

**Department of Justice
& Department for
Communities**

**Consultation on proposals
to amend the legislation to
help tackle Anti-Social
Behaviour**

**Response from the Commissioner Designate for
Victims of Crime for Northern Ireland**

March 2024

About the Office of the Commissioner Designate for Victims of Crime

The Commissioner for Victims of Crime's Office (CVOCO) is an independent body which represents the interests of victims of crime in Northern Ireland. The Commissioner Designate was appointed by the Minister of Justice in March 2022 to be an independent voice for victims of crime. The overarching purpose of the Commissioner Designate is to represent the needs and interests of all victims of crime and help drive systemic improvements across the criminal justice system.

This will include helping to identify any areas where victims are not consistently being provided with their entitlements set out within the Victim Charter and ensuring that their issues and experiences are raised in the public arena, with Government, with criminal justice organisations and organisations that support and represent victims, in order to bring forward effective change.

General Comments

The Commissioner Designate welcomes this consultation and the intention behind the proposed amendments.

There are some constructive amendments proposed in the consultation that will likely provide some relief and/or hope for victims of persistent anti-social behaviour. For example, reducing the threshold for obtaining an ASBO on application, widening the definition to include housing-specific anti-social behaviour, lowering the standard of proof necessary for the imposition of an ASBO on Application and considering the introduction of positive requirements all have potential to make a difference to the experience of victims of anti-social behaviour.

The Commissioner Designate would like to see greater emphasis on engagement with victims as part of the process and at the very least would like to see due consideration given to the victim experience and the impact any anti-social behaviour (whether isolated or persistent) has had / is having on the victim's life.

The Commissioner Designate also notes that many of the proposed amendments within the consultation document place an emphasis on 'the offender' or those engaged in anti-social behaviour. While this is vitally important, we believe that provisions should also be made to ensure victims:

- a) Are given a voice and can play a role in the ASBO process; and
- b) Can access avenues of support even where offenders have not been convicted or a case has not met the threshold for obtaining an ASBO.

Efforts have been made to include this issue of recognition and access to support for victims within the Victims and Prisoner's Bill¹ in England & Wales. In addition, the Victims Commissioner for England and Wales' briefing paper ² on the Bill states:

'From meeting and talking to many victims of persistent ASB and harassment, it is apparent that the police all too often view incidents of ASB in isolation and as a result, they fail to recognise the cumulative impact and the high level of harm caused.'

'We know this cumulative impact can devastate victims' lives, affecting their sleep, work, relationships, health, and feelings of safety in their own home.'

This very much resonates with the Commissioner Designate's experience of meeting with victims, who feel let down by the systems that are supposed to protect them. She recently met with victims of crime, specifically hate crime, who have experienced repeated episodes of intimidation and ASB, both in their own homes and in their places of work. The failure of the PSNI to record these episodes of ASB as inter-related has impacted on the police response and the ability to adequately protect these victims.

As highlighted in the briefing paper referenced above, a Case Review mechanism exists in England & Wales, in which victims of ASB can request a Case Review after three reported incidents over a six-month period. ASB Help, an organisation that provides guidance on how to access support as a victim of ASB, has reported³ that this mechanism is not being universally or adequately implemented. The Commissioner Designate would like to see a similar or equivalent mechanism put in place here in Northern Ireland and properly implemented.

Links between ASB and Domestic Abuse

The Commissioner Designate has met with the Domestic Abuse Housing Alliance⁴ (DAHA), who work with local authorities and housing associations in GB to improve the housing sector's response to domestic abuse through the introduction and adoption of an established set of standards and an accreditation process and the provision of specialist training.

¹ [Victims and Prisoners Bill \(parliament.uk\)](https://www.parliament.uk/bills/2020-21/victims-and-prisoners-bill)

² [ASB-Briefing-Victims-and-Prisoners-Bill-Victims-Commissioner-December-2023.pdf \(cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com\)](https://www.victimscommissioner.gov.uk/media/1215/ASB-Briefing-Victims-and-Prisoners-Bill-Victims-Commissioner-December-2023.pdf)

³ <https://asbhelp.co.uk/our-new-report-shows-how-victims-are-being-let-down-by-asb-case-reviews/>

⁴ [DAHA - Domestic Abuse Housing Alliance \(dahalliance.org.uk\)](https://dahalliance.org.uk/)

According to DAHA, tenants who are experiencing domestic abuse are four times more likely than other tenants to have ASB complaints made against them⁵. This can often be due to the misidentification of domestic abuse as ASB. For example, neighbours who hear frequent shouting, screaming, or banging might contact their local council, NIHE, landlord or police to report suspected ASB when some of the residents are victims of domestic abuse and may be at serious risk of harm including homicide.

When housing, police, or other multiagency professionals do not recognise these reports as domestic abuse and continue to treat them as ASB, they risk criminalising, isolating, evicting, and ultimately causing homelessness to victims and survivors, instead of offering safeguarding and support.

DAHA are working as part of a multi-agency project based in London called Restart⁶ that works to keep families safe within their own homes by providing an early intervention service with children's social care teams coupled with the provision of specialist domestic abuse services and includes, where appropriate, access to accommodation pathways for the perpetrator in order to keep families safe at home. This means that domestic abuse victims are not forced to leave their local support structure and potentially break their tenancy agreement, if they do not want to.

They have also developed a toolkit⁷ for housing providers in GB that provides guidance on addressing the needs of victims of domestic abuse/violence and "spotting the signs", including the key signs of domestic abuse/violence that housing providers should be aware of including;

- Antisocial behaviour – Domestic abuse is commonly labelled by housing providers as antisocial behaviour but is often an indicator of domestic abuse/violence;
- Rent arrears – Residents experiencing domestic abuse/violence are 7 times more likely to be in rent arrears of more than £1000;
- Repairs – There tends to be high levels of property damage in homes where there is domestic abuse/violence.

⁵ [Safe at Home Report.pdf \(safelives.org.uk\)](#)

⁶ [Restart - Cranstoun](#)

⁷ [13 -wha-daha.pdf \(dahalliance.org.uk\)](#)

Links between ASB and other vulnerabilities

Misidentified ASB does not only cover situations of domestic abuse. There are many circumstances where the nuisance and annoyance perceived by neighbours are linked to other vulnerabilities or circumstances that are beyond the tenants' control.

There will also be many victims/survivors of domestic abuse who also experience other vulnerabilities and might be wrongly suspected of causing ASB. ASB is often linked with mental ill health, and it can intersect with neurodivergence and how people interpret others' behaviour.

It is therefore vital to consider any response to ASB with caution and always consider the potential vulnerabilities and personal circumstances in which tenants find themselves. Any proposals to amend legislation to include injunctions, powers of arrest and power of exclusion, must be accompanied with the requisite training and awareness raising for frontline professionals on the links between ASB and domestic abuse and other vulnerabilities.

If you would like to discuss any of these points in further detail, please contact the office via:

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