



Anti-Social Behaviour and the Courts in England and Wales

Report of Findings

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Executive Summary

A problem-solving approach to anti-social behaviour (ASB) cases has recently been embedded into magistrates' courts in England and Wales. This approach incorporates core components of the Anti-Social Behaviour Response Court model, including training of the judiciary on the impact of ASB in the community and greater community engagement with the courts.

This research examines the nature of the judicial role in ASB cases and the extent of community engagement with the courts in ASB-related cases in England and Wales. It asks whether there has been a change in the way that courts administer ASB cases and to what extent community engagement is now prioritised.

The study uses two complementary parts: an observational and interview-based study with practitioners in ASB units across England and Wales; and an ethnographic study of ASB cases in corresponding county and magistrates' courts in England and Wales.

Our key findings from the data are summarised below. The findings from the research study suggest that:

- The role of the judiciary remains an adjudicatory one. There has been no substantial change in the way that sentencers decide ASB cases in the areas studied.
- Courts have not embedded community justice principles and they have not altered their focus from processing cases to improving outcomes for victims, communities and offenders.
- In the areas studied, *there are very few, if any* substantive links between magistrates/district judges and the community.
- The creation of partnerships with the community through informal mechanisms (individual relationships, communication with residents) *is extremely limited*. However, through more formal mechanisms such as the introduction of PCSOs (police community support officers) and local victim champions, this partnership approach is improving.
- Community groups also have limited involvement with the courts. Concern about judicial independence and neutrality is one of the primary reasons for the community's limited influence over the court's operations.
- Nearly half the units in the study were not in contact with a specialist ASB prosecutor, and of those that were in contact, their specialist expertise was not being utilised in the majority of cases.

- Judicial monitoring of offenders was extremely limited in the areas studied.
- There was very little continuity of ASB offenders with sentencers which meant that it was highly unlikely that an offender would be seen more than once by the same magistrates/judge.
- Although one of the core components of the ASB Response Court model is improved witness care, lack of witness support remains a major concern for most ASB units.

1 Introduction

In 2005, the Home Office introduced 157 specialist Anti-Social Behaviour (ASB) Response Courts in England and Wales, situated within 31 Criminal Justice Areas, together with a network of 14 specialist anti-social behaviour prosecutors. One of the key distinguishing features of the courts was to be the training of magistrates and court staff in 'local issues and concerns' to ensure that, in their decision-making, the judiciary were 'fully aware of what matters to the local community' (Department for Constitutional Affairs, 2005).

ASB Response Courts were underpinned by a 'community justice model' which emphasised a problem-solving approach with offenders and also with the wider community in tackling ASB. The courts have been faded out, with the ASB Response Court model now embedded within all magistrates' courts and supported by a network of ASB champions. This model provides a problem-solving approach to tackling ASB. The core components are: judicial and staff training; an awareness of local issues; effective listing to avoid delay; witness care and; the development of a media strategy.

According to the Ministry of Justice, the framework (or good practices) from ASB Response Courts has been absorbed into mainstream courts. Within the existing network of courts, court staff should now all have access to individuals who can provide special training, allowing the court to follow a framework that includes specialist sessions, witness care, local community engagement, and appropriate media strategies, ensuring that all courts are now able to properly respond to ASB cases in a visible and consistent way.

This report provides the findings from an Economic and Social Research Council funded project which investigated how far the ASB Response Court model has actually been absorbed into mainstream courts. In particular, the research examined to what extent the judicial role in anti-social behaviour cases is primarily an adjudicatory one and how far improving outcomes for 'the community' features as part of the court process. The project also considered to what extent principles of community justice now feature in the administration of ASB cases.

1.1 Context

Political Context

This research is particularly timely given the Government's recent announcement of its intention to 'streamline' the approach to anti-social behaviour by replacing the current system with new measures (most notably the Criminal Behaviour Order and the Crime Prevention Injunction) as well as launching a consultation on these plans.

In addition, the coalition Government's Big Society project has been identified as central to current debates about crime and disorder control, and the generation of cohesive and sustainable communities. The Big Society is intended to bring about the empowerment of local people and communities by

shifting power from central to local Government. The notion of co-production has also been identified as a component of the Big Society. Co-production relates to how communities and individuals connect and collaborate with public service providers to design and deliver solutions to social problems.

The value of social action through individual and community participation has been repeatedly stressed by the Government. Increased community liaison and engagement fits with the Government's Big Society project and the associated concept of co-production. For example, the Home Secretary, Theresa May, has recently called for communities to become more responsible for tackling problem behaviour in their local neighbourhoods. The Government also emphasises the role that communities can and should play in justice processes. The promotion of community engagement is aimed at creating a new relationship between citizens, communities and the agencies of crime control. These notions of community liaison and engagement are central to the community justice model.

What is community justice?

Community justice broadly refers to all types of crime prevention and justice interventions that explicitly include the community in their processes and set the enhancement of community quality of life as a goal (Karp and Clear, 2000). Community justice is a method of addressing the problems of offending in a local area by engaging with the community, making the court more responsive to local people and working in partnership with criminal justice agencies, support groups and other stakeholders.

Community justice initiatives include things like community crime prevention and community policing, community defence, community prosecution, community courts, and restorative justice sanctioning systems. These approaches share a common core in that they address community-level outcomes by focusing on short and long-term problem solving, restoring victims and communities, strengthening normative standards, and effectively reintegrating offenders.

The recent introduction of specialist and informal courts, such as drug and domestic violence courts, and also a number of community courts in England such as the Community Justice Centre in Liverpool, are underpinned by the community justice model which emphasises a problem-solving approach with offenders and also with the wider community. Similarly, the ASB Response Court model was devised by the Courts Innovation Branch who develops problem-solving approaches to the way in which courts deal with issues such as domestic violence, drugs and anti-social behaviour.

The Green Paper *Engaging Communities in Criminal Justice* (2009) set out the following eight key principles of community justice:

1. Courts connecting to the community. There should be significant liaison between the courts and the local community so that the community is able to

put forward its views, and the court has a view of the wider context of the crime.

2. Justice is seen to be done. Better information about the criminal justice services so that local people have an opportunity to put forward their views on the way offending is tackled. Compliance with the court's orders or other penalties should be seen and recognised by the community.

3. Cases handled robustly and speedily. Harnessing the combined potential of a range of agencies working together, meaning increased speed and ensuring offenders begin sentences promptly.

4. Strong independent judiciary. Enabling the judiciary to lead the problem-solving approach and maintain oversight over offenders' progress after sentence.

5. Solving problems and finding solutions. Making use of a range of available service providers in order to tackle the underlying causes of offending. Problem-solving can operate both at the community also when dealing with individual offenders at court.

6. Working together. A team approach to decision-making and dealing with offenders. Ensuring that a range of agencies, necessary for problem-solving, is available to the court, delivering an end-to-end service to offenders, victims and the community.

7. Repairing harm and raising confidence. Seeking the views of the community on what projects should be carried out by offenders on unpaid work. These unpaid work projects should then be badged once completed so the community can see what has been achieved.

8. Reintegrating offenders and building communities. Improving social bonds and cohesion within the community. Developing pathways to support the reintegration of offenders back in to their community.

1.2 Research Aims

The research examined the judicial role in ASB cases before the courts in England and Wales. The project was designed to address three principal research questions:

- To what extent is the judicial role in ASB cases primarily an adjudicatory one?
- How far do improving outcomes for 'the community' feature as part of the court process in ASB cases?
- To what extent do community justice principles feature in the administration of ASB cases, in particular community liaison and community engagement with the courts in ASB-related cases?

1.3 Methodology

This research examined the nature of the judicial role in ASB cases before the courts in England and Wales. The aim of the research was to conduct an in-depth exploration of the extent of judicial involvement in community liaison as well as the nature of community engagement with the courts in ASB-related cases. Accordingly, the project used entirely qualitative methods. It comprised two complementary parts:

(1) *An observational and interview-based study with practitioners* in sites across England and Wales. The processes used by ASB units to complete ASB court applications, general and specific issues relating to practitioners' experiences of ASB applications and the judicial system were examined. Interviews with prosecuting solicitors during the application process, attendance at multi-agency and case management meetings, and regular telephone and email communications were carried out with staff to assist in tracking the progress of applications.

(2) *An ethnographic study of ASB cases* in the corresponding county and magistrates' courts in England and Wales. This included participant observation of cases which were being pursued by the units taking part in the study; attending case management meetings; discussion of general and specific issues relating to individual cases which had been observed, and regular telephone and email communications with staff to assist in tracking the progress of cases. Observational techniques were used to gain a rounded and thorough understanding of the processes and practices used in court for ASB cases. The ability to follow a sample of cases from preparation through to sentencing enabled researchers to observe to what extent community justice principles featured in the administration of those ASB cases.¹

The main sources of data comprised 22 court observation diaries, 32 weekly fieldwork diary returns, four transcripts of case management/multi-agency meetings, transcripts of 13 interviews with ASB Unit Managers, seven interview transcripts with ASB police officers, and four interview transcripts with prosecuting solicitors. The main research participants were: 13 ASB unit managers, four ASB unit practitioners, seven ASB case workers, seven police officers and nine prosecuting solicitors.

The research was conducted in two stages and this allowed the research to track changes in the application process over the six month ethnographic study period. The first stage of research was undertaken between March 2010 and May 2010. At this stage, the observational and interview-based study with practitioners in ASB unit sites was conducted. The second stage of the research was undertaken between May 2010 and October 2010. At this stage, the ethnographic study of ASB cases in corresponding county and magistrates' courts in England and Wales was conducted. The cases were

¹ The project originally intended also to gather data from interviews with magistrates. An application was submitted to Her Majesty's Courts Service. However, our access request was denied.

tracked and court hearings were observed in either magistrates' or county courts.

ASB unit managers were contacted in all 137 local authorities in England and Wales to participate in the study. A total of 17 local authority ASB units were selected for participation in the study, representing 12% of the total number of ASB units in England and Wales.

A pre-requisite for ASB units to participate in the ethnography was that they would be required to have court hearings for ASB cases in the six months following the initial interview. This was necessary in order to complete the second phase of the research, which involved the observation of ASB cases in magistrates' and county courts over a six month period. Nine ASB units who expressed an interest in the project were not included in the ethnography due to a very low level of court activity for their ASB unit.

Cases which had already been brought before the court, or were currently being processed through the court, were not eligible for inclusion in the ethnography because the project also included data collection on pre-trial case management processes.

In total, the ethnography comprised of 22 cases. The majority of cases were applications for Anti Social Behaviour Orders (ASBOs) which accounted for 20 cases. Interim orders were applied for in 16 of the 20 ASBO applications in the ethnography. Of those 16 interim orders, 10 had further court hearings where the interim was successfully turned into a full ASBO, six stayed as interim orders although three of the cases had court hearings for full ASBO applications but the outcome is unknown as the court hearings fell outside the ethnography timescale. Four cases were granted full ASBOs at the first hearing. The other 2 cases which made up the ethnography were breaches of injunctions made under Section 222 of the Local Government Act 1972. Of the 22 cases, five were applications involving young people.

Initially, a representative sample of cases was sought to fit in the following four categories: (1) housing-related anti-social behaviour (noise nuisance, etc); (2) environmental anti-social behaviour (criminal damage, vandalism, graffiti, etc.); (3) anti-social behaviour related to drug-taking, alcohol and prostitution; and (4) youth-related anti-social behaviour. However, this was not possible for two reasons. First, the project was reliant on ASB units' caseloads and there was no control over the frequency and type of cases being pursued. Second, the sample was not of an adequate size for such categorisation to be meaningful or representative. Instead, it was decided that the 22 cases would not be categorised by the nature of the offence and would be analysed as a whole.

The 22 cases were heard in magistrates', county and crown courts in front of members of the judiciary. The courts were situated in 10 different areas across England and Wales, including four cities, five towns and one borough. The majority of cases (17 out of 22) were heard by a lay bench in a magistrates' court, three were heard by a district judge (DJ) in a magistrates'

court, one was heard by a DJ in a county court and one was heard by a Judge (HHJ) in a crown court.

The ethnography also included one breach case. The lack of breach case hearings was mainly due to the way in which ASBO breaches are prosecuted. ASBO breaches are dealt with by the Crown Prosecution Service (CPS) and not directly by ASB units. There was often a lack of communication between the units and the CPS, thus hindering the study's ability to find out about court hearings and case progress of breaches. These issues will be discussed in greater detail in the main body of the report.

Limitations of the study

It is important to note from the outset that there are clear limitations connected with the use of a qualitative approach. Qualitative research is designed to reveal underlying patterns and themes, rather than providing representative generalised results. This means that the findings cannot be deemed in any way to be representative of the experiences of all ASB units in England and Wales.

Moreover, the research was conducted between May 2010 and October 2010. Since that time, ASB units, local authorities and the judiciary could have identified and developed solutions and initiatives to some of the problems discussed in this report. It should also be noted that a new Conservative-Liberal Democrat Coalition Government was formed on 11 May 2010.

2 Pre-trial Case Management

Pre-trial case management was an important area of the research because it is linked to a number of community justice principles, notably; courts connecting to the community, handling cases robustly and speedily, solving problems and finding solutions, working together and, repairing harm and raising confidence (Cabinet Office, 2009).

The pre-trial case management stage of an ASB application is a critical part of any ASB case. How a case is put together, what evidence is presented and how it is presented are all key ingredients for a successful case. Specific initiatives were introduced to utilise the pre-trial stage of a case, in order to minimise court time and also to deal with issues in an effective and efficient way before a court hearing. These include having specialist sessions and developing a standard procedure for presenting evidence in court. The extent to which these initiatives were used, or in some cases known about by the ASB units, is discussed in this section along with the problems and improvements ASB units have experienced in relation to this stage of an ASB-related court application.

2.1 Responsibility for co-ordinating the court's response

The court's response for ASB cases is presented in the form of a case bundle. The case bundle usually contains a skeleton argument, the prohibitions sought and evidence such as witness statements, professional statements, victim impact statements and any other materials relevant to the case. Case bundles are presented to the bench at the beginning of a case and form an important part of the prosecution's case.

When asked who was responsible for putting together the case bundle in ASB cases, there was a range of responses from the ethnography. The most frequently cited person/group who carried out this duty was an ASB officer either on their own or in conjunction with the ASB unit and the local council legal officer. The police were responsible for compiling case bundles in three out of the 17 units, the ASB unit solicitor held the responsibility in two of the 17 units and the county council lawyer did so in one unit, and in the remaining unit it was a joint responsibility between the ASB unit and solicitor.

Summary of improvements and findings

Improvements and recommendations were found to be facilitated by co-operation between the ASB unit and local agencies/police. It was found that in cases where there was an exclusion zone sought as an ASBO prohibition, there can often be confusion as to where the boundaries of the exclusion lie if it is not made absolutely clear to both the bench and the offender. In order to clarify the terms of an exclusion zone a map is often included in the case bundle to highlight the area sought for exclusion. Not all ASB units include maps when applying for an exclusion prohibition. A unit where this was not a common practice changed its procedure after the local police requested that a map be included in all exclusion zone applications. The map would enable

police officers to know exactly where the exclusion zone should be applied, in order to help them to monitor ASBOs more effectively.

A number of ASB units put their ability to create comprehensive case bundles, which often contributed to successful ASBO applications, down to the multi-agency approach their local councils had developed. The support from other agencies was cited as key to ASB units being able to provide a full picture of the offender. This would involve obtaining relevant information on the offender's background through engagement with local agencies such as local authority services including schools.

When other agencies are asked to act as professional witnesses or contribute statements and materials to a case bundle, they are putting their professional opinion up for scrutiny in a court. The research conducted for this report found that in one area, magistrates have commended police officers in open court for the quality of evidence that they have provided in ASBO cases. The ASB unit referred to in this example put their high success rate in ASBO applications down to the fact that they have specialist ASB police officers who work in their ASB unit. However, often in criminal anti-social behaviour (CrASBO) cases the crown prosecution service (CPS) view the amount of evidence the police have collected for the case file as excessive – the CPS often only receive the file on the day of the trial and don't have time to read all of the contents. As a result of the ASB units' experiences with the CPS, the ASB units feel that the CPS did not fully support or provide adequate resources for dealing with CrASBO cases. Matters are further confused in that the CPS requires a different level of evidence for CrASBOs which is not dictated by legislation, but is set by the CPS.

2.2 Specialist Sessions

Specialist sessions were introduced by the Home Office as part of the ASB Response Court model. A specialist session could be requested by a local practitioner for the following types of instances; when there is a cluster of ASB cases, or the police target a particular location or type of anti-social behaviour, or where there is a lengthy hearing on an ASB case (e.g. the defendant challenges the making of an ASBO). Although the ASB Response Court model has now been embedded into mainstream courts, the specialist session can still be used by practitioners where they think that it will be of benefit to try and resolve particular issues outside of a court hearing.

Findings

In the ethnography, only four units reported that they did not hold any specialist sessions and some units had never heard of them. Of the remaining units, county lawyers or the local authority legal department had responsibility in four units, the ASB unit as a whole had responsibility in another four units, in three units it was a joint decision between the ASB unit and the local police and in two units it was the responsibility of the local police. There was also some variation in the interpretation of 'a specialist session'. Some units referred to the specialist session as that which could be called for, and

assembled by, any member of the ASB unit and which was primarily used to discuss a specific issue that had arisen from a designated case or individual. Other units used specialist sessions to discuss any issues which had arisen out of a case in a non-court environment between the prosecution and defence counsel.

2.3 Uncontested pleas

The majority of ASBO cases observed in the ethnography were, on the whole, uncontested. On occasion, one or more of the prohibitions were contested but the actual order itself was undisputed. The county or local council lawyer was responsible for uncontested pleas in nearly half of all ASB units. The ASB unit itself was responsible for uncontested pleas in five of the units, the police were responsible in three of the units, and in one unit the CPS specialist ASB prosecutor was responsible for uncontested pleas.

2.4 Evidence

The project was interested in finding out if there was an agreed standard procedure for producing evidence to court in ASB cases.

Findings

The ethnography found an overwhelming majority of units had an agreed standard in place and which was used in practice. Only one unit did not have any kind of standard procedure and another unit did not know if there was a standard procedure in place or not. The units differed in a) how long they had had a procedure in place and b) who the active participants were.

One unit had been advised by a court clerk in the local magistrates' court on what to include in a case bundle and how to present the evidence. This advice was followed by the legal services department in the unit's local authority. Consequently, this joined-up approach meant that the unit knew exactly what the magistrates expected from a case bundle and the magistrates, in turn, could deal with cases efficiently and effectively since they had been presented in a uniform fashion.

The role of the police was mentioned by one fifth of the participating units, as an area which could be improved, to make their standard procedure of evidence more effective in their ASB cases. The main problems were ensuring that the police only collected relevant statements which could be used in the case bundle, otherwise the unit ended up with redundant statements and the police had wasted time and effort collecting and writing up statements which were not needed. Improved communication between ASB units and the police had gone some way to eliminating this problem. Some units had developed a guidance manual for all participating agencies to follow when collecting evidence.

2.5 Conclusion

The study found that most of the ASB units participating in the research had made or had experienced improvements in their pre-trial case management procedures. These included better co-operation between agencies, especially with the police, so that documents were not duplicated or created unnecessarily. The relationship between the CPS and some ASB units was found to be problematic and was having a resultant effect on the management of CrASBO cases in particular. There was an ambiguity of interpretation relating to the term 'specialist sessions', yet the majority of the ethnography acknowledged that some form of specialist session was held if they felt it was required.

3 Community Liaison

Community liaison is a key principle in the community justice model. The concept of community justice proposes the explicit incorporation of the community into the judicial process as a way of improving the justice system and empowering local communities. This section will examine to what extent community groups and local agencies are involved in individual cases, as well as the problems and improvements which arose in the ethnography in relation to community liaison. It will also discuss the availability and benefit of Crown Prosecution Service (CPS) attached specialist ASB prosecutors.

A number of Home Office documents on ASB response courts highlighted that there should be a significant relationship between the courts and the local community so that the community is able to put forward its views on crime and disorder and so that the court has a view of the wider context of the crime. Current Government policy on crime and disorder continues to emphasise the importance of community justice principles in improving community life, particularly in relation to ASB:

Community justice is about making sure that people who are affected by bad behaviour and crime have a say in how things are sorted out in their community. This means getting involved in the 'justice process' – like helping courts and the police focus on the crimes that local residents say are causing them the most problems...a judge or magistrate could meet regularly with community members to find out about the effect of crime on their neighbourhoods. This makes sure they are aware of the impact of crime locally. (DirectGov website)

Magistrates', and the courts', involvement in community liaison have implications for how community expectations are addressed by the bench. Moreover, the ASB Response Court model (embedded within all magistrates' courts) provides a problem-solving approach to tackling ASB which requires the judiciary to be aware of local issues but also for there to be increased interaction between magistrates and offenders. This raises questions about the (changing) nature of the judicial role. The potential implications are that judges *may* go from being detached, neutral decision makers to the central figure in the justice process. A problem-solving approach means that judges are responsible for encouraging and rewarding compliance, as well as monitoring offenders and addressing sentence breaches.

Such an expansion of the judicial role may remove the protection that law has traditionally provided for the bench, since judges are no longer simply applying the law, but are involved in a subjective process of improving outcomes - for victims, communities and offenders. The emphasis placed upon the need for the judiciary to address the concerns and 'frustrations' of the local community in anti-social behaviour case outcomes represents a significant departure from the current operational structures of the judicial system in England and Wales.

Findings

All the units involved in the ethnography reported that local agencies and/or community groups were involved in individual cases. The extent of this involvement is looked at in detail below. Out of the ethnographic sample, three units had been identified by the Home Office as examples of best practice and were asked to visit other units around the country to help them improve their partnership workings. All units in the ethnography had at least a monthly or six weekly information sharing/case update meeting where local agencies were invited to discuss individuals, interventions and problem areas. These meetings were crucial to facilitate information sharing, problem-solving and provided a joined-up approach for individual cases. They also ensured that agencies were working together and not jeopardising each other's interventions.

3.1 Judicial community involvement

The findings from the research study suggest that courts have not in fact altered their focus from processing cases to improving outcomes for victims, communities and offenders. Moreover, in most areas, *there are very few, if any* substantive links between magistrates/district judges and the community. For the most part, magistrates' involvement does not ever go beyond attending occasional meetings with their local ASB unit.

Findings

Practitioners in a number of units believed that a 'culture change' was necessary, where magistrates would move away from the idea of being completely impartial and would prioritise time to listen to the concerns of the local community. Others argued that magistrates should be made 'more accountable' and be 'more involved in communities', while some also suggested that magistrates 'do not think about the impact of ASB on a community', that the courts do not understand the effect of ASB on certain areas and that the community has 'no confidence in magistrates or the courts'.

In one area, it was reported that magistrates used to go on visits to local areas but they stopped doing so as they did not want to be seen to be being influenced by local residents. A member of the ASB unit remarked that:

This is a great shame as there is now a lack of appreciation from the magistrates of the kind of effect ASB can have on a person's life (Field note, July 2010)

There is some evidence of attempts being made to try to encourage community liaison between the courts and local communities. For example, in one area, the community liaison officer offers to take magistrates out in the community; and in another area, a neighbourhood justice co-ordinator has been employed to establish a better relationship between the courts, the Community Safety Partnership (CSP) and the community.

Participants in another LA identified that the CPS and the CSP team make efforts to try to keep magistrates informed of community issues, while in another LA, magistrates will attend Police and Communities Together (PACT) meetings as well as ASB unit meetings when asked. In one area however, it was felt that magistrates did actually have a high level of engagement with the local community and that they were willing to talk to residents, attend local meetings and become involved in the life of the community. A practitioner observed that:

Magistrates have a community role, as their views should reflect those of the community that they are granting the order to protect. Magistrates often have other community roles, such as sitting on housing trusts and police boards, therefore they play an important role in disseminating what goes on in court into these avenues as well (Field note, August 2010)

Overall, the courts appear to have very little involvement in community liaison at present. However, it is apparent that this is something that ASB units would like to see change, with there being much more significant liaison between the courts and the local community so that the community is able to put forward its views, and so that the court has a view of the wider context of crime and disorder in the community as well as the implications of the orders they grant.

Increased community liaison fits with the Government's Big Society project and its associated concept of co-production. Co-production is central to current debates about the Big Society and relates to how communities and individuals connect and collaborate with public service providers to design and deliver solutions to social problems.

The Government has indicated that co-production will be important for policing, enabling new interactions between police and residents that will help to foster social organisation and which are intended to encourage collaborative forms of informal social control. Improved liaison and engagement between communities/individuals and actors involved in justice processes would also seem to form an important part of this co-production approach.

3.2 Involvement of community groups

Community justice is very much concerned with 'quality of life' in local neighbourhoods. The Anti-Social Behaviour Response Court model places an emphasis upon the need for the judiciary to address the concerns and 'frustrations' of the local community in anti-social behaviour case outcomes. According to the principles of community justice, the courts, working in conjunction with social service agencies, community groups, and other organisations, can create partnerships that will work to strengthen the community and advance the broader goals of agencies or community groups.

Findings

The research findings suggest that the creation of partnerships with the community through informal mechanisms (individual relationships, communication with residents) *is extremely limited*. However, through more formal mechanisms such as the introduction of PCSO's (police community support officers) and local victim 'champions', this partnership approach is improving.

The evidence from this study found that community groups also have, for the most part, limited involvement with the courts. It is apparent that concern about judicial independence and neutrality is one of the primary reasons for the community's limited influence over the court's operations. Individual cases are not discussed at advisory board or public meetings to avoid the appearance of partiality and study participants reported that some magistrates have expressed reservations about travelling to areas to meet residents and/or attending meetings where neighbourhood problems are discussed.

However, among the practitioners participating in the study, it is clear that there is broad support for greater community involvement in the justice process, which as indicated above, a number of LAs are actively trying to encourage.

3.3 Specialist ASB prosecutor

Specialist prosecutors were introduced in 2004 by the then Home Secretary David Blunkett, the Attorney General and the Director of Public Prosecutions. Their role is to provide local expertise in the types of powers available to tackle ASB and to act as a central contact point for all local agencies dealing with the problem. Specialist prosecutors were introduced around the country and are currently based in 13 different CPS groups in England and Wales.

Findings

Nearly half of the study's participating units had a specialist prosecutor who served their area, just under half the units reported that they did not have one and a few units did not know if they had one in their area. A number of units who had a specialist prosecutor did not use them as they preferred to use the ASB solicitor in their local unit instead. The relatively high number of units who were not aware of the specialist prosecutor in their area highlights a breakdown in the system between LAs and the CPS.

The role and extent to which the specialist prosecutor was involved with ASB units differed around the country. In some units they assisted practitioners with applications and ensured that cases were fit for court, they also gave advice to units on an ad hoc case basis. One specialist prosecutor provided training for ASB partners to show how to build a case file. The training was found to be very useful and meant that the prosecutor could spend more time on complex issues and liaising with the unit, rather than compiling case bundles.

The study found that in another unit, the prosecutor was consulted if the unit was looking to pursue an ASBO on conviction (CrASBO) application. The link with the prosecutor was vital for the unit as the prosecutor is based in the CPS and CrASBO cases are dealt with by the CPS. The direct link between the prosecutor and the unit meant that they were kept informed of the progress of cases and were able to improve their applications and increase their chance of future case success. Another unit reported that when they can, they send an ASB officer to go through the case with the CPS prior to the court hearing to make them aware of the case background. However, the unit is unable to do this for all cases as they do not have the resources to supply an officer for each court hearing.

A number of units had found that tensions had arisen between the regional and specialist prosecutor when the specialist prosecutor had first been introduced. This was often due to a lack of communication between the prosecutor and the CPS. Relations had improved in most units, but it was felt there wasn't a clear purpose for the specialist prosecutor and some areas already had systems in place with their own regional prosecutor for dealing with ASB cases. A lack of communication was also cited in disputes between the CPS and police on which order to apply for.

Whilst there had been some well established working relationships between units and specialist prosecutors, the study found that nearly half the units in the study were not in contact with a specialist prosecutor, and of those that were in contact, their specialist expertise was not being utilised in the majority of cases. However, specialist prosecutors were a central plank of the ASB Response Court model. They were created to provide expertise to tackle ASB cases effectively, provide guidance on local ASB protocols, improve inter-agency working, increase engagement with the local community and ensure that victim's views were placed before the court. These objectives were also linked to improving public confidence in the criminal justice system as a whole by bringing more offenders to justice. These objectives reflect many of the principles of community justice, including; connecting courts to their local communities, offering a joined up multi-agency approach, solving problems, repairing harm and improving confidence as well as dealing with cases in a speedy and efficient way. As a significant number of the ASB units had no contact with a specialist prosecutor and/or were not utilising the prosecutor's expertise, it is clear that this aspect of the Response Court model has yet to be fully embedded into current practice.

4 Experiences of Magistrates

4.1 Social issues

The ASB Response Court model embedded into magistrates' courts follows a problem-solving approach. The model was devised by the Courts Innovation Branch who have developed problem solving approaches to the way in which courts deal with issues such as domestic violence, drugs and anti-social behaviour.

Problem-solving courts aim to use the authority of the court to address the underlying problems of individual defendants, the structural problems of the justice system, as well as the social problems of communities. The principles underpinning the work of problem-solving courts include a team focussed approach where social agencies and other support/treatment services work collaboratively with the courts, in addition to enhanced information sharing (about defendants, victims and communities).

The role of the judiciary in problem-solving courts differs significantly from traditional courts. The judicial officer is no longer oriented simply towards immediate questions regarding a defendant's guilt or innocence but is required to consider broader issues relating to the defendant's physical and mental health, public safety and amenity as well as the socio-economic and cultural composition of the local community and its correlation with criminality.

ASB cases frequently raise issues relating to an offender's social circumstances or health. In particular, addiction and mental health issues are common features of ASB cases. The study investigated to what extent magistrates are involved in addressing these issues where they were evident in an ASB case, and whether courts now undertake a collaborative, team focussed approach to these broader issues. Most units tried to address all relevant social issues through interventions and individual plans before a case went to court. As a result of early interventions, practitioners reported that it would therefore be quite rare for a magistrate to ask for any further interventions. It was also a commonly held view amongst some practitioners that an ASBO application was a sign of failure for the unit, as the application signified that all the other social interventions and work carried out by the unit had failed to sufficiently reduce the ASB of an individual.

The study found that the courts did not take a team focused, collaborative approach when dealing with ASB cases. Where issues did explicitly arise in a case, there was often concern and interest shown by the judiciary but the issue was dealt with on an individual basis amongst the court proceedings and was not addressed in collaboration with other agencies.

Findings

A number of problems were raised by units about magistrates' ability to tackle social issues relating to offenders in ASB cases. Some units felt that magistrates do not have sufficient powers to deal with underlying issues, and

that magistrates' are sometimes unaware of available interventions. There is also concern from practitioners that most drug and alcohol interventions are voluntary and consequently this could be a problem if offenders refuse to consent to treatment. Concerns were raised by some units about the diagnosis of social and health issues, as some offenders are either not formally diagnosed or they are misdiagnosed. This lack of diagnosis often leads to problems being ignored or not addressed by magistrates.

Some practitioners reported that magistrates only request further information or interventions in cases where social or health issues are explicitly laid out in the case and case bundle. The study found that this type of request from magistrates was the exception rather than the norm in ASB court proceedings. One unit had found that since the introduction of a multi-agency approach in their local authority, magistrates had a better understanding of interventions as they were now highlighted in the case bundle which the magistrates read.

However, the study found that when a case was heard by a district judge they were far more likely to order additional assessments before they would continue with ASB cases and they were also more likely to chase up previous requests if they had not yet been met. The problem solving approach had not been embedded into the courts that were observed in the study and there was no substantial change in the operation of the courts. The judiciary remained the sole adjudicator in ASB cases, only occasionally consulting practitioners rather than making them an integral part of the court process.

4.2 Magistrates and community liaison

The research examined the extent of magistrates' involvement in community liaison in the local areas studied. Ten units reported that magistrates did not play any kind of community liaison role, whereas seven units said that to a varying degree, magistrates played some kind of community liaison role in their local area.

Findings

A number of conflicting issues arose around the type of activities magistrates conducted in a community liaison role. For example, in one area magistrates used to go on visits to local areas, but the visits were stopped as the magistrates did not want to appear to have a community bias from their interactions with the local area. This has led, some units argued, to magistrates becoming detached from the realities of the kind of effect ASB can have on an individual's life and how it can affect a whole community. This sentiment was echoed by other units, who thought that magistrates would have a better idea of the affect their sentences can have on the community, but also on the perpetrator who (in ASB cases) often lives in the same area as the victim(s)/witnesses.

Five ASB units reported that magistrates had some kind of regular interaction with the local community. This included receiving training from the ASB unit

about the process of putting together an ASB case bundle, they also had training on the interventions that the ASB unit use pre-court. A couple of units had programmes in place where magistrates would give talks in local schools about their role and that of the courts. The units reported that these programmes had improved the relationship between the ASB unit and the court.

Some units have sought to improve the involvement of magistrates in the community by appointing an individual who is responsible for developing this relationship. In one area, a neighbourhood justice co-ordinator was introduced to establish a better relationship between the courts, the local crime and disorder partnership and the community. In another area a community liaison officer is employed by the county, and their role is to get magistrates out and into the community.

Many units reported that magistrates are often involved in other roles of responsibility within the community and they can use these avenues to disseminate information about ASB and to interact with the community. These informal networks are encouraged by the units, but many argued that formal, regular activities are needed to strengthen ties between the courts and the community.

4.3 Problems

Despite the positive measures a number of units have put in place and the involvement of magistrates in the community, most units stressed that these were exceptions rather than the norm. It was widely accepted that it could be problematic to involve magistrates in problem solving, because issues should be resolved before court and should not be the job of a magistrate.

If the idea of connecting courts to the community, reintegrating offenders and building communities are to be achieved, many units urged that a complete culture change was needed. Such a drastic shift was needed in order to move magistrates away from the idea that they are completely impartial if they are going to embrace the community justice/liason role in any meaningful way. They argued that if magistrates were made 'more accountable' to the local community that this might improve public confidence in the criminal justice system and increase reporting of ASB incidents.

5 Offender Monitoring

In problem-solving courts, the judiciary play a pivotal role as motivator, sanctioner and enforcer. Part of the judicial role involves monitoring offenders' compliance with sentences and it is intended that there should be increased interaction between magistrates and offenders. The extent of judicial monitoring of sanctions given by magistrates and district judges in ASB cases was investigated in the study. Offender monitoring has been identified as important for improving confidence in the court system as well as helping to ensure that offenders are successfully reintegrated into the community (Cabinet Office, 2009).

5.1 Judicial supervision

Maintaining oversight of an offender's progress during their sentence is one of the key principles of the community justice approach (Cabinet Office, 2009). Monitoring an offender to ensure that they comply with a court order is identified as important to the offender's re-integration into the community. Offender compliance is also important for improving public confidence in the court system through the effective delivery of court sanctions.

Findings

The study found that the extent of judicial supervision once a sanction/sentence had been granted *was very limited in the majority of areas*. Ten out of the 17 units had no experience of any kind of supervision of orders from the courts, magistrates or district judges. Units were far more likely to take on a monitoring role themselves, with seven areas reporting that they had a system in place to monitor individuals who had been given an order. Some areas passed on information about individuals and their orders to the police, whilst others were actively involved in the individual's sentence and would check on their progress through home visits or by telephone. One unit assigned each offender with an individual case worker to help them complete their order, whilst other areas offered offenders referrals to services and would contact them to inform them of any key dates, such as court hearings or appointments with other agencies.

A number of units gave examples of specific cases where sentencers did take an interest in the compliance of an offender's order. For example, in one area a district judge had requested that a case only be seen by them because the ASB was of such a serious nature. Another district judge ensured that there was consistency in a case by requesting that they heard the breach proceedings for the case in which they had issued the initial injunction.

Despite the monitoring work that many of the units carried out themselves, a number of areas found that a lack of resources was hindering their efforts to adequately monitor individual orders and injunctions. Units felt that with more financial support and man-power there would be more that they could do to

ensure that orders were complied with in the community. Judicial supervision of offenders was, however, very limited.

5.2 Continuity between magistrate and offender

Although other research on problem-solving (drug) courts has found that continuity of sentencer over successive reviews is very important (McIvor, 2010), this study found that there was a significant lack of continuity between repeat ASB offenders and the bench in 10 of the 17 areas which took part in the research. This meant that it was highly unlikely that an offender would be seen more than once by the same magistrates/judge. The units which did have systems in place were usually confined to special circumstances. For example one area had an agreement in place for persistent offenders, where the court and unit worked together on the case to ensure that the offender was always seen by the same magistrates' bench. Another area reported that although magistrates often don't see the offender again once they have sentenced them, some do enquire on the progress of individuals. However, there does not appear to be any organised judicial supervision of sentences or continuity of magistrates/judges with offenders even though this has been identified as pivotal to the community justice model.

5.3 Information systems

The way that information is logged about ASB cases has previously been identified as inadequate and requiring improvement so that information is shared more effectively between the courts and other agencies including the police. Databases need to be created and freely available for access by relevant agencies to ensure the efficient management of cases. Since the project fieldwork was conducted, a number of changes have taken place with regard to systems for information-sharing in ASB cases. These have included a new call handling and IT system for ASB complaints which is being piloted in 8 police forces in England and Wales as well as the introduction of Risk/Vulnerability Assessment Matrixes. The research findings below suggest that most practitioners are supportive of the introduction of new measures to improve information sharing in ASB cases.

Findings

The Police National Computer (PNC) can only be accessed by members of the police. An officer stationed in an ASB unit proved to be essential, as it allowed the unit immediate access to the PNC. Over half the areas in the study had an officer stationed in their unit and those that did not had to request information on a case by case basis.

The study found that generally, no technologically linked information systems are being used although information sharing does take place in the form of meetings or where staff members choose to access or request information. Moreover, information sharing is often done on an ad hoc basis. At the time of the study, three units were in the process of introducing an integrated information database to their area. Most units agreed that increased

information sharing was a very good idea and found that a lot of the problems that they had experienced stemmed from a lack of communication between agencies. There is also some evidence of continuing problems with disjointed or a lack of information sharing resulting in the lack of joined up approach to cases.

6 The Judicial Role

Community justice principles advocate significant liaison between the courts and the local community so that the court has a view of the wider context of crime and disorder. Problem-solving courts seek to enhance community engagement and to align their work with community contexts. Alongside these principles however, the judiciary still need to maintain strong independent oversight to enable the court to lead a problem-solving approach and to oversee offenders' progress after sentence. Hence there are marked contradictions in the ideals of community justice, and the current role that is expected of the judiciary in ASB cases with sentencers expected to play an adjudicatory as well as a collaborative role.

The ASB Response Court model emphasises the training of the judiciary as an important component. Indeed, a key feature of the ASB Response Court was 'ensuring magistrates and court staff are fully trained and aware of local issues and concerns' (Home Office, 2009). We were not granted access approval to interview members of the judiciary on the extent of judicial training. However, the general consensus among the ASB units who took part in the research was that magistrates did not receive adequate training on ASB legislation or on specific ASB-related community matters. It was felt by many ASB units that further comprehensive training would equip magistrates with a better understanding of the legislation and would lead to more informed decisions being made relating to ASB in the local community.

This section will look at a number of different themes which were observed in ASB cases for the ethnography. The themes range from judicial behaviour to the extent the bench is involved in addressing defendant's social/health issues when they arise in court. Using the cases observed in the ethnographic study, this section considers why, for the majority of cases included in the research, community justice principles were not found to be embedded in the courts and why the judiciary still plays very much an adjudicatory role in ASB cases.

6.1 Continuity of magistrate

Continuity of magistrate and offender, as discussed in section 5, is difficult to achieve within the current judicial system. At present, there is no formal system in place to ensure that an offender appears before the same sentencer for every court hearing related to their case. This means that the bench may not necessarily be aware of the complexities of a case and will not be able to develop any meaningful working relationship with those individuals involved. This includes victims and witnesses who are also a key part of the community justice model and who, according to the ASB Response Court model, need to be more engaged with and better informed about the court process in order for the courts to effectively connect with the community. This is also important from a crime prevention perspective because the police and other agencies rely on the local community to report ASB incidents. Individuals need to have confidence in the system to do this and be willing to be involved in the court process to ensure a successful prosecution.

Findings

Of the 22 cases observed in the ethnography, five of them had the same sentencer for the duration of the case (i.e. for all the court hearings). This was only possible in cases which were heard by judges rather than magistrates due to the current operation of the judicial system, as mentioned above. Having the same sentencer for the duration of a case allows judges to scrutinise their previous judgements. For example, one district judge's response to an offender who had breached their order was as follows:

You remember you were in front of me in March and the allegation is you have broken your order...I made it quite plain to you to stop the behaviour... I'm concerned with breaches since I made the order (Field note, July 2010)

Continuity of sentencer can also be reassuring for other individuals involved in a case, for example victims, witnesses and family members. The research found that a lack of continuity can have a detrimental effect on a case.

For example, one ASB unit lost the support of local residents due to the length of time the case took to go to court as a result of delays in court. The case was heard by a different district judge on three separate court hearings. The ASB unit started the case with eleven witnesses and by the end only three were still prepared to be involved. A lack of witness support is a major concern for most ASB units as the nature of ASB often means witnesses are reluctant to report incidents and are worried of coming to court for fear of reprisals. One of the core components of the ASB Response Court model is improved witness care. Thus the judicial process should be facilitating a positive experience for witnesses, not as in this case a negative and potentially harmful experience which could have repercussions for future cases and which could affect relations between the ASB unit and the wider community as well as the confidence of the community in the court process itself.

6.2 Offender compliance

Evidence from other research suggests that the behaviour of a judge at sentencing can have a considerable effect upon an offender's compliance with the terms of court orders and probation (Wexler, 1993; McIvor, 2010). For example, by communicating the conditions of court orders in simpler and more comprehensible terms directly to the offender, or by invoking judicial praise as a means to motivate an offender to abide by the terms of their probation, judicial behaviour can play a central role in assisting offender compliance. There is also evidence to suggest that judicial-defendant exchanges may assist with the process of denial minimisation, and encouraging offenders to take responsibility for their actions (McIvor, 2010).

Findings

Compliance was taken into consideration by some magistrates when looking at extending or converting an interim application into a full order. Offenders complying with the terms of their orders and the prohibitions set by sentencers for an interim order can be a good indication of whether the order is having a positive impact on the individual's behaviour.

The research found that when magistrates heard an application to turn an interim ASBO into a full order, they were more likely to ask after the offender's behaviour in relation to the interim prohibitions and whether they complied with them. There were examples of magistrates altering prohibitions so they were more easily understood by defendants. This was more common in relation to applications for young offenders. However, during the ethnography, one notable enquiry into an offenders compliance was observed:

Magistrates: We've heard there has been a considerable improvement - are the community orders going well? The supervision order?

Defence counsel: Yes, they are going well they're down to fortnightly. She has engaged well with probation and the ASB team. She left care and would fully admit she lost control....the impact of the order has been considerable...and she is keeping to the interim (Field note, August 2010).

The problem-solving approach which the ASB Response Court model assumes requires sentencers to be actively involved in monitoring offenders and their compliance with orders, as well as direct engagement with defendants/offenders during subsequent hearings related to their case. In this respect, offender compliance should be a key consideration for the bench. This research found, however, that there was not the appropriate collaborative structure in place to precipitate this. Moreover, the ASB Response Court model in essence requires that sentencers alter their focus from adjudicating cases to more active involvement in encouraging and/or rewarding compliance. This has not occurred in the cases observed for this study.

6.3 Magistrates'/Judges' involvement in social issues

The ASB Response Court model aims to embed the principles of community justice into the court process and enable sentencers to address wider social/health issues relating to the offender. Official guidance indicates the need for courts to make full use of the range of available services for dealing with offenders' social/health issues (Cabinet Office, 2009). Community justice principles support the idea of tackling the underlying causes of offending behaviour and ensuring that offenders are successfully reintegrated back into the community. The ethnographic study examined to what extent this occurred in magistrates' courts and county courts around the country.

Findings

In 14 of the 22 cases observed in the ethnographic study, sentencers gave directions to do with a social/health issue(s) relating to the offender. The majority of the issues related to the offenders mental health, alcohol/drug dependency or their age. The lack of continuity of sentencer found in most cases (see above) meant that very few requests for further information or assessments were adequately monitored or followed up. This, combined with the lack of powers magistrates have to order assessments, their often limited knowledge of ASB legislation, and the time and resource constraints on court hearings often resulted in the offender's social/health issues not being adequately addressed.

In a number of cases the issue remained unresolved due to the offender's refusal to co-operate with local services. For example, in one case directions had been given at a previous hearing for the defence counsel to obtain a psychiatric assessment of the defendant. This had not happened as the defendant had refused to attend an assessment and had said that even if he were prescribed drugs he would not have taken them (Field notes, April 2010). In another case where a defendant refused to co-operate, the district judge stated he was 'in despair' as to how to address the defendant's alcohol problem as he had refused to attend a treatment programme or engage with numerous other interventions aimed at helping him. These examples highlight that the bench often understand and appreciate the complex nature of the lives of the defendants that they are dealing with, but it also shows the limited level of intervention that takes place once a case is in the court system.

6.4 Judicial concern and emotive behaviour in court

Sentencers are, according to the principles of community justice, responsible for taking the lead in problem-solving. The research found that sentencers maintained an impartial role, whilst sometimes expressing their concern for an individual involved in a case – either concern for the offender, or sympathy with the victims and witnesses. On the occasions when interactions did take place between sentencers and defendants, it was generally to offer encouragement to a defendant to comply with an order. For example:

Magistrates: *This order is necessary...we very much hope you won't be back in court* (Field Note, June 2010).

In cases which involved young people, the bench were often mindful of the defendant's parents. The parents were often (if possible) involved in the court proceedings in order to ensure that the order was fully understood by them as well and to facilitate an inclusive approach. The bench were often more thorough when it came to presenting evidence and often tried to create a less sterile atmosphere in the court room.

For example:

Legal Adviser: *Defendant is only 11- if there is anything he doesn't understand...*

Magistrates: *Defendant if you need to leave the court room to use the toilet just wave your hand or something ok?* (Field note, July 2010).

It appeared that it was hoped that these types of gestures would go some way to dealing with young people in a more supportive way which would enable them to be reintegrated back into the community, as well as into other institutions such as school.

The principles of community justice look to include the views and concerns of the community more in the court process and to create a significant degree of liaison between the court and the local community. The study found that there was not a significant degree of liaison between the community and the court. However, it was observed that the bench were often very supportive of witnesses and victims during court hearings and they showed their appreciation for what is often a difficult and sometimes traumatic experience for people. For example:

Magistrates: *We are going to discuss it as we are mindful that there is a witness waiting outside* (Field note, June 2010).

6.5 Post-trial processes

According to community justice principles, sentencers should endeavour to maintain oversight of an offenders' progress after sentence. However, the study found that this is not altogether possible. This is because when offenders do return to court for breaches they are not dealt with by the same court let alone the same bench, allowing no room for consistency in the relationship and therefore oversight of an offender's sentence. In relation to court hearings of an ASB-related case, this section has already highlighted the difficulties inherent in the judicial system which prevent cases being heard by the same sentencer. Therefore, although the bench is often very interested to find out the progress of an offender, it is not usually possible in practise. The study found that offender oversight was most frequently carried out by the police and, to a lesser extent, ASB units. The ASB units who didn't have a police officer attached to their unit relied on the police to inform them of any breaches or further criminal activity carried out by an individual subject to an ASBO. The CPS is responsible for prosecuting ASBO breaches. Therefore the police and ASB unit were reliant on the CPS to inform them of current cases, in order that the units and police could effectively monitor the progress and compliance of an individual subject to an ASBO.

7 Policy Implications and Recommendations

In this final section we summarise the key findings and provide recommendations for the future development of community justice.

The concept of community justice proposes *the explicit incorporation of the community into the judicial process* as a way of improving the justice system and empowering local communities. The key findings of the study centre around the problems associated with trying to change a legal institution which functions as a court, into a court which also functions as a community institution.

The study found that attempts to implement community justice principles are problematic because the court process is not equipped to deal with the social/health issues of an offender adequately, nor facilitate the views of victims and 'the community' to the extent envisaged. The study found there was:

- A lack of consistency in the relationship between sentencer and offender.
- Very little offender monitoring and an absence of clear guidelines on which institution is responsible for monitoring orders.
- A lack of expertise and knowledge of the ASB legislation from magistrates which hindered the exploration of alternative sanctions.
- Insufficient resources in all institutions working with ASB cases.
- Too few specialist police officers and prosecutors in ASB units.

In summary, the key recommendations from this study are:

- To implement a system which allows sentencers to reserve or be automatically given cases which they have previously heard in order to create consistency in the relationship between sentencer and offender.
- Have a police officer stationed in every ASB unit to ensure effective offender monitoring and increase efficiency in information sharing.
- Provide guidance from the CPS on creating a case bundle for an ASBO breach case and ensure increased communication between the CPS and LAs.
- Prioritise ASB-related cases in court listings, especially those involving young people.

- Provide more dedicated ASB prosecutors for ASB units. Prosecutors do not necessarily have to be CPS specialist prosecutors, but could be council prosecutors who are trained in ASB legislation.
- Provide extra resources to ASB units to ensure a dedicated ASB case worker is provided for each case.
- Encourage a multi-agency approach by identifying best practice through further research which explores what works in an ASB unit.
- Provide more extensive training for magistrates on ASB legislation and, where appropriate, community issues relating to ASB.

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