



**NIACRO Response to
the Department of Justice Anti-social Behaviour Legislation
in Northern Ireland Consultation**

12 June 2018



1. NIACRO is a voluntary organisation that has been working for almost 50 years to reduce crime and its impact on people and communities. Specifically, its contributions have been to:
 - Support the resettlement of adults leaving prison and those on community supervision
 - Build skills, confidence and employability of people both in prison and in the community
 - Build the resilience of children, young people, families and adults who are displaying behaviour that would put them at risk of engaging with the criminal justice system, supporting positive lifestyle choices
 - Influence service providers in the statutory, voluntary and community sector and building their capacity to provide appropriate support and bespoke training
 - Contribute to public debate and influencing others with regard to criminal justice matters, at the highest level.

At the heart of NIACRO's work is a drive to reduce (re)offending within the understanding that integrated and flexible approaches towards desistance are most effective.

2. Preliminary Comments

2.1. NIACRO welcomes the opportunity to comment on the Department of Justice Anti-social Behaviour Legislation in Northern Ireland Consultation.

2.2. NIACRO supports in principle, meaningful legislative change that deals with the issue of anti-social behaviour and ensures that the appropriate support elements are in place for often vulnerable individuals who are involved in anti-social behaviour. We believe that a dual approach incorporating robust legislation and appropriate support will ensure that anti-social behaviour and associated behaviours are dealt with in a holistic way rather than providing temporary solutions to more complex situations.



2.3. NIACRO believes that anti-social behaviour, whilst requiring a legislative framework and remedies, is a social problem and thus requires a social response. Whilst a strong and robust legislative framework is helpful in dealing with anti-social behaviour, this alone cannot provide the aims and objectives of this consultation and associated change in the long-term.

3. Response

3.1. The consultation states that: *“The police figures record the number of ‘calls for service’ relating to anti-social behaviour incidents made to the PSNI, but there are likely to be further instances reported to other agencies, such as local councils and through the NI Housing Executive, which may not be included in police figures.”*

3.2. NIACRO would welcome a co-ordinated approach to the recording and collation of incidents of anti-social behaviour. Without a true reflection of the number of incidents taking place, it is difficult to provide solutions that will be effective in tackling anti-social behaviour across the board. This is notwithstanding the issue that anti-social behaviour issues may go unreported (for many reasons) and can go some way in explaining why anti-social behaviour is *“generally lower than other comparable regions”* and can provide a basis for the development of a strategy to deal with all aspects of anti-social behaviour.

3.3. The consultation mentions the link with *“alcohol and on-street drinking, and drug activity, as a particular problem in some areas.”* NIACRO believes that there must be a cross-departmental and cross-sectoral approach to dealing with anti-social behaviour across the Northern Ireland Executive departments, and with organisations in the community and voluntary sectors who provide support for vulnerable individuals and groups living with complexed lives, which include but are not limited to, addiction, mental health issues and socio-economic deprivation.



3.4. NIACRO believes that that early intervention approaches provide a solid foundation for tackling anti-social behaviour long-term. Whilst there is a need for faster, short-term solutions, it would be remiss to suggest that this would be the solution to existing issues arising from anti-social behaviour. *“There is evidence that programmes which employ a multi-modal design where a broad range of interventions are applied attending to a multitude of different risk factors are more effective”* in tackling anti-social behaviour.¹

3.5. NIACRO expressed concerns around the introduction of Anti-Social Behaviour Orders (ASBOs) in 2005, as there was little or no evidence to suggest that ASBOs would change people’s behaviour. On reflection, it would appear that ASBOs merely reinforced people’s anxieties and stigmatised them further. In 2017/18, the number of anti-social behaviour incidents was 61,207. This continues the increase in the level of anti-social behaviour incidents that was seen during 2016/17 and is the highest level seen over the last five years.² We know that in 2015/16 there were 59,502 anti-social behaviour incidents recorded by the PSNI. In the same year, only two ASBOs were handed out which would support the view that ASBOs are ineffective in tackling anti-social behaviour. Support and reinforcement of positive behaviour including mentoring, diversionary projects, restorative justice approaches, and working with families have a track record of success, ASBOs do not.

3.6. NIACRO would like clarity on section 3.11. which states: *“Given the pattern that certain anti-social behaviours are more prevalent in different areas or at different times of the year, the Department is keen to examine the flexibility that can be built in to tackling such behaviour, with appropriate powers being available to address local problems.”* Many of the areas that experience high

¹ Prevention and Reduction: A review of strategies for intervening early to prevent or reduce youth crime and anti-social behaviour: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/182548/DFE-RR111.pdf

² Police Service of Northern Ireland Anti-Social Behaviour Incidents Recorded by the Police in Northern Ireland: Monthly Update to 31 March 2018: <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/anti-social-behaviour-statistics/2018/monthly-asb-bulletin-period-ending-mar-18.pdf>



levels of anti-social behaviour are often areas that experience high levels socio-economic deprivation and thus, it is important ensure that the approach to tackling anti-social behaviour deals with other complex issues that may be present in affected areas.

4. Section 4 – The Executive’s draft Programme for Government and current legislation

4.1. Section 4.2. states: *“The importance of steering young people away from anti-social behaviour and offending behaviour is, therefore a priority.”* NIACRO welcomes this commitment on the basis that anti-social behaviour and associated behaviours are best dealt with using early intervention approaches and providing holistic support for those involved in anti-social behaviour.

4.2. Regarding the current legislative framework for tackling anti-social behaviour, NIACRO believes that it is too narrow to deal with the complexity of anti-social behaviour as it is focused mainly on young people and issues relating to alcohol.

4.3. NIACRO believes that a social response to a social problem is the preferred approach for dealing with anti-social behaviour. Existing legislation does not go far enough and in most cases leads to the criminalisation of in many cases, vulnerable individuals.

5. Section 5 – GB Legislation to tackle anti-social behaviour

5.1. NIACRO understands that Criminal Behaviour Orders (CBOs) are issued when a person is convicted of a criminal offence where the individual is involved in persistent anti-social behaviour. Under the existing GB legislation, a CBO need not have a direct link to the offence an individual appears in court for. NIACRO seeks clarity on how such behaviour could be addressed at the earliest opportunity, rather than in a court setting.



5.2. NIACRO understands that there is a place for the use of injunctions by public authorities to restrain unlawful acts against the community and members of the community. However, we believe that the standard of conduct required to obtain an ASBO or a CBO is too low and that a specific pre-existing civil wrong such as nuisance for example, should be proven. The order should be made in terms that are proportionate and closely related to the specific wrongs proven; it should not form a personal code of conduct for an individual, with restrictions on association and large exclusion zones, nor should it be akin to a criminal sentence. The name of the order should not be stigmatising, act as a label or be deemed a 'badge of honour', as ASBOs often are.

5.3. Section 5.7. discusses specific requirements that can be included in a CBO. These include: *“attendance at an anger management course where an offender finds it difficult to respond without violence; youth mentoring; a substance misuse awareness session where an offender’s anti-social behaviour occurs when they have been drinking or using drugs; or a job readiness course to help an offender get employment and move them away from the circumstances that cause them to commit anti-social behaviour.”* NIACRO would welcome support of this nature at an earlier stage in the process of dealing with anti-social behaviour, as opposed to at the point of conviction where a person is deemed a *“most serious and persistent offender”* by the courts.

5.4. We know that reducing crime is not just the responsibility of the Department of Justice - it requires the participation of a range of departments, statutory bodies, and voluntary and community sector organisations. The Strategic Framework for Reducing Offending (2013) was designed to co-ordinate a range of Executive policies and strategies that can contribute to reducing offending in the long term, emphasising the duty of all departments to support a reduction in offending, in recognition of a clear need for more strategic partnership between sectors and better cross-departmental working. It is for this reason that NIACRO



has highlighted six [Policy Priorities](#)³ to contribute to a safer and fairer society with less offending and fewer victims.

5.5. Our service delivery experience shows that there remain barriers preventing people from accessing the support they need to reintegrate with the community. It is a concern that many of those with convictions are still experiencing difficulty, for example, in obtaining insurance (house/ home etc.) which maintains their social isolation and stigma. NIACRO would be concerned that the provision of a job readiness course, as a requirement of a CBO, is counterproductive in that, by its very nature, a CBO must be declared to employers (before it is spent) when asked. This is also the case for insurers and some other financial checks. After it is spent, it will further be disclosed on standard or enhanced checks, unless it is eligible for filtering.

6. Conclusion

6.1. As mentioned in this response, NIACRO supports in principle, meaningful legislative change that deals with the issue of anti-social behaviour and ensures that the appropriate support elements are in place for individuals who are involved in anti-social behaviour. We believe that a dual approach incorporating robust legislation and appropriate support can ensure that anti-social behaviour and associated behaviours are dealt with in a holistic way rather than providing temporary solutions to more complex situations. We believe that this leads to better outcomes for the individual, for victims and for the community.

6.2. NIACRO is concerned that the proposals outlined appear to be akin to a rebranding exercise of ASBOs. We believe that this is a significant opportunity to adopt a more effective, long-term approach to dealing with individuals who are deemed to be involved in anti-social behaviour. There is no doubt that sometimes difficult behaviour remains an issue of great concern in many communities. NIACRO believes that rather than continuing to demonise individuals and punish them without addressing their behaviour, would be a

³ NIACRO Policy Priorities 2017/18: <https://www.niacro.co.uk/policy-priorities-2017-2018>



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missed opportunity to develop proportionate, appropriate and holistic solutions that make a genuine difference to children, families and communities.

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