Aspects of Malicious Damage

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For most people, the offence of malicious damage to property conjures up images of graffiti, vandalised telephone boxes, slashed train and bus seats, broken locks or smashed plumbing and defaced doors in public toilets.

Malicious damage is also often thought of as a relatively minor crime against property. Indeed, it is unlikely that even graffiti, which is so often offensive, unsightly and expensive to remove, would be considered by many people to be a *serious* crime at all.

The legislature, however, takes quite a serious view of the offence. In fact, section 195 of the NSW Crimes Act, 1900, No. 40 specifies a maximum penalty of 5 years imprisonment for ordinary malicious damage and, *'if the destruction or damage is caused by means of fire or explosive ...penal servitude for 10 years.'*

According to police records, there has been a substantial increase in the numbers of recorded offences of malicious damage in New South Wales in recent years. Figure 1 shows the number of recorded malicious damage offences from 1982/83 to 1989/90. Between 1982/83 and 1987/88 there was a 48 per cent increase in recorded malicious damage offences. The number of recorded offences rose from 38,242 in 1987/88 to 44,578 in 1989/90 representing a further increase of 17 per cent. Some of this increase may have come about because people are more willing to report the offence to police.

## REGIONAL DISTRIBUTION OF MALICIOUS DAMAGE OFFENCES

Maps 1 and 2 show the regional distribution of recorded malicious damage offences in 1990: Map 1 shows the Sydney Statistical Division and Map 2 the remainder of NSW. Each Local Government Area (LGA) is shaded to indicate the rate of recorded malicious damage offences per 100,000 population in the area. In Sydney the LGAs with the highest rates of malicious damage were Sydney City, Campbelltown, Leichhardt, Strathfield, Waverley, Wyong and Gosford. The areas with the lowest rates were Baulkham Hills, Ku-ring-gai, Lane Cove and Concord.

In the country, the LGAs with the highest rates of malicious damage were Bourke, Gilgandra, Walgett, Moree Plains, Central Darling and Brewarrina, all in the far west of the State. Newcastle and Wollongong had rates comparable to those of some of the highest ranking Sydney LGAs.

## PROFILE OF MALICIOUS DAMAGE REPORTED TO THE POLICE

For some offences, such as homicide, police records provide the most reliable and the most exhaustive set of information about the offence. This is because all, or the vast majority, of the offences are known to police. This is not true of malicious damage. In fact, there are good reasons to believe that only a small proportion of all cases of malicious damage are reported to the police.[1] It should be noted, therefore, that the details of malicious

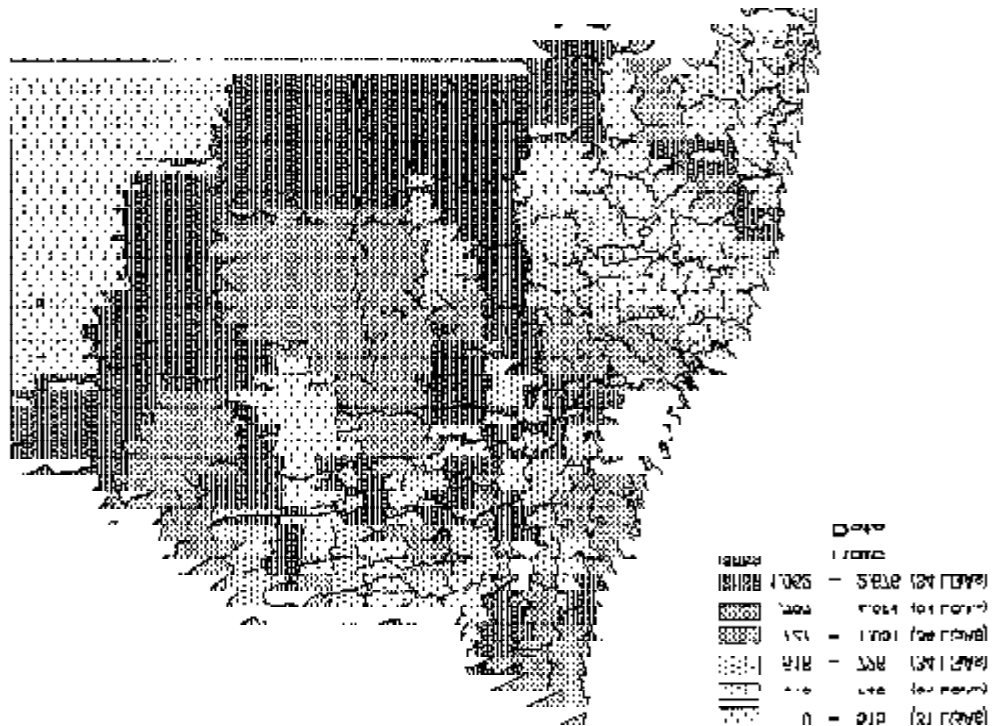**Figure 1:** Recorded malicious damage offences, NSW, 1982/83 to 1989/90

Number of offences
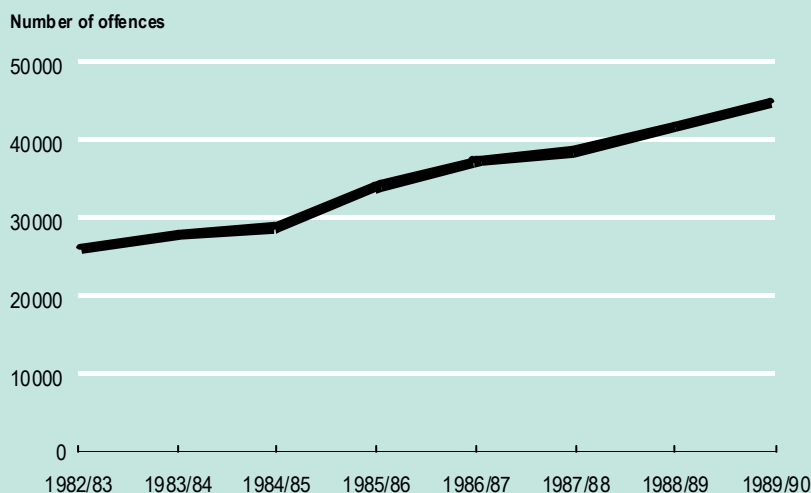
Source: **New South Wales Recorded Crime Statistics 1989/90**, *NSW Bureau of Crime Statistics and Research, Sydney, 1990.*
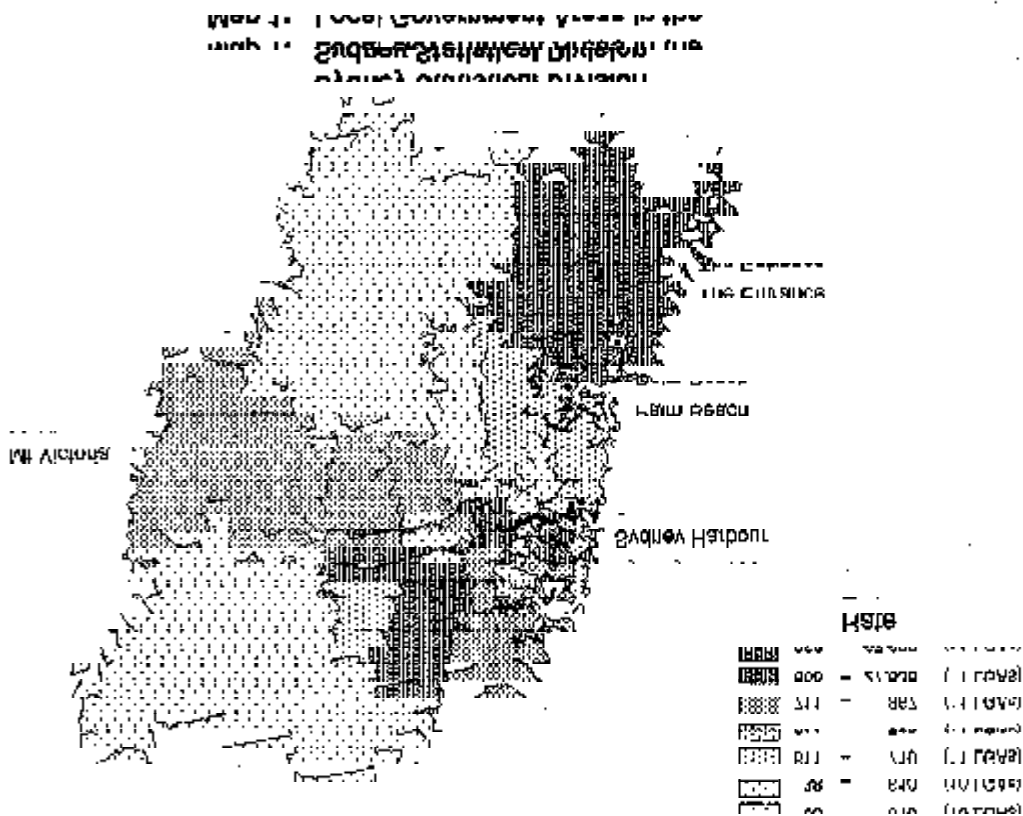
damage offences provided below are based on only those offences reported to and recorded by the police. The information about malicious damage in this bulletin is drawn from a random sample of 600 police records of incidents.

When any crime is reported to the police an officer records it on a Crime Information Report (CIR). Each CIR is given a unique number. On the report form the officer enters details of the offence, like the date, the time, the location of the offence, the type of target and the type of damage, and such victim and suspect details as are known. The CIR also contains a brief narrative description of the offence. This description includes the circumstances surrounding the incident where these details are known. The information from the CIR is stored on computer and can be tracked or retrieved via the CIR number.

The incidents examined in our sample took place and were reported to the police in the calendar year 1987, or the financial year 1989/90. It was during this period that a 17 per cent increase in reports of malicious damage occurred, as depicted in Figure 1. A random sample of 300 incidents was chosen from each twelve month period.

WHAT ITEMS WERE MALICIOUSLY DAMAGED?

As shown in Table 1, private vehicles were the targets of the damage in about one third of the reported cases (31.2%) in the sample. The second largest target group was private dwellings (29.2%). Other targets included shops, public and commercial vehicles, schools, churches and other types of property.

WHO OWNED THE DAMAGED ITEMS?

Figure 2 shows that 57.0 per cent of the reported incidents involved property owned by private individuals as opposed to commercial or public bodies. This is not a surprising finding when one considers the large proportion of private cars and dwellings which were damaged. Indeed,

Table 1: **Numbers of sampled police reports of malicious damage**

Target of damage	No.	%
Private vehicle	187	31.2
Public vehicle	13	2.2
Commercial vehicle	27	4.5
Private dwelling	175	29.2
Public facility	43	7.2
Shop	57	9.5
Commercial facility	55	9.2
School	21	3.5
Other	20	3.3
Unknown	2	0.3
Total	**600**	**100.0**

the number of private individuals who were victims would have been even higher were it not for the fact that, where rented premises were damaged, the police considered the victim to be the owner rather than the occupant of the premises. This results in a number of private dwellings being classified as either public or commercial premises.

WHO DOES THE DAMAGE?

Incidents of malicious damage are rarely witnessed. Consequently, not a lot can be said about the alleged offender. In only 18.2 per cent of cases was a particular person either suspected of, or arrested for, inflicting the damage. In such cases 6 out of 10 suspects were not known to the victim. This is a high proportion given that police are more likely to be able to effect an arrest when the victim knows the offender. It suggests that spite or revenge may not be a very common motive in instances of malicious damage.

HOW DO THE POLICE FIND OUT ABOUT MALICIOUS DAMAGE?

In some cases the number of police officers and/or changes to policing policy can have some bearing on how many offences are recorded by police.[2] In the case of malicious damage, neither increases nor decreases in the size of the Police Service would have a great effect on the incidence of malicious damage. This is because it is an offence which is rarely detected by the police. In 97.5 per cent of all cases sampled the incident was

Figure 2: Characteristics of victims of malicious damage

Private individuals 57.0%

Commercial 25.2%

Public 13.8%

Other private 4.0%
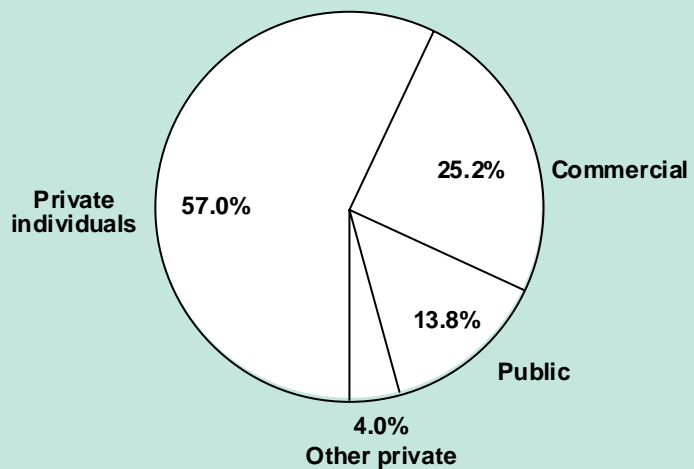
Note: Estimated from the sample of 600 police reports of malicious damage.

Figure 3: Areas of damage, private cars
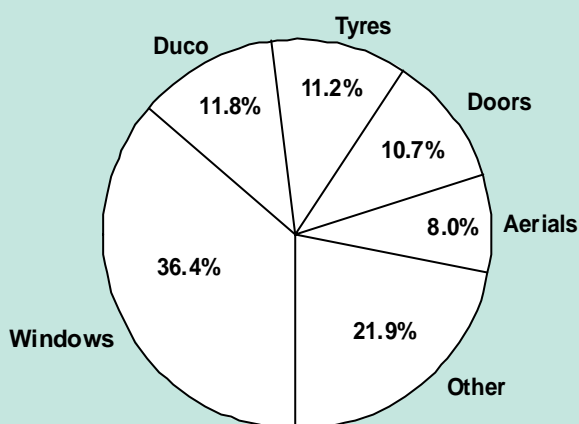
Note: Percentages were calculated from the total of 187 private cars which were targets of damage in the sample of 600 police reports of malicious damage.

reported to the police by either the victim or a witness to the event.

DAMAGE TO CARS AND HOUSES

Let us look more closely at the two major targets of malicious damage reported to the police. These are private cars and private dwellings.

PRIVATE CARS

As shown in Figure 3 above, 36.4 per cent of the private cars in the sample had their windows damaged.[3] Scratches or acid burns to duco accounted for a further 11.8 per cent of the damage to cars, while 11.2 per cent of the damage related to slashed tyres. Apart from damage to windows, the largest single category of damage to cars was the 'Other' category (21.9%). The majority of cases in this category involved combinations of the other categories.

Almost half of the cars involved in these offences, 46.0 per cent, were parked in the street, or in some location which was away from the owner's home or work. A

further 39.6 per cent of cars were damaged while parked in the vicinity of the owner's home or place of work.

Not all damaged cars were stationary at the time of the incident. Some cars were moving when they were damaged (7.5%). The damage to this group was usually caused by stones or rocks thrown from the side of the road or from a bridge or other crossing above the road**.**

TIME

It is very common in cases of malicious damage for the victim to be unsure *exactly* when the offence occurred. The owners of damaged cars were unable to tell the police the precise time the damage occurred in 51.8 per cent of cases.

Where a specific time was nominated, 15.0 per cent of the car offences were said to have occurred between 9 p.m. and midnight. Another 12.8 per cent of cases took place between midnight and 5 a.m.

DAY OF THE WEEK

As well as being unsure of the exact time of day of the incident, in many cases the victim was unsure of the exact day of the week on which the incident occurred. As

shown in Table 2, in 13.9 per cent of cases the incident was only known to have occurred at some time between Friday afternoon and Monday morning. In a further 25.7 per cent of cases the incident was known to have occurred on either Saturday or Sunday. In all, therefore, about 40 per cent of incidents involving damage to private cars occurred over the weekend.

CIRCUMSTANCES OF THE INCIDENT SUGGESTED BY THE POLICE NARRATIVE

In nearly half the cases (46.5%) the damage to cars appeared to have no motive and was classified as vandalism. By vandalism we mean that the infliction of the damage was an end in itself and that it served no purpose such as facilitating the commission of another offence.

In a further 34.8 per cent of cases the damage inflicted was consistent with an attempt to break into the car. Generally, the break-in was assessed to be for the purpose of stealing something from the car or to steal the car itself. In about 10 per cent of cases the damage to the car resulted from a fight between the car's owner and the offender.

COST OF THE DAMAGE

The cost of damage to cars ranged from as little as $20 to over $20,000. In 20.9 per cent of cases the owners estimated that their repair bill would be at least $500. At the lower end of the scale, in 22.5 per cent of cars the damage was estimated at less than $100. The average cost of malicious damage to private cars in the sample was $381.

Based on the costs recorded in this sample and on the total of 48,421 recorded malicious damage offences in NSW in 1990, the total annual cost of malicious damage to private cars is estimated to be $5.8 million.

CLEAR-UP RATE

The clear-up rate in cases of malicious damage to private cars was 18.7 per cent. This rate approximates the overall clear-up rate in NSW for all targets of malicious damage.

Table 2:   Numbers of sampled malicious damage reports of where private cars and private dwellings were the targets of damage

Day of week incident occurred	Private cars		Private dwellings	
	No.	%	No.	%
Monday	16	8.6	10	5.7
Tuesday	19	10.2	9	5.1
Wednesday	15	8.0	12	6.9
Thursday	19	10.2	18	10.3
Friday	24	12.8	23	13.1
Saturday	28	15.0	33	18.9
Sunday	20	10.7	15	8.6
Weekend	26	13.9	25	14.3
One or more weekdays	16	8.6	16	9.1
Unknown	4	2.1	14	8.0
Total	**187**	**100.0**	**175**	**100.0**

Total sample size: 600 police reports of malicious damage

PRIVATE DWELLINGS

As shown in Figure 4, where the target was a private dwelling, 40.6 per cent of cases involved damage to windows. Doors were the targets of the damage in a further 22.3 per cent of cases. Letterboxes were damaged in 16.0 per cent of cases, and walls were the target in 6.9 per cent of reports. The damage to the remaining 14.2 per cent of private dwellings involved other targets.

TIME

In 56.0 per cent of cases when private dwellings were the target, the victims were able to nominate a specific time when the offence occurred. Over one third of dwellings were damaged between 9 p.m. and 5 a.m. In particular, 17.1 per cent were damaged between 9 p.m. and midnight, and a further 18.3 per cent were damaged between midnight and 5 a.m.

DAY OF THE WEEK

Table 2 shows that cars and dwellings are very similar when it comes to the day of the week on which the damage occurred. In 14.3 per cent of cases the dwelling was attacked at some time between Friday afternoon and Monday morning. A further 27.4 per cent of incidents were known to have occurred on either Saturday or Sunday. A total of 41.7 per cent of the incidents occurred over the weekend.

### CIRCUMSTANCES OF THE INCIDENT SUGGESTED BY THE POLICE NARRATIVE

As with cars, in most cases of damage to dwellings the information in the police report provided little insight into why the offence was committed. If it can be assumed that the lack of information implies there was no motive then vandalism accounted for 62.3 per cent of cases involving dwellings.

In 13.7 per cent of reported cases the motive for damaging the dwelling seemed to be to get into the premises with the intention of either robbing or assaulting the occupant. This level of attempted break-ins is much lower than that recorded for attempted break-ins of cars. Fights, both domestic and other types, sparked the malicious damage recorded in 10.8 per cent of sampled cases.

COST OF DAMAGE

In 40.6 per cent of private dwelling targets the victims reported that the cost of the damage to their dwelling was less than $100. Only 12.6 per cent of victims reported that the cost of damage was $500 or more.

Figure 4: Areas of damage, private dwellings

Doors 22.3%
Letterboxes 16.0%
Walls 6.9%
Other 14.2%
Windows 40.6%
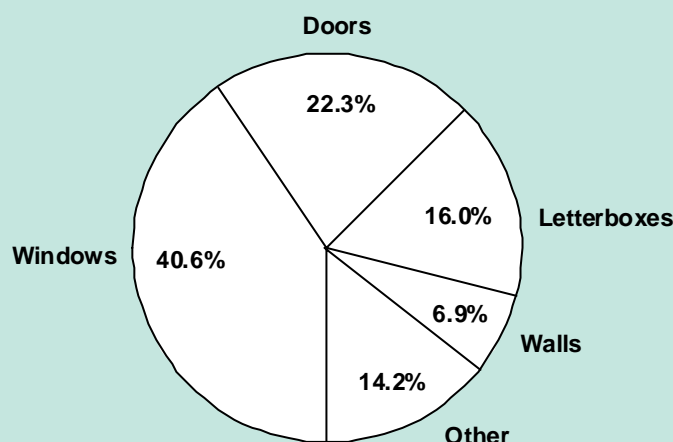
Note: Percentages were calculated from the total of 175 private dwellings which were targets of damage in the sample of 600 police reports of malicious damage.

The cost of repairing the damage to dwellings was generally lower than for cars. The mean cost was $233. Applying this average cost to recorded offences in 1990, the estimated total annual cost of malicious damage to dwellings in NSW in 1990 was $3.3 million.

WAS SOMEONE ON THE PREMISES WHEN THE OFFENCE OCCURRED?

Fifty-two per cent of the damaged dwellings were occupied when the damage took place. However, even when someone was on the premises this did not necessarily result in the incident being witnessed. In many cases of attended dwellings, the offence was heard but not seen.

CLEAR-UP RATE FOR PRIVATE DWELLINGS

In 11.4 per cent of the incidents of damaged private dwellings in this sample arrests were made. The majority (55.0%) of the alleged offenders were known to the victim as either family or friends.

SUMMARY AND DISCUSSION

Malicious damage is a very common offence which imposes significant costs on individuals and the community. The two most common objects of recorded malicious damage incidents are private cars and houses. The estimated annual cost of recorded malicious damage to private cars is nearly $6 million. The estimated annual cost of recorded malicious damage to private houses is around $3 million. The clear-up rates for both of these types of malicious damage are relatively high compared with the clear-up rates for other forms of property offending. Detection of offenders in cases of recorded malicious damage, however, is hampered by the fact that in the majority of incidents there is no known relationship between victim and offender.

Police reports of malicious damage almost certainly constitute only a very small proportion of the incidents of malicious damage to property which occur. Despite the widespread incidence of graffiti and telephone vandalism, for example, very few instances of it result in police reports or court appearances. There are several reasons for this. First, there are disincentives to reporting minor instances of malicious damage in many insurance policies. Second, in most instances there is a low expectation of an offender being caught. Third, as noted in the introduction to this bulletin, the crime itself is not often viewed as a serious offence. Each of these reduce the incentive to report malicious damage incidents to police.

Despite the difficulty in apprehending offenders, there are many ways of reducing the incidence of malicious damage to property. These have been highlighted in a recent publication of the Australian Institute of Criminology entitled *Preventing Graffiti and Vandalism*.[4] The options generally depend upon the type, location and motive for the vandalism. For damage to houses, for example, the report stresses the importance of such things as building design, street lighting and rapid restoration of damage. Housing policy has also been found to be important. Areas with high densities of young children have been found to be particularly at risk. In these instances specific programs directed at the recreational activities of children have been found to be effective. Generally speaking, crime prevention in cases of malicious damage appears to be better sought through the development of local community crime prevention plans rather than through generalised attempts to deter offenders by increasing the risks and costs, to them, of committing malicious damage to property.

NOTES

1   See, for example, Geason, S., and Wilson, P.R., 1990, **Preventing Graffiti & Vandalism**, Australian Institute of Criminology, Canberra, p. 62. The authors report that in 1987 there were 6000 incidents per month of either robbery and / or vandalism of Telecom facilities in NSW. Few of these incidents can be found in official police or court statistics for that period.

2   See, for example, Bonney, R., 1989, **NSW Summary Offences Act 1988**, Bureau of Crime Statistics and Research, Sydney.

3   For both private cars and houses if more than one area was damaged the area of damage was coded as the area most seriously damaged, unless this could not be determined, in which case it was coded as 'Other'.

4   Geason, S., and Wilson, P.R., 1990, **Preventing Graffiti & Vandalism**, Australian Institute of Criminology, Canberra.