The ASBO Jihad: a twenty-first century witch hunt

New Labour's focus on anti-social behaviour lacks a proper evidence base and has led to the persecution of those with mental health problems argues **David Gregg**.

There is no point pussyfooting… if we are not prepared to predict and intervene more early… pre-birth even… these kids a few years down the line are going to be a menace to society.
(Prime Minister Tony Blair, 31 August 2006 on the unborn children of lone mothers)

As Tony Blair also famously said in 2005 at the Labour conference 'I have battered the criminal justice system for eight years to change' and unfortunately in some areas, such as 'anti-social behaviour', he succeeded. Remarkably, along the way he demolished ancient legal protections, all but eliminated the principle of presumption of innocence, allowed hearsay and anonymous evidence in court, ignored the European Convention on Human Rights, championed 'actuarial justice' and encouraged local councils to act like vigilantes… all to combat behaviour which is frequently not criminal, by adults and children who are frequently mentally disordered, requiring treatment not demonisation and imprisonment. It is hard to imagine a more comprehensively 'error rich' policy.

Analysis of the published evidence on anti-social behaviour interventions such as the Anti-Social Behaviour Order (ASBO) and the Anti-Social Behaviour Family Intervention Projects (ASBO Sin Bins or FIPS) shows two things: firstly that these measures are ineffective in terms of reducing ASB; secondly that ASB teams disproportionately and deliberately target the mentally disordered and children. This mis-targeting and the failure to treat underlying medical conditions is a primary cause of the failure of government ASB policy as we will see.

The attitude of the 'community' to people with mental impairment has varied significantly over the centuries. We no longer burn witches nor stone the insane to cast out devils but beneath the 'tolerant' surface fear, disdain, and dark suspicion are always there waiting to escape. Only 60 years ago people were locked away for arguably trivial reasons including 'moral imbecility' or pregnancy out of wedlock (or in New Labour speak, being a dreaded 'lone mother'). All it takes is for those in authority to say that prejudice is acceptable and the dogs of hate are let loose again. But that could not happen here, today, could it?

In 1999 MENCAP found that 88 per cent of learning disabled people surveyed had suffered bullying and abuse during the previous year. The Disability Rights Commission in 2004 found that 82 per cent of those with mental health problems had suffered verbal or physical abuse at some time. The National Autistic Society found that 60 per cent of children with Asperger's Syndrome reported attacks in school. But surely the British are just not like that? Sadly in recent years they are. In a recent large scale survey the Institute of Psychiatry found that 40 per cent believed that negative things were being said about them; 27 per cent that someone was trying to irritate them; 20 per cent that they were being followed. The researchers were astonished by the levels of paranoia and suspicion displayed compared with previous surveys.

What has happened to us? Well of course this government from its advent has encouraged fear of crime, terrorism and 'low level terrorism at home': that is anti-social behaviour. By appearing 'tough' on these 'plagues' votes can be gained … but only if the facts are ignored. In evaluating the ASBO Jihad we find that we are dealing not with 'evidence based policy' but 'policy based evidence'.

In truth the 2009 British Crime Survey review shows that violent crime and total crime have been falling steadily since 1995, two years before New Labour were elected, and by 48 per cent in all. Of course professional criminals and terrorists are still hard to catch but fortunately the underclass, particularly if mentally impaired, provide easy targets, being always 'guilty' of strange or suspicious behaviour that can now be redefined as 'anti-social'. Just to make sure, the legal deck in the ASBO law is stacked. It allows a looser, civil standard of evidence in practice; it eliminates the presumption of innocence; it allows anonymous and hearsay evidence; there is no need to prove intention to cause 'alarm and distress'; covert CCTV cameras can look into people's homes under the Regulation of Investigatory Powers Act 2000; interim orders can be issued without notice or any right of reply; 'wanted posters' with names and addresses are erected before trial to encourage complaints and vigilante action; draconian conditions can be imposed in interim orders, before trial, which are easily breached… particularly by the mentally disordered.

Unsurprisingly 99 per cent of ASBO applications are granted. Unsurprisingly 61 per cent of orders are breached; 35 per cent are breached five or more times. The National Audit Office admits ASBOs are ineffective. One reason is that 38

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per cent of orders go to young people with a significant mental impairment. The Home Office knew by 2002 that 60 per cent of those appearing in court on ASB charges had significant mental disorders as mitigating factors. Astonishingly Home Office guidance and other legislative safeguards (including the Disability Discrimination Act 2005) designed to divert vulnerable people from the ASBO courts are systematically ignored by councils with impunity.

Even worse than ASBOs, 80 per cent of the 'families from hell' forced into 'ASBO Sin Bin' projects under threat of eviction have serious mental/physical health and learning disability problems. This figure has been known since 1999 and the first project at Dundee. Since then six prototype FIPs evaluated by the University of Sheffield and 53 later projects evaluated by the National Centre For Social Research showed similar results. Many families were put into ASB FIPs for rent arrears and poor council house upkeep rather than offending. Many were put into the projects for simply exhibiting 'statistical risk factors' including: being a poor lone mother; having a mental health problem; having a child with a learning disability or poor school achievement; having a child with an Special Education Need statement, etc. Sixty per cent were found to be *victims* of abuse and ASB and most families were described as 'easily scapegoated' in neighbour disputes by project managers. Very few received the promised mental health support in the projects: only 11 per cent had professional psychiatric support or counselling.

The government evaluation reports provide no objective evidence of sustained reduction in ASB nor of 'stabilisation' of families resulting from the projects. Long term medical conditions remain. The evidence base in all the evaluations was remarkably weak with small, partial and biased samples, no control groups and very short evaluation times after project exit (less than a year). In most cases no quantitative data was available on ASB severity or frequency. These blatant weaknesses were frankly acknowledged by the academic evaluators but not in the propaganda issued repeatedly by government departments. Based on the Sheffield evaluations the government claimed that 85 per cent of families showed no, or greatly reduced, ASB at project exit. However after a year only 43 per cent (nearer 33 per cent in reality) were still claimed as successes by the evaluators. A 50 per cent behaviour decay rate once project support was removed does not speak for success. Even worse these stigmatised families were targeted in their communities. Even 57 per cent of the 'successful families' were forced to move home by vigilante attacks. Remarkably it turns out that bullying, threats, and parenting classes do not cure mental illness and learning disabilities and do not reduce ASB in communities.

The picture could not be clearer: the mentally impaired are being used as deliberate cannon fodder in the ASBO Jihad. Can we confirm this? Well the Home Office Crime Reduction website, for ASB and other 'crime' fighters presents 'statistical risk factors' which tell us that the most anti-social groups in the UK are not the drunken yobs but the lone mothers (40 per cent), the mentally/physically ill and disabled (32 per cent), and the homeless (25 per cent)… often the same people of course. Also consider that the British Crime Survey report 'Experiences and Perceptions of ASB in the UK' (2003/4) tells us that only two per cent of people see neighbour disputes as a 'very big' ASB problem. Disputes rank 14th in a list of 16 concerns yet the ASBO Jihad has focused almost completely on this problem. Why? I repeat: poor, mentally impaired families are simply easy, sitting targets and provide excellent object lessons to the rest of the underclass. Who cares about fairness for the mentally impaired and the poor?

To some extent the middle class mentally impaired are protected by social conventions but not completely. Now local council ASBO teams can, and do, target people in private housing. I would urge all people with mental health problems and learning disabilities and their carers not to inadvertently disturb their neighbours. The ASBO and the other ASB interventions have rightly been called 'a passport for the neurotic and vindictive'.

At the Labour party conference in 2009 Gordon Brown announced that ASB FIPs would be extended to cover 50,000 'chaotic families'. Please remember that the vast majority of these families are mentally disordered and that very few of them have yet offended. They simply fit the statistical risk profile and applying the New Labour 'actuarial justice' model that is sufficient.

If FIPs worked this might just be acceptable but remember the objective evidence says they do not. ■

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