

HERITAGE BULLETIN

14

Tips, Ideas & More to Help Preserve Oregon's Heritage

CEMETERY VANDALISM: TIPS TO AVOID IT AND RESPOND TO IT JUNE 2011

Every year reports of vandalism in cemeteries dismay the heritage community and the public in general. This document offers ideas about how to limit the occurrence of vandalism and how to respond for the best possible outcome.

Good Maintenance Helps Prevent Vandalism

To the best of your ability, maintain the grounds and keep the markers and other features in good repair. An unkempt cemetery with many broken markers draws more vandalism than those with markers in good repair.

Get people in the cemetery for the right reasons. Education is the single-most important factor in vandalism prevention. The more people know about the cemetery, the more they will care. There are a number of basic types of information you can provide.

On-site information— Signage—



- Cemetery sign—A simple, visible sign with the name of the cemetery is a great first step. A place

with a name has more stature and value. A sign also shows that there are active caretakers.

- Historic cemetery sign—It seems simple, but posting the Oregon Historic Cemetery sign amplifies the value of the cemetery in one simple step (the OCHC provides them upon request—at no cost).

Basic cemetery information—

- Contact phone number and email address — Again, this emphasizes that there are people caring for the cemetery. Ask people to be stewards and to report any damage or vandalism they discover.
- Rules and regulations—Post all rules including those for items left on graves, monument rubbing and cleaning, access hours and anything related to burials.



Interpretive information—

- Maps and burial information—This information again shows care for the cemetery. This information supports positive use of the cemetery for genealogical research and paying respect to friends and loved ones.
- Interpretive Signs—Interpretive signs could include information about the history of the cemetery, how it was established and information about people buried there. They could also include information about the landscape, native and historic plants and wildlife. Finally, information about cemeteries and burial practices could be included.
- Self-guided tours and brochures—Create self-guided tours with brochures left on-site, or with guides that can be downloaded from a website, podcasts or smart phone applications and downloads.

Highlight Youth. A cemetery field trip can be the start of a lifelong interest in historic preservation, art, folklore, or wildlife habitat studies. A graveyard can serve as an outdoor laboratory to study geology, chemistry, biology, and botany. Teachers of math, writing, literature, and social studies all can find creative outlets by utilizing local cemeteries for lesson planning. Art students will have a tremendous variety of gravestones with which to study sculpture, photography, and drawing.



Invite the community to participate. Have clean-up days and events at the cemetery and invite the community. The more people who work on it, the more people will protect it. See Heritage Bulletin #13, “How to Organize a Cemetery Clean-Up,” for tips on involving the community. Invite scout groups, 4-H, youth training organizations, Rotary and other organizations to work in the cemetery. Be sure there is proper supervision with all volunteers to ensure that all plantings, markers and features remain intact and protected.

Create a secure environment. If people who are there for the right reasons feel safe and secure, they will stick around. If people who are there for the wrong reasons feel exposed, they will leave. A few simple tactics will increase security.

- Fencing—Solid fencing in good repair provides clear definition and defined points of entry.
- Lighting—Good lighting deters inappropriate behavior.
- Clear views—Trim trees at least 4’ up from the ground. Keep ground cover and shrubs low to the ground.
- Contact cemetery neighbors—Request their assistance in overseeing what goes on in the cemetery; they can be extra eyes and ears. Ask them to call the police if they see any suspicious behavior and to notify you of any damage.
- Communicate with the local police—Let them know where your cemetery is. Ask them to drive by whenever possible. Give them permission to take their breaks and write reports in the cemetery, permission to enter to check out suspicious behavior and contact information for cemetery representatives.

Prepare before vandalism happens. This is a bit like disaster response; the more prepared you are before the event occurs the more chance to catch the culprits, gain community support and repair the cemetery.

- Police, media and public contacts—Assign two or three people who are prepared and able to speak for the cemetery and make decisions. When an incident happens, be sure that there

is only one person talking to the public and the media, so there is a clear message and no miscommunication.

- Keep good records—Keep a condition report for all markers, features and landscaping. Be sure to include pictures and descriptions. This is a big effort, but well worth the time and useful for many purposes.
- Have a plan—Create a written plan to react so everyone in the organization knows what will happen and who will be implementing it. Include contact people, police contacts, how to file a victim's report, potential contacts to seek repair estimates, the location of the condition report, etc.

What to do if your historic cemetery is vandalized. Even if you have followed the above suggestions and those in Heritage Bulletin #9, “Ways to Protect a Historic Cemetery,” the cemetery may still be vandalized. Put your plan into action!

Immediately contact law enforcement and safeguard the crime scene. Report the crime regardless of how recent the vandalism appears to have been. Your cemetery has become a crime scene, so it is important that you leave everything intact and untouched. You need to ensure all the evidence is protected and collected. Evidence may include tire prints in the soft grass, discarded cans of spray paint, and trash that might contain a name. You may want to take photographs if you think some of the evidence is vulnerable to weathering, etc. Vandalism is a serious crime.

Let law enforcement officials, including the district attorney, know about the Oregon laws that protect historic cemeteries. In particular, be sure they know about ORS 166.076 that describes the actions covered under the crime of “abuse of a memorial to the dead.” This law includes a provision for restitution to historic cemeteries. Inform them of the cemetery's status as historic.

File a victim's report with the police.

After the initial investigation.

- Compile the specific information—Once the

crime scene investigation is complete you immediately need to compile the specific information. How many stones were broken? Are there missing stones? What other damage was done? What parts of markers stolen? What features spray painted or stolen?

- Flag the damage—Have someone familiar with the grounds to flag the damage due to vandalism only. This adds visual impact and makes the repair process more efficient.



- Collect and share cost estimate—Get an estimate from a professional to repair the damage using preservation methods. Give the information to the police and the district attorney if there is an arrest.
- Let the media know—Let the media know immediately. And, keep the story in the news by informing the media of your ongoing efforts and let them know if there are photo opportunities.
- Take photographs of the damage—This is not only for your records, but also you may use the photographs in fundraising efforts to repair the damage. Photographs taken prior to vandalism to document the markers and sections of the cemetery are very helpful during restoration.
- Post signs—It is important that people know the cemetery has people who care for it. During the investigation and legal process, post signs telling that the repairs will begin following these processes.

Following the investigation and during the legal process.

- Protect loose markers and pieces—If a marker has been broken, it is best to photograph it in its

damaged state, get a piece of plywood, piece it back together on the board, photograph it again, and find a place to store it until it can be repaired. If a damaged marker is left in place, pieces will often disappear.

- Remove vandal paint immediately—Be sure to follow appropriate preservation methods; what may seem like good clean-up ideas may actually create more problems. Contact the Oregon Commission on Historic Cemeteries to find out about these methods. If paint is not removed quickly, it will be more difficult, if not impossible, to remove.

Following the legal process.

- Use the funds from restitution if they were awarded to repair the markers—Be sure to use appropriate preservation methods in the repair.
- Check in with law enforcement and the district attorney (DA) periodically—Make sure that the DA has a copy of the victim’s report. When you check to see if any progress has been made it will help keep the case active.
- Check in with law enforcement and the district attorney (DA) periodically—Make sure that the DA has a copy of the victim’s report. When you check to see if any progress has been made it will help keep the case active.
- Connect with the community—Expand the positive impact of the event by hosting a community conversation about vandalism, engagement with youth, law enforcement and other related topics. Set up a way for people to deal with the emotional effect of the event (blog, letter to the editor, gathering, etc.).
- When the vandals are caught —This occurs more often than people think.
- Be prepared to work with the district attorney to prosecute the vandals —Decide whether you want any required community service to be at the cemetery where the damage was done.
- Stay in touch with the media—Keeping the community informed may alert future vandals that they will be caught, prosecuted, and pay for their crime. The community may step up to help.

Once repairs are complete.

- Alert the media one last time.
- Thank everyone who helped (community, family, law enforcement, media).
- Review your plan and make any necessary changes.

166.076 Abuse of a memorial to the dead.

(1) A person commits the crime of abuse of a memorial to the dead if the person:

(a) Intentionally destroys, mutilates, defaces, injures or removes any:

(A) Tomb, monument, gravestone or other structure or thing placed as or designed for a memorial to the dead; or

(B) Fence, railing, curb or other thing intended for the protection or for the ornamentation of any structure or thing listed in subparagraph (A) of this paragraph;

(b) Intentionally destroys, mutilates, removes, cuts, breaks or injures any tree, shrub or plant within any structure listed in paragraph (a) of this subsection; or

(c) Buys, sells or transports any object listed in paragraph (a) of this subsection that was stolen from a historic cemetery knowing that the object is stolen.

(2) Abuse of a memorial to the dead is a Class A misdemeanor.

(3)(a) Notwithstanding ORS 161.635, the maximum fine that a court may impose for abuse of a memorial to the dead is \$50,000 if:

(A) The person violates subsection (1)(a) of this section and the object destroyed, mutilated, defaced, injured or removed is or was located in a historic cemetery; or

(B) The person violates subsection (1)(c) of this section.

(b) In addition to any other sentence a court may impose, if a defendant is convicted of violating this section under the circumstances described in paragraph (a)(A) of this subsection, the court shall consider ordering the defendant to pay restitution. The court shall base the amount of restitution on the historical value of the object destroyed, mutilated, defaced, injured or removed.

(4) This section does not apply to a person who is the burial right owner or that person’s representative, an heir at law of the deceased, or a person having care, custody or control of a cemetery by virtue of law, contract or other legal right, if the person is acting within the scope of the person’s legal capacity and the person’s actions have the effect of maintaining, protecting or improving the tomb, monument, gravestone or other structure or thing placed as or designed for a memorial to the dead.

(5) As used in this section, “historic cemetery” means a cemetery that is listed with the Oregon Commission on Historic Cemeteries under ORS 97.782. [1995 c.261 §1; 1999 c.731 §12; 2003 c.291 §1; 2005 c.22 §113]