

‘Policing Anti-Social Behaviour and Dispersal Powers’

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**‘Responding to Anti-Social Behaviour’
Insights from Research for Policy and Practice
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My aims:



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- To draw together some insights from JRF commissioned research into the use and impact of dispersal orders;
- To highlight the implications for the proposals outlined in the Government's White paper.

I begin by considering the White Paper proposals and the logics that inform them before exploring the implications of the research findings.



White Paper Proposals



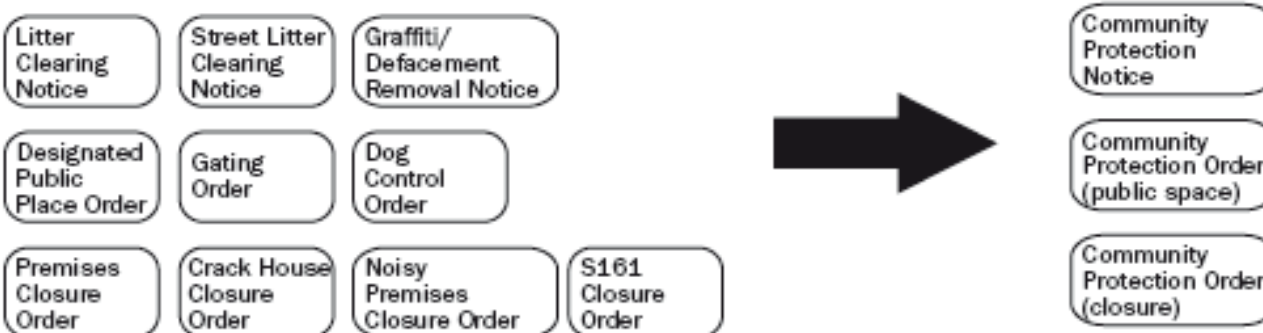
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SIMPLIFICATION: FROM 19 TO 6

People



Places



Police powers

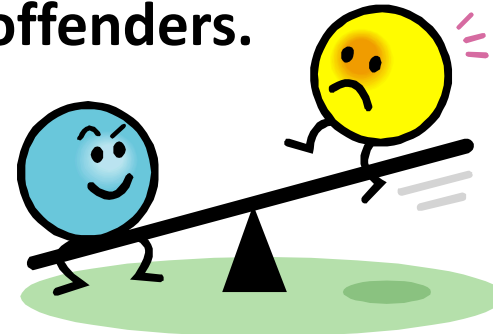


Dominant Logic 1:



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Focusing on the needs of victims (and communities)... as if these were in an hydraulic or inverse relation with the interests of suspects, perpetrators or offenders.



Assumption of a zero sum relationship – implicit in the language of ‘rebalancing’.

Research shows that victims and offenders are drawn from the same social groups, localities and share many similarities. There are complex relations between victimisation and offending.

Dominant Logic 1:



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Particularly for young people, who are most at risk of being victims of crime and anti-social behaviour.

As recognised in the research young people are **at risk** and a **risk**:

‘They’re our main victim group and they’re our main suspect group. So we should be engaging with those kids, whether they’re standing on the street corner or not.’

(Manager, Metropolitan Police)

Both victims and suspects/offenders benefit from experiences of procedural justice.

Dominant Logic 2:



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- Simplification – “we will replace 19 current tools with just six”!
- Speed – Faster responses (*Swift and Sure Justice*)
- Frontline professional discretion – remove bureaucracy!

There are dangers of a focus on the short-term ‘quick fix’.

Speedy responses are not always the most considered, effective and enduring ones in the longer term.

The underlying characteristic of anti-social behaviour is that it is persistent. Until that persistency is dealt with by digging down to the wider causes of anti-social behaviour, incidents will continue.

Single Direction Power



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Replacing the dispersal order (s.30 ASB Act 2003) and s.27 (Violent Crime Reduction Act 2006) with a single 'direction power'.

'which combines the most effective elements of the various current powers into a single, less bureaucratic police power. A significant limitation in current police powers to disperse individuals causing ASB is that they have to be agreed in advance and can only be used in a pre-arranged area. In a fast moving situation, where groups can quickly convene to cause ASB or disorder and then move to different areas, the current powers are ineffective.' (Home Office 2012: 29)

- Enable police officers or PCSOs to require a person who has committed, or is likely to commit, anti-social behaviour to leave a specified area and not return for up to 48 hours.
- Retain the current power for the police to return children under 16 home or to a place of safety if acting anti-socially and not accompanied by a responsible adult after 9pm.

‘The new power would also be dependant on actual behaviour, rather than an individual’s presence in a particular area’.

This would remove a particularly vexed and problematic dimension of the existing powers which created confusion and conflict.

“Consideration should be given to amending the existing law such that dispersal powers apply only to the ***behaviour*** of groups rather than merely their ***presence***. This would align the law more closely with current police practice, remove considerable public confusion over the scope of the powers and reduce current perceptions that whole groups of young people are targeted by dispersal orders regardless of their actual behaviour.” (Crawford & Lister 2007: 75)

Problematically...



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The new power will not require the police to designate a zone as a 'dispersal zone'.

According to the White Paper:

“This will reduce bureaucracy for the police and mean they can act more quickly to address problems in an area.”

It will remove the:

- authorisation process,
- requirement for publicity, and
- exceptional nature of the powers.



Authorisation Process



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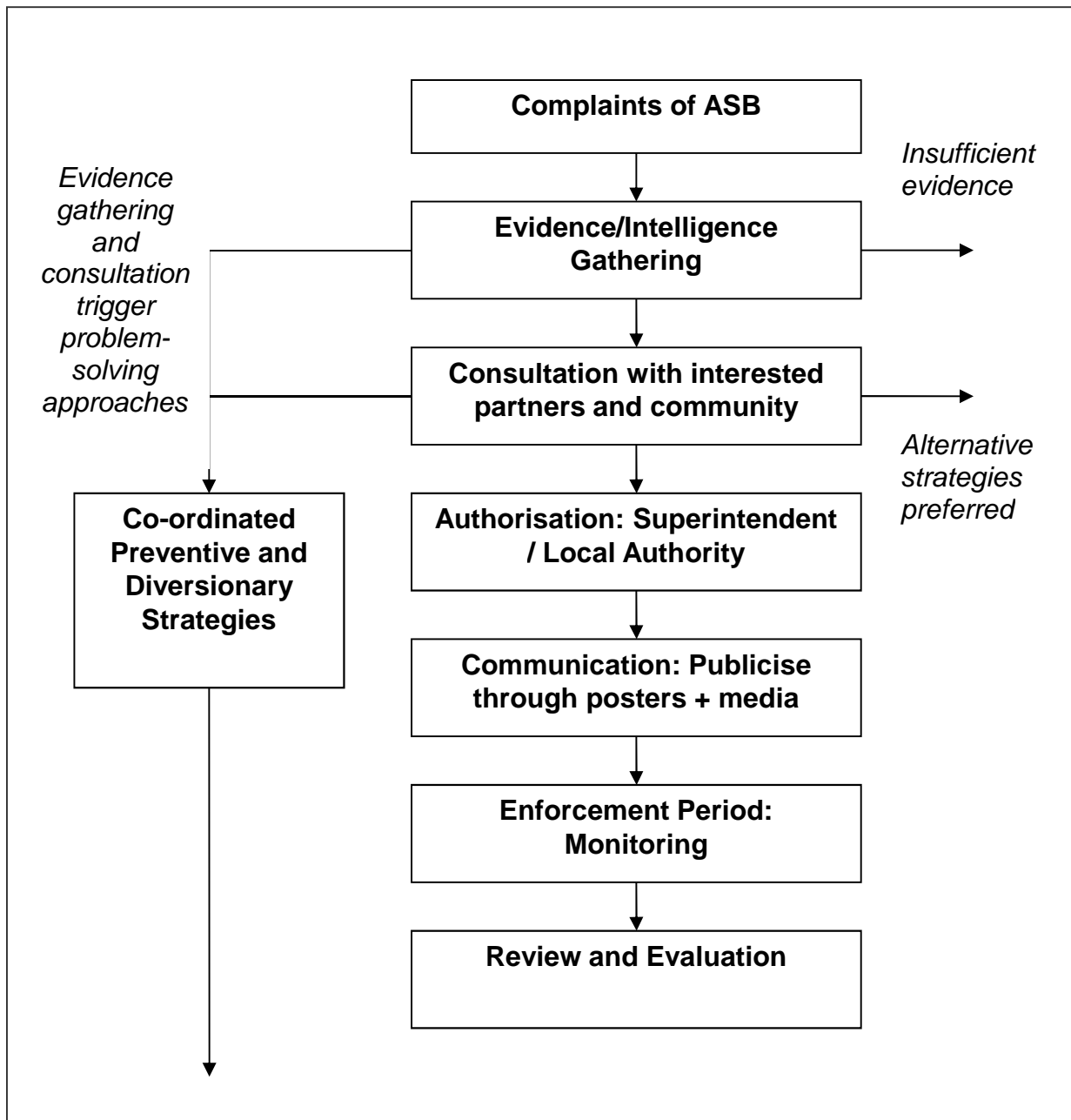
Affords opportunities to enhance police-community relations and provides openness and prior accountability.

It can serve to:

- allow a rigorous examination of the evidence and consideration of appropriate and proportionate responses;
- stimulate multi-agency problem-solving, triggering wider and longer-term preventive and diversionary strategies;
- foster community consultation and dialogue about appropriate use of public space and the role of community in supporting social cohesion and tolerance;
- reinforces the exceptional nature of the powers.

Many of the benefits that derive from dispersal orders stem from the process of authorisation and/or the associated activities that are triggered, rather than the powers *per se*.

Authorisation Process



Authorisation Process



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Serves as a 'wake-up call' and can:

- Galvanise activity;
- Prompt multi-agency partnership working;
- Draw attention to the local issues/problems;
- Draw additional resources into an area.

In a perverse way, the controversial and exceptional nature of the powers forced local agencies and people to pay attention and to use the window of opportunity created by the order.





In the JRF research report we observed that:

“Dispersal order authorisation triggers exceptional powers, which are highly discretionary and summary in nature. Prior designation ensures that these powers are an appropriate, proportionate and planned response to repeated problems within a locality. A rigorous process of authorisation provides the subsequent designation, powers and associated initiatives with crucial procedural legitimacy and public accountability, and constitutes the reasoned basis on which local deliberations about long-term strategies can be founded....

Any proposed future dispersal powers that circumvent the current authorisation process will remove a fundamental layer of prior accountability and oversight of proportionality that exists within the current framework.” (Crawford & Lister 2007: 75)



- Designation provides an important symbolic response that something concrete is being done to address local problems and concerns.
- Can foster local confidence in the community's capacity to effect change and in the local police to make a difference.
- However, the designation of an area as a dispersal zone communicates powerful messages about a place, its values and dominant interests.
- The mixed messages that different groups invest in such a controversial measure demand careful management.
- Good communication strategies were vital to manage public expectations and allay concerns.
- Managing the local media was often a labour intensive task.

Publicity/Exceptionality Creates Problems

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- Publicity can bring unwarranted attention or reputations to an area – can provoke a ‘communication battle’!
- Encouraged designation to be seen as a means of capturing additional policing resources (at least for a short period of time).
- In many localities, orders generated displacement effects, shifting problems to other places, sometimes merely for the duration of the order.
 - ☐ Young people may disperse to *less safe* locations.
 - ☐ Problems may be displaced to *more vulnerable* locations.
- How to manage the end of the dispersal authorisation period – the return to normality!

There is something of an irony in the fact that the Government are proposing to dispose of the authorisation process at the same time as introducing a “community trigger”.

The former has the capacity to draw together a multi-agency analysis of the local crime and ASB problems in an area (as well as possible solutions).

The latter will require action where...

- ‘three or more complaints from one individual about the same problem, where no action has been taken’; or
- ‘five individuals complaining about the same problem where no action has been taken by relevant agencies’.

Conclusion



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We concluded our JRF Report noting that proposals to introduce on the spot dispersal powers...

“are likely to undermine police-community relations and exacerbate many of the policing challenges highlighted in this report. Furthermore, by normalising exceptional, time-limited powers any such proposals will erode the dispersal order’s current role in triggering wider and longer-term problem-solving strategies. This research shows that where dispersal orders work best, their function as a catalyst for local dialogue and action that galvanises partnership activity is due in large part to their exceptional, time-bounded nature.”

(Crawford & Lister 2007: 75)