



# VANDALISM REWARD SCHEME POLICY AND PROCEDURES



## REPORT THIS CRIME TO YOUR LOCAL POLICE STATION

Reward offered for information leading to criminal proceedings for an offence committed on a Sutherland Shire Council property. Visit [www.sutherland.nsw.gov.au](http://www.sutherland.nsw.gov.au) for more information.

## 1. Purpose

Sutherland Shire Council (council) is committed to providing services to the community of the Sutherland Shire. Residents of the Sutherland Shire take pride in the appearance of the area. In order to minimise both the unsightliness and the cost of vandalism and graffiti to council and the community, the community's help is sought to report instances of vandalism and graffiti as soon as possible. In particular, this policy is to provide a reward to members of the community where information regarding an offence results in legal action being taken against the offender.

The objectives of this policy are to:

- a. reduce the acts of vandalism and malicious damage to Sutherland Shire Council property in the Sutherland Shire.
- b. encourage the public to report acts of vandalism and malicious damage and information on offenders to the police.

## 2. Application:

The application of this policy is limited by a number of factors, those being:

1. the reward applies only to offences committed on or to council-owned and managed property
2. the amount of a reward would be equal to the remediation costs of the vandalism (as determined by the council) capped at a maximum of \$5,000 per event
3. the reward scheme is subject to an annual cap of \$20,000 per financial year
4. all persons providing information must be aware that they may be required to attend a police station and make a formal statement and/or appear in a court to give evidence
5. a reward under this scheme will be payable for information leading to a criminal proceeding resulting in a conviction, formal caution/warning or juvenile justice conference where guilt has been found or admitted.

The 'Frequently Asked Questions' leaflet forms part of this policy and should be read in conjunction with this policy.

## 3. Definitions

### ***Criminal proceedings***

A criminal proceeding is an action taken by the police against an individual for a malicious damage offence. Criminal proceedings include an individual being charged for the offence where that individual has admitted guilt, or been found guilty of those charges in a court of law. It also includes proceedings of a cautions or juvenile conference administered under the Young Offenders Act 1997 where a young person had admitted guilt.

### ***Graffiti***

Any inscription, word, figure or word design that is marked, etched, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface without the owners consent and includes any remnants of same such as adhesives, glues, tape, shadows or colour variations remaining after removal.

### ***Incident***

An incident refers to an offence of malicious damage occurring in one location or in a specific timeframe by the same offender or group of offenders, and as such may refer to more than one specific action.

### ***Vandalism***

The wilful or malicious destruction, injury, disfigurement, or defacement of any public property without consent of the council.

### ***Malicious damage offence***

An incident which may result in the charge of malicious damage as defined under the Summary Offences Act.

### ***Council property***

Property owned or managed by or Sutherland Shire Council.

### ***Sutherland Shire Vandalism Prevention Unit***

The inter-agency team chaired by council which implements and advises on vandalism and graffiti related management strategies. The Sutherland Shire Vandalism Prevention Unit is comprised of members from Sutherland Shire Council's Building Services and Community Services Units, and Sutherland and Miranda NSW Police Local Area Commands. Representatives from State Rail, the Roads and Traffic Authority and other agencies are invited as the need arises.

## **4. Principles**

Any person who witnesses, or has information regarding an act of graffiti or vandalism should in the first instance report the matter to the nearest police station.

The police will examine the information and may investigate the offence. Should an offender be identified, and admit guilt or be found guilty, the informant should then complete a "Vandalism Reward Claim Form" available on council's website. The claim will then be investigated initially by council's Community Safety Officer who will confirm relevant details with NSW Police under the existing Memorandum of Understanding on the exchange of information.

The Sutherland Shire Vandalism Prevention Unit will be responsible for the initial assessment of the claim and will make a recommendation to the council's Manager Community Services. The Manager Community Services has delegated authority to determine the outcome of reward applications. The applicant will be informed of the outcome of this process in writing. If the applicant does not agree with the decision of the manager he/she may request that the application be reassessed by the Manager Community Services. If he/she does not agree with the outcome of the reassessment, the applicant may refer the matter to the General Manager whose decision will be final.

Council will, where appropriate, seek compensation for graffiti and vandalism offences where an offender has been identified and admitted or been found guilty.

A report will be provided annually to council on the operation of the scheme and the details of rewards applied for and approved. This will not include identifying details of reward applicants.

## **5. Relevant legislation**

*Local Government Act*

## 6. Related and associated council policy and procedures

- Frequently Asked Questions brochure
- Claim form
- NSW Police and Sutherland Council Memorandum of Understanding for the Exchange of Information
- Sutherland Shire Council – Policy for releasing the identity of Complainants

## 7. Responsible officer

The Manager Community Services is the officer responsible for the Vandalism Rewards Scheme and the related policy. These responsibilities specifically include:

- maintaining Records/ Register of Claims for reward
- ensuring that the policy is current and in line with legislation and/or council's other policies;
- providing a point of contact for anyone wanting information or advice about the meaning and application of the policy and scheme
- approving recommendations for and processing the payment of any reward under this scheme, in accordance with the delegations of that office
- receiving complaints/grievances about the application for this policy and review of decisions which are questioned by the applicant
- developing a marketing strategy
- monitoring and review of strategies put in place to manage graffiti and vandalism
- reporting on an annual basis to council via the Community Services Committee.

## 8. Responsibilities

All councillors and staff are committed to projects which reduce incidences of graffiti and vandalism in the Sutherland Shire.

The Manager Community Services has specific responsibilities and is the responsible officer as outlined in Part 7 of this policy. The Manager Community Services is tasked with maintaining the confidentiality of the applicant by removing identifying details from applications before referral to the Community Safety Officer and the Vandalism Prevention Unit.

The Community Safety Officer is responsible for investigating claims and confirming information with NSW Police. The Community Safety Officer is required to ensure the application is referred to the Vandalism Prevention Unit for initial assessment and then to the Manager Community Services for a recommendation.

The Interagency Committee (Vandalism Prevention Unit) is tasked with considering this applications in accordance with the policy and providing a recommendation to the Manager Community Services for determination.

The General Manager has the final say in relation to appeals to review the decision of the Manager Community Services.

## 9. Monitoring

The Vandalism Reward Scheme will be monitored by the Manager Community Services using the functions outlined in Section 7 of this policy. An annual review of the policy will be undertaken as part of the reporting process to council.

## 10. Review date

The Vandalism Reward Scheme was developed in accordance with the following resolutions of council at its meeting on 5 June 2006 (See WKS153-06- Minute Number 1033).

- “1. That a Malicious Damage Information Reward Scheme be implemented.
2. That the following policies be applied to the scheme in the first twelve months of operation:
  - a. that the reward applies to council-owned and managed property only
  - b. that the amount of an reward would be equal to the remediation costs of the vandalism capped at a maximum of \$5,000 per event
  - c. that the reward be subject to an annual cap of \$20,000 per financial year
  - d. that a reward be payable for information leading to a "legal action" being a conviction, formal caution/warning or juvenile justice conference where guilt has been found or admitted
  - e. that the Manager Community Services be delegated authority to approve reward applications
  - f. that an annual report be provided to council on the operation of the scheme and the details of rewards applied for and accepted
  - g. that a figure of \$10,000 be provided for publicity, promotion and administration of the reward scheme. ‘

To ensure that the policy remains relevant it shall be reviewed each year, with the first review to be held in October 2007.

The policy shall also be reviewed as required at any such time where there are changes to any relevant legislation or policy of the council which relate to this policy, and at times where the budget for the project is altered.

## 11. Recordkeeping, confidentiality and privacy

The following documents will arise out of the process:

- claim form completed by the applicant
- minutes of the Vandalism Prevention Unit meeting
- response letter to applicant
- financial transaction records



All documentation held and created in relation to applications held under the scheme and which includes information which indicates the identity of the applicant shall be marked confidential.

Any person who makes application under the scheme will be deemed a complainant to council.

For purposes of protecting the safety of individuals, the identity of complainants and public interest, documentation held and created in relation to applications held under the scheme, may not be subject to release to members of the public.

## 12. Breaches and sanctions

All applications for the reward will be verified with NSW Police and Sutherland Shire Council records to ensure compliance with this policy. Fraudulent and/or misleading claims will be ineligible for payment of the reward. Council may seek to recoup the reward and costs associated with this action should an application be found to be fraudulent or misleading.

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