

**31 October 2013**

**Statistical Notice: Anti-Social Behaviour Order (ASBO) Statistics – England and Wales 2012**

Statistics on Anti-Social Behaviour Orders (ASBOs) administered in the period 1 April 1999 to 31 December 2012 in England and Wales are released today and can be accessed from the following location:

The .Gov website:

<https://www.gov.uk/government/publications/anti-social-behaviour-order-statistics-england-and-wales-2012>

ASBOs were introduced by section 1 of the Crime and Disorder Act 1998 in England and Wales and have been available since April 1999. The Police Reform Act 2002 introduced the power to make similar orders on conviction in criminal proceedings – these are sometimes referred to as CRASBOs and became available in December 2002.

Both these types of ASBO are issued by courts and have a minimum duration of two years, but can be made until further order – meaning that they can be in force for an indeterminate period of time until discharged or withdrawn by a court.

These statistics cover both ASBOs issued after application by a relevant body<sup>1</sup> to magistrates' courts (acting in their civil capacity) or to county courts, and ASBOs issued following conviction for a criminal offence<sup>2</sup> either at magistrates' courts (acting in their criminal capacity) or the Crown Court.

**ASBOs issued - in the period 1 April 1999 to 31 December 2012:**

- In total, 23,078 ASBOs were issued over the period **(Table 1)**.
- The highest number of ASBOs issued in any calendar year was 4,122 in 2005. Since 2005, there have been year-on-year falls in the number of ASBOs issued, with 1,329 issued in 2012 – a decrease of 6% from the 1,414 issued in 2011 **(Table 1)**.
- In total since 1 June 2000<sup>3</sup>, 86% of ASBOs have been issued to males (19,693 were issued to males and 3,281 to females) **(Table 2P, 2M, 2F)**.
- A greater proportion of ASBOs have been issued following conviction for a criminal offence rather than following an application. In total, 60% of ASBOs (13,896) have been issued following conviction for a criminal offence **(Table 3)**.

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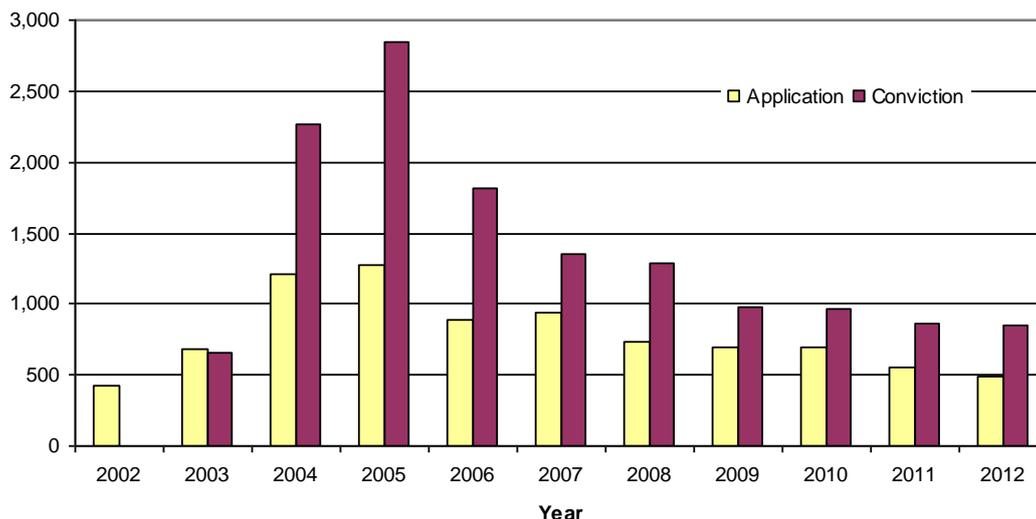
<sup>1</sup> Including local authorities, police, registered social landlords, housing action trusts, British Transport Police, Transport for London.

<sup>2</sup> Details of the offences and behaviours that can lead the issue of an ASBO can be found in 'A guide to anti-social behaviour orders' available at the following website: [http://webarchive.nationalarchives.gov.uk/20100405140447/http://asb.homeoffice.gov.uk/uploadedFiles/Members\\_site/Documents\\_and\\_images/Enforcement\\_tools\\_and\\_powers/ASBOGuidance\\_HOAug2006\\_0043.pdf](http://webarchive.nationalarchives.gov.uk/20100405140447/http://asb.homeoffice.gov.uk/uploadedFiles/Members_site/Documents_and_images/Enforcement_tools_and_powers/ASBOGuidance_HOAug2006_0043.pdf)

<sup>3</sup> Information on gender breakdowns is not available prior to June 2000.

- The remaining 40% of ASBOs issued (9,182) were the result of an application made to magistrates' or county courts. The overwhelming majority (93%) of applications were made by the police or local government authority (**Tables 3 and 6**).
- Of the 23,078 ASBOs issued up to the end of 2012, 61% were made for a duration of between two and three years. Further, 12% were made for five years or more and 6% until further order (**Table 4**).

**Figure 1: Anti-social behaviour orders (ASBOs) issued on application and following conviction at all courts, 2002<sup>(1)</sup> - 2012**



(1) 2002 was the first year ASBOs were issued following conviction. They became available for issue following conviction for relevant offences committed on or after December 2002. During 2002, just one such ASBO was made.

### **Breaches of ASBOs issued - in the period 1 June 2000 to 31 December 2012:**

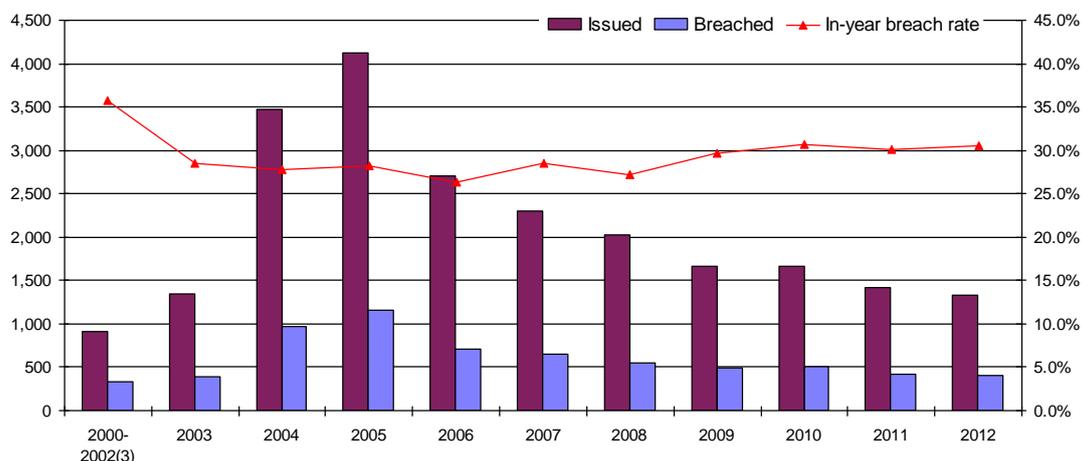
**Note:** These breach rates have been computed excluding data relating to the period prior to 1 June 2000. This is because, between 1 April 1999 and 31 May 2000, data on ASBOs issued were collected on aggregate numbers by police force area only, making it impossible to relate breach occasions back to the ASBOs to which they relate for this period.

The number of ASBOs breached in a year will be related to the number of ASBOs still in force in that year, many of which will have been issued in previous years. Additionally, an individual may have received more than one ASBO, either for a new anti-social incident or as the result of breaching an existing order.

- Of the 22,974 ASBOs issued between 1 June 2000 to 31 December 2012, 58% (13,295) had been breached at least once, with 9,992 (43%) of these breached more than once (**Table 7**).
- In 2012, there were 886 ASBOs breached for the first time, compared with 2,204 breached for the first time in 2005 – the year the highest number of ASBOs were breached. This is in part a reflection of the decreasing number of ASBOs issued, resulting in fewer available to be breached in 2012 than in 2005 (**Table 8**).

- There have been a total of 64,521 separate breaches of ASBOs. If an ASBO is breached, on average it is breached five times (**Table 10**).
- Since June 2000, 29% of ASBOs have been breached within the same year in which they were issued. On annual basis, this 'in-year breach rate' has remained relatively stable since 2009 at around 30% (**Table 16b**).

Figure 2: Anti-social Behaviour Orders (ASBOs) issued and proven at court to have been breached<sup>(1)</sup> at all courts, 2003 to 2012<sup>(2)</sup>



- (1) In this chart, ASBOs breached are counted only if they were breached in the same year that they were issued.
- (2) ASBOs are issued with at least two years' duration and may remain 'until further notice'. The number of ASBOs breached in a year will be related to the number of ASBOs still in force in that year, many of which will have been issued in previous years.
- (3) From 1 June 2000

- As more time passes from the point of issue, the proportion of ASBOs breached increases. By the end of 2012, 70% of ASBOs issued in 2003 had been breached at least once, compared with 31% of ASBOs issued in 2012 (**Table 16b**).
- By the end of 2012, juveniles (aged 10-17 years) accounted for 44% of all ASBOs breached, despite accounting for just 37% of ASBOs issued (**Table 16a**).
- Just over two-thirds of juveniles had breached their ASBOs at least once by the end of 2012, compared to 52% of adults (**Table 16b**).
- The highest number of ASBOs breached in a single year (2,204) occurred in 2005. Additionally, the ASBOs issued in 2005 have led the highest volume of breaches in total (2,450), which coincided with the highest number of ASBOs issued in a single year (4,122) (**Table 16a**).

## Sentencing for ASBOs breached - in the period 1 June 2000 to 31 December 2012:

ASBOs can be breached more than once and in more than one year. Therefore, to compile sentencing statistics resulting from breaches of ASBOs, we typically count on the basis of the number of breached ASBOs in a given period, as opposed to total breach *occasions* during the period.

As such, each breached ASBO is counted only once, and the occasion on which the most severe penalty was received for a single breach of the ASBO is used for the purposes of compiling statistics relating to sentencing. For example, if an ASBO was breached on two occasions, with the first attracting a community order and the second an immediate custodial sentence, the more severe custodial sentence would be counted as the sentence. Similarly, if the offender received a fine on both breach occasions, the highest fine amount would be counted as the most severe penalty.

- Of the 13,295 ASBOs breached at least once, 53% (7,043) resulted in courts imposing a sentence of immediate custody; a further 24% (3,126) resulted in a community sentence being imposed (**Table 12**).
- Discharges, fines, one day in police cells, disqualification from driving and other miscellaneous disposals not shown separately account for the remaining 24% of sentences given for breaches (**Table 12**).
- Immediate custodial sentences were given to 7,043 offenders for breaches of ASBOs, with an average custodial sentence length (ACSL) of 5.4 months. Juveniles accounted for 21% of offenders sentenced to custody, with an ACSL of 7.1 months, compared to 5.0 months for adults (**Table 13**).

Sentencing guidelines<sup>4</sup> for breaches of ASBOs set the custody threshold for juveniles significantly higher than the threshold applicable to adult offenders. However, where the court does consider a custodial sentence for a juvenile to be unavoidable, the starting point for sentencing is set at 4 months detention. In contrast, short custodial sentences of three months or less are available to adults, and are received by 47% of adults who received a immediate custodial sentences for a breach. This goes some way to explain the lower ACSL observed for adults.

- Of the 64,521 total breach occasions, 40% (25,097) resulted in a custodial sentence, with an ACSL of 4.1 months (**Tables 14 and 15**).

The ACSL is lower when considering total breach occasions. This is partly because, in the case when an ASBO has been breached more than once, later breaches tend to attract a more severe penalty, with courts likely to consider earlier breach occasions as aggravating factors when passing sentence for the latest breach. The more severe sentence only will be counted in the ACSL calculation on the basis of the number of breached ASBOs, whereas all previous (often shorter) sentences will be counted in the calculation of ACSL for total breach occasions.

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<sup>4</sup> [http://sentencingcouncil.judiciary.gov.uk/docs/web\\_Breach\\_of\\_an\\_Anti-Social\\_behaviour\\_order.pdf](http://sentencingcouncil.judiciary.gov.uk/docs/web_Breach_of_an_Anti-Social_behaviour_order.pdf)

## Notes to editors

1. The latest available data on ASBOs issued and breached currently cover the period from 1 April 1999 to 31 December 2012. The data for ASBOs issued and breached are collated via separate systems.
  - a. ASBOs issued are recorded at magistrates' courts and the Crown Court on a management information system operated by Her Majesty's Court and Tribunal Service (HMCTS) and are validated at the point of entry.
  - b. Breaches are recorded on the Court Proceedings Database after which they are validated and processed by the Ministry of Justice Criminal Justice System Statistics (CJSS) team.
2. Once the two sets of data are received, an exercise is undertaken to match each ASBO breach with the corresponding ASBO issued. This is done by matching certain criteria from the two datasets, such as name, date of birth, court appearance date etc. In 2012, 7,501 breaches were submitted, of which 6,323 (84%) were matched against ASBOs issued. The remaining unmatched breaches are discarded.
3. Information on ASBOs breached are subject to the same validation and quality assurance process undertaken on court proceedings data used for the annual publication Criminal Statistics, England and Wales.
4. The availability of more timely data from the LIBRA case management system, which was introduced to magistrates' courts in 2008, has enabled the Ministry of Justice to improve the timeliness of ASBO statistics considerably.
5. The ASBO publication will continue to be treated as an 'Official Statistics' publication and precise publication dates will be pre-announced as soon as possible in line with the National Statisticians Code of Practice for Official Statistics.

### Contact details and further information

Press enquiries about the policy of administering ASBOs should be directed to the Home Office press office:

- **Tel:** 020 7035 3535

Press enquiries about the statistics presented in the National Statistics publication should be directed to the Ministry of Justice press office:

- **Tel:** 020 3334 3536
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Enquiries about this statistical note or the statistics publications should be directed to:

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