questions about the choice of the target, consideration of the costs of the damage, the ownership of the property damaged, their reasons for doing it, and whether they were alone or with friends at the time, were asked.

Part D contained questions of a more personal nature about the student's family, school, and so forth. Students were asked how strict they considered their parents, how their parents felt about them hanging around on the streets, and the average amount of time spent on the streets per evening. They were also asked how they felt about school, using a five-point scale ranging from like to dislike, and how well they did in school (A, B, C, D, E, F). Students were lastly asked to provide some background information on their age, sex, grade, parents' occupations, and previous contacts with the law. The complete questionnaire may be found in Appendix A.

*Theft-under was described to the students as shoplifting -- stealing something from a store.

"Theft-under" refers to theft under the amount of \$200.

Table 1

(4) RESULTS

Similar to the findings of previous self-report studies on vandalism, the reported incidence of vandalism was quite high: 88.7% in the secondary schools and 90.1% in the primary schools. The majority of the acts committed, however, were of relatively low severity such as scratching a desk, breaking a bottle, breaking trees or shrubs in a park, and so on. Involvement in more serious acts, while far less prevalent, was not uncommon: 19% of the secondary school students and 17% of the primary school students admitted to smashing things on a building site; 28% and 42% respectively admitted to scratching a car or truck, while 19.2% and 28.9% admitted to damaging the tires of a car or truck; smaller proportions, 17.7% and 12% admitted to damaging a car radio antenna; 22.2% and 25% admitted to damaging street signs.

(a) Likelihood of Apprehension

When students were asked what they thought was the likelihood of apprehension for vandalism, theft-under and break-and-enter, an interesting pattern emerged. Both secondary and primary school students thought that the chances of being caught were the smallest for vandalism, followed by theft-under, and highest for break-and-enter. Seventy-three percent of the secondary school sample thought either that they would never get caught for vandalism or that the chances of getting caught were small. Only 21.7% of this group gave the same likelihood of apprehension for theft-under, and an even smaller proportion (7%) for break-and-enter. For theft-under, the majority (73%) thought that there would be at least a 50/50 chance of getting caught, while the majority for break-and-enter (72%) thought that they would probably or definitely get caught. While the same pattern (increasing likelihood of apprehension over the three offences) was present for the primary school sample, these students were higher in their overall estimates of getting caught for any of the offences. The ratings for the likelihood of personal apprehension for each of the three offences are presented in Table 1.

LIKELIHOOD OF PERSONAL APPREHENSION FOR VANDALISM

	Primary schools %	Secondary schools %
1. Never get caught	9.8	16.7
2. Small chance	32.9	56.2
3. 50/50	37.4	19.7
4. Probably get caught	19.9	7.4
5. Definitely get caught	0.0	0.0
MEAN RATING	2.67	2.18

LIKELIHOOD OF PERSONAL APPREHENSION FOR THEFT-UNDER

	%	%
1. Never get caught	7.5	2.0
2. Small chance	14.4	19.7
3. 50/50	29.9	44.3
4. Probably get caught	34.0	28.6
5. Definitely get caught	14.3	5.4
MEAN RATING	3.33	3.16

LIKELIHOOD OF PERSONAL APPREHENSION FOR BREAK-AND-ENTER

	%	%
1. Never get caught	2.7	1.5
2. Small chance	6.8	5.4
3. 50/50	19.3	21.2
4. Probably get caught	36.0	47.3
5. Definitely get caught	35.3	24.6
MEAN RATING	3.94	3.88

Table 2

(b) Severity of Offence

The same pattern of results was found in the severity of offence ratings. When asked how serious they considered each of the three offences -- vandalism, theft-under and break-and-enter -- Secondary school students rated vandalism as the least serious of the three. Once again, the primary schools yielded a similar pattern, but the severity ratings for the three offences were higher overall than in the secondary schools. It would appear that younger children, while perceiving similar relationships among the offences, consider offences to be more serious in general, with higher chances of getting caught. The ratings for the perceived severity of the three offences are presented in Table 2.

PERCEIVED SEVERITY OF VANDALISM

	Primary schools %	Secondary schools %
1. Not at all serious	0.0	0.0
2. Somewhat serious	11.3	16.7
3. Average severity	14.4	32.6
4. Quite serious	30.1	34.0
5. Very serious	44.2	16.7
MEAN RATING	4.07	3.51

PERCEIVED SEVERITY OF THEFT-UNDER

	%	%
1. Not at all serious	0.0	0.0
2. Somewhat serious	7.6	10.4
3. Average severity	10.4	16.7
4. Quite serious	30.5	36.0
5. Very serious	51.5	36.9
MEAN RATING	4.23	3.97

PERCEIVED SEVERITY OF BREAK-AND-ENTER

	%	%
1. Not at all serious	0.0	0.0
2. Somewhat serious	2.2	1.0
3. Average severity	2.5	3.0
4. Quite serious	10.8	21.6
5. Very serious	84.5	74.4
MEAN RATING	4.77	4.70

When students were asked how likely they thought it was that people in general were "caught and punished", most said that people who broke the law were "sometimes" apprehended. However, similar to the previous apprehension ratings, the primary school children consistently gave higher estimates for the chances of getting caught than their older counterparts.

This suggests that if basic law classes could be introduced into the primary schools emphasizing the seriousness of breaking the law and the range of penalties that could be given for seemingly "minor" offences such as vandalism, then perhaps children would continue to see offending as a serious matter even when older. Unfortunately, the older secondary school students' low ratings of apprehension for vandalism were quite accurate. It would seem that with respect to the perception of likelihood of apprehension, the older one gets, the more one sees apprehension for certain offences as unlikely. This may in part be a function of committing minor acts without getting caught or witnessing one's peers commit such acts and get away with it.

The ratings for the general likelihood of apprehension are presented in Table 3.

Table 3

PERCEIVED LIKELIHOOD OF APPREHENSION: PRIMARY AND SECONDARY SCHOOLS

People who break the law are:	Primary schools %	Secondary schools %
1. Almost never caught & punished	5.1	6.9
2. Seldom caught & punished	17.2	28.2
3. Sometimes caught & punished	47.7	53.0
4. Almost always caught & punished	30.0	11.9
MEAN RATING	3.03	2.69

When asked how likely it was for a boy to get caught compared to a girl, the majority of students said that the chances of getting caught were greater for a boy. Twenty-five

percent of both the secondary and primary students thought that boys and girls had an equal chance of getting caught, while 56.4% and 45% respectively considered the likelihood of apprehension to be greater for a boy.

(c) Analyses of Related Factors

A number of analyses were done comparing various factors with the mean number of acts of vandalism committed. The mean number of vandalism acts committed per student over the past year was 12 acts for the secondary schools and 11 acts for the primary schools.

(i) Perceived Likelihood of Apprehension

An interesting (though not surprising) relationship was found between the perceived likelihood of personal apprehension and the amount of vandalism committed (Table 4). Those students who thought that they would probably get caught committed fewer acts of vandalism than those who thought that getting caught was less likely.*

Table 4

AMOUNT OF VANDALISM BY PERCEIVED LIKELIHOOD OF APPREHENSION

	Primary schools <u>mean no. of vandacts</u>	Secondary schools <u>mean no. of vandacts**</u>
Likely to get caught	6.70	8.00
Not likely to get caught	12.72	12.78

* All the findings reported in this section were statistically significant ($p < .05$). The great majority were significant at a much higher probability level: $p < .01$ or $p < .001$.

** "Acts of vandalism" will be referred to in short form as "vandacts".

Table 6

(ii) Perceived Severity of Vandalism

A similar relationship was found between the perceived seriousness of vandalism and the number of acts committed (Table 5). Those who considered vandalism to be a serious offence reported having committed fewer acts of vandalism than those who considered it to be less so.

Zimmerman and Broder (1980) also found this type of relationship: "There is a significant negative relationship between seriousness and extent of activity; the more serious an act, the less frequently it is engaged in, and the fewer the children who ever engage in it" (p. 152).

Table 5

AMOUNT OF VANDALISM BY PERCEIVED SEVERITY OF THE OFFENCE

	<u>Primary schools</u> <u>mean no. of vandacts</u>	<u>Secondary schools</u> <u>mean no. of vandacts</u>
Serious offence	8.97	6.80
Less serious offence	17.42	16.98

A significant negative correlation was also found in the present data between frequency and seriousness: the mean number of acts of vandalism committed increased as the perceived gravity of the offence decreased. A similar negative correlation was found between the perceived likelihood of apprehension and the amount of vandalism committed: the greater the belief of getting caught at committing vandalism, the smaller the involvement in vandalism.

(iii) Other Factors Associated with Vandalism

A number of other factors were also associated with the degree of involvement in vandalism (Table 6). Secondary school students who considered their parents to be strict reported committing fewer acts of vandalism than those who rated them as less so.

AMOUNT OF VANDALISM BY STRICTNESS OF PARENTS

	<u>Primary schools</u> <u>mean no. of vandacts</u>	<u>Secondary schools</u> <u>mean no. of vandacts</u>
Strict parents	10.24	7.27
Less strict parents	11.52	14.65

Surprisingly, a similar relationship was not found for the primary schools -- the difference between strict and less strict parents was minimal. This may in part be attributable to the fact that the younger students may not have understood the meaning of the word "strict". A number of them asked to have this word explained to them. There may have been others who also did not understand the meaning of this word but who did not bother to ask for an explanation. This could have resulted in indiscriminate ratings on this measure.

Parental attitudes towards their children spending time on the streets in the evening, however, were significantly associated with the amount of vandalism committed (Table 7). This question was much less likely to lead to confusion or misunderstanding. Children whose parents did not like them on the streets reported committing fewer acts of vandalism than those whose parents did not care.

Table 7

AMOUNT OF VANDALISM BY PARENTAL ATTITUDE

	<u>Primary schools</u> <u>mean no. of vandacts</u>	<u>Secondary schools</u> <u>mean no. of vandacts</u>
Parents don't like kids on street	9.41	10.02
Parents don't care	13.28	16.23

Not surprisingly, those students who report spending fewer numbers of hours on the streets reported committing fewer

acts of vandalism than those who report spending more time on the streets; this is presented in Table 8.

Table 8

AMOUNT OF VANDALISM BY NUMBER OF HOURS SPENT ON THE STREETS

	Primary schools mean no. of vandacts	Secondary schools mean no. of vandacts
0 or 1 hour	6.49	7.63
2 or more hours	14.39	16.50

Thus both parental attitude towards spending time on the street and the number of hours reported being spent on the street were significantly correlated with the amount of vandalism committed: the greater the amount of time reported being spent on the street in the evenings, the greater the amount of vandalism admitted to.

Two other factors were significantly associated with the amount of involvement in vandalism -- students' attitudes towards school and their scholastic achievement at school. Students who expressed considerable liking for school admitted to significantly fewer acts of vandalism than those who did not care or did not like school; this is presented in Table 9.

Table 9

AMOUNT OF VANDALISM BY LIKE/DISLIKE OF SCHOOL

	Primary schools mean no. of vandacts	Secondary schools mean no. of vandacts
Like school a lot	8.02	9.43
Don't care for school	15.94	12.86
Don't like school at all	21.88	26.55

A similar pattern was also found between self-rated school performance and involvement in vandalism (Table 10). Students who reported doing well in school reported committing fewer acts of vandalism than those who did poorly.

Table 10

SCHOOL PERFORMANCE BY NUMBER OF VANDALISM ACTS

	Primary schools mean no. of vandacts	Secondary schools mean no. of vandacts
"A" or "B" students	9.13	7.03
"C" students	13.80	14.74
"D" or "F" students	15.72	25.38

Thus both a student's liking of school and performance in school were found to be significantly correlated with vandalism: the better one was at school and the more one liked school, the lower one's involvement in vandalism.

(d) Perceived Costs of Vandalism

Part C of the questionnaire contained a number of questions relating to the costs of vandalism. When describing the most recent act of vandalism they committed, 87% of the students indicated that before committing the act they had not considered the possible cost of the damage. Indeed, only 35% reported that the damage they caused had cost anyone anything. Eighty percent said that they had not given any thought to the particular target of the damage.

(e) Reasons for Committing Vandalism

When asked why they had committed the vandalism they reported, the most common reasons given were that they were bored and had nothing to do, or that it was fun. As one 15 year old boy wrote: "I think the only reason people do vandalism is because there is never anything else to do ... You get so bored!" A 16 year old female wrote: "You do it when you get bored in school, you just scratch something."

Table 11

(f) Vandalism Committed in Groups

As in previous studies, most of the vandalism was committed when the students were with friends (63.5%). Vandalism, like many delinquent offences, tends to be committed in groups. Over eighty-five percent reported that the act had not been premeditated. This is of course quite reasonable, given that most of the acts were motivated by boredom and would thus have been done impulsively. In the Ontario Youth Secretariat's Handbook for Vandalism Control (1978), it was similarly reported, "Most vandalism is unpremeditated. Most vandals strike at an easy and accessible target rather than setting out to find something to vandalize" (p. 5). Indeed only 20% of our sample expressed any interest in the actual target of the vandalism; the majority had not given this any thought.

(g) Relationship of Age to Vandalism

The effect of age upon the number of acts of vandalism committed was also examined. The students' ages ranged from 9 to 19 years (combining both primary and secondary schools). The mean number of acts of vandalism committed at each age is presented in Table 11.

MEAN NUMBER OF ACTS OF VANDALISM BY AGE

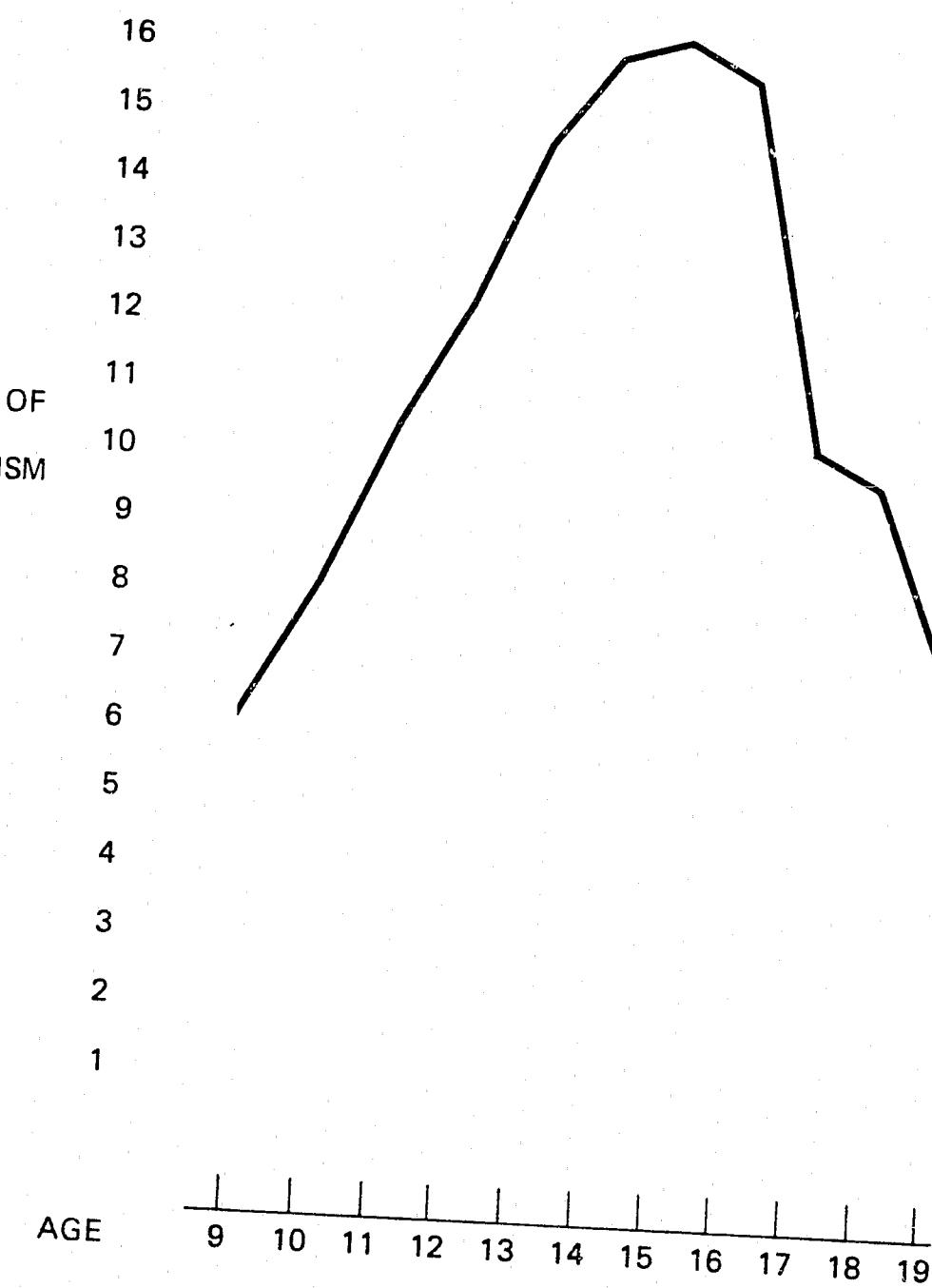
<u>Age</u>	<u>Vandacts</u>
9	6.14
10	8.02
11	10.42
12	12.11
13	14.09
14	15.94
15	16.07
16	15.52
17	10.29
18	9.74
19	7.10

As may be seen in Figure 1, there was an increase in the amount of vandalism committed from age 9 to 15. Following this peak, there was a steady decrease to the age of 19. The symmetry of the curve itself is quite surprising but consistent with other studies that have also found an initial increase in the number of delinquent activities, followed by a decrease as the youth grew older. In their submission to the Task Force on Vandalism, the Canadian Association of Chiefs of Police reported that "persons in the age range of 12 - 15 years cause the most problems" [Winnipeg Police Department, Research and Planning Unit, 1979]. This is consistent with the present findings where the number of acts of vandalism committed peaked sharply at ages 14 - 16, and dropped steadily thereafter. In the Handbook for Vandalism Control, the maximum rates of commission were said to be between 14 and 16 years of age. Gladstone (1978) also reported that the highest rate of involvement in vandalism was among the 14 - 16 year olds.

It may be possible that while the older students aged 17 to 19 were committing fewer acts of vandalism, the few they were committing were the more serious acts. This, however, was not the case. When the more serious acts of vandalism were examined by age, the highest incidence was again found among the 14 to 16 year olds. Those under 14 and over 16 committed significantly fewer serious acts than the peak age group. Thus the few acts that the older students committed did not tend to be the more serious acts -- quite the contrary.

Figure 1

MEAN NUMBER OF ACTS OF VANDALISM BY AGE



CONTINUED

3 OF 6

(5) DISCUSSION

The findings of the present study were consistent with previous self-report studies on vandalism. The reported incidence of vandalism in our sample was quite high -- 89%. The majority of the acts committed, however, were minor in nature. Involvement in more serious acts of vandalism was far less prevalent.

When compared to other offences such as theft-under and break-and-enter, vandalism was rated as the least serious of the three and the offence least likely to result in apprehension. In fact, of those respondents who admitted to committing one or more acts of vandalism, fewer than 3% reported ever being apprehended by the police for any act of vandalism, while none reported being taken to court. Since the great majority of those who commit vandalism go undetected, it is unlikely that increasing the penalties for those convicted of vandalism would serve as a deterrent. Before a given measure can serve as an effective deterrent, the perceived likelihood of apprehension for that offence must be reasonably high -- people have to believe that they may actually get caught. Since both the perceived likelihood of apprehension and the actual rate of apprehension are quite low, it seems highly unlikely that stronger penalties would serve as an effective deterrent.

A number of factors were found to be associated with lower involvement in vandalism. Those who considered vandalism to be a more serious offence and thought it more likely to result in apprehension reported committing fewer acts of vandalism. This is certainly not surprising: if you think that there is a good chance of getting caught at something, you are less likely to do it.

Secondary school students who reported their parents as being strict reported committing fewer acts of vandalism. Likewise, students of all ages whose parents did not like them on the streets and who reported spending very little, if any, time on the streets, admitted to fewer acts of vandalism. It would appear that greater concern by parents as to the whereabouts of their children may be associated with less involvement of their children in acts of vandalism.

Good performance in school and liking of school were also associated with less vandalism. Previous studies have also found that scholastic achievement, expressed liking of school

and parental strictness have all been negatively correlated with involvement in vandalism.

(6) PROBLEMS ASSOCIATED WITH ATTEMPTS TO REDUCE VANDALISM

One of the most difficult aspects of reducing the incidence of vandalism is the fact that most acts are not considered by young people to be offences. Not only is this evident from the low severity ratings of vandalism, but also from a number of comments that were made by some of the students:

- With respect to the act of breaking trees, shrubs, etc. in a park (which this student admitted to doing more than 3 times):
"I didn't know this was an act of vandalism."
- 17 year old male
- "I was banging around private property and the police thought I was vandalizing, but we were really just playing ball tag."
- 14 year old male
- "I think people who do vandalism are stupid. All I have ever done is scratched a desk and wrote on the wall."
- 15 year old female
- "Vandalism is not right under any circumstance. It is not right to damage other people's property. Scratching a desk is not bad. A lot of people have done it."
- 16 year old female

It would appear that the above students did not really consider the acts they committed to be offences, or even vandalism for that matter. The Handbook for Vandalism Control reported that "most people who commit vandalism do not see themselves as criminals, nor even their acts as crimes".

Another major problem that one would encounter in attempts to reduce vandalism would be the mistaken belief that the damage caused did not have any cost associated with it.

In the absence of any clear indication of ownership as in the case of public property, schools, abandoned houses, and so on, it is quite easy for a child to believe that the damage caused to such property would not cost anyone any money. Since the property owner appears to be anonymous, there is no apparent victim who would be hurt financially or otherwise from any damage caused. As noted earlier, only 35% of the present sample reported that the damage they caused had cost anyone any money.

With respect to the property he had vandalized, one 18 year old boy said that "it was government property -- won't hurt anyone".

(7) CONCLUSION

These data suggest that an obvious starting point in any long term vandalism-prevention effort would be the education of students from an early age as to the real costs of vandalism, and the portrayal of such acts as offences. If students could be made aware of the hidden costs involved in any act of vandalism, and could perceive these to be real offences (not just acts of minor misbehaviour), then perhaps the high incidence of vandalism found in the present study could be reduced in future.

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APPENDIX "A"

QUESTIONNAIRE

USED IN THE

SELF-REPORT STUDY

Q U E S T I O N N A I R E

Please read the following carefully before answering any of the questions. The questions you will be asked below are intended to give us some idea as to how much vandalism occurs. Many of the questions inquire into your involvement in specific acts of vandalism. It is very important that you answer these questions with complete honesty. You will notice that there is no place on this questionnaire for your name. We are NOT interested in knowing who you are, or who did what -- that's not important. We just want to get a general idea of how many people have done various things. So please be honest in your answers -- no one will know what you have said. Remember your answers will remain completely anonymous and confidential.

The questions you will be asked are fairly straightforward, but if there is anything you do not understand then please feel free to ask questions. Just put up your hand and someone will come over to give you assistance.

In Part A, you will be asked to indicate how often you have taken part in a number of acts. Please place one check mark in the appropriate box next to each of the 30 questions. For example, question number one asks if you have scratched a desk at school. If you have never scratched a desk at school, check off the box marked "never". If you have scratched a desk once, twice or three times, then check off the corresponding box. If you have scratched a desk four or more times, then place a check mark in the box marked "more than three times". Make sure that you answer each question by placing one check mark in the appropriate box. If you have any questions, please feel free to ask for help. Remember, your answers will be anonymous and strictly confidential.

ART A

How often in the past 12 months have you:

Never	Once	Twice	3 Times	More than 3 Times
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- Scratched a desk at school
- Broken furniture (desk, chair, etc.) at school
- Broken a bottle at school, in the street, or in a park
- Broken trees, shrubs or flowers in a park
- Written on walls at school
- Written on walls of a bus or subway
- Written on walls of an elevator (in apartments, buildings, etc.)
- Written on walls in an apartment building
- Written on walls of buildings
- 0. Broken a light bulb in school
- 1. Broken the glass in a street lamp
- 2. Broken the glass of a phone booth
- 3. Broken the glass in a bus shelter

	Never	Once	Twice	3 Times	More than 3 Times
14. Broken a window in an empty house					
15. Broken a window in an occupied house					
16. Broken a window at school					
17. Broken a window in a public washroom					
18. Broken a window in a club					
19. Damaged park buildings					
20. Damaged machinery on a building site					
21. Smashed things on a building site					
22. Scratched a car or truck					
23. Damaged the tires of a car, truck or bicycle					
24. Damaged a car radio aerial/antenna					
25. Slashed bus seats/subway or train seats					
26. Damaged the telephone in a phone booth					
27. Damaged the seat in a public washroom					
28. Damaged part of an elevator					

	Never	Once	Twice	3 Times	More than 3 Times
• Damaged street signs					
• Other _____					

PART B

For questions 1, 2 and 3, check off the box which best describes what you think the chances are of getting caught.

Would never get caught	Small chance of getting caught	Would probably get caught	Would definite get caught
------------------------	--------------------------------	---------------------------	---------------------------

1. If you were to commit an act of vandalism, (e.g. any of the things listed in Part A), what do you think would be the chances of your getting caught?
2. If you were to steal something from a store, what do you think would be the chances of your getting caught?
3. If you were to break into a house or store, what do you think would be the chances of your getting caught?

or questions 4, 5 and 6, check off the box which best describes how serious you think these offences are:

Not at all serious	Somewhat serious	Average	Quite serious	Very serious
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- .. How serious do you think it is to commit an act of vandalism?
- .. How serious do you think it is to steal something from a store?
- .. How serious do you think it is to break into a house or store?
7. Check off the statement below which you agree with the most:
 - People who break the law are almost always caught and punished.
 - People who break the law are sometimes caught and punished.
 - People who break the law are seldom caught and punished.
 - People who break the law are almost never caught and punished.
8. Out of the last 100 times a BOY committed an act of vandalism, how many would you guess ended up in his arrest? _____
9. Out of the last 100 times a GIRL committed an act of vandalism, how many would you guess ended up in her arrest? _____

PART C

Pick the most recent thing you did under Part A; what was it? _____

The questions in this part deal with the most recent thing you did under Part A. If you have never done any of the things in Part A, then skip to question 9.

1. Before you did it, did you think about the cost of the damage you caused?

- Yes
 No

2. Before you did it, did you think about the particular "target" of vandalism you chose?

- Yes
 No

If you answered YES, then tell us why you chose that particular target. _____

3. Did it make any difference to you who owned the property involved?

- Yes
 No

If you answered YES, then tell us why it made a difference. _____

4. Did you plan ahead when you were doing this, or did you just decide to do it on the spot?

- planned ahead
 decided on the spot

5. When you started, did you know how much damage you would do?

- Yes
 No

6. Did the damage you caused cost anyone any money?

- Yes
 No

7. What would you say is the main reason you did this thing? _____

When you did this, were you alone or with friends?

- Alone
 With friends

Do you usually hang around with a group of friends?

- Yes
 No

If yes, how would you describe your group? What is important to the group you hang around with? _____

PART D

1. How strict do you consider your parents (check off one)?

Very strict Quite strict Average Not too strict Not at all strict

2. How do they feel about you "hanging around" on the streets? (Check off one)

____ They don't like me on the streets.
____ They don't care either way.
____ They don't mind if I'm on the streets.

3. What do you usually do after school and on weekends? How do you spend your free time?

4. How many hours would you guess you spend on the street in the evenings?

5. How do you feel about school? (Check off one)

Like school It's okay Don't care Don't like Don't like
a lot either way it too much school at all

6. How well do you usually do in school? - circle one of the five:

- A (80% or over)
B (70-80%)
C (60-70%)
D (50-60%)
F (less than 50%)

Age _____

Father's occupation _____

Sex _____

Mother's occupation _____

Grade _____

Who lives with you at home (e.g. parents, brothers, sisters)? _____

Have you ever been cautioned by the police for doing something illegal?

No _____
Yes _____
If yes, how many times? _____
For what? _____

Have you ever been taken to court for doing something illegal?

No _____
Yes _____
If yes, how many times? _____
For what? _____

APPENDIX "B"

FREQUENCY OF OCCURRENCE

FOR EACH OF THE 29 ACTS OF VANDALISM

LISTED IN THE SELF-REPORT QUESTIONNAIRE

<u>FREQUENCY OF OCCURRENCE</u>		<u>FREQUENCY</u>		<u>Acts of Vandalism Committed in the Past Year</u>	<u>FREQUENCY</u>	
<u>Acts of Vandalism Committed in the Past Year</u>		<u>Secondary Schools %</u>	<u>Primary Schools %</u>	<u>Acts of Vandalism Committed in the Past Year</u>	<u>Secondary Schools %</u>	<u>Primary Schools %</u>
1. Scratched a desk at school				4. Broken trees, shrubs or flowers in a park		
Never		<u>22.6</u>	<u>28.9</u>	Never	<u>66.8</u>	<u>58.9</u>
Once		<u>17.7</u>	<u>21.9</u>	Once	<u>10.4</u>	<u>18.9</u>
Twice		<u>10.3</u>	<u>11.4</u>	Twice	<u>6.4</u>	<u>8.9</u>
Three times		<u>8.4</u>	<u>6.0</u>	Three times	<u>2.0</u>	<u>3.0</u>
Four or more times		<u>40.9</u>	<u>31.8</u>	Four or more times	<u>14.4</u>	<u>10.2</u>
Total percentage committing the act one or more times		<u>77.3</u>	<u>71.1</u>	Total percentage committing the act one or more times	<u>33.2</u>	<u>41.1</u>
		100.0	100.0		100.0	100.0
2. Broken furniture (desk, chair, etc.) at school				5. Written on walls at school		
Never		<u>84.7</u>	<u>86.5</u>	Never	<u>63.5</u>	<u>66.7</u>
Once		<u>8.4</u>	<u>9.3</u>	Once	<u>13.8</u>	<u>17.1</u>
Twice		<u>2.5</u>	<u>2.2</u>	Twice	<u>7.9</u>	<u>6.5</u>
Three times		<u>2.5</u>	<u>0.7</u>	Three times	<u>3.4</u>	<u>2.3</u>
Four or more times		<u>2.0</u>	<u>1.4</u>	Four or more times	<u>11.3</u>	<u>7.5</u>
Total percentage committing the act one or more times		<u>15.3</u>	<u>13.5</u>	Total percentage committing the act one or more times	<u>36.5</u>	<u>33.3</u>
		100.0	100.0		100.0	100.0
3. Broken a bottle at school, in the street, or in a park				6. Written on walls of a bus or subway		
Never		<u>57.6</u>	<u>54.2</u>	Never	<u>83.2</u>	<u>88.4</u>
Once		<u>15.3</u>	<u>22.3</u>	Once	<u>6.4</u>	<u>6.6</u>
Twice		<u>7.4</u>	<u>7.2</u>	Twice	<u>2.5</u>	<u>1.1</u>
Three times		<u>3.9</u>	<u>4.5</u>	Three times	<u>2.0</u>	<u>1.2</u>
Four or more times		<u>15.8</u>	<u>11.8</u>	Four or more times	<u>5.9</u>	<u>2.8</u>
Total percentage committing the act one or more times		<u>42.4</u>	<u>45.8</u>	Total percentage committing the act one or more times	<u>16.8</u>	<u>11.6</u>
		100.0	100.0		100.0	100.0

<u>Acts of Vandalism Committed in the Past Year</u>	<u>FREQUENCY</u>	
	<u>Secondary Schools %</u>	<u>Primary Schools %</u>
7. Written on walls of an elevator (in apartments, buildings, etc.)		
Never	<u>89.1</u>	<u>92.7</u>
Once	4.5	3.3
Twice	0.5	1.5
Three times	2.0	1.1
Four or more times	<u>4.0</u>	<u>1.4</u>
Total percentage committing the act one or more times	<u>10.9</u>	<u>7.3</u>
	100.0	100.0
8. Written on walls in an apartment building		
Never	<u>88.6</u>	<u>89.9</u>
Once	4.5	5.9
Twice	3.0	1.7
Three times	2.0	0.7
Four or more times	<u>2.0</u>	<u>1.9</u>
Total percentage committing the act one or more times	<u>11.4</u>	<u>10.1</u>
	100.0	100.0
9. Written on walls of buildings		
Never	<u>78.3</u>	<u>74.3</u>
Once	7.9	13.4
Twice	6.9	5.1
Three times	3.0	1.9
Four or more times	<u>3.9</u>	<u>5.4</u>
Total percentage committing the act one or more times	<u>21.7</u>	<u>25.7</u>
	100.0	100.0

<u>Acts of Vandalism Committed in the Past Year</u>	<u>FREQUENCY</u>	
	<u>Secondary Schools %</u>	<u>Primary Schools %</u>
10. Broken a light bulb in school		
Never	<u>94.6</u>	<u>93.1</u>
Once	2.0	4.5
Twice	1.5	1.2
Three times	0.0	0.4
Four or more times	<u>2.0</u>	<u>0.8</u>
Total percentage committing the act one or more times	<u>5.4</u>	<u>6.9</u>
	100.0	100.0
11. Broken the glass in a street lamp		
Never	<u>88.7</u>	<u>90.3</u>
Once	4.9	5.7
Twice	3.4	2.1
Three times	1.0	0.7
Four or more times	<u>2.0</u>	<u>1.3</u>
Total percentage committing the act one or more times	<u>11.3</u>	<u>9.7</u>
	100.0	100.0
12. Broken the glass of a phone booth		
Never	<u>97.0</u>	<u>97.1</u>
Once	2.0	2.0
Twice	0.5	0.1
Three times	0.0	0.5
Four or more times	<u>0.5</u>	<u>0.3</u>
Total percentage committing the act one or more times	<u>3.0</u>	<u>2.9</u>
	100.0	100.0

<u>Acts of Vandalism Committed in the Past Year</u>		<u>FREQUENCY</u>		<u>Acts of Vandalism Committed in the Past Year</u>		<u>FREQUENCY</u>	
		<u>Secondary Schools %</u>	<u>Primary Schools %</u>			<u>Secondary Schools %</u>	<u>Primary Schools %</u>
13.	Broken the glass in a bus shelter			16.	Broken a window at school		
Never		<u>97.5</u>	<u>97.4</u>	Never		<u>88.0</u>	<u>94.0</u>
Once		<u>2.0</u>	<u>1.4</u>	Once		<u>6.5</u>	<u>4.3</u>
Twice		<u>0.5</u>	<u>0.2</u>	Twice		<u>3.0</u>	<u>0.9</u>
Three times		<u>0.0</u>	<u>0.1</u>	Three times		<u>1.0</u>	<u>0.3</u>
Four or more times		<u>0.0</u>	<u>0.4</u>	Four or more times		<u>1.5</u>	<u>0.5</u>
Total percentage committing the act one or more times		<u>2.5</u>	<u>2.6</u>	Total percentage committing the act one or more times		<u>12.0</u>	<u>6.0</u>
		100.0	100.0			100.0	100.0
14.	Broken a window in an empty house			17.	Broken a window in a public washroom		
Never		<u>83.3</u>	<u>74.8</u>	Never		<u>97.5</u>	<u>96.2</u>
Once		<u>9.4</u>	<u>14.4</u>	Once		<u>1.5</u>	<u>2.6</u>
Twice		<u>1.5</u>	<u>4.2</u>	Twice		<u>0.5</u>	<u>0.7</u>
Three times		<u>0.5</u>	<u>1.8</u>	Three times		<u>0.0</u>	<u>0.1</u>
Four or more times		<u>5.4</u>	<u>4.8</u>	Four or more times		<u>0.5</u>	<u>0.5</u>
Total percentage committing the act one or more times		<u>16.7</u>	<u>25.2</u>	Total percentage committing the act one or more times		<u>2.5</u>	<u>3.8</u>
		100.0	100.0			100.0	100.0
15.	Broken a window in an occupied house			18.	Broken a window in a club		
Never		<u>84.7</u>	<u>82.3</u>	Never		<u>99.5</u>	<u>95.2</u>
Once		<u>7.4</u>	<u>12.5</u>	Once		<u>0.0</u>	<u>2.9</u>
Twice		<u>2.5</u>	<u>2.7</u>	Twice		<u>0.0</u>	<u>0.6</u>
Three times		<u>2.0</u>	<u>1.2</u>	Three times		<u>0.5</u>	<u>0.5</u>
Four or more times		<u>3.4</u>	<u>1.3</u>	Four or more times		<u>0.0</u>	<u>0.8</u>
Total percentage committing the act one or more times		<u>15.3</u>	<u>17.7</u>	Total percentage committing the act one or more times		<u>0.5</u>	<u>4.8</u>
		100.0	100.0			100.0	100.0

		<u>FREQUENCY</u>				<u>FREQUENCY</u>	
<u>Acts of Vandalism Committed in the Past Year</u>		<u>Secondary Schools %</u>	<u>Primary Schools %</u>	<u>Acts of Vandalism Committed in the Past Year</u>		<u>Secondary Schools %</u>	<u>Primary Schools %</u>
19.	Damaged park buildings			22.	Scratched a car or truck		
Never		<u>94.1</u>	<u>91.4</u>	Never		<u>72.4</u>	<u>58.2</u>
Once		<u>3.0</u>	<u>4.5</u>	Once		<u>15.3</u>	<u>24.6</u>
Twice		<u>2.0</u>	<u>2.2</u>	Twice		<u>6.4</u>	<u>7.3</u>
Three times		<u>0.5</u>	<u>0.8</u>	Three times		<u>1.5</u>	<u>3.7</u>
Four or more times		<u>0.5</u>	<u>1.1</u>	Four or more times		<u>4.4</u>	<u>6.1</u>
Total percentage committing the act one or more times		<u>5.9</u>	<u>8.6</u>	Total percentage committing the act one or more times		<u>27.6</u>	<u>41.8</u>
		<u>100.0</u>	<u>100.0</u>			<u>100.0</u>	<u>100.0</u>
20.	Damaged machinery on a building site			23.	Damaged the tires of a car, truck or bicycle		
Never		<u>89.1</u>	<u>90.1</u>	Never		<u>80.8</u>	<u>71.1</u>
Once		<u>3.0</u>	<u>5.9</u>	Once		<u>12.8</u>	<u>16.0</u>
Twice		<u>3.0</u>	<u>2.4</u>	Twice		<u>2.0</u>	<u>5.1</u>
Three times		<u>2.0</u>	<u>0.4</u>	Three times		<u>0.0</u>	<u>1.7</u>
Four or more times		<u>3.0</u>	<u>1.3</u>	Four or more times		<u>4.4</u>	<u>6.1</u>
Total percentage committing the act one or more times		<u>10.9</u>	<u>9.9</u>	Total percentage committing the act one or more times		<u>19.2</u>	<u>28.9</u>
		<u>100.0</u>	<u>100.0</u>			<u>100.0</u>	<u>100.0</u>
21.	Smashed things on a building site			24.	Damaged a car radio aerial/antenna		
Never		<u>81.2</u>	<u>83.0</u>	Never		<u>82.3</u>	<u>88.0</u>
Once		<u>8.4</u>	<u>8.4</u>	Once		<u>11.8</u>	<u>8.1</u>
Twice		<u>4.0</u>	<u>3.8</u>	Twice		<u>2.5</u>	<u>2.0</u>
Three times		<u>0.5</u>	<u>1.0</u>	Three times		<u>0.5</u>	<u>0.8</u>
Four or more times		<u>5.9</u>	<u>3.7</u>	Four or more times		<u>3.0</u>	<u>1.2</u>
Total percentage committing the act one or more times		<u>18.8</u>	<u>17.0</u>	Total percentage committing the act one or more times		<u>17.7</u>	<u>12.0</u>
		<u>100.0</u>	<u>100.0</u>			<u>100.0</u>	<u>100.0</u>

Acts of Vandalism
Committed in the Past Year

		<u>FREQUENCY</u>	
		Secondary Schools %	Primary Schools %
25.	Slashed bus seats/subway or train seats		
Never	<u>92.6</u>	<u>95.3</u>	
Once	4.0	3.4	
Twice	2.0	0.5	
Three times	0.5	0.1	
Four or more times	<u>1.0</u>	<u>0.7</u>	
Total percentage committing the act one or more times	<u>7.4</u>	<u>4.7</u>	
	100.0	100.0	
26.	Damaged the telephone in a phone booth		
Never	<u>89.7</u>	<u>93.0</u>	
Once	5.4	4.2	
Twice	3.0	1.9	
Three times	0.0	0.4	
Four or more times	<u>2.0</u>	<u>0.5</u>	
Total percentage committing the act one or more times	<u>10.3</u>	<u>7.0</u>	
	100.0	100.0	
27.	Damaged the seat in a public washroom		
Never	<u>97.5</u>	<u>95.1</u>	
Once	1.5	3.3	
Twice	0.5	0.6	
Three times	0.0	0.3	
Four or more times	<u>0.5</u>	<u>0.7</u>	
Total percentage committing the act one or more times	<u>2.5</u>	<u>4.9</u>	
	100.0	100.0	

Acts of Vandalism
Committed in the Past Year

28. Damaged part of an elevator

Never	<u>96.5</u>	<u>95.5</u>
Once	2.0	3.3
Twice	1.0	0.2
Three times	0.0	0.4
Four or more times	<u>0.5</u>	<u>0.6</u>
Total percentage committing the act one or more times	<u>3.5</u>	<u>4.5</u>
	100.0	100.0

29. Damaged street signs

Never	<u>77.8</u>	<u>74.9</u>
Once	9.9	13.9
Twice	4.9	4.5
Three times	2.0	2.2
Four or more times	<u>5.4</u>	<u>4.5</u>
Total percentage committing the act one or more times	<u>22.2</u>	<u>25.1</u>
	100.0	100.0

30. Other acts of vandalism (unspecified)

Never	<u>88.2</u>	<u>77.7</u>
Once	2.5	9.3
Twice	3.0	2.6
Three times	0.0	2.4
Four or more times	<u>6.4</u>	<u>7.9</u>
Total percentage committing the act one or more times	<u>11.8</u>	<u>22.3</u>
	100.0	100.0

COMMENTS VOLUNTEERED BY SOME OF THE STUDENTS
WHO TOOK PART IN THE SELF-REPORT STUDY

"This is a good questionnaire and every kid should take it."
- 14 year old male

"This test should be given more often."
- 15 year old male

"I hope in the future people will be stopped from all this crime."
- 16 year old female

"I didn't want to cause damage to friends, just foes."
(Broke the aerial of a police cruiser.)
- 17 year old male

With respect to the act of "breaking trees, shrubs, etc. in a park" (which he admitted to doing more than three times):

"I didn't know this was an act of vandalism."
- 17 year old male

"Vandalism is not well controlled."
- 17 year old female

"Because in school they can't find out who it was."
- 18 year old male

"I am not a local hoodlum and I am not destructive. Most of the vandalism is accidental. I think this was a waste of time when I could be learning math."
- 16 year old male

"I feel that it is wrong to vandalize and that eventually you will be punished."
- 16 year old male

"Vandalism seems to be growing and I think somehow, I'm not sure how, but somehow we should try harder to catch the bastards!"
- 17 year old female

"These vandals should be caught and severely punished."
- 18 year old female

"Should have tighter or stricter control (on vandalism) and punish vandalism in the schools."
- 18 year old female

APPENDIX "C"

QUOTES FROM STUDENTS

"I believe that they (people who break the law) are caught but the courts are so lenient that they get off easy and perform these acts again."

- 18 year old male

"Vandalism (big stuff like breaking windows, doing real damage to private or public property) should be harshly treated by the authorities. It is serious because it shows a complete lack of respect for private property and personal rights."

- 17 year old male

"Parents (community associations) must work with the school and local authorities in complete agreement (for success). Make the child, NOT parents responsible for the vandalism."

- 17 year old female

"I was banging around private property and they (the police) thought I was vandalizing, but we were really playing ball tag. It was one hell of a place to play ball tag in."

- 14 year old male

"Many people break the law are caught, and are hardly ever punished."

- 15 year old female

"Most people that would cause vandalism would be those who have dropped out of school because they have more time to hang around."

- 15 year old female

"I feel girls tend to be let off more easily than guys -- maybe it's because there are more men in the "field of law". I don't think that's fair for guys."

- 15 year old female

"I think that the only reason people do vandalism is because there is never anything else to do ... You get so bored."

- 15 year old male

"I think people who do vandalism are stupid. All I have ever done is scratched a desk and wrote on a wall once. I don't like it when people destroy things around my neighbourhood because it makes it look shabby."

- 15 year old female

"I think vandalism is caused when someone tries to impress a group, or friends, or something. Maybe out of frustration or anger because of school or home life."

- 14 year old male

"If the penalties were harsher and the people knew the penalties of vandalism, it could be controlled much better."

- 16 year old female

"Government property, won't hurt anyone."

"Vandals should be punished more severely -- cops and people with authority should be more aware of the problem."

- 18 year old male

"Suggestions to stop vandalism:

1. Strict and harsh penalties for such acts;
2. Less permissiveness towards children."

- 18 year old female

"I would only do it if there was a small chance (of getting caught)."

- 19 year old male

"I think this is a worthwhile survey because vandalism is running a little high."

- 18 year old male

"The majority of vandalism is done by punkers who have no respect."

- 16 year old male

"The only reason people commit vandalism is to get attention because they don't get it at home. Also peer pressure. I think adults also commit vandalism so they should be given this questionnaire."

- 16 year old female

"There should be stricter penalties. Seriously, vandals commit crime because they know the law will not punish them. They judge them and they're on the streets in an hour."

- 16 year old male

"I feel that when the people are caught with vandalism, they aren't punished enough."

- 15 year old female

"Vandalism is not right under any circumstance. It is not right to damage other people's property. Scratching a desk is not bad. A lot of people have done it. You do it when you get bored in school and just scratch on something."

- 16 year old female

"I think that the person responsible for the vandalism should be forced to pay all the damages. Then there wouldn't be half as much damage like the recreation hall that was totally demolished. Someone I know thinks they should be publicly spanked."

- 15 year old female

"Something should be seriously considered about stopping vandalism from occurring."

- 17 year old female

"People who get caught should have to pay for it."

- 17 year old male

"After getting caught it really teaches you quite a lot. It really straightens you around. Police should go harsher on kids."

- 17 year old male

"Vandalism is a terrible offence against the freedom and rights of people. I feel that it should be stopped. Vandalism gives a bad name to many innocent people because of a few terrorists. People who do this should be punished severely."

- 17 year old female

"I feel a lot of damage is caused in school washrooms due to the fact that girls and boys smoke cigarettes in them. If there was a smoking area the girls would stay out of the washroom and would not cause vandalism."

- 17 year old female

"The police are far too lenient on the jerks that break the laws. It's far too easy to get away with hurting other people's property just for kicks."

- 17 year old female

"Make students' council pay for vandalism."

- 19 year old male

"I think by these questions you are trying to establish that people who are bored or unhappy turn to acts of violence. As much as I do not want to be here, I respect the property. I think most kids are like me and find other outlets besides destroying things. There are very few people doing these things in my opinion. The people I know who have done these things are on drugs."

- 17 year old male

APPENDIX 2

A STUDY OF THE DISPOSITIONS
GIVEN TO THOSE CONVICTED OF
VANDALISM

PREPARED FOR

THE TASK FORCE ON VANDALISM

BY

ANN CAVOUKIAN

1980

(1) INTRODUCTION

One of the most common concerns expressed by individuals to the Task Force on Vandalism was that persons convicted of vandalism were getting off too lightly in the sentences they were given. There appears to be a widespread belief that the penalties given for vandalism are far too light, and thus do not serve as an effective deterrent. Increasing these penalties has often been suggested as the appropriate solution to the problem.

There are two separate assumptions involved in the belief that penalties for vandalism must be increased:

- (1) the existing penalties given to those convicted of vandalism are in fact too light, and
- (2) stiffening these penalties would serve as an effective deterrent.

The latter is fairly unlikely given the low rate of apprehension for vandalism. Most sources indicate that in less than 10% of the reported cases of vandalism is anyone apprehended. When this is combined with the numerous acts of vandalism that go unreported, the rate of apprehension becomes even less. The offender, for the most part, remains anonymous. In light of this, it seems unlikely that increasing the penalties for those convicted of vandalism would serve as an effective deterrent since so few are caught to begin with (and it must be assumed that even fewer get convicted). The perceived likelihood of apprehension must be high: the offender must believe that there is a reasonable chance of being apprehended in order to be concerned with the consequences of his act -- receiving a harsh penalty. In the absence of such a belief, increasing the penalties for a given offence will seldom serve as an effective deterrent.

The first assumption above, that the existing penalties given to those convicted of vandalism are in fact too light, may be examined empirically. To date, there appears to have been little systematic study of the types of dispositions given to those convicted of vandalism. While it is difficult to gauge what people regard as "light" penalties, this problem may be circumvented by comparing the dispositions given to vandalism with those given to similar offences. Such a comparison would enable one to determine whether the penalties given to one offence were "too light" relative to those given to comparable offences. This avoids the question of operationalizing the meaning of too light a penalty: if the dispositions given to

similar offences were for the most part similar as well, then one could no longer say that the penalties given to vandalism were too light. One could say that the penalties given to all the offences were too light, but vandalism alone could not be singled out. Alternatively, if the dispositions given for vandalism were found to be lighter than those given to comparable offences, then one would be in a position to conclude that such dispositions were in fact lighter. (This still, admittedly, avoids the question of what people mean by "light" in absolute terms.)

The choice of offences that could be considered comparable to vandalism presents a bit of a problem. One could either look for offences where the dollar value of the act was in a similar low range* (such as theft under \$200), or one could look for an offence where the damage involved was similar to the destruction of property in acts of vandalism (such as break and enter). For these reasons both theft-under and break-and-enter were chosen as the offences to serve as comparisons to vandalism. While there are obvious differences among the three, they are sufficiently similar offences to enable comparison. In fact, the comparison offences are considered to be more serious (by juveniles) than acts of vandalism. In a recent self-report study, students rated theft-under as being more serious an offence than vandalism; break-and-enter was rated as most serious of the three.

The present study examines the dispositions given to those convicted of vandalism, theft-under and break-and-enter in both juvenile and adult courts.

(2) METHOD

The cases used were taken from the dockets of a juvenile court and an adult court in the Metropolitan Toronto area for the first six months of 1980. The sample consisted of roughly 100 cases each of vandalism, theft-under and break-and-enter from each of the courts (juvenile sample = 369 cases; adult sample = 319 cases). The offences included under vandalism were wilful damage, mischief (both public and private property), and arson.

* Keep in mind that most acts of vandalism are fairly minor. The sensationalized costly acts that receive wide media coverage are few and far between.

The complete disposition for each offence was recorded on a coding sheet in addition to some background information on the offender: previous juvenile or criminal record, age and sex. In cases involving monetary payment such as restitution, fines or donations to charity, the amounts of the same were also recorded if the information was present in the files.

The majority (80%) of both the juvenile and adult offenders were male. Roughly half of both groups had previous records: 46.6% of the adult sample, compared to 52.3% of the juvenile sample. The juveniles ranged in age from 10 to just under 16 years of age. The majority were 14 to 16 years old: 19.1% - 14 years, 27.3% - 15 years, 30.6% - just under 16* years. The majority of the adult sample (69.3%) were under 26 years of age: 32.3% were 16 - 18 years old; 37% were 19-25 years. 20.6% were 26 - 40 years of age with the remainder (10%) ranging from 40 - 75 years.

(3) RESULTS

The results discussed in this section will deal primarily with the dispositions given to those convicted of vandalism, theft-under and break-and-enter. Since there was little overlap in the dispositions given to juvenile and adult offenders, the data relating to these two groups will be presented separately and then discussed together.

The range of dispositions given for both juveniles and adults was quite extensive. While the basic penalties themselves consisted of only five or six alternatives such as fines, probation, restitution, community service orders, incarceration, and a few others, the various combinations of these resulted in a lengthy list of specific dispositions. The data will therefore be presented in two forms. The first of the two tables will consist of the full disposition given for each offender and will thus total 100% within each of the three offence categories. The second table will present the data for each individual disposition separately, i.e. fines, restitutions, community service orders, etc.; the columns in this table will thus add up to more than 100% since many of the offenders were given two or more of the individual penalties.

* Those juveniles who would have turned 16 in the latter part of 1980 were coded as being 16 years of age.

(a) Juvenile Offenders

Tables 1 and 2 present the dispositions given to the juvenile offenders. The subsequent discussion of these dispositions will deal with the frequency of various types of individual dispositions listed in Table 2.

Table 1

**SPECIFIC DISPOSITIONS AND PERCENT OF
CASES IN WHICH THEY WERE MADE (JUVENILES)**

	Vandalism %	Theft-under %	Break & enter %
Community Service Order alone	3.9	1.8	3.8
Restitution alone	10.5	0.0	2.8
Fine alone	0.0	0.9	8.5
Donation to charity alone	2.0	2.7	0.9
Probation alone	6.5	18.2	13.2
Probation and restitution	7.2	0.9	13.2
Probation and Community Service Order	4.6	0.9	2.8
Probation and referral to Children's Aid Society and Family Court Clinic	0.0	0.9	1.9
Probation and fine	0.0	0.9	0.0
Probation, restitution and Community Service Order	1.3	0.0	0.0
Adjourned Sine Die	18.3	48.2	17.9
Adjourned Sine Die with restitution	20.3	2.7	2.8
Adjourned Sine Die with donation to charity	0.0	2.7	6.6
Adjourned Sine Die with Community Service Order	1.3	0.0	0.9

Table 1 (cont'd)

	Vandalism %	Theft-under %	Break & enter %
Adjourned Sine Die with a fine	0.0	0.9	0.9
Referral to Family Court Clinic	2.6	1.8	1.9
Referral to Children's Aid Society	0.7	5.5	2.8
Conditional Discharge	0.0	0.9	0.0
Conditional Discharge with a fine	0.0	0.9	0.0
Conditional Discharge with restitution	3.3	0.0	0.0
Restitution plus fine/donation	0.7	0.9	3.8
Training school	0.7	1.8	4.7
Case Dismissed	4.6	1.8	0.9
Case Withdrawn	11.8	4.5	9.4

Table 2

GENERAL DISPOSITION POWERS AND PERCENT OF CASES IN WHICH THEY WERE USED (JUVENILES)

	Vandalism %	Theft-under %	Break & enter %
Community Service Orders	11.1	2.7	7.5
Restitution	43.1	4.5	22.6
Fines	0.0	3.6	9.4
Donations to Charity	2.0	5.5	7.5
Probation	19.6	21.8	31.1
Training School	0.7	1.8	4.7
Family Court Clinic/ Children's Aid Society referrals	3.3	8.2	6.6
Cases Adjourned <u>Sine Die</u>	39.9	54.5	29.1
Cases Dismissed	4.6	1.8	0.9
Cases Withdrawn	11.8	4.5	9.4
Conditional Discharges	3.3	1.8	0.0

(i) Restitution, Community Service Orders and Fines

Restitution was the most common penalty for vandalism, appearing as all or part of the disposition of 43.1% of these cases; it was required in half as many cases of break-and-enter (22.6%), and in only 4.5% of the dispositions for theft-under (Table 2). From Table 1, it can be found that restitution (42%) or community service orders (9.8%) or both (1.3%) were involved in more than half (53.1%) of the dispositions given in vandalism cases.

Restitution and community service orders appeared less frequently for the other two offences: 30.1% for break-and-enter cases and 7.2% for thefts-under. Fines and donations to charity were used more frequently in break-and-enter and theft-under cases: 16.9% and 9.1% respectively, compared to 2.0% for vandalism. It appears that when the disposition given entails a financial payment from the offender, payment is made to the victim in the form of restitution in vandalism cases while in theft-under cases, payment is directed to the court or to a charity. Break-and-enter cases appear to fall midway, with roughly half of the monetary dispositions directed towards the victim.

(ii) Amount of Restitution

The amounts of the restitution* paid in the break-and-enter cases tended to be higher than those in the vandalism cases: 77.3% of the vandalism amounts were under \$75 compared to the only 37.5% of the break-and-enter amounts. The majority of the break-and-enter cases (62.5%) involved restitutions of \$100 - \$500. This is not particularly surprising since the cost of the damage caused was under \$100 for the great majority of vandalism cases (82.6%). There was little information relating to the costs of the damage caused in the break-and-enter cases. However, for those cases in which such information was available, the damage caused was over \$200 for the majority (70%).

* There were too few restitution orders made in the theft-under cases to merit discussion. Of the few cases in which it was required, all but one fell under \$75. The same holds true for the community service orders: the few required in the theft cases tended to be for very short periods -- 10 hours of community service.

(iii) Amount of Fines/Donations to Charity

The great majority (90%) of the fines and donations to charity in the theft-under cases were under \$25: half of these were \$5 - \$10 with the remainder falling between \$15 - \$25. The fines incurred by those convicted of break-and-enter were somewhat more costly: 26.2% of this group were required to pay \$5 - \$10; 58%: \$15 - \$25 and 15.8%: \$35 - \$50. There were too few fines or donations to charity given in the vandalism cases to merit discussion.

(iv) Hours of Community Service

The number of hours required in the community service orders was much higher in cases of vandalism than break-and-enter. Seventy-five percent of the break-and-enters were assigned 10 - 20 hours of community service compared to 52.9% of the vandalism cases. The remainder of the break-and-enters (25%) were assigned 30 hours while the remainder of the vandalism cases were assigned 30 - 60 hours (11.8% - 30 hours; 23.5% - 40 hours; 11.8% - 60 hours).

(v) Probation

Roughly 20% of those convicted of vandalism or theft-under were put on probation compared to 31% of the break-and-enters. However, two-thirds of the probation orders given in vandalism cases involved additional dispositions -- restitution, community service orders and others. For thefts-under, the corresponding figure was only 16.5%. Fifty-seven percent of the break-and-enters given probation were given an additional disposition.

(vi) Cases Adjourned Sine Die

Roughly 40% of the vandalism and 30% of the break-and-enter cases were adjourned sine die, that is, essentially adjourned indefinitely, compared to 55% of the theft-under cases. These high figures are again somewhat misleading for the former since in a considerable number of both vandalism (54%) and break-and-enter (39%) cases, the adjournment was contingent upon payment of a fine/donation, restitution or community service order. Once again, however, this was not the case for

the thefts-under -- the majority of these cases (88%) were adjourned sine die without any other requirements.

It appears that for the present sample of cases, the dispositions given to those convicted of vandalism were much more similar to those given in break-and-enter cases than to those in theft-under cases. This conclusion is a tenuous one at best since there were also considerable differences between the break-and-enter and vandalism cases: restitution was required twice as often for vandalism while probation (alone) was twice as common for break-and-enter. However, despite these differences, there were also a number of similarities between these two offences that were not shared with the theft-under cases. It appears that vandalism and break-and-enter cases are regarded more seriously by the courts than theft-under cases. This is reflected in the fact that for those cases adjourned sine die or where the offender was put on probation, no other requirement was included for the majority of the thefts-under, while additional dispositions were often required for the vandalism and break-and-enter cases.

(b) Adult Offenders

The complete list of dispositions and the frequency of individual dispositions for the adult offenders are presented in Tables 3 and 4.

Table 3

SPECIFIC DISPOSITIONS AND PERCENT OF
CASES IN WHICH THEY WERE MADE (ADULTS)

	Vandalism %	Theft-under %	Break & enter %
Fine alone	19.8	21.4	1.1
Conditional Discharge with probation	7.5	38.5	7.4
Conditional Discharge with probation and restitution	14.2	1.7	0.0
Conditional Discharge with probation, restitution and Community Service Order	0.9	0.0	0.0
Suspended Sentence with probation	9.4	7.7	26.3
Suspended Sentence with probation and restitution	2.8	0.9	6.3
Suspended Sentence with probation, restitution and Community Service Order	1.9	0.0	1.1
Incarceration	2.8	0.9	22.1
Incarceration with probation and restitution	1.9	0.0	4.2
Fine with probation	3.8	0.0	4.2
Fine with probation and restitution	5.7	0.0	0.0

Table 3 (cont'd)

	Vandalism %	Theft-under %	Break & enter %
Absolute Discharge	0.0	2.6	0.0
Case Dismissed	6.6	7.7	0.0
Case Withdrawn	22.6	18.8	27.4

Table 4

GENERAL DISPOSITION POWERS AND PERCENT OF
CASES IN WHICH THEY WERE USED (ADULTS)

	Vandalism %	Theft-under %	Break & enter %
Fines	29.3	21.4	5.3
Restitutions	27.4	2.6	11.6
Community Service Orders	2.8	0.0	1.1
Probation	48.1	48.8	49.5
Incarceration	4.7	0.9	26.3
Conditional Discharges	22.6	40.2	7.4
Suspended Sentences	14.2	8.5	33.7
Absolute Discharges	0.0	2.6	0.0
Cases Dismissed	6.6	7.7	0.0
Cases Withdrawn	22.6	18.8	27.4

(i) Fines, Restitution and Community Service
Orders

For those convicted of vandalism, fines (29.3%) and restitution orders (27.4%) were the most frequent penalties. While fines were also used quite often for thefts-under (21.4%), they were seldom used in break-and-enter cases (5.3%). Restitution was required over twice as often in vandalism cases as in break-and-enter cases (11.6%), while it was rarely used for thefts-under (2.6%). Community service orders were seldom assigned to any of the three offences but appeared most frequently in vandalism cases (3%). Taken together, restitution and community service orders accounted for 30.2% of the dispositions given in vandalism cases.

(ii) Probation

In roughly half of the cases for all three offence categories the offenders were put on probation. Of those who were put on probation in the theft-under cases, the great majority (95%) had no additional requirements such as fines, restitutions, or community service orders. These dispositions were for the most part conditional discharges with probation plus a few suspended sentences with probation. This was not the case for those convicted of vandalism who were put on probation: 65% of this group were given probation plus an additional penalty. The same held true for 32% of the break-and-enter probation group. It may at first seem that the break-and-enters were not being treated as harshly as the vandalism cases. The fact that this is not true becomes evident when one looks at the lengths of probation assigned to the break-and-enter cases in comparison to the others: only 3.4% of the break-and-enters were put on probation for less than a year compared to 31% of the vandalism cases and 74% of the thefts under. The majority of the break-and-enters (66.1%) were given two to three years probation while only 29% of the vandalism cases and 5.1% of the theft-under cases were given such lengthy periods. The probationary periods assigned to the three types of offences are presented in Table 5.

Table 5

	<u>LENGTH OF PROBATION</u>		
	Vandalism %	Theft-under %	Break & enter %
1 to 4 months	9.6	3.4	0.0
6 to 9 months	21.2	70.6	3.4
1 year	34.6	20.7	16.9
1-1/2 years	5.8	0.0	13.6
2 years	23.1	3.4	52.5
3 years	5.8	1.7	13.6

(iii) Incarceration

Not only were the periods of probation longer for those convicted of break-and-enter but the most severe disposition -- incarceration -- while used infrequently, was used primarily in the break-and-enter cases: 26.3% of the break-and-enter cases were incarcerated compared to 4.7% of the vandalism cases and 1% of the thefts-under.

(iv) Amount of Fines

The amount of the fines given in cases of vandalism and theft-under varied considerably. (Since there were very few fines given in the break-and-enter cases they will not be included in this discussion. All but one of the fines assigned, however, were \$100 or more.) The fines levied against persons convicted of vandalism tended to be much higher than those against persons convicted of theft-under: 60% of the fines given in the theft-under cases were \$25 compared to only 6.9% for vandalism. The majority of the vandalism fines (69%) ranged from \$100 to \$200, while only 20% of the theft-under cases were assigned such high amounts.

(v) Amount of Restitution

The amount of the restitution required for those convicted of vandalism and break-and-enter also varied substantially. (In this case, there were so few restitution orders in the theft-under cases that it would be pointless to discuss them. The few that there were, however, tended to be very low: \$5 - \$25). The amount of restitution ordered in the break-and-enter cases tended to be higher than those in the vandalism cases: there were no restitution orders under \$75 for break-and-enters compared to 51.8% of the restitution orders for vandalism. The majority of the break-and-enter restitution orders (66.6%) ranged from \$75 - \$200 (with the remainder being over \$200). Of the vandalism restitution orders 40.7% fell into this range of \$75 - \$200.

The variations in the amount of restitution may be attributable to differences in the amount of damage caused: the cost of the damage may have been greater in the break-and-enter cases, thus requiring more restitution. We have no way of knowing this, however, since there was so little information available concerning the costs of the damage caused.

(c) Relationship of Previous Record to Dispositions

Not surprisingly, those offenders (both juvenile and adult) with previous records tended to be given more severe penalties. This was true for all three offence categories. The tendency was most notable in custodial sentences: all but one of the juveniles sent to training school had previous records and similarly, all but three of the adults incarcerated had

criminal records. Case dismissals were also much more frequent among the no-record group for both juvenile and adult offenders.

There was also a much greater likelihood of receiving a fine if one had a previous record (bear in mind that among the juvenile dispositions, fines were relatively serious penalties).

In the juvenile sample, those without records had their cases adjourned sine die more often than those with previous records. In addition, there was a strong tendency to put those with records on probation (instead of adjourning the case).

In the adult sample, those without criminal records also tended to get lighter penalties: of the offenders given conditional discharges with probation, the great majority had no previous record. Dismissals were also much more frequent in the no-record group, as were absolute discharges (the only absolute discharges given were given to first-time offenders).

Thus, while the presence or absence of a previous criminal record affected some of the dispositions given, this occurred across all three types of offences in both the juvenile and adult samples. It was not, therefore, unique to one offence category. The presence of a criminal record was associated with harsher penalties, and conversely the absence of such a record was associated with lighter penalties, regardless of offence.

(4) DISCUSSION

While it may be difficult to draw conclusions from the findings of the present study, there is one fact that emerges quite clearly: the penalties given to those convicted of vandalism do not appear to be lighter than those given to thefts-under, and tend to be comparable to those given in break-and-enter cases.

Restitution was required more than twice as often in vandalism cases as in break-and-enter cases, while it was seldom required in theft-under cases. Community service orders were also far more common in cases of vandalism. What may be regarded as the relatively light penalties (such as adjournment of cases sine die for juveniles and conditional discharges with probation for adults) were given most frequently to theft-under cases and were far less common in vandalism and break-and-enter cases. When the latter two were given these dispositions, they were in addition to some other penalty.

When the disposition required financial payment to be made in the form of a fine or restitution, those given in break-and-enter cases tended to be more costly than those given in either vandalism or theft-under cases. An explanation may be that the cost of the damage may have been higher in the break-and-enter cases or that the act was of a more serious nature and thus required a stiffer penalty. In this regard, the break-and-enter cases received the harshest penalties for both juvenile and adult samples. Of the custodial sentences that were given, practically all were given to those convicted of break-and-enter.

The penalties given in vandalism cases were clearly harsher than those given in theft-under cases: the fines were greater, and the periods of probation and community service longer in vandalism cases than thefts-under. In addition, restitution and community service orders were far more prevalent in cases of vandalism while adjournments and conditional discharges were far more common in theft-under cases.

While one should avoid the conclusion that the theft-under cases "got off lightly", the penalties given in such cases did tend to be less severe than those given in cases of vandalism. The dispositions given to those convicted of vandalism appeared to be more similar to those given in break-and-enter cases although the latter tended to receive the harshest penalties of all three offence categories. With respect to restitution and community service orders, vandalism ranked the highest in receiving these dispositions.

(5) CONCLUSION

The findings of the present study do not provide support for the belief that persons convicted of vandalism are "getting off too lightly". Neither the juvenile nor the adult courts gave lighter sentences in cases involving vandalism. On the contrary, quite the opposite was found. We would encourage those who recommend more stringent penalties for vandalism to take a look first at the existing penalties given by the courts.

APPENDIX 3

PUBLIC OPINION AND VANDALISM

PREPARED FOR

THE TASK FORCE ON VANDALISM

BY

JULIAN ROBERTS

1980

A. PUBLIC SURVEY RESEARCH

(1) FOREWORD

One of the most important components in any study of a pattern such as vandalism is the community's response. Since the law is supposed to reflect community values, we must be aware of current public attitudes to this issue. Accordingly, we set about gathering data that would measure concern in various Ontario locations. Several surveys of public responses to the problem of vandalism have already been carried out and the most important of these will be summarized here. We have not been able to undertake systematic, precise surveys, for obvious financial considerations. Instead we have attempted to gauge public concern over the problem of vandalism by mail, telephone and television surveys. Toronto has received most of our attention but we have also compared Toronto's responses to those gathered from smaller Ontario communities.

In order to get a representative, precise estimate of public opinion in a city the size of Toronto one needs a sample size and a response rate in excess of those reported here. This is why we advise the reader to regard these findings as indicators of how the public feels about the problem, rather than precise measures of their attitudes. Despite these constraints it is clear that many of the findings here are in accord with previous research on the problem. The reader's attention should therefore be upon the general tenor of the opinions gathered, rather than upon specific statistical estimates.

Where possible we have presented comparisons across communities, but on occasion such comparisons are imprecise because of variation in data collection methods.

(2) PREVIOUS RESEARCH IN ONTARIO

(a) Thunder Bay

In the summer of 1978 data were gathered from public respondents in Thunder Bay (Stewart, Rawlinson, Letwin and Stephenson, 1978). These come from a door-to-door survey of 339 persons which generated a completion rate of 76%. An overwhelming majority (96%) expressed either moderate or great concern for the problem of vandalism. Unfortunately the authors of the report do not separate this percentage into those expressing moderate and those expressing great concern. Clearly

the two adjectives are quite different and one would think they would warrant separate analysis.

A clue to the seriousness with which people in Thunder Bay view vandalism is provided by the question tapping responses to vandalism directed at the respondent's own home. If vandals were to attack the respondent's home, only half the sample indicated they would consider calling the police. This finding may be explained by the fact that only half the sample considered the police to be effective in such cases.

The sample was equally divided in their views as to whether vandalism was increasing because youth in general was losing respect for the police. Support for a program of restitution was very high and almost two-thirds (63%) advocated the use of stiffer penalties. There was minimal (21%) support for fining first offenders.

People were inclined to attribute a great deal of responsibility to youths themselves, and their parents, indicating they believed solutions to the problem of vandalism should include these two groups specifically. The police and the community in general were not seen as being responsible to any great extent.

"More public understanding of vandalism" was viewed as the most important preventive measure, followed by "education and control of drugs". Three quarters of the sample described an improved court system as an important or very important preventive measure.

(b) Nepean

Another public survey was conducted (City of Nepean, Vandalism Awareness Programs) (October 1979 through March 1980) in the township of Nepean. Note, however, that the results we shall discuss here are based upon a return rate of only 18.5%. Once again half the respondents thought it was worthwhile reporting an act of vandalism to the police, while the rest did not. The reasons for not calling the police are worth noting: 40% thought the police would be powerless to do anything; 42% felt the damage was too trifling to warrant calling; 15% dealt with the episode themselves, while a very small percentage (3%) feared retaliation. These data indicate that a significant minority are including minimal damage within their definition of vandalism, damage not worth troubling the police about. Fully 81% were aware of vandalism occurring in their neighbourhood, with the most frequent target being street signs.

The most frequently mentioned group in connection with attempts to curb vandalism was parents (27%), followed by police (20%) and schools (19%). Yet 40% of the sample felt education programs by the police and the Department of Parks and Recreation would be the most effective way of reducing vandalism in Nepean. Parental discipline was only mentioned by 14% of the respondents.

The reader should recall that these data come from a small percentage of the total sample and it is not unreasonable to expect that these respondents are the members of the public most concerned about vandalism. If it were possible to take a more random sample of people living in the area, the results might well be quite different.

(3) OTHER RESEARCH

An extensive survey of the public was carried out in Britain (Research Bureau Limited, 1977). Seven hundred residents were asked about the question of vandalism. They were asked what the most serious problems facing the nation were and they responded in the following way:

	%
Cost of living	76
Unemployment	61
Strikes	38
Violence	28
Vandalism	26
Education	15
Racial problems	12
Pollution	12
Health Service	11
Pensions	10

Although vandalism ranks fifth, it is worth noting that people see it as a more serious problem than education, race or pollution. When asked what they meant by vandalism, respondents mentioned damage to public property most frequently. They were also given a list of actions and asked to check those which they believed to be acts of vandalism. The more obvious acts -- such as breaking glass, damaging phone booths and writing obscene graffiti -- received high percentages of agreement (80 - 95% range).

However, other, less obvious activities were also seen as vandalism -- for example, knocking over dustbins (60%), littering (24%), letting dogs foul the pavement (29%), pinching fruit from a garden or orchard (21%). The subjects in this study seemed to be lumping various minor violations within the category of vandalism. It appeared that this heading was understood to refer to low-level lawlessness in general. If this is the case, then we must view the results with somewhat more caution, for many of the acts described above (e.g. stealing fruit) do not fit most definitions of vandalism. As the authors of this report note: "The term vandalism seems to have more serious connotations than damage to property" (p. iv).

Respondents were also asked to choose from a list the acts of vandalism that would be of most concern to them. Damage to public telephones was the most frequently selected act in this category, and this form of vandalism was regarded as "a really serious offence" by 87% of the sample.

Fully 90% of the people interviewed thought vandalism had been getting worse over the last five years. This figure is somewhat higher than the percentage in Ontario that believe vandalism is getting worse (approximately 2/3 as will be seen later). Generally speaking, however, the data we have gathered and read about indicate that the Canadian public hold similar beliefs to those reflected in the British study, although there does seem to be somewhat less concern here. This is not surprising; certain forms of British vandalism -- such as that associated with soccer violence -- are non-existent here.

(B) THE PRESENT RESEARCH

(1) TORONTO: PUBLIC SURVEYS

(a) First Wave

In the initial survey 200 questionnaires were sent by mail to a sample of names drawn randomly from the Toronto telephone directory. One name was selected from approximately every 20th page in the 2000 page volume. This technique has the usual drawbacks associated with telephone directory derived surveys, namely that those without telephones, those paying for an unlisted number and those who have recently moved are naturally excluded. Of the 200 sent, 65 were returned completed and a further 20 came back "Return to Sender" for a successful completion rate of 36%.

(b) Second Wave

Two weeks later a further 90 questionnaires were sent out. Since there had been some publicity about the topic of vandalism between the two waves, the two surveys were initially analyzed separately. Of the 90 sent, 31 were returned completed while a further 15 were "Returned to Sender" for a completion rate of 41%.

(c) Results

When the questions were analyzed they generated patterns of responses very similar to the first wave. Formal comparisons were then run on the items. On all analyses comparing the 2 samples no significant differences were found (all F ratios smaller than 1). Any publicity generated during the interwave period had not affected respondents' perceptions significantly. Thus the data from the 2 samples can be combined, generating a sample of 96 individuals and a completed response rate of 37%. (See Appendix A)

At this point the reader should be made aware of the deficiencies associated with mail surveys in general and this one in particular. The major problem concerns representativeness. Even if we had been able to contact all our potential subjects and had achieved a return rate of 100% it would be hard to generalize from these data to the whole city of Toronto. A response rate of 41% is not unusual in this kind of research but the reader should bear in mind that six out of ten respondents, for reasons which we shall never know, failed to return the questionnaire. The results we shall present, then, can give us a sense of how the community reacts to vandalism but should not be interpreted as scientifically representative of the residents of Toronto.

The first question we looked at was the proportion of our sample who had been victims of some form of vandalism within the previous year. Fully 37.5% reported such victimization. Since we did not probe any further we cannot say what kinds of vandalism these people had been subjected to. However, we do know that this variable did not affect responses to the other items we will be discussing below. That is to say, respondents' answers were unaffected by whether they had been vandalized or not.

In response to the question, "Is vandalism a serious problem in your community?", the most frequent response (45.7%) was, "Yes, vandalism is a moderately serious problem." Only 17% described it as a very serious problem while 37% said vandalism was not a problem or only a minor one.

Our respondents perceived schools (44.8%) and homes (28.7%) to be the most frequent targets of attacks. Almost two-thirds (63.7%) of the sample identified 15 - 20 year olds as the age group most responsible. A similar percentage (67.4%) felt that vandalism had increased over the past 5 years; only 3.3% felt it had decreased and almost 30% (29.3) thought there had been no change.

The next question asked whether an act of vandalism was more or less serious than a theft amounting to the same loss. Our respondents seemed to feel the vandalism was more serious (43.8%) or equally serious (49%). When asked how serious they thought it was to commit an act of vandalism, our subjects were given three categories: "Somewhat serious", "Quite serious" and "Very serious". Five per cent chose the first category, 31% the second and 64% the third. These figures were similar when respondents were asked about stealing an article from a store.

When asked about the probability of apprehension, most people thought the chances of getting caught were slim. Only 10% thought an offender would "probably or definitely get caught" whereas 59% thought there was a small chance and 28% a 50-50 chance. These probabilities were not significantly different when people were asked about theft from a store.

Turning to the treatment of offenders by the judicial system, over 2/3 of the sample (73%) believed the courts to be not harsh enough while a quarter felt they were too harsh. They were then asked about the most appropriate penalty for a first offence. The most popular prescription (26%) was a fine plus a period of community work. The options, and the percentage of people supporting each one, are presented in Table 1.

Table 1

MOST APPROPRIATE PENALTY FOR FIRST OFFENCE

<u>Penalty</u>	<u>Percentage of respondents in favour</u>
Warning	6
Probation	9
Small Fine	1
Fine to cover cost of damage (restitution)	20
Fine plus additional penalty	26
Period of community work	7
Fine plus community work	27
Detention	3

Table 3

TELEPHONE INTERVIEWS (TORONTO)
REASONS FOR FAILING TO COMPLETE INTERVIEW

	# of cases	% of original sample
Original sample	200	100%
Blank refusal	14	7
Language problems	12	6
Number no longer in service	26	13
Busy after 4 callbacks	16	8
No answer after 4 callbacks	20	10
Other	12	6
Completed	100	50

If a person was not reached after four callbacks the interviewer went on to another number. Random digit dialing was not used on account of the large proportion of commercial listings in the directory. Once a contact was made the interviewer conducted the interview with whoever was on the line.

Table 2

MOST EFFECTIVE WAY OF PREVENTING VANDALISM

<u>Solution</u>	<u>Percentage in favour</u>
Stricter parental supervision	21
Increased policing	12
Keep youth busy	9
Increase penalties	26
Restitution	6
Other	24
Don't know	3

(2) TORONTO: TELEPHONE SURVEY

Since the response rate was low with Toronto mail questionnaires, 100 telephone interviews were conducted. The sample was once again drawn from the Toronto telephone directory: 200 numbers were picked in the same manner as before. Interviews were conducted primarily in the evening but also in the early afternoon if the former time produced no result. Table 3 reveals the breakdown of reasons for failing to contact respondents. As one can see, the actual refusal rate is very low (7%). Technical and language problems accounted for most failures to complete an interview.

Results

Of the total sample 57% were female, 43% male. In response to the question of whether they had been vandalized within the past year, an overwhelming majority said no (80%). Nineteen percent had been victims and one person was not sure. Over half (11/20) of those vandalized had reported the incident to the police.

The question tapping perceptions of the seriousness of vandalism produced the following results. Respondents were asked: "How would you describe the issue of vandalism in your community?" Eleven percent described vandalism as "a very serious problem". Twenty-six percent chose "moderately serious"; the most frequent option (37%) was "only a minor problem" while 23% said vandalism was "no problem at all" in their community. Three percent did not know what to answer.

With respect to a theft of equal value, respondents were inclined to regard vandalism as more serious. Approximately half considered the two offences to be of equal seriousness.

Parallel with the mail survey data, a majority of people (61%) asked over the telephone thought the courts were not harsh enough towards individuals convicted of vandalism

offences. Seventeen percent thought the courts were harsh enough to offenders, while 21% did not know what to respond.

Responses to the question asking about the most appropriate penalty for first offenders generated the following table (see Table 4).

Table 4

MOST APPROPRIATE PENALTY FOR FIRST OFFENDER (TELEPHONE RESPONSES N = 100)

<u>Penalty</u>	<u># in favour</u>
Harder Laws	1
Jail	14
Probation	7
Restitution and fine	36
Community Work	2
Warning	7
Other	15
Don't know	18
	<u>100</u>

Once again the option of a fine in addition to restitution was the most popular penalty.

In Table 5 one can get the response to the question "what is the most effective way to prevent vandalism?"

Table 5

MOST EFFECTIVE WAY TO PREVENT VANDALISM

<u>Method</u>	<u># in favour</u>
Stricter parental supervision	22
Increased policing	18
Keep youth busy	11
Increase penalties	9
Restitution	3
Warning	2
Other	19
Don't know	16
	<u>100</u>

As with the mail survey, people seem to feel that parents of offenders should play a major role in any attempts to reduce the incidence of vandalism.

Only 19 of the 100 respondents in the telephone survey had been victims of vandalism within the previous year. This is lower than 37.5% rate reported in the mail survey. Of these 19, 11 reported the incident to the police, only 2 made an insurance claim and 6 took no action at all. Victimization did not relate in any significant way to responses on other questions, confirming a finding in the mail survey and suggesting, perhaps, that many of the incidents recalled by the respondents were not of sufficient severity to influence their attitudes towards vandalism as an offence or as a social problem.

(3) SMALLER ONTARIO COMMUNITIES

The same telephone questionnaire (plus an additional question relating to action taken following a vandalism episode) was used in the towns of Belleville, Cochrane, Timmins and Cobalt. Fifty respondents were contacted in Belleville and a further fifty from the last three towns for a total of 100. No significant differences emerged when the two groups were analyzed separately and so the data were combined and the results presented below are from the combined sample of 100 people.

High response rates were achieved in all communities. Table 6 shows the breakdown of dialled contacts (all four towns combined).

Table 6

TELEPHONE INTERVIEWS (ONTARIO)

	<u># of cases</u>	<u>% of sample</u>
Original sample	180	100%
Blank refusals	7	3.8
Language problems	11	6.1
Number no longer in service	12	6.6
No answer/busy after 4 call back	50	27.7
Completed	100	55.5

Thus fully 85% of those actually reached agreed to participate in the study. The same contact technique used in the Toronto telephone survey was used again. We can be fairly

sure then that people were not self-selecting themselves into or out of the study (the most common problem with other kinds of surveys) except to the extent that they were unreachable.

Results

A greater proportion (69%) of females formed this sample, although the telephoning had been carried out at the same time of day. Fourteen percent had been vandalized within the previous year. Of those who had been victims of some form of vandalism, nine reported the incident to the police while the other five took no action.

When asked about the seriousness of vandalism in their communities, respondents generally thought it was a serious problem: 42% described the problem as moderately serious, or very serious (14%), while 41% used the options "minor problem" or "no problem". The rest gave no response to this particular question.

Once more in keeping with the Toronto survey data, the vast majority of people thought an act of vandalism was "somewhat more serious" or "equally serious" as compared to a theft of equal value. The former option was chosen by 42% and the latter by 45%. Only 11% thought an act of vandalism was somewhat less serious an offence.

Almost two-thirds believed the courts were insufficiently harsh towards convicted vandals, 21% thought the courts were severe enough.

Table 7 presents the penalties chosen by this sample as being most appropriate to first offenders.

Table 7

MOST APPROPRIATE PENALTY FOR FIRST OFFENDERS

<u>Penalty</u>	<u>% in favour</u>
Jail	8
Probation	8
Restitution plus fine	44
Community work	3
Warning	5
Other	12
Don't know	20
	<u>100</u>

The restitution plus fine option was clearly the most popular one.

Table 8 presents responses to the question, "What do you think is the most effective way of preventing vandalism?"

Table 8

MOST EFFECTIVE WAY TO PREVENT VANDALISM

<u>Method</u>	<u>% in favour</u>
More penalties	8
Stricter parents	23
Increased policing	8
Educational means	20
Keep youth busy	8
Don't know	33
	<u>100</u>

Once again people seem to believe that the solution lies with the parents and the educational system rather than anything else.

Whether a person had been a victim of vandalism was related (not surprisingly) to their perception of how serious the problem was in their community. A cross-tabulation of the two variables is presented in Table 9.

Table 9

RELATIONSHIP BETWEEN VICTIMIZATION AND PERCEPTION OF SERIOUSNESS

<u>Have you been a victim?</u>	<u>Is the problem:</u>			
	<u>Very serious</u>	<u>Moderately</u>	<u>Minor</u>	<u>No problem</u>
Yes	5	4	4	0
No	9	38	25	12*

* missing responses - 3%

Using a Chi-square statistic this relationship is reliable at the .03 level ($\chi^2 = 8.41$, d.f. = 3.), meaning that there are only 3 chances in 100 that the relationship could have emerged by chance. This was the first time in these surveys that victimization was related to responses to one of the attitude scales.

(4) ATTITUDES TO VANDALISM IN LONDON, ONTARIO

In addition to the public surveys conducted by mail and telephone, the Task Force was able to sample public opinion in another, more technologically advanced manner. On November 19, the Chairman of the Task Force and two other members participated in a live two-way television programme in London, Ontario.

Cablecast (a subsidiary of Maclean Hunter) is a cable TV company in London that has equipped 250 of its subscribers with equipment by which they can respond to questions asked on-air. Thus Cablecast can get an instant reading of subscribers' reactions. Questions similar to those asked in the mail and phone surveys were used on the air, and viewers' responses were tabulated to compare with previous findings. One advantage of this system is that it enables the researcher to give feedback to the public, after which attitudes can once again be measured.

A letter was sent to each of the 250 participants in the cablecast system, describing the Task Force and encouraging people to tune in to the program. Of this total 140 actually participated. The following results are based upon a sample size of 140 which is 56% of the original 250.

Results

Presumably those people who were most interested in the problem tuned into the show. In any event viewers did indicate more concern with vandalism than previous surveys (71% said that vandalism was a very serious or moderately serious problem in their community). They saw schools as the most frequent targets of vandalism (as did the public in the mail surveys). In addition the majority (60%) felt the 13 - 16 age group were most responsible for acts of vandalism: this is an accurate perception.

Only 35% felt that vandalism had increased; the most popular response (46%) was that it had remained the same. This contrasts with previous surveys and appears to be closer to the

truth than those earlier estimates. The London viewers did agree with Toronto (and other) respondents that an act of vandalism was more serious than a theft amounting to the same financial loss.

Viewers were then asked the following question: "Should young persons convicted of vandalism more than once be jailed?"

% Choosing each option

1) Yes, in all cases	9
2) Yes, in most cases	36
3) Only in unusual cases	49
4) No	6

Having responded, the viewers were presented with a discussion of the question, during which reasons for and against incarceration were raised. They were then asked to answer the question again, "after considering these points..." On the second occasion the question produced this distribution of responses:

% Choosing each option

1) Yes, in all cases	9
2) Yes, in most cases	22
3) Only in unusual cases	63
4) No	4

There is a definite shift of opinion: whereas previously 45% favoured incarceration in most or all cases, 31% now selected one of these two options.

This strategy was adopted with a second question relating to parental responsibility. Viewers were asked whether "parents should have to pay for vandalism by their children". They responded in the following manner:

% Choosing each option

1) Yes, in all cases	21
2) Yes, in most cases	32
3) Only in unusual cases	34
4) No	13

Following the on-camera discussion about this issue, the responses assumed the following form:

% Choosing each option

1) Yes, in all cases	18
2) Yes, in most cases	20
3) Only in unusual cases	46
4) No	16

As one can see there was a shift away from holding parents responsible (47% compared to 62% choosing the latter two options) a move toward the position advocated by discussants in the 4 minute discussion period.

Since we do not have data on individuals in the system we cannot be absolutely sure that there was a shift in opinion; it is however reasonable to assume one. Because this was a small scale show in terms of the number of people participating, and because the respondents were not very representative of the general population, it is hard to draw firm, generalizable conclusions. Nevertheless it does strongly suggest that public attitudes towards vandalism are not as inflexible as one might have thought, and that these attitudes can be changed by informed discussions about the issue.

(5) CROSS COMMUNITY COMPARISONS

In order to see whether attitudes towards vandalism vary over different communities, we will now present in table form comparisons among the samples. The Toronto telephone survey is compared with data gathered from the smaller Ontario towns and the London TV survey.

We will begin with the question relating to the seriousness of vandalism:

Q. Is vandalism a serious problem in your community?

Location	Very serious	Moderately serious	Minor problem	No problem
Toronto	11	26	37	23
Small towns	14	42	29	12
London	35	36	28	1

NOTE: rows do not add exactly to 100 on account of "don't know" responses.

The fact that London residents view the problem as more serious probably just reflects the fact that a more self-selected sample of people responded to the survey. Of all the samples drawn in this project the London one was the most

unrepresentative. The other communities are quite similar in their outlook.

The next question relates to the comparison between an act of vandalism and a theft of equal value.

Q. In comparison to a \$100 theft, do you think that an act of wilful destruction amounting to the same cost is:

Location	Somewhat more serious	Same	Somewhat less serious
Toronto	30	54	12
Small towns	42	45	11
London	34	51	15

Although there is some variation across communities, people everywhere are more inclined to view vandalism as more serious than a theft of equal value.

Q. Do you think the courts are too harsh towards people convicted of vandalism offences?

Location	Too harsh	About right	Not harsh enough
Toronto	1	17	61
Small towns	0	21	64
London	Not asked	-	-

These data confirm national opinion polls which show great support for increasing the severity of court-imposed sanctions.

Q. What is the best way of preventing vandalism?

Solution	Location	
	Toronto	Small towns
More penalties	9	6
Better parents	22	23
More policing	18	8
Keep kids busy	11	8
Educational means	19	20
Don't know	16	33
Other	5	2
	<u>100</u>	<u>100</u>

Q. What is the appropriate penalty for a first time offender?

REFERENCES

<u>Penalty</u>	<u>Location</u>	
	<u>Toronto</u>	<u>Small towns</u>
Jail	14	8
Probation	7	8
Restitution and fine	36	44
Community work	2	3
Warning	7	5
Other	34	32
	<u>100</u>	<u>100</u>

Nepean Police Force, Vandalism Awareness Program, City of Nepean, 1978.

Research Bureau Limited. Vandalism Research: A survey of the general public. London, Central Office of Information, 1977.

Stewart, S., Rawlinson, E., Letwin, M. and Stephenson, B. Attacks on Society...A study of Vandalism in Thunder Bay. City of Thunder Bay, 1978.

(6) CONCLUSIONS

It appears then that the public in Ontario regard vandalism as a serious social problem. Respondents to our surveys saw vandalism as increasing over the past few years, and the majority also felt that the judicial system was too lenient towards offenders convicted of vandalism offences. There was also substantial support for parental liability for acts of vandalism committed by their children. Restitution plus a fine was the most popular penalty for first offenders. There was some indication, from the two-way cable t.v. study, that attitudes towards these issues may be less deeply-held than at first thought: when provided with new information people's opinions shift significantly. Finally, there seems to be consistency across Ontario in public attitudes to vandalism.

APPENDIX A

Toronto Mail Survey Data

Task Force on Vandalism

% Choosing
each option

1. Is vandalism a serious problem in your community? (circle one answer)

17.0	a) Yes, it's a very serious problem
45.7	b) It is a moderately serious problem
30.9	c) It is only a minor problem
6.4	d) It is no problem at all

2. Which of the following is most often the target of vandals in your community?

44.8	a) schools
6.9	b) public transit systems
9.2	c) parks
28.7	d) private homes
10.3	e) cars

3. Which of the following age groups do you think is most responsible for acts of vandalism?

33.0	a) 10-15 year olds
63.7	b) 15-20 year olds
3.3	c) 20-25 year olds

% Choosing
each option

4. Over the past 5 years has the amount of vandalism:

67.4	a) increased
3.3	b) decreased
29.3	c) remained about the same

5. In comparison to a \$100 theft, do you think that an act of wilful destruction amounting to the same cost is:

43.8	a) somewhat more serious
49.0	b) equally serious
7.3	c) somewhat less serious

For questions 6, 7 and 8 check off the box which best describes how serious you think these offences are:

	Somewhat serious	Quite serious	Very serious
--	---------------------	------------------	-----------------

6. How serious do you think it is to commit an act of vandalism?	5.3	30.5	64.2
7. How serious do you think it is to steal something from a store?	8.4	30.5	61.1
8. How serious do you think it is to break into a house or store?	1.1	13.7	85.3

APPENDIX A (cont'd)

For questions 9, 10 and 11 check which best describes the chances of getting caught.

	Would never get caught	Small chance of getting caught	Would probably get caught	Would definitely get caught
--	------------------------	--------------------------------	---------------------------	-----------------------------

9. If a young person were to commit an act of vandalism, what do you think would be the chances of getting caught?

3.2	58.9	28.4	6.3	3.2
-----	------	------	-----	-----

10. If a young person were to steal something from a store, what do you think would be the chances of getting caught?

0	27.4	53.7	17.9	1.1
---	------	------	------	-----

11. If a young person were to break into a house or store, what do you think would be the chances of getting caught?

2.1	26.3	46.3	20.0	5.3
-----	------	------	------	-----

% Choosing each option

12. Roughly what percentage of all juveniles do you think commit acts of vandalism at one time or another? (please circle one)
- 35.1 a) 0-20%
 - 21.4 b) 21-40%
 - 18.1 c) 41-60%
 - 17.0 d) 61-80%
 - 2.1 e) 81-100%
 - 6.3 f) don't know

APPENDIX A (cont'd)% Choosing each option

13. Do you think the courts are too harsh towards people convicted of vandalism offences, not harsh enough, or about right?

2.2	a) too harsh
72.5	b) not harsh enough
25.3	c) about right

14. Which of the following do you think is the most appropriate penalty for a young person convicted for the first time of an act of vandalism?

6.3	a) a warning
9.4	b) a period of probation
1.0	c) a small fine
19.8	d) a fine equal to the value of the damage
26.0	e) a fine to cover costs <u>plus</u> an additional penalty
7.3	f) a period of community work
27.1	g) a fine <u>plus</u> a period of community work
3.1	h) detention of the offender

15. Do you think parents should generally be held financially responsible for any acts of vandalism for their children?

76.6	a) Yes
23.4	b) No

APPENDIX A (cont'd)

% Choosing
each option

16. What do you think is the most effective way of preventing vandalism?

- | | |
|------|----------------------------------|
| 20.8 | 1) Stricter parental supervision |
| 11.7 | 2) Increased policing |
| 9.1 | 3) Keep youth busy |
| 26.0 | 4) Increase penalties |
| 24.7 | 5) Other |
| 2.6 | 6) Don't know |
| 5.2 | 7) Restitution |

APPENDIX 4

THE COSTS OF VANDALISM: A SURVEY OF INSURANCE DATA

PREPARED FOR

THE TASK FORCE ON VANDALISM

BY

JULIAN ROBERTS

1980

17. Check off the statement below which you agree with the most:

- | | |
|------|--|
| 8.5 | People who break the law are almost always caught and punished |
| 63.8 | People who break the law are sometimes caught and punished |
| 25.5 | People who break the law are seldom caught and punished |
| 2.1 | People who break the law are almost never caught and punished |

18. Has any property belonging to you or (your family) been vandalised within the past 12 months?

- | | |
|------|-----|
| 37.5 | Yes |
| 62.5 | No |

One of the aims of the Task Force was to try to estimate whether vandalism costs in the community are increasing. One source of such information (largely for the private sector) is the cost to insurers of damage to property attributed to vandalism.

Since insurance companies do not keep specific records for payments made on vandalism claims, any attempt to assess trends in vandalism will necessarily be tentative. We are primarily concerned with one question: has vandalism increased in Ontario during recent years? In order to answer this question we have grappled with various kinds of data, in the hope of converging upon a general conclusion. Where we have been in doubt as to the meaning of a set of data we have deliberately not included it in this brief report.

For example, wilful destruction of property by fire could be considered vandalism. Such incidents could be a major source of insurance claims. The Insurance Bureau of Canada appears to place all fire losses in a category separate from vandalism. Vandalism itself shares a category with Glass and Smoke damage claims. Thus in this report all references to vandalism are, in fact, references to vandalism, smoke and glass damage claims. The figures we present here are drawn from the Insurance Bureau of Canada Personal Lines Statistical Exhibits: 1979 and we gratefully acknowledge the aid of the Insurance Bureau of Canada in culling these statistics from this source.

The reader should remember that these data were collected by the Insurance Bureau of Canada for reasons quite different from our own. Hence it is not a criticism of the Insurance Bureau that in many ways their data are not ideal for our purposes.

Since the number of insurance policies is obviously related to any statistics reflecting losses, Table 1 and Table 2 present the number of policies over the last few years, for three Ontario Regions. As one can see, the figures, especially for total number of policies, are quite stable over time.

It also should be noted that the number and proportion of policies with deductible amounts have increased (Table 3). The implications of this increase for the other comparisons in this report are not clear.

Table 1

NUMBER OF POLICIES BY YEAR: ONTARIO REGIONS

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Southern Ontario	2,152,108	2,140,935	2,091,666	2,026,331	2,003,193
Northern Ontario	139,406	135,784	124,291	113,239	107,703
North-west Ontario	<u>76,808</u>	<u>75,062</u>	<u>71,341</u>	<u>69,506</u>	<u>68,673</u>
Total Ontario	2,368,322	2,351,781	2,287,298	2,209,076	2,179,569

Table 2

POLICIES WITH DEDUCTIBLES: ONTARIO REGIONS

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Southern Ontario	604,027	1,157,355	1,569,000	1,659,193	1,718,523
Northern Ontario	44,245	85,059	103,272	99,572	96,677
North-west Ontario	<u>30,967</u>	<u>52,530</u>	<u>65,226</u>	<u>65,003</u>	<u>64,722</u>
Total Ontario	679,239	1,294,944	1,737,489	1,823,768	1,879,922

Table 3

PROPORTION OF POLICIES WITH DEDUCTIBLES

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Southern Ontario	.28	.54	.75	.81	.86
Northern Ontario	.32	.63	.83	.88	.90
North-west Ontario	.40	.70	.91	.93	.94
Total Ontario	.29	.55	.76	.82	.86

Table 4 presents the number of incidents of vandalism claimed for the 5-year period (1974 - 1979). These data reveal a rather different pattern: they are less stable than the number of policies, and seem to reflect an increase over time.

Table 4

NUMBER OF INCIDENTS OF VANDALISM CLAIMED (1974 - 1979): ONTARIO REGIONS

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Southern Ontario	3,921	3,898	4,517	4,832	4,497	6,040
Northern Ontario	275	269	302	223	240	288
North-west Ontario	167	152	130	131	120	136
Total Province	4,363	4,346	4,949	5,186	4,857	6,464
% change from previous year	-1	14	5	-6	33	
Figure as a % of 1974 level	99.6	113.4	118.9	111.3	148.2	

From here it is a simple step to Table 5, which presents the number of incidents claimed divided by the number of policies per year.

Table 5

NUMBER OF VANDALISM INCIDENTS PER 1000 ONTARIO, 1974 - 1978

1974	1.84
1975	1.84
1976	2.16
1977	2.34
1978	2.22

These data seem to show an increase, to some degree at least, over the 5 year period. This conclusion is supported by Table 6, which presents dollar losses due to vandalism over the 5 year period.

Table 6
INCURRED LOSS DUE TO VANDALISM:
ONTARIO REGIONS: (1974 - 1979)

	<u>1974</u>	<u>1975</u>	<u>1976</u>
Southern Ontario	\$1,393,391	\$1,782,442	\$2,072,224
Northern Ontario	76,430	119,954	116,558
North-west Ontario	55,809	93,795	44,705
Total Ontario	\$1,525,630	\$1,996,191	\$2,233,487
% change from previous year		31	12

Table 7

DOLLAR COSTS OF VANDALISM PER POLICY
ONTARIO, 1974 - 1979

1974	64.4¢
1975	84.9¢
1976	97.6¢
1977	\$1.29
1978	\$1.49

Although there is a considerable increase from 1974 through 1979 in the total dollar amount and in the amount per policy the reader must bear in mind that these figures are not corrected for inflation, which may account for a considerable proportion of the increase.

Another way of approaching the problem is to see whether vandalism is increasing relative to other kinds of insurance claims. Table 8 presents vandalism costs as a percentage of total insurance losses from 1974 - 1979.

Table 8

VANDALISM (GLASS AND SMOKE DAMAGE INCLUDED) COSTS AS A % OF TOTAL LOSSES: ALL POLICIES SOUTHERN ONTARIO 1974 - 1979

	<u>1977</u>	<u>1978</u>	<u>1979</u>
Southern Ontario	\$2,690,460	\$3,055,967	\$3,334,259
Northern Ontario	124,509	131,562	126,431
North-west Ontario	42,992	51,104	62,123
Total Ontario	\$2,857,961	\$3,238,633	\$3,532,813
% change from previous year	28	13	9

1974	3.5
1975	3.5
1976	3.4
1977	4.1
1978	4.3
1979	5.4

These data seem to reflect an increase in the relative amount of vandalism over time.

Variation across various Ontario urban centres can be seen in Table 9. Once again, there does not seem to be much systematic increase, nor is there a great deal of variability from city to city.

Table 9

VANDALISM COSTS AS % OF TOTAL INCURRED LOSSES: PRINCIPAL SOUTHERN ONTARIO CITIES, HOMEOWNERS POLICIES, STANDARD FORM

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Toronto	5	6	4	5	5
Hamilton	3	4	5	5	5
Ottawa	5	4	7	6	6
Windsor	4	4	6	6	6
Niagara	3	4	5	4	3

Tables 10 through 17 approach the problem in a more comprehensive way. They present percentage losses - both of dollars and numbers - due to smoke, glass, vandalism for all the major kinds of insurance policies. For instance, Table 10 presents the percentage of dollar losses attributed to this cause for homeowners policies over a five year period.

The Ontario Statistics - with which we are most concerned - do not reveal an increase, dramatic or otherwise, across the five years. All the years after 1976, for example, have lower rates than those that precede this year. Moreover, the Ontario figures do not seem to be significantly higher than the national average, although nor are they lower. If anything, these data seem to reflect fluctuations over time that do not conform to any linear trend. Winnipeg, for example, (in Table 10) went from almost five percent loss due to vandalism/smoke/glass in 1974 to just over two percent the following year. Likewise for the whole province of Manitoba the 1979 figure (2.2%) is only slightly more than half that of the 1974 rating (4.0%). Indeed, the national data (Table 10, last line) reveal a dropping off such that the last three years of the six-year period are 25% less than the first three.

One additional point about Tables 10 - 17 is worth noting. Frequently the loss attributed to this cause is listed in the original documentation we received as "less than 1%". When we encountered entries to this effect (and there were many) we estimated the figure to be .9%. Clearly this leads to an inflation of the true amounts and the reader should bear this in mind in conjunction with the fact that all these figures represent more than just damage due to the vandalism alone.

Table 10

% OF INCURRED LOSS AMOUNTS ATTRIBUTED TO VANDALISM, GLASS & SMOKE: HOMEOWNERS STANDARD AND BROADFORM COMBINED, 1974 - 1979

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Metropolitan Toronto	4.0	4.9	3.1	3.9	3.3	3.0
Southern Ontario	4.0	4.0	3.0	4.0	4.1	3.0
Northern Ontario	3.0*	4.0	3.9	3.0	3.0	2.0
North Western Ontario	3.0	6.0	1.9*	2.2	2.1	2.0
Quebec	4.0	3.0	3.1	3.0	3.0	3.0
Winnipeg	4.9	2.1	2.2	2.9*	1.0*	3.0
Manitoba	4.0	2.0	2.2	2.8*	1.0	2.2
Calgary	5.0	4.0	4.3	4.4	3.8	3.0
Alberta	4.4	3.5	3.5	4.2	2.7	3.8
Vancouver	2.9	2.3	2.8	3.2	2.0	2.1
British Columbia	3.1	3.1	2.9	3.1	2.0	2.1
Canada	4.0	3.9	3.0	3.1	3.0	3.0

* One category estimated as .9% when loss amounts to less than 1 per cent of total.

Table 11

% OF INCURRED LOSS AMOUNTS ATTRIBUTED TO VANDALISM, GLASS AND SMOKE: HOUSEHOLDERS POLICIES, DWELLINGS UP TO 6 FAMILIES AND APARTMENTS COMBINED, 1974 - 1979

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Metropolitan Toronto	2.6*	2.0	1.0*	1.0	1.9	1.3
Southern Ontario	1.9	1.9	2.9	2.0	1.9	1.0
Northern Ontario	1.0*	2.0*	2.9*	1.9*	.9*	.9*
North Western Ontario	.9*	.9*	.9*	.9*	.9*	.9*
Quebec	1.8	1.0	1.3	1.9*	1.0	1.0
Winnipeg	1.8*	3.3	.9*	.9*	.9*	2.7*
Manitoba	1.8*	2.3	.9*	1.0*	.9*	2.8*
Calgary	.9*	.9*	.9*	.9*	.9*	.9*
Alberta	.9*	.9*	.9*	3.9*	.9*	.9*
Vancouver	.9*	1.0*	1.0*	.9*	.9*	.9*
British Columbia	.9*	1.0*	1.0*	.9*	.9*	.9
Canada	1.9	1.9	1.3	1.9	1.9	1.0

* One category estimated as .9% when loss amounts to less than 1 per cent of total.

Table 12

% OF INCURRED LOSS AMOUNTS ATTRIBUTED TO VANDALISM, GLASS AND SMOKE: FIRE AND FIRE WITH EXTENDED COVERAGE POLICIES, BUILDINGS AND CONTENTS COMBINED, 1974 - 1979

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Metropolitan Toronto	4.1	5.0	2.0	3.1	3.0	4.0
Southern Ontario	3.0	3.9	3.1	3.1	3.0	3.9
Northern Ontario	2.0	2.2	2.0	1.0	1.1	2.1
North Western Ontario	3.7	3.0	3.8	1.8*	1.0*	1.9
Quebec	4.0	3.2	3.0	2.2	2.2	2.1
Winnipeg	2.8*	5.8	1.9	4.1	1.0*	2.9
Manitoba	2.9	4.7	1.9	4.0	1.0*	1.9
Calgary	2.8	2.9	2.9*	5.9	8.9	5.9
Alberta	2.0	2.0	3.0	3.8	4.8	4.0
Vancouver	3.0	3.0	4.1	2.0*	4.9*	2.0*
British Columbia	2.9	2.9	3.9	2.0	3.9	2.9*
Canada	3.0	3.0	3.0	3.0	3.0	3.0

* One category estimated as .9% when loss amounts to less than 1 per cent of total.

Table 13

% OF INCURRED LOSS AMOUNTS ATTRIBUTED TO VANDALISM, GLASS AND SMOKE: TENANT'S PACKAGE APARTMENTS AND 1 - 6 FAMILY DWELLINGS, 1974 - 1979

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Metropolitan Toronto	1.4	1.2	1.3	1.7	1.0	1.3
Southern Ontario	2.4	1.4	1.8	2.0	1.4	1.4
Northern Ontario	1.0	4.1	.9*	3.5	2.0	1.0*
North Western Ontario	17.2	4.3	3.8*	.9*	2.8	1.0
Quebec	2.0	2.0	1.4	1.0	1.6	1.0
Winnipeg	2.3	1.0	2.2	1.0	.9*	1.5
Manitoba	2.0	1.6	1.9	1.0	.9*	1.5
Calgary	1.0	1.6*	1.0	.9*	.9*	2.0
Alberta	2.0	1.5	.9*	.9*	.9*	1.6*
Vancouver	1.0	1.6	1.0*	1.0*	1.0	1.0
British Columbia	1.0	1.0	.9*	1.0	1.0	1.0
Canada	2.0	2.0	1.5	1.8	1.5	1.0

* One category estimated as .9% when loss amounts to less than 1 per cent of total.

Table 14

% LOSSES DUE TO VANDALISM/SMOKE/GLASS:
HOMEOWNERS STANDARD AND BROADFORM COMBINED, 1974 - 1979

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Metropolitan Toronto	5.0	6.0	3.9	5.0	5.1	3.9
Southern Ontario	5.0	5.0	4.9	5.9	5.0	7.5
Northern Ontario	8.0*	7.0	6.1	8.0*	7.0*	7.0
North Western Ontario	7.1	6.1	5.9	8.6	6.4	7.1
Quebec	6.0	5.0	8.0	7.0	7.0	8.9
Winnipeg	7.8	5.0	5.0	6.0	2.0	5.9
Manitoba	7.9	6.0	6.0	6.0	2.0	6.0
Calgary	11.0	13.0	11.5	13.0	13.0	10.3
Alberta	10.0	11.3	10.4	10.6	11.1	10.3
Vancouver	10.3	10.0	12.2	11.0	8.4	6.0
British Columbia	11.6	13.7	15.8	12.9	9.1	8.1
Canada	7.0	7.0	6.9	7.9	7.0	6.9

* Category estimated as .9% when loss amounts to less than 1 per cent of total.

Table 15

% LOSSES DUE TO VANDALISM/SMOKE/GLASS:
TENANT'S PACKAGE APARTMENT BUILDINGS AND FAMILY DWELLINGS,
1974 - 1979

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Metropolitan Toronto	1.4	1.2	1.3	1.0	1.0	1.0
Southern Ontario	2.4	1.4	1.4	1.4	1.4	1.4
Northern Ontario	2.6	7.0	1.0	3.3	1.0	1.0
North Western Ontario	7.7	4.5	2.3*	1.2	2.3	2.0
Quebec	2.0	1.3	2.0	1.3	1.3	1.6
Winnipeg	2.7	1.0	1.3	1.2	1.0*	1.0
Manitoba	2.4	1.4	1.3	1.3	1.0*	1.9
Calgary	1.5	1.4	1.6	1.0	.9*	1.0
Alberta	3.1	1.5	1.0	1.0	1.0	1.0
Vancouver	1.0	1.0	.9*	1.0	1.0	1.0
British Columbia	1.0	1.0	1.0	1.0	1.0	1.0
Canada	2.0	1.5	1.5	1.5	1.5	1.5

* Category estimated as .9% when loss amounts to less than 1 per cent of total.

Table 16

% LOSSES DUE TO VANDALISM/SMOKE/GLASS:
FIRE POLICIES WITH EXTENDED COVERAGE,
BUILDINGS AND CONTENTS COMBINED: 1974 - 1979

	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>
Metropolitan Toronto	5.0	6.0	3.2	5.2	5.0	4.0
Southern Ontario	4.8	5.8	5.0	7.8	6.7	7.9
Northern Ontario	6.0	4.6	4.8	4.5	6.1	3.4
North Western Ontario	6.7	9.2	9.8	4.3*	3.5*	8.1
Quebec	6.4	6.7	7.4	8.9	8.4	9.8
Winnipeg	6.3	4.9	4.9	8.2	1.9*	6.0
Manitoba	6.6	5.0	3.7	5.8	1.0	5.0
Calgary	10.0*	9.1	3.9*	11.5	12.7	11.7
Alberta	6.2	6.0	4.6	8.7	9.3	8.6
Vancouver	10.3	5.9	11.4	11.2*	13.5	10.4*
British Columbia	8.9	6.8	11.4	13.9	14.0	9.5
Canada	6.4	6.0	5.0	7.8	7.6	8.9

* Category estimated as .9% when loss amounts to less than 1 per cent of total.

Table 17

% LOSSES DUE TO VANDALISM/SMOKE/GLASS:
 HOUSEHOLDERS POLICIES, DWELLINGS UP TO 6 FAMILIES
 AND APARTMENTS COMBINED, 1974 - 1979

	1974	1975	1976	1977	1978	1979
Metropolitan Toronto	1.7*	1.2	1.0	1.0	1.0*	2.3
Southern Ontario	1.0	1.0	1.0	1.9	1.9	1.1
Northern Ontario	1.8*	1.0*	2.9*	2.9*	.9*	.9*
North Western Ontario	2.0*	.9*	3.9*	.9*	.9*	.9*
Quebec	1.9	2.0	2.3	1.9	2.0	2.0
Winnipeg	1.8	2.1	.9*	.9*	.9*	.9*
Manitoba	1.9*	2.0	.9*	.9*	.9*	.9*
Calgary	.9*	.9*	.9*	.9*	.9*	.9*
Alberta	.9*	.9*	.9*	.9*	.9*	.9*
Vancouver	.9*	.9*	.9*	.9*	.9*	.9*
British Columbia	.9*	.9*	.9*	.9*	.9*	.9
Canada	1.9	2.0	1.2	1.9	1.9	1.0

* Category estimated as .9% when loss amounts to less than 1 per cent of total.

The rest of these Tables (11 - 17) show a similar pattern: no real increases for any city or province. Table 11, for instance, shows 1979 losses to be approximately half those of 1974, for Metropolitan Toronto, Southern Ontario and Canada as a whole. The rest of the country's data for this table are frequently under 1 percent.

Data for buildings (fire and fire with extended coverage, contents of premises included) show higher amounts but still seem to be under five percent on almost all readings. They also seem to be more stable: see by way of illustration the national percentages (last line Table 12). Once again Southern Ontario does not appear to be significantly higher than those national averages.

Tables 14 through 17 present percentages of losses due to this category, a slightly different index of the damage caused by vandalism. The figures in these tables are somewhat higher -- if we compare the Canada data from Table 14 with the same country-wide figures from Table 8 we can see that they are over the 5% mark in the former but under in the latter. That is to suggest, not surprisingly, that vandalism accounts for a greater percentage of number of losses than it does for actual dollar amounts: vandalism claims, then, turn out to be, on the average, smaller than the average claim.

Otherwise the data are similar in that they do not reflect any systematic increase over time. Metro Toronto (for homeowners and broad forms combined (Table 14)) statistics for 1974 account for 5% of losses whereas in 1979 this figure is only 3.9. Southern Ontario as a whole shows an increase (5.0 in 1974; 7.5 in 1979) but the intervening years, 1975 - 1978 are quite stable.

Table 18 collapses even more categories in an attempt to simplify the data. For six locations it presents average loss amounts divided into two time periods and serves to underline the impression gained from scanning Tables 13 through 17. There does not appear to be a systematic increase over time. In fact, five of the six show a slight decrease, the only exception being Calgary which rose from 2.3% in the first half of this six-year span to 3.0% in the second half.

Table 18

AVERAGE % LOSS AMOUNTS, ALL POLICIES COMBINED
(TABLES 8 - 11) DUE TO VANDALISM/SMOKE/GLASS

	<u>1974 - 1976</u>	<u>1977 - 1979</u>	<u>Difference</u>
Metropolitan Toronto	2.7	2.4	-.3
Southern Ontario	2.8	2.6	-.2
Calgary	2.3	3.0	+.7
Vancouver	2.0	1.8	-.2
British Columbia	2.0	1.8	-.2
Canada	2.5	2.3	-.2

Table 19

TORONTO % LOSS AMOUNTS COMPARED TO
3 OTHER CANADIAN CITIES, 1974 - 1979

	# of times Toronto was:		
	<u>Less</u>	<u>Same</u>	<u>More</u>
Winnipeg	8	1	15
Calgary	9	1	14
Vancouver	3	2	19
TOTAL	20	4	48

Table 18 does show that Metropolitan Toronto (and Southern Ontario in general) had a slightly higher overall loss rate compared to the national average. The following Tables (Tables 19 and 20) confirm this by comparing Toronto to other Canadian cities: Winnipeg, Calgary and Vancouver. All three usually have rates lower than Toronto but as the following table shows these cities have more actual incidents than Metropolitan Toronto. There could be many reasons why there are more

incidents but less damage in westerly locations. One could be that there are different reporting practices, people may report (and then claim) more trivial incidents in those areas. Alternatively vandalism may take a more benign form and manifest itself in less serious ways, such as occasional broken windows rather than more systematic destruction.

Table 20

TORONTO % LOSSES COMPARED TO 3 OTHER
CANADIAN CITIES, 1974 - 1979, # OF INCIDENTS

	# of times Toronto was:		
	<u>Less</u>	<u>Same</u>	<u>More</u>
Winnipeg	12	3	9
Calgary	15	2	7
Vancouver	12	2	10
TOTAL	39	7	26

CONCLUSIONS

From this collection of diverse and occasionally conflicting data several conclusions can be drawn. First of all we must acknowledge that any attempt to estimate the cost of vandalism to communities in Ontario is fraught with difficulties. The exact extent of wilful damage cannot be directly ascertained given the statistics available at the present time. The reasons for this have been covered elsewhere in the Task Force's final report and need not be repeated here. However, with regard to insurance data it is obvious that when vandalism costs are just a part of a larger category ("Glass, smoke, vandalism") any statements about their stability will be inferences rather than direct estimates.

The major conclusion we have come to after examining the insurance data in our possession is that vandalism is not costing Ontario communities more now than it did five years ago. Although vandalism costs (in this instance, dollar amounts of pay outs to vandalized policy-holders) are on the rise, this increase can easily be accounted for by increased costs associated with replacement materials. When compared to other insurance

categories such as theft or fire, vandalism costs seem to be quite stable and do not seem to be increasing as a proportion of insurance dollars paid out.

There does appear to be a fair amount of regional variation, and occasionally some incident or series of incidents drives up the figure attributable to vandalism but usually the following year sees a return to a fairly stable figure.

To return to the initial question of whether costs have increased substantially, we must say that the data we have examined, imperfect though they are, do not support the view that there has been a dramatic increase in vandalism costs over the past few years in the province of Ontario.

APPENDIX 5

A PILOT STUDY OF VANDALS IN TRAINING SCHOOLS

PREPARED FOR

THE TASK FORCE ON VANDALISM

BY

ALEXIS SINGER

1980

CONTINUED

4 OF 6

This study was designed to obtain some preliminary information from a limited sample of training school wards on their impressions and feelings about acts of vandalism they had committed. It was meant to supplement the data collected in the schools on self-reported vandalism.

The sample involved -- training school wards -- is obviously an extreme one in terms of the difficulties they have had in adjusting to the demands and restraints put on them by society. Thus in reading this report, it should always be remembered that the responses from this group are not in any way meant to be interpreted as being typical of vandals generally; instead this was meant to be a study of some of the more extreme cases involving vandalism. In addition, it should constantly be kept in mind that the study involved a very small sample.

(1) METHOD

In order to obtain subjects for the study, the interviewer examined the students' files at the training school for charges of wilful damage (mischief to private property under \$50.00), mischief to private property, mischief to public property or references in the reasons for judgment to acts of vandalism making up a history of delinquent behaviour. The training school staff also referred students who had been involved in vandalism. Because only a small sample was used, only males were interviewed. Thirteen students were asked to participate in the study. Of these, two refused after the purpose and procedure were explained to them. The eleven remaining subjects who made up the sample ranged in age from 13 to 16 years. Five of the eleven students came from Metropolitan Toronto -- four of them from inner city areas, one from a suburb. The remaining six students in small towns in Southern Ontario.

Nine of the students stated that they had been living at home prior to being sent to training school, while the remaining two came following placements in group homes. Eight students described their homes as two parent families. One described his home as a one parent family, his father having left home. Two students did not know the exact whereabouts of either parent -- one of these lived in a group home and one lived with his sister and her family. Seven students reported having more than two siblings, and one of the above had an aunt living with the immediate family as well.

The wage earners in the students' families were employed in technical or unskilled jobs. Three of the eleven

students reported a situation where both parents worked. Four reported that one parent worked -- in two cases the working parent was the father and in the other two the wage earner was the mother. In two cases neither parent worked outside the home. Two of the students could provide no information regarding their parents' employment.

Potential subjects accompanied the interviewer to a separate room in the cottage -- usually one of the students' bedrooms, or a spare bedroom, if one was available. Before beginning the interview, the purpose and procedure were explained -- see the Appendix. If permission was obtained, the interview then took place. It consisted of several factual questions and several more open-ended questions. The interview schedule is reproduced in the Appendix. The interviews took approximately one half hour each -- or about ten more minutes than was estimated at the outset. Thus the introduction to the procedure was modified part way through the sample to account for this new information. The interviewer recorded the subjects' responses in writing.

(2) RESULTS

Altogether 40 acts of vandalism were reported. Of these, eleven of the acts were described by the subjects as being directed at public property, and twenty-nine as being directed at private property. Nine of the eleven subjects reported having performed mischief to public property while ten of the eleven reported having performed mischief to private property. In some of the students' minds the distinction between public and private property did not appear to be clear, and when asked to make it, did so on the basis of use rather than ownership, size or "institutional" quality. For example, one subject, when asked whether the property was public or private, had to reason it out -- "Don't really know -- it's on the exhibition grounds and when it's open you go in there, right? ... It was closed then but I guess you could say it was public -- it was a restaurant." The same subject, in response to this question regarding another act of vandalism said, "The CNR? Oh ya, the most private -- you're not supposed to be on the tracks." This confusion of public and private property also manifested itself to some extent in terms of the issue of who pays for the damage. For example, when asked this question, the response with one exception (one subject identified the payer as "the taxpayer") was "the C.N.E." or "the government", etc. rather than the public". The acts of vandalism reported ranged from relatively common incidents such as breaking windows (9 acts, 5 subjects) and spraying paint (3 acts, 3 subjects)

through more severe acts such as damaging buildings (8 acts, 7 subjects) and cars or trains (13 acts, 8 subjects).

For 21 of the forty acts of vandalism reported, the subjects indicated that they had made a conscious choice of target. The reasons given included retaliation, gaining access to another desired object, use as a foil for break and enter, an attempt to "be like everybody else". One of the subjects was able to identify a reason for the vandalism although not for choice of a particular target -- "... I was just mad, felt like breaking something or hitting something." This particular student had just been involved in an altercation with a teacher when he did his act of vandalism. The reasons given are shown in Table I.

Table I

REASONS FOR CHOICE OF TARGET

<u>Reasons</u>	<u>No. of acts</u>	<u>No. of subjects</u>
Retaliation	8	6
Access to Desired Object	2	1
Foil for Break & Enter	2	1
Desire to conform	1	1
Target accessible (includes dares, fun seeking, excitement)	8	5

Six of the subjects interviewed did not seem to see the crime of vandalism as particularly serious, although one subject related the seriousness of the crime to the amount of damage done.

Several of the students reported doing significant damage (in terms of monetary value) to the property. Five subjects reported doing over \$1,000 damage in at least one episode where vandalism occurred. These data are shown in Table 2. Interestingly, the monetary amount of damages sometimes

Table 2

MOST EXPENSIVE ACT

<u>Cost</u>	<u>No. of subjects</u>
Under \$50.00	0
\$50.00 - \$500.00	2
\$500.00 - \$1,000.00	1
Over \$1,000.00	5
Unable to estimate	3

bore little relation to the value judgment put on the amount of damage done. For example, one student whose damage exceeded \$1,000 did not feel that he had done a lot of damage although he conceded that "...it's a lot of money to have." However there may have been a tendency to exaggerate the monetary value of the damage done because, as one student said, "...most of the time if it costs more, you feel more like a hero -- well not really a hero -- but if you go out and smash something like -- worth a nickel, you're not so hot as if you smash up something worth a few hundred."

Four out of seven of the students tended to see the insurance company as bearing the cost of their acts, rather than the individuals involved. They did not seem to take the extra step to realize that the individual does eventually pay through higher insurance rates. Certainly most students (4 out of 5) seemed to stop at the government purse rather than taking the cost back to the taxpayer.

The respondents gave a number of different reasons for having committed acts of vandalism. Two of the most common reasons were that they were angry at the time or that they were just bored and looking for something to do. A complete list of the reasons given is shown in Table 3.

Most (75%) of the acts of vandalism were committed while the respondent was with others. Indeed, most (7) of the students said they would not have committed vandalism had they been alone. The quality of the anger described also seemed to suggest a loss of control in some cases -- "...broke into the group home and tore the place apart."

Table 3

REASONS FOR VANDALISM

<u>Reason</u>	<u>No. of acts</u>	<u>No. of subjects</u>
Anger	12	8
Boredom	15	9
Daring	4	3
Drunk	3	3
On the Run	3	3
Acquisition of desired object	3	2

The majority (6 of 11) of the students described their home environment as being not strict, two of them describing theirs as moderately strict or "normal" and three describing theirs as strict. Rather than being uncaring for the most part, the parents were described as somewhat ineffectual -- "They were strict -- but I didn't listen to them," or "They're just like normal parents, I just don't listen to them -- they ground me, I go out the window." In some cases inconsistency between parents was revealed -- "Mother strict, she won't let me off with anything -- my Dad'll let me off with lots of stuff."

Most of the respondents (9 of 11) reported spending at least a portion of their spare time "on the street", two of them describing a portion of their leisure activity as crime in some form. Six of them also mentioned sports among their activities, four noted that they did chores such as putting in flower beds or making bird houses, one stated that he spent some time on school work. Generally the students described their friends as providing an unsettling influence at best, as many of them were also in group homes, and a criminal influence at worst, as some of them were in jail.

The vast majority (9 of 11) thought it was unlikely that someone doing vandalism would be caught. Two subjects admitted that they had just not thought about whether they would be caught or not. The majority seemed to feel that there was less chance of being caught for vandalism than for break and enter or for shoplifting. Some of the students expressed the feeling that "if you plan it for a long time, no chance you'll get caught ..." or "people get caught if they're stupid."

When asked what they had thought would happen if they got caught, they gave a variety of responses. Five of the respondents indicated they had never really thought about the possibility. At the other extreme, four indicated that they had

anticipated being sent to training school if apprehended. On the other hand, one student who did not anticipate being sent to training school said, "If they told me I would go to training school, I wouldn't do it."

Table 4

ANTICIPATED CONSEQUENCES

<u>Consequences</u>	<u>No. of subjects</u>
No thought	5
Restitution	0
Fine	3
Probation	1
Removal from home (includes jail, training school)	4

Most (9) of the students interviewed had some views regarding alternate methods of punishment or social control once vandals were caught. These ranged from closer supervision, through restitution, fines, community work programs and employment programs. Two students suggested short periods of incarceration in a detention centre as a "scare" tactic for the first offenders. One student thought training school was appropriate. The suggestions, with the number of people making each, are shown in Table 5.

Table 5

SUGGESTED ALTERNATE FORMS OF DISPOSITION

<u>Disposition</u>	<u>No. of subjects</u>
Restitution	5
Fine	3
Probation	1
Community Work	1
Employment Program	1
Short period of Incarceration (Detention)	2
Training School	1

Most of the students expressed the feeling that they had been fairly dealt with by the courts in terms of being given many chances before being sent to training school, although some seemed to have difficulty reconciling their dispositions with others in similar situations. Some felt that the courts had actually been too lenient in not taking a firmer hand sooner.

APPENDIX

(3) CONCLUSION

In interpreting this study, it is important to keep two limitations in mind: the population that is being looked at in this study is an extreme one. Only a small proportion of vandals ever get caught, and only a very small proportion of those who are brought before the court for acts of vandalism (or for other offences, for that matter) eventually end up in training school. Hence, by any definition, the population from which this sample was drawn is an unusual one. The second consideration is that the sample is a very small one. It was meant to be a "pilot" study to give the Task Force some impressions of this extreme population; it should, therefore, be interpreted as such.

With these limitations in mind, we can tentatively draw certain conclusions about this group of young people who have been involved in vandalism. In the first place, in contrast with young people who have not been apprehended for acts of vandalism that they have committed, there seemed to be some indication here of the acts of vandalism being committed more in retaliation or in anger. Although the sample is really too small to draw any definite conclusions, it appears that this was a more common characterization of the act than in the Task Force's self-report surveys in the schools.

However, in other ways, this extreme sample seemed similar to the "normal" population in the schools. Although most if not all of these young people had been apprehended previously by the police, even they did not see it as at all likely that a reasonably intelligent young person would be apprehended for an act of vandalism. As with the more "normal" sample, we find that very few of this sample saw their activities as causing any real hardship to any individual, except, of course, in those cases where the acts themselves were designed to hurt someone the young person was angry with.

Finally, as with adults in our society, the young people themselves did not appear to favour any one set of solutions to the problem of vandalism.

INITIAL EXPLANATION

Hello, my name is Alexis Singer. May I talk with you for a moment?

I would like your help. I am doing research for the Ontario Task Force on Vandalism, which has been set up to look at some of the different aspects of vandalism.

I would like to talk with you for about 15-20 minutes. The purpose of the interview is to get some idea of who commits vandalism, and what, if anything, is going on in a person's mind at the time it is committed.

Everything you tell me during the interview will be kept between us. Your name will not be used and you will not be identifiable in any way.

Is that alright with you? You can say "no" if you really don't want to answer my questions.

If response is "yes", Okay, let's begin.

If response is "no", Okay, I understand. Thank you.

INTERVIEW SCHEDULE

First, I would like some "background" information

How old are you?

How far have you gone in school?

Where is your home? (address)

How many people are there in your family? (parents, brothers, sisters)

Do they all live at home?

What do you parents do? Father?

Mother?

Now I would like to ask some questions which relate directly to acts of vandalism.

What was the act of vandalism for which you were caught?

What specifically did you do? (What happened)

Why did you do it? (boredom, anger, etc.)

Did you choose a particular target of the vandalism, or did it matter?

Was your target public or private property?
(If private) Did you know who owned it (who lived there)?

Did it matter to you who owned the property?

Did you cause much damage?

Did you know how much damage you would do when you started or did it just build up?

Did the damage cost anyone any money?

Did you think about the cost of the damage you caused?

At the time?

Later?

Did you consider _____ as being a serious offence or not?

How were you caught?

Did you think you would get caught or not?

Why did(n't) you think you would get caught?

Do you think there would be more (or less) chance at getting caught at shoplifting?
at break and enter?

Were you with friends or alone when you did _____?
Did your friends influence you? (e.g. on a dare)

Would you have done _____ had you been alone?

What has happened to your friends?

Did they get caught?

Did you commit other acts of vandalism for which you were not caught?

What specifically did you do?

Why did you do _____

Did you choose a particular target or did it matter?

Were your targets (Was your target) public or private property?

(If private) Did you know who owned the property?

Did it matter who owned the property?

Did you cause much damage?

Did you know how much damage you would do when you started or did it just build up?

Did the damage cost anyone any money?

Did you think about the cost of the damage you caused?

Were you alone or with friends when you did _____?

What happened to your friends?

Did any of them get caught?

Did you think people who break the law get away with it or get caught?

When you were caught did you have any thoughts as to what might happen?
(If yes) What did you think might happen?

Do you think you were dealt fairly with by the court overall?
with respect to the vandalism?

What else do you think could or should be done to deal with the problem?

Do you think your behaviour has changed as a result of your experience here?
In what way?

How strict are your parents?

How do they feel about what has happened to you?

How did they feel about your getting into trouble with the law?

Did you hang around on the streets?

How did they feel about that?

How many hours would you guess that you would spend on the street after school?

With whom?

How would you describe the kids you "hung out" with?

Where are they now?

What kinds of things were you doing in your spare time?

And now?

How do you feel about school?

How well have you done in school?

Is there anything else you would like to comment on?

APPENDIX 6

METROPOLITAN TORONTO OCCURRENCE STATISTICS

PREPARED FOR

THE TASK FORCE ON VANDALISM

BY

JULIAN ROBERTS

1980

The Metropolitan Toronto Police Force have kindly provided us with occurrence data for the decade ending in 1979, for a number of offences, among them mischief (wilful damage). These are occurrences under Section 387, 388 or 389 of the Canadian Criminal Code. These sections of the Code are described in more detail in the body of this report. These data, it should be pointed out, are not convictions, but rather reflect the number of offences reported to the police and reported by the police in the form of an occurrence report.

Table 1 presents the number of occurrences, collapsed across Metropolitan Toronto, for the previous ten years ending in 1979. It compares mischief reports to assaults, robbery and break and enter. It is apparent from this table that mischief occurrences have been increasing steadily since 1970, and at a rate greater than that of the other offences. The average annual percentage increase of mischief occurrences is more than double that associated with assault and far in excess of that for robbery or break and enter. The number of wilful damage incidents recorded in 1979 is more than one and one half times the 1970 level. This is not the case for the other offences. These increases cannot be attributed to any dramatic rise in the population since this has remained fairly stable over the decade.

The relative increases of mischief and assault occurrences can be seen presented graphically in Figure 1.

Table 1

METROPOLITAN TORONTO OCCURRENCE STATISTICS
(SELECTED OFFENCES FOR SELECTED YEARS)

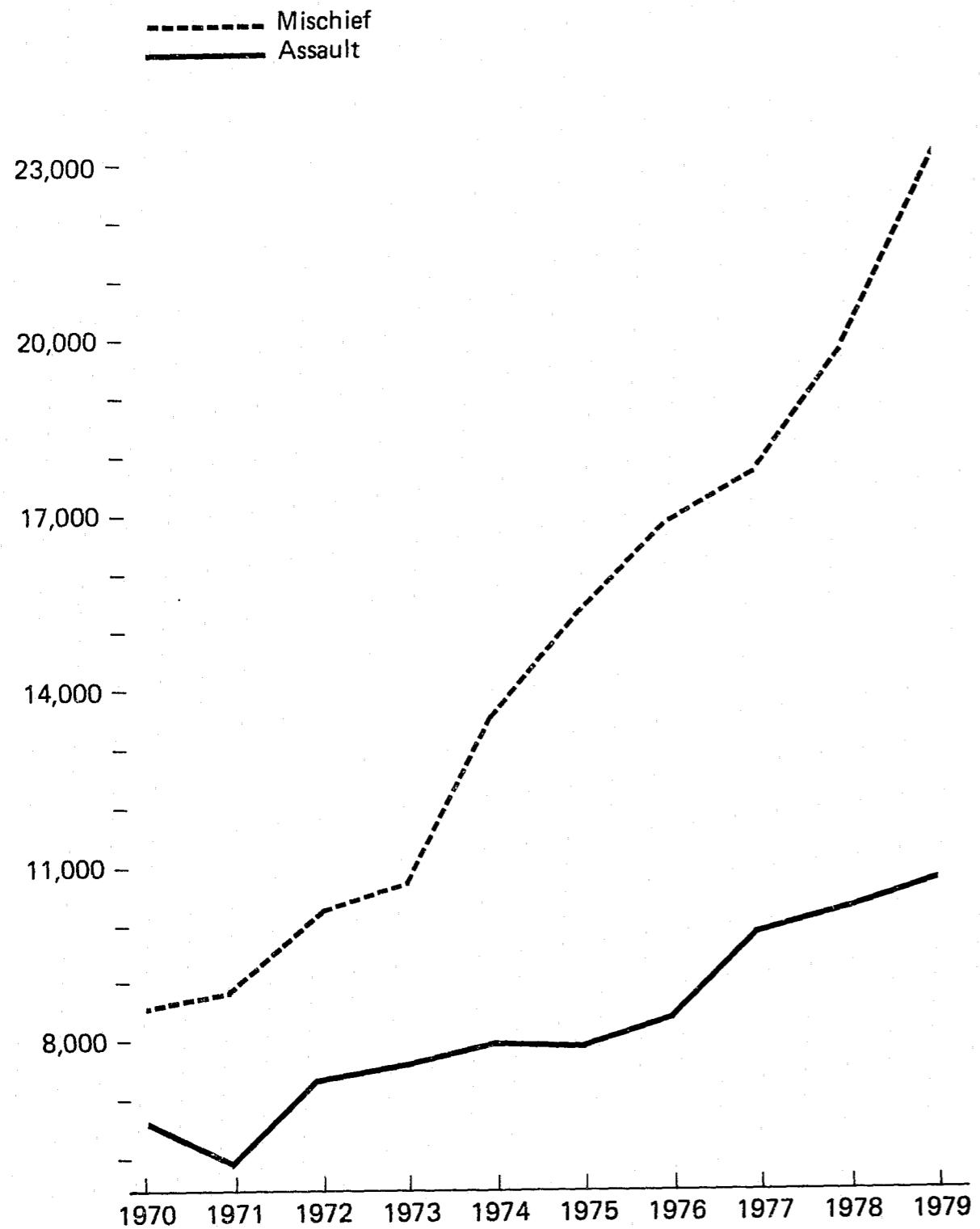
	Wilful damage mischief	Assault (not indecent)	Robbery	Break and enter	Population
1970	8,502	6,632	1,374	14,655	2,081,131
1972	10,007	7,354	1,594	14,193	2,092,797
1974	13,416	7,984	1,810	14,976	2,104,463
1976	16,881	8,342	1,840	17,608	2,116,119
1978	19,718	10,180	1,864	20,399	2,129,372
1979	22,748	10,719	1,761	19,885	2,140,524

Increase:
1979 over
1970:

Number	14,246	4,087	387	5,230	59,393
%	168%	62%	28%	36%	3%
% per year	19%	7%	3%	4%	.3%

Figure 1

Occurrence Statistics (1970-1979) for
Mischief (wilful damage) and Assault (not indecent)



We then examined the wilful damage statistics, division by division. Since there seems to be a great deal of regional variation with regard to vandalism we wondered whether the wilful damage statistics might reveal different patterns across the various police divisions in Metro Toronto. Figures 2 through 6 present the individual patterns for several representative divisions.

The first two (divisions 53 and 33) reproduce almost exactly the curve associated with the overall rate, and several other divisions also have slopes of this magnitude. They all show a steady increase over the ten year period. However, there are some exceptions. Division 32, for example, shows little increase over the ten year period, except for a dramatic jump from 1978 to 1979. We do not know what happened in this division in 1979 to account for this sharp rise.

Division 43 shows a steady rise (and also a fairly large 1978 - 1979 jump) but also reveals more variation over the decade. The points do not cluster neatly around the regression line but show a certain amount of fluctuation. For example, in 1971 the occurrence rate dropped substantially. In 54 division, if we plot the co-ordinates they do not generate a smooth line but one that zigs and zags. In this division, for instance, there appear to be two clusters of similar years, 1975 - 1979 and 1970 - 1973, and this may indicate some change in reporting practices at the juncture.

Figure 2

MISCHIEF: 53 DIVISION

Mischief

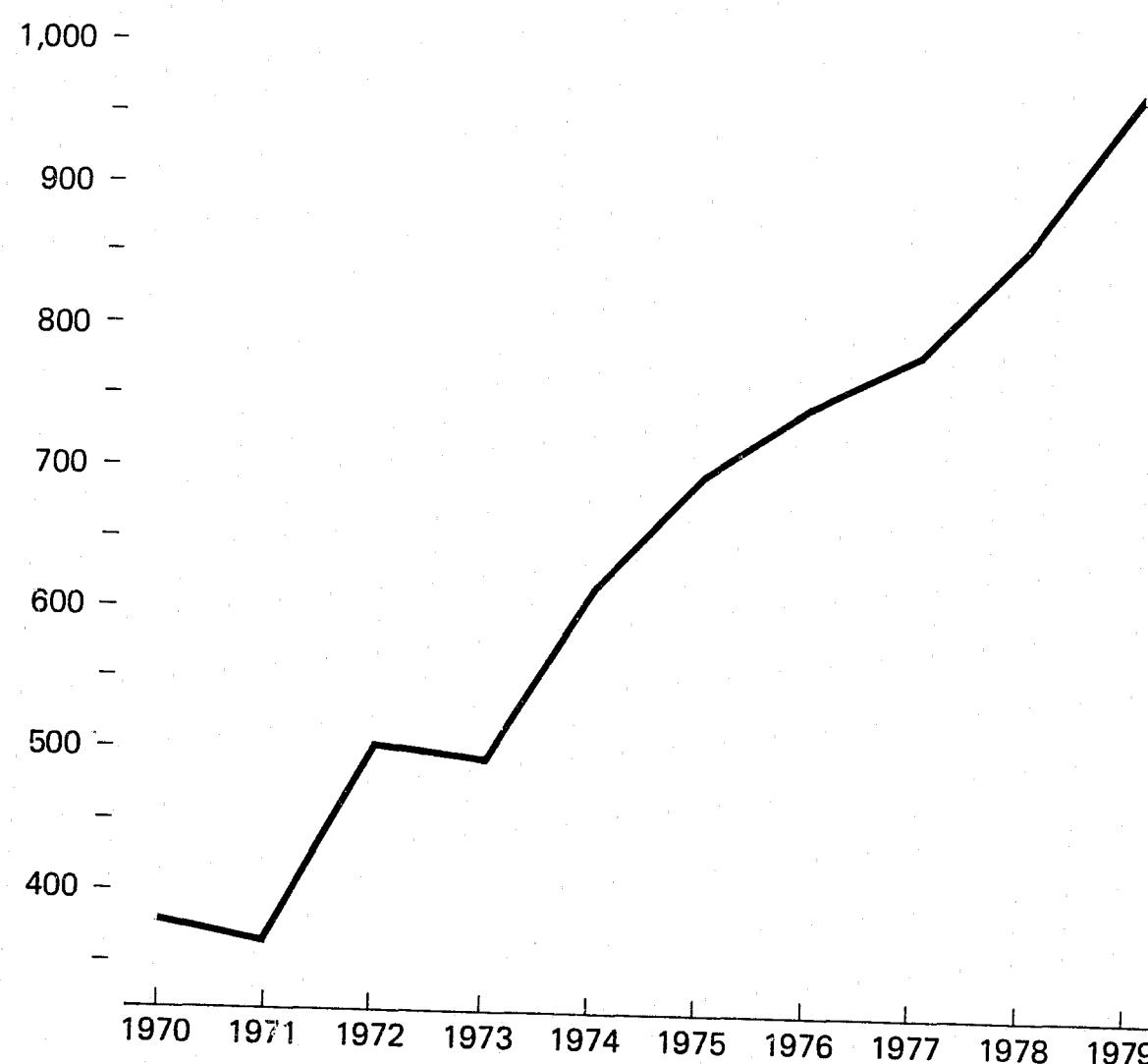


Figure 3

MISCHIEF: 33 DIVISION

Mischief

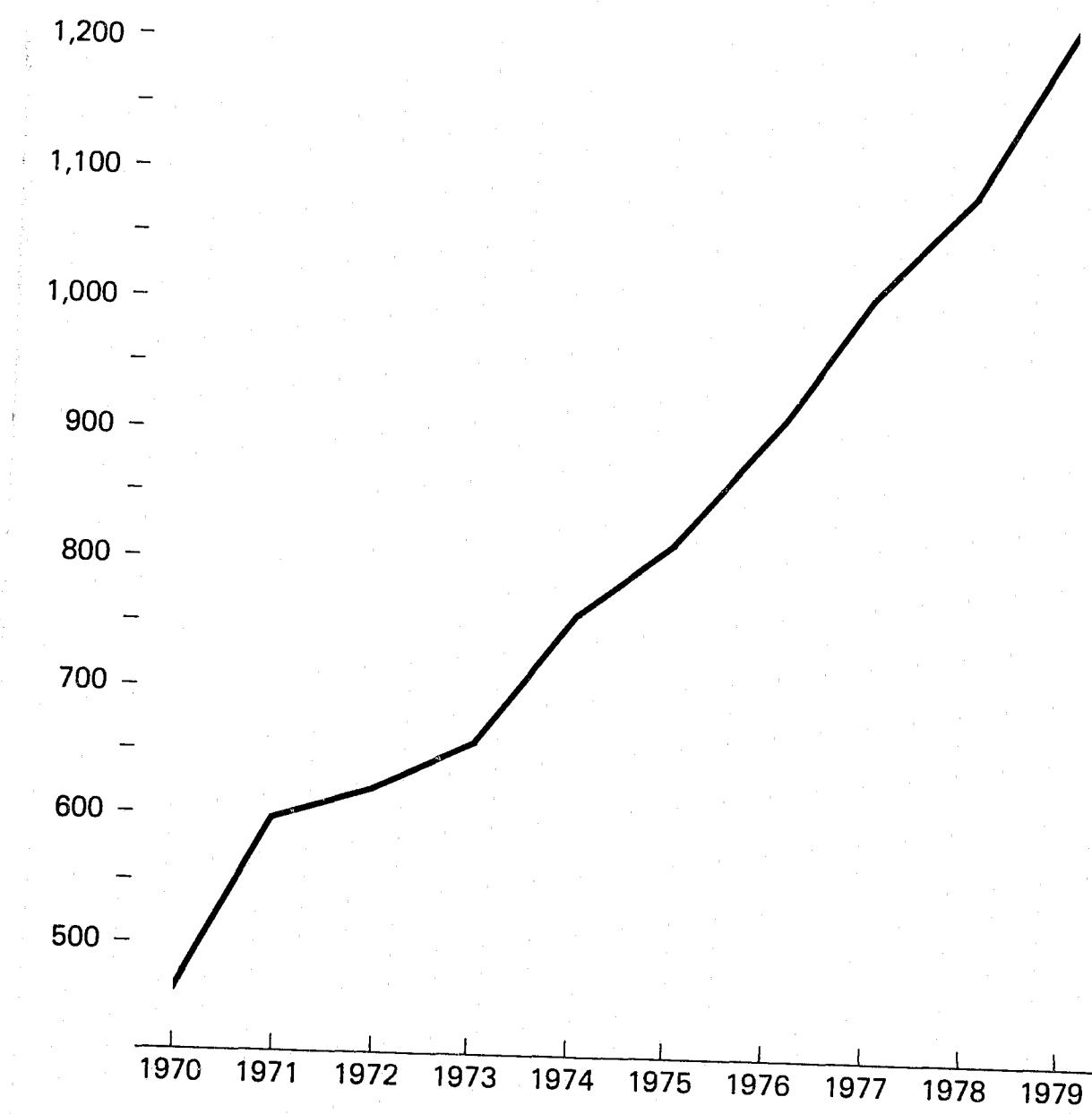


Figure 4

MISCHIEF: 32 DIVISION

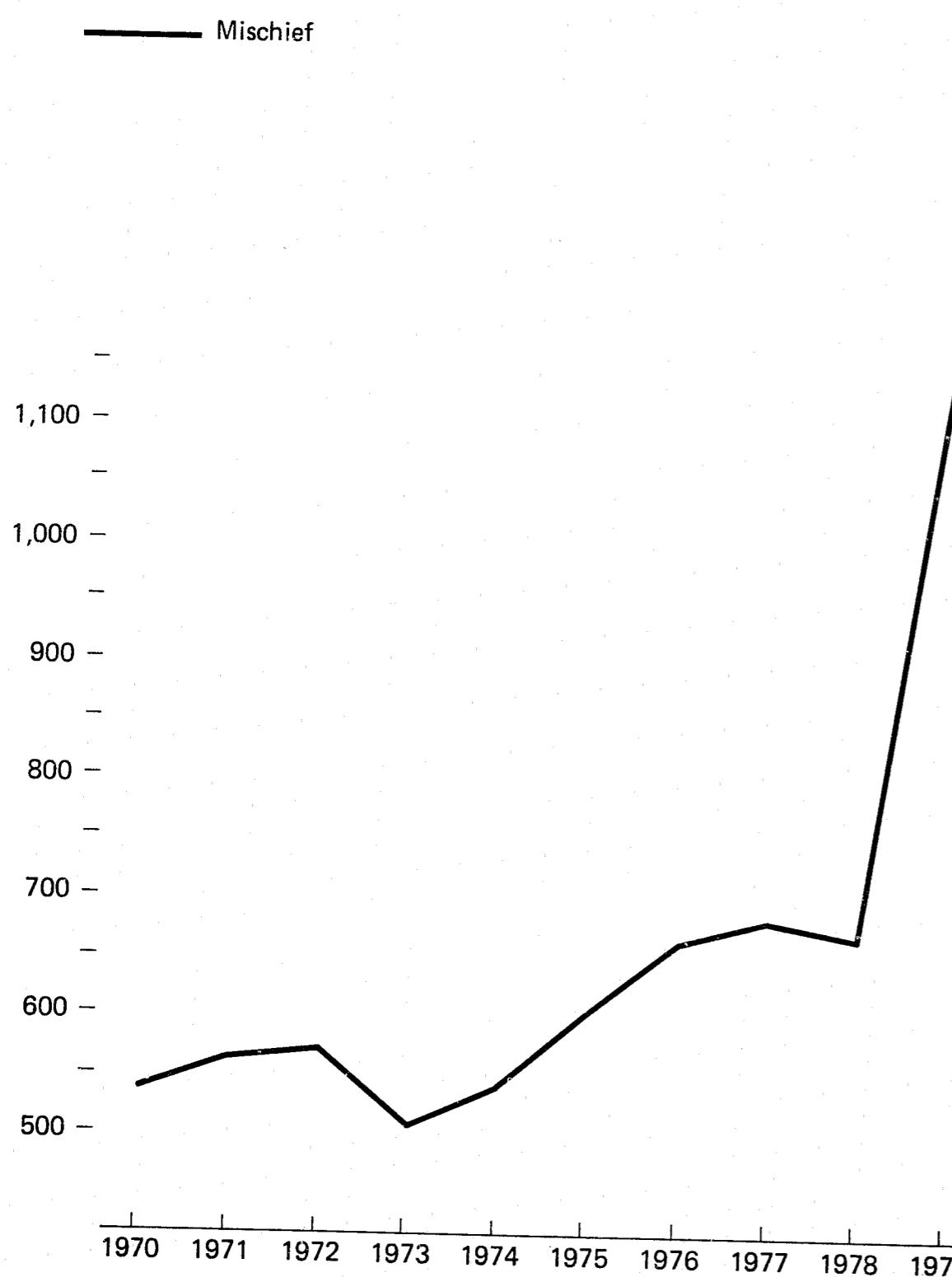


Figure 5

MISCHIEF: 43 DIVISION

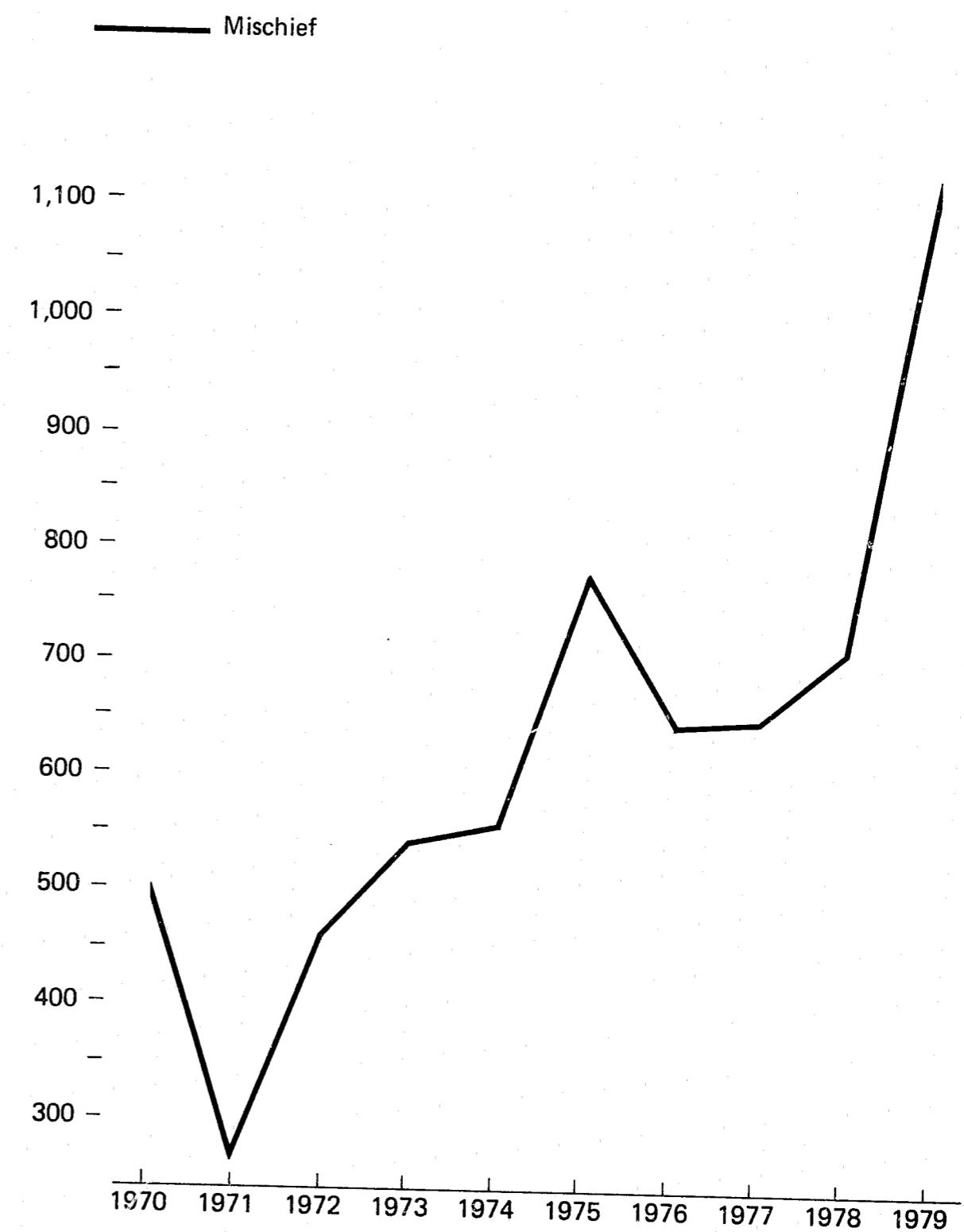
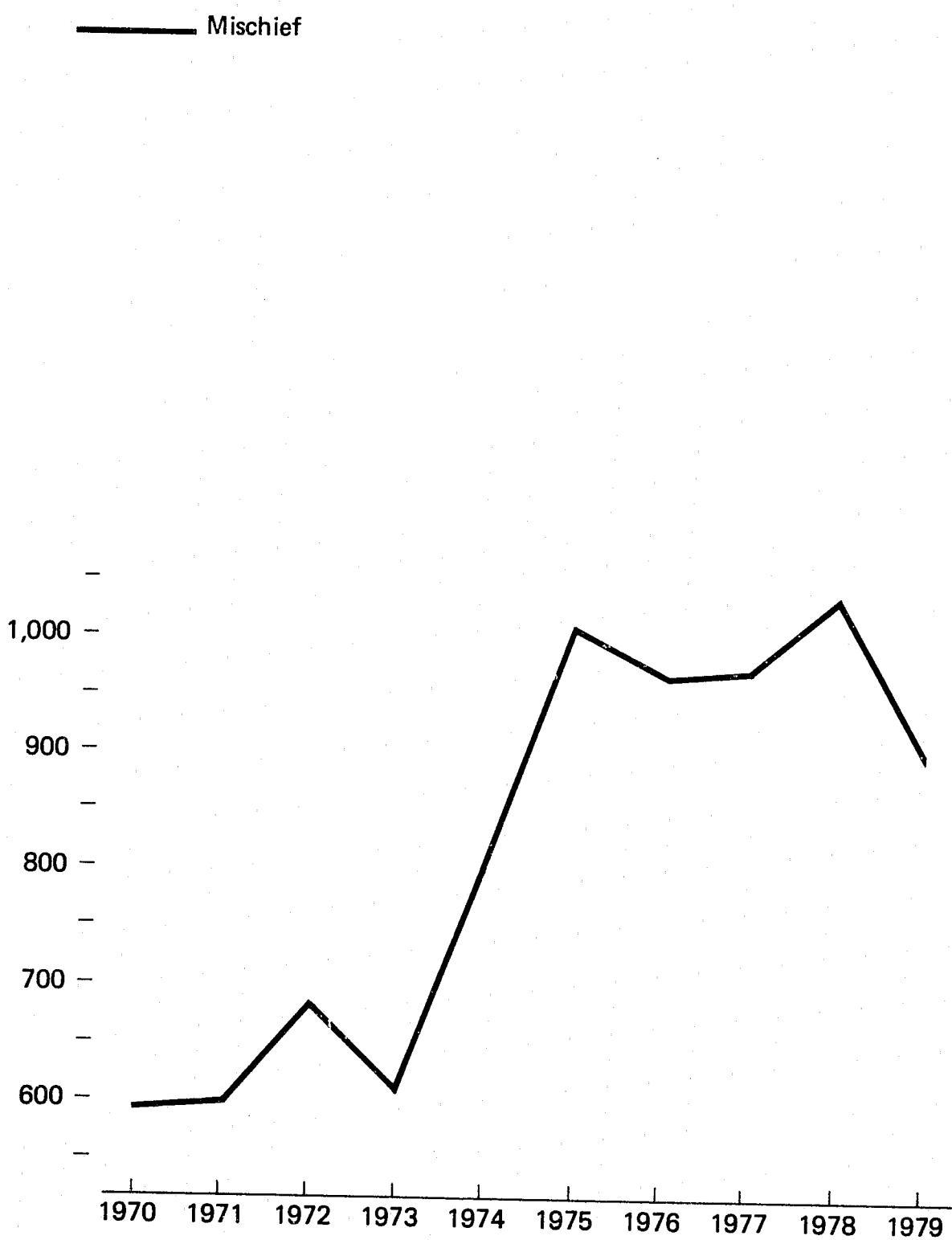


Figure 6

MISCHIEF: 54 DIVISION



To conclude inspection of these graphs, we can say that there is a certain amount of divisional variation; not all divisions conform to the overall pattern of a steady rise. Most however do, and in none of the divisions is the occurrence rate for the last two years ever lower than or even equal to the first two years; it is always higher. There police statistics support the perception held by many, that vandalism is on the increase and has been increasing for the last few years.

APPENDIX 7

VANDALISM: A BIBLIOGRAPHY

PREPARED FOR

THE TASK FORCE ON VANDALISM

BY

JANE PETHICK
and
CATHERINE J. MATTHEWS
Librarians
Centre of Criminology Library
Centre of Criminology
University of Toronto

December 1980

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We would like to acknowledge our use of a paper prepared by Madeline Richard and Maisy Law Cheng entitled Vandalism: An Overview of Prevention Programs in North America(1) which contained an excellent bibliography.

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The compilers acknowledge that any error or omission is their responsibility alone.

Catherine J. Matthews
Jane Pethick

(1)Richard, Madeline and Maisy Law Cheng. "Vandalism: an overview of prevention programs in North America." Prepared under the supervision and direction of John Hagan and John H. Simpson, and prepared as part of a progress report on "An Evaluation of a Vandalism Prevention Program" for the Solicitor General's Department of Canada." October 2, 1978.

Index to Canadian Legal Periodical Literature
1961-September 1980

INTRODUCTION

This bibliography on vandalism has been prepared to provide background readings and information for members of the Ontario Task Force on Vandalism and to meet the information requirements of the public.

In compiling this bibliography we have concentrated on literature on the causes of vandalism and prevention and intervention programs, covering the basic time period 1960 to 1980. Occasionally some of the writings pre-date 1960. The following sources were searched for references:

Criminology and Penology Abstracts (formerly Abstracts on Criminology and Penology, formerly Exerpta Criminologica) 1961-September/October 1980

Criminal Justice Abstracts (formerly Crime and Delinquency Literature) 1968-September 1980

Criminal Justice Periodical Index 1975-September 1980

Police Science Abstracts (formerly Abstracts on Police Science) 1973-July/August 1980

International Bibliography on Crime and Delinquency 1963-1969

Crime and Delinquency Abstracts 1970-1971

International Bibliography on Social Sciences 1963-1976

Sociological Abstracts 1953-1977

Dissertation Abstracts 1962-1977

Canadian Periodical Index 1971-September 1980

Business Periodicals Index 1958-January 1980

Canadian Business Periodicals Index 1975-October 1980 (now called Canadian Business Index, 1980-)

Profile Index 1975-1978

Publicat 1977-1978

Shearing, C.D., F.J. Lynch, and C.J. Matthews, Policing in Canada: A Bibliography. Ottawa: Solicitor General of Canada, 1979.

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Subject Guide to Books in Print, 1979-80

as well as the catalogues of the Centre of Criminology Library, the John P. Robarts Research Library (COM catalogue of the University Libraries) and various other sources ranging from newspaper clippings files to computer searches and bibliographies.

Originally we had planned to survey the more general literature on juvenile delinquency and its causation for chapters of books devoted to causation of vandalism behaviour specifically, but we found the results of such searches generally unproductive in terms of significant writings, and ultimately, that, combined with time constraints, led us to abandon such searching.

We have worked with a broad definition of vandalism as wanton or wilful destruction of or damage to public or private property. Vandalism has been considered from the perspective of the perpetrator, either adult or juvenile, individual or group; most of the literature focuses on juveniles. We have also searched the literature from the perspective of the victim, considering vandalism as a community-based problem that affects individuals as well as public and private groups and organizations, such as school boards and retail businesses.

In consideration of the scope and purpose of the Task Force our principal concern has been to locate information and publications having to do with vandalism in Ontario in particular. Because of the very local nature of some vandalism programs or committees, and the distribution of some reports only within their own community, we acknowledge the possibility of omissions. We have included any Canadian reports or articles on

vandalism which we located, and marked them with an asterisk(*); most of these document vandalism prevention or intervention programs. There is a considerable body of American writing which has been included here, as well as major studies from Britain or Australia. However, as a rule, other foreign references have been excluded.

The bibliography has been subdivided into several sections according to broad subject areas. Section I contains materials on the causes of vandalism and theories of vandalism behaviour; generally this material does not relate to specific geographic areas, e.g. Canada, but is theoretical and analytical. The second section provides references to vandalism prevention and intervention programs, particularly general community programs, urban design ideas, and police programs. There is some literature on the relationship between architecture/urban design and vandalism, although this is not a primary focus of the bibliography nor of this section II. Many Canadian reports are included in this section. Materials which relate specifically to the causes or prevention of vandalism in schools and college campuses are all brought together in Section III: School Vandalism. This is by far the largest section of the bibliography and a high proportion of the references are American, but many valuable Canadian materials should not be overlooked here. This section did not readily lend itself to further subdivision. As it was particularly easy to group together all materials which related to school vandalism, certain other categories of "victims" of vandalism also appeared. Section IV relates to vandalism of retail and commercial premises, and public buildings (e.g. libraries, etc.) and property. Section V focuses on parks, cottages and other recreational properties, both public and private. As well, cars, buses, subways, railroads and aircraft are often the target of vandals, and are grouped together in Section VI.

As time constraints have not permitted first-hand examination of all materials, decisions regarding the arrangement into sections was often based on title information alone, and for this reason a VIIth section, "General and Miscellaneous" had to be created to accommodate these references.

An alphabetically arranged author index is provided at the end of the bibliography for the user's convenience.

The year 1980 appears to be one in which there are considerable interest in Canada, particularly by police, in the topic of vandalism. The theme of Canadian Police Week 1980 was "Working Together to Prevent Vandalism." Indeed, three Committees of the Canadian Association of Chiefs of Police worked together to

gather information on the topic: the Juvenile Delinquency Committee, the Prevention of Crime in Industry Committee, and the Crime Prevention Committee, and the results of a Canada-wide CACP vandalism questionnaire have just recently been reported(1).

For those individuals or groups wanting to obtain copies of articles, books or reports cited in this bibliography a useful step would be to contact local public or university libraries. If the material is not available at your local library, ask the Librarian to obtain it for you on interlibrary loan. Some, but not all, of the materials cited are available at the Centre of Criminology Library at the University of Toronto, and interested individuals are welcome to use such materials in the Library.

This bibliography was first published in April 1980 by the Centre of Criminology and the Task Force on Vandalism, and is now presented in this updated edition for the Task Force on Vandalism's final report.

Catherine J. Matthews
Jane Pethick

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