

Anti-social Behaviour, Crime and Policing Bill

Fact sheet: Community empowerment (Part 6)

Background

1. Many police forces, local authorities and social landlords are working hard to deal with anti-social behaviour in their communities. However, the views of victims can sometimes be overlooked when dealing with particular issues. Victims of anti-social behaviour are clear what they want. First and foremost they want the behaviour to stop, and the perpetrators to be punished for what they have done. They want the authorities to take their problem seriously, to understand the impact on their lives and to protect them from further harm. They want the issue dealt with swiftly and they don't want it to happen again. Through the introduction of the community trigger and community remedy, we are giving victims a greater say in the way anti-social behaviour is dealt with locally.

Community trigger

2. The range of local agencies involved in tackling anti-social behaviour can lead to uncertainty as to whose responsibility it is to deal with a particular problem. As a result, victims can sometimes find themselves being passed from the police to the local authority to their landlord and back again, or reporting the same problem over and over again. The community trigger will bring agencies together to take a more joined up, problem-solving approach to find a solution for the victim.
3. Victims will be able to use the community trigger to demand action, starting with a review of their case. Agencies including local authorities, the police, local health teams and registered providers of social housing will have a duty to undertake a case review when someone requests one and their case meets a locally defined threshold.
4. The mechanism for carrying out the case review will be set locally. Each local area will set a threshold which must be met for the trigger to be used. The threshold must include the frequency of complaints, which cannot be greater than three reports in a six month period. It could also consider the effectiveness of the response as well as potential harm to the victim or victims making the complaint. Complaints may either come directly from the victims of ASB or from a third party, such as a family member or local elected representative (a councillor or MP).
5. When a community trigger is received, agencies must decide whether the threshold has been met and communicate this to the victim. If the threshold is met, a case review will be undertaken by the partner agencies (police, local authority, social landlord, etc.). Agencies will share information related to the case, review what action has previously been taken and decide whether there are additional actions that can be taken. The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour.
6. The victim is then informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales. The community trigger procedure must include a process for the victim to appeal if they

are dissatisfied with the way in which a community trigger case review has been carried out, or with the decision on whether the threshold was met.

7. Agencies will have a duty to publish data on the number of triggers received, how many met the threshold, and the number that resulted in further action. This is to ensure transparency of the system and not to judge performance of the agencies in relation to anti-social behaviour casework.

Case study – Mrs Jones

Mrs Jones lives in a terraced street. In June her neighbours started playing loud music, late at night several times a week, preventing her from sleeping. She asked them to lower the volume, but they ignored her. A week later, Mrs Jones phoned the local authority to report the noise. The local authority said someone from the noise nuisance team would contact her for further information. Mrs Jones was not contacted by the local authority and the problem continued.

In July, Mrs Jones confronted her neighbours again. The next day, she returned home to find household rubbish dumped in her front garden. She didn't know what to do so she cleared the litter up but did not report it. The noise continued at night and Mrs Jones again phoned the local authority. A local authority officer visited her at home and installed noise measuring equipment. The local authority officer concluded that the noise was not a statutory nuisance and told Mrs Jones that there was little they could do.

The noise continued. On several occasions the neighbours threw rubbish into the front garden and one evening they threw stones at her living room window while she was watching TV with her family. Mrs Jones felt intimidated and so she phoned the police. A police officer came to the house, but nothing was happening at the time so no further action was taken.

The following week, the neighbours shouted abuse at Mrs Jones as she was walking towards her front door. The noise continued late into the night and she began to feel increasingly intimidated by the neighbours. She didn't know who to report these problems to because the local authority and police had not been able to help previously. She had heard about the community trigger and decided to use it.

Her case met the threshold because she had reported three incidents in the previous six months. The local authority, police and her neighbour's landlord reviewed the case and did a risk assessment. The landlord had not previously been involved and was not aware there was a problem. The three agencies devised an action plan:

- the landlord would talk to his tenants about the noise and behaviour, and put in place an acceptable behaviour contract;
- the local authority again installed noise monitoring equipment;
- a neighbourhood police officer would visit Mrs Jones to offer reassurance, and officers would patrol the street more regularly;
- the agencies agreed to review the case in two weeks' time, or sooner if necessary.

The housing provider visited Mrs Jones to discuss the action plan. As a result of the community trigger the landlord was able to influence the tenants' behaviour. The tenants agreed to abide by the acceptable behaviour contract and the anti-social behaviour stopped. Mrs Jones was advised to contact the housing provider if she has problems in future.

Community remedy

8. The community remedy will give victims of low-level crime and anti-social behaviour a say in the punishment of offenders out of court. Restorative justice approaches and informal tools can play a significant role in tackling anti-social behaviour and low-level crime, providing an effective way of healing difficult situations. Dealing with low-level crime out of court – where appropriate – means victims get justice

quickly, and the offender has to face immediate consequences for his or her actions, which could make him or her less likely to reoffend in the future.

9. The community remedy will enhance the effectiveness of community resolutions and conditional cautions by:

- making community justice transparent to victims and the public, with meaningful punishments;
- tailoring the use of restorative justice to local needs by engaging local communities;
- putting the victim at the heart of any decisions that are made by giving them a direct say in the punishment of the offender; and
- encouraging high quality and consistent use of restorative justice by police forces.

10. Typically, the community remedy would be used by police officers when dealing with low-level criminal damage, low value theft, minor assaults (without injury) and anti-social behaviour. The community remedy has four key elements:

- Police and Crime Commissioners¹ will be required to consult the public on a range of sanctions that can be used to deal with low-level crime and anti-social behaviour outside of the court system in their police force area, with the Police and Crime Commissioner and Chief Constable ensuring the final menu is proportionate;
- police officers will work from the resulting menu of sanctions when using two existing types of out of court disposal – informal community resolutions and conditional cautions;
- the victim must be consulted on the sanction to be offered to the offender and given the option to choose an appropriate sanction from the menu. The police officer in question (or prosecutor in some cases) will have ultimate responsibility for ensuring that the sanction offered to the offender is proportionate to the offence; and
- the police officer will give the offender the choice either to accept the sanction chosen by the victim, or potentially face more formal action on the offence they had committed.

11. The options on the menu will depend on the views of the community in each police force area but could include, for example:

- mediation (for example, to solve a neighbour dispute);
- the offender signing an acceptable behaviour contract – where they agree not to behave anti-socially in the future – or face more formal consequences;
- participation in structured activities funded by the Police and Crime Commissioner as part of their efforts to reduce crime; or
- reparation to the community (for example, by doing local unpaid work for up to 10 hours).

¹ In London, the Mayor's Office for Policing and Crime and the Common Council for the City of London.

Case study – Drunk group

A group of drunken men are on their way home from the pub. One of them picks up a concrete plant pot from someone's garden and throws it onto the pavement, where it smashes. A police officer witnesses this and realises that the offender would probably have been given a caution if he had been arrested. This might not have been a satisfactory outcome for the victim and therefore the police officer decides to use an informal community resolution to deal with the offender.

The police officer invites the victim to choose an appropriate sanction from the community remedy menu. The victim decides that they would like the offender to repay the £40 cost of the plant pot. The police officer confirmed that the chosen sanction was a proportionate punishment for the offence committed.

The police officer offered the sanction chosen by the victim to the offender, who agreed to pay for the plant pot rather than face more formal action.

Home Office
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