

# Anti-social behaviour orders | analysis



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Our society gives us the right to live in a safe and secure community. But along with these rights, we have some responsibilities. We all have a responsibility towards our neighbours and we must treat them respectfully in the community. Also for the security and betterment of the society, the antisocialists should know that their behaviour will not be accepted and action will be taken against them if they continue with their behavior. Such behavior often includes aggression and hostility which often results in to physical or verbal abuse. They might refuse to follow the rules of a situation or disregard the power of a superior (Farrington & Coid 2003).

An ASBO (Anti Social Behavior Order) is specially designed for children 8-17 year olds whose existing behavior shows signs of future offending activities. The community works together to stop this offending behavior through educational, diversionary activities and family support.

The main aims of the community are to reduce the number of youngsters from entering the criminal system, to improve attendance of the identified groups at school and to minimize the factors that would help someone lead to an offensive behavior (Great Britain: National Audit Office 2006).

The scale of the problem

Of all the problems which most affect neighborhoods up and down the country, antisocial behavior has perhaps the maximum potential to affect the quality of community life.

It has been very difficult to find accurate statistics on the nature and popularity of antisocial behaviour. There are some current methods such as

self-report studies, victim surveys and data gathered through police, courts, fire service and other criminal justice agencies through which data on antisocial behaviour are gathered (McAtamney & Morgan 2009). These sources of information are considered useful but they are restricted in their capability to provide a precise description of antisocial behavior. Such sources often involve incidents that are unrecorded since they are difficult to notice and do not get in contact with the courts. Further, it also depends upon the type of incident being examined. The more popular an incident is, the more people will fight against it. Also antisocial behaviours such as ‘being rude and abusive’ are difficult to define and no agencies are responsible for collecting data on it.

It is considered to be an important problem of the society since more and more people are getting involved in it. Such patterns are shown in early ages such as 13 to 14 years. At this age, antisocial acts include stealing something from someone’s house or getting involved in a fight with a classmate or been suspended from school. Such behaviors may lead to dangerous anti-social behaviors at a later age. Researches show that some of the antisocial acts are common such as cigarette use or skipping school and these acts might not have the possibility to lead to dangerous acts in the future (Melton Borough Council 2013).

All of this is of course is not possible without the effective enforcement of ASBO by the court. People who are insistent on harassing the society should be punished accordingly. Those who continue to bring fear, distress and misery to local communities should not go unpunished. Sentences should reflect the seriousness of the crime and do so in a consistent manner. The

police play an important role in this regard and could help improve quality of life of the community (Millie 2008).

The rationale for making this a key concern after 1997:

Now the question is, why was antisocial behavior made a key concern after 1997? As it is generally believed and also several studies have proved that if special attention is not given towards this matter it can lead to serious crimes. According to NACRO (2002), this theory is termed as ‘contagion theory’. This theory suggests that the presence of evil or destruction leads to more destruction or evil. Wilson and Kelling have termed this contagious effect as ‘the broken window’. As it is generally believed that a building with a broken window means that no one cares about the building so this will lead to more broken windows and this shows that breaking more windows does not really cost anything.

Further, antisocial behavior can be costly for communities. It affects the stability of an area’s market. It also affects the success of local businesses and can be costly to repair. This repair can be in terms of financial and human resources. A proper record for the damages is not kept since there are limited sources for the collection of data. But acts such as neighbor nuisance, destruction of property and criminal damage can be estimated.

Furthermore, antisocial behavior can affect the lives of the executors which would in return also affect their families. They can be excluded from school, expelled from their homes and become involved with the criminal system (Spalding 2011)

A discussion of the key initiatives undertaken to deal with this problem, starting with the 1997 Crime & Disorder Act (ASBOs) and the subsequent development of this approach – CR- ASBOs, dispersal orders, the Respect Agenda etc

The Crime and Disorder Act 1998 was passed in December 1997 by both Houses; Commons and Lords and also received Royal Assent in 1998. A number of key issues were discussed in this Act, which include the introduction of Anti-Social Orders, Parenting Orders, Sex Offender Orders, increasing the Local Authority responsibilities for crime reduction etc. Here we will be discussing the main area of interest that is Anti-Social Behavior Orders (ASBOs) (UK Parliament Publications and records 2005).

Anti-Social Behavior Orders:

According to Part I of the Crime and Disorder Act 1998, the type of behavior that is generally thought of as being antisocial is raucous, irritating or intimidating behavior which often takes place in community areas. This kind of behavior can also pull out to sabotage and graffiti. Further this behavior includes dealing and buying drugs on the street, dumping rubbish and disposing of cars. Begging also comes under the anti-social umbrella. The Crime and Disorder Act was modified in to a civil remedy called the ' Anti-Social Behavior Orders' or ' ASBOs' in order to engage in with the government to tackle unacceptable activities that were impacting the quality of community life. According to the Act, any person who might have engaged in anti-social behavior is to be taken care of by the Magistrate or the Sheriff. As mentioned above, anti-social behavior is defined by the Act as ' a conduct

which caused or was likely to cause alarm, harassment or distress to one or more persons not of the same household as him or herself and where an ASBO is seen as necessary to protect relevant persons from further anti-social acts by the defendant'. An ASBO can include a ban from entering a specific area or talking to certain people according to different individuals it is made in respect for. Violation of an ASBO is considered a criminal offence and conviction may lead to a minimum of two, or a maximum of five years' detention. Though most of the ASBOs are issued in respect of the types of behaviors pointed out earlier but there have been circumstances in where the ASBOs have been issued in more unusual situations. This has led to severe condemnation. For example, in February 2003, a 16-year-old boy was forbidden from showing his tattoos, in public anywhere in the country. In July 2003, an 87-year-old man received an order for being rude and sarcastic to his neighbors. He was the oldest recipient for an order. Further in December 2004, a man became the first farmer to become the recipient of an ASBO when he was ordered to keep his pigs and geese under control. This happened because the people living near his farm complained that his animals had escaped and caused damage to their properties (Clarke, 2003).

It is an official implementation which carries the full force of legal execution. It was generally believed that ASBO is only used for adults but recently it has been discussed that it can be applied to any individual who is over the age of ten years. An ASBO needs a minimum time of two years to be placed and can be reviewed if your behavior has improved. It is only placed in an area where a certain anti-social behavior is reported. According to the UK government website young offenders can be fined up to 250-1000 pounds.

You can also get a detention and training order (DTO) for up to 24 months whereas adults are fined up to 5000 pounds or five years of imprisonment or both (Farrington & Coid, 2003).

Anti-Social Behavior Orders may be used in several situations that pertain to ongoing anti-social behavior. ASBOs are used when someone has been warned several times and even then, social behavior is not improved. However, in many cases, there are solutions which are less severe and less strict than ASBOs, which will be different according to each situation.

However, these orders may not be equally suitable in every situation. For example, if you have been in disagreement with your neighbors over who owns the boundary between your houses, but your neighbor hasn't shown any anti-social behavior, an ASBO would not be the right way to deal with this problem and the court probably would not grant one anyway.

### CR-ASBOs

A CR-ASBO is a Criminal Anti-Social Behavior Order. It is a social or civil order; the main reason for its existence is to protect the community from anti-social behavior. It can be obtained much quicker than an ASBO. But they are not taken in to court until the criminal court is concluded. A Crasbo order is issued when a conviction is made on criminal proceedings. The parties responsible for serving an order are the Criminal Courts (Millie 2008). These orders are received by individuals who are convicted of criminal offence or anti-social behavior. This order describes the anti-social behavior in the crime for which they are condemned for. For example a Crasbo was received

by Fred Bloggs which was placed by the CPS. It forbids him from entering Waterside in Stratford.

Another reason for the existence of Crasbo is to encourage local people to become enthusiastically involved in reporting crime and anti-social behavior which would in return help to put together and shelter the community (Millie 2008). The main difference between a CRASBO and an ASBO is that a Crasbo is received after a criminal conviction is made.

A Crasbo is unique to all cases. The convicted will have a set of prohibitions unique to his case to thwart anti-social behavior from re-occurring and to guard the society from such acts. A Crasbo could result in banning the individual from any of the following: (Millie 2008).

- \* Committing any anti-social acts
- \* Connecting with certain people
- \* Leaving home after a certain time
- \* Entering defined areas in the community
- \* Entering specified buildings, shopping areas etc

Just like an ASBO, the breach of a Crasbo is also considered a criminal offence. And the maximum punishment is 5 years of imprisonment for adults.

Dispersal Orders



Section 30 of the Anti-Social Behavior Order provides local authorities to tackle anti-social behavior committed by groups of people. Such orders are placed on certain areas at different times. The areas could be as small or as large as necessary, as long as there is evidence of anti-social behavior there. If an area is under a dispersal order the police are allowed to separate or move groups of two or more people from that area. The police have been given authority to do this if they have a reason to believe that the group has or might harass, intimidate, alarm or distress any member of the public (Spalding 2011). The groups asked to be dispersed by the police won't be allowed to reunite in that area in the next twenty four hours. If someone violates the order, it will be regarded as criminal offence and could result in a fine of up to £5, 000 or custody for up to three months.

A senior police officer makes the decision about the order and this order can be placed on an area for up to six months. The validity period expires after six months but a new order can be put in place if there were enough reports regarding groups causing criminal behavior (Spalding 2011). Respect Agenda

Tony Blair launched the Respect Agenda in United Kingdom in 2005. The basic aim of this agenda was to help central government, local agencies and citizens to work together in an effective manner to tackle the problems caused by anti-social behavior.

Till now the most common recipients of the ASBOs are young people. These young people are often considered a nuisance to the community by bad behavior problems such as drinking, minor theft etc, due to which they are banned from certain areas for specific periods of time. A report by Joseph

Rowntree Foundation (JSF) discusses three main reasons as to why these young people or even adults behave anti-socially. The first reason was a decline in moral standards and family values. Secondly, there are some families that have become disengaged from the society. Thirdly, that these young people were always considered as kids and not given a chance to act like grownups (Clarke 2003).

Neighborhood management is a new form of neighborhood renewal strategies. It also addresses the problems of anti-social behavior. It also focuses on community involvement; which benefits the community, brings the individuals closer and values them. Various community programs are held in order to empower the residents and keep them participated in such community acts.

### Strengths

The main mechanisms that have been deployed to tackle anti-social behavior include the following strengths(Clarke 2003):

- \* Improvement in the quality of life of the community.
- \* Gives values to the residents and in result they actively participate in preventing anti-social activities.
- \* The Respect Agenda specifically focuses on the youth by funding youth clubs and college sports teams etc
- \* People's aspiration and expectation levels are raised.

### Weaknesses

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Since the introduction of the ASBO, debate has bounded it for several reasons(Clarke 2003).

- \* Little restriction by courts on what can be termed as anti-social behavior.
- \* Often lawful behavior is criminalized.
- \* The penalties are open ended.
- \* Effect of ASBOs on children and young people.

## Conclusion

The antisocial behavior continues to be performed on adolescents. This is in opportune.

Firstly, the agencies should work in partnership with other public bodies and community groups to ensure safer and stronger communities. This can be done by taking positive actions focused at the diminution of crime and disorder and humanizing the quality of life for everyone.

The young children should at least once be given warning letters or home visits when involved in anti-social acts because a lot of young people have been taken in to custody who do not deserve to be there.

The Dispersal Order should ensure that the restrictions and powers of the Order are well publicized to everyone, including the young people and their parents.

The Respect Agenda must not only be focused on young people but should look at a broader perspective. It should create a balance in the relationships that exist between young and old to

create the ‘respect’ element. It should be linked to broader policy making even at the local community level (Clarke 2003).

The government published a paper regarding the abolishment of ASBOs and some other court orders. These would be replaced by CBO and CPI. CBO is Criminal Behavior Order and would focus on criminal conviction in stead of the CR-ASBO, whereas CPI is Crime Prevention Injunction responsible for other cases, where someone is not convicted. The white paper says that most of the feedback regarding this new system is positive, whereas some were concerned about the funding. This new system simplifies the much complex old system and is majorly accepted by the public. Both of these unlike ASBOs need to have optimistic necessities as well as exclusions. The breach of a CBO is a criminal offence followed by a maximum prison sentence of five years. However, breach of a CPI would result in ridicule of court for which the penalty can be either a heavy fine or two years in prison (McAtamney & Morgan 2009).

The government has also issued Designated Public Place Orders which pose a restriction on public drinking because of the nuisances that have been experienced earlier. This Order can limit to certain areas over specific time periods. The police will have the power to regulate the consumption of alcohol in a certain area.

Previously the government made a large amount of information regarding the problems people faced in the anti-social behavior area. All this information was available online. In May 2008, the government produced an Anti-social behavior guide, which gave information on a range of remedies. Although this information is still available on the archived versions of the Home Office, yet it has not been updated. The present Government has recently issued a White Paper promising to replace 19 of the orders to just six (UK Parliament Publications and records 2005).