Anti-Social Behaviour Harm Policy (1121/2020)

Abstract

This policy and procedures describes an overarching response to a broad range of criminal and disorderly behaviours that may be defined as Anti-Social Behaviour (ASB) and incorporates partnership working to help solve problems and prevent further harm.

Supporting Documents/Procedures –

The Appendices referenced throughout this Policy are not available under the Freedom of Information Act 2000

Policy

1. Introduction

1.1 Anti-Social Behaviour (ASB) can cause significant harm amongst its victims. It can affect esteem, mental and physical wellbeing and perceived safety in both public and private. It undermines community cohesion and in the most severe cases, it can have tragic consequences.

1.2 This policy is required to ensure there is early identification and appropriate risk and case management process which are essential in reducing the harm caused by ASB, particularly as it is often the most vulnerable in society who are at most risk from the effects.

It also ensures that best practice indicators from Her Majesty’s Inspectorate of Constabulary (HMIC) Stop the Rot Report 2010 are implemented.

Please note that from July 2017 HMIC became Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS).

2. Scope

2.1 This policy describes the process of how Sussex Police:

- Accurately records incidents of ASB
- Assesses the risk to individuals
- Prioritises the response required
- Takes action to deliver positive outcomes for victims
- Shares information with partners to solve problems and prevent further harm
- Considers appropriate community remedies to divert offenders

3. Policy Statement

3.1 Sussex Police recognises the right of individuals to live their life free from intimidation and fear and are
committed to identifying and protecting people who are suffering harm as a result of the behaviour of others.

3.2 We recognise that the reduction of harm will often be beyond the capability of the Police Service alone and requires a coordinated approach with partner agencies. We will work with those partners to identify and protect those individuals who are being caused personal harm as a result of the criminal or disorderly conduct of others and further seek to remedy the cause within the affected communities.

3.3 This policy is to be applied in partnership with a problem solving approach using the principles of SARA (Scanning, Analysis, Response and Assessment). Problem solving and ASB are inextricably linked and both areas are supported by the Anti-Social Behaviour, Crime and Policing Act 2014. It specifies the powers for dealing with individuals who behave in an anti-social way and the expectations from parliament on how police and partner agencies will work together.

All the guidance and documents for problem solving can be found here

All the guidance and documents for ASB can be found here

**Procedure**

1. **Anti-Social Behaviour Definition**

1.1 ASB, is defined at section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 as;

(a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person

(b) Conduct capable of causing nuisance or annoyance in relation to that person’s occupation or residential premises, or

(c) Conduct capable of causing housing-related nuisance or annoyance to any person

1.2 Sussex Police recognises that ASB is an “umbrella term,” which means that it overarches a number of crime and incident types which can sometimes have other labels, such as bullying, harassment or hate crime.

Incidents of ASB will be recorded on Niche using the appropriate Crime Type from the list, which can be altered as the Problem Solving File (PSF) develops. For example, a PSF is created for youth ASB in the local park. The Niche is created and recorded as ASB Nuisance. During the problem solving the local authority want to tackle the issue by implementing a PSPO (Public Space Protection Order) in the area. The crime type can now be changed to ASB PSPO.

1.3 What constitutes ASB is a subjective matter for individual interpretation because what is deemed as acceptable behaviour can differ between communities and age ranges. People have differing tolerance levels according to their own personal circumstances and characteristics; this may include people who are disabled, elderly or people with mental health conditions.

1.4 It is therefore important to judge situations from the perspective of the individual suffering the harm and avoid the risk of giving a generic response to a specific type of incident rather than focusing on the circumstances and harm caused to the victim who may require a specific type of support.

2. **The Harm Centred Approach**

2.1 The national harm model was conceived in the HMIC report “Stop the Rot” (2010) and enshrined in the National Standard of Incident Recording (NSIR) because, whilst defining ASB is not helpful; categorising the harm that can be caused is a good starting point.

If ASB crosses over in to criminal behaviour, each crime will be accurately recorded as set by the National Crime Recording Standards (NCRS). If a crime is forming part of a PSF where the object is to obtain, for example, a Civil Injunction, the crime should be recorded but the evidence will form part of the wider PSF.
2.2 Sussex Police has therefore committed and adopted a harm centred approach in line with the national harm model which means focusing on the harm being caused, whatever the behaviour being complained about, regardless of how another might view or react to the same set of circumstances.

2.3 The three categories of the national model are:

- Personal Harm
- Public Nuisance
- Environmental Harm

2.4 Personal Harm

Personal harm is where an individual or individuals suffer physical, mental or emotional harm, regardless of whether the individual was deliberately targeted or whether inflicting harm was the perpetrators’ intention. Personal harm incidents are often those where an individual is specifically targeted, bullied or victimized. Hate crimes would likely fall within this category. At a low level, what may constitute nuisance harm to a person of reasonable firmness may be classified as personal harm when repeated often or the victim is particularly vulnerable.

2.5 Public Nuisance

This occurs when an individual uses inconsiderate behaviour which has the potential to impact negatively on another individual or group. Examples can include anti-social driving (individuals racing around in car parks) excessive noise or rowdiness in public places and people making noise on their way home from nightclubs. Such behaviour can still have a high impact on individuals, particularly in an area where the behaviour is perpetrated regularly or if the individual feels intimidated (e.g. an elderly person). It is important to note that nuisance is based on the potential to impact negatively on individuals. Deliberate or repeated nuisance with the same perpetrator to victim relationship will often fall into the personal harm category.

2.6 Environmental Harm

This is a behaviour which literally causes harm to the environment, or creates signal insecurities. Examples include graffiti, dropping litter, placing shopping trolleys in streams etc.

NB: Incidents of graffiti and placing shopping trollies in streams should be made subject of reports of crime on NICHE.

3. Definition of 'Harm'

3.1 Harm includes mental or emotional harm as well as physical harm (an assault). Mental and emotional harm can have extreme consequences on the quality of life for victims. This is most obviously illustrated by the Fiona Pilkington case, where a mother took her life and that of her disabled daughter; and the David Askew case, where an adult male with learning difficulties died of a heart attack after being taunted in his garden by local youths.

3.2 It is important to stress that the harm type indicates the level of harm that may be caused. On the harm continuum, personal harm is likely to have a higher impact on the victim than public nuisance or environmental harm. However, each individual case should be assessed on its own merits to determine whether the risk of harm to an individual is high, medium or standard.

4. Incidents which will not be Considered as ASB

4.1 The following will not be considered as ASB and this policy will not apply to them:

- Domestic abuse incidents.
- Some matters pertaining to nuisance caused by animals.
- Parking complaints (other than those forming part of a course of conduct of harassment).
4.2 Domestic Abuse

There is already an established process in place for dealing with domestic abuse and applying safeguarding measures. Please refer to the force Domestic Abuse Policy 516.

4.3 Animals

This policy is aimed at reducing harm to individuals, therefore, some incidents involving animals (e.g. sheep in someone’s garden) would not fall within its scope. However a common sense approach needs to be taken in this respect. Incidents such as allowing a dog to persistently foul an area, noise, smell or risks of harm to health may be construed as ASB.

4.4 Parking

Complaints of unlawful or inconsiderate parking, especially one off incidents, would not be likely to cause personal harm and would not require an assessment of risk. Where the positioning of a vehicle was part of an ongoing course of harassment, then this might need some form of intervention. Again, an approach appropriate to harm and local priorities needs to be taken.

5. Processes

5.1 The Sussex Police processes are aimed at identifying victims who are at high risk of harm from ASB, taking fast time action to reduce the risk against them. In this context, “ASB” should be taken in its wider context as described in sections 1.1 and 1.2 – the definition of ASB. The elements of the process are:

- Effective initial call handling
- Effective initial response (appropriate grading and resource allocation)
- Risk assessing (thorough harm based assessment)
- Joint agency case management (multiagency information sharing and response plans)
- Victim care (compliance with the victim code)
- Effective recording of ASB (Direct officer input into the force crime and intelligence system, Niche)
- Effective supervision of reports. (Drive towards positive outcomes)

6. Hate Crime

6.1 It is important to mention hate crime and Sussex Police has a stand-alone hate crime policy (590). Where hate crime is apparent, the ASB policy assists with the recognition and minimising of harm.

6.2 Where hate crime is apparent (Disability, Faith, Sexual Orientation, Trans and Race) the risk assessment carried out for all reports of hate or ASB incidents (please refer to section 7 below) will help a practitioner to understand the level of harm that an individual is exposed to; however the harm can be described or categorized. The questions prompt the practitioner into considering whether the behaviour complained of amounts to a hate crime or incident. This practice is in line with the Government’s blueprint to tackling hate crime, ‘Challenge It, Report It, Stop It’, published in March 2012.

6.3 The processes and provision of safety measures which follow a risk assessment are just as valid for victims of hate crime as they are for any other form of crime or disorder which has had an adverse impact of the quality of an individuals’ or communities’ life.

6.4 However, the requirements of the hate crime policy should still be followed in full, irrespective of the outcome of the harm risk assessment.

7. Hate and ASB Risk Assessment (HARA/SCARF)

7.1 It is important to consider that a risk assessment is the collection and assimilation of relevant information to determine the level of risk of harm being posed to an individual(s) and is also a tool and guide for practitioners. It is
not the exercise of filling in a form. Professional judgement and investigation are also crucial to the process.

7.2 Sussex Police has adopted the Hate & ASB Risk Assessment Form for ASB and Hate incidents force-wide which has been combined with other risk assessments to create the Single Combined Assessment of Risk Form (SCARF). You will find this form listed in the ‘Reports’ tab of a Niche occurrence.

7.3 Copies of this force-wide form can be downloaded from Word Templates under ‘Admin Forms’, where you will find it listed under the acronym SCARF. With the inception of E-CINS and a Pan Sussex agreement with Councils and partners, the SCARF is the format for standardised risk assessments.

7.4 The SCARF has a scoring matrix and best practice is for this to be completed face-to-face with the victim, rather than on the telephone. It should be in the form of a conversation without reference to the scores and associated levels of risk. The new SCARF form will now automatically allocate scores to the question answers which will be invisible to the officer at the time of completing. It is recommended that staff do not give the victim the options for the answers. Open questions should be asked and then the most appropriate option selected for the complainant’s answer.

7.5 The key elements of this assessment include:

- Frequency of the behaviour reported
- Identification of the victim’s specific vulnerabilities
- Overall impact on the victim of the behaviour being complained of

7.6 Any one of these may indicate a significant risk when ASB is involved and if they appear together, “very considerate problems may be present.”

7.7 The new process for creating and running a PSF also has its own risk rating, which is attached to the supervisor review. This is an ongoing assessment which will be updated with each review, ensuring that the risks of any problem are continually monitored.

8. Frequency

8.1 It is important to understand the cumulative effect that relatively minor incidents can have when a person is repeatedly subjected to them. Research has also shown that acts of bullying or victimisation tend to become more serious, both in nature and in terms of the harm they cause, the more they are repeated.

8.2 Similarly to domestic abuse, vulnerable victims can be reluctant to report incidents of ASB. When they do, they have often already suffered significantly. It takes the vulnerable person a lot of courage to make a report for a number of reasons, including fear of reprisals and feeling they may not be taken seriously.

8.3 Therefore when reports are made, it is important that officers use the opportunity and take time to gain the full picture of what has been happening. The scanning phase of the SARA model can significantly help with this. Thorough and focused scanning can identify problem solving opportunities early on, providing a better service to persons involved, reduce demand on police and other partner agencies and provide a tailor made response to a specific problem.

8.4 The Sussex response is that ALL ASB reports that concern personal harm, irrespective of whether they are standard, medium or high risk, WILL be uploaded to Niche as will all Nuisance and Environmental harm reports that are assessed as medium or high risk. Not all of these will require a full PSF but the use of the Initial Problem Solving Plan Template will assist greatly in recording the incident, identifying any problems, assessing risk and coordinating a response.

9. Vulnerability

9.1 Research initiated by the force following the HMIC “Stop the Rot” report found that people with a long standing illness, infirmity or disability are most likely to be victims of ASB, are more likely to suffer greater harm and are the people who have less confidence in reporting incidents to the police.
9.2 When assessing vulnerability, it is worth considering that any of the following groups of people could be potentially vulnerable.

- Some characteristics can make people more susceptible to harm from ASB. e.g. people who have long term illnesses, disabilities, the elderly or people who are isolated from help.
- Those where the behaviour, or the likely effect of the behaviour is apparently causing adverse reactions of vulnerability.
- Where an individual's identity (protected characteristic) is the subject of victimisation (this must be recorded as a hate crime or incident).
- A combination of any of the above.

10. Overall Impact

10.1 The above factors will likely dictate the overall impact that behaviour is having or is likely to have. When assessing impact, it is imperative that officers look through the eyes of the victim rather than make a judgement against their own values or beliefs.

11. Definitions of Risk Levels

11.1 The national risk assessment is designed around a “scoring” exercise to determine a risk level. However, Sussex Police view this as an operational guide and accept that professional judgement is also an important part of the process.

11.2 There may be occasions when it is appropriate to take a view which alters the risk assessment outcome after the scoring exercise. Safeguards have been built into the SCARF form to ensure a downgraded or upgraded risk is clearly identifiable to the Officer in the Case (OIC) and their supervisor.

11.3 Electronic scoring does not negate officers applying professional judgement, previous experience, additional information and the immediate actions they had taken to reduce or remove the risk, to amend a current level of risk prior to submitting the SCARF for review.

11.4 The supervisor will review the SCARF and may of course amend the level of risk again. Risk should always be kept under review as circumstances can change very quickly and consequently the risk level can increase or decrease.

11.5 After consultation with the supervisor, if a PSF is going to be created then the S.M.A.R.T (Specific, Measurable, Achievable, Realistic, Time-bound) supervisor review is to be completed and the risk level set. This will then automatically create the frequency of reviews and a task is to be generated for the next supervisor review.

12. SCARF Risk Levels

12.1 There are three risk levels associated with the SCARF

**ASB Standard Risk** - There are insufficient grounds on the facts currently known to believe that this person is suffering or likely to suffer "personal harm" as a result of ASB.

NB. (This risk level can only be justified once a thorough history check has been included in the risk assessment process concentrating on repeat issues. You must also consider that although personal harm is not likely, without intervention, escalation is often quite possible.

**Finalisations**

You must seek to finalise reports reaching the threshold for action with a positive outcome that reduces risk of recurrence where the offender is known or vulnerability can be reduced.

With limited resources many standard risk cases can have no formal action taken which creates an inherent risk of repeat victimisation. The RARA (Remove, Avoid, Reduce, Accept) question 2 and 3 are compulsory on the SCARF
submission and identifies what action has been taken to reduce the threat of repeat victimisation. To build a more thorough understanding of what works to reduce demand, these outcomes should be replicated into Niche outcome reports to make the outcomes searchable.

All reports that get recorded into Niche, even when a SCARF is not submitted, require an update that shows what action has been taken or not – to reduce, avoid, remove or accept the risk (Accepting in exceptional circumstances can only be agreed by a supervisor).

**ASB Medium Risk** - There are grounds to believe that this person may suffer “personal harm” as a result of ASB. Protective measures may be necessary to reduce the risk.

NB. This risk level is the expected entry point to multi-agency case management. We should seek to increase the potential for positive outcomes by sharing information where appropriate using the E-CINS package. All medium and high risk cases will be uploaded to E-CINS.

**ASB High Risk** - There are substantial grounds for believing that the person is suffering or is likely to suffer “personal harm” as a result of ASB. Protective measures are necessary to reduce the risk.

NB. Urgent case management processes through Anti-Social Behaviour Risk Assessment Conferences (ASBRACs) or reallocation of Divisional resources will be appropriate. All high risk cases will be monitored by the Duty Inspector, the district ASB coordinator and the District Daily Management Meeting (DMM) process.

13. Further Reviews

13.1 After implementing safety measures or conducting problem solving activity a further review should be conducted to re assess the risk to individuals.

13.2 Although this can be done immediately for low risk cases, it is realistic that a reduction in significant harm can only be qualified after a period of time has passed as the likelihood of perpetrators being persistent or victims feeling vulnerable, is increased.

13.3 A review after 14 days will ensure that the victim needs are reassessed. This should include revisiting the SCARF assessment in conjunction with contact with the victim. The risk assessment matrix should be used in conjunction with the definitions below:

**ASB Standard Risk** - The frequency and nature of the behaviour being perpetrated has ceased or diminished to the extent that this person is not suffering or likely to suffer further “personal harm” as a result of ASB

**ASB Medium Risk** - There are continued grounds to believe that this person may suffer “personal harm” as a result of ASB. Protective measures in place continue to be necessary to mitigate the risk. The reviewing officer considers that these measures are effective and sufficient.

**ASB High Risk** - There are continued substantial grounds for believing that the person is suffering or is likely to suffer “personal harm” as a result of the ASB. Continued intensive protective measures and frequent monitoring are necessary to mitigate the risk.

14. Community Trigger

14.1 The Community Trigger gives victims and communities the right to require that action is taken where an ongoing ASB or hate crime problem has not been addressed. It helps all parties by making sure that no-one suffering the harmful effects of ASB and hate crime falls through the net.

14.2 Anyone can use the Community Trigger if their concern is about ASB or a hate incident / crime and meets the criteria below:

A person has been a victim of three separate incidents within the last six months.
14.3 The Community Trigger is accessed through the Sussex Police Website and Partner Websites and emailed to the district ASB shared drawer. The form will be assessed within three working days and the applicant contacted.

14.4 If the referral meets the criteria, an officer from an appropriate lead agency (in discussion with the applicant) will review the situation and agree appropriate actions within ten working days.

14.5 If the referral does not meet the criteria, an officer will advise the applicant on what alternatives might be appropriate for their case (Please refer to Appendix A for the Community Trigger Flow Chart and Appendix B for the Community Trigger Guidance).

14.6 The trigger reports will be emailed to the following district accounts (NB: The ASB coordinator has a responsibility to ensure the trigger has an entity in E-CINS and the relevant partners are updated).

hara.brighton
hara.rother
hara.hastings
hara.eastbourne
hara.lewes
hara.wealden
hara.adurworth
hara.arun
hara.chichester
hara.crawley
hara.horsham
hara.midsussex

15. Community Impact

15.1 The impact on a community should also be considered, alongside considering the harm to specific individuals.

15.2 This is particularly the case where hate crime is involved, or any other matter which could inflame community tensions or incite others to commit acts associated with hatred or public disorder. Please refer to the Community Tension Assessment Policy, Force Policy 579 for more information.

16. Community Remedy/Community Resolution

16.1 The Community Remedy gives victims a say in the out-of-court process for offenders of low-level crime and ASB.

16.2 It gives communities the option to have a say in how offenders should face up to their actions and make amends. It provides victims of ASB and low-level crimes with a route for swifter justice and ensures offenders have to face immediate consequences for their actions. It is hoped this type of remedy will make them less likely to reoffend in the future.

16.3 The Community Remedy provides a locally developed framework that will enhance existing Community Resolution or Conditional Caution routes - often referred to as “out-of-court disposals” - and reduce the burden and expense placed on the criminal justice system.

16.4 Community Resolution (CR) is an informal non-recordable out-of-court disposal used for low level offences, taking the victim’s views and needs into account. Where the OIC identifies that an incident fits the criteria for CR they offer the victim the Community Remedy menu in order to agree appropriate outcomes that address the victim’s needs and wishes. This may involve a reparative act such as painting a fence damaged by the offender/wrongdoer, writing a letter of apology, reimbursing the victim for their financial loss or completing a diversionary course e.g. drugs awareness etc. It is essential that victims themselves make the choice, though officers can advise and guide them as to what would be appropriate and realistic. The offender/wrongdoer must agree to the proposed outcomes, and the OIC acts as independent arbiter to ensure any conditions involved are appropriate, proportionate and safe. The OIC has responsibility to ensure the outcomes are completed to the
satisfaction of the victim.

They will also be required to put the unique reference number of the Community Resolution ticket in the box provided.

16.5 The Community Remedy will assist the Police & Crime Commissioner (PCC) in making the approach towards low level crime and ASB more responsive and accountable to the victims and public in Sussex. Click here for PCC Community Remedy Document.

17. Recording

17.1 All reports of ASB, whether made to an officer on the beat, on-line, over the telephone via 101 or 999 or to staff in the police station, should be logged and tagged initially within STORM so that the information can be shared and the right action taken.

17.2 This can be done by requesting creation of a serial. Without this individuals may continue to report in different ways with incorrect, ineffective or isolated action taken in response each time.

17.3 All incidents of personal harm, or other types of ASB where the behaviour complained of is likely to lead to harm (harm in this context means interference with physical or mental health), will also require interfacing to Niche. Please refer to Appendix C: Officer recording and Supervisor quality assurance for ASB only incidents. Individuals will interface crimes into Niche in the normal way.

17.4 As an example, causing stress or anxiety to an individual over a period of time would be deemed as causing harm, and would require interfacing to Niche. Please refer to Appendix D for examples of when to record personal harm, and Appendix E for examples to assist with categorising the ASB incident.

17.5 Do not complete a SCARF if the reported ASB matter is not a repeat incident and there are no grounds to believe that it will become so.

17.6 In making this decision, you are using your own professional judgement to risk assess the matter as standard and unlikely to be repeated. In doing so, it must be obvious from the information received that the complainant is not a repeat victim and the circumstances are such that the incident is unlikely to be repeated. Effective scanning will assist in determining these questions and also the question of is this is a ‘one-off’ incident or part of a larger more persistent underlying problem.

For example, a person who is verbally abused by a group of youths in a public area, away from their home address, and where there is no pre-existing victim / perpetrator relationship. This is likely to be a one off incident which might be unpleasant and have an impact on the victim’s perception of safety; but it is unlikely to lead to a course of conduct which could have a chronic impact on the life of the victim (please note however, that if the behaviour was perceived to be hate-based by anybody, then a SCARF would be required in line with the force hate policy). If the perpetrator and location relationship are obviously repeat nuisance or environmental harm incidents, then it would be recommended that a Niche interfacing and problem solving approach is adopted.

NB: This type of incident may be subject of a report of crime in relation to a public order offence and must be recorded as such, however this would not stop you using this incident as evidence in, for example a Criminal Behaviour Order (CBO) application or Civil Injunction application.

17.7 Incidents of ASB will also, on occasion, be reported to third parties such as Community Safety Partnerships (CSP). All CSPs in Sussex have signed up the Memorandum of Understanding (MOU) for the use of E-CINS and have common risk assessment and information sharing protocols. All the problem solving templates have also been uploaded to E-CINS to establish a multiagency approach from the outset in any PSFs.

17.8 E-CINS is the preferred multi agency partnership case management system for Sussex. The E-CINS MoU is currently under review contact information management for further information.

18. Police Information Systems
18.1 To ensure that Sussex Police is in a position to respond to spontaneous incidents that occur relating to cases managed on E-CINS and to manage our disclosure responsibilities under the Criminal Procedure and Investigations Act (CPIA), it is necessary that all cases managed on E-CINS have a corresponding reference on police systems (naming the OIC would also be good practice). This includes updating the crime and intelligence system, Niche, to include all entity records for persons involved and the fact that an E-CINS record exists.

18.2 Additionally all currently high risk E-CINS profiles must have a location indicator and history marker on the police command and control system STORM, to assist emergency response by police.

18.3 The completion of Niche and STORM records will be the responsibility of the police officer initially reporting the case.

18.4 There is continuing responsibility to update entities in Niche whilst the case is being managed in E-CINS.

19. Responsibilities

19.1 There are specific responsibilities and expectations attached to departments, teams and individuals which are detailed in the sections below.

19.2 Communications Department

The Force Contact, Command and Control Department (FCCCD) will identify calls which relate to ASB. These include incidents which are reports of recordable crime, as well as non-crime incidents. They will apply a screening assessment made up of a number of suggested questions (listed below) that are used to determine if a caller is a repeat victim, has any vulnerabilities and the overall impact of the behaviour being perpetrated.

Suggested Initial Question Set ASB

- Is there anyone in your household who suffers from long term ill-health, a disability, is elderly, or is vulnerable by any other means?
- Has this happened before?
- Is anyone being personally targeted?
- Is this affecting day to day life?

The screening risk assessment will not be applied to grade 1 calls to ensure the call is resourced expeditiously. The FCCCD will also establish if the matter being reported is a hate crime or hate incident. This assessment helps to inform the decision as to how to grade the call.

This FCCCD guidance is summarised as follows and is replicated in the call handling guide A to Z under ASB: click here

- Following the initial risk assessment, if suitable for Grade 1 or 2 attendance, pass CAD (Computer Aided Dispatch) to radio and leave for officers to deal
- If not suitable for Grade 1 or 2 then Grade 3 for planned response (never Grade 4 for personal harm)
- Only interface to Niche if:
  1. ASB personal, or
  2. High risk Nuisance/Environmental incidents.
- The Niche report will be tagged as ASB filed and finalised, however the CAD will always be Grade 3 and passed to Prevention Teams for them to complete the secondary risk assessment.

When pushed to Niche, the responsibility lies with the supervisor allocating the incidents to update the OIC and end date the call handler. ASB is core within the role of the Police Community Support Officer (PCSO) so on occasion it will be appropriate to have a PCSO as the attending officer of an ASB case. The FCCCD staff member will remain the investigating person until the Storm CAD is resourced and a HARA (Hate/ASB Risk Assessment) completed. This will allow Sussex Police to track the timeliness of allocation on districts.

An ASB tag should always be added to the STORM Log as this assists the DMM process and is a catch all for reports
that fail to be allocated or sit with an OIC who is not on duty or lastly, are too low level for Niche interfacing.

It is important to include recordable crime within this process to ensure that victims of an ongoing course of behaviour are not missed, purely because a crime matter is investigated in isolation.

19.3 Responding Officers

- Have due regard for whether the individual is a repeat victim, whether they are vulnerable and of the impact the behaviour is having on their quality of life. Where any of these factors are present, the officer must complete a SCARF.
- If the incident is a hate crime or hate incident, Force policy for recording hate crime should also be followed.
- Complete all the fast time enquiries.
- Interface to Niche all incidents of personal harm, or other types of ASB where the behaviour complained of is likely to lead to harm (harm in this context means interference with physical or mental health). This also includes where stress and anxiety have been caused to an individual over a period of time.
- For ASB Grade 1 or 2 incidents conduct an initial investigation, into the circumstances of the report. This is irrespective of whether the incident amounts to a recordable crime or not. It is not acceptable to result an incident with “area search, no trace” where there is an identifiable victim.

19.4 Attending Officer ASB Action Checklist

- View the CAD and familiarise yourself with the responses to the initial four risk assessment questions posed by PCC.
- Complete the Hate & ASB Risk Assessment (HARA/SCARF) in the presence of the victim. Is this an isolated incident? Is this part of a wider problem? Consider if this is part of an ongoing problem solving plan.
- Ensure the Storm CAD has been pushed through to Niche.
- Direct Officer Input the incident - you will need to create the entities and the relevant sections of the occurrence MO (Modus Operandi) tab. There is no requirement for an incident such as this to be workflowed to the Crime Management Unit (CMU).
- Complete the electronic SCARF by selecting it from the ‘Reports’ tab within the occurrence.
- Task the duty supervisor to complete the supervisory section of the SCARF (N.B If your own supervisor is not available, you must ask a duty supervisor to complete this section, so that there is no delay in the onward processing of this form).
- If High risk review by Inspector and entry onto E-CINS and create a problem solving template linked to the Niche Occurrence.

A SCARF would not need to be completed if the reported ASB matter is not a repeat incident and there are no grounds to believe that it will become so.

In making this decision, you are using your own professional judgement to risk assess the matter as standard. In doing so, it must be obvious from the information received that the complainant is not a repeat victim and the circumstances are such that the incident is unlikely to be repeated. For an example of this, please refer to section 17.6 above.

Where there is any doubt as to the likelihood of further alarm, harassment or annoyance being caused to the victim, a SCARF must be completed on Niche. This would include circumstances where the victim and perpetrator are neighbours / and the proximity of the parties increases the likelihood of further problems and the potential for the victim to suffer personal harm.

To be clear, except as stated above, a SCARF is required for all ASB occurrences involving a risk of personal harm, regardless of the level of risk recorded on the risk assessment form i.e. standard, medium or high.

When a decision is made not to complete a SCARF, the fact that the matter has been deemed a standard risk and a short rationale MUST be recorded on the Niche occurrence, which should then be filed by a supervisor.

Where a HARA is completed, it is now a requirement that a positive action/outcome is recorded. 12 National
Incident Category List (NICL) Qualifiers exist in Niche for this purpose

This will allow Sussex Police to investigate what works when preventing repeat victimisation and design a pick list of options for Niche integration. There must be a documented action in Niche to either reduce or remove the risk by an intervention with the perpetrator or give advice how the victim can avoid, remove or reduce the risk.

In exceptional circumstances the force may accept the risk if it forms part of a monitoring process or if it is perceived the intervention may inflame the situation and increase the risk of victimisation. All outcomes must be signed off by a supervisor as appropriate.

19.5 Critical Incident Inspectors

Where a harm incident is assessed as high risk, the duty inspector should be informed and control measures should be put in place to mitigate the immediate risk to individuals.

Regular reviews of the risk should be conducted until the threat / vulnerability is reduced. This should form part of the district ASB processes and through DMM when the ASB coordinator is not on duty.

19.6 Prevention Inspector

Ensures there is a process on their district to monitor for incidents tagged as ASB

The submitted SCARF to be reviewed and disseminated.

Medium and high risk cases are managed appropriately, with the aim of reducing the level of risk of harm being caused or likely to be caused to the individual.

That local case management protocols i.e E-CINS MoU are in place with other agencies, to enable information sharing, joint problem solving and transference of lead agency status if appropriate

For submissions to Weightmans solicitors involving the use of ASB powers you will need the authority of the prevention inspector. This is what is referred to as ‘Gate Keeper’ approval. Complete the checklist for the power you are using and add the name of the inspector in the appropriate section.

20. On Going Management

20.1 Niche and/or E-CINS are used to record incidents of ASB. If through investigation it appears that the incidents are part of a wider or more entrenched problem, consideration should be made in to starting a problem solving plan. The Developed Problem Solving Template should be started in consultation with supervision and partners, ensuring the correct lead agency is identified at the earliest opportunity.

21. History Markers

21.1 For medium and high risk cases, a STORM history marker will always be created on the relevant location, detailing:

- The nature of ongoing problems
- The location of the case papers
- Vulnerabilities to be catered for
- A response plan if appropriate

21.2 It will be the responsibility of the officer completing the safety plan to ensure that this is completed.

21.3 It will be the responsibility of the case manager to review the need and content of history markers and to weed markers on completion of the case.

22. ASB Tags

22.1 The Prevention Team will check the incident serials for calls which have the ASB tag and have not been interfaced to Niche, especially for those that have not been responded to as a grade 1 or 2.
22.2 The Prevention Team will contact the victim and conduct a risk assessment to ensure the incident was correctly recorded as low risk nuisance or environmental harm. It is important to have discussed this with the informant as victims may not always make a report of ASB on the first occasion it occurs.

22.3 However, this does not mean that the incident should not be fully investigated and victim support considered, if it is a report of crime or otherwise warrants further attention.

22.4 Supervisors should remove the ASB tag in both Niche and STORM where appropriate investigation reveals no ASB taking place.

22.5 In line with officer responsibilities, if the matter is not a repeat incident and there are no grounds to believe it will become so, there is no need to complete a SCARF/HARA risk assessment.

22.6 The matter can be deemed as LOW RISK NON NICHE RECORDABLE and the CAD should be endorsed accordingly with the correct nuisance or environmental tag.

23. Low Risk Matters

23.1 Where a matter, after being assessed, is deemed as standard risk, the NICHE Occurrence Enquiry Log (OEL) will be endorsed in line with the responding officer's responsibilities with an outcome/action.

23.2 People and location entities should be created to allow the incident to be visible to future searches.

23.3 Some areas have local arrangements that call for information regarding standard risk cases to be shared with other agencies. Where such protocols are in place, they should be followed.

24. Problem Solving Recording

24.1 Where E-CINS is deemed inappropriate, a separate problem solving occurrence should be created for safety planning and case management within Niche.

24.2 This might be for a particularly sensitive case for the police to manage or a local crime reduction initiative. For example where businesses rather than individuals are receiving repeat nuisance such as skateboarders on their steps or fly tipping in their car park. These might be examples of where the harm remains as a standard risk preventing a multiagency approach but a district might wish to take some unilateral enforcement action.

24.3 If the occurrence relates to an existing PSF, you should link the new occurrence to the existing problem solving occurrence, however, ensure it is also uploaded to E-CINS to allow other agencies to contribute at case management meetings.

25. Lead Agency

25.1 Statutory partners have a duty of care; this often means they are best to lead on a case. This does not mean they have they to complete all the work but means they are jointly responsible for ensuring all the work is completed and reviewed.

25.2 Relevant partner agencies will be engaged to share information and assist with managing the response to high and medium risk cases. Where appropriate, cases should be handed to another agency if it is more appropriate for them to manage that case in line with the E-CINS MoU.

26. Service Standards

26.1 The standards of recording, response and risk assessment to ASB should be monitored by supervisors. Appropriate grading and attendance at incidents and timeliness of Supervisory review are key to success.

26.2 All cases where a SCARF is required will be submitted during the same shift as the attendance. This will be reviewed by the OICs line manager within 24 hrs except for high risk cases that will be immediately notified to the
27. Anti-Social Behaviour Risk Assessment Conferences

27.1 Divisions will ensure that high risk matters are referred to a multi-agency risk assessment conference.

28. Governance Structure

28.1 Sussex Police will manage its response to ASB through the Local Policing Accountability Board (LPAB) which will receive updates on performance and general delivery from the Local Policing Support Team and Force Performance Meeting. The LPAB will in turn be able to task activity through the ASB Working Group. The ASB working group will generally focus on practical procedures and processes to deliver performance and align with HMICFRS recommendations and ultimately be responsible for keeping the Force Policy updated.

28.2 Divisions are expected to have an oversight process to ensure that resources are available to respond to cases of ASB as appropriate. This is expected to be through the DMM process, or similar.

28.3 Divisions are also advised to have a quality assurance process, to ensure that ASB incidents are being dealt with appropriately. Divisional Hate and ASB boards should be held monthly.

28.4 All districts should have access to an employee who acts as an ASB coordinator either internally or embedded in a local Authority.


29.1 In addition to the Community Trigger and Community Remedy the ASB, Crime and Policing Act 2014 has amended some enforcement activities available to the police and partners. Nothing in the Act undermines the principles of this policy.

29.2 To assist with the transition to the new ASB, Crime and Policing Act 2014, including where Sussex has agreed to add additional guidance or safeguards on the use of the powers. All of this guidance along with checklists and procedures can be found on the Prevention How Do I page on the intranet here.

29.3 Please note that where no specific forms or Police Notices for Disorder (PNDs) have been circulated from the government, the Police National Legal Database (PNLD) has provided suggested wording formats for practitioners use.

29.4 The Home Office have released comprehensive guidance on all of the powers covered by the 2014 Act. It explains in detail who can use the powers, when they can be used and who can use them. Home Office Guidance for Anti-social Behaviour Crime and Policing Act 2014

30. Frequently Asked Questions

30.1 A guide to frequently asked questions around how to complete the SCARF/ORF (Occurrence Recording Form) and Niche in the context of ASB is attached at Appendix F.