

**Crimes against Schools: the Potential for a Restorative Justice Approach.**

**by**

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‘Youth is disintegrating. The youngsters of the land have a disrespect for their elders and a contempt for authority in ever form. Vandalism is rife, and crime of all kinds is rampant among our young people. The nation is in peril’ (quotation from an Egyptian priest 4000 years ago, quoted in Madison 1970).

### **Introduction: the Scale of the Problem**

Vandalism and arson are enormously expensive crimes against schools. In the United States, for example, the cost is both absolutely high and exhibiting a steep upward trend: from an estimate of \$100 million annually in 1969, by 1990 it was said to be \$600 million (Goldstein 1996). Additional indirect costs are incurred by school authorities for insurance, security guards, expensive architectural material and design and other measures presumed to deter or mitigate the consequences of crime.

Likewise in the United Kingdom, vandalism and arson in schools is a huge problem. In 1990-91 the estimated cost was at least 14 million pounds (Barker & Bridgeman 1994), with other estimates in excess of 30 million pounds (Geason 1990). On average each primary school was vandalised four times and each secondary school 17 times (Barker & Bridgeman 1994). Schools had the highest risk of arson of any type of property with a risk rate of 1 in 37 per year (compared with a rate of 1 in 175 for commercial property), while one in 10 primary schools and three in 10 secondary schools claimed to have experienced a deliberate fire (Department for Education 1991).

Burglary and theft, often in association with vandalism and arson, are also major problems for schools. In their sample of 450 schools in the UK, Burrows et al (1996) found that seven out of 10 had experienced burglary and theft of personal belongings from students and staff during 1991-92. Hope (1984) found that schools in London were 38 times more likely to be burgled than a residential building and the National Institute of Education (1978) reported a similar risk rate in the United States.

Beyond the monetary costs of damage and theft in schools, there are social costs as well. Vestermark and Blauvelt (1978) argue these social costs have both a practical impact on the school's educational program and a psychological impact on students and staff, and at the same time may seriously disrupt group relations within the school. They concluded that high social costs always 'represent more real damage to the educational process than can ever be measured in monetary terms' (p 147).

Goldstein (1996) found that schools are a prime site for these kinds of offences, not only because of the presence of youths in the highest-risk age group for this kind of offending, but also because of the various real and symbolic qualities of the school itself. As well as being public sites, easily accessible, often under only low levels of surveillance, they may also be 'symbols of the social order' (Zimbardo 1969) and hence vulnerable targets for expressions of frustration and anger. Burrows et al (1996) found that school students or former students were the prime suspects in around one-third of arson cases in their study. Hope (1984) also found a high level of involvement of school students in the burglary incidents in his London study: 40 percent of the school principals he surveyed said that pupils had been apprehended in relation to break-ins their schools had experienced.

However, the risk of crime against schools is not evenly distributed. For example, Burrows et al (1996) found that over one-third of the UK schools they surveyed that had experienced fires at all, in fact had suffered more than one incident: a quarter had two or more fires and six percent had four or more. The risk was higher for secondary schools than primary schools with about half of the former and one quarter of the latter reporting a fire in 1991-92. They also found that repeated victimisation of burglary, theft and vandalism was common, with more than a quarter of the schools in their study experiencing more than 10 such incidents. Over 80 per cent of the secondary schools that had experienced arson had also suffered two or more incidents of vandalism, and two-thirds of them had suffered multiple burglaries. Importantly, however, they concluded that while schools situated in the middle of areas with high rates of property

crime were at greater risk of victimisation, the socio-economic characteristics of the neighbourhood were not of themselves associated with enhanced risk.

### **Types and Causes of Crime Against Schools:**

Plainly, the motivation for some of the property crime experienced by schools is simply profit: schools often contain large amounts of valuable equipment easily disposed of on the black market. However, there may be a variety of other motivations as well which accord with different circumstances and types of behaviour. These have been classified in a variety of ways but, following Cohen (1973), the most common types appear to be as follows:

\* Play - where the damage is sustained in the context of a game, such as a competition to see who in a group can break the most windows.

\* Vindictive - where the motivation relates to revenge against the school or people associated with it.

\* Malicious - an expression of rage or frustration directed at symbolic middle class property.

There are often social ecological forces at work in the school setting associated with high levels of offending. These include features of school administration and practice that Goldstein (1996) has summarised as follows:

\* autocratic or laissez-faire management

\* school governance which is too impersonal, unresponsive, overregulated, oppressive, or inconsistent

\* teachers who are disrespecting, callous, uninterested and middle-class in their bias

- \* overuse of punitive control methods

- \* inadequate clarity of school rules and discipline procedures.

Goldstein also lists the conditions in which offending is lower. These include high levels of teacher identification with the school, evenhanded rule enforcement, parent support of school disciplinary policies and teacher avoidance of the use of hostile or authoritarian behaviour towards students.

### **Preventive Remedies:**

In the past, focus was purely on excluding and punishing the perpetrators of crimes against schools. This attitude is reflected in the titles of publications on the subject in the 1970s such as 'Fires and vandals: how to make them both unwelcome in your schools' (Juillerat 1972). More recently, attention has been less on the offenders and more on situational crime prevention. Hope (1980) summarises as follows the techniques employed in preventing crime against schools since the early eighties:

- \* the therapeutic approach, using counselling and other psychological techniques to dissuade 'disturbed' children from committing these offences.

- \* the school reform approach, which focuses on changes to school practices to avoid destructive reactions by students to negative school experiences.

- \* the involvement approach, which aims to foster a sense of ownership of the school among students and the local community.

- \* the opportunity-reduction, or situational, approach which aims to make crimes more difficult to commit and increases the likelihood of detection.

The first of these techniques is limited because there is no evidence that these crimes are committed more often children with psychological difficulties. Indeed, self-report studies indicate that they are committed by all sorts of young people (see for example Elliott and Ageton 1980). The second and third approaches may be of value because there is some evidence to show that when the school is regarded as part of the community and has a caring and reciprocal relationship with its students and with the school community, it experiences fewer crimes (see for example Rutter et al 1979, Goldstein 1996).

However, the greater part of the literature on preventing and controlling crimes against schools focuses on the situational approach (see for example, Hope 1983, Geason & Wilson 1990, Barker & Bridgeman 1994, Burrows et al 1996). It is also the approach most often taken by school authorities (see, for example, Department of Education and Science 1987, Geason & Wilson 1990, Mayer et al 1983). It includes the following techniques:

- \* target hardening - using devices or materials, such as toughened glass, fire retardant paint, antigraffiti repellent spray, concrete and steel outdoor furniture to make vandalism and arson more difficult.

- \* tight access control - use of student photo identification, fences, gates and other architectural, mechanical and electronic means of controlling who may gain entry to the premises.

- \* surveillance to increase the likelihood of detecting offenders - alarm systems, security staff, closed circuit television.

The emphasis on the situational approach has been criticised for several reasons:

- \* Failure to address motivation: while blocking opportunities for offending does not result in complete displacement (Pease and Barr 1990), it does nothing to prevent the

kind of offending resulting from malicious motivation by a relatively small group of persistent offenders.

\* Cost: the costs of the situational approach are enormous. For example Geason and Wilson (1990) report that an elaborate electronic surveillance system devised by the New South Wales Education Department was not installed in most schools because it was not economically justifiable. Mayer et al (1983) report that in the United States the cost of opportunity reduction often exceeded the cost of repairing the effects of crime.

\* Backfiring: these kind of heavy security arrangements may actually backfire by increasing the aversive nature of the environment (Greenberg 1974) and appearing to challenge offenders into further crime (NZ Department of Education 1982)

Given the costs and the uncertain impact of an exclusive emphasis on opportunity reduction, it may be wise to turn attention to more effective ways of addressing the behaviour of the offenders. This may be all the more the case given that these offences are typically a group phenomenon, with peers encouraging one another to take part in these activities (Goldstein 1996), and that a small number of offenders are often responsible for multiple incidents (Geason & Wilson 1990). Burrows et al (1996) found that the most likely offenders were often students at the victimised school or local youth who fitted a mundane image rather than a deviant one. Goldstein (1996) reports that the typical school vandal is as likely to be from a middle class background as a low-income background and no more likely to be 'disturbed' than youths who do not vandalise. He concluded that

'Youngsters prone to vandalism appear to have a poor understanding of the impact of their behavior on others and are primarily concerned with the consequences of such behavior for themselves, such as getting caught. In their view, public property in a real sense belongs to no one. In contrast, for boys less prone to vandalism, such property belongs to everyone - reflecting their greater sense of themselves as part of a larger community' (p 24).

Relying on a punitive approach to delinquent behaviour in the school setting tends to provoke an aggressive and destructive response (Mayer et al 1983). We need another way of confronting offenders with the consequences of their behaviour and requiring them to take responsibility for their actions. Such an approach may be the more promising because evidence suggests that the young people most often involved in crimes against schools are in fact those over whom the school and immediate community are likely to have the greatest influence.

### **Why May a Restorative Justice Approach Be an Effective Response to Crimes Against Schools?**

Restorative justice is the term which has emerged over the past decade to encompass a range of informal justice practices which share some common values, some common philosophy and a shared dissatisfaction with mainstream criminal justice processes (Zehr 1990, Colson & Van Ness 1990, Van Ness 1990, Wright 1991). The last concerns the widely held community view that our traditional systems have failed to reduce crime, to require offenders to take responsibility for their behaviour, or to meet the needs of victims and the communities affected by these crimes. Restorative justice has become the emerging social movement for reform in the criminal justice system in the 1990s (Braithwaite 1998).

Restorative justice is neither a retributive nor a rehabilitative approach for dealing with crime, but instead it provides a completely different framework from these models. In this victim-centred approach, the people harmed have a much more important role to play in the resolution because the crime is seen primarily as a conflict between individuals: the victim is the person who was violated, not the state. The role of offenders is changed as well, from being passive participants in an impersonal process to active players required to understand the consequences of their actions, accepting responsibility and taking action to repair the harm caused by the crime. This all takes place in a community context, where 'community' is usually seen as the immediate 'community of concern'



(Braithwaite & Daly 1994), that is the people in the lives of the victim and offender who care most about them.

In summary, restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future. As for what it is restored, it must be whatever dimensions of restoration matter to the victims, offenders and communities affected by the crime.

Restorative justice provides a rich setting for resolving crimes against schools. The victims of these offences are numerous and diverse and every one of them has an important role to play in describing fully to offenders the consequences of the crime and in deciding what should be done to repair the harm.

### **What Does Restorative Justice Look Like In Practice?**

Although the concept has a lineage which includes many indigenous as well as pre-industrial Western justice traditions, restorative justice refers mainly to programs focused on the repair of harm, implemented since the mid-1970s. Examples include victim-offender reconciliation programs, where a mediator negotiates an agreement between the two parties, and sentencing circles, which are based on traditional North American indigenous healing and talking circles.

Another restorative program in use in the Netherlands since the mid-eighties diverts from the formal criminal justice system young offenders caught damaging or destroying property by requiring them to take part in a program where the focus is on restoring the harm caused by the offence. The offender and victim meet to discuss the offence and arrangements for reparation, usually cleaning up and repairing damage. Although the specific effects of the program have not been evaluated, research has shown that individuals who have taken part in this program were far less likely to reoffend than

offenders with similar histories of offending dealt with in more conventional ways (Barker & Bridgeman 1994).

The restorative justice model that I want to discuss more closely here is known as conferencing. This program operates throughout Australia and New Zealand, and increasingly in other parts of the world, including the United States, the United Kingdom, South Africa, Canada and Singapore. Conferencing refers to a meeting not only of the victims and the admitted offenders in a crime, but also the deliberate involvement of the people who care most about them and whose opinions and regard mean most to them - their families and friends. It is usually a diversion from court and is not offered in cases where offenders wish to contest their guilt. It is a process which draws on the resources of those most affected by the crime to find the most appropriate and just resolution to the harm which has been done. And it requires offenders to confront directly the consequences of their behaviour and take responsibility for it in a way rarely possible in a courtroom.

The conference is coordinated by a trained facilitator who focuses the discussion on condemning the act, without condemning the character of the actor. The facilitator asks the offenders to explain what happened, how they have felt about the crime and what they think should be done. The victims then are asked to describe the physical, financial and emotional consequences of the crime. In the case of crimes against schools, the victims present at the conference may include the school principal, some teachers, some students and students' family members. Their responsibility is to represent everyone in the school community affected by the offence.

The conferencing approach draws on Braithwaite's (1989) theory of reintegrative shaming to explain why it may be more effective than normal criminal justice processing in dealing with offenders. Braithwaite argues that

‘shaming directed at offenders is the essential necessary condition for low crime rates. Yet shaming can be counterproductive when it pushes offenders into the

clutches of criminal subcultures; shaming controls crime when it is at the same time powerful and bounded by ceremonies to reintegrate the offender back into the community of responsible citizens' (p 4).

Braithwaite thus distinguishes between stigmatising shaming, of the kind usually meted out in the traditional criminal justice system, and reintegrative shaming, which requires offenders to experience shame for their actions through the reaction of their victims and, most importantly, through the disapproval of those actions by those who care most about them and whose opinions they most respect and who are willing to reintegrate them into their community of concern.

The experience of shame usually leads to an expression of remorse and apologies to the victims. All participants in the conference then discuss and agree a plan of action which the offenders will undertake, the aim of which is to repair the harm caused by the offence. The plan may include material restitution to the victims, community work for the offenders and any other just and preventive approach the participants agree on. It is the responsibility of the conference participants to determine outcomes which are most appropriate for these particular victims and these particular offenders.

### **Restorative Conferencing and the Reintegrative Shaming Experiments (RISE)**

In order to compare the effectiveness of normal court processing with the restorative alternative, we are conducting experiments in Canberra involving the random assignment of eligible cases to each of these dispositions. This research design allows us to eliminate for practical purposes competing explanations of cause and effect, because the consequence of random assignment is to distribute more or less equally between the two groups all characteristics which might explain any difference between them. If any difference is found then the only plausible explanation is the disposition they have experienced - court or conference. The key outcome criteria for comparing the two processes are patterns of reoffending, perceptions by participants of procedural fairness, and levels of victim satisfaction with each process.

The experiments focus was on crime committed by young property and violent offenders generally, not school crime in particular, so the numbers of such offences are small (see Table 1), though attention to this subset of the whole data set provides some useful insights.

**Table 1: Assignment of School Crime Offenders and Offences in RISE**

	COURT		CONFERENCE		TOTAL	
	N	%	N	%	N	%
<b>Offenders</b>	8	40	12	60	20	100
<b>Cases</b>	4	40	6	60	10	100

The ten offences committed against schools included theft, burglary, vandalism and arson. All 20 offenders would normally have been dealt with in court. Because they came into our experiments they were randomly assigned to each disposition, with 12 assigned to a restorative conference and 8 going to court in the usual way. Two of the cases, involving four offenders, which were assigned to a conference were never treated. Although the numbers are by no means sufficient to draw robust conclusions about the effectiveness of conferencing compared with court, there are some early findings which lead us to be encouraged about the restorative alternative.

### **RISE Findings in School Crime**

As we would expect from previous studies of crime against schools, the financial harm incurred in the Canberra cases was considerable. Whereas across all property offences in the RISE experiments the average monetary cost of the offence was approximately \$550, for schools it was over \$1700 (this sum excludes an extreme outlier involving the complete destruction of a pre-school at a cost of \$120,000). Also, as we would expect, most of these offences involved co-offenders: on average there were two in each incident, all were males and all were aged under 18 years. The schools they victimised included a

pre-school, primary schools and secondary schools; most of the secondary schools were the victims of their own students.

Outcomes for most of the school crime offenders sent to court were relatively light. There was no punishment component to any of the sentences, with the exception of the case involving the burning of the pre-school (where the offenders were given community service to perform). In only one case was restitution ordered, amounting to \$500.

For the school crime offenders sent to conference whose offence was vandalism, each was required to undertake a number of hours' work at the school they had victimised and in most cases they also made financial restitution to the school. Where the offence was a theft only, the outcome always entailed some financial restitution by the offender to the school.

**Table 2: Reactions of Victims of School Crime in RISE**

	<b>COURT</b>	<b>CONFERENCE</b>
	<b>%</b>	<b>%</b>
Informed about when case was to be dealt with	25	80
Satisfied with the way the case was dealt with	50	80
Offender has apologised	50	80
Apology was part of the court/conference outcome	0	80
Pleased case was dealt with this way, instead of alternative	25	80
Respect for the justice system has increased	0	60
Awarded any reparation (including apology)	0	80

The reactions of school crime victims to court and the conference alternative was similar to the reactions of victims generally in the experiments (Sherman et al 1998). Those who had experienced a conference expressed much higher levels of satisfaction with both the process and the outcome than did those whose cases were dealt with in court. In most of the court cases the victims were unaware that the crime had been dealt with at all, and several expressed their dissatisfaction that the offenders had not been required to pay restitution, do some work for the school and apologise for their behaviour.

The reactions of school crime offenders also was similar to the reactions of most of the offenders in the experiments. Those dealt with by a conference felt that the process was fairer than court and that, as a result of the way they had been dealt with, their views about the police, the justice system and the law had generally gone up. Those who had gone to court in the normal way tended to be angrier, to feel that the process had not been fair and that their respect for police, the justice system and the law had gone down.

**Table 3: Official Reoffending by School Crime Offenders in RISE**

	<b>COURT</b>	<b>CONFERENCE</b>
<b>N of Repeat Offences</b>	21	5
<b>N of Repeat Offenders</b>	3	3
<b>% of Repeat Offenders</b>	38	25
<b>Rate of Repeat Offences</b>	2.6	0.4

The views expressed at interview by school crime offenders seem to have been borne out in their subsequent offending behaviour (Table 3). The mean time at risk for those who were assigned to court was 27 months: in this period 38 percent of them had reoffended. The mean time at risk for those assigned to a conference was 30 months: in this period 25 percent of them had reoffended. The 8 offenders assigned to court committed a total of 21 offences, a rate of 2.6 repeat offences, compared with the 12 offenders assigned to a conference, who committed a total of five offences, a rate of 0.4 repeat offences. Thus the rate of repeat offences per offender is 6.5 times higher for court than for conference.

### **Conclusion**

Crime against schools is a serious and expensive problem across the industrialised world. The cost is not only material: it has a deleterious effect on the attitudes and feelings of staff, students and the whole school community. In recent years, in determining methods of prevention and control, emphasis has been given to techniques of situational crime prevention and many millions of dollars are expended annually on protecting schools from damage and property loss. The cost-effectiveness of these strategies are debatable,

but there is no doubt that they are important in reducing the impact of these crimes. However, research shows that not only is the risk to schools not evenly spread, the risk of offending is also uneven and much vandalism and theft is perpetrated by a few offenders who often are students at the schools they victimise. Addressing the problem involves addressing the offenders as well as the offences. Research indicates that many offenders have little appreciation or recognition of the harm they cause. There is good theoretical reason for believing that a restorative justice approach, which requires offenders to understand the consequences of their behaviour and take responsibility for their actions may be more effective than the punitive justice model which court represents. Evidence from the RISE experiments in Canberra indicates that there is encouraging empirical data as well to support this view.

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