

SUBJECT:	COUNTYWIDE ASB CHALLENGE PROJECT
REPORT BY:	DIRECTOR OF DEVELOPMENT AND ENVIRONMENTAL SERVICES
LEAD OFFICER:	SIMON COLBURN, ENVIRONMENTAL PROTECTION AND ANTI-SOCIAL BEHAVIOUR MANAGER

1. Purpose of Report

1.1 To inform members of the countywide ASB challenge project.

2. Background

2.1 Following the tragic case of Fiona Pilkington and her daughter and similar cases a number of reviews of how ASB is dealt with have been carried out at a national level.

These have identified the need for a joined up multi-agency approach to tackle ASB and improve work between organisations and communities across Lincolnshire to challenge ASB. The Lincolnshire ASB Partnership was formed to tackle these problems.

The objectives of the multi agency approach are –

- Manage incidents of ASB more effectively and efficiently across all partners within Lincolnshire;
- Provide improved service and protection to the public;
- Increase public confidence through improved engagement and understanding;
- Identify repeat and vulnerable victims and respond more efficiently;
- Improve information sharing across all partners extending into third sector and charities such as victim support;

- 2.2 The Partnership have developed -
- Common definitions relating to ASB;
 - A common system for recording and managing ASB cases across partners;
 - A common strategy for dealing with ASB;
 - A partnership policy;
 - A common procedure for dealing with ASB.

3. Executive Summary

- 3.1 The Lincolnshire ASB Partnership was formed in late 2010 to deal with the findings of various reviews of the way ASB was dealt with by the Police and other agencies.

The Partners involved in the Lincolnshire ASB Partnership are

- Lincolnshire Police
- The seven local authorities
- ACIS Housing Association
- Boston Mayflower Housing Association
- Longhurst Housing Association
- New Linx Housing Trust
- Lincolnshire County Council

The objectives of the Lincolnshire ASB Partnership are –

- Manage incidents of ASB more effectively and efficiently across all partners within Lincolnshire;
- Provide improved service and protection to the public;
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- Identify repeat and vulnerable victims and respond more efficiently;
- Improve information sharing across all partners extending into third sector and charities such as victim support;

The Partnership have developed -

Common definitions relating to ASB;

ASB is defined as Behaviour by an individual or group that results in:

- Another party feeling personally threatened
- Creating a public nuisance, or
- A detrimental impact upon the environment and thereby has a detrimental effect upon the quality of life of an individual or the community as a whole

“A vulnerable person is one whose experience and/or effect of harm as a result of the incident is likely to be more significant because of their individual personal circumstances.”

“A victim of ASB is vulnerable if the conduct in question causes an adverse impact on their quality of life; or they believe they are vulnerable; or they have suffered ASB or something similar before.”

Adverse impact includes “The risk of harm, deterioration of their health, mental and/or emotional well being, or an inability to carry out normal day to day routine through fear and intimidation.”

The definition of repeat victimisation for ASB in the county is

“Repeat victimisation occurs when the same person or address is subjected to a third incident of ASB within a rolling 12 month period.”

A common system for recording and managing ASB cases across partners:

The Sentinel system has been purchased and is being rolled out across the County. This will give the police, local authority and housing department or housing association to record, share and utilise data on the same system.

A common strategy for dealing with ASB:

The strategy states that partners will –

- Effectively tackle ASB together – taking all reports of ASB seriously, recording, investigating and keeping victims informed of actions, in conjunction with key agencies.
- Communicate effectively – keeping residents up to date on what action is being taken to tackle ASB.
- Focus on victims and in particular repeat and vulnerable victims – offer support and practical help to victims and witnesses of ASB and particularly those who are vulnerable or suffer from repeat incidents.
- Proactively identify through research those who are most likely to become victims of ASB and work together to develop initiatives to safeguard them.
- Focus on offenders – take proportionate action against offenders and ensure that they recognise the consequences of their behaviour.
- Ensure Accountability Through Performance Management.

A common procedure for dealing with ASB.

This introduces a new multi-agency ASB Risk Assessment Conference (ASBRAC) to bring together partners from across the district to discuss and action plan the most high risk, and repeat, victims of ASB and the most persistent offenders of ASB, where there may be multiple victims.

4. Main Body of Report

- 4.1 In 2007 Fiona Pilkington tragically killed herself and her disabled daughter, Francecca. Both vulnerable adults, they had been the victims of persistent anti-social behaviour over a long period of time from a number of youths.

A report by the Independent Police Complaints Commission found that Leicestershire Police had failed to identify Ms Pilkington and her daughter as vulnerable. It also found that agencies involved in dealing with ASB fail to share information in a timely and efficient manner.

This and other cases around the country have initiated a number of reviews of the way in which ASB is dealt with. These reviews have identified a number of issues around the way in which ASB was dealt.

- 4.2 Lincolnshire Police is one of eight forces selected by the Home Office to lead on an ASB pilot. The pilot encourages forces and local partners to focus on an agreed risk assessing process; improved call-handling; improved case handling and information sharing; better community engagement and improved understanding of ASB.

The project includes the development of a joint policy, procedure and strategy, as well as joint training and skills development. The Lincolnshire ASB partnership will change the way agencies work together to support and identify repeat and vulnerable victims of ASB and hate crime in Lincolnshire. This is being led and resourced by Lincolnshire Police.

- 4.3 The Partners involved in the Lincolnshire ASB Partnership are
- Lincolnshire Police
 - The seven local authorities
 - ACIS Housing Association
 - Boston Mayflower Housing Association
 - Longhurst Housing Association
 - New Linx Housing Trust
 - Lincolnshire County Council

It is currently understood that this is the largest project of its type in the country.

- 4.4 The objectives of the multi agency approach are –

- Manage incidents of ASB more effectively and efficiently across all partners within Lincolnshire;
- Provide improved service and protection to the public;
- Increase public confidence through improved engagement and understanding;
- Identify repeat and vulnerable victims and respond more efficiently;
- Improve information sharing across all partners extending into third sector and charities such as victim support.

- 4.5 A number of actions have been identified to meet those objectives and include –
- Defining common definitions of ASB;
 - A common system for recording and managing ASB cases across partners;
 - A common strategy for dealing with ASB;
 - A partnership policy;
 - A common procedure for dealing with ASB.

- 4.6 Following a period of consultation with the community and partner agencies in Lincolnshire the three definitions below were agreed by Lincolnshire County Anti-Social Behaviour Strategic Management Board (ASB SMB) on 16 November 2010.

Behaviour by an individual or group that results in:

- Another party feeling personally threatened
- Creating a public nuisance, or
- A detrimental impact upon the environment and thereby has a detrimental effect upon the quality of life of an individual or the community as a whole

- 4.7 The lack of an integrated ASB management and recording system across partners was identified as an increased risk to both community and organisations. The lack of a 'joined' up approach increases duplication in respect of the capture & reporting of ASB, ensures that any one partner does not have a comprehensive view in respect of repeat victims or offenders or 'hotspot' locations, and partners are not sharing vital information to inform their decision making.

- 4.8 A bid was put to, and approved, by the County Community Safety Board for the purchase of a new integrated ASB management and recording system called Sentinel. This is currently being rolled out across the County. A new information sharing agreement (ISA) was developed and agreed by all partners to allow the timely sharing of relevant information across partners. For the first time the system allows the Police and relevant partners in each area to record, share information using the same system.

It does not allow partners from other areas to access information that is not relevant to them. The system is held on a secure Police server and anyone requiring a log on to the system needs to undertake a vetting process.

Staff from the City Of Lincoln Council have been vetted and the Council is due to go live on the system imminently.

- 4.9 A common strategy for dealing with ASB has been developed (appendix A). It identifies the need of -
- Taking a Partnership Approach,
 - Understanding the Needs of Our Communities,
 - Vulnerable and Repeat Victims.

The strategy therefore states that partners will –

- Effectively tackle ASB together – taking all reports of ASB seriously, recording, investigating and keeping victims informed of actions, in conjunction with key agencies.
- Communicate effectively – keeping residents up to date on what action is being taken to tackle ASB.

- Focus on victims and in particular repeat and vulnerable victims – offer support and practical help to victims and witnesses of ASB and particularly those who are vulnerable or suffer from repeat incidents.
- Proactively identify through research those who are most likely to become victims of ASB and work together to develop initiatives to safeguard them.
- Focus on offenders – take proportionate action against offenders and ensure that they recognise the consequences of their behaviour.
- Ensure Accountability Through Performance Management.

It introduces the definition of a vulnerable victim for the county -

“A vulnerable person is one whose experience and/or effect of harm as a result of the incident is likely to be more significant because of their individual personal circumstances.”

“A victim of ASB is vulnerable if the conduct in question causes an adverse impact on their quality of life; or they believe they are vulnerable; or they have suffered ASB or something similar before.”

Adverse impact includes “The risk of harm, deterioration of their health, mental and/or emotional well being, or an inability to carry out normal day to day routine through fear and intimidation.”

The definition of repeat victimisation for ASB in the county is

“Repeat victimisation occurs when the same person or address is subjected to a third incident of ASB within a rolling 12 month period.”

4.10 A Lincolnshire ASB Partnership Policy has also been developed (appendix B).

The purpose of the policy to provide a framework to allow Lincolnshire Police and partners to work collaboratively to manage and resolve reports of anti social behaviour (ASB), how a incident will be dealt with and the responsibilities of individuals within the partnership.

It expands on the Lincolnshire ASB Strategy to include the various types of ASB, the priority in which they might be dealt with and tools and powers available.

4.11 A common procedure for dealing with ASB across the county has been agreed (appendix C). This further expands on the strategy and policy.

The most notable change to the current processes is the introduction of **ASBRACs** (Anti Social Behaviour Risk Assessment Conference). This is a new approach for partnership meetings that discuss individual cases of ASB. In most areas these exist in some form but the procedure introduces ASBRACs as a consist and structured approach.

The purpose of the ASBRAC is to bring together partners from across the district to discuss and action plan the most high risk, and repeat, victims of ASB and the most persistent offenders of ASB, where there may be multiple victims. The Conference will also form a forum in which partners can expect a full brief of

involvement from partners around individual issues and therefore action plans put in place within this forum have the potential to be much more effective.

The ASBRAC will be held every 4 weeks and will be attended by representatives from both statutory CSP partners and by non-statutory CSP partners. These include

- City of Lincoln Council –
 - ASB team,
 - Tenancy Enforcement team
 - Neighbourhood Managers
- Lincolnshire County Council;
 - Targeted Youth Support
 - Families Working Together
 - Social Services
- Youth Offending Team
- Lincolnshire Police;
- Lincolnshire Fire & Rescue;
- Lincolnshire Probation Trust;
- Addaction
- ACIS Group

The first ASBRAC in Lincoln City will be held on 26th March 2012.

5. Financial Implications

- 5.1 Whilst the initial cost of the Sentinel software system was met by the County Community Safety board (c£40,000), there is a financial cost associated with the ongoing annual licensing and maintenance costs. The cost is split equally across all partners. In 2011/12 this was of the order of £750. This has been met from existing budgets.

It is likely that the cost in 2012/13 could be towards £2000 as additional costs are likely for secure server maintenance and similar. Again it is envisaged that this is met from existing budgets.

- 5.2 There may be costs associated with any integration between Sentinel and @PP (Flare) the system that is currently used by the ASB team, Tenancy Enforcement team, Environmental Protection team and others. There is a countywide group that will look at the potential for integration as the next phase of developing Sentinel but no costs have yet been identified.

6. Legal Implications

- 6.1 There are no specific legal Implications raised by this report. All proposals included in the strategy and procedure are within existing tools and powers.

A number of comments have been made by various partners on the documents throughout the process (most notably the City Of Lincoln Council regarding the Information Sharing Agreement) and these comments have been considered or

will be considered in the ongoing review of the documents.

7. Recommendations

7.1 Committee are asked to note the contents of the report.

7.2 During the discussions of the committee, recommendations may arise that require approval by other committees or actions by officers.

Does the report contain Appendices? Yes

If Yes, how many Appendices?

Appendix A - Lincolnshire Anti Social Behaviour Strategy
Appendix B - Lincolnshire Anti Social behaviour Partnership Policy Document
Appendix C - Lincolnshire Anti Social Behaviour Partnership - Procedure Document

List of Background Papers: None

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APPENDIX A

Lincolnshire ASB Challenge Partnership

Lincolnshire Anti Social Behaviour Strategy

Introduction

In Spring 2010, Her Majesty's Inspectorate of Constabulary (HMIC) carried out a review of Anti-Social Behaviour (ASB) in England and Wales. This included asking victims about their experience of reporting ASB to the police, and inspecting the quality of the processes that forces use in tackling and responding to the problem.

This strategy is Lincolnshire's first multi-agency strategy to tackle ASB. It marks steps to improve work between organisations and communities across Lincolnshire working together to challenge ASB.

Due to the nature of ASB no one agency alone is able to deal with them in isolation and therefore partnership working is central to the approach of this strategy.

What is Anti Social Behaviour? Countywide agreed description

Following a period of consultation with the community and partner agencies in Lincolnshire the three definitions below were agreed by Lincolnshire County Anti-Social Behaviour Strategic Management Board (ASB SMB) on 16 November 2010.

Behaviour by an individual or group that results in:

- **Another party feeling personally threatened**
- **Creating a public nuisance, or**
- **A detrimental impact upon the environment and thereby has a detrimental effect upon the quality of life of an individual or the community as a whole**

The Housing Act (1996): 'Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to persons engaged in lawful activities'. The Chartered Institute of Housing (1995): 'Behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community'.

'Anti-Social Behaviour' describes a range of everyday nuisance, disorder and crime, from graffiti and noisy neighbours to harassment and street drug dealing. It is sometimes dismissed as trivial, but ASB has a huge impact on a victim's quality of life, and it is the public's number one concern when it comes to local crime issues.

Anti-Social Behaviour includes a variety of behaviours covering a complex mix of selfish and unacceptable activity that can blight the quality of life of a particular individual, group or community.

Over 3.5 million incidents were reported to police forces in England and Wales last year, and we know that many more were reported to other local agencies such as councils and housing associations, or not reported at all. **Home Office Feb 2011**

As examples of what could be considered 'anti-social', the British Crime Survey asked respondents about:

- noisy neighbours or loud parties;
- teenagers hanging around on the streets;
- rubbish or litter lying around;
- vandalism, graffiti and other deliberate damage to property or vehicles;
- people using or dealing drugs;

- people being drunk or rowdy in public places; and
- abandoned or burnt out cars.

Why is it so Important?

Anti-Social Behaviour can have a huge impact on the quality of life of thousands of people in this county. Moreover, as the tragic case of Fiona Pilkington who killed herself and her daughter, Francesca Hardwick, after suffering years of ASB and hate crime highlights, it is often targeted at those members of the community who are least able to protect themselves. In recognition that those most vulnerable in our society or from diverse backgrounds are proportionally more likely to become victims of ASB, this strategy has been integrated with the **Lincolnshire Hate Crime Strategy** and the priorities set within it.

The HMIC report titled 'Stop the Rot' and Professor Innes's report titled 'Rethinking the Policing of Anti-Social Behaviour' were published in late 2010. These reports brought together the findings nationally of how individual forces tackle and respond to ASB. Lincolnshire Police's performance was rated by the HMIC as "in line with the national average". They reported that the area covered by Lincolnshire Police experienced moderate levels of crime, per head of population, and lower levels of ASB. Subsequent national HMIC publications encouraged the police service to review their current practices in how they deal with ASB.

Lincolnshire partners also recognise the need to tackle perceptions relating to the level of ASB within our communities in Lincolnshire. As a result, we have developed this multi-agency strategy to reflect the recommendations in the HMIC reports and to address the concerns our communities have relating to ASB.

Statement of Purpose

This strategy outlines a framework of activity aimed at developing greater public confidence in local policing, whilst recognising that this cannot be achieved without the support and commitment of our staff, officers and partners across the county.

We do not underestimate the impact ASB can have on people's lives or ignore the fact it is one of the communities top concerns when it comes to local crime and disorder. In order to address the negative impact ASB has in our communities we have developed this multi agency strategy to effectively and consistently tackle ASB in Lincolnshire in partnership.

We are not only committed to reducing ASB but also to providing a high quality service which meets the needs of individuals and communities and provides a service that people value.

Home Office Pilot

Lincolnshire Police is one of eight forces selected by the Home Office to lead on an ASB pilot. The pilot encourages forces and local partners to focus on an agreed risk assessing process; improved call-handling; improved case handling and information sharing; better community engagement and improved understanding of ASB.

The project is changing the way police and partners respond to calls, allowing the early recognition of vulnerable and repeat victims, leading to improved case management using an off the shelf IT solution called Sentinel. This not only delivers a uniformed case management process across partners but by the nature of the shared technology enforces managed and risk assessed information sharing.

The project includes the development of a joint policy, procedure and strategy, as well as joint training and skills development. The Lincolnshire ASB partnership will change the way agencies work together to support and identify repeat and vulnerable victims of ASB and hate crime in Lincolnshire.

Taking a Partnership Approach

No one agency is responsible for ASB and by working at all levels we will:

- Share appropriate data using joint tasking and co-ordination arrangements with partners, in order to proactively identify and reduce ASB.
- Improve co-ordination across the county and across partners to intervene and protect the public and Lincolnshire communities, particularly the most vulnerable. Working together is fundamental to the success of our approach.
- Have an Information Sharing Agreement and will work within current legislation on Data Sharing.

Understanding the Needs of Our Communities

We are committed to providing services which are visible, accessible and responsive and particularly aim to assist those who are at increased risk or are vulnerable no matter what religion, race, age, disability, gender identity, sexual orientation etc. The introduction of agreed definitions, procedure and case management will ensure partners across the county have an improved and real understanding of ASB. This will be further supported by survey work and monthly analysis, generating reports to allow partners to consistently assess performance.

The importance of community involvement is stressed in government policy and has been widely advocated with regard to crime prevention initiatives.

Firstly, there is the desirability of residents to participate in decisions, which affect their lives (Crawford 1998, Fitzpatrick et al 2000). Secondly, there is an assumption that local residents, being closer to experiences of crime in the area, have the best understanding of what their needs are and how those needs might be met (Cairns 1996, McArthur et al 1996, Crawford 1998). Certainly, public consultation can generate data to fill gaps in information concerning local crime problems, for example by providing data on victimisation to supplement recorded crime figures and on perceptions of crime. Public consultation can also help to generate ownership of crime prevention work and thus enhance public participation, encourage residents to take responsibility for their own problems and improve their capacity for self-help. This results in making schemes more self sustaining and durable (Liddle & Gelsthorpe 1994; Thomas 1999). Local people need to feel that they are stakeholders in the crime prevention process and that they have something to contribute as well as receive.

Vulnerable and Repeat Victims

We will take a victim led approach to addressing the needs and issues of victims and will assess victims' needs through a partnership approved Risk Assessment.

The definition of a vulnerable victim for the county as agreed by all partners is:

A vulnerable person is one whose experience and/or effect of harm as a result of the incident is likely to be more significant because of their individual personal circumstances.

Who is "vulnerable" to ASB?

A victim of ASB is vulnerable if the conduct in question causes an adverse impact on their quality of life; or they believe they are vulnerable; or they have suffered ASB or something similar before.

What does "adverse impact" include?

The risk of harm, deterioration of their health, mental and/or emotional well being, or an inability to carry out normal day to day routine through fear and intimidation.

This definition of “vulnerable” puts emphasis on how the complainant feels about the problem and how they perceive the level of intimidation. Every victim’s opinion is important when the police are determining the risk to them.

If a person is vulnerable to ASB, Lincolnshire partners will make contact with them (in person if possible) and conduct a risk assessment. The information gathered from the risk assessment will then help to determine what level of service needs to be provided to that victim.

Research conducted by Ipsos Mori on behalf of the HMIC between 4 May and 3 June 2010 found that 27% of interviewees in Lincolnshire said that fear of ASB affected their daily routine in the local area.

Other Factors Which can Affect Vulnerability

- Low self-esteem or confidence.
- Lack of information and knowledge.
- Lack of support mechanisms (i.e. no family involvement, limited number of friends).

Repeat Victimisation

The definition of repeat victimisation for ASB in the county as agreed by all partners is:

Repeat victimisation occurs when the same person or address is subjected to a third incident of ASB within a rolling 12 month period.

A growing body of evidence shows that certain people and places suffer repeated incidents of crime.

Analyses of the British Crime Survey 2000, for example, have estimated that 4% of victims account for between 38% and 44% of all crime reported to the survey.

The evidence is that high crime areas have such high crime levels, not because they have more victims but because they have more heavily victimised victims.

Past victimisation is often a predictor of future victimisation and is, therefore, preventable.

Through the use of improved skills and knowledge for the potential victims, empowering children and young people to protect themselves.

Improved awareness among professionals and services of children and young people’s vulnerability and previous experiences.

The targeting of resources to help reduce risks and increase safety more effectively.

Many practitioners will be aware of working with victims or locations that have been repeatedly victimised. However we now know, as the British Crime Survey 2000 analyses suggests, that this is on a greater scale than was suspected. More positively, the research has found that the particular features of repeat victimisation make it predictable and therefore preventable.

Tackling Repeat Victimisation has a Number of Benefits

- It helps protect those who are vulnerable and safeguard them from crime or abuse.
- It helps to reduce crime and disorder.
- It makes better use of limited resources by targeting them where they can be most effective.
- It can help the police to target prolific offenders.
- By reflecting the true nature of victimisation, it addresses people’s fear of crime and can stimulate improvements in the quality of services to victims.

For more information regarding repeat victimisation please see the link to the Crime Reduction website which has a specific toolkit to help professionals safeguard those at risk: www.crimereduction.gov.uk/toolkits/rv01.htm/

Making a Difference

The Aim of the partnership and its associated strategy is:

To ensure the communities of Lincolnshire receive the best service and support from all partners in respect of preventing, reducing and managing ASB.

Objectives

- **Manage incidents of ASB more effectively and efficiently across all partners within Lincolnshire;**
- **Provide improved service and protection to the public;**
- **Increase public confidence through improved engagement and understanding;**
- **Identify repeat and vulnerable victims and respond more efficiently;**
- **Improve information sharing across all partners extending into third sector and charities such as victim support;**

Our Approach

Clear and robust processes and procedures are required to effectively tackle ASB. We will adopt an approach that ensures each individual call for service is treated seriously and apply a consistent set of standards, which will be implemented across partners.

We will:

- Effectively tackle ASB together – taking all reports of ASB seriously, recording, investigating and keeping victims informed of actions, in conjunction with key agencies.
- Communicate effectively – keeping residents up to date on what action is being taken to tackle ASB.
- Focus on victims and in particular repeat and vulnerable victims – offer support and practical help to victims and witnesses of ASB and particularly those who are vulnerable or suffer from repeat incidents.
- Proactively identify through research those who are most likely to become victims of ASB and work together to develop initiatives to safeguard them.
- Focus on offenders – take proportionate action against offenders and ensure that they recognise the consequences of their behaviour.

Effectively Tackle Anti Social Behaviour in Partnership

We will ensure that:

- We take all reported cases of ASB seriously, recording, investigating and keeping victims informed of actions in conjunction with other key agencies.

To achieve this we will:

- Work together to more effectively address ASB in our communities.
- Share information with other key agencies regarding ASB to ensure we have the most detailed understanding of issues and then achieve solutions in partnership.

- Work with Neighbourhood Policing panels to identify community priorities and issues.
- Undertake effective multi-agency case management, linking incidents and victims where appropriate
- Promote a “problem solving” approach to reducing ASB.
- Train staff from all partners to effectively deal with reports of ASB effectively using all tools available to them.

Communicate Effectively

Communicate effectively – keeping residents up to date on what action is being taken to effectively tackle ASB.

We will do this by:

- Implementing a multi agency ASB incident recording and case management system for the use of all partners, which will promote effective, collaborative working to protect residents.
- Listening to what our communities and victims tell us about how they want to see us tackle ASB.
- Developing a communications strategy (internal and external) to promote the service standards and wider information about ASB.
- Working closely with partner agencies to jointly publicise information and activities relating to tackling ASB.
- Ensuring that all reports of dissatisfaction with service are responded to within **24** hours, within the capabilities of that service.

Focus on Victims and in Particular Repeat and / or Vulnerable Victims

Proactively identify through research those who are most likely to become victims of ASB and work together to develop initiatives to safeguard them.

To achieve this we will:

- Establish robust and accurate recording procedures for initial receipt of calls for service.
- Implement rigorous procedures for undertaking initial dynamic risk assessment of calls for service.
- Professionally assess each incident and select the most appropriate and effective initial response.
- Cross reference previous calls for service relating to the location/victim/offender and use this information to tailor a quality response.
- Agree a plan for effectively tackling ASB incidents.
- Provide a named point of contact within the appropriate organisation.
- Support victims and witnesses of ASB and protect communities in partnership with Victim Support Services.

- Where appropriate, apply for special measures to protect vulnerable victims and witnesses in ASB cases that are referred to the Criminal Justice System.
- Train our staff to recognise and deal effectively with ASB by understanding the emotional impact it creates, identify vulnerability and intimidation factors and respond accordingly.
- Ensure action to tackle ASB respects the diverse nature of our communities.

Focus on Offenders

We will ensure we take action that is aimed at long-term solutions. In appropriate cases we will seek Criminal Justice System resolutions but we will also work with offenders to change behaviour. We will also use the tools and powers available to us under other ASB legislation.

To achieve this we will:

- Consider all aggravating and mitigating factors. This will include consideration of the views of victims.
- In each case, determine the most appropriate action against offenders, which may include Restorative Resolution and other non-court outcomes.
- Support Criminal Justice System resolutions for those ASB offenders for whom this is the most appropriate option available.
- Enable perpetrators of ASB to recognise the consequences of their behaviour and in doing so aim to change that behaviour.
- Work closely with Youth Offending Services to ensure young people committing ASB receive appropriate interventions and support.
- Work closely with the Community Budgeting Project to ensure service provision complements each other.
- Work closely with the IOM project to reduce duplication and increase efficiency through the realisation of economies of scale; shared skills & ability; shared resources and shared legislation.
- Use the full range of legislative powers where appropriate to resolve the most serious cases of ASB.
- Use education through schools as a primary method of preventing young people from committing or becoming victims of ASB.

Ensure Accountability Through Performance Management

We will ensure we establish clear performance goals and will seek to increase confidence and satisfaction in how we deal with ASB and reduce the number of repeat and vulnerable victims of ASB. We are developing a performance measurement processes that will reliably demonstrate how successful our efforts have been, which will be monitored by the Lincolnshire Violent Crime and Anti Social Behaviour Strategic Management Board.

We will deliver timely analysis of ASB across the county, including analysis of activity employed to achieve outcomes. Thus enabling partners to re-visit local tactics and improve service delivery by the adoption of best practice.

Performance Targets

Performance targets apply to all cases. However, we recognise that we may need to review monitoring as the project develops.

When a new complaint of ASB is received we should respond in the following timescales:

Priority 1 – Emergency ASB Complaints

Complainant interview – **24 hours, Target: 100%**

This is a police response and only needs to be a phone call.

Priority 2 - Urgent ASB Complaints

Complainant interview – **3 working days, Target: 95%**

Can this also be a telephone interview?

Priority 3 – Standard ASB Complaints

Complainant interview – **4 working days, Target: 95%**

Can this also be a telephone interview? - case will be reviewed every 28 days, Target 100%

All complaints should be entered on the system, and where appropriate acknowledged in writing and an action plan discussed with and sent to the complainant in – **10 working days, Target: 95%**
Action plan

Quarterly Case Audit Targets

It is proposed to introduce a quarterly case audit system. The aim of this system is to ensure that officers are maintaining the case management system and managing the exchange of information proportionately.

APPENDIX B

Lincolnshire Anti Social behaviour Partnership Policy Document

1. POLICY IDENTIFICATION PAGE

POLICY TITLE:	ANTI SOCIAL BEHAVIOUR POLICY
AUTHOR	<i>PD124</i>

POLICY EFFECTIVE DATE:	JUNE 2011
POLICY REVIEW DATE:	

VERSION:	DATE:	REASON FOR ISSUE:

2.

Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act and Equality Act 2010

Public disclosure is approved unless otherwise indicated or justified.

Adherence to this policy will ensure compliance with all relevant legislation and internal policies.

3.

POLICY STATEMENTS/INTENTIONS

3.1

The principles and scope of the policy

3.1.1

Lincolnshire partners are committed to providing every member of the community with the highest possible standard of service irrespective of gender, age, sexual orientation, race, ethnicity, language, age, gender or gender status. The way we deal with anti-social behaviour is central to achieving this in all our actions; members of the Lincolnshire antisocial behaviour partnership will not discriminate against any person.

The purpose of this policy to provide a framework to allow Lincolnshire Police and partners to work collaboratively to manage and resolve reports of anti social behaviour (ASB), how a incident will be dealt with and the responsibilities of individuals within the partnership.

Tackling anti-social behaviour is a key priority for all partners and we all understand the serious impact it can have in individuals and communities and we are investing significant resources to deal effectively and collaboratively with anti-social behaviour.

Our focus is on the victim through protection, prevention and support. We intend to focus more on the victim's perspective, to better assess the harm and risks caused and encourage those experiencing ASB to come forward.

In addition it is intended to provide guidance to all staff across the partnership, customers and other stakeholders on what action we will take when a customer complains about anti social behaviour. As a partnership we recognise that every ASB case is unique and we have written this policy and its associated procedure with a view to providing staff with a "best practice" framework to manage reports of ASB.

3.2

The aim of the policy

Aims

To ensure the communities of Lincolnshire receive the best service and support from all partners in respect of preventing, reducing and managing anti-social behaviour.

Objectives

- Manage incidents of ASB more effectively and efficiently across all partners within Lincolnshire;
- Provide improved service and protection to the public;
- Increase public confidence through improved engagement and understanding;
- Identify repeat and vulnerable victims and respond more efficiently;

- Improve information sharing across all partners extending into third sector and charities such as victim support;

4. INTRODUCTION/LEGAL BASIS

4.1 *The origins/background information*

This document should be regarded as an “umbrella” policy document intended to cover all types of anti social behaviour including hate crime.

In Spring 2010, Her Majesty’s Inspectorate of Constabulary (HMIC) carried out a review of anti-social behaviour in England and Wales. This included asking victims about their experience of reporting ASB to the police, and inspecting the quality of the processes that forces use in tackling and responding to the problem.

This Policy underpins Lincolnshire’s first multi-agency strategy to tackle Anti Social Behaviour. It marks steps to improve work between organisations and communities across Lincolnshire working together to challenge Anti Social Behaviour.

Due to the nature of Anti Social Behaviour no one agency alone is able to deal with them isolation and therefore partnership working is central to the approach of this strategy.

What is Anti Social Behaviour? Countywide agreed definition

Following a period of consultation with the community and all partner agencies in Lincolnshire the three definitions below was agreed by Lincolnshire County Council, Anti-Social Behaviour Strategic Management Board (ASB SMB) on the 16th November 2010.

Behaviour by an individual or group that results in:

- **Another party feeling personally threatened**
- **Creates a public nuisance, or**
- **Has a detrimental impact upon the environment and thereby has a detrimental effect upon the quality of life of an individual or the community as a whole**

‘Anti-social behaviour’ describes a range of everyday nuisance, disorder and crime, from graffiti and noisy neighbours to harassment and street drug dealing. It is sometimes dismissed as trivial, but anti-social behaviour has a huge impact on victims’ quality of life, and it is the public’s number one concern when it comes to local crime issues.

The Housing Act (1996) ‘Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to persons engaged in lawful activities’. The Chartered Institute of Housing (1995): Behaviour that unreasonably interferes with other people’s rights to the use and enjoyment of their home and community’

ASB therefore includes a variety of behaviour covering a whole complex of selfish and unacceptable activity that can blight the quality of life of a particular individual, group or community.

Over 3.5 million incidents were reported to police forces in England and Wales last year, and we know that many more were reported to other local agencies such as councils and housing associations, or not reported at all. **Home Office Feb 2011**

The term ‘anti-social behaviour’ was formalised in the late 1990’s to describe a wide range of the nuisance, disorder and crime that affect people’s daily lives. As examples of what could be considered ‘anti-social’, the British Crime Survey asked respondents about:

- noisy neighbours or loud parties;
- teenagers hanging around on the streets;
- rubbish or litter lying around;

- vandalism, graffiti and other deliberate damage to property or vehicles;
- people using or dealing drugs;
- people being drunk or rowdy in public places; and
- abandoned or burnt out cars.

4.2 Motivators/Driving Forces

Why is it so Important?

The HMIC (Her Majesty's Inspectorate of Constabulary) report titled 'Stop the Rot' and Professor Innes's report titled 'Rethinking the policing of anti-social behaviour' were published in late 2010. These reports brought together the findings nationally of how individual forces tackle and respond to ASB. Lincolnshire Police's performance, was rated by the HMIC as "in line with the national average". They reported that the area covered by Lincolnshire Police experienced moderate levels of crime, per head of population, and lower levels of anti-social behaviour. Subsequent national HMIC publications encouraged the police service to review their current practices in how they deal with ASB.

Partners in Lincolnshire recognise the need to tackle ASB and perceptions within our communities in Lincolnshire. As a result, we have developed a multi-agency ASB strategy to reflect the recommendations in the HMIC reports, and to **address** the concerns our communities have relating to ASB and Hate Crime. This policy supports that strategy.

4.3 General Principles of the Policy

4.3.1 **When we receive a complaint of Anti social-behaviour:**

We will:

- **Register** the complaint and issue a reference number
- **Treat** the complaint seriously, respond promptly and act professional
- **Assess** the complaint for seriousness and to facilitate a tailored response
- **Contact** the complainant in their preferred format to agree an **action plan** with the complainant outlining how we aim to investigate and resolve their complaint
- Ensure that victims are kept up to date with the **progress** of their case and given regular **feedback**.

Staff and Officers should be aware that there might be considerations present in terms of disability, language, religion and cultural/lifestyle backgrounds and should do their utmost to meet the diverse needs of each victim. Consideration should be given to utilising the service of a translation provider for victims whose first language is not English.

When a call is received regarding a complaint of anti social behaviour the complaint receiver will ask 3 questions that will help determine whether the victim has reported ASB before or their vulnerability and record their answers.

It is important to recognise that some victims are more vulnerable and/or suffer to a larger extent than others. For this reason if any of the questions are answered "yes" (or if the complaint receiver has a concern for the complainant) they will record that an Anti Social Behaviour Risk Assessment (ASBRA) is required.

The purpose of completing the ASBRA is to provide the officer with information that will allow him/her to categorise the level of service the victim requires and to provide a more consistent approach.

Complainant perception of ASB

It is important to record ASB based on the perception of the complainant. If the complainant believes their report is ASB then it should be recorded and investigated as ASB. The investigation may

conclude that in reality it is not ASB but the complainant's initial perception is paramount. This is also the case with Hate Crime which is defined as:

Any crime or incident which is perceived, by the victim or any other person, to be motivated by hostility or prejudice based on a person's actual or perceived social group or groups.

The options listed for each category are not exhaustive, nor are they onerous, but are those minimum actions officers should be doing as a matter of course. It is the officer's discretion as to what more they can do if considered appropriate for the incident they have attended.

Remedies for ASB

There are several forms of action available to partners that can be used incrementally or at an appropriate entry level for an incident of ASB.

In some serious cases Lincolnshire partners may go straight to enforcement action whilst in other less serious cases a lower level warning action may suffice. Wherever possible we will aim to resolve any problems amicably through the promotion of **talking** solutions. These could be informal with the complainant trying to resolve the problem themselves or more formally through mediation.

Where appropriate referrals will be made to local mediation services in the hope that the issue can be resolved to the benefit of all parties. Where necessary, this would then be followed up by **warnings** to perpetrators or more formal **contractual** arrangements such as acceptable behaviour contracts (ABC's), which have proved particularly effective for juveniles.

Whichever action is chosen, antisocial behaviour will be dealt with firmly and promptly.

ASB Type and Priority

To assist users of this policy we have produced guidance on how to respond to reports of ASB. We have prioritised the ASB types based on Home Office and CLG guidance as well as the new PEN codes in line with the National Standard for Incident Recording 2011.

Acts of alleged crime reported to the Police should clearly be recorded and managed via crime systems. Acts of alleged ASB related crime reported to other partners should be recorded on Sentinel and the complainant should be advised to call the Police as well if they haven't already done so.

Police Officers should be aware that if no further action can be taken on a crime report, you have the option to transfer the case to Sentinel if it fits an ASB category as well and task a partner to act if you feel the evidence may warrant civil or non-police enforcement action.

Priority 1 – Serious Anti Social Behaviour Complaints

Complaints classified under this category will be where instances of anti social behaviour pose an immediate risk of harm to local residents, the general public, employees or any other individual lawfully engaged in activity in the area. This category may include actual or threatened physical violence, sex offences, harassment, hate behaviour and other ASB that it is essential to control immediately.

The lists of categories are:

In the first instance these should be dealt with by the police as criminal offences

Acts directed at people

- **Hate Related** - Racial, homophobic, disability or other hate crime – (note all other incidents which have a hate elements should automatically be categorised as priority 1)
- Domestic abuse
- Harassment

- Verbal
- Written
- Physical
- Other
- Abuse of Staff – by none staff member
- Threats of violence or other harm
- Criminal
 - Assault

Nuisance acts

- Hoax calls to emergency services

Environmental acts

- Criminal damage
 - Arson

Priority 2 – Urgent Anti Social Behaviour Complaints

Complaints classified under this category will include frequent disturbances:

Acts directed at people

- Criminal
 - Theft
- Sexual
 - Indecent exposure

Nuisance acts

- Sexual
 - Sexual acts in a public place
 - Kerb crawling
 - Prostitution
- Criminal
 - Joy riding
- Drugs related
 - Frequent visitors/nuisance callers
 - Drugs paraphernalia
 - Drug use
 - Drug dealing
- Criminal Damage
 - Damage to property and vehicles

Environmental acts

- Inappropriate use of fireworks
- Criminal damage
 - Vandalism
 - Damage to property or vehicles

Priority 3 – Standard Anti Social Behaviour Complaints

Complaints in this priority will be generally of a lower nature:

Acts directed at people

- Malicious communications

Nuisance Acts

- General nuisance
 - Gangs of youths loitering
 - Begging
 - Street drinking
 - Drunken behaviour
 - Throwing things

- Vehicle repairs in the street
- Other neighbour dispute
- Other rowdy behaviour
- Trespass
- Other
- Misuse of communal areas/public space or loitering – adults

Environmental Acts

- Noise
 - Loud music
 - Shouting
 - Animals
 - Domestic noise
 - Vehicle noise
- Environmental - general
 - Urinating in lifts
 - Fly tipping
 - Abandoned vehicles
 - Other rubbish
 - Bonfires/burning
 - other
- Vehicles nuisance
 - Off road bikes
 - Mini motos
- Animal related
 - Uncontrolled dogs
 - Smells/odour
 - Other animal
 - Animal fouling
- Litter
 - Dropping litter
 - Fly posting
- Boundary dispute
- Criminal damage
 - graffiti

Intervention

The different stages of intervention are:

- **Stage One: Advice letters/Verbal Warning**
- **Stage Two: Unacceptable Behaviour Warning**
- **Stage Three: Acceptable Behaviour Contracts**
- **Stage Four: Enforcement Action (i.e. S222 Local Government Act 1972 Injunction, ASBI, Nuisance Premises Closure Order, Possession Hearing or Eviction)**

Stage One: Advice letters

These can be sent by the Police or Local Authority.

It is used as an educative or awareness raising exercise for parents /guardians perpetrators aimed at raising parents/guardian awareness about the kinds of antisocial behaviour going on where their children are hanging out.

It makes a request for parents/carers to discuss the issues being raised with their young people.

It can be given verbally to both adults/young people

Stage two: Unacceptable Behaviour Warning

These can be given by the Police or Local Authority.

It is a direct warning issued in person, outlining complaint received about a person's antisocial

behaviour asking them to stop. If applicable this is also an opportunity to involve parents with regard to a young person's future conduct.

It also stresses the seriousness of the matter and outlines what could happen next if the behaviour continues.

Stage three: Acceptable Behaviour Contracts

This is a voluntary contract between the adult or young person, their parents if applicable and the local authority and/or the Police.

It will contain a list of anti-social acts that they will agree not to continue to do.

The contract will also contain offers of support to address any underlying causes of the ASB. All contracts can be reviewed and altered at the discretion and agreement of all the agencies involved.

Youth Offending Service ASB team or the Community Safety Team may offer support to young people made subject to an ABC (Anti-Social Behaviour Contract) to enable them to stick to the requirements of the contract.

Stage Four: Enforcement Action

If the ABC continues to be unsuccessful, only then will we use that as evidence for the next stage. We would expect all the other things to have been done before this next stage is applied for.

On stage 4 on the incremental approach it's important to mention that organisations and agencies still need to be involved once enforcement action is taken. We need residents, members of the public, tenants to report any breach of conditions. Therefore families and individuals could still feel vulnerable even though enforcement action has been taken.

It may also be worth mentioning that some districts have levels in between 3 and 4.

Closure of cases

At the closure of each case Lincolnshire ASB partners will write to the complainant and perpetrator with an explanation of the closure action enclosing a partnership satisfaction survey for the complainant to complete and return. The information gained from these questionnaires will be used to review policy, procedure and improve responses by the partnership to anti-social behaviour in Lincolnshire.

Ensuring accountability through performance management

We will to ensure that:

The Lincolnshire ASB partnership will establish clear performance goals and will seek to increase confidence and satisfaction in how we deal with ASB and reduce the number of repeat and vulnerable victims of anti-social behaviour. We are developing a performance measurement processes that will reliably demonstrate how successful our efforts have been. These will be monitored by the Lincolnshire Violent Crime and Anti Social Behaviour Strategic Management Board.

Performance Targets

Performance targets apply to all cases. However we recognise that we may need to review monitoring as the project develops.

Overall processing of cases

All cases should be investigated to the point where officers are clear that they can be closed, resolved through mediation or require further staff action or require enforcement action.

Record Keeping and the Management of Sensitive/Disclosed Information

When a member of staff is notified of ASB or informed of any action relating to an ongoing case they must record the details on **the same working day**.

Contact

When a new complaint of ASB is received we should respond in the following timescales:

Priority 1 – Emergency ASB Complaints

Complainant interview – **24 hours** **Target: 100%**

Priority 2 - Urgent ASB Complaints

Complainant interview – **3 working days** **Target: 95%**

Priority 3 – Standard ASB Complaints

Complainant interview – **4 working days** **Target: 95%**

Each case will be reviewed every 28 days **Target 100%**

All complaints should be entered on system, acknowledged in writing and action plan discussed with and sent to complainant in – **10 working days**

Target: 95%

Quarterly Case Audit Targets

It is proposed to introduce a quarterly case audit system to commence???? The aim of this system is to ensure that Officers are maintaining the case management system and managing the exchange of information proportionately.

Closed Case Satisfaction Targets

Target: Surveys completed 50%

4.4 **Legal Basis**

The following legislation is of relevance for implantation of this policy:

- Domestic Law (such as The Police and Criminal Evidence Act 1984, and the Criminal Justice and Public Order Act 1994)
- Common Law (such as the protection of life and property and preventing breaches of the peace)
- The European Convention of Human Rights (ECHR) which has been given legal effect by virtue of the Human Rights Act 1998
- The Health and Safety at Work Act 1974, the Police (Health and Safety) Act 1997 and legislation enabled by these Acts.
- The Equality Act 2010
- The Crime and Disorder Act 1998
- The Criminal Justice Act 2003

4.5 **Human Rights Considerations/Articles Engaged**

The following articles within the Human Rights Act may be relevant when dealing with hate crimes/incidents:

- Article 2: Right to Life
- Article 3: Prohibition of torture
- Article 5: Right to Liberty and Security of the person
- Article 6: Right to a Fair Trial
- Article 8: Right to Privacy
- Article 9: Freedom of Thought, Conscience and Religion
- Article 10: Freedom of Expression
- Article 11: Freedom of Assembly and Association

- Article 14: Right to Prohibition of Discrimination

One of the fundamental provisions in the European Convention on Human Rights is Article 2 that states that everyone has a right to life. It also places on public authorities a positive duty to protect life. Similarly Article 3 imposes a positive duty to prevent “inhuman or degrading treatment”. Public authorities must do all that can be reasonably expected to avoid a real and immediate risk to life (Osman v UK 1999 EHRR 228).

Each and every decision to act or not must be taken bearing these obligations in mind. Protecting these rights may render proportional the interference of another’s right to, for example privacy and/or family life (Article 8).

In any of their actions all members of Lincolnshire Police must be aware they must not discriminate against any persons regardless of age, gender, sexual orientation, 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 ECHR.

5. APPENDICES

Lincolnshire Anti Social Behaviour Procedure Partnership
 Lincolnshire Hate Crime Strategy
 ASB tools and Powers

6. IMPLICATIONS OF THE POLICY

It is recognised that the guidance contained under this heading may not be directly applicable to all policies. Where it is relevant however, the following areas should be considered:

6.1 *Financial Implications/Best Value*

Improve partnership working and collaboration may facilitate savings across partners due to a decrease in duplication or effort in case management, marketing and publicity.
 There are financial implications for all partners with respect to software interfaces and maintenance contracts.

6.2 *Human Resources/Training*

The key areas identified for training will comprise of *Vulnerability* and *Sentinel*.

Vulnerability is an essential part of the training in order to be able to fulfil the set criteria.

Sentinel is a web based I.T package that has been purchased by all the agencies and will be used to record all ASB incidents. All Partners have completed an Information Sharing Agreement that will allow authorised persons to be able to view the collective information that has been inputted by the different sources and for it to be progressed appropriately. There are 3 tiers of users: 1st Tier is manage/amend; 2nd Tier is write; 3rd Tier is view. Each user will be provided with their own individual Sentinel log in and will have the appropriate Tiered access for their roles.

6.3 **Strategic/Business Plan**

This policy and the associated ASB challenge project contributes to Lincolnshire’s priority which can be found in the Local Policing plan.

The Force strategic aim is to build trust and confidence through safer neighbourhoods, protecting the public and service improvement.

This policy will help to build trust and confidence and achieve the Lincolnshire Police values of policing with Professionalism, Respect, Integrity, Dedication, and Empathy (PRIDE).

6.4 ***Risk Management***

6.5 ***Health and Safety***

6.6 ***Diversity***

We are committed to meeting needs and providing improved services to all victims of Anti-social behaviour in Lincolnshire regardless of race, ethnicity, age, gender or gender status, etc

The Equality Act established a new Single Equality Duty on public authorities. This consolidates the three existing public duties on race, disability and gender. Additionally, it covers age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment.

The new duty, like the three duties before it, requires public authorities to 'have due regard' to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Public Bodies must also show:

- **Evidence of analysis**
- **Details of the information considered**
- **Details of any engagement**

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics (age, disability, gender reassignment, race, religion or belief, gender, sexual orientation, marriage or civil partnership and pregnancy and maternity)
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

An important part of the general duty in the Equality Act (2010) is the duty to analyse the effect of their policies and practices on equality.

The needs of those covered by the protected characteristics and those not covered have been considered throughout the development of this policy and its associated procedures and strategy.

Men are more often victims of crime in all age groups, except at age 75 and above, where more women are victims – 8.4% of women compared to 6.4% of men.

6.7 ***Children and Young People***

Children Act 2004

Section 10 – Co-operation to improve well being

Section 11 – Arrangements to safeguard and promote welfare

6.8 ***Crime and Disorder Act***

Section 115 of the Crime and Disorder Act provides that *any person can lawfully disclose information, where necessary or expedient for the purposes of any provision of the act*, to a Chief Officer of Police, a Police Authority, Local Authorities, Probation Service or Health Authorities. This power also covers disclosure to people acting on behalf of any of these named bodies.

Section 17 of the Crime and Disorder Act places a statutory duty on every Local Authority to do all that it reasonably can to prevent crime and disorder in its area.

6.9 ***Internal Policy/Strategy Links***

6.10 ***Consultation***

All Partners

6.11 ***Publication***

7. **PROMOTION/DISTRIBUTION**

The Policy will be owned and promoted by all partners and will be available on the internet.

8. **MONITORING/REVIEW**

The Policy will be monitored by the ASB co-ordinators with the assistance of the Chief Inspector and will be reviewed on a yearly basis.

Satisfaction surveys of victims of Anti-social behaviour will be conducted and monitored by all partners.

APPENDIX C

**Lincolnshire Anti Social Behaviour
Partnership**

PROCEDURE DOCUMENT

ASB Procedure

Introduction

We must deal with anti-social behaviour (ASB) effectively and as a priority area of work. The Lincolnshire ASB Partnership takes this requirement seriously and this will be reflected in the policy and procedure we will adopt to manage ASB complaints.

It is acknowledged that there are many current Policies and Procedures, which incorporate references to types of ASB within our individual organisations. This document is **not** intended to replace any of these documents, however it is to be regarded as an "umbrella" procedure document intended to cover all types of ASB.

It is important to note that over recent years there have been several strands of guidance on what ASB actually is. Police Officers reading parts of this procedure may be surprised to see certain categories of criminal ASB but should bear in mind that key partners have been given enforcement powers under the ASB legislation to action these activities. This procedure aims to ensure a consistent approach to managing all ASB whether criminal ASB or other ASB.

Most Crime related reports of ASB should first be investigated by the police. If the evidence doesn't allow for action to be taken then the investigating should consider a referral to a relevant partner to action. The ethos of our response to ASB should be VICTIM focus and respond to the needs, vulnerability and risk to victims. Decisions as to how we respond should be informed by victims assessing risk and threat in a structured and auditable way.

Guidance

In order to make this procedure as efficient as possible we have included guidance for users on certain points.

Definitions

ASB

There are 2 relevant legal definitions. These are:

"Acting in a manner that is causing or is likely to cause harassment, alarm or distress to one or more persons not of the same household as the perpetrator"
Crime and Disorder Act 1998

"Engaging in or threatening to engage in conduct causing or likely to cause a nuisance or annoyance to persons engaged in lawful activities"
Housing Act (1996)

Following a period of consultation with the community and all partner agencies in Lincolnshire it was agreed at Lincolnshire County Council, Anti-Social Behaviour Strategic Management Board (ASB SMB) on the 16 November 2010 to further describe Anti Social Behaviour as:

"any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life"

Vulnerable

Who is "vulnerable" to anti social behaviour?

"A victim of anti social behaviour is vulnerable if the conduct in question causes an adverse impact on their quality of life; or they believe they are vulnerable; or they have suffered anti social behaviour or something similar before"

What does "adverse impact" include?

"the risk of harm; deterioration of their health, mental and/or emotional well being; or an inability to carry out normal day to day routine through fear and intimidation"

This definition of "vulnerable" puts emphasis on how the complainant feels about the problem and how they perceive the level of intimidation. Every victim's opinion is important when the police are determining the risk to them.

Repeat Victims

The definition of repeat victimisation for ASB in the county as agreed by all partners is:

Repeat victimisation occurs when the same person or address is subjected to a third incident of ASB within a rolling 12 month period

Aims and Objectives

Aims:

To ensure the communities of Lincolnshire receive the best service and support from all partners in respect of preventing, reducing and managing anti-social behaviour.

Objectives;

- Manage incidents of ASB more effectively and efficiently across all partners within Lincolnshire;
- Provide improved service and protection to the public;
- Increase public confidence through improved engagement and understanding;
- Identify repeat and vulnerable victims and respond more efficiently;
- Improve information sharing across all partners extending into third sector and charities such as victim support;

Available Remedies for ASB

There are several forms of action available to us that can be used incrementally or at an appropriate entry level for the specific incident of ASB.

In some serious cases we may go straight to enforcement action whilst in other less serious cases a lower level warning action may do. Wherever possible we will aim to resolve any problems amicably through the promotion of **talking** solutions. These could be informal with the complainant trying to resolve the problem themselves or more formally through mediation.

Referrals will be made to local mediation services in the hope that the issue can be resolved to the benefit of all parties. Where necessary, this would then be followed up by **warnings** to perpetrators or more formal agreements arrangements such as

acceptable behaviour contracts (ABC's), which have proved particularly effective for juveniles.

Whichever action is chosen, antisocial behaviour will be dealt with firmly and promptly.

Use of the Sentinel Case Management System

Lincolnshire ASB Partnership use a computerised case management system (Sentinel) for all reported cases of ASB. This includes information from initial opening of a case through to reason for closure.

It is vital that the system is kept up to date by all investigating officers and that all cases are registered and that information is entered and updated, such as signing of ABC, issuing Notices etc.

Sentinel has a number of standard letters attached that can be generated automatically to assist investigating officers to provide a high quality service. These include standard new case acknowledgement letters and case closure letters.

Sentinel allows an investigating case officer from one partner agency to 'task' another partner agency to perform an action during a case.

The system will be used to monitor performance against targets, trends and hotspot areas and the use of various tools to resolve ASB. It is therefore essential that all officers take responsibility for their cases.

If any problems occur with the system please email your local Sentinel Administrator.

ASBRACs

Anti Social Behaviour Risk Assessment Conference is the new name for partnership meetings that discuss individual cases of ASB.

Each district in Lincolnshire will have at least one ASBRAC in operation. Each ASBRAC has clear terms of reference and reports to the relevant Community Safety Partnership.

Each district has a 4 weekly ASBRAC – Terms of reference the same for each group linking back to CSP.

Membership group: Tier 1 and 2 CSP partners

Chair is NPT Inspector or Manager of Tier 1 partner

2 parts to the meeting:

First part: the victim has given consent to exchange information, Social Services can then attend this part.

Second part: where consent hasn't been given and Social Services can make a professional judgement as to whether it's in the 'Public interest' for them to stay. Scenario being a really high risk individual on the list with no consent.

ASBRAC Process:

1st week of the month call to submit high risk repeat and vulnerable cases for discussion by end of week 2 with the following info:

Name, address, age of victim:

Name, address age of alleged perpetrator:

Consent given by victim: yes/no

Risk level - (Red- immediate risk of harm, **Amber**-potential risk of harm, **Green**-No perceived risk. Lastly we have a **Blue** category). This would be for those who we perceive, because of information from partners, to be vulnerable, or those who may be perpetrators but who we know very little personal information about. The task in hand being to find the relevant information, and to bring them into the ASBRAC or discard them. This could assist us in forecasting possible issues of vulnerability in the future.).

Lead officer and agency:

Headline activity: activity / information concerning their involvement in the incident/s and any additional information pertinent to risk assessment (e.g. history of violence, previous related incidents, association with known criminality, previous interaction with Sentinel partners).

Week 3 list circulated.

Week 4 meeting.

Outcome sheet headings:

Name, address age of victim

Date of referral

Name, address age of alleged perpetrator

Consent given by victim: yes/no

Risk level

Lead officer and agency

Headline activity

Action agreed

Target completion date

Review date

These reviews are circulated to all relevant partner representatives after the meetings. The partners then update the templates with their actions and bring them to the next meeting, unless urgent information arises.

Urgent cases can be brought into action by the Sentinel system automatically.

Reviews can be adjusted to suit case in need.

E.g.

For red cases, this would mean possible immediate intervention / action to prevent harm. In all probability this will be a 1-month review period, with the ability to ramp up to immediate if the incident requires action now.

For amber cases- these are cases where you may have been assessing them originally as red, but they have been reduced from the highest level due to time period of inactivity or the situation has been resolved and we are waiting for clarification that the victim is safe and well. These would be monitored at monthly intervals.

For green cases, I would recommend a 3 monthly review to verify that the situation is completely resolved. If this is the case, then I recommend that the case be discontinued / closed as a clear category.

Decision making process

The decisions / actions are agreed by all present and endorsed if required on the templates at the meeting.

Supported by emergency virtual ASBRAC actioned via Sentinel

Emergency ASBRAC membership group:

Chief Inspector/Superintendent or NPT Inspector
Council ASB Manager
Housing ASB Manager
FAST/Integrated team manager

ASB Type and Priority

To assist users of this procedure we have produced guidance on how to respond to reports of ASB. We have prioritised the ASB types based on Home Office and CLG guidance as well as the new PEN codes in line with the National Standard for Incident Recording 2011.

Acts of alleged crime reported to the Police should clearly be recorded and managed via crime systems. Acts of alleged ASB related crime reported to other partners should be recorded on Sentinel and the complainant should be advised to call the Police as well if they haven't already done so.

Police Officers should be aware that if no further action can be taken on a crime report, you have the option to transfer the case to Sentinel if it fits an ASB category as well and task a partner to act if you feel the evidence may warrant civil or non-police enforcement action.

Priority 1 – Urgent Anti Social Behaviour Complaints

Complaints classified under this category will be where instances of anti social behaviour pose an immediate risk of harm to local residents, the general public, employees or any other individual lawfully engaged in activity in the area. This category may include actual or threatened physical violence, sex offences, harassment, hate behaviour and other ASB that it is essential to control immediately.

The lists of categories are:

In first instance should be dealt with by police as criminal offence

Acts directed at people

- Hate Related - Racial, homophobic, disability or other hate crime – (note all other incidents which have a hate elements should automatically be categorised as priority 1)
- Domestic abuse
- Harassment
 - Verbal
 - Written
 - Physical
 - Other
- Abuse of Staff – by none staff member
- Threats of violence or other harm
- Criminal
 - Assault

Nuisance acts

- Hoax calls to emergency services

Environmental acts

- Criminal damage
 - Arson

Priority 2 – Serious Anti Social Behaviour Complaints

Complaints classified under this category will include frequent disturbances:

Acts directed at people

- Criminal
 - Theft
- Sexual
 - Indecent exposure

Nuisance acts

- Sexual
 - Sexual acts in a public place
 - Kerb crawling
 - Prostitution
- Criminal
 - Joy riding
- Drugs related
 - Frequent visitors/nuisance callers
 - Drugs paraphernalia
 - Drug use
 - Drug dealing
- Criminal Damage
 - Damage to property and vehicles

Environmental acts

- Inappropriate use of fireworks
- Criminal damage
 - Vandalism
 - Damage to property or vehicles

Priority 3 – Routine Anti Social Behaviour Complaints

Complaints in this priority will be generally of a lower nature:

Acts directed at people

- Malicious communications

Nuisance Acts

- General nuisance
 - Gangs of youths loitering
 - Begging
 - Street drinking
 - Drunken behaviour
 - Throwing things
 - Vehicle repairs in the street
 - Other neighbour dispute
 - Other rowdy behaviour
 - Trespass
 - Other
- Misuse of communal areas/public space or loitering – adults

Environmental Acts

- Noise
 - Loud music
 - Shouting
 - Animals
 - Domestic noise

- Vehicle noise
- Environmental - general
 - Urinating in lifts
 - Fly tipping
 - Abandoned vehicles
 - Other rubbish
 - Bonfires/burning
 - other
- Vehicles nuisance
 - Off road bikes
 - Mini motos
- Animal related
 - Uncontrolled dogs
 - Smells/odour
 - Other animal
 - Animal fouling
- Litter
 - Dropping litter
 - Fly posting
- Boundary dispute
- Criminal damage
 - graffiti

Complainant perception of ASB

It is important to record ASB based on the perception of the complainant. If the complainant believes their report is ASB then it should be recorded and investigated as ASB. The investigation may conclude that in reality it is not ASB but the complainant's initial perception is paramount.

Information and Intelligence

This is one of the most important aspects of sharing information principles and one, which cannot be overlooked. Whilst it is necessary to exchange information from for example, telephone calls fielded to council offices, it is also important to examine how this information is managed.

Once information is generated from whichever source, then the person gathering that information must pass this to the Anti-Social Behaviour officer as soon as possible, who will then evaluate it and forward it to the Force Intelligence Bureau for interpretation and action, once evaluated information will then become Intelligence in the context of the national intelligence model and as defined in Human Rights and other legislation. Any original recording of the intelligence material will be handled within the terms of the relevant organisations established MOPI (Management Of Police Information) guidelines by the person initially taking the information. If the intelligence / information taken is urgent / life threatening, then the call taker must obtain all relevant information, call 999 so as not to delay the arrival of emergency services and inform the ASB officer at the earliest opportunity.

Complainant perception of ASB

It is important to record ASB based on the perception of the complainant. If the complainant believes their report is ASB then it should be recorded and investigated as ASB. The investigation may conclude that in reality it is not ASB but the complainant's initial perception is paramount.

Performance Targets

Performance targets apply to all cases. However we recognise that we may not be able to monitor targets correctly for some months.

Overall processing of cases

All cases should be investigated to the point where officers are clear that they can be closed, resolved through mediation or require further staff action or require enforcement action.

Record Keeping and the Management of Sensitive/Disclosed Information

When a member of staff is notified of ASB or informed of any action relating to an ongoing case they must record the details on **the same working day**.

Contact

When a new complaint of ASB is received we should respond in the following timescales:

Priority 1 – Urgent ASB Complaints

Complainant interview – **24 hours**

Target: 100%

Priority 2 - Serious ASB Complaints

Complainant interview – **3 working days**

Target: 95%

Priority 3 – Routine ASB Complaints

Complainant interview – **4 working days**

Target: 95%

All complaints should be entered on system, acknowledged in writing and action plan discussed with and sent to complainant in – **5 working days**

Target: 95%

Quarterly Case Audit Targets

It is proposed to introduce a quarterly case audit system to commence January 2012. The aim of this system is to ensure that Officers are maintaining the case management system and managing the exchange of information proportionately.

Closed Case Satisfaction Targets

Target: Surveys completed 50%

Target: Satisfaction with case handling – 75%

Target: Satisfaction with case outcome – 65%

Case Reviews

Target: 90% of cases to be reviewed every 28 days

The Procedure

1.0 New Report of ASB Received

We recognise that reports of ASB could be made to one of a number of key partners. Regardless of who receives the report the following basic procedural framework should be followed.

All instances of ASB are to be recorded on the ASB case management system, which will be used to measure ASB levels and manage future planning and resourcing. It will also be used to measure performance against targets.

Reports of ASB will be received either by staff whilst out in the community or by office/call centre based staff.

Staff out in the community should complete the ASB site report form and identify any immediate action required. The form and action should be entered onto the ASB case management system.

The majority of new cases will be reported to office/call centre based staff and they can enter the details directly onto the case management system and carry out the initial response risk assessment (not to be confused with the case risk assessment).

The initial response risk assessment identifies the priority of response needed.

When the case is entered on to the case management system the staff member entering the case needs to allocate a lead officer or team for that case.

Once the lead officer or team has been advised of the case they should arrange a complainant interview within the relevant timescale if this has not already been done.

Repeat & Vulnerable Victims

The initial call taker should also identify if the victim is a repeat or vulnerable victim. These are now mandatory questions on the case management system.

All Repeat & Vulnerable victim cases will be monitored closely by the Police ASB Officers and along with High Risk victims their cases will be reviewed at the ASBRAC meetings – see section on ASBRACs

If a non-Police partner agency is the lead agency on a repeat and vulnerable victim case, the Police ASB Officers is still required to monitor progress.

Case Allocation

Each partner agency and will in effect has their own Tasking Officer. This will be the person that allocates the new cases to investigating officers or teams. Within the Police this will be ASB Officers.

1.1 Complainant interview

The complainant interview should be carried out within the relevant timescale and where possible at the complainant's home. In some cases the complainant may prefer to meet at a neutral location or relevant office/station.

A complainant interview form has been devised to aid staff to identify relevant information and record/agree important information that will help to resolve the case. The interviewing officer is not expected to complete every section in every case, however the action plan and risk assessment are mandatory.

The main purpose of the interview is to confirm the facts of the complaint and identify any possible lines of enquiry to explore in order to help reach a conclusion on how to proceed.

During the interview, the interviewing officer should try to establish with the complainant whether a talking solution is a possible option to resolve the complaint.

At the conclusion of the interview the interviewing officer should complete the case action plan describing what you and the complainant will do to resolve the problem. This plan should be signed by the interviewing officer and the complainant where possible and should also confirm which category the complaint has been placed in and the target times for action.

When devising the action plan the interviewing officer should consider the support needs of the complainant. The action plan should be monitored and reviewed along with all other elements of the case on a regular basis.

Case Risk Assessment

The case risk assessment is carried out at the interview stage to assist in recording, identifying and managing risk factors. Risk assessment should not be a fixed to a moment in time but a fluid process, re-visited as regularly as the case dictates.

1.1.1 Managing Expectations

It is very important to try to manage the expectations of all parties involved in the case. This especially applies to victims and witnesses. Many victims and witnesses often assume that we can take enforcement action very quickly and don't understand the level of evidence we require.

Please try to explain the procedure and the action you will and can take and give a time estimate for completing any action. Wherever possible any action agreed should be confirmed in writing/email to give all parties a reference point and avoid any confusion. If you agree to contact a party in a case on a certain date please ensure every effort is made to do this. In the event you cannot contact this party as agreed, wherever possible you should ask a colleague to assist.

It is extremely important to give complainants, victims and witnesses progress reports at an agreed frequency in line with the case action plan.

1.2 Recording and assessing complaints

Following the complainant interview the Investigating Officer will re-assess the case priority and confirm that the initial assessment was correct.

The Investigating Officer should then do the following:

- i) Make an entry on the ASB case management system (if not already done)
- ii) scan a copy of the ASB site report form into the case management system (if completed)
- iii) send the standard acknowledgment letter (by email if possible) to the complainant with a copy of the action plan

1.3 Interview witnesses & gather evidence

Following the complainant interview the investigating officer should have identified all relevant lines of enquiry. This might involve interviewing other witnesses or requesting information from partner agencies.

It is important to establish any witness's link to the case and identify any bias or discrepancies between versions of events given.

It is vitally important that all available evidence is collected and full written records are maintained to demonstrate to the Court, where enforcement action is required, that we have:

- o Taken steps to rectify the problems
- o Acted reasonably
- o Address the complaint fully with the perpetrator
- o Give the perpetrator the opportunity to amend their behaviour

Cases, which require a civil standard of proof

Admissible evidence includes photographs and videos. Photographs must be signed, dated and timed by the photographer on the reverse with the details of the target address. Where possible date/time should be printed on photo when photo is taken. Witness videos should be accompanied by a logbook noting the date, time and details being recorded, the address or location being filmed and the address or location being filmed from. The person recording the event must sign the log and may be required to appear as a witness in the event of Court action.

Incident recording diaries play an important part in gathering evidence. Complainants/witnesses should record on incident diaries their own personal record of what they see or hear. They must not include their own personal opinion or derogatory comments on the incident. It is important that they complete the diary entry as soon as possible after an incident occurs so that it is still fresh in their mind. If they leave too much time before completing the diary log a Court may not accept this if legal action is required. The diaries should always be signed by the individual completing them.

At certain points in a case it may be appropriate to consider using surveillance options to assist in gathering evidence. Across the county we have access to covert cameras and noise monitoring equipment and will carry out surveillance where appropriate subject to RIPA authorisation being required.

Cases, which require a criminal standard of proof and general procedure for Police partners

The general guidelines for ensuring the admissibility and most potentially compelling evidence remain the same contextually. However, the procedures for gathering evidence (from whichever lawful technique or source including those gained under the auspices of RIPA) and submission of exhibited articles for Police personnel in cases which require a more stringent standard of proof are set out in the relevant Policing protocols and are supported by the Crown Prosecution Service.

1.4 Gathering Evidence and Producing Effective Statements if required

During a case we will be given a lot of information/intelligence/evidence. It is important that this information/intelligence/evidence is recorded accurately to speed up the production of witness statements if they are required.

It is important to start recording information in every case with the assumption that information may be required for a Court. In the event that Court action is required it is very difficult to retrospectively gather information on events that occurred several months ago.

A witness statement should include:

- i) Who are they? Name/ address. DOB
- ii) Who was present?
- iii) Where and when did it happen? Specific details
- iv) What happened? Facts not opinions
- v) Why did it happen? Events leading up to it
- vi) How did the incident affect the witness/others around?
- vii) And why is a solution needed?

In most cases we will need witnesses to come to court and give evidence to successfully prove the case. It is essential that these people feel they can trust us before they agree to be a witness in a case.

The investigating officer should consider whether a possible witness would give a credible and accurate account of events in Court and whether appearing in Court would place the witness at risk.

Where a witness is afraid to come to court it is sometimes possible in the civil court to include their evidence in the investigating officer's statement. However this will then be classed as 'hearsay evidence' and is given less 'weight' as evidence in court.

1.5 Interview Perpetrator

Once all relevant lines of enquiry have been explored and where the complainant is not happy to discuss the issue with the perpetrator directly, or where this has been attempted and failed, an interview should take place with the perpetrator.

In certain cases where it is alleged that the perpetrator is violent the interview should take place in a controlled environment or interview rooms. Where the alleged behaviour is severe, staff should not act alone and should be accompanied by a colleague or appropriate representative from another relevant agency.

Take time before the interview to define the areas you want to cover in the questions and how you will phrase the questions. At the start of the interview you should explain to the perpetrator that a complaint has been made and that we are obliged to investigate. You should advise the perpetrator of the allegations and record their response.

There will generally be one of three outcomes:

- i) denial of the allegations or a refusal to accept that behaviour is ASB
- ii) counter claims against the complainant
- iii) acceptance that the allegations are true

If the perpetrator denies the allegations or refuses to accept that their behaviour is ASB then you should consider introducing evidence from other witnesses into the discussion where possible.

It is highly likely that the perpetrator's response will highlight other lines of enquiry you need to explore before deciding on a course of action to resolve the complaint.

At the end of the interview you should advise the perpetrator not to undertake any activity that could be interpreted as ASB. You should agree with them any lines of enquiry you need to explore and agree a date at which you will contact them again.

You should confirm this in writing within 5 working days of the interview using the standard interview summary form.

Where there is an acceptance that the behaviour was anti social, you should consider an appropriate course of further action. You may want to consider a **Warning Letter** or **ABC** depending on the circumstances. See **4.0** for further advice.

2.0 Emergency Action if Necessary

In very serious cases, where the report is made to a non-Police agency and identifies a risk of immediate danger to any person, staff should advise the complainant to contact the Police through the 999 system.

If the Police can not manage the risk because of lack of evidence, the Police Investigating Officer should consider whether options available via partners powers in the civil or criminal courts would provide an appropriate solution.

The investigating officer should interview the Complainant as quickly as possible and determine the exact nature and level of the danger. If the danger is believed to be immediate then the investigating officer should consider all criminal and civil options available.

See **10.** for further advice.

3.0 Talking Solutions

Encourage the complainant to discuss the problem with the perpetrator wherever possible. There is a better chance of resolving the dispute and ensuring a better relationship if the two sides can talk to each other and see each other's point of view.

We can play a more active part in encouraging talking by either acting as an informal mediator between parties or by referring cases to a mediation service for a more formal approach. Mediation is proven to be an extremely useful tool in dealing with low level ASB. It helps people come together to resolve their own disputes, rather than imposing solutions on them. It is also a positive alternative to enforcement action.

3.1 Referral for Mediation

In the event that both parties agree to formal mediation a referral form should be completed for the relevant mediation provider.

This form should be submitted to ASB coordinators.

4.0 No Evidence

During the investigation of the case it may become apparent that there is little or no evidence to substantiate the allegations being made. This may be that surveillance has not resulted in evidencing any action to confirm the allegation or interviewing witnesses has resulted in little or no evidence to support the allegation.

If this is the case the investigating officer should discuss the lack of evidence with the complainant and give them the opportunity to suggest other possible lines of enquiry.

If they can not suggest other relevant lines of enquiry then it should be suggested to the Complainant that the case is closed. (See 7.0)

5.0 Support Required

During the investigation of a complaint it may become apparent that one or more parties involved has a particular support need that is not being met and this lack of support is in some way affecting the case.

In the event a support need is identified early the investigating officer should discuss the need with the person requiring support and request permission to make an appropriate referral to a relevant organisation to meet the support need.

The referral for support should be clearly recorded on the case management system.

5.1 Transferring/moving home of Victims, Witnesses & Complainants

During a case a request may be received or it may become apparent that a transfer/move may be needed. Transferring/moving individuals involved in a case is unlikely to resolve the problem. Transfers/moves will usually only be endorsed in Priority 1 cases however it is acknowledged that in extreme circumstances Priority 2 or 3 cases may warrant a transfer/move. A transfer in an ASB case needs to be approved by the relevant housing provider. A brief report should be submitted outlining the reasons a transfer is needed. These should highlight at least one of the following: actual violence, a risk of violence, serious threats, hate crime or any other serious concerns the investigating officer has.

6.0 Early Intervention Perpetrator Warning/Enforcement

At some point following the perpetrator interview you may feel that a form of warning is an appropriate course of action.

6.1 Warning letters

In simple terms this stage is about giving the perpetrator an opportunity to stop causing a nuisance or behaving in an anti social manner. The warning can be issued verbally but should be confirmed in writing. It should state clearly:

- i) The offensive behaviour
- ii) The suggested solution
- iii) A date from which this should apply
- iv) The action that will be taken if they do not take the opportunity to improve their behaviour

Where there is a failure to improve following this initial letter it may be appropriate to send one reminder letter and stress the action we will take to resolve the issue, depending on the severity of the behaviour. In most cases it is not appropriate to send more than 2 warning letters and failure to comply with the warning letters should result in a higher level action been taken.

6.1.2 Acceptable Behaviour Contracts (ABC's)

ABC's fall into the 'warning' category and are another 'tool' to consider in tackling ASB. They should be used as an early intervention 'tool' to resolve relatively low level ASB and usually they will be used after at least 2 written warnings have been given and breached.

The ABC can be used for low-level ASB. The aim of ABC's is to stop the behaviour rather than punish the offenders. The perpetrator effectively signs to agree they will not participate in certain types of behaviour.

ABC's have generally been used on young people between the ages of 10 and 18 years. Although ABCs have often been used on juveniles, they are a tool that can be used for a person of any age. The informal, flexible nature of the contract means they can be used for various types of anti-social behaviour.

The contract is signed by the investigating officer and perpetrator and witnessed by a PC, PCSO, ASB Officer or Housing Officer.

What can I include in the agreement?

An ABC is very flexible and can be adapted for the particular local need. It can include conditions that the parties agree to keep. It may also contain the agreed consequences of a breach of the agreement.

The individual may agree to:

- stop specific behaviour that has been causing disruption to the community
- positive requirements such as engaging in a community group, attending school regularly or attending a local youth diversion scheme.

We may also agree to provide support that will help the individual to keep to the terms of the Contract. It may also refer the person to agencies that are able to provide further intervention or support. Involving the individual in drawing up the Contract may help them to recognise the impact of their behaviour and take responsibility for their actions.

It is important that both parties sign and receive a copy of the Contract so that there is no doubt about what has been agreed. In the case of a child or young person, parents or guardians should attend the interview to agree the contract. Acceptable behaviour contracts and agreements usually last for about 6 months, but can be renewed by agreement between both parties.

6.1.3 Parenting Contract

A Parenting Contract (PC) is a voluntary and informal written agreement between parent(s) whose children have been involved in causing ASB.

When to use them?

They are designed to be used in conjunction with an ABC. Whereby the child enters into the ABC and the parents enter into the PC. PCs must only be used before legal action is commenced.

What they should include?

A PC will be tailored to suit the individual case. For example:

- Not to allow NAME out of the house between the hours of 7pm and 7am weekdays and 8pm and 7am weekends, unless accompanied by an adult family member.
- To support the Police, Local Authority and CDRP in dealing with NAME behaviour.
- Not to allow NAME to enter any churchyards, play areas with equipment installed
- I will not allow NAME to associate with

It is important that you are as specific as possible and make sure that you name the area/scheme on each condition. However do not include details of complainants.

The PC must include the statement of:

If NAME does anything which he/she has agreed not to do under this agreement which the Local Authority or our Community Safety partners considers to amount to ASB, an application may be made to a Court to:

- i) Seek possession of the above named property
- ii) Seek an injunction for breach of tenancy which if broken could result in a fine or imprisonment
- iii) Seek a local government injunction
- iv) Seek an ASBO
- v) Seek a Parental Order
- vi) Any other enforcement action in line with the powers of our partners in the Lincolnshire Community Safety Partnership

To prohibit NAME from acting in a manner likely to cause harassment distress or alarm.

The investigating officer should write to the parent advising them they intend to use a PC and want the parent to sign up to the contract for a 6 month period in conjunction with their child's ABC. They should formally invite the parent to a meeting to discuss the contract. Depending on the nature of ASB it may be appropriate to do the contract in conjunction with other agencies such as the Police, Local Authority, or CSP, in which case the Common Assessment Framework should be considered.

6.2 Other Intervention Options

There are a large number of intervention options available to us either directly or via our partner agencies.

7.0 Monitor the action/progress

The monitoring stage of a case could last 20 minutes or several weeks. It is a period following:

- i) A warning
- ii) Discussion between the parties involved
- iii) A complaint where there is insufficient evidence to pursue action
- iv) A Court order with prohibitions being granted (ASBI, ASBO, DOT, SPO)

It is essentially the period during which we assess the success of the action to date. We will continue to monitor what is going on in the area and will maintain a channel of communication with the complainant, including contacting them at least once every four weeks or as agreed. This period should initially last for a maximum of 8 weeks, when, if there has been no further ASB we may consider closing the case.

Where there is cause to prolong the monitoring period we will do so. If there are further substantiated occurrences of ASB during this period we will proceed with further action against the perpetrator, either in the form of a warning or legal measures.

8.0 Case Review

Case reviews to occur at least every 28 days and the results recorded on the ASB case management system.

When conducting a case review you should:

- i) Contact the complainant and witnesses to ascertain if any further evidence is available and update them on any progress
- ii) Review any ABCs, injunctions or other actions effectiveness
- iii) Pursue any outstanding information requested from partner agencies or other departments
- iv) Review the evidence and identify any appropriate action that needs to be taken to progress or close the case
- v) Record the case review on the ASB case management system

9.0 Update complainant

It is important to update the complainant in accordance with the relevant target or the frequency agreed in the case action plan. This can be done in person/on the phone/in writing as agreed in the case action plan.

The officer updating the complainant should explain all the action taken since the last point of contact and explain why any action hasn't been taken that was previously agreed.

The officer should agree with the complainant further action to be taken and record this on the case management system and confirm it in writing/email to the complainant.

Regular contact with complainants/witnesses also promotes involvement and may be the extra factor that convinces someone that they should give evidence further down the line if Court action becomes necessary.

10. Enforcement Action

If all reasonable attempts to resolve a case fail or if it becomes apparent that warning letters and early intervention measures are not an appropriate next action then it may be appropriate to consider enforcement action against the perpetrator.

Before legal action is taken there must be sufficient evidence to indicate that on the 'balance of probability' the perpetrator did engage in ASB.

The investigating Officer will review the evidence and discuss the case with their supervisor/manager to establish what options may be available.

If enforcement action is taken the investigating officer will continue managing the case on a day-to-day basis as it goes through the legal process.

11. Supporting witnesses

Witnesses are very important to us and must be supported throughout the process. Lincolnshire ASB Partnership will:

- i) Advise witnesses how to record evidence and the legal process
- ii) Be enthusiastic but realistic about finding a positive solution
- iii) Take clear ownership of the case
- iv) Maintain regular agreed contact with witnesses
- v) Signpost to other support agencies where appropriate / possible
- vi) Liaise with the Police where intimidation is suspected or there is the potential for intimidation
- vii) Assist in removing / preventing the risk of intimidation (e.g. through the supply of mobile phones, improving home security etc)
- viii) Consider fast track transfers/moves where there is real concern for the safety of a witness and they wish to move

In serious cases we can take steps to make witnesses feel more secure in their home. This is sometimes referred to as target hardening and can include:

- Additional door security
- Window locks
- Wide angle spy holes
- Fireproof letterboxes
- Security lights
- Installation of cameras
- Estate improvements

We can arrange for witnesses giving evidence in Court to visit a Court prior to the hearing to make them familiar with the layout and what is expected of them on the day. On the day of the hearing we will if required:

- Arrange transport to and from Court
- Arrange for a Solicitor/Barrister to talk to the witness
- Arrange a separate waiting room at the Court
- Provide refreshments and lunch
- Compensate for any loss of earnings or childcare

We can also make referrals to Victim Support who have trained volunteers to help victims of crime and ASB. The investigating officer will send a letter to the witness when a hearing date is set offering options available to them.

After the hearing the investigating officer will ensure that we keep in contact and offer continued support until the case is resolved.

Any enforcement action taken can be a very time consuming process and for this reason the investigating officer will coordinate the legal action.

12. Case Closed and Satisfaction Survey

It is important to close a case to make clear to everyone involved that there is an end to the matter.

Wherever possible the complainant's approval should be obtained to close a case. If the complainant does not agree then the investigating officer should ask their supervisor/manager to review the case and authorise case closure.

Cases will usually be closed in the following circumstances:

- i) No further reported incidents for 2 months
- ii) Effective mediation or diversion
- iii) Successful legal action – provided any orders have expired
- iv) The perpetrator has moved from the area
- v) No evidence is available

NOTE – In cases where there is a valid court order/agreement or Notice that is still live, then the case must not be closed.

The investigating officer will advise all parties in the case that the case is being closed. The standard case closer letter should then be sent and a satisfaction survey should be included for completion

Surveys will be returned and the results entered onto the case management system for collation and analysis.

We will measure our performance against these targets by sending a survey form to every complainant when we close a case. We will act on any specific individual comments or feedback and collate the results.

Case Escalation

A Priority 2 or 3 case can be escalated to a higher Priority case at any time if an incident occurs that warrants the escalation.