A State of Disorder

Moving beyond the ASBO in tackling anti-social behaviour

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About the Author

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Max joined Policy Exchange in February 2009 and is a Research Fellow in the Crime and Justice Unit. Before joining Policy Exchange, Max worked as a researcher for the Shadow Justice and Home Affairs teams in the House of Commons and was involved with a number of the Conservative Party's crime and justice policy reviews. He graduated in 2007 with an LLB (Hons) from the University of Nottingham and is currently studying for an MA in Public Policy at Kings College London. This is the fourth report he has authored for Policy Exchange.

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Acknowledgements

Executive Summary

Up until last year, the Government's rhetoric on the progress made in tackling anti-social behaviour would have suggested that over the last decade people across the country had become safer, more secure and less troubled by the problem of noisy, bullying and intimidating groups of young people. But in September 2009, the Home Secretary admitted, in the light of the case of Fiona Pilkington, that *"throughout all the agencies, the police as well, (Government) didn't put enough focus on carrying on with tackling the scourge of anti-social behaviour."* [1]

This report identifies a host of other problems with the Government's approach. A thorough review of the evidence, coupled with interviews with dozens of local Anti-Social Behaviour Coordinators, has revealed that while some limited progress has been made over the last decade, the policies pursued suffer from a variety of serious drawbacks:

- **A failure to understand the scale or nature of the problem:** The Government seems unwilling or unable to investigate the causes of anti-social behaviour, or even the scale of the problem in the country. It is eleven years since the flagship legislation which introduced ASBOs became law, yet just one Government study has been commissioned to assess the scale of anti-social behaviour. This 2004 study, based on a one-day count of reports of anti-social behaviour, found that there were an estimated 16.5 million acts of anti-social behaviour a year. But this is a huge underestimate because researchers did not count weekends or statutory holidays – Policy Exchange contends that the true figure is 24.5 million, meaning that anti-social behaviour costs society £5.85 billion a year.

- **A political desire to demonstrate progress instead of a desire to ensure that powers are effective:** Ministers have consistently pressurised local agencies to use more of the powers they have been given. At one point, former Home Secretary David Blunkett even threatened police officers with the sack if they did not start to use more of them. But, as the ASB coordinators interviewed for this report have highlighted, the number of enforcement powers does not, on its own, mean anything. The real issue is whether the measures work. But the Home Office has never conducted a study into the effectiveness of ASBOs or any other major anti-social behaviour intervention. A National Audit Office (NAO) report from 2006 appears to be the sole validation of the Government's approach. Policy Exchange contends that this report is flawed, basing its conclusions simply on whether a recipient of an anti-social behaviour specific intervention received another subsequent intervention. But this measure tells us nothing about whether behaviour has actually stopped – all of the recipients could have gone on to become full-time criminals, but by the NAO's definition, would not have reengaged in anti-social behaviour.

● **A lack of focus on victims:** The emphasis on process measures (i.e. the number of times interventions have been used) has caused a discernible lack of focus on the needs of victims. What victims want when they report anti-social behaviour is for the behaviour to stop and for them to be dealt with by the council and/or police in a satisfactory way. But the fact that 'what gets measured gets done' means that the council and police are incentivised to demonstrate activity, to the detriment of actually solving people's problems. Last year, eleven years after first waging war on anti-social behaviour, the Government did consider including a measure of victim satisfaction within their performance management regime. But the proposal was inexplicably dropped. All of this contributes to a regime described by the Home Office's Reducing Bureaucracy Advocate as one which "*values numbers more than people*".

● **A lack of local leadership and a culture of buck-passing:** Problems of anti-social behaviour require inherently local solutions. While there are some limited examples of effective partnership working in some areas, it is inevitable, given that anti-social behaviour is not a 'core business' for any agency, that there are too many areas where there is a lack of focus on dealing with the problem. The Home Secretary's proposal of 'guaranteed minimum standards' are unlikely to make any real difference, especially given his admission that "*too many people who try to bring antisocial behaviour to the attention of the authorities find themselves trapped in a never-ending circle of phone calls – they phone the police, who tell them to phone the housing people, who tell them to phone social services, who tell them they need to talk to the police.*"[2] While the introduction of local Crime and Disorder Reduction Partnerships (CDRPs) was a positive one, these bodies are crying out for some strong leadership and a democratic mandate.

● **A coercive central targeting regime, discouraging the police from prioritising anti-social behaviour:** The case of Fiona Pilkington highlighted the perverse incentives that central targets have created in tackling anti-social behaviour. Leicestershire police suggested that the problem was the responsibility of the council. The Home Secretary responded by saying "*a police officer saying at the inquest that anti-social behaviour is no longer a police matter, it's for local authorities, it's ludicrous and ridiculous. It's just totally unexplainable how a police officer could feel like that but it suggests there's a mindset there.*"[3] One of the main reasons for the evolution of this mindset is because police processes have been so unduly dominated by top-down performance measures – anti-social behaviour is difficult to measure and no improvement targets have been specified, incentivising the police to focus resources in areas where performance can be more readily demonstrated. Though targets have ostensibly been scrapped in favour of one single 'public confidence' measure, many forces still persist in working this way, meaning that in order to, for instance, improve the number of sanction detections (the number of offences recorded by individual police officers) resources have been moved away from more visible elements of policing, such as dealing with anti-social behaviour.

● **Ineffective targeting of 'the hardcore':** Studies consistently show that around 5 or 6% of offenders are responsible for roughly 50% of known crimes.[4] The Government has targeted the hardcore of perpetrators through the use of ASBOs and other enforcement powers. These efforts have been largely futile and many local areas have found the powers cumbersome, slow and ineffective.

2 Alan Johnson speech on crime and communities, 2nd July 2009

3 Police have *'ludicrous and ridiculous' mindset over anti-social behaviour*, Telegraph, 13th October 2009

4 Farrington, D., Ohlin, L., & Wilson, J. Q. (1986). *Understanding and controlling crime*. New York: Springer-Verlag.

Breach rates for teenagers given ASBOs have reached 61%[5], with some individual orders being breached more than five times. In September 2009, it was revealed that while there were 2,299 ASBOs issued in 2007, the number of ASBOs breached stood at 1,619 for the same period.[6] This may be because ASBOs have been issued without appropriate supportive measures – just 5% of ASBOs contain measures designed to address the causes of anti-social behaviour.[7] Furthermore, the average ASBO costs more than £3,000 to obtain and, as the Home Secretary has admitted, *"victims of antisocial behaviour, and frontline professionals feel frustrated by delays in bringing cases to court and getting them concluded."*[8] The Government recently proposed a solution to this – to set maximum waiting times and limits to the number of times a case could be adjourned. However, this is very unlikely to solve these problems and would surely mean, depending on which body had to meet the target, either that cases would not be brought by the local authority or police (for fear of missing the target), or that the courts would have to prioritise anti-social behaviour cases to the detriment of other criminal or civil cases.

- **A failure to engage the wider group of offenders:** Aside from the small hardcore of offenders, there should also be a recognition that most teenagers behave anti-socially once or twice – a recent Home Office study found that over a four year period, just 22% of young people reported that they had not committed any offences, anti-social behaviour or drug offences.[9] The wider group offenders who do not need the intensive interventions (required by the hardcore) could be dealt with informally and without damaging their future employment prospects (for example, by recording their details locally - not on the Police National Computer). But the Government is heading in the wrong direction – for instance, some areas are currently trialling the introduction of Fixed Penalty Notices for young teenagers. These young people need informal sanctions and positive engagement, not tickets. But positive, alternative activities for this group are currently lacking. As Audit Commission Chair Michael O'Higgins has pointed out, it is *"ludicrous that funding schemes for young people in trouble with the law should be so complicated. Major opportunities to save public money are going begging."*[10] Mr O'Higgins has also described how project leaders are hampered by *"wasteful, inefficient and bureaucratic funding arrangements for diversionary projects."*[11]

- **A divorce between political rhetoric and the reality on the ground:** The Government often responds to high-profile incidents of anti-social behaviour with announcements designed to reassure the public, but they pale into insignificance in light of the scale of anti-social behaviour. Following the Fiona Pilkington case, the Home Secretary announced that the enforcement measures introduced over the last decade should be used *"not as a last resort, but as a preventative measure."* But these enforcement measures barely scratch the surface. In 2007, 26,797 enforcement measures (including Acceptable Behaviour Contracts, Parenting Orders, ASBOs etc) were used. That amounts to 1% of all incidents of anti-social behaviour. The ASBO, the most trumpeted measure introduced, was used in response to just 0.009% of all incidents. In addition, despite there being 14,381 ASBOs issued between 2002 and 2007[12] (with a national breach rate of 47%), there were just 14 people sent to prison for breaching an ASBO in the same period.[13] When just one in ten thousand

5 *The return of the asbo*, The Guardian, 29th September 2009

6 Written Parliamentary Question, Commons Hansard, 1 September 2009

7 WPQ, Commons Hansard, Column 936W, 18th March 2008

8 Alan Johnson speech on crime and communities, 2nd July 2009

9 Longitudinal analysis of the Offending, Crime and Justice Survey 2003–06, Home Office Research Report 19, November 2009

10 Youth crime strategy in the dog house, Public Finance, February 2009

11 Youth funding 'a dog's breakfast', BBC News Online, 28th January 2009

12 CDRP/CSP survey results for 2003-2008

13 Sentencing Trends: Local court area comparisons, Sentencing Advisory Panel and Sentencing Guidelines Council, August 2009

incidents of anti-social behaviour result in the most prominent sanction, and just one in every 500 breaches of that sanction result in a custodial sentence, it is clear that a new approach is required.

A new vision for tackling anti-social behaviour

Anti-social behaviour is inherently difficult to tackle. It covers a whole range of behaviour (some, but not all of it criminal), is hard to define, even harder to measure, is not the responsibility of any one agency and has a variety of social and economic causes. Making a real impact is possible, but it will require a new approach – one which:

● emphasises the importance of local leadership and self-governance;
● reinvigorates local policing through enhanced accountability and freedom from central direction;
● encourages personal and community responsibility through building social capital; and
● is based on the best available evidence about what works to reduce anti-social behaviour.

Recommendations

1. **Introduce directly-elected police commissioners:** Local leadership appears to be the biggest factor for community confidence and responsive local services. Policy Exchange's report, *Partners in Crime*, recommended that weak and invisible police authorities should be abolished and replaced by directly elected police commissioners. This recommendation is reiterated here, such is the impact it would have on the way anti-social behaviour is prioritised by the police. But just as crucially, given the importance of partnership working for tackling anti-social behaviour, the commissioner would provide strategic direction for the different agencies involved and facilitate a meaningful dialogue between the public and those responsible for serving them.

2. **Free police officers from central direction:** One recent example highlighted in a Government review told the story of a police officer who reduced crime and disorder on one estate by 90% over six months through a problem-solving approach. His only reward was criticism for not meeting personal arrest targets.[14] This kind of performance management must be stripped away. Despite targets having apparently been scrapped, there are still a whole range of targets set either at force level or by a multitude of national agencies. The Government must understand that a police officer's role should be about much more than meeting process targets for sanction detection targets or numbers of arrests. Genuinely responsive policing is about mediating, problem-solving, prevention, protection, setting community standards and enforcing social norms.

3. **National roll-out of the Youth Conditional Caution and the Youth Restorative Disposal:** These two pilot schemes enable the police to give young people committing anti-social behaviour a suitable sanction without the need for involving the usual court processes. Both are an appropriate and effective means of addressing the offender's behaviour, including making reparation to victims and the community. Increased use of informal tech-

niques such as this, coupled with a freedom from central command and hugely enhanced local accountability, will amount to a reinvigoration of policing and a renewed focus on tackling low-level crime and disorder.

4. **Encourage longer tenure for Safer Neighbourhood Teams:** Discussions with senior police officers and anti-social behaviour coordinators have confirmed that, at present, Police Community Support Officers (PCSOs), at the front-line of neighbourhood policing efforts, often leave their roles very quickly to become sworn police officers with full powers. The high turnover of staff makes all of the aspects of neighbourhood policing much harder, regardless of how quickly new PCSOs are recruited. One option to rectify this would be to reward PCSOs and sworn officers who remain part of a neighbourhood team on the basis of the longevity of their service. For instance, if an officer was to remain with a neighbourhood team for five years, he or she could expect a substantial bonus. This practice should also be extended to Beat Managers, who lead neighbourhood teams in efforts to engage the local community, build public confidence and reduce crime and anti-social behaviour

5. **Give police officers complete discretion in deciding whether to investigate or prosecute members of the public who have stood up to low-level crime:** Studies have shown that people need to feel confident about intervening to tackle unacceptable behaviour and that their actions will be backed up by others in the neighbourhood. There must be a shared willingness to act, and shared expectations about the circumstances in which citizens will act.[15] A clear signal needs to be sent to the public that they should not fear criminal prosecution for standing up to anti-social behaviour, either in self-defence or in the defence of others. The presumption should be that adults will not face investigation or prosecution for intervening, except where their intervention was manifestly and gravely disproportionate in the circumstances.

6. **Re-focus the role of the Police Community Support Officer (PCSO) around anti-social behaviour:** Fourteen police forces do not designate PCSOs with the power to disperse groups of youths and take them to their place of residence. Fourteen forces do not give PCSOs the power to deal summarily with fireworks. Twenty seven do not have powers to deal with drunk and disorderly behaviour. PCSOs in twenty one forces do not have the power to detain. Twenty eight police forces do not give PCSOs the power to search people for dangerous items. Wherever they live, the public should be in no doubt about the core powers of a Police Community Support Officer. That means that powers which are not anti-social behaviour-specific should become discretionary and those which play a role in reducing anti-social behaviour should be standardised across the board.

7. **Allow PCSOs to use reasonable force to detain suspects.** While there is an argument that this would change the role of the PCSO – making it more confrontational – it seems particularly perverse that while members of the public are free to use reasonable force when making a citizen's arrest, PCSOs are not.

8. **The major political parties should form a cross-party commission to design and cost a voluntary National Civic Service programme, providing a formal rite of passage for British teenagers.** According to Geoff Mulgan, a former No 10 policy adviser, the Government has costed a national voluntary scheme on at least three occasions since 1997. But they have yet to deliver.[16]

15 Sampson, Robert J. 2004. Neighborhood and Community: Collective Efficacy and Community Safety. *New Economy* 11:106-113.

16 Ibid

With the Conservative Party currently working on the detail of its own proposals for a National Citizen's Service programme, there may be scope for a cross-party consensus on how to take the idea forward. A British rite of passage could have a variety of benefits – teaching the rights and responsibilities of citizenship; helping young people learn about (and become connected to) their communities; forging common bonds across different economic and social groups through common experiences; and helping young people develop in a positive, healthy way. Incentives to participate should be designed and young people should be able to earn 'adult' privileges and a degree of social status change as a result. There are international examples of successful programmes. For example, the Rite of Passage Experience Programme (ROPE) in the United States and Canada has been providing community service opportunities for young people for almost thirty years. It has demonstrated positive results in reducing anti-social behaviour, drug use and school truancy.

9. **A National Civic Service programme should aim to reduce anti-social behaviour and should begin early:** While there are clearly wider aims of such a programme, one of the benefits should be to reduce anti-social behaviour. Policymakers should consider, given that the peak age for anti-social behaviour is around 14 or 15[17], targeting the programme earlier than 16 (perhaps at 13) or, at the very least, supplementing any later initiatives with steps to engage young people at earlier stages.

10. **The Government should commit to an evidence-based approach:** The Government should commission an independent body to undertake an urgent investigation into the effectiveness of the interventions it has introduced. This should complement the belated study the Home Office plans for publication in 2010. A more evidence-based approach would not only encompass further studies of the impact of the Government's interventions, it would also look at the criminological evidence about the nature of anti-social behaviour and what works to prevent it or encourage its desistance.

17 Longitudinal analysis of the Offending, Crime and Justice Survey 2003–06, Home Office Research Report 19, November 2009

1

Anti-Social Behaviour in Britain: The current state of play

Defining anti-social behaviour

In the past, the term 'anti-social behaviour' was used almost exclusively by criminologists to describe a whole range of behaviour (illegal or otherwise) which departed from social norms, otherwise known as 'deviancy'. Such a definition covered everything from joining a nudist colony to committing murder.[18]

In the UK, the term has been defined in statute as behaviour that is "*likely to cause harassment, alarm or distress*".[19] To date, no legislation has attempted to break down this broad definition or provide a list of specific behaviours.

However, legislation aside, in practice the definition covers a wide range of actions, from the dropping of litter on a street to the running of crack-houses by drug dealers.[20] For example, the British Crime Survey (BCS)[21] and the Department for Communities and Local Government[22] measure people's perceptions of the level of anti-social behaviour in their local area according to seven distinct 'strands'. These are: teenagers hanging around on the streets; rubbish or litter lying around; people using or dealing drugs; vandalism, graffiti and other deliberate damage to property; people being drunk or rowdy in public places; noisy neighbours or loud parties; and abandoned or burnt-out cars.

Local bodies too, have adopted their own definitions of ASB to fit with local priorities. These definitions are often drawn up by Crime and Disorder Reduction Partnerships (CDRPs), set up following the Crime and Disorder Act 1998, which are responsible for drawing up crime-fighting strategies for local areas.

Acts of anti-social behaviour are often criminal offences in their own right and they are also drivers of future crime. This means that when, for instance, 'criminal careers' and trajectories of offending are discussed later, it should be borne in mind that anti-social behaviour and crime cannot be artificially separated.

The scale of anti-social behaviour

The scale of anti-social behaviour in Britain today is staggering. But it is also, for the most part, under-researched. In the eleven years since the Government first launched its war on anti-social behaviour with the passage of the flagship Crime and Disorder Act in 1998, only one coordinated attempt has ever been made to understand the true scale of the problem.

More than five years ago, the Home Office undertook a 'day count' of the number of incidents of ASB. The survey was undertaken on a school day in

18 Larry J. Siegel. Criminology: The Core, p5, Wadsworth Publishing

19 Crime and Disorder Act 1998, s1 (1) (a)

20 Home Affairs Select Committee, *Anti-Social Behaviour*, Fifth Report of Session 2004-05, Volume 1, HC 80-1, p7

21 Crime in England and Wales, British Crime Survey, 2008-09

22 Place Survey 2008, Department for Communities and Local Government

September 2004 (and was therefore unlikely to be representative of the level of ASB during weekends and school holidays).

The key organisations asked to participate in the exercise were public services and local authorities. Agencies representing the Police, Fire Service and local authorities were asked to distribute information about the count to their members. Additionally, local Crime and Disorder Partnerships (CDRPs) and Community Safety Partnerships (CSPs) were approached and asked to encourage appropriate organisations in their area to take part. More than 1,500 organisations took part and information was received from every CDRP and CSP area in England and Wales.

> " A calculation which included weekends and holidays would mean that, by the Home Office's own estimate, not only are there more than 24.5 million acts of anti-social behaviour every year, but also that these acts cost the taxpayer £5.6 billion every year "

The count uncovered 66,107 incidents of anti-social behaviour during this single, weekday 24 hour period. According to the Home Office, this is equivalent to 16.5 million reports per year – or one report every two seconds.[23] The figure would undoubtedly have been higher had the survey been undertaken during school holidays or at a weekend. However, Home Office researchers took the opposite view. Rather than multiplying the 66,107 incidents recorded on the day by 365 (giving a figure of around 24.5 million), the Home Office researchers actually deducted weekends and statutory holidays, resulting in the lower figure of 16.5 million. Furthermore, these were only the number of incidents reported. As the Home Office conceded at the time, "*Reports of anti-social behaviour may be skewed towards activities that are witnessed or experienced by people who actually choose and know where to make a report. It is recognised that a large proportion of anti-social behaviour is not reported due to apathy, tolerance of the behaviour or fear of repercussions amongst members of the public, or because people do not know where to report the problem.*"[24]

A calculation which included weekends and holidays would mean that, by the Home Office's own estimate, not only are there more than 24.5 million acts of anti-social behaviour every year, but also that these acts cost the taxpayer £5.85 billion every year.[25]

Despite the fact that the Government has made no attempt to collect figures of the number of ASB incidents for the last five years, others have attempted to build an up-to-date picture of the magnitude of the problem. In 2009, and for the first time, the police released figures for the number of ASB incidents reported to police forces which fell short of being a 'notifiable crime'. Figures from the 43 police forces in England and Wales in 2007/08 reveal that there were 3.9 million such incidents reported to the police during the year.[26] So, even when the other 1,450 organisations that took part in the 2004 count - such as local councils, Fire Services, Crime and Disorder Reduction Partnerships and Community Safety Partnerships – are excluded, and with the British Crime Survey figures indicating that just 11% of acts of anti-social behaviour are reported by their victims, this means that there were an estimated 35 million acts of anti-social behaviour during 2007-08.[27] The Government claims that no data is available for previous years.[28]

The paucity of available data makes historical comparisons impossible; we cannot say with any certainty whether levels of anti-social behaviour are getting

23 *Defining and measuring anti-social behaviour*, Home Office Practice Report 26, 2004

24 Ibid.

25 This figure is derived from the Home Office's daily estimate of the cost of anti-social behaviour: £13.5 million

26 Written Parliamentary Question, House of Commons Official Hansard, 29 June 2009, column c74W

27 35 million yob crimes a year, *Daily Express*, 4th February 2009

28 Written Parliamentary Question, House of Commons Official Hansard, 11 Feb 2009, column 2040W

better or worse. As will be outlined in the next chapter, the difficulty in measuring anti-social behaviour causes real problems, particularly when it comes to performance management of police and partner agencies, and evaluating preventative schemes.

## Public perceptions of anti-social behaviour

Despite the lack of attention paid so far by the Government to measuring the number of incidents of anti-social behaviour, there are other ways to measure its scale. Emphasis has been placed, by the British Crime Survey and Home Office guidance, on the public's perception of anti-social behaviour, using the seven 'strands' described above. From these surveys, it is clear that the scale of anti-social behaviour revealed by the number of reported incidents, is also reflected in what the public perceive day in, day out.

According to the British Crime Survey (BCS), 17% of people perceive a high level of anti-social behaviour in their area.[29] The Department for Communities and Local Government's *Place Survey*, with over ten times the response rate of the BCS[30], puts this figure even higher – at 20%.[31]

In 2008/09, the BCS found that:

- 30% of people perceive teenagers hanging around to be a big or fairly big problem in their area;
- 28% say there is a big or fairly big problem with drug dealing or drug use;
- 26% perceive problems with rowdiness or drunkenness in public places;
- 30% perceive problems with litter and rubbish being left around; and
- 27% perceive problems with criminal damage, graffiti or deliberate damage to property.

Since 2003, the year the Government's Respect Agenda was launched, the public's perception of these measures has got worse in almost every single category.

Figure 1: Public perception of anti-social behaviour since 2003[32]
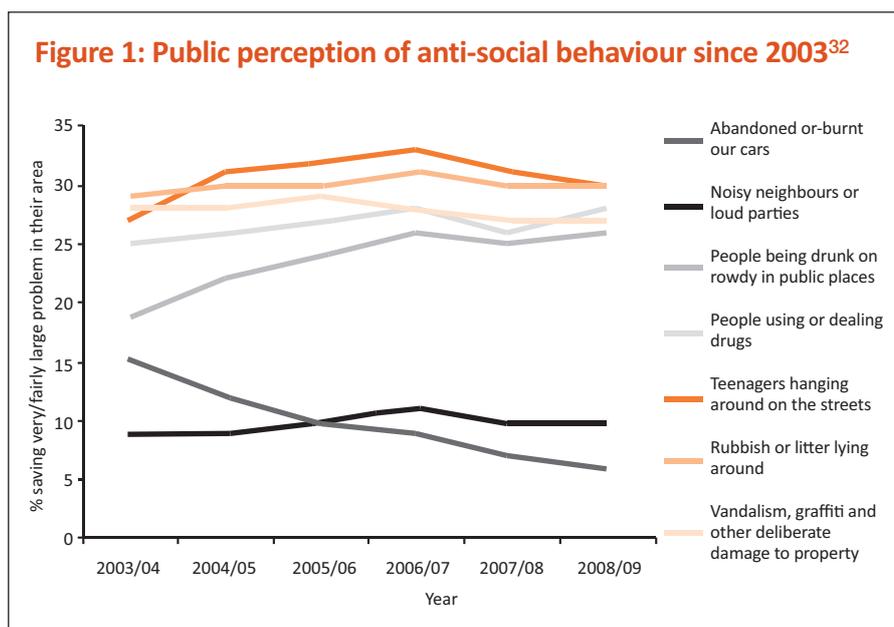
29 Crime in England and Wales, Home Office, 2008-09

30 The Place Survey reported more than 543,000 completed questionnaires, compared with 44,000 for the British Crime Survey

31 Ibid.

32 Crime in England and Wales, Table 5.10, Home Office, 2008/09

Why should the Government prioritise anti-social behaviour?

There is strong evidence that concerted action to tackle anti-social behaviour will reap significant benefits. Minor crime and disorder are not only clear drivers of further crime and disorder, but are also indicators of more serious, future crime. Anti-social behaviour is thus an opportunity to prevent the onset of more serious crime. In addition, certain minor acts or bad behaviour can erode feelings of public safety and fuel fear within communities. Finally, anti-social behaviour disproportionately affects the most deprived people in society.

The spreading of disorder

Minor crime and anti-social behaviour are clear drivers of further crime and disorder. The consequences of this link for public policy are crucial – and there is new evidence from the field of social psychology which strengthens the case for relentlessly prioritising anti-social behaviour in the fight against crime.

As far as back as 1982, James Q Wilson and George L Kelling theorized, in their classic 'Broken Windows' article, that if a window in a building is broken and left unrepaired, this will send "*a signal that no one cares, and so breaking more windows costs nothing.*"[33] They argued that unchecked minor crimes and signs of disorder would lead to more anti-social behaviour and also more serious crime. They favoured a 'nip it in the bud' approach towards crime prevention, arguing that fixing small problems will deny bigger problems opportunities to occur.[34]

The theory gained a number of prominent champions, perhaps the most well-known being former Mayor of New York, Rudy Giuliani and Bill Bratton, formerly New York City Police Commissioner and now Chief of Police at the LAPD. Despite Giuliani and Bratton's astonishing success in reducing crime rates in New York, many social scientists have attacked the Broken Windows theory, arguing that the fall in crime could have been due to other factors including changes in demographics, a slowdown in the crack cocaine epidemic and other economic initiatives which coincided with the zero-tolerance policing tactics (combined with consistent attempts to remove the signs of disorder) which had been developed by the theory's proponents.

However, a ground-breaking 2008 study conducted in The Netherlands has added considerable weight to the theory – for the first time grounding it with hard empirical evidence. A series of social psychology field experiments undertaken by Kees Keizer and a team of researchers at the University of Groningen has found that "*when people observe that others violated a certain social norm or legitimate rule, they are more likely to violate even other norms or rules, which causes disorder to spread.*"[35]

Social psychologist Robert Cialdini (author of Influence: *The Psychology of Persuasion*) first described the existence and effects of social norms.[36] Social norms refer either to the perception of common (dis)approval of a particular kind of behaviour (an 'injunctive norm') or to a particular behaviour common in a setting (a 'descriptive norm'). Injunctive norms affect behaviour as they provide information about which behaviour is most *appropriate* in a given situation. Descriptive norms affect behaviour as they provide information about which behaviour is most *common* in a given situation. When social norms are in conflict, the stronger and more conspicuous one kind of norm is, the more likely it is to influence behaviour. For instance, the probability that a person litters in a littered setting is enhanced when more litter is present, or when the person watches someone littering (i.e. when the injunctive norm is violated).

33 George L Kelling and James Q Wilson, *Broken Windows,* The Atlantic, March 1982

34 Ibid.

35 Keizer, K., Lindenberg, S. and Steg, L., *The Spreading of Disorder, Science* 322 (2008).

36 R. B. Cialdini, R. R. Reno, C. A. Kallgren, *J. Pers. Soc. Psychol*. 58, 1015 (1990).

The researchers in Groningen sought to test whether the theory could be expanded to see if the violation of an injunctive norm (i.e. the presence of litter or people being observed littering) would cause the onset of *different* types of disorder. The results are significant. The study, a series of random control experiments, found that when a social norm was violated, people were much more likely to engage in inappropriate behaviour. In other words, the goal of acting appropriately was weakened:

- When a sign expressly prohibiting graffiti was covered in graffiti, people were more than twice as likely (69% compared to 33% in the control experiment) to litter a flyer attached to their bicycle handlebars.
- When a postbox surrounded by litter was covered in graffiti, people were more than twice as likely (27% compared to 13% in the control experiment) to steal an envelope visibly containing a $5 note from the postbox.
- When bicycles were locked to a fence, in violation of a visible sign, people were almost three times as likely (82% compared to 29% in the control experiment) to disobey another sign prohibiting the use of a gap in a fence to access a car park.

Although these results are among the first to empirically test how disorder spreads, their implications are important. In fact, as Keizer argues, "*there is a clear message for policy makers and police officers: Early disorder diagnosis and intervention are of vital importance when fighting the spread of disorder. Signs of inappropriate behaviour like graffiti or broken windows lead to other inappropriate behaviour (e.g., litter or stealing), which in turn results in the inhibition of other norms (i.e., a general weakening of the goal to act appropriately). So once disorder has spread, merely fixing the broken windows or removing the graffiti may not be sufficient anymore. An effective intervention should now address the goal to act appropriately on all fronts.*"

Anti-social behaviour is an indicator of future crime – and thus an opportunity to prevent it

Criminologists and social scientists agree that the onset of criminality is often (if not always) preceded by anti-social behaviour. Broadly speaking, there are two types of offenders: a small group of 'early starter' offenders, whose criminal offending begins early and continues into adulthood, and a much larger group of 'late on-set' offenders, whose offending begins in adolescence and tends to stop quickly once the individuals assume adult roles.

However, longitudinal studies by Zara and Farrington show that no matter when criminality begins, both groups had, prior to the onset of criminal behaviour, engaged in much higher amounts of antisocial behaviour than non-offenders.[37]

Minor anti-social behaviour often leads to more serious anti-social behaviour, which in turn leads to criminal behaviour. Whitehead et al. note that the link between ASB and crime is supported by evidence from the British Crime Survey, where the areas with the highest reported disorder was highly correlated with the areas of highest actual criminal activity.[38] The National Audit Office has also noted the link between crime and anti-social behaviour. In the sample used in their 2006 report, 37% of recipients of ASB interventions were found to have a number of previous convictions, with an average of 24 each.[39]

The strong links between anti-social behaviour and more serious crime offers an opportunity to prevent the onset of more serious criminality.

37 Zara and Farrington, *Childhood and Adolescent Predicators of Late Onset Criminal Career*, J Youth Adolescence (2009) 38, p293

38 Whitehead et al., The Economic and Social Costs of Anti-Social Behaviour: A Review, LSE, 2003

39 National Audit Office, *The Home Office, 'Tackling Anti-Social Behaviour'*, The Stationery Office: London, (2006) p9

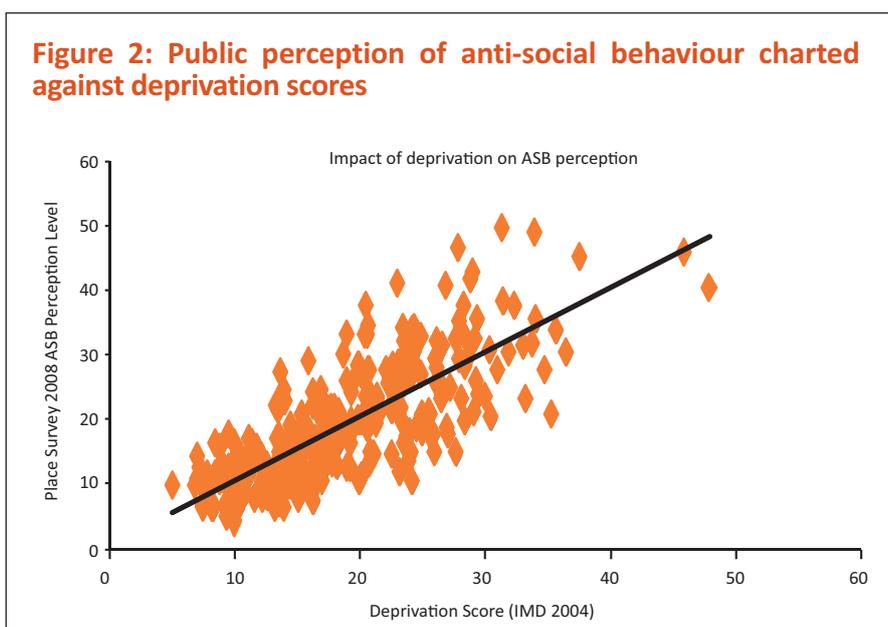## Anti-social behaviour makes communities feel unsafe

Not only does minor crime and disorder fuel further crime and disorder, but it also sends a signal to the community that their area is unsafe. Certain acts of minor crime can be powerful communicators of a community's state of health. Such acts may be less severe in the traditional sense, but their effect on the public's perceived risk of being a victim of crime may be far more pronounced. This phenomenon has become known as the 'signal crimes perspective'.[40]

- A signal crime is any criminal incident that brings about a change in the public's behaviour and/or beliefs about their security.
- A signal disorder is an act that breaches normal conventions of social order and signifies the presence of other risks. A signal disorder may be social (e.g. noisy youths) or physical (e.g. vandalism) in nature.
- A control signal is an act of formal or informal social control that gives out a message about the presence or absence of effective security mechanisms. Control signals can be positive or negative in their effects. For example, persistent vandalism in one place signals a lack of attention to security; conversely, prompt attention to vandalism is reassuring that 'something is being done'.[41]

Anti-social behaviour affects the most deprived communities

Anti-social behaviour also affects the most deprived people in society. In some areas, public perceptions of a high level of anti-social behaviour are as high as 50%. Furthermore, as a report by Ispos MORI has pointed out, the fact that the *Place Survey* measures anti-social behaviour on a local authority basis means that perceptions will be filtered down. If analysis was undertaken at ward or postcode level, perceptions of anti-social behaviour in many of these smaller areas would be much higher.[42]

40 Innes, M. (2004), *Signal crimes and signal disorders: notes on deviance as communicative action*, British Journal of Sociology, 55/3, pp. 335-55.

41 National Neighbourhood Policing Programme, *In Control: From reassurance to neighbourhood policing*

42 *Anti-social behaviour: People, place & perceptions*, Ipsos MORI, 2007

Figure 2: Public perception of anti-social behaviour charted against deprivation scores

Impact of deprivation on ASB perception

Government Policy

Anti-social behaviour has been central to the Government's law and order agenda. This has been reflected in the huge amount of political attention the issue has received and in the wide range of policy initiatives introduced throughout the last twelve years. The Government's attempts to fulfil their manifesto commitment to tackling anti-social behaviour can be roughly divided into three parts. First, the Government set up new local partnerships charged with addressing crime and disorder. Secondly, local agencies were supplemented with a whole range of new enforcement powers designed to tackle the persistent 'hardcore' of perpetrators. Thirdly, a new model of policing was introduced, with a strong emphasis on community confidence and public reassurance.

The local governance of anti-social behaviour

Effective partnership working is crucial in the fight against anti-social behaviour. Depending on the nature of the incident(s), a whole range of agencies may be involved – from housing associations, environmental health and youth offending teams to children's services, adult social services, Primary Care Trusts and the police.

As Policy Exchange has contended in previous reports[43], the idea of local partnerships, able to mobilise local agencies around a diagnosis of local crime problems, holds significant promise. Crime and Disorder Reduction Partnerships (CDRPs) were introduced by the Crime and Disorder Act 1998 to do just this. CDRPs bring together local agencies under a statutory duty to cooperate in crime and disorder reduction in their local authority area. Statutory partners include the Police, Police Authority, Local Authority, NHS Primary Care Trust and, since 2006, Fire Service, Probation Service and Housing Associations. CDRPs are expected to cooperate with other relevant organisations from public and private sectors, such as Drug Action Teams, producing three-year strategies.

Since 2003, the Home Office has made £25,000 available for every CDRP to employ a dedicated ASB coordinator to ensure:

- that anti-social behaviour is properly reflected in the Crime and Disorder Reduction Partnership audit;
- that the Partnership has an anti-social behaviour strategy, as part of the triennial strategy;
- that the anti-social behaviour strategy is effectively delivered; and
- that a named person can act as a point of contact for the Government Office/National Assembly of Wales and the relevant officials at the Home Office.[44]

New enforcement powers

The Government also sought to give local agencies new enforcement tools for tackling anti-social behaviour, arguing during the passage of the Crime and Disorder Act that "*We do not have adequate ability to prove that a wide range of individual anti-social actions would lead to a criminal conviction and a punishment. We cannot protect the public against serious anti-social behaviour. The orders are designed to do that. That is a specific and precise point, but that is the specific and precise purpose of the orders. We want to protect the public, who currently are not protected.*"[45]

43 Chambers M, Ullmann B, Waller I, Lockhart G, *Less Crime, Lower Costs*, Policy Exchange May 2009

44 Information taken from the Government's *Respect* website

45 Alun Michael during Commitee Stage of C&D Bill – 2nd sitting, 30th April 1998

Measures introduced by the flagship Crime and Disorder Act included a new Anti-Social Behaviour Order (an evolution of the 'Community Safety Order', initially proposed in a 1996 Labour Green Paper[46]), Child Curfew Schemes, Child Safety Orders, Parenting Orders and Reparation Orders.

The 2001 Criminal Justice and Police Act introduced Fixed Penalty Notices, measures to restrict drinking in certain public places, close disorderly licensed or unlicensed premises, provisions to make it a criminal offence to intimidate or harm witnesses in civil proceedings, and made kerb crawling an arrestable offence.

The Anti-Social Behaviour Act 2003 clarified, streamlined and reinforced the powers available to practitioners. Measures included:

- crack house closure powers;
- ensuring that landlords take reponsibility for tackling anti-social behaviour;
- making Parenting Orders more widely available; and
- powers to order the dispersal of groups of youths.

Neighbourhood Policing

Public confidence in the police service is at a low. While official figures show a decrease in crime levels, the public perceive an increase in crime.[47] Dating back to the introduction of PCSOs in 2002, the National Reassurance Policing Programme (NRPP) has been the centrepiece of Government efforts to tackle the reassurance gap.[48] Delivered at a cost of £324 million in 2008/09, 'reassurance' or 'neighbourhood policing' involves "*planned police engagement with the public through higher levels of visibility and accessibility*".[49]

Neighbourhood policing attempts to increase contact between the police and the public in defined geographical areas. Through working closely with local residents to define priorities, it attempts to increase public confidence in the police, and reduce the crime and anti-social behaviour prioritised by the public. The three main mechanisms of delivering neighbourhood policing, and the benefits it brings, are: increasing police visibility; placing an emphasis on community engagement; and involving the local community in problem-solving in the community.

46 A Quiet Life, Labour Party Green Paper, 1996

47 Public Consultation on the Policing Green Paper for the Association of Police Authorities, Ipsos

48 Give and Take: The Bifurcation of Police Reform in Britain, Savage, S. P. The Australian and New Zealand Journal of Criminology Vol. 40 No. 3 pp. 313-334

49 Reassurance Policing: An Evaluation of the Local Management of Community Safety, Home Office, November 2004, p27

2
Top-Down Control is Failing

Political pressure from central government has obliged local agencies to prioritise enforcement measures as a method of tackling anti-social behaviour. This has distorted local priorities and caused a lack of focus on victims and whether problems have actually been solved. There is a clear need for enhanced and speedier redress mechanisms for victims and new mechanisms for members of the public to hold local agencies to account. In addition, cross-cutting priorities for different agencies have meant that anti-social behaviour has not become the 'core business' of any local body. The need for an integrated approach, combining the resources and personnel of partnering agencies, is clear. Above all, if local areas are to get a grip on anti-social behaviour, it is essential that stronger and more dynamic local leadership is established.

Enforcement v problem-solving

As part of this report, Policy Exchange conducted a number of confidential semi-structured interviews with ASB Coordinators based within local councils or CDRPs. It became immediately apparent that local priorities had been distorted and the realities of day-to-day working in tackling anti-social behaviour had been hampered by interference from central government.

The classic example is the ASBO, perhaps the most infamous of the new enforcement measures introduced. Its centrality to the Government's anti-social behaviour

Figure 3: Standalone ASBOs and 'Criminal ASBOS' issued since 1997[50]
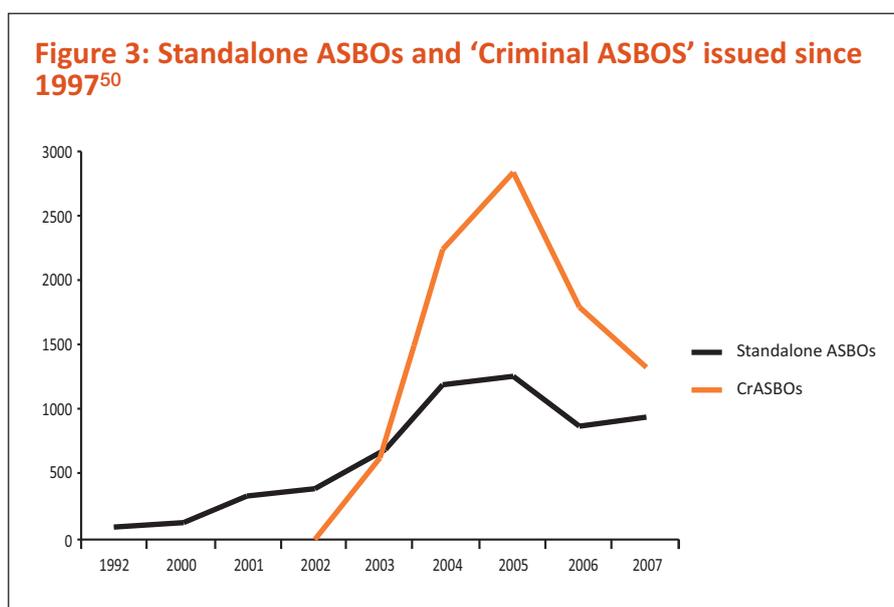
50 Home Office statistics

agenda was reflected in its positioning in the Crime and Disorder Act, with the measure forming the very first section. The ASBO, a civil order with wide scope, was designed to prohibit the perpetrator from continuing to do specified anti-social acts or entering defined locations, in order to protect the public in those areas.

The Government predicted an enthusiastic response from local authorities and police forces – the Home Office expected that around 5,000 ASBOs would be handed down each year.[51] However, by the end of 2001 – two and half years after the Crime and Disorder Act came into force – just 518 orders had been granted. In fact, it took five years before this goal of 5,000 was achieved.

The latest figures show that less than 15,000 ASBOs have been issued to date. Additionally, the orders are increasingly being granted upon conviction of a criminal offence (a so-called Criminal ASBO, or 'CRASBO'), rather than as a standalone, preventative measure.

Political pressure to use new enforcement powers grows

The ASBO has been aggressively promoted by Ministers, who have criticised local agencies for not using the powers the Government has introduced. As early as October 1999, former Home Secretary Jack Straw wrote to all local agencies, requesting that they make greater use of the new powers. In a speech to the Local Government Association conference, he bemoaned the low take-up by local authorities of the new order. Mr Straw told the conference he wanted councils and police to make more use of the powers, and interpret 'anti-social behaviour' more widely. ASBOs, he said, *"should be used swiftly where circumstances demand it, not just against the very hard cases of unacceptable behaviour."*[52]

However, local agencies remained inactive. As frustration at the low take-up of ASBOs grew, Tony Blair used a major 2003 speech on anti-social behaviour to again urge local authorities to use their new powers:

> *"I want to make one very simple point in this speech. To the police, housing officers, local authorities - we've listened, we've given you the powers, and it's time to use them. You've got new powers to deal with nuisance neighbours - use them. You've got new powers to deal with abandoned cars - use them. You've got new powers to give fixed penalty fines for anti-social behaviour - without going through a long court process, use them….*

> *"It's not acceptable for these powers to be used in some parts of the country and not others. Loutish behaviour is loutish behaviour wherever it is. And it should be dealt with in the same way wherever it happens. So - not occasionally, not as a last resort, but now, with real energy, in all parts of the country."*[53]

Blair was referring to the wide variation across the country in the use of the new measures introduced to tackle anti-social behaviour, with some areas appearing to find the ASBO and other related enforcement powers of little practical use.

On the same day as Blair's speech, former Home Secretary David Blunkett stated his belief that local police officers and council workers who refused to use the new powers should be sacked:

> *"I have got a message for those who think they are big enough to take on not me but the communities they serve and if they don't do the job … then chief officers should simply get rid of them."*[54]

51 Commons Hansard 27th Jan 1998, Column 138

52 *Straw urges crackdown on louts*, BBC News, 28th June 2000

53 Speech by Tony Blair on anti-social behaviour, 14th October 2003, http://www.number10.gov.uk /Page4644

54 *Tackle lawless streets or face sack, councils and police told*, The Guardian, 15th October 2003

The temporary demise of the ASBO

Despite all of this pressure from Whitehall, use of the enforcement powers has remained well below the Government's expectations. In fact, since 2005/06, there has been a steady decline in the use of the ASBO. The number of ASBOs issued fell by more than a third between 2005 and 2006, while breach rates for teenagers given ASBOs have reached 61%,[55] with some individual orders being breached more than five times. In September 2009, it was revealed that while there were 2,299 ASBOs issued in 2007, the number of ASBOs breached stood at 1,619 for the same period.[56]

By mid-2008, it was becoming clear that the ASBO was being quietly dropped and would no longer be aggressively promoted and publicised by Ministers. The Government's 'Respect Tsar' Louise Casey was moved from the Home Office to the Cabinet Office, while the Department for Children, Schools and Families was given joint responsibility for youth justice. Marking a break from his predecessor's rhetorical emphasis on tough enforcement measures, Gordon Brown's allies let it be known that 'ASBO mania' was to be a thing of the past.[57] The then Home Secretary Jacqui Smith proposed that any ASBOs issued to youths in future should automatically trigger a consideration of a parenting order, but stressed that ASBOs should be used "*as a last resort*". Meanwhile the Children's Secretary Ed Balls said that he wanted "*to live in a society that puts ASBOs behind us.*"[58]

> " In September 2009, it was revealed that while there were 2,299 ASBOs issued in 2007, the number of ASBOs breached stood at 1,619 for the same period "

The ASBO's revival

In the aftermath of the Fiona Pilkington case, Home Secretary Alan Johnson has sought to revive the ASBO. Following the coroner's inquiry, he stated that he wanted to ensure that all breaches of an ASBO were prosecuted. But the people who terrorised Fiona Pilkington and her family were not subject to ASBOs – and only a tiny proportion of young offenders are. Contradicting what his predecessor had stated just a year earlier, he told local authorities that they must "*subject perpetrators to the full range of enforcement powers we have introduced, not as a last resort, but as a preventative measure.*"[59]

'What gets measured gets done'

This political pressure has been reinforced as the Government has directed local areas to measure the number of enforcement powers used, to the detriment of arguably more important factors. Originally, there was no measure of anti-social behaviour included within any performance management regime. Then, in 2002, the Home Office decided to use a British Crime Survey measure of feelings of public safety to assess local progress in tackling the problem. However, as has been described above, this may be a somewhat unreliable measure, given that if action is taken to reduce anti-social behaviour locally, this may (with increased media reports) actually increase public perception of anti-social behaviour as being a problem. In addition, just 8% of Local Area Agreements include an indicator to measure public confidence in local agencies involved in tackling anti-social behaviour.

55 *The return of the asbo*, The Guardian, 29th September 2009

56 Written Parliamentary Question, Commons Hansard, 1 September 2009

57 *Labour's ASBO policy set for scrapheap as six in ten are breached*, Daily Mail, 8th May 2008

58 Ibid.

59 Speech to Labour Party Conference, 30th September 2009

It is no surprise then that the main way that local agencies and partnerships are judged is on the number of times different enforcement measures have been used because this is one of the few reliable statistics collected. However, according to the people actually responsible for dealing with complaints of anti-social behaviour on a day-to-day basis, the number of enforcement powers exercised does not, on its own, mean anything. Drawing up a relatively cheap Acceptable Behaviour Contract may demonstrate activity but it does not demonstrate anything about the outcome of a particular case. There is little or no incentive for the responsible agency to use their initiative to try and solve the problem in another way.

Indeed, one ASB Coordinator working in the Midlands went further, saying, "*The number of ASBOs you've managed to issue doesn't tell you how good you are – it tells you how not good you are*". Many ASB Coordinators indicated that they regarded it as a failure to use enforcement powers (particularly the more serious ones) because it signifies that they been unable to resolve problems earlier on – perhaps through mediation, supportive measures or referrals to other services.

Lack of focus on victims

This political pressure, and the fact that 'what gets measured gets done', has caused a discernible lack of focus on the needs of victims. There is, for instance, no measure of victim satisfaction with the action taken by local agencies and no indication of the success rate of cases. Last year, eleven years after the Government first waged war on anti-social behaviour, the Government did consider creating a new national indicator which would measure victims' satisfaction with the way the police and council dealt with anti-social behaviour. Consideration was also given to another new indicator which would measure how satisfied victims from marginalised groups were with the way the authorities dealt with anti-social behaviour. However, both plans were dropped:

> "*The Government has decided to drop two of the deferred indicators from the set: NI 24 (Satisfaction with the way the police and local council dealt with anti-social behaviour) and NI 25 (Satisfaction of different groups with the way the police and local council dealt with antisocial behaviour). The importance of these issues is already well covered by other indicators within the set: including the Perceptions of ASB indicator (NI17) and indicators covering how well local agencies understand and deal with local concerns (NI 21 and 27).*"[60]

However, the argument that other indicators already cover this issue is highly questionable. As the guidance clearly states, NI17 is concerned with wider public perception of ASB – with no victim emphasis whatsoever. Likewise, NI21 guidance states that this indicator "*measure(s) confidence in local agencies to tackle the community safety issues that matter to local people (i.e. a measure of Neighbourhood Policing in the widest sense). It is an indicator of people's view about those issues which are important to their quality of life.*"[61]

Similarly, NI27 "*measures confidence in local agencies to seek views on anti-social behaviour and crime in your area. Its focus is on quality of life issues, specifically with an element of community engagement through asking about 'seeking people's views'. Understanding and agreeing what priorities are critical to this 'listening and responding' to deliver 'two way' engagement.*"[62] Once again, this has nothing to do with whether problems are solved to the satisfaction of victims of anti-social behaviour.

60 National Indicators for Local Authorities and Local Authority Partnerships: Consultation on the deferred indicators, Department for Communities and Local Government, September 2008

61 National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions, Annex C1 – Safer and Stronger Communities

62 National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions, Annex C1 – Safer and Stronger Communities

Following the case of Fiona Pilkington, the Government came forward with new measures for victims of anti-social behaviour. The announcement of 85 'Victims and Witnesses Champions' in areas identified as most in need of support is generally a positive one. However, it is an inadequate response to the problems identified and pales into insignificance when the scale of anti-social behaviour is taken into account. Interviews with ASB-coordinators have underlined that, although many local officers do their best to carry out home visits and ensure personal contact, very often they are office-bound and manning the phones rather than out in the community.

Under new proposals published in the Government's policing White Paper, money would become available to repeat victims for private prosecutions of perpetrators of anti-social behaviour if police and councils fail to respond within target times.

The victims would hand over evidence of the authorities' failures to an appointed lawyer or one of the Government's new regional victims' champions, who would authorise a pay-out. This defeatist proposal does not address the central issue of poor partnership working and a lack of focus on victims.

To rectify this, the Government must stop focusing on outputs and start thinking about outcomes: in other words, stop pressurising local agencies to use the enforcement powers and instead, allow them to solve people's problems.

Measurement in policing

The issue of to what extent anti-social behaviour is prioritised by the police has come to the fore once more following the coroner's inquiry into the Fiona Pilkington case, during which Superintendent Steve Harrod, head of criminal justice at Leicestershire Police, told the court, "*I'm not sure if people know, but low-level antisocial behaviour is mainly the responsibility of the council*".[63] In response, Home Secretary Alan Johnson stated that, "*a police officer saying at the inquest that anti-social behaviour is no longer a police matter, it's for local authorities, it's ludicrous and ridiculous. It's just totally unexplainable how a police officer could feel like that but it suggests there's a mindset there.*"[64]

One of the main reasons for the evolution of this mindset is that policing has become so centrally directed over the last decade. This centralisation, coupled with the difficulties described previously in actually measuring anti-social behaviour, has caused a real lack of focus on tackling it.

In a 2005 study of police performance measures for the Economic and Social Research Council (ESRC), Dr Paul Collier examined management processes in a large metropolitan force, one of the smallest forces in the country, and two medium-sized local police forces.

The study found that "*in only one of the four forces studied was anti-social behaviour evident as a factor in local decision-making about use of resources. Processes are unduly dominated by 'top-down' performance measures because anti-social behaviour is difficult to measure and improvement targets have not been specified.*"

The study argued that police forces and the Government need to balance how performance is assessed by bringing anti-social behaviour into the equation both nationally and in local decisions on how and where to focus attention. It also found that in order to tackle crime and improve the number of sanction detections,

63 *Police in tragedy of mother and daughter killed in car blame 'frustrating' judicial system*, Daily Mail, 27th September 2009

64 *Police have 'ludicrous and ridiculous' mindset over anti-social behaviour,* Telegraph, 13th October 2009

resources have been moved away from more visible elements of policing, such as dealing with anti-social behaviour:

> "There has been a reduction in the overall number of performance indicators and the focus has shifted towards output and outcome measures (notably surveys of public satisfaction) rather than process measures. An important issue here is the lack of attention to anti-social behaviour due to the difficulty of measuring performance. Despite overall crime rates reducing, the fear of crime continues to increase…evidence suggests that the reason for the public's fear of crime is more to do with anti-social behaviour than with crime itself."[65]

Box 1

A police officer responsible for a problem estate spent six months addressing the root causes of crime and anti-social behaviour. The officer identified problem families, gangs, juveniles and individuals, and, working with the local authority and other partners to understand the community, took appropriate and proportionate action to solve problems. The result was a 90% reduction in crime and disorder on the estate. After six months of this intense, community-focused, problem-solving policing, the officer was rewarded with criticism for not meeting personal arrest targets.[66]

Recognising that the centralisation of policing and the top-down performance management regime was actually damaging public confidence and hampering responsive policing, the Government has now ostensibly abandoned all but one target – improving public confidence. However, in many forces, practices remain unchanged. As the former President of the Police Superintendent's Association stated in September, the move towards a single target on confidence,

> "has unfortunately generated confusion throughout the Service, particularly on the frontline. The quality and confidence issues associated with the Policing Pledge do not sit comfortably alongside the sanctioned detection culture.

> "The Police Service needs and deserves clarity. Have we really moved to a single measure of Police Performance i.e. the level of public confidence, or are we still to be held to account by the many targets set for the Police Service in the Policing Pledge and by the many oversight agencies? We cannot have both!"[67]

Forces still have to meet a wide range of targets and goals from organisations as diverse as the Treasury, the Home Office, ACPO, NPIA, HMIC, the Audit Commission and the Prime Minister's Delivery Unit. These organisational targets and goals are then turned into targets and goals for individuals. Due to the difficulties in measuring anti-social behaviour, the issue has for too long been ignored or sidelined – with various bodies, including the police, incentivised to 'pass the buck' on anti-social behaviour.

In a similar vein, the Home Office's Reducing Bureaucracy Advoate, Jan Berry, has recently stated that the much-criticised performance management regime, which was replaced with a single confidence measure earlier this year, is still present in policing, creating a "*performance culture which values numbers more than people*".

Berry's report criticised the Home Office for failing to act on an 18-month old report into targets and bureaucracy by Sir Ronnie Flanagan, the then-HM Inspector of Constabulary. Of his 59 recommendations, just four have been fully implemented.

Box 2: The 'four force pilots'

One of the consequences of Sir Ronnie Flanagan's review of policing was a pilot programme in four force areas, where officers have been encouraged to use their professional judgment to differentiate between serious and local crime, without having to concern themselves with performance indicators or arrest quotas. The focus is on responding to public need, and the pilot encouraged the use of appropriate alternative community resolutions. For example, following vandalism at a church, the youths responsible were required to write and personally deliver letters of apology to the vicar and assist with 'odd jobs' at the church. There are a number of other examples where minor damage to property has been repaired by the culprits. This approach has led to a rise in public confidence in each of the areas.

Recommendation: Police officers should be freed from the burden of central targets and performance indicators, which are hampering efforts to tackle anti-social behaviour. The Government has to recognise that the role of a police officer is about much more than simply enforcing the law. Policing is, or should be, about mediating, protecting, setting community standards and restoring order. Much greater independence from the Home Office will allow officers to focus on these 'unseen' activities, ensuring that community concerns such as anti-social behaviour are prioritised. The trade-off, as described below, should be much greater local accountability.

Responsive services

It is clear then that moving towards one single confidence target has not clarified the role of performance management, with many forces retaining old habits. The issues of confused responsibility and conflicting priorities were consistently raised by the ASB coordinators interviewed for this report and are not limited to policing practices. Anti-social behaviour is not a clear priority or 'core business' for any agency, resulting in a lack of joint work, divergent practice across different areas and even ideological differences between partner agencies.

Difficulties experienced in engaging with other agencies, whether the police, social services, youth offending teams or the council, were widespread. Problems of data sharing, collection of incident data and even persuading representatives to turn up to meetings, were common and, although many coordinators agreed that things were better than they were when ASB teams were first set up, it was clear that there were significant problems of partnership working at present. As the Home Secretary recently put it: "*Too many people who try to bring antisocial behaviour to the attention of the authorities find themselves trapped in a never-ending circle of phone calls — they phone the police, who tell them to phone the housing people, who tell them to phone social services, who tell them they need to talk to the police.*"[68]

68 Alan Johnson speech on crime and communities, 2nd July 2009

The Home Secretary has suggested that the solution to this problem is that people should be able to expect "*guaranteed consistent standards*"[69] from the responsible authorities in addressing anti-social behaviour. But, as the example of the Policing Pledge demonstrates, top-down solutions such as this are unlikely to be sufficient.

The 'Policing Pledge' was launched on the 1 January 2009 after consultation into how to increase public confidence in the police service. The pledge is a range of 10 commitments that the police promise to deliver to the public.

A recent HMIC report found that the majority of forces were not responding to public dissatisfaction or communicating enough with the community.[70] Due to the shortcomings on certain pledges, HMIC deemed 76 per cent of police forces to be operating at a 'fair' level, in regard to the pledge. HMIC found that strong leadership was highly correlated with strong delivery of the pledges – no police force that received a 'good' rating for leadership gained a 'poor' rating for any of their responses to the pledges.

> **A shift towards more responsive forces, 'co-producing' solutions with local communities, could re-engage the police with the public and close the reassurance gap at a fraction of the cost and with no decrease in detection rates**

The problem with the introduction of the Policing Pledge is that it has not been matched with enhanced local accountability. This is why it, and the introduction of neighbourhood policing, have not been found to have had any impact on levels of public confidence and satisfaction. The success of the Chicago Alternative Policing Strategy (CAPS) on which the neighbourhood policing model was based, lay in its capacity to 'co-produce' solutions to local crime problems – with officers directly accountable and answerable to the public through regular beat meetings. As Policy Exchange argued in a recent report, current mechanisms in England and Wales, through Crime and Disorder Committees, are convoluted and are rarely tailored to local need.[71] The nature of policing has changed in a fundamental way to distance the service from community priorities.[72] The police have improved efforts to inform the public, but they have become unresponsive to locally articulated priorities. Home Office research identifies substantial discrepancies between police priorities and those of local residents among forces implementing NRPP, suggesting that "*the activity of neighbourhood officers was shaped by other influences*".[73] Fewer than half (44%) of the BCUs engaged in the pilot scheme had even attempted to analyse long-term neighbourhood priorities.[74]

Research into reassurance policing conducted at the LSE found that unresponsive policing provision will not increase public confidence. Public confidence is shaped by everyday civility and cohesion and it is responsiveness to these kinds of community priority (outside of traditional police priorities) that has the biggest impact on public confidence. Perceptions of social breakdown – typified by antisocial behaviour – were found to have an effect on confidence in policing "*at least as large, if not larger, than the direct statistical effect of worry about crime.*"[75]

The mixed-success of the Neighbourhood Reassurance Police Programme demonstrates the need to impress upon forces the value of community engagement. While local pilots saw the establishment of productive dialogue between

69 Speech to Labour Party Conference, September 2009 http://www.labour.org.uk/alan-johnson-speech-conference

70 *Policing pledge – responsive policing: National Strategic Overview*, Her Majesty's Inspectorate of Constabulary for England, Wales and Northern Ireland, 10th October 2009

71 Chambers M, contributions from Barnes I, edited by Natalie Evans, *Partners in Crime*, Policy Exchange, November 2009

72 Counterblast: The Flanagan Report and the Future of Policing, Sharp, D The Howard Journal Vol 47 No.4 September 2008

73 Quinton, P. and Morris, Op Cit

74 Ibid

75 Crime, Policing and Social Order: On the Expressive Nature of Public Confidence in Policing, Jonathan Jackson, Methodology Institute and Mannheim Centre for Criminology, LSE

the police and communities, the national rollout of Neighbourhood Policing has failed to achieve sufficient 'buy-in' from police and partner agencies. The current reassurance programme emphasises visible policing, seeking to increase public confidence through improved service strength, without providing for the kind of engagement seen in the successful partner sites. A massive increase in officer numbers has improved neither public confidence, nor sanctioned detection rates. A shift towards more responsive forces, 'co-producing' solutions with local communities, could re-engage the police with the public and close the reassurance gap at a fraction of the cost and with no decrease in detection rates.

At the heart of effective local policing must be a focus on working in partnership with both the public and local government. Cooperation between the police, Local Authorities, the parole service, and other local agencies will be central to coordinating priorities and assuring the most efficient use of shared resources. Crime and Disorder Reduction Partnerships offer a promising framework for partnership working, and in some instances have successfully worked to combat anti-social behaviour. But the current structure of partnership working has been hindered by partners working to conflicting, often centrally imposed targets, a problem compounded by a lack of strong and accountable leadership.

Directly-elected police commissioners

Filling the local accountability gap left by weak and invisible Police Authorities, directly elected police commissioners would revitalise the relationship between the police and the public. Greater local accountability would drive a radical change in policing culture, orienting chief officers to local needs rather than Home Office priorities, fostering innovation and responsiveness in the police service, and freeing partner agencies of conflicting agendas. Increased responsiveness would improve public confidence without the costs associated with greater visibility, while commissioners' democratic mandate would allow for strong leadership of partnership working and greater legitimacy of local oversight.

Commissioners would chair Crime and Disorder Reduction Partnerships (CDRPs) and work with Local Authority Crime and Disorder Committees (CDCs). They would form Police Commissions, replacing Police Authorities and providing effective oversight of Chief Constables. Direct election would add a direct mandate to positions that would otherwise be filled by appointment. This would give commissioners the power to provide CDRPs with strong leadership and strategic direction, while allowing CDCs to unlock their potential as mechanisms for public oversight and scrutiny.

Recommendation: Introduce directly elected police commissioners. The abandonment of central government targets for policing must be met with an increase in local accountability. Communities should be able to articulate local priorities in the knowledge that their concerns will be taken seriously. Directly elected commissioners would hold local policing to account and provide strategic direction for partnership working. Commissioners would take the lead in fostering dialogue with local communities, actively facilitating collaborative solutions to local problems.

3

An Evidence-Based Approach to Anti-Social Behaviour

Much of Government policy has been focused on the small 'hardcore' of perpetrators. ASBOs, Parenting Orders and Family Intervention Projects, for example, are intended for the most chronic of offenders and their families. Worryingly, for some of these interventions, there is little evidence that they actually work in reducing anti-social behaviour. There are other problems too: the existence of competing tools of referral and assessment means that there may not be a consistent approach to targeting the most chronic offenders. But such targeting also misses the potential for impact on the much wider group of people (particularly young people) who are responsible for much of the anti-social behaviour which can cause fear and misery. A new, evidence-based approach would have two planks: first, anti-social behaviour must be policed much more rigorously; and secondly, the right interventions must get to the right people based on the evidence about 'criminal careers'.

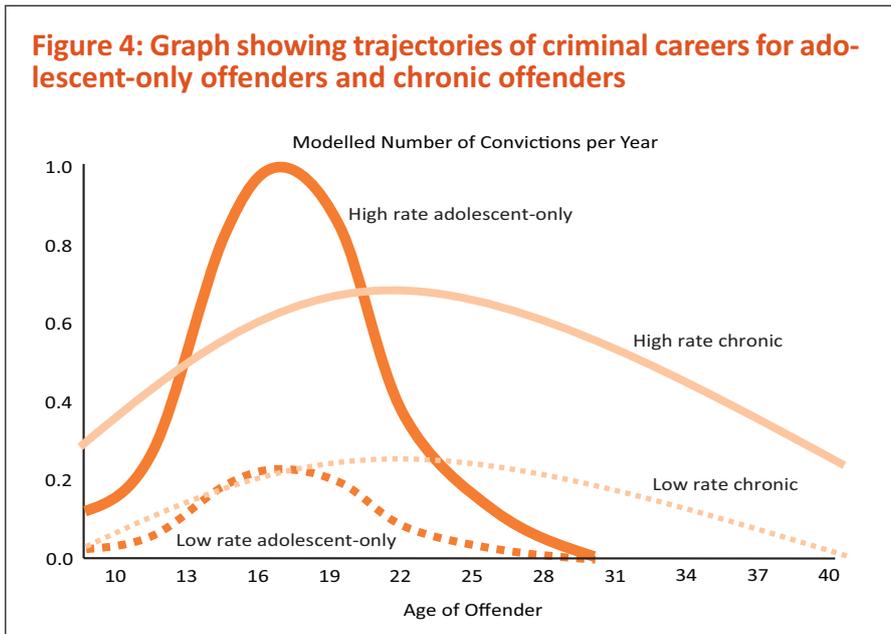## Who is committing anti-social behaviour?

There is a considerable body of research on 'criminal careers' which should have important consequences for the way anti-social behaviour is tackled. The evidence shows that there are many people who behave anti-socially. For most, such behaviour is temporary and situational. However, for a small minority, anti-social behaviour is persistent and stable. As Professor Terrie Moffitt points out, "*temporary, situational antisocial behaviour is quite common in the population, especially among adolescents. Persistent, stable antisocial behaviour is found among a relatively small number of males whose behaviour problems are also quite extreme.*"[76] Moffitt's contention is that the people engaging in these two different kinds of anti-social behaviour are "*two qualitatively distinct types of persons*".

The most striking difference between the types of offenders distinguished by Moffitt – 'life-course-persistent' offenders (LCPs) and 'adolescent-limited offenders' (ALs) – is their continuity and discontinuity of antisocial behaviour across age and situation. Life-course-persistent offenders begin their antisocial behaviour at a young age and continue to offend over their lives. Adolescence-limited offenders are involved in criminal behaviour only through their adolescent years, following which they desist from offending very quickly. This broad distinction is recognised by a number of other respected criminologists and social scientists, including David Farrington at the University of Cambridge.[77] Farrington's 'ICAP theory'[78] (Integrated Cognitive Anti-social Potential) contends that individuals may have 'anti-social potential' but that the potential may be short-term or long-term. As can be seen by the graph below, chronic offenders (or LCPs) offend early and throughout their lives. Adolescent-only (or ALs) offenders peak at around the age of 16 and then stop offending quickly. Both are responsible for roughly 50% of crime.

76 Moffitt, T.E. (1993) *Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy,* Psychological Review 1993, Vol. 100, No. 4, 674-701

77 Farrington, D.P. (2006) *Building developmental and life-course theories of offending.* In F.T. Cullen, J.P. Wright & K.R. Blevins (Eds.) Taking Stock. (Advances in Criminological Theory, Vol. 15). New Brunswick, NJ: Transaction.

78 David Farrington lecture, 2006 http://www.number10.gov.uk/Page10035

Figure 4: Graph showing trajectories of criminal careers for adolescent-only offenders and chronic offenders

Modelled Number of Convictions per Year

The two different types of offenders have very different developmental trajectories and causal factors. According to Moffitt, life-course-persistent offenders begin manifesting antisocial behaviour in infancy or childhood and their causation lies somewhere in a physiological and/or environmental deviance. Adolescence-limited offenders begin their deviant behaviour in adolescence due to a perceived disconnect between their biological and social maturity stages. Similarly, Farrington posits that long-term anti-social potential depends on impulsiveness and defective socialisation processes, and on life events, while short-term variations in anti-social potential depend on motivating and situational factors.[79]

Life-course-persistent offenders (LCPs)

The stability of anti-social behaviour is closely linked with its extremity. Studies consistently show that the most persistent 5 or 6% of offenders are responsible for about 50% of known crimes[80] – these are the LCPs. The rate of their offending is slightly lower, but its earlier start and continuation into adulthood and middle-age means that they are disproportionately responsible for more crime at any one time. As a recent study for the Home Office pointed out, "*a key point about the group of 'prolific offenders'…is that they had a relatively younger age of onset of offending compared to other groups.*"[81] According to Moffitt, these individuals exhibit changing manifestations of anti-social behaviour over time: "*biting and hitting at age 4, shoplifting and truanting at age 10, selling drugs and stealing cars at age 16, robbery and rape at age 22, and fraud and child abuse at age 30.*"

It is these individuals who will have a variety of so-called 'risk-factors' – those life circumstances which can predispose some to a life of anti-social behaviour and crime. These include:

- being born into a family in relative poverty and inadequate housing
- being brought up with inconsistent and uncaring parenting, including violence

79 Farrington, D., Ohlin, L., & Wilson, J. Q. (1986). *Understanding and controlling crime*. New York: Springer-Verlag.

80 Ibid.

81 Longitudinal analysis of the Offending, Crime and Justice Survey 2003–06, Research Report 19, Home Office, November 2009

● having limited social and cognitive abilities
● having behavioural problems identified in primary school
● being excluded from, or dropping out of, school
● living with a culture of violence on television and in the neighbourhood.[82]

LCPs are unlikely to weigh the consequences of their decision-making and will act impulsively. They are therefore unlikely to respond to law enforcement sanctions that are administered without appropriate support in tackling their risk factors and in building protective factors (which can mitigate the effects of risk factors).

Later research in several countries has supported Moffitt's classification. Some of the most important work has come in a series of papers by Moffitt herself and her colleagues, drawn from the Dunedin multidisciplinary health and development study. This looked at a group of over 1,000 men and women born in New Zealand between April 1972 and March 1973, who have been assessed regularly ever since.[83]

The Dunedin study reveals that boys and men who engage in life-course persistent anti-social behaviour are likely to have experienced many disadvantages. In childhood, between the ages of three and 13, the Dunedin boys with the worst conduct problems at home and school also displayed "*neurological abnormalities, low intellectual ability, reading difficulties, hyperactivity, poor scores on neuropsychological tests, and slow heart rate.*" They were often being emotionally rejected by their parents as young as the age of five, as well as by their peers and teachers. In contrast, those whose offending and antisocial behaviour did not begin until adolescence tended not to suffer from these disadvantages. Although both groups behaved badly in adolescence, those on the life-course persistent path were also likely at that stage to experience weak bonds with other family members, continued educational difficulties and poor relationships. Their criminal convictions were more serious, and more often for crimes of violence.

In Dunedin, the 10% of boys whose anti-social behaviour had started before adolescence were about three times as likely as the adolescence- limited group to be convicted of crimes after the age of 26, and they "*tended to specialise in serious offences.*" Although some from the larger adolescence-limited group were still committing offences as adults, these tended to be relatively trivial. The difference between the groups was especially marked when it came to using violence: the 47 men deemed to be on the life-course persistent pathway accounted for five times their statistical share of all violent crime.

Not only were they committing much more crime, but at 26, they were much more likely than the adolescence-limited group to be abusing alcohol, and to have suffered symptoms of schizophrenia, paranoia and depression. They were more likely to have abused their partners, and while they had fathered more children, they were less likely to be helping to rear their offspring. More than half had no high-school qualifications, and only one of them had attended college.

As Policy Exchange has argued in a previous report[84], these risk factors can be tackled with appropriate intensive, early interventions, which include:

● home visiting
● parent training
● preschool intellectual enrichment
● child skills training
● multiple-component programmes

82 Waller I, *Less Law, More Order: the Truth about Reducing Crime*, Greenwood Publishing, 2006

83 Moffitt, T.E., Caspi, A., Harrington, H., Milne, B. (2002). *Males on the life-course persistent and adolescence-limited antisocial pathways: Follow-up at age 26.* Development & Psychopathology, 14, 179-206.

84 See Chambers M, Ullmann B, Waller I, Lockhart G, *Less Crime, Lower Costs*, Policy Exchange, May 2009

Policy Exchange's *Less Crime, Lower Costs* report recommended that an extra £200 million should be made available for statutory agencies and voluntary groups to deliver tried and tested programmes which will, in the end, save taxpayers potentially billions of pounds and make a big impact on future crime rates.

So it is clear that identifying those young people who are at-risk means that the onset of anti-social behaviour is an opportunity to reduce future levels of crime. This point was underlined by a recent Home Office longitudinal survey of criminal trajectories, which found that:

> *"Looking at the transitions that young people make into and out of offending behaviour, the analysis suggests that anti-social behaviour can be a precursor to offending for some young people. In some cases, early intervention that targets young people involved in anti-social behaviour may help to reduce the likelihood of offending later on."*[85]

But the right pathways have to be available to ensure the appropriate support: early identification of these individuals requires appropriate referral and assessment mechanisms to be in place, ensuring that the right support is directed towards the right people.

However, at the moment there are serious inconsistencies in the assessment and referral mechanisms used by different agencies. The Youth Justice Board has developed two assessment tools, ASSET and ONSET, which provide both a needs assessment and a risk assessment (of likely future offending). Children's Services and schools are being encouraged by the Department for Children, Schools and Families to use the new Common Assessment Framework (CAF), a more welfare-based assessment tool. The police are also being encouraged to CAF, but prefer to use a pre-CAF form (an abbreviated version), believing that CAF is far too bureaucratic. The probation service use the Offender Assessment System (Oasys) and mental health services within the NHS use yet more assessment tools.

These assessment tools need to be rationalised to ensure a more consistent approach is taken across the board. Of particular concern is the disagreement between the Youth Justice Board and the DCSF over the suitability of CAF and which tools should be used to take the early intervention aspects of the Youth Crime Action Plan forward.

Recommendation: The Ministry of Justice, Youth Justice Board and Department for Children, Schools and Families must resolve disagreements about assessment frameworks. In particular, a decision should be taken on whether to use the Common Assessment Framework or the ASSET tool. A consistent approach is needed, especially given the importance of accurately targeting at-risk young people and directing resources in the most cost-effective way: one or the other risk assessment tool should be used as a matter of course, or a new tool combining elements of both – and carefully balancing welfare needs and future risk of offending should be drawn up.

Government policy to tackle the 'hardcore'

Government policy has overwhelmingly focused on the small 'hardcore' of offenders. This is who the ASBO was intended for and it is also the target of the most recent Government initiative, the Family Intervention Project. There are positive aspects and negative aspects of both interventions.

85 Longitudinal analysis of the Offending, Crime and Justice Survey 2003–06, Home Office Research Report 19, November 2009

However, one of the most striking features of the Government's efforts to tackle anti-social behaviour is that so little attention has been paid to whether the powers introduced are actually effective. This is even more surprising given the significant political pressure placed on local agencies to use the powers. It is likely that the questionable effectiveness of a number of the powers has contributed to the slow up-take and small-scale nature of local agencies' efforts.

It should also be borne in mind that the enforcement-focused civil orders are often costly (some ASBOs have been reported to cost as much as £48,000 to obtain) and take a lot of time (sometimes more than two years) to obtain. As the Home Secretary has admitted, "*victims of antisocial behaviour, and frontline professionals feel frustrated by delays in bringing cases to court and getting them concluded.*"[86] The Government recently proposed a solution to this – to set maximum waiting times and limits to the number of times a case could be adjourned. However, this is unlikely to solve these problems and would surely mean, depending on which body had to meet the target, either that cases would not be brought by the local authority or police (for fear of missing the target) or that the courts would have to prioritise anti-social behaviour cases to the detriment of other criminal or civil cases.

The Government's strategy was dealt a severe blow when a 2006 Youth Justice Board evaluation of the ASBO found that almost half of the orders issued were breached and that many young people saw them as a 'badge of honour'.[87] Justice Secretary Jack Straw recently described this as "*utter nonsense*", but did admit, that there was "*varied enforcement of these provisions.*"[88]

The main report used to justify the Government's anti-social behaviour strategy is a National Audit Office (NAO) study from 2006. It is repeatedly cited by Ministers in major speeches[89], in newspaper interviews[90] and in response to Parliamentary Questions.[91] The key statistics from the NAO used to "confirm" that the Government's approach to tackling antisocial behaviour is working[92] and to prove that ASB interventions are a key factor in deterring people from further ASB are:

- 65% of people desisted from ASB after intervention one;
- 85% of people desisted from ASB after intervention two; and
- 93% of people desisted from ASB after intervention three.[93]

On the face of it, these are impressive results. Home Secretary Alan Johnson has called the powers "*highly effective*" as a result, stating that "*when these powers are used, they work*" Referring to the mere 7% who continue to behave anti-socially after the third intervention, the Home Secretary pointed out that for them, "*the consequences of continuing their disruptive behaviour are severe — 53% of those who breach an anti-social behaviour order end up in custody.*"[94] He failed to mention, however, that the vast majority of those are who sent to prison for breaching an ASBO are also being sentenced for committing a criminal offence at the same time.

For a variety of reasons, Policy Exchange contends that the study does not show what the Government claims and that the methodology is fundamentally flawed.

As part of its report, the NAO examined a sample of 893 case files from six local areas. The measure by which the NAO decided that people did not re-engage in anti-social behaviour was whether or not they had received another *ASB-specific intervention*. This methodology is unsound for five main reasons:

86 Alan Johnson speech on crime and communities, 2nd July 2009

87 *Anti-social behaviour orders*, Youth Justice Board, November 2006

88 *Johnson pledge to tackle disorder*, BBC News, 30th September 2009

89 Speech by Jacqui Smith MP, 8th May 2008, http://press.home-office.gov.uk/Speeches/anti-so-cial-behaviour-conference

90 Interview with Alan Johnson, 26th September 2009, http://www.guardian.co.uk/poli-tics/2009/sep/26/alan-johnson-labour-leadership-interview

91 Commons Hansard column 563W, 7th October 2008

92 Ibid.

93 *The Home Office: Tackling Anti-Social Behaviour,* National Audit Office, 7th December 2006

94 *Can ASBOs stop anti-social behaviour,* The Times, October 2nd 2009

1. Receipt of a further *ASB-specific* intervention is not evidence of further engagement in ASB – it is merely evidence of the receipt of a further ASB-specific intervention. As we have seen, a mere 11% of anti-social behaviour is reported to the police and only a tiny proportion of this actually results in an intervention. But given that even reported incidents would be a far better measure, why did the NAO not look at arrest reports or whether there were further reports from victims?

2. The NAO's methodology is based on the presumption that if one ASB intervention fails, another one will be employed. But this is very often not the case. If someone breaches a requirement in an acceptable behaviour contract by behaving anti-socially, why would another acceptable behaviour contract, with the same conditions, be drawn up? If someone with an ASBO continues to behave anti-socially, why would a council take the person to court again, in a long, drawn-out and expensive process, to obtain another ASBO? The fact is, as our interviews with ASB coordinators underlined, that there is not always a graduated response to ASB where one intervention fails and another one is subsequently tried.

3. The NAO's definition of a further ASB-specific intervention only includes the three interventions they examined (warning letters, ABCs and ASBOs). Although data was collected on other interventions, it was "*not included in the analysis in the report.*" So it is possible that, for instance, a warning letter may have been followed up with a penalty notice for disorder, an ABC with an injunction, and an ASBO with a demoted tenancy. Yet, by the NAO's standards, no further anti-social behaviour had taken place.

4. As will be demonstrated below, there are strong links between anti-social behaviour and crime. Anti-social behaviour is often a precursor to future and persistent adolescent and adult offending, so it is simply not sensible to exclude the commission of future criminal offences as part of this study. The narrow scope of the NAO's focus means that although 65% of the sample only received one ASB-specific intervention, they could all have gone to be burglars, sex offenders and murderers, yet would still, in the NAO's terms, have not re-engaged in anti-social behaviour.

> 66 If someone with an ASBO continues to behave anti-socially, why would a council take the person to court again, in a long, drawn-out and expensive process, to obtain another ASBO? 99

5. In addition to being a precursor to future offending, crime and ASB are also far from mutually exclusive – in fact, they are inextricably linked. 34% of those in the sample receiving an Acceptable Behaviour Contract had previous convictions, with an average of 17 convictions. Furthermore, 79% of those receiving a stand-alone ASBO had previous convictions, with an average of 26 convictions.[95] If these offenders are not receiving another ASB-specific intervention, there are a whole range of possible reasons why. Given that criminological evidence for desistance produced by warning letters or voluntary contracts is non-existent, and evidence of coercive sanctions (ASBOs) actually indicate an increase in offending behaviour,[96] for many, the intervention simply will not have worked. Given their previous convictions, it is highly likely that they will be further entrenched in the criminal justice system; in fact, many may be in prison.

95 Ibid

96 *Interventions to reduce anti-social behaviour and crime: A review of effectiveness and costs,* Rand Europe (prepared for the National Audit Office), December 2006

As the Government's 'Crime Tsar' Louise Casey has pointed out, "*there is no point giving someone a warning letter if, when they rip it up, you don't go and visit them. There is no point doing a home visit which they ignore. There is no point in just doing interventions if there is no end product.*"[97] Given this, it is worrying that no robust evidence about the impact of specific intervention has been produced in the eleven years since the Crime and Disorder Act.

Recommendation: The Government should commission an independent body to undertake an urgent investigation into the effectiveness of the interventions it has introduced. This should complement the belated study the Home Office plans for publication in 2010. This could, like the NAO report, also take the form of a sample of case files, but should include the following analysis:

1. The impact of the full range of ASB-specific intervention on future arrest rates and reports of further anti-social behaviour by victims and witnesses;
2. The impact of each ASB-specific intervention on future conviction rates;
3. Where there is previous offending, the impact of each ASB-specific intervention on reoffending rates.

The Home Office must also do much more to understand the nature of anti-social behaviour. Local and central collection of incident data must be improved and additional studies involving all the relevant agencies on the scale of anti-social behaviour must be undertaken if the Government is to understand whether its strategy is having any impact on the problem.

In many ways, the fact that these coercive interventions have not proven their worth is unsurprising. The ASBO is invariably used for the most persistent and difficult individuals, yet is often not combined with the kind of targeted support which the evidence indicates is needed to tackle risk factors and build up protective factors. For instance, up until 31st December 2005 (the latest period for which figures are available), Individual Support Orders (ISOs), which impose positive conditions (such as attending counselling sessions with a Youth Offending Team worker) on the young person to address the underlying causes of the behaviour that led to the ASBO, were attached to ASBOs on young people in just 5% of cases.[98] It has only been the case since February 2009 that ISOs must be issued with every ASBO (stand alone or on conviction) where a magistrates' court considers it would help to prevent further anti-social behaviour.

Family Intervention Projects (FIPs)

Family Intervention Projects (FIPs) are another intervention targeted at the small hardcore of offenders. A national network of FIPs was set up as part of the Respect Action Plan, launched in January 2006. These projects aimed to reduce anti-social behaviour perpetrated by the most anti-social and challenging families, prevent cycles of homelessness due to anti-social behaviour and achieve the five *Every Child Matters* outcomes for children and young people. FIPs use an '*assertive*' and '*persistent*' style of working to challenge and support families to address the root causes of their behaviour.

97 Government's crime tsar blames Gordon Brown for growth of yob culture, The Telegraph, 19th October 2009

98 WPQ, Commons Hansard, Column 936W, 18th March 2008

There are different ways in which the service can be delivered: outreach support to families in their own home; support in temporary (non-secure) accommodation located in the community (the dispersed option); and 24 hour support in a residential core unit where the family live with project staff.

FIPs work commonly involves challenging families' anti-social behaviour, anger management, one-to-one parenting, addressing educational problems and organising activities for parents and children (e.g. sports and arts based activities for children, family outings and activities). In addition FIPs lever in support from a number of statutory and voluntary services. Families are reported to appreciate the emotional support and practical assistance above other types of support they received through the FIP.

FIPs which offer outreach support in the family's home cost around £8,000, while those taking place in other accommodation can cost more – typically around £15,000.

Figure 5: Chart showing reductions in the types of anti-social behaviour following intervention[99]
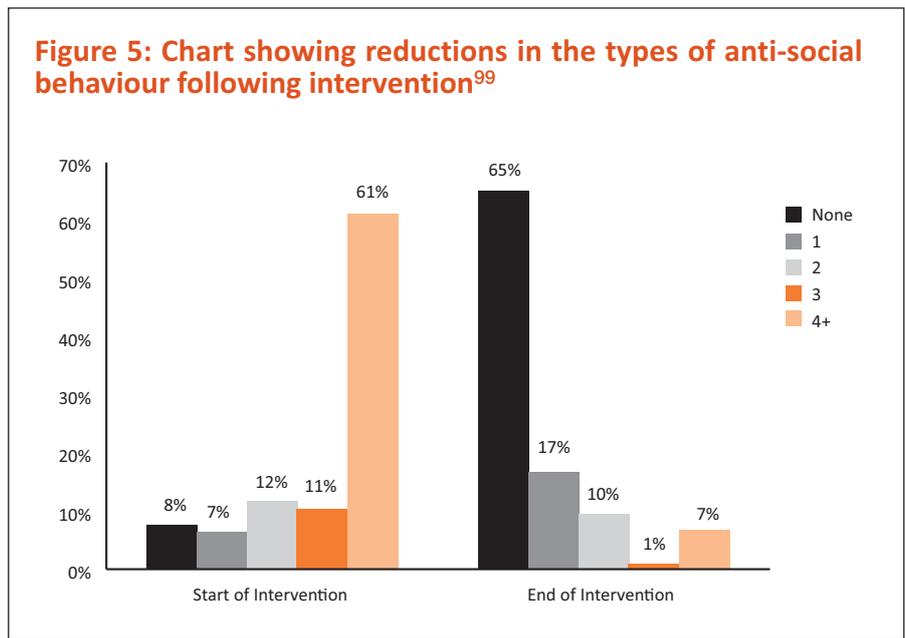
So far, around 3,600 families have been supported by a FIP.[100] Early indications show that they are successful in reducing anti-social behaviour. A review for the Department for Children Schools and Families (DCSF) by the National Centre for Social Research showed that the early outcomes reported by FIP staff for the 90 families studied as part of the research displayed improvements in all key areas of the FIPs' work:

- 61% of families were reported to have engaged in four or more types of anti-social behaviour when they started working with a FIP, this had reduced to 7% when they exited the FIP. In fact, 65% were now reported to be engaging in no anti-social behaviour.
- However, while the level of anti-social behaviour declined considerably, a substantial proportion of families (35%) were still engaged in anti-social behaviour when they completed the intervention (the corresponding figure at the start of the intervention was 92%).
- One or more anti-social behaviour enforcement action(s) were reported for 45% of families when they started working with a FIP, this figure was almost halved (23%) when they left the project.

- 60% of families were subject to one or more housing enforcement action(s) when they started working with a FIP, at the point when they exited the project this had reduced to one fifth (18%).
- The proportion of families reported to have no risk factors increased markedly from 1% at the start of working with a FIP to 20% by the end of it. Where risk factors were still present, there were considerable reductions in the number of risk factors families were reported to have.
- The number of 5-15 year old children who were reported to have educational problems (i.e. truancy, exclusion and/or bad behaviour at school) declined from 37% at the start of working with the FIP to 21% when they left.

In September, the Prime Minister announced that the scheme would be rolled-out nationwide to the 50,000 most chronic 'problem families' over the next Parliament. However, it is unclear at present how this will be paid for, given that no new money has been announced and that budgets at the DCSF, Home Office and Ministry of Justice will be under increasing pressure in the coming years.

The newspapers have reported that the expansion of FIPs to the 50,000 'most chaotic families' over five years will deliver savings of up to £3 billion a year.[101] However, this appears to be based on a wildly optimistic estimate of the benefit of intervening, and may be based on a study by Sheffield Hallam University of six very early FIPs.[102] The study pointed out that the cost to the Exchequer of a family evicted for ASB with three or four children requiring custodial care, residential care and foster care could easily be as much as £250,000 – £330,000 in a year. However, this is only true of the most problematic, chaotic and large families. In addition, these figures are likely to be fixed costs – not representative of real, cashable benefits for the State.

> "There is a suspicion that funding will be shifted away from youth offending teams' preventative work, and towards FIPs. This would be a mistake"

The fact that there has been no cost-benefit analysis of FIPs means that the Government's aim of extending the reach of FIPs to all of the most chaotic families is going to be very difficult to achieve. The approach taken so far has been to pump-prime funding (by providing funds to employ key workers in a number of local authorities) with the expectation that local authorities and their partners will lever in what more they need to deliver the most appropriate package for their area. However, even if more money is made available for the employment of key workers (and there is no indication yet that there will be), there is no guarantee that local authorities will be willing to contribute their own resources to a FIP, especially in a time of severe budgetary constraints.

Concerns have been expressed privately to Policy Exchange about where the money will come from. In particular, there is a suspicion that funding will be shifted away from youth offending teams' preventative work, and towards FIPs. This would be a mistake. If, as the Government claims, FIPs are able to deliver huge savings for very little investment, they should, in theory, be completely self-financing: local agencies which would benefit from reduced anti-social behaviour would be pooling their budgets and reaping the rewards.

101 50,000 'chaotic' families to be sent to behaviour training centres, The Telegraph, 29th September 2009; and http://www.insidehousing.co.uk/story.aspx?storycode=6506590

102 Anti-social Behaviour Intensive Family Support Projects: An evaluation of six pioneering projects for families

Recommendation: The Government should undertake a cost-benefit analysis of a sample of the FIPs introduced so far. This would demonstrate to local authorities and their agencies the value in employing key workers for the development of FIPs, but more importantly, it would highlight the potentially significant savings accrued through pooling resources. This would reduce the need for additional central spending and pump-priming of Family Intervention Projects and will help them to become self-financing and sustainable over the long term. The latest DCSF evaluation suggested that the approach may also benefit less 'chronic' and chaotic families. Cost-benefit analysis may encourage this wider roll-out over the long-term.

Recommendation: The Government should not redirect money away from youth offending teams to Family Intervention Projects. Sustainability of funding is crucial for youth offending teams, who are beginning to show some real success in prevention work through Youth Inclusion Programmes and other projects. In trying to solve one problem, and simultaneously signal a political shift away from the enforcement-driven agenda of the past, moving resources from youth offending teams to FIPs would simply create a whole set of new problems. FIPs should, if the Government's evidence is robust, be completely self-financing.

Early intervention

As Policy Exchange illustrated in *Less Crime, Lower Costs,*[103] during a recession - when crime is likely to rise and public money is tight - it is crucial that resources are directed towards the most cost-effective methods of fighting crime. When it comes to young people, the evidence about what works and what is cost-effective is very strong.

For greater impact on the young people with the most risk factors, early intervention is crucial. More than 40 years of scientific research has established a body of knowledge that criminal justice policymakers and practitioners can draw upon to develop and deliver programmes that are both effective and cost-effective. Some reap rewards of as much as $25 for every dollar invested. The potential savings are substantial, especially as research from the United States indicates that the most prolific young offenders can cost the taxpayer up to $5.6 million by the time they reach the age of 26.[104] The National Audit Office has estimated that preventing just one in ten young offenders from ending up in custody in the UK would save £100 million a year.

Less Crime, Lower Costs identified examples of ten programmes that are proven to have significant impact on future offending as well as being cost-effective. The interventions highlighted target a combination of risk factors at every stage of a child's development, from birth to age 18. They have been thoroughly evaluated, including through randomised controlled trials, and many have undergone rigorous cost-benefit analyses. While some similar programmes have been trialled and piloted in England and Wales, they are not yet part of the mainstream.

Recommendation: The Government must prioritise prevention, despite the difficult economic circumstances. New figures in the Youth Justice Board's (YJB) Corporate and Business Plan for 2009/10 show that just £33m has been allocated to prevention initiatives this year, a £3m drop on the 2008/09 figure of £36m. The 2007/08 the figure stood at £38m. Given the sub-

103 *Less Crime, Lower Costs: Implementing effective early crime reduction programmes in England and Wales,* May 2009, Max Chambers, Ben Ullmann, Professor Irvin Waller, edited by Gavin Lockhart, Policy Exchange, May 2009

104 Cohen M and Piquero A, "New Evidence on the Monetary Value of Saving a High Risk Youth", *Journal of Quantitative Criminology,* Vol 25, No 1, March 2009

stantial savings that could be reaped from early intervention on a much more ambitious scale, the Government must do all it can to make it easier for local authorities and agencies to move resources upstream and 'bank' the savings to the criminal justice system and wider society.

Recommendation: The budgets for youth custody should be devolved to local authorities to incentivise early intervention. As Policy Exchange demonstrated in *Arrested Development*, the fact that central government bears the costs for youth custody places makes it difficult for local agencies and voluntary groups to make the case at a local level for increased and sustained investment in the kind of programmes that would make a real difference.

Removing the financial disincentive could foster the kind of long-term planning, multi-agency cooperation and pooled budgets which are currently so lacking. There are councils like Nottingham and Birmingham seeking to make 'the business case' for investing money earlier in crime prevention in order to recoup savings later. Agencies within Birmingham City Council estimated that investing £16 million in early intervention programmes (targeted at families and children 'at-risk') could save the Council £80 million in cashable benefits over the next 15 years. If the Council also had to take into account the £8 million a year spent on young people from Birmingham being imprisoned, the case for this kind of 'investing to save' would be even more compelling.

Adolescent-Limited Offenders (ALs)

For many adolescents, anti-social behaviour is not caused by a multitude of acute and difficult life circumstances. In fact, most teenagers will commit a criminal offence or engage in anti-social behaviour at some point during their adolescence. The recent publication by the Home Office of the Offending, Crime and Justice Survey – a longitudinal study examining young people's criminal behaviour – underlines this: over a four year period, just 22% of young people reported that they had not committed any offences, anti-social behaviour or drug offences.[105] The graph below shows the proportion of young people committing acts of anti-social behaviour over one year.

Figure 6: Graph showing the percentage of young people committing anti-social behaviour in the previous 12 months
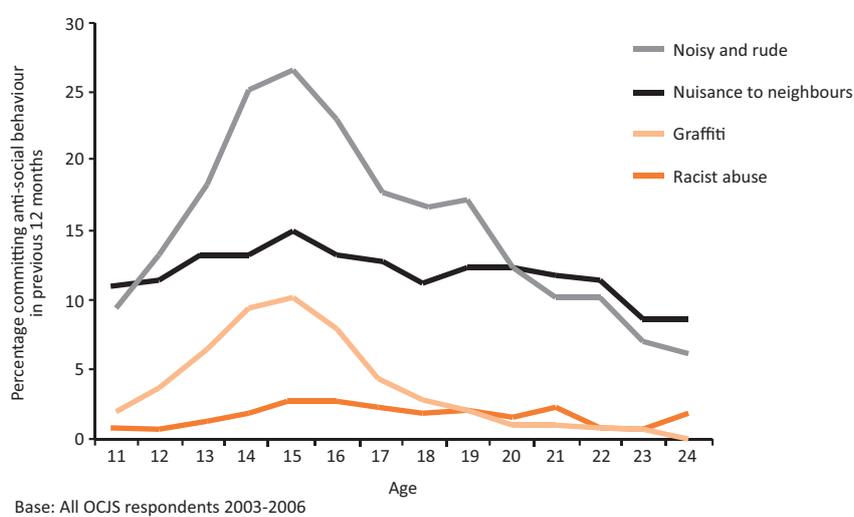
Base: All OCJS respondents 2003-2006

For the adolescent-limited offender, in contrast to the LCPs, there is little consistency in their behaviour across situations. For instance, they may shoplift but obey the rules at school. More importantly for policymakers, ALs are likely to engage in anti-social behaviour in situations where this will appear profitable to them, but they are also able to abandon behaving anti-socially where more 'pro-social' behaviour is seen as being more rewarding. In other words, they are rational, only behaving anti-socially in situations where it serves a function. Importantly, this group are more specialised in low-level, petty criminality – i.e. vandalism, nuisance behaviour and public order offences, substance misuse and theft – the very kind 'quality of life' offences that concern people.

There is evidence that biological processes have increased the duration of adolescence. In the last century, improved nutrition and health care have decreased the age of biological maturity at the rate of around three tenths of a year per decade.[106] At the same time, adolescents are entering the workforce at later and later stages and so remain financially and socially dependent on their families for longer. Moffitt argues that this leaves teenagers in a 5 – 10 year 'role vacuum', trapping contemporary adolescents in a 'maturity gap'.

The reason why this role vacuum is important is because some criminologists contend that, while the effect of peer delinquency on the onset of delinquency is among the most robust facts in criminology research, it is due to the effect of the life-course-persistent offenders. It is they who are perceived to be independent, relatively free of their families and able to obtain possessions by theft or vice which are otherwise inaccessible to teens who do not have disposable incomes. It is the LCPs who are the risk-takers, doing dangerous things that their parents could not possibly endorse. Some argue that their status becomes a coveted social asset and that 'social mimicry' means that adolescent-limited offenders regard LCPs as role models, and LCPs in turn, regard themselves as magnets for other teens.

This is consistent with the latest Home Office research which shows that having a sibling or friend who had been in trouble with the police decreased by 32 percentage points the likelihood of following a crime-free or drug-free trajectory. This supports the evidence of previous research, in which co-offending among young people was a very common feature of their criminal behaviour. It seems likely that part of the effect arises from having one or more *older* friends or siblings or simply a friend or sibling whose criminal career had progressed further.[107]

In summary, adolescent-limited offenders:

- Offend in groups
- Are more specialized in vandalism, public order, substance use, theft, runaway (i.e. the kind of public-space anti-social behaviour which causes so much fear in communities)
- Are rational - weighing costs and benefits
- Peak in their teenage years
- Are motivated by boredom and a 'maturity gap'

Consequences for policy

As our previous analysis shows, there have been attempts to tackle the small hard-core of anti-social individuals through the use of coercive sanctions like the ASBO

106 Wyshak, G., & Frisch, R. E. (1982). Evidence for a secular trend in age of menarche. *New England Journal of Medicine*, 306, 1033-1035.

107 Fagan, J., Wilkinson, D. and Davies, G. (2007) Social contagion of violence. Chapter 36 in *The Cambridge Handbook of violent behavior*, Edited by Flannery, D. A., Vazsonyi, A. and Waldman, A. Cambridge University Press.

(which are of very little use unless used in conjunction with supportive measures) and through the use of 'whole family' approaches which are multi-component and hold much more promise (despite concerns about sustainability of funding). However, policymakers have yet to seriously turn their attention to the adolescent-limited offenders, whose behaviour is much more likely to replicate the kind of anti-social, petty criminal offending which is the cause of so much public concern. The Government has, putting it another way, missed half of the problem.

Reduce opportunities for 'profitable' ASB

One of the most interesting differences between the two groups of offenders is that the adolescent-limited offenders *rationally weigh costs and benefits* in deciding whether to engage in a particular type of behaviour. Three steps are needed to tackle this: first, and most obviously, if there are more police on the streets, this will both deter this group of young people and also increase the chances of catching them committing crime and anti-social behaviour; secondly, there is a need to ensure that there are meaningful and constructive punishments; and thirdly, the potential for anti-social behaviour to occur should be reduced by providing more opportunities for alternative, positive activities.

More police on the street

If there are more police officers on the street patrolling in areas and public spaces where anti-social behaviour is likely to occur, the opportunities for behaving anti-socially are reduced. If the chances of getting caught are increased, there will be less anti-social behaviour engaged in by the adolescent-limited group. The evidence from the University of Groningen experiments outlined in Chapter 1, and the Broken Windows theory, also underline the importance of highly visible policing, relentlessly enforcing the law and ensuring that social norms are not violated.

In a recent report (and as outlined earlier), Policy Exchange recommended that Level 1 crime should be dealt with entirely at the local level, with an accountable police commissioner ensuring that local concerns are prioritised. Not only will this mean that the public are more likely to get the kind of beat-based, responsive neighbourhood policing they want, but it also frees up more police time. Beat officers and Police Community Support Officers will be focused entirely on lower-level crime and anti-social behaviour. While this may not mean necessarily an increase in the number of police officers initially, it will certainly mean an increased police presence, with less time taken up on other matters. Under this model, over time, specialised officer roles and backroom civilian staff may be rationalised, perhaps allowing either an increase in officer numbers for the front-line, or the release of funding for extra recruitment of PCSOs and Police Constables.

One of the most crucial components for the future development of neighbourhood policing is the retention of staff. The whole concept relies on the neighbourhood team becoming familiar with the local area, developing relationships with local residents, liaising with local businesses and organisations and most obviously, building up a picture of crime and anti-social behaviour patterns, local criminals, and local so-called 'problem-families'.

As discussions with senior police officers and ASB coordinators have confirmed, at present, Police Community Support Officers (PCSOs), at the front-line of neighbourhood policing efforts, often leave their roles very quickly to become sworn police officers with full powers. The high turnover of staff makes all of the aspects of neighbourhood policing much harder, regardless of how quickly new PCSOs are recruited. One option to rectify this would be to reward PCSOs and sworn officers who remain part of a neighbourhood team on the basis of the longevity of their service. For instance, if an officer was to remain with a neighbourhood team for five years, he or she could expect a substantial bonus.

The same is true for Beat Managers, who lead their teams in efforts to engage the local community, build public confidence and reduce crime and anti-social behaviour. A small number of police forces have used Special Priority Payments (SPPs), a kind of annual bonus, to incentivise Beat Managers to stay in post for longer. This practice should be encouraged. With public confidence in policing so low (a mere 47% have confidence in the police), and with a clear public preference for tackling anti-social behaviour, there is a strong argument to say that as long as SPPs exist, they should be directed to the front-line rather than into other specialised parts of the police force which are more remote from the public.

> **Recommendation: Members of Safer Neighbourhood Teams should be incentivised to remain in post for longer:** either through the establishment of minimum terms of service within a particular neighbourhood, or through financial incentives such as the Special Priority Payment.

Diversion with a purpose

As the evidence suggests, the negative consequences of being caught can reinforce the delinquency. This also has parallels with the 'labelling theory' espoused by a number of criminologists. Perhaps just as importantly, given the large numbers of teenagers behaving anti-socially, it is important that efforts are made to divert as many as possible, where appropriate, away from formal criminal justice sanctions.

At the moment, the over-use of Fixed Penalty Notices are criminalising and barring people (including large numbers of young people) from the employment market because the notice remains on the Police National Computer. The Penalty Notice for Disorder (PND), a version of a FPN which can be given to anyone over the age of 16 who is behaving anti-socially, has become, in a very short space of time, the most common way of dealing with anti-social behaviour. In the three years since the PND was introduced, the number of times it has been used has rocketed, from just 62,000 in 2004, to more than 200,000 in 2006.[108]

The Government even recently piloted the use of PNDs for 10-15 year olds in six police force areas, issuing almost 4,500 PNDs during a one year period. The evaluation of the pilot showed that tickets were being issued where previously warnings and reprimands would have been used and that PNDs had the effect of 'net-widening', meaning that 2,000 individuals were brought into the criminal justice system where previously they would not have been.[109]

One of the main problems with FPNs and PNDs is that they have become bound up with the sanction detections measurements regime, and it has led to

108 WPQ, Commons Hansard, Column 59W, 15th June 2009.

109 Piloting Penalty Notices for Disorder on 10- to 15-year-olds: results from a one year pilot, Ministry of Justice, November 2008

perverse outcomes. As described earlier, the last Government Policing Green Paper required forces to move towards one single target on confidence, but most have resisted this and clung to the old regime. This is largely due to concerns that the performance of police forces will be judged in light of previous years' performance, when the issuing of FPNs and PNDs meant that the number of sanction detections was artificially high. There is a danger that FPNs and PNDs are becoming the sole driver of prevention, rather than as one option to be considered in any given case.

In addition, there is a concern that PNDs and FPNs are being given to repeat offenders. Clearly, this means that there is a risk that the most chaotic and difficult people are not being given the support they require. This will be mitigated to some extent by extended officer tenure within Safer Neighbourhood Teams, as officers get to know local crime patterns and offenders. But it is important that this practice is stopped as soon as possible to allow interventions to get to those who need them. Furthermore, it is clear that PNDs are not fulfilling their purpose even in the most basic sense, given that only half of the fines are actually paid.[110]

Recommendation: FPNs and PNDs should be de-coupled from the performance regime and instead be available to officers as part of a suite of options that they can use operationally, at their discretion. The over-riding principle should be about prevention – diversion with a purpose. The Government should, for the sort of minor offences FPNs deal with, be measuring recidivism rather than detection.

Recommendation: The police should return to the use of 'instant cautions', whereby an officer can give an offender a telling off and a warning, record all the details and file it with a warning that should they re-offend that offence will be dealt with by the court too. Instant cautioning allows justice to be seen to be done immediately, and this adds to police legitimacy and community confidence. Instant cautioning is a fair process – quick, no-nonsense and with much less bureaucracy. In addition, instant cautions should be recorded locally and not on the Police National Computer.

Punishment

There has been increasing political discourse about the use of quick and immediate punishments which, while not seeking to criminalise unnecessarily, are intended to send a signal that anti-social behaviour is unacceptable and will not be tolerated. This is consistent with the criminological evidence about weighing costs and benefits: if young people know that – a) there is an increased risk of being caught (with more police on the street, prioritising anti-social behaviour) and b) there is a danger that there will be a meaningful sanction – they may think twice. While instant cautioning will not necessarily achieve this, there are other options:

Conditional Cautioning: this enables offenders to be given a suitable disposal without the involvement of the usual court processes. Where rehabilitative or reparative conditions (or both) are considered preferable to prosecution, Conditional Cautioning provides a statutory means of enforcing them through prosecution for the original offence in the event of non-compliance. The idea is that the imposition of

specified conditions will be an appropriate and effective means of addressing an offender's behaviour or making reparation for the effects of the offence on the victim or the community. However, up until now, conditional cautioning has only been available for those aged over 18. The Government legislated for a Youth Conditional Caution in the 2008 Criminal Justice and Immigration Act, but is so far only planning to pilot the measure in a small number of areas for 16 and 17 year olds.

The Youth Restorative Disposal (YRD): the Youth Restorative Disposal is a pilot measure running in eight police forces areas, offering a quick and proportionate response to a young person's low-level offending and allowing victims to have a voice in how the offence is resolved.

It gives specially trained police officers and PCSOs on-the-spot discretion to hold to account young people who have committed certain minor offences. It is only possible to use a YRD for a first offence and both the victim and offender must agree to participate. Using restorative justice techniques, the offender has to face up to the impact of their offence, offer an apology and examine why the offence took place. Where appropriate, a plan is made for the young person to make good the wrong that was done in the offence.

By identifying young people on the cusp of further offending it allows youth offending teams (YOTs) to get support to them to help address their behaviour. The scheme will help reduce the number of young people entering the criminal justice system for low-level crimes. The YRD could also contribute to reducing the risk of reoffending.

Where a YRD is issued, it is recorded locally and not on the Police National Computer and does not give the young person a criminal record. Police forces inform their local YOT that a YRD has been issued, which provides an earlier opportunity for YOTs to act on first signs of risk of criminal activity.

It speaks volumes that the Government felt compelled to pilot such an approach to dealing with low-level youth disorder – discretion has now been eroded to such an extent that the YRD is actually a huge change from the embedded, target-driven approaches to policing.

Recommendation: The Government should speed up the roll-out of both the Youth Conditional Caution and the Youth Restorative Disposal. Under Policy Exchange's proposed police accountability model, the Police Commissioner would chair the local Crime and Disorder Reduction Partnership. So, in addition to directly restorative processes (such as an apology or making good the harm done to the victim), the Police Commissioner could devise, together with partner agencies, a range of unpaid work requirements to be used under both the YRD and the Youth Conditional Caution. In instances where there is no identifiable victim, weekend or evening work could be imposed as part of either sanction, to ensure that the community is paid back for the harm done by the behaviour.

Positive activities for young people

Another important way to reduce anti-social behaviour with this group is to ensure that there are positive activities available during times when adolescents might be bored or have nothing else to do. In this context, it is particularly concerning

that a recent Audit Commission report on the role of sport and leisure activity in reducing anti-social behaviour found that many areas had significant shortcomings. The report found that:

- On average, schemes are funded from three different sources, each with its own application system and monitoring criteria.
- In some cases, the administrative cost of bidding for grants actually exceeds the amount of funding being sought.
- Funding is often short-term and with no guarantee of renewal.
- Councils and other bodies such as the police may not co-ordinate their applications and can find themselves competing for the same funds.[111]

Commenting, Audit Commission chair Michael O'Higgins stated that it was *"ludicrous that funding schemes for young people in trouble with the law should be so complicated. Major opportunities to save public money are going begging."*[112] He went on to describe how project leaders are hampered by *"wasteful, inefficient and bureaucratic funding arrangements for diversionary projects."*[113]

The report made clear that young people at medium risk of involvement in anti-social behaviour need access to developmental activities and high cost one-to-one inputs and enforcement action should be targeted to the few young people for whom low-cost preventive activities and developmental interventions with support have not worked. However, low-cost sport and leisure activities that engage young people through accessible, reliable and relevant provision will be enough for most young people and spending on lower-cost interventions will reduce the need for higher-cost interventions. As well as creating savings for the public purse, this will also give a better quality of life to young people and communities. Yet it is these low-cost projects that are currently so damaged by wasteful and bureaucratic funding arrangements.

Recommendation: The Government should radically simplify the funding streams for programmes for young people at risk of anti-social behaviour. The current system creates unnecessary bureaucracy, with the burden falling most heavily on local project leaders responsible for delivering the programmes. For instance, increased use of the Area Based Grant would ensure that local areas are free to decide how to spend money for tackling their own specific problems.

Recommendation: For low cost programmes targeted at lower-risk groups, the Government should free up those designing and delivering projects from bureaucratic processes such as the Audit Commission's self-assessment checklists and complex evaluation mechanisms. It is these smaller, much cheaper projects where often the cost of securing funding and demonstrating outcomes will outweigh the cost of the grant. The Government does not need to evaluate, for example, whether there is a direct correlation between the renting of a sports pitch and a reduction in anti-social behaviour.

Those on the front-line, including PCSOs and youth workers, could be allocated their own small budgets to start up positive activity projects of their own, following a dialogue with young people committing low-level anti-social behaviour.

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111 Tired of Hanging Around, Audit Commission, January 2009

112 Youth crime strategy in the dog house, Public Finance, February 2009

113 Youth funding 'a dog's breakfast', BBC News Online, 28th January 2009

From 'crimes of passage' to a rite of passage[114]

Adolescence is a period where much hangs in the balance. One of the first academics to study the period of 'adolescence' described the process as a breaking away from one's childhood to prepare for adulthood, a period during which there are ever-present conflicting themes that the adolescent confronts (e.g., responsibility/irresponsibility, child-like ambitions/adult-like ambitions) in their social world.[115] Young people will either progress into adulthood with life trajectories for success (responsibility, financial independence, healthy relationships) or difficulties (crime, unemployment, irresponsibility).

Our earlier analysis describes how anti-social behaviour can be attributed to a perceived disconnect between a young person's biological maturity and their social status – trapping them in a 'maturity gap'.

Rites of passage are powerful social events that help guide and affirm a transition from one status in life to another. In many cultures, the transition from adolescence to adulthood is marked by a formal rite of passage – often one in which the young person engages deeply in learning and self-reflection, and takes on new 'adult' responsibilities. These rites of passage – many of which are thousands of years old – are a central way in which groups of people pass on their values, culture, and history from generation to generation.

A multitude of studies have demonstrated that where young people lack a rite of passage experience, there are extraordinary consequences related to problem behaviours such as violence, substance abuse, bullying and delinquency.[116]

Box 3: Rite of Passage Experience (ROPE) in North America

Rite of Passage Experience is a three-phase, six-year process for children, their parents and school, and the larger community. It uses the age-old model of a rite of passage experience to address the real needs of today's youth as they transition from childhood to adolescence to adulthood.

Since its inception in 1981, ROPE been delivered to over 100,000 young people and their families across the United States and Canada and has been successfully replicated in small towns and large cities. It is structured to provide the same experiences to students no matter what the location, yet is flexible enough to be adapted to fit each community's individual needs.

A key element in the process is training a core group of 12-15 adults – parents, teachers, youth workers, and other adults – as "Guiding Elders." High school students can also be guides. These guides become leaders in implementing the ROPE process and customizing it to the needs of their community.

Phase I: 6th Grade, Ages 11-12
Developing the Skills, Mastery and Healthy Identity for the Transition from Childhood to Adulthood.
This foundational phase of ROPE serves to awaken young people and parents to the major transition that is about to occur, and introduces the skills and experience necessary for young people to make a successful transition to adulthood. Children learn how to cooperate, make decisions, and solve problems, and they develop a sense of confidence and mastery in their abilities – essential to the formation of a healthy identity.

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114 As described by Geoffrey Ben-Nathan in '*I'm adult aren't I? The case for a formal rite of passage*', 2008, Rubin Mass

115 Hall, G. Stanley. 1904. *Adolescence: Its psychology and its relation to physiology, anthropology, sociology, sex, crime, religion, and evaluation,* Volume 1-2. New York: Appleton.

116 Eccles, Jacquelynne, Janice Templeton, Bonnie Barber, and Margaret Stone. 2003. Adolescence and emerging adulthood: The critical passage ways to adulthood. In *Well-being: Positive development across the life course*, Marc H. Bornstein, Lucy Davidson, L. M. Corey, and Kristin A. Moore, eds. 383-406. Mahwah, N.J.: Lawrence Erlbaum Associates.

It focuses parent, student, school and community attention on the separation of children from their elementary school experience, on the beginning of their separation from parents, and on the importance of this transitional time in youth development.

It teaches decision-making and problem solving, how to cooperate with others, how to effectively manage peer pressure, how to be responsible, and how to reach for challenging goals. It is effective at increasing the student's sense of mastery, competence, confidence and sense of community. This curriculum, customized to each community, also provides a vehicle to introduce important ingredients for having healthy fun, thus setting the stage for Phase II.

Phase II: 7th-8th Grades, Ages 13-14
Exploring Positive Leisure Activities
The second phase focuses on connecting young people in middle school with positive leisure time activities and allows them to experiment and discover which activities are most important to them. It sets a structure for both the students and the community for connecting youth to the particular resources of their community.

Building on the foundational skills acquired in Phase I, students develop a contract with their parents, school, and community agency representatives to experiment with positive recreational activities. School personnel and community leaders then create opportunities, and guide participants toward pro-social community involvement.

Phase III: 9th-12th Grades, Ages 15-18
Giving Back to the Community
The final phase focuses on the important adult value of giving one's self to others through community services. Once again, parents, the school and the community collaborate to create opportunities for young people to become involved in community-service activities. It gives them the opportunity to demonstrate newly acquired physical and psychological skills and transfer them to community-based settings.

High school students also have the opportunity to mentor younger students as they go through the ROPE process. These "senior" ROPE students function as co-facilitators for Phase I skill-building activities, or as mentors in Phase II to support students' transitions to middle and high school, impacting school climate and guiding them to healthy recreational activities. This allows teenagers to experience the value of building and maintaining a reciprocal community.

Results
Qualitative and quantitative evaluations of ROPE have been conducted since 1982.[117] A series of studies with five cohort groups totalling 410 participants revealed positive gains at both the individual and family levels. In terms of involvement with family, the ROPE group showed significant increases of involvement as compared to the control group. Also, the ROPE group reported more positive attitudes toward school than the control group. For drug use, ROPE participants decreased their drug use by 60%, while the control group increased substance use by 57%. Finally, the ROPE group reported significantly greater levels of connectedness and belonging after ROPE, while the control group had increased levels of alienation. Qualitative findings from youth and parents revealed common themes in the areas of self-confidence, decision making, and commitment to school. Comments included "*I can make decisions on what to do and not worry about peer pressure*" and, "*this is the first year my daughter insists on going to school even when she's ill*".[118]

117 Blumenkrantz, David G. and Stephen M. Gavazzi 1993. Guiding transitional events for children and adolescents through a modern day rite of passage. *Journal of Primary Prevention* 13:199-212.

118 Ibid

A British rite of passage

A British rite of passage could have a variety of benefits - teaching the rights and responsibilities of citizenship, helping young people learn about (and become connected to) their communities, forging common bonds across different economic and social groups through common experiences and helping young people develop in a positive, healthy way.

Psychologist Gordon Allport argues that under the right conditions, interpersonal contact is one of the most effective ways to reduce prejudice between majority and minority groups members. A national programme of service would encourage the mixing of different social and economic groups, including the mixing of young people with older generations. Given that a large amount of public concern about anti-social behaviour is focused on the problem of 'young people hanging around', the mixing of young and older people may encourage greater tolerance and understanding between different groups.

In the context of very high youth unemployment and large numbers of NEETs (young people not in education, employment or training), a national programme of service could serve to make young people more attractive to employers, enhancing basic social skills and teamwork. In addition, social network theory contends that knowing people outside your community makes it easier to find a job. A programme which encouraged people from across the country to mix may therefore also break down barriers to employment.

Towards consensus?

As one commentator has pointed out,[119] in opposition both Gordon Brown and David Blunkett argued for voluntary national service, as did the influential 1994 Commission on Social Justice. According to Geoff Mulgan, a former policy adviser, the Government has costed a national voluntary scheme on at least three occasions since 1997. But each time, the proposals were scuppered by critics who argued that money should be spent just on the poor, that young people – and, perhaps, their parents – would reject the idea, or that the voluntary sector would fail to deliver.[120]

With the Conservative Party currently working on the detail of its own proposals for a National Citizen's Service programme, there may be scope for a cross-party consensus on how to take the idea forward.

Recommendation: The three main political parties should investigate the viability of a cross-party commission to design a viable and costed plan for a national service programme.

Recommendation: If it is to make a significant impact on anti-social behaviour, it should be targeted before the peak age for anti-social behaviour. While there are clearly wider aims of a national citizen's service, one of the benefits should be to reduce anti-social behaviour. Policymakers should consider, given that the peak age for anti-social behaviour is around 14 or 15 , to targeting the programme earlier than 16 (perhaps at 13) or at the very least, supplementing any later initiatives with steps to engage young people at earlier stages.

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119 *Citizenship first: the case for compulsory civic service,* James Crabtree, Prospect, 1st March 2009

120 Ibid

Recommendation: The scheme should 'give passage'. The evidence strongly suggests that the benefits of volunteering, building links with the community and making a positive transition from adolescence to adulthood are not simply cognitive. There are also 'social status' factors which have a direct impact on the way individuals perceive the progress of their transition to adulthood.[122] Any national programme should actively 'give passage', with incentives both to encourage participation but also to give a sense that the social status of the participants has changed. Participants could, for instance, be awarded certain 'adult' privileges for completing the programme. These may include, for example, opportunities to consume alcohol on licensed premises, following an additional alcohol education programme. Policy Exchange intends to conduct research on the feasibility of earning these sorts of 'adult privileges' in a forthcoming report.

Separating anti-social peers

This evidence strongly suggests that, in certain situations, it may be beneficial to separate members of the life-course-persistent group from their peers. This has important policy connotations for schools.

The Government has pursued a policy of inclusion in relation to discipline and bad behaviour, but also more broadly in relation to Special Educational Needs (SEN), of which behaviour disorders (otherwise termed as 'behavioural, emotional and social difficulties') form a part. The overriding principle set centrally by the Government is that exclusion should be avoided unless in the "*most exceptional of circumstances*".[123] Moreover, in the case of a child behaving anti-socially who has been identified as having SEN "*consideration should be given to whether other interventions could provide an alternative to exclusion and would more effectively address the matters causing concern.*"[124] Of course, in practice schools aim to avoid exclusion but in doing so, often end up repeatedly suspending the same individuals – meaning their problems are never properly addressed.

Given that the criminological evidence indicates that one of the reasons for the anti-social behaviour of adolescents is often due to 'social mimicry' of the life-course persistent group, it may well be unwise to keep the two groups together where problems are becoming apparent. The intensive, expensive and long-term support required for those with acute needs will often be better administered separately from the mainstream group, whilst at the same time reducing opportunities for learned behaviour from the peer group.

Recommendation: The Government should review the guidance issued on exclusion for students with Special Educational Needs. The review should aim to weigh the high financial costs of dealing with the most anti-social adolescents outside of the mainstream setting against the costs of keeping them within the classroom, negatively influencing the education and development of others and increasing opportunities for anti-social behaviour.

School leaving age

As described above, there is strong evidence that the anti-social behaviour of adolescents declines quickly after teenagers begin to assume adult roles - leaving school, getting a full-time job, joining the army, getting married or moving away from their homes. In this context, and given the increasing 'role vacuum' described above, it is concerning that the Government has legislated to extend the school leaving age to 18. Not only does this have the potential to destroy the youth labour market but it will also have an overwhelmingly negative impact on the prospects for young people – and for anti-social behaviour. As Policy Exchange has argued in a previous report

"The most likely effect of corralling unwilling learners is that they will reduce opportunities for others. "Peer effects" have a major impact on how people learn. This is something of which parents are rightly aware when they struggle to get their child into a "good" school, and fuels the debate over how easily schools should be able to exclude disruptive pupils. It is also empirically demonstrable, in terms both of classroom processes and the impact of a school or college's composition on students' learning and attitudes. Large numbers of forced participants will have a strong negative effect on the environment in which others are trying to study and train. So, ironically, the net effect may be to reduce the skill levels we are trying to raise – with the worst losers likely to be motivated learners in the most deprived areas (which have the largest numbers of discontented young people and, therefore, the most to fear from an influx of disruptive students)."[125]

> **Recommendation: The Government should abandon plans for compulsory education to age 18.** Instead of coercing young people into courses they do not want to follow, the Government should abandon this legislation. 16 and 17 year olds who want to leave school and training should be allowed to do so, mitigating the existence of the growing 'role vacuum'. The money saved could then be directed to genuine improvements in the country's education system, and in the prospects of its young people.

Building collective efficacy and public confidence

Numerous studies have stressed the importance of building social capital and 'collective efficacy' within communities in efforts to reduce crime. To tackle anti-social behaviour, people need to feel confident that they can intervene to tackle unacceptable behaviour and that their actions will be backed up by others in the neighbourhood. There must be a shared willingness to act, and shared expectations about the circumstances in which citizens will act.[126] A very recent study in Britain suggested that the existence of collective efficacy has a protective effect on children living in deprived areas, who are at risk of anti-social behaviour.[127]

Over the last decade, the Government has undermined this social responsibility to intervene to tackle unacceptable behaviour. Firstly, the Government's rhetoric on anti-social behaviour appears to have created the impression that it is primarily the State, rather than the community, who are responsible for maintaining order in their neighbourhoods. Ironically, this was a point consistently reiterated by the ASB-coordinators interviewed for this report – that instead of first attempting to tackle behaviour themselves, people now believe that the council and the police are the

121 Longitudinal analysis of the Offending, Crime and Justice Survey 2003–06, Home Office Research Report 19, November 2009

122 Scheer, Scott D., and Robin Palkovitz. 1994. Adolescent-to-adult transitions: Social status and cognitive factors. *Sociological Studies of Children* 6:125-140.

123 The Education of Children and Young People with Behavioural, Emotional and Social Difficulties as a Special Educational Need, Department for Children, Schools and Families, July 2008

124 Ibid.

125 *Diminished Returns: How Raising the Leaving Age to 18 Will Harm Young People and the Economy*, Professor Alison Wolf, Policy Exchange, 2007

126 Sampson, Robert J. 2004. Neighborhood and Community: Collective Efficacy and Community Safety. *New Economy* 11:106-113.

127 Odgers, Candice L.; Moffitt, Terrie E.; Tach, Laura M.; Sampson, Robert J.; Taylor, Alan; Matthews, Charlotte L.; Caspi, Avshalom, The protective effects of neighborhood collective efficacy on British children growing up in deprivation: A developmental analysis, Developmental Psychology. Vol 45(4), Jul 2009, 942-957.

first port of call when anti-social behaviour occurs. In a European survey on anti-social behaviour, when asked, "*who is responsible for controlling anti-social behaviour?*" 76% of UK respondents believed that the police and courts were responsible – the highest percentage of all the countries in the survey. The equivalent figures were much lower (around 45%) in France and Germany.[128]

Secondly, the Government has undermined social responsibility through their coercive central targeting regime, incentivizing police officers to arrest and investigate members of the public who do intervene in the hope of stopping crime.

> 66 The study found that six out of ten people would be unlikely to challenge a group of 14 year old boys vandalising a bus shelter in the UK – more than any other country surveyed 99

Although central targets imposed by the Home Office have ostensibly been abolished, many police forces have retained arrest targets as well as the infamous 'sanction detection' targets – under which any charges, cautions or penalty notices, no matter how small the offence, help hit the target. The target-culture has undoubtedly weakened the ability of members of the public to intervene to prevent crime or anti-social behaviour. The same study also found that six out of ten people would be unlikely to challenge a group of 14 year old boys vandalising a bus shelter in the UK – more than any other country surveyed. In Germany, six out of ten people said they would intervene and challenge the group.[129]

Apparently recognising these problems, in 2007, Justice Secretary Jack Straw announced that the law on self-defence would be reviewed. Explaining the rationale for this, he said, "*in the case of a passer-by witnessing a crime in the street for example, or a householder faced with a burglar in his home, we are reassuring them that if they intervene and necessarily use force which is not excessive or disproportionate, the law really is behind them.*"[130]

However, when provisions were brought forward in the Criminal Justice and Immigration Bill, it became clear that the law would not be strengthened in favour of the law-abiding public, but merely 'clarified'. The result was not any change in the law, but merely an enshrinement of existing case law in legislation.

While it is right that, as the law states, members of the public should not act with disproportionate force when intervening, there is a strong argument to say that unless the intervention is grossly disproportionate in the circumstances, the police should have discretion in deciding whether to investigate, arrest or prosecute members of the public who have sought to protect themselves or others. This should mean an increase in people taking responsibility to intervene to prevent anti-social behaviour, an increase in social responsibility and an increase in collective efficacy.

Police officers should be afforded complete discretion in deciding whether to arrest adults who have intervened to tackle anti-social behaviour or prevent youth disorder. A clear signal needs to be sent to the public that they should not fear criminal prosecution for standing up to anti-social behaviour, either in self-defence or in the defence of others. The presumption should be that adults will not face investigation or prosecution for intervening, except where their intervention was manifestly and gravely disproportionate in the circumstances.

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128 *Anti-social behaviour across Europe: An overview of research commissioned by ADT*, 2006

129 Ibid.

130 *Straw to change self-defence laws*, BBC News, 19th December 2007

The role of the PCSO

This evidence about the need for shared expectations of the circumstances in which people are prepared to intervene to prevent crime also has important consequences for the role of Police Community Support Officers (PCSOs). The Police Reform Act 2002 allows a Chief Officer to designate powers to a PCSO and, at present, there are a number of different powers that can be designated. Despite a standard list of 20 powers being introduced in December 2007, local variation is still widespread. A number of forces currently designate all of the powers available, whereas others have adopted a more selective and restrictive approach.

As a 2009 National Policing Improvement Agency report found, some PCSOs have been designated powers which increase the potential for confrontation (i.e. the power to require a person to remain - commonly referred to as the 'detention power') and the power to use force.[131] Research carried out by the Neighbourhood Policing Programme found that the majority of powers issued were seldom used, particularly when a long list of powers was designated. There was also variation between forces regarding those powers outside the Police Reform Act 2002 that were allocated to PCSOs. Many forces, for example, designated PCSOs as Traffic Wardens and subsequently had a number of additional powers which were used for a considerable amount of their enforcement activity.

More importantly, there are a number of powers specific to anti-social behaviour where local disparities exist. For instance, fourteen police forces do not designate PCSOs with the power to disperse groups of youths and take them to their place of residence. Nine police forces do not give PCSOs the power to remove truants to designated premises. Fourteen forces do not give PCSOs the power to deal summarily with fireworks. Twenty seven do not have powers to deal with drunk and disorderly behaviour. PCSOs in twenty one forces do not have the power to detain. Twenty eight police forces do not give PCSOs the power to search people for dangerous items.

Wherever they live, the public should be in no doubt about the core powers of a Police Community Support Officer. It is inexplicable that the majority of PCSOs do not have the power to use reasonable force, because this too is discretionary. Members of the public seeking to make a citizen's arrest are permitted to use reasonable force – this should not change when members of the public put on a blue uniform.

Recommendation: The role of the PCSO should become more anti-social behaviour-focused. This means that powers which are not anti-social behaviour-specific should become discretionary and those which play a role in reducing anti-social behaviour should be standardised across the board.

Recommendation: PCSOs should be able to use reasonable force to detain suspects. While there is an argument that this would change the role of the PCSO – making it more confrontational – it seems particularly perverse that while members of the public are free to use reasonable force when making a citizen's arrest, PCSOs are not.

131 Citizen Focus and Neighbourhood Policing Programme: Twelve-month progress report on the PCSO Review recommendations, NPIA, August 2009

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Recommendations

This report has outlined a number of reforms – some radical, and some evolutionary – which would make a real difference in the fight against anti-social behaviour.

Information

It is clear that, over the coming years, the Government needs to devote a lot more attention to both understanding the nature and scale of anti-social behaviour (and its causes) and to enhancing the evidence-base for the interventions that have been introduced. Until these steps are taken, there is little scope for understanding whether the activity so far has borne any fruit or whether steps taken in the future will have any effect.

- **The Government should commission an independent body to undertake an urgent investigation into the effectiveness of the interventions it has introduced.** This should complement the belated study the Home Office plans for publication in 2010. This could, like the NAO report, also take the form of a sample of case files, but should include the following analysis:

  1. The impact of the full range of ASB-specific intervention on future arrest rates and reports of further anti-social behaviour by victims and witnesses;
  2. The impact of each ASB-specific intervention on future conviction rates;
  3. Where there is previous offending, the impact of each ASB-specific intervention on reoffending rates

- **The Home Office must also do much more to understand the nature of anti-social behaviour.** Local and central collection of incident data must be improved and additional studies involving all the relevant agencies on the scale of anti-social behaviour must be undertaken if the Government is ever to understand whether its strategy is having any impact on the problem.

While Family Intervention Projects show promise, the expansion announced recently appears to be unfunded and heavily reliant on local agencies levering in their own funding. The Government's analysis of the potential financial benefits of FIPs is very optimistic and, for this reason, is unlikely to persuade local partners to fund their expansion.

● **The Government should undertake a cost-benefit analysis of a sample of the Family Intervention Projects introduced so far.** This would demonstrate to local authorities and their agencies the value in employing key workers for the development of FIPs, but more importantly, it would highlight the potentially significant savings accrued through pooling resources. This would reduce the need for additional central spending and pump-priming of Family Intervention Projects and will help them to become self-financing and sustainable over the long term. The latest DCSF evaluation suggested that the approach may also benefit less 'chronic' and chaotic families. Cost-benefit analysis may encourage this wider roll-out over the long-term.

Local Governance and Accountability

Initiatives such as Neighbourhood Policing and the Policing Pledge will be insufficient unless the police become more directly and locally accountable to the communities they serve. Likewise, local partnerships are crying out for an injection of clear direction and democratic accountability. Many of the problems of divergent good practice, uncooperative local agencies and cross-cutting priorities will be resolved by strong leadership and democratic legitimacy. In the meantime, steps should be taken to ensure that multi-agency working is enhanced through an integrated approach, including practices such as shared data, shared offices, strong local leadership, multi-agency problem-solving teams and evidence-based deployment.

● **The Government should introduce directly elected police commissioners, to chair the CDRP and lead partner agencies in tackling anti-social behaviour.** Directly elected police commissioners would provide a conduit between the police and the public at the Local Authority/Basic Command Unit level, facilitating dialogue and ensuring community priorities are central to policing strategy. They would not issue orders to the police or involve themselves in operational issues, but they would make the police accountable to the community through a strategy of dialogue and engagement, and a clear and relentless focus on driving down crime and anti-social behaviour.

Diversion with a purpose and enhanced police discretion

The evidence shows that anti-social behaviour acts as an indicator to future offending. The most chronic offenders display anti-social behaviour earlier and, if identified quickly, can be diverted towards proven programmes which can mitigate the range of risk factors they are likely to have. It is crucial then, that the right interventions get to the right people.

● **The Government should address the issue of competing assessment and referral mechanisms, particularly for young offenders.** Disagreements between the Department for Children, Schools and Families and the Ministry of Justice about the suitability of the Common Assessment Framework should be resolved and a mutually agreed assessment tool, carefully balancing welfare needs and risk to the public, should be formalised. This will ensure that those

young offenders with the greatest number of risk factors (and the greatest risk of future offending) get appropriate support and are not simply dealt with in a summary way. Greater police tenure, presence and knowledge of their community will also aid this process, as the most prolific and chaotic offenders will no longer receive inappropriate summary sanctions which do nothing to address the underlying causes of their offending.

This process of identification will be aided if the tenure of Safer Neighbourhood Teams is extended, allowing officers to familiarise themselves much more with the community, local crime patterns and local offenders.

- **Members of Safer Neighbourhood Teams should be incentivised to remain in post for longer:** either through the establishment of minimum terms of service within a particular neighbourhood, or through financial incentives such as the Special Priority Payment.

For many others, anti-social and minor crime is limited to adolescence and is motivated by boredom and a lack of maturity. It is here where Government policy has failed most: too many offenders are simply dealt with summarily through the use of criminalising sanctions, while inexpensive and effective diversionary activities are hampered by bureaucratic and complex funding streams.

- **Allow Chief Officers to focus solely on Level 1 Crime.** This will increase the number of police officers on the street, patrolling in areas and public spaces where anti-social behaviour is likely to occur, in turn reducing opportunities for behaving anti-socially. This will be achieved through a separation of Level 1 and Levels 2 and 3 crime, with officers at BCU level solely focusing on lower-level crime and anti-social behaviour. If the chances of getting caught are increased, there will be less anti-social behaviour engaged in by the adolescent-limited group, who rationally weigh costs and benefits in deciding whether to commit crime.
- **Fixed Penalty Notices should be decoupled from the police performance management regime.** They should instead be available as part of a suite of options that police officers and PCSOs can use at their discretion.
- **The police should return to the use of 'instant cautions',** whereby an officer can give an offender a telling off and a warning, record all the details and file it with a warning that should they re-offend that offence will be dealt with by the court too. They should be recorded locally and not on the Police National Computer.
- **The Government should speed up the roll-out of both the Youth Conditional Caution and the Youth Restorative Disposal.** Police Commissioners could devise a range of unpaid work requirements with local partners, to ensure that there are restorative activities which are available as part of these measures.

Building collective efficacy and shared expectations

The Government has undermined social responsibility by disincentivising members of the public from intervening to protect their communities. In contrast to other countries, there is now an expectation that it is the state, rather than members

of the community, who are primarily responsible for preventing low-level crime and anti-social behaviour. The law-abiding majority need to be protected from prosecution when they intervene and they should also be in no doubt about the key powers of those charged with protecting the public from crime.

- **Police officers should be afforded complete discretion in deciding whether to arrest adults who have intervened to tackle anti-social behaviour or prevent youth disorder.** A clear signal needs to be sent to the public that they should not fear criminal prosecution for standing up to anti-social behaviour, either in self-defence or in the defence of others. The presumption should be that adults will not face investigation or prosecution for intervening, except where their intervention was manifestly and gravely disproportionate in the circumstances.
- **The role of the PCSO should become more anti-social behaviour-focused.** This means that powers which are not anti-social behaviour-specific should become discretionary and those which play a role in reducing anti-social behaviour should be standardised across the board.
- **Recommendation: PCSOs should be able to use reasonable force to detain suspects.** While there is an argument that this would change the role of the PCSO – making it more confrontational – it seems particularly perverse that while members of the public are free to use reasonable force when making a citizen's arrest, PCSOs are not.
- **Recommendation: The Government should develop a cross-party commission to design and cost a national civic service programme, providing a formal rite of passage for British teenagers.** A British rite of passage could have a variety of benefits: teaching the rights and responsibilities of citizenship; helping young people learn about (and become connected to) their communities; forging common bonds across different economic and social groups through common experiences; and helping young people develop in a positive, healthy way. Incentives to participate should be designed and young people should be able to earn 'adult' privileges and a degree of social status change as a result.

This report contends that while some limited progress has been made in tackling anti-social behaviour, there are a host of weaknesses with the Government's approach.

The desire to demonstrate progress has resulted in significant pressure on local agencies to use more of the powers they have been given (such as the ASBO). This measure tells us little about whether problems have been solved or victims satisfied, and we do not even know how effective the available powers are because the Home Office has never evaluated them. These problems have been exacerbated by a lack of both local leadership and adequate multi-agency working in too many areas. Anti-social behaviour is also difficult to measure accurately and studies have shown that, as a result, the Government's coercive central targeting regime for the police has meant that resources have been moved away from more visible elements of policing, such as dealing with anti-social behaviour.

Making a real impact on this issue is possible, but it will require a new approach – one which:

- emphasises the importance of local leadership and self-governance;
- reinvigorates local policing through enhanced accountability and freedom from central direction;
- encourages personal and community responsibility through building social capital; and
- is based on the best available evidence about what works to reduce anti-social behaviour.

Our recommendations include introducing directly-elected police commissioners, who will transform the way anti-social behaviour is prioritised by the police and provide strategic direction to local authorities and other services. Police officers should also be freed from central direction, with a recognition that genuinely responsive policing is about mediating, problem-solving, prevention, protection and setting community standards. We also need local communities to take a stand against anti-social behaviour, so we recommend that the police should have complete discretion in deciding whether to investigate or arrest members of the public who intervene to prevent crime and anti-social behaviour. We also suggest that a cross-party commission be formed to design a National Civic Service programme, with a specific focus on preventing anti-social behaviour and providing a rite of passage for children who are making the transition to adulthood.