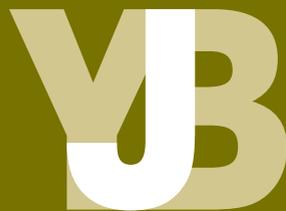




anti-social behaviour orders



Youth Justice Board
Bwrdd Cyfiawnder Ieuencid

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A summary of research into Anti-Social Behaviour Orders given to young people between January 2004 and January 2005

INTRODUCTION

Anti-Social Behaviour Orders (ASBOs) were introduced in England and Wales by the Crime and Disorder Act 1998, and have been available since April 1999. They have a minimum duration of two years (although they can last indefinitely), and contain prohibitions considered necessary to prevent a repetition of a person's anti-social behaviour.

Initially a modest amount of ASBOs were imposed on children and young people. However, numbers have grown rapidly.

There are four different types:

- **ASBOs in civil proceedings – these orders are granted through an application to an adult magistrates' court sitting in its civil capacity**
- **ASBOs in criminal proceedings – these are made on conviction in criminal proceedings. They are not part of the sentencing process, but are additional to the main disposal**
- **Interim ASBO – before a full hearing, the court can make an interim order. This can impose the same impositions as a full ASBO, and carry the same penalty for breach**
- **Orders in the county court, where the principal proceedings involve some form of anti-social behaviour. Such orders rarely involve children and young people, however, and are not considered in this research.**



RESEARCH AIMS

This research examines:

- the processes leading to the imposition of an ASBO
- the perceptions of key professionals and sentencers involved in applications for, and administration of, the order
- the views and experiences of young people who have been subject to an ASBO, and those of their parents/carers.

METHODOLOGY

Selecting the YOT sample

Figures were obtained (from the Home Office's Anti-Social Behaviour Unit) for ASBOs issued to 10 to 17-year-olds across the 42 criminal justice system areas between June 2000 and June 2004. Areas were then ranked according to the total number of orders issued to young people, and one YOT was purposively selected from:

- seven of the ten areas with the 'highest' total number of ASBOs issued to young people
- three of the eleven areas with the 'lowest' total number of ASBOs issued to young people.

Where a YOT had more than one site, the site with the highest ASBO caseload was selected.

The sample was selected to ensure that:

- there was representation from across the Government regions
- each YOT's through-put of relevant cases was high enough to establish an adequate sample
- areas offered a satisfactory urban and rural mix
- areas comprised a good mix of Black and Minority Ethnic populations.

Sources of data

There were four main sources of data, collected from across the ten areas:

- **case files from YOTs and local Anti-Social Behaviour Units (ASBUs): quantitative information was collated from central files on a sample of 137 young people who received an ASBO between January 2004 and January 2005**
- **in-depth (qualitative) interviews with 59 key professionals, including sentencers, anti-social behaviour co-ordinators, police and YOT practitioners**
- **in-depth interviews with the 45 young people who had received an ASBO and agreed to be interviewed**
- **in-depth interviews with 22 parents/carers of young people who had received an ASBO.**

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orders issued to **young people**

Table 1: Summary of sources and methods of data collection employed in the ten sample areas

Method/data source	Sample	Data type	
		Quantitative	Qualitative
1. Case records for young people subject to an ASBO (YOT data and/or local ASBU data)	All young people who received an ASBO Jan 2004 to Jan 2005 (n137)	✓	
2. Interviews with YOT caseworkers	Caseworkers with the most experience of working with young people subject to an ASBO, in each area (n10)		✓
3. Interviews with YOT manager	One in each area (n10)		✓
4. Interviews with anti-social behaviour co-ordinators	One in each area (n10)		✓
5. Interviews with police officers	Police officer taking lead on anti-social behaviour in each of the areas (n10)		✓
6. Interviews with district judges	District judges with the most experience of making ASBOs (n7)		✓
7. Interviews with magistrates	Chair or deputy chair of the Youth panel in each of the areas (n12)		✓
8. Interviews with young people	Young people who received an ASBO during Jan 2004–Jan 2005 (n45)		✓
9. Interviews with parents/carers	Parents/carers of young people receiving ASBOs Jan 2004–Jan 2005 (n22)		✓

Research limitations

Quantitative data

Because the research was based on a purposive sampling of ten YOT areas, *the findings cannot be viewed as representative of the national population of young people on ASBOs.*

It should also be noted that as the sample was obtained from YOTs, it may be more reflective of those young people already known to the youth justice system than the overall ASBO population.



Qualitative data

The interviews represented a range of views across the ten sampled YOT areas, but were not a representative national sample. This limits the generalisations that can be made.

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young people already known to the
youth justice system than of those
on ASBOs more generally**

CHARACTERISTICS OF THE SAMPLE

Personal and social circumstances

The young people in the study sample were mainly White males, although **22%** were from Black and Minority Ethnic groups.

They tended to be from a highly disadvantaged group, characterised by:

- **family breakdown and inconsistent supervision or boundary-setting from carers**
- **educational difficulty and under-achievement**
- **previous abuse, bereavement and loss**
- **residence in high-crime neighbourhoods, with relatively few age-appropriate facilities.**

This is in line with the personal and social circumstances of other young people involved in the youth justice system.

Criminal history

The ASBO is described as being targeted specifically at those young people whose behaviour causes the greatest problems for their local community. With this in mind, the criminal history of those within the study sample appeared relatively low:

- **although the majority (77%) of the sample had at least one previous criminal conviction, one in five had none**
- **half of the sample had two or fewer previous convictions.**

If the aim of ASBOs is to deal with the most repeatedly anti-social young people in a neighbourhood, then current targeting may merit reconsideration.

VARIATIONS IN THE USE OF ASBOS

Types of ASBO

The research found that there was variation in the use of the different types of order. This could not be explained by examining the type of behaviour leading to the application, but appeared rather to be due to the development of local preferences for a particular route.

The relatively widespread use of ASBOs made in criminal proceedings in some areas may be grounds for concern, because the study found that these frequently involve:

- **a greater potential for agreed multi-agency procedures to be bypassed, with YOTs especially less likely to be consulted**
- **a lower standard of evidence**
- **young people seeing the measure as a 'double punishment', increasing the chances of non-cooperation.**

There was also variation in the use of interim ASBOs: some areas used them routinely, while others appeared to avoid them altogether. Some sentencers interviewed for this study expressed particular anxieties in relation to the overuse of interim orders – especially given the potential for breach proceedings occurring before a final decision has even been reached on whether an ASBO was justified. There may, therefore, be grounds for using interim ASBOs only where there is an urgent need for specific prohibitions, rather than as a mechanism that allows additional time to prepare a case for the full hearing.

Length of orders

The majority of ASBOs were for the statutory minimum period of two years, but four areas recorded orders made for five years or longer. YOTs typically had little input into the process of determining order length, since such decisions were usually made outside of multi-agency planning procedures.

Many of the professionals interviewed in this study were in favour of a proactive approach that assesses each ASBO being served, and varies conditions or discharges the order early where appropriate: but

there was no evidence that this happened in practice. Greater YOT involvement in the decision-making process would assist in the development of such a strategy. It might also ensure that orders for longer than the statutory minimum duration are reserved for cases where there is a clear benefit to be derived from this.

Few young people were aware that they could apply to the court to change their order.

Content of orders

While most professionals were clear about the importance of making ASBOs targeted and realistic, it was not evident that the contents of orders always reflected this. Sentencers and YOTs were frequently critical of the formulaic nature of the prohibitions requested; and YOTs were also concerned that the number and nature of requirements reduced the chances of subsequent cooperation and compliance.

Geographical ‘exclusions’ and ‘non-association’ with anti-social peers were regarded on all sides as the most problematic prohibitions in terms of compliance. Young people and their parents/carers reported that being prohibited from associating with friends in familiar local territories resulted in a serious – and in some cases counterproductive – restriction of normal daily activities. The qualitative data confirmed that the majority of breach cases centred on failure to comply with these types of prohibition.

A more targeted approach to prohibitions, which recognises the importance for young people of access to public space and association with friends, might reduce the incidence of breach of an ASBO.



MULTI-AGENCY WORKING AND THE DECISION-MAKING PROCESS

Each of the ten sample areas had developed some form of multi-agency process for dealing with anti-social behaviour and applying for ASBOs: but there were considerable differences in the way this worked in practice. Discussion with practitioners and sentencers found that:

- **most areas expressed a commitment to a ‘tiered’ approach to decision-making, in which young people might expect to receive a number of interventions before an ASBO: however, there were differences in the number of pre-ASBO tiers, whether all tiers should be used, and the extent to which individual tiers could be bypassed**
- **ASBOs made in criminal proceedings tended to circumvent the usual decision-making process**
- **a greater commitment to fully integrated partnership-working was generally associated with a more developed, tiered approach**
- **there were marked differences in whether multi-agency forums were primarily a mechanism for engaging a range of appropriate resources to tackle anti-social behaviour, or a gateway for ASBO applications**
- **the participation of YOTs in the decision-making process varied considerably, and YOT practitioners in ‘high’ ASBO-use areas reported frustration at what they regarded as a lack of adequate involvement.**

Partnership-working is evolving, but there seems to be some way to go before the expertise of YOTs is fully integrated into decision-making processes. At its most developed, a multi-agency approach appeared to reduce tensions between agencies arising over how best to manage anti-social behaviour. The integral involvement of YOTs appeared to create greater scope for prevention and diversion before the need to impose an ASBO arose.

Revised central guidance promoting better models of partnership-working could make a constructive contribution and help to achieve greater consistency between partnership-working in different areas.

THE ROLE OF THE COURT

Under the terms of the Crime and Disorder Act 1998, for an ASBO application to be successful it must be shown that the person concerned behaved in an anti-social manner, and that the order is necessary for the protection of the community. However, few of the 19 sentencers who were interviewed referred explicitly to this 'two-stage test' when describing how they weighed the merits of any ASBO application.

The following themes also emerged:

- **most sentencers tended to emphasise the young person's anti-social behaviour, and frequently did not appear to systematically address the question of whether an order was necessary**
- **many appeared to assume that the relevant authorities would not have brought ASBO proceedings unless other avenues had been tried and had failed.**

Most sentencers did not have a good grasp of what other options were available. Little use was made by the courts of Parenting Orders or Individual Support Orders (ISOs):

- **many believed that parents would have made considerable efforts to modify their children's behaviour, and that it was unrealistic to expect them to exercise greater control over a teenager**
- **a majority were unaware of ISOs (although better knowledge would not automatically have generated greater use)**
- **most considered that such measures were 'too little, too late', and no substitute for a lack of earlier support to families.**

There would appear to be considerable scope for making sentencers more aware of the additional orders available, and of the preventative services that agencies might reasonably have been expected to invoke before resorting to an ASBO application.

THE EFFECTIVENESS OF ASBOs

Perceptions of effectiveness

Most professionals interviewed in this study concurred that the ASBO could be an effective tool when used appropriately.

However, there were considerable differences of view about what this meant in practice.

- **YOT practitioners tended to think that ASBOs were overused and had little positive impact on behaviour. They typically viewed ASBOs as potentially counterproductive, believing that they undermine positive interventions that were either already in place, or that could have been offered as an alternative to court action.**
- **Police and local authority staff typically considered that ASBOs were used appropriately in their locality and, for the most part, were convinced of their effectiveness.**
- **Professionals in low ASBO-use areas suggested that any expansion in the use of the order locally might undermine its effectiveness.**
- **Notwithstanding high rates of non-compliance, and reservations about its effectiveness, most sentencers tended to view the ASBO as a measure ‘worth preserving’.**

Differences in perception could be explained by differences in what the various professionals considered to be the primary function of ASBOs. While YOT practitioners saw this as being engaging anti-social young people to effect change, other professionals were more likely to see the orders as responding to public and community concerns. Sentencers frequently referred to the role of ASBOs as ensuring a balance between the needs of the young person and those of the community.

**little use was made by the courts
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Compliance with ASBOs and other indicators of effectiveness

Many professionals and sentencers believed that the effectiveness of ASBOs could be measured by compliance.

Nearly half of the young people whose case files were reviewed, and the vast majority of young people who were the subjects of in-depth interviews, had been returned to court for failure to comply with their order. The majority had ‘breached’ their ASBO on more than one occasion. Eighteen young people were sentenced for breach of an ASBO as the sole offence: for one young person, the outcome was a custodial sentence.

Custodial sentences (such as Detention and Training Orders, or detention to YOI) had been imposed on 36 out of the 137 in the quantitative sample of young people at some point after they had been made subject to an ASBO. All but 17 had received at least one custodial sentence for matters which were not recorded as being connected to the ASBO.

- **YOT practitioners, and some sentencers, regarded the high level of non-compliance as a key indicator that ASBOs were ineffective and were concerned that by extending the young person’s criminal record, breach increased the risk of custody in the longer term.**
- **By contrast, other professionals, and some sentencers, pointed to the minority of young people who had not been returned to court as indicative of a reduction in anti-social behaviour.**
- **The police and anti-social behaviour coordinators were more likely to look to different measures of effectiveness, often relying on the perceptions of the community.**

The experience of young people and their families

The young people interviewed for the research did not seek to deny that their anti-social behaviour ought to be dealt with, but were mostly negative about their ASBOs and the nature of the prohibitions they contained. Prohibitions were experienced as

unreasonable, and often met with ridicule or incomprehension. Such views seem likely to help explain the high rate of non-compliance.

A range of factors influenced the views of young people and their families on the effectiveness of ASBOs.

- **Many young people did not have a clear understanding of the details of their orders.**
- **It was not uncommon for them to flout openly the prohibitions that placed the greatest restrictions on their lifestyle.**
- **All the young people interviewed were aware of the possibility of breach, but most either did not regard the threat of custody as 'real', or did not consider it to be a deterrent.**
- **Parents (like some professionals) commonly argued that ASBOs functioned as a 'badge of honour', rather than addressing the causes of the behaviour.**
- **Even among the minority who saw ASBOs as having a positive role, there was a perception that for the order to fulfil its potential, it needed to be reinforced by strong mechanisms of support.**

It is not surprising that, for the most part, young people subject to orders and their families disliked ASBOs. Their views, nevertheless, reinforce the suggestion that compliance could be improved through more selective and careful use of 'prohibitions' and by greater emphasis on prevention of anti-social behaviour alongside enforcement.



DRAWING OUT DIFFERENCES BETWEEN HIGH AND LOW ASBO-USE AREAS

It emerged from the interviews with professionals that each of the areas in the sample had different arrangements for dealing with anti-social behaviour by young people (Table 2). In addition, interviewees displayed a wide range of opinion about the most effective strategies. Among these, it was often possible to discern some characteristics that tended to be associated with either a high or low level of ASBO use.

- **Better-developed partnership arrangements, and greater YOT involvement in decision-making, tended to be associated with lower ASBO use.**
- **A greater commitment to partnership-working among lead agencies was frequently indicative of perceptions that enforcement measures should be reserved for cases where other preventive alternatives had been exhausted.**
- **Increased YOT involvement provided greater access to diversionary interventions and ensured that a YOT perspective carried greater weight in the decision-making process: and sentencers in low ASBO-use areas frequently attributed this to the quality of local YOT diversionary activities.**
- **Those in low ASBO-use areas were more likely to express reservations about over extensive use of the order.**

Table 2: Characteristics of high and low ASBO use

High ASBO use	Low ASBO use
Case-by-case decision-making, or higher probability that stages in a tiered approach will be bypassed.	Strong commitment to a tiered approach.
Less YOT involvement in decision-making.	YOTs integrated into partnership arrangements.
Multi-agency forums viewed as a 'gateway' to ASBO application.	Multi-agency forum viewed as a problem-solving mechanism for agreeing resource allocation to tackle anti-social behaviour.
Decision as to publicity determined on a case-by-case basis.	Presumption against seeking publicity.
Sentencers determine whether to allow reporting on a case-by-case basis.	Sentencers operate from a presumption that reporting restrictions should not generally be lifted.
Sentencers satisfied with local levels of ASBO applications.	Sentencers satisfied with local level of ASBO applications.
Sentencers have limited knowledge of alternatives to ASBOs.	Sentencers ascertain what alternative options have been tried before the ASBO application.
Sentencing of breach on a case-by-case basis, with custody as a starting point.	Sentencing of breach on a case-by-case basis, with no presumption of custody.
Stakeholders have a lower threshold for what behaviour would warrant an ASBO application.	Stakeholders have a higher threshold for what behaviour would warrant an ASBO application.

Whether policy-makers regard more or less use of ASBOs as desirable, it is clear that current implementation and practice is inconsistent between areas.

CONCLUSION AND RECOMENDATIONS

The development of effective strategies for addressing anti-social behaviour among young people is complex, and raises a range of dilemmas. Professionals involved in the decision-making process inevitably have different views of the place of ASBOs in such strategies. Those who see their role principally in terms of community protection are generally less critical of enforcement-type measures than those whose predominant concern is working directly with young people to change their behaviour. Effective practice may in future depend on achieving a balance between those perspectives: one that is sensitive to the needs both of the (frequently disadvantaged and excluded) young people, and of the communities within which they reside.

The research suggests a number of ways in which strategies to address problematic behaviour might be refined or further developed.

- **Many professionals suggested that a tiered approach, involving a progressive range of alternative interventions, seemed more likely to result in an effective use of local preventive resources, and might be better able to engage young people exhibiting difficult behaviour.**
- **Greater involvement of YOTs in the decision-making process would ensure that appropriate diversionary options are fully explored.**
- **Revised guidance could help ensure that ASBOs in criminal proceedings and interim ASBOs are reserved for circumstances where there are clear reasons for pursuing such an order.**
- **New guidance could also recommend avoiding applications for orders beyond the statutory minimum unless there is a clear need for prohibitions beyond two years.**
- **The process and effectiveness of ASBOs could be improved if they were subject to regular review.**

- **Restricting the number of prohibitions to the minimum necessary to target the particular behaviour of concern would make orders more realistic, and reduce the likelihood of non-compliance.**
- **Given the importance for young people of access to public space and spending time with friends, exclusion and non-association prohibitions could be used more sparingly, in order to reduce the need for breach proceedings.**
- **We could not explore differences between ethnic groups as part of this study, and this is therefore an area for further research.**

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