



# Devon & Cornwall Police

<b>Force Policy &amp; Procedure</b>	<b>Anti-Social Behaviour Escalation Policy</b>
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<b>Portfolio Holder</b>	<b>Assistant Chief Constable Local Policing &amp; Connectivity</b>

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## 1. Policy Statement

- 1.1 The mission of Devon and Cornwall Police is to detect and prevent harm, protect the vulnerable and reduce crime. Working together as one team to safeguard communities and neighbourhoods, we are sustainable and resilient and provide a high quality service to the public acting in accordance with the national Code of Ethics and our Force standards of behaviour.
- 1.2 In pursuit of these aims, the Force will seek to work in partnership with our partner agencies, to ensure that Anti-Social Behaviour is tackled with the appropriate

balance between support for those who are willing to accept it and swift, effective enforcement for those who are not.

- 1.3 Anti-social behaviour (ASB) is defined under section 2 of the Anti-social Behaviour Crime and Policing Act 2014
- 1.4 This policy is written with regard to the Anti-social Behaviour, Crime and Policing Act 2014, Devon and Cornwall Force Strategy, the OPCC Policing and Crime Plan and the Home Office Statutory Guidance.
- 1.5 The Police perspective in partnership working brings a focus on Public Protection, Action and Enforcement. It supports efforts of education, prevention and reduction.
- 1.6 Penalty Notices for Disorder will be taken into consideration with regard to any evidence gathering in relation to applying for a Criminal Behaviour Order.
- 1.7 This policy should be read with reference to TP05 ASB Civil Injunction and Criminal Behaviour Orders Working Practice.
- 1.8 In the application of this policy staff are reminded of the need to comply with the standards and principles of the Code of Ethics for policing.
- 1.9 GDPR Compliance Statement
- 1.9.1 Devon and Cornwall and Dorset Police are committed to ensuring the security and protection of the personal information that we process, and to provide a compliant and consistent approach to data protection. Our policies and procedures have been developed taking into account the principles of the GDPR.

## **2. Introduction**

- 2.1 This policy sets out the structure for dealing with persistent Anti-Social Behaviour (ASB) at individual case level throughout Devon, Cornwall and the Isles of Scilly. It has been drafted following consultation with Partner agencies such as Local Authorities, Health, Probation, Education and Social Services.
- 2.2 The structure is intended to be a common basic framework of minimum standards. This is to allow a flexible and adaptable response at the local level (Community Safety Partnerships) that can take advantage of local opportunities and recognise local constraints. It is not intended to be prescriptive. This is in recognition of the differing needs of our diverse communities.
- 2.3 Individual agencies may have their own internal mechanisms for dealing with ASB. It is not intended that this structure should replace these. It is intended that this structure should form a framework within which the work of differing agencies can be brought together to ensure that enforcement methods such as Civil Injunctions

and Criminal Behaviour Orders are not sought without making use of warnings, support and joint interventions where appropriate.

- 2.4 It is intended that the Partnerships use every tool at their disposal to offer persistent offenders the opportunity to help themselves. However if these efforts are ignored, swift and effective enforcement should follow.
- 2.5 This policy places value on our communities and is aimed at increasing public confidence in our service by use of a partnership culture in line with the Force Strategy.

### **3 Procedures**

#### **3.1. Grounds for ASB process**

- 3.1.1 The ASB process begins when an individual comes to the attention of a partner agency for behaviour considered to be “Anti-Social”. This has been defined in the Anti-social Behaviour, Crime and Policing Act 2014 as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person, conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises, or conduct capable of causing housing-related nuisance or annoyance to any person”.

#### **3.2 Stage 1**

- 3.2.1 The partner agency may use their own internal mechanisms for dealing with the ASB. Referrals may have been made to other agencies; routes to receiving help (involving other agencies) may have been sign posted for the individual. However as a minimum standard evidence would be required that:

- The individual (and parent/guardian where appropriate) had been contacted. Note: This should be done by letter, and where appropriate by a visit in person as well. The letter would provide documentary evidence of the points below.
- It had been explained to the individual why it was felt that the behaviour was unacceptable.
- It had been explained to the individual the likely implications for the individual in terms of the ASB structure if there is a recurrence of the behaviour.
- A contact point had been given to the individual concerned for any queries.

- 3.2.2 It is strongly recommended that where children and young people are concerned the Youth Offending Team is contacted at this stage.

- 3.2.3 The Gatekeeper within the partner agency would decide at which point to move the escalation process up to stage 2.

- 3.2.4 Within LPAs the nominated liaison officer will decide at which point to move the escalation process up to stage 2.

### **3.3 Stage 2**

- 3.3.1 At stage 2 the Community Safety Partnership ASB Co-ordinator is informed. At this stage the minimum standards require that:
- The ASB Co-ordinator has a point of contact within the partner agency.
  - The ASB Co-ordinator is satisfied that the minimum standards at stage 1 have been met.
  - The ASB Co-ordinator actively gathers intelligence on the individual concerned from partner agencies.
  - The ASB Co-ordinator would ensure that the individual concerned is aware of the seriousness of the behaviour in question and was aware of the consequences should this behaviour continue. This should be done by letter which, would provide documentary evidence and reinforced by a personal visit if appropriate.
- 3.3.2 In all cases where a child or young person is involved the ASB Co-ordinator will inform the Youth Offending Team at this stage.

### **3.4 Stage 3**

- 3.4.1 This stage of the process is reached if the ASB persists or is of such proportions that intervention at this stage is required to address the behaviour concerned. The minimum standards at this stage require that:
- The individual concerned is informed by letter of the meeting/consultation.
  - A multi-agency meeting/consultation takes place, where each agency in the partnership is represented.
  - The role of this multi-agency forum is to discuss support and enforcement that can be brought to bear and to offer the advice and assistance of the forum to partner agencies as appropriate.
  - The multi-agency forum would be responsible for the review and monitoring of individual cases at subsequent meetings, until the problem is felt to be resolved.
- 3.4.2 It is recognised that a consensus on the appropriate course of action to be taken may not always be reached. In cases where such consensus is not reached it will be for the statutory agencies to determine the course of action for fulfilling their obligations under Section 17 of the Crime and Disorder Act 1998 which creates a statutory duty for agencies to consult each other on matters regarding crime, disorder and anti-social behaviour, through the Community Safety Partnerships.

## **4. Assessment Compliance**

- 4.1 This policy has been drafted and audited to comply with the principles of the Human Rights Act. Equality and diversity issues have also been considered to ensure compliance with Equality legislation and policies. In addition, Data Protection, Freedom of Information, Management of Police Information and Health and Safety issues have been considered. Adherence to this policy will therefore ensure compliance with all relevant legislation and internal policies.

## **5. Review and Ownership**

- 5.1 The review of the contents of this policy is the responsibility of the Head of the Prevention Department. Review of the policy will be undertaken every two years.

## **6 Useful Links**

- 6.1 TP05 ASB Civil Injunction and Criminal Behaviour Orders Working Practice  
Anti-Social Behaviour, Crime and Policing Act 2014  
Home Office Statutory Guidance  
Penalty Notices for Disorder  
DCP e-briefing  
Community Triggers Guidance  
D285 Hate Crime Policy  
D135 Victim and Witness Care Policy