

**REPLY BY THE MINISTER OF
THE HOME DEPARTMENT
TO A QUESTION ASKED PURSUANT TO RULE 6 OF THE
RULES OF PROCEDURE BY DEPUTY C. J. GREEN**

Preamble

The States of Guernsey has adopted a Criminal Justice Strategy. Against that backdrop, the Guernsey Police deal regularly with low level crime and anti-social behaviour in many different parts of the island.

Question 1

Does the Home Department currently believe that the Guernsey Police have sufficient powers in their 'tool kit' of statutory and common law powers to deal effectively with all forms of anti-social behaviour?

Answer

Yes, at present there is a wide range of powers available to the Police, the Courts and the Children's Convenor. The Police Powers and Criminal Evidence Law, 2003, the Criminal Justice (Children and Juvenile Court reform) Law, 2008, the Summary Offences Law, 1982, The Protection From Harassment Law, 2005 and the Control of Intoxicating Liquor (Designated Public Places) Ordinance, 2007 (Alcohol Free Zones) are examples of the range of options available for dealing with anti-social behaviour.

Guernsey Police acknowledge that the term 'anti-social behaviour' ('ASB') can cover a wide range of behaviours from causing some minor irritation, to individuals being placed in fear of serious harm. ASB is of course not purely a matter for police or the criminal justice system as many other authorities and organisations have a role to play. It is, however, a matter that is taken very seriously by Guernsey Police. There can often be repeat victims of ASB, some of whom are the most vulnerable in society, including children, the elderly and the disabled. Failure to deal with it effectively can not only blight the lives of those at the receiving end of the behaviour, but it can escalate and ultimately result in a tragedy. This can be seen in the case of Fiona Pilkington, who killed herself and her disabled daughter in 2007 after years of torment by youths. In this situation the Leicestershire Police Force failed to identify them as a vulnerable family and provide a proper response.

The published Guernsey Police Business Plan details the priority areas for the Force over the next three years, including a priority to "respond effectively to anti-social behaviour within the Bailiwick." A comprehensive action plan for tackling anti-social behaviour in 2013 has been developed by the Guernsey Police Neighbourhood Policing Team ('the NPT') and includes:

- Environmental audits, often undertaken in conjunction with the parish constables and the NPT. Although not solely a matter for the NPT, they are able to use problem-solving techniques to help address some of the root causes of such behaviour and also develop community links whilst assisting with various local projects and initiatives;
- Use of criminal intelligence: it is often a small minority of individuals who cause the most disruption and through the use of intelligence these individuals are

identified and, as far as lawfully possible, they are legitimately and ethically targeted in a reasoned and measured way;

- Develop and improve responses to the identification and support of repeat victims. Every day the calls for service are reviewed by senior staff for the previous 24 hours. This is to determine whether the appropriate level of service was provided, if there are follow-up actions to be taken and, importantly, whether there is a pattern emerging of anti-social behaviour targeting individuals, groups or locations. A range of resources are available to be deployed, not only NPT together with their community links, but also: mobile CCTV, covert work if necessary, advice from the crime reduction advisor and the use of the media – including social media platforms such as Facebook and Twitter – to highlight problem areas, appeal for witnesses and encourage victims to come forward.

Guernsey Police acknowledges that many crimes are antisocial in nature, including volume crimes such as criminal damage and assault. There has been a steady and sustained reduction in reported crimes over the last few years, as well as an improved detection rate. Although there is no room for complacency, it would appear that many of the current measures are effective.

Question 2

Does the Department intend on considering at any stage the desirability of having a regime of so called anti-social behaviour orders in Guernsey?

Answer

Not at present. The introduction of anti-social behaviour orders ('ASBOs') in the UK has seen mixed results. Most orders are breached and are considered by some recipients to be a 'badge of honour'. In May 2012 the UK government proposed replacing the ASBO with a criminal behaviour order, (nicknamed the 'crimbo' by the media) together with a crime prevention injunction and dispersal powers. This proposes to create a new regime of fast-track punishments to tackle anti-social behaviour. The Department remains interested to see how this proposal develops, the cost of introduction and its effectiveness.

More generally, the introduction of any new criminal justice initiative must be considered for its impact on all areas of the justice system, and initiatives should be taken forward with this holistic view in mind. This was a motivating factor in the Department's decision to support the development of a Criminal Justice Strategy. The Strategy's framework was developed through multi-agency consultation – including areas such as health and education – across a fixed period. The framework outlines commitments to “*preventing* harmful activity from happening in the first instance”; “*challenging* harmful activity when it does happen and delivering appropriate justice”; and “rehabilitating individuals in order to *restore* them back to the community as productive members of society” (thereby preventing harmful activity from happening again).

Forums have been developed to support the Strategy's development and include representation from all relevant criminal justice organisations. In this way, impact assessments can be made efficiently and effectively, relevant partnership-working agreed with other agencies (such as Health and Education), and ultimately the best direction of resources given so as to achieve positive outcomes for Islanders.

Question 3

Can the Department comment on how anti-social behaviour will be tackled effectively in the future under the Criminal Justice Strategy?

Answer

Alongside health and wellbeing, criminal justice constitutes a ‘core element’ of social policy. The Home Department has therefore committed to producing a Criminal Justice Strategy that is aligned to social policy objectives as agreed by the States of Deliberation and accordingly reflected in the States Strategic Plan.

Targeting anti-social behaviour is included within the Criminal Justice Strategy (2013-2020) as a priority area for development within the Strategy’s framework. Guernsey Police acknowledges that many crimes are antisocial in nature, including volume crimes such as criminal damage and assault, and that a formal process for social crime prevention – including the early identification by organisations and authorities of young people likely to require support in order to divert them from anti-social/criminal behaviour – should be considered. The Criminal Justice Strategy also reflects the Home Department’s support for the use of restorative justice where it is judged appropriate.

At the present time it is anticipated that responsibility for the Criminal Justice Strategy’s priority to “target anti-social behaviour” will be led by Guernsey Police in terms of research and recommendations as to what is appropriate at a local level and what should be achieved across the short-term (2013-2014), the medium-term (2013-2016) and the long-term (2013-2020). This is because Guernsey Police invariably constitutes the first line response unit to incidents at a local level and accordingly have an objective to “respond effectively to anti-social behaviour in the Bailiwick” embedded within their most recent Business Plan.

As part of the Strategy’s commitment to “proactive engagement with the local community so that [it] is reflective of and responsive to the concerns of a diverse community,” public safety surveys will help indicate the level of ASB, particularly where it may be under reported. The Strategy recognises and supports the work of the NPT and the use of restorative conferencing as another tool to help tackle ASB. The Strategy will also continue to monitor the work in other jurisdictions to highlight schemes that may be showing signs of success, including the new UK criminal behaviour orders.

At all points of the Strategy’s development it has been acknowledged that it is important to establish a sound bank of evidence from which to draw conclusions and make decisions so that the best use of resources can be directed to best effect and the best outcomes achieved for the local community. The Strategy therefore makes a strong commitment to building a local evidence-base to ensure that decisions are made in proportion to the local setting.

As part of this answer, the Department also considers it important to acknowledge the prioritisation of legislation procedures. Should it be concluded that the introduction of any new initiative is desirable and sustainable at a local level, and it is determined that legislation will be required to support its introduction and implementation, the Home Department Board will have to prioritise this legislation in the context of its other legislative work-streams in accordance with usual practice. This is necessary to ensure that the limited resources available to the Department and also the Law Officers’ Chambers are directed to best effect in order to meet the breadth of responsibilities that the Department manages.

Question 4

Does the Department feel that a dedicated strategy for dealing with anti-social behaviour is necessary?

Answer

As acknowledged in its answer to Question 3, the Department considers criminal justice to constitute a 'core element' of social policy. It has therefore prioritised development of a Criminal Justice Strategy to wrap a framework around existing criminal justice processes and, most importantly, to create sustainable opportunities for joint-working on the development of new initiatives that are, on the basis of evidence, considered appropriate at a local level to meet local needs.

The Department therefore considers that the inclusion of 'targeting anti-social behaviour' as a priority area within the Criminal Justice Strategy is the most appropriate position for this objective to receive the prominence it deserves.

The Department otherwise cautions that the proliferation across the States of Guernsey of strategies focusing on specific areas can actually impede the effective use of the limited resources available to progress them. In developing a Criminal Justice Strategy the Department is committed to coordinated working with other Departments to rationalise working structures and ensure that the right people are involved at the right time so that desired outcomes for Islanders can be achieved and value for investment ensured.

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