

ASB Consultation
Department for Communities and Local Government
Eland House
Bressenden Place
London
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7 November 2011

Criminal Justice Alliance response to the Department for Communities and Local Government's consultation on a new mandatory power of possession for antisocial behaviour

The Criminal Justice Alliance (CJA) is a coalition of 64 organisations - including campaigning charities, voluntary sector service providers, research institutions, staff associations and trade unions - involved in policy and practice across the criminal justice system.¹ The CJA works to establish a fairer and more effective criminal justice system.

The CJA is pleased to have the opportunity to respond to this consultation.² We recognise that antisocial behaviour is a serious problem that can have a damaging impact on local communities. However, we believe that the complex, deeply-rooted problems that lie at the heart of antisocial behaviour can be most effectively addressed by ensuring the availability of support services in local communities, including youth services, family support and health services, as well as through projects that offer intensive support. Introducing additional powers of enforcement, as this consultation proposes, will not, in our opinion, serve to constructively address the problems that underlie antisocial behaviour, and may exacerbate them.

The consultation recognises that "it is clearly right that eviction for antisocial behaviour should remain exceptional: the loss of one's home is a serious sanction and eviction may simply displace the problem elsewhere rather than providing a long term solution." We are concerned, however, that the proposals the consultation sets out, to extend the current scope of the discretionary ground for eviction, and to introduce a new mandatory power of possession for antisocial behaviour that has already been proven by another court, will mean that this is no longer the case. Broadening the criteria for eviction and 'speeding up' the possession process in this way will remove important strictures and safeguards that help to ensure the use of eviction as a last resort.

¹ A full list of our member organisations is available on our website:
<http://www.criminaljusticealliance.org/organisations.htm>

² Although the CJA works closely with its members, this consultation response should not be seen to represent the views or policy positions of each individual member organisation.

We have several concerns about the increased use of eviction as a response to offending and antisocial behaviour that we believe the proposals set out by this consultation would allow. Firstly, we believe that the introduction of a mandatory power of possession that could be implemented in response to conviction “for a serious housing related offence”, or breach of an injunction for antisocial behaviour, poses a serious threat to the important principle of proportionality. Any individual convicted of a criminal offence will be subject to a criminal justice sanction; likewise, any individual who breaches an injunction for antisocial behaviour may be subject to a range of penalties, including imprisonment. Allowing eviction to be an additional part of the response to criminal or antisocial behaviour could result in a disproportionate level of sanctioning being imposed upon an individual, that does not accurately reflect the severity of the ‘trigger’ offence or behaviour.

Secondly, there is clear evidence that stable accommodation is a crucial ingredient for reducing reoffending. As such, evicting those convicted of criminal offences or who have breached antisocial behaviour injunctions from their homes is likely to be entirely counterproductive. The Social Exclusion Unit’s seminal 2002 report, ‘Reducing reoffending by ex-prisoners’, found that stable accommodation can make a difference of over 20% in terms of reduction in reconviction. Data published by NOMS in 2008 showed that 75% of those classified as ‘prolific and other priority offenders’ had a housing need, compared with 30% for the general offender population. Figures released by the Ministry of Justice in November 2010 showed that 79% of offenders who had been homeless prior to custody were reconvicted within a year compared with 47% of those who had accommodation. The criminal justice green paper ‘Breaking the Cycle’ and the Government’s response to this consultation have both recognised the importance of stable accommodation in reducing reoffending. The proposals set out in this consultation would, however, seriously undermine this.

Finally, we believe that that the implementation of these proposals would result in outcomes that are, quite simply, unfair. Family members of those responsible for the ‘trigger’ behaviour, including children and the elderly, will also be evicted, in spite of having committed no criminal offence, and even though they are not responsible for the antisocial behaviour. Allowing increased use of eviction as a response to offending and antisocial behaviour, as these proposals will, is likely to result in a significant number of innocent family members being evicted from their homes, and will serve to further punish disadvantage.

Statistics published recently by the Ministry of Justice indicate a strong link between social deprivation and the riots that took place in August, which these proposals have, in part, been introduced in response to. In light of this, the inadequacy of short-term, ‘quick fix’ solutions such as additional enforcement powers should be only too clear, and we urge reconsideration of the proposals set out in this consultation.

**Criminal Justice Alliance
November 2011**

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