



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

CJINI Report: Antisocial Behaviour

25 October 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Stewart Dickson
Mr Alex Easton
Mr William Humphrey
Mr Seán Lynch
Mr Patsy McGlone
Mr Jim Wells

Witnesses:

Ms Rachel Lindsay	Criminal Justice Inspection Northern Ireland
Mr Brendan McGuigan	Criminal Justice Inspection Northern Ireland

The Chairperson: I welcome to the meeting Rachel Lindsay, the lead inspector on the antisocial behaviour inspection report. The session will also be recorded by Hansard. I again hand over to Mr McGuigan.

Mr Brendan McGuigan (Criminal Justice Inspection Northern Ireland): Hopefully, my voice will hold up; if not, Rachel can take over.

Antisocial behaviour is a cross-cutting issue that requires significant partnership working in the areas of prevention, intervention and enforcement. Criminal Justice Inspection Northern Ireland (CJINI) aimed to examine and assess the approach to antisocial behaviour across the criminal justice system in Northern Ireland. It also considered the partnership working between criminal justice agencies and partners from the statutory and the community and voluntary sectors. The fieldwork afforded an opportunity to follow up on recommendations made in our 2008 report on antisocial behaviour orders.

The report highlights the importance of partnership working between the justice system and other Departments in addressing antisocial behaviour. The inspection identifies that the community safety strategy that was launched by the Minister of Justice in July provided an interdepartmental framework for tackling antisocial behaviour. The key strategic recommendation is that the Department of Justice should continue to encourage organisations — within and outside the justice sector — with responsibility for community safety matters to collaborate at a strategic level and a local level to take forward the recommendation's implementation. The report also highlights the significant role that the recently established PCSPs have to play in addressing and dealing with antisocial behaviour. That role is particularly important in two areas. First, inspectors believe that PCSPs have a duty to educate local communities on the reality, rather than the fear, of being subjected to antisocial behaviour and crime. The report recommends that engagement and increased knowledge in that area would

engender greater understanding about what justice agencies can and cannot deliver. PCSPS also have an important role to play in providing community input to the decision-making process on how antisocial behaviour is addressed. That can be achieved through sharing knowledge and facilitating communication and discussion between independent members of the community, political parties and statutory agencies.

The need for early intervention in dealing with antisocial behaviour, particularly when dealing with young people, was a recurring theme of the inspection. That theme follows up on the issues that were identified in our report on early youth interventions, which was published in July 2012. Early intervention for adults and children and young people helps to prevent future offending, protect victims and prevent deterioration in local community environments. The community safety strategy has also identified early intervention as key in dealing with antisocial behaviour.

The report identifies a number of examples of good practice in community projects, police responses to antisocial behaviour and interventions with young people to divert them from antisocial activities. That good practice should be shared across Northern Ireland. Neighbourhood Watch was also seen as a positive, community-based preventative measure, although targeting efforts in that area needs to be looked at.

Inspectors also found that anti-social behaviour orders (ASBO) continue to be a source of debate and divided opinion, particularly as around 40% of ASBOs are granted against under-18s. Although figures show that their use by the Police Service, the Northern Ireland Housing Executive and local councils has declined in recent years, they are still used in a small number of cases where previous interventions have not secured a change in behaviour. In the light of that, inspectors make two recommendations to support young people in changing their behaviour. As I said, the main strategic recommendation is that the Department of Justice should encourage a full commitment by justice and non-justice agencies with responsibility for community safety and that it should collaborate at strategic and local levels in working towards implementing the community safety strategy. There are a number of other operational recommendations for the Police Service and for PCSPs in particular, but we understand that it is early days for them. However, antisocial behaviour will be a recurring issue for them, so we are making some suggestions about what they might do to deal with it.

The Chairperson: Thank you.

Mr Wells: Brendan, do you agree with me that, as far as the public are concerned, anti-social behaviour orders have been a great disappointment? They offered so much for dealing with communities that were being terrorised, particularly by groups of young people, but they have unfortunately been a complete damp squib. The overall view is that ASBOs, both in their numbers and effectiveness, are simply not working.

Mr McGuigan: Certainly, the numbers in Northern Ireland have been very low. You could argue that that has been due to their proportionate use. However, if you look at the mechanisms and processes that are involved in getting to the granting of an ASBO, you will find that the efforts to encourage the person to change their behaviour are often more successful than the order itself. We know that the order is a civil measure, and a breach of it becomes a criminal matter that is then brought before the courts. We did not offer any view on whether ASBOs should or should not continue in Northern Ireland. The fact that they are not used greatly suggests two things to us: first, that people have, perhaps, limited faith in their use; and, secondly, that the range of other measures that were used in advance of going for an ASBO had more of an impact. Rachel will say more on that.

Ms Rachel Lindsay (Criminal Justice Inspection Northern Ireland): Certainly. We have always been mindful here of the experience in England and Wales where ASBOs were heavily used. Therefore, they became a badge of honour, and their use got a lot of negative publicity. So, I think that the agencies here have always been mindful of that when considering the use of ASBOs and have, as Brendan said, always looked for alternatives. The Housing Executive in particular has led on approaches such as mediation and other alternative disposals before seeking an ASBO.

Mr Wells: I regularly get complaints about antisocial behaviour, particularly in housing estates. The problem in getting them seems to be the difficulty that is involved in going through all the hoops to get an order. The people who are looking for ASBOs are those who are affected by drunken behaviour, noise or whatever, and they see an ASBO as an indication that something at least tangible is being done. It is a piece of paper that states, "If this guy gets caught again, he is in big trouble.". They are not interested in all these low-level negotiations and cosy chats behind the scenes; they want action.

When ASBOs originally came in here, there was a great hope that at last we had something. They are at least used in England. In identical situations in difficult estates in England, they are used regularly. In Northern Ireland, because of the approach of the Executive, district councils and many other authorities, they are just not biting at all. Is it worth communities having some hope of redress if you are not going to use it? Do we need to relax what needs to be done before ASBOs can be served?

Mr McGuigan: When we originally reviewed ASBOs, we found that some of them were entirely appropriate. I think that the difficulty is that they have been largely discredited in England and Wales. The Government there are actively looking to replace them, because, despite significant use, they are not seen to be particularly effective. The direction of travel for the ASBO in England and Wales does not appear to be towards a bright future. It is about finding something new, because the ASBO is not seen as a panacea for local communities' issues. As I said, they have been used extremely proportionately in Northern Ireland.

Mr Wells: I can see that.

Mr McGuigan: That having been said, as we say in our recommendations, if 40% of ASBOs are issued to young people, what else are you going to do with those young people? What other supporting mechanisms, programmes etc are there to get them to change their behaviour? Indeed, if they do change their behaviour, the order should be reviewed to see whether you can reward them for better behaviour by adjusting the order in some meaningful way that shows them that better behaviour leads to a better outcome.

Mr Wells: I do not think that we have given them a proper try in the Northern Ireland context. I do not think that the numbers issued are sufficient to indicate whether they are successful here. Frankly, I am fed up chasing the authorities to try to get them imposed, only to meet with so little success. You offer this to your constituents, and we now realise that it is a complete paper tiger. It seemed a great idea at the time because of the civil aspect of the ASBO. It meant that the recipient was on their last orders and that the next move was to the courts, but the reality is that the numbers issued here are so small that we do not have the quantity in Northern Ireland to assess anything. The variation between district councils in Northern Ireland is quite stark. There are some areas where they are hardly heard of, yet we all get complaints about pensioners in particular being plagued by bad articles — guys who have lost control, have gone feral and are causing huge problems, yet we cannot seem to get anything done about it. It has been the great disappointment of my time in the Assembly that ASBOs have become almost a laugh. However, that is probably me on my soapbox about it more than anything else.

Mr Humphrey: Now that you have stepped off your soapbox, I will step on to it. A number of years ago, we had people describe car theft and car crime as "joyriding", when it was crime. Therefore, the language that is used here is vital in the context of this sort of thing, because it is criminality. Some people call it antisocial behaviour or anti-community behaviour, but it is criminality. We have pensioners come to our offices, or we visit them in their homes, where they are being tortured in their twilight years. So, I agree with Jim that not enough is being done about antisocial behaviour. I have been involved in youth work all my life, and I agree absolutely with what you said about intervening early with young people. The other day, I praised the Minister for making that point in the youth justice review.

At some point, the message needs to be got across to young people. A modification of the language needs to be looked at, because something has to be seen as a deterrent. In constituencies such as mine, people as young as 12 have been involved in rioting. I dealt with a young fellow who was involved in the recent disturbances in Denmark Street. It is clearly now dawning on that young fellow that he will no longer be able to just step on a plane to go on his holidays to America when he is older. That is not going to happen.

Others co-ordinate and organise these young people to come on to the streets, and they then step back. The young people and their families then have to pick up the pieces and deal with the consequences. That is an absolute tragedy. It then dawns on those people too late. More has to be done to let young people know that this is not antisocial behaviour or anti-community behaviour; it is criminality against society and often against the most vulnerable.

Ms Lindsay: You raised two issues that we cover in the report. The first is the issue of criminality versus antisocial behaviour. We saw evidence that communities talk about antisocial behaviour now, and it is often in the media. That encompasses everything from non-criminal activity right the way up

to very serious criminal behaviour, such as joyriding, which you mentioned. We saw it as a role for the PCSPs to educate the communities about what is crime, that there is a specific route for dealing with crime through the criminal justice system and that there are mechanisms in place for dealing with criminal behaviour. Outside that, there is antisocial behaviour, which does not fall into criminal law but that needs to be addressed, perhaps by a different route.

You also raised the issue of young people. Brendan mentioned early youth interventions. You gave the example of a 12-year-old boy who was involved in rioting. It is highly likely that that young boy had previously behaved in ways that caused concerns to his family, school, social services and the police. A big message from our inspection was that more needs to be done to address that behaviour when those early signs become apparent. That needs to be done, rather than waiting until that young person becomes involved in criminal activity. It is almost too late at that point, because we know that, when young people arrive in the criminal justice system, they generally continue on that path and end up in prison as an adult. So, we feel that some things definitely need to be done in conjunction with other agencies, not just with the justice agencies, to address early interventions.

Mr Humphrey: I made this point to the police commander in my area when I met him along with Church and community leaders yesterday. Young people need to understand that this is wrongdoing and that their activities will have consequences. That will act as a deterrent. Whenever young people are prosecuted or arrested for wrongdoing, it is also vital that that information goes into the public domain, because that allows others to see what can happen. Everybody has a responsibility. There is a huge onus on the media to report these things responsibly. If young people know that such actions will have consequences, it might be a deterrent. For some, it will not. However, I think that it would act as a deterrent for most young people and help society as we go along.

Mr Easton: I am not sure whether I have met you before; was it something to do with —

Mr McGuigan: Yes.

Mr Easton: You mentioned early youth intervention, which is good. However, if you do not have the money to throw at that, it ain't going to work. Is there funding to pump into community groups, for example, so that it can be done? There is no point having a report unless there is the money to fix the problem.

We could probably all say the same about our constituencies, but antisocial behaviour is probably the number one issue in North Down. We talk about having a more joined-up approach between different Departments. The PSNI, the Housing Executive and the council all deal with antisocial behaviour, but there does not seem to be that joined-up approach. It can take years to get issues resolved at times. The fact that it can take that length of time needs to be addressed. Some people's lives are made an absolute misery for months and months.

Mr McGuigan: Absolutely. I should tell you that we met when I was looking at the restorative justice schemes that are operating in the north Down area.

In common with schemes that are operating throughout Northern Ireland, there needs to be significant involvement with young people. Rather than simply pushing those young people towards the criminal justice system, people in the community are trying to work with them to ensure that they do not create that sort of mayhem and difficulty for their neighbours etc.

We see the role of the PCSPs, which feature quite heavily in the report's recommendations, as vital. One of the shortcomings of the previous district policing partnerships was probably the linkage with the community safety partnerships. A number of bodies, including social services, education, health, and voluntary sector organisations, should be able to come together in partnership to look at particular issues and to work out the most appropriate response. Sometimes, that may be a police response.

There need to be linkages and connections so that neighbourhood officers can get to know their neighbourhoods. They are known to local people and can bring that information to PCSPs. There is some money available, so it may be that schemes could be operated to divert young people away from that behaviour.

We are not naive about this. At the end of the day, if people are not prepared to work with the community or organisations to try to improve their behaviour, there is obviously little recourse other

than the criminal justice process. However, I think that there is a great role here for PCSPs in trying to link all that together. That is why we directed some of the recommendations towards that area.

Mr McCartney: Thank you very much. Your latter point about PCSPs brings me on to my main one. I agree about their input and educational role, which are outlined in both the report and the recommendations. However, PCSPs are almost being handed a community safety strategy to which they had no input. We are saying that what they do and their educational role are crucial and that they are the means by which the local area can have an input to the wider strategies. However, they are simply being handed a strategy to work with. Do you have any comment to make on that?

Ms Lindsay: We saw that the community safety strategy was very widely consulted on. I think that there were over 100 respondents. So, we hope that all the organisations that are represented on PCSPs will have had an opportunity to comment on that strategy. We met quite a few organisations in local areas that had that opportunity. Therefore, we would say that the overall strategy has been very widely consulted on.

There will obviously be a need for local decisions to be made. We see that being done within the framework of the overall community safety strategy. Part of the problem that we saw was the lack of consistency that there was between different council areas and policing districts, which has been alluded to. When we did the ASBOs inspection, we found that there was not really an overarching strategy, as each agency and organisation had their own. So, at least there is now a framework within which they can operate.

Mr McCartney: I have a second point to make, which takes us back to the use of neighbourhood officers. I notice that the report makes observations about how crucial those officers are in dealing with antisocial behaviour. The response officers, or the tactical support groups (TSG), seem to have a different policing approach. The Policing Board has actually recommended bespoke youth training. I take it that you agree with that.

Mr McGuigan: Absolutely.

Ms Lindsay: Yes.

Mr McCartney: Do you think that that is a gap? I would say that officers on the beat, for want of a better term, have most of their contact with young people, but they have never got any particular training to deal with them.

Mr McGuigan: I think that some police officers have that skill instinctively and do not need bespoke training for it. However, in all these situations, you are trying to build a corporate standard of how you engage with young people. So, other officers could clearly benefit from training in that area.

Mr McCartney: I have a broad point to make on the idea of trying to get comprehensive community input. Are there any particular models from your own work that you would recommend?

Mr McGuigan: At a personal level, I led a review of the community safety partnership in west Belfast. I think that it is an excellent model of engaging the community in helping to make decisions on how public services are delivered. We certainly highlight that in the report. We say that it is a model that worked particularly well, albeit in very difficult circumstances. We can envisage PCSPs using some elements of that model so that they can engage the community.

The community has a big input to make to this, as well as a role to play. The idea that somehow statutory agencies just come in, do a piece of work and then leave is not satisfactory, and it is not satisfactory for the future. That is why we need PCSPs. We need a selection of the right people to engage to ensure that the community's voice is heard and that decisions are influenced by what the community feels needs to be done. That would include a role for the community itself.

Mr McCartney: This is more of an observation, but how do we translate a good local dynamic into corporate policy? Whose responsibility is that?

Mr McGuigan: Very often, it has to be a bottom-up process. Unfortunately, strategies are too often developed with a top-down approach. It would be innovative and, I think, quite challenging for

policymakers to take the bottom-up approach and frame the strategy around what works best for people.

Mr McCartney: To do what is right.

Mr McGuigan: Absolutely.

The Chairperson: Does the Department need to provide you with action plans, or does it produce action plans about what it will and will not accept on the back of your reports? Has it given its official response to the three reports that we have discussed?

Ms Lindsay: We have not had an action plan on the antisocial behaviour inspection. However, we discussed the recommendations with the Department and, therefore, assume that it will accept them.

Mr McGuigan: We will be going back in. A lot of emphasis was placed on the PCSPs. Fundamentally, that will be one of the driving issues for the Department, and it will not be able to escape it. It will be about the antisocial behaviour in different areas. You really need to give the Department some time and space to develop its capacity on this so that it can try to make a difference.

There is no statutory basis requiring organisations to do this — there is no statutory glue. There was in England and Wales, but the Assembly decided not to go in that direction. There is always a concern that it may not work as effectively. However, if it is not working well, that is an opportunity for the legislature to perhaps rethink it. The reality is that the statutory responsibility drove the agencies to work co-operatively in England and Wales.

The Chairperson: Thank you very much.