



**Victims  
Commissioner**

**Local Government Association: Tackling Anti-Social Behaviour**

***‘A View from the Victims’ Commissioner’***

**Dame Vera Baird QC**

15<sup>th</sup> October 2019

# Dame Vera Baird QC



Formerly:

- Police and Crime Commissioner for Northumbria
- Association of Police and Crime Commissioners' national lead for supporting victims.
- Ministry of Justice Minister
- Solicitor General
- Member of Parliament
- Criminal Barrister and QC

## The Victims' Commissioner for England and Wales

The role of the Victims' Commissioner, as defined in s49 Domestic Violence, Crime and Victims Act 2004 is to:

- ☛ Promote the role of victims and witnesses
- ☛ Encourage good practice in the treatment of victims and witnesses
- ☛ And to keep under review the operation of the Victims' Code

# Anti-Social Behaviour: A Living Nightmare

30 April 2019

**ASB HELP**

Don't suffer in silence

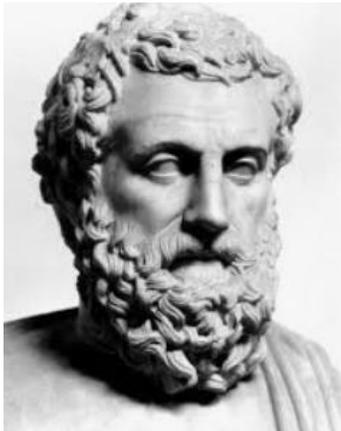
Study of activations of the Community Trigger across England and Wales using FOI requests to Local Authorities.

**VC** **Victims  
Commissioner**

Victims' voice and lived experience through cases studies.

**NOTTINGHAM  
TRENT UNIVERSITY** 

Quantitative analysis of data from Crime Survey for England and Wales, Understanding Society Survey, Index of Multiple Deprivation and UK census.



More than the sum of our parts

Aristotle

**VC** **Victims  
Commissioner**

# Key Findings: Victims' experience of ASB

*'Even now, I can't relax at all, I can't rest in that house. It's going to take many, many months I think...the stress has been phenomenal.'*

- 38% of people in Britain have witnessed or personally experienced anti-social behaviour (ASB). The highest since the ONS began recording this statistic in 2012.
- ASB is not 'low level': serious physical, financial and psychological consequences: mental health, lack of sleep, anxiety, affecting relationships and work, financial costs, general feeling of being unsafe in their home, often leading to the victim having to move home.
- Victims 'pushed from pillar to post' no one agency taking charge.
- Failure of 101 police phone line.
- May be symptomatic of more serious crime: e.g. cuckooing, drug dealing, county lines.
- Cumulative effect of ASB often disregarded: treated as isolated incident.

# Background

- HMIC found in 2012 that police were not recording ASB
- Only 22 forces could identify repeat victims and only 19 vulnerable or intimidated ones
- Passed from pillar to post across agencies, repeating same complaints while ASB continued
- ASBOs and other orders were rarely used and not enforced when breached

# Putting victims first: more effective responses to ASB

White Paper 2012 said change should:

- focus on needs of victims and identify high risk and vulnerable;
- hold agencies to account;
- give agencies better powers; and
- put positive requirements on orders.

# Legislation 2015 – now five years on

- The powers for agencies are better and more streamlined and can contain positive requirements, but not solving the problem, as 38% figure shows
- Agencies are no more held to account
- Empowerment of victims and communities has failed
- Though what was intended was a citizen empowerment measure – Community trigger
- Empowerment in the face of ASB and crime is important because of the effect on those it disempowers
- It is a key idea
- It needs to be made to work

# How the Community Trigger should work

- It should be promoted so people are aware of it
- They can require an 'ASB case review' if they pass the threshold and the ASB has not stopped
- The threshold in statute is 3 'qualifying complaints' but the local authority can make it lower – so Bristol has/had one incident but with five people complaining
- The threshold is that the ASB has caused 'harassment alarm or distress' which is higher of the two statutory definitions
- They need to hear that they have passed/failed the threshold test
- The 'relevant bodies' meet and tackle it together

# The Community Trigger: not fit for purpose

*‘They didn’t want me to be there or hear how it affected me. The purpose wasn’t to listen to victims, it was about proceedings.’*

- Lack of knowledge and understanding of Community Trigger by, police, local authorities, housing providers
- Local Authorities do not advertise the Community Trigger or inform victims when they reach the threshold.
- Only 3% of people have ever heard of the Community Trigger (YouGov 2016)
- Lack of transparency of Community Trigger procedures.
- Confusion over Community Trigger threshold, local authorities apply different thresholds and different ways to activate it.
- Local Authorities ‘Marking their own home work’.
- Victims not allowed to take part in resolution meetings.

# Victim case studies

## James

- Unlawful tenants in block of flats, regularly 20 people in and around flat, constant noise: shouting, swearing, fighting, vandalism worst at 3/4am
- Impact on James: lack of sleep, poor mental health, staying with friends
- Reported ASB daily to LA, often ignored, passed from pillar to post. Police say it's down to the landlord.
- No response to complaints – felt abandoned by authorities
- Five residents joined together to activate community trigger
- James was not allowed to attend the meeting due to 'data protection'. Council refused to engage with James over this decision
- Took 2 months to evict unlawful tenants
- Meanwhile the ASB continued

## Elizabeth

- Endured a four year campaign of noise and harassment from neighbour
- Neighbour served with at least 5 warnings
- Police brought in a mediator, but perpetrator kept missing the appointments
- Elizabeth tried to activate the community trigger but was incorrectly told she didn't meet the criteria
- Eventually got a community trigger, but it was not independent, carried out by the same LA community safety partnership that she had complained to
- Elizabeth was not allowed to attend the meeting
- Eventually Elizabeth and her family moved home to get away from the ASB
- The perpetrator found out where Elizabeth's husband work and continues to harass him there

# Recommendations

- Revising the Victims' Code of Practice, to afford them the same entitlement to support as all other crime victims, when they reach the 'three complaints' threshold needed to activate the Community Trigger.
- Tackling the failure to adequately respond to 101 phone calls quickly – or in some cases, not at all and reviewing the charges.
- A legal requirement for Local Authorities, Police and Crime Commissioners, Police and housing associations to display accurate guidelines on the Community Trigger prominently on their websites and notice boards and publications.
- Empowering victims of ASB by informing them about their entitlement to start the Community Trigger when responding to the second complaint within a six-month period.
- Involving victims by enabling them to attend resolution meetings.
- Resolution meetings to be chaired by an independent person, thereby avoiding the impression of police and councils "marking their own homework".
- A call for the Home Office to consider replicating legal powers available to police in Scotland who can serve warnings, fines and seize noisy equipment.

# Next steps

- This is serious stuff and can cost lives.
- What use is citizen empowerment which the citizens don't know about – promote.
- Local authority can trigger it / any representative - should be encouraged not avoided.
- Independent oversight and presence of complainants as witnesses.
- It is about a power imbalance against someone already disempowered.
- In Victims' Code we intend to press for them to be victims of crime.
- So Victim Support and other victims services will be involved as advocates.

Victims Commissioner Retweeted



**Victims Commissioner** @VictimsComm · Sep 8

Victims of persistent anti-social behaviour are left 'Living a Nightmare'. Government's 'Community Trigger' meant to empower them to get police/council/housing authorities to act needs urgent reform

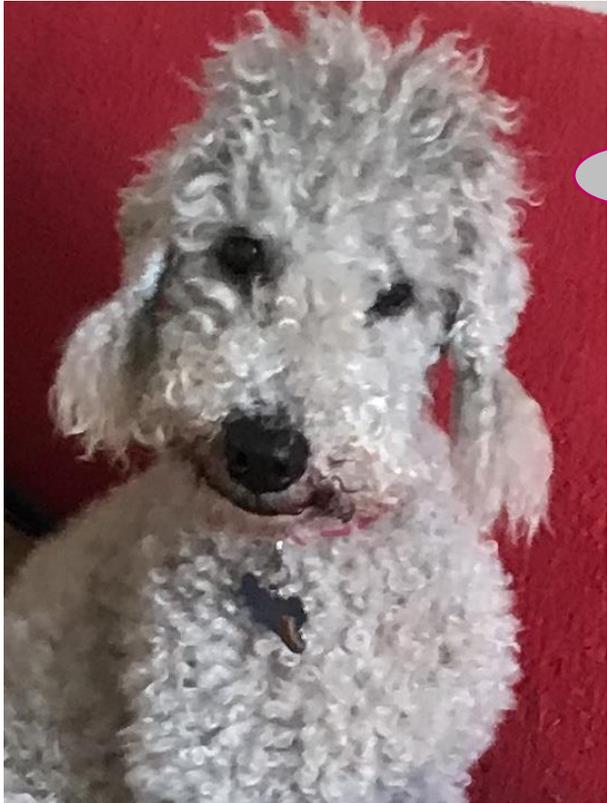


**Government and police accused of down-playing anti-social beha...**

Dame Vera Baird, the new Victims Commissioner, has written to Home Secretary Priti Patel to demand wholesale change to the way police and

[dailymail.co.uk](https://www.dailymail.co.uk)

Questions, thoughts, insights, reflections?



# Contact us



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