

## **Putting victims first? : a critique of Coalition anti-social behaviour policy**

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## **Putting Victims First? A Critique of Coalition Anti-Social Behaviour Policy**

### *Abstract*

Anti-social behaviour (ASB) policy was not pursued by the Conservative-Liberal Democrat Coalition Government with the same vigour as their New Labour predecessors. Where developments did take place a clear shift in emphasis was apparent, with the needs of ASB victims elevated to the forefront of policy. This paper critically appraises two major developments that showcase the Coalition Government's attempts to overhaul ASB policy to 'put victims first', namely: the changes to call handling and case management processes, and the Community Trigger, which forces the authorities to review their responses to complaints of ASB in circumstances where victims feel they have been ignored. These particular policies aim to prioritise victims' needs, however it is argued the new victim-focus is: diluted by competing Coalition ASB agendas, demonstrates little connection between rhetoric and reality, provides limited redress for *all* victims and fails to coalesce with established attempts to tackle perpetrators of ASB.

**Key Words:** ASB, disability, politics, victimisation, vulnerability

## **Introduction**

The evolution of anti-social behaviour (ASB) policy in England and Wales since 1998 has been well documented (Burney, 2005; Millie, 2009; Prior, 2009; Hodgkinson and Tilley, 2011) and there is no intention to cover old ground here. This paper will critically analyse two policy developments introduced by the Conservative-Liberal Democrat Coalition Government that reflect a shift in ASB policy emphasis to become more victim-focused. Central to these proposals was the desire to focus on the needs of vulnerable and/or repeat victims (Home Office, 2012a) and make the process of obtaining ASB sanctions quicker and easier for the authorities (Home Office, 2011a). The first victim-focused development relates to police recording practices for ASB. Developed and implemented in 2011/12, eight police forces undertook a pilot call handling and case management approach to public reports of ASB to assist the identification of vulnerable and repeat victims. The second development, the Community Trigger, was brought about by the ASB, Crime and Policing Act (2014). In short, the Community Trigger forces relevant bodies to act if victims perceive their reports of ASB have been ignored (Home Office, 2013a). The rationale and timing of the Coalition's victim-focused emphasis will be explored by examining political rhetoric and empirical research to determine why ASB victims have recently been afforded this elevated status. The paper will then analyse the two victim-focused policies outlined above, paying particular attention to notions of vulnerability, before considering the extent to which these new strategies coalesce with more established attempts to curb the perpetrators of ASB incidents, with reference to the Troubled Families Programme.

## **Why Focus on Victims?**

New Labour's ASB agenda focused on the regulation of nuisance behaviour and a re-moralisation of the cultures associated with socially and economically marginalised communities (Garrett, 2007). The ASB policy rhetoric pursued by the Coalition demonstrated a marked shift in emphasis from previous ASB policies and reflected two distinct themes: families<sup>1</sup> and victims. Perhaps influential in the decision to change policy direction, was the potential for the Government to re-define ASB discourse, allowing the Coalition to put their own 'stamp' on a policy area that epitomised New Labour. It is clear from high-profile speeches that different Coalition figures took responsibility for each thematic area. Prime Minister David Cameron championed the family as a site for ASB intervention particularly through the Troubled Families Programme (Cameron, 2011a; 2011b; 2014), and Home Secretary Theresa May concentrated on the needs of vulnerable and/or repeat victims (May, 2010; 2011; 2012a; 2012b). From a political perspective, it is interesting to note how the two primary definers of Coalition ASB policy rarely articulated each other's theme. For example, May did not mention troubled families in any party conference or major ASB speeches during the Coalition. This is in stark contrast to their predecessors Tony Blair and David Blunkett who worked closely together to utilise each other's symbolic capital to define New Labour's approach (Garrett, 2007). The policy split within the Coalition might reflect the cross-governmental nature of ASB, with Cameron's Troubled Families Programme based at the Department for Communities and Local Government (DCLG), with May's vulnerable victim theme based at the Home Office. However, the practical repercussions of this appear to be the creation of different ASB agendas, especially considering how Cameron's focuses

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<sup>1</sup> Families did feature in New Labour ASB policy through, for example, the introduction of Parenting Orders and Family Intervention Projects (Millie, 2009), but to a much lesser extent than Coalition discourse where the family was promoted as a cornerstone of domestic policy-making in general (Department for Work and Pensions, 2014).

on perpetrators and May's on victims. The capacity of these different agendas to coalesce will be explored later through a victim-focused lens, as the focus of this paper is on the work of Theresa May and the Home Office due to the overarching policy shift.

The Home Office's ASB victim policies were heralded by May as a response to a number of high-profile tragic events involving vulnerable and repeat victims. These incidents included the suicide of Fiona Pilkington and her disabled daughter Francecca Hardwick in 2007, following a sustained campaign of harassment (Independent Police Complaints Commission, 2011a). There was also the case of David Askew, a 64-year old with learning difficulties, who died of a heart attack in 2010 after being bullied and harassed by young people over a ten-year period (Independent Police Complaints Commission, 2011b). May referred to these incidents as 'horror stories' (May, 2012a), claiming ASB was 'destroying good people's lives' and generalised her comments to suggest ASB was responsible for 'millions of tarnished lives' (May, 2010). This victim rhetoric concentrated on 'personal' ASB (incidents targeted at an individual rather than a community) and demonstrates how the Coalition attempted to orchestrate public emotions and garner support in its bid to reform ASB, as victimisation and vulnerability are socially constructed for political and economic purposes (Green, 2007). However, instead of the victim focus constituting a responsive policy shift, a more critical appraisal of the policy changes might suggest that such emotive, populist policies provided an ideal opportunity to alleviate some of the damage caused to the Coalition parties during the May 2012 local elections (The Observer, 2012). Historically ASB policy has been heavily related to political posturing and reputation building, with Mooney and Young (2006) suggesting that it was indeed created to build New Labour's crime-fighting credentials in light of the crime-drop. Furthermore, Squires (2006) contends tackling ASB itself was an

attempt to close the 'justice gap' by focusing on enforcement action. It appears that an attempt at reputation building is partly responsible for the Coalition's changes to ASB policy, in a similar way to their predecessors political manoeuvring (Duggan and Heap, 2013; Heap, 2014); highlighted by the implementation date for the Community Trigger falling in October 2014, a little over six months before the 2015 General Election. This is further underlined by the emotion generating focus on personal ASB as part of the victim discourse, which glosses over the statistics that suggest 'nuisance' ASB incidents (behaviour that causes trouble/annoyance to a community) are really causing the most problems as they total more than double the number of personal incidents and have done so on a sustained basis since the categorical measures were first introduced in 2011/12 (Office for National Statistics, 2012; 2013; 2014).

Politics aside, evidence from a variety of sources also suggests the profile of ASB victims should be raised and their experiences acknowledged. Initially it was the police that brought the concept of ASB victims to wider attention. The report *'Anti-Social Behaviour: Stop the Rot'* in 2010 by Her Majesty's Inspectorate of Constabulary (HMIC), examined how the police deal with ASB and highlighted the incongruent status afforded to ASB amongst police officers compared to crime. It suggests that reporting practices relating to potential repeat and/or vulnerable victims 'contributed to an increasing acceptance or "defining down" of ASB that we should not have grown used to' (HMIC, 2010: 11). The report proposes a more proactive approach to ASB in order to remedy this, emphasising early intervention and more police 'feet on the street' (HMIC, 2010: 7). It also contends that communities have a role to play in tackling ASB, a topic that will be addressed later. Research evidence further supports the policy shift. Clarke et al. (2011) suggest how practitioners think more ought to be done

to meet the needs of victims and witnesses, particularly for those who are vulnerable. Research into victims' perspectives of ASB also indicates that victims' needs should be elevated. Heap (2010) found victims held negative perceptions of the authorities' approach to tackling ASB. Participants cited a lack of response to ASB reports from the authorities (police and social housing providers); generating a strong sentiment that reporting ASB was a waste of time and constrained future reports. This reiterates the work of Squires and Stephen (2005) who draw attention to the gap between public perceptions and enforcement priorities. This highlights how victims' experiences of ASB are often compounded by unsatisfactory responses from the authorities. These findings indicate that victims of ASB, whether vulnerable and repeat or not, require additional support through policy change, therefore attention will turn to the policy developments themselves to consider whether victims' needs are being adequately addressed.

### **Recognising and Reconciling Vulnerability**

In order to ameliorate some of the concerns raised by HMIC (2010), the Home Office alongside the Association of Chief Police Officers (ACPO) supported a number of call handling and case management trials in 2011 to better identify and protect vulnerable and repeat ASB victims. The inclusion of the term vulnerability in the ASB policy discourse was undoubtedly fuelled by the high-profile tragic cases involving vulnerable victims such as Pilkington and Askew. However, the focus on vulnerable victims requires further consideration with the notions of vulnerability and disability examined within an ASB context, because both practical and conceptual difficulties abound.

In practice, ACPO led eight forces and their partners (e.g. Community Safety Partnerships) to engage with five core principles to better protect vulnerable and repeat victims. These were:

- 1) Having an effective call handling system
- 2) Assessing potential risks to victims early in the call handling process
- 3) Using simple 'off the shelf' IT systems to share information
- 4) Having shared case management principles between all agencies
- 5) Having a robust community engagement process to identify community concerns

(Home Office, 2012b: 7)

Once signed up to these principles the eight police forces utilised a 'bottom-up' approach to develop a call handling and case management system considered most responsive to the local context. The results from these trials were considered positive (Home Office, 2012b), although it is difficult to proclaim their wholesale success due to the self-assessment nature of the findings, in contrast to a formal process and/or outcome evaluation. Despite the lack of a methodologically robust evidence base, Theresa May states in the forward to the report that 'our aim is for other police forces and their partners to see what has worked in practice so that they too can consider introducing a similar approach' (Home Office, 2012b: 3). This sentiment is further echoed on the Home Office website, which affirms how the aforementioned report 'sets out our plans to deliver on the commitment to introduce more effective measures to tackle antisocial behaviour' (Home Office 2013b). However the key question is whether this is reflected in reality?



In order to assess the uptake of the call handling and case management practices, the author contacted the Home Office via a Freedom of Information request. According to the Home Office (2013c, personal communication), they do not collect information about the number of police forces currently using the call handling and case management practices outlined above. Furthermore, they state it is not a 'formal requirement' for all police forces to adopt such practices. Therefore despite the rhetoric surrounding vulnerable and repeat victims, in reality there is little understanding of what is happening in practice and a clear lack of commitment to evaluate the impact of measures to help vulnerable and repeat ASB victims. These surprising findings are somewhat mitigated by figures produced by HMIC (2012), which show that all 43 forces have IT systems in place to identify vulnerable and repeat victims, with 33 forces able to do this automatically for repeat victims and 21 for vulnerable victims. There is also an acknowledgment that improvements in tackling ASB have been made since HMIC investigated the issue in 2010. However, the HMIC (2012) report also highlights how the call handling practices vary significantly between police force areas. For example, there are distinct contrasts between forces who undertook the call handling trials, as well as those who did not, when a sample of 100 calls was examined. Of the trial areas, Lincolnshire checked 75/100 calls for repeat victimisation and 30/100 for vulnerability, compared to South Wales who checked 25/100 and 10/100 respectively. In the remaining forces, Dyfed-Powys checked 82/100 for repeats and 56/100 for vulnerability in contrast to West Yorkshire who checked 29/100 and 18/100 respectively (HMIC, 2012). These wide variations are underlined by the revelation that 'no force consistently bolster this [the IT] functionality by ensuring that tactful and targeted questioning of the caller takes place' (HMIC, 2012: 28). This may be a resources issue, particularly when considering the rural nature of some of the police forces mentioned above. However, this will be of little comfort

to victims of ASB whose suffering is in no way diminished by their geographic location. In addition, research undertaken by Hopkins Burke et al. (2012) found that numerous cases of ASB recorded by the police could have been recorded as crime. This raises questions about the decline in police recorded crime and extent to which criminal incidents have been (in)advertently classified as ASB. These startling inconsistencies further highlight the lack of commitment to improving the experience of reporting ASB for *all* victims and demonstrate how reporting ASB is essentially a postcode lottery. Regardless of the issues with the systems in place to identify vulnerable or repeat victims, the implementation overlooks the complexities of vulnerability and in particular, the association between vulnerability and disability within Coalition ASB policy.

Conceptually, the policy rhetoric appears to be re-defining ASB as a concern for the vulnerable, but more specifically disabled people due to the foregrounding of the high-profile tragic cases (May, 2010; 2011; 2012a; 2012b). This politicisation of vulnerability may be the type of rhetoric required by the Coalition to bolster public support in light of swingeing budget cuts to the criminal justice system and disability benefits such as Disability Living Allowance (now Personal Independence Payments). Alternatively it might be seen as a way of addressing poor disability hate crime conviction rates (Roulstone et al., 2011). However, the policy reaction to the Pilkington and Askew cases appears to conflate vulnerability and disability and this needs challenging. Victimologists suggest that vulnerability is based on personal attributes (Sparks, 1982), that encompass a range of internal and external aspects (Killeas, 1990). Disability could be one of these aspects and Garland (2012) makes the salient point that victims such as Fiona Pilkington are not *inherently* vulnerable, but in fact vulnerable to increased levels of the *risk* of harassment.

Some disabled people are disproportionately vulnerable to a greater risk of ASB harassment/victimisation because we know there are high numbers of disabled social housing tenants that also live in deprived areas (Wood and Edwards, 2005), which are both indicators of exposure to ASB (Nicholas et al., 2007). This shift towards protecting the vulnerable from ASB, particularly disabled people, could be seen as a positive change of perspective based on previous research as there has been a clear policy shift from sanctioning disabled people as perpetrators to focusing on their victim status. However, the policies that disproportionately sanctioned them in the first instance have not necessarily been remedied. For example, the British Institute for Brain Injured Children (2007) found that 5% of ASBOs reported by ASB Co-ordinators and 37% of ASBOs reports by Youth Offending Teams were given to those under the age of 17 with diagnosed mental health problems or accepted learning difficulties, stating these vulnerable young people were easy targets for the sanction. Fyson and Yates (2011) reinforce this by demonstrating a continued lack of awareness and understanding of learning disabilities, within the context of ASB practice.

Nevertheless, the real disconnect in the call handling policy and wider ASB discourse is the link between ASB, vulnerability and the hate crime threshold. There is an astounding lack of clarity throughout the policy documents relating to the point at which ASB becomes a hate crime. This issue is further confused because of the references made to the 'targeting' of vulnerable victims in policy documents (Home Office, 2011a) and speeches by Theresa May that refer directly to the Pilkington case (2012a). ASB *targeted* at a victim due to the perpetrators hostility towards disability (such as Pilkington's daughter) should be identified and addressed as a hate crime under s.146 of the Criminal Justice Act (2003). Therefore,

whilst the Pilkington case is held up as the type of ASB incident not to be repeated, it should in fact not have been considered as ASB at all and this is a fundamental flaw of the victim-focused ASB policy. This is particularly pertinent because the Criminal Justice Joint Inspection Review (2013) specifically examined disablist hate crime and proposed that changes need to be made around how the police and Crown Prosecution Service identify and record these incidents, with the follow-up report still insisting there is work to be done in this area (Criminal Justice Joint Inspection, 2015). However, this situation is further complicated by the way the law constructs disablist hate crime as something different from crime (or ASB) targeted at those perceived to be vulnerable (Roulstone et al., 2011). Therefore if a victim is targeted because they are perceived to be vulnerable, which they may be *as a result* of their disability the behaviour is classed ASB, whereas if the victim is targeted due to the offender being prejudiced against disabled people it is hate crime. It appears the subjective and perceptions-based definitions of ASB, vulnerability, disability and hate crime have been drawn together by their shared blurred boundaries and are further complicated by the suggestion that vulnerability and hate are not mutually exclusive (Roulstone and Sadique 2013). This compounds the practical difficulties mentioned earlier, making cases extremely difficult to accurately identify and for an effective response to be delivered, with issues for crime data manipulation and the accuracy of statistics. These problems have not been adequately addressed by the policy discourse and could still lead to victims falling through the gap between ASB and hate crime provision in a similar way to Pilkington, especially as it relies on the victim's perception of the incident. The statutory guidance document for the new ASB powers produced by the Home Office (2014) briefly mentions hate crime, but does not use the terminology 'hate incident', which relates to non-criminal hate motivated behaviours (Crown Prosecution Service, 2007), which is where the overlap with ASB lies. By

neglecting to recognise hate-motivated incidents and retaining these incidents within the jurisdiction of ASB legislation, the seriousness of this victimisation is over-looked and down-graded because the meaning of 'anti-social' is very different to 'hate' (Duggan and Heap, 2013). Failure to use the term 'hate incident' therefore contradicts the increased emphasis and support proffered to vulnerable victims and retains the silos between ASB and hate crime. Those charged with identifying and recording ASB and hate crime need to adopt a shared terminology to recognise the overlap and better serve vulnerable victims, including all victims with the protected identity characteristics set out in s.146. It is interesting politically, as well as disappointing practically, that none of the other protected characteristics have been given the same high profile as disability in the ASB discourse, especially because research that shows Black and Minority Ethnic (BME) groups for example, are more likely to perceive<sup>2</sup> higher levels of ASB (Nicholas et al., 2007). Chakraborti and Garland (2012) argue the interpretation of hate crime should be widened to include vulnerability and this suggestion should be considered in light of ASB policy too. Donoghue (2013) also suggests victim engagement is necessary to develop risk assessment practices and shape professionals' understanding of vulnerability. However this may only capture the views of victims with the capital to engage in such debates, which may dilute its practical value for many vulnerable victims. At this juncture it is also important to remember that ASB is not a concern of the vulnerable alone (whilst acknowledging that vulnerable victims may be less equipped to counteract their victimisation). Other tragic high-profile victims could *not* be classified as vulnerable or repeat. For example Garry Newlove, was murdered in 2007 following an altercation with a group of alcohol-intoxicated young people he suspected had

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<sup>2</sup> Due to definitional and counting issues, the British Crime Survey used perceptions of ASB as a proxy measure for experience between 2003 and 2011. From 2012 the Crime Survey for England and Wales has provided ASB incident data, but this does highlight the experiences of different demographic groups.

vandalised his wife's car (The Guardian, 2007) and in 2011 Dr Suzanne Dow committed suicide after suffering months of harassment from her neighbours despite numerous attempts to seek help from the authorities (The Telegraph, 2013). These cases underline how the authorities' response to *all* victims of ASB should be improved, in terms of identification and *action*.

The issues with the call handling and case management trials, the conceptualisation of vulnerability and the treatment of all victims are mitigated by wider policy issues. The other aspect raised by the initial HMIC report in 2010 relating to improving the handling of ASB reports, was putting 'feet on the street'. If the call handling and case management systems are not meeting the needs of victims, frontline police officers could be potentially fill this gap. It appears not. The House of Commons Library (2013) details that police officer strength<sup>3</sup> is currently at the lowest recorded level since 2002 (although it still remains high in historical terms during a period of falling crime). The National Audit Office (2015) reports a 25% reduction in police funding throughout the duration of the Coalition, with a reduction in the size of the police workforce by 36,672. This is the reality of the 23% cuts made to the Home Office budget by 2015, which Theresa May detailed at the National Conservative Convention in 2013, coupled with the announcement that since coming to power the Coalition have overseen reductions in crime of over 10% (May, 2013). However, it is clear from the evidence produced above that victims of ASB, be they vulnerable, repeat, both or none of those categories; are still not receiving a consistent level of service from the police, with reductions in recorded crime potentially attributable to some crimes being classified as ASB.

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<sup>3</sup> Police officer strength represents the number of full-time equivalent police officers.

There are evidently problems with the police delivering effective changes to reporting practices, despite commitments from the Home Office and HMIC to prioritise such developments. This is particularly ironic considering the latter were so critical of the delays and unreactive nature of partnership approaches to tackling ASB in their original report (HMIC, 2010). Therefore it is perhaps conceivable that some of the difficulties associated with recording practices stem from them being too heavily police-led. Heap (2010) found that despite most reports of ASB being made to the police, there were a large number of instances where victims reported ASB to local authorities and social housing providers. Therefore by focusing on the reporting mechanisms of the police, the experience and victim status (vulnerable or repeat) is not under such scrutiny in other areas, creating the possibility of inconsistencies in responses to reports of ASB, dependent on which agency the incident is reported to. The variance in reporting ASB is not a new issue (Wood, 2004; Heap, 2010), but it feeds into the disparity of service received by victims. Although well-meaning, the consequence of the creation of a knee-jerk policy response such as the focus on vulnerability is that it often over-simplifies the problem and signifies a purely performative political gesture. This has occurred here due to the particularly complex framework of ASB and appears to have made matters more complicated.

### **Victims Triggering Responses**

As part of the ASB, Crime and Policing Act (2014) the Community Trigger forces relevant bodies, such as the police or local authority, to review the responses they have made to complaints of ASB. The caveat for a review of ASB complaints being granted is that the relevant bodies must agree whether a reporting threshold has been met. In the initial

consultation document, this threshold was set at five individual complaints from five different households, or three complaints from an individual about the same issue in the same neighbourhood in the last six months where no action had been taken (Home Office, 2011a). However by the time the White Paper had been produced in 2012, these national thresholds had been removed in favour of locally produced criteria to 'suit local circumstances and focus on local priorities' (Home Office, 2012a: 12). However, the problem with this approach is ensuring a *suitable* threshold is locally agreed. It is unclear how this should, and will, be deliberated and formulated in practice. For instance, it seems logical that the more ASB an area suffers from the higher the threshold of the Trigger should be, because more resources will be in place to deal with the behaviour in the first place. However, the greater the amount of ASB and associated resources/personnel involved increases the likelihood that a case may be mismanaged, which indicates the necessity for a lower Trigger threshold. Equally, an area with fewer incidents of ASB could have a lower Trigger threshold to reflect the rarity of the incidents (and perhaps decreased tolerance of ASB from the residents). Alternatively it could be aligned to public perceptions of ASB (which prior to 2011 was the national means for measuring ASB before incident counting). However the Trigger threshold is fashioned, the fundamental problem is that it is unfair that in one location three complaints is enough to Trigger a response by the relevant bodies whereas in another location it is five, particularly when there is no accounting for the severity of the incidents or the vulnerability of the victim. This may simply be an inevitable consequence of Conservative-driven localism, which removes their responsibility for delivery. Nevertheless, it does not seem right that one person's experiences of ASB can remain untended because they have not reached a crudely constructed threshold, simply because they are not considered to be enough of a victim. A further aspect of location to consider is rurality. With



the Trigger being agreed at force level, both urban and rural communities will be served by the same threshold. This reinforces the potential for additional local disparities for victims, because based on the premise that deprived urban areas suffer from relatively more ASB (Flatley et al., 2008), incidents in rural locations may have a greater impact on quality of life.

The acknowledgement of ongoing victimisation and the subsequent measures put in place to manage cases more efficiently is effectively an attempt to make the victimisation experience more pleasant, akin to a range of 'customer experience' type measures (Duggan and Heap, 2014). This is a purely reactive policy that only operates once multiple incidents of ASB victimisation have occurred. It assumes victimisation is *inevitable*, particularly as there has been little investment in any type of primary ASB prevention, and therefore contradicts the Coalition's assertion to put victims first. Essentially this power should not have to exist. Every complaint should receive a response, but failures by the authorities particularly relating to vulnerable and repeat victims, has prompted its introduction and the realities of it functioning in practice must be addressed. By focusing on vulnerable victims, as well as introducing arbitrary measures around the threshold, the Coalition has created a new *hierarchy of victimisation*. The damaging consequence of this approach is labelling one victim as more deserving than another and it can be seen how certain victims are demarcated (vulnerable and repeat victims), prioritised (as per the call handling changes) and responsibilised (charged with activating the Community Trigger if their complaints have not been satisfactorily addressed) (Duggan and Heap, 2014). It can be successfully argued that vulnerable victims of ASB need more support as they may suffer more harm as a consequence of their victimisation (Green, 2007), but this should not be provided at the expense and inequality of others and should certainly not embroil victims in an additional

layer of criminal justice bureaucracy. The potential for an unbalanced provision for victims did not go unnoticed and was highlighted by the Home Affairs Select Committee (2013), who suggested that a national (entirely arbitrary) maximum of five complaints was a necessary backstop for these proposals. Already in the pilot project, four different areas implemented three different threshold levels (Home Office, 2013d). However, this issue was not considered serious enough for revision in the ASB, Crime and Policing Bill during its passage through Parliament. The pilot projects generally reported positive findings (Home Office, 2013d), however these self-assessed appraisals (similar to the call handling and case management trials detailed above) do little to assert the external and ecological validity of the findings and whether these policies can be effectively generalised and transferred into practice on a national scale.

There are further problems with the Community Trigger. It is unclear how the threshold will be communicated to the public and more importantly, how it will be communicated to vulnerable victims to ensure they are able to take advantage of it. This aspect is crucial if the powers are to translate effectively into practice and could be hampered due to a lack of additional funds being allocated to facilitate the implementation of the new legislation (HC Deb 2013-14). Even if victims are aware of the new power, it is potentially problematic in areas where residents are too afraid to report ASB and cannot achieve the necessary number of complaints to meet the threshold. Conversely, it is also theoretically open to manipulation by persistent complainers. For example, when there is a less serious complaint of ASB where the victim is more vocal, an individual could technically make the required number of complaints simply to provoke enforcement action. It seems a real possibility that the authorities' resources attached to the Community Trigger could be busy responding to

those who shout the loudest about relatively trivial issues, to the detriment of the vulnerable and repeat victims the Coalition is so keen to support. The Community Trigger has highlighted the role of the community in tackling ASB. The community has been responsibilised as a site for action against ASB, in the sense that to spark the Trigger the community must play their part through meeting the threshold for review by reporting ASB the prerequisite number of times. This approach is similar to the narrative espoused by the White Paper *Respect and Responsibility - Taking a Stand Against Anti-Social Behaviour* (Home Office, 2003). However, this idealised view does not necessarily empower communities, failing to take account of the general loss of public confidence in the statutory crime control agencies as well as the development of dismissive attitudes towards the police which creates a culture of non-reporting (Casey and Flint, 2007) and fear (Heap, 2010). This is notwithstanding communities that have *always* lacked trust in the police (Evans, 2010). In addition to increased co-operation with the police, greater displays of informal social control have been called for by the HMIC (2010: 11) report that states: “individuals and communities must mobilise their defences by re-establishing acceptable rules of behaviours for those in public spaces”. Similarly, Rogers (2010) suggests people should be trained in basic community safety skills to diffuse conflicts associated with ASB, in a similar way to how people are trained in first aid. If a community has been suffering from ASB for a prolonged period of time without adequate assistance from the authorities, they are unlikely to be able to ‘mobilise their defences’, take ownership or intervene when they are too afraid to even report incidents (Heap, 2010; Duggan and Heap, 2014). Such suggestions are unworkable within the current ASB policy framework, particularly amid broader public sector spending cuts associated with the Coalition government. A more realistic solution would be to locate some middle-ground between formal and informal modes of social control to determine

whether greater community responsibilisation would work where the community is fragmented and with low engagement and participation, as the above proposals favour stable, middle class communities which are more likely to take action (Hancock, 2006).

An additional dimension to consider aside from the threshold itself is the idea that the Trigger will come into effect when 'no action has been taken'. It is unclear what this means in practice. If this really does mean no action *at all* in terms of a response from the authorities, the Pilkington case would have not met the criteria for the Community Trigger because action had been taken by the police, albeit unsatisfactorily. This precipitates the question of whether 'no action' is based on the perception of the victim, if they feel the response has been unsatisfactory and the problem not resolved, or whether this is solely down to the discretion of the authorities. Greater clarification of this aspect is required, particularly for victims who wish to utilise the Trigger and especially those who may be vulnerable enough to not understand the complexities of this legislation, such as those with poor English language skills, mental health problems and/or learning difficulties.

A final point to contemplate is how this policy coalesces with other policies aimed at tackling perpetrators of ASB. It has specific implications for the performance measures associated with the Troubled Families Programme, of which reducing ASB is a key component. The Troubled Families Programme is the Coalition's version of New Labour's Family Intervention Programme. It was initiated by David Cameron after the English riots of 2011 and embodies his ASB rhetorical focus on families (Cameron, 2011a; 2011b; 2014) (as opposed to Theresa May's focus on victims). The programme works with families who "are involved in crime and anti-social behaviour, have children not in school, have an adult on out of work benefits

[and] cause high costs to the public purse” (DCLG, 2012: 3). This scheme operates under the remit of payment by results, with local authorities receiving payment subsequent to a 60% reduction in recorded ASB incidents across the family within the past six months (DCLG, 2012). By having a threshold value, the Community Trigger incentivises ASB reporting, therefore potentially affects whether a 60% reduction in ASB by the ‘troubled family’ can be achieved, leading to the possible gaming of figures and a pressure not to record. As a result of this paradox, the two policies are effectively competing against each other, with victim success in one (the review of the response) affecting failure in another (greater reports and non-payment). The potential impact of the Community Trigger on the Troubled Families Programme could lead to Local Authorities not being paid for the work they have already undertaken. Consequently any funding deficit could be recouped from wider crime reduction budgets, which may lead to increases in crime and act as a disincentive to work with troubled families long-term. This policy disconnect highlights fractures between Cameron and May's different ASB discourses and how their personal policy foci have not been effectively considered in tandem. This oversight also fails to acknowledge the potential intersection between victims and perpetrators, so whilst vulnerable victims are being prioritised they may be simultaneously under scrutiny as part of the Troubled Families Programme. This drags the victim-focused policies into the highly contested, extensively debated idea that ASB policy acts as a vehicle for governing the poor and marginalised (Carr and Cowan, 2006; Tyler, 2013), much of which is beyond the scope of this paper. However, drawing ASB victims into the politics of the socially marginalised further burdens them with the class-based dogma advocated by the Coalition. This was epitomised by the 'striver versus skiver' rhetoric, which champions 'hard-working families' and discredits those out of work and receiving benefits (The Guardian 2013; Cameron, 2014). Such social divisions have been

reinforced by a media discourse that uses the derogatory term *chav* to caricature negative traits associated with the working class such as violence, fecklessness, delinquency and laziness (Jones, 2011). Indeed, Tyler (2013) suggests how the term *chav* signifies class struggle within neoliberal society. Valentine and Harris (2014: 91) extend this assertion by reporting how contemporary class-based prejudice has become pervasive within working-class communities, with 'growing social antagonisms about who has the right to make claims on the state'. These findings are reinforced on a larger-scale by the British Social Attitudes Survey, which has shown attitudes towards working-aged benefits claimants are hardening (Taylor-Gooby, 2015). This highlights how victims of ASB may also be vulnerable due to their social class, as well as any other protected identity characteristics mentioned previously.

Fundamentally, the rationale behind the Community Trigger is to prevent another tragedy such as the Pilkington case. However, this policy creates numerous ethical and practical tensions, which demonstrate a lack of foresight and bring into question the overall efficacy of the proposals.

## **Conclusion**

The Coalition has attempted to create its own version of ASB policy by pursuing a route where victims' needs are prioritised. By deconstructing changes to police call handling and case management and the Community Trigger this paper has suggested how these developments have been poorly conceived and are fundamentally flawed. The call handling and case management changes have been shown to be inconsistently implemented on a national scale, thus creating a postcode lottery for victims in terms of how their complaint is managed, particularly those who are vulnerable and/or repeat. Under scrutiny, the

Community Trigger generates numerous questions about the value placed on ASB victimisation for different groups of people, with the potential to create a hierarchy of victims based on factors such as vulnerability and residential location. The inconsistencies between both of the policies appear to have been fuelled by competing ASB agendas from those at the top of the Coalition government, with May focusing on the needs of vulnerable victims and Cameron on perpetrators. Despite both delivering salient political rhetoric, the lack of communication appears to limit the level of redress available to victims when considered in practice, which undermines the intended victims focus.

Victims of ASB would be better served by policies that aim to prevent ASB victimisation in the first instance for *all* types of victims, thus avoiding a concentration on retrospective justice. This could be achieved by increasing opportunities for education, recreation and building community cohesion. Further training for frontline officers and call handlers on a national scale would assist the identification of vulnerable and/or repeat victims, could include emphasising the differences between ASB and hate crime, and promote a shared terminology around hate incidents. These suggestions may not provide vote-winning sound bites, quick results or be cheap to implement, but they are examples of truly *putting victims first*.

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