

The West Midlands is a diverse and vibrant area, with a bright future. However, for too many people the fear of crime and crime itself is negatively impacting communities and the quality of life of those that either live, work or study in the region. My [Police and Crime Plan](#) aims to prevent, tackle and reduce crime and anti-social behaviour.

It was noted during the consultation phase for my Police and Crime Plan, that ASB was a significant issue within communities. Prevention, diversion and partnership were cited as effective ways to prevent, tackle and reduce anti-social behaviour. I am of the firm belief that to prevent, tackle, reduce and truly end the cycle of harm caused by ASB, we must address the underlying drivers of this behaviour. These include poor mental health, addictions, undiagnosed learning difficulties, family support needs, a lack of youth services and school exclusions.

This paper forms my response to the APCC survey of OPCCs across England and Wales on anti-social behaviour (ASB) victim provisioning. Victims of ASB, where this does not amount to criminal conduct, are not entitled to victim support through the MoJ victims grant. This is an issue of serious concern, because the impact of ASB has been well documented and widely recognised. It is therefore of serious concern that, despite the professed concern of politicians for the impact of anti-social behaviour on victims, people impacted by non-criminal ASB are not afforded the same support as those impacted by criminal ASB.

The [Anti-Social Behaviour Action Plan](#) 2023 rightly points out repetitive and oppressive, anti-social behaviour leaves victims and communities feeling powerless, spoiling their normal enjoyment of public spaces and chipping away at their peace of mind in their own homes. The unhelpful distinction of criminal and non-criminal behaviour, in relation to the provision of victim support services, wrongly leads to the assumption that non-criminal ASB does not impact victims in the same way. Both criminal and non-criminal ASB can include:

- Areas subject to regular incidents of street drinking or drunken behaviour;
- Environmental ASB, such as litter and fly-tipping, that is distressing residents; Other forms of environmental ASB, such as vandalism, criminal damage, or graffiti to public buildings, vehicles, bus shelters, phone boxes, that is distressing residents and may be seen to be encouraging more serious types of crimes;
- Inconsiderate and repeated nuisance behaviours in public spaces, such as the inappropriate use of fireworks; individuals kicking or throwing items in a way that is causing distress; cycling or skateboarding in pedestrianised areas;

- Areas that are subject to repeated loud noises, such as loud music playing in public parks;
- People using or dealing drugs or evidence left of drugs, such as discarded needles and nitrous oxide cannisters;
- An area where people are being repeatedly intimidated, threatened, verbally abused, or harassed, including ASB related to people's race, religion, disability, sexual orientation or another characteristic;
- Persistent vehicle related ASB in the same area, such as repeated illegal parking, abandoned vehicles, speeding cars or motorcycles, joyriding;
- Problems in a public space with out of control or dangerous dogs.

Victims can feel powerless when anti-social behaviour is not addressed, resulting in a lack of trust of confidence with reporting such crime at all. The APCC survey questions have been answered below;

Do you currently fund any specific non-crime ASB victim provisioning in your force area?  
(External from Ministry of Justice victim grant funding)

No

How many victims of (non-crime) ASB have your services supported in the last financial year?

- Since the end of May 2023, WMP no longer hold the responsibility for non-crime ASB cases due to the complexities of such incidents/ cases.
- The OPCC have now approved for Remedi to trial taking on cases that fall into the non-crime category, and since the end of May have received 5 referrals for cases that would have historically been reviewed by WMP.
- As the pilot is newly established, we are awaiting findings of the impact this intervention will have on non-crime ASB cases.
- For context, below is the number of Anti-Social Behaviour offences reported to West Midlands Police during 2020 – 2021 and 2021 – 2022. The figures relate to incidents where the final classification is Anti-Social Behaviour i.e. (*ASB Personal, ASB Nuisance, ASB Environmental and ASB Disorder*).
- **01-APR-2020 – 31-MAR-2021 = 59,692**
- **01-APR-2021 – 31-MAR-2022 = 29,307**
- The reduction in ASB incident from 2020 onwards is likely to be a result of the general shift in the types of demand seen by WMP during and post-pandemic, therefore, statistics on

incidents/crimes for one period may not necessarily be a good indicator of future incidents in that area.

### Are you currently considering funding any specific ASB victim funding in the future?

- This will depend on the type of ASB and whether non-crime ASB is included within the overarching definition of Victim, as I alluded to in my consultation response to the Victims and Prisoners Bill.
- Certain forms of ASB, such as environmental ASB impacts wider communities may require a response outside of policing/victim support, however neighbourly disputes which impact individuals can achieve a more tailored response more akin to the type of support we offer through the first contact referral and assessment service.
- It is also worth considering that a service which supports victims of ASB in reporting their concerns to the right agency might also be required. Many victims call the police in the first instance only to be told that they need to contact their social housing provider or the local authority.

### What different kinds of support do you provide for victims of ASB? Does this change depending on the kind of anti-social behaviour experienced?

- Yes, the type of ASB will impact the type of response that is required.
- **Pioneer Group** - I commission Pioneer Group to work in partnership with West Midlands Police and other registered housing providers to find solutions for ASB/non-crime Restorative Justice cases (this service is not commissioned through the Victims Budget).
- The initiative offers a different approach to dealing with neighbour disputes, crime and community tensions by empowering individuals affected by ASB.
- The West Midlands Restorative Justice Hub is a Partnership with West Midlands Police, Pioneer Housing Group and Remedi providing Restorative approaches to ASB and Crime in the West Midlands (Remedi also delivers the Regional Hate Crime Service and RJ Service).
- **Victim Support** - I commission Victim Support to deliver the First Contact Assessment and Referral Multi-crime Core Project.
- It is important to note that Victim Support only supports victims of 'crimed' ASB.
- Victims of 'crimed' ASB can be supported with the following:
  - ✓ providing support by phone or face-to-face
  - ✓ helping victims understand the process of tackling crime and antisocial behaviour

- ✓ personal safety advice
- ✓ supporting in mediation if required
- ✓ and supporting a case goes to court.
- Victim Support highlights the complexities that often present in ASB cases in relation to the impact on individuals/communities they support.
- The support provided by Victim Support often involves emotional support but also sharing information and guidance on actions that can be taken with ASB; guidance on how to record incidents for evidence; liaising with housing providers who may be responsible for the offending tenant; liaising with Local Authority ASB Teams; and advocacy with the Police.
- Victim Support will also support with further guidance on potential ASB powers such as who can enact these and Community Trigger/ASB Case Review process.
- A frequent and debilitating impact noted by Victim Support in relation to ASB cases is victims feeling unsafe in their own homes; feelings of unease/ anxiety and the impact this has on carrying out day to day tasks without fear of being further targeted harassed or threatened by offenders.
- **Remedi** - support offered by the Remedi RJ Service will often vary given the individuality of each case and specific identifying needs.
- As standard, Remedi completes an initial assessment with all parties involved in a case which will look at the initial referral needs and any other external factors that may contribute to the progression of a case including underlying support needs that may present.
- The work delivered by Remedi is then related back to the outcome of that initial assessment, and will look at addressing the needs of the referral including support and signposting for mental, emotional and physical needs as and when identified.
- Cases are often progressed in a more time-sensitive manner due to it normally being a live situation as opposed to an offence that previously occurred where there are inevitable delays in most cases.

Are there any notable practices on ASB victim engagement or support that you would like to highlight?

- Recognising the nuances that can present during an ASB case is crucial, for many of the cases there is not always a clear victim or offender, the roles can be interchangeable.

- Due to the close proximity of the service users, work needs to be completed whilst being aware of ongoing issues, how these could escalate and cause a change in dynamics is also of importance. For example, a seemingly low-level case of neighbourly dispute can quickly escalate to criminal conduct if not resolved early on.
- There has to be a sense of urgency when working on such cases, the process should be time-sensitive as they are potentially living in that situation and although one referral has been sent, there could have been a number of incidents over a number of years, where each person could view themselves as a victim in situations.
- Victim Support highlights the importance of simply giving an individual the safe space to be heard, talk about their experiences and have their feelings validated as often, victims of ASB will have felt at such loss and vulnerable from the ASB that affects them in what should be the sanctuary of their home.
- Often, when those victim to ASB report, whether that be to the police, housing providers or local councillors, what they're experiencing can often be diminished or disregarded as being "low level", additionally, the onus is on the victim to gather evidence as opposed to the police or another statutory body.
- Please refer to the attached case study provided by Victim Support which highlights, from one of their service users, the positive impact having support service available had on their wellbeing having been subjected to ASB by a neighbour.



ASB - Victim  
Voice.docx

Have you encountered any challenges or blockers to supporting ASB victims that you would like to highlight?

- Similar to the direct experience of victims, it can be challenging to have those who can address the offender's behaviour take ownership.
- ASB Legal Powers are enacted either through the Criminal Justice System or by Local Authorities dependent on the power.
- Housing providers can also act based on a breach of tenancy, the issue is, that it is often up to victims to record and collate the evidence, rather than another body proactively investigating.
- Victim Support will shortly be embarking on collaborative pilots with Sandwell and Dudley Local Authorities and their ASB Teams where they will deliver joint work in the support of victims and hope this will provide a robust approach to tackling ASB as well as supporting the victim (this is not commissioned by the OPCC).

- Remedi highlights one of their main challenges being referrals that are not just one offence where there is a clear victim and a clear offender, there is often 5 - 15 years' worth of incidents that have contributed to an incident escalating and find that both parties, irrelevant of how it is recorded on police systems, will view themselves as a victim at some point.

Do you currently promote the ASB Case Review (formerly the ASB Community Trigger) on your OPCC website?

No

Does your OPCC have involvement in the ASB Case Review process? (e.g.; appeals, process review, governance)

No

Senior ASB stakeholders, practitioners and the Victim Commissioner's 2019 ASB 'Living a Nightmare' report have made recommendations for revising the Victims' Code of Practice to recognise and include the impact of persistent ASB victims. Would you support the inclusion of ASB victims (non-crime) within a revised Victims code? Please expand your answer if applicable.

- The Bill as currently drafted excludes victims of non-criminal ASB in the definition of a victim.
- This, alongside the fact that these victims are also excluded from the Victims Code, means that they do not have access to the rights, support and information within them. This means that victims of antisocial behaviour do not have the same right to be referred to support services as other victims do. This is despite the often-devastating impact that ASB can have.
- Research has shown that ASB can impact victims' sense of safety and security and can lead to victims' having to change their behaviours, day-to-day lives and even where they live.
- Given the seriousness of ASB the definition of victim must be broadened to include victims of persistent antisocial behaviour.

What are the implications of including ASB victims (non-crime) within the Victims' Code?

- The implication is that victims of ASB will be given the same level of rights as those who are victim to 'crimed' ASB. As noted previously, and as the case study shows, having ASB 'crimed'

can itself be a challenge, even where there are clear signs of crime such as criminal damage and harassment.

- We do not have figures that could give an accurate picture of the number of people in the West Midlands this would bring into eligibility for the Victims' Code.
- In order to have more contextualised data that can help inform changes to legislation and therefore further investment into this sector, improved partnership with Housing Associations nationally and the All-Party Parliamentary Group (APPG) on Anti-Social Behaviour would be beneficial.
- In addition, more victims will be able to access support services therefore resource nationally will have to be improved, the allocation of resource should also consider the regional disparities and needs of differing communities in line with recording to statutory and non-statutory agencies that work with communities, victims and offenders of ASB.

Are there any additional comments you would like to provide regarding supporting ASB victims?

- Remedi highlighted having made changes to how they assess cases and have offered additional training to their practitioners to deliver support and interventions that are more in line with the sensitivities and complexities presented in cases, ensuring their processes are safe and suitable.
- As there are a range of options for support for victims and actions that can be taken against the offender, a multi-agency approach would help address a range of ASB-related issues through the following; Mediation; Final Warnings; Preventative Services; Restorative Justice with the Police and other Partners; Housing Injunctions; Orders imposing demoted tenancies because of prohibited conduct; Possession proceedings and imposing the Environmental Protection Act 1990 where applicable.
- There are undoubtedly many cases nationally falling into the category of 'maladministration', especially in the context of housing, whereby the landlord (local authority or housing association) has an obligation to safeguard their tenants, often, cases of hate crime which can escalate in risk are classed as ASB. This includes cases whereby the tenant/s that is the victim is physically assaulted, racially abused or targeted based on their protected characteristics (reference to Jamie Barrow case – Nottingham, 2022).
- There is need therefore, for greater investment into supporting victims of ASB; Police Forces improving how they record and respond to ASB; and shaping support services in line with the nuances often missed along with improved offers of training for statutory bodies.

- The outcomes of this being to distinguish between hate crime and ASB, enable early identification of potential harm which may be caused by the offender and offer support and preventative measures where applicable.
- Lastly, the Anti-Social Behaviour Action Plan highlights that around 80% of prolific adult offenders begin committing crimes as children.
- There is a need to address the wider societal injustices which drives certain types of ASB. One example of this is Sex work and Sex-for-rent, sex work and survival sex which for some can amount to ASB but must be seen in the present post-pandemic context of economic struggle, high levels of poverty, gaps in housing provision and increased known levels of exploitation across these areas.
- Survival sex describes the experiences of women who are turning to selling or exchanging sex, to meet their immediate needs: to buy food, to secure a place to stay, or to provide for their children.
- Deprivation being a causal factor in pushing women in particular, to engage in more high-risk forms of sex work (such as working alone), or to feel that they have little control over their work. This can mean that “survival sex” workers are particularly vulnerable to exploitation or violence from customers and perpetrators.