

Anti-social Behaviour, Crime & Police Act 2014

Introduction

The tools and Powers within the Anti-social Crime & Police Act 2014 became available for use by a range of partners including Derby City Council from 20th October 2014.

Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours.

Victims can feel helpless, bounced from one agency to another and then back again. In many cases, the behaviour is targeted against the most vulnerable in our society and even what is perceived as 'low level' anti-social behaviour, when targeted and persistent, can have devastating effects on a victim's quality of life.

The Act is designed to put victims at the heart of the response to anti-social behaviour, and give professionals the flexibility they need to deal with any given situation.

Putting victims first

The Anti-social Crime and Police Act 2014 sets out a new approach to crime, policing and community safety to ensure agencies are putting the needs of victims first.

Anti-social behaviour or what is seen as 'anti-social' will vary from victim to victim and community to community. Incidents of anti-social behaviour reported are no longer focusing on the behaviour but on the impact it has on the victim.

This is evidenced by the introduction of two new measures which are designed to give victims and communities a say in the way anti-social behaviour is dealt with being the Community Trigger and Community Remedy.

- Community Trigger gives victims the ability to demand action, starting with a review of their case where the locally defined threshold is met.
- Community Remedy gives victims a say in the out-of-court punishment of offenders for low-level crime and anti-social behaviour.

Basic prerequisites for dealing with anti-social behaviour

Introduction

Dealing with anti-social behaviour is rarely simple. The new powers are designed to be flexible, allowing professionals to adapt them to protect victims in a wide range of situations.

Case Management

Effective case management should underpin all activity to deal with anti-social behaviour, starting from when a complaint is received until the matter is resolved. The welfare, safety and well-being of victims whose complaints form the basis of any action must be the main consideration at every stage of the process.

Risk to Victims

It is good practice to assess the risk of harm to the victim and their potential vulnerability when receiving a complaint about anti-social behaviour. This should mark the start of the case-management process. It is important to identify the effect the anti-social behaviour is having on the victim, particularly if repeated incidents of anti-social behaviour are having a cumulative effect on their well-being. A continuous and organised risk assessment will help identify cases that are causing, or could result in serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of anti-social behaviour against the victim. This is why we have access to E-CINS which should be used appropriately to record activity and communicate with partners.

Informal Interventions

Early and informal interventions can establish clear standards of behaviour and reinforce the message anti-social behaviour will not be tolerated. In many cases, awareness of the impact of offender's behaviour on victims, and the threat of more formal enforcement tools, can be a sufficient incentive for an individual to change their behaviour.

When dealing with young people, informal interventions should be considered first in most cases, as they can stop bad behaviour before it escalates. However, in cases where informal intervention is not the appropriate first step, perhaps because the victim is at risk of harm, Neighbourhood Officers should consider progressing directly to formal sanctions.

Interventions include verbal and written warnings, community resolutions, mediation and ABC's. Where informal interventions have not worked or deemed inappropriate then new ASB tools and powers should be considered.

New Powers

Everyone has the right to feel safe in their own homes. Responding quickly and effectively to complaints of anti-social behaviour is essential. Assessing risk and impact on the victim is now the priority when dealing with such issues.

Government has felt the introduction of multiple pieces of legislation and Acts over a period of 16 years has confused frontline professionals. It is therefore been decided to reduce and simplify these tools and powers for the future. These are:

- Community Trigger
- Community Remedy
- Civil Injunction to Prevent Nuisance and Annoyance
- Criminal Behaviour Order
- Dispersal Orders
- Community Protection Notices
- Public Space Protection Orders
- Closure Powers
- New Absolute Ground for Possession

Some of these powers are new and reflective of new age of putting the victim first whilst trying to avoid the criminalisation of young people. Others will be familiar to you but have undergone some rebranding with minor adjustments and variations making them more suitable for the current working environment and societal based issues of today.

A summary of the purpose of each of the new powers follows:

Community Trigger - gives victims or their representative, a community or business the right to request a review of their case and bring agencies together to take a joined up problem solving approach to find a solution with a right of appeal to the PCC.

Community Remedy - this has previously been described as restorative justice. It gives victims a say in the out-of-court punishment of offenders for low-level crime and anti-social behaviour. The community remedy process is only available to Police Officers and PCSO's not Derby City Council staff. A consultation between the PCC, Chief Constable and public agree on what punitive, restorative or rehabilitative actions they would consider appropriate.

Civil Injunction – aims to stop or prevent individuals engaging in anti-social behaviour quickly by nipping problems in the bud before they escalate. They are obtained at County or Youth Court to prevent behaviour likely to cause harassment alarm or distress in non-housing related matters or conduct capable of nuisance or annoyance in housing related matters.

Criminal Behaviour Order – previously known as an ASBO this can now be issued by any criminal Court against a person who has been convicted of an offence to tackle the **most persistent** anti-social individuals who are **also** engaged in criminal activity. They can now include positive requirements to address underlying causes and there is no need to prove necessity.

Dispersal Power – requires a person over the age of 10 committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours. This effective exclusion zone power is available to uniformed police officers and PCSOs on request but only if authorised by a police inspector at the time. There is now no requirement to define an area in advance.

Community Protection Notice – are designed to stop a person over 16, business or organisation committing anti-social behaviour which spoils the communities quality of life. The behaviour has to be detrimental to the quality of life in a locality, be persistent or continuing in nature and be deemed unreasonable.

Public Spaces Protection Order – are structured to stop individuals or groups committing anti-social behaviour in a public space which is having a detrimental effect of life in a locality, is persistent or continuing in nature and be unreasonable. These are a replacement for the current DPPO's.

Closure Power – this allows the police or council to quickly close premises which are being used, or likely to be used to commit nuisance or disorder. These were previously commonly referred to as Crack House closures but can now be used more widely.

New Absolute Ground for Possession – this is only available to social landlords or private rented sector landlords. It introduces an absolute ground for possession of a secure or assured tenancy where anti-social behaviour or criminality has already been proven by another court.

Importantly this is available if a court finds the perpetrator guilty of a breach of their Civil Injunction or Criminal Behaviour Order or breaching a Noise Abatement Notice or subject to a Closure order.

A more detailed summary of each element of the new powers can be found in Appendix 2.