Review Article
The Use of Anti-Social Behaviour Powers with Vulnerable Groups: Some Recent Research

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Research into the application of the ASB powers to various 'vulnerable' sections of society is under-developed. This review article discusses recent published research concerning a number of different groups, highlights key emerging themes and identifies some of the research gaps.

Introduction

The phenomenon of anti-social behaviour has been depicted by Burney as the 'hydra headed monster' that is both terrifying and difficult to handle (Burney, 2005: 16). The actual nature of the problem has been left ill-defined and obscure, with the proviso that even though defining ASB is problematic, popular opinion is that 'you'll know it (the monster) when you see it'. Millie refers to the formal definition of ASB as 'elastic' (2009: 9), and it is the capacity of the concept to be 'stretched' to fit a wide variety of situations and behaviours that provides it with much of its power (Carr and Cowan, 2006; Prior, 2009).

There is a concern reflected in much commentary that certain vulnerable groups have been targeted by the ASB powers because of perceptions of them flouting normative standards of behaviour; becoming categorised through a strategy of essentialised difference and implicitly represented as problematic and requiring disciplinary interventions (Young, 1999). This process illustratesFoucault's (1977) notion of the 'normalising gaze' of governance that seeks 'to regulate conduct in relation to a set of norms defined by a dominant discourse' (Nixon and Parr, 2006: 81). Groups subject to such regulation may include people with mental health problems, young people characterised as 'yobs', homeless and 'street-life' people, drug users and alcohol misusers, and 'problem families': people who often share a profile of disadvantage. This review will focus on these specific groups and the ways that the disciplinary processes inherent in the use of the various ASB powers impact on them, highlighting some of the key pieces of research and analysis that relate to this issue (Home Office, 2008).

Some early evidence indicated awareness of the potential impact of ASB powers on vulnerable groups. A Home Office review of ASBOs by Campbell (2002) concluded that in 60 per cent of cases there were mitigating factors in the offenders' anti-social behaviour, such as drug and alcohol abuse, mental health problems and learning disabilities. Nacro (Armitage, 2002) completed an evaluation of what works in reducing anti-social behaviour, focusing on the meaning and measurement of ASB and looking at interventions in terms of enforcement, prevention and informal educational activities. The

report questioned whether prohibitive measures should be used with vulnerable groups and that partnership working should be about problem solving to ensure mitigating factors are being taken into account (cf. Carr, in this collection, on contemporary discourses of vulnerability).

The rest of this article examines more recent research pertaining to these vulnerable groups.

Street homelessness/street-life people

A 2007 Joseph Rowntree report by Johnsen and Fitzpatrick, which evaluated the impact of ASB powers of enforcement on street users, supported the contention that ASBOs should be a tactic of 'last resort' for street homelessness people. The research involved 66 former or current street users in Westminster, Southwark, Birmingham, Leeds and Brighton, interviewed individually or in focus groups. Almost all who were interviewed had experienced a history of trauma and homelessness, including substance misuse and/or mental health problems.

The report suggests there is some deterrent value in ASBOs when they are integrated with intensive support programmes that mean people could be required to access potentially advantageous services, such as drug treatment or alcohol services. Nevertheless, any use of enforcement was considered to be a high risk and un-predictable strategy when working with vulnerable people with often complex and multiple needs.

Johnsen and Fitzpatrick's report echoes an earlier report by Crisis (2003), 'Begging and anti-social behaviour'. Crisis outlined the growing emphasis on enforcement in tackling the problems of street homelessness, which would only increase street homeless people's contact with police and the criminal justice system. They stressed the high vulnerability of street homeless people and the need for greater supportive working between police and street homeless agencies, and increased access to supportive services and detoxification facilities at night.

Moore's (2008) two-year study of Cathedral City exploring the relationship of its street-life people (to be distinguished from 'homeless' people) to local communities, provides an insight into people's perceptions, understandings of, and responses to, anti-social behaviour. Street-life people are perceived as a threat, and the local communities want to remove them from their area: an eliminative ideal operates. Underpinning the desire for elimination is a sense of street-life people causing contamination or pollution, a perception that is heightened by their visibility, their unkempt appearance and unpredictable behaviour. Moore suggests that certain forms of behaviour and signs can tap into 'wider cultural concerns and generate a sense of fear and threat' (Moore, 2008: 189). Street-life people are demonised, specifically constructed and represented as an essentialised other, seen as being profoundly different from the normal person and devoid of sharing common, human characteristics; they therefore sacrifice the claim to reasonable treatment (Moore, 2008: 190). The problem is compounded by neighbourhood policing strategies which have given local communities the powers to define what is threatening and problematic and as a result the police and local authority have to be seen be more proactive and responsive to community concerns. The tendency is to be more punitive towards these more vulnerable and designated problematic groups.

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Mental health and accepted learning difficulty

Anti-social behaviour can be a symptom of mental illness. This is confirmed by the British Institute for Brain Injured Children's research on ASBOs and young people with learning difficulties and mental health problems (BIBIC, 2007). A simple postal survey of Youth Offending Teams (51 responses out of 135) and ASBO Officers (77 responses out of 126) provided statistically significant findings. A high proportion of those young people receiving ASBOs either had problems with mental health or accepted learning difficulty. Further substantive research by Nixon *et al.* (2007) reinforces the BIBIC research's initial findings that 'young people with mental health disorders and learning difficulties may be disproportionately subject to ASBOs but little robust empirical evidence is available about the context and use of ASBOs in these circumstances' (Nixon *et al.*, 2007: 3).

The Sainsbury Centre for Mental Health (2007) urges caution in using prohibitive measures with people suffering with mental health problems. The rehabilitative goal is to divert vulnerable people away from the criminal justice system but, with a high rate of breaches of ASBOs, a reversal of this process could tend to operate, 'resulting in a fast tracking of vulnerable individuals into the criminal justice system' (Sainsbury Centre, 2007: 4). The implications of a breach of an ASBO ranges from a toughening of the restrictions to up to five years in prison. Screening for mental health problems and learning disabilities is strongly advocated, before any application for an ASBO proceeds and in pursuing alternatives like a diversion scheme to Community Mental Health Teams (CMHT), or using assertive outreach. Overall, very little research has been undertaken on the connection between ASB powers and people with mental health problems (but see Parr's article in this themed collection).

Substance misuse

There is a paucity of research specifically regarding drug related ASB yet the protection of communities from drug related crime and anti-social behaviour is critical to the Government's Drug Strategy and Action Plan 2008–2011 (HM Government, 2008a, b). Drug Intervention Orders (IOs) can be attached to an ASBO to tackle anti-social behaviour associated with drug use (Home Office, 2007). The purpose is to prevent ASB through the successful treatment of a person's drug misuse. There are positive requirements that form part of the IO and there is an assessment of the root causes of the trigger behaviour. However, there appears to be no published research that examines the impact on drug users of IOs attached to ASBOs.

People – especially young people – being drunk or rowdy in public spaces is a common feature of anti-social behaviour, part of the fabric of the night-time leisure economy whose expansion has been actively supported by government policy(Measham and Moore, 2008). Such activities, including so-called 'binge drinking', tend to be regulated, if at all, through conventional policing methods and changes to the licensing laws(Norris and Williams, 2008). This contrasts with responses to the behaviours of those often older individuals who purchase alcohol for consumption on the street and, generally, during the day. Street drinking is the most prevalent drink-related disorder in London according toEaston (2008). Problems with mobile groups of street drinkers may be managed through the use of a Designated Public Places Order, which restricts the location in which street drinkers can consume alcohol. An unintended consequence of

such restriction is that it forces them indoors to spend time drinking, thus perpetuating their social exclusion and possibly also resulting in tenancy problems as drinkers invite others into their home. The emphasis again is on partnership working and using the tools and powers in a planned and considered approach.

'Problem families'

Another, albeit very broad, targeted group is 'problem families', where membership of a certain sort of family is linked with the level of risk that this family poses to wider society. Family Intervention Projects (FIPs) were set up as part of the government's Respect Action Plan 'to change the behaviour of "a small number of highly problematic families that account for a disproportionate amount of anti-social behaviour"(Respect Task Force, 2006)' (Parr, 2008: 4). These families are 'conceptualised as the cause of ASB and the site of solutions' (Parr, 2008: 15). The blurring of boundaries between social policy and crime policy, the 'criminalization of social policy'(Hughes, 2007), has meant that welfarist interventions have been measured more by their impact on reducing crime rates than in meeting personal and social needs.

Prioritising the use of enforcement methods has been questioned on the grounds of a lack of demonstrable measures of the effectiveness of such interventions, the increasingly high costs and whether they are actually sustainable long-term solutions to problems of anti-social behaviour, or just the application of a 'band aid' that fails to deal with the roots of the problem. Parr (2008) discusses these critiques in relation to FIPs. Multiple solution focused family interventions and support services, rather than merely policing families, were considered to be a success, and the value of longer-term connections with support workers and the use of discretion, flexibility and innovation was emphasised. An evaluation report 'Family Intervention Projects' (White *et al.*, 2008), which examined the work of 53 FIPs with 885 families at risk of eviction, supports these findings. It notes 'eight key features of the model's success: recruitment and retention of high quality staff, small caseloads, having a dedicated key worker who manages a family and works intensively with them, a whole family approach, stay involved with a family for as long as necessary, scope to use resources creatively, using sanctions with support, and effective multi-agency relationships'.

In the evaluation of the Shelter Inclusion Project in Rochdale by Jones *et al.* (2006) 50 per cent of a total of 47 households (68 adults and 91 children) referred to the project were lone parent households headed by women, facing the threat of eviction associated with ASB. Seventeen of these households had previous experience of homelessness. Households were characterised as having high support needs. Sixty per cent had depression or mental health problems; one quarter reported alcohol or drug dependency. The support was geared towards sustainable outcomes in terms of anti-social behaviour, such as support around managing ASB and helping parents control their children's behaviour and hence avoid eviction. Interventions included providing affordable activities for families to promote spending quality time with their children. The flexibility and consistency of support offered was significant, up to 12 months. Success was measured in the maintenance of tenancies, and in reducing ASB. Seventeen closed cases were assessed as no longer at risk of homelessness. Leaving the project was always a planned process and only happened when the housing situation was stabilised.

The Dundee Families Project worked with families deemed to be perpetrators of ASB and who were homeless or at severe risk of homelessness because of this behaviour, in order to prevent eviction or restore satisfactory tenancy arrangements. The evaluation by Scott (2006) included the detailed examination of 126 case records; interviews with 53 individuals in 20 families; follow up interviews with 24 individuals in ten of the families; and questionnaires to housing and social work staff on 70 closed cases. The main types of ASB that families engaged in were neighbour disputes and poor up keep of property. Eviction was seen to only displace the problem, and an alternative strategy of rehabilitation that was successful with one family was the foundation for the project. Two-thirds of the households were headed by a lone parent; 70 per cent of adults had drug or alcohol problems. There was evidence of abuse and neglect affecting almost half the children of the families assessed. The research data confirmed that the project was successful in achieving a substantial amount of its aims and a cost-effectiveness analysis indicated it offered good value for money in reducing behaviours with long-term cost implications. Multi-agency working was promoted as a strength, along with offering intensive, integrated and flexible interventions with real commitments to the family the project was engaged with.

Young people

A report by the Institute for Public Policy Research, 'Make me a criminal: preventing youth crime' (Margo and Stevens, 2008) asserts that children and young people are perceived negatively by society as being out of control, with regard to their involvement in crime and anti-social behaviour. There is a propensity either to blame the young people themselves or their parents for the perceived worsening of their behaviour. This report examines what strategies will be effective in preventing youth crime.

Margo and Stevens (2008) emphasise that children and young people in the UK spend more time with friends and less time with parents or carers than their peers in other comparable European countries. When adults are less actively engaged with children in the local community the behaviour of young people can tend towards the anti-social because of the lack of effective supervision. The public appears to be more afraid and suspicious of young people and less willing to intervene in the precursors of youth crime. What is required to prevent an increase in anti-social behaviour is the better provision of activities for young people, strategies that allow for increased positive interaction between adults and children, such as supporting families in spending more time together.

Young people were identified as the main perpetrators of ASB in Goldsmith's study of Hillside (2008). This resulted in continuous surveillance and contact with police, and the young people reported feeling resentful about such intrusions into their life and stated that they were not listened to or taken seriously. The wider impact of socio-economic factors on young people was not taken into account and arguments in this vein were seen as excusing behaviour. The contestation of the use of public space was underlined by this study, with different meanings ascribed to certain behaviours. For example, hanging around on the street corner was perceived by adults as intimidating and young people causing a nuisance, whereas young people themselves perceived this as socialising and having fun with their friends. Sadler (2008), in an article based on her doctoral study of the Ashton Estate, picks up similar themes, confirming that the intensification of policing

to prevent ASB could have an adverse effect on the local community, reinforcing negative perceptions of the police particularly amongst young people.

Matthews *et al.* (2007) found in their study *Assessing the Use and Impact of Anti-Social Behaviour Orders* that, among those who had received ASBOs, there was a range of personal and social problems, supporting the notion of vulnerability, with young people being a strong mitigating factor. Out of a total sample of 66 interviewees in eight local authority areas, 29 (44%) were under 18 years and 26 were under 16. Seven interviewees had been diagnosed with, or had received treatment for some form of mental health and psychological issue. Two-thirds reported having problems with alcohol or illegal drug dependency.

A recent review of ASBO use in Scotland (Scottish Government, 2007) discovered that multi-agency partnerships often found alternative strategies other than issuing an ASBO, particularly with young people aged 12–15 years. In only four out of 96 cases, where discussions took place, was an ASBO imposed. The prevailing ethos was that ASBOs should really only be used when they have greater positive impact than other support that can be offered. This study also stresses the mitigating circumstances of both young people and adults who are subject to ASBOs, including mental health problems. The imposition of ASBOs without appropriate support measures is seen as an example of poor practice. There is a growing need for the effectiveness of the support that is offered to be evaluated in greater depth, to confirm what interventions are most appropriate.

Research commissioned by the Youth Justice Board (Solanki *et al.*, 2006) noted wide geographic variation in the use of ASBOs with young people. This involved a sample of 137 young people with ASBOs from ten Youth Offending Team (YOT) areas across the country. There was a relationship between the level of ASBOs imposed and the intensity of YOT involvement in the decision-making process. Low-level use of ASBOs was reflected in good partnership working. In these areas, ASBOs were seen as an intervention of last resort, with a recognition that young people involved in anti-social behaviour were suffering from multiple disadvantage with issues arising from: family breakdown and inconsistent supervision or boundary setting from carers; educational difficulty and under achievement; previous abuse, bereavement and loss; and residence in high crime neighbourhoods, with relatively few age appropriate facilities.

Crawford and Lister's (2007) evaluation study: *The Use and Impact of Dispersal Orders: Sticking Plasters and Wake Up Calls* investigates the particular implications of this ASB power. It gives the police the power of dispersal of groups in problem areas with the view of removing intimidation and anti-social behaviour in such places as shopping precincts. The increasing perceptions of crime associated with young people hanging around on street corners causing 'trouble' has precipitated the inception and authorising of the use of DOs. Youth disorder was found to be the most prominent trigger for DOs. DOs are resource intensive and have to mesh with other policing priorities.

A key question is whether the use of DOs is evidenced, proportionate and procedurally just? The short-term nature of this type of intervention and its inappropriateness as a stand-alone initiative is brought into focus by the research, even with renewals after the first six months. The suggestion is that this disposal should be balanced with more long-term supportive strategies such as improvements in youth provision in the dispersal zones. It was found to be particularly effective as a specifically targeted and focused mechanism such as in dealing with nuisance behaviour on bonfire

night, where particular neighbourhoods are prone to 'heightened instances of ASB' but avoiding DOs being treated in isolation.

Crawford and Lister (2007: 27) ask a provocative question about 'what is the appropriate use of public space?' The benefit of a considered approach to the use of DOs is apparent from this research, where 'accountability derives from a rigorous analysis about the nature of the problems and dialogue about how these might be addressed' resulting in a cautious application of these orders and their remaining in place for no longer than necessary. A warning is given about the improper implementation of DOs having a tendency to reinforce pre-existing, antagonistic attitudes between young people and the police. DOs have an increasingly limited impact over time. Young people can be drawn into adversarial relationships with police through the imposition of DOs failing to discriminate between the different behaviours of young people. Perceptions of unfairness can lead to outright defiance. There is a contradiction in how young people are perceived in different policies such as *Every Child Matters* and ASB prevention, as being both *at* risk and being *a* risk.

The authorising process of DOs galvanises community engagement and partnership working and for this reason Crawford and Lister believe that the police should not be given further on-the-spot dispersal powers as it would bypass this necessary mechanism. Young people should be consulted more about the use of these disposals to allay the communicative effects, the mixed messages, that DOs give.

In examining preventive interventions, Mason and Prior (2008) emphasise that 'welfare' modes of response to young people in trouble still endure within the risk focused Youth Justice system. They highlight the influence of Children's Fund initiatives to prevent crime and anti-social behaviour. Positive activities were seen by the young people interviewed in this evaluation as diverting them away from crime, from becoming involved in risky behaviour – 'getting into trouble' – that could result in prosecution. It demonstrated positive intermediate outcomes, with indications that emotional intelligence, self-esteem and well-being were improved though various diversionary and developmental activities.

Conclusion

Tackling ASB is about managing different public expectations and perceptions of crime, diminishing fear with more visible policing to reduce the sense of insecurity and improved engagement with the various groups in the population. It involves dealing with tensions and contradictions inherent within the complexity of the real world; with localised longer-term problem solving with strong partnership structures and the use of a raft of interventions, especially more diversionary activities to support the imposition of ASB powers as mechanisms of last resort. This research literature demonstrates the strong moral discourse at the heart of much social policy, making people responsible for their own behaviour, through a process of disciplinary regulation, which is extensively resisted and contested. The fundamental question is about the effectiveness of these strategies and whether these strategies actually change people's behaviour. To date, the research evidence on this point is both limited and equivocal.

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