Crime, order and social control

Anti-social behaviour orders (ASBOS)

PC Gary Newitt:
I'm PC Gary Newitt, I'm the Co-ordinator for Action Against Antisocial Behaviour, for the Chiltern Vale police area of the Thames valley police. The antisocial behaviour partnership, is made up of the mediation service, the police, the council, the housing associations, social services, probation, youth offending team, and revolving doors and connections. Outside of that main partnership, we then contact, voluntary groups, independent agencies, anybody that we think may be able to help us resolve a situation. The Crime and Disorder Act has enabled me in my role as an antisocial behaviour officer to use antisocial behaviour orders.

Now, an antisocial behaviour order is an incredibly powerful piece of legislation. It is a tool to be used, along with mediation, and any other resolution, as a way of modifying, helping people control their behaviour. The power of them on paper, is that, it's a civil order, meaning that the evidence that you supply in court, can be third party, so you're not specifically dependent on the victim to give evidence in court. If an antisocial behaviour order is granted and it's breached, then it then becomes a criminal offence, and they can be tried in a magistrate’s court. If there are, more than one breach, two, three, or more breaches of an antisocial behaviour order, then it can be tried in crown court.

Throughout the country, antisocial behaviour orders have been used as a way of controlling youth problems. I personally don't feel it's necessarily always the right thing to do, because there are many, many social issues involving children, which I think need to be investigated before you get to that level. In the Chiltern Vale area, the four antisocial behaviour orders that we current have, have all been on adults. And most of the offenders have been involved in violent acts as a result of being involved in drugs and alcohol, and they’ve affect the community beyond belief.

Realistically what you're trying to achieve is that person stopping behaving in that way. Now, going to prison is an effective way of doing it, but it's a short term way of actually tackling the problem. We will try and engage with that person, we will speak to them, we will tell them that, we are currently in the situation where we could apply for an antisocial behaviour order, but we would like to work with them, to modify their behaviour. Only one of the orders has been breached, it was breached three times, prior to the antisocial behaviour order, that offender had been arrested seventy five times the year before. In the two years that followed on from there, he was arrested three times, and each time he received a custodial sentence. What we asked the courts for, was that the person was not allowed to be drunk in a public place, nothing more than that.

The other three, they've been completely successful, if you deal with people equally, and you can express to that person, that your main aim is to resolve issues, not just to see somebody behind bars, then they will engage with you, and they will work with you in a positive way. However, at that stage, what we do say is that, the situation is serious, and we will not tolerate any more incidents of antisocial behaviour. Should any incidents of antisocial behaviour occur, from this day forward, we will record those and use those as evidence for an antisocial behaviour, or should they be in social housing, perhaps an eviction.
Roger Bolton: Gordon Hughes, again let me ask you, are there any statistics which would support that anecdotal evidence that, it works?

Gordon Hughes:
My impression from looking across the, the different local authorities and their involvement in such work, is that they've actually tried to avoid where ever possible using this draconian mechanism, and again, although we are told by the officer on the recording we've just heard,

that they focused on adults, my impression in terms of the reading of the Act, was that the primary concern was actually with youthful disorder. As I say it, it's interesting, that they've moved away I think from, what was really a zero tolerance approach to disorder, I think you got that sense from the tape.

Roger Bolton:
Richard Solley how has it been implemented in your area?

Richard Solley:
We have three antisocial behaviour orders currently. They are actually on young adults, young men, and they have been successful but I've got to say that…

Roger Bolton:
When you say, sorry let me check, when you say successful, successful over how long a period?

Richard Solley:
Over a year, they haven't re-offended. I think that the reason they've been successful is because, the antisocial behaviour was stipulated very carefully, and we told the young people what they should refrain from, and…

Roger Bolton:
And how did you find the offences that would come under antisocial behaviour?

Richard Solley:
For a start they're not always offences. In this particular case, the young people were causing a very severe nuisance, and threatening behaviour, in a particular area of the city, and we defined the area we didn't want them to go into, and have stated that if they did that, it would be a breach.

Roger Bolton:
Gordon Hughes, why is antisocial behaviour such an issue in contemporary Britain, do you think we've got it out of proportion because of newspaper headlines or, is it a very significant problem?

Gordon Hughes:
I think it depends where you live to some extent, but I also think that, it's not unique to Britain, but there is a nostalgia for a prior time when, communities were seen to be stable, warm, inclusive, people knew their place as well remember, communities are always places where there are power relations. And I do think there’s a strong nostalgia, romantic past, and the present is seen as, all is disorderly, all is in constant change. I think that is often over played as a concern in Britain and, to be honest, I actually think it’s deliberately over played by popular politicians.

Roger Bolton:
So is the conclusion of both of you, these are quite promising developments, have to be seen however as part of our, as you were saying continuum, but what about the question of pro social behaviour, trying to develop that concept, is that something that’s worth looking at?

Richard Solley:
Absolutely, and in fact in our crime reduction strategy in Milton Keynes, we’ve emphasised a ‘quality of life’ strategy, that we’re actually trying to promote quality of life, it’s not just an expression, we really mean it. And that does mean reducing antisocial behaviour, reducing vandalism, reducing graffiti, all the things that concern people. But it also has a positive aspect, promoting good parenting, promoting the very values that Gordon was talking about a moment ago.

Roger Bolton:
But is there another danger here Gordon Hughes, a civil liberties point perhaps that, unless you tightly define antisocial behaviour, it's a very flexible term. And if a policeman can have a

certain view about what’s antisocial, and people might have another. Are there problems there about definition?

Gordon Hughes:
Which of us here in this room has not at times, potentially been seen as being antisocial, in the eyes of other people, and so I think there is that concern. Remember these are not strictly illegalities, these are sub-criminal nuisances.

Roger Bolton:
What's the solution, a tighter definition or, who's to be in charge of deciding when such an order is appropriate? Do we have to say it's the police, and if so, have they got a clear enough definition, to make sure that civil liberties aren't being eroded?

Gordon Hughes:
I think the police are very concerned that it doesn't get left to them to decide, what is civil and what's uncivil. I'd agree with Richard really, and the wider debate, is about the promotion of new forms of civility. We aren't going to be able to go back to the supposedly unified communities, and I think the new civility has to be one, also based on tolerance of difference, and that's I guess my concern about this rhetoric of antisocial behaviour.

Richard Solley:
There is a limit though, and the Home Secretary Jack Straw, when he was Home Secretary rightly pointed out, that people's lives were being made a misery by severe antisocial behaviour. And I think that, you can debate where antisocial behaviour begins and ends, but there is certain types of behaviour, which you know is antisocial. The noise nuisance that keeps people awake at night, abusive behaviour, harassment, this sort of thing, is antisocial, it shouldn’t be tolerated, and I think that there are ways of stopping it.

Roger Bolton:
But a final question, how can your society that you're responsible for in Milton Keynes, can it be part of determining what is antisocial in Milton Keynes, or can this be laid down by the Home Office, a list you must follow?

Richard Solley:
That's interesting. I mean to some extent, I suppose every society has to decide what its limit of toleration is, what is antisocial. I don't think that the home office can lay down a suitable definition. It tried, I've got to say, and its definition of antisocial behaviour is so wide as to be meaningless.