

Victims' Commissioner's briefing on Victims of Anti-Social Behaviour

[The Victims and Prisoners Bill](#) seeks to introduce measures to help victims have confidence that the right support is available and that, if they report crime, the criminal justice system will treat them in the way they should rightly expect. However, the Victims and Prisoners Bill misses an opportunity to extend the right to access support to victims of persistent anti-social behaviour in cases where the police choose not to take criminal action.

Issue

The Victims and Prisoners Bill sets out four overarching principles for the Victims' Code, including the principles that victims should be able to access services which support them and should have the opportunity to make their views heard in the criminal justice process.

Many victims of anti-social behaviour are not recognised under the Code either because criminal offences have not been committed or the criminal threshold has been met but police decide to treat it as a misdemeanour or neighbour dispute. This means they have no statutory entitlement to access victim support services.

Those in the first group, where no criminal offence has been committed, we accept should not be entitled to support. The Commissioner is concerned about the second group as persistent ASB, directed at the same individual or group of individuals can often, quite deliberately, cause significant harm. The impact is derived from the continuous nature of the conduct.

PCC funding for victims' services is ringfenced for victims of crime and so ASB victims are often not eligible for locally commissioned victim services. Some PCCs do provide discretionary support to ASB victims by using their discretionary funding. However, many PCCs do not provide support, thereby creating a postcode lottery for victims. The very fact that some PCCs choose to do this demonstrates the value and the viability of practical support for this group of victims.

From meeting and talking to many victims of persistent ASB, it is apparent that the police all too often view incidents of ASB in isolation and as a result, they fail to recognise the cumulative impact of persistent ASB and the high level of harm caused.

We know this cumulative impact can devastate victims' lives, affecting their sleep, work, relationships, health, and feelings of safety in their own home. [Recent research conducted by ASB Resolve and YouGov](#) found one in ten respondents have moved home because of the impact ASB was having on them. This is not an option for everyone – nor should it need to be.

Barriers to support

No single agency holds responsibility for tackling ASB, resulting in a diffusion (and for victims, confusion) of responsibility between the police, local authorities, housing associations or private landlords. Among both victims and frontline agencies, there is a lack of knowledge about and use of ASB-related powers and tools, such as the [ASB Case Review](#).

Victims of anti-social behaviour can request a Case Review after three reported incidents over a six-month period. However, these requests are not always granted and, even in cases where they are, victims are not invited to attend the Review hearing which is led by police and other local agencies.

The result is that victims are unable to articulate the impact of the anti-social behaviour and end up being passed between agencies, who are unwilling or unable to intervene and provide support.

All too often, ASB is not taken seriously by police. The culture within the police is to treat ASB not as criminal activity but as a neighbour dispute or misdemeanour. This avoids the need for an investigation, even when the criminal threshold has been met. This approach arises from an institutional view that all ASB is “low-level” and “low harm”.

“ASB is ALWAYS treated as a misdemeanour and is not taken seriously. I cannot get help as a victim, and police have no time for it. Despite reporting 50+ complaints there was at no point did they look at it and say well actually this could be now considered a criminal matter.” (ASB Victim, Female, 45-54, North East)

As a direct result of this approach, victims of persistent and often high harm ASB are not referred to local victim services by the police. As they are treating the behaviour as a misdemeanour or dispute, there is no requirement under the existing Code to refer the victims.

As the victims are not deemed eligible for Victims’ Code rights, they are left to suffer alone, without valuable emotional and practical support.

There is also a failure amongst agencies to recognise patterns of behaviour against the victim. Each incident will be dealt with by a different police officer with limited appreciation of the history and pattern of behaviour; neither will they understand the cumulative impact and level of harm caused by a series of incidents. There needs to be stronger relationships between local police and the communities they serve, allowing agencies to join the dots between community insight and intelligence.

“One PCSO has been amazing. There needs to be more like her. She cannot do it all alone, although what she does do is impressive. More police need to be on the beach walking around chatting to locals and having a presence.” (ASB Victim, Female, 35-44, South West)

Limited progress has been made to improve the experiences of ASB victims over recent years and just 1 of the 12 recommendations outlined in the Victims’ Commissioner’s 2019 report ‘[Anti-social behaviour: Living a nightmare](#)’ has so far been actioned. The Criminal Justice Bill currently going through Parliament does incorporate one further recommendation from that report (Clause 71 of the CJ Bill) making it a statutory requirement that Police and Crime Commissioners review outcomes of ASB Case Reviews when the victim is dissatisfied.

The value of support

Case studies provided to us by [ASB Help](#) demonstrate the importance of victims being able to access support following persistent ASB.

In one case study, 280 incidents of ASB were reported over 10 months, including noise nuisance, anonymous harassment, and threats and intimidation. These incidents culminated in a firebomb attack on the victims’ property. The continued impact of the ASB resulted in one victim attempting suicide on 2 occasions, and the victims eventually moved house due to trauma.

The victims in this example were only eligible for support once the behaviour escalated into an attack on their home. However, this support was targeted only at the criminal incident rather than tackling the impact of months of persistent ASB.

Victims should not have to endure months of intimidation and harassment or wait for an escalation before being able to access support.

Changes needed to the Bill

The Victims and Prisoners Bill presents an opportunity to recognise victims of persistent anti-social behaviour and set out their entitlement to access Victims' Code rights.

Victims of persistent ASB should be recognised under the Victims Code irrespective of whether the police choose to treat the behaviour as a criminal matter or a misdemeanour. This will give them an entitlement to support services should they need it and access to this support will not be subject to the discretion of the PCC.

There is no statutory definition of persistent ASB and therefore, the Commissioner is calling for the threshold to an ASB Case Review to be used for this purpose. The current threshold is reporting three separate incidences of ASB over a six-month period.

Opportunities within the Bill

The Bill should be amended to include the following provision for victims of anti-social behaviour:

- Clause 1 which lists those who fall within the remit of the Victims' Code should be amended to include victims of anti-social behaviour who meet the threshold of an ASB Case Review.

If you have any question on this or any other aspect of the Victims' Commissioners work please contact Dr Madeleine Storry, Head of Policy and Research at madeleine.storry@victimscommissioner.org.uk