



LINCOLNSHIRE POLICE

Policy Document

1. POLICY IDENTIFICATION PAGE

POLICY TITLE:	ANTI-SOCIAL BEHAVIOUR POLICY
POLICY REFERENCE NO:	PD124 (5)

POLICY OWNERSHIP:	
<i>ACPO Commissioning Officer:</i>	ACC LOCAL POLICING
<i>Portfolio / Business-area Owner:</i>	C/SUPT EAST AND WEST AREA
<i>Department Responsible:</i>	LOCAL POLICING
<i>Senior Owner:</i>	C/INSP PAUL TIMMINS
<i>Links or overlaps with other policies/strategies:</i>	
Lincolnshire Police Hate Crime Strategy (PD 96) Force Attendance Policy	
Lincolnshire Police Data Protection Policy	
Lincolnshire Police Partnership Information Sharing Agreement	
Police and Crime Plan for Lincolnshire	
Community Safety Partnership Plans	
Lincolnshire Families Working Together Project	
Lincolnshire Restorative Justice Programme	
Lincolnshire Health and Wellbeing Strategy	
Lincolnshire Domestic Abuse Strategy	
Lincolnshire Hate Crime Strategy	
Lincolnshire Adult Safeguarding Multi-Agency Policy and Procedures	
Lincolnshire Children's Safeguarding Policy	

POLICY EFFECTIVE DATE:	APRIL 2015
POLICY REVIEW DATE:	APRIL 2017

VERSION:	DATE:	REASON FOR ISSUE:
(1)	Dec-11	Policy reviewed
(2)	Dec-12	Policy reviewed and amended for ratification by ASB SMB
(3)	Sept-13	Amendments complete
(4)	Feb-14	Policy review date amended
(5)	Apr-15	Policy rewritten due to new legislation introduction.

2. **Legislative Compliance**

This document has been drafted to comply with the principles of the Human Rights Act.

Public disclosure is approved unless otherwise indicated or justified.

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

The Lincolnshire Anti-Social Behaviour Partnership comprises of:

Lincolnshire County Council Safer Communities
Lincolnshire Police
Lincolnshire Fire and Rescue
Lincolnshire Youth Offending Service
Lincolnshire County Council Families Working Together
Humberside, Lincolnshire and North Yorkshire Community Rehabilitation Company (Provider of Probation Services)
West Lindsey District Council
East Lindsey District Council
City of Lincoln Council
North Kesteven District Council
South Kesteven District Council
Boston Borough Council
South Holland District Council
Longhurst and Havlock Homes
Waterloo Housing
Boston Mayflower
ACIS Group Ltd

3. **POLICY STATEMENTS/INTENTIONS**

3.1 ***The principles and scope of the policy***

This strategy sets out how agencies in Lincolnshire will work together to effectively manage and resolve reports of anti-social behaviour; building upon the excellent partnership work already operating across the county and ensuring together we continue efforts to reduce anti-social behaviour and provide every member of the community with the highest possible standard of service.

As a partnership we do not underestimate the impact anti-social behaviour can have on the lives of individuals and communities. The primary focus of our strategy is to put the needs of victims first; to provide effective support and ensure processes are

in place to protect them from further harm. Key to this approach is the identification of repeat and vulnerable victims.

We also recognise the importance in effectively tackling perpetrators of anti-social behaviour and the benefits of early intervention methods to achieve long-term sustainable outcomes.

This strategy does not sit in isolation but is intended to run alongside existing anti-social behaviour policies as a framework of activity adopted by agencies in Lincolnshire as an overarching approach to tackling anti-social behaviour.

3.2 ***The aim of the policy***

Aims

We aim to reduce instances of anti-social behaviour and the numbers of people who are involved in or at risk from anti-social behaviour (both victims and perpetrators). Where anti-social behaviour does occur, we are committed to putting the victim first, particularly if they are vulnerable or a repeat victim.

Objectives

- Deliver a consistent response to anti-social behaviour across Lincolnshire, irrespective of location or service provider.
- Provide improved service and protection to the public through the use of swift efficient processes.
- Manage reports of anti-social behaviour more effectively across partners in Lincolnshire.
- Improve the experience for victims and witnesses of anti-social behaviour through better engagement and understanding.
- Identify repeat and vulnerable victims effectively and respond more efficiently.
- Identify repeat perpetrators of anti-social behaviour and explore opportunities to implement interventions to reduce their negative impact on communities.
- Tackle problem locations where anti-social behaviour is occurring.

Facilitate effective information sharing including the use of a shared IT system to allow for a more joined up approach in managing high risk cases.

4. INTRODUCTION/LEGAL BASIS

4.1 *The origins/background information*

Introduction

The Lincolnshire Community Safety Partnership is a strategic multi-agency group set up to tackle countywide community safety issues. It is made up of both statutory and non-statutory organisations such as the Police, County Council, District Councils, Fire and Rescue, Probation Trust, Clinical Commissioning Group and the Youth Offending Service. Collectively they are required to identify community safety priorities and develop strategies to deal with them effectively. Each priority area is supported by a Strategic Management Board, which is responsible for delivering all actions set within their delivery plan.

The Lincolnshire Community Safety Partnership recognises the huge effect anti-social behaviour has on victims and communities and has therefore made it one of their key priorities.

4.2 *General Principles of the Policy*

What is Anti-Social Behaviour?

'Anti-social behaviour' is the broad term used to describe a range of nuisances, disorder and crime that affect people's daily lives. It covers many types of behaviour that vary in nature and severity, many of which are open to interpretation. Thus what is considered anti-social by one person can be acceptable to another.

Issues that could constitute as anti-social behaviour include (this is by no means an exhaustive list);

- Noise nuisance
- Intimidation and/or threatening behaviour
- Littering or Fly-tipping
- Vandalism, graffiti and other deliberate damage to property or vehicles
- Using or dealing drugs
- Street drinking
- Rowdy behaviour in public
- Abandoned or burnt out cars
- Neighbour disputes

There is no single definition of anti-social behaviour but instead a series of different definitions for different purposes; introduced through the Anti-social Behaviour, Crime and Policing Act 2014. These definitions encompass a variety of behaviours covering a whole complex of activities which may be unacceptable in different contexts.

Agencies (Police, Local Authorities and Registered Social Landlords) will use these

definitions to determine whether anti-social behaviour has occurred and if so, take the necessary action.

We acknowledge that anti-social behaviour does not exclude other criminal offences and understand that any act of anti-social behaviour associated with a crime will be dealt with accordingly; incorporating the required criminal sanctions into the intervention process.

National Context

This strategy has been developed in response to the government's White Paper: Putting Victims First: More Effective Responses to Anti-Social Behaviour (published in May 2012) and the subsequent Anti-Social Behaviour, Crime and Policing Act 2014.

The White Paper highlighted the failure of systems to adequately deal with complaints of anti-social behaviour and emphasised the need to protect the most vulnerable in society. It proposed a series of reforms to improve how agencies tackle anti-social behaviour; focusing on the needs of victims and introducing new legislation to allow professionals to take swift, effective action against perpetrators.

Anti-Social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 contains various measures to protect the public from anti-social behaviour, dangerous dogs, forced marriage, sexual harm and illegal firearms used by gangs and in organised crime. It also includes changes to improve the provision of services for victims and witnesses.

The key provisions to tackle anti-social behaviour include:

- Simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities.
- Replace 19 powers to deal with anti-social behaviour with 6 broader powers, intended to streamline procedures to allow for a quicker response.
- Introduces the Community Trigger and Community Remedy to give victims and communities a greater say in how agencies respond to their complaint and in the punishment of offenders out of court.
- Gives landlords power to swiftly evict anti-social tenants.

To demonstrate our commitment to tackling anti-social behaviour and to ensure the measures introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 are used effectively throughout Lincolnshire, the Anti-Social Behaviour Strategic Management Board have developed countywide procedures for each of the new powers and tools, which have been adopted by all members.

Local Context

Current analysis of anti-social behaviour in Lincolnshire is conducted using data recorded by the Police on reported incidents of anti-social behaviour. We acknowledge that anti-social behaviour is reported to a number of agencies and organisations, however at present there is no consistent approach to the storing and sharing of information in order to include all data within our analysis. As a result there are areas of under reporting, particularly in those categories which affect households or the environment when the victim is more likely to report the incident to the Local Authority or Registered Social Landlord.

Since April 2011 Lincolnshire Police have seen a continued overall reduction in incidents of anti-social behaviour. Latest figures for 2013/14 show that anti-behaviour

reduced by 12.1% that is 2990 fewer incidents compared to the previous year. Analysis of this sustained decrease has revealed a correlation between improved partnership processes for tackling anti-social behaviour (especially in the area of case management) and the reduction in incidents. Although this presents a positive picture for Lincolnshire we are not complacent and understand the challenges ahead to sustain this trend. Key to our continued success lies within this strategy and the effective delivery of actions set within our delivery plan.

Working in partnership

We know that anti-social behaviour cannot be tackled by one agency alone and that to provide an effective response we must work together. Working in partnership is key to our approach and by doing so allows us to:

- Share appropriate information to identify anti-social behaviour trends and deliver proactive targeted responses.
- Improve co-ordination across agencies to support and protect victims of anti-social behaviour, particularly the most vulnerable.
- Increase and improve the sharing of good practice, skills, and experience across the county amongst both statutory and non-statutory agencies.
- Train staff to effectively deal with reports of anti-social behaviour; utilising all the powers and tools available to them.

Anti-Social Behaviour case management

To support our partnership response to anti-social behaviour partners (Police and Local Authorities) have jointly purchased a multi-agency case management system, which can also be accessed by four of the counties main Registered Social Landlords and Lincolnshire Fire and Rescue. It is predominately used to manage and co-ordinate all activity in response to high risk cases of anti-social behaviour e.g. repeat/vulnerable victims, persistent perpetrators and hotspot locations, however most Local Authorities now use it to record all complaints of anti-social behaviour. An Information Sharing Agreement is in place to allow users to view the collective information that has been input by the different agencies and by doing so tackle anti-social behaviour more efficiently.

To ensure the effective and consistent identification of vulnerable and repeat victims and 'hot spot' locations the Anti-Social Behaviour Strategic Management Board has agreed the following definitions.

Vulnerable victims

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

This definition of vulnerability puts the emphasis on how the complainant is affected by a particular problem to determine risk, rather than assuming personal demographics automatically place them in the vulnerable or high risk category.

Although we must consider the nine protected characteristic of the Equality Act 2010 (age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation) it is the impact the anti-social behaviour is having on the individual or community that is important when identifying vulnerable victims of anti-social behaviour.

Repeat victims

'Repeat victimisations occurs when a person is subjected to three incidents of anti-social behaviour within a rolling 12 month period'

It is widely recognised that victims rarely report their first experiences of anti-social behaviour, often waiting until it begins to impact upon their life. This definition, therefore, includes both reported and unreported incidents of anti-social behaviour within the 12 month time frame. It is the agencies responsibility to establish whether any previous incidents have occurred and consider this in their response.

'Hot spot' locations

'A 'hot spot' location is an area where 3 or more incidents of anti-social behaviour have occurred in the same locality within a one month period, reported by more than one person'.

'Hot spots' locations tend to be those areas most accessible to the public, for example shopping precincts, children's play parks, or public car parks, and can even expand to cover entire housing estates. They often involve multiple offenders and more than one victim, resulting in a wider impact on the community.

Partners will work together to identify and tackle area 'hot spots'; considering the needs of the community as a whole, as well as individual victims affected.

Hate Crime

This strategy is underpinned by a commitment to provide equality of access to services and support to every member of our communities; regardless of – age, disability, marital status, gender assignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation. It is widely understood that those most vulnerable in our society or those from diverse backgrounds are proportionally more likely to become victims of anti-social behaviour or hate crime. Incidents of hate crime often manifest themselves in low level forms of anti-social behaviour, which on the surface may appear minor but the impact on the victim and their family can be devastating if not dealt with quickly and effectively. This was clearly highlighted in the case of Fiona Pilkington who killed herself and her disabled daughter, Francesca Hardwick, after suffering years of anti-social behaviour and hate crime. In recognition of this, this strategy has been integrated with the Lincolnshire Hate Crime Strategy and the priorities set within it.

Understanding the Needs of Our Communities

We recognise that understanding communities and underlying tensions is key to responding effectively. It is therefore important that we listen to our communities and ensure they are included in the decisions making process. It has also being found that by involving the public in crime prevention work generates ownership and encourages residents to take responsibility for their own problems and improve their capacity for self-help, subsequently resulting in long-term sustainable outcomes (Liddle & Gelsthorpe 1994; Thomas 1999).

Our Response

It is important to record anti-social behaviour based on the perception of the complainant. If the complainant believes their report is anti-social behaviour it should be recorded and investigated as such. The investigation may conclude that it is not anti-social behaviour but the complainant's initial perception is paramount. It is also essential to identify repeat or vulnerable victims at the earliest opportunity to protect them from further harm.

This strategy lays out the appropriate initial response in respect of recording, risk

assessing and managing complaints of anti-social behaviour. Partners agree that they will respond to reports based on their assessment of risk; prioritising incidents based on the levels of harm and risk to those affected, rather than selectively attending or categorising incidents. The police will always tackle issues of crime that may be a symptom of anti-social behaviour but will do so in partnership with other agencies to ensure all action is being taken to address the problem.

Consideration should also be given to any possible mental health or learning disability when responding to incidents of anti-social behaviour. If it is believed that the victim or perpetrator have a mental illness or learning disability efforts must be made to establish whether the person is subject to mental health services or adult social care and ensure appropriate information is shared with the agency. #

When a complaint of anti-social behaviour is received the following principles will be employed:

- Record the complaint.
- Treated the complaint seriously and act professionally.
- Conduct an initial dynamic risk assessment to establish the required response based on threat, risk and harm.
- Cross reference previous complaints relating to the victim, perpetrator or location and use this information to tailor the response.
- Ensure all victims identified as vulnerable and/or repeat are managed appropriately (in line with each agencies internal policies and procedures) and additional specialist support services are offered, if required.
- Victims identified as high risk will be referred (with their consent) to the Anti-Social Behaviour Risk Assessment Conference (ASBRAC) for multi-agency intervention and support.
- Agree an action plan with the victim, outlining how they aim to investigate and resolve their complaint.
- Provide the victim with a reference number (if possible) and a point of contact.
- Keep the victim up to date with the progress of their case and give regular feedback.

Anti-Social Behaviour Risk Assessment Conference (ASBRAC)

The Anti-Social Behaviour Risk Assessment Conference is a process that brings local agencies together to manage high risk victims, perpetrators or locations of anti-social behaviour. It provides a structured meeting to share information and consider and implement the required actions to reduce the risk of harm, using a multi-agency approach.

For further information please refer to the Lincolnshire ASBRAC Guidance and Operating Procedures.

Supporting victims and witnesses

We understand that vulnerable victims can often have complex needs and therefore require specialist support, beyond the practical and emotional support provided by anti-social behaviour professionals. In response Lincolnshire County Council Safer Communities has commissioned VoiceAbility to deliver a vulnerable victim support service, specifically for victims of anti-social behaviour. VoiceAbility support complainants of anti-social behaviour who are recognised as having additional vulnerabilities, beyond the anti-social behaviour itself. Vulnerability can be presented in various forms, from mental illness or learning difficulties, to social isolation or loneliness and can often increase the impact caused by anti-social behaviour.

Advocates work with victims to understand and address their needs, providing support to help them manage their situation more effectively.

When action is taken to tackle an anti-social behaviour problem, whether informal or formal, we recognise the importance in ensuring that anyone experiencing anti-social behaviour, whether a victim or witness, is supported and kept informed. We also understand that the responsibility to support victims and witnesses does not end after the completion of court proceedings and we are committed to providing support for as long as required, whether it is directly or through other agencies.

Perpetrators of Anti-Social Behaviour

A proportionate response is always important in tackling anti-social behaviour. Our strategy emphasises the use of preventative programmes and early intervention methods as an initial response (in most cases) to not only address the behaviour but also the causes behind it. It is understood, however, that such action is not always appropriate and immediate enforcement may be required.

Action taken to deal with perpetrators of anti-social behaviour will be aimed at achieving long-term solutions that reduce the impact on victims and enhance the opportunity for perpetrators to migrate towards a positive contribution within their community.

This will be done by:

- Considering all aggravating and mitigating factors, including the view of victims.
- Assessing each case individually to determine the most appropriate action.
- Refer persistent perpetrators to the Anti-Social Behaviour Risk Assessment Conference (ASBRAC) for multi-agency intervention.
- Considering the use of Restorative Justice to enable perpetrators of anti-social behaviour to recognise the consequences of their behaviour and in doing so aim to change their behaviour.
- Work closely with parents and the Youth Offending Services to ensure young perpetrators of anti-social behaviour receive appropriate interventions and support.
- Utilise support services such as Families Working Together to tackle the underlying causes of a perpetrators anti-social behaviour, considering the needs of the whole family not just the individual involved.
- Use the full range of legislative powers where appropriate to resolve the most serious cases of anti-social behaviour.

Use education through schools as a primary method of preventing young people from committing or becoming victims of anti-social behaviour.

Mediation

In certain cases of anti-social behaviour, in particular neighbour disputes, mediation can be a useful approach to resolving the issue. Mediation empowers people to work together to resolve their problems. Solutions are offered by the parties themselves, enabling them to remain in control of any outcomes. While agreements made are not legally binding, parties are more likely to adhere to them because they have created them themselves. Mediation should not be regarded as a last resort when all else has failed, and should be used at the earliest opportunity.

Lincolnshire County Council Safer Communities have commissioned an independent mediation service, which is available to the Police, Local Authorities and Registered Social Landlords, to specifically assist with neighbour disputes. Where there is a

case that could possibly be resolved through mediation, the agency will speak with both parties to obtain their agreement and submit a referral to the mediators.

Restorative Justice

We are committed to using innovative and creative solutions to tackle anti-social behaviour and promote the use of Restorative Justice as an out of court method to resolving complaints of anti-social behaviour.

‘Restorative processes bring those harmed by crime or anti-social behaviour, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward’ (as defined by the Restorative Justice Council).

Importantly, it also enables offenders to face the consequences of their actions and make amends; which has shown to be effective in motivating change and stopping future offending.

There are two Restorative Justice Services available in Lincolnshire, which are delivered by Lincolnshire Police; Restorative Community Resolution and Restorative Justice Conferencing. Although the principles are the same with both methods, a Restorative Resolution allows officers to deliver Restorative Justice immediately in response to incident (with the willing participation of both the victim and perpetrator). Whilst a Conference is a more structured process that can involve the victim, perpetrator, community members or criminal justice agencies, which are led by a trained facilitator whose role is to help those involved understand how others have been affected and find a resolution.

It is important, when using Restorative Justice that it is formally recorded (in accordance with Lincolnshire Restorative Justice Guidance) and the relevant partner agencies are informed.

Emphasis on Restorative Justice, particularly in response to anti-social behaviour, continues to grow and is strongly advocated within the Anti-Social Behaviour Crime and Policing Act 2014 through the introduction of the Community Remedy (a document that sets out a list of activities considered suitable when delivering a Restorative Resolution). It is the responsibility of the Police and Crime Commissioner (PCC) to produce the document and in doing so must consider the views of the public and the agencies delivering Restorative Resolutions (e.g. Police and Local Authorities). The Lincolnshire Community Safety Partnership and Anti-Social Behaviour Strategic Management Board are supporting the PCC to ensure the Community Remedy is implemented effectively and incorporated into current practice.

Prevention and Early Intervention

Often there may be significant underlying problems which contribute to a person’s engagement in anti-social behaviour, such as abuse or neglect at home, alcohol and drug misuse or physical and mental health problems. Supporting perpetrators to identify and resolve their problems is key to helping them improve and change behaviour and must therefore form part of our response (alongside formal intervention measures, if necessary).

There are a range of services available in Lincolnshire that can be used to assist in tackling anti-social behaviour, however there are two in particular that have proven very successful; the Youth Offending Service Prevention and Early Intervention Programme and the Families Working Together project.

Youth Offending Service Prevention and Early Intervention Programme

Prevention and Early Intervention is available to young people aged 8 to 17 who are at risk of being involved in crime and anti-social behaviour. They offer a variety of programmes catered towards addressing various needs, including social skills, anger management, peer pressure, victim awareness, substance misuse and unacceptable behaviour. They also provide parenting support and can refer to other professionals for specific help outside of their expertise.

Families Working Together Project

The aim of the project is to use a multi-agency approach to addressing family problems, which may be the root cause of offending behaviour. This is done through a dedicated Key Worker that works intensively with the family to help draw up an action plan that tackles the family's problems as a whole using a range of specialist services. Plans will include a number of incentives to reward positive behaviour along with sanctions to discourage deviation.

Clear referral pathways for both services have been established in Lincolnshire allowing for effective multi-agency intervention that provides long-term sustainable solutions

Intervention - An Incremental Approach

The Anti-Social Behaviour Strategic Management Board supports an incremental approach to tackling perpetrators of anti-social behaviour. While this method is usually appropriate, we understand that there will be occasions when, in order to deal swiftly and effectively with anti-social behaviour to provide immediate protection to individuals and the community, it is not practical to follow each stage consecutively.

The stages outlined below are not fixed and may vary slightly between organisations.

Stage One: Verbal Warning

A verbal warning is often used as an immediate response to an incident of anti-social behaviour when the perpetrator is found to have no previous involvement in such activity. In issuing a verbal warning it should be made clear to the individual what behaviour is causing the issue; what effect it is having on the victim or community and the consequences should the behaviour continue.

This face to face contact with the perpetrator also provides an early opportunity to identify any contributing factors, such as substance misuse, mental health problem or learning disability, and provide the necessary intervention by means of a referral to the required agency for additional support.

Each agency needs to ensure that it keeps a record of when a verbal warning is given and should share such information with relevant partners.

Stage Two: Advice letters

Advice letters are used to alert a person that their behaviour is of concern and

request that it stops. It is a particularly useful tool to inform parents/guardians that their child has been identified as being involved in anti-social behaviour and provide details of the circumstances surrounding the incident.

Stage Three: Unacceptable Behaviour Warning

An unacceptable behaviour warning contains specific details about what behaviour has occurred and why it is not acceptable, including the impact on any victims or local community. It also stresses the seriousness of the matter and details what further action will be taken should the person continue to engage in such behaviour. Local agencies should alert each other that the warning has been given so that it can be effectively monitored.

Best practice has found that when a warning is issued in person, the impact on the perpetrator is more significant. Furthermore, it also allows for discussion between the issuing officer, the perpetrator and their parent/guardian (if necessary). Although partners will endeavour to follow this approach it is understood that it is not always possible.

Stage Four: Acceptable Behaviour Contract (ABC)

An ABC is a voluntary agreement between the person involved in anti-social behaviour and the organisation e.g. Local Authority/Registered Social Landlord or Police.

A Local Authority or Registered Social Landlord (often in company with a local Police Officer or Police Community Support Officer) will visit the subject in person to negotiate and agree the terms of the contract. It will contain a list of anti-social acts that they will agree not to continue to do.

The contract may also contain offers of support to address any underlying causes of their behaviour, such as a referral to Families Working Together or the Youth Offending Service Prevention and Intervention Programme. A contract can be reviewed and altered at the discretion and agreement of all the agencies involved. An ABC is not legally binding but can be used as evidence to support enforcement action, for example an application for a Civil Injunction or Criminal Behaviour Order.

Stage Five: Enforcement

There are a range of civil and criminal sanctions available to different organisations to effectively deal with perpetrators of anti-social behaviour. By working together agencies in Lincolnshire can access an array of measures, beyond the capability of their individual organisations, and choose the most appropriate action specific to each case. Some of the powers and tools available include:

Civil Injunction

The Police, Local Authority or Registered Social Landlord can apply for a Civil Injunction as a means to deal with anti-social individuals. The Injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators. It can also provide a sanction if an Acceptable Behaviour Contract is breached. There are two tests for a Civil Injunction; housing related and non-housing related. The use of either test will depend on the applicant and circumstances in which the anti-social behaviour has occurred.

If an application for Civil Injunction is against someone under the age of 18 the applicant must consult the local youth offending team (YOT) before proceeding.

A Civil Injunction can prohibit a perpetrator from carrying out specific anti-social acts or from entering defined areas and can also require the individual to engage in specified positive activities, aimed at addressing the root causes of their anti-social

behaviour. Breach is not a criminal offence and is dealt with by as contempt of court.

Criminal Behaviour Order (CBO)

A Criminal Behaviour Order can be applied for by either the Crown Prosecution Service or Local Authority when a person has been convicted of any criminal offence. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them to a criminal court. The court will not consider an application for a Criminal Behaviour Order at a hearing after the perpetrator has been sentenced therefore it is important agencies inform partners when they are aware a perpetrator of anti-social behaviour is being brought to a criminal court to ensure a Criminal Behaviour Order can be considered.

If the offender is under 18 years of age the prosecution must find out the views of the local youth offending team (YOT) before applying for a Criminal Behaviour Order. Like a Civil Injunction the Criminal Behaviour Order can include both prohibitions and positive requirements. Breach (of either a prohibition or requirement) is a criminal offence.

Community Protection Notice (CPN)

A Community Protection Notice is intended to deal with unreasonable, ongoing problems or nuisances that are detrimental to the local community's quality of life. A Notice can be issued by the Local Authority or Police (following a written warning) to anyone over 16 or business/organisation and can require the subject to stop doing specific things, do specific things and/or take reasonable steps to prevent reoccurrence. Breach of a Community Protection Notice is a criminal offence punishable by a fine.

Public Space Protection Order (PSPO)

Public Space Protection Orders are only available to Local Authorities, however often form part of a wider problem solving plan with Police and other agencies. They impose conditions on the use of an area in order to address a particular nuisance or problem that is, or might become, detrimental to the local communities quality of life. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour. Breach of the order, without reasonable excuse, is a criminal offence punishable by a fine.

Closure Power

The Closure Power is a two stage process that allows Local Authorities or Police to close a premise. The first stage is the serving of a Closure Notice if the use of the premises has resulted in or is likely to result in serious nuisance to members of the public. This notice can last for 48 hours and once served, any person apart from those with a legal right to occupy the property must leave or they will be committing a criminal offence. Unless the notice is cancelled, the case is then referred to the Magistrates Court to consider whether a Closure Order should be made. The Order prevents any person from entering the property (including the owner/occupier) and can last for up to 6 months. Breach of a Closure Notice or Order is a criminal offence and could result in a fine or imprisonment.

Dispersal Power

This is a Police power to disperse people causing harassment, alarm or distress. It allows officers to direct a person who has committed, or is likely to commit, anti-social behaviour to leave an area and not return for up to 48 hours. The Dispersal Power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short term respite to a local community. Failure to comply with a direction to leave is a criminal offence punishable by fine or imprisonment.

4.3 ***Legal Basis***

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

- Domestic Law (such as The Police and Criminal Evidence Act 1984, and the Criminal Justice and Public Order Act 1994)
- Common Law (such as the protection of life and property and preventing breaches of the peace)
- The European Convention of Human Rights (ECHR) which has been given legal effect by virtue of the Human Rights Act 1998
- The Health and Safety at Work Act 1974, the Police (Health and Safety) Act 1997 and legislation enabled by these Acts.
- The Equality Act 2010
- The Crime and Disorder Act 1998
- The Criminal Justice Act 2003
- The ASB, Crime and Policing Act 2014

4.5 ***Human Rights Considerations/Articles Engaged***

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

- Article 2: Right to Life
- Article 3: Prohibition of torture
- Article 5: Right to Liberty and Security of the person
- Article 6: Right to a Fair Trial
- Article 8: Right to Privacy
- Article 9: Freedom of Thought, Conscience and Religion
- Article 10: Freedom of Expression
- Article 11: Freedom of Assembly and Association
- Article 14: Right to Prohibition of Discrimination

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

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

In any of their actions all members of Lincolnshire Police must be aware they must not discriminate against any persons regardless of age, gender, sexual orientation, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under Article 14 ECHR.

4.6 ***Codes of Ethics***

All staff involved in carrying out functions under this policy and associated procedures and appendices will do so in accordance with the principles of the Code of Ethics. The aim of the Code of Ethics is to support each member of the policing profession to deliver the highest professional standards in their service to the public

5. **APPENDICES**

NONE

6. **IMPLICATIONS OF THE POLICY**

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

6.1 ***Financial Implications/Best Value***

Improve partnership working and collaboration may facilitate savings across partners due to a decrease in duplication or effort in case management, marketing and publicity.

There are financial implications for all partners with respect to software interfaces and maintenance contracts.

6.2 ***Human Resources/Training***

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

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

6.3 ***Strategic/Business Plan***

The Crime and Disorder Act 1998 was introduced in response to growing public concern about ASB. Section 17 places a statutory duty on Local Authorities and partner agencies to do all they reasonably can to reduce crime and disorderly behaviour locally, and improve people's quality of life as a result. Each individual partner within the ASB Partnership recognises their responsibility in respect of managing ASB and community cohesion, which is reflected throughout this policy.

By doing so our strategic aim to build trust and confidence through safer neighbourhoods, protecting the public and service improvement is achievable.

6.4 ***Risk Management***

The two identified risks within this policy include:

- Inconsistency in service delivery across all partners
- Inconsistency of resources.

Failure to manage such risks will compromise efforts to reduce ASB and may therefore increase the level of risk and vulnerability to individuals and communities within Lincolnshire. This could, in turn, impact on levels of confidence and customer satisfaction. Furthermore, it will undermine efforts to achieve our objectives and will also cause the wasteful deployment of resources and bring into doubt the integrity and reliability of performance data.

In order to ensure such risks do not jeopardise our intended outcomes they will be managed through the ASB SMB Delivery Plan. The plan consists of a number of actions to be accomplished over the next 12 months as a means to develop our objectives, monitor progress and evaluate our success.

6.5 ***Health and Safety***

There are no known identified Health and Safety issues attached to this policy.

6.6 ***Diversity***

We are committed to meeting needs and providing improved services to all victims of ASB in Lincolnshire regardless of race, ethnicity, age, gender or gender status, etc. The Equality Act established a new Single Equality Duty on public authorities. This consolidates the three existing public duties on race, disability and gender. Additionally, it covers age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment.

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

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

Public Bodies must also show:

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

These are sometimes referred to as the three aims or arms of the general equality

duty.

The Act explains that having due regard for advancing equality involves:

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

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

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

6.7 ***Children and Young People***

Children Act 2004

Section 10 – Co-operation to improve well being

Section 11 – Arrangements to safeguard and promote welfare

6.8 ***Crime and Disorder Act***

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

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

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

Lincolnshire Police Hate Crime Strategy (PD 96)

Force Attendance Policy

Lincolnshire Police Data Protection Policy

Lincolnshire Police Partnership Information Sharing Agreement

Lincolnshire Police Restorative Justice Policy

6.10 ***Consultation***

All Partners, Heads of Departments, Chief Officer Group, Area Commanders, PCC, and staff associations have been consulted on this policy and its revision.

6.11 ***Publication***

This policy will be published on each partner's intranet and external internet site.

7. **PROMOTION/DISTRIBUTION**

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

8. **MONITORING/REVIEW**

This policy will be monitored through a delivery plan, which has been produced by members of the ASB SMB. It clearly outlines our objectives for the next 12 month, along with measurable aims and performance indicators to review the partnerships progress and success. There is a lead practitioner for each action within the delivery plan and times scales for completion of each activity, which are discussed at the quarterly ASB SMB meeting.

Satisfaction surveys of victims of ASB will be conducted, monitored and shared by all partners in order to establish an overall picture of our developments, which can be consistently and easily evaluated.

The policy will be reviewed annually.

PRO-FORMA FOR THE INITIAL ASSESSMENT

This screening document is the first stage in a two-stage process to take a systematic approach to assessing the impact of an activity on equality. An activity may mean a:

- policy or policy review,
- a business case
- a business plan
- a project initiation
- a decision to implement a service
- a decision to decommission a service.

This screening should be completed by the lead person for the activity with assistance from any of the following departments:

- Human Resources (Where appropriate)
- Equality and Diversity

Department:	LOCAL POLICING	Section:	LOCAL POLICING	Person responsible for initial assessment:	C/INSP PAUL TIMMINS
Name of the Policy to be assessed:	ANTI-SOCIAL BEHAVIOUR	Date of Assessment:	12/3/15	Is this a new or existing policy?	EXISTING
1. Briefly describe the aims, objectives and purpose of the policy.	THE EFFECTIVE MANAGEMENT, INVESTIGATION OF ASB IN LINCOLNSHIRE				
2. Are there any associated objectives of the policy? Please explain.	NONE				
3. Who is intended to benefit from the policy and in what way?	SERVICE USERS, POLICE OFFICERS AND STAFF, PARTNER AGENCIES				
4. What outcomes are wanted from this policy?	IMPROVED SERVICE, BETTER ACCESS TO POLICING SERVICES, LEGAL OBLIGATION				

5. What factors/forces could contribute/detract from the outcomes?	NONE	
6. Who are the main stakeholders in relation to the Policy?	LINCOLNSHIRE POLICE, LINCOLNSHIRE COUNTY COUNCIL, LOCAL AUTHORITIES	
7. Who implements the policy and who is responsible for the activity?	DISTRICT CHIEF INSPECTORS	
8. Is there any likelihood the policy could have a differential impact on racial groups? (including Gypsies and Travellers)	N	SERVICE IS OPEN TO ALL GROUPS
What existing evidence (either presumed or otherwise) do you have for this?		
9. Is there any likelihood the policy could have a differential impact due to gender?	N	SERVICE IS OPEN TO ALL GROUPS
What existing evidence (either presumed or otherwise) do you have for this?		
10. Is there any likelihood the policy could have a differential impact on due disability?	N	Please explain SERVICE IS OPEN TO ALL GROUPS
What existing evidence (either presumed or otherwise) do you have for this?		
11. Is there any likelihood the policy could have a differential impact on people due to sexual orientation?	N	Please explain SERVICE IS OPEN TO ALL GROUPS

What existing evidence (either presumed or otherwise) do you have for this?		
12. Is there any likelihood the policy could have a differential impact on people due to their age?	N	Please explain SERVICE IS OPEN TO ALL GROUPS
12a Is there any likelihood the policy could have a differential impact on Young People and Children?	N	Please explain SERVICE IS OPEN TO ALL GROUPS
What existing evidence (either presumed or otherwise) do you have for this?		
12b Is there any likelihood the policy could have a differential impact on Older People?	N	SERVICE IS OPEN TO ALL GROUPS
What existing evidence (either presumed or otherwise) do you have for this?		
13. Is there any likelihood the policy could have a differential impact on people due to their religious belief?	N	SERVICE IS OPEN TO ALL GROUPS
What existing evidence (either presumed or otherwise) do you have for this?		
14. Is there any likelihood the policy could have a differential impact on people due to them having dependants/caring responsibilities?	N	SERVICE IS OPEN TO ALL GROUPS
What existing evidence (either presumed or otherwise) do you have for this?		
15. Is there any likelihood the activity could have a differential impact on people due to Marriage or Civil partnership?	N	SERVICE IS OPEN TO ALL GROUPS

What existing evidence (either presumed or otherwise) do you have for this?			
16. Is there any likelihood the policy could have a differential impact on people due to them being Transgender or Transsexual?		N	Please explain SERVICE IS OPEN TO ALL GROUPS
What existing evidence (either presumed or otherwise) do you have for this?			
17. If a differential impact has been identified in 8-16, will this amount to there being the potential for an adverse impact in this policy?		N	Please explain SERVICE IS OPEN TO ALL GROUPS
18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	Y	N	N/A
19. If Yes, is there enough evidence to proceed to a full EIA?			NO
20. Date on which Full impact assessment to be completed by.			

Signed (completing officer) _____ P Timmins _____

Signed (Lead officer) _____ P Timmins _____

Groups Affected

Please identify the anticipated impact this activity will have on the following population groups.

- Tick the appropriate box and give explanation if so required,
- Please note that there are both likely benefits and adverse impact within the same group
- Any groups highlighted as likely to be adversely affected should be consulted in the second stage Full Impact Assessment if one has been identified as being needed.

	Likely to Benefit	No Impact	Adverse Impact
Disability - Physical ,Sensory, Learning Disability, Mental Health, Carers	X		
Gender - Male , Female	X		
Transgender	X		
Race - Traveller and Gypsy etc	X		
Sexual Orientation - Lesbian, Gay , Bisexual	X		
Religion and Belief	X		
Age - Young and Old	X		
Marriage and Civil Partnerships	X		