

31 March 2010

**Local Criminal Justice Board Chairs,
Community Safety Partnership Chairs,
Local Authority Chief Executives,
Chief Constables,
Police Authority Chairs**

ACTION ON BREACH OF ANTI-SOCIAL BEHAVIOUR ORDERS

Stepping up action on breach of anti-social behaviour orders (ASBO) was a key element of the package of measures announced by the Home Secretary last autumn to tackle, not tolerate anti-social behaviour. Many of you received a letter on 23 October opening a consultation on the barriers to taking effective action against breach. We received a constructive response both to the letter and subsequent workshops and we are grateful to all of you who participated.

2. The consultation highlighted a number of key issues relevant to good management of ASBOs and any breach.

- Partnership working: All LCJB and CSP partner agencies need to understand their own role and the role of other agencies at every stage of the ASBO process. Effective prosecution of ABSO breach will require good communication between the agencies involved. It is therefore important that each agency understands the minimum practices they will need to undertake.
- Case management: A number of agencies are likely to be involved in getting an ASBO in place and the prosecution of any subsequent breaches. End to end arrangements should therefore be in place to ensure clear ownership of cases, robust case preparation processes, and effective communication and information sharing between agencies.
- Promoting awareness of ASBOs and breach convictions: Publicising ASBOs is important for reassuring the public that action is being taken, and enables the community to play a role in reporting breaches. Publicity should be the norm rather than the exception. Publicising breach convictions also demonstrates to the public that there are consequences for breaking the law.
- Prosecution of breaches: Breach needs to be taken seriously if the original order is to work. In the instance of breach swift action should always be taken to trigger criminal investigation and partners need to

- be informed of the process. To aid prosecution, evidence in the case file against the breach offence needs to be clear.

3. This letter provides an update on developments in relation to breach of ASBOs.

4. On launching the renewed drive on anti-social behaviour the Home Secretary sought assurance from LCJB Chairs that swift and appropriate action was being taken in all breach cases. We have worked with agencies to identify gaps which need to be addressed in order to strengthen the ASBO process and consequently tackle breach management. This resulted in revised guidance which was issued on 1 March 2010 by the Crown Prosecution Service. The guidance highlighted a positive prosecution policy in respect of breach of ASBOs, meaning that where there is sufficient evidence to provide a realistic prospect of conviction, the public interest will normally require a prosecution. The guidance is available at http://www.cps.gov.uk/legal/a_to_c/anti_social_behaviour_order_breach/index.html.

5. The Home Secretary also referred to the expectation that information from the original ASBO case should be taken into account before sentencing of breach, so that breach is not seen in isolation and the behaviour which led to the original order is understood. The CPS guidance states that when reviewing an ASBO breach file, prosecutors should take into account the reasons why the order was imposed. In addition, prosecutors should ensure that relevant Victim Personal Statements, Community Impact Statements, summary documents and other contextual information are both on the file and brought to the attention of the court at the point of sentence. In support of this, the CPS and ACPO circulated a Prosecution Team letter on 1 February 2010 reminding police and prosecutors of the importance of these actions. Recommendations are also made encouraging regular review of any unsuccessful cases and regular meetings between CPS and local agencies to discuss enforcement of ASBOs and issues relating to the prosecution of breached. This letter is attached. These measures are vital to ensure that the court is aware of the impact of the offender's behaviour on the community at the time the original ASBO was granted and also gives an insight into the likely impact of a breach.

6. Importantly, the consultation also found that ASBO breach cannot be viewed in isolation. Successful breach prosecution requires agencies to work together to ensure that the entire process – from initial ASBO application onwards – is properly managed and co-ordinated.

7. We have drawn up an overview of the key actions that agencies should be undertaking at different stages of the ASBO process – from securing an

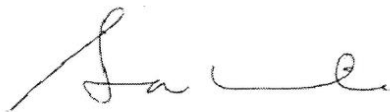
ASBO in the first instance through to the action on conviction of breach of an ASBO. This is attached at annex A and is also available online at www.asb.homeoffice.gsi.gov.uk.

8. We would be grateful if you could circulate it within your organisations to those responsible for community safety and case management of ASBOs and other tools and powers to tackle anti-social behaviour. Of course, this does not replace the guidance set out in the ASBO Home Office guidance of 2006 which we will be revising and reissuing in due course.

9. The forthcoming revised ASBO guidance, to be published later, will cover these issues in greater depth. We are now looking to you to ensure that your local arrangements for managing the ASBO process are robust, that your staff understand their role in the process and how it impacts on other stages, and that breaches are rigorously enforced and prosecuted.

10. Legislation is also currently before Parliament which would make parenting orders mandatory in cases where a child breaches an ASBO. To date this proposal has received cross party support but is dependent on the Bill getting Royal Assent at the end of the parliamentary session. We will provide you with further information on this once the outcome is known

Yours sincerely,



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