

**18 September 2014**

**Statistical Notice: Anti-Social Behaviour Order (ASBO) Statistics – England and Wales 2013**

Statistics on Anti-Social Behaviour Orders (ASBOs) administered in the period 1 April 1999 to 31 December 2013 in England and Wales are released today and can be accessed from the following location:

The .Gov website: <https://www.gov.uk/government/statistics/anti-social-behaviour-order-statistics-england-and-wales-2013>

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.

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.

Both types of ASBO 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be made until further order – meaning that they can be in force for an indeterminate period of time until discharged or withdrawn by a court.

**ASBOs issued - in the period 1 April 1999 to 31 December 2013:**

- In total, 24,427 ASBOs were issued over the period (**Tables 1 and 2**).
- In 2013, 1,349 ASBOs were issued, a 2% increase from the 1,329 ASBOs issued in 2012 (**Tables 1 and 2**).
- The highest number of ASBOs issued in any calendar year was 4,122 in 2005. Post 2005, there were year-on-year falls in the number of ASBOs issued until the slight increase in 2013 (**Tables 1 and 2**).
- In total since 1 June 2000<sup>3</sup>, 86% of ASBOs have been issued to males (20,836 were issued to males and 3,487 to females). 85% of ASBOs issued in 2013 were issued to males (**Tables 2P, 2M and 2F**).
- Over the period, 36% of ASBOs have been issued to juveniles and 64% to individuals aged 18 and over. In 2013, 21% of all ASBOs were issued to juveniles. (**Table 2P**).

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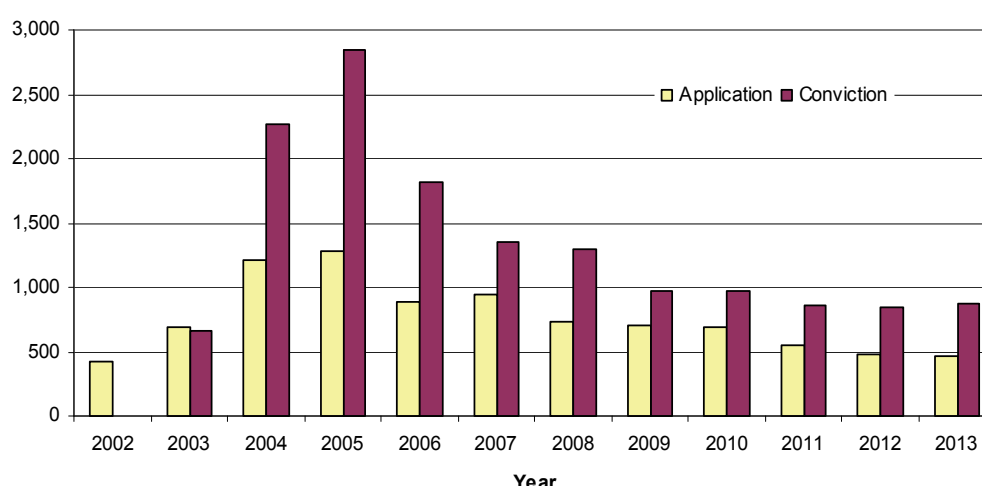
<sup>1</sup> Including local authorities, police, registered social landlords, housing action trusts, British Transport Police, Transport for London.

<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 greatest numbers of ASBOs issued over the total period have been in Greater London (3,175), Greater Manchester (2,207) and West Midlands (1,901) (**Table 2P**).
- There was a rise of just over a 50% in the number of ASBOs issued in Greater London in 2013 when compared with 2012. 315 ASBOs were issued in Greater London in 2013 compared to 209 in 2012 (**Table 2P**).
- A greater proportion of ASBOs have been issued following conviction for a criminal offence rather than following an application. In total, 60% of ASBOs (14,776) have been issued following conviction for a criminal offence. In 2013, 65% of ASBOs were issued following conviction for a criminal offence (**Table 3**).
- The remaining 40% of ASBOs issued in the total period (9,651) 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**).
- 60% of ASBOs issued over the total period were made for a duration of between two and three years. 13% were made for five years or more and 6% until further order (**Table 4**).
- A greater proportion of ASBOs issued in 2013 were issued for a duration of 5 years or more (21%) compared to 2012 (11%). The 2013 proportion is well above the 13% average over the entire period (**Table 4**).
- 25% of the 116 ASBOs issued on application to juveniles in 2013 were accompanied with an Individual Support Order (ISO)<sup>4</sup>. This is an increase from 18% in 2012 and is just below the 2009 peak of 26%. (**Table 5**).

**Figure 1: Anti-social behaviour orders (ASBOs) issued on application and following conviction at all courts, 2002 - 2013**



<sup>4</sup> Individual Support Orders are court orders only available for 10-17 year olds which can be attached to ASBOs made on application. ISOs impose positive conditions on the young person to address the underlying causes of the behaviour that led to their ASBO being issued. ISOs are available at magistrates' courts only for juveniles (aged 10-17) with ASBOs issued on application. Commencement date 1 May 2004.

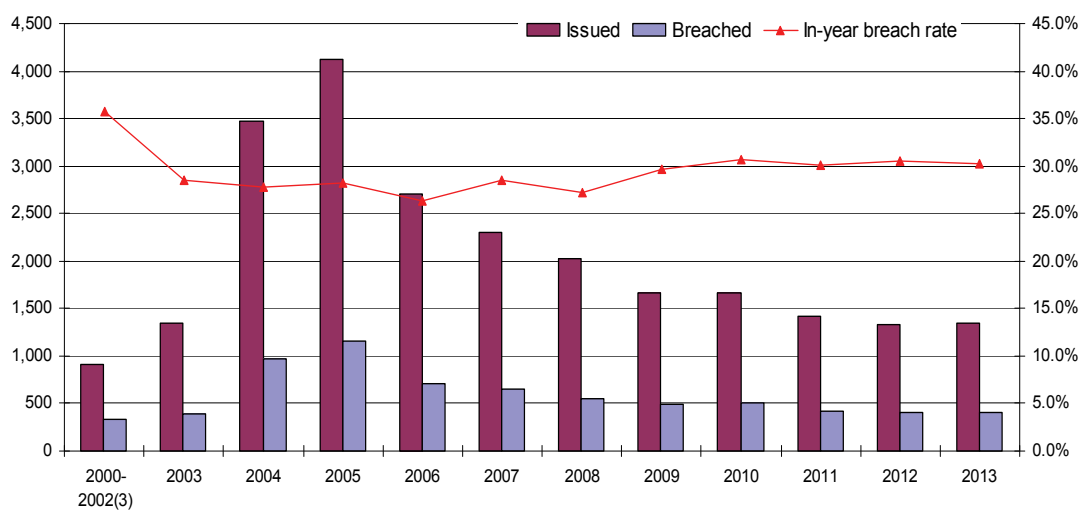
## Breaches of ASBOs issued - in the period 1 June 2000 to 31 December 2012:

**Note:** These breach statistics 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 is related to the number of ASBOs currently 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 24,323 ASBOs issued between 1 June 2000 to 31 December 2013, 58% (14,157) had been breached at least once. Of those breached, 75% (10,651) were breached more than once (**Table 7**).
- In 2013, there were 862 ASBOs breached for the first time, which was a 3% decrease compared to 2012 and the lowest number of breaches since 2003. This compares with 2,204 breached for the first time in 2005 – the year with highest number of ASBO breaches. The decline in breaches is in part a reflection of the decreasing number of ASBOs issued, resulting in fewer available to be breached (**Table 8**).
- There have been a total of 70,770 separate breaches of ASBOs. If an ASBO is breached, on average it is breached five times (**Table 10**).
- Just over two-thirds of juveniles had breached their ASBOs at least once by the end of 2013, compared to just over half of adults (**Table 11**).
- 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, 2000 to 2013<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 2013, 70% of ASBOs issued in 2003 had been breached at least once, compared with 30% of ASBOs issued in 2012 (**Table 16b**).
- By the end of 2013, juveniles (aged 10-17 years) accounted for 42% of all ASBOs breached, despite accounting for just 36% of ASBOs issued (**Table 16a**).

### **Sentencing for ASBOs breached - in the period 1 June 2000 to 31 December 2013:**

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 14,157 ASBOs breached at least once, 53% (7,503) resulted in courts imposing a sentence of immediate custody; a further 23% (3,200) 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**).
- Over the entire period 59% of adults have been given a custodial sentence for breach of an ASBO compared to 37% of juveniles. In 2013, 58% of adults were given a custodial sentence for breach of an ASBO, compared to 23% of juveniles (**Table 12i**).
- Over the entire period, immediate custodial sentences were given to 7,503 offenders for breaches of ASBOs, with an average custodial sentence length (ACSL) of 5.0 months. Juveniles accounted for 20% of offenders sentenced to custody, with an ACSL of 6.2 months, compared to 4.7 months for adults (**Table 13**).

Sentencing guidelines<sup>5</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 an immediate custodial sentence for a breach. This goes some way to explain the lower ACSL observed for adults.

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<sup>5</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)

- The ACSL (for the severest sentence given) for breach of an ASBO was 4.0 months in 2013. The ACSL (for the severest sentence given for a breach) has declined from 4.7 months in 2012 and from a peak of 5.8 months in 2005 (**Table 13i**).
- Of the 70,770 breach occasions over the total period, 39% (27,479) resulted in a custodial sentence, with an ACSL of 3.9 months (**Tables 14 and 15**).

The ACSL is lower when considering total breach occasions. This is partly because, in the case where 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**.

### Notes to editors

1. These statistics have been compiled by the Ministry of Justice (MOJ) because ASBOs are issued by courts, and therefore the data are collected by the MOJ. This information is jointly published with the Home Office on .Gov website. The Home Office retains policy responsibility for anti-social behaviour.
2. The latest available data on ASBOs issued and breached, currently cover the period from 1 April 1999 to 31 December 2013. The data for ASBOs issued and breached are collated via separate systems.
  - a. ASBOs issued are recorded at magistrates' courts, county 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.
3. 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 2013 of the 6,911 occasions on which ASBOs were reported as having been proven in court to have been breached, a match with a record of the corresponding ASBO issued was found in over 90% of cases. This is an improvement on the 2012 breach matching success rate of 84%. Unmatched breach occasions are discarded.
4. To better meet the needs of users, the following amendments have been made to this year's publication compared to previous years:
  - a. Five additional tables have been included:
    - Table 1) A summary table showing ASBOs issued and proven in court to have been breached, 1 April 1999 to 31 December 2013.

- Table 12i) ASBOs proven at all courts to have been breached (at least once) that resulted in a custodial sentence, by age group and sex, 1 June 2000 to 31 December 2013.

- Table 13i) Average Custodial Sentence Length for Anti-Social ASBOs proven at all courts to have been breached (at least once) that resulted in a custodial sentence, by age group and sex, 1 June 2000 to 31 December 2013.

- Table 14i) Percentage of ASBOs proven at all courts (on all occasions) to have been breached that resulted in a custodial sentence, by age group and sex, 1 June 2000 to 31 December 2013

- Table 15i) Average Custodial Sentence Length for ASBOs proven at all courts to have been breached (on all occasions) that resulted in a custodial sentence, by age group and sex, 1 June 2000 to 31 December 2013.

b. A Technical Document to accompany Anti-Social Behaviour Order Statistics: England and Wales 2013 (pdf) is published on the website alongside the tables, csvs and Statistical Notice.

c. Anti-social behaviour order statistics: court level issued and breached tables are no longer being published separately. No data will be lost to users as all the information is available in the two published csv files

5. The civil injunction and the criminal behaviour order (CBO) are two of the new powers that will be available to professionals to tackle anti-social behaviour. The new injunction and the CBO will replace ASBOs on application and ASBOs on conviction, respectively, when they are commenced under the Anti-social Behaviour, Crime and Policing Act 2014. These new powers will not only stop anti-social behaviour, but can include positive requirements to get individuals to address the underlying drivers of their behaviour.
6. 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:

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

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