

WHAT WORKS FOR VICTIMS AND WITNESSES OF ANTI-SOCIAL BEHAVIOUR

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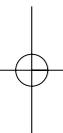
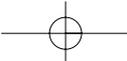
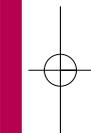
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EXECUTIVE SUMMARY: KEY MESSAGES FROM THE STUDY

What works for victims and witnesses of anti-social behaviour

Being a victim or witness to anti-social behaviour is a different experience to other forms of crime. However, little is known about how the experience differs and what support people affected by anti-social behaviour value. This summary presents findings of a research study designed to increase understanding of what action needs to be taken by criminal and civil justice agencies, local authorities and community safety partners, to ensure that when people report anti-social behaviour they can be confident that they will receive support at every stage of the process from incident to court and beyond.

Key findings

- There are inconsistencies in the provision of support for victims and witnesses of anti-social behaviour. If action is taken through the Criminal Justice System witnesses and victims will be directed to a national framework of victim and witnesses support services. If civil enforcement action is taken (anti-social behaviour orders, evictions, injunctions and noise control powers) there is no single equivalent agency responsible for supporting witnesses;
- Fear of reprisals was confirmed¹ as being the largest deterrent to victims becoming involved in reporting incidents and acting as witnesses;
- Commonly victims and witnesses felt that statutory agencies responsible for taking enforcement action failed to fully investigate their complaints and take effective action. Poor communication and lack of information about case progress were among the prime reasons witnesses said they were unhappy;
- Dedicated witness support schemes have a valuable role to play in helping witnesses overcome their fears of attending court and in ensuring that witnesses' expectations about the process are managed by the provision of timely and realistic information and practical support;
- Building the confidence and ability of both individuals and the wider community to take a stand against anti-social behaviour requires the development of organisational capacity by Criminal Justice Agencies, local authorities and community safety partners, to ensure that victims and witnesses of anti-social behaviour have access to the support they need;
- Where victims feel supported they are more likely to be prepared to act as witnesses to stop others from being subjected to the same distressing behaviour.

About the study

This study commissioned by the Home Office Anti-social Behaviour Unit and undertaken by a research team at Sheffield Hallam University draws on the direct experiences of victims and witnesses² of anti-social behaviour in order to:

- Identify the particular barriers that deter people affected by anti-social behaviour from taking a stand (from reporting incidents to acting as witnesses);
- Evaluate what support people value and what works in encouraging people to take a stand;
- Consider if the experiences of being a victim or witness of anti-social behaviour stimulates a willingness to take part in wider community participation initiatives to build social capital and reduce anti-social behaviour.

¹ A number of earlier studies identified intimidation as a key barrier to victims/witnesses reporting anti-social behaviour, Campbell 2002, LWC 2003, Audit Commission 2003.

² Throughout the report the term victim has been used to refer to people who have been either directly or indirectly affected by disorder and nuisance behaviour (they may not, of course, view themselves as victims). Equally, the term witness had been used in a generic sense to describe people who have provided information to statutory agencies with responsibility for taking enforcement action to deal with anti-social behaviour. Not all witnesses interviewed had attended court to give formal testimony.

Recommendations

1. Developing a co-ordinated framework to support witnesses and victims of anti-social behaviour

While victims and witnesses do not differentiate between crime and anti-social behaviour, criminal justice system agencies and local authorities do. The term anti-social behaviour incorporates a very wide range of behaviours. The type of support offered to victims and witnesses depends in part on which agencies receive reports of anti-social behaviour and whether the behaviour is classified as a criminal or civil law matter. For example, if incidents involving threats, harassment or intimidation are reported to the police, action may be taken through the Criminal Justice System (CJS) where witnesses and victims may be directed to a national framework of victim and witness support services.

If civil enforcement action is taken using anti-social behaviour orders, injunctions, evictions and noise control powers there is no single equivalent agency responsible for supporting witnesses through the process. If people are to be offered appropriate support, regardless of which agency they initially approach for help, there is a need for co-ordinated action to ensure that the way in which complaints are dealt with has greater consistency. In order to establish the local demand for victim and witness support and to target resources to meet the demand CJS and CDRP partner agencies must work together to develop procedures to ensure that:

- In all CDRP areas an audit of existing witness support provision is undertaken and strategies are developed to ensure that where people are prepared to take a stand against anti-social behaviour they are offered appropriate support;
- Agencies responsible for taking enforcement action, including the police, social landlords, and environmental health develop a robust framework for identifying the need for services and monitoring satisfaction with existing provision;
- CDRPs and CJS agencies use their powers to procure a range of services to ensure that victims and witnesses of anti-social behaviour are offered appropriate support at every stage in the process from when an incident occurs, through investigations, during court hearings and beyond.

2. Investigating complaints and taking action

Anti-social behaviour differs from other forms of crime in a number of important respects. One of the key themes emerging from interviews with victims and witnesses was the fear of intimidation and reprisals and it is not uncommon for people to try to resolve problems themselves before seeking help from criminal justice system or community safety agencies.

Even where people had overcome their reluctance to report incidents all too often witnesses reported that statutory agencies responsible for taking enforcement action failed to investigate complaints and take effective action. These failures led many people to lose confidence in the ability of statutory agencies to deal with anti-social behaviour. All agencies responsible for receiving reports of anti-social behaviour need to ensure that:

- Clear local information be provided on how victims and witnesses can report incidents, what action will be taken to deal with different types of incidents and the availability of sources of help;
- People reporting incidents need to be confident that the incident will be investigated and that their complaint will be taken seriously, that information is provided about what action will be taken to deal and what will happen next;
- Victims and witnesses should be provided with a single point of contact from report to court and not passed from pillar to post;
- At the first point of contact a victim and witness "needs assessment" should be undertaken to establish what type of support is required. In particular agencies should address witnesses and victims' fears of intimidation and retaliation.

EXECUTIVE SUMMARY: KEY MESSAGES FROM THE STUDY

3. Keeping witnesses engaged

The period between reporting an incident and a court hearing can be a very stressful time for victims and witnesses: poor communication and lack of information combined with fear of reprisals and intimidation emerged as the dominant concerns. In order to keep people engaged in the process they need to be kept informed of developments, have confidence in investigating agencies and feel protected. Dedicated witness support schemes have a valuable role to play in helping witnesses overcome their fears of attending court.

In order to keep witnesses engaged while investigations take place enforcement agencies should:

- Develop systems to maintain close contact with victims and witnesses, to keep them informed of developments and to explain what action has been taken and why. Witnesses particularly valued having a personal contact officer available on call 24 hours a day;
- Ensure witnesses are kept at the centre of case management and that their expectations about the process are managed by the provision of timely and realistic information about the process and possible outcomes;
- Ensure that individual complainant details are not revealed to the defendants and immediate action is taken to combat intimidation;
- Be proactive in encouraging groups of witnesses to act together by working with local voluntary and independent agencies to encourage mutual support amongst residents.

4. Support at court and afterwards

There are important differences in the criminal and civil justice systems. In the criminal justice system action is taken to prosecute an individual, who is seen as an alleged offender. Witnesses for the prosecution, particularly the victims of the crime, are acknowledged as requiring support and also e.g. waiting facilities separate from the alleged offender and his or her witnesses and supporters. The requirements of a prosecution to prove a case "beyond reasonable doubt" do, however, pose a higher evidential burden in criminal cases.

In civil cases, the parties coming before the court are not differentiated and are treated on an equal footing. Accordingly most county courts have no facilities to keep claimants (and their witnesses) separate from defendants, and many do not have the physical space to offer such facilities. The court role is to adjudicate on the issues and to encourage early settlement of disputes. The evidential requirements though are generally lower, i.e. to prove that the conduct as happened on a "balance of probability." Hearsay evidence may be used to prove the case.

While a national framework of victim support and witness care has been established within the Criminal Justice System, there is no equivalent service provided for witnesses in civil cases.

Victims of anti-social behaviour are generally not aware of these differences, and the implications that they bring with them. For most people, the prospect of attending any court remains a daunting and challenging experience. Frequently witnesses expressed the fear that they would not understand the court process and legal jargon or that they may not be believed. There is a need to address these fears and empower witnesses to tell their story. Dedicated witness support should be procured in every CDRP area to ensure that in both civil and criminal proceedings witnesses are offered the following types of help and support:

- The opportunity to go on accompanied visits to the court prior to the hearing so that they can familiarise themselves with the court layout;
- Help with practical and logistical problems of attending court such as:
 - Transport to court
 - Child care arrangements
 - Taking time off work
 - Obtaining food and drink while waiting for the case to be heard
 - Reviewing statements
 - Provision of secure waiting areas
- The vital role that witnesses play should be formally acknowledged and contact maintained to ensure that witnesses and victims are kept fully informed about the outcome of the court hearing and are given full details of what they can expect to happen in the future;
- Attending court and giving formal evidence can be a traumatising experience and some witnesses and victims value ongoing contact and support to move forward and put the process behind them.

5. Developing community capacity to tackle anti-social behaviour

The study shows that while some travel the witness pathway and emerge from the experience stronger and more confident, others experience being a witness as intimidating and demoralising. Interviews with witnesses revealed that whether the experience was an empowering one or not was affected by a range of factors including:

- How long people had endured the nuisance behaviour before action was taken;
- The length of time people had lived in the neighbourhood before the anti-social behaviour occurred;
- Whether the outcome of the legal process was considered to be a positive one;
- The extent to which individuals felt that their contribution was valued;
- Whether action had been taken by a group of people or a lone individual;
- The type of support that was provided.

Some victims and witnesses had been profoundly affected by their daily experiences of dealing with behaviour, which had caused them distress, fear and anxiety. In a few cases people had lost their jobs, or they had been forced to move home. While these are extreme examples of the damaging impact of anti-social behaviour, for the vast majority of people their health and the well being of their families had been adversely affected by their experiences. In this context many people reported that the experience of being a witness was entirely negative. They felt they had put their personal safety and that of their family at risk. However, some people also acknowledged that as a result of the action they had taken they were better informed and concluded that although attending court had been a difficult experience they had done the right thing.

EXECUTIVE SUMMARY: KEY MESSAGES FROM THE STUDY

Professionals providing witnesses support programmes confirmed that there are wide reaching benefits from ensuring that victims and witnesses of anti-social behaviour are provided with appropriate support. Where victims feel cared for and protected they are more likely to be prepared to act as witnesses to stop others from being subject to the same distressing behaviour. Moreover providing both practical and emotional support to victims and witnesses can stimulate the growth of social capital and the development of community capacity to tackle unacceptable behaviour.

Conclusion

The study illustrates the need to develop a national framework of provision for anti-social behaviour victim and witness support services. People need to have confidence that when they report incidents their concerns will be taken seriously, there will be a full investigation at an early stage, and that if they are asked to help in providing evidence they will be given appropriate support at every stage. Too often the experience of being a witness results in people feeling let down and damaged by the experience and this in turn leads others to feel that the costs of taking a stand against anti-social behaviour are too high.

The need for further research to address gaps in knowledge

In order to improve provision of services the following further work needs to be undertaken:

- A national audit of victim and witnesses support services be carried out to establish the extent to which agencies need to reconfigure resources in order to ensure that a national framework of provision of dedicated victim and witness care services is developed;
- Explore how working practices in the civil justice system could be developed to provide support for witnesses giving evidence;
- To establish if the barriers to reporting incidents affect different groups of people in different ways – e.g. black and minority ethnic groups, elderly, vulnerable households;
- Little is known about the impact of anti-social behaviour on local shops, businesses and services. Where anti-social behaviour affects retailers and local businesses it is unclear which agency is responsible for taking action. In order to address this neglected area of concern CDRPs should consider the scale of the problem in their area and develop strategies to ensure that action is taken to support and protect local businesses.

PART 1. OUTLINE STRUCTURE OF THE REPORT

Anti-social behaviour is a prevalent problem which together with general disorder affects the quality of life of just under a third of the population of England and Wales (Simmons and Dodd 2003). Yet in many cases people suffer in silence and do not report these problems to anyone. Behaviours which make individuals or indeed communities feel threatened, vulnerable and uneasy, may start as low level repetitive nuisance, but can quickly escalate to serious noise nuisance, violent and criminal behaviour, racial harassment, intimidation and drug dealing. In many cases however, people are reluctant to make formal complaints to statutory agencies responsible for taking action. Fear of intimidation and reprisals combined with a lack of confidence and trust in the ability of statutory agencies to take decisive and effective action are some of the known barriers which deter people from making reports and being prepared to act as witnesses in anti-social behaviour cases (Hunter and Nixon 2000, Campbell 2002, Hunter and Nixon 2003, Audit Commission 2003a).

Being a victim and witness to anti-social behaviour is a different experience to other forms of crime. To date however, there has been no systematic analysis of the ways in which the experience is different and what support people affected by anti-social behaviour require in order to overcome their reluctance to report incidents and act as witnesses in civil and/or criminal proceedings. This study, commissioned by the Home Office Anti-social Behaviour Unit, has been designed to fill this gap and increase understanding of what action needs to be taken by both central and local government to ensure that witnesses get the support they need regardless of whether the case is dealt with in the criminal or civil justice system.

About the study

The study draws on the direct experiences of victims and witnesses³ of anti-social behaviour in order to:

- Identify the particular barriers that deter people affected by anti-social behaviour from taking a stand (from reporting incidents to acting as witnesses);
- Evaluate what support people value and what works in encouraging people to take a stand;
- Consider if the experiences of being a victim or witness of anti-social behaviour stimulates a willingness to take part in wider community participation initiatives to build social capital and reduce anti-social behaviour.

Earlier studies have established a profile of the broad dimensions of the barriers that deter victims and witnesses of anti-social behaviour from taking a stand (Nixon et al 2000, Hunter and Nixon 2002, Campbell 2002, Atkinson et al 2000), but little is known about how existing barriers could be overcome and what measures could be introduced to improve victims' and witnesses' experiences in anti-social behaviour cases. In order to address this issue the study adopts a qualitative approach focusing on the direct experiences of victims and witnesses from when an incident occurs through to court action and beyond. The findings presented here are derived from a relatively small scale piece of research. As such, the data should be treated as a starting point and a stimulus for further research, discussion and debate.

The study involved two linked phases. In phase one, three focus groups were held with residents living in areas of the country which had high levels of self reported disorder in the British Crime Survey. Findings from studies into the fear of crime and anti-social behaviour show that anti-social behaviour is more likely to be considered a problem by people living in inner city areas, social housing estates and in deprived neighbourhoods (Nixon et al 2003, Simmons

³ Throughout the report the term victim has been used to refer to people who have been either directly or indirectly affected by disorder and nuisance behaviour (they may not, of course, view themselves as victims). Equally, the term witness has been used in a generic sense to describe people who have provided information to statutory agencies with responsibility for taking enforcement action to deal with anti-social behaviour. We have not used it to encompass "professional witnesses", who may be officers of those statutory agencies or specifically employed by them to garner evidence. Not all witnesses interviewed had attended court to give formal testimony.

PART 1. OUTLINE STRUCTURE OF THE REPORT

and Dodd 2003). In order to capture the experiences of people living in such areas, three focus group discussions⁴ were held with residents to explore the reasons why many people are reluctant to step forward and act as witnesses in anti-social behaviour cases. The three selected areas in Liverpool, Barnsley, and Shirebrook in Derbyshire were characterised as having high levels of self reported disorder and where anti-social behaviour was perceived to be a significant problem (Simmons and Dodd 2003). The residents' focus groups were used to explore reasons why people choose not to get involved in reporting anti-social behaviour and disorder and what support they would value in order to overcome their reluctance to be witnesses in legal proceedings.

The second phase of the project examined a small number of innovative victim and witness support schemes. Unlike most victim and witness support schemes they were not exclusively focused on the criminal justice system, but provided support to people involved in civil proceedings. Focussing on schemes that had a broad remit incorporating provision of support in both civil and criminal actions allows a comparison of how initiatives to support victims and witnesses developed in criminal justice system (CJS) compare to those provided in the civil justice system. The following four models of witness care were included in this stage of the project:

- A large local authority (LA) cross tenure specialist anti-social behaviour team;
- An inner city housing department witness protection service;
- An independent dedicated witness and victim support project;
- A small RSL anti-social behaviour team.

Interviews were conducted with those involved with operating the services and also with witnesses of anti-social behaviour, who had used the services. In total 26 people⁵ who had been witnesses of ASB were interviewed. For further details of the methodology see Appendix 1.

⁴ Initially it was intended to conduct four focus groups with residents living in areas of the country which had high levels of self reported disorder in the British Crime Survey and which reflect both high and low demand for housing. However, due to the time constraints of the study it was only possible to organise three residents focus groups all of which were held in areas of the country in which there is low demand for housing. For further details of the 3 focus groups, see Appendix 1.

⁵ Some of the 26 witnesses had been involved in the same case and in total data was collected with reference to 15 cases. Further details are provided in Appendix 1.

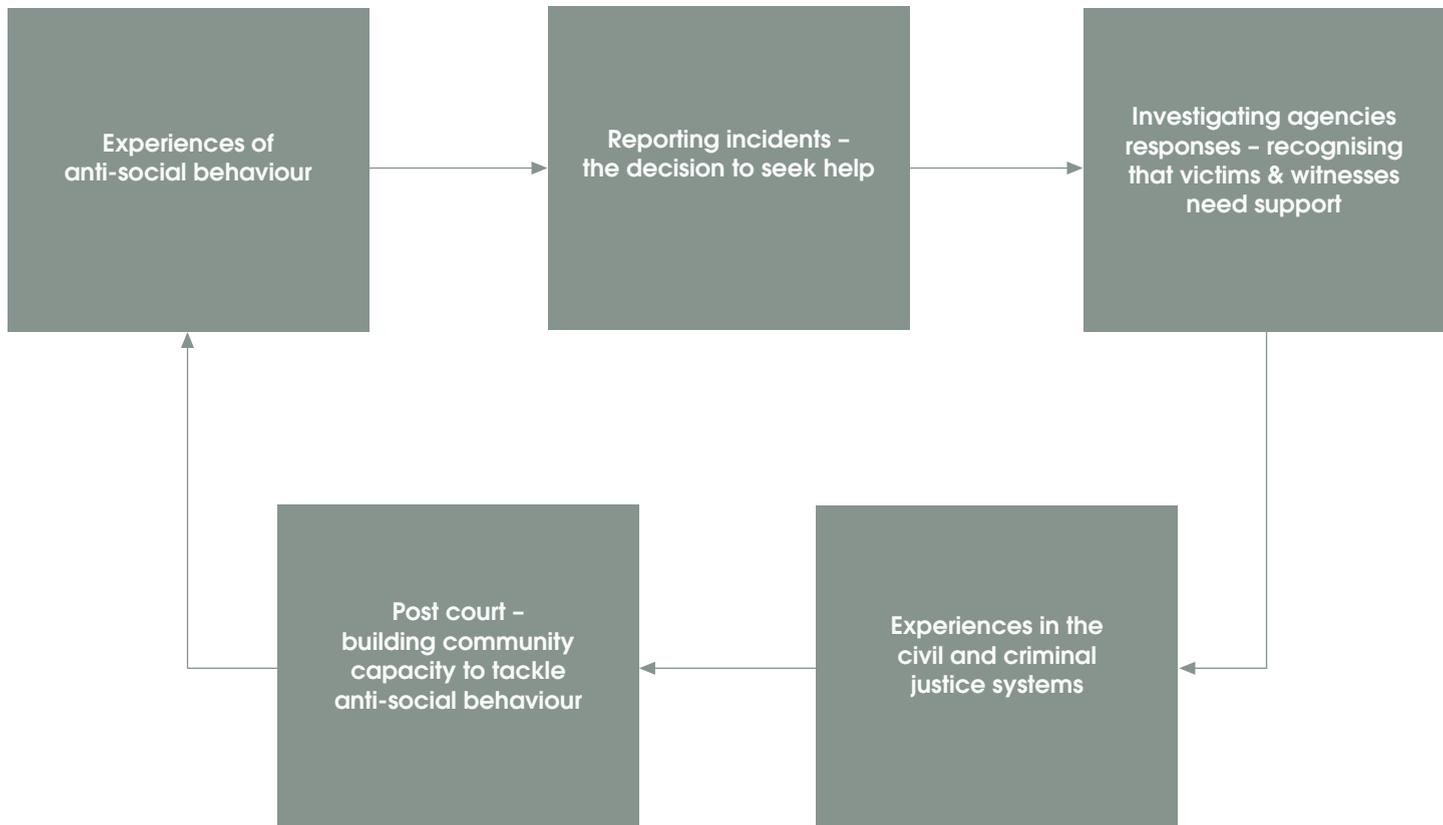
The pathways approach

The Audit Commission found that victims and witnesses of crime can have unsatisfactory experiences of services at any point from when a crime is committed through the initial reporting and investigating stage to court and beyond (Audit Commission 2003a, p 7). In order to capture what support witnesses and victims of crime value and why they so often feel let down by criminal justice agencies, the Audit Commission developed a pathways approach which highlights the need for relevant statutory and voluntary agencies to engage victims and witnesses at the following key milestones:

- When an incident occurs;
- The investigative process;
- At court;
- After court.

This study has adopted a similar approach to identify what factors contribute to a successful outcome for victims and witnesses of anti-social behaviour and the wider communities in which they live. Chart 1 identifies the key milestones on the pathway to tackle anti-social behaviour.

CHART 1: KEY MILESTONES ALONG THE PATHWAY



PART 1. OUTLINE STRUCTURE OF THE REPORT

Although the pathway is presented as a single route it is acknowledged that for people affected by anti-social behaviour there are in practice two distinct pathways depending on whether criminal or civil court proceedings are taken. Notwithstanding these differences, the process of improving responses to witnesses and victims should be a continual one in so far as if victims' and witnesses' needs are recognised and met at each stage of the pathway, the outcome is more likely to be positive for all involved. Moreover ensuring that witnesses are supported may also have a wider impact in terms of building capacity within communities to take further action to tackle anti-social behaviour (this issue is discussed further in Part 6). In order to maintain engagement at each of the key milestones there is a need to build trust and confidence that individuals' concerns will be addressed and that appropriate action will be taken by the investigating agencies, the judiciary and the court system.

Report structure

The following chapters of the report chart the experiences of victims and witnesses of anti-social behaviour at all the key milestones along the pathway and considers what support people value if they are to be encouraged to take a stand against anti-social behaviour.

The government has made a commitment to introduce measures to put victims and witnesses of crime at the centre of the CJS. It is recognised that in order to provide an equivalent level of service to victims and witnesses of all anti-social behaviour there is a need to develop more integrated local, crime reduction approaches and support mechanisms for victims and witnesses (Audit Commission 2003a). Part 2 starts by outlining current policy and practice in relation to the provision of witness support and to dealing with anti-social behaviour.

Part 3 reports on victims' and witnesses' experiences from when an incident occurs through to the decision to seek help. Drawing on reports from people living in areas of high disorder, this chapter considers how anti-social behaviour is different from other forms of crime and why people who are affected by it can be reluctant to report incidents to statutory agencies responsible for addressing the problem.

Part 4 moves on to examine the role of investigating agencies and identifies the common barriers that prevent people from coming forward to act as witnesses.

Drawing on evidence collected from the case study of organisations the report highlights the work of different types of witness support schemes and outlines the range of forms of support that people value.

Part 5 examines the barriers to appearing in court and how witness schemes were able to address some of the barriers including the use of professional witnesses as an alternative. This chapter also briefly considers the costs of witness support schemes.

Finally, in Part 6 the report concludes by considering the extent to which taking a stand against anti-social behaviour can contribute to the development of a civic society through the empowerment of both individuals and the wider community.

PART 2.

ANTI-SOCIAL BEHAVIOUR AND THE CIVIL AND CRIMINAL JUSTICE SYSTEMS

As Part 1 indicated, witnesses to anti-social behaviour may come into contact with both the civil and criminal justice systems. In this chapter we outline the wider policy and practice context as it applies to both systems and consider:

- The extent and experience of anti-social behaviour;
- Action that has been taken within the criminal justice system to address the needs of victims and witnesses;
- Civil measures that have been introduced to tackle anti-social behaviour;
- Factors that determine whether criminal or civil action is taken;
- The types of support and help available to victims and witnesses of anti-social behaviour.

The extent and experience of anti-social behaviour

Anti-social behaviour is not as such a crime. Some forms of anti-social behaviour may be criminal offences. A victim of anti-social behaviour, however, may not necessarily be a victim of a crime and may be concerned and distressed. The British Crime Survey 2001/02 found that over a third of people felt that anti-social behaviour in the form of harassment, vandalism, littering, teenagers hanging out, using or dealing in drugs, made them feel unsafe and reduced their quality of life. Furthermore, just over one in five stated that they considered there to be high levels of disorder in the neighbourhood where they lived. Disorder and anti-social behaviour were more likely to be considered to be a fairly or big problem by people living in inner city areas, council estates and where neighbourhood cohesion was considered to be low. More specifically, as Table 1 shows, in areas deemed to have high levels of physical disorder⁶ over half of respondents thought that the following issues were fairly or big problems: teenagers hanging around the streets, rubbish or litter lying around, vandalism, graffiti and other deliberate damage to property and people using or dealing with drugs.

⁶ As classified by the researcher

⁷ % of respondents who considered the above issues to be fairly or big problems

Table 1: Experiences of anti-social behaviour

	Total Sample ⁷	Areas of high physical disorder
Teenagers hanging around the streets	33%	55%
Rubbish or litter lying around	33%	64%
Vandalism, graffiti and other deliberate damage to property	35%	64%
People using or dealing drugs	32%	56%
People being drunk or rowdy in public places	23%	41%
Noisy neighbours or loud parties	10%	22%
People being harassed or attacked because of their race/colour	8%	19%

Source: Simmons and Dodd 2003, Table 8.12.

It has been acknowledged that to be a victim of anti-social behaviour is to face different problems from those of victims of other criminal behaviour. A draft discussion paper being prepared by the Institute for Public Policy Research (Regan and Edwards, 2004) suggests that the following factors might differentiate the experiences (and needs of witnesses) of anti-social behaviour:

- It occurs both inside and outside the criminal justice system;
- Repeated incidents;
- Close proximity between victim and perpetrator;
- Intensity – the combination of repetition and proximity leads to an intensity of experience;
- More than one victim, more than one witness – whole communities may be affected by the behaviour;
- Multiple agencies have responsibility for tackling anti-social behaviour.

PART 2. ANTI-SOCIAL BEHAVIOUR AND THE CIVIL AND CRIMINAL JUSTICE SYSTEMS

A similar set of issues were identified in a recent inquiry into the South Australian Housing Trust (Statutory Authorities Review Committee 2003) which suggests that these factors are commonly associated with the experience of anti-social behaviour regardless of the local policy and practice context.

A further fundamental difference between anti-social behaviour and other criminal behaviour is the lack of clarity regarding the nature of the problem. Different agencies adopt different working definitions of anti-social behaviour and this in turn affects which agencies are seen as being responsible for receiving reports and providing support for victims and witnesses

Defining anti-social behaviour

The term anti-social behaviour incorporates a very wide range of different behaviour; indeed many practitioners recognise that any behaviour can be anti-social depending on the context and tolerance levels of the local community (Nixon et al 2003). In an attempt to reach a consensus of what the term means, anti-social behaviour is commonly defined in terms of categories of behaviours or activities, some of which directly harm people, others which damage property and some of which are simply a nuisance (Whitehead and Stockdale, 2003). For example, in the Home Office One Day Count, anti-social behaviour⁸ was defined in terms of the following four broad categories of behaviour:

- Misuse of public space;
- Disregard for community/personal wellbeing;
- Acts directed at people;
- Environmental damage.

Within these categories over 62 types of behaviour were listed some of which constitute criminal offences, while others may give rise to civil legal action. One of the practical consequences of the

different ways in which behaviours are classified is whether the victim falls into the criminal justice system or the civil justice system.

We now consider the different ways those two systems operate for victims and witnesses of anti-social behaviour.

Victims and witnesses in the Criminal Justice System

The position of victims and witnesses in the criminal justice system is one that has come under increasing focus in the last ten years or so. In the late 1990's the Home Office published *Speaking up for Justice* (Home Office 1998) which included 78 proposals designed to encourage and support vulnerable or intimidated witnesses to give their best evidence in criminal cases. Partly in response to this report the voluntary organisation, Victim Support, has been commissioned by the Home Office to develop dedicated Witness Support Services in all Magistrates Courts as well as Crown Courts. The Youth Justice and Criminal Evidence Act 1999, Part 2 contained measures (e.g. the provision of evidence through pre-recording or through live TV links and the use of intermediaries) to make it easier for vulnerable and intimidated witnesses (including victims) to give their evidence.

Despite these and other changes, it is acknowledged that public confidence in the criminal justice system is still low and that too often victims and witnesses are not kept properly informed or provided with support that they need (Home Office 2003a). In 2003 a survey of Crime and Disorder Partnerships undertaken by the Audit Commission found that only 33% currently have a strategy for victims and witnesses and less than four out of ten have a champion for victim and witness issues (Audit Commission 2003a, p 15). Over half of the 42 newly constituted Local Criminal Justice Boards identified the need to improve services to victims and witnesses as a priority (Home Office, 2002).

⁸ See further Appendix 2

In July 2003, the Home Office issued a new national strategy to deliver improved services to victims and witnesses of crime. A New Deal for Witnesses and Victims (Home Office, 2003a) recommended that Crown Prosecution Service (CPS) staff should treat victims and witnesses with respect and sensitively taking into account the individual needs and understanding of the individual witness. Further it was recommended that staff working for a wide range of other services, including social landlords understand and respond effectively to victims' and witnesses' needs, both immediate and longer term.

It is recognised that persistent low level intimidation and fear of reprisals can deter people from acting as witnesses but in too many parts of the country there are no systems in place to ensure that witnesses are protected at all stages in proceedings.

"Witnesses need to be helped to give their best evidence and to be protected from humiliation and a feeling of being themselves on trial during cross-examination" (Home Office 2003a, p 15)

Further legislation has sought to strengthen the position of witnesses. The Criminal Justice Act 2003 includes provisions to ensure that witnesses can give evidence by live TV link and to enable witnesses to refer to their previous statements to refresh their memory when in the witness box. The government is committed to introducing further measures to support witnesses in the Domestic Violence, Crime and Victims Bill which is currently before Parliament. The Bill proposes the establishment of a new post of Commissioner for Victims and Witnesses and a Victims' Advisory panel, thus ensuring that there is an informed and coherent voice for victims and witnesses at a national level. The bill, as with earlier legislation however, is focused entirely on victims and witnesses in the criminal justice system.

Witness Care Units

In February 2004, a £27 million award was announced by the Office of Public Service Reform and the Attorney General to set up new Witness Care Units to provide practical help and moral support to victims and witnesses including a single point of contact for witnesses and initial needs assessments to identify specific support requirements. The scheme "no witness no justice" has been piloted in 5 areas (the evaluation of these pilots is due to be completed in June 2004) and will be rolled out to all 42 criminal justice areas in England and Wales. Prior to establishing local Witness Care Units, community consultation will be undertaken in each criminal justice area to establish exactly what local communities think is important in providing support and care to victims and witnesses.

The role of Victim Support

Victim Support is an independent national charity, which has pioneered the development and delivery of services to victims and more recently to witnesses of crime. In addition to a network of local branches across England, Wales and Northern Ireland, Victim Support runs a national Victim Support Helpline. Victim Support services are primarily directed at supporting people who have been victims of crime regardless of whether the crime has been reported or not. The Committee on Public Accounts examined the work of Victim Support (CPA, 2003) and found that the type of service provided by local schemes varies and is dependant on the availability of volunteers in the locality. The majority of referrals come from the police who inform Victim Support of all victims of burglary, theft, criminal damage, arson, assault (other than domestic violence), and racial harassment. In other cases of violent crimes victims will be asked by the police if they wish to be referred to the local Victim Support group. It is less common for referrals to be made by voluntary and independent agencies working in the community and few schemes provide support to victims and witnesses of low level disorder and anti-social behaviour. The ability of such schemes to extend their services to victims and witnesses in anti-social

PART 2. ANTI-SOCIAL BEHAVIOUR AND THE CIVIL AND CRIMINAL JUSTICE SYSTEMS

behaviour cases is dependent on the availability of resources and the successful recruitment of suitable volunteers (CPA, 2003).

In addition to providing support to victims of crime, Victim Support also runs the Witness Service which provides information and support to witnesses, victims, their family and friends when they go to court. By April 2002, Witness Services had been successfully established in all magistrates courts but no similar dedicated witness support programmes had been established in any county courts in England and Wales. It is doubtful whether local Victim Support groups would have the capacity to extend such a service to the county courts. 53% of local groups responding to a National Audit Office survey (National Audit Office 2002) reported that they had too few volunteers to meet the existing demand they face.

Civil measures to tackle anti-social behaviour

Over the last ten years or so, extensive legislative measures have been introduced to try to tackle problems of anti-social behaviour. These can be briefly summarised as follows:

- The Housing Act 1996, strengthened the nuisance grounds for possession against tenants and introduced a new free standing injunction in cases of violence or threatened violence, for which local authorities could apply and also allowed social landlords (i.e. local authorities and registered social landlords) to apply for a power of arrest to be attached to breach of tenancy injunctions;
- The Noise Act 1996 gave local authorities added powers to deal with noise from dwellings;
- The Crime and Disorder Act 1998 (CDA), in addition to requiring newly formed Crime and Disorder partnerships to develop a strategy to tackle crime and disorder, introduced the ASBO. This is an order applied for by local authorities or the police, on a civil basis, in the magistrates' court. The definition of anti-social behaviour used is that the person

against whom the order is sought has acted: "in a manner that caused or was likely to cause harassment, alarm or distress" (CDA, s.1(1)). Breach of an ASBO is a criminal offence;

- The Police Reform Act 2002 made a number of significant amendments to the CDA:
 - Registered social landlords could apply for an ASBO;
 - Provision was made for interim ASBOs;
 - ASBOs could be sought in the county court; as part of other (e.g. possession) proceedings;
 - ASBOs could be granted as part of dealing with other criminal matters.
- The Anti-social Behaviour Act 2003 strengthens the existing powers by:
 - Introducing widened free-standing injunction powers, so that both local authorities and registered social landlords may seek injunctions whether or not violence was involved;
 - Establishing a new procedure for tenants of social landlords to be "demoted" for a 12 month period;
 - Local authorities will be given power to prosecute breaches of ASBOs.

Alongside these statutory powers many police and local authorities, in conjunction with other CDRP partners have developed other measures to try and deal with anti-social behaviour, such as the use of Acceptable Behaviour Contracts (Bullock and Jones, 2004).

Civil versus criminal action

As has already been emphasised anti-social behaviour may be dealt with by both civil and criminal justice systems and a range of different associated agencies. A number of factors determine whether civil or criminal action is taken. It is this complexity of dealing with two different legal systems and the associated agencies responsible for taking action which underpins some of the difficulties in providing victims and witness support which are highlighted later in this report.

There are important differences in the jurisdiction and practices of the criminal and civil justice systems. In the criminal justice system, the state through the police and Crown Prosecution Service takes action to prosecute an individual, who is seen as an alleged offender. Witnesses for the prosecution, particularly the victims of the crime, are acknowledged as requiring support and also e.g. waiting facilities separate from the alleged offender and his or her witnesses and supporters. The requirements of a prosecution to prove a case "beyond reasonable doubt" do, however, pose a higher evidential burden in criminal cases.

In civil cases, the parties coming before the court are not differentiated and are treated on an equal footing. Accordingly most county courts have no facilities to keep claimants (and their witnesses) separate from defendants, and many do not have the physical space to offer such facilities. The court role is to adjudicate on the issues and to encourage early settlement of disputes. The evidential requirements though are generally lower, i.e. to prove that the conduct as happened on a "balance of probability." Hearsay evidence may be used to prove the case, so that e.g. in an injunction application it may not be necessary for the victims to even make a direct witness statement. There are also hybrid procedures, such as an application for an ASBO, which take place in the magistrates' court, but under civil rules of evidence.

The Audit Commission (2003a) found that victims and witnesses do not differentiate between crime, disorder and anti-social behaviour – but that criminal justice system agencies and local authorities do. For members of the public the confusing array of different agencies who may deal with anti-social behaviour is illustrated by the range of different statutory and voluntary agencies who took part in the One Day Count of anti-social behaviour. On 10th Sept 2003 over 17 different types of organisations recorded in excess of 66,000 incidents of anti-social behaviour (Home Office 2003c). To illustrate the range of alternative forms of intervention that can be used to deal with nuisance behaviours we draw on the experience of one of the witnesses interviewed in the study.

Mrs Green

Mrs Green and her family suffered from anti-social behaviour as a result of nuisance and harassment from her next door neighbour over a period of six years. The perpetrator of the anti-social behaviour was a tenant of the local authority. Mrs Green and her family had been subjected to a wide range of nuisance behaviours including loud music and excessive noise at all hours of the day and night, drug taking, vandalism, stolen cars, litter, harassment and intimidation, threats, and uncontrolled dogs that attacked both residents and their pets. At times the disruption was so severe, the family had to vacate their home for days or weeks on end. After putting up with this behaviour for 6 years Mrs Green described how frustrated and hopeless she felt:

"the Police weren't coming out to us, things were getting very nasty, the kids couldn't take any more, my husband couldn't take any more, I couldn't personally take any more so we had to move out and every time we tried to move back they would bombard us with aggro to such a level that there was no chance of it, we'd ring the Police and the Council didn't want to know, the Police didn't really bother, so we would have to go again"

Eventually legal action was taken to evict the perpetrators but Mrs Green felt so frightened of possible reprisals and retaliation that she and her family were forced to sell their home and move to a secret location.

The outcome for Mrs Green and her family was clearly unsatisfactory and it left her feeling extremely angry and let down by all the statutory authorities involved in the case. It need not have been like this.

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The action which could have been taken by different agencies and at different times over the six year period is identified below:

Table 2: Agency responsibility for different types of legal action

Types of behaviour	The statutory agencies responsible for taking action	Which court?
Drug taking, vandalism, theft (stolen cars)	Numerous one off criminal offences were reported, which the police if they had sufficient evidence, could have prosecuted for	Criminal remedies heard in the criminal courts
Noise nuisance	The Local Authority Environmental Health Department could have taken enforcement action for noise nuisance	A statutory notice served by authority, enforced in the criminal courts
Behaviour causing distress and alarm	Given the on-going nature on the behaviour it would also have been possible for the police or local authority to seek ASBOs against the perpetrators.	A civil remedy heard in the Magistrates Court under civil rules of evidence, breaches dealt with in the criminal court
Behaviour which is a nuisance and annoyance	Given breaches of their tenancy agreement, the LA acting in their capacity as landlord could have sought an injunction against the perpetrators	A civil remedy heard in the civil courts, breaches also dealt with in the civil court
Behaviour disturbing others quiet enjoyment of their home	Given breaches of their tenancy agreement, the LA acting in their capacity as landlord could have sought eviction	A civil remedy heard in the civil courts

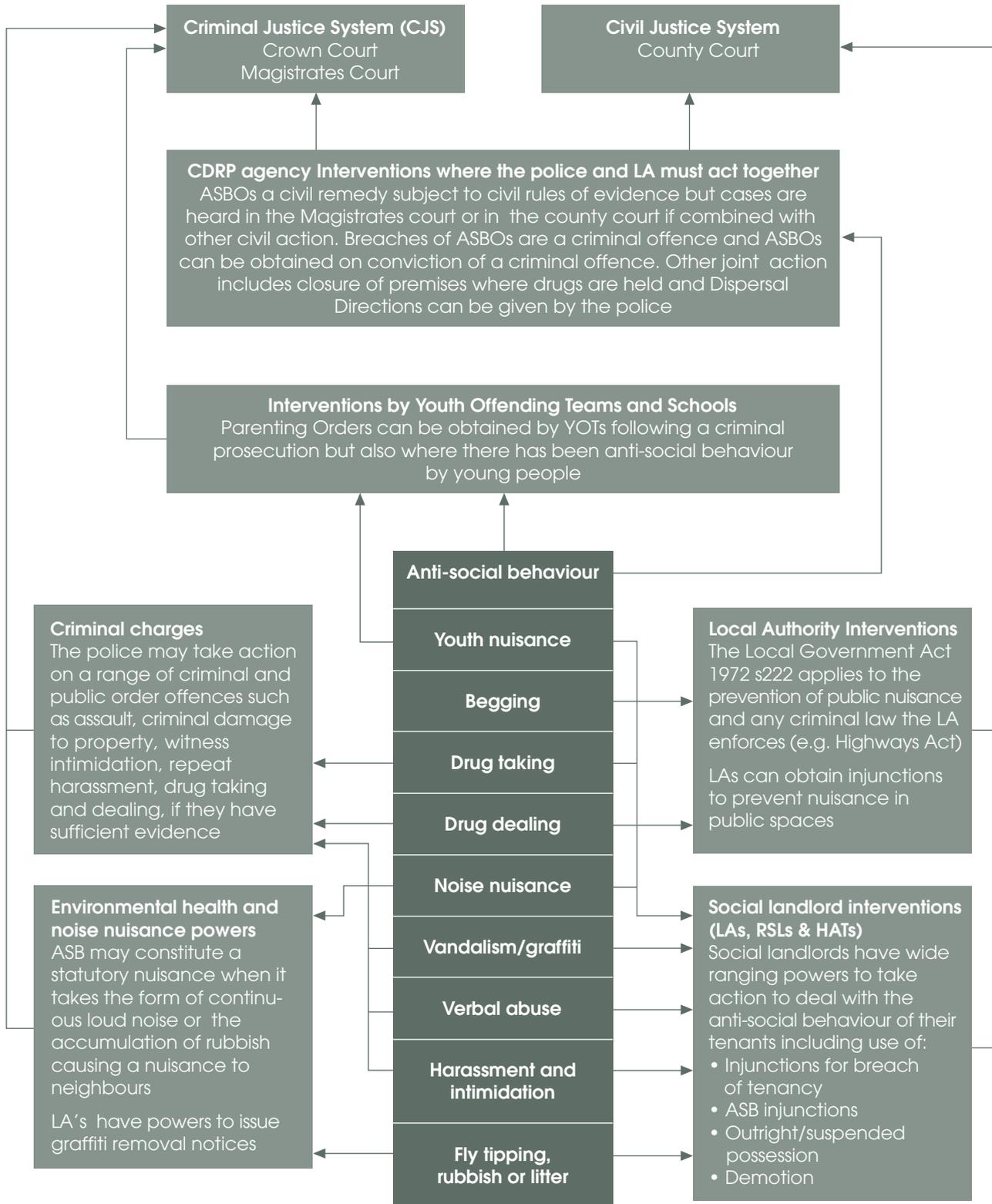
If we change the facts slightly so that the perpetrator is in fact an owner-occupier, then the last two options would not have been available, emphasising how the tenure of the perpetrator can affect the choice of action which can be taken by different agencies.

While the majority of local authorities are clear about their responsibility for tackling housing and environmental related anti-social behaviour, other forms of anti-social behaviour such as youth nuisance or complaints of anti-social behaviour from private households are frequently seen primarily as a policing issue (Audit Commission 2003a). One of the explanations why many local authorities encourage people to contact the police to report incidents of anti-social behaviour may be that most local authority agencies do not have 24 hour facilities for reporting incidents with provision restricted to office hours most typically 9am – 5pm Monday to Friday. It also appears that there are significant differences in the way in which reports are handled according to which agency receives the initial report, and the Audit Commission concluded that:

"differences in attitude between local authority and police responses to complaints/reports of anti-social behaviour mean that local authority response times are longer, with less immediacy, especially outside of conventional office hours. The current service approach to anti-social behaviour in local authorities hinders good co-ordination between departments and between local agencies" (Audit Commission 2003b, p1).

As Chart 2 illustrates in many cases of anti-social behaviour, action can be taken through either the criminal or civil justice systems – witnesses or victims however, are rarely involved in the choice of which legal measures are used.

CHART 2: ASB IN THE CRIMINAL AND CIVIL JUSTICE SYSTEMS



As Chart 2 illustrates in many cases of anti-social behaviour, action can be taken through either the criminal or civil justice systems - witnesses or victims however, are rarely involved in the choice of which legal measures are used.

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Support for victims and witnesses of anti-social behaviour

The recently published government national strategy A New Deal for Victims and Witnesses (Home Office, 2003a) acknowledged the inconsistencies in the provision of support to victims and witnesses and states that the government is committed to taking action to ensure that victims and witnesses of anti-social behaviour have access to the same level of support that is available for criminal cases.

The Audit Commission (2003a) found that many local authorities provide support for victims and witnesses of anti-social behaviour within a number of mainstream services but they also found there was a lack of integration between services provided by different agencies. In particular it was noted that there was a need to co-ordinate and streamline the support services offered within the CJS, and those provided by local authorities and Crime and Disorder Reduction Partnerships.

The provision of victim and witness care within the CJS is now regulated by the Victims Charter and the National Standards of Witness Care (Audit Commission 2003a). On the other hand if behaviours are dealt with as a civil matter, enforcement action may be taken through use of ASBOs, evictions, injunctions and noise control powers and there is no single equivalent agency responsible for supporting witnesses through the civil justice process. Provision of witness care by community safety agencies varies from one area of the country to another. Two thirds of CDRPs do not have a strategy for victims and witnesses and 6 out of 10 do not have a champion for victims and witness issues (Audit Commission 2003a).

Practitioners refer to the inconsistent nature of support for victims and witnesses of anti-social behaviour as a post code lottery. In a few areas CDRPs have commissioned local branches of Victim Support to extend their services to victims and witnesses of anti-social behaviour, more commonly large local authority landlords have set up specialist anti-social behaviour teams which provide support

to tenants while cases are investigated. In neighbouring areas however, there may be no provision at all and victims and witnesses will be dependant on informal sources of help such as that provided by family, friends and neighbours.

Multi agency witness support schemes

Good co-ordination and close multi-agency working between the police and community safety partner agencies is particularly important when using ASBOs. Because applying for an ASBO is not a mainstream criminal prosecution, the same witness support measures are not available to witnesses. As they have become more common and their use has increased, there is some evidence that the systems for supporting witnesses in the criminal justice system are being helpfully deployed (Campbell 2002), through multi-agency co-operation.

A further valuable development in multi-agency witness support provision is contained in the proposals to roll out Witness Care Units (see above) in the 42 Criminal Justice areas. The development of Witness Care Units is likely to highlight the support needs of all witnesses and in more serious cases of anti-social behaviour where ASBO proceedings are being considered, support may be extended to witnesses involved in civil proceedings. It is unclear however, whether such units will have the capacity to extend witness support services to those involved in civil proceedings initiated by social landlords such as possession action and injunctions.

Gwent Witness Care Unit: a multi agency witness support scheme

In Gwent, one of the pilots for the Witness Care Unit programme, a multi-agency partnership approach to victim and witness care is being developed. The principal trigger for involvement of the Witness Care Unit is at point of charge or point at which a witness provides the police with a report and statement about an incident. Close relationships are being developed with the local CDRP and in some cases witnesses in ASBO cases are referred to the unit. In addition, there are proposals to open an open access Drop In Centre where members of the public can report incidents. Further, it is intended to develop information sharing protocols and joint training on witness protection measures with the Local Authority and other Registered Social Landlords.

Dedicated anti-social behaviour witness support initiatives

The study identified four different models of anti-social behaviour witness care. Each model is illustrated by the work of a different case study organisation (details of each can be found in Parts 4 and 5). The four models of witness support schemes examined in the report represent examples of innovative practice and have been developed in response to locally identified priorities. They are at the leading edge of victim and witness care provisions and the services they offer are exceptional.

The use of specialist anti-social behaviour housing team/officers whose work is primarily, if not entirely, devoted to dealing with individual cases and developing social landlords' capacity to deal with anti-social behaviour policy is becoming increasingly common. Yet by 2003, only between a third and a half⁹ of social landlords reported that they employed either a specialist officer or had established a dedicated specialist anti-social behaviour team (Hunter and Nixon 2003, Audit Commission 2003b).

Professional Witness Schemes (PWS) can be used where either witnesses are too frightened to come forward or where some independent verification is required to resolve complaints of anti-social behaviour. The use of professional witnesses as an alternative method of gathering direct evidence is thought to be particularly useful in fragile communities or where victims are too frightened to come forward as witnesses. Most professional witness services are, however, run by private investigators and many agencies have been deterred from using them because of the potential costs incurred.

⁹ The Audit Commission's telephone survey of LAs undertaken in 2003 indicated that under a third of LAs (31%) had established a dedicated unit (Audit Commission 2003b). An alternative source of information on the scale of provision of specialist anti-social behaviour services is the SLCNG annual survey to members which in 2003 found that just over half had some form of provision (Hunter and Nixon 2003). Some care must be taken in the weight given to these findings since neither survey included a representative sample of all social landlords.

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The following table highlights features of the different schemes:

Table 3: Models of dedicated anti-social behaviour witness care provisions

Models of Witness Care and Case Study Organisation	Features of the scheme	Which agencies most commonly runs the service	Funding
<p>Dedicated Victim and Witness support</p> <p>Leicester Witness Cocoon (LWC)</p>	<ul style="list-style-type: none"> • An independent service • Tailored support is provided to all victims and witnesses of anti-social behaviour regardless of whether legal enforcement action is being taken • The service offers an advocacy service for victims and witnesses • Close working relationship with agencies taking enforcement action • Community development work is undertaken to strengthen community capacity • The service is available to any victim/witness whether they live in the private housing sector or are social housing tenants or running commercial businesses 	An independent organisation established to carry out this work	Insecure. National Lotteries for first three years now a variety of grants and CDRP funding
<p>Large multi-professional anti-social behaviour unit</p> <p>Manchester City Council Nuisance Strategy Group (NSG)</p>	<ul style="list-style-type: none"> • Multi-professional service • Witness care is evidence led and linked to possible enforcement action • Close working relationships with other statutory agencies • Much of the work of such teams focuses on action against social housing tenants but in a few schemes the needs of private tenants and owner occupiers are also being addressed. 	Local Authority Housing Departments	Mainstreamed into the overall budget
<p>Small specialist anti-social behaviour unit</p> <p>Charter Housing Association</p>	<ul style="list-style-type: none"> • Witness care is evidence led and linked to possible enforcement action • Close working relationships with other statutory agencies • The work focuses exclusively on anti-social behaviour involving the tenants of social landlords 	Medium to small social landlords	Mainstreamed within the overall budget
<p>Professional Witness Scheme</p> <p>Tower Hamlets L.B.C.</p>	<ul style="list-style-type: none"> • Witnesses are not involved directly since the scheme is used as an alternative method of collecting evidence • The scheme is staffed by volunteers recruited from existing LA staff • The scheme is essentially multi-agency and involves close working with other community safety agencies, principally the police. • The scheme provides independent verification of incidents without requiring members of the public to act as formal witnesses in legal proceedings 	Social Landlords	Mainstreamed within the overall budget

Third party reporting centres

In dealing with the overlapping and related problem of racial harassment some agencies have sought to develop what have become known as third party reporting centres. They have been described thus (Lemos, 2000, p.13):

"These would include, for example, racial equality councils, citizens advice bureaux, community and faith groups. The group that receives the report then passes it on to the agency which has the capacity to act, usually the police or the landlord. These efforts to increase the reporting of racist incidents are clearly intended to assist enforcement and support agencies in predicting and preventing incidents, as well as taking effective action once incidents do occur."

Such developments may increase reports (although this has not always been the case), and encourage reporting by those who do not have confidence to go to statutory agencies. Note, however, that staff in third party reporting centres need training in report taking (e.g. on the definition of racial harassment and the use of common reporting forms) and that developing a third party reporting centre requires time and money (Lemos, 2000).

Key messages and recommendations

The Government recognises that in order to tackle disorder and anti-social behaviour action needs to be taken to provide greater support to victims and witnesses. As part of the drive to increase confidence in the Criminal Justice System, a range of initiatives and reforms have been introduced to improve victim and witness care in the Criminal Justice System. While these improvements are welcome they will only partly address the needs of victims and witnesses of anti-social behaviour since they fail to account for the fact that many of the provisions to deal with anti-social behaviour are civil procedures subject to civil rules of evidence heard in civil courts.

While victims and witnesses do not differentiate between crime, disorder and anti-social behaviour, criminal justice system agencies and local authorities do. The term anti-social behaviour incorporates a very wide range of behaviours, indeed practitioners recognise that any behaviour can be anti-social depending on the context and the tolerance levels of the local community. The lack of clarity regarding the nature of the problem is one of the fundamental differences between anti-social behaviour and criminal behaviour. Different agencies adopt different working definitions of anti-social behaviour and this, in turn, affects which agencies are seen as being responsible for receiving reports and providing support to victims and witnesses.

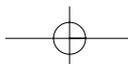
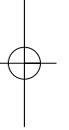
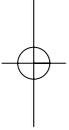
The type of support offered to victims and witnesses depends in part on which agencies receive reports and whether the behaviour is classified as a criminal or civil law matter. For example, incidents involving threats, harassment or intimidation are reported to the police, action may be taken through the Criminal Justice System (CJS) witnesses and victims may be directed to a national framework of victim and witness support services. On the other hand, if civil enforcement action is taken using ASBOs, evictions, injunctions and noise control powers there is no single equivalent agency responsible for supporting witnesses through the process. If people are to be offered appropriate support, regardless of which agency they initially approach for help, there is a need for co-ordinated action to ensure that the way in which complaints are dealt with has greater consistency. Local CJS and CDRP partner agencies must work together to develop robust procedures to ensure that:

- In all CDRP areas an audit of existing witness support provision is undertaken and strategies are developed to ensure that where people are prepared to take a stand against anti-social behaviour they are offered appropriate support;



PART 2. ANTI-SOCIAL BEHAVIOUR AND THE CIVIL AND CRIMINAL JUSTICE SYSTEMS

- Agencies responsible for taking enforcement action, including the police, social landlords, and environmental health develop a robust framework for identifying the need for services and monitoring satisfaction with existing provision;
- CDRPs and CJS agencies use their powers to procure a range of dedicated services to ensure that victims and witnesses of anti-social behaviour are offered appropriate support at every stage in the process from when an incident occurs, through investigations, during court hearings and beyond.



PART 3. FROM INCIDENT TO REPORT

The previous chapter set out the policy and practice context of why improving support for victim and witness of anti-social behaviour is a priority for both central government and local community safety agencies responsible for taking enforcement action to stop anti-social behaviour. This Chapter focuses on the real life experiences of people living in areas with high levels of disorder and anti-social behaviour and considers:

- The range of behaviours that make people feel unsafe or which reduce their quality of life;
- The particular ways in which anti-social behaviour is different from other forms of crime;
- Which agencies people report incidents to;
- The reasons why many people are reluctant to report incidents to statutory agencies responsible for taking enforcement action.

Behaviour that makes people feel unsafe

In Part 2 we outlined the broad dimensions of anti-social behaviour and the way in which it is different from other crimes. The findings from the residents focus groups and the interviews with victims and witnesses confirms that for many people anti-social behaviour is a more complex and difficult problem to deal than a single one-off criminal event.

Discussions with residents living in areas of high disorder reported that there were a range of behaviours, which caused them concern. In all three areas anti-social behaviour was perceived to be a persistent and wide spread problem involving anything from low level nuisance caused by children playing in the street, noise nuisance, teenagers hanging out through to more serious incidents such as arson, vehicle crime, threats, physical attacks, property damage and drug dealing. The interviews with victims and witnesses revealed that people's quality of life had been reduced by a similar broad range of different kinds of problem behaviours including loud parties, drug dealing and the problems that go with it, litter, harassment, and neighbours running 'open houses'.

Residents frequently felt resigned to dealing with the behaviour, although when asked how serious the behaviour was, there was a ready acknowledgement that for more vulnerable members of the community action needed to be taken. As one resident pointed out:

"It's not really serious for me, it's my neighbour – when you get someone who is 84 years old being threatened" (Barnsley resident).

While levels of tolerance vary from one area to another, youth nuisance was commonly described as a problem. For one of the residents focus groups the main problems in their neighbourhood were caused by gangs of youths drinking, damaging property and drug taking. A long term resident of the area, explained how she had simply got used to the anti-social behaviour and it was not until her baby-sitter refused to come to the house any more that she realised how bad things were:

"I was shocked and thought 'yes, you shouldn't have to put up with it as well.' I had just had to get used to it, I just put up with it" (Liverpool resident).

How anti-social behaviour is different from crime

Although the types of behaviour that were reported as being anti-social varied from one person to another, a number of common themes emerged from the discussions which inform an understanding of the ways in which people experience anti-social behaviour differently from being a victim of crime.

• High volume, low level incidents

Anti-social behaviour typically manifests itself in high volume, low level incidents involving repetitive and cumulative impacts. Residents were aware that some of the behaviour which concerned them might be considered trivial when considered in isolation but when experienced on a regular daily basis could become unbearable:

PART 3. FROM INCIDENT TO REPORT

"Sometimes it is the more petty things that encroach on your lifestyle than the more bigger things... sometimes its just kids playing football that can cause as much of a problem as someone down the other end of the street dealing with drugs" (Shirebrook resident).

The impact of the on-going nature of disturbing behaviour, combined with the proximity of perpetrators and victims was also recognised by professionals working with victims as being one of the reasons why anti-social behaviour is so debilitating:

"I think it's very intimidating, I think it's very, very frightening. I think continual anti-social behaviour eats away at you constantly, I think it makes you depressed, it drives at you all the time, you wonder why you can't manage it, nobody takes you seriously. Somebody comes in about a burglary it's awful, everybody's up in arms, it's terrible, all the services move in and then it's over and they move on, but the continual drip, drip, drip of anti-social behaviour, I think it destroys people, it destroys communities" (LWC Manager).

• Proximity of perpetrators and victims

Perpetrators and witnesses frequently live in the same neighbourhood. The physical proximity of perpetrators affects victims and witnesses of anti-social behaviour in a number of different ways. Not only does it increase the scope for daily harassment and intimidation of witnesses but it also makes some people feel that because they live in the same area as known trouble makers they are less likely to be believed by statutory agencies or be treated as credible witnesses. A further problem identified in one area, concerned the nature of the neighbourhood in which it was felt it would be impossible to report incidents with any guarantee of anonymity:

"Our trouble round here is that they all know each other, so if something happens with them, they won't report them" (Shirebrook resident).

The proximity of perpetrators had a direct impact both psychological and material, on the daily lives of many witnesses and victims. Clare described the effect her next door neighbour's behaviour had, on her and her son:

"At the end of the day no one should have to live I like that. ...not have blasting music out of the walls and punching the walls, and slamming the doors like they do...My 12 year old son, has to have counselling" (Clare).

For some witnesses the behaviour was so disruptive and disturbing they had been forced to either change jobs or stop work all together. Mr Fisher for example, explained how the behaviour had affected his long term employment opportunities:

"I used to do a milk round and I started that in early '98 and did that for three years, and because of the music through the night I had to give that up and take a drop in pay of about thirty pound off a week" (Mr Fisher).

• Confusion between witness and victim

A further way in which peoples' experiences of anti-social behaviour differs from other forms of crime is that in many cases of disorder and severe nuisance the role of victim and witness are not differentiated. Agencies providing support for people affected by anti-social behaviour recognised that by the very nature of the behaviour, individuals are often both victims and witnesses. For example, noise nuisance, graffiti, vandalism, harassment and intimidation affects whole communities and individuals living in these communities can be simultaneously both direct and indirect victims and witnesses.

To illustrate the way in the confusion between the roles of victims and witnesses affects people one practitioner drew on her experience of supporting someone involved in a case involving drug abuse:

"witnessing certain drug activity, she is not affected by that, in that she's not a victim of that, but she is

affected by it, in terms of it bringing certain elements into a place where she lives that makes her feel unsafe and therefore she is a victim, but she is also a witness" (LWC worker).

One of witnesses interviewed reflected on her experience of being both victim and witness in the following way:

"There are victims still walking around really like victims because they did nothing about it, they have not seen justice. I walked out of that court and I had got justice. I don't feel like a victim. I was, but not any more, you are only a victim when you haven't got control of the situation and when you can't do nothing about it" (Mary).

• Attempts at informal resolution

Not uncommonly, people affected by anti-social behaviour at first try to resolve the problems themselves without involving any statutory agencies. A number of witnesses recalled how before they contacted an external agency for help they had approached the perpetrators directly. People wanted to give their problem neighbours a chance to change their behaviour and it was hoped that by engaging with the family or individual the situation could be resolved. Mr and Mrs White recalled how they had approached their neighbour whose behaviour had changed dramatically when his marriage broke down and he began a new relationship:

"We honestly tried to give them the benefit of the doubt because he had always been fair with us" (Mr and Mrs White).

In Mr Holmes' case his business rather than his home was the target of acute youth nuisance. Despite the fact that at times the behaviour was so disruptive he was prevented from inviting clients to his office, he also tried to engage with the young people as a first step in trying to resolve the problem:

"I felt there was nothing to be gained from an aggressive approach (he tried to reason with the group) "come on do you understand what you're doing, can you give us a break, you must understand that we cannot operate like this", (this approach was not successful) you know it got to the point when we realised approaching the kids was not going to do us any good whatsoever" (Mr Homes).

A typical example of how victims/witnesses seek to resolve problems of anti-social behaviour without recourse to statutory agencies was provided by Sarah.

Sarah

Sarah lived in the immediate neighbourhood of a family causing severe nuisance involving litter and rubbish, youth nuisance, truancy, vandalism, harassment and drug dealing. Her first response was to contact her neighbours offering to help them. She sent them a note saying:

"I have noticed you are having a lot of damage done to your property....We have a home watch group, would you like to join the home watch group? I will come and call for you on such a night. I have noticed you are having trouble with your rubbish, throwing out bags of rubbish, do you not know what day they come? They come on such a day..."

Sarah explained how frightened she had been contacting the perpetrators but felt that she had to do something both for herself and for other people in the neighbourhood who were affected by the behaviour: *"I was frightened to death, scared witless, but I couldn't live like that. I can't shut my door like everybody else did.... It was absolute panic with me".*

PART 3. FROM INCIDENT TO REPORT

As Sarah's story illustrates it often took a lot of courage for victims to make informal approaches to try to resolve the problems. We return to this theme in Part 6 below, when we consider how the different witness support case studies recognised the need not only to intervene directly to support individuals but also saw the need to build community capacity to help residents themselves tackle nuisance behaviour.

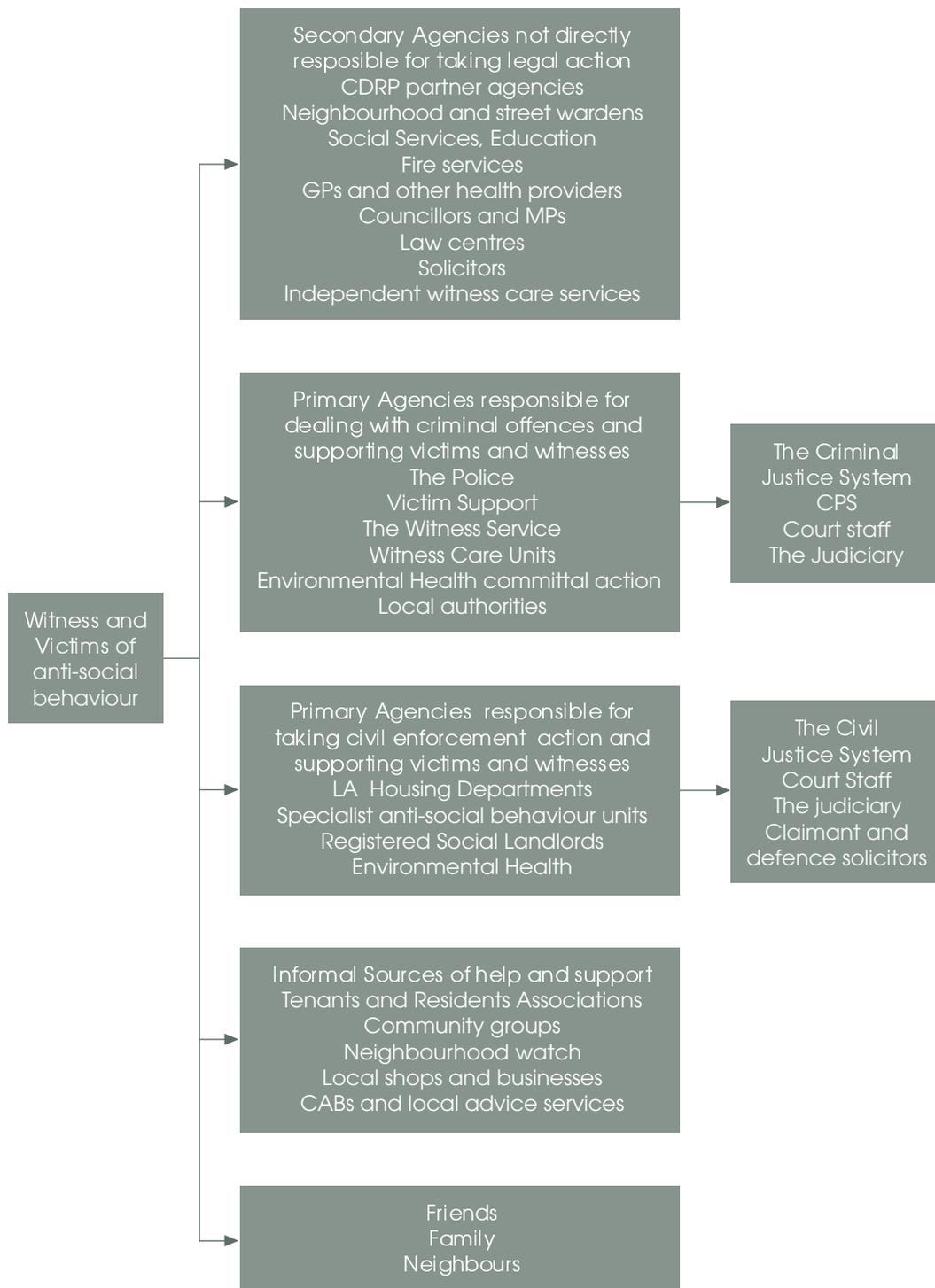
Groups with a role to play in providing witnesses with support

When deciding whether or not to make a formal complaint victims and witnesses have to choose who to contact from a bewildering range of different agencies. The choice of which agency to approach is an important one and one which will have a significant impact on what forms of support will be available to witnesses and whether action is taken through the criminal or civil justice systems. All too often however, victims and witnesses said they had been confused and unsure about which agency to approach due to the lack of information and knowledge about which agency is responsible for different types of behaviour. This issue was also highlighted in a number of the residents' focus groups:

"You are left thinking 'who can I go to?' I think that is why a lot of the time people don't come forward" (Shirebrook resident).

Chart 3 below illustrates the complex range of groups and agencies that have a role to play in supporting victims and witnesses of anti-social:

CHART 3: THE RANGE OF GROUPS WHO HAVE A ROLE IN SUPPORTING VICTIMS AND WITNESSES



PART 3. FROM INCIDENT TO REPORT

In practice, victims and witnesses interviewed in the study had sought support or help from five different groups:

- Family, friends and neighbours;
- Informal sources of help such as, independent and voluntary agencies often operating in the neighbourhood;
- Secondary reporting agencies who referred people on to either;
- Primary reporting agencies responsible for taking civil enforcement action or;
- Primary reporting agencies responsible for dealing with criminal offences.

Most commonly, people expressed a preference to talk to friends, neighbours, and family before making contact with informal sources of help such as Tenants and Residents' groups, local advice services and other neighbourhood agencies. Where the behaviour was extremely disturbing, or where there had been physical attacks or damage to property, the police were often the first point of call. In many cases people had approached a variety of different agencies for help but had received unsatisfactory responses which had resulted in them being referred from one agency to another with no one prepared to take responsibility to deal with the incident.

The reasons why people are reluctant to make reports

Lack of knowledge about which agency to approach to deal with different forms of anti-social behaviour was not the only barrier preventing people from taking action. Equally important were the following factors:

Fear of reprisals

Research has highlighted the extent of witness intimidation in criminal cases with over 10% of the crimes reported to the police resulting in intimidation and up to 20% of crime not reported by witnesses as a direct result of fear of reprisals (Simmons and Dodd 2003). It is likely that the level and impact of intimidation in anti-social behaviour cases is even higher because of the physical proximity of witnesses and perpetrators.

A national study of social landlords' use of legal remedies to deal with anti-social behaviour, found that over half of social landlords reported that on at least one occasion witnesses in anti-social behaviour cases had been subjected to intimidation and that in a significant number of cases action had to be dropped and cases withdrawn because of lack of evidence:

"The fear of reprisals from the community is very real and significant and private witnesses as an alternative source of evidence are very expensive" (Nixon et al 1999, p.35).

A study into the use of ASBOs (Campbell, 2002) also found there was widespread evidence of fear and intimidation resulting in under reporting of behaviour and a reluctance to act as formal witnesses.

Concerns about retaliation emerged as key themes in both interviews with individual victims and witnesses and in the resident focus groups. Although all the interviewees had reported the incidents, many described how other residents and neighbours were reluctant to get involved as a result of fear of intimidation and reprisals:

"They were reluctant because they were scared, there are a lot of single parents in the street and although they have seen all this for the last five years and they don't want to put up with it, they won't come forward at the end of the day they have got to go back inside their own front door. ... there is three of us who stood together and said 'No, we are not going to put up with it'" (Claire and Emma).

The residents' focus groups were used to explore in greater detail why people are not prepared to come forward and the same concerns about fear of physical retaliation were expressed. One woman who had been approached by a local councillor to act as a witness in an anti-social behaviour case explained why she was not prepared to take part in a forthcoming prosecution in the following terms:

"I know somebody who did something, that is trying to be followed through, but I know that once I open my mouth, my home will be targeted. I know that and I have already been warned that. Now I said to this councillor if you can guarantee me that if my windows are put in or if anything else happens to my property, that you will be responsible and that you will put it right, I will stand up and be counted but until that can be done there is no way that I will stand up" (Barnsley Resident).

The impact of the fear of intimidation and reprisals were also recognised by the staff working with witnesses:

"You do get apathy within neighbourhoods but I think that is partly down to fear. You know for instance possibly where somebody has reported they've had their front door kicked in and glass sprayed on their windows and things like that it is very much part of the culture of the community and if you stick your neck out then you do feel frightened" (LWC, worker).

As has been illustrated, intimidation and fear of reprisals are dominant features of anti-social behaviour cases and can act as powerful disincentives for people to report incidents to the police or CDRP agencies. In one focus group, a participant who was an active member of the local Tenants and Residents Association commented:

"it would have to be a serious incident before people would report it ...I think they think we are the first port of call." (Shirebrook Resident)

Lack of confidence in the statutory agencies.

Linked to the confusion over which agency to contact, people also expressed a lack of confidence that statutory agencies would take their concerns seriously. It was believed that anti-social behaviour was a low priority and that little would be done. In both the resident focus group and interviews with individual witnesses, people expressed most dissatisfaction with how the police respond to complaints. As the following comment indicates there was a common perception that the police do not understand how traumatic anti-social behaviour can be and therefore do not take complaints seriously:

"Once you start reporting things you never get any feedback, you don't know what is going on, you are just left, you don't feel believed, you don't know anything about it and then they say it is confidential. You don't expect them to tell you everything but it would be nice if they said, we are taking what you say seriously." (Liverpool resident).

Joan, Diane and Susan a group of three neighbours who had tried to deal with the problem behaviour of one family for over 12 years reported that when they had approached the police for help they were told:

" 'oh but you don't want to cause any problems do you, you don't really want to have arguments with your neighbours' and that is their logic you know" (Joan, Diane and Susan)

In practice, the police respond to calls on a priority basis and reports of persistent nuisance or harassment often receive low priority particularly when there is a perception by the responding officer that little can be done to stop the offending behaviour. This was reflected in the comments from the focus groups and interviewees:

"They (the police) are not interested. I have even heard one policeman, he got out of his van, turned to the other policeman and say 'oh let's leave them to it'." (Graham)

"the police say they will come out, but they don't" (Liverpool Resident)

PART 3. FROM INCIDENT TO REPORT

It was not only the police response that people were critical of. Not uncommonly victims and witnesses also said they had felt disbelieved or belittled when they tried to report incidents to community safety partner agencies. Mrs Green for example, felt extremely let down and angry by the response that was given to her when she sought help from the local council. As the following extract indicates she felt that her complaints had been treated with scepticism and sarcasm and that she was made to feel that she was simply being a nuisance.

"... 'yes Mrs Green what now', and when you've just had your dog mutilated and you've had to take him to the vets, and you've been in absolute bits, to hear that at the other end of the phone. Your kids are absolutely in floods of tears cause they've been petrified all night, or your husband's just been physically attacked, or there's just been another three or four hundred quid's worth of damage done to your house that nobody else is going to pay for but you, so 'yes Mrs Green, what now....' you start to think 'I must be a real big problem here' because you become a nuisance to the Police, you're a nuisance to the Council" (Mrs Green)

It was not uncommon for witnesses to report that they had experienced a perverse sense of feeling that they were to blame for the anti-social behaviour. These feelings of self doubt were exacerbated by the isolation of lone witnesses living in areas where others were too frightened of intimidation to make complaints. Mr and Mrs Fisher had been victims of their next door neighbours' anti-social behaviour involving drug dealing, harassment and vandalism for over six years but when they complained to the LA housing department they were made to feel like it was their problem.

"when we were having meetings with the housing officers she was just saying well 'why are you the only ones complaining?'" (Mr and Mrs Fisher)

These responses and past failures by statutory agencies to deal with problems led many residents to believe that in some areas perpetrators of anti-social behaviour were above the law and that nothing could be done to stop them. For example, one woman explained how she had seen two young lads attempt to break into her car and then run away but when she had telephoned the police she was told that *"nothing can be done to them - there is no point."*

As a result of the very negative experiences that many victims and witnesses had had when they made official reports people said they now had little confidence in the ability of statutory agencies to deal with anti-social behaviour. For example, when presented with an account of anti-social behaviour and asked what action they would take members of one residents focus group were unanimous in stating there would be no point in telling either the police or housing office about it.

"Tell who? The police or housing would not do anything so really all you can do is tell your friends and neighbours. We have lost all confidence in the housing and the police" (Liverpool, Resident).

Not all witnesses felt like this. Some recognised that statutory agencies are constrained by the availability of resources and that invidious decisions have to be made about which cases to prioritise.

Key messages and recommendations

Anti-social behaviour differs from other forms of crime in a number of important respects. One of the key themes emerging from interviews with victims and witnesses was the fear of intimidation and reprisals and it is not uncommon for people to try to resolve problems themselves before seeking help from criminal justice system or community safety agencies. Once the decision has been made to make a formal complaint the choice of which agency to approach is an important one which will in part determine whether people are offered appropriate help and support. Even where people had overcome their reluctance to report incidents all too often witnesses reported that statutory agencies responsible for taking enforcement action failed to investigate complaints and take effective action. These failures led many people to lose confidence in the ability of statutory agencies deal with anti-social behaviour. All agencies responsible for receiving reports of anti-social behaviour need to ensure that:

- Clear local information be provided on how victims and witnesses can report incidents, what action will be taken to deal with different types of incidents and the availability of sources of help;
- People reporting incidents need to be confident that the incident will be investigated and that their complaint will be taken seriously, that information is provided about what action will be taken to deal with the complaint and what will happen next;
- Victims and witnesses should be provided with a single point of contact from report to court and not passed from pillar to post;
- At the first point of contact a victim and witness 'needs assessment' should be undertaken to establish what type of support is required. In particular agencies should address witnesses and victims' fear of intimidation and retaliation.

PART 4. INVESTIGATING INCIDENTS

Once an incident has been reported to an agency with power to take some action, the next step is for the agency to investigate the complaint. At this point witness support may be offered to the victim/witness. In this chapter we examine the:

- Problems that occurred during investigations;
- Barriers to wanting to co-operate with on-going investigations;
- Models of witness support provisions;
- Features of dedicated witness support schemes.

Problems with investigations

A number of issues emerged which illustrated victims' and witnesses' dissatisfaction with the way in which statutory agencies investigate complaints.

Agency inefficiency

Even where residents had overcome their initial reluctance to inform the police or housing office about anti-social behaviour, frequently people were unhappy that they had been given insufficient information as to what was happening as a result of their intervention. All too often when people reported an incident they said they had not really understood what was happening or why they had been asked to collect evidence:

"I'd have liked them to have kept a bit more in touch and let me know what was going on, instead of just expecting me to get on with me life and then just turn up in court" (Mrs Smith)

As noted earlier, there may be several agencies potentially involved with anti-social behaviour cases. Witnesses felt that more should be done to ensure that all the agencies involved exchanged information and worked together to progress investigations. In Claire and Emma's case both the police and Charter Housing were involved in investigating reports of nuisance but initially there appeared to be a failure to co-ordinate action:

"The police don't automatically send a report to the housing association, the housing have to write to the police and ask them for it, and wait for it. It would be so much easier if the police sent a report to the housing association, 'we have been called out x amount of times to this person, you have a problem tenant...' The police were saying to us, 'you need to get on to Charter', we are looking at them thinking, 'don't you already report this?'. We already knew, and yes we had already been onto Charter at this time. So it was like, yes we have told Charter, but Charter can't do anything because of all these procedures they have to wait for this, and wait for reports off the police rather than it going straight to them. It is all red tape." (Claire and Emma)

It was not only multi-agency interventions where problems with communication hindered investigations. Witnesses also frequently reported dismay at the lack of information exchange between officers employed by the same organisation. As the following comment shows, this was particularly the case in housing organisations where the problem had been going on for a number of years and there had been changes in staff:

"we had several Housing Officers, never passed a case over, never discussed it, just like let it go" (Mrs Green)

Loss of confidence in investigating agencies

As a result of experiences of general inefficiency, some witnesses reported that they had little confidence in the ability of the investigating agencies (see further Part 3). One witness was so frustrated by the housing office losing her diary sheets, she resorted to photocopying the sheets for her own records and asking for receipts whenever she submitted a diary record. Indeed the use of diary sheets as a method of collecting evidence was often seen as problematic:

"Another thing is the diaries, if I am not living it I am writing it, they take time to fill them out, there must be an easier way. Sometime as you only get limited space, I am adding 5,6,7 sides of A4 in for 1 incident. It is a hell of a lot of writing if you want to put the detail in" (Graham)

Witnesses also reported feeling very frustrated at the methods of evidence gathering used by the police and other primary reporting agencies and this had led many witnesses to doubt the ability and capacity of the official authorities to carry out investigations. Environmental health monitoring for noise nuisance for example, was often seen as being futile:

"The problem is basically getting them there in time. It can take (them) up to an hour to come, ... they must come into our property to be able to get the readings, and its very difficult, as soon as they come and she sees them in off goes the music" (Mr and Mrs Fisher)

A further problem that was highlighted by witnesses concerned the fact that many of the civil remedies for anti-social behaviour are tenure specific and investigating agencies often find it difficult to respond to victims who are not social housing tenants. For example, when asked why the police and community safety agencies had been so reluctant to intervene, Joan felt that it was in part because they were owner-occupiers not social housing tenants:

"We have no rights in private property, I mean this really needs bringing up, this really does need addressing by the government in fact, that something has got to be done about people in their own property getting protection with the Council, because all you get from the Council is 'oh well you're not in Council property, there's nothing we can do'" (Joan).

Although there were clearly numerous problems with the official investigation process, some people acknowledged that the problems had been caused

by a particular officer rather than the agency as a whole. Where however, people had lost faith in the ability of the primary investigating agencies to gather evidence quickly and efficiently, a few people reported that reluctantly they had no alternative but to take matters into their own hands or rely on informal methods of self policing:

"So I had to take the law into my own hands using intimidating behaviour to get what was duly owed to me, and I hated that...I would say that the majority of the time the estate polices itself, but not always in the best way and not always in a positive way" (Anna)

In order to overcome some of the difficulties associated with investigating cases and gathering evidence Tower Hamlets has developed a dedicated anti-social behaviour Professional Witness Service. This service combined with the use of surveillance cameras can avoid the necessity of requiring individuals to identify perpetrators.

PART 4. INVESTIGATING INCIDENTS

Mr Holmes

In a mixed residential and retail area a group of young people started congregating, playing loud music, playing football, racing cars up and down the street. Mr Holmes described the impact of the behaviour in the following terms:

"It was literally 10:30 in the morning, groups of youths were gathering outside the shop and there would be twenty of so youths at a time causing trouble and noise for the whole day... it was extraordinary to see such anti-social behaviour going on publicly in the street, unattended, there was no police presence at the time. We felt complete exposed...I would like to emphasise how severe it was...I am very tolerant but I must emphasise the level of anti-social behaviour we're talking about - it was chaos, it was that bad all day."

Following complaints to the police a number of the shop keepers were targeted and threatened: "it became like a battle to them I think, that these new people in the street should be taught a lesson about who was actually running the show". The level of nuisance became so severe one of the retailers in the street was forced to board up his office windows and could no longer operate from the premises. A multi agency meeting was held and a risk assessment was undertaken which resulted in some target hardening measures being introduced. In addition Professional Witnesses backed up by 24 hour surveillance cameras were employed and sufficient evidence was gathered to identify the perpetrators. Subsequently the ring leaders were signed up to Acceptable Behaviour Contracts and the level of nuisance abated.

Barriers to co-operating with on-going investigations

It is acknowledged that if investigations are going to lead to successful legal action to stop anti-social behaviour, witnesses need to feel engaged, protected and valued throughout the process. If an agency is going to be able to progress a case, then it is vital that witnesses are kept on-board throughout the process. People drop out at different points – sometimes being unwilling to be involved beyond reporting the issue, to being willing to make witness statements but not actually attend court. In this section we consider why people drop out before the court hearing, while in Part 5 below we consider the actual experience of appearing as a witness.

Fear of reprisals

As with reporting incidents, fear of reprisals acted as a barrier in becoming actively involved as a witness in a case. Some residents felt that guarantees of additional security measures and physical support might help overcome their reluctance to act as a witness. For others however, the fear of reprisals once legal action was commenced was very deep rooted as the following comment illustrates:

"I don't mind doing the statements, but I would never go to court. I would never go into the court and say what I have seen, not round here, especially if that person were there...I think that I would feel threatened, not just for me but for my family" (Liverpool resident).

It is clear that many people feel that although they may be persuaded to overcome their fear of attending a court hearing and indeed may be prepared to stand up to personal intimidation or harassment from perpetrators they are not willing to subject their family to the same sort of pressure: *"I would be petrified, absolutely petrified, not for me but for my family" (Liverpool resident).*

The release of witness statements

There are tensions between the requirements of the legal process to provide full disclosure of all statements when documents are served and the need to protect witnesses. Even where action has been taken to blank out witnesses names and addresses on statements the specific content of the document often allows for the witnesses to be identified by perpetrators. Where this had happened some witnesses were particularly unhappy that their identity had been revealed to the perpetrators. Many of those interviewed expressed extreme distress about this issue, particularly since it had not always been clearly explained that all witness statements would be passed on to the defendants via their solicitor. Some witnesses like Philip, thought that in providing a full account of what they had seen and heard their identity would not be revealed to the perpetrators:

"Somebody should have informed us and we could have said, we are not going to court, this could endanger our kids' lives. But no, not until the day we went to court and found out, and then you have got a week then afterwards to see if he is going to make any attempt on you and you live in fear" (Philip).

Models of witness support

At every point in the witness pathway fear of reprisals and intimidation are dominant concerns for witnesses and victims. In the following section of the report we examine the different models of witness support provision and consider the extent to which provision of support helped alleviate victim's fears and anxieties.

The case study organisations recognised the importance of developing care programmes that address victims' and witnesses' concerns. Each of the four types of witness care had been developed in response to locally identified priorities and different forms of intervention were provided by the four schemes. The field work revealed the delivery of high quality witness care was underpinned by a shared

understanding of the way in which anti-social behaviour is different from other forms of crime. Interviews with managers and staff and volunteers highlighted a number of issues that must be addressed when developing witness support schemes including:

- The need to place witnesses at the centre of the process;
- The need to recognise the debilitating impact of anti-social behaviour and tailor support to individuals' needs;
- The importance of recognising and addressing the consequences of past failures to support victims and witnesses;
- Recognition that high quality witness care requires specialist skills and expertise;
- The need to ensure that witnesses feel physically secure.

Each of these issues is briefly examined in turn below:

The need to place witnesses at the centre of the process

A fundamental part of witness care is the recognition of the need to place victims and witness at the centre of case management. In order to identify the individual's support requirements it was considered essential to undertake an initial needs assessment. This process enabled the case study organisations to address witnesses' fear of harassment and intimidation, deal with associated health concerns, and where necessary arrange for additional security and protection measures. Leicester Witness Cocoon for example, has developed a comprehensive client assessment so that the service offered can be tailored to the specific needs of the client: *"We're very, very witness driven, so each particular case gets the service that relates to their particular needs, so it's very resource intensive" (LWC, manager).*

PART 4. INVESTIGATING INCIDENTS

The provision of tailored support

The impact of anti-social behaviour can be very debilitating. Individual victims and witnesses need differing levels of support and the service must be sufficiently flexible to respond to the particular needs of individual witnesses.

"Basically we offer a bespoke service so its very much individual, individually led and no two people get the same service, it depends on what their needs are and also on what they ask for, they might ask for one certain thing now but that might require more intensive support or less intensive support depending on where they are and how the interventions are working" (LWC, manager).

For many witnesses the overriding need is for contact with someone they can trust and who is available to provide support on an ongoing basis. The value of personal contact was borne out by the interviewees who had used witness support services. The amount of contact needed varied depending on the stage the case was at. All the people interviewed felt that they could contact their support worker whenever they wanted for help or advice. Helping people find out how their case was progressing and providing them with detailed information about what action was being taken to stop the offending behaviour was also seen as a vital part of providing witnesses with support. However, practitioners also stressed the importance of providing people with a realistic assessment of what action can be taken:

"It is important to be honest with people and that you have not got a magic wand, you will help them and support them and do all you can to support them. You can't change it overnight and explain the only tools we have got available is the legislation and it is important that we use it to our advantage. It is sometimes difficult." (Manchester NSG, officer).

Addressing past failures

Victims' and witnesses' lack of confidence in agencies has been set out in earlier in this chapter and in Part 3, above. Many hard pressed housing officers simply do not have time to provide the in-depth support that is necessary to support vulnerable witnesses living in fragile communities and complete all their housing management duties. As a result some victims and witnesses had felt let down in the past. The case study schemes recognised that in order to build peoples' confidence and trust they had to address the consequences of past failures.

"What we realised very quickly was that the witnesses in many of these cases had been complaining for very long periods, had a sense of never having been listened to, had a sense that the services to whom they were complaining had no understanding of the problems that they were experiencing. The typical thing being: 'Well you wouldn't know would you, you go home at night'. We have to face this all the time. You are out on these estates every now and again, we live here." (Manchester NSG, manager).

A central part of the work of witness care involves listening to victims and witnesses in order to help build their confidence. Individual witnesses valued having someone to talk to who took their concerns seriously, listened, cared and genuinely wanted to help. In addition to providing people with psychological and emotional support Leicester Witness Cocoon also provided an advocacy service. This service facilitates inter-agency working by providing a single point of contact for all the different agencies involved in a case and was valued by both agencies taking enforcement action and by victims and witnesses themselves. In building up confidence and trust Manchester Neighbour Strategy Group found that the local media could be a good source of positive publicity:

"There is rarely an evening when the Manchester Evening News doesn't carry a story of these successful results that we have secured. All of that together leads to an expectation in an enormous number of our witnesses that we will get something sorted out and we will get it sorted out properly (Manchester NSG, Manager).

Witness care requires specialist skills and expertise

Without exception, all those providing services to victims and witnesses felt that the work required specialist skills and expertise. Witness care was recognised as being very demanding and resource intensive work which required high levels of professionalism and commitment.

"you need particular skills, you need the skill, you need the empathy to be able to understand what the person's needs are and to a certain extent predict those needs because for most witnesses, most victims, it's a new experience so they don't know what's happening" (Tower Hamlets PWS, officer)

It has been suggested that witness support could be incorporated into the mainstream work of criminal justice and community safety agencies (Audit Commission 2003a). While this may appear to be a cost effective method of improving service to victims and witnesses of anti-social behaviour evidence from professionals working in the field suggests that without changing existing resource provision and priorities existing agencies will not be able to develop either the necessary expertise or capacity to meet existing need.

Good practice in evidence collection methods indicates it is important to provide practical measures to support witnesses and psychological and emotional support to promote confidence amongst individuals and the community as a whole (Hunter et al 2000). But such work is resource intensive:

"It is very demanding on time, basically you know, because you need to be available to that person almost 24 hours a day, we don't offer that support but we would like to, you need to be there if an incident happens, if something happens to give advice etc" (Tower Hamlets PWS, officer).

Criminal Justice agencies and community safety partners in the four case study areas acknowledged the value of having access to a dedicated service to support victims and witnesses of anti-social behaviour. For example, Leicester City Council Neighbour Nuisance Team felt that many witnesses in anti-social behaviour cases needed ongoing emotional support in order to move forward and leave their negative experiences behind them but they did not have the resources to provide this type of in-depth support. Instead they routinely refer witnesses and victims to the specialist Witness Cocoon service. The Legal Officer for the Neighbour Nuisance Team felt that without this support:

"Many of our witnesses would have found the process of reporting anti-social behaviour and continuing to engage with our team throughout the court process, extremely difficult."

Physical security measures

Staff from the case study organisations recognised that the importance of ensuring that everything possible should be done to protect victims and witnesses from intimidation and reprisals. A routine part of witness support was to ensure that people were offered the option of having additional security measures. The type of interventions valued included: the provision of door and window locks, use of security cameras, panic buttons, fire-proof letter boxes, the provision of mobile phones etc. Target hardening measures included the provision of surveillance cameras, a higher police presence in the area, rapid response agreements. An example of the way in which the Tower Hamlets PWS was employed to address peoples' need for additional security is outlined overleaf:

PART 4. INVESTIGATING INCIDENTS

Physical protection provided by the Professional Witness Scheme

In an inner city area a number of Post Offices were targeted by muggers on days that elderly people cashed their pension giro's. A joint operation was set up between the police and Tower Hamlets Professional Witness Scheme to visit all the major post offices in the Borough to contact people collecting pensions and help arrange for them to have their pensions paid into a Post Office Account. Pending the new arrangements, the Professional Witnesses undertook to escort people back to their homes to ensure that they felt safe and protected.

Some witnesses had been offered extra security measures by the witness care programme that supported them and described in interviews how they found these useful. Jane reported an anti-social behaviour problem that her friend was experiencing and described how one of the first things that Charter Housing did was carry out a security assessment of her own and her friend's properties. Jane decided not to have added security as she didn't feel threatened but her friend Kate did have some extra security measures installed.

"Kate didn't have the double locks or anything so she had them all put on her windows and they fitted her with an alarm, which went straight through to the police. They asked me did I want one, but I said no" (Jane).

Kate was reluctant to report the anti-social behaviour problem initially and Jane felt that the added security had made her feel much safer and willing to progress with the case. A second witness also felt that offering potential witnesses added security measures could help encourage them to take a stand against anti-social behaviour.

Because of an earlier, unrelated incident, one witness already had a police alarm fitted, but after her case had been to court, one of the

witnesses that supported her felt so intimidated by the experience that she requested an alarm from Charter Housing that went through to the Rangers service. This was installed without delay, but was viewed as problematic as the Rangers finish work at 12.30am and the anti-social behaviour problems begin at about 1.00am and go on until 3.00 or 4.00am.

As part of the service they provide Witness Cocoon don't carry out a security assessment of victims properties, but this didn't seem a problem for the witnesses interviewed. When witnesses were asked whether there was anything else Cocoon could have done to support them the answer was always 'no' despite none of the witnesses having been provided with any additional security measures. Even with regard to the witness support programmes that did provide security measures, interviewees did indicate that this was not the most valued part of the service provided. What emerged from the interviews was that the support most appreciated was around moral and emotional support.

Features of dedicated witness support schemes

Three of the four dedicated witness support schemes examined in the study provided direct support to victims and witnesses of anti-social behaviour. Features of these schemes are outlined below:

The provision of witness care by an independent organisation

The service offered by Leicester Witness Cocoon (LWC) in which the support offered is configured solely around the needs of the individual victims/witnesses, is believed to be unique. Unlike other witness care providers LWC is an independent organisation and the services provided to victims and witnesses are not specific to particular offences or particular courses of action. Emphasis is placed on clearly explaining to people what their options are and what the consequences of taking a particular action will be. The independent status of the

organisation was highly prized by people using the service and appeared to contribute to the development of relationships of trust.

"It's not influenced by anybody, it's solely on it's own, so it can investigate things for you without being biased either way and that makes a difference, it does make a big difference, cause you normally find any agencies that are attached to the Government or are attached to the Council tend to have those interests at heart and not necessarily yours as the individual " (Joan Diane and Susan).

Referrals to the service are made from a wide number of sources including self referrals, informal referrals through word of mouth from work colleagues, neighbours, family or friends or referrals can be made at the point when a complaint is received by a statutory agency such as the police, the Leicester Nuisance Team or Racial Harassment Project. At whatever point a referral is made, a comprehensive client assessment is undertaken and full details are obtained of the type of support that individuals would find valuable. Where people request additional security and target hardening measures such as improved locks, bolts, the provision of spy holes and security lights, referrals will be made to an appropriate local agency to ensure the work is carried out.

A further feature of the approach adopted by LWC is that a high emphasis is placed on the provision of both emotional and practical support to help people develop their own coping strategies. The development worker explained what this element of the work might involve.

"We do a lot of work with people to develop coping strategies. We work very proactively in terms of trying to make day to day living better, you know, getting through each day as it comes and its quite central to our work really, but its not just a case of having someone to have a chat with or whatever. It's, you know, going with someone to get something for the tea because they are too frightened to go alone.

We work with people to build up their confidence work on a whole raft of different measures" (LWC, development worker).

LWC adopts a proactive approach in making contact with victims and witnesses and a significant part of their work load involves a range of promotional and development activities in areas where anti-social behaviour is prevalent or where hotspots have been identified. The two full time development workers have established strong links in areas of the city targeted for regeneration and work closely with a wide range of local statutory and independent agencies including; Leicester Racial Equality Council, the City Council Neighbour Nuisance Team, the CDRP, the Racial Harassment project, the local policing unit, and local community associations and Tenants and Residents Groups. LWC provides agencies with training on different methods of supporting victims and witnesses and seeks to raise awareness of what action can be taken to deal with disorder, racial harassment and anti-social behaviour in order to assist residents to work together to tackle specific problems.

PART 4. INVESTIGATING INCIDENTS

Model 1 An independent dedicated victim and witness service

Leicester Witness Cocoon provides an independent support service for people who are vulnerable or at risk as a result of crime or anti-social behaviour. The need for such a service was first identified by a member of the Eyres Monsell Tenants' Association, who recognised that many people who were affected by crime and anti-social behaviour were too frightened to come forward and report incidents to statutory agencies because of fear of intimidation and retaliation. Following a successful National Lottery Community fund bid the Leicester Witness Cocoon service was established in late 1999. Since then over 1,100 people have received support from the project which uses trained volunteers along with a small team of specialist support workers. Many of the volunteers have had experience of being directly affected by anti-social behaviour and have a personal understanding of the impact such behaviour can have. Witness Cocoon receives referrals from a wide range of agencies and people can also access the service directly. High levels of intensive support are offered regardless of whether individuals have reported to relevant statutory agencies. The support offered is tailored according to the individuals needs and can

involve anything from a "one off" telephone call giving information on options through to continued support over a sustained period of time. LWC is often asked to advocate on behalf of witnesses, seeking information on the progress of cases, accompanying witnesses to meetings with the police or the prosecuting solicitor, arranging for pre court visits and if necessary offering support during the court hearing and afterwards. In addition to the provision of individual support Witness Cocoon also has a community development programme which seeks to tackle anti-social behaviour by empowering people to remain in communities and encourages members of communities to work together by becoming involved in community activities.

The Witness Cocoon service is available to anyone over 16 years of age who feels vulnerable as a result of crime or anti-social behaviour with the average length of contact being 11.5 weeks, with an average of 47 contacts per witness/victim. It has been estimated that the costs of the service are approximately £485 per client (LWC 2003).

Witness support work in specialist anti-social behaviour units

More commonly victims and witness support initiatives are being developed by social landlords as part of their wider role of tackling anti-social behaviour. The two specialist anti-social behaviour units included in the study, the Manchester Nuisance Strategy Group and Charter Housing's Nuisance Prevention Team provide witness support as an integral part of their civil enforcement action. The support offered tends to be evidence led with an emphasis on maintaining close contact with witnesses in order to ensure that if necessary they are prepared to testify in court. Frequently the

provision of support to victims and witnesses is shared between frontline housing officers working in specific communities and specialist officers responsible for preparing cases for court action.

Model 2: A large specialist local authority anti-social behaviour unit

Manchester Nuisance Strategy Group

Manchester City Council Housing Department pioneered the development of specialist dedicated anti-social behaviour units. The Neighbour Nuisance Strategy Group was established in 1995, with four case workers and a broad remit to deal with anti-social behaviour in order to ensure that tenants were guaranteed a reasonable quality of life in their homes. Over the last nine years the team has grown and currently employ their own dedicated in-house lawyers, with detailed investigative work being undertaken by 15 case managers and three team leaders. In 2003/04 the team dealt with 950 cases which involved supporting between 1200 and 2000 witnesses.

Developing the capacity of witnesses and the wider community was seen as being central to successfully containing incidents of anti-social behaviour without large-scale exclusion of perpetrators and the resulting problems of displacement. As the team gained in experience and expertise an enforcement led approach was developed with extensive use made of injunctions and ASBOs to secure a swift end to the anti-social behaviour while also providing urgent and

effective protection for witnesses. Initially many witnesses involved in anti-social behaviour cases had been complaining for a long time and had become disillusioned as a result of the failure to resolve complaints. In order to overcome these problems the team developed a comprehensive system of support for witnesses via a planned programme of engagement.

In addition to the work of the team the local authority also employ housing community support officers who deal with initial complaints and work with tenants to build trust and confidence that their complaints will be taken seriously. As a result of the intensive action undertaken by the team, it is believed that the profile and credibility of the authority to effectively deal with anti-social behaviour has increased. This has had the knock on effect of strengthening the authority of front-line housing staff and increasing the capacity of individuals to act as witnesses and supporting the wider community to challenge the acceptance of a culture of anti-social behaviour.

More recently the team has expanded its sphere of work to provide legal solutions to anti-social behaviour across all types of tenure including private rented tenants and owner-occupiers.

In both Charter Housing and Manchester NSG maintaining close contact with witnesses was considered vital to ensure that witnesses felt sufficiently confident and well informed to testify in court. The focus on the use of enforcement action as an effective intervention to stop the behaviour was reflected in the type of support offered to witnesses.

"The aim is to stop the anti social behaviour. I think from the very beginning we are engaging as witnesses, the thing we have in mind is that at the end of all this, if it becomes necessary to secure some legal action in court"
(Manchester NSG, officer).

"Our philosophy is that every single case that we get into the anti-social behaviour unit is going to go to court...of course (it) doesn't (always happen) but that is how we gather evidence for the case as if it were going to court" (Charter Housing, officer).

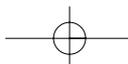
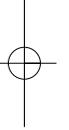
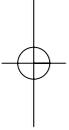
Both organisations identified two key benefits of developing a track record of legal enforcement action. Firstly, it sends message out to victims and witnesses that complaints will be taken seriously and appropriate action will be taken but equally importantly, it strengthens the credibility of the organisation:

"We need to be able to say to witnesses who have been threatened, and in a significant number of cases that we are dealing with where witnesses are being threatened, 'if that threat is repeated then that person will be arrested, we will get you out of this situation, and you will be made safe urgently'"
(Manchester NSG, manager).



PART 4. INVESTIGATING INCIDENTS

A further tool used by the enforcement teams to protect witnesses and ensure their safety while waiting for the full court hearing is the use of interim court orders such as injunctions which if there is a threat of violence, can have a power of arrest attached to it. The manager of the Manchester Nuisance Strategy Group explained the advantages of this approach in the following terms. *"The truth is we need to be able to say to witnesses who have been threatened and in a significant number of cases that we are dealing with, witnesses are being threatened, "if that threat is repeated, then that person will be arrested, we will get you out of this situation and you will be made safe urgently"* (Manchester NSG, manager).



Model 3: A small specialist anti-social behaviour unit run by a registered social landlord

Charter Housing Nuisance Prevention Team

Charter Housing is a relatively small Housing Association, which owns and manages approximately 4,500 dwellings located across four different Crime and Disorder Reduction Partnership areas in South Wales: Torfaen, Caerphilly, Newport and Monmouth. In 2003, the Association carried out a survey of tenants to find out their priorities and found that neighbour nuisance and anti-social behaviour were one of the top concerns. In response to these concerns the Association established a small specialist Nuisance Prevention Team in October 2003. The Team consists of a manager and two full time and one part time project workers who undertake a wide range of tasks in connection to anti-social behaviour including providing a early response assessment service, supporting housing officers in dealing with low level nuisance, liaising with other agencies such as the Police and neighbourhood wardens and where necessary instigating legal action to stop the offending behaviour.

There is a number of distinctive features of the work undertaken by the Nuisance Prevention team. First, the team provide an early neighbour nuisance assessment service, Resolve, to all tenants. The service is modelled on a mediation process where all parties in a dispute will be

visited and be given the opportunity to discuss issues which concern them and be given information on possible action in an impartial and non judgmental way. One of the aims of the service is to empower tenants to resolve problems themselves and to choose what action to take. Of the 180 cases a year referred to Resolve in approximately half of cases tenants choose to take no further action, but if it is established that there has been a serious breach of the tenancy agreement the Nuisance Team will advise on appropriate enforcement action.

The second feature of the service is that rather than employing private solicitors the team undertake their own legal work when seeking civil injunctions. To date the team has been successful in obtaining, 13 injunctions, 3 Undertakings, 1 ASBO and 2 Possession Orders. It is recognised that a central part of preparing cases for legal action involves working with witnesses and meeting their support needs. The team are currently developing a range of witness support measures including the provision of additional security measures such as toughed glass, locked letter boxes, security lights, window locks and panic alarms. In addition, the team have access to video and surveillance cameras.

PART 4. INVESTIGATING INCIDENTS

Key messages and recommendations

The period between reporting an incident and a court hearing can be a very stressful time for victims and witnesses. Once again, fear of reprisals and intimidation emerged as the dominant concerns. In order to keep people engaged in the process they need to be kept informed of developments, have confidence in investigating agencies and feel protected. Dedicated witness support schemes have a valuable role to play in helping witnesses overcome their fears of attending court. The strengths of the different models of direct witness support are summarised below:

Specialist anti-social behaviour units	Dedicated victim/witness support services
<p>Strengths</p> <ul style="list-style-type: none"> • Integration of enforcement action with tailored witness support • Use of legal action to protect witness from intimidation/harassment • Quick response to witnesses needs • Witness support is part of a wider strategy to tackle anti-social behaviour 	<p>Strengths</p> <ul style="list-style-type: none"> • Witness support is focused on the individual victim/witness for as long as they need it • Emphasis is placed on the provision of both emotional and practical advocacy support • Independent provision fosters relationships of trust • The service is tenure neutral and is available to all regardless of where the anti-social behaviour occurs

Working with witnesses while investigating incidents

Poor communication and a lack of information about case progress were amongst the prime reasons given why witnesses were unhappy with the investigative process. In order to keep witnesses engaged while investigations take place enforcement agencies should:

- Develop systems to maintain close contact with victims and witnesses, to keep them informed of developments and to explain what action has been taken and why. Witnesses particularly valued having a personal contact officer available on call 24 hours a day;
- Ensure witnesses are kept at the centre of case management and that their expectations about the process are managed by the provision of timely and realistic information about the process and possible outcomes;
- Ensure that individual complainant details are not revealed to the defendants and take immediate action to combat intimidation;
- Be proactive in encouraging groups of witnesses to act together by, working with local voluntary and independent agencies to encourage mutual support amongst residents.

PART 5. AT COURT AND AFTERWARDS

Once a case has been investigated, and if sufficient evidence is available, statutory agencies may take legal action. That action may involve a criminal prosecution. It may also or alternatively involve a range of civil action: ASBO, environmental health orders, injunction or eviction. In this chapter we look at:

- The barriers to appearing in court,
- The day in court
- The use of professional witnesses as an alternative.
- The effect of the court experience on witnesses.

Barriers to appearing in court

Not surprisingly the barriers to victims and witnesses taking the final step and appearing in court were generally the same as those which arose at earlier stages of the pathway. For those who had agreed to appear as witnesses there was an on-going fear of intimidation which arose specifically in relation to attending court proceedings. Interviewees commonly talked about the fear that their property would be damaged while they were in court and were concerned about what would happen after the court hearing.

For most witnesses the prospect of going to court was frightening and daunting. When Graham was interviewed for example, he was waiting for a court hearing date and was very apprehensive about what would happen following the hearing:

"when the case goes to court I am expecting either of two things or maybe both. One I think they will put my windows through and two, I think they will get me beaten up...It all goes through your mind, it is really, really, scary." (Graham)

This fear was recognised by those working with witnesses:

"I think it is reprisals, some of them just not wanting to go through the court process, some see it as very stressful, getting up there and standing in front of the judges... I think the whole process is intimidating... it is not pleasant...." (Manchester NSG, officer).

In some circumstances it is not necessary for witnesses to attend court and give formal testimony. Injunctions for example, can be obtained on the basis of third party evidence or written statements. Those providing witness support were aware of the need to avoid asking people to attend court in person unless it was thought to be essential to the success of the case.

The relationship between witnesses of anti-social behaviour and agencies responsible for taking enforcement action is a complex one. The requirement for witnesses to attend hearings can however, change at the last minute. For example, in criminal cases it is not uncommon for proceedings to alter as a result of plea bargaining, while in civil actions agreement can be sought for an undertaking or consent to the terms of a suspended possession order prior to the court hearing. Further, where no defence is submitted witnesses will not be required to attend the hearing.

Witnesses often had mixed response to such changes. On the one hand they were relieved that they didn't need to attend court, but on the other hand many people had psyched themselves up to give evidence and when changes were made at the last minute they felt rather let down. In this circumstance it was considered vital that witnesses were kept well informed about what had happened but all too often the information provided was inadequate as Sarah explained:

"I would do statements for them. I would get a letter saying it is going to court on such a day you will be needed. Then I would get a letter saying, 'no you are not needed they pleaded guilty...' Then I would hear nothing. I wouldn't be told what sentence they had... got...no feedback whatsoever." (Sarah).

PART 5. AT COURT AND AFTERWARDS

The day in court

The majority of the people interviewed were involved in cases which had either gone to court or where a court hearing was pending. Most of these witnesses felt that at this stage in the witness pathway the provision of support was essential. Without it they would have disengaged from the process:

"Without the support of Witness Cocoon I wouldn't have gone through with it, I mean there was times I was oh should I shouldn't I and I'd ring (Cocoon support worker) up and she'd come round and we'd have a chat and she'd reassure me ... but if I hadn't had that ... then I have carried on, cause it went over eighteen months before it ended up going court so" (Mrs Smith)

Where giving formal testimony at a court hearing was unavoidable, the case study witness care schemes provided witnesses with both practical and psychological support. Most interviewees had no previous experiences of being a witness and so had little idea of what to expect. As such, they found the prospect of appearing in court a very daunting one. To try to alleviate witnesses' worries about going to court, the witness support programmes offer witnesses a court viewing prior to the trial, enabling the witness to become familiar with the court layout, court procedures and the role of various people working at the court. A number of interviewees did make a pre-trial court visit and felt that they had benefited from this.

"...and because we'd never been to court before she arranged a court view where we go round the court beforehand and so that we knew everything that was going off and everything and she was with us all the time, really really good" (Mrs Smith).

"(support worker) was the only person that explained the court system to us. The neighbour nuisance team didn't, the Council Legal Team didn't and the Police didn't want to know" (Mrs Green).

A number of interviews described how the support they received on the day in court was invaluable.

This support took the form of having transport to and from the courts arranged; having useful information provided to them on the day; and simply having someone with them for moral support and encouragement.

"They picked us up in a taxi...the man went through the statements, told us what type of questions they will ask, asked us how we felt was we frightened, and they were really good and explained everything. There was no shocks when we got there" (Jane)

Jane felt that the witness support she had received throughout the court process was "excellent". Witnesses particularly valued the opportunity to go through their statements prior to the hearing and being given information about court procedure.

Notwithstanding the provision of this type of support most people reported finding the court appearance itself an unpleasant and upsetting experience. Primarily, this was because many felt angry at the way they were treated by judges or defence solicitors in the court room:

"it was horrible they just make you feel so degraded and you know as if you're a nothing and oh it was horrible it was really horrible" (Mrs Smith)

Acknowledging the role that witnesses play

The legal process in relation to anti-social behaviour is complex and as outlined above, for many witnesses the experience of attending court was a confusing and perplexing one. Even where witnesses had been provided with support and had someone sitting in court beside them people found it very difficult to recall with any clarity exactly what had happened.

Where witnesses had not been required to attend the hearing they were even more confused about the outcome of the case since frequently they had not been provided with any formal feedback, let alone thanked, for their contribution to the case.

"They didn't even ring us on the day to say well I'm sorry but this is what's happened, they never even rung the Beat Officer to do that"
(Joan, Diane and Susan).

Professionals providing witness support were aware how difficult and frightening it can be for people to take on the onerous responsibilities of acting as a formal witness and recognised the need to acknowledge the vital role that witnesses can play in achieving a successful a court action. This recognition was important for witnesses. Jane had decided to take a stand and act as witnesses in a possession hearing on behalf of other residents' who were too frightened to come forward themselves. After the hearing, Jane valued the fact that Charter Housing recognised the vital role that they had played:

"They did thank us, the (Charter support worker) said a lot of people say "yes", then say "no". She was happy we helped." (Jane).

For some, however, even what may be perceived as a successful outcome for the agency involved, was not a cause for celebration. In Mr and Mrs Brown's case an outright possession order was obtained. They were not as happy with this outcome as the landlord, as they had found the whole experience of being a witness traumatic and for them the process wasn't yet over - the perpetrators had been given 28 days to vacate the property, during which time the witnesses were worried that reprisal attacks would occur.

Other interviewees described how support workers had kept in touch after the court process had come to an end.

"(project worker) still keeps in touch I spoke to her on Tuesday, when she comes out she pops to see me, just to let me know what was going on"
(Mr and Mrs Evans)

After her case had been to court, Mary described how the NSG from Manchester had asked if she would feel comfortable if they began to cut back on the support they were providing her with:

"I was very happy with the service, they asked me how I would feel if they stepped it down but this was after court and everything had died down I was happy with that" (Mary).

A Cocoon support worker felt that it was actually after a case had gone to court that witnesses often needed the most support.

"if it's anti social behaviour people don't normally get evicted on the day or they might just have restraining orders or ASBOs or whatever so people may still be suffering from intimidation at least in the short term and it may actually be a lot worse immediately after the court case. So at that point we try and offer them as, you know, as much support as we can...I think that's where a lot of other projects sort of fail because they think it's been to court now, that's it, it's all done and dusted and everything's fine now you know, and I think that's the same for statutory agencies as well you know, they've got them to court, they've got what they wanted and that's it, but actually that person will probably need a lot more support at that point"(LWC, worker).

Alternatives to requiring witnesses to attend court

Legislative changes have made it easier for housing staff, third party witnesses or private detectives to give evidence in anti-social behaviour cases. The use of professional or third party witnesses, such as housing and environmental health officers, the police and in some cases private investigators, has become relatively common, with many landlords using professionals to give evidence in court (Nixon et al 2000). However, as community safety agencies have become more experienced in dealing with anti-social behaviour and serious nuisance many have reservations about the use of private investigators, principally because of the additional costs involved and concerns about safety.

To overcome the problems associated with use of third party witnesses, the London Borough of Tower Hamlets has developed an alternative approach to

PART 5. AT COURT AND AFTERWARDS

surveillance and evidence gathering. Rather than using expensive external agencies the Tower Hamlets Professional Witness Service (PWS) is staffed by volunteers recruited from existing council staff. All volunteers receive training and are available to undertake surveillance duties outside of the normal working day. The service is used to collect information and gather evidence to deal with both incidents of racial harassment and low level but consistent acts of vandalism, noise nuisance, harassment and anti-social behaviour. The scheme is flexible and can be used to provide independent verification of incidents without putting members of the community at risk.

Model 4: A professional witness service

Tower Hamlets Professional Witness scheme

The London Borough of Tower Hamlets has developed a two fold approach to surveillance and evidence gathering. Firstly, it relies on evidence gathered by external surveillance companies which are routinely used in circumstances where staff members may be vulnerable to attacks by perpetrators, for example in cases involving allegations of major drug dealing, incidents involving fire-arms or people who are known to have an history of violence. The second strand to the Council's surveillance strategy is the use of staff as volunteers in the Professional Witness Scheme (PWS). The PWS is used in situations involving low level but consistent acts of vandalism, nuisance or harassment and in neighbour nuisance cases where some independent verification is required to resolve the issues. The idea to use staff as volunteers was first developed through racial harassment casework, where the costs associated with using external agencies were high, up to £350 -400 per day, with little guarantees regarding the outcomes.

The Professional Witness Scheme is based within the Anti-Social Behaviour Control Unit but volunteers for the PWS are recruited from across departments. Currently the service is run by a core of 16 volunteers who have been trained in information gathering techniques, statement taking, personal safety training and court procedures etc. Volunteers are paid £15.00 per hour, through the Council's normal pay roll services and recruitment is promoted through internal circulars and messages on staff payslips. The scheme has proved to be very successful and receives on average three requests for assistance per week.

Once the PWS has gathered evidence, professional witnesses can be used to give evidence in subsequent court hearings. This avoids the need for the victims to take part in the court proceedings. Some witnesses, particularly those who had been asked to appear in court on more than one occasion to give evidence of breaches of orders confirmed that they would have welcomed the involvement of a professional witness. Graham for example, said:

"What I would love, before I was in the spotlight, was a number for a team who would come out and witness the noise themselves, to save me having to go forward to say I have seen someone breaching the injunction...I would love a team that would come out and witness it directly" (Graham).

Independent professional witnesses can be valuable resource where there is a culture of intimidation, where people are too frightened to report incidents or act as witnesses. The manager of the Tower Hamlets PWS thought that the scheme was particularly useful in overcoming problems of evidence collection in areas where there is a reluctance to report incidents to statutory agencies:

"there is a very strong tradition of not grassing and that's part of the culture, you know, you just don't do that...the community is supposed to police itself and take care of its own ..if anyone does stand up and be counted and put their hand up to what they have seen, they will become a target, it's not a might, it's not a fear, they will become a target" (Tower Hamlets, PWS Manager).

The advantages of the use of the PWS were summed up as being:

- A full assessment and independent assessment can be made of the precise nature of the problem;
- Residents' safety can be safeguarded with a reduction in potential exposure to intimidation;
- The use of experienced and trained volunteers allows for a full assessment to be made of alternative courses of action;

- Professional Witnesses can assist with identification of perpetrators.

The use of Professional witnesses can clearly play a valuable role in gathering evidence and protecting victims from intimidation. What they cannot do is provide psychological support for people suffering from the effects of anti-social behaviour. This is something that was acknowledged in Tower Hamlets, who were in the process of setting up a dedicated witness support team to work in tandem with the Professional Witness Scheme.

The costs of witness care services

The global costs of anti-social behaviour are significant. Accurate and detailed analysis of the economic costs associated with managing anti-social behaviour within the Criminal and Civil Justice systems is not, however, currently available. Work on identifying the costs of anti-social behaviour to social landlords has been undertaken by Glasgow University (Bannister and Scott 2000, Atkinson et al 2000). The costs of measures to deal with anti-social behaviour were classified as direct, indirect and societal costs including:

- The costs of primary and secondary reporting and investigation agencies;
- Legal costs and on-going costs associated with civil and criminal action;
- The costs of target hardening and security measures;
- Indirect costs, for example loss of rental income, reduced market value and reduction in demand;
- Opportunity costs;
- Costs to disputants, witnesses and other key stakeholders;
- Decrease in social cohesion and loss of informal social control.

PART 5. AT COURT AND AFTERWARDS

Information on these costs is notoriously difficult to obtain. The Glasgow University study provided an indication of the direct costs in terms of housing officers' time dealing with complaints about neighbours. This was estimated as being in excess of £17.5 million a year with an additional £3.9 million per year spent on dealing with more serious cases. In terms of direct legal costs it was estimated that the costs of taking legal action might be around half a million per year in 1996/97 but it must be recognised that these are only a small proportion of the overall costs (Atkinson et 2000).

The LSE study (Whitehead and Stockdale, 2003) unsurprisingly indicates that the costs will vary depending on the level of intervention. Further analysis of the data undertaken with the Home Office, Economics and Resource Analysis Unit, estimated costs were from report only, £25 to report and high-level response £5025. They also sought to give an average cost per case, which depended on the type of incident. More serious incidents (intimidation and harassment, criminal damage and vandalism) were estimated at £400 per case. Other cases (drugs, street drinking, prostitution, vehicle nuisance, noise, rowdy behaviour, animal problems, criminal damage, litter) were estimated at £204 per case. The research does not provide a breakdown of how these costs are incurred, or whether this includes a cost of witness care.

In terms of the costs associated with the provision of witness support initiatives developed by the four case study organisations limited data is available on the direct costs for the LWC service and Tower Hamlets PWS, and these are set out below. Where however, witness support was provided as part of a more general mainstream nuisance team, or as part of the work of housing officers, it has proved impossible to disaggregate the specific costs of witness support measures from the wider costs of running the anti-social behaviour unit. In both Manchester NSG and Charter Housing the difficulty of identifying specific costs in connection with witness support measures was compounded by the fact that much of the early intervention was undertaken by front line housing officers as a routine part of their generic patch management.

The Witness Cocoon Service

The independent witness service was established in 1999 following a successful bid the National Lotteries Charities Board (now the Community Fund) of £346,663 for a three year period. This grant comprised of capital costs of £26,500 and revenue of £110,810, £93,792 and £115,651 respectively in each of the 3 years. The service has conducted its own analysis of the costs of running the service and estimates that providing personal support to witnesses and victims costs in the region of £485 per client (LWC, 2003). As the demand for LWC services has grown the costs of the scheme have increased and in 2004/05 the service costs are estimated as being approximately £170,000 per annum. Although funding for the forthcoming year had not been confirmed at the time of the interviews LWC hoped to secure funding from a patchwork of different sources including the local CDRP, the Neighbourhood Renewal Fund and the New Deal for Communities. It was however, recognised that the lack of secure permanent funding for the service has a number of negative consequences. Not only does it prevent the development of a planned development programme it also may impact on the organisations' ability to recruit and retain specialist staff.

Tower Hamlets Professional Witness Scheme

Volunteer staff working for the Professional Witness Scheme are paid £15.00 per hour through the Council normal payroll and recruitment is promoted through internal circulars and messages on staff payslips. The total cost of the scheme in 2003/04 was estimated to be around £30,000 per annum including the cost of some surveillance equipment. Given the scheme provided support for between 2-3 cases a week the total cost per case was in the region on £230 per case.

Cost effectiveness

As indicated above there is currently no activity based costing in this area of service delivery. The lack of financial data combined with the absence of any information on the "social" costs of anti-social behaviour incurred by victims, witnesses and their communities makes it impossible to undertake a cost benefit analysis of the effectiveness of witness care (Whitehead and Stockdale, 2003, Audit Commission 2003a). In order to track the direct, indirect and societal costs and benefits of different forms of victim and witness support provisions further research is required.

At a purely subjective level, all the providers of the witness care programmes strongly felt that the services provided were both valuable and cost effective compared with the wider costs of anti-social behaviour including the costs of doing nothing. In assessing cost effectiveness of the Professional Witness Scheme, the manager of the Tower Hamlets Professional Witness Scheme summed up the views of all the service providers:

"It is cost effective in as much as it actually stops the anti-social behaviour and the type of behaviour we are looking at is incredibly expensive, the amount of damage, physical damage to the fabric of a building, damage to the community that's affected by it, damage to the commercial organisation that are in the area, so basically I think what it costs us to go and get the information and evidence is a small drop in the ocean of what it is costing to let it go on."

Key messages and recommendations

All agencies responsible for taking enforcement action to tackle anti-social behaviour recognise that care for victims and witnesses must be placed at the centre of case management. Unless people are prepared to act as witnesses and give formal testimony in court, it is often impossible to take any enforcement action. Generally, providers of witness care felt that more should be done to secure permanent resources to provide witnesses and victims of anti-social behaviour with the appropriate support and help.

For most people the prospect of attending court is a daunting and challenging experience. Frequently witnesses expressed the fear that they would not understand the court process and legal jargon or that they may not be believed, in some cases these fears were borne out by the reality. There is a need to address these fears and empower witnesses to tell their story. There is also a need to recognise that for the witness the court hearing, however successful, is not the end of the event. Support is still required to ensure that there is no further intimidation and that they are able to regain any confidence that has been lost. Dedicated witness support should be procured in every CDRP area to ensure that in both civil and criminal proceedings witnesses are offered the following types of help and support:

- The opportunity to go on accompanied visits to the court prior to the hearing so that they can familiarise themselves with the court layout;
- Help with practical and logistical problems of attending court such as:
 - Transport to court
 - Child care arrangements
 - Taking time off work
 - Obtaining food and drink while waiting for the case to be heard
 - Reviewing statements
 - Provision of secure waiting areas
- The vital role that witnesses play should be formally acknowledged and that contact is maintained to ensure that witnesses and victims are kept fully informed about the outcome of the court hearing and are given full details of what they can expect to happen in the future;
- Attending court and giving evidence can be a traumatising experience and some witnesses and victims value ongoing contact and support to move forward and put the process behind them.

PART 6. THE EFFECTS OF ACTING AS A WITNESS

Empowering victims and witnesses and building community capacity

The Home Office Anti-social Behaviour Action Plan (Home Office, 2003d) which outlines the government's strategy for tackling anti-social behaviour, identifies the need to engender a cultural shift to empower people living in communities that have been ground down by the persistent misery of anti-social behaviour. Developing collective responsibility and community capacity to tackle anti-social behaviour are seen as being important for a number of different reasons including:

- Increased public confidence in the justice system;
- Strengthening community bonds;
- Ensuring that interventions are effective;
- Reducing the costs of dealing with the consequences of anti-social behaviour;
- Enhancement of democracy.

Tackling anti-social behaviour has thus been linked to the wider policy agenda of promoting civic renewal and stimulating individuals to become active citizens contributing to the governance of the communities in which they live. The Home Secretary (Blunkett, 2003) has described the relationship between encouraging people to taking a stand against anti-social behaviour and the development of stable, orderly communities in the following terms:

"As bonds of trust, belonging and mutuality grow, crime and disorder can decline. Working together our communities can be turned from places of fear into ones of confidence and safety and take their place as the essential building blocks of a decent society. It is only then that individuals and their families are empowered and enabled to lead self-determined, fulfilling lives."

Drawing on the experiences of people who have been directly affected by anti-social behaviour, the study sought to establish whether there is any empirical evidence to support the view that being

a victim or witness of anti-social behaviour stimulates a willingness to take part in wider community participation initiatives to build social capital and reduce anti-social behaviour. In particular we were interested to explore how people who had access to specialist witness care provisions felt the experience had affected them and whether they thought that as a result of the action they had taken there had been any changes in the communities in which they lived. This chapter reports the study findings in relation to:

- Witnesses reflections on the experiences;
- Action taken by witness support services to develop community capacity.

Witnesses' reflections on the experience

The study findings show that while some people may travel the witness pathway and emerge from the experience stronger and more confident, for others the experience of being a witness remains intimidating and demoralising. Interviews with witnesses revealed that whether the experience was an empowering one or not was affected by a range of factors including:

- Personal reactions to the experience;
- How long people had endured the nuisance behaviour before action was taken;
- The length of time people had lived in the neighbourhood before the anti-social behaviour occurred;
- Whether the outcome of the legal process was considered to be a positive one or not;
- The extent to which individuals felt that their contribution was valued;
- Whether action had been taken by a group of people or a lone individual;
- The type of support that was provided.

Negative responses

For many of the interviewees the effect of being a witness was entirely negative. The majority of those who acted as witnesses in court professed to never wanting to go through the experience again. Many people felt they had put their personal safety and that of their family at risk:

"The risks are too high with any individual because at the end of the day, you are going to get a name for yourself, that you are a grass... So at the end of the day there is no point in even contemplating going to court because at the end of the day your name stinks and it could cause aggro so in future there is no way I would ever go to court again" (Phillip, Charter Housing).

Many people felt rather bitter and let down by the process as the following comment illustrates:

"We never achieved nothing, all we did was put our heads on the chopping block, and all for nothing. As I said I would never do it again." (Mr and Mrs Brown)

Not surprisingly, the length of time it took to progress cases could be a source of frustration and disappointment. Mrs Smith had to wait for over a year for the case she was involved in to be listed for a hearing and although she really valued the support she had been given by LWC, at the end of the process she felt that:

"I just wished I hadn't had to be in the situation at the beginning and that was it, you know, a forty odd year old woman, never been up in court, never been in trouble with the police, never had problems at all and then all of a sudden just so much, it was very hard" (Mrs Smith)

Rather than feeling empowered by the experience she felt diminished and concluded: *"I just want to walk away from it now its all over and its done".*

Positive response - empowerment

In contrast to the negative reflections of witnesses, professionals providing witness care reported that in their experience there was frequently a positive association between acting as a witness and the development of wider community capacity to challenge unacceptable behaviour in the future. It was also recognised however, that each case is different and although some people find the experience empowering for others, it is not.

A housing officer from Manchester explained how some of the witnesses she had been involved in supporting had changed as a result of the experience:

"In some case you can see they have changed. I don't want to make out it is a fairy story and it is all wonderful but in some definitely they seem stronger. They must feel stronger they have gone from not wanting to complain, to complaining, to changing what is going on and making a difference. That must feel really good. Some are then like: 'Right, who's next'" (Manchester NSG, officer).

Where witnesses thought the intervention had been effective they were more likely to focus on the positive outcomes of the experience. Sarah, who had been a witness in ASBO proceedings, involving two teenage youths reflected that she had no alternative but to take a stand; *"you have got to do it or you will have to live with it forever"*. Despite her initial reluctance to get involved she concluded that the action had been worthwhile and had had a lasting impact on the whole neighbourhood. She was very positive about the use of ASBOs and felt they had *"brought us back from the brink, ...we don't get other kids coming round here, we are better than what we were before they came. We are even better than that because the message is: 'we will take you on'"*.

A number of other witnesses acknowledged that as a result of the action they had taken they were now better informed about what could be done and felt that although the experience of attending court had been a difficult one it had been the right thing to do

PART 6. THE EFFECTS OF ACTING AS A WITNESS

for the good of the community as a whole. As Mary explained *"I have done the right thing, because if they don't stop these boys now they're going to continue to antagonise and cause problems for other people."*

Professionals also thought that a positive outcome was more likely to occur when neighbours acted together and provided each other with mutual support. An officer working for the Manchester Nuisance Strategy Group made a clear distinction between the outcomes associated with cases where there was more than one witness and those involving the lone witness.

"Where you get a number of neighbours that stick together, in those cases you do see a sense of empowerment because they are all there for each other and they know we are not going to tolerate this behaviour. I think in cases... when you have just one person, I think they still feel vulnerable although the legal action may have improved things. There is always that element of what happens when the order expires. Every case is different" (Manchester NSG, officer).

A similar view was expressed by one of the Witness Cocoon Development worker:

"It depends on their experience I think if they've had a good experience where agencies have been particularly supportive and they've got good results and particularly if it's a community that's been doing it together like yes I would agree whole heartedly, ...however, its not everybody's experience certainly and I'm quite conscious of witnesses that we deal with will say that they will never ever go to court again,people think that it is beyond the call of duty" (LWC, worker).

Evidence from witnesses confirmed that where a group of witnesses are acting together they often feel stronger to withstand intimidation. For example, Joan whose story was outlined at the beginning of the report was part of a group of three owner

occupiers who had been supported by Cocoon for over three years. Despite the fact the situation had not been resolved at the time of the interview the witnesses reported that felt positive about the experience in so far as it had made them more powerful and stronger:

"It empowers you to do more things, 'cause we're doing things that probably we'd never think of doing if we weren't in this situation, I mean you can sit back you can have like blinds over your eyes really, you can be oblivious to anything that's going on outside, but your quality of life is going to be nil, you now, you've got to, at some point, you've got to say, 'do you know I'm not having this and I'm going to do something about it'" (Joan, Diane and Susan).

The extent and nature of support that victims and witnesses receive at every stage on the pathway to justice were found to be critical determinants of how satisfied or dissatisfied they were at the end of the process. Yet even where witnesses felt they had been well supported mixed views were recorded on whether the experience had been an empowering one that stimulated involvement in other initiatives to build community capacity to tackle anti-social behaviour. The manager of Witness Cocoon concluded that there was nothing intrinsic to the experiences of acting as a witness of anti-social behaviour that made people feel stronger:

"it depends on the individualone who's experience has inspired her to do something and that's great, others will not, actually others will just want to hide away, they'll want to move, they'll want to get away from it, they'll want to forget it, so I think it is just down to the individual" (LWC, manager).

Working with residents to develop community strategies to reduce anti-social behaviour

Professionals working in all case studies schemes were aware of the value of working with residents to build community capacity. In Manchester for

example, a housing officer based in an area where there was high levels of anti-social behaviour but low levels of official reports, emphasised the need to build residents' trust and confidence that when reports of anti-social behaviour are made action will be taken. Working with groups of residents was seen as being beneficial not only in terms of combating victims' sense of isolation but also because it resulted in improvements in information gathering and better targeted interventions with the long term result being that more people were encouraged to report incidents at an early stage. The housing officer explained: *"I think the more confidence you build up in your witness then the more information you start to get"*. This upward spiral of positive action was seen as fundamental to changing the culture of an area and in the long term, many practitioners thought it also contributed to building community capacity to tackle anti-social behaviour.

The underlying ethos of Charter Housing's early intervention neighbour nuisance service also reflected a belief in the efficacy of helping communities to work in partnership with statutory agencies to deal with problems. The Resolve service is partly modelled on a mediation process where by all parties to a dispute are visited individually and given information about alternative courses of action that could be taken to resolve the problem. The Resolve Officer described the process in the following way:

"Although I am telling them about what is possible, it is their choice of what happens next... it is a chance for them to become part of the team in dealing with the situation. A massive part of Resolve is empowering tenants to deal with their own situation and I think that is one of the most important parts, they get to choose what happens next" (Resolve Officer, Charter Housing).

In approximately half of all cases referred to the Resolve service, people are able to find solutions that work for them. Part of the success of the initiative is

attributed to the fact that residents are supported to work together to resolve difficulties:

"people like to be in power... In a lot of cases maybe they wouldn't want to deal with it all on their own but when they have got a little bit of help to talk through things, to focus on what the problems are and to focus on possible solutions, with that little bit of help, people like to make their own decisions as to how to deal with their problems" (Resolve officer, Charter Housing).

Leicester Witness Cocoon service is based on a dual approach to providing support. In addition to providing tailored support to individuals who have been direct witnesses of crime and anti-social behaviour LWC also works within vulnerable communities to help develop self sustaining interventions to combat the fear of crime and anti-social behaviour. This second strand of the service was developed in recognition of the fact that in areas where people's quality of life was adversely affected by the fear of crime their motivation and their willingness to engage with statutory agencies was reduced. The development work undertaken by LWC involves working with other agencies to empower victims and witnesses to remain in their own homes and within their own local work, social and school support networks and thus contribute to the sustainability and stability of local communities. Part of Cocoon's success in undertaking this type of work was attributed to the fact that it is an independent organisation with a high public profile. Thus even where people have lost trust and confidence in official agencies they are prepared to engage with the witness care service.

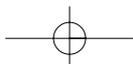
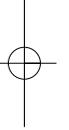
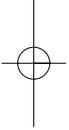
Key messages and recommendations

The study findings show that there are wide reaching benefits from ensuring that victims and witnesses of anti-social behaviour are provided with appropriate support and assistance. Where victims feel cared for and protected they are more likely to be prepared



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to act as witnesses to stop others from being subject to the same distressing behaviour. Moreover providing both practical and emotional support to victims and witnesses can stimulate the growth of social capital and development of community capacity to tackle unacceptable behaviour. In many areas however, there is an absence of robust procedures to ensure that victims and witnesses are provided with support, and as a result people reported that they had lost confidence and trust in the ability of statutory agencies to effectively intervene and stop offending behaviour.



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APPENDIX 1. THE STUDY METHODOLOGY

The field work for the research was conducted between December 2003 and February 2004. The research was divided into two phases.

Phase 1

The initial phase of the study reviewed the barriers which deter victims (and witnesses) of anti-social behaviour from reporting incidents and being prepared to act as witnesses. It was intended to conduct four focus groups with residents living in areas of the country which had high levels of self reported disorder in the British Crime Survey and which reflect both high and low demand for housing. However, due to the time constraints of the study it was only possible to organise three residents focus groups all of which were held in areas of the country in which there is low demand for housing.

In total 16 people attended the focus group discussions: four attended in Shirebrook, Derbyshire, nine in Barnsley, and four in Liverpool. The groups comprised of a mixture of owner-occupiers and social housing tenants, many of who had lived in the same neighbourhood for a very long time. While all the participants confirmed that they regularly witnessed and were sometimes victims of anti-social behaviour in the area where they lived, the majority had no experience of taking part in legal proceedings to stop the offending behaviour. Discussions with participants focussed on individuals' experiences of anti-social behaviour and on the reasons why people choose not to get involved in reporting incidents and/or in acting as witnesses. The discussions also explored what support people would value in order to overcome their reluctance to be witnesses in legal proceedings.

Phase 2

Phase two of the study focused on a small number of case studies in which innovative methods of engaging and providing support to witnesses and victims of anti-social behaviour have been developed. The time constraints of the project meant that a maximum of four schemes could be included in this phase of the study. The schemes chosen were Manchester City Council NSG, Leicester Witness Cocoon, Charter Housing and London Borough of Tower Hamlets Professional Witness Scheme. In each of the four case study sites, semi-structured interviews were carried out with witnesses and project staff.

Interviews with witnesses/victims

This part of the study sought to examine residents' experiences of taking a stand against anti-social behaviour. In particular, the aim was to explore residents' perceptions, understandings, confidence and satisfaction in the witness support programmes that supported them. The research also sought to establish if the experience of being a witness impacted on respondents' willingness to be involved in wider community participation initiatives.

In order to achieve this objective, in-depth semi-structured interviews were carried out in all four case study sites with residents who have been or are soon to be witnesses in anti-social behaviour cases. The questions posed to interviewees were context specific and the interview design was sufficiently detailed and nuanced to ensure that the different components and complexities of witnesses' experiences could be disentangled. The interview guide was therefore structured in a way that captured the step-by-step development of an anti-social behaviour civil/legal action, from the initial occurrence of an incident to court action and beyond. It was intended that this would provide a chronological framework which would both help to organise the interviewees' recollection of the progress and development of a case, and discern witnesses' perceptions of their needs during different stages of a complaints procedure.

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The interviews were therefore divided into four main parts that reflected the key milestones the audit commission identified as comprising an ASB legal/civil action:

1. when an investigation occurs;
2. the investigation process;
3. at court;
4. after court.

The witnesses were asked to reflect on their contact with key service providers, the witness care programme and their concerns and fears at each of these stages.

In total 26 interviews carried out with people who had been victims of ASB – three couples, and a group of two and three residents who were involved in the same case, were interviewed together. Of these 15 cases, six were carried out with witnesses supported by Charter Housing, three with witnesses supported by Manchester NSG, five with witnesses supported by Witness Cocoon and one with witnesses supported by Tower Hamlets Professional Witness Scheme.

No readily available sampling frame existed as concerns about client confidentiality prohibited the research team from selecting a sample. Therefore the sample was a self-selecting one. Project workers from the each of the schemes contacted potential interviewees provided them with details of the work and asked if they would like to take part in the research. While, this sampling method clearly has its drawbacks, there is no reason to believe that this renders the findings invalid.

Interviews with project staff

Project staff, including the project manager and key frontline staff, were interviewed in each of the four case studies. In addition to posing some general questions about each scheme - the length of time it has been operational, the number of staff employed, how a scheme is publicised and the rationale behind its establishment -the interviews with project staff were designed in a similar way to those

with witnesses. The interviews were designed in a way that would facilitate an examination of the work of the witness care programme at each the four key milestones that comprise an ASB legal or civil action. The types of support offered to witnesses, the frequency and nature of contact, and project workers relations with other agencies during each milestone was explored. Questions about the estimated costs of running the service were also posed to the project managers.

In total 11 interviews with twelve project workers were carried out. The four project managers were interviewed along with eight frontline workers (two were interviewed together) - two from each project.

Issues

All interviews normally lasted between 45 and 90 minutes. The interviews were recorded and transcripts were produced after each interview. Interviewees' names have been changed to preserve anonymity.

In the 2nd Phase of the study some problems were encountered with data collection with some interviews providing only limited data, while in others full accounts were provided. The interview schedules while designed to help the interviewees reflect on different stages of a complaint, were not always appropriate. What emerged from the interviews was that the witnesses don't see the process as such a clear, step-by-step procedure. Anti-social behaviour problems are often dynamic, persistent and ongoing problem. In turn, this means that it is can be difficult to impose an ordering framework on such problems since many complaints do not have clearly defined beginning and end points. Although cases clearly traverse the four key milestones stages, it emerged that a complaints procedure does not always travel a unidirectional, linear path – some cases go to court more than once, meaning that the same case may be investigated twice, or incidents might continue to be reported to the various agencies whilst a persistent problem is being investigated.

Table 4: Details of the victims and witnesses interviewed

Case Number	Witnesses ¹⁰	Witness Care Programme	Summary of ASB Problem
1	Philip	Charter Housing	Philip lives in a block of flats in Newport. When a neighbour moved in with his girlfriend in a downstairs flat there were no problems initially. After a while however the neighbour started playing loud music and causing general noise disturbance by transporting scrap and junk such as old bike frames up to the flat throughout the night. There were also problems with the couple's friends hanging around outside the flat and on the stairwell. Philip tried repeatedly to approach the neighbour requesting that he keep the noise down, but the problems continued. The problems escalated and residents were becoming increasingly troubled by the noise and intimidated by the neighbours' friends. Philip decided to take the problem to Charter Housing. The case went to court and the couple were evicted.
2	Mr and Mrs Brown	Charter Housing	Mr and Mrs Brown acted as witnesses in the same case as Philip. They were part of a local tenants association and had received complaints about the problem couple from other residents. They decided to take a stand on other residents' behalf who were reluctant to come forward themselves: "I thought 'well something has got to be done because most of the people in that block of flats are either single, or old and they don't really want to stand up for themselves'".
3	Jane	Charter Housing	Jane's friend Kate lived a few doors away and had been suffering ASB from her next door neighbour. The problem behaviour was the result of alcohol. The neighbour was purportedly unproblematic when sober but after having a drink became troublesome. The problems involved loud music, parties, shouting, swearing and general harassment. Kate felt intimidated and scared by the behaviour, but was reluctant to report her neighbour. So, Jane decided to report the case herself and eventually persuaded Kate to also make a statement. The case went to court very quickly, within two weeks, and an injunction was granted.
4	Mr and Mrs White	Charter Housing	Mr and Mrs White's next door neighbour had never caused any trouble until his wife left him. He wasn't coping very well and that's when the problems started. The neighbour had a number of dogs, some of which had puppies, so at one point there were approx 14 dogs in the house. They weren't looked after well and howled and barked constantly. The neighbour also began a relationship with a girl who eventually moved in to his house. More problems then began. There were regular parties partying, shouting, screaming, and drug taking. The worst point came when Mrs White was threatened. Mrs White was pregnant at the time and one the neighbour's friends threatened to kill both her and her baby. After the threat, the case went to court quickly and an injunction was granted.
5	Mr and Mrs Evans	Charter Housing	Mr and Mrs Evans experienced problems with their next door neighbour for over a period of eight years. The problems involved excessive noise nuisance caused by domestic disturbances - shouting, fighting, swearing, banging and smashing windows. There were also problems with drug taking and drug dealing. Last year Mr and Mrs Evans decided that they couldn't take any more and reported the matter to Charter Housing. The case went to court twice. The first time an injunction was granted and when it was broken possession was granted.

¹⁰ Victims and witnesses interviewed have been given fictitious names in order to protect their identity.

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Case Number	Witnesses ¹⁰	Witness Care Programme	Summary of ASB problem
6	Claire and Emma	Charter Housing	Claire moved next door to a family that had a history of ASB. The family caused noise nuisance and had driven other families away who had lived next door to them. The noise was a result of domestic disturbances including fighting, swearing and shouting. The two neighbours that lived either side of the family decided to take action together. The case went to court and the family was fined and an undertaking was placed on them. This hasn't stopped the problems and the case is going back to court and an injunction is being sought.
7	Sarah	Manchester NSG	Sarah had problems with the family that lived in a property three doors away from her. The trouble started 3 years ago. The ASB included drug dealing, people visiting the house day and night, litter, and nuisance from the families' children and their friends e.g. throwing bricks, and stones at passing traffic. There was also a serious incident when friends of the family violently attacked an Asian family who lived nearby. The case went to court and an ASBO was granted.
8	Graham	Manchester NSG	Graham suffers ASB from his next door neighbour. The neighbour is often drunk and has groups of friends visiting his house who cause excessive noise nuisance. Graham has two young children and loud music usually starts at a time when they go to bed. There is no pattern to the disturbance, it can be during the week or weekend and Graham and his family anticipate it all the time. At first, Graham tried to reason with his neighbour but got no response. He has now taken the complaint through official channels and the case is going to court.
9	Mary	Manchester NSG	Mary had problems with a young boy who lived next door to her and his friend who also lived nearby. The boys would harass Mary and her mother by swearing and verbally abusing them. Mary initially tried to befriend the boy who lived next door hoping the behaviour would stop, but the antagonisation continued. After an incident in which one of boys tried to attack Mary, she took the case to the local housing officer. The case went to court and an injunction was granted.
10	Joan, Diane and Susan	Cocoon	Together, three residents tried to take action against one family that has caused problems on the estate where they lived for over 12 years. The family and their friends cause constant noise problems, vandalism, and theft. Large groups of them congregate on the main road through the estate, racing cars and playing loud music. The residents have suffered from abusive, threatening and intimidating behaviour on a daily basis. One of them, an older woman, was physically assaulted at one point and taken to hospital. The case has been to court once and the perpetrators agreed to be 'bound-over' for twelve months. Joan, Diane and Susan are hoping to take the case back to court to seek a possession order.

¹⁰ Victims and witnesses interviewed have been given fictitious names in order to protect their identity.

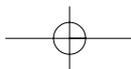
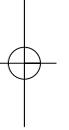
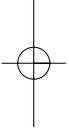
Table 4: Details of the victims and witnesses interviewed

Case Number	Witnesses¹⁰	Witness Care Programme	Summary of ASB Problem
11	Mrs Smith	Cocoon	Mrs Smith worked at a local community centre. She and another employee were on duty one evening when a group of local girls well known in the area entered the building and started causing trouble. The two women threw them out and locked the door. This immediately set off a chain of retaliatory incidents which culminated in one of the individuals suffering a violent attack. It was this attack that initiated legal action. There was approximately one year between the incident and the hearing during which time the victim suffered fear and intimidation and often wouldn't leave his/her house alone. S/he also gave up his/her job due to the attack. The case went to court and one of the assailants was found not guilty and the other was given an unconditional discharge.
12	Mr and Mrs Fisher	Cocoon	Mr and Mrs Fisher have suffered ASB from their next door neighbour on and off for six years. The ASB includes loud parties, drug dealing, people visiting the house day and night including children playing truant from school. The family have harassed and threatened Mr and Mrs Fisher. They have also vandalised the local area and Mr and Mrs Fisher's property. Legal proceedings have begun and the case is going to court in the near future.
13	Mrs Brown	Cocoon	Mrs Brown and her family suffered ASB from their next door neighbour over a period of six years. The ASB involved loud music and excessive noise at all hours of the day and night, drug taking, vandalism to Mrs Brown's property, harassment, threats of violence directed at her, her husband and her young children, The family's dog was also attacked. At times the ASB was so severe the family had to vacate their home for days or weeks on end. After a long legal process, the problem family were eventually evicted from their property. The Browns sold their house and moved to a secret location due to fear of retaliation.
14	Anna	Cocoon	Anna is soon to be a witness in a case against a woman who lives in a house opposite and deals drugs. The police have raided the house a number of times but have never had enough evidence to persecute the couple. More recently the police have collected more evidence through surveillance and Anna has offered to provide a witness statement as supporting evidence in the case.
15	Mr Holmes	Tower Hamlets	Mr Holmes' business was the target of ASB. The problems began when the business was first established. From early in the morning, groups of up to 20 or 30 youths at a time were gathering outside the shop and causing trouble and noise for the whole day up to when he would go home in the evening. There was loud music, vandalism and intimidation.

APPENDIX 2.

LIST OF BEHAVIOURS INCLUDED IN THE HOME OFFICE ONE DAY COUNT OF ANTI-SOCIAL BEHAVIOUR, 10TH SEPTEMBER 2003

Misuse of public space	Disregard for community/ personal wellbeing	Acts directed at people	Environmental damage
<ul style="list-style-type: none"> • Drug/substance misuse & dealing <ul style="list-style-type: none"> - Taking drugs - Sniffing volatile substances - Discarding needles/ drug - paraphernalia - Crack houses - Presence of dealers or users • Street drinking • Begging • Prostitution <ul style="list-style-type: none"> - Soliciting - Cards in phone boxes - Discarded condoms • Kerb crawling <ul style="list-style-type: none"> - Loitering - Pestering residents • Sexual acts <ul style="list-style-type: none"> - Inappropriate sexual conduct - Indecent exposure • Abandoned cars • Vehicle related nuisance & Inappropriate vehicle use <ul style="list-style-type: none"> - Inconvenient/ illegal parking - Car repairs on the street/ in gardens - Setting vehicles alight - Joyriding - Racing cars - Off road motorcycling Cycling/skateboarding in pedestrian areas/ footpaths 	<ul style="list-style-type: none"> • Noise <ul style="list-style-type: none"> - Noisy neighbours - Noisy cars/motorbikes - Loud music - Alarms (persistent ringing/ malfunction) - Noise from pubs/clubs - Noise from business/industry • Rowdy behaviour <ul style="list-style-type: none"> - Shouting & swearing - Fighting - Drunken behaviour - Hooliganism/loutish behaviour • Nuisance behaviour <ul style="list-style-type: none"> - Urinating in public - Setting fires (not directed at specific persons or property) - Inappropriate use of fireworks - Throwing missiles - Climbing on buildings - Impeding access to communal areas - Games in restricted/ inappropriate areas - Misuse of air guns - Letting down tyres • Hoax calls <ul style="list-style-type: none"> - False calls to emergency services • Animal related problems <ul style="list-style-type: none"> - Uncontrolled animals 	<ul style="list-style-type: none"> • Intimidation/harassment <ul style="list-style-type: none"> - Groups or individuals making threats - Verbal abuse - Bullying - Following people - Pestering people - Voyeurism - Sending nasty/offensive letters - Obscene/nuisance phone calls - Menacing gestures • Can be on the grounds of: <ul style="list-style-type: none"> - Race - Sexual orientation - Gender - Religion - Disability - Age 	<ul style="list-style-type: none"> • Criminal damage/vandalism <ul style="list-style-type: none"> - Graffiti - Damage to bus shelters - Damage to phone kiosks - Damage to street furniture - Damage to buildings - Damage to trees/plants/ hedges • Litter/rubbish <ul style="list-style-type: none"> - Dropping litter - Dumping rubbish - Fly-tipping - Fly-posting



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