

HOUSE No. 4951

The Commonwealth of Massachusetts

LEGISLATIVE RESEARCH COUNCIL

Report Relative to

VANDALISM OF PUBLIC PROPERTY

FOR SUMMARY, SEE
TEXT IN BOLD FACE TYPE

May 19, 1976

NCJRS

AUG 1977

ACQUISITIONS

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The Commonwealth of MassachusettsORDERS AUTHORIZING STUDY

(House, No. 6233 of 1975)

Ordered, That the Legislative Research Council be directed to make a study and investigation relative to the laws of Massachusetts and other states pertaining to the prevention and punishment of vandalism, such study to consider, among other things, the adequacy of penalties now prescribed by the laws of the Commonwealth for acts of vandalism, and the adequacy of measures being taken by cities, towns and other local governments to protect schools and other public buildings of such governments which were constructed or improved with state financial assistance; and that said Council file the results of its statistical research and fact-finding with the Clerk of the House of Representatives from time to time but not later than the last Wednesday of January, nineteen hundred and seventy-six.

*Adopted:**By the House of Representatives, June 2, 1975**By the Senate, in concurrence, June 3, 1975*

(House, No. 2970 of 1975)

Ordered, That the time be extended to the first Wednesday of April in the current year wherein the Legislative Research Council is required to file the results of its investigation and study relative to (1) *vandalism to schools and public buildings* (see House, No. 6233 of 1975), and (2) a metropolitan services financing district (see House, No. 6398 of 1975).

*Adopted:**By the House of Representatives, January 27, 1976**By the Senate, in concurrence, January 29, 1976.*

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The Commonwealth of MassachusettsORDER EXTENSIONS (Cont.)

(House, No. 4615 of 1976)

Ordered, That the time be extended to the first Wednesday of May in the current year wherein the Legislative Research Council is required to file the results of its investigation and study relative to (1) *vandalism to schools and public buildings* (see House, No. 6233 of 1975 and House, No. 2970 of 1976) and (2) a metropolitan services financing district (see House, No. 6398 of 1975 and House, No. 2970 of 1976).

*Adopted:**By the House of Representatives, March 31, 1976**By the Senate, in concurrence, April 5, 1976.*

(House, No. 4809 of 1976)

Ordered, That the time be extended to the third Wednesday of May in the current year wherein the Legislative Research Council is required to report on its study and investigation relative to vandalism in schools and public buildings (see House, No. 6233 of 1975 and House, Nos. 2970 and 4615 of 1976).

*Adopted:**By the House of Representatives, May 5, 1976**By the Senate, in concurrence, May 6, 1976.*

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The Commonwealth of Massachusetts

LETTER OF TRANSMITTAL TO THE
SENATE AND HOUSE OF REPRESENTATIVES

To the Honorable Senate and House of Representatives:

LADIES AND GENTLEMEN: — In compliance with the joint order, House, No. 6233 of 1975, the Legislative Research Council submits herewith a report prepared by the Legislative Research Bureau relative to vandalism of public property.

The Legislative Research Bureau is limited by statute to "statistical research and fact finding". Hence, this report contains only factual materials without recommendations of legislative proposals by that Bureau. It does not necessarily reflect the opinions of the undersigned members of the Legislative Research Council.

Respectfully submitted,

MEMBERS OF THE
LEGISLATIVE RESEARCH COUNCIL

Sen. ANNA P. BUCKLEY of Plymouth,
Chairman
Rep. JOHN F. COFFEY of West Springfield,
House Chairman

Sen. JOSEPH B. WALSH of Suffolk
Sen. JOHN F. PARKER of Bristol
Sen. WILLIAM L. SALTONSTALL of Essex
Rep. JAMES L. GRIMALDI of Springfield
Rep. MICHAEL J. LOMBARDI of Cambridge
Rep. RUDY CHMURA of Springfield
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Rep. ROBERT C. REYNOLDS of Northborough
Rep. ALAN PAUL DANOVITCH of Norwood
Rep. IRIS K. HOLLAND of Longmeadow

The Commonwealth of Massachusetts

LETTER OF TRANSMITTAL TO THE
LEGISLATIVE RESEARCH COUNCIL

To the Members of the Legislative Research Council:

MADAM CHAIRMAN AND GENTLEMEN: The joint order, House, No. 6233 of 1975, reprinted on the inside of the front cover, directed the Legislative Research Council to investigate and study the subject of vandalism of public property, specifically property constructed or improved with state financial assistance.

The Legislative Research Bureau submits herewith such a report. Its scope and content have been determined by statutory provisions which limit Bureau output to factual reports without recommendations.

The preparation of this report was the primary responsibility of Helen A. Quigley of the Bureau staff.

Respectfully submitted,

DANIEL M. O'SULLIVAN
Director, Legislative Research Bureau

The Commonwealth of Massachusetts

VANDALISM OF PUBLIC PROPERTY

SUMMARY OF REPORT

Origin of Report

The order for this study was filed by Representative John F. Coffey of West Springfield, House Chairman of the Legislative Research Council, and it reflects the concern in legislative circles of the adequacy of measures taken by local governments to protect schools and other facilities which were constructed or improved with state financial assistance. In Massachusetts there are 2,469 public school buildings and over \$710 million in state funds has been disbursed to maintain this physical plant since 1948.

National Statistics

The total cost of vandalism in the United States has been estimated as high as a billion dollars a year by some authorities. Other sources answer that such a figure is on the conservative side inasmuch as police report that only one in three cases of vandalism is reported.

The latest FBI statistics on this crime reveal that about 169,300 persons were arrested for vandalism in 1973 and 221,100 in 1974. Likewise these figures do not reflect the full dimension of the problem since they represent data from only those law enforcement agencies which replied to the annual crime questionnaire of the FBI. Of those arrested, 92 percent are male.

Although vandalism is a major problem in large urban areas, it has now become a source of concern in affluent suburbs and small country towns. On the basis of arrests per 100,000 of population in 1974, the rate in cities rose to 109.1, in suburban areas to 119.6, and in rural communities to 59.5.

Schools are the most frequent victims of vandals. The National Center for Educational Statistics of the U.S. Department of Health, Education and Welfare estimated the value of school property in the 1973-1974 school year at \$52 billion. However, this figure was based

on survey responses from only 33 states and among the non-respondents were the more populous states of New York and California.

In the 1972-73 school year the nation's public school systems expended approximately \$260 million for vandalism damage, arson losses and similar property damage and \$240 million for security personnel and equipment, a total of half a billion dollars. The average cost per year for every school district rose from \$55,000 in 1970 to \$63,031 in 1973. However, almost 60 percent of all vandalism takes place in large urban districts with enrollments of 25,000 students. The average cost in these larger districts in 1973 was \$135,297. Broken windows, fires, theft, and malicious destruction of educational equipment reflect the more common serious acts of vandalism.

Security and Other Measures

To combat vandalism in the nation's public school systems, officials have used various types of equipment and other programs to secure school premises.

In St. Louis, all school buildings are equipped with Lexan or Plexiglas windows. School administrators in Cleveland and Norfolk have installed burglar alarms in all school facilities. Fourteen major school systems provide round-the-clock security guards. Other measures include burglar-proof locks, increased lighting of premises, fencing, nighttime custodial workers, and dog patrols.

Beyond these measures, numerous communities have embarked on educational, community and parent interest, student "pride", and other incentive programs to reduce school vandalism.

The State of Florida enacted a Safe Schools Act in 1973 to assist local school districts in developing preventive programs.

Statutory Provisions

To stem the tide of juvenile misconduct, 47 states, including Massachusetts, have enacted civil parental responsibility laws. Parental liability for acts of vandalism committed by minors runs from a low of \$100 in Minnesota to a high of \$5,000 in Texas. Massachusetts law limits liability to \$500, except in the case of damage to cemeteries where it is set at \$1,000.

The term "vandalism" rarely appears in state laws providing sanctions for damage to or destruction of public or private property. Only seven states use the term in their statutes. More commonly the statutes refer to "criminal mischief", "malicious destruction of property", "malicious mischief", or "criminal damage to property". Moreover, state laws vary widely in their scope, structure, and in relation to fines and punishment. Thus, in some jurisdictions, acts of vandalism may be classified as Class A or Class B crimes. In others, the offenses may be subject to the same penal sanctions imposed for malicious mischief of the first, second, or third degree. And in other states, the penalty is tailored to the monetary damage inflicted.

Among the states, Colorado and Texas provide the severest penalties. In the former, a maximum fine of \$30,000 may be imposed and in Texas a convicted defendant may be sentenced to a term of 20 years.

Massachusetts Laws

There are a total of 52 statutes, mainly contained in M.G.L., c. 266, relative to malicious destruction of property in Massachusetts. Misconduct involving the willful throwing or placing of explosives at or near persons or property carries the most severe penalty: imprisonment in the state prison for not more than 20 years or a fine not to exceed \$5,000 and/or a maximum of 2½ years imprisonment. The majority of statutes (29) have not been amended since 1926, eighteen of them not since 1902. In 1971, the Criminal Law Revision Commission proposed three comprehensive statutes to replace the present numerous statutes. A number of proposals are currently under legislative consideration including the raising of certain fines and penalties and an increase in parental liability.

Massachusetts Developments

The Legislative Research Bureau (LRB) conducted a survey of municipalities with populations exceeding 5,000 to determine costs, current programs in force, restitution policies, and the most frequent targets of vandals. Schools suffer more damage than any other type of public property. Recreation facilities, public works property, and cemeteries also suffer from acts of vandalism. A number of officials

indicated that breakage of windows constituted a large portion of vandalism costs. In many cases, the costs of vandalism are absorbed in routine maintenance accounts. Some estimates included only the cost of materials and others the costs of materials and labor; any estimates made based on these figures reported would not be accurate. In addition to expenditures for materials and labor, the cost of security measures and personnel and the installation of "vandal proof" materials were also reported.

Within similar population groups estimates submitted varied considerably. For example, the Town of Danvers (population 25,007) estimated an annual cost of \$15,000 for materials and labor while the Town of Needham (population 29,936) estimated a yearly expenditure of \$100,000. A detailed response from Chelsea stated that losses attributable to vandalism (including the costs of fires) from 1971 to 1975 amounted to \$1,066,977 and represented a \$17.78 increase on the local property tax. This cost does not include labor and damage to certain types of public property. Restitution in all but a few municipalities is minimal.

Most municipalities and school systems rely on local police for surveillance. However, other measures in force include security guards, custodial services, and physical equipment such as alarm systems, lighting, fencing, and the installation of vandal-proof materials. Reaction to these measures varied.

Architects and housing experts have determined that the physical design of buildings can substantially diminish or prevent crime in schools and housing developments.

A number of respondents to the LRB questionnaire indicated a dissatisfaction with the judicial disposition of cases involving vandalism. Officials recommended that since most offenders are juveniles work restitution programs could be effective and additionally avoid the necessity of giving a juvenile a criminal record.

A survey of school superintendents conducted for the Massachusetts Advisory Committee on Education by the Harvard Graduate School of Design estimated that the 1973-1974 cost to repair property damage to the Commonwealth's schools was \$12 million and to prevent damage \$32 million. Superintendents were receptive to a program which would provide a simple method of reporting property damage.

Damage to Boston Public Schools was estimated to be \$1 million

and to Boston Parks and Recreation facilities between \$500,000 and \$1 million annually. An official from the Boston Housing Authority stated that although it is impossible to estimate a cost which would even closely approximate the amount of damage the Authority sustains any estimate of costs would be in the millions. The Charlestown and West Broadway housing projects have experienced the most frequent acts of vandalism.

Fifty Boston public schools are presently monitored by a sophisticated centralized computer system under the direction of the Department of Public Facilities. The system provides immediate notification of any tampering or breaks within the monitored schools. An additional 60 schools have been equipped with alarm systems by the Boston School Department.

The MBTA costs for vandalism in 1974, including materials, labor, and other related services, was \$536,512 although this sum is considered high by T Police Chief Richard E. Kenney who expressed the opinion that some damage is the result of accidents within the Authority. The MBTA 61-member police force has experienced a successful rate of court-ordered restitution when offenders are apprehended. An extensive vandalism educational program in the MBTA communities is to be initiated shortly.

The Commonwealth of Massachusetts

VANDALISM OF PUBLIC PROPERTY

CHAPTER I. INTRODUCTION

Origin and Scope of Study

House, No. 6233 of 1975 which is reprinted on the inside cover of this report directed the Legislative Research Council to investigate and study the laws of Massachusetts and other states pertaining to the prevention and punishment of vandalism. Introduced by Representative John F. Coffey of West Springfield, House Chairman of the Legislative Research Council, this order was adopted by the House of Representatives on June 2, 1975 and by the Senate, in concurrence, on June 3, 1975. The study order reflects a particular interest within the legislative circle in the adequacy of measures taken by local governments to protect schools and other public buildings which were constructed or improved with state financial assistance. As the report indicates, within the public sector school properties are the more common targets of acts of vandalism. Massachusetts has a total of 2,469 public school buildings.

Since the initial passage of the School Building Assistance Act in 1948 (Chapter 645) approximately \$710 million in state funds have been disbursed to assist local political subdivisions in providing the physical plants to meet the educational needs of their young citizenry. In fiscal year 1975, \$115,573,788 in school building assistance aid was disbursed by the state. Approximately \$63 million and \$72.5 million were disbursed in fiscal years 1973 and 1974, respectively.

This report includes a review of Massachusetts statutes relative to vandalism. Parental responsibility laws and vandalism-related statutes of other states are also considered. The Legislative Research Bureau conducted a survey of Massachusetts municipalities with populations of over 5,000 to ascertain the extent and cost of vandalism, and the policies relative to the recovery of costs from offenders. School committees throughout the state were also contacted in order to obtain statistical information on this subject. Discussion of programs and recommendations to combat vandalism is included.

Spiraling Vandalism

Vandalism, the willful or malicious destruction or defacement of public or private property, is increasing at an alarming pace in America. The term "Vandalism" originally referred to the ruthless destruction of, or damage to, venerable, artistic, or beautiful works resulting from the sacking of Rome, western Europe, and northern Africa by the Vandals, an East Germanic tribe, in the fifth century. However, in ordinary usage the word is not limited to the destruction of works of art but includes the damage of property generally.

The total cost of vandalism in the United States has been estimated as high as a billion dollars a year by some sources.¹ No sector of society has been immune from its destructive results. The home, houses of religious worship, general business, governmental facilities, transportation networks, public utilities, precious natural resources, cemeteries, historical sites, schools in particular, and a host of other enterprises have been the victims of this activity. There have also been incidents of the killing or maiming of zoo animals which in Des Moines, Iowa led to the use of a trained lion as a watchdog to end nighttime attack on animals.

Although vandalism is a major problem in large urban areas, this phenomenon has now become a stirring concern in affluent suburbs and small country towns.

According to FBI data, an estimated total of 169,300 arrests for vandalism were made in 1973 and 221,000 in 1974.² However, the actual number of arrests for this offense is much greater since these totals reflect data from those law enforcement agencies which replied to the annual crime questionnaire of the FBI. Moreover, in an assessment of the full dimension of this issue, these figures are inconclusive. Many offenders are never arrested; often victims pay for damages rather than risk an increase in insurance rates; costs are often settled between the victim and the offender; and many businesses and governmental agencies simply include the cost of vandalism damage with the cost of regular maintenance. Police estimate that only one in three cases of vandalism is reported.

1. "Vandalism — A Billion Dollars a Year and Getting Worse", *U.S. News and World Report*, Vol. 76, June 24, 1974, p. 39.

2. United States Department of Justice, Federal Bureau of Investigation, *Annual Uniform Crime Reports for the United States*, 1973 and 1974. Arrests totals are based on all reporting agencies and estimates for unreported crimes.

In both 1973 and 1974, ninety-two percent of all the persons arrested for vandalism were male. The following table reflects the incidents of arrests by age groups and areas.

Table 1. Arrests for Vandalism by Age, Sex and Area

Age	A. Age					
	City		Suburban		Rural	
	1973	1974	1973	1974	1973	1974
10 and under	9,991	12,048	4,935	5,815	499	329
Under 15	43,443	54,004	21,882	26,466	2,410	2,193
Under 18	68,920	85,905	35,490	43,506	4,765	4,457
Under 21	78,407	98,948	39,722	49,042	6,154	5,848
Under 25	85,506	107,968	42,133	51,871	6,879	6,583
18 and over	30,598	38,956	10,609	12,761	3,346	3,190
Unknown	117	175	82	132	30	20
	B. Sex					
	City		Suburban		Rural	
	1973	1974	1973	1974	1973	1974
Male	91,737	114,908	42,845	52,296	7,567	7,181
Female	7,781	9,953	3,254	3,971	544	466

Source: *Annual Uniform Crime Reports for the United States*, 1973 and 1974.

The rate of arrests for vandalism per 100,000 inhabitants has varied according to areas. In 1973, this rate was 78.1 for cities, 85.3 in suburban areas and 46.3 in rural areas. In 1974, these rates rose to 109.1 in cities, 119.6 in suburban areas and 59.5 in rural areas. Although females constitute a small percentage of the total arrests, the incidence of females apprehended for vandalism increased 26.4 percent between 1973 and 1974, a slightly higher percentage increase than for males (23.8 percent). Total city, suburban, and rural arrests in 1973 and 1974 increased at a comparatively similar rate: city, 24.6 percent; suburban, 23.7 percent; and rural, 20.3 percent.

Between 1969 and 1974 there was a 32 percent increase in arrests for vandalism. In that time period the number of arrested persons over age 18 increased by 62.7 percent.

Schools are the most frequent targets of vandals. There are no accurate data available on the approximate value of public school

plant facilities in the United States. The National Center for Educational Statistics of the U.S. Department of Health, Education and Welfare estimated the value of school property in 1973-1974 at \$52,473 million. However, this figure was based on survey responses from only 33 states and among the nonrespondents were the more populous states of New York and California. The estimate does not therefore reflect an accurate portrait of actual value.

In the 1972-73 school year the nation's public school systems expended approximately \$260 million for vandalism damage, arson losses, and similar property damage and \$240 million for security personnel and equipment, a total of half a billion dollars.¹ A 1970 survey of 110 school districts by the Senate Subcommittee on Juvenile Delinquency reported a 35 percent increase in vandalism episodes in elementary and secondary schools from 1964 to 1968 (186,184 in 1964 and 250,549 in 1968).²

According to a 1975 Senate Subcommittee on Juvenile Delinquency report, in 1964, teachers rated 70 to 80 percent of their classes as exhibiting good to excellent behaviour while, in 1972, fifty-four percent of teachers surveyed found student disruption of their classrooms to be a problem of moderate to critical proportions. The report further stated:

...our schools are experiencing serious crimes of a felonious nature including brutal assaults on teachers and students, as well as rapes, extortions, burglaries, thefts and an unprecedented wave of wanton destruction and vandalism. Moreover our preliminary study of the situation has produced compelling evidence that this level of violence and vandalism is reaching crisis proportions which seriously threaten the ability of our educational system to carry out its primary function.³

The subcommittee concluded that the annual cost of vandalism in public schools equals the total amount spent on textbooks in every school in the country in 1972 — approximately \$500 million, which represents over \$10 per year for every school student. The average

cost per year for every school district rose from \$55,000 in 1970 to \$63,031 in 1973. However, almost 60 percent of all vandalism takes place in large urban districts with enrollments of 25,000 students. The average cost in these larger districts in 1973 was \$135,297. Broken windows, fires, theft, and malicious destruction of educational equipment reflect the more common serious acts of vandalism.

Moreover, estimates of the cost of vandalism are conservative for a number of reasons. They do not include in all instances (1) losses and property damage repaired by resident maintenance staffs, (2) outlays for security, i.e., special security forces, fencing, alarm systems, special lighting, emergency communications equipment, and vandal-resistant windows, and (3) law enforcement expenses to patrol and respond to calls reporting school incidents. The high cost of vandalism often results in the reduction or elimination of needed educational programs. The atmosphere of fear and violent activity also impedes the already challenged educational process.

Types of Vandalism

Vandalism has been considered one of the safest and most anonymous of offenses. Detection rates are low and, in many cases, although the total cost might be considerable, individual acts are often too trivial to respond to in any other way than to ignore them.¹ Vandalism is sometimes committed under conditions in which illegal property destruction is tolerated. For example, "ritualistic vandalism" is tolerated on such occasions as Halloween or sporting events. Although the public is impatient of such pranks, they are considered ordinary crimes and not important.

In still other cases, vandalism in the form of graffiti, defacement of posters, names scratched on buildings, etc., is simply written off by the victims and no attempt is made to apprehend the offender. Damage is often too trivial or too routine to be a source of concern.²

Mr. Stanley Cohen, an English sociologist and psychologist, divides vandalism into two main forms: ideological and conventional.³ In the first form, the offense is committed in order to further an explicit ideological cause or deliver a message, e.g. breaking windows during a demonstration, industrial sabotage or acts performed to gain

1. "Vandalism — A Billion Dollars. . .", *Op. cit.*, p. 39.

2. Hearings before the General Subcommittee on Education of the Committee on Education and Labor, House of Representatives, on the Safe Schools Act, 1971, p. 10.

3. "Our Nation's Schools — A Report Card: 'A' in School Violence and Vandalism" Preliminary Report of the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Senator Birch Bayh, Chairman, April, 1975, p. 3.

1. F. I. Koch, "School Vandalism and Strategies of Social Control", *Urban Education*, Volume X, No. 1, April, 1975, p. 58.

2. *Ibid.*

3. Stanley Cohen, "Property Destruction: Motives and Meaning", *Vandalism*, ed. Colin Ward, Van Nostrand Reinhold Company, New York, 1973, pp. 23-53.

publicity for a particular group.

Mr. Cohen further delineates five forms of conventional vandalism:

(1) *Acquisitive Vandalism*: The damage is done in the course of or in order to acquire money or property, e.g. stripping property to sell to junk dealers, collecting street signs, etc., and looting of meters, coin boxes, and other receptacles of money.

(2) *Tactical Vandalism*: The damage is a conscious tactic employed to advance some other end, e.g. slogan painting in order to put across a message or window breaking in order to be arrested and provided with shelter.

(3) *Vindictive Vandalism*: Revenge is obtained by destruction of another's property rather than personal violence.

(4) *Play Vandalism*: Motivations such as curiosity and the spirit of competition induce the participants to regard destruction as a game, e.g. who can destroy the most street lamps or windows.

(5) *Malicious Vandalism*: The damage is an expression of rage or frustration.

A further subdivision is destruction done for reasons of exhibitionism or self-publicity.¹ Vandalism is the ideal form of rule-breaking both in expressive and instrumental terms providing both risk and excitement.²

The prevalence of vandalism in such settings as housing developments is widely considered to be in direct relation to the architectural design and social environment of such areas. Vandalism is widespread and its impact further disheartens residents and leads them to the abandonment of previously felt concern.³

CHAPTER II. NATIONAL DEVELOPMENTS

The Baltimore Report

Since vandalism has been mainly directed at schools, the majority

1. Koch, *Op. cit.*, p. 59.

2. Cohen, *Op. cit.*, p. 53.

3. Oscar Newman, *Architectural Design for Crime Prevention*, United States Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, March, 1973, p. xii.

of available statistics on this subject focus on the extent of this problem in the nation's educational system. The Baltimore City public school system prints an annual report of vandalism in Maryland counties and selected large cities. In assembling data for the 1973-1974 school year report, officials canvassed 46 districts¹ (39 cities; 7 counties) with pupil enrollments ranging from 25,000 in Amarillo, Texas to 1,125,000 in New York.

The cost of vandalism to school property in 1973-1974 was reported to be as high as \$4,092,914 in New York City, \$3,621,214 in Los Angeles, and \$2,306,696 in Philadelphia. Los Angeles received restitution in the amount of \$166,574, thus reporting a net cost of \$3,454,640. San Diego and Mobile received restitution in the amounts of \$107,357 and \$251,200, respectively. These amounts lowered the costs of vandalism in the following manner: San Diego, total cost \$495,465, net cost \$388,108; and Mobile, total cost \$355,000, net cost \$103,800. Other than New York, Los Angeles, and Philadelphia, all respondents reported total individual losses under \$1 million.

The total cost of vandalism in the 46 districts was approximately \$19.7 million;² reimbursement for losses totaled about \$1.2 million,³ resulting in a net cost of approximately \$18.5 million.

The per pupil cost of vandalism ranged from as high as \$11.66 in Oakland to \$.04 in Oklahoma City, the latter city having a high average restitution per pupil. Philadelphia, Los Angeles, and New York City had net costs per pupil of \$8.66, \$4.75, and \$3.63, respectively.

Physical Security. The survey revealed that various protective measures have been taken to curtail vandalism. In St. Louis, all school buildings have Lexan or Plexiglas windows and burglar alarm systems have been installed in 92 percent of all buildings. Cleveland; Fairfax County, Virginia; Jefferson County, Kentucky; and Norfolk have burglar alarm systems in all of their school buildings. Thirty percent of all school buildings in Cleveland and

1. Akron, Albuquerque, Amarillo, Atlanta, Baltimore, Baton Rouge, Birmingham, Broward County (Florida), Buffalo, Charlotte, Cleveland, Dade County (Florida), Dallas, Dayton, DeKalb County (Georgia), El Paso, Fairfax County (Virginia), Fresno, Hillsborough County (Florida), Houston, Indianapolis, Jacksonville, Jefferson County (Kentucky), Las Vegas, Los Angeles, Lubbock, Minneapolis, Mobile, Nashville, Newark, New Orleans, New York, Norfolk, Oklahoma City, Oakland, Palm Beach, Philadelphia, Pinellas County (Florida), Portland, San Antonio, San Diego, St. Louis, St. Paul, Syracuse, Tulsa and Wichita.

2. Two districts failed to provide information on the cost estimate portion of the survey; another omitted a total cost estimate but included costs of restitution and net cost.

3. Ten localities reported "none" and another answered "minimal".

Norfolk have Lexan or Plexiglas windows; Fairfax County reports only limited use of this type of glass and no buildings are so equipped in Jefferson County.

Burglar alarm systems are in operation in over 50 percent of all school buildings in the following districts: Akron (65%), Atlanta (95%), Birmingham (90%), Dade County, Florida (58%), Dallas (60%), Dayton (83%), DeKalb County, Georgia (70%), Houston (50%), Indianapolis (90%), Minneapolis (60%), Nashville (57%), Newark (95%), New Orleans (70%), New York (75%), Oakland (62%), Pinellas County (55%), Portland (90%), St. Louis (92%), St. Paul (98%), and Syracuse (90%).

Atlanta officials reported that the use of silent automatic burglar equipment in schools has been effective and losses due to vandalism are declining. In DeKalb County, which includes parts of Atlanta, the radio alarm system is combating most of the in-house vandalism. In the first six months of the 1974-1975 school year a 352 percent decrease in vandalism incidents and an 858 percent decrease in cost was experienced.

Fourteen districts have round-the-clock security guards¹ and four districts² have virtually 24-hour surveillance by security guards. In Baltimore, Dayton, Newark, and St. Louis, security guards work in shifts which closely approximate school hours. In a number of districts the shifts of security guards are during nonschool hours: Baton Rouge, 4:00 p.m. to midnight; Birmingham, 6:00 p.m. to 2:00 a.m.; Broward County, nonschool hours; Charlotte, 4:00 a.m. to 12:30 p.m.; El Paso, 6:00 p.m. to 5:00 a.m.; Fairfax County, 11:00 p.m. to 7:00 a.m.; Minneapolis, 11:00 p.m. to 3:00 a.m.; and Philadelphia, 2:30 p.m. to 7:30 a.m. Akron and New Orleans employ security guards for weekend surveillance only.

A complete blackout of all lights at all campuses for the past three years in San Antonio has decreased vandalism costs during night hours by 300 percent plus a vast savings of energy costs. Increased manpower placed on campuses has allowed immediate response and movement to crises needs.

The City of Baltimore reported that the use of lighting, alarm systems, protective screening, Lexan installation, etc., had *not* been particularly effective to date.

1. Albuquerque, Cleveland, Dade County, Dallas, DeKalb County, Hillsborough County, Indianapolis, Las Vegas, Los Angeles, Oakland, Pinellas County, Portland, San Antonio, and Wichita.

2. Buffalo, Houston, Oklahoma City, and San Diego.

Other Programs. Beyond the physical measures described, numerous communities have embarked on educational, community interest, student "pride", and other incentive programs to combat vandalism.

In February 1975 the School Board of Amarillo approved a plan on a pilot basis at the four senior high schools for the last semester of the 1974-1975 school year. An initial fund was established at 50¢ per pupil for students enrolled as of January 27, 1975. Vandalism costs are deducted from the fund and any unused funds are returned to the Student Council of that school for approved projects. The plan was of some benefit in cutting down vandalism during school hours.

Broward County, Cleveland, and Los Angeles are attempting to involve parents and citizens in programs to combat vandalism. Along with experimentation with various types of security alarm systems and research into the use of mobile homes, Broward County is maintaining direct contact with parents making them aware of the actions of their children. Advisory committees have been established at schools to inform parents, students, and the community of school problems.

In Cleveland, designated citizens in each school district have been given a special telephone number to report incidents happening at the schools. These reports are relayed by a "hot line" connection to local police stations. Los Angeles provides coordinated police security effort-work teams and helicopter coverage from the police department. A dog patrol is in experimental use. The city has also established a community alert program (parent patrols), a restitution program and a student antivandalism program.

The City of Fresno reported that the use of Small Claims Court to obtain restitution has met with good results.

Mobile Homes

The Elk Grove Unified School District in California has developed a unique program called "Vandal Watch" to combat the problem of school vandalism. The District encompasses a 320-square-mile area, primarily rural, with 17 schools and approximately 10,000 elementary and secondary students. Under the program, families live rent-free in mobile homes adjacent to school buildings and report any suspicious activities to the police.

The plan originated in 1967 when a three-bedroom trailer was converted into school offices. In order to protect the offices, one of the bedrooms was occupied rent-free by college students with the

result that the offices were never burglarized.

On this premise the program was established and expanded to include each of Elk Grove's 17 schools. The District pays the \$2,500 to \$3,500 installation costs and the monthly utility bills of \$10 to \$12 per site. It is estimated that the District is saving more than \$20,000 a year and insurance rates for fire, theft, and malicious mischief were reduced by approximately 25 percent.¹

The plan has met with such success that it has been implemented in Jacksonville, Palm Beach, and Pinellas County, Florida.

The Bayh Report²

As stated in the introductory chapter, the Subcommittee on Juvenile Delinquency found that crime in public schools has reached epidemic proportions, with violence and vandalism costing American schools around \$500 million annually, equalling the total amount spent on textbooks in every school in the country in 1972. The subcommittee described the vandalism cost as staggering but cautioned that its estimate of the total loss to school districts due to vandalism was on the conservative side. In New York City alone more than 248,000 windows were broken in a single year, costing the city \$1.25 million.

Northeast. The report cited a decrease of 12 percent for the period 1970-1973 in vandalism in the northeastern³ school districts surveyed but further stated that this reduction may be attributable to incomplete returns from New York City or that the incidence of such offenses have been so historically high in this region that the percent increase⁴ is falling while actual frequency remains disturbingly high.

Northcentral. Major acts of vandalism increased 19.5 percent (1970-1973) in the northcentral region.⁵ The St. Louis, Missouri school system spent \$250,000 in 1974 on repairs for buildings and

1. "Live-in 'School Sitters' Are Saving This District Thousands of Dollars". *The American School Board Journal*, Vol. 161, July, 1974, p. 36.

2. "Our Nation's Schools - A Report Card: 'A' in School Violence and Vandalism". Preliminary Report of the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, United States Senate, Senator Birch Bayh, Chairman, April, 1975.

3. Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

4. Percent increase among all reported crimes.

5. Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

equipment damaged by vandals; \$7,000 worth of damage was caused by elementary school pupils at one school.

School administrators in Chicago attributed part of the vandalism problem to gang activity. Some sources suggest that expelled, suspended, or truant students who return to the schools during the day are responsible for a great deal of the violence and vandalism within the city's schools. Three million dollars was spent in Chicago schools in 1973 to repair or replace damaged or stolen property.

Authorities in Detroit estimated that in the 1972-73 school year destroyed or stolen school equipment accounted for losses exceeding \$1 million. A Detroit principal emphasized that most students are well-behaved and problems are usually created by students not doing well academically and by pupils who have excessive absences.

In the nearby Grand Rapids school system the bill for vandalism in 1973 was \$110,000. Installation of alarm systems, plastic windows, and special lights has been effective in reducing vandalism losses.

The Wichita, Kansas public school system reported that between 1963 and 1973 the number of broken windows had increased 300 percent and the overall cost for vandalism and burglary had escalated from \$18,777 to \$112,177.

One school building in Indianapolis had over \$3,000 in broken windows in 1973 alone.

The report further stated:

It would be a serious mistake to infer from the few examples we have pointed out that violence and vandalism exist only in schools in the larger cities of the Northcentral region. On the contrary, the Subcommittee study has found very few schools within this region that do not have serious problems in this regard.¹

South. The subcommittee did not include a percentage increase of vandalism in the southern region² but indicated that vandalism of school property is increasing. Prince Georges County, Maryland experienced a 14 percent increase in vandalism costs between the

1. "Our Nation's Schools. . .," *Op. cit.*, p. 26.

2. Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, the District of Columbia, Puerto Rico, and the Virgin Islands.

academic year 1971-1972 (\$226,000) and 1972-1973 (\$267,000). Maintenance costs of the Houston, Texas school security force increased from \$20,000 in 1972 to \$389,000 in 1973. Three teen-aged youths in Dale City, Virginia caused \$20,000 in damages to an elementary school in March, 1974. Unrest and discontent stemming from school desegregation proposals have sparked some episodes of vandalism in this region.

West. Between 1970 and 1973, major acts of vandalism increased by 15.7 percent in the western region.¹ Administrators in large urban areas such as Los Angeles and San Francisco charge that organized gangs are responsible for much of the violence and vandalism. The Los Angeles Superintendent of Schools estimates that between 1968 and 1973 vandalism cost the city approximately \$11 million. One study in California estimates that the State of California will be spending well over \$10 million annually to restore property victimized by vandals. And vandalism is reported to be a serious concern in the northern tier of this region where the City of Seattle suffered over \$1 million in damage to school property in 1972.

Less populated regions also reported increases. Damage to Boulder, Colorado schools runs to \$65,000 annually and, in Las Vegas, vandalism incidents increased from 19 in 1970 to 671 in 1973.

Federal Legislation

Legislation proposing federal financial assistance to local education agencies for school crime prevention was first introduced in the 92nd Congress by Representative Jonathan Bingham of New York (H.R. 3101). The legislation, entitled "The Safe Schools Act", was reintroduced in September, 1971 as H.R. 10641. The initial proposal authorized grants under Title I of the Elementary and Secondary Education Act (ESEA) to provide programs to reduce crime on school premises. Fiscal support would be furnished for other elements such as security forces, parent patrols, and alarm systems. Hearings were held by the General Subcommittee on Education but no report was issued.

The "Safe Schools Act" was again submitted in the 93rd Congress as H.R. 2650 and a companion measure, S. 845, was filed in the Senate. Again no report was issued by the General Subcommittee on

1. Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Guam, the Canal Zone, the Trust Territories of the Pacific Islands, and American Samoa.

Education after hearings on the proposals. Later, the "Safe Schools Study Act", H.R. 11962 was introduced which required the Department of Health, Education and Welfare to conduct a study of crime in elementary and secondary schools. This latter measure was approved by the House Committee on Education and Labor as an amendment to H.R. 69, the "Elementary and Secondary Education Amendments of 1974." A conference committee adopted the provisions of the House bill with the addition of portions of a Senate version (S. 1539) which required the study to cover the period of enactment through fiscal year 1976. The ESEA amendments of 1974 became Public Law 93-380 on August 21, 1974.

The Bayh report concluded that federal legislation is a necessity but that realistic and effective legislation cannot be finalized without further Congressional investigation. A federal program might be prematurely sponsored when local alternatives and solutions had not been fully investigated or more definitive information on the extent and nature of the problem had not been developed.

The final report of the Secretary of the Department of Health, Education and Welfare is to be submitted by December 1, 1976 and will cover the period from the enactment of the Act (August 21, 1974) to June 30, 1976.

CHAPTER III.

STATE LAWS ON VANDALISM AND RELATED STATUTES

Civil Parental Responsibility Laws

Common Law Liability. At common law, the parent-child relationship in itself did not subject the parent to liability for the tortious acts of a minor child. A child could be held legally responsible for his or her negligent or other unlawful conduct provided the minor had the legal capacity to commit the wrong involved. However some exceptions to the general rule were recognized. Thus, a parent would be answerable for the child's conduct when the latter acted as the agent or employee of the parent and provided that the activity was within the scope of his employment. Parental liability would also result when (a) the parent's negligence was the proximate cause of the child's unlawful action; (b) the child was entrusted with a dangerous instrument; (c) the parent consented

to, participated in, ratified, or derived a benefit from the juvenile's misconduct; and (d) the parent had knowledge of the child's vicious instincts and failed to take action to curb them.

The common law was followed in all states except Hawaii and Louisiana. Those jurisdictions adopted the civil law approach which imposed unlimited liability on the part of parents for a child's misconduct. This liability may be avoided only if the parent can prove that he was unable to prevent the minor's act which caused the damage or injury.

Massachusetts Statute. The Massachusetts law providing for parental liability for the torts of minor children reads as follows:

Parents of an unemancipated child under the age of seventeen and over the age of seven years shall be liable in a civil action for any willful act committed by said child which results in injury or death to another person or damage to the property of another or to cemetery property. This section shall not apply to a parent who as a result of a decree of any court of competent jurisdiction, does not have custody of such a child at the time of the commission of the tort. Recovery under this section shall not exceed five hundred dollars for any such cause of action for injury, death or damage to the property of another, or one thousand dollars for any such cause of action for damage to cemetery property (G.L. c. 231, s. 85G).

Initially passed in 1969 (c. 453), the statute has been twice amended. In 1972, the Legislature saw fit to include specifically "cemetery property" within its provisions (c. 552) and in 1975 the general maximum limit for the recovery of damages was raised from the former amount of \$300 to \$500 (c. 189).

Major Statutory Provisions. Proving that the facts fit the cited exceptions is often difficult and consequently the injured party must proceed against the child. Invariably the defendant minor is "judgment proof". He lacks assets or an earning capacity, which leaves the plaintiff with a worthless remedy. To respond to the inadequacies of the common law, many states enacted parental liability statutes which were designed to more fully compensate the victims for the injury or damage inflicted by the tortious acts of minor children. Other jurisdictions passed such laws to curtail juvenile

delinquency. The states of Louisiana and Hawaii have had parental responsibility laws since 1804 and 1858, respectively, but the modern trend in this area dates from the passage of such a statute by the State of Nebraska in 1951. As indicated by the following tabulation, parental responsibility laws are now found in 47 jurisdictions only the states of Mississippi, New Hampshire, and Utah have failed to enact laws on this subject.

Table 2. Selected Characteristics of Parental Responsibility Laws

State	Maximum Recovery	Age Limit	Personal Injury Covered
Ala. Code, Title 7, s. 113(1)	\$ 500 ¹	17	No
Alas. Stats, s. 34.50.020	\$2,000	17	No
Ariz. Rev. Stat. Ann., s. 12-661	\$ 500	Minor	Yes
Ark. Stat. Ann., s. 500-109	\$1,000	17	No
Calif. Code, s. 1714.1	\$2,000	Minor	Yes
Colo. Rev. Stat. Ann., s. 13-21-107	\$1,000 ¹	17	No
Conn. Gen. Stat. Ann., s. 52-572	\$1,500	Minor	Yes
Del. Code Ann., Title 10, s. 3923	\$1,000	17	No
Fla. Stat. Ann., 741.24	\$1,000	17	No
Ga. Code Ann., ss. 105-113	Unlimited	16	Yes
Ha. Rev. Stat., s. 577-3	Unlimited	17	2
Ida. Code Ann., s. 6-210	\$ 300	17	No
Ill. Rev. Stat. 70, s. 53	\$ 500	11-19	Yes
Ind. Ann. Stat., s. 31-5-10-1	\$ 750 ¹	17	No
Iowa Code Ann., s. 613.16	\$1,000	17	Yes
Kan. Stat. Ann., s. 38-120	\$1,000 ¹	17	No
Ky. Rev. Stat. Ann., s. 405.025	\$ 500	Minor	No
La. Civ. Code Ann., Art. 2318	Unlimited	Minor	2
Me. Rev. Stat. Ann., Title 19, s. 217	\$ 250	7-17	Yes
Md. Ann. Code, s. 3-829	\$1,500	Minor	Yes
Mass. Gen. Laws Ann., c. 231, s. 85G	\$ 500	7-16	Yes
Mich. Comp. Laws Ann., s. 600.2913	\$1,500	17	Yes
Minn. Stat. Ann., s. 540.18	\$ 100	17	Yes
Mo. Ann. Stat., s. 537.045	\$ 300	Minor	No
Mont. Rev. Code Ann., s. 61-112.1	\$ 300	17	No
Neb. Rev. Stat., s. 43-801		Minor	Yes
Unlimited-property damage \$1,000-personal injury			
Nev. Rev. Stat., s. 41.470	\$3,000	17	Yes
N.J. Rev. Stat., s. 2A:53A-15	\$ 250	16	No
N.M. Stat. Ann., s. 13-14-44	\$1,000 ¹	Child	Yes
N.Y. Consolidated Laws, General Obligations Law, s. 3-112	\$ 500	10-17	No
N.C. Gen. Stat., s. 1-538.1	\$ 500	17	No
N.D. Cent. Code, s. 32-03-39	\$1,000 ¹	Minor	No
Ohio Rev. Code Ann., ss. 3109.09, 3109.10	\$2,000 ¹	17	Yes
Okla. Stat. Ann., Title 23, s. 10	\$1,500	17	No

Table 2. Cont'd.

State	Maximum Recovery	Age Limit	Personal Injury Covered
Ore. Rev. Stat., s. 30.770	\$ 300	17	Yes
Pa. Stat. Ann., Title II, ss. 2001-2005	\$1,000	17	Yes
R.I. Gen. Laws Ann., Title 9 Chapter 1, s. 3	\$ 500	Minor	Yes
S.C. Code Ann., s. 10-2595	\$1,000	16	No
S.D. Code Comp. Laws Ann., s. 25-5-15	\$ 300	17	No
Tenn. Code Ann., s. 37-1001 to 1003	\$2,500 ¹	21	No
Tex. Family Code, Title II, ss. 33.01, 33.02	\$5,000	12-17	No
Vt. Stat. Ann., Chapter 15, s. 901	\$ 250	16	Yes
Va. Code Ann., ss. 8.654.1, 8.654.2	\$ 200	18	No
Wash. Rev. Code Ann., s. 4.24.190	\$1,000	18	No
W. Va. Code Ann., s. 55-7A-2	\$ 500 ¹	17	No
Wis. Stat. Ann., s. 895.035	\$1,000 ¹	Minor	Yes
Wyo. Stat. Ann., ss. 14-15.1-14-5.3	\$ 300	10-17	No

1. In addition, the plaintiff is awarded court costs.

2. These statutes do not specifically provide for recovery of damage for personal injuries, but simply allow for "damages" (Louisiana) or "Damages for torts" (Hawaii).

Source: "The Iowa Parental Responsibility Act", *Iowa Law Review*, Vol. 55, 1970, pp. 1037-1038 as updated by the Legislative Research Bureau.

Most statutes stipulate that the behaviour of the child must be intentional, wanton, willful, or unlawful in order to expose the parent to liability. Mere negligence on the minor's part will not suffice. Other common provisions postulate that (1) the child is unemancipated and in the parent's legal custody; (2) the tort-feasor is a minor; and (3) the child must also be liable for his actions.

As the table notes, 25 states do not include personal injuries within the scope of their statutes. This development supports the premise of some authorities that legislatures, by subjecting parents to liability, intended to place greater supervisory obligations on parents and thus curb actions of vandalism and other forms of juvenile delinquency. A further affirmation of this contention is found in the specific language of many statutes permitting actions to be brought by "a municipal corporation, county, township, village, school district, department of the state, person, partnership, corporation, association, or an incorporated or unincorporated religious association."

State statutes reflect a wide diversity in respect to maximum

damages authorized, ranging from a low of \$100 in Minnesota to a high of \$5,000 in Texas. As shown by the following tabulation, the more common limits are in the \$250-\$500 range, with approximately 2/3 of the states in the \$250-\$1,000 group.

Recovery Limits	States
\$100	Minnesota
\$200	Virginia
\$250-500(18)	Alabama, Arizona, Idaho, Illinois, Kentucky, Maine, Massachusetts, Missouri, Montana, New Jersey, New York, North Carolina, Rhode Island, Oregon, South Dakota, Vermont, West Virginia, and Wyoming.
\$750	Indiana
\$1,000(12)	Arkansas, Colorado, Delaware, Florida, Iowa, Kansas, New Mexico, North Dakota, Pennsylvania, South Carolina, Washington, and Wisconsin.
\$1,500(4)	Connecticut, Maryland, Michigan, and Oklahoma.
\$2,000(3)	Alaska, California, and Ohio.
\$2,500	Tennessee
\$3,000	Nevada
\$5,000	Texas
Unlimited (4)	Georgia, Hawaii, Louisiana, and Nebraska.

Damages levels of \$1,000 and up result in most part from recent amendments to state statutes which were initially enacted in the mid to late 1950s. However, on the other hand, legislatures have balked at increasing the monetary limits in recent sessions. In 1974, the New Jersey Legislature rejected Assembly No. 36 which proposed increasing the present authorization of \$250 to \$500 and extending the law's coverage (16 years) to minors under the age of 18. Failure visited efforts in 1975 to adjust the limits in Oregon (SB 909; \$300 to \$5000); in Rhode Island (SB 56; \$500 to \$2,500) and in Tennessee (HB 836; \$2,500 to \$5000). Moreover, the New Hampshire Legislature in the 1975 sitting continued its opposition to parental responsibility laws by defeating measures calling for unlimited recovery in both personal injury and physical damage actions.

Finally, the statutes in many jurisdictions state that the remedy therein is not exclusive and the victim may initiate other actions at law to redress the injury or damage sustained.

Constitutionality. Parental responsibility laws have been subject to constitutional attack on at least four occasions: *Kelly v. Williams*,

346 S.W. 2d 434, Tex. Civ. App. 1961; *General Insurance Company of America v. Faulkner*, 259 N.C. 317, 130 S.E. 2d 645 (1963); *Mahaney v. Hunter Enterprises*, 420 P.2d 442 (1967); and *Cooley v. Lewless*, 227 Ga. 745, 182 S.E. 2d 766 (1971). The constitutionality of the statute was upheld in the first three cases but was rejected in the fourth. Decisions were rendered in each instance by the respective states' highest court and this issue has not been adjudicated by the Supreme Court of the United States.

In *Kelley*, the Court held that the Texas statute operated equally upon all within the class involved and therefore was not violative of equal protection, but it did not consider the due process objection. The Court merely stated that twenty-four other states had enacted comparable legislation, the constitutionality of which had never been under attack. In *Faulkner*, the North Carolina statute was held properly based on the police power of the state, and due process was said to be satisfied by affording the parents the opportunity to show in a court of law that the requirements of the statute were not met. The Wyoming Supreme Court in its *Mahaney* decision merely stated that the constitutional challenge was without precedent, as similar statutes had been challenged only twice and in each instance the statute was held constitutional. The defendants asserted that the statute was penal in nature and attempted to establish liability without fault, contrary to the common law. The Court held this was purely a matter of state policy, and thus a legislative question, and recourse could not properly be sought from the court. In substance the courts have said that it is within the police power of a State to decide that parents should be stimulated to discharge their responsibility of disciplining their children by means of a parental responsibility law. Since the objective of the legislation in these states is to keep parents up to the mark and not necessarily to compensate the victims of the children (although the primary thrust of many states' parental responsibility laws is to compensate the victim), the various limitations upon the extent of liability (damage limitations, restrictions of the remedy to property damage, etc.) are not arbitrary or unreasonable, but are simply reflections of the legislature's considered judgment as to the means most likely to accomplish the desired end.

In its 1971 decision, the Georgia Supreme Court struck down the parental liability law as violative of the due process clause of the State

Constitution. The Court recited the judicial precedents indicating that state's longstanding opposition to the liability without fault doctrine and its belief that such a concept was inconsistent with due process. Since the Georgia statute permitted unlimited damages, that feature made the instant case distinguishable from the cases wherein the constitutionality had been sustained in other jurisdictions. In the Court's view, parental responsibility laws which restricted the amount of recovery were in the nature of penal statutes — the damages awarded to the plaintiff were in the way of "fines" assessed against the parent for his failure to curb the behaviour of his child. On the other hand, the Court stated that laws permitting unlimited damages were compensatory in nature and went to the very essence of tort liability. In its opinion, exposing a defendant to unlimited liability, absent fault on his or her part, constituted a "taking of property without due process" and was therefore invalid.

Effectiveness of Laws. While parental responsibility statutes have generally passed muster in respect to their constitutionality, they have been criticized by psychologists, sociologists, legal scholars, and other authorities as an ineffective remedy to curb juvenile delinquency and to a lesser extent as a means to provide monetary compensation for the damages suffered by the victim.

While parental control and supervision of minor children is a factor in the juvenile delinquency picture, it is not the sole cause of this social malady. Opponents of parental responsibility laws contend that to expose parents to vicarious liability when the cohesiveness of the family unit is being undermined by new social institutions and the pressures and demands of modern society is grossly unfair. They point to welfarism, unemployment, permissiveness, present social acceptance of philosophies and conduct which was formerly taboo, substandard housing, and a host of other shortcomings as counter-productive to the execution of discipline over children. This reasoning prompted the governors of the states of Illinois and New York in times past to veto parental responsibility laws passed by their legislatures.

On another count, it has been suggested that, to protect themselves against liability, parents or other lawful guardians of minors may become overly strict. Such a situation may tend to make the child more rebellious and unresponsive, thereby actually increasing juvenile misbehaviour. Moreover, since these laws make the parent

accountable for the payment of damages, the child is free to commit further tortious acts with impunity.

Statutory restrictions such as making only property damage claims actionable or limitations as to maximum recovery are ineffective in curbing juvenile delinquency and inadequate in compensating victims, particularly for personal injuries, according to some authorities. A young child is more likely to do damage to property but the more serious acts are committed by older delinquents and frequently result in bodily harm. Since a substantial number of delinquents are said to come from low-income families, satisfaction of the judgment may be difficult. Moreover a *bona fide* attempt by a parent to liquidate his debt may bring economic repercussions to the family, thus increasing tensions and possibly further acts of misconduct by the minor.

Lastly, while there are no current empirical data precisely in point, critics rely on a study of statistics compiled by the Juvenile Delinquency Studies Branch of the Department of Health, Education and Welfare. An analysis of those data showed that from 1957 through 1962, the 16 states which had parental responsibility statutes in 1957 had a higher juvenile delinquency rate over that five-year period than the United States as a whole.

City Ordinances Regulating Parental Responsibility

Cities have also enacted ordinances regulating parental liability for destructive or criminal acts of minors. Nine Michigan cities have passed parental responsibility ordinances based on two primary models.¹ In four of these localities,² the ordinances contain three major similar provisions. Firstly, there must be a "Finding of Necessity", i.e., the juvenile delinquency must be a result of parental neglect. Secondly, it must be determined that failure to act or lack of supervision tended to cause the minor to become a delinquent — "Contributing to the Neglect or Delinquency of Children". Thirdly, the ordinances all have provisions relative to "Curfew Violations". The apprehension of a minor on the public streets or parks after curfew is *prima facie* evidence of violation of the parental responsibility ordinances.

1. Penelope Clute, "Parental Responsibility Ordinances — Is Criminalizing Parents When Children Commit Unlawful Acts a Solution to Juvenile Delinquency?", *Butte Law Review*, Vol. 19, 1973, p. 1557.

2. Lapeer, Pontiac, Troy, and West Bloomfield.

Four other Michigan cities¹ have enacted ordinances which follow a different format but also have basic and similar provisions. All of the ordinances provide definitions for "parental neglect"² and "habitual offender".³ The second clauses provide for notification and penalty. The police must have notified the parents at least once that their child has been arrested before they will be subject to prosecution. Therefore, only the parents of a "habitual offender" may be charged with parental neglect.

Detroit's ordinance has the same definition of parental neglect and the same notification provision but does not include a "habitual offender" clause. If the parents were clearly aware that their child was committing a forbidden act, the parents could be notified and arrested simultaneously.

Some doubt has been expressed relative to the constitutionality of such ordinances. Critics allege that the cities have no power or authority to enact such legislation because this area of law is preempted by the state and in these particular ordinances, acts are prohibited which a state statute permits. The ordinances are attacked on the grounds that they are unduly vague and in violation of the Due Process Clause of the Fourteenth Amendment. The ordinances fail to adequately and specifically define what parental action or inaction is criminally proscribed. For example, the Detroit ordinance forbids parents from knowingly permitting a minor to be absent without cause from regular school sessions but does not define what would constitute irregular absences.

On philosophical grounds, such ordinances have been condemned by social scientists as ineffective in containing juvenile delinquency. On the question of equity and fairness, they spark criticism as opponents charge that parents are penalized for circumstances over which they have little, if any, control. Criminologists point out that the question of juvenile delinquency is a complicated issue and although the family is a primary element in society they contend that parental responsibility ordinances are a simplistic solution. Experts have found a substantial correlation between lax standards of discipline and delinquency but they have also concluded that correlation exists between overly strict discipline and delinquency. The President's Commission on Law Enforcement and Administra-

1. Madison Heights, Mount Clemens, Roseville, and St. Clair Shores.

2. "Parental Neglect": failure to exercise reasonable parental control which results in a minor committing, or allows him to commit, any criminal act.

3. "Habitual Offender": one who commits at least two criminal acts.

tion of Justice in a 1967 report on Juvenile Delinquency and Youth Crime determined that the family is just one of the numerous interrelated forces, including schools, housing, recreation, community life, employment, and the juvenile justice system itself which influence minors toward delinquency.

Statutes Governing Malicious Destruction of Property

The term "vandalism" rarely appears in state laws providing sanctions for damage to, or destruction of, public or private property. Only seven states incorporate this term in their statutes.¹ More commonly, the statutes refer to "criminal mischief", "malicious destruction of property", "malicious mischief" or "criminal damage to property", etc. Also, in some jurisdictions the statutes cover damage or destruction to certain types of property, e.g. public utilities, railroad property, cemeteries, historical monuments, boundary markers, etc. Generally, statutes which seek to prevent the destruction of property vary considerably in regard to structure and to fines and punishment.

Single Statutes. Five states have one specific statute which governs malicious damage to property.² In Mississippi the statute applies only to the malicious destruction of public buildings, churches, schools, or property thereof and in Oklahoma only to public buildings.³ Mississippi also has a statute which provides for suspension or expulsion and parental liability for damages in the case of damage to school property by a pupil.⁴ If damage to any state-supported school building was caused by a fire of suspicious origin or an explosive device, the Commissioner of Insurance may offer a \$500 reward for information leading to the apprehension, indictment, and conviction of the offender(s).⁵

1. *California Penal Code*, Title 14, s. 594, "... maliciously injures or destroys any real or personal property not his own, ... is guilty of vandalism ..."; *Criminal Code of Georgia*, s. 26-1505, "Vandalism to a place of worship"; *Michigan Compiled Laws Annotated*, s. 318.251, "Vandalism, prohibition," disallows damage or destruction to growing things or property in any state or publicly owned park or recreation area, s. 318.253, a convicted offender is liable for treble damages; *Nevada Revised Statutes*, s. 381.255, unlawful for any person(s) to commit vandalism upon any historic or prehistoric sites, natural monuments, speleological sites and objects of antiquity; *Ohio Revised Code*, Title 29, c. 07, s. 082, "Vandalism," "No person with intent to cause damage or injury to another, the state, or any of its political subdivisions shall unlawfully injure or damage public or private property,"; *South Dakota Code Compiled Laws Annotated*, Chapter 22-34, "Vandalism Injuries to Property"; and *Rhode Island General Laws Annotated*, Chapter 11-44, "Trespass and Vandalism".

2. Indiana, Maryland, Mississippi, Missouri, and Oklahoma.

3. *Mississippi Code*, s. 97-17-39; and *Oklahoma Statutes Annotated*, Title 21, s. 349.

4. *Mississippi Code*, s. 37-11-19.

5. *Mississippi Code*, s. 83-1-35.

The states of Indiana and Mississippi impose fines not to exceed \$100 and imprisonment for up to six months for malicious mischief.¹ In both Maryland and Missouri, convicted offenders are subject to a maximum sentence of one year, but fines imposed vary from up to \$500 in Maryland to two times the value of the property destroyed in Missouri.² The Oklahoma statute makes no provision for the imposition of a fine but a guilty defendant may be sent to prison for up to 25 years.³

Another ten states have one statutory provision defining criminal mischief. However, they have at least one subsection which defines the crime in terms of pecuniary loss.⁴ In Maine aggravated criminal mischief is identified as a class C crime, i.e., imprisonment from three to five years or a fine of from \$1,000 to \$5,000. A person is guilty of aggravated criminal mischief if he intentionally or knowingly damages or destroys:

- (1) the property of another in an amount exceeding \$1,000;
- (2) property in an amount exceeding \$1,000 to enable any person to collect insurance proceeds;
- (3) or tampers with the property of a law enforcement agency, fire department or public utility causing a substantial interruption or impairment of service;
- (4) or tampers with the property of another and thereby recklessly endangers human life.⁵

Aggravated criminal damage to property is subject to maximum penalties of a \$5,000 fine and/or five years' imprisonment in Minnesota if the damage to the property caused a risk of bodily harm, interrupted the service of a public utility or common carrier, or reduced the value of the property by more than \$100. Under any other circumstances, maximum penalties are a \$300 fine and/or 90 days' imprisonment.⁶

In Montana, any person who knowingly or purposely damages or destroys private or public property, tampers with such property so as to endanger or to interfere with its use, or damages or destroys such

1. *Indiana Annotated Statutes*, c. 63 and *Mississippi Code*, s. 97-17-39.

2. *Maryland Annotated Code*, Art. 27, s. 141 and *Missouri Annotated Statutes*, Title 41, 2281.

3. *Oklahoma Statutes Annotated*, Title 21, s. 349.

4. Delaware, Florida, Maine, Minnesota, Montana, New Hampshire, Pennsylvania, Utah, Wisconsin, and Wyoming.

5. *Maine Revised Statutes Annotated*, s. 805.

6. *Minnesota Statutes*, s. 60A.505.

property in order to defraud an insurer may be fined up to \$500 and/or imprisoned for up to six months in the county jail. If the amount of damage is valued at more than \$150, or a commonly domesticated hoofed animal is injured or killed, or there is a substantial interruption or impairment of a public service, the offender can be confined to a state prison for a maximum of ten years.¹

Utah's single statute contains three categories of punishment for criminal mischief. Damage, other than arson, committed with an intent to defraud an insurer, is subject to maximums of five years' imprisonment and/or a \$5,000 fine. Intentional and unlawful tampering with the property of another and thereby recklessly endangering human life or causing or threatening a substantial interruption or impairment of any public utility will expose an offender to maximum punishments of one-year imprisonment and/or a \$1,000 fine. Lastly, the punishments imposed for intentionally damaging, defacing, or destroying another's property or recklessly or willfully shooting any object at a vehicle whether moving or standing are determined according to the value of the damage or loss.²

Criminal damage to property is generally punished by maximum penalties of a \$200 fine and/or six months imprisonment in Wisconsin. However, if (1) the damage was done to a vehicle or a highway and is likely to cause injury to a person or further damage property, or (2) the property damaged belonged to a public utility or a common carrier and service is likely to be impaired, or (3) the property belonged to a witness or a juror and the damage was inflicted by reason of testimony or a verdict the offender is liable to a fine of up to \$1,000 and/or up to three years' imprisonment. Also, if the value of the damages exceeds \$1,000, punishment may be in the form of a maximum fine of \$1,000 and/or up to five years' imprisonment.³

The states of Delaware, Florida, New Hampshire, Pennsylvania, and Wyoming impose fines and penalties for criminal damage based on the amount of pecuniary loss.⁴ A substantial impairment or

1. *Montana Revised Code*, s. 94-6-102.

2. See Table 3 for the amounts of monetary loss and the corresponding fines and penalties. *Utah Code Annotated*, s. 76-6-106.

3. *Wisconsin Statutes Annotated*, c. 943, s. 01.

4. See Table 3 for the amounts of monetary loss and the corresponding fines and penalties; *Delaware Code*, s. 811; *Florida Statutes Annotated*, s. 806.13; *New Hampshire Revised Statutes Annotated*, c. 634, s. 2; *Pennsylvania Statutes Annotated*, Crimes Code, Title 18, s. 3304; and *Wyoming Statutes Annotated*, s. 6-227.1.

interruption of a public service, no matter what the value of the damage, is punished by the maximum fines and penalties of the statutes regulating criminal damage in Delaware, Florida, New Hampshire, and Pennsylvania.

Four or Less Statutes.

Fourteen states have at least one statute which defines damage in terms of monetary loss¹ and two or three other statutes related to criminal damage to property.²

Arkansas. In Arkansas acts of violence which impair the operation of a vital public facility are punished by a fine of up to \$10,000 and imprisonment for up to three years.³

California. In addition to a statute which defines vandalism in terms of the value of the damage, two other statutes are in force relative to malicious mischief. Defacing another's property by means of paint or any other liquid is punishable by a fine not exceeding \$500 and/or up to 30 days in the county jail. The offender may be required to make restitution or to wash, paint, or repair the defaced property as a condition of probation.⁴ Any person who maliciously maims, tortures, or kills another person's animal is subject to imprisonment in the county jail for not more than one year or in the state prison for not more than five years.⁵

Colorado. Tampering with the property of a public utility or an institution providing health or safety protection with intent to cause interruption or impairment of a service is a class 1 misdemeanor in Colorado and subject to maximum penalties of one-year imprisonment and/or a \$1,000 fine.⁶ Defacing or destroying legal boundary markers⁷ or any historical monument⁸ is a class 2 misdemeanor. A person who is convicted of such an offense may be sentenced to a maximum term of one year and/or fined from \$250 to \$1,000. Defacing or destroying any legally posted notice is a class 1 petty offense⁹ (imprisonment of six months or less in the state penitentiary

1. See Table 3 for the amount of monetary loss and the corresponding fines and penalties.

2. Arkansas, California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Kansas, Kentucky, Louisiana, North Dakota, Oregon, Texas, and Vermont.

3. *Arkansas Criminal Code*, Art. VI, s. 19, s. 1908.

4. *California Code*, Title 14, s. 594.5.

5. *Ibid.*, s. 597.

6. *Colorado Revised Statutes Annotated*, s. 18-4-505.

7. *Ibid.*, s. 18-4-508.

8. *Ibid.*, s. 18-4-509.

9. *Colorado Revised Statutes Annotated*, s. 18-4-510.

and/or a fine of \$500 or less).

Connecticut and Georgia have three and four statutes, respectively, which provide fines and penalties for not only losses above certain amounts but also for other specific offenses.

Connecticut. Criminal mischief in the first degree in Connecticut¹ is damage or destruction of property valued in excess of \$1,500, or impairment or interruption of a public utility, common carrier, or municipal corporation used for fire or police alarm purposes.² Second degree criminal mischief is damage in excess of \$250, or risk of impairment or interruption of the above-mentioned public services.³ Lastly, an individual may be guilty of third degree criminal mischief if he damages another's tangible property, tampers with another's property and thereby causes such property to be placed in danger of damage, or negligently uses a potentially harmful or destructive substance or force.⁴

Georgia. In Georgia, criminal damage in the first degree is (1) the interference with any property in a manner which endangers human life or (2) the interference with the operation of a public utility or transportation system. A conviction results in imprisonment for from one to ten years.⁵ Second degree criminal damage is (1) the intentional damage of another's property in excess of \$100, or (2) intentional or reckless damage of another's property by means of fire or an explosive, or (3) arson, and is punishable by one to five years' imprisonment.⁶ Vandalism to a place of worship is subject to the same penalty.⁷ When damage is intentional and is \$100 or less the crime is punishable by either a maximum fine of \$1,000 and/or up to twelve months' imprisonment.⁸

Hawaii. In Hawaii a person commits criminal property damage in the first degree if he intentionally damages property and thereby recklessly places another person in danger of death or bodily harm.⁹

1. See Table 3 for the corresponding fines and penalties.

2. *Connecticut General Statutes Annotated*, s. 53a-115.

3. *Ibid.*, s. 53a-116.

4. *Ibid.*, s. 53a-117.

5. *Georgia Code Annotated*, s. 26-1501.

6. *Ibid.*, s. 26-1502.

7. *Ibid.*, s. 26-1505.

8. *Ibid.*, s. 26-1503.

9. *Hawaii Revised Statutes*, Art. 9, Part III, s. 820.

The maximum term of imprisonment for this offense is ten years. Further, the defendant may be fined up to \$1,000 or both. Hawaii's law governing first degree criminal tampering is similar to Colorado's except for the sanction imposed — imprisonment for up to one year and/or a fine of up to \$500.¹

Illinois. The following acts are classified as class A misdemeanors in Illinois for which imprisonment may not exceed one year and/or a \$1,000 fine:²

(1) Knowingly damaging any property of another without his consent;

(2) Recklessly damaging property of another by means of fire or explosive;

(3) Knowingly injuring a domestic animal of another without his consent;

(4) Knowingly depositing on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intending to interfere with the use by another of the land or building; or

(5) Discharging a firearm at any portion of a railroad train.

If the damage exceeds \$150, the penalty is one to three years' imprisonment and a fine of \$10,000.

Criminal damage to fire fighting apparatus, hydrants, or equipment exposes the offender to a \$500 fine and/or up to six months' imprisonment.³ Damage to state-supported property carries a maximum sentence of one year and/or a \$10,000 fine when the damage is \$500 or less, and one to three years' imprisonment and a fine of \$10,000 when the damage exceeds \$500.⁴

Kansas. In Kansas, criminal desecration of any public monument, place of worship, the national flag or state flag⁵, or of a cemetery⁶ is subject to a penalty of imprisonment for up to one year in the county jail and/or a fine not to exceed \$2,500.

Kentucky. Two statutes define criminal mischief in terms of pecuniary loss. The third type of criminal mischief is prescribed by a general statute which provides that a person is guilty of criminal

1. *Hawaii Revised Statutes*, Art. 9, Part III, s. 826.

2. *Illinois Revised Statutes*, c. 38, ss. 1005-8-3 and 1005-9-1.

3. *Ibid.*, s. 21-1.10.

4. *Ibid.*, ss. 21-1 and 21-4.

5. *Kansas Statutes Annotated*, s. 21-4111.

6. *Ibid.*, s. 21-4115.

mischievous in the third degree when, having no right to do so or any reasonable ground to believe that he has such a right, he intentionally defaces, destroys, or damages any property or tampers with property so as knowingly to endanger the person or property of another.¹ Maximum imprisonment for this offense is 90 days and the maximum fine is \$250. An additional statute imposes maximum penalties of one-year imprisonment and/or a \$2,500 fine for desecration of public monuments, places of worship or burial, the national or state flags, or other patriotic or religious symbols which are objects of veneration by a substantial segment of the population.²

Louisiana. Louisiana statutes define two other categories of criminal damage to property, in addition to a classification based on monetary loss. Aggravated criminal damage to property is the intentional damaging of any structure, water craft, or movable object wherein it is foreseeable that human life might be endangered (other than by fire or explosion). For such misconduct, a person may be incarcerated for not less than one nor more than fifteen years.³

Criminal mischief is the intentional performance of any of the following acts:

(1) Tampering with another's property with the intention to interfere with the free enjoyment of any rights of anyone or to deprive anyone of the full use of the property;

(2) Sounding a false alarm of fire; or

(3) Throwing any stone or other missile in or into any thoroughfare, open space, or public square.

Conviction of the crime of criminal mischief results in a maximum fine of \$500 and/or imprisonment up to six months in the parish jail.⁴ Furthermore, offenders are liable civilly for all damages.⁵

North Dakota. One additional statute is in force which prescribes penalties for causing a substantial interruption or impairment of a public service by tampering with or damaging the tangible property of another, incapacitating an operator of a public service plant or negligently damaging the property of another by fire, explosive, or other dangerous means. If the damage was intentional, the punishment prescribed is a maximum imprisonment of five years

1. *Kentucky Revised Statutes Annotated*, c. 512, s. 040.

2. *Ibid.*, c. 525, s. 110.

3. *Louisiana Revised Statutes*, Title 14, s. 55.

4. *Ibid.*, Title 14, s. 59.

5. *Louisiana Civil Code*, Art. 2315.

and/or a maximum fine of \$5,000; if the actor engaged in the conduct knowingly or recklessly, maximum penalties are 30 days' imprisonment and/or a \$5,000 fine.¹

Oregon. Offenses against property are divided into three main categories. Criminal mischief in the first degree is the damaging of property (1) in an amount exceeding \$1,000; or (2) by means of an explosive; or (3) of a public utility or railroad used in direct service to the public.² The maximum term of imprisonment for this offense is five years or a fine not exceeding \$2,500.

Criminal mischief in the second degree is the damaging of property in an amount exceeding \$100³ and is subject to up to one year of imprisonment or a fine not exceeding \$1,000.

A person commits the crime of criminal mischief in the third degree if, with intent to cause substantial inconvenience, he tampers or interferes with the property of another.⁴ This offense is punishable by confinement for up to 30 days or a top fine of \$250.

Texas. Criminal mischief is a third degree felony in Texas if, regardless of the amount of pecuniary loss, the damage causes impairment or interruption of a public service, the property is one or more head of cattle, horses, sheep, swine, or goats, or a fence to enclose such animals.⁵ Offenders are subject to imprisonment from two to ten years and may also be fined up to \$5,000. Reckless damage or destruction of another's property is punishable by a fine of up to \$200.⁶

Vermont. In this jurisdiction, damage to grave markers, cemetery property, grave ornaments, or historical tablets is subject to imprisonment for not more than five years or a fine of not less than \$10 nor more than \$200.⁷

Alaska. Malicious or wanton injury to the personal property of another is subject to a fine of between \$50 and \$1,000 or imprisonment in the penitentiary from six months to three years or imprisonment in a jail from three months to one year in Alaska.⁸

1. *North Dakota Centennial Code*, c. 12.1-21, s. 06.

2. *Oregon Revised Statutes*, s. 164.365.

3. *Ibid.*, s. 164.354.

4. *Ibid.*, s. 164.345.

5. *Texas Penal Code*, s. 28.03.

6. *Ibid.*, s. 28.04.

7. *Vermont Statutes Annotated*, Title 13, ss. 3764-3767.

8. *Alaska Statutes*, s. 11:20.520.

Damage to buildings, fences, or growing things is punished by a fine of not less than \$10 nor more than \$500 or not less than three months or more than one year in jail.¹ Injury to boundary markers, light posts, protective railings, highway or state-erected signs, historical monuments, highways, or public recreation facilities is subject to maximum penalties of a \$500 fine and/or one-year imprisonment.²

Numerous Statutes. The remaining nineteen states (excluding Massachusetts) can be placed in two major categories. Twelve states have at least one statute which defines damage in terms of monetary loss and numerous other statutes specifying penalties for destruction or damage to certain types of property.³ The other seven jurisdictions have enacted a number of statutes covering damage or destruction to specified properties.⁴

In Michigan, South Dakota, and Washington the sanctions imposed depend on the monetary value of the damage when the offense is not particularly mentioned or described in the remaining statutes or when no specific punishment has been specified. The statutes of Nebraska, Nevada, New Mexico, North Carolina, and Ohio outline various offenses but the nature and duration of the punishment is geared to the amount of damage inflicted. Rhode Island's statute governing injury to public property stipulates that the offender is to be fined not less than twice the amount of the damage done, unless that amount exceeds \$20, in which case a maximum term of imprisonment for one year may be imposed.⁵

The crime of malicious injury to real or personal property is a misdemeanor in South Carolina. Fines and penalties are imposed at the discretion of the judge for misbehaviour which results in damage under \$50. For losses in excess of that amount the case is triable in a magistrate's court and the punishment may not exceed that permitted by law without an indictment by the grand jury.⁶

In 1965 the State of New York enacted seven comprehensive statutes defining criminal mischief and related offenses.⁷ An eighth

1. *Alaska Statutes*, s. 11:20.570.

2. *Ibid.*, ss. 11:20.580 and 11:20.590.

3. Michigan, Nebraska, Nevada, New Mexico, New York, North Carolina, Ohio, Rhode Island, South Carolina, South Dakota, Virginia, and Washington.

4. Alabama, Arizona, Idaho, Iowa, New Jersey, Tennessee, and West Virginia.

5. *Rhode Island General Laws Annotated*, Title II, c. 44, s. 12.

6. *South Carolina Code Laws*, ss. 16-381, 16-382, and 16-385.1.

7. *New York Penal Code*, Art. 145, ss., .00, .05, .10, .15, .20, .25, and .30.

statute was added in 1971.¹ Four of these statutes related to criminal mischief in terms of intent and the value of the damage; two define criminal tampering (first and second degree) in which actual damage is not involved; and the remaining two laws concern the reckless endangerment of property and the unlawful posting of advertisements.

Virginia's monetary statute relates only to vessels and watercraft.²

A total of 35 states have enacted at least one statute which imposes fines and penalties according to the monetary amount of damage. The following Table 3 lists the various divisions of damage imposed and the corresponding fines and penalties.

Table 3. States' Provisions Contingent on Monetary Damage.

State	Amount of Damage		Fine		Imprisonment	
	Less Than	More Than	Minimum	Maximum	Minimum	Maximum
Arkansas	Otherwise	\$1,000	\$1,000	\$10,000	1 yr.	5 yrs.
California	\$1,000	1,000	500	1,000	6 mos.	1 yr.
Colorado	100	100	2,000	30,000	1 day ¹	10 yrs.
Connecticut		1,500 ²	250	1,000	3 mos.	1 yr.
		250 ³		5,000	1 yr.	5 yrs.
		250		1,000		
Delaware		1,500 ²		1,000		6 mos.
		100		4		7 yrs.
	Otherwise			4		2 yrs.
Florida		1,000 ²		5,000		6 mos.
		200		1,000		5 yrs.
	200			500		1 yr.
Georgia	100	100				60 days
				1,000	1 yr.	5 yrs.
					6 mos.	12 mos.
Hawaii		500		1,000		5 yrs.
		50		500		1 yr.
	50			500		30 days
Illinois	150	150 ⁵		10,000	1 yr.	3 yrs.
		150 ⁶		1,000		1 yr.
	500 ⁶			10,000	1 yr.	3 yrs.
				1,000		1 yr.
Kansas		50		5,000	1 yr.	5 yrs.
	50			2,500		1 yr.
Kentucky		1,000		10,000 ⁷	1 yr.	5 yrs.
		500		500 ⁸		1 yr.
	500			250		90 days

1. *New York Penal Code*, Art. 145, s. 12.

2. *Virginia Code*, s. 18.2-150.

Table 3. cont'd.

	Amount of Damage		Fine		Imprisonment	
	Less Than	More Than	Minimum	Maximum	Minimum	Maximum
Louisiana		500		1,000		2 yrs.
	500			500		6 mos.
Maine ²		1,000	1,000	5,000	3 yrs.	5 yrs.
Michigan ⁹	None	100		2,000		4 yrs.
	100			100		90 days
Minnesota		100		5,000		5 yrs.
	100			300		90 days
Maryland		150				10 yrs.
	150			500		6 mos.
Nebraska		100	1,000	5,000	1 yr.	5 yrs.
				or 1,000	1 yr.	3 yrs.
	100		100	500		6 mos.
Nevada		5,000		5,000	1 yr.	6 yrs.
		250		1,000		1 yr.
		25		500		6 mos.
	25			500		
New Hampshire		1,000 ²		2,000		7 yrs.
	1,000			1,000		1 yr.
New Mexico		1,000		5,000	1 yr.	5 yrs.
	1,000					6 mos.
New York		1,500		¹⁰		7 yrs.
		250 ¹¹		1,000		1 yr.
		250		¹⁰		4 yrs.
	250			500		3 mos.
North Dakota		5,000 ¹²		5,000		5 yrs.
		5,000		1,000		1 yr.
		500		1,000		1 yr.
	500			500		30 days.
Ohio		100			1 yr.	7 yrs.
	100			500		30 days
Oregon		1,000		2,500		5 yrs.
		100		1,000		1 yr.
	100			250		30 days
Pennsylvania		5,000 ²		15,000		7 yrs.
		1,000		5,000		2 yrs.
		500		2,500		1 yr.
	Otherwise			300		90 days
Rhode Island	20 ⁶	20 ⁶				1 yr.
			Two times the damages			
South Carolina		50		⁴		⁴
South Dakota ¹³		300		1,000		10 yrs.
	300			100		30 days
Texas		10,000		10,000	2 yrs.	20 yrs.
		200 ²		5,000	2 yrs.	10 yrs.
		20		2,000		1 yr.
		5		1,000		180 days
	5			200		

Table 3. cont'd.

	Amount of Damage		Fine		Imprisonment	
	Less Than	More Than	Minimum	Maximum	Minimum	Maximum
Utah		1,000		5,000		5 yrs.
		500		1,000		1 yr.
		250		299		6 mos.
	250			299		90 days
Vermont ¹⁴		1,000 ¹⁵		5,000		5 yrs.
		250		1,000		1 yr.
	250			500		6 mos.
Virginia ¹⁶		100			2 yrs.	10 yrs.
	100			1,000		12 mos.
Washington		250		5,000		10 yrs.
		20		1,000		1 yr.
	20			250		90 days
Wisconsin	None	1,000		1,000		5 yrs.
Wyoming		1,000		5,000		5 yrs.
		500		1,000		1 yr.
	500			100		6 mos.

1. Subject to probation.

2. The punishment imposed for damage in excess of this amount is also prescribed for the interruption or impairment of a public service.

3. The punishment imposed for damage in excess of this amount is also prescribed for the risk of interruption or impairment of a public service.

4. Within the discretion of the court.

5. The punishment imposed for damage in excess of this amount is also prescribed for damage to fire fighting apparatus, hydrants or equipment.

6. Damage to state-supported property.

7. Fine of \$10,000 if the offender is placed on probation or conditional discharge.

8. Desecration of venerated objects is subject to a fine of up to \$500 and up to one year imprisonment.

9. A fine of \$100 and or imprisonment for 90 days is imposed for damage to state or public parks and recreation areas. The offender is liable for treble damages.

10. If gain was obtained, a fine may be imposed equal to two times the amount of gain.

11. Damage due to recklessness.

12. By means of an explosive.

13. Liable for treble damages.

14. May recover damages together with reasonable attorney's fees in a civil action.

15. Or by means of an explosive.

16. Damage to a vessel or watercraft.

Source: Replies to questionnaire of Legislative Research Bureau dated June 12, 1975 and additional research by Bureau staff.

In the six states¹ which have set the sum of \$1,000 as the pivotal point for monetary losses, fines range from \$500 to \$1,000 in California to a maximum of \$10,000 in Arkansas and sentences from six months to one year in California to a maximum of seven years in New Hampshire for offenses causing damages in excess of \$1,000. Among the jurisdictions which fix \$100 as the point of division², fines range from \$1,000 to \$5,000 in Nebraska to \$2,000 to \$30,000 in Colorado and penalties from one day to ten years in Colorado to one year to five years in Nebraska for damage above \$100.

Related State Statutes

The Florida Safe Schools Act of 1973. In 1973, the Florida Legislature concluded that the maintenance of a safe and orderly learning environment is essential to the learning process and the general welfare of the school population. The Legislature also shared the concern of parents and teachers over the threat of serious disruption of the educational process and the accompanying possibility of personal harm to both students and faculty. Similarly it recognized the valid concern of school officials with increasing vandalism to school plants.

Accordingly, by statute³ a fund was established to assist local school districts in developing preventive programs. Disbursements therefrom are made to school districts according to a formula based on average daily attendance:

- (1) For the first 30,000 pupils in the district school population, \$30 per teacher unit;
- (2) For the next 20,000 pupils, \$40 per teacher unit;
- (3) For the next 15,000 pupils, \$50 per teacher unit; and
- (4) For the school district population in excess of 65,000 pupils, \$100 per teacher unit.

Each school district is entitled to a minimum grant of \$5,000 and any excess funds appropriated are allotted in a proportion which correlates to the aforementioned formula. Interested districts must submit a school safety plan to the Commissioner of Education and if the districts are funded they must submit annual reports describing the program and its expenditures to the commissioner, the Education Committee of the House of Representatives, and the Education

1. Arkansas, California, Maine, New Hampshire, New Mexico, and Wisconsin.

2. Colorado, Michigan, Minnesota, Nebraska, Ohio, and Virginia.

3. Florida Statutes, c. 232, s. 255, para. (2).

Committee of the Senate.

Other State Action. In 1974, Hawaii established a statewide school security patrol charged with the prevention of vandalism, hijacking, drug abuse, and other activities inimical to the pursuit of academic interests.¹ North Carolina also enacted an antivandalism statute in 1974 which increased from \$50 to \$300 the reward that boards of education are authorized to offer for information leading to the arrest and conviction of persons in cases of vandalism or larceny within public schools.²

Model Penal Code

In 1962, The American Law Institute proposed a Model Penal Code including a section dealing with criminal mischief.³ The offense is defined and punishment provided in a single statute, as follows:

(1) Offense Defined. A person is guilty of criminal mischief if he:

(a) damages tangible property of another purposely, recklessly, or by negligence in the employment of fire, explosives, or other dangerous means listed in Section 220.2(1); or

(b) purposely or recklessly tampers with tangible property of another so as to endanger person or property; or

(c) purposely or recklessly causes another to suffer pecuniary loss by deception or threat.

(2) Grading. Criminal mischief is a felony of the third degree if the actor purposely causes pecuniary loss in excess of \$5,000, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. It is a misdemeanor if the actor purposely causes pecuniary loss in excess of \$100, or a petty misdemeanor if he purposely or recklessly causes pecuniary loss in excess of \$25. Otherwise criminal mischief is a violation.

CHAPTER IV. MASSACHUSETTS STATUTORY PROVISIONS

Parental Responsibility Law

As previously discussed in Chapter III, parents are liable in a civil

1. House Bill 390 of 1974.

2. House Bill 2008 of 1974.

3. Model Penal Code, s. 220.3 (Proposed Official Draft, 1962).

action for any willful act of a child under the age of seventeen which results in injury or death to another person or damage to the property of another or to cemetery property. A maximum of \$500 may be recovered for injury, death, or damage to the property of another, and \$1,000 for damage to cemetery property.¹

General Statutes

Massachusetts statutes, mainly contained in Chapter 266 of the General Laws, define a number of offenses against various types of property, which constitute malicious mischief. The most broad, in definition, of the many statutes is General Laws, Chapter 266, section 104 which imposes a fine of up to \$50 or two months' imprisonment for willfully, intentionally, and without right defacing or damaging a dwelling house or other building. Defacement or damage to state buildings² or to county buildings³ is subject to a fine of at least \$100 and not more than \$1,000 or two years' imprisonment; and to schoolhouses and churches, a fine of up to \$1,000 and/or up to two years' imprisonment.⁴ Persons who damage state or county buildings must reimburse the governmental unit for damages sustained.

Related Statutes

The majority of statutes relating to malicious damage to property are contained in Chapter 266 of the Massachusetts General Laws. However, there are 13 statutes relative to this subject which are included in six other chapters.

Chronologically, the first statute relating to vandalism is General Laws, Chapter 1, section 10 which imposes a fine of \$50 for willfully injuring, defacing or removing a signal, monument, building or appurtenance used or constructed under the authority of the United States. Further, the offender is liable to the federal government for all damages sustained. Whoever publicly burns or otherwise mutilates, tramples upon, defaces, or treats contemptuously any flag of the United States or of Massachusetts is subject to punishment of a fine of not less than \$100 and/or imprisonment for not more than one year.⁵ A fine of between \$5 and \$50 is imposed on persons who maliciously desecrate the flag or emblem of a foreign country at peace with the United States.⁶

1. G.L. c. 231, s. 85C.

2. G.L. c. 266, s. 96.

3. *Ibid.*, s. 97.

4. *Ibid.*, s. 98.

5. G.L. c. 264, s. 5.

6. *Ibid.*, s. 7.

The state flower of the commonwealth, the mayflower, is protected from injury by the imposition of a fine of not more than \$50 for damage to such flower. If the offence is committed while in disguise or secretly at night the fine is a maximum of \$100.¹ Wild azaleas, wild orchids and cardinal flowers are also protected from damage by the imposition of a fine of not more than \$5.²

Included in General Laws, Chapter 268, "Crimes against Public Justice", is the specification of punishment for interference or tampering with police or fire signal systems. Section 32 of that chapter makes provision for a fine of between \$100 and \$500 and/or imprisonment for not more than two years for offenders.

Malicious injury to trees, shrubs, or growth on state highways or the property of another person is punishable by imprisonment for not more than six months or by a fine of not more than \$500.³ The fine for damage to trees on state highways is applied to the use of the commonwealth. A fine of up to \$500 is imposed for willful damage to trees, etc., fixtures or utilities in a public way or place.⁴ The offender is also liable to the municipality or any other person for all damages.

Licensed shellfish growers can collect treble damages and costs from any person who willfully injures or destroys their shellfish or the markers used to define the extent of the owner's license.⁵ There is no punishment in the form of a fine or penalty indicated in this statute.

A defendant who is found guilty of damaging or destroying property of witnesses, jurors, or persons furnishing information in connection with criminal proceedings may be sentenced to up to five years in the state prison. Alternatively he may receive maximum sentences of two and one-half years and/or a fine of \$5,000.⁶

Another statute relative to this subject provides that persons discovered in the act of willfully injuring a fruit or forest tree or of committing any kind of malicious mischief on Sunday may be arrested without warrant and detained until a complaint can be made the following day.⁷

The offenses of injury to, or desecration or removal of, objects

1. G.L. c. 2, s. 7.

2. G.L. c. 266, s. 116A.

3. G.L. c. 87, ss. 10 and 11.

4. *Ibid.*, s. 12.

5. G.L. c. 130, s. 68A.

6. G.L. c. 268, s. 13B.

7. G.L. c. 266, s. 131.

from a burial lot or other place of burial are included in Chapter 272 of the General Laws.¹

Fines and Penalties

Misconduct involving the willful throwing or placing of explosives at or near persons or property² carries the most severe penalty among the statutes relative to malicious mischief: imprisonment in the state prison for not more than 20 years, or a fine not to exceed \$5,000 and/or a maximum of two and one-half years' imprisonment. The intentional fitting out of a vessel or ship in order to destroy such property or to injure the owner is subject to the same penalty.³

A maximum imprisonment of twenty years in the state prison (or not more than two and one-half years in jail or a fine not to exceed \$1,000) is imposed for damaging or destroying property or injuring a person by means of an explosive.⁴ If manslaughter is committed while violating this section or section 102 of chapter 226 the offender shall be imprisoned in the state prison for life or for any term of years.⁵

The following table reflects the disparity of the maximum fines and penalties in the 52 statutes relating to vandalism or malicious mischief. A complete listing of these statutes appears in the Appendix of this report.

Table 4. Maximum Massachusetts Fines and Sentences.

Fine		Imprisonment	Chapter	Section
		10 yrs.	266	108
		5 yrs.	266	39 ¹
		3 yrs.	266	129
\$5,000	And/Or	2-1/2 yrs.	266	102, ² 109 ²
5,000	And/Or	2-1/2 yrs.	268	13B ³
3,000	And	2-1/2 yrs.	272	73 ³
1,000	Or	2-1/2 yrs.	266	12, ⁴ 101 ²
		2-1/2 yrs.	266	130 ⁵
1,000	And/Or	2 yrs.	266	98
1,000	Or	2 yrs.	266	95,* 96,* ⁶ 97,* ⁶
1,000	And	1 yr.	266	112, ¹ 127 ³ , ⁷
1,000	Or	6 mos.	266	134
500	And	2 yrs.	266	107 ³ , 138 ³ , 138A ³
500	And/Or	2 yrs.	268	32 ⁶
500	Or	2 yrs.	266	13 ⁸
500	Or	6 mos.	87	10,11

1. G.L. c. 272, ss. 73, 74, 75.

2. G.L. c. 266, s. 102.

3. *Ibid.*, s. 109.

4. G.L. c. 266, s. 101.

5. G.L. c. 265, s. 13.

Table 4. cont'd.

Line		Imprisonment	Chapter	Section
500	Or	6 mos.	266	113 ⁹ , 114, 115, 117 ⁹
500	Or	6 mos.	272	75
500			87	12*
300	Or	2-1/2 yrs.	266	103 ¹
200	Or	6 mos.	266	133
200			266	104A ¹⁰
100	Or	2 yrs.	266	11
100	And/Or	1 yr.	264	5
(Minimum)				
100			266	98A, 106, 126* ¹¹
100			272	74 ¹²
50	Or	6 mos.	266	94, 99 ¹²
50	Or	2 mos.	266	104
50			266	71 ²
50			2	7
50			1	10*
25			266	100 ¹² , 122
10			266	105, 124, 125, 128
5			266	116A

* Liable for all damages.

1. A minimum sentence of two years.

2. Or a maximum imprisonment of twenty years.

3. Or a maximum imprisonment of five years.

4. Or a maximum imprisonment of seven years.

5. A minimum sentence of six months.

6. A minimum fine of \$100.

7. The cited penalties are enforced if the destruction is willful and malicious; if wanton, maximum penalties are a \$500 or one-year imprisonment; and if the value does not exceed \$15, maximum penalties are a \$15 fine or one-month imprisonment.

8. A convicted offender is also further ordered to recognize with sufficient surety or sureties for his good behavior during such term as the court may order.

9. If the offense is committed on Sunday, or in disguise, or secretly at night, the offender must be penalized by at least a \$5 fine or at least five days' imprisonment.

10. A minimum fine of \$50.

11. A minimum fine of \$10.

12. A minimum fine of \$5.

13. A minimum fine of \$1.

Maximum fines of \$1,000 and/or a maximum specified period of imprisonment are imposed in the following instances:

(1) *G.L., c. 266, s. 12*. Damage to a fire alarm, engine or apparatus during a fire; fine or 2-1/2 years' imprisonment or seven years' imprisonment.

(2) *G.L., c. 266, s. 95*.¹ Malicious destruction or injury to a historical monument, tablet, or marker; fine or two years' imprisonment.

(3) *G.L., c. 266, s. 96.*¹ Malicious destruction or injury to any state building by cutting, writing, or otherwise; fine (minimum \$100) or two years' imprisonment.

(4) *G.L., c. 266, s. 97.*¹ Malicious destruction or injury to any county building by cutting, writing, or otherwise; fine (minimum \$100) or two years' imprisonment.

(5) *G.L., c. 266, s. 98.* Malicious destruction of, or injury to, buildings or property used for educational or religious instruction or knowledge; fine and/or two years' imprisonment.

(6) *G.L., c. 266, s. 101.* Damage or destruction to property or injury to a person by means of an explosive; fine or 2-1/2 years' imprisonment or five years' imprisonment.

(7) *G.L., c. 266, s. 112.* Malicious maiming disfiguring, poisoning, or killing any horse, cattle, or other beast of another person; fine and one year's imprisonment or five years' imprisonment.

(8) *G.L., c. 266, s. 127.* Maliciously or willfully destroys or injures the personal property of another in a manner not otherwise mentioned in Chapter 266; fine and one year in jail or five years in the state prison.

(9) *G.L., c. 266, s. 134.* Damage to a mill by erecting or maintaining a dam; fine or six months' imprisonment.

The majority of the statutes (29) have not been amended since 1926. *G.L. c. 264, s. 7* relative to the flags of foreign countries was enacted in 1912 and has never been amended. The largest number of statutes (18) remain unchanged since 1902.² Two of these statutes originated in 1698 (*G.L. c. 266, ss. 114, 115*) and another was originally enacted in 1727 (*G.L. c. 266, s. 138*).

Proposed Criminal Code

In 1971, the Criminal Law Revision Commission which was established in 1968 submitted a proposed criminal code for Massachusetts.³ The proposed code consolidated the "approximately 45"⁴ statutes in the present General Laws which make it a crime to

1. Offender must reimburse the governmental unit for all damages incurred.

2. *G.L. c. 1, s. 10; c. 266, ss. 39, 99, 104, 106, 107, 108, 112, 114, 115, 117, 124, 125, 128, 132, 133, 137 and 138; c. 272, s. 74.*

3. Massachusetts Criminal Law Revision Commission, *Proposed Criminal Code of Massachusetts*, Lawyers Co-operative Publishing Company, Rochester, N.Y., and the Michie Company, Charlottesville, Va., 1972, p. 315.

4. *Ibid.*, p. 14.

damage, tamper with, or vandalize real property other than by fire or explosion which the report considered arson. Such statutes were merged into three sections by redefining the general terms "property" and "property of another" to mean any property in which any person other than the defendant has an interest.¹ The new criminal code also broadened the definition of "person" to include not only a human being but also a "public or private corporation, unincorporated association, partnership or trust, or government",² thus eliminating the necessity of a number of statutes relative to a specific type of property belonging to a specific group.

Further, the Commission reorganized the vast body of law relating to the crime of criminal mischief into three sections within Chapter 266, "Offenses Against Property", as follows:

Section 6. Criminal Mischief in the First Degree.

(a) A person is guilty of criminal mischief in the first degree if he:

(1) intentionally or knowingly damages or destroys property of another in an amount exceeding one thousand dollars in value, having no reasonable ground to believe that he has a right to do so;

(2) intentionally or knowingly damages or destroys property in an amount exceeding one thousand dollars in value, to enable any person to collect insurance proceeds for loss caused;

(3) intentionally or knowingly damages, destroys or tampers with property of a public safety agency or supplier of gas, electric, steam, water, transportation, sanitation or communication services to the public, having no reasonable ground to believe that he has a right to do so, and thereby causes a substantial interruption or impairment of service rendered to the public; or

(4) intentionally or knowingly damages, destroys or tampers with property of another and thereby recklessly endangers human life.

(b) Criminal mischief in the first degree shall be punishable as a class B felony if the amount of the damage or destruction or the value of the service lost through interruption or impairment exceeds fifty thousand dollars. Otherwise the

1. Offenses Against Property Chapter of the new Criminal Code, c. 266, s. 1(j).

2. General Provisions Chapter of the new Criminal Code, c. 263, s. 3(g).

offense shall be punishable as a class C felony.

Section 7. Criminal Mischief in the Second Degree.

A person is guilty of criminal mischief in the second degree, a class D felony, if:

(a) he intentionally or knowingly damages or destroys property of another in an amount exceeding one hundred dollars in value, having no reasonable ground to believe that he has a right to do so;

(b) he intentionally or knowingly damages or destroys property in an amount exceeding one hundred dollars in value, to enable any person to collect insurance proceeds for loss caused; or

(c) he intentionally or knowingly damages, destroys or tampers with property of a public safety agency or supplier of gas, electric, steam, water, transportation, sanitation or communication services to the public, having no reasonable ground to believe that he has a right to do so, and thereby wilfully creates a risk of interruption or impairment of service rendered to the public.

Section 8. Criminal Mischief in the Third Degree.

A person is guilty of criminal mischief in the third degree, a class A misdemeanor, if he:

(a) wilfully damages property of another, having no reasonable ground to believe that he has a right to do so; or

(b) criminally negligently damages property of another by conduct involving any potentially harmful or destructive force or substance, such as fire, explosives, flood, collapse of building, poison gas or radioactive material.

Proposed Legislation

A number of proposals relative to property damage have been submitted to the Legislature for consideration in the present session.

Senate, Nos. 183 and 249,¹ introduced by Senators John F. Aylmer of the Cape, Plymouth and Islands District and Michael LoPresti, Jr. of the Middlesex and Suffolk District, respectively, would require that all school buildings constructed with state assistance and valued in excess of \$1 million contain at least one apartment living unit suitable for at least two persons or, as an alternative, a suitable antivandalism alarm system. Both of these proposals were referred on

¹ Senate, Nos. 390 and 434 of 1975 presented similar matter but did not receive legislative approval in that session.

February 9, 1976 to a special subcommittee of the Joint Committee on Education studying legislative matters relative to school building assistance funds. The Committee subsequently reported out a comprehensive legislative proposal, House, No. 4812, dealing with school building assistance funds which did not incorporate the provisions of Senate, Nos. 183 and 249.

Two proposals to amend G.L. c. 266, s. 104 relative to destroying or injuring a dwelling house or other building were submitted. The present penalty for this offense is a maximum fine of \$50 or not more than two months in jail. Senate, No. 1368 filed by Senator Joseph B. Walsh of the Second Suffolk and Norfolk District would increase the penalty to maximums of two years' imprisonment or a \$500 fine. Another proposal, House, No. 3601, entered on behalf of the Massachusetts Chiefs of Police Association, Inc., calls for a sentence of two and one-half years in the state prison for this offense. House, No. 2873 also submitted on behalf of that organization would impose a mandatory sentence of 30 days with no probation for a second conviction of malicious destruction of personal property. The three proposals are currently under consideration by the Joint Committee on the Judiciary.

Other bills which are under consideration by the Joint Committee on the Judiciary include Senate, No. 754 which imposes a mandatory jail sentence of not less than one nor more than five years in the state prison *or* the same sentence in a jail or house of correction and a fine of not more than \$3,000 for the destruction of, or damage to, tombs, monuments, gravestones and other grave markers or plaques and Senate, Nos. 755 and 757 which would require restitution from any person convicted for destroying real or personal property. These bills were filed by Senator William X. Wall of the Second Essex and Middlesex District.

A number of other measures referred to the Joint Committee on the Judiciary have received favorable reports from that Committee and are in the process of being redrafted. Included in this category is House, No. 4044 submitted by Representative William G. Robinson of Melrose, which proposes that a special commission be established to study the feasibility of requiring restitution in all criminal cases involving property damage and other related matters.

Also being redrafted are House, Nos. 2878 and 3855 submitted by Representatives Gary D. Jones of Middleborough and Peter L.

McDowell of Dennis, respectively, which concern parental civil liability for the acts of minor children. The redraft is expected to increase the maximum liability from \$500 to \$3,000.

A number of proposals¹ submitted on behalf of the Massachusetts Chiefs of Police Association, Inc. are being redrafted into a comprehensive proposal which would authorize any police officer qualified to serve criminal process to arrest without a warrant persons causing malicious destruction or injury to certain public or private property. Currently, even if a misdemeanor is committed in the presence of a policeman, the officer must have a warrant in order to arrest the culprit. However, if the offense is a breach of the peace, or the governing statute specifically provides so, the officer may make an arrest without a warrant.

Another proposal, House, No. 3282, relative to malicious damage was referred to the Joint Committee on the Judiciary by the Joint Committee on Public Safety. The bill proposes the revocation of drivers' licenses for persons convicted of statutory provisions making unlawful the willful destruction of public parks, recreation areas, school property, cemetery property, or memorials. The bill is currently being redrafted and will provide that the willful destruction is by means of a motor vehicle.

Statutes Relative to Insurance

Section five of Chapter 40 of the General Laws specifies the purposes for which towns may appropriate money. At any town meeting, a town may appropriate money for the exercise of any of its corporate powers, including the following purposes: . . . "to pay a proper charge for insurance against damage to or loss of any town property, real or personal, by any cause whatsoever normally covered by insurance policies issued in the commonwealth. . . ." Conversely, in lieu of commercial coverage, cities and towns may act as self-insurers by creating a municipal buildings insurance fund to defray the cost of repairing or reconstructing any municipal building or property damaged or destroyed by fire, lightning, vandalism, burglary, theft, or other cause.²

By statute, department heads or other officers may expend claims payments made by commercial carriers, which do not exceed \$5,000, to repair the damaged property without a specific appropriation.³

In Massachusetts both foreign and domestic insurance companies may insure property against acts of vandalism and malicious

mischievous.¹ In addition to the common forms of real and personal property, the policy covers motor vehicles, airplanes, seaplanes, dirigibles, or other aircraft as property items. Companies may also insure against loss of and damage to glass, including lettering and ornamentation thereon, and against loss or damage caused by the breakage of glass.

CHAPTER V. VANDALISM IN MASSACHUSETTS

Legislative Research Bureau Survey.

To assemble pertinent information on vandalism the Legislative Research Bureau sent out a questionnaire on August 14, 1975 to 204 municipalities in the Commonwealth with populations over 5,000. A second request for information was mailed on January 30, 1976 to those municipalities which had not responded to the original letter. The mayors of cities and the boards of selectmen in towns were requested to supply information on the nature of measures being taken by the specific local governments to protect schools and other publicly owned buildings (including public housing projects), particularly in the case of physical properties which have been constructed with state assistance. Information was sought relative to (1) the number and most frequent types of public buildings vandalized in recent years; (2) the cost of acts of vandalism; (3) the policy relative to recovery of such costs from offenders; and (4) insurance against vandalism.

The Bureau also indicated that local research reports or investigations would be appreciated in addition to personal suggestions and comments. A total of 81 responses were recovered, 66 from towns and 15 from cities. Many respondents did not answer all questions or the information received was not extensive enough to incorporate in statistical form.

Another questionnaire was sent to the school committees in the state on August 25, 1975. Although the responses in this area were not substantial, they sometimes supplemented information received from the mayors and boards of selectmen or gave some indication of the problem in municipalities which did not respond to the general questionnaire on vandalism.

The majority of responses indicated that schools, especially junior and senior high schools, are the prime targets of vandals. Breaking windows is the most common act of vandalism.

1. House, Nos. 2867, 2868, 2870, 3052, 3053, 3054, 3258, and 3260.

2. G.L. c. 40, s. 13.

3. G.L. c. 44, s. 53.

1. G.L. c. 175, s. 47, cl. 1.

Causes of Vandalism. A few of the respondents expressed their opinions as to the causes of vandalism. Officials in Arlington, Belmont, Melrose, Lexington, and Woburn observed that vandalism was directly related to juveniles loitering and drinking. A vandalism study committee under the auspices of the Woburn School Committee reported that many incidents of vandalism are directly related to the abuse of alcohol and drugs although there is unfortunately no way this can be documented. In the opinion of Melrose Police Chief Robert T. Lloyd, lowering the drinking age to 18 has encouraged the consumption of alcoholic beverages, particularly by children in the 12 to 18 years' bracket. He emphasizes that such individuals are responsible for a vast amount of the damage done to public buildings.

Open discussions on vandalism among Lexington townspeople have attempted to identify areas where community action might lessen the potential for troublesome behaviour by youth. For example, Lexington has no place where a young person of age can drink and socialize. Furthermore, there are no bylaws against drinking in playgrounds and other public places. Such a bylaw is now under consideration so that police can control drinking youths early enough before problems erupt with intoxicated individuals.

Belmont has successfully deterred youths from loitering in school yards and playgrounds through the use of two members of the Auxiliary-Special Police who patrol these areas in a cruiser during school vacations and on weekends from 7:30 to 11:30 P.M. To reduce the incidents of loitering, the Town of Milton has passed a bylaw which prohibits trespassing and drinking in public parks and conservation areas after sunset.

While acknowledging the danger of oversimplifying the problem, the Framingham School Department stated that there seem to be three major causes for vandalism:

1. Gangs or groups under the influence or seeking to steal items easily convertible to cash.
2. Disgruntled or disturbed students or ex-students who have been disciplined.
3. Lack of responsibility on the part of youth concerning the appreciation and care of the facilities and equipment made available to them by the taxpayers.

School administrators in Rockport stated that the students who commit acts of vandalism are also disruptive in regular day classes.

Authorities in the Wachusett Regional School District viewed vandalism as a method of retaliating against a hated authority figure and also stated that a school which treated their students with fairness and dignity could experience fewer acts of vandalism.

Officials in Adams, Brockton, and Methuen expressed the opinion that the courts are too lenient with offenders.

Responses from Arlington, Hull, Lexington, Peabody, and Saugus viewed vandalism as an attitudinal problem. Mr. Richard P. Charlton, Superintendent of Schools in Hull, wrote that acts of vandalism are fostered by a mood of indifference rather than malicious intent: "Either our affluent society breeds a feeling that sufficient money exists to repair or replace property loss; or, our societal pride in promoting health, safety, and aesthetic standards has radically deteriorated." Superintendent Charlton also indicated that the solution lies in educating society to respect public property and the possessions of the individual.

Mr. J. Paul Veronese, Assistant Superintendent of Schools in Peabody, expressed the opinion that unless a system allows students to identify with the property itself or with an alternative interest that will protect property, no number of personnel, dogs, police, or other deterrents will work.

Police Chief Fred Forni of Saugus considers the lack of parental discipline to be the root of the problem. Parents are too busy with their own activities and children are often on their own with the neighborhood gang, most of whom are completely unsupervised. He contends that there is very often no adult around to impress upon them the value of moral principles or to emphasize the importance of leaving other persons' property alone.

A 1975 report of a committee on vandalism in Arlington concluded that vandalism is primarily an attitudinal problem, reflecting a lack of respect for public and private property, a loss of public pride, a decrease of neighborhood interplay, and a diminution of family authority. A subcommittee on youth opinion interviewed students who suggested that some causes of vandalism were drinking, boredom, retaliation towards authority, peer pressure, and poor school conditions. Generally, the interviewers noted that young people are insensible to the serious consequences of vandalism, in particular they did not relate in any way to parents being affected through an increased tax rate.

In his response to the Bureau, Jeffrey A. Shaw, Administrative Assistant to the Town Manager of Lexington, remarked that local

officials are disturbed by the rampant increase in the number of acts which taken totally represent a major economic problem. The alarming trend in the disrespect for property is as frightening as the economic hardship that is a result of it. Mr. Shaw further stated:

The root causes of vandalism are open to lively debate with many positions taken by common citizens and professionals. We all point our finger in accordance with personal biases but most will agree the problem of vandalism is a social phenomenon with roots in a myriad of variables. Because of this we anticipate only general statements on the causes and cures of vandalism out of sheer frustration with this extremely complex problem.¹

As to the dimension of the problem, most of the respondents withheld any judgment. Officials who specifically stated that vandalism was a minor issue represented communities with populations under 20,000. The towns of Maynard, Northbridge, South Hadley, and Wakefield considered their problem minimal in comparison to other communities. The reply from the Town of Sandwich indicated that vandalism to public property was minor but vandalism to private property was a major problem. On the other hand, spokesmen for large metropolitan municipalities such as Boston and Worcester, and other communities, namely Arlington, Danvers, Lexington, Scituate, and Woburn, consider the problem to be serious enough to warrant special study.

Cost. Estimates for the cost of vandalism to the Commonwealth's cities and towns are difficult to ascertain since the municipalities employ different methods of determining costs. In many cases, the costs of vandalism are absorbed in accounts which generally cover routine maintenance and repair and can not be segregated. Many responses did not indicate whether the cost figures included only materials or materials and labor. Other considerations in determining the extent of the expenditures for this problem are the cost of security measures specifically installed to combat vandalism, the cost of damage to property which is never repaired, and, as mentioned

1. Letter from Mr. Jeffrey A. Shaw, Administrative Assistant, Town Manager's Office, Lexington to Director of the Massachusetts Legislative Research Bureau, October 22, 1975. Mr. Shaw is referring to a Community Relations Committee formed under the auspices of the Board of Selectmen which is conducting open public discussions on the problem of vandalism.

above, the amount of time custodians or municipal laborers expend in repairing or replacing vandalized areas.

For example, a vandalism study committee created under the auspices of the Woburn School Committee estimated that five percent of each custodian's work day is spent on vandalism-related repairs. This is equivalent to three men working full-time or \$30,000 annually. Also, Wilbraham officials indicated in their reply that in many cases no repairs are made or actual costs obtained. Another elusive factor to be considered is the extent of routine property maintenance which must be deferred in order to attend to custodial work necessitated by acts of vandalism.

Officials in the municipalities of Belmont, Dedham, Longmeadow, Malden, Norwell, Pepperell, and Sandwich specifically stated in their responses that they were unable to provide an estimate of the cost to the community for vandalism because such costs were not known, no figures were available, they were impossible to estimate, or the costs had not been isolated. During the preparation for the 1975 town meeting in Dedham it was suggested that a separate and distinct line item be inserted in the budget which would create a vandalism account. However, the proposal was rejected by the Finance Committee.

Other municipalities cited examples of vandalism or indicated high-target areas in their communities but did not provide any statistics or estimates on costs for all public property.¹ Thirty-one communities included in their responses either an average cost per year or enough costs from separate departments to estimate the cost of vandalism to their respective city or town. Again, it must be emphasized that not all cost figures supplied include materials *and* labor. The following table divides these responses by population groups and reflects the disparity with which each community estimates costs of vandalism. Unless otherwise specified by footnote, the estimates are for the year 1975.

1. Adams, Andover, Bourne, Charlton, Chicopee, Ipswich, Lancaster, Maynard, Millis, Quincy, Somerville, Swansea, and Uxbridge.

Table 5. Estimated Costs of Vandalism to Certain Massachusetts Municipalities^(a)*A. Population — 5,000 to 10,000*

<u>Municipality</u>	<u>Population</u>	<u>Estimated Cost</u>
Dennis	9,351	\$7,500 ¹
East Bridgewater	9,485	8,000 ²
Granby	5,609	21,322
Hopkinton	6,405	1,500 ³
Littleton	6,629	3,000
Rehoboth	7,009	5,500 ⁴
Topsfield	5,913	2,095 ⁵
Wrentham	7,342	3,502

B. Population — 10,001 to 15,000

Medfield	10,031	20,000
Millbury	12,121	2,000 ⁶
Northbridge	12,165	6,000
Westport	12,636	1,755 ³
Wilbraham	13,139	2,848

C. Population — 15,001 to 20,000

Greenfield	19,087	40,000 ⁷
Hudson	16,827	22,189 ²
North Attleborough	19,120	50,000
Scituate	17,829	8,013
Walpole	18,504	85,000 ⁸

D. Population — 20,001 to 30,000

Amherst	22,308	30,150
CHELSEA	25,066	53,250 ⁹
Danvers	25,007	15,000 ¹⁰
GLOUCESTER	27,209	30,000
Needham	29,936	100,000
Saugus	24,716	25,000
Stoneham	21,564	20,000
Winthrop	20,359	25,000 ²

Table 5. Cont'd.

E. Population — 30,000 and above

<u>Municipality</u>	<u>Population</u>	<u>Estimated Cost</u>
Arlington	50,223	110,000
Lexington	32,447	450,300 ¹¹
PEABODY	45,503	175,000
SOMERVILLE	80,596	87,500
TAUNTON	42,148	93,000

(a) Cities appear in capital letters.

1. This figure includes an approximate cost of \$1,800 a year for the Dennis-Yarmouth Regional School District.
 2. Approximate cost for 1974 and 1975.
 3. Cost for the years 1972 to 1975.
 4. Included in this sum is \$1,500 estimated damage to town buildings over a period of two years.
 5. Initial estimates of vandalism costs from January, 1973 to September, 1975.
 6. A \$1,500 cost to public schools and \$500 of deductible losses to the cemetery.
 7. An estimate of the total hidden cost of public vandalism, including labor, parts replacement, repainting, etc.
 8. \$50,000 of this sum was expended by the town over a three-year period and the additional \$35,000 is the average annual expenditure for vandalism to property other than buildings.
 9. This figure does not include the cost of labor nor does it include costs of damage or destruction of (1) trees and shrubberies, (2) street signs, (3) fire alarm boxes, (4) basic systems of school buildings, i.e., heating, plumbing, electrical, drinking fountains, etc., (5) street and municipal buildings' outside lighting, (6) removal of graffiti, (7) furnishings and equipment in all municipal buildings, (8) electrical traffic control systems, (9) historical sites, statutes and memorials, and (10) expenditures to minimize arson and vandalism losses in the future.
 10. Includes materials and labor.
 11. This total includes the School Department, the Park Department, and the Public Works Department.
- SOURCE: *Population*: House, No. 1000 of 1976, Communication from the Secretary of the Commonwealth Transmitting a List Showing the Number of Inhabitants in Each Ward and Precinct of Each of the Cities and Towns of the Commonwealth in Connection with the Compilation of the State Census. *Cost Estimates*: Responses to Legislative Research Bureau letter of August 14, 1975 and second request letter of January 30, 1976.

In addition to schools, which will be discussed at length later in this chapter, other frequent targets for vandals include recreational areas, public works property, cemeteries, and libraries. Beyond the damages inflicted upon schools the Town of Amherst estimates annual costs of \$20,000 to the Public Works and Recreation Department, \$300 to the Town Hall, and \$100 to Conservation Services. The Town Library sustained \$659 of damages in 1973, \$587 in 1974, and \$465 in 1975. The Public Works Department of Ashland reported \$6,953 of

vandalism damages from incidents which occurred in 1972, 1974, and 1975.

In 1974-1975, the recreational facilities, public works, and cemeteries in Hudson suffered \$2,709, \$4,300, and \$4,780 worth of damages, respectively. While schools in Topsfield are the most frequent target of vandals, the Town Water Department suffers the costliest damage; three incidents in the past three years cost the town approximately \$1,200.

Repairing comfort stations cost the Public Works Department of Wakefield approximately \$2,000 a year. The same sum is also estimated for turf damage to parks and playgrounds in that municipality. Vandalism of traffic control equipment, heating equipment, temperature control devices, fences, parks, and playgrounds totals \$35,000 per year in Walpole.

Last year, damage to the public beaches in Dennis and the town office ran to \$5,000 and \$700, respectively. Vandalism costs to park areas in Worcester in 1971, 1972, and 1973 totaled \$672,950. This amount does not necessarily reflect repair and rehabilitation costs, as the only figures available in some cases were replacement costs.

In its response to the Bureau inquiry, officials in the City of Chelsea submitted statistics which indicated costs incurred by the various municipal departments.¹ The costs incurred as a result of fires and vandalism from 1971 to 1975 represent a \$17.78 increase on the local property tax. During that period the city sustained \$175,085 in losses attributable to vandalism: public schools, \$58,155; playgrounds, \$45,700; fire stations, \$31,700; garden cemetery, \$12,800; Chelsea Housing Authority, \$10,000; public library, \$6,450; stadium, \$5,100; City Hall, \$3,700; and police and court house, \$2,380. An additional cost of \$891,892² resulted from fires of suspicious origin, thus bringing the total to \$1,066,977.

The majority of information received concerned vandalism to schools. A number of municipalities indicated average costs per year, or the approximate outlays in either 1975 or the academic year 1974-1975. The following is a list of those municipalities and regional school districts which submitted their cost estimates in that manner.

1. See footnote 9 in Table 5.

2. \$888,892 of this damage was to schools.

Municipalities

Acushnet	\$ 500	Lexington	\$219,000
Amesbury	3,500	Ludlow	20,000 ^{2/3}
Bridgewater	2,000	Manchester	2,000 ⁴
Chatham	2,500	MELROSE	⁵
Danvers	10-20,000 ¹	NORTHAMPTON	3,000
Dartmouth	10,000 ²	Northbridge	3-5,000
Easthampton	5,000	Norwood	20,000 ⁶
Easton	4,000	PEABODY	110,000
Falmouth	15,000	Rockport	1-3,000
GARDNER	15-20,000	SOMERVILLE	75-100,000 ²
Georgetown	6,000	South Hadley	5-8,000 ⁷
Grafton	2,000	Stoneham	20,000
Greenfield	18-20,000	Tewksbury	5,000
Hopkinton	1,500	West Boylston	2,000 ²
Hingham	50,000	Winthrop	10-12,000

Regional School Districts

Dennis-Yarmouth	\$ 1,800	Masconomet	\$1,500
King Philip	17,500 ⁸	Spencer-East Brookfield	2,500
Lincoln-Sudbury	25,000	Wachusett	1,500

1. Responses from both the Superintendent of Schools and the Manager of the Buildings and Grounds in Danvers indicated the same approximation for the schools and for the entire town.

2. Includes materials and labor. In Ludlow, \$10,000 for materials and \$10,000 for labor.

3. The response from the Executive Secretary of the Ludlow Board of Selectmen indicated an annual cost of \$3,000 for acts of vandalism while the response from the Superintendent of Schools estimated an annual cost of \$20,000 for acts of vandalism directed at the public schools.

4. This cost is for the years 1970-1975.

5. The Superintendent of Schools indicated that an average cost per year of \$5,000 was high. However, the response from the Police Chief estimated vandalistic damages to be approximately \$24,000 during the period of 1973 to 1975; around \$14,000 in 1974 and 1975.

6. This amount is budgeted each year for damages resulting from vandalism.

7. This estimate was supplied by the Office of the Superintendent of Schools. A breakdown of damages during the period of August 30, 1973 to August 19, 1975 prepared by the Police Department totalled \$2,900.

8. Includes maintenance time, repairs, and replacements.

Another sixteen municipalities and five academic regional districts indicated the actual cost to their school systems in 1974-1975 or in 1975:

Municipalities

Amherst	\$1,273 ¹	Longmeadow	\$5,150
Billerica	27,100	MARLBOROUGH	17,029
Braintree	25,150	Methuen	4,250 ⁴
Brockton	147,000 ²	Millbury	1,500
CHELSEA	58,155 ³	Needham	75,000
Concord	2,260	Palmer	5,990
HAVERHILL	2,000	Somerset	3,500
Hudson	10,400	Wilbraham	2,243

Regional School Districts

Acton-Boxborough	\$7,500	Assabet Valley	\$1,000
Amherst-Pelham	7,512	Concord-Carlisle	3,245
Hampshire			\$1,500

Eight school systems supplied costs covering either the 1973-1974 year or just 1974: Everett, \$30,000;⁵ Framingham, \$30,126.67; Medford, \$32,962; Monson, \$10,000; Reading, \$4,900; Shrewsbury, \$10,516.76; West Springfield, \$9,300;⁶ and Woburn, \$3,132.50.

The Town of Scituate appropriated \$3,000 for vandalism and \$500 for removal of graffiti on school buildings in the fiscal 1974 and 1975 budgets. However, actual damages exceeded the appropriations. The cost of vandalism to the Hull School Department was \$12,800 from September, 1974 to January 31, 1976; Southborough spent \$6,000 from January, 1973 to June, 1975; and Westport spent \$670 from 1972 to 1974.

A total cost of \$5,248.09 was recorded by the Winchester School Department for vandalism damages from July 1, 1975 to January 15, 1976. In addition to this sum, a total of \$6,951.37 in damage was observed at the Winchester High School but was not included in the

1. Additionally, about \$500 of damages is annually inflicted upon rented school buildings.

2. This total includes \$50,000 for repairs to buildings, \$60,000 for custodial cleanup, and \$37,000 for stolen equipment.

3. See footnote 9 in Table 5.

4. \$1,000 for materials; remainder for labor.

5. An approximate cost.

6. This amount was budgeted for the 1973-1974 year for damages resulting from vandalism and reflects an increase from the \$5,900 budgeted for 1972-1973. Officials attribute the increase to inflation.

reported costs, bringing the total costs to \$12,199.46 for materials damaged or destroyed by vandalism. By estimating \$13,000 for labor, the approximate cost of vandalism during that period was \$25,000.

Information supplied by the City of Cambridge indicated that the approximate cost of vandalism during January, 1975 was \$3,797.50.

The Fairhaven Superintendent of Schools, Mr. Lynnwood P. Harriman, estimated that four years ago the annual cost of vandalism amounted to \$12,000 (only the cost of materials and supplies). Superintendent Harriman indicated that a cost study at this time would reflect a much lower figure as a result of the replacement of broken glass with acrylic glazing and the patrolling of highly-vandalized schools by security personnel hired through the Comprehensive Employment and Training Act (CETA).

Similarly, since the inception of a School Security Patrol in Haverhill, costs have been reduced from approximately \$75,000 in 1974 to \$2,000 from November of 1974 through September of 1975. The cost of vandalism in Somerset schools was \$6,700 in 1974 and \$3,500 in 1975. The reduction in cost is attributed to (1) outside security lighting at all schools, (2) increased surveillance by school and police personnel, (3) increased police cooperation by citizens, (4) apprehension of vandals and mandatory restitution, (5) police enforcement of school playgrounds closing times, (6) the use of security police at open functions at schools, and (7) reduction in replacement cost based upon quantity purchasing of materials and the use of school department and CETA employees, when possible.

A vandalism report by administrators of the Scituate public schools system estimated that Scituate had a per pupil cost of \$2.31 for vandalism based on data covering the period January 1, 1974 through October 31, 1974. The expenditure attributable to vandalism for the first ten months of 1974 would have defrayed the cost of purchasing any one of the following items:

- 1,800 library books
- 3,500 new elementary text books
- 31,350 gallons of gasoline for buses
- 24 IBM electric typewriters
- 7 new pianos
- 1 school bus
- 4 rooms of carpeting for libraries at four schools.

Since window breakage is the main form of school vandalism, a few communities included in their replies the amounts spent on glass replacement. Officials in Gardner estimated that 90 percent of the average yearly expenditure for vandalism was spent for glass. In 1975, the City of Quincy spent \$57,000 for glass and glazing in the public schools.

Total glass and Plexiglas expenditure for 1974 was \$13,406.73 in Woburn. A total of \$10,007.50 was spent as a result of glass breakage in 1975 in Fall River. The Rockland school system budgets \$10,000 a year for window breakage. Stoneham estimates a yearly expenditure of the same sum and in Billerica about \$10,000 of the 1974-1975 vandalism cost of \$27,100 was for the purpose of replacing broken glass. In Stoneham an additional \$24,000 was spent to install window grills which have reduced breakage by 60 percent.

Of a total 1974 vandalism expenditure of \$10,516.76, Shrewsbury schools spent \$8,350.52 on windows. Between September 1, 1974 and January 31, 1976, Hull spent almost half (\$6,100) of its total expenditure for vandalism damage (\$12,800) to replace broken glass. North Andover officials estimated \$6,000 to \$7,000 worth of windows were broken in 1974-1975. Scituate spent \$5,014 for glass between January 1, 1974 and October 31, 1974. As of May, 1975, Everett schools expended \$5,000 for the installation of Plexiglas as windows were broken. Wakefield has spent the same sum replacing windows over the last four years.

Both Georgetown and Southborough school systems have experienced a cost of \$4,000 replacing broken windows; Georgetown during 1975 and Southborough from January, 1973 to June, 1975. In the latter community that amount represents 2/3 of all money spent for damages related to vandalism.

In 1974, \$3,000 of a total cost of \$4,900 for vandalism damage was for windows in the Reading school system. Millis school officials estimated an average yearly expenditure of \$3,000 for broken glass.

To replace broken glass in all Winchester schools between July 1, 1975 and January 15, 1976 cost that school system \$2,890.64. Westport public schools suffered \$670 of damage from 1972 and 1974; \$410 of this sum was considered to be for broken windows.

Winthrop school officials estimated an average vandalism cost of \$10,000 to \$12,000 per year. This figure did not include replacing existing equipment with more vandal proof equipment, e.g. \$5,000

worth of "vandal proof" Kaw-neer exterior doors and \$40,000 worth of Lexan glazed Kalwall windows. Currently, 25 percent of the exterior doors and windows have been replaced.

School officials in Billerica reported a total expenditure of \$27,100 for vandalism-related damages. This figure includes (1) \$10,000 for glass, (2) \$1,000 for outside lights, (3) \$2,000 for interior damage (materials only), (4) \$21,500 for materials and contracts to maintain the school alarm system, and (5) \$5,600 in overtime pay to conduct emergency repairs on weekends for broken windows, etc. All schools in Billerica are equipped with alarms which cost \$20,000 to install six years ago. The yearly maintenance cost of \$8,500 for the alarm system is included in (4) of the above listing. The school officials reported that there have been at least ten attempted major breaks per year per school over the past five years.

In addition to the annual expenditures for vandalism, the towns of Danvers, Hingham, and Walpole have employed private security forces at an approximate cost of \$20,000 each annually. A Pinkerton guard and dog are stationed at the high school in Danvers. This protective measure has minimized damage during nonschool hours but has not solved the problem of interior damage inflicted during the day. The Hingham security forces patrol school maintenance buildings and bus garages. The private security force in Walpole patrols all public buildings. The Town of Wakefield incurs an annual expense of \$10,000 for a matron at the Library to prevent damage to rest rooms.

The additional costs reported by Winthrop, Billerica, Danvers, Hingham, Walpole, and Wakefield reflect the escalation of the cost of vandalism when factors other than actual damage incurred are included. A number of school systems and municipalities have installed alarm systems and vandal-proof materials and employed security personnel which will be discussed later in this chapter but very few indicated the cost to their community of these preventive measures.

Restitution. Most of the respondents to the questionnaire indicated that, whenever possible, they attempt to obtain restitution through the court system for damages caused by acts of vandalism. However, numerous local government officials pointed out that a restitution program is inhibited by two main factors: (1) most offenders are not apprehended and (2) the leniency of judges.

Correspondence from the City of Chelsea stated that existing policies relating to recovery of losses caused by vandalism in that city are next to worthless for the following reasons:

- (a) The "Don't Get Involved" attitude so often found in our society.
- (b) The vandals are seldom caught in the act.
- (c) Law enforcement officials are usually unsuccessful in quest of information.
- (d) Many offenders come from homes with subsidized incomes.

Similarly, a Lexington official expressed the opinion that general apathy and/or fear of reprisals make it difficult to obtain information with which to make arrests and acts of vandalism may go undetected for hours or even days, making apprehension very difficult.

The Town of Hudson has recovered approximately two percent of its total vandalism expenditure by order of the court when offenders were apprehended. The municipalities of Greenfield, Medford, Needham, Rehoboth, Somerville, and Wilbraham have recovered costs in just a few instances. The Town of Needham was awarded \$3,000 in restitution in one case where damage to the town garage was \$8,000.

Prosecutors for the towns of Adams, Stoneham, and Wakefield recommend to the court that restitution be a part of the final disposition in all cases. The municipality of Lexington is currently in court with its insurance company trying to recover \$50,000 from several high school youths who deliberately set fire in waste containers in a hallway and nearly burned the school down; the case has been in court since 1973.

A number of local agencies attempt to recover costs from the parents or perpetrators when ever possible and if this fails, offenders are then brought to court. In Amherst offenders are either forced to pay or ordered to work off the cost of the damage.

Authorities in eight common cities indicated that they usually try to recover costs from parents or the perpetrators.¹ This method has been successful in South Hadley. However, in Peabody where offenders are also allowed to work off the costs of damages, a Police Department official stated that this procedure is less than effective.

1. Adams, Amherst, Arlington, Belmont, the Concord-Carlisle Regional School District, East Bridgewater, Fairhaven, Ipswich, Lexington, Littleton, Pepperell, Spaulding, Tewksbury, and Wakefield.

2. Braintree, Longmeadow, Medfield, North Andover, Palmer, Peabody, South Hadley, and West Springfield.

School officials generally expressed similar opinions as to the effectiveness of restitution efforts. Like the municipal official, they stressed that invariably the culprits are not apprehended.

Haverhill school officials reported that in all cases where court action was taken an agreement for restitution has resulted. Malden officials commented that restitution through the courts has been fairly successful. Westport has received \$250 in restitution ordered by the court between 1972 and 1974 for damages to school property.¹ Similarly, Framingham schools received \$2,626.94 in restitution from January, 1970 to December, 1974. In the single case which was taken to court by the Spencer-East Brookfield Regional School District the judge assessed the costs and the vandals paid. The Masconomet Regional School District has also experienced a few instances in which court action was taken and generally students and parents have been held responsible for all costs.

The Chatham school system has received restitution in approximately five percent of the cases when the offender has been apprehended. In Winthrop where the average annual loss from vandalism of schools runs from \$10,000 to \$12,000, only \$300 has been recovered over the last three years. In 1974, the Town of Scituate recouped only \$102 from vandals who caused damage to the high school. Beyond the claims settlement by the insurance carrier only \$422 was recovered for damage to school buses. Based on an enrollment of 5,200 students, this indicates a per pupil restitution of \$0.10, reducing the vandal cost per pupil from \$2.41 to \$2.31.

Restitution to the Greater Lawrence Regional School District has generally been limited to payment for broken panes of glass. School authorities in Easton and in the regional school districts of Buckland-Colrain-Shelburne, Hawlemont, Mohawk Trail, and Whittier report that when offenders are apprehended restitution is made in most cases.

The Acton-Boxborough Regional School District officials stated that when the culprit can be identified and they can prove guilt without a doubt, bills for damages are sent by the Superintendent's office directly to the parents. The Blackstone Valley Regional School District takes every legal means possible to recover the costs of damages.

1. The total cost of vandalism during this period was \$640.

The Municipalities of Arlington and Belmont are attempting to establish a work restitution program through the court. However, problems such as insurance coverage (i.e., the municipality's liability if a juvenile injures himself while working for the city or town) and the resistance of unions and foremen of various municipal departments have substantially impeded the progress of such a program in that area.

A work restitution program has recently been established in the Quincy District Court with the cooperation of the South Shore Chamber of Commerce. Fifty-two businesses have pledged to employ persons who are ordinarily inappropriate for private sector employment and pay them the standard wage. However, this program is primarily for first and less serious offenders who can not pay the court costs, fines, etc., as an option to sentencing.

Preventive Measures. The majority of the respondents rely primarily on the local police to patrol and check on public buildings. The assignment of additional police on paid detail to vandalistic-prone facilities has been effective in several communities.

Many localities, such as Framingham, Hudson, Methuen, Saugus, Taunton, Wakefield and Worcester, have auxiliary police patrols in addition to local police surveillance. In Hudson, the auxiliary police patrol schools and other publicly owned buildings and property in a police van on Thursday, Friday, and Saturday nights from 7:00 P.M. to 2:00 A.M. The Wakefield unit provides service on weekends and holidays. In Methuen the auxiliary force patrols all public buildings nightly from 7:00 to 11:00 P.M. and has proved to be a substantial deterrent. Auxiliary police in Saugus patrol schools from 5:00 to 11:00 P.M. An undercover unit in the Saugus Police Department which functions every night from 5:00 P.M. to 1:00 A.M. has proved successful.

At least five communities, Dracut, Fairhaven, Methuen, Saugus and Winthrop, draw on CETA personnel to augment protection for schools in particular.

Melrose police have established a cooperative program with building custodians in which the custodians notify the police when the building is vacant. The police subsequently check the buildings and leave a slip of paper indicating the time of inspection. A duplicate copy is recorded at the police station.

Braintree primarily relies upon the local police for security but, in the case of the high school, the school department has hired two

guards and one roving patrolman. In the City of Marlboro and the Town of Braintree periodic security checks by building custodians augment normal police efforts.

All schools in Chicopee are covered by custodians during the week; schools in troubled areas are covered weekends until midnight. Danvers and Walpole have engaged private security forces to protect public buildings at an approximate cost of \$20,000 each annually. A Pinkerton guard and a dog are stationed at the high school in Danvers, which has minimized damage to the exterior of the building but has not solved the problem of interior damage inflicted during the day. In addition to the private security force, the town seeks to obtain "vandal-proof" material and supplies. Walpole also conducts a public relations program to notify citizenry of vandalism problems and costs.

Night watchmen are assigned to the junior high school and the high school in Gardner from 11:30 P.M. to 7:00 A.M. every night. Moreover, custodians inspect the school buildings weekends and holidays and work a night shift until 11:00 P.M. Monday through Friday. In Medford high schools a constant watch is maintained coupled with periodic custodial checks. Security personnel are constantly present at two federally-funded Medford housing projects. The two state funded housing projects rely on local police.

School systems which have 24-hour coverage by security personnel or custodians include the regional school districts of Assabet Valley, Bristol-Plymouth, Freetown-Lakeville, Northern Berkshire, Southeastern and Whittier. The Northern Berkshire, Southeastern and South Middlesex Regional School Districts also rely on outside lighting and patrolling. The Whittier Regional School is enclosed with a six-foot fence and a photo I.D. card system for all students is in operation. The South Middlesex Regional Schools also have a photo I.D. system.

In addition to the types of security forces cited, local officials have turned to various forms of equipment to curtail vandalism. Alarm systems reflect the more common approach. Such apparatus have been installed in a housing project in Acushnet, heavily vandalized schools in Andover, several municipal buildings in Dennis and Springfield, the high school in Millis, the newest schools in Rehoboth, some (and eventually all) schools in Wakefield, and the middle school in Easthampton. Billerica, Plainville, Scituate, Springfield, and West Springfield have installed alarm systems in all schools. Senior and

junior high schools in Medway and Monson are equipped with such systems. Monson authorities report that vandalism at its facility has been substantially reduced.

Other protective measures include perimeter chain link fencing with locked gates, mesh-type window screening, and plywood coverings, which have been installed in Scituate. The Town of Millbury has erected fences, bricked up windows, changed locks, updated security doors, etc. The City of Springfield has replaced broken windows with nonbreakable materials, installed vandal screens on some buildings and extensive vandal lighting outside public buildings, and has changed the design of entrances from one door to double doors in order to make it more difficult to prop open doors.

The Town of Andover has gone to extra expense to develop "vandal-proof" buildings. For example, a new bathhouse will have no windows but will be equipped with sliding metal doors and an impenetrable roof.

The City of Peabody has employed in past years several kinds of deterrents against vandalism, none of which were successful. A surveillance system, utilizing sound systems in the schools, which is tied to a central console in the police station failed due to the large numbers of false alarms. A program of lighting to keep vandals out of schools resulted in lighting their way in. Mr. J. Paul Veronese, Assistant Superintendent of Schools in Peabody, stated that after investigating live coverage and sophisticated electronic motion systems, it was discovered that the proper coverage in either case is more expensive than the cost of vandalism. The School Department is currently replacing glass by Lexan which is not considered a deterrent but is at least a reduction in costs.

In Framingham three new middle schools have been equipped with ultrasonic vandal alarm systems and three other schools also have sound-energized alarms tied in to the police dispatcher. The town expects to eventually install vandal alarms in all schools. The three largest schools have custodians for three shifts a day on weekdays and all school buildings are checked by custodians at least once on weekend days and holidays. Additionally, interior corridor doors are chained each night to contain intruders in sections of the building, repairs to windows and doors are made quickly to minimize having additional panes smashed, and a new method of reporting vandalism costs has been adopted to keep principals and administrators instantly aware of damage and costs occurring in their respective

buildings.

In the City of Chelsea, many innovations have been taken to reduce and attempt to eliminate the causes and threats of vandalism and specific crimes, such as arson. These include:

- (1) Higher chain-link fencing surrounding buildings.
- (2) Exterior flood lighting, using Vapor type lighting, installed by the Boston Edison Company with extra lighting cost.
- (3) Macadamized school grounds eliminating tempting loose stones for children to use as missiles.
- (4) Increased interior illumination, during hours of darkness.
- (5) Placing janitors on night duty shifts.
- (6) When applicable, utilize State and Federal funds to increase security personnel in and around schools, public housing, and other municipal properties.
- (7) Installation of additional heat/smoke detection devices and central-station alarm equipment.
- (8) Installation of heavy-gauge wire mesh screens on the exterior side of all ground level windows.
- (9) Use of nonbreakable acrylic plastic as a replacement for glass.

A few school systems have indicated in their responses that they have established a reward system in order to discourage vandalism. In the Town of Ludlow \$1 per student is budgeted to pay for acts of vandalism. Any balance, after payments for vandalism repairs, may be used by the student body to purchase some piece of equipment for the school. At the Lincoln-Sudbury Regional School, a publication listing the costs of property damage is distributed monthly to the student body. The school offers to share with the student body any savings realized as a result of a reduction in vandalism.

The Hampshire Regional School District sets aside \$900 yearly for the students. All uncollected vandalism costs are deducted from this fund and the remainder at the end of the year is turned over to the Class treasurers. As of November 12, 1975, vandalism costs had been reduced to one-tenth that of the previous year. The Bristol-Plymouth Regional Schools pay for any vandalism damages with monies from the Students Activities Fund.

Insurance. Responses from local officials to the Bureau's questionnaire indicate that many communities and school districts are insured

against vandalism. The largest deductibles reported were \$25,000 for each public building in Braintree and \$10,000 for the Adams School System, the Town of Framingham, and the King Philip Regional School District. Framingham officials stated that a lower deductible would be prohibitive in cost. Six respondents listed an insurance policy with a \$1,000 deductible clause.¹ The Towns of Amherst, Dracut, and Hingham have purchased insurance policies containing deductible clauses of \$2,000, \$2,500, and \$5,000, respectively.

Public property in Ludlow is insured for vandalism damage in excess of \$500. However, glass breakage in the schools must exceed \$1,000 in value before an insurance claim can be filed. The City of Chelsea also has a deductible of \$500 per incident in its insurance policy and only as a result of a major loss does the city receive reimbursement. Town buildings in Dennis are insured for losses in excess of \$100; however, the Dennis-Yarmouth Regional School District has no insurance coverage. Town and school buildings in Millbury are insured against vandalism damages exceeding \$250. This deductible was recently increased from \$100 due to a poor experience rating. The Town of Acushnet and the Blackstone Valley Regional School District are insured against all vandalism losses except window breakage. The Town of Scituate and the Monson School System do not have vandalism insurance which covers losses from glass breakage or theft.

The Northbridge School System and the Greater Lawrence Regional School District only insure equipment in the schools and the Ralph G. Mahar Regional School District is only insured for theft.

At least nine municipalities, eight school systems, and two regional school districts have no insurance coverage which would compensate for acts of vandalism.² The Masconomet Regional School District does not have such coverage because the premiums would be higher than the \$1,000 to \$2,000 in annual costs to repair damages and replace stolen items. The Acton-Boxborough Regional School District has been unable to find a company which will issue insurance covering vandalism losses.

1. The Hamilton-Wenham Regional School District, Hopkinton, Medfield, Palmer (for audio-visual equipment in the schools), Shrewsbury, and Saugus.

2. The municipalities of Arlington, Danvers, Gloucester, Malden, Medford, Melrose, Springfield, Uxbridge, and Winthrop; the school systems of Fairhaven, Falmouth, Grafton, Millis, Rockport, Salem, Wakefield, and West Springfield; and the Regional School Districts of Acton-Boxborough and Masconomet.

The following school systems are self-insurers: Concord, Dartmouth, the Concord-Carlisle Regional School District, and the Freetown-Lakeville Regional School District. In addition to these units, those municipalities and school systems which do not insure against vandalism are virtually self-insurers as far as vandalism damages are concerned. Also, since many acts of vandalism, if taken individually, would not exceed the amount of the deductible in the various insurance policies, many cities, towns, and districts are actually self-insurers for all losses less than the deductible. Although individual acts of vandalism may not represent a large loss, taken *in toto* these acts may add up to a considerable amount of money.

In discussions with the Bureau's staff, Mr. Charles Thornton of the Commercial Underwriting Division of the Commercial Union Assurance Companies stated that the insurance industry is currently receptive to insuring cities and towns. Generally vandalism and malicious mischief clauses in insurance policies are considered a selected peril to insure against although "All Risk" policies usually include these clauses. Mr. Thornton further stated that the competition to insure regional schools is keen and that companies definitely favor regional schools over large urban and other schools.

Recommendations of Local Officials. The majority of opinions expressed in the responses to the Legislative Research Bureau survey indicated a dissatisfaction with the judicial disposition of cases involving vandalism. Some police chiefs expressed the opinion that the courts were too lenient, possibly not wishing to give youthful offenders a criminal record. Moreover, a number of respondents felt that restitution through the courts was for the most part ineffective.

Mr. Michael J. Sullivan, Executive Secretary of the Board of Selectmen of the Town of Medfield, suggested that the punishment for acts of vandalism should be addressed to rectifying the specific damage. Since the overwhelming majority of offenders are juveniles, the courts should require the offenders to work off the damages in some manner. In his view, this approach would provide an option for the courts short of giving a youngster a criminal record.

In a 1975 study of the vandalism problem conducted by an *ad hoc* committee of citizens, public officials, and agency representatives in Arlington, many of the individuals interviewed, particularly the young people, felt that the most effective punishment for vandalism was work restitution. "A monetary restitution doesn't seem to have as

much meaning and little deterrence."¹ (The report also recommended that consistent, fair, and strict policies on vandalism be implemented.) This opinion was echoed by Mr. Fred Forni, Chief of Police of the Town of Saugus.

Responses from the town of Hingham, Needham, and Winthrop emphasized the need for court-ordered restitution. The Police Chief of Hingham advocated the passage of legislation making full restitution a condition of the probation or sentence of a defendant found guilty of vandalizing a public building. Winthrop authorities stressed that restitution by the juvenile or his/her parents be an automatic consequence of a conviction for vandalism. Mr. William A. Cross, the Executive Secretary of the Needham Board of Selectmen, stated, on behalf of the Board, that more emphasis should be placed on the duty of an offender to make restitution in money or services where practicable through the judicial process.

Mr. Frank Del Tergo, Juvenile Officer in the Stoneham Police Department, recommended that all persons arrested be prosecuted, that restitution be required in all cases, and that all dispositions be published in the local newspaper to discourage further acts of vandalism. Support for the latter alternative was also expressed by officials in Danvers.²

In respect to school vandalism, Police Chief John F. Sullivan of Tewksbury suggested that the parents of first offenders meet with the school committee to effect an agreement to pay for the damages incurred. Second offenders would be prosecuted.

Spokesmen from Greenfield and Rockport expressed the opinions that statutes pertaining to vandalism are repetitious and confusing and should be updated for the realistic end results of malicious acts of vandalism. Support for raising the permissible fines to a maximum of \$500 was forthcoming from other sources.

State and federal assistance for municipalities with populations exceeding 10,000 to purchase equipment and to hire needed personnel was suggested by the Hudson Police Department. Similarly, the Chelsea officials argued that, since the problem is statewide, there should be a total commitment on the state level

supporting the efforts of cities and towns.

Beyond the legislative and judicial changes cited, numerous respondents advocated improvements to the physical aspects of buildings, such as alarm systems in all schools (Granby); silent alarm systems connected to the police station in all public buildings (Wakefield); round-the-clock private security personnel hired to protect schools (Millis); and replacement of destroyed items with vandal-proof materials (Framingham).

Other suggestions include: more supervision and discipline in schools, especially at the secondary level (Northbridge); and programs to enlist the support of the citizenry and to educate our society to respect public property and the possessions of the individual (Hull, Saugus, Scituate, and Worcester).

The MACE Study

The Harvard University Graduate School of Design in association with the Massachusetts Advisory Council on Education conducted a survey of property damage and vandalism in the 1973-1974 academic year.¹ Of the 286 school superintendents in Massachusetts, 156 responded to the questionnaire; some failed to answer all questions. The number of students in the school districts ranged from 260 to 82,115 and the communities were ten percent urban (16), 13 percent rural (20), 33 percent rural-suburban (53), and 43 percent suburban (67). Mean family incomes ranged from below \$7,000 (four percent), \$7,001 to \$10,000 (53 percent), \$10,001 to \$15,000 (29 percent), \$15,001 to ,000 (11 percent), and over \$20,000 (three percent). Seventeen districts chose not to respond to this question.

Sixty percent of the respondents considered property damage a problem, but not serious, 24 percent viewed it as a serious problem and 16 percent did not consider it a problem. Fifty-three percent expected property damage to remain the same in the future, 37 percent expected it to be a growing problem and ten percent expected damage to decrease. However, in a later question, 75 percent of the 84 respondents made comments about specific signs of increase.

The highest incidence and costs involved windows and glazing in the category of general items and lavatories and lavatory equipment

1. *Final Report of the Committee on Vandalism in the Town of Arlington*, Chairwoman, Patsy Kraemer, 1975, p. 3.

2. Letter from Reginald V. Berry, Manager, Building and Grounds Department, to Legislative Research Bureau, February 6, 1976.

1. Architecture Research Office, Graduate School of Design, Harvard University, John Zeisel, Andrew Seidel and Dianna Rhodeside, and Mary Griffin, *Reducing Property Damage in Schools: Possible Responses*, Massachusetts Advisory Council on Education, Boston Public Facilities Department and New York Educational Facilities Laboratories, 1975, pp. v-1 to v-14.

in the category of places and specific equipment. The superintendents also indicated that the heaviest damage occurs on weekends, followed by holidays, at night, and during the evening. The average expenditure of the school districts for property damage was \$19,700 and the total cost reported (139 districts) was \$2,739,017. Minus fire and theft costs reported by 38 superintendents, the total cost ran to \$2,193,715, or an average of \$15,782 per school district.

To determine the approximate cost of school damage statewide the authors of the report made projections based on the figures supplied by each district, i.e., exactly what costs were reported.¹ Based on these new calculations, the estimated cost of property damage to the 139 districts is \$5,757,823. This figure, extrapolated to the entire state (286 districts) during the 1973-1974 academic year, produced an approximate sum of \$12,000,000 to repair property damage and by using the same method of calculation a sum of \$32,000,000 to prevent property damage in Massachusetts school districts was estimated.²

An average of \$20,400 was spent on intended damage and \$3,500 on unintended damage per district. A number of respondents indicated that damage could not be broken into these two categories.

Forty-two percent of the superintendents indicated that their systems of collecting information on property damage are good and provide all the information necessary on how to reduce property damage. Forty percent rated their systems as somewhat adequate, i.e., the information provided is not accurate or consistent enough for making the best decisions. Eighteen percent reported that the information collected did not provide a base for decision making.

In the area of preventive measures, supervision (i.e., watchfulness, visibility of staff, monitors, etc.) and police patrols were listed as the two most effective means used to reduce property damage during the academic year 1973-1974. Extending custodians' hours into the evening or for 24 hours, the use of outside lighting, and the use of alarms were reported as the next three most effective methods.

Other procedures listed in order of reported effectiveness are: student involvement; restitution for damages; Plexiglas, Lexan, and Keillwall glass substitutes for windows; public relations, newspapers;

1. The majority (62 percent) reported the costs of materials and direct labor only while others reported the cost of materials only (16.7 percent), direct custodial and maintenance labor only (4.3 percent) and materials, direct labor, supervisory labor, support services, administrative labor and fringe benefits (17 percent). Sixty-seven percent of the reported figures were approximate.

2. Based on an average sum of \$70,700 reported spent by 115 respondents to prevent property damage.

security personnel; apprehension, prosecution, and punishment; immediate repair and good maintenance; letters to parents and students; increased extracurricular programs; school educational programs such as lectures; staff patrol of schools, noncustodial; decision makers' (school committees, selectmen, etc.) awareness of costs, and limited access to buildings.

Other effective responses to property damage mentioned by four or less respondents were: the use of screens and grills on windows; the use of solid panels, bricks, or masonry to replace windows; increased supervision at special school events; better building materials; parking buses in exposed areas; redesign of buildings; smoking areas located outside school buildings; town no-loitering ordinances; securing windows and doors and locking toilets at the end of the school day; relocating basketball courts; reducing student free time; meeting with parents of offenders; caging thermostats; and implementing greater public use of schools.

Fifty-three percent of the superintendents (141 responses) noted the use of some anti-property damage alarm system in their schools: audio (29 percent, 41 mentions); sonar (15 percent, 20 mentions); video monitoring (0.7 percent, one mention); and sealed wire (intrusion alarm) (2 percent, 28 mentions).¹

The great majority of superintendents answered in the affirmative the following questions:

(1) If all school districts within the Commonwealth of Massachusetts were provided with a simple method of reporting information on property damage, which was then published in a newsletter distributed to all participants, would you be willing to participate? (81 percent of 65 responses).

(2) Would it be worthwhile to you to participate in an effort in which the state would provide a portion of the costs of making either a physical renovation or administrative program to reduce vandalism? (72 percent of 130 responses).

(3) Would it be helpful to you if the Commonwealth of Massachusetts provided a method to evaluate the cost-effectiveness of responses to property damage in your particular situation which you would use at your option? (72 percent of 121 responses).

The MACE report stated that the responses to the questionnaire

1. The percentages do not add to 100 percent because several checks were allowed and responses were incomplete.

generally indicated that (1) very few superintendents are irrationally frightened by the problem of property damage; (2) the problem is viewed pragmatically as a direct dollar cost to governmental units; (3) there is presently no unified effort to approach the problem; and (4) superintendents are interested in working together to reduce property damage.¹

The report further proposed that the Massachusetts Legislature fund a program whereby cost-effective techniques would be utilized to reduce school property damages and vandalism losses. The following recommendations for parts of such a program were made as a basis for further discussions among a broad range of interested parties:

(A) (1) That an existing state agency concerned with schools and education administer a series of mini-grants to share with municipalities the cost of reducing property damage.

(2) That projects be chosen on their cost-effective merits.

(3) That the state-contributed portion of the funds be approximately \$15,000 per project.

(B) That a state-wide reporting system be established to gather and redistribute information on approaches which cost-effectively reduce vandalism and property damage.

(C) That a technique for school cost accounting be developed and disseminated for adoption in individual school districts in the Commonwealth. This would enable a clearer analysis of actual costs in order to further prepare cost-effectiveness responses to property damage.

(D) That all pending state legislation be reviewed in the light of a proposal for such a comprehensive approach.²

Boston Developments

In the past eight years, the City of Boston has spent approximately \$500,000,000 on new schools and libraries, police and fire stations, new residential lighting and street work, and on parks, playgrounds, and indoor recreational facilities.³

Schools. Mr. Anthony L. Galeota, Chief Structural Engineer,

1. Zeisel, et al., *Op. cit.*, p. V-3.

2. *Ibid.*

3. "Developing Improved Strategies to Curb Abusive Behaviour in Public Recreational Facilities". Research Proposal Submitted to the National Science Foundation by the Public Facilities Commission, City of Boston, March 26, 1976, p. 2.

Department of Planning and Engineering, Boston School Department, estimates that, for that department, the cost of vandalism was approximately \$1,000,000 in 1975. This sum includes the salaries of those employees who spend a considerable number of hours taking the necessary steps to restore buildings to a healthful and safe condition for pupils and teachers. It does not include the exact cost of overtime directly attributable to acts of vandalism or the cost of all equipment stolen. In 1971 it was estimated that the average overall cost per year resulting from glass breakage and other willful destruction was \$400,000.¹ The Bayh Report included the following information relative to the Boston School System:

Boston is the only major city in the country that does not have a security system. There are alarm systems in only 33 of the city's 204 school buildings. Five of these systems were stolen during 1973.

In 1973, 139 teachers in the Boston public schools were assaulted and 664 vandalism incidents were reported resulting in the loss of thousands of dollars worth of equipment and the destruction by arson of two high school facilities. Overall cost for that year exceeded \$1 million.

As of September 12, 1974, violence and vandalism in the schools of Boston, Massachusetts increased drastically when school officials began busing more than 18,000 students under a federal court order to desegregate Boston schools. Opposition to the desegregation order has resulted in violent conflict between black and white students and their respective communities. The impact on students and the educational process in the city has been devastating. Attendance at newly integrated schools has at times dropped by more than 65 percent. Some parents have permanently removed their children from school and in many schools students and teachers have joined in opposition to desegregation.

A report prepared for the Boston School Committee has revealed that since the implementation of the desegregation

1. Statement of Joseph Schaffer, Assistant Structural Engineer, Boston Public Schools before the Hearings of the General Subcommittee on Education of the Committee on Education and Labor, House of Representatives on the Safe Schools Act, Boston, Ma., October 22, 1971, p. 108.

order, at least 10,000 students, most of them white, have left Boston's public schools. School officials have stated that several of the city's 200 schools may be forced to close and cutbacks in teaching and other staffs made necessary. The withdrawals represent more than 10 percent of Boston's 94,000 elementary and secondary school students. Some 7,529 students are no longer in the public school system; 3,047 have transferred to private or parochial schools; 927 have been discharged to seek employment, and, 3,555 are listed as dropouts.¹

There are a total of 170 buildings in the Boston School System. This figure is expected to be reduced to approximately 160 by September, 1976. Equipping schools with alarms is the primary mode of security. A total of 110 of these buildings have supervised alarm systems with security personnel on call 24 hours a day. Sixty of the alarm systems are under the supervision of the Boston School Department and are serviced by private "watch and alarm" companies under contract to that Department on a yearly basis. These security personnel work in conjunction with the Boston Police Department. This system costs \$100,000 a year for maintenance and personnel.

Presently the Boston Public Facilities Department has established a centralized computer alarm system which monitors 50 school buildings. The interior of buildings, exterior areas such as doors, and wiring are monitored. If someone loosens a door or tampers with a wire the central station is alerted and the damage can be quickly repaired. The main purpose of the monitoring is to obtain cost benefits for maintenance, i.e., reduction of heat loss, light loss, etc. However it serves the dual purpose of maintenance and security since an open door indicates both heat loss and intrusion.

The central computer is manned constantly by a staff of seven computer operators who dispatch city security employees who have access to three patrol vehicles to areas experiencing difficulties as indicated by the computer. The supervisor of the security personnel is on call 24 hours a day.

1. "Our Nation's Schools — A Report Card: 'A' in School Violence and Vandalism". Preliminary Report of the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Senator Birch Bayh, Chairman, April, 1975, pp. 20 and 21.

The computer was originally intended for use at the Campus High School in Roxbury but since there are only approximately 500 points to be monitored at that facility and the computer is capable of monitoring approximately 8,000 points, it was decided to expand the system to include other buildings. Due to the success of the program, the Department of Public Facilities would like to eventually include all city buildings in a centrally monitored program. Mechanical systems are presently so sophisticated that repairs and replacement are extremely expensive and often subject to long waiting periods. The computer alarm system provides necessary control over these mechanical systems.

The computer cost approximately \$50,000, with an additional \$50,000 being expended for installation.

In the construction of new schools, the Department of Public Facilities is now including alarm systems and, in some cases, it is installing a binary transmitter which will go directly from the buildings to the computer room.

Parks and Recreation. In the last eight years approximately \$50,000,000 has been spent by the City of Boston to construct new buildings and play equipment complexes, to provide recreational floodlighting, and to build entirely new parks. Despite innovative designs, attractive landscaping, and expensive installations such as swimming pools and ice skating rinks, the recreational system has suffered damage ranging from the defacing of walls to complete destruction of recreation buildings soon after opening.¹ In one instance, a car was driven through locked doors and into a swimming pool. Although this abusive behaviour which is particularly concentrated among the young occurs in every part of the city the severity and frequency is not uniform.

The annual damage inflicted on Boston's recreation facilities is estimated to be between \$500,000 and \$1,000,000 in direct costs alone.²

Because of the extent of these costs, and the fact that such behaviour diminishes the value of facilities to the city's inhabitants and turns facilities intended to enhance the quality of life into chronic trouble spots and eyesores, the Public Facilities Commission has

1. "Developing Improved Strategies to Curb Abusive Behaviour," *Op. cit.*, p. 3.

2. *Ibid.*, p. 7.

applied for a research grant to the National Science Foundation.

Some of the areas which the proposed research would concentrate on are:

- (1) an analysis of actual costs incurred by the Boston Parks Department in terms of capital losses and extraordinary maintenance performed,
- (2) the extent of diminished use and negative public perception of facilities as a result of abusive behaviour,
- (3) an evaluation of present approaches employed to curtail destructive behaviour,
- (4) community, especially youth, attitudes towards facilities (e.g. perceptions of proprietorship and discrepancies between intended and actual use), and
- (5) situations in which abusive behaviour occurs.

The cost element will attempt to take into consideration the extent of damages never repaired, deferred maintenance, and the cost of disrupted work schedules.

Boston Housing Authority. According to Mr. Leo Gulinello, Security Director, the Boston Housing Authority (BHA) maintains no records on the costs of vandalism and hence it is very difficult to estimate the actual cost of such misconduct to the Authority. Speculatively, in his view it could range from two to four million dollars. The problem of vandalism or, more aptly, malicious destruction of property, is of the uppermost concern to BHA officials. Damage to one apartment in South Boston which was completely stripped totalled \$10,000. On another occasion a unit which was refurbished and ready for occupancy suffered \$4,000 damage. In some instances the apartments are destroyed for monetary purposes, i.e., the removal of fixtures and appliances which can be sold.

The BHA does not have its own security personnel but relies upon Boston police and private security guards for protection. The cost of these services in the 1976 fiscal year¹ was \$670,000. Only \$350,000 has been budgeted for this purpose in the current fiscal year. Mr. Gulinello expects that actual costs may exceed the amount budgeted because additional forces are necessary if any unforeseen circumstances arise.

The Boston Police Department supplies the BHA with crime print-out sheets that are developed specifically for the BHA and concern only the geographic areas where developments are located. According to this source, 333 acts of vandalism were reported to the Boston Police during 1975. Mr. Robert Morris, Security Coordinator for the BHA, indicated that this figure probably represents only half the incidents since not all acts of vandalism are reported to the police.

Twenty-five localities were included in the crime print-out sheets. The data reveals that the largest number of incidents, 71, or approximately 21 percent, occurred at the Charlestown Housing Project. The second most frequent target of vandals was the West Broadway Housing Developing in South Boston with 46 reports. The following areas accounted for ten or more episodes: Mission Hill (34), Columbia Point (24), Old Colony (19), East Boston (16), M.E. McCormick (15), Commonwealth (14), and Orchard Park (10).

The correlation of vandalism and the physical design of buildings will be discussed in the following chapter. Housing experts feel that "the physical construction of residential environments can elicit attitudes and behaviour on the part of residents which contribute in a major way toward insuring their security..."²

Massachusetts Bay Transportation Authority

Operations. The 1975 expenditure for operations and capital improvements approached the \$400 million mark, and approximately 6,500 MBTA employees received wages in excess of \$100 million, which dramatically indicates the Authority's impact upon the economy of the 79 cities and towns in the Greater Boston area which comprise the MBTA district. In the current service planning program, a goal of 200 million yearly system passengers has been established. Traditionally, revenues from patronage have not been sufficient to meet operating costs and financial assistance from the state has been necessary to augment passenger revenues and amounts levied on the MBTA communities. In 1975 this assistance totaled \$73,504,006.69.

Costs of Vandalism. Data prepared by Mr. Gerald A. Kennedy, Supervisor of General Accounting, Treasurer-Controller's Office, reveals that the total cost of vandalism to physical facilities and the

1. Ending March 31, 1976.

2. Oscar Newman, *Architectural Design for Crime Prevention*, U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, March, 1973, p. xii.

system's rolling stock was \$255,861 in 1971, \$285,987 in 1972, \$394,004 in 1973, \$429,672 in 1974, and \$536,512 in 1975. The following table identifies the various components of vandalism costs during this time period.

Table 6. MBTA Vandalism Costs, 1971-1975

	1971	1972	1973	1974	1975
Labor Hours	30,487.7	30,480.6	36,753.3	43,247.6	53,528.6
Labor Costs	\$188,915.51	\$205,438.30	\$267,046.68	\$338,409.11	\$423,553.32
Materials	54,834.97	77,628.48	77,714.60	63,653.12	95,779.93
Other Services	12,397.10	3,189.52	49,620.91	27,637.21	19,966.89
Subtotal	256,147.58	286,256.30	394,382.19	429,699.44	539,300.14
Restitution or Salvage	286.53	269.28	377.80	27.00	2,787.88
Total	255,861.05	285,987.02	394,004.39	429,672.44	536,512.26
GRAND TOTAL	\$1,902,037.16				

Source: Mr. Gerald A. Kennedy, Supervisor of General Accounting, Treasurer-Controller's Office, MBTA.

Damage to passenger stations constituted the largest loss during this time period, \$959,326.76, with labor costs accounting for \$764,296.11 of this figure. The cost of vandalism on rapid transit lines increased drastically in 1975 due to (1) an updating of the accounting system which insured that all damage resulting from this source was placed in the appropriate account and (2) the impact of inflation on labor and materials costs.

MBTA Police Chief Richard E. Kenney believes that the cost figures exceed the actual losses due to vandalism. Although he stresses that there is a problem, it is not near the scope that the figures would indicate. In Chief Kenney's opinion, damage for which no employee or other party can be held responsible is charged to vandalism. Some of the damage included in the vandalism account is a result of accidents within the Authority.

The MBTA operates a security force of 61 officers with four vehicles available for patrol.

Apprehension and Judicial Action. Five persons prosecuted for committing damage to MBTA property in 1974 were ordered by the Boston Municipal Court to make restitution totaling \$172.28; the five individual cost assignments were \$18, \$5, \$14.28, \$10, and \$125. Total restitution ordered by District Courts in 1975 was \$1,700.62, of which the largest assessments were \$300 in two instances. Other sums varied

from \$84.32 to \$10. As of April 23, 1976 the courts had ordered defendants to pay \$135, \$42, and \$87 — a total of \$264.

MBTA Police arrested approximately 37 persons in 1975 and three in January, 1976 for causing damage to MBTA property. Offenses included breaking and entering and malicious destruction, assault and battery on a bus operator and malicious destruction, and damage to trolley seats, trolley, train, bus, and police cruiser windows, fare boxes, collectors' booths, buses, and automobiles at MBTA parking lots. The majority of offenders were ordered to pay restitution to the MBTA. One was fined \$100, two \$25, and three \$15. Sentences of one year, six months and two months in a house of correction were imposed in three cases. Two defendants were placed on probation for one year and three months respectively; five offenders were adjudicated delinquent; and one was simply found guilty. In only two instances were the cases continued without a finding and in only one case were charges dismissed. One case was dismissed because the witness failed to appear and one case is pending.

From January 1, 1976 to February 13, 1976, 111 separate incidents of vandalism were reported. The largest number of incidents occurred on the Red Line (35) followed by the Blue Line (28), Street Cars (15), Surface Lines (14), the Main Line (14), the South Shore Line (4), and the Central Division (1).

Between September 1, 1974 and December 31, 1974 a total of 218 incidents involving the throwing of objects at buses were reported; between January 1, 1975 and November 25, 1975, 246 such occurrences were registered. South Boston was the worst area with 49 bus incidents in 1974 and 63 in 1975.¹ Roxbury and Dorchester accounted for 47 and 34 reports in 1974 and 38 and 25 respectively in 1975. The Authority has stepped up its effort to curb such episodes and the cooperation of the Boston Police Department has been requested in this endeavor.

National Studies. A study of vandalism and crime in mass transit systems by the Carnegie-Mellon University asserted that the very nature of transit system stationary premises (parking lots, stations, platforms, etc.) and moving vehicles is such as to encourage certain types of crimes and to inhibit others, and the statistical distribution of criminal incidents on transit premises will be different from that of

1. To September 15, 1975.

society in general. Many transit authorities firmly believe that crime has seriously reduced non-rush hour passenger patronage. The University report stated that quantitative data had been received which indicated that one well-publicized incident on a transit system resulted in a serious immediate decline in all patronage, some of it permanent.¹

In August, 1974, Mr. Brian J. Cudahy, former Director of Community Affairs and Marketing of the MBTA, reviewed vandalism and passenger security studies produced by nationally prominent consultants for several major mass transit companies in geographical areas similar to that serviced by the MBTA. After review, Mr. Cudahy concluded that (1) vandalism is not basically a crime but a form of juvenile delinquency, (2) nation-wide "direct" cost of vandalism on transit systems is in the area of seven to ten million dollars annually, and (3) the more frequent acts of vandalism in order of occurrence are window breakage, seat damage, damage to stationary facilities, and graffiti. Although there appears to be no functional relationship between the size of a transit system and incidence of minor, violent, or total, transit crime, socio-economic conditions in certain areas appear to have a definite correlation.

Other observations were that there is no consensus on the age, sex, race, intellectual ability, and other characteristics of the typical vandal, except that vandals are preponderantly juveniles; there is no agreement on the value as a deterrent of enforcing parental liability; and no device or procedure, or combination thereof, can be effective in all vandalism situations. Due to expense, those measures which combine effectiveness with economy must be chosen. Thus anti-vandalism projects initiated by some of the nation's transit systems are premised on the influence of three main factors: (1) the use of resistant materials, (2) deterrence and surveillance (this solution could possibly cost as much or more than the vandalism problem it attempts to curb), and (3) educational programs. The latter approach was considered the most practical, since effective public relations work could also create positive responses from the community.

Educational Programs. In line with the latter approach, the MBTA co-sponsored with local business interests an antivandalism poster contest in the Quincy schools in 1975. Savings bonds were awarded to the winners.

1. "Control of Mass Transit Vandalism and Other Crime," E. M. Williams, F. W. Bartel, J. S. Drake and D. C. Kreekar, Transportation Research Institute, Carnegie-Mellon University, R. Shellow, School of Urban and Public Affairs, Carnegie-Mellon University, pp. 4, 5, 8, and 9.

A more comprehensive educational program devised by Mr. Morton R. Tapper, Special Advisor-Marketing, was adopted by the Board of Directors on May 19, 1976. The MBTA, hopefully with the cooperation of local Chambers of Commerce, will conduct various educational contests and other presentations in the schools, Y.M.C.A.'s, Boys Clubs, etc., in the 79 communities comprising the transit district.

Since there is a minimum of preconceived ideas of morality among pupils in the elementary grades it is felt that programs designed for grades one to six may have a definite positive impact. To reach this age group, overtures such as an audio-visual program, a school poster contest, and coloring books have been suggested. Hopefully, the children will develop a comprehension of vandalism and its consequences, in addition to an understanding of the purpose of mass transit, through visual involvement. Other audio-visual presentations will be developed for grades six to twelve and for civic, business, and fraternal groups.

Additional aspects of the program aimed at other groups of participants are: (1) an intercity school bus poster contest for areas with local MBTA bus service, (2) the use of a speaker's bureau for civic, business, and fraternal organizations drawing on the resources of MBTA management and possibly outside state agencies such as Massport, the MDC, and the DPW, (3) posters encouraging the reporting of acts of vandalism, and (4) flyers for highly vandalized areas.

Finally, MBTA representatives will urge school committees to incorporate in their budgets specific allocations for school vandalism repairs. Focusing attention on the problem in this fashion will make students more conscious of the consequences of vandalistic activity. Student effort which results in reduced vandalism will be rewarded by the transfer of unexpended balances in the account to support Student Council activities. Hopefully, the emphasis on student responsibility would extend outside the school area.

CHAPTER VI. CRIME PREVENTION THROUGH PHYSICAL DESIGN

Schools

It has been postulated that much damage to schools is accidental because school design virtually invites a mishap. On this premise,

school vandalism has been divided into two categories: conscious and unconscious vandalism. According to John Zeisel, Assistant Professor of Sociology of Design within the Department of Architecture at Harvard's Graduate School of Design, the unconscious vandal accounts for 50 to 80 percent of the total damage done to school property.¹

If this premise is accepted, a number of helpful responses to vandalism have been outlined in a study conducted by the Architecture Research Office, Graduate School of Design, Harvard University.² This report provides an extensive explanation of problem areas in physical design. The authors state that school designers must plan for the informal social and activity needs of young people in addition to the traditional formal educational requirements. When normal rough play is not taken into consideration in physical designs a great deal of property damage results. Additionally, designs must not invite children to challenge but must act as bridges to school users. The study outlines specific areas prone to damage and suggestions for small scale renovation and rehabilitation.

One example of the many areas covered by the report concerns open spaces around schools. e.g., basketball courts or baseball fields. "Although it seems obvious to stress that walls around such areas must be specified to withstand stray balls, school planners often overlook this. Schools then end up having a series of breakable windows within easy reach of a home run."³ The possible renovation responses listed in the report were:

1. Make play areas usable. Remove hindrances to normal play, such as surface irregularities or inadequate space behind the backboard.
2. Install wall surfaces which bounce balls back to players.
3. Move lighting and other hardware out of the way of ball playing.
4. Paint lines on walls and on ground to accommodate all local street games. This can be done in cooperation with

1. "For Worried School Districts: Here's Lots of Sensible Advice for Lasting Ways to Cut Down School Vandalism", *American School Board Journal*, Volume 161, January, 1974, p. 67.

2. Architecture Research Office, Graduate School of Design, Harvard University, John Zeisel, Andrew Seidel, Diana Rhodeside, Mary Griffin, *Reducing Property Damage in Schools: Possible Responses*, Sponsored by Massachusetts Advisory Council on Education, Boston Public Facilities Department and New York Educational Facilities Laboratories, 1975.

3. *Ibid.*, pp. 1-15.

young people.

5. Provide a buffer between formal play areas and school buildings, to clearly delineate the difference. This buffer might be ground sloped away from the school, a symbolic fence, or a sitting area for spectators.

6. Eliminate glass around rough play areas, or protect glass there in an attractive way.¹

Another often overlooked area to be considered in this particular aspect of school design is the durability of play equipment. It is seldom realized that even during normal play amateur basketball shots will eventually rip a basketball net and bend the hoop. Therefore, equipment must be able to withstand extremely rough use and must work properly. Players attempting to adjust malfunctioning equipment often damage the equipment further.

Some other suggested means to reduce damage were: (1) eliminating access to roof areas and identifying materials for roofing which are particularly vulnerable to damage; (2) identification of informal play areas; (3) installing entrance designs which are inviting during the day but indicate that the school is closed at night; (4) paving formal pathways where shortcuts have been developed; and (5) developing legitimate graffiti areas and systematic planning for predictable heavy usage in such areas as main lobbies, locker areas and gym bleachers. The report extensively identifies exterior and interior problem areas and provides feasible suggestions for school administrators to reduce property damage.

Additionally, the authors have analyzed security measures and programs in force throughout the country in order to determine their effectiveness in finding ways to control behaviour around the school through supervision or punishment; to increase parents' and students' feelings of responsibility for the school through educational programs; and to establish communications among members of the school community through dialogue programs.

For example, after examining the various restitution programs, the authors concluded:

Carrying out such programs exhaustively can entail far more expense than is compensated by caught vandals' restitution. On the other hand, occasional thorough

1. Zeisel, et al., *Op. cit.*, pp. 1-15.

investigation and prosecution which is well publicized, rather than continual restitution effort, may have a damage-reducing effect to compensate for the cost of such a program. The visibility of strict response to vandalism may justify the lesser expense of "spot prosecuting" efforts.¹

The report also outlined "cost guideline worksheets" for school administrators which simplify the economics of school property damage. The worksheets aid the administrator in determining the cost or benefit of an action and in choosing from among several responses the one which will save the most money.

Public Housing

Extensive research has also been conducted on the physical design of housing developments in relation to reducing crime. The use of vandal-proof and wear-resistant furnishings often creates an institutional atmosphere which invites the testing of their resistance capacities.² In order to achieve "defensible space"³ it is necessary to translate residents' senses of territoriality and community into responsibility for insuring a safe, productive and well-maintained living environment which is controlled by residents and allows intruders to be easily recognized.⁴ Four elements of physical design which together contribute to a secure environment are:

1. The territorial definition of space to reflect areas of influence of inhabitants (subdivide the residential environment into zones toward which adjacent residents easily adopt ownership attitudes).
2. Position windows to survey the exterior and interior public areas.
3. Adopt building forms which avoid the "stigma of peculiarity" which allows others to perceive the vulnerability and isolation of the inhabitants.

1. Zeisel, et al., *Op. cit.*, pp. 2-35.

2. Oscar Newman, *Design Directives for Achieving Defensible Space*. National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice, 1972, as cited in *op. cit. Reducing Property Damage in Schools*, pp. 3-51.

3. "Defensible Space" — a series of physical design characteristics that maximize resident control of behaviour — particularly crime — within a residential community. Oscar Newman, Barry Hirsch and Stephen Johnston, *Immediate Measures for Improving Security in Existing Residential Areas*. Center for Defensible Space Design, prepared for the U.S. Department of Housing and Urban Development, 1972, p. 7.

4. Newman, *Design Directives*, . . . *Op. cit.*

4. Enhance safety by locating residential development in functionally sympathetic urban areas, and immediately adjacent to activities which do not provide a continued threat.¹

One resident criminal in a building which houses 250 families can contaminate a very large area whereas the same criminal in a building or section of a building which houses only 25 families does proportionally less damage and can be more easily identified by the smaller number of residents.²

There are fundamentally four approaches to providing security in residential complexes:

1. The creation of a fortification with limited and controlled access points.
2. The subdivision of a large residential complex into smaller components so that each can be controlled naturally by a small number of residents (i.e., the creation of a defensible space).
3. The relocation of a particularly crime prone-group into a safe area wholly occupied by that group alone.
4. The inundation of a residential complex by security personnel.³

The first approach is the most practical for existing residential areas. The second would be the most desirable in the planning of projects; otherwise it would be costly, if not impossible, after the building is completed. Measures must be tailored to the needs of the particular groups occupying the complexes. e.g., intercoms work best among an adult population which shares a uniform desire for security.

The most vulnerable tenants are the elderly. "Where elderly are mixed with broken families including teen-age children, they have been found to be victimized as much as five times as frequently as the average public housing dweller".⁴ Placing the elderly in their own building, in particularly a high rise apartment building for low-income elderly, has proven to be universally successful.

Of all four approaches the last is the most expensive and the most prone to failure or abuse. It is used in areas where it is difficult to implement physical restrictions to access or where residents will not

1. Newman, *Design Directives*, . . . *Op. cit.*, pp. 3-51.

2. *Ibid.*

3. Newman, et al., *Immediate Measures*, . . . *Op. cit.*, p. 2.

4. *Ibid.*, p. 5.

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tolerate any curtailment of their freedom of access or egress.

Although "defensible space" can best be achieved in a project's inception, small scale physical design techniques can be implemented in existing areas such as "subdividing a project or building to limit access and improve neighbor recognition; defining an area symbolically as coming under the sphere of influence of a particular group of tenants; and, finally, improving the surveillance capacity of tenants to reinforce the above measures."¹

In addition to physical restrictions discouraging criminal entry, psychological or "symbolic" barriers can be implemented which make obvious the identification of strangers and intruders and subsequently make such persons conspicuous to both residents and passing police. An example of this principle is the allocation of grounds to specific buildings or building clusters which serves to assign responsibility and primary claim to certain residents. This arrangement creates a "zone of influence" in which an area surrounding a building, or preferably surrounded by a building, is perceived by residents as an outdoor extension of their dwelling. The authors noted that, when divisions do not exist within a project plan, an incident in one area can create an impression of lack of safety in the entire project.

The report also contains illustrations of design patterns which define areas or relate them to particular buildings. Additionally, all areas on grounds should be designed for and to suit a specific use, e.g., recreation and open space areas.

In another report by Oscar Newman, the author stated:

Our acute, and apparently increasing, inability to control crime in urban areas is due in large measure to the erosion of territorially defined space as an ally in the struggle to achieve a productive social order. The problems faced by residents in maintaining a territorial identification with areas immediately surrounding their homes is accentuated and compounded by the physical design of their dwellings. The scale and density at which our cities are being constructed does not lend itself easily to expressions of territorial unity, but rather serves to enforce a physical isolation and anonymity upon its residents.²

¹ Newman, et al. *Immediate Measures*. . . *Op. cit.*, p. 8.

² Oscar Newman, *Architectural Design for Crime Prevention*, U.S. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, March, 1973, p. XV.

APPENDIX

MASSACHUSETTS VANDALISM-RELATED STATUTES

This index presents a complete listing of Massachusetts statutes relating to malicious destruction or injury to property or "vandalism". Most commonly, each statute begins by stating in the following terms or similar terms: "Whoever willfully, intentionally and without right destroys, injures, defaces or mars..." Unless otherwise specified the terms of imprisonment and the fines are the maximums which can be imposed.

Chapter 1

Section 10. Signal monuments, buildings, or appurtenances used or constructed under the authority of the United States. \$50 and liable for all damages.

Chapter 2

Section 7. The state flower, the mayflower. \$50. If the offense is committed while in disguise or secretly at night. \$100.

Chapter 87

Section 10. Trees, shrubs, or growth within a state highway. Six months or \$500.

Section 11. Trees, shrubs, or growth of another. Six months or \$500.

Section 12. Shrub, plant, tree, or fixture or ornament or utility in a public way, place, or enclosure. \$500 and liable for all damages.

Chapter 130

Section 68A. Shellfish or boundary markers of a licensed shellfish grower. Liable in court for treble damages.

Chapter 264

Section 5. United States or Massachusetts flags. Not less than \$100 and/or not more than one year.

Section 7. Flags or emblem of a foreign country at peace with the United States. Not less than \$5 nor more than \$50.

Chapter 266

Section 11. Fire box or fire equipment (24 hours prior to the burning of a building or other property). \$100 or two years.

Section 12. Fire box or fire equipment (during the burning of a building or other property). Seven years in the state prison or two and one-half years in jail or \$1,000.

Section 13.¹ Fire engine or fire apparatus. \$500 or two years.

Section 39. Wills or codicils (for fraudulent purposes). Two years in the house of correction or five years in the state prison.

Section 94.² Boundary markers of a town or tract of land; milestone; mileboard, guideboard of a public way or railroad; building, signboard, light, lamp, lamp post, railing, or post of a bridge, sidewalk, public way, court, or passage; or traffic regulating sign, sign light, or signal erected under public authority on any public way. Six months or \$50.

Section 95. Historical monument tablet or device marking an historic place or event. \$1000 or two years. Reimburse State for all damages (Acts of 1975, c. 722).

Section 96. State building by cutting, writing, or otherwise. Not less than \$100 nor more than \$1,000 or two years. Reimburse State for all damages (Acts of 1975, c. 722).

Section 97. County buildings by cutting, writing, or otherwise. Two years or not less than \$100 nor more than \$1,000. Reimburse county for all damages (Acts of 1975, c. 722).

Section 98. Buildings and property for educational or religious instruction or knowledge. \$1,000 and/or two years.

Section 98A. Playground apparatus or equipment in a public park or playground. \$100.

Section 99. Book, plate, picture, engraving, map, newspaper, magazine, pamphlet, manuscript, or statute of a law, city, town, or other public or incorporated library. Not less than \$5 nor more than \$50 or six months.

Section 101.³ By means of an explosive, damages or destroys property or injures a person. Twenty years in the state prison or two and one-half years in jail or \$1,000.

Section 102. Throwing or placing of explosives at or near persons or property. Twenty years in the state prison or two and one-half years in the house of correction and/or \$5,000.

1. The offender must further post sufficient surety or sureties for good behaviour during such term as the court shall order.

2. Includes interference with and altering of inscriptions.

3. Imprisonment for committing manslaughter while violating this section is subject to the provisions of G.L., c. 265, s. 13, i.e., not more than 20 years in the state prison or not more than \$1,000 and not more

Section 103. Throws or places oil of vitriol, coal tar, or other noxious or filthy substance (with intention to injure, deface, or defile) at or in a dwelling house, office, shop, building, or vessel. Five years in the state prison or two and one-half years in jail or \$300.

Section 104. Dwelling house or other building. Two months or \$50.

Section 104A. Goal post on a football field. Not less than \$50 nor more than \$200.

Section 105.¹ Pulls down or removes any portion of a stone wall or fence enclosing land. \$10.

Section 106. Ice from waters where ice is taken as merchandise and therefore diminishes value. \$100.

Section 107. Public bridge, lock, culvert, or embankment of a canal. Five years in the state prison or \$500 and two years in jail.

Section 108. Ship or vessel or property laden on board (with intent to injure or defraud owner). Ten years in the state prison.

Section 109. Lades, equips, or fits out ship or vessel or property laden on board (with intent to injure or defraud owner or insurer). Twenty years in the state prison or \$5,000 and two and one-half years in jail.

Section 112. Horse, cattle, or other beast of another person. Five years in the state prison or \$1,000 and one year in jail.

Section 113. Timber or wood standing or growing on lands of another. Six months or \$500. If the offense is committed on Sunday or in disguise or secretly at night, minimum: five days or \$5.

Section 114. Breaks glass in another's building or fence; throws down or opens a gate, bars, or fence; or severs from the freehold of another any produce thereof. Six months or \$500.

Section 115. Trees, shrubs, or vines in an orchard, nursery, garden, or cranberry meadow. \$500 or six months.

Section 117. Entry into orchard, garden, or other improved land of another with intention to destroy or injure. Six months or \$500. If the offense is committed on Sunday, or in disguise, or secretly at night, minimum: five days or \$5.

Section 122. No trespassing notices. \$25.

Section 124. Warrant for a town meeting, a list of jurors, or other legally posted notice or paper. \$10 (except as otherwise provided).

Section 125. Show bill, placard, program, or other advertisement of a licensed exhibition, show, or amusement posted upon a wall,

1. Persons violating this section may be arrested by Natural Resources Officers and Deputy Natural Resources Officers of the Executive Office of Environmental Affairs without a warrant.

fence, billboard, or structure not lawfully under offender's control. \$10.

Section 126. Paints or puts any words, devices, trade marks, advertisements, or notice which is not required by law to be posted thereon. Not less than \$10 nor more than \$100 and liable for cost of removing or obliterating in an action of tort.

Section 127. Personal property of another not particularly described or mentioned in this chapter. If willful and malicious, five years in the state prison or \$1,000 and one year in jail; if wanton, \$500 or one year and if value does not exceed \$15, \$15 or one month.

Section 128. Milk cans. \$10.

Section 129. Correctional institution property or property furnished for the prisoners, by an inmate. Three years in the state prison.

Section 130. Jail or house of correction property or property furnished for the prisoners, by a prisoner. Not less than six months nor more than two and one-half years.

Section 132. Kills or frightens pigeons on another's land. One month or \$20 and liable for damages.

Section 133. Property of the Humane Society of the Commonwealth of Massachusetts. \$200 or six months. Informant receives one-half of fine upon conviction.

Section 137. Injures a mill by erecting or maintaining a dam. \$1,000 or six months.

Section 138. Dam, reservoir, canal, or trench, or a gate, flume, flashboards, or a wheel or mill gear, or machinery of a water mill or steam mill or draws off or obstructs from flowing water from the same. Five years in the state prison or \$500 and two years in jail.

Section 138A. Irrigation equipment used for agricultural purposes. Five years in the state prison or \$500 and two years in jail.

Chapter 268

Section 13B. Property of witnesses, jurors, or persons furnishing information in connection with criminal proceedings. Five years in the state prison or two and one-half years in jail and/or \$5,000.

Section 32. False alarm or damage to a police signal system or a fire signal system. Not less than \$100 nor more than \$500 and or two years' imprisonment.

Chapter 272

Section 73. Tombs, graves, memorial structures or trees, shrubs, or plants within an enclosure for the burial of the dead. Five years in the state prison or two and one-half years in jail and \$3,000.

Section 74. Desecrates place of burial or any property thereof or commits a nuisance thereon. Not less than \$5 nor more than \$100.

Section 75. Removes flowers, flags, or memorial tokens from any grave, tomb, monument, or burial lot in any cemetery or other place of burial. \$500 or six months.

END