

Information Bulletin

No 22

December 2001

GRAFFITI VANDALISM: CASES FINALISED IN THE MAGISTRATES AND YOUTH COURTS, 1997-2000

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This paper provides information on the number of cases finalised in the Magistrates and Youth Courts between 1997 and 2000 where one of the offences charged was *graffiti vandalism*. It also details the outcomes of these cases and, for those cases where there was a finding of guilt, the penalties received. The data for this study were extracted by the Office of Crime Statistics from the computerised databases maintained by the Courts Administration Authority.

Introduction

This Information Bulletin provides information on the number of cases finalised in the Magistrates Courts and Youth Court between 1 January 1997 and 31 December 2000 where one of the offences charged was *graffiti vandalism*. It also details the outcomes of these cases and, for those cases where there was a finding of guilt, the penalties received. No higher court cases are included because graffiti offences are not dealt with at this level.

In interpreting the data presented in this Bulletin it should be noted that, currently, graffiti offences can be prosecuted under specific provisions contained in the *Summary Offences Act 1953* or as property damage offences under section 85 of the *Criminal Law Consolidation Act 1935*.¹ This Bulletin only provides information on offences prosecuted under the *Summary Offences Act 1953*, as is unknown what proportion of property damage offences involve graffiti vandalism.

Number of cases finalised by the courts, 1997-2000

Table 1 details the number of cases² finalised in the Magistrates and Youth Courts between 1 January 1997 and 31 December 2000 where one of the offences charged was *graffiti vandalism*. Over this four year period a total of 728 cases involving a *graffiti vandalism* charge were finalised, with the number of cases finalised each year ranging from 169 in 1998 to 208 in 2000. As Table 1 indicates, in each of the four years the majority of finalised cases involved juvenile defendants, with the proportion ranging from 51.9% in 2000 to 68.6% in 1999.

Table 1
Cases finalised in the Magistrates and Youth Courts where one of the offences charged was graffiti vandalism, 1997-2000

Year	Cases involving adults		Cases involving juveniles		Total cases	
	n	%	n	%	n	%
1997	70	39.8	106	60.2	176	100.0
1998	70	41.4	99	58.6	169	100.0
1999	55	31.4	120	68.6	175	100.0
2000	100	48.1	108	51.9	208	100.0
Total	295	40.5	433	59.5	728	100.0

In the majority of cases finalised over the four year period (516 of the 728 or 70.9%) *graffiti vandalism* was the major charge listed. In the remaining 212 cases, it was laid in conjunction with another, more serious matter.

Alleged offenders

The 728 cases finalised between 1997 and 2000 involved 553 discrete individuals. Each person was involved in an average of 1.3 cases. As Table 2 indicates, while the majority of alleged offenders (79.4%) were involved in only one case where there was a charge of *graffiti vandalism*, 114 individuals (20.6%) were involved in multiple cases. This included one individual with eight finalised *graffiti vandalism* cases over the period 1997 to 2000.

¹ The *Graffiti Control Act 2001*, assented to on the 11 October 2001 but not yet in operation, introduces, among other measures, the removal of the provisions relating to graffiti from the *Summary Offences Act 1953* (the offences of *marking graffiti* and *possession of a graffiti implement*) and their incorporation into the new legislation.

² A case is a group of matters involving one defendant, which were all finalised before the same Magistrate or special justice in the same court on the same day.

Table 2
Individuals dealt with by the Magistrates and Youth Courts for graffiti vandalism: number of cases per individual, 1997-2000

Number of cases	Alleged offenders	
	n	%
One	439	79.4
Two	81	14.6
Three	17	3.1
Four	9	1.6
Five	4	0.7
Six	2	0.4
Seven	0	0
Eight	1	0.2
Total	553	100.0

Racial identity

As Table 3 indicates, the majority of individuals (468 out of 553 or 84.6%) involved in *graffiti vandalism* cases finalised in 1997-2000 were identified as non-Aboriginal, while 12.5% were Aboriginal.³

Table 3
Racial identity of individuals charged with graffiti vandalism, 1997-2000

Racial identity	n	%
Non-Aboriginal	468	84.6
Aboriginal	69	12.5
Unknown	16	2.9
Total	553	100.0

Outcomes

In the following section information on outcomes has been presented for only those cases where the **major charge** was *graffiti vandalism* (516 of the 728 cases).⁴ In other words, no outcome information has been provided for the 212 cases where *graffiti vandalism* was one of the charges, but not the major charge.

Of the 516 cases finalised between 1 January 1997 and 31 December 2000 where the major offence charged was *graffiti vandalism*, the majority (87.0%) resulted in the defendant being found guilty (53.7% with conviction and 33.3% without conviction). This was the most common outcome for both adults (90.7%) and juveniles (83.9%). In 8.5% of cases the major charge was withdrawn (6.4% of cases involving adults and 10.4% of cases involving juveniles).

³ Racial appearance is derived from police apprehension reports and reflects the opinion of the apprehending police officer based upon the physical appearance of the individual.

⁴ The major (or most serious) offence for which a defendant was charged was determined by comparing the statutory penalties prescribed in the statutes and selecting the highest of these.

Table 4
Case outcomes where the major offence charged was graffiti vandalism, 1997-2000

Outcome	Cases involving adults		Cases involving juveniles		Total cases	
	n	%	n	%	n	%
Guilty – conviction	162	68.6	115	41.1	277	53.7
Guilty – no conviction	52	22.0	120	42.9	172	33.3
Withdrawn	15	6.4	29	10.4	44	8.5
Dismissed	2	0.8	4	1.4	6	1.2
No action taken	2	0.8	3	1.1	5	1.0
Stay of proceedings	0	0	1	0.4	1	0.2
Formal caution	0	0	8	2.9	8	1.6
Other - accused died	3	1.3	0	0	3	0.6
Total	236	100.0	280	100.0	516	100.0

Penalties

Table 5 details the **major penalty** received in those cases where the major offence found guilty was *graffiti vandalism*.⁵ In situations where the charge attracted multiple penalties, only the most serious penalty was counted. In Table 5 the penalties are listed in order of severity.

As Table 5 indicates, there were some differences in the major penalties most commonly received by adults compared with juveniles. While a fine was the major penalty received in 55.0% of the cases involving adults, 16.5% of juvenile cases resulted in this same sanction. In contrast, more juvenile than adult cases received no penalty (27.7% compared with 6.8% respectively). While 22.3% of juvenile cases received an ‘other order’, 7.7% of adult cases received this penalty. The proportion of adult and juvenile cases where the major penalty was a community service order were relatively similar (22.3% and 25.8% respectively). For both groups a community service order was the second most common sanction received. In two cases the offenders received imprisonment/detention (one juvenile and one adult), while suspended imprisonment/ detention was the major penalty received in 11 cases.

Table 5
Major penalty in cases where the major offence found guilty was graffiti vandalism, 1997-2000

Major penalty	Cases involving adults		Cases involving juveniles		Total cases	
	n	%	n	%	n	%
Imprisonment/detention	1	0.5	1	0.4	2	0.4
Suspended imprisonment/det.	6	2.7	5	1.9	11	2.3
Community service order	49	22.3	67	25.8	116	24.2
Bond without supervision	11	5.0	2	0.8	13	2.7
Other bond/obligation	0	0	12	4.6	12	2.5
Fine	121	55.0	43	16.5	164	34.2
Other order (eg restitution)	17	7.7	58	22.3	75	15.6
No penalty	15	6.8	72	27.7	87	18.1
Total	220	100.0	260	100.0	480	100.0

⁵ This is distinct from Table 4, which includes only those cases where the major offence charged was *graffiti vandalism*. In contrast to Table 4, Table 5 includes cases where the major offence charged was an offence other than graffiti and the defendant was not convicted of this charge, but where the major charge convicted/found guilty was graffiti. For example, if defendant A had two charges, break and enter and graffiti, the major charge in this case would be break and enter because major charge is determined by the major statutory penalty (MSP) for the offence, regardless of the outcome and break and enter has a higher MSP. As only cases with a major charge of graffiti are included in Table 4, this case would not be included in this Table. However, if the break and enter charge was dismissed, but the defendant was found guilty of the graffiti offence this case would be included in Table 5.

Summary

Between 1997 and 2000, 728 cases finalised in the Magistrates Courts and Youth Court involved a charge of *graffiti vandalism*. In 516 of these, *graffiti vandalism* constituted the most serious offence laid. In the majority (87.0%) of these 516 cases, the defendant was found guilty, with or without conviction. Finally, of those cases where the major offence found guilty was *graffiti vandalism*, the major penalty most commonly imposed was a fine (34.2%).