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# **Tackling Anti-Social Behaviour: A Critical Review**

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# 1. Introduction

Over the past decade, anti-social behaviour (henceforth referred to as ASB) has become a focus of much policy-making and debate within central and local government and the police. Clear definitions of ASB are lacking, but the term is usually understood to refer to relatively minor criminal activity and non-criminal 'nuisance' behaviour that affects the social and/or physical environment of public or semi-public places. The term ASB is frequently used synonymously with 'disorder', and is sometimes associated with the concept of 'incivilities'.

Policy-makers and strategists, at national and local levels alike, reiterate that problems of ASB can have a massively detrimental effect on neighbourhoods as a whole, and on the lives of individuals. Hence strenuous and wide-ranging efforts are being made to support, develop and implement schemes for tackling ASB – involving a variety of enforcement and preventive measures.

## **The national ASB agenda**

Action against ASB has been promoted and enhanced by a series of Acts of Parliament. For example, the Housing Act 1996 facilitated actions by social landlords against tenants engaged in ASB. The Crime and Disorder Act 1998 introduced the Anti-Social Behaviour Order, or ASBO, which is a civil remedy for use by the police and local authorities against perpetrators of ASB.<sup>1</sup> In March 2003 the White Paper *Respect and Responsibility: Taking a Stand against Anti-Social Behaviour* (Home Office 2003a) was published; and the Anti-Social Behaviour Act 2003 received Royal Assent on 20 November 2003<sup>2</sup>. It introduced a large number of provisions relating to, for example, landlords' powers against anti-social tenants, parenting contracts and orders, the dispersal of groups, and new powers for tackling environmental problems such as noise, graffiti and waste.

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<sup>1</sup> An ASBO prohibits the person who is the subject of the order from committing specific anti-social acts, or from entering certain areas, and is effective for a minimum of two years. The breach of an ASBO is a criminal offence, punishable by up to five years' imprisonment (see Home Office, 2002b).

<sup>2</sup> Subsequent Acts of Parliament have also affected work on ASB; for instance the Serious Organised Crime and Police Act 2005 made clear that there are no automatic reporting restrictions on ASBOs made in a court.

The Home Office Anti-Social Behaviour Unit (ASBU) was set up in January 2003 with the aim of developing ASB policy and initiatives, and supporting implementation on the ground. In January 2004, the unit launched its 'TOGETHER' campaign: 'a national campaign that takes a stand against anti-social behaviour and puts the needs of the community first' (Home Office 2003c). This has been a largely enforcement-oriented programme of work with various strands including funding for local initiatives; support for fifty TOGETHER 'action areas' in which 'pioneering initiatives' against nuisance neighbours, begging and environmental crime are being implemented; and the provision of advice and training for practitioners.

During 2005 Government rhetoric evolved into a focus on 'respect' (see Blair, 2005), as exemplified by the Head of the Home Office ASBU, Louise Casey, becoming the new inter-departmental 'Respect Coordinator'. Whatever the political wrapping, it appears that the Government will continue to prioritise work on ASB over the years to come. For instance, the Home Office five-year strategic plan published in July 2004 includes among its objectives for 2008, under the general heading 'Putting the law-abiding citizen first':

[a] no-tolerance approach to anti-social behaviour, with new powers for the police, such as curfews, specialist prosecutors and anti-social behaviour response courts, and support for communities (Home Office, 2004a:10).

Within the police, ASB has become a focus of the reform agenda. The 2001 police reform White Paper pointed to the high levels of public concern about disorder, and the critical importance of the police's role in helping to 'support decent civil communities' and addressing 'more minor social issues' (Home Office, 2001a: 84). The first National Policing Plan (Home Office, 2002a) likewise emphasised the need for effective action against ASB. The Association of Chief Police Officers (ACPO) has advocated a form of 'reassurance' policing in which public complaints about minor disorder are taken more seriously than they have been in the recent past. ACPO set out their approach initially in their 'Civility First' proposal (ACPO, 2001a), and have subsequently developed a number of demonstration projects (Innes, 2004; Millie and Herrington, 2005). The 2004 policing white paper (Home Office, 2004a) emphasised the importance of 'neighbourhood policing teams' intended 'to ensure a two-way flow of information with the community to build trust and co-operation to help them deal more effectively with crime and anti-social behaviour'.

The capacity of the police to take action against ASB has been extended through the introduction of fixed penalty notices for disorderly behaviour by the Criminal Justice and Police Act 2001 (the use of fixed penalty notices was then widened by the Anti-Social Behaviour Act 2003). At the same time, the creation of Police Community Support Officers under the Police Reform Act 2002 widened the uniformed presence on the streets – with the explicit aim, among others, of contributing to enforcement against perpetrators of ASB, and deterring potential perpetrators. In many areas, these officers find themselves working alongside existing local wardens employed by local authorities or under the umbrella of Crime and Disorder Reduction Partnerships (CDRPs). The localised warden schemes, for which central government funding was first made available in 2000, take various forms, but are often focused on minor environmental crime and public reassurance.

### **Aims of the study**

This study emerged out of the recognition that despite the depth of policy interest in ASB in the UK, there is a lack of clarity in many of the policies and strategies (both national and local) that address the issue. Certainly, many of the specific problems associated with ASB are extensively documented, in national policy literature and in local CDRP audit and strategy documents. And strategists and practitioners across the country are engaged in the task of designing and implementing measures that target the problems of ASB in an enormously wide variety of ways.

However, notwithstanding this profound commitment to addressing the problems of ASB, it appears that there are gaps in understanding of the phenomenon. Policy-makers have not engaged in rigorous thinking about the inter-relationships between ASB and other problems – particularly crime, structural inequalities, and the loss of social capital within the most deprived families and neighbourhoods. Hence, for example, there has been little analysis of how local and national work on ASB can contribute to current programmes on civic renewal and neighbourhood regeneration, although it is usually taken for granted that these different agendas are closely interlinked.

Those responsible for the ASB agenda – particularly within the Home Office and its Anti-Social Behaviour Unit (ASBU) – have driven it forward on the conviction that ASB, because it causes misery for a lot of people, must be stopped by all means

available (which has tended to mean through enforcement). A typical statement of the TOGETHER campaign reads:

The campaign represents a commitment, by everyone involved, to take a stand, to be accountable for their actions and to uphold standards of decency and behaviour. Above all, the TOGETHER campaign is about taking action. By working together, we can deliver change in our communities (Home Office, 2004c)

To some extent, this represents a refreshingly vigorous and focussed approach to a deep-seated and often very serious problem. However, the lack of critical and analytical thinking on ASB carries certain risks, particularly that the action will fail if it does not involve understanding of the root causes as well as the symptoms of ASB; being tough on ASB and tough on the causes of ASB if you will. Elsewhere we have called for a balanced approach to ASB strategies (Millie *et al.*, 2005b), where strategies consider prevention as well as enforcement options. Without integrating such work there is a danger that those involved in dealing with these causes on the ground will be alienated because their work is under-valued and under-resourced, that different strands of action relating to ASB and wider issues will work against rather than complement each other.

In recognition of the existing gaps in understanding of ASB we initiated this study in order to look at one aspect, namely the **rationales** of current work on ASB. On the face of it, it seems wholly sensible to tackle ASB simply because ASB is 'a bad thing'; but what are policy-makers and practitioners seeking to achieve by tackling ASB? This key question raises in turn a number of supplementary questions about rationales for ASB work, including:

- To what extent is work on ASB (at national and local levels) underpinned by explicit rationales?
- Are there different rationales, and to what extent do they conflict with or complement each other?
- Do different rationales for action on ASB imply different *forms* of action?
- Are the aims and expectations associated with work on ASB realistic?
- To what extent are rationales for work on ASB informed by relevant research?

## Methods

In order to address the issue of rationales for ASB work, we carried out three strands of research. The first was an analytic review of the existing research literature on the policing of ASB. Much of this literature emanates from the United States, where the terms 'disorder' and 'incivility' are used more frequently than ASB. The aim of the literature review was not to produce a summary of the many and detailed arguments and counter-arguments for tackling ASB, but to identify the major themes that have had an influence on policy in the UK.

The second strand of the research carried out for this study was an analysis of recent British policy documents and papers that have a bearing on the tackling of ASB, in order to assess current definitions of ASB and the prioritisation of differing approaches to the problem. This review included documentation from the Home Office and other central government departments, the Association of Chief Police Officers, and other relevant bodies.

The third strand of research was an examination of ASB strategies being implemented by five CDRPs. This did *not* involve a close look at operations, but an analysis of the aims, objectives and core elements of the strategies. The research within the CDRPs, which was carried out in 2003, thus involved reviewing relevant literature produced by the partnerships, such as their crime and disorder audit and strategy documents and action plans. In addition, semi-structured interviews were carried out with partnership representatives (for the most part, from the police and local authorities) which explored the officers' own perceptions of local ASB problems and the applicability of ASB initiatives.

The five CDRPs were selected for the study on the grounds that, first, all had a particular interest in the subject of ASB but were approaching it in different ways; and, secondly, the areas in which they were located were socio-economically and geographically diverse. In this report, the five partnerships have been anonymised in order to protect the confidentiality of respondents, and are known as:

- 'Lonborough': an inner-city area, with an ethnically diverse population and high levels of crime and deprivation.
- 'Prospertown': a relatively affluent suburban area encompassing a number of small towns, in which crime rates are low and falling.

- 'Westerncity': a provincial city and the surrounding rural area. The city has historic concerns over car crime and youth nuisance. Some areas within the city are particularly deprived.
- 'Newtown': a highly populated urban area comprising several towns and some more rural areas, with crime rates that are slightly above the national average. The area falls within the middle range of deprivation as defined by the national index, although some areas have particular problems.
- 'Northport': a city with crime rates of just under twice the national average, which has progressively lost its industrial base since the 1970s and suffers a range of consequent social problems.

### **Outline of the report**

In the chapter that follows, we set out the background to current policy and practice on ASB. We consider, first, what policy-makers and practitioners usually understand by the term 'ASB'. Secondly, we briefly look at levels of concern with ASB in Britain today, and consider *why* ASB is currently a cause of public concern and a top Government priority.

Chapter Three is the heart of this report. Here we discuss what we have identified, through the methods outlined above, as the rationales and objectives associated with ASB work in Britain. It seems that there are five main rationales, each of which is considered in turn:

- a) The quality of life rationale: ASB should be tackled because it is a serious problem that makes people miserable and fearful.
- b) The 'broken windows' rationale: ASB should be tackled because it is causally linked to serious crime.
- c) The crime-fighting rationale: ASB strategies are useful and practical crime-fighting tools.
- d) The regeneration rationale: action on ASB should contribute to the social and economic regeneration of local areas.
- e) The local agencies rationale: tackling ASB brings benefits to local agencies.

Chapter Four concludes this report, by pulling together the key findings of the research, and considering their implications for the development of policy on ASB and sustainable solutions.

## 2. Tackling ASB: the background

In this chapter, we look at how ASB is defined in national policy and at a local level, and discuss the difficulties associated with definition. We then consider why ASB has emerged as a significant concern for the public and policy-makers alike.

### What is ASB?

ASB is a difficult concept to define. This is partly because it is a negative concept: that is, it is behaviour that is *not social* – or, indeed, the very opposite of social.<sup>3</sup> The terms sometimes used interchangeably with ASB are, likewise, negative terms: namely, ‘disorder’, which literally refers to behaviour or conditions that are not orderly, and ‘incivilities’, which refers to actions that are not civil. Given that the concepts of ‘social behaviour’, ‘order’ and ‘civility’ are themselves ambiguous and open-ended, it is bound to be all the more challenging to define the negatives, or opposites, of these phenomena.

Subjectivity is another aspect of the phenomenon that inheres in the very phrase ‘anti-social’ and makes definition difficult. Something that is anti-social is necessarily something that contravenes certain norms of behaviour (e.g. Sellin, 1938), rather than something that can be objectively assessed. Similarly, although a legal conception of ‘criminal’, on the face of it, ought to be straightforward, criminology has been struggling since its inception with a clear understanding of what crime is. As Garland (2002: 13) has observed, ‘ways of constituting and perceiving ‘crime’ and ‘deviance’ are not established conventions or unchallengeable truths’. ASB may be just as difficult to pin down.

Theory and policy on ASB often assumes that there are ‘community’ definitions of order, which policing practice should reinforce. In reality, however, understandings of what constitutes order are likely to vary widely within any given community – as, indeed, are understandings of what constitutes the community.

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<sup>3</sup> In the psychiatric study of personality disorder the term ‘anti-social’ is often regarded as the opposite of ‘pro-social’.

It follows from this subjective aspect of ASB that a wide range of behaviours potentially fall within the definition. These behaviours range from those that are, at most, incivil or inconsiderate to those that are unambiguously criminal. This breadth of the concept, and the associated difficulties of definition, have been highlighted by Whitehead *et al*, in a review of the costs of ASB:

The terms crime, disorder and anti-social behaviour are frequently used interchangeably to refer to a variety of behaviours ranging from a low level of nuisance to criminal behaviour. Also, it is important to recognise that virtually any activity can be anti-social depending on a range of background factors, such as the context in which it occurs, the location, people's tolerance levels and expectations about the quality of life in the area (2003: 4-5).

### *Definitions in national policy*

The Crime and Disorder Act (1998) defines ASB as behaviour

that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as [the perpetrator].

This exceptionally broad definition is cited throughout the policy literature. Indeed, various policy documents explicitly avoid grappling with the issue of definition. For example, a report on ASB produced by the government Social Exclusion Unit notes that 'there is no single definition of anti-social behaviour' and that 'some definitions are wide-ranging'. This report then cites both the Crime and Disorder Act definition and the definition of the Chartered Institute of Housing<sup>4</sup> as examples (SEU, 2000). The ASB White Paper observes that 'anti-social behaviour means different things to different people' and that 'there are many different forms of anti-social behaviour', before quoting the Crime and Disorder Act definition (Home Office, 2003a: 14). Later, it asserts that: 'The common element in all anti-social behaviour is that it represents a lack of respect or consideration for other people' (Home Office, 2003a: 17). A recent document on the TOGETHER campaign offers an entirely tautologous conception of ASB: 'Although [ASB] can mean different things to different members of the public, the primary cause is the unacceptable behaviour of a minority of people' (Home Office, 2004b).

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<sup>4</sup> 'Behaviour that unreasonably interferes with other people's rights to the use and enjoyment of their home and community' (Chartered Institute of Housing, 1995).

Initially the Home Office and TOGETHER campaign deliberately eschewed grappling with definitional issues. It was frequently implied that individuals and agencies know what ASB is when they encounter it; and that it is more important to get on with tackling ASB than to engage with supposedly ‘academic’ debates about what ASB constitutes. There was, however, an evident tension between the inclination to keep definitions of the phenomenon as broad as possible and, on the other hand, managerialist pressures to ensure that ASB and ASB-related work is counted, classified and made accountable. Hence, for example, notwithstanding the evasiveness of the SEU’s report with respect to definitions, its recommendations included the proposals that CDRPs should ‘include anti-social behaviour as a *separate and distinct element* of both their audit and local strategy’ and that they should ‘*identify a named person ... to co-ordinate action on this anti-social behaviour strategy*’ (emphases in the original). As noted in the ASB Toolkit produced by the Home Office (2001b) these recommendations, among others, have been accepted by Government and are now formal requirements for CDRPs.

However, it is difficult to see how CDRPs can make ASB a ‘separate and distinct element’ of their overall strategies when there is no common understanding of where the parameters of ASB lie. It is perhaps in acknowledgement of this difficulty that the Home Office have moved towards defining ASB, acknowledging that the Crime and Disorder Act definition ‘does not provide practitioners with an indication of the specific behaviours that they should be monitoring and attempting to address in order to tackle the problem of anti-social behaviour within their locality’ (Harradine *et al*, 2004: 3). In this publication, therefore, an ASB ‘typology’ was presented which aimed to ‘provide a practical framework and guide to the main categories of behaviour that are widely accepted to be anti-social by both practitioners and the public’ (2004: 4).<sup>5</sup> The typology identifies a range of specific behaviours under four main headings:

- Misuse of public space
- Disregard for community/personal well-being
- Acts directed at people
- Environmental damage.

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<sup>5</sup> An earlier version of the typology was used to structure the ‘one-day count’ of ASB carried out by the Home Office in September 2003. This involved a request to all public services in England and Wales to count the number of ASB incidents reported to them over the course of the day. Over 66,000 reports of ASB were made to participating agencies on the day of the count, which would equate to about 16.5 million reports per year (Home Office, 2003b).

The Home Office typology should help to bring some clarity to local strategic work on ASB, although (as will be discussed below) developing discrete ASB priorities and objectives may still be problematic, in practice. Moreover, even within the parameters set by the typology, ASB remains a slippery concept<sup>6</sup>. The specific behaviours listed in the typology include, among many others, ‘menacing gestures’, ‘shouting and swearing’ and ‘climbing on buildings’. The difficulty, for practitioners, will often lie in deciding the point at which such behaviours are no longer simply uncivil or irritating, but are serious enough to warrant action from the relevant authorities.

At the other end of the spectrum, the Home Office typology provides little guidance on where to draw the line – in terms of the nature of the response – between criminal and anti-social behaviour. Harradine *et al* themselves acknowledge that the distinction between ASB and crime is a ‘grey area’; however, the typology does appear to exclude serious crime from the general category of ASB. This is a welcome clarification, since earlier policy documents on ASB contained contradictory messages on this point. On the one hand, these documents frequently implied that ASB encompasses non-criminal and minor criminal behaviour but not serious crime; on the other hand, serious crime and ASB are sometimes treated as overlapping. For example, the Social Exclusion Unit ASB report included discussion of racial and homophobic violence, and serious incidents of witness intimidation, as examples of ASB (2000). The Anti-Social Behaviour Act 2003, moreover, included provisions relating to the carrying of firearms and the closure of premises used for supply or use of Class A drugs.

### *Local definitions*

In the five CDRP areas in which we carried out our empirical research, our respondents, when asked ‘what is ASB?’, tended to define it in terms of specific forms of behaviour. (Several also made reference to the Crime and Disorder Act definition.) The specific forms of ASB mentioned by respondents (shown in Figure 1) are broadly similar to those which are contained in the Home Office typology<sup>7</sup> – and

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<sup>6</sup> The Home Office typology would not rule out the inclusion of more serious criminal activity. Elsewhere we have suggested an alternative typology that considers both motivation and outcomes: interpersonal/malicious ASB; environmental ASB; and ASB restricting access to public spaces - see Millie *et al.* (2005a) for more details.

<sup>7</sup> Much of the fieldwork was conducted prior to the Home Office ‘day-count’ of ASB, when an earlier version of the Home Office ASB typology was first circulated.

hence are generally minor criminal and sub-criminal behaviours. Many of them relate to environmental damage and/or annoying or threatening behaviour by children and young people.

**Figure 1: ASB issues identified in the CDRP sites**

- Young people congregating in public places and intimidating others (mentioned in all of the CDRP sites)
- Children/young people being boisterous and noisy
- Bullying of pupils after school
- Footballs kicked against houses
- Children/young people drinking
- Problems around children's homes
- Children setting fire to rubbish
- Abandoned vehicles
- Fly-tipping
- The dumping of fridges and other rubbish in gardens
- Vandalised bus shelters
- Vehicles being repaired in the street by casual or part-time car dealers
- Motorbikes/mopeds being driven on pavements and in parks
- Problems related to substance misuse
- Nuisance associated with drug-dealing in public places
- Nuisance associated with sex work
- Street drinkers
- Harassment of various kinds, including racial harassment and abuse
- Aggressive behaviour towards council staff
- Noisy music
- Neighbour disputes
- Harassment of shopkeepers by shoplifters
- Group conflict between asylum-seekers and other residents

In talking about their understandings of ASB, respondents also frequently referred to the subjective aspect of ASB, and pointed to the difficulties of assessing at what point certain irritating behaviours become 'anti-social'. A local authority officer from Lonborough noted that ASB is always 'a relative term', since behaviour that is regarded as offensive by some will be deemed acceptable by others; for example, the concept of 'noise pollution' means very different things to different groupings of local residents. In Northport, a police superintendent observed that incidents of ASB are often better understood as 'lifestyle clashes', and cited the example of ASB complaints emanating from an old people's home located on a school route.

Evidently, differences in opinion over what constitutes ASB can become especially sharp where youth disorder is concerned. It is clear that for many people, and indeed for many agencies, the concept of policing ASB is in fact a matter of policing youth. A local Councillor in Newtown argued that 'there's a tremendous amount of intolerance by older people by the young'; and a Newtown Youth Offending Team manager described the 'really tricky balancing act' that must be played between adult demands for children to be taken off the street, and the desire of young people 'to explore and experiment, be together in groups'. In Westerncity, a local authority respondent commented:

Some behaviour clearly to most people will be unacceptable; and others – you'd be surprised at the number of phone calls I get of people complaining about kids playing football in the street: 'Why doesn't the Council do something about it?' You have to wonder what you're supposed to say.

A common theme in much of what was said by CDRP officers was that ASB very often has an impact on individuals and neighbourhoods because it is repeated, or continuous, behaviour. Indeed, it was occasionally suggested that this aspect of ASB is in a sense its defining feature. A police officer from Newtown said that, at a recent public meeting about crime and disorder, a woman complained that children had been kicking a football against her wall for more than 100 days in a row – which had a greater impact on her quality of life than a single burglary she had experienced some years before. A local authority officer in Lonborough explicitly defined ASB as 'repeated nuisance'. In Northport, one respondent spoke about the 'dripping tap' effect of minor disorder, whereby residents became sensitised to, and then incensed by, otherwise trivial incidents of misbehaviour.

While our respondents found it relatively easy to identify types of behaviour that can be seen as ASB, it appears to be more difficult for CDRPs to delineate the ASB sphere of work within their broader community safety strategies. Potential ASB problems are numerous and varied; and ASB issues and crime issues are closely interlinked and overlapping (for example, a lot of crime and ASB may be perpetrated by the same individuals, and have the same underlying causes). As a consequence, the ASB theme is likely to cross-cut many or most strategic objectives. This is illustrated by the 2002-5 strategies produced by our case study CDRPs, which are summarised in Boxes 1 to 5. In all these strategies, ASB is cited as a priority, but tends to appear almost randomly alongside or amongst the other issues and

objectives. The requirement - in national policy - for each CDRP to make ASB a 'separate and distinct' element of its strategy overlooks the difficulty of separating out ASB-related action from other community safety action.

### **Box 1. The Lonborough strategy**

This covered five 'thematic areas':

- Reducing crime in neighbourhoods
- Tackling crime hotspots
- Young people and crime
- Serious and violent crime
- Hate crime

ASB was incorporated within the 'crime in neighbourhoods' theme, although this was currently under review, in recognition that it cross-cuts all the other groups. The 'crime in neighbourhoods' theme also covered domestic burglary and vehicle crime. ASB was not defined by the strategy, which noted that it 'covers a wide range of activity, much of which is linked to environmental crime such as graffiti, abandoned cars and neglected public areas'.

### **Box 2. The Northport strategy**

This had four themes:

- Reducing acquisitive property crime
- Supporting families and communities
- Reducing violence and anti-social behaviour
- Influencing attitudes to crime.

The 'violence and ASB' theme covered three objectives: (1) tackling alcohol-related violence; (2) under-age drinking and the abuse of alcohol; and (3) tackling disorder (which is not defined, although it is noted that 'even low level disorder blights people's lives').

### Box 3. The Newtown strategy

The main themes identified by this strategy were:

- Young people as victims and offenders
- Car crime
- Criminal Damage/ASB/violence
- Burglary
- Retail crime
- Drugs and alcohol
- Prostitution
- Domestic violence
- Racial crime
- Fear of crime

Discussion of ASB under the 'criminal damage/ASB/violence' heading pointed to the cross-cutting nature of ASB:

Criminal damage and violence are by their very nature anti-social, ...however there are other issues which contribute towards anti-social behaviour. These include abandoned vehicles, fly tipping and discarded needles.

On the operational side, the strategy identified six 'action groups', of which the one entitled the 'targeted activity group' covered the ASB theme, along with some other themes such as retail crime and burglary.

### Box 4. The Prospertown strategy

Eight 'key issues' were addressed by this strategy (seen in draft form only):

- Residential burglary
- Crime and disorder in three town centres
- Substance misuse
- Domestic violence
- Criminal activity in disadvantaged communities
- Young people as victims and offenders
- Anti-social behaviour and public reassurance
- Fear of crime and vulnerable groups

Unusually, the 'ASB and reassurance' priority included quantifiable targets: namely, to reduce ASB and public disorder by 5%; abandoned vehicles by 20%; and graffiti by 20%. The strategy did not specify how progress towards these targets was to be measured.

### Box 5. The Westerncity strategy

'Key priorities' identified by this strategy were:

- Youth crime
- Youth Annoyance
- Racial incidents
- Domestic violence
- Reassurance
- The city centre
- Vehicle crime
- Arson
- Residential burglary
- Drugs

Under 'youth annoyance', it was noted that 'The problems caused to local communities by young people congregating in public places have been a constant theme in considering crime and anti-social behaviour over a number of years'. Officers from Westerncity said in interview that a decision had been reached to define the problem as 'ASB' rather than 'youth annoyance', to avoid stigmatising young people and to take account of the fact that older people can be perpetrators of ASB.

## Why is ASB a priority?

In prioritising ASB, central government is - as it frequently reiterates – responding to public concern about the issue. For example:

The impetus behind the TOGETHER campaign has not come from Whitehall, but from the public. More and more, people around the country are saying ‘we don’t have to tolerate this’, and are no longer putting up with graffiti or vandalism (Blunkett, 2004).

Survey findings, such as from the British Crime Survey (BCS)<sup>8</sup>, indicate that while ASB is not a significant problem for most people across England and Wales, it is a matter of concern for a sizeable minority. The 2003-4 BCS found, for example, that 16% of respondents across England and Wales perceived a high level of ASB in their area (Wood, 2004).<sup>9</sup> For respondents living in inner-city areas, the figure was 34% - indicating that problems of ASB, like problems of crime, tend to be concentrated in particular localities.

Understanding *why* ASB has come to the fore as a public concern is not straightforward. It can be argued that the policy focus on ASB does not simply reflect, but can also reinforce, public anxiety about the problem. In other words, the more that people are told about problems of ASB, the more likely they are to perceive and worry about them. Nevertheless, public perceptions of ASB cannot be dismissed as mere artefacts of government policy: ASB, in the variety of forms that it can take, is clearly a cause of genuine and serious concern in many areas.

Perhaps the most commonsensical explanation for the emergence of ASB as a public and policy issue is that standards of civic behaviour have declined, and disrespect for authority has grown to a point where some action is essential. It would be hard to deny that there have been some broad cultural shifts over the last half-century, relating to the loss of community and the decline of deference, on the one hand, and the ascendance of forms of consumerist individualism, on the other. Accompanying these trends have been more specific developments, such as the

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<sup>8</sup> ‘Incivility’ data have formed part of the BCS since the 1980s (e.g. Hope and Hough, 1988).

<sup>9</sup> The measure of high perceived ASB was based on a combined measure of seven strands of ASB: namely, teenagers hanging around, drug use/dealing, rubbish and litter, vandalism and graffiti, drunk or rowdy behaviour, abandoned cars, noisy neighbours.

growth of the use of alcohol and illicit drugs. ASB can be seen as one of the least desirable consequences of the combined effects of these social trends.

When ASB is framed through this lens, it is easy enough to sympathise with the urgency of the Government's demands for action on ASB as an integral part of their wider push for civic renewal. But it is equally important to bear in mind the contribution to problems of ASB made by five decades of economic, social and criminal justice policy. ASB tends to be at its worst in conurbations that lost their industrial or manufacturing base in the 1970s and 1980s. Within these cities, it is areas of public housing that are most vulnerable, especially where housing policy has allowed large concentrations of poor, social excluded families. In large measure, economic and social policy has served to strip these areas of their social capital.

If various economic and social policies have created the preconditions for the emergence of serious ASB problems, the policy stances of local and central government to criminal justice over three decades are also implicated. The post-war history of relations between police and local authorities in conurbations is an unhappy one. In the 1980s in particular, many local authorities and the police regarded each other with grave suspicion. Many councils established 'police monitoring groups', whose aim was more to contain or challenge police activity than to work in partnership. Whilst ASB was already an emerging issue at that time, relations between police and city councils were often so fractured that it was impossible to mount any effective action to counter it.

The 1990s saw a very welcome rapprochement between the two sides. Relations between BCU police commanders and senior local authority staff are probably closer than they have been for decades. However, central government initiatives to tackle crime have been at the expense of action against ASB. Policing has always involved a balance between crime-fighting and order maintenance. Since the mid-1990s, successive governments have imposed performance management targets on the police that have skewed their function towards crime control. Performance management regimes have chosen to prioritise 'volume crime' and implicitly removed priority from those – individually less serious – incidents of ASB that cumulatively cause so much distress.

To a significant extent, therefore, policies to tackle ASB can be thought of as an exercise in *rebalancing* systems of social control. The policy statements of the

Association of Chief Police Officers (e.g. ACPO, 2001a; 2001b) and those of Her Majesty's Inspectorate of Constabulary are explicit about the need for this rebalancing. For example:

...a performance culture that counts crimes and detections, which in turn [has] skewed police activity heavily towards these areas. The other components of reassurance have been largely ignored and there is a need to redress the balance (Povey, 2001: 167).

According to this perspective, the increase – or perceived increase – in ASB is less a consequence of deep seated social decay, and more a cost that can be associated with the falls in crime that have been achieved since the mid-1990s, at least in part as a consequence of an increased crime focus in policing policy.

### **3. Rationales for tackling ASB**

We have identified five main rationales for tackling ASB, all of which are manifest in national policy on ASB and/or within our case study CDRPs. Each of these rationales is discussed below, in turn – with reference also to how they reflect theory and research on ASB and related issues. In looking at the rationales, we are not aiming here to assess their validity or plausibility; rather, the chapter is a largely descriptive account of the varying perspectives on ASB.

#### **The quality of life rationale**

Perhaps the most straightforward rationale for tackling ASB is that ASB has a severe impact on the quality of life of those most affected by it: it can make people unhappy in a general sense and, more specifically, it can create or exacerbate fear of crime. From this point of view, a direct consequence of the reduction of ASB in any given area should be an improvement in the quality of life and sense of security of local people.

#### *The quality of life rationale: theoretical perspectives*

Some of the earliest American research literature on disorder focused on the links between disorder and fear of crime. According to Taylor (1999a), an early version of what he terms the ‘incivilities thesis’ was developed by Wilson (1975) and Garofalo and Laub (1978), who argued that various incidents of minor disorder can inspire fear of crime among urban residents. The key idea here was that ‘urban conditions, not just crime, are troublesome and inspire residents’ concern for safety’ (Taylor, 1999a: 66). Again according to Taylor, Hunter (1978) developed a more elaborate version of this thesis: he also saw ‘fear’ as the main product of disorder, but specified that this fear arises because residents associate disorder with the inability or unwillingness of local actors and external agencies of control to preserve order. Hence ‘it is not just the presence of the signs of incivilities that is threatening to [residents], but the meaning attached to them’ (Taylor, 1999a: 67).

The particular impact of disorder on fear of crime is a theme with which Innes, Fielding and colleagues, at the University of Surrey, are concerned. This relationship between disorder and fear of crime is at the heart of their work on 'signal crimes', which posits that certain crimes *or disorderly incidents* may be 'disproportionately influential in terms of causing a person or persons to perceive themselves to be at risk in some sense' (Innes and Fielding, 2002: 17). Crime and disorder are regarded as functionally equivalent and incidents that have 'signal value' may include both 'high profile serious crimes where the public reaction to the event is based upon mediated information', and also 'less serious events which are nonetheless significant due to them being experienced directly' (Innes, Fielding and Langan, 2002: 19).

It is argued that the signal crimes perspective helps to explain the apparent discrepancy, observed in the UK in recent years, between falling rates of crime and steady levels of fear of crime. The theory also plays a part in current efforts to resolve this discrepancy through the development of policies of 'reassurance policing'. The application of the concept of signal crimes to reassurance policing is based on the assumption that police interventions which target those specific events that cause disproportionate anxiety will have the greatest impact. According to Fielding, Innes and colleagues, this approach can be advanced through the use of environmental auditing, which involves the identification of problems requiring intervention through systematic and highly detailed field observations of neighbourhoods (see Fielding, Innes and Fielding, 2002).

#### *The quality of life rationale: policy perspectives*

The impact of ASB on quality of life is a theme that frequently emerges in current policy thinking on ASB. 'Anti-social behaviour destroys lives and shatters communities' is an assertion that appears in both the ASB White Paper and the Social Exclusion Unit ASB report (SEU, 2000). In the Foreword to the TOGETHER Action Plan (Home Office 2003c) the then Home Secretary David Blunkett observed:

Every week, in my constituency I hear about acts of kindness and decency that make Sheffield stronger and safer. But I also hear too many stories of human misery caused by a small number of people who intimidate and harass others ... There is no equality of self-fulfilment if you don't feel safe in your own home or if you can't walk safely down your street.

As in the above quotation, the relationship between ASB and fear of crime is emphasised in the policy literature. The ASB White Paper noted that, at a time when crime rates are dropping, ASB 'gives rise to fear of crime'. Fear of crime is assumed to have a great significance in itself, since 'it is fear of crime – rather than actually being a victim – that can so often limit people's lives, making them feel afraid of going out or even afraid in their own homes' (Home Office, 2003a: 13). As noted above, the concern with fear of crime informs the reassurance policing agenda, which recognises 'that people are not reassured by crime reduction alone and look for credible control of their environment, in addition to safety from crime and incivility' (ACPO, 2002).

#### *The quality of life rationale: local perspectives*

Many of our respondents in the case study sites argued that ASB must be addressed because of the unhappiness it causes. While some suggested that a sizeable proportion of public complaints about ASB might be regarded as evidence of the increasing 'intolerance' of older people towards children and young people, they nevertheless pointed out that many lives are being made increasingly unpleasant and difficult by the thoughtless or malicious behaviour of others. The head of the Anti-Social Behaviour Unit in Lonborough, for example, argued that 'the greatest harm [of ASB] is that it makes vulnerable members of society more vulnerable, and more excluded'. And a manager of the local warden schemes in Lonborough spoke at some length about how problems such as neighbour disputes over noise can, in the long term, cause serious damage to physical and mental health. Ultimately, she said, such problems can make people feel extremely unhappy and insecure even within the four walls of their own homes.

More specifically, the impact of ASB on fear of crime was frequently discussed in the CDRP interviews. This issue was strongly emphasised in Prospertown, for example, a low crime area in which anxieties about crime nevertheless remain high. A Prospertown police officer commented: 'Their actual perception that, by the fact they see graffiti they think that cars are getting broken into, there's burglary, it's like a city of crime really.' It was also pointed out that not only do incidents of ASB provoke fear of crime, but, conversely, existing fear and anxiety can shape perceptions of ASB. This is particularly true with regard to older people's reactions to young people congregating in public places. A local Councillor in Newtown commented:

I've done it myself – you see a group of youths standing about ... and they're laughing and talking, and they're being loud the way young people are, and you immediately see them as threatening. And for people a lot older than myself they find young people today ... very, very intimidating, and then they think they're going to be following them home and they're going to attack them. The fact that it very rarely happens is neither here nor there.

The ways in which public concerns about crime and ASB feed into and reinforce each other was highlighted also by the ASB co-ordinator in Westerncity. He commented that the preoccupation of the public with ASB is such that the concept of criminality has broadened and become all-encompassing:

... or they [young people] are sitting in a park at night – they've got to be doing something, they've got to be causing damage, they've got to be littering. They can't just be sitting there. So I think anti-social behaviour is altering perceptions of crime.

### **The 'broken windows' rationale**

The 'broken windows' rationale for tackling ASB assumes that there is a causal link between disorder, or ASB, and crime. This has proved a highly popular view within policy circles in both the United States and Britain.

#### *The 'broken windows' rationale: theoretical perspectives*

In the United States, earlier ideas about the causal relationship between disorder and fear of crime were developed much further in the thesis commonly known as 'broken windows', most famously outlined by Wilson and Kelling in their 1982 article in *Atlantic Monthly*. Wilson and Kelling argue that disorder can provoke fear; and, further, that the fear can itself help to create the physical and social environment in which real crime will flourish. This is because residents who are fearful are likely to withdraw from public spaces, and will not intervene when they observe disorderly or criminal behaviour. Informal social controls over an area are thus relaxed; local troublemakers and offenders become bolder in their actions; and offenders from outside the area are attracted to it. Wilson and Kelling's thinking on these issues was clearly influenced by Jacobs (1961), who wrote of the need for 'casual enforcement

of civilisation' if the streets are to remain safe, and by Newman's work on defensible space (1972).

Hence, 'disorder and crime are usually inextricably linked, in a kind of developmental sequence'. The process by which disorder leads to fear *and* crime is symbolized by the broken window. Wilson and Kelling argue that if a broken window in a building remains unrepaired, all the other windows in the building will soon also be broken, because 'one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing. (It has always been fun).'

For Wilson and Kelling, the implications of broken windows theory for policing are clear. They argue that visible foot patrols by police officers can play a critical role in halting or reversing the process by which disorder gradually gives rise to serious crime. Through patrols, the police can carry out the 'order maintenance' functions that over the course of the 1960s and 1970s had been gradually subsumed in the United States by the demands of crime-fighting. It is recognized that conceptions of 'order' are likely to differ between neighbourhoods, and hence the actions of the police in carrying out order-maintenance work should at least partially be governed by an understanding of local expectations. Moreover, order-maintenance policing will have a far greater impact on some neighbourhoods than others:

The key is to identify neighborhoods at the *tipping point* – where the public order is deteriorating but not unreclaimable, where the streets are used frequently but by apprehensive people, where a window is likely to be broken at any time, and must quickly be fixed if all are not to be shattered (Wilson and Kelling, 1984; emphasis added).

#### *The 'broken windows' rationale: policy perspectives*

Over the two decades since the Atlantic Monthly article was first published, the relationship between disorder and crime posited by Wilson and Kelling has been extensively explored and debated by criminologists – with results that, when viewed as a whole, are inconclusive. Nevertheless, the theory has been highly influential in policy as well as research circles. In terms of its impact on policing, it has proved to be 'a coat of many colors' (Taylor, 2005); that is, subject to differing interpretations and used to justify a range of approaches to crime and disorder.

In Britain, broken windows theory is cited with great frequency as a rationale – or indeed an almost irrefutable justification – for a host of policing and crime prevention measures that target ASB. For example, the ASB White Paper, under the heading ‘The spiral of anti-social behaviour’, directly echoes broken windows theory:

If a window is broken or a wall is covered in graffiti it can contribute to an environment in which crimes takes hold, particularly if intervention is not prompt and effective. An abandoned car, left for days on end, soon becomes a burnt-out car; it is not long before more damage and vandalism takes place. Environmental decline, anti-social behaviour and crime go hand in hand and create a sense of helplessness that nothing can be done (Home Office, 2003a: 14).

From a police perspective, a similar point is made in the ACPO ‘Blue-Print for Policing in the Twenty-First Century’:

Neighbourhoods in which lack of order and poor respect for the environment continue to prevail are very often those from where many active criminals will emerge and thrive ... Orderliness will begin to bind a neighbourhood and build a resilience which makes crime less likely (ACPO, 2001b).

In the Social Exclusion Unit report on ASB it is briefly acknowledged that the supposed causal link between ASB/disorder and crime is empirically questionable:

Whether high levels of disorder and anti-social behaviour lead directly to more serious crime in a particular area has not been formally established. However, during the writing of this report, members of the PAT [Policy Action Team] were often told that anti-social behaviour had led to neighbourhood decline and abandonment, which in turn created an environment in which serious crime was able to thrive (SEU, 2000: 30).

However, the above statement can be contrasted to the much firmer assertion that appears in the report two pages later:

Combating anti-social behaviour is central to regenerating deprived areas and preventing serious crime. Minor anti-social behaviour such as litter and graffiti

can produce a breakdown in community control through a spiralling process that leads to serious crime.

*The 'broken windows' rationale: local perspectives*

Interestingly, there did not appear to be wholehearted endorsement of the broken windows thesis in our case study sites. For example, in Prospertown one local authority officer cited broken windows theory with only qualified approval, arguing that the link between ASB and crime, while sometimes obvious, is not always clear. In Northport, some respondents did make reference to the need to tackle ASB in order to break the cycle of fear of crime, crime and neighbourhood decline. Others, however, argued that they did not regard ASB work as a means of crime reduction; rather, they wanted to tackle ASB in response to public demand, and also as part of a much wider and longer-term programme of social and economic regeneration.

It was in Westerncity that there was the clearest articulation of a broken windows-type agenda. Here, a police superintendent directly referred to broken windows theory, and talked about the way in which serious crime can take hold in a community following minor incidents of criminal damage and ASB. A police sergeant highlighted the role played by fear of crime in this kind of cycle of decline, arguing that ASB can provoke fear of crime, which in turn keeps people away from an area and weakens natural surveillance. It was unclear, however, whether these officers were describing a process that they themselves had witnessed, or were, rather, talking in more theoretical terms.<sup>10</sup>

In Lonborough and to a lesser extent in Newtown, Westerncity and Prospertown, various respondents spoke about links between ASB and crime in terms of the development of *criminal careers* rather than in terms of neighbourhood change. They argued that many people – particularly children and young people – who engage in relatively minor ASB are likely to move on to more serious forms of misbehaviour, and ultimately criminal behaviour, in the absence of intervention.<sup>11</sup>

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<sup>10</sup> It is interesting to note that a local authority respondent from Westerncity spoke of having heard of broken windows theory from a police colleague, and commented that this colleague 'must have been on a course somewhere!'

<sup>11</sup> This perspective on ASB appears occasionally in policy discussions. For example, in a speech on ASB provisions, Home Office Minister Beverley Hughes commented, 'when young people are behaving anti-socially, it is vital for their own futures that we stop them from continuing. Anti-social behaviour is often the slippery slope to crime' (Home Office, 2003d).

This 'criminal careers' perspective on the links between crime and ASB does not necessarily contradict the central tenets of broken windows theory; but the latter theory is much more concerned with changing patterns of crime in neighbourhoods than with the evolution of criminal behaviour in individuals. Additionally, in charting the process by which an area becomes crime-ridden, broken windows theory places a heavier emphasis on the role played by offenders who *move into* the area (hence Wilson and Kelling refer, for example, to 'criminal invasion') than on the contribution of existing residents who may increasingly turn to criminality.

In our case study sites, the criminal careers perspective was articulated in comments such as those of a local authority officer in Lonborough who argued that young people must learn that their actions have consequences: if minor instances of bad behaviour are not seen to have consequences, there will be nothing to stop the perpetrators engaging in increasingly serious misbehaviour. Part of the problem, as explained by a fire officer from Westerncity, is that certain young people are driven towards ASB and crime because they are looking for excitement. Therefore if misbehaviour goes unchecked, it is likely to escalate, since 'getting away with it becomes the norm then and boring, and they move on and want to do more challenging crimes'. However, a local authority officer from Westerncity warned against simplistic assumptions that those who engage in ASB move on to criminal activity. She remarked, 'I think it's a step down the line of trying to criminalise young people by describing activities as anti-social and being part of a chain in the criminal process, or as a first step.'

It was pointed out by a police superintendent in Lonborough that victims as well as perpetrators of ASB may go on to develop criminal careers, if they are not supported. This issue is highlighted also by Lonborough's strategy on young people and crime, which notes that it is important 'to increase young people's security and break the cycle which can lead repeat victims into offending as a means of self-protection'.

### **The crime-fighting rationale**

The 'broken windows' rationale is about tackling ASB in order to reduce crime. Another crime prevention rationale for tackling ASB does not focus on the ways in which ASB can lead to crime, but on the usefulness of ASB strategies as crime-fighting tools. From this perspective, the reduction of ASB is not necessarily an

important outcome in itself: the main objective is the apprehension, disruption or deterrence of serious criminals.

*The crime-fighting rationale: theoretical perspectives*

There are a number of ways in which efforts to tackle ASB can be directed towards crime-fighting goals. Most obviously, where these efforts entail robust enforcement against incivilities and minor crime – or what is often described as ‘zero tolerance’ policing - this creates opportunities for arrests and surveillance of serious offenders. The concept of zero tolerance is most commonly associated with policing in New York City under Police Commissioner William Bratton. The broken windows thesis is often said to have ‘theoretically informed’ zero tolerance (Burke, 1998: 12); and Kelling himself writes that broken windows was given ‘unprecedented publicity when it was implemented as policy and practice in New York City’ (2001: 120).

An example of how the policing of minor misdemeanours can assist the policing of serious crime is provided by Kelling’s account (1998) of enforcement against fare dodgers on the New York subway in the late 1980s:

It was discovered that in some neighbourhoods large numbers of fare-beating arrestees either were carrying weapons or had outstanding warrants for serious felonies. Bratton [then Transit Police Chief] immediately communicated these ideas back to police as evidence of the importance of their efforts. Morale soared as crime immediately began a steep decline.

Again in the New York context, Monk (1998) also points to the crime-fighting potential of assertive order maintenance policies:

Because the man drinking noisily outside the bar during the day is also the man who later commits a burglary not far away, his arrest for the former, followed by close questioning about his movements, associates etc. dramatically reduces the latter.

From a critical perspective, Harcourt (2001) argues that these apprehension and surveillance aspects of order maintenance policing are the primary mechanism by which such initiatives contribute to reductions in crime. In his view, therefore, the claim of broken windows theory that greater orderliness will, in itself, have a positive

knock-on effect on crime is misplaced: it is the *process* of imposing order, rather than the existence of that order, that can impact on crime.

Despite the associations commonly made between broken windows theory and zero tolerance policing, the relationship between the two is not clear-cut. This is partly because zero tolerance is an ambiguous and contentious term, used more readily by the media and politicians than by the police and policy-makers.<sup>12</sup> The ambiguity is illustrated by the fact that Kelling (1998), despite his close association with the New York experience, argues that the general concept of zero tolerance pulls in quite the opposite direction to broken windows. He asserts that the former implies the imposition of order from outside a community and denies the importance of police discretion in *negotiating* order. Writing from a British perspective, Pollard (1997) stresses the distinction between zero tolerance, which is a narrow, enforcement-oriented solution to crime and disorder; and broken windows, which is about understanding the problems and envisaging wide-ranging solutions.

#### *The crime-fighting rationale: policy and local perspectives*

The use of ASB strategies for the apprehension and surveillance of serious offenders is not a theme that is discussed in the British policy literature on ASB; and it was not strongly emphasised in the CDRP sites. Possibly, this is due in part to the very different context of policing and nature of criminality in Britain as compared to America. A former Deputy Commissioner of the Metropolitan Police has written of zero tolerance policing in New York:

I was given very little convincing evidence in New York that their experience of big fish being caught by targeting minnows would be replicated in London. George Kelling has revealed that one in seven of the people dealt with for quality of life offences were carrying guns or were wanted for more serious offences. This clearly had a dramatic effect on arrest and crime rates. However, we do not have the same gun culture in the UK and although some of our squeegee cleaners may have convictions, I have no evidence at all that any of them have been wanted or suspected of carrying guns or even knives,

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<sup>12</sup> Pease (1998) observes of the book *Zero Tolerance: Policing a Free Society* (Dennis, 1997), which includes articles by William Bratton and officers involved in 'zero tolerance'-type initiatives in the UK, that 'every single contributor distances himself from the phrase [zero tolerance] and its overtones, either explicitly or by never using the phrase'.

or of committing crime in the vicinity of their pitches. Similarly with fare evaders on the underground. Ours are just not in the same criminal league as those dealt with in New York (Hayes, 1998).

However, a different but related understanding of how ASB work can be used to target serious offenders emerged in an interview with the head of the Anti-Social Behaviour Unit in Lonborough. One of the main functions of this unit is to make use of civil remedies such as injunctions, evictions and Anti-Social Behaviour Orders (ASBOs) against the perpetrators of ASB. The head of the unit argued that the availability of these civil options usefully extends the range of potential responses by the statutory agencies to serious criminal behaviour. An ASBO, for example, may be used against a serious offender where there is insufficient evidence for criminal prosecution – as the evidential requirements (as well as requirements under the Human Rights Act 1998 relating to the process of law) are less strict with respect to actions under civil as compared to criminal law. This flexibility of civil remedies also means there is ample scope for using them alongside criminal prosecution when an offender has been engaged in a variety of criminal and anti-social activities.

Similar points were made by a local authority director in Newtown. She said that on some occasions, when a perpetrator of ASB is appearing in court on more serious charges, they will continue to proceed with an ASBO as an additional sanction

because we actually want to use this crisis as a point at which to affect some change in their behaviour. And we can sort of bargain within the shadow of the law, if you like, about getting them to agree to behave in a certain way.<sup>13</sup>

In Lonborough, the manager of the local authority-run warden schemes highlighted another way in which ASB work can contribute to crime-fighting. The local warden schemes carry out high visibility patrols, with the aim of reducing ASB and related problems through deterrence, passing on information about problems to the relevant agencies, and community engagement. The manager said that in carrying out this work the wardens are also able to undertake a substantial amount of intelligence-gathering about local crime for the police. The wardens are cleared by the local force

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<sup>13</sup> Since December 2002, criminal courts have been able to make an ASBO as an order ancillary to the main sentence, on sentencing an offender. However, at the time we conducted the fieldwork for this study during 2003, the use of post-conviction ASBOs (Criminal ASBOs, or CrASBOs) was not widespread.

headquarters to receive restricted information and, thanks to an information-sharing protocol between the police and local authority, are well briefed about local people and problems. With this information to hand, and because they are on the streets for seven hours a day, the wardens are in a prime position to observe or hear about local criminal activity.

### **The regeneration rationale**

The regeneration rationale has various dimensions. In part, this is about tackling ASB to reverse cycles of economic decline. Tackling ASB is also seen as a necessary component of cultural change. Finally, ASB strategies are frequently linked to the aim of generating or restoring a sense of 'community'.

#### *The regeneration rationale: theoretical perspectives*

Among the many US researchers who have elaborated upon the basic tenets of broken windows theory, Skogan (1986, 1990),<sup>14</sup> has been particularly influential. He took the broken windows thesis further by looking at the ways in which disorder contributes to the broader social and economic decline of entire neighbourhoods. According to Skogan, disorder sparks fear of crime and may increase levels of serious crime; his most pressing concern, however, is with the process by which disorder 'is an instrument of destabilization and neighbourhood decline'. This occurs because

Disorder erodes what control neighbourhood residents can maintain over local events and conditions. It drives out those for whom stable community life is important, and discourages people with similar values, from moving in. It threatens house prices and discourages investment (Skogan, 1990: 3).<sup>15</sup>

For Skogan, problems of disorder, crime and neighbourhood decline are closely linked also to broader structural conditions such as poverty and instability. He is also concerned with the part that 'social disorganisation', and the associated lack of

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<sup>14</sup> See also, among others, Lewis and Salem (1986), Kelling and Coles (1996), Meares and Kahan (1998), Taub *et al* (1984).

<sup>15</sup> In the British context, the work of Skogan and others has influenced researchers interested in the relationship between housing markets and crime patterns, and the development of 'residential community crime careers' in urban areas undergoing decline (see Hancock, 2001, for a review of British studies in this field).

informal social control, play in spirals of neighbourhood decline.<sup>16</sup> Other researchers have also focused on social disorganisation, which is generally defined as a community's inability to achieve shared goals and exercise social control (see, for example, Bursik 1988). Dating back to the work of Shaw and McKay (1942) on juvenile delinquency, the relationship between social disorganisation and crime has long been a concern of criminologists. This relationship was the focus of research in Britain by Sampson and Grove, who found that

communities characterized by sparse friendship networks, unsupervised teenage peer groups, and low organisational participation had disproportionately high rates of crime and delinquency (1989: 799).

More specifically, the idea that *disorderly* neighbourhoods are also socially disorganised is a theme that runs through much of the research on disorder. More recently, as observed by Hancock (2001), the term 'collective efficacy' has gained prominence in research in this field, because this concept, unlike the term social disorganisation, conveys the sense that 'socially heterogeneous communities are, in some circumstances, able to assert common goals' (2001: 79).

The concept of collective efficacy has been examined in some depth by Sampson and colleagues. There are two elements to their definition: it is about the existence of mutual trust and solidarity among residents of a local area, and the consequent capacity of residents to intervene in social situations for the common good. Hence collective efficacy is defined as 'social cohesion among neighbors combined with their willingness to intervene on behalf of the common good' (Sampson *et al*, 1997: 918). Accordingly, areas with high collective efficacy are areas in which informal social control can be exercised over potentially criminal or disorderly behaviour:

Examples of informal social control include the monitoring of spontaneous play groups among children, a willingness to intervene to prevent acts such as truancy and street-corner 'hanging' by teenage peer groups, and the confrontation of persons who are exploiting or disturbing public space (Sampson *et al*, 1997: 918).

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<sup>16</sup> Skogan has a particular interest in how community policing can help to address the intersecting problems of disorder, crime and neighbourhood decline. He heads the ongoing evaluation of Chicago's community policing programme, known as the Chicago Alternative Policing Strategy, which was launched in 1993. (See, for example, Skogan and Hartnett, 1997, and Skogan *et al.*, 2002, for overviews of the work and impact of this programme.)

Sampson and Raudenbush (1999) conducted extensive research in Chicago which explored the links between crime, disorder and collective efficacy. They conclude that a lack of collective efficacy is associated with high levels of both disorder and crime.

*The regeneration rationale: policy perspectives*

In much of the British policy literature, the task of tackling ASB is presented as one aspect of a much broader process of social and economic regeneration. The expectation is that action to reduce ASB will ultimately contribute to the formation of neighbourhoods and communities that are more integrated, cohesive and economically viable. Indeed, regeneration - however understood - is often presented as the overarching aim of all ASB work, in relation to which other aims are subsidiary.

Hence, in line with the theory expounded in the United States by Skogan, among others, it is sometimes suggested in the policy literature that reducing ASB not only has a knock-on effect on crime rates in local neighbourhoods, but can also prevent or reverse a general process of economic decline. The Home Office ASB 'Toolkit', for example, refers to the aim of 'creating sustainable areas, in which people wish to live, work and stay' (Home Office, 2001b). And the SEU report on ASB observes that one of the costs of failing to tackle ASB in a local area is that residents who can move quickly will do so, with the result that 'whole communities can be decimated in months'. It is argued that:

Owner-occupiers who are unable to move away face plummeting property prices, pushing them into negative equity, and rising insurance costs. Properties can become unsellable and uninsurable. Tenants in social housing may not be able to move and private tenants can be locked into contracts (SEU, 2000: 33).

A report by the Office of the Deputy Prime Minister on improving public places notes that:

the quality of public space, real or perceived, plays a vital role in the vicious or virtuous cycles which characterise communities on the up, in decline or in recovery. Degraded public spaces are not a sign of a vibrant community ... A high quality local environment is a big influence in making people visit a

place, spend money and invest in it. Conversely, a low quality environment can lead to places becoming stigmatised and drive people, businesses and investment away (ODPM, 2002).

Cultural rather than economic revitalisation is another common theme in the policy literature. For example, the Executive Summary of the ASB White Paper refers to

the need for a cultural shift from a society where too many people are living with the consequences of anti-social behaviour, to a society where we respect each other, our property and our shared public spaces. Our aim is a society where we have an understanding that the rights we all enjoy are based in turn on the respect and responsibilities we have to other people and to our community (Home Office, 2003a: 6).

Similarly, the Together Action Plan notes that one of the aims of tackling ASB is to 'shift the culture from one where people tolerate anti-social behaviour to one where communities are helped to support to raise standards' (Home Office, 2003c). Speaking at a conference on ASB on the day the Action Plan was published, the Home Secretary referred to the need for 'a fundamental culture change in our society', so that people come to 'take pride in our communities and challenge those who try to damage them' (Home Office, 2003e). Here it emerges that cultural change is seen both as a desired *outcome* of work on ASB, and also as a necessary *component* of this work. In other words, it is assumed that strenuous efforts to reduce ASB have repercussions for culture; and, at the same time, that efforts to mould culture should impact on ASB. The theme of 'community' underlies almost all that is said in the policy literature about neighbourhood decline and revival, and the need for culture change. As with culture change, 'community' is presented as both a means *and* end of ASB reduction. On the one hand, the engagement of local communities is said to be an integral part of all programmes targeting ASB - whether formally through local organisations from neighbourhood watch to religious groups, or informally through individuals who will behave considerately, look out for others, and intervene in problems where necessary. For example, as Tony Blair stated in a speech at the 2005 Labour Party Conference, 'We believe in tolerance and respect, in strong communities standing by and standing up for the weak, the sick, the helpless'. This rhetoric was mirrored in the ASB White Paper:

People who behave anti-socially should not be allowed to get away with it any longer and we believe it is time for the community to take a stand ... Communities need to be empowered and everyone must play their part in setting and enforcing standards of behaviour (Home Office, 2003a: 13, 17).

On the other hand, an end result of a reduction in ASB will be, it is assumed, the emergence of communities: that is, local networks of people who are involved with each other and willing and able to take responsibility for their social and physical environments. Hence:

At the heart of this agenda is a desire not just to reduce crime and disorder, but to support 'civil renewal' – to strengthen communities, revitalise our democracy and provide opportunity and security for all (*Together* Action Plan on ASB, Home Office, 2003c).

In focusing on community, policy is thus concerned with enhancing mechanisms of informal social control, or what might also be termed (as by Sampson and colleagues) collective efficacy. Moreover, community – also known as 'the law-abiding majority' - is viewed as the source and foundation of social order:

We rely on the local community for precisely those things that ... the progressive tradition has struggled with – basic social order; decent behaviour; the socialisation of the young into community norms ... The point is that order is not imposed from above, but comes from bottom up engagement in what happens in a community (Blunkett, 2003: 14-5).

Our drive to tackle [ASB] is about prioritising what matters to our communities – giving people a stake in their own governance. Communities are empowered when they play an active role in establishing the boundaries of what is acceptable. The law-abiding majority is put at the heart of the solution, not just at the receiving end of the problems (Blunkett, 2004).

#### *The regeneration rationale: local perspectives*

The regeneration rationale for ASB work – with regeneration viewed in economic, cultural and community terms – was articulated by some of our respondents in the case study sites.

For example, on the economic theme, it was stressed in Westerncity, Newtown and Northport alike that efforts to reduce ASB can potentially have a positive impact on local economic conditions. A Westerncity police superintendent commented that areas with high levels of ASB may be seen as unfavourable places to live – as demonstrated by large numbers of void properties. On the other hand, a local initiative involving visible policing of a parade of shops where there had been problems of ASB led to an upturn in profits. In Newtown, respondents commented that ASB contributes to the sense that an area is neglected, encourages upwardly-mobile residents to move out and businesses to re-locate, and has negative repercussions for local schools and other services. And in Northport, respondents spoke of the need to tackle ASB in order to break the cycle of fear of crime, crime, and ultimately population drift away from the city.

Community engagement was also frequently mentioned by respondents as a vital aspect of work on ASB. For example, a Westerncity police sergeant spoke of the need for 'community ownership' of problems, which means that 'people take care of their back-yard'. Another Westerncity respondent talked of how local communities have become more 'disparate', meaning that neighbours do not necessarily know each other and are therefore disinclined or unable to act against unruly children and others. Tackling ASB therefore depends on greater 'inter-involvement' within neighbourhoods. A Prospertown police respondent, similarly, spoke of the need for neighbourhoods 'to take some responsibility for themselves'. Neighbourhood Watch and residents' associations can play an important role in this, he argued.

However, although some respondents voiced the opinion that local ASB work can play an important part in economic and social regeneration, others questioned this rationale and pointed to the complexities of the relationship between ASB and wider social or structural problems. Some respondents, for example, were more concerned with how deprivation can *generate* ASB than with the potential impact of ASB strategies on economic problems. A local authority officer in Westerncity, for example, commented that problems like graffiti are not so much a trigger of neighbourhood decline as 'a sign of the decline of a neighbourhood'. In Newtown, a local authority officer spoke of the need to 'tackle social inequality on a number of fronts' in order to 'eliminate the causes of anti-social behaviour and crime'.

Two of the Northport respondents noted that those areas of the city with particular problems of ASB are neighbourhoods in which there is a concentration of privately rented properties and a high turn-over of tenants. They regard ASB work as an integral part of a wider programme aiming at economic regeneration, but recognise that the linkages between problems of ASB, crime and decline are complex and work in all directions. Northport respondents also highlighted some of the (related) difficulties associated with the task of community renewal. They commented that the city's deprived neighbourhoods have limited capacity to solve their own problems, and high levels of dependency on public services. Because of these deeply-rooted problems, the current generation of socially excluded people involved in crime and ASB are difficult to retrieve. Thus Northport's programme of regeneration has as one of its primary aims the social inclusion of the next generation at risk; and community-building is viewed as a long-term goal.

In both Westerncity and Lonborough, it was argued that structural problems - such as unemployment, low income levels, and an education system that over-emphasises academic attainment and fails many children according to that criterion - need to be addressed before a sense of community can start to emerge in certain neighbourhoods. It was also pointed out that broader cultural changes have, over the past decades, undermined community feeling – and can hardly be reversed simply at the will of the Government. For example, as was observed by a Westerncity local authority officer, the trends towards more people living alone, and the privatisation of leisure activities, have played a large part in the decline of community. In Lonborough, a local authority respondent said that with the emergence of a much more individualistic society, many of the 'traditional community structures' have been destroyed; and since the culture that supported them has dissipated, these structures cannot be put back into place. She also pointed to the discrepancies in Government thinking about community<sup>17</sup>, which stresses the need for working-class communities to be strengthened and empowered to run their own affairs, but accepts the individualism of the middle classes.

Echoing issues raised in the ASB policy literature, a few of our respondents called for cultural change. In both Westerncity and Newtown, for example, there was discussion of the need for greater social responsibility and of the role that parents

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<sup>17</sup> Presumably the communitarian-type ideas taken on by New Labour (see e.g. Burney, 2005).

and schools should play in instilling self-discipline in children and young people. However, some respondents made the case for a different kind of cultural shift – arguing that attitudes among ASB *complainants*, as well as among ASB perpetrators, need to change. It was suggested that older people should be more ‘tolerant’ of youth: that dealing with ASB is, in part, about confronting the wishes of some adults to ‘tidy [children] off the streets’ (as argued by a Westerncity respondent). A local authority officer in Lonborough talked about the need for more ‘shared understandings’ of what behaviour is and is not acceptable, and about the difficulties of achieving this within neighbourhoods that are socially and ethnically diverse. One of her colleagues discussed the need for cultural change that involves selling young people the message that they are important, and that their contribution to society is appreciated. This, she argued, will play a much more significant part in reducing ASB and accompanying problems than the kinds of enforcement-oriented ‘quick fixes’ favoured by Government.

### **The local agencies rationale**

The final rationale that we have identified has a narrower focus than the others, and relates to the benefits to local agencies associated with tackling ASB. More specifically, there are perhaps three potential benefits. First, success in reducing ASB should bring down some of the costs that are typically borne by certain local agencies. Secondly, public awareness of ASB work and any positive outcomes may translate into a growth in public support for the agencies involved. Thirdly, relations between partner agencies may be strengthened through their joint efforts to tackle ASB. This local agencies rationale for tackling ASB is highly pragmatic, and is not obviously informed by the research literature on ASB and disorder.

#### *The local agencies rationale: policy perspectives*

Efforts to tackle ASB will themselves carry costs for the agencies involved. But if these efforts are successful, one of the long-term benefits should be a reduction in the financial burden imposed on local agencies by ASB. In some of the policy literature on ASB, for example the ASB White Paper, these resource implications of ASB and work to tackle it are strongly emphasised:

... effective action [against ASB] will not only improve people’s quality of life by dealing with the problem, it will also free up the time and resources of

those who deal with its consequences. For example, by reducing the number of calls on housing officers to deal with anti-social tenants, on environmental health officers called to noisy neighbour disputes, or on the fire service to put out fires in abandoned vehicles (Home Office, 2003a: 14-15).

The Home Office ASB Toolkit notes the 'lack of basic information regarding the financial costs of anti-social behaviour' (Home Office, 2001b). Given the fluid and contested character of ASB, it is of course difficult to assess its costs. However, Home Office-commissioned research into the 'unit cost' of ASB incidents has been used together with the findings of the 'one-day count' of ASB to produce an estimate of the national cost.<sup>18</sup> It was concluded that incidents of ASB recorded on the day of the count cost agencies in England and Wales approximately £13.5 million, which equates to a total annual cost of around £3.4 billion (Home Office, 2003b).

The findings of a study on policing in London by FitzGerald *et al* suggest that ASB strategies may have the potential to foster public support for the statutory agencies, and thereby enhance their legitimacy. FitzGerald *et al* argue that one of the reasons why the public continually call for more visible patrolling is that 'it illustrates a particular policing style in which order maintenance, or the policing of incivilities, is given more prominence, and more priority, than at the present'. These researchers propose that one of the reasons for an apparent decline in public confidence in the police may well be that there has been 'a retreat from the policing of incivilities in London over the past decade' (2002: 133-134).

The policy literature on ASB does not, for the most part, consider how public support for the authorities can be promoted. However, this issue is directly relevant to reassurance policing – the aims of which include the improvement of relations between the public and the police. A discussion of reassurance in the 2002 ACPO Annual Report notes that 'many police activities, if delivered with an awareness of their impact on public reassurance, can constitute a move towards overt marketing of policing' (ACPO, 2002: 8). And another ACPO report (ACPO, 2001b) points to some of the beneficial effects of improving public relations through reassurance: observing that 'reassured and confident communities are likely to communicate more effectively with the Service, passing on information and intelligence'.

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<sup>18</sup> The framework for assessing the costs of ASB was developed by Whitehead *et al*, who note that in practice, measuring the costs of ASB 'involves fundamental difficulties of definition, measurement and interpretation' (2003: 47).

### *The agencies rationale: local perspectives*

The possibility of reducing the ASB costs borne by local agencies was not mentioned by our respondents as an aim of ASB work – perhaps because this is a relatively straightforward and uncontroversial objective. In contrast, several respondents did talk about ASB initiatives having the potential to foster public support for local agencies. For example, a police superintendent in Lonborough, when asked about the reasons for tackling ASB, argued that the more the public see a range of agencies tackling problems of ASB, the more confidence they will have in reporting problems to the relevant authorities, and the more they are likely to become ‘engaged in the criminal justice process’. This should ultimately, therefore, contribute to a greater sense of ‘ownership of the public sphere’.

In Northport, a local Councillor and the police BCU commander both suggested that the key rationale for tackling ASB was the need to be responsive to the demands of local people. In terms of policing, public calls over several years for a visible police presence had led, in 2001, to the introduction of a ‘quality of life’ policing style across the wider force area, which involved highly visible patrols by locally-based teams. Echoing the argument of FitzGerald *et al.* (cited above), the police respondent commented that the call for a return to ‘bobbies on the beat’ should be interpreted as a plea ‘to get back into our area and solve the problems we face’. At the same time, there is an evident political dimension to developments in Northport. At that time the Labour Party had very narrow control over the Council, and its investment in ASB work appeared to be part of its survival strategy.

In some of our case study sites, respondents suggested that ASB work can help to build or cement relations between community safety partners. In Newtown, for example, a local authority officer commented that the CDRP’s work on ASB ‘is really bearing fruit in terms of building inter-agency working’, and provides the opportunity for constructive debates between agencies about how to ensure that everybody has a stake in society. The partnership benefits of ASB work were explicitly mentioned in Lonborough also. Here, a police superintendent argued that if the police want to work more closely with other agencies in addressing crime problems of all kinds, a good first step is to undertake joint work on nuisance behaviour, in which it is relatively easy for the relevant non-police agencies to get involved. These agencies may then

gain confidence in their capacity to carry out enforcement, and become more willing to work with the police on other crime and disorder problems.

However, there was also evidence in our case studies sites of the potentially fraught nature of inter-agency working on ASB. Within the Newtown CDRP, for example, there was a dispute about whether the local warden schemes should be under local authority or police management; and in Lonborough there were ongoing discussions about, among other issues, the appropriateness of the location of the local Anti-Social Behaviour Unit within the Housing Department.

## 4. Conclusions

The previous chapter set out five rationales for tackling ASB that appear, to varying extents, in the policy literature and local ASB strategies. In this concluding chapter we question aspects of these rationales – particularly in terms of their plausibility, coherence, and their implications for practice. In questioning the rationales for tackling ASB, we focus on three key issues:

- The tendency to treat ASB as a cause of wider problems;
- The implicit or explicit push towards enforcement, and the risks associated with this; and
- The over-emphasis on ‘community’ as both the means and ends of tackling ASB.

After discussing each of the above issues, we then conclude by considering how an alternative and more coherent approach for tackling ASB might be developed.

### **Perceiving ASB as a cause not a symptom of wider problems**

The ‘quality of life’, ‘broken windows’ and ‘regeneration’ rationales all treat ASB as a cause of other problems – most narrowly, as a cause of fear of crime and general stress and unhappiness; more broadly, as a cause of crime and the economic and social decline of neighbourhoods.

It is difficult to argue with the assertion that ASB can make people feel very unhappy and can contribute to a general sense of insecurity, powerlessness and social decay. BCS data indicate that there is a relationship between perceptions of ASB and fear of crime – supporting Innes and Fielding’s argument (2002) about the impact of ‘signal’ crimes and disorders on feelings of safety. Multivariate modelling of the 2003/4 BCS indicates that high perceived ASB was the strongest predictor of worry about burglary, and the second strongest predictor of worry about violence crime, after gender (Wood, 2004). Survey research has also pointed to an association between perceptions of ASB and general dissatisfaction with one’s neighbourhood. For

example, the 2002 London Household Survey<sup>19</sup> (see Millie *et al.*, 2005a) revealed that Londoners who are fairly or very dissatisfied with their neighbourhoods also have serious concerns about ASB and crime in general. However, findings such as these tell us little about the extent to which ASB *contributes to* fear of crime and neighbourhood dissatisfaction, and the extent to which these problems are associated because they have common causes, such as disadvantage.

Likewise, it is difficult to assess whether there is a causal relationship between ASB (or disorder) and problems such as crime and neighbourhood decline – as claimed by broken windows theory and subsequent versions of it. Many empirical studies carried out in the United States have sought but found no clear evidence of a causal link. These studies include research conducted in Chicago by Sampson and Raudenbush, who argue that structural disadvantage – particularly poverty and mixed land use – helps to explain both disorder and crime, as does low collective efficacy (1999). Longitudinal work carried out in Baltimore by Taylor (1999b) found some relationship between early disorder and later increases in some serious crimes, but that this relationship was not consistent and that structural conditions were more predictive of changes in crime levels. In another paper, Taylor analyses data from a variety of sources and finds that there is some empirical support for early versions of what he calls the ‘incivilities thesis’, which link disorder to fear of crime. However, in relation to ‘later versions of the thesis ... focusing on community dynamics and change, empirical support weakens and measurement issues prove more troubling’ (Taylor, 1999a: 65). Harcourt (2001) replicated the analysis of the data used by Skogan in his 1990 Chicago study, and failed to find a statistically significant relationship between disorder and most crime types.

The original broken windows theory and the more simplistic applications of the theory to policing have hence been criticized for overlooking the significance of broader structural issues (see, for example, Matthews, 1992; Foster, 1995). According to this critique, which was also articulated by some of our respondents in the case-study sites, it is somewhat futile to implement ‘order-maintenance’ strategies with the intention of addressing problems - such as serious crime and neighbourhood decline - that have much deeper roots. This points also to the iniquities of a focus on ‘tipping neighbourhoods’, as suggested by broken windows theory, which allows those

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<sup>19</sup> The London Household Survey 2002 was conducted by the Greater London Authority.

neighbourhoods with the greatest social and economic problems to be written off as 'unreclaimable' (Matthews, 1992: 43).

Partly because they fail to get to grips with structural issues, the broken windows thesis and many of the associated crime prevention policies ignore the complexities of the inter-relationships between different aspects of neighbourhood change. This again points to empirical weaknesses in the theoretical arguments developed by Wilson and Kelling and others. According to Hancock (2001), a number of research studies demonstrate that the links between disorder and neighbourhood decline are shaped and mediated by a large number of factors – including residents' tolerance of various forms of disorder; trade-offs made by residents in relation to the costs and benefits of moving; the presence or absence of other conditions or amenities; and the existence of economic or political resources which can help communities withstand 'signs of decline'.

Crawford (1998) notes that the findings of research into the process of gentrification also demonstrate that the impact of disorder on neighbourhood change is more complex than is suggested by broken windows theory, since areas that are gentrifying – as well as those that are declining - may experience high levels of crime and disorder.

### **The push towards enforcement**

Where ASB is treated as a *cause* of wider problems, this tends to promote an enforcement-oriented approach to tackling it. The assumption is that, because of the problems caused by ASB, robust enforcement will not only bring the ASB itself to an end, but will also produce many other wider benefits. However, if – as suggested above – ASB is often more of a symptom than a cause of other problems, simple crackdowns can achieve little because the underlying issues are not addressed.

Enforcement is not only a natural corollary of the 'broken windows', 'quality of life' and 'regeneration' rationales. The 'crime-fighting' rationale, according to which the policing of minor crimes and incivilities provides opportunities for apprehending or deterring serious offenders, explicitly calls for an enforcement approach. And for those who hope to bolster public confidence in local agencies through ASB work (according to the 'local agencies' rationale), enforcement may seem an obvious way forward, in that potentially offers 'quick wins' and visible action.

However, enforcement action against ASB carries its own risks. In particular, concerns have been raised about the likelihood of over-policing marginalised populations – which has serious repercussions for criminal justice, human rights and social cohesion. For example, it has been argued by Harcourt, writing in the United States, that the concept of ‘order-maintenance’ policing presumes a relatively clear distinction between those people who behave in an ‘orderly’ way and those who are ‘disorderly’, and asserts the importance of aggressive policing of the latter. Moreover, given the concern, according to broken windows theory, with disorder as the cause of far greater problems:

The order-maintenance approach turns disorderly persons into dangerous and threatening people. Once upon a time, the disorderly were merely the ‘losers’ of society... Today, however, the disorderly are the agents of crime and neighborhood decline. The squeegee man, the peddler, the homeless – they are what causes serious crime. Loitering, panhandling, soliciting prostitution, graffiti writing – these activities foster serious criminality. As a result, disorder in itself has become a harm that justified the criminal sanction (Harcourt, 2001: 21).

In Britain as well as America, it has been argued, broken windows and related ideas have encouraged those who make and enforce the law to target the disorderly in a new and disproportionate manner. McLaughlin writes that broken windows and the New York experience have inspired New Labour initiatives on crime prevention (dating from before and after their election to Government in 1997) that are about ‘defining deviance up’, and attest to the Government’s ‘readiness to use the legislative powers of the state to sanction intervention in “disorderly” localities and “dysfunctional” families’ (2002: 57). Hence the broken windows thesis is, arguably, ‘attractive to those who ... think that marginal populations do not deserve the same safeguards as the rest of the population’ (Matthews, 1992: 43).

It can be argued that with the development of the Home Office TOGETHER campaign on ASB, and the accompanying and extensive publicity, the tendency to ‘define deviance up’ has become ever-more marked within Government policy. Within youth justice agencies, there appear to be particular concerns about the heavy emphasis on enforcement in current policy on ASB, and about the possibility that the over-use of tools such as ASBOs may in some cases make it more difficult to work

constructively with the young people who are being targeted. At a time when the prison population is at a record high, there are also concerns about the knock-on effects of ASBO enforcement for the population of young people in custody.

Another important issue is what might be described as the tendency, in current policy and practice on ASB, to 'define deviance down'. In some contexts, and thanks in part to the failure of policy to make a clear distinction between ASB and serious crime, civil ASB remedies are being used to target serious offenders. While this might offer benefits in terms of flexibility and convenience to the local agencies engaged in tackling offenders, a risk associated with this practice is that many of the safeguards built into the criminal justice process can be set aside or overlooked.

The more that problems of ASB, and their associated harms, are given prominence in policy debate and in the mass media, the more worried the public is likely to be about them; hence producing more insecurity, making people more likely to perceive ASB as well as to worry about it. This may cause a vicious circle where it is more difficult to get people to question their worries, and to address differences in community expectations and tolerances. Also, it can be difficult to appeal to those most concerned about ASB with rhetoric on tough enforcement.

### **The over-emphasis on community**

As we have seen over the course of this report, 'community' is a central theme in a great deal of policy thinking about ASB, and is also significant in strategic work being carried out at a local level. But it is also clear that community is a highly problematic concept.

The concept of community is problematic largely because ASB policy (and broken windows theory and many of its variants) talk about community as the source of social order. Local ASB strategies are hence supposed to be about the maintenance or promotion of that order. But whose order is it? As Crawford (1997) points out, this focus on community overlooks the diversity and social conflict that characterize relationships within any given community – and the difficulties of establishing valid methods of community representation and participation. Burney (2005: 170) has recently concluded that,

The people (children and adults) whose behaviour needs controlling are equally part of the syndrome and part of the community. Policies that fail to recognise these connections cannot provide any long-term answers.

It should be remembered that *within*, let alone between, the different age, cultural and ethnic groups that make up a local community there are bound to be differences of opinion about the acceptability of various forms of behaviour. Hence it is simplistic in the extreme to argue, for example in the Executive Summary of the ASB White Paper, that:

The community *sets clear standards of behaviour*. The police, local authorities must enforce these standards and take swift, effective action if they are breached (Home Office, 2003a: 7; emphasis added).

As noted above, 'community' is frequently presented in the policy literature as both the *means* by which serious ASB problems should be tackled, and as the ultimate *goal* of ASB work. While it is reasonable to conceive of community as being both part of the solution and part of the answer, the conflation of means and ends does pose problems with this issue simply not addressed or thought through. Crawford observes, with respect to crime prevention policy in general, that:

on the one hand, the answer to the question: how to prevent crime? is, through the regeneration of 'community', whilst, on the other hand, the answer to the question: how to regenerate community? is, the prevention of crime. The problem in practice, therefore, is how to break into this virtuous circle of 'community', when at the same time its absence is perceived to be the source of the problem (1997: 199).

Breaking into the 'virtuous circle' becomes a harder task still when one considers that – as some of our respondents suggested – the decline of the sense of community in many areas has been caused by a multitude of social, economic and cultural factors over the preceding decades. Skogan's warning about the difficulties associated with community approaches to addressing disorder may apply to Britain just as much as to the United States:

There are no 'silver bullets' in social policy because ... the political system deflects them, the social system rejects them, and the legal system protects

us against them. Our nation's cultural and political diversity, coupled with its strong orientation toward individual rights rather than collective responsibilities, should deter us from expecting too much in the way of engineered social change (1990: 18).

In ASB policy, the concept of community is closely linked to the concept of informal social control. Clearly, the reduction of crime and disorder in a given neighbourhood will depend, in part, on the existence of effective mechanisms of informal social control. However, as Matthews notes, 'informal control is not always benign and is rarely equitable' (1992: 31). There are certainly risks associated with the exercise of informal control by certain members or segments of a local population over others. Furthermore, the issue of informal social control brings us to an interesting paradox in current Government policy. As we have seen, enforcement has been elevated as the broad approach that offers the most promise in terms of reducing ASB. However, this sits somewhat uncomfortably with the heavy emphasis that is placed on community-building and the enhancement of informal social control. National policy on ASB is, it appears, seeking to promote informal social control through the greater use of formal social control. This paradox is evident in policy statements such as:

It is important for communities to set the standards of behaviour by which they expect people to live. But if these standards are to be credible and respected, it must be clear to everyone that swift and effective action will be taken against unacceptable behaviour (ASB White Paper; Home Office, 2003a)

And:

Building safe and secure communities demands tough action to tackle graffiti, vandalism and loutish behaviour and to get young people engaged in the local community (National Policing Plan, Home Office, 2002a: 9).

The extent to which 'tough action' against 'loutish behaviour' will help 'to get young people engaged in the local community' can be questioned. Likewise, one might ask whether reacting to 'problem families' by threatening them with eviction and other severe sanctions will make them behave more considerately towards others – or if this is more likely to marginalise them further within their neighbourhoods, and bring about the escalation of their anti-social and criminal behaviour. While sections of a

local community may welcome robust enforcement against those individuals and families who behave anti-socially, this does not necessarily mean that the community as a whole will become any less fragmented.

It cannot be disputed that enforcement has a key role to play in efforts to tackle ASB. But it is also clear that this is an option that must be used with care and, wherever possible, in combination with other approaches. In particular, it is important not to over-estimate the community-building potential of enforcement. In the White Paper on Police Reform, it is asserted that:

Building and maintaining strong communities does not happen by accident. The collective effort of all in the community is necessary if we are to achieve the goal of reduced crime and community safety and cohesion. This is a common endeavour and depends on a common commitment (Home Office 2001a: 91).

It may well be true that communities cannot be built and maintained by accident. But perhaps policy-makers and practitioners should also bear in mind that neither can communities be built entirely by force, or by design.

### **Tackling ASB: an alternative approach**

As noted, according to the ASB White Paper (Home Office, 2003a: 14), 'anti-social behaviour means different things to different people'. There can be great variety in national and local understandings of the parameters of ASB. And with the recent move in national discourse to a focus on 'respect', this too remains ill-defined in policy. We argue that, if ASB - and disrespect - are to be tackled, then there needs to be clearer bounds on what is meant by this terminology, and more intelligent debate concerning the justification for tackling ASB - beyond the rhetoric that it 'destroys lives and shatters communities' (SEU, 2000; Home Office, 2003a). With this report we hope to have contributed in some way to this debate.

We identified five principal rationales for tackling ASB that are manifest in national policy and/or within our five case study CDRPs: that ASB impacts 'quality of life'; is casually linked to crime (in terms of 'broken windows' and criminal careers); that tackling ASB can be a crime-fighting tool; can have regenerative benefits; and can also benefit the agencies involved. These different rationales were sometimes

expressed in isolation, but were often expressed in combination. Of these, the criminal careers perspective appears to offer a helpful starting point as it encourages prevention alongside enforcement. As noted, enforcement can only form part of the picture as underlying issues will not be addressed. The criminal careers rationale also presents a stronger and more plausible link between ASB and crime, than does the 'broken windows' theory. That said, a criminal careers rationale could be overly deterministic and it would assume that most perpetrators of ASB are young. This is clearly not the case, despite much policy and media attention being on the young. The rationale also assumes that early life misadventures will tend to lead to more serious criminal activity; again, this is not always the case. There is the danger of criminalising the irritating, annoying or simply 'different' activities of young people. There are linked concerns regarding people's tolerance and understanding of difference that need to be addressed.

The regeneration rationale also presents a strong justification for tackling ASB. The neighbourhoods that tend to suffer most from ASB are also those that suffer from other multiple disadvantages. However, a focus on regeneration has to be seen within the context that there can be an over-emphasis on community in policy discourse.

It is possible that there is similarly an over-emphasis on tackling ASB as *the* solution to community problems. We suggest an alternative approach is possible where ASB is regarded as only one strand of wider work to address multiple problems within neighbourhoods, including - but not limited to - crime, deprivation, low collective efficacy, social exclusion and fear of crime. We do not deny that ASB can be very serious for victims, even if some ASB in isolation would not warrant intervention or censure. As noted by a respondent from Northport, there can be a 'dripping tap' effect, whereby residents became sensitised to, and then incensed by, otherwise trivial incidents of misbehaviour. But tackling ASB needs to be part of a strategic response to the multiple needs of neighbourhoods; it should not be seen as the primary means of solving these wider problems. In effect, ASB strategies ought to be regarded as part of wider neighbourhood-based - and integrated - criminal, economic and social policy programmes that have full buy-in from all groups living locally. This is an optimistic requirement ask as such work is rarely linked, and consultation exercises seldom reach the most excluded. Also, if ASB strategies continue to be contained within the remit of CDRPs, the greater emphasis is likely to remain on ASB as a crime-related issue.

Whatever rationales are used to justify action against anti-social behaviour, we think that it is of great importance to identify what it is about the social harms associated with ASB that justifies state intervention – and, where perpetrators are given ASBOs, the potential imposition of a five year prison sentence. In our view it is the *persistence* of ASB that can justify state action. Offences against manners and morals should remain beyond the reach of the state – unless there is a pattern of persistent targeted behaviour which renders it as serious in its impact as conventional crimes against the person. We do not necessarily expect the reader to accept this particular attempt to say what it is about some forms of ASB that justifies a state response. But we think it incumbent on the government to provide a definition of some sort – which both justifies and sets limits to state intervention.

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