

# Tackling Anti-Social Behaviour

## A Partnership Approach

### Carmarthenshire



### Ceredigion



### Powys



### Pembrokeshire

Pembrokeshire Community Safety Partnership



Partneriaeth Diogelwch Cymunedol Sir Benfro

## Human Rights

The Human Rights Act 1998 will be considered at all stages of the process, taking into account the need to protect the rights and freedoms of members of the community at large as well as those involved in incidents which give rise to potential community tension.

In the application of this Policy Document, Dyfed Powys Police and the Local Authorities will not discriminate against any persons regardless of sex, race, colour, language, religion, political, or other opinion, national or social origin, association with national minority, property, birth, or other status as defined under Article 14, European Convention Human Rights (ECHR)”

## CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its contents and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Name: **Samantha Gainard**

Department: **Legal Services Department**

Signed: .....*S. Gainard*..... (Force Legal Advisor)

## **REVIEW**

This policy is due for review on: December, 2008

## **REVIEW OF DOCUMENT**

<b>Date of Review</b>	<b>Reviewed By</b>	<b>Amendments made</b>
07.01.08	Chief Insp. Nigel George	Review undertaken no changes.


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## **1. Introduction**

- 1.1 The Anti-Social Behaviour Act has been designed to improve the quality of life for people within all communities and also ensure the police, local authorities and partner agencies have the appropriate powers to deal effectively with anti-social behaviour.
- 1.2 The Act contains sanctions that are available for use against offenders and extended the range of agencies that can use them. The Act also provides means for schools, local authorities and youth offending teams to work with the parents of children who are behaving anti-socially and creates the mechanisms for enforcing this work.
- 1.3 The Legislation was introduced to deal robustly with anti-social behaviour and enables the police and local authorities to have a wider, more flexible range of powers to meet their existing responsibilities and respond to the needs of the community.
- 1.4 Anti-social behaviour orders (ASBOs) were introduced by section 1 of the Crime and Disorder Act 1998 in England and Wales and have been available since April 1999. The powers to impose ASBOs were strengthened and extended by the Police Reform Act 2002, which introduced orders made on conviction in criminal proceedings, orders in county court proceedings and interim orders.
- 1.5 The Community Safety Partnerships within the counties of Carmarthenshire, Ceredigion, Pembrokeshire and Powys are committed to tackling both the causes and effects of anti-social behaviour in partnership with other agencies. This protocol and policy document deals with the arrangements and procedures in promoting a safe and secure environment so that residents are able to live peacefully in their own communities.

## **2. Purpose of Document**

- i. To set out the strategic direction for Community Safety Partnerships of Carmarthenshire, Ceredigion, Pembrokeshire and Powys to effectively deal with ASB.
- ii. To provide clear guidelines and procedures for Police officers and Local Authority staff, in terms of the reporting of anti-social behaviour (ASB) and the appropriate action to be taken.
- iii. To establish a clear protocol for inter-agency co-operation in addressing such matters.
- iv. To follow a consistent principle that the protection of the community must come first
- v. This document should be read in conjunction with the following documents
  - Police/CPS protocol
  - Magistrates ASB document
  - Local Procedural Documents

### 3. **Strategic Aims**

The overall aim to our approach in tackling ASB is:

- To achieve a safer and more tranquil environment for the people of Carmarthenshire, Ceredigion, Pembrokeshire and Powys to reside in.
- To prevent anti-social behaviour within our communities.
- To deal effectively with all complaints of ASB and take positive action against those committing ASB.
- Support other agencies and non statutory bodies in dealing with ASB.

### 4. **Definition of Anti -Social Behaviour**

- 4.1 Anti-social behaviour is defined in Section 1 (1)(a) of the Crime and Disorder Act (1998), as where a person “has acted ... in a manner that causes or was likely to cause harassment, alarm or distress to one or more persons not of the same household as him/herself”.
- 4.2 Anti-social Behaviour includes groups or individuals making threats, verbal abuse, bullying and can be on the grounds of race, sexual orientation, gender, religion, disability and age. It also includes unruly and drunken behaviour, threatening and abusive language, fly tipping, graffiti, and many other types of behaviour, and prevents others from enjoying a normal life.
- 4.3 Broadly speaking, anti-social behaviour is anything that interferes with the peace, comfort and convenience of other people.
- 4.4 In determining whether certain actions constitute anti-social behaviour a range of factors will be taken into account. These include frequency and severity of the incidents, the length of time the incident has been occurring, the effect of the incident on the victims and the intentions of the perpetrator. Anti-social behaviour will not always constitute a crime and could include behaviour which is not considered serious or persistent. Even where a crime has not been committed the agencies will consider if the incident is of an Anti-social Behaviour nature and will work together to tackle each issue.

### 5. **Anti-Social Behaviour Powers**

The Anti-social Behaviour Act 2003 provides extensive powers to deal with ASB. These powers are summarised as follows:

1. Powers to close premises that are being used for drug dealing or use.
2. Extended powers for tackling anti-social behaviour in social housing.
3. Mechanisms for enforcing parental responsibility for children who behave in an anti-social way in school or in the community.
4. Power for the police to designate areas where they can disperse groups causing intimidation.

5. Fixed penalty notices and supervision orders.
6. Misuse of air weapons.
7. Powers for local authorities to clean the environment.
8. Amended police powers for dealing with public assemblies and trespassers.
9. General provisions.

## 6. **Community Engagement**

6.1 The Police and Local Authority will engage closely and consult with communities to assist local understanding of ASB problems. To develop closer engagement, it is necessary to consider all communities for example commuter, business, tourist, ethnic minority groups and hard to reach groups. Communities will be fully informed on any actions taken and they will be encouraged to take ownership of problems and to work closely with all agencies to help deliver appropriate solutions.

6.2 Neighbourhood Policing is fundamental to effecting community engagement which involves all agencies working in partnership with the community to address local issues. Local Policing Teams are the main interface with our communities and have a vital role to play in constantly gathering community intelligence. Neighbourhood Policing Teams will be in place throughout Carmarthenshire, Ceredigion, Pembrokeshire and Powys by March 2008.

6.3 Our mission is to achieve confident, safe and secure neighbourhoods through a service that:

- Is accessible to all citizens.
- Provides opportunities for all citizens to influence community safety priorities in their neighbourhood.
- Intervenes with targeted and controlled responses to local priorities in collaborative partnerships, and is seen to do so.
- Implements resolutions and provides answers to local concerns.

6.4 Dyfed Powys Police are committed to underpin these principles by providing:

- Dedicated and accountable resources with geographic ownership,
- Intelligence led targeting of the issues that matter most to communities, and
- Joint problem solving involving local officers, partner agencies and communities. Dyfed Powys Police is committed to deploy,

### ***‘The Right People, at the Right Places in the Right Numbers’.***

6.5 Despite reductions in overall crime, some disorders and criminal offences can generate feelings of insecurity and change the way that people go about their daily lives. By picking up on ‘Signals’ within their environment people may begin to think or feel differently about their neighbourhood and in some cases change their lifestyle in order to protect themselves.

6.6 Identification of ‘Signal Crimes’ allows us to see problems through the eyes of the community. Crimes such as burglary and robbery can and do function as signal crimes to the public. However the public tell us that for most people most of the time, their

concerns about neighbourhood security are driven by anti-social behaviour, incivilities and disorder. These neighbourhood priority issues can have more impact on local feelings of safety than a high profile offence or significant numbers of crimes in the neighbourhood.

- 6.7 Neighbourhood Policing Teams will work together with communities, to not only make neighbourhoods safe, but make them *feel* safe too. To do this the citizen's perspective matters more than any other.
- 6.8 Neighbourhood Teams will build close ties with key responsible authorities including the local authority which includes crime and disorder reduction partnerships and elected members. The public expect the police and other responsible authorities to deal with the most difficult individuals and the causes of crime and disorder. It is therefore part of the core business for Neighbourhood Policing Teams to demonstrate visible control through a range of interventions such as Acceptable Behaviour Contracts, Penalty Notices for Disorder, Anti-Social Behaviour Orders and Arrests.
- 6.9 Success in Neighbourhood Policing terms will be demonstrated by the public having confidence that the police **understand** problems in the community, such as anti-social behaviour, and are effectively **dealing** with them.

## **7. Partnership**

- 7.1 Much of the activity required within this document will be underpinned by partnership working. The problems to be tackled are often complex, and no one agency working alone is likely to be able to provide effective solutions. Every opportunity should be taken to work in partnership, considering what contribution the public, private, and voluntary sector can make alongside local communities.
- 7.2 To positively tackle ASB local authority and police staff should:
- Make use of all available powers where appropriate to tackle ASB
  - Engage with a wide range of partner agencies and voluntary groups as appropriate
  - Work closely with the Youth Offending Team
  - Develop strong alliances with businesses to address ASB that affects businesses and local communities
  - Encourage all agencies to share information in accordance with data protection and agreed protocols
  - Engage in a problem solving approach
  - Participate in joint training with partners
  - Support schemes for young people that help divert them from crime, disorder and ASB

- Support funding applications

## **8. Prevention**

- 8.1 Preventing anti-social behaviour is preferable to dealing with the consequences. A range of preventative activities which are available both long and short term should be considered when dealing with any incidents of ASB.
- 8.2 Long term prevention could be achieved through a coordinated approach by partner agencies in the planning and environmental design i.e. changing the environment of buildings , sites, or estates to reduce the opportunities for those either committing crime or ASB.
- 8.3 Short term prevention includes high visibility patrols and the use of positive media campaigns coupled with a clear intervention and enforcement process.

## **9. Police Visibility and Accessibility**

Communities frequently demand greater police visibility, which can provide reassurance and help to reduce ASB. It is important that steps should be taken to increase the accessibility of policing services to all sections of the community. This will be achieved by -

- Improving accessibility of policing to communities through the effective use of Neighbourhood Policing Teams (Neighbourhood Officers, Police Community Support Officers and Special Constables and Accreditation Schemes by local authorities)
- Ensuring that Police resources are deployed in line with the national intelligence model (NIM) and the tasking and co-ordinating process

## **10 . Role of the ASB Co-ordinator**

- 10.1 The role of the ASB co-ordinator is primarily to assist the Community Safety Partnership in the development, promotion and management of operational policy, procedures and protocols in relation to ASB.
- 10.2 The co-ordinators job description varies within each county and the full details of role are contained within the Local Procedural Documents.

## **11. Dealing with Incidents of ASB**

Reports of ASB can be made by the public to the police or local authority in a number of ways or it could be witnessed by the police or LA staff whilst routinely undertaking their duties.

### **11.1 *Police Officers/Staff***

The following options are available to police officers and police staff (as appropriate) when dealing with a report of anti-social behaviour:

- 1) No action – where a report of ASB has been investigated and it has been established that ASB has not been committed.
- 2) Verbal Warning – where minor anti-social behaviour has been committed and it is decided that a verbal warning is appropriate. A Yellow card can be issued to compliment a verbal warning, see example below.
- 3) Arrest – The behaviour is serious enough for the officer to take positive action and detain the offenders.

Examples with possible outcomes:

Police are called to several juveniles causing a disturbance.

- On arrival one is seen pushing over a Litter bin. He expresses remorse and clears up the litter – issue Yellow card, advise the parents/guardian as soon as possible after the event.
- The remainder are simply in the company of the other two and have not been witnessed in engaging in Anti-social Behaviour by the police or anyone else--- give appropriate advice.

## 11.2 ***Local Authority Staff***

Options open to LA staff:

- 1) Accredited Wardens will be able to use their powers to obtain the offenders details in order for the ASB Co-ordinator to determine course of action.
- 2) ASB Co-ordinators will be able to take action as outlined within the intervention process.
- 3) Environmental Health, Housing Services Division, Planning, Trading Standards and Street Scene have robust strategies with a wide range of powers to deal with ASB.

## 12. **Referral Process**

12.1 The four local authorities and the respective Police BCUs should establish robust processes to ensure that cases of ASB are referred to the ASB Co-ordinator.

12.2 Upon receipt of the information of ASB incidents the Co-ordinator will evaluate and follow a standard stage procedure as detailed below, however each case should be thoroughly reviewed on its own merits and the action would be decided upon the seriousness of the circumstances and threat to the victim

### 12.3 **Staged Intervention Process**

#### ***Stage 1: Warning Letter***

A letter will be sent to the person identified, and, in the case of those under 16 years, their parent or guardian, warning of the consequences of any further incident. The incident and personal details are recorded on the ASB database.

### ***Stage 2: Letter and Visit***

Upon a second incident being reported within a reasonable time after the first, a second warning letter will be sent to the offender and his parent/guardian if appropriate, detailing the two incidents complained of. Arrangements may also be made for a visit to the offender's home by a PC or a PCSO. Where the police are the referring agency, the Sector Inspector will arrange the visit.

If the offender rejects all offers of assistance a full record of the interview/visit of the visit is to warn the offender that his/her behaviour is unacceptable and that an improvement is required.

### ***Stage 3: Local Anti-social Behaviour Group (lasbg) or Problem Solving Group (psg)***

This stage will only be reached either if the individual concerned has not improved his/her behaviour through stage one and two or if the ASB is such that the problem solving group are required to discuss the next course of action. This stage will involve the convening of a LASBG or PSG. Local ASB/PS groups enables all agencies who hold information on the individual in question to be involved in the process at an early stage.

The purpose of this group is to resolve ASB and the fear of crime in the locality by adopting a multi-agency approach. The ASB Co-ordinator will decide to convene a meeting for these groups based on information received or will do so at the request of other agencies.

The groups are chaired by the ASB Co-ordinator and meet when required.

The groups should consist of a small team comprising of representatives from the County Council (Housing, Environmental Health, Social Services, Street Scene, Legal Dept) Police, Youth Offending Team and Registered Social Landlords.

The group will discuss individual cases and adopt a plan of action using a mixture of preventative and enforcement measures, such as;

- Mediation – where lead agencies representative acts as a negotiator to resolve matters between parties at an early stage
- Home visits – to discuss methods of resolving ASB
- ABCs (Acceptable Behaviour Contracts) – where the subject enters into a commitment not to act in an ASB manner. The ABC booklet is designed to guide agencies through the process of effectively considering, issuing and monitoring ABC contracts to individuals.
- Demoted tenancies – where a landlord can apply for an order ending the tenant's existing tenancy and replacing it with a less secure one.
- Eviction – where a landlord can apply for a possession order
- Injunctions – used by local authorities
- ASBO – where an application is made to court for an order setting out conditions imposed by the court

The range of intervention measures are explained more fully at Appendix A.

#### **12.4 Effective Enforcement**

All partner agencies will ensure that positive and proportionate action is taken to tackle all forms of anti-social behaviour.

#### **12.5 Yellow Card Scheme**

The Yellow Card Scheme is an effective tactical option that local authorities and BCUs could consider using as a means of additional enforcement and prevention to those individuals committing low level anti-social behaviour. This scheme is an early visible intervention method to reinforce a verbal warning, and also to compliment Stage 1 of the referral process (as outlined in para 12.3 above).

The scheme will allow police officers and wardens accredited under the Community Safety Accreditation Scheme to issue a 'Yellow Card' to individuals as an 'on the spot' warning .

The Yellow Card Scheme is explained in more detail at '**Appendix B**'.

### **13. Anti-Social Behaviour Orders (ASBO)**

The process and procedures and circumstances in which to apply for an ASBO are fully explained in the Anti-Social Behaviour Orders Policy document that should be read in conjunction with this document.

### **14. Monitoring ASB**

14.1 Trends in ASB and hot spots should be monitored locally within the NIM process on daily briefings and at TT&CG meetings in line with local control strategies.

14.2 The 'Four Counties' Anti-Social Behaviour Forum meet quarterly and is chaired by the Chief Inspector, Communities and Partnerships. The group members are, Local Authority ASB Coordinators and representatives from each BCU.

The terms of reference for the group are:

- To promote partnership working
- To share good practice
- To provide guidance for all members
- To promote consistency of approach
- To enable two-way provision of feedback and information between group members, BCU Commanders and CSP Heads.

### **15. Media**

Neighbourhood policing is the cornerstone for tackling and reducing Anti-Social Behaviour. The Community Safety Partnership in liaison with the Dyfed-Powys Police Force Press Office will be responsible for promoting positive messages and ensuring that messages of reassurance and successful action to reduce ASB are released to the

press. On occasions where a press release is given by an individual agency this fact will be communicated to the relevant CSP.

## APPENDIX 'A'

### Summary of Interventions

#### Mediation

Formal mediation helps individuals resolve their own disputes, rather than imposing threats or legal solutions on them. At its most effective, mediation can quickly resolve disputes without one side feeling they have lost or that the other side has won.

Mediation will be used wherever possible to resolve anti-social behaviour disputes if informal conciliation has failed.

#### Warnings

Written or verbal warnings can be effective in stopping people behaving anti-socially. Warning letters set out clear standards of behaviour reinforcing messages that anti-social behaviour will not be tolerated. A warning should outline the type of behaviour, which is unacceptable, and advise that such future behaviour is not acceptable and include advice on his/her future behaviour.

#### Acceptable Behaviour Contracts (ABCs)

Acceptable Behaviour Contracts are voluntary agreements between an agency or agencies and an individual relating to that specific individuals behaviour. ABC's last for 6 months and are a quick, effective way of responding to ASB as rapidly as possible. The stages of identifying the problem, issuing warning letters and discussing the matter with the individual and parents often results in the behaviour ceasing without having to issue the voluntary ABC's. However, where these have been issued, they have been largely successful and are a key tool in demonstrating to our communities that we are working together to effectively tackle ASB.

We will actively consider the use of Acceptable Behaviour Contracts as a means of stopping anti-social behaviour and therefore avoiding the need to instigate enforcement action

We also recognise that prevention comes into particular effect when dealing with people who are behaving anti-socially or who are at risk of doing so. We will continue to support and develop such preventative measures, which are aimed specifically in the most part at young people, but it is clearly recognised that **not all anti-social behaviour is as the result of the behaviour of young people**. We will therefore continue to develop our policies and practices associated with preventative in order to ensure a holistic approach is achieved.

## Injunctions

A range of injunctions are available and being used by local authorities to tackle anti-social behaviour. Injunctions are flexible, straightforward and fast – a court can make an injunction within hours of a complaint and before the problem escalates allowing for immediate protection for others. Injunctions are civil remedies subject to civil rules of evidence and civil standard of proof.

Injunctions offer immediate protection and set a clear standard of behaviour. They prohibit the person from engaging in conduct capable of causing nuisance or annoyance. Injunctions are available to deal with housing related or public nuisance.

## Possession

Eviction is a very serious sanction that should be used when other interventions have failed or when the nature of the anti-social behaviour is very serious. It is important that the perpetrators of anti-social behaviour are aware of the consequences of their behaviour.

## Dispersal Powers

Dispersal Orders can be used to tackle anti-social behaviour and disorder in public spaces, such as shopping arcades or parks. Part 4 of the Anti-social Behaviour Act 2003 gives the Police powers to designate an area where there has been significant and persistent anti-social behaviour and where groups of people have caused intimidation, alarm or distress to members of the public. In a designated dispersal area, the police can direct individuals to leave the locality and they may be excluded from the area for up to 24 hours.

**Officers who are likely to be involved in the authorisation process should take note of High Court judgements in relation to powers to disperse groups.**

Summary . -- The authorising officer must describe the grounds for the authorisation on the papers on which the authorisation is recorded. This must set out a concise summary of the grounds for granting the authorisation. It is not enough to repeat the terms of the legislation (ie the superintendent had reasonable grounds to believe that members of the public had been intimidated, harassed, alarmed or distressed as a result of the presence or behaviour of groups of two or more persons within the specified area and that anti-social behaviour was a significant and persistent problem in that area).

It must be shown that the decision maker i.e, the authorising officer, has considered all the right questions and whether or not the same aim could not be achieved by less intrusive measures.

## Anti-Social Behaviour Orders

What are Anti-Social Behaviour Orders?

ASBOs are civil orders that exist to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. An order contains conditions prohibiting the offender from specific anti-social acts or entering defined areas and is effective for a minimum of two years. The orders are not criminal penalties and are not intended to punish the offenders. An order should not be viewed as an option of last resort.

There are three types of Anti-social Behaviour Orders and it is important to understand their differences:

- i. A Stand Alone ASBO – application at Magistrates Court, sitting in civil jurisdiction. This is an ASBO without the criminal proceedings associated with it.
- ii. A Post Conviction ASBO – follows conviction for a criminal offence (cps/police protocol refers)
- iii. A County Court ASBO – this is generally an application utilised in Possession hearings, whereby there is good concern that the tenant will enter private accommodation and behave in the same manner. It is an application whereby the relevant authority is a party to the principle proceedings.



- a) arrest
- b) Penalty Notices for disorder
- c) a variety of sources of intelligence

it will enable the force, in partnership with other agencies, to intervene and if necessary obtain anti-social behaviour orders against those who adversely affect the quality of life experienced by communities. It applies to both adults and juveniles.

All Constables, Special Constables, Police Community Support Officers and Accredited Wardens (those accredited under a Community Safety Accreditation Scheme) can issue Yellow Cards. No special training is required.

A card may be issued when officers have evidence of anti-social behaviour AND the actions of the 'offender' are not serious enough to warrant their arrest or the issue of a Penalty Notice. A Yellow Card should not be issued if there is insufficient evidence to indicate the person's involvement in 'anti-social behaviour.' This evidence *must* exist as it will be of vital use in supporting ASBO proceedings at a later stage. A court will apply a criminal standard of proof in deciding if the behaviour requiring the issue of an ASBO did take place. (If it has decided this, then the decision to actually issue the ASBO will merely be a question of judgement for the court).

A Yellow Card must not be issued if the circumstances of the incident necessitate alternative action, i.e. they are so serious that either arrest or the issue of a PND is appropriate. Officers are reminded that whilst they are expected to perform positive intervention when they encounter instances of anti-social behaviour, the issue of a Yellow Card is at their discretion.

It is the lowest form of intervention.

All Yellow Cards are to be submitted to the Community Safety Unit of the relevant Basic Comand Unit in which they are issued, and will be forwarded to the Local Authority Anti-social Behaviour Co-ordinator. If a person has not previously come to notice, it is likely no further action will occur. The evidence to support ASBO applications can apply up to 6 months from the date of a hearing, therefore a Yellow Card warning is valid for this amount of time. The Anti-social Behaviour Co-ordinator will be responsible for monitoring and collating Yellow cards and the process will support the referral system.

# Signatories to Protocol

I hereby agree the terms of this document on behalf of

**Carmarthenshire Community Safety Partnership**

Signature ..... Date .....

**Ceredigion Community Safety Partnership**

Signature ..... Date.....

**Pembrokeshire Community Safety Partnership**

Signature ..... Date .....

**Powys Community Safety partnership**

Signature ..... Date .....

**Dyfed Powys Police**

Signature ..... Date .....