

UK

Children bear the brunt of "anti-social behaviour" measures

- Anti Social Behaviour Orders (ASBO's) target children and protestors

On 19 July the Home Office launched a five-year strategic plan entitled Confident Communities in a Secure Britain which Tony Blair claims marks the end of "the 1960s social-liberal consensus on law and order" that has enabled some to take "freedom without responsibility". It is the latest step in the government's drive to cut crime by 15% over the next four years and reduce "anti-social behaviour". The main points are:

- * Fixed Penalty Notices extended to cover more crimes such as under-age drinking, petty theft, shoplifting and the misuse of fireworks
- * Anti Social Behaviour Orders (ASBOs) to have their process of application sped up to a matter of hours and media reporting of those who break them to be made easier
- * Numbers of Community Support Officers (CSOs) to rise to 24,000 by 2008.
- * 12,000 police officers to be freed for frontline duty by reducing paperwork
- * New £36 million unit to offer support to witnesses and crime victims
- * Doubling of electronic tagging to 18,000 people and the introduction of satellite tracking of offenders
- * Number of pilots for "Together" schemes to be increased from 10 to 50. The 50 worst offenders in each area will be "named and shamed"
- * Under plans to be published in the autumn, local communities will be able to trigger snap inspections of their local police force, call for increased use of curfews and ASBOs, and set priorities for local policing. The levelling of petitions is the example Blunkett gave of how they would do this
- * Specialist anti-social behaviour courts and prosecutors to be created, and legal aid to be "streamlined" so that by 2005 a system of fixed fees will be in place
- * Everyone entering or leaving the country, after 2008, to have their photo taken and "facial mapping" technology to be used

The package was greeted with uniform hostility from opposition parties who claimed it to be little more than an attempt to grab headlines. Indeed, there are very few new measures, rather just modifications to existing mechanisms for combating anti-social behaviour. Liberal Democrat home affairs spokesman, Mark Oaten, claimed that "this government promised to be tough on crime and the causes of crime. We have seen a lot of get tough rhetoric but little progress on tackling the causes". Criminalising low-level nuisance behaviour is not likely to reduce the public's fear of crime. It is children, in particular, that seem to be the target of this anti-social behavioural clampdown having already faced increasing restrictions of their civil liberties over the last five years.

For example, a new power, introduced under the Anti-Social Behaviour Act 2003, which allows for the dispersal of groups (defined as two or more people) gathered in an area deemed to be an anti-social "hot-spot", has been frequently applied. This is regardless of age and time of day and refusal to obey can lead to arrest. The Act also provides for the taking home of anyone under the age of 16 found on the streets after 9pm who "is not under the effective control of a parent or a responsible person aged 18 or over". In Wigton, a Cumbrian market town, children were banned from the town centre after dark for the two-week duration of their Easter holiday. Summer "curfew" zones have also been established across London, (in Trafalgar Square, Regent Street, Camden and 14 other areas), in which children are not allowed to gather. If they ignore an order to disperse they could be held in a police cell and later handed custodial sentences or a fine of up to £5,000. Many other areas have pursued similar policies.

Police-style security and drug checks are also being enforced in schools. Sniffer dogs are regularly used in over 100 schools throughout England and Wales according to Drugscope, a UK drugs charity. Twelve police forces have taken up the scheme with a further 15 said to be interested in setting up similar projects. The *Guardian* newspaper says that:

"A common approach is for a police officer to demonstrate their sniffer dog to an assembly while another dog is sniffing bags left behind in classrooms. The children are also individually sniffed as they leave" (18.5.04)

A Kent police survey found that some children felt they had been lied to about the bag searches, and were uncomfortable around the dogs. Headteachers are apparently also turning to Drugwipe products which can conduct two minute drug tests detecting any traces of cocaine or ecstasy left on desks and keyboards. Drugwipe claimed, in June 2004, that 30 schools were using these tests. Martin Barnes, chief executive of Drugscope, argues that "these measures risk driving drug use further underground, an increase in truancies and exclusions and a breakdown in trust between pupils and schools." Concern was also voiced by Chris Keates, the acting general secretary of the teachers' union, NASUWT: "We are extremely concerned about the apparent trend for some schools to use private companies, whether or nor they are using dogs."

Children are also bearing the brunt of ASBOs, whose numbers have doubled over the last 12 months and the application of which has sparked much controversy. A key part of the Crime and Disorder Act 1998 they came into force on 1 April 1999 and were later modified by the Police Reform Act 2002 and the Anti-Social Behaviour Act 2003. Breaching an ASBO is a criminal offence and carries a maximum penalty of five years in prison. Moreover, as a civil law matter the burden of proof is lower than in criminal cases, and hearsay evidence is admissible. Home Office guidelines for the Crime and Disorder Act had stated that "ASBOs will be used mainly against adults" and only against children in exceptional circumstances. This has been far from the case.

Alarming in June a ten year-old in Birmingham was punished with an ASBO by the City Council for anti-social behaviour. Manchester City Council has received particular attention for the large number of ASBOs it has issued for a range of far-reaching sanctions. These include meeting more than three non-family members in public, the wearing of a single golf glove, the use of the word "grass", and misbehaving in school. Five years in prison await these four children should they ignore the orders.

The misuse of ASBOs also extends to other areas such as environmental protestors (for example at the Newchurch Guinea Pig Farm). Similarly, in June, protestors gathered at Caterpillar construction company's offices in Solihull to demonstrate, as they had on previous occasions, at their continued sale of bulldozers to Israel. This time eight out of the 11 protestors were arrested under ASBOs. In Rugby, a man who has campaigned against the council over issues such as health and safety and corruption was served with an ASBO. Having broken it he is now on remand at Blakenhurst prison staging a hunger strike. Bizarrely in Rushmoor, Transco, a national gas company, was served with an ASBO after one of its buildings was spray-painted with graffiti and they had failed to clean it up quickly enough. Clearly ASBOs are being used well outside their original remit of dealing with "nuisance neighbours" with this trend only likely to accelerate as more police forces and councils begin to recognise its potential for quashing challenges to authority.

Those exercising a legitimate right to demonstrate are being criminalised under these measures. As are children when, without having committed or even been charged with a crime, they are liable to five years in prison if found standing on a forbidden street. This on the basis of an order attained through anonymous hearsay evidence and judged upon the "balance of probability." National Youth Agency development officer Bill Badham claims the use of ASBOs to prohibit children using certain words, wearing certain clothes, and banning them from congregating in certain areas serves to "criminalise young people for non-criminal activity." This represents a shocking reversal of the principal of innocent until proven guilty. The government appears happier to fine and alienate a 10 year-old child than to address the symptoms of "anti-social" behaviour.

A 2001 study by the British Medical Journal emphasised that the best way to tackle the latter is to provide their parents with a structured training programme at the earliest possible stage. ASBOs often seem to do little more than further alienate children already feeling disassociated from the society in which they live. Moreover, many apparently see the orders as little more than a badge of honour. Of course in all cases, ASBOs will only be effectively enforced if there is a high level of public awareness of which individuals are under them, hence the drive to "name and shame" people through leaflets and local papers. The 20,000 new CSOs will perform a similar function, but with the public now having a large role in both the issuing and enforcing of ASBOs there would seem to be a lot of potential for abuse. Regardless, it represents the latest step in the privatisation of police roles and powers (see *Statewatch*, vol 14 no 1).

Plans to create a national database containing the confidential details of every child in Britain will also be added to the Children's Bill in the autumn. There will now be cradle to grave surveillance, and according to Barry Hugill of Liberty, "a national database through the back door. You start with information about all the children but in 20 years' time you've got almost half the population." (see *Statewatch News Online*, March 2004)

The Prime Minister's recent soundbite blaming the 1960s for making these measures a necessity, argued that its eroding of individual responsibility has led to an onslaught of anti-social behaviour. No attention is paid to the promotion of individualism in the Thatcherite era, which many would argue played a significant role in the dismantling of civic society. This was followed by the Labour government's agenda on the privatisation of police roles and powers. Moreover, the claim that crime has dropped by 39% over the past nine years while Britain's prison population has risen by 25,000 over the last decade needs an explanation.

Home Office Strategic Plan: "Confident Communities in a Secure Britain", CM 6287; *Guardian* 2.4.04, 18.5.04, 20, 25, 24, 27.7.04; *BBC* 18.5.04; *Independent* 20.6.04, 20, 22.7.04; *Times* 20, 25.7.04, 25.7.04; *Evening Standard* 18.6.04; *Belfast Telegraph* 11.6.04; *Just News* May 2004. (This feature first appeared in *Statewatch* bulletin, vol 14 no 3/4) Filed 5.9.04

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