**PUBLIC**

**Derbyshire ASB Forum**

**Criminal Behaviour Orders in Derbyshire**

1. **Guidance Document**

Version 1.3

**March 2018**

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**Change History**

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| --- | --- | --- |
| **Version** | **Date** | **Reason** |
| Versions 0.0 – 0.4 | 26/6/14 -16/6/15 | Development drafts |
| Version 1.0 | 26/6/15 | Approved by Derbyshire ASB Forum |
| Version 1.1 | 19/5/16 | New CPS e-mail address |
| Version 1.2 | 11/12/17 | Updated guidance from CPS  Inclusion of new support service for ASB victims |
| Version 1.3 | 21/3/18 | Amended, following Derbyshire ASB Forum, to incorporate amendments to the statutory guidance |

The information contained within this guidance document was correct at March 2018. Practitioners should be aware that case law and legislation is constantly changing.

# Introduction

The aim of this document is to translate national guidance on Criminal Behaviour Orders into local best practice guidance to assist agencies working together to tackle anti-social behaviour (ASB) in Derbyshire.

This guidance has been produced by Derbyshire ASB Forum, following the receipt of statutory national guidance from the Home Office and national guidance from the Crown Prosecution Service (CPS).

This guidance is intended to complement, not replace, individual agency ASB policy and procedures.

# Background

## Definitions

*What is Anti-Social Behaviour (ASB)?*

ASB is defined by the Anti-Social Behaviour, Crime and Policing Act 2014 as ’acting in a manner that caused, or was likely to cause, harassment, alarm or distress to any persons’.

*What is a Criminal Behaviour Order (CBO)?*

A CBO is a civil order, which aims to tackle the most persistently anti-social individuals, who are also involved in criminal activity. It can be issued by any criminal court against a person aged 10 or over, who has been convicted of a criminal offence. The individual will be subject to prohibitions and / or positive requirements, depending on what is required to prevent further ASB.

*What is a Parenting Order?*

Parenting Orders can be made for children and young people **up to 17** years old. The orders last up to a maximum of **one year** and any course or programme specified in the order can last up to **three months**. Parenting Orders **can consist of two elements** - a **parenting programme** and an element that specifies ways in which parents are required to **exercise control over their children's behaviour.**

***What is E-CINS?***

E-CINS stands for Empowering Communities Inclusion and Neighbourhood-Management System. It is a secure, cloud-based computer system that enables the police and partners to share information, regarding victims and perpetrators of ASB, fast and effectively.

## Legislation

The following Acts inform this guidance:-

Children and Young Persons Act 1933

Housing Act 1996

Noise Act 1996

Crime and Disorder Act 1998

Youth Justice and Criminal Evidence Act 1999

Criminal Justice and Police Act 2001

Police Reform Act 2002

The Anti-Social Behaviour Act 2003

Criminal Justice Act 2003

Domestic Violence, Crime and Victims Act 2004

Serious Organised Crime and Police Act 2005

Criminal Justice and Immigration Act 2008

Anti-Social Behaviour, Crime and Policing Act 2014

## Related Documents

This guidance should be read in conjunction with the following documents:-

* Crown Prosecution Service ‘Criminal Behaviour Orders (CBOs) on Confviction’ Guidance (September 2016)
* Home Office ‘Anti-Social Behaviour, Crime and Policing Act 2014: Reform of Anti-Social Behaviour Powers Statutory Guidance for Frontline Professionals’ (July 2014)
* Youth Justice Board ‘YOT Practitioner’s Guide Civil Injunctions and the Criminal Behaviour Order’ (July 2015)
* Safer Communities Board ASB Protocol (October 2015)
* Derbyshire Partnership Forum ASB Information Sharing Agreement (May 2016)
* Local ASB Protocols produced by each Community Safety Partnership

The above documents, and others referred to in this Guidance Document, are available at <https://www.saferderbyshire.gov.uk/what-we-do/anti-social-behaviour/policies-and-resources/anti-social-behaviour-policy-and-resources.aspx>

# Principles

As part of Derbyshire’s incremental approach to tackling ASB, CBOs are an effective tool, when all other attempts to prevent further ASB, and achieve long-term behavioural change, have failed.

The principles when considering a CBO application are:-

* Multi-agency consultation and involvement
* Community engagement
* Effective information sharing
* Assessment of the underlying causes of ASB
* Provision of appropriate support
* Effective co-ordination and case management
* Quality not quantity
* Single agency CBOs are the exception rather than the norm
* Support for victims and witnesses

The CBO process is summarised in the flowchart at **Appendix A**.

# Information Sharing

Information sharing between partner agencies is a key principle of working together to tackle ASB. Under Section 115 of the Crime and Disorder Act 1998, information should be shared with the relevant authority (police, local authority, fire service, probation service or health authority) for the purposes of reducing ASB. The ‘legal gateway’ to sharing information in Derbyshire is provided by the Derbyshire Partnership Forum ASB Information Sharing Agreement.

Wherever possible, information will be shared between agencies using E-CINS, the multi-agency ASB case management system.

# Case Management

ASB perpetrators will be managed, on a multi-agency basis, on E-CINS, using the ASB Perpetrators Gallery.

If the incremental approach has been followed on E-CINS, the Profile should already exist but, if not, one will need to be created when perpetrators are being considered for a CBO. They will be deemed as ‘high risk’ perpetrators, under the incremental approach to enforcement.

For more information, see the Derbyshire E-CINS User Guide, which is available from the ‘Downloads’ section on E-CINS or at

[www.saferderbyshire.gov.uk/victimsfirst](http://www.saferderbyshire.gov.uk/victimsfirst)

## Thresholds for Considering a CBO

Action against individual perpetrators of ASB should be prioritised in accordance with partner agencies’ policies and procedures.

For serious and persistent ASB offenders who have committed criminal offences (not necessarily related to the ASB), then a CBO should be considered, subject to the ‘Two stage test’. For a CBO to be imposed, the Court must be satisfied, beyond reasonable doubt, that:-

* The offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person; **and**
* Making the order will help in preventing the offender from engaging in such behaviour.

The decision to consider a CBO must be based on proportionate and reasonable judgements and the conditions of an order should not be designed to stop reasonable, trivial or benign behaviour that has not caused, or is unlikely to cause, harassment, alarm or distress to victims or communities.

It is good practice to consider a CBO when all other interventions have failed to stop the ASB, but each case should be considered individually.

When a ‘serious’ or ‘immediate’ situation arises, an early multi-agency response should be ‘called’ to consider the appropriateness of using a CBO, without following the incremental enforcement approach. In extreme cases, an Interim CBO or a Civil Injunction can be considered.

By prioritising resources and targeting the most serious perpetrators of ASB, the action should be an effective deterrent to others.

# Investigating Complaints

When investigating complaints of ASB, agencies must satisfy themselves that the complaints are not motivated by discrimination on the grounds of race, culture, religion, age or sexual orientation.

## Evidence Gathering

The Lead Agency is responsible for gathering sufficient evidence to meet the criminal standard of proof and prove the case ‘beyond reasonable doubt’.

The process of gathering evidence and presenting it to the courts should be as swift as possible to protect and reassure the public.

Where the ASB perpetrator’s offending history merits a CBO application, the CBO file can be prepared, even if the individual has no current impending criminal prosecutions. This will allow the file to be finalised and submitted promptly should the individual be charged with a criminal offence.

The E-CINS Profile will provide information about the case management of the individual, eg incidents, agencies involved, previous interventions.

Evidence of the ASB is limited to incidents that occurred twelve months prior to the date of the commencement of the ASB, Crime and Policing ACT 2014 (ie after 21st October 2013). The most recent incidents are likely to provide stronger evidence in support of the CBO application but earlier incidents can be included if they demonstrate a pattern of behaviour.

## Community Engagement

Information, intelligence and opinions obtained from the community feed into the evidence gathering process. Any information about ASB, not directly linked to the individual being considered for a CBO, can be dealt with separately via a Community Impact Statement.

A Community Impact Statement can provide information from police officers, describing the impact of offending in the area or other partner agencies, such as housing providers, outlining the effect of the ASB on local residents.

# Consultation

In Derbyshire, we have opted to continue our multi-agency approach to enforcement and so we will consult and engage all partner agencies that are currently working, or could work, with the individual in order to stop the ASB and address the underlying causes of the behaviour.

Sharing information amongst agencies working with the individual is essential to establish a full picture, before making a multi-agency decision about appropriate interventions and a support package.

The consultation process also ensures that agencies do not take conflicting action regarding the individual.

Consultation with partners, and information shared regarding ASB perpetrators, must be recorded on E-CINS.

## Community Safety Partnership

When an agency has identified the need for intervention, the Lead Officer should have an initial discussion with the relevant officer within the local Community Safety Partnership to seek guidance on what level of enforcement action is appropriate for each individual case.

If a CBO application is to be progressed, this will be agreed through Tasking Meetings, or other multi-agency meetings, in accordance with local partnership arrangements.

## Youth Offending Service (YOS)

Where a CBO is being considered for an offender under the age of 18, the local YOS must be consulted, as early as possible, to check whether they have any relevant information and to ensure they do not take, or propose, conflicting action in respect of the individual.

The statutory requirement for consultation does not mean that the YOS must agree to a CBO application, rather that they are aware of the proposed application and given the opportunity to comment.

The Lead Officer must contact the local YOS Manager and ask them to complete and return the YOS Consultation Form / Police Form 176 (See **Appendix** **B**). (For Police, the contact with the YOS could be via the Police Officer seconded to the local YOS).

The Lead Officer must supply the YOS with the YOS Consultation Form, pre-populated with the following information:-

* Name of the offender
* Court date and time
* Details of the alleged incidents
* Proposed CBO prohibitions and requirements

It is good practice to telephone the YOS to alert them of the request and advise them of the timescales involved.

The YOS must consider their response and record their information, relating to the individual, on the YOS Consultation Form and return it to the Lead Officer within the required timescales.

Details of the contact with the YOS (including date and time) and the completed YOS Consultation Form must be included in the file of evidence submitted to CPS.

*Assessment*

The YOS will be undertaking an assessment and/or a report for the criminal offences. This report should make reference to the CBO application, addressing the proposed prohibitions and requirements of the CBO.

The YOS will arrange to meet the young person and their parent/carer to conduct the assessment of the young person’s needs and family circumstances. The assessment will:-

* Identify the underlying causes of the behaviour
* Consider the effectiveness of support interventions accessed to date
* Consider the risk of becoming involved in further ASB
* Consider whether a Parenting Order is required to secure the co-operation of the young person, and their family, to stop the ASB.

The YOS must record their information, relating to the individual, on the YOS Consultation Form and return it to the Lead Officer within the required timescales.

The YOS Officer will also prepare their standard report for court regarding the criminal offences, which will include:-

* Confirmation that the YOS has been consulted regarding the CBO
* Confirmation that the YOS has undertaken an assessment (or a Nil Report if the young person and the family refused to co-operate)
* Statement of suitability (or otherwise) of the proposed prohibitions and requirements for the CBO
* An indication of the work to be undertaken during the period of the CBO requirement (where the requirement is to be supervised by the YOS)
* Recommendation of a Parenting Order, if appropriate.

## Wider Partners

The Lead Officer, with support from the Community Safety Partnership, will contact all the relevant agencies, through E-CINS wherever possible, to establish what involvement they have had with the individual. Partner agencies should respond, as soon as possible, to meet the timescales determined by the court process.

Partners who could be responsible for supervising positive requirements included within a CBO should be consulted at an early stage (See **Positive Requirements**).

The circumstances under which various agencies should be consulted are detailed at **Appendix C**.

## Crown Prosecution Service (CPS)

Where the CPS exercises its power to request a CBO without an application, full consultation with partners is unlikely to have taken place. In these circumstances, CPS will inform the Officer in Charge of the case, who should liaise with the local Community Safety Partnership.

## Single-Agency v Multi-Agency CBOs

CBOs are most effective as a multi-agency tool, due to the need to address the underlying causes of ASB. However, there may be exceptional circumstances where an application for a single-agency CBO would be appropriate, for example, noise nuisance, neighbour disputes, where only one agency is involved and no underlying issues have been identified.

A single-agency CBO application will not be considered for a young person.

# Case Discussion Meeting

The Community Safety Partnership will arrange the multi-agency Case Discussion Meeting, inviting all appropriate agencies, ie those that:-

* Have received complaints
* Are currently working with the individual; and
* Could work to address the underlying causes of the ASB.

The Community Safety Partnership will chair the Case Discussion Meeting.

The aims of the Case Discussion Meeting are to:-

* Share information and intelligence that each agency holds about the individual
* Discuss and agree what action should be taken to address the ASB
* Consider whether an Interim CBO or Civil Injunction is required to urgently stop the ASB
* Discuss possible prohibitions for inclusion in the CBO (although these will be finally negotiated and agreed at court)
* Agree what support can be offered by each agency to determine what positive requirements should be included in the CBO (although these will be finally negotiated and agreed at court)
* Agree how the CBO could be monitored by each agency
* Decide who should be the Lead Agency/Officer for preparing the CBO application
* Agree the appropriate level of publicity (See **Publicity**)

An agenda template for the Case Discussion Meeting is included at **Appendix D**.

The Minutes of the Case Discussion Meeting must clearly record decisions and the reasons behind them, and be uploaded on E-CINS.

Extracts from the Minutes of the Case Discussion Meeting can be used as a hearsay document in the CBO application. This would take the form of a statement, stating that that ‘It was agreed at the multi-agency meeting on (insert date), attended by (insert agencies), that a CBO application for (insert name) was to be pursued.’ The document should detail which agencies (if any) did not agree to the application and why.

A template for the Minutes of the Case Discussion Meeting is included at **Appendix E**.

# CBO Application Process

## Who can apply for CBOs?

The CPS may apply for a CBO after the offender has been convicted of a criminal offence. The CPS can apply on its own initiative, or following a request from either:-

* Local authority
* Police.

It is the CPS that makes the decision to apply for a CBO, not the police or the local authority.

In some cases, the local authority could make the CBO application to the Court, where the local authority is the prosecuting body for a criminal offence, eg benefit fraud, and the offender is also committing serious ASB.

**NB** Where the local authority is the prosecutor of the CBO, the documentation, referred to in this guidance as being managed by CPS, will be managed by the local authority legal department.

## Which Courts can make CBOs?

The CBO hearing will be in the criminal court (ie Magistrates, Youth or Crown Court) after, or at the same time as, the sentencing for a criminal conviction.

Retrospective CBO applications cannot be made, hence partnership working is essential to ensure evidence is collated and opportunities to submit applications are not lost.

## Criminal Proceedings

For a CBO to be considered, the criminal offence being sentenced does not need to be anti-social by definition (for example - Threatening Behaviour, Harassment, Drunk and Disorderly, Criminal Damage, Taking Without Owners Consent (TWOC), Motor Vehicle Interference) although, if there is no link, the application is less likely to be successful.

The Court can only make a CBO when the offender has been sentenced, or given a Conditional Discharge. A CBO cannot be made where the offender has been given an Absolute Discharge or Bound Over to Keep the Peace.

## Types of Evidence

The best type of evidence is given by witnesses who are willing to testify in court. Witnesses should be encouraged to come forward, but they must be supported to do so. For more information, see **Support for Victims and Witnesses**.

Evidence to support the request for a CBO should include:-

* Direct evidence – witnesses who are prepared to attend court to give evidence of what they have personally witnessed
* Witness statements from victims and witnesses affected by the behaviour, including Victim Personal Statements
* Evidence of complaints recorded by police, housing and other partner agencies (See Lead Officer Statement below)
* Up to date PNC Prosecutors print (via police)

Do NOT include all the information held by the police or local authority – discretion should be used. Only include evidence that:-

* Supports the prohibitions or requirements AND
* Is capable of proof, beyond a reasonable doubt, where an incident of harassment, alarm or distress was caused, or was likely to have been caused. OR
* Shows how an order would be helpful to prevent future offending (For example, that informal attempts at diversion have been unsuccessful).

The use of acronyms and specialist terms should be avoided, unless an explanation is included.

If additional evidence is required to support a CBO application, this could include:-

* Community Impact Statement
* Witness statements from officers who have attended incidents
* Information from witness diaries
* CCTV (only if it provides high quality images)
* Non-compliance with previous interventions eg Warning Letters, ABCs
* Previous successful civil proceedings, such as an Eviction Order
* Copies of custody records of previous relevant arrests
* Supporting statements from partner agencies involved in the multi-agency consultation process
* Documentary evidence eg Minutes of multi-agency meetings
* Hearsay evidence ie statements from professional witnesses, such as council employees, elected members

*Hearsay Evidence*

Section 1(2) Civil Evidence Act 1995 defines Hearsay as ‘a statement made otherwise than by a person while giving oral evidence in the proceedings which is tendered as evidence of the matters stated.’

Hearsay evidence protects the identity of witnesses who are too fearful to give evidence. It allows a Police Officer to provide a statement, on behalf of the witness(es), giving the details of the behaviour, such as dates/times, locations, who was present, who said/did what etc. Police incident printouts can be used to provide this information. If the evidence is required to be disclosed to the Defence Solicitor, the incidents prints must be edited. Police intelligence information cannot be used for this purpose.

Hearsay evidence can also include an observation of the impact of the behaviour on the victim/witness.

Whilst hearsay evidence can be used to support a CBO application, it is for the Court to decide the value it places upon it.

Hearsay evidence must also be declared on the Rule 50 section of the CBO Application Form (See **Appendix F**). This is the hearsay notice and should:-

* Be served at the same time as the Notice of Intention to Apply (CBO Application Form)
* Give reasonable and practicable notice of the proposal to introduce hearsay evidence.

The hearsay notice must:-

* Explain that it is a notice of hearsay evidence
* Identify who made the hearsay statement or explain why, if that person is not identified
* Explain why that person will not be called to give oral evidence.

*Professional Witnesses*

Professional witnesses, such as Council Officers, Police Officers, Teachers, Doctors etc may give evidence to the Court of their assessment of the perpetrator and/or their behaviour.

## Notifying CPS of the CBO Application

The police officer should complete the MG5 form for the current substantive prosecution (ticking the box to indicate that an ancillary order is required and clearly recording that a CBO is requested) or the Streamlined Digital File, where in place.

## CBO Application Form

The CBO Application Form or ‘Notice of Intention to Apply for a Criminal Behaviour Order if the Defendant is Convicted AND Proposed Application’ should be completed by the Lead Officer. A blank application form is available at **Appendix F** and CPS guidance for completion of the CBO Application Form is at **Appendix G**.

The application form details:-

* The defendant’s details
* Proposed terms of the CBO (including prohibitions, positive requirements and term of the order) (See **Prohibitions and Requirements** and **Duration of an Order**)
* Criminal offences with which the defendant is charged
* Evidence of the ASB
  + Incident details
  + Other evidence relied upon
  + Hearsay evidence
  + Other documents, such as a map of the proposed exclusion zone.

Key considerations when completing the CBO Application Form are:-

* Ensure the ASB incidents included in the application are capable of ‘proof beyond reasonable doubt’
* The application should be succinct and, ideally, not exceed three pages.

NB For Police, the CBO Application Form can be found in the GEM Custody System as ‘Application for a Criminal Behaviour Order’.

Good practice examples of CBO applications are included at **Appendix T**.

## Court File Preparation

In addition to the CBO Application Form:-

* The Lead Officer must complete a Lead Officer Statement (see below).
* A table of evidence is optional, as it can be included within the Lead Officer Statement. If used, the table should be exhibited with an exhibit number.
* Police officers must cross reference the CBO application on the MG5 Form for the criminal offences, by ticking the box to indicate that an ancillary order is required.
* Consideration must be given as to whether a Community Impact Statement is required.

*Lead Officer Statement*

A Lead Officer Statement (MG11) must be completed by the person completing the CBO application. This should include:-

* A paragraph detailing the Lead Officer’s role and experience.
* A summary of the impact of the ASB on the community, emphasising if the behaviour is a particular problem in that area, but avoiding emotive language.
* A paragraph stating that the incidents referred to in the Statement, or Table, have been obtained from business records held by the police and / or the local authority.
* Chronology of the ASB-related offending history, with the most recent incident first. This information can be within the Lead Officer Statement or listed in a separate table. Concise incident information should be detailed, as follows:-
  + Date
  + Time
  + Location (Specify if the location is within a proposed exclusion zone)
  + Description of the incident i.e.
    - Names of anyone else involved in the incident (Specify if they are named within a proposed non-association prohibition)
    - Names of victims, except where they have given evidence anonymously
  + Disposal history of each offence
  + Details of corresponding statements included within the CBO file.
* Dates and outcomes of previous attempts to prevent ASB eg Acceptable Behaviour Contract.

To confirm the CBO court file is ready for submission (or otherwise), it must be ‘signed off’ by a Police Sergeant (or equivalent level officer for local authority applications), using the CBO Application Checklist (See **Appendix H**).

The CBO Application Form, and the evidence being relied upon in the application, should be finally approved by the Community Safety Partnership before being sent to the CPS, in accordance with local arrangements.

## Court File Submission

Once the CBO application has been approved, the Lead Officer should send the CBO application to CPS as early as possible, ideally at the point of charge but a minimum of 14 working days before the court date.

The electronic CBO application pack should include the following documents:-

* CBO Application Form (in Word format)
* Lead Officer Statement and table of evidence
* Up to date PNC Prosecutors print
* YOS Consultation Form
* Community Impact Statement, if appropriate
* Map of exclusion zone, if proposed (with home address marked if near the proposed area)

Each document should be saved separately with ‘CBO’ at the beginning of each file name, for example:-

* CBO - Application Form Joe Bloggs
* CBO - Lead Officer Statement PC Jane Smith
* CBO – YOS Consultation Form
* CBO Map of Exclusion Zone

Do not include any information that should not be shared with the Defence ie victim address, identification of anonymous witnesses etc. If this information is sent to CPS, save it as ‘CBO – Sensitive Information re Joe Bloggs’ application.

CBO applications should be sent to CPS electronically using a secure e-mail facility. The e-mail should be sent to the CPS District Crown Prosecutor [Peter.Shergill@cps.gov.uk](mailto:Peter.Shergill@cps.gov.uk) with the subject ‘CBO, offender name, court, date of hearing (if known), for example ‘CBO, Joe Bloggs, Chesterfield Magistrates, 15/12/17’.

CPS will confirm receipt of the CBO application by e-mail and confirm the name and e-mail address of the CPS prosecutor, who has been allocated the file.

The allocated CPS lawyer will arrange for the case to be listed and contact the Lead Officer within 14 days of the receipt e-mail to advise of the court date/time, discuss any issues and offer any advice in relation to the case.

CPS will complete their sections of the CBO Application Form (See **Appendix F**) and serve documents on the defendant ie the CBO Application Form (including the Rule 50 section), and the evidence being relied upon.

If the CBO application is contested by the Defence, after the first hearing, CPS will require a ‘digital evidence’ file.

## Further ASB or Offending Behaviour

Where the defendant commits further ASB or criminal offences after the service of the CBO application, but before the CBO application is heard, evidence of that behaviour is admissible.

Where the behaviour includes new charges, such evidence should be submitted on the ‘Notice of Additional Evidence in Support of an Application for a Criminal Behaviour Order’ (See **Appendix I** and **Appendix J**). The MG5 (case summary) and key statements should be provided from the file about the new charges.

If the application has not yet been served, an MG20 should be submitted, along with any supporting evidence, unless an offence has been charged and has been uploaded to CPS systems.

## Summons Procedure

For CBO applications to be prosecuted by the local authority, existing procedures must be followed in terms of issuing the court summons.

# Prohibitions and Requirements

CBOs can include prohibitions or positive requirements, or both. The prohibitions and requirements should be considered as part of the multi-agency Case Discussion Meeting, but it is for the Court to decide which are needed to prevent further ASB and what measures are appropriate (and available) to tackle the underlying causes of the ASB.

The prohibitions and requirements should not conflict with the offender's religious beliefs, education, employment, caring responsibilities or any other court order or injunction, to which they are subject.

## Prohibitions

The CBO application, prepared by the Lead Officer for CPS, should include a draft of the proposed prohibitions, but it is the Court that has the final decision on the prohibitions imposed by the order.

The prohibitions should be:-

* Negative and relevant to the ASB / offending behaviour that is to be stopped
* Based on proven behaviour that caused, or was likely to cause, harassment, alarm or distress
* Necessary to protect the public from further ASB by the defendant
* Written in plain English, so they are clear and easily understood by the subject
* Reasonable and proportionate
* Realistic and practical
* Specific – eg times, maps of exclusion areas
* Limited in number
* Enforceable - easy to monitor and prosecute any breaches

CBOs may include a general prohibition *‘Not to act, or encourage others to act, in a manner that causes, or is likely to cause harassment, alarm or distress to any person’*  but the prohibition should be tailored to the individual, wherever possible and also be geographically defined (eg use ‘Derbyshire’ rather than ‘England and Wales’).

Not all prohibitions have to last for the same term as the CBO. For example, a curfew could apply for the first six months of a 24-month CBO.

CPS has provided examples of CBO prohibitions, which are included at **Appendix K**.

## Exclusion Zones

A CBO can:-

* restrict behaviour within a specified area (NOT an exclusion zone); and
* exclude a defendant from a defined area.

If an exclusion zone is sought, the Lead Officer Statement and the CBO application form must clearly state the incidents that occurred within the proposed exclusion zone. A separate map showing the location of the incidents will assist the court to understand the need for the exclusion zone.

The exclusion zone should be described in words, and clearly defined on an A4 map, to ensure it is enforceable. If the perpetrator lives near the proposed exclusion zone, then their home address should be clearly marked on the map.

## Positive Requirements

The CBO application, prepared by the Lead Officer for CPS, should include a draft of the proposed positive requirements, but it is the Court that has the final decision on the requirements imposed by the order.

The requirements should aim to tackle the underlying causes of the ASB and will be tailored to the specific needs of the offender. They could include:-

* Attendance at an anger management course
* Youth mentoring
* Substance misuse counselling
* Job readiness course
* Activities detailed in the Derbyshire Community Remedy Document.

The term of the positive requirement does not have to correspond with the term of the CBO. For example, a condition for counselling could apply for the first three months of a 24-month CBO.

The CBO must specify an individual, or organisation, who will be responsible for supervising the offender's compliance with each requirement and must be prepared to assist with enforcement.

The CBO application must include evidence about the suitability and enforceability of each requirement from the person, or organisation, who will be responsible for supervising compliance. Where a course is proposed, details of what is involved should be included, such as, frequency of the sessions, how long the sessions last, the issues that will be covered.

In addition to any positive requirement, the offender must also:-

* Keep in touch with the individual/organisation responsible for supervising the requirement
* Notify the individual/organisation, responsible for supervising the requirement, of any change of address.

Consultation with the YOS or Probation Service is required to ensure that the CBO is reflected in their Pre-Sentence Report, which will avoid any duplication of community sentences being proposed.

# Duration of an Order

## Adults

The minimum term of a CBO is two years. There is no maximum term, so a CBO could be made for an indefinite period. The Lead Officer should propose the term of the CBO in the application, however, the term is at the discretion of the Court.

The proposed term of the order should take into account the:-

* Age of the perpetrator
* Nature of the ASB
* Length of time the behaviour has been happening
* Perpetrator’s response to previous interventions

Individual prohibitions and requirements may have specific durations, which may be different to the term of the Order.

## Under 18s

For a juvenile, the term of a CBO must be between one and three years. The Lead Officer should propose the term of the CBO in the application, however, the term is at the discretion of the Court.

The proposed term of the order should take into account the:-

* Age of the perpetrator
* Nature of the ASB
* Length of time the behaviour has been happening
* Perpetrator’s response to previous interventions
* View of the YOS

Individual prohibitions and requirements may have specific durations, which may be different to the term of the Order.

It is a statutory requirement for CBOs on young people to be reviewed annually (See **Annual Reviews for Under 18s**).

# Court Appearance

A representative of the Lead Agency should, wherever possible, attend court to support CPS, if required. There may be more than one court appearance, if proceedings are adjourned.

# Interim Orders

In serious cases, it may be appropriate to consider an Interim Order to protect the victim(s), or the community. CPS can apply for an Interim CBO where:-

* The offender is convicted of an offence (ie pleaded guilty or found guilty after a trial) but the court is adjourned for sentencing
* The CBO hearing is adjourned after the criminal sentencing.

The Court will only make an Interim Order that lasts until the final hearing of the CBO application, where it is justto do so.

The Interim Order:-

* Can be made ‘without notice’ of proceedings being given to the defendant (although the order must be served within seven days or it will not take effect)
* Will be for a fixed period
* Can impose the same prohibitions as a full order
* Cannot impose any positive requirements
* Will end if the application for the full CBO is withdrawn or refused
* Has the same penalties for breach as a full order
* Can be varied or discharged on application by the defendant.

The Lead Agency should request an Interim Order at the same time as submitting an application for a full order. There must be sufficient evidence of the urgent need to protect the public from on-going harassment, alarm or distress.

# Post Sentencing

A copy of the order should be served, by the Court, on the subject prior to them leaving court.

CPS will check the requirements of the order are correct and will obtain a copy of the CBO (or Interim CBO) from the Court Clerk before departure.

The Lead Officer should obtain a copy of the CBO from the Court and update E-CINS by:-

* Uploading a copy of the CBO to the Profile
* Updating the Actions tab with the start and end date of the CBO
* Uploading a copy of the CBO court file to a Report. Access to this Report should be granted to all agencies responsible for monitoring the CBO.

The Lead Officer should also send a copy of the CBO to any partner agency responsible for monitoring the prohibitions and/or requirements, which is not live on E-CINS.

The Court will send a copy of the CBO to Police Criminal Data Section at [csio@derbyshire.pnn.police.uk](mailto:csio@derbyshire.pnn.police.uk) for adding on to the central CBO database and PNC.

The Lead Officer must notify original victims and witnesses of the outcome of the court hearing.

If promotion of the CBO was agreed at the Case Discussion Meeting, the Lead Officer should oversee the printing and distribution of the publicity material. For more information, see the below section on [**Publicity**](#_Publicity).

# Publicity

Publicity surrounding CBOs is important to reassure the community and build public confidence in the police and other agencies. Publicising CBOs will help prevent further ASB, reassure victims and enable the community to assist in the enforcement of the order. It is not designed to punish or embarrass the individual.

Partners will publicise details of people who are subject to CBOs in a proportionate and appropriate manner and will discuss this, in advance, at the Case Discussion Meeting. All decisions on publicity are taken on a case-by- case basis and reasons for the decision must be recorded. Any publicity should be timely and time-limited.

There are **no automatic reporting restrictions** on CBOs made in any court. A CBO made against a young person under 18 is made in open court and is not usually subject to reporting restrictions. The information is, therefore, in the public domain and newspapers are entitled to publish details. However, if reporting restrictions have been imposed, they must be strictly adhered to.It should be noted that, for under 18s, reporting restrictions will apply to the criminal offences on the back of which the CBO was obtained.

Photographs of ASB perpetrators can only be uploaded to E-CINS Profiles, where the Court has made a CBO, a photograph is available and approved for publicity purposes.

## Decision Making Process

By considering publicity at the initial Case Discussion Meeting, delays in publicising the CBO, once it is granted, will be reduced.

The Case Discussion Meeting will consider and record the following:-

* The need for publicity
* The human rights of the public
* The human rights of the subject of the CBO
* The content and format of the publicity and whether it is proportionate to the aims of the publicity

The Youth Justice Board ‘YOT Practitioner’s Guide Civil Injunctions and the Criminal Behaviour Order’ July 2015 recommends that the YOS should consider making an application, under Section 39 of the Children & Young Persons Act 1933, to restrict the publication of information that can lead to the identification of the young person.

The Community Safety Partnership should complete the CBO Publicity Document (See **Appendix L**) to evidence the decision made at the Case Discussion Meeting. The document should be signed by the Divisional Superintendent (Operations). A copy of the CBO Publicity Document should be uploaded to E-CINS, with the Minutes of the Case Discussion Meeting.

## Content

The content of the publicity material should be proportionate, accurate and factual. Language must be considered carefully. Words such as ‘crime’ and ‘criminal’ should only be used if the ASB was, as a matter of fact, criminal. Breach of a CBO is a criminal offence and should be described as such.

Details of individuals named in a non-association prohibition, can be publicised, but only after consideration of their personal circumstances.

The publicity can contain the following:-

* Personal details of the individual subject to the order, including name, age, address, description and/or a current photograph
* A summary of the ASB
* A summary (or extracts) of the CBO prohibitions, including non-associations, exclusion zones
* Expiry date of the order
* How the public can report breaches
* Names of agencies responsible for obtaining the CBO
* Date of publication
* Details of the group/area targeted by the publicity

## Distribution

Detailed publicity should be restricted to the area and people who have suffered the ASB. If there is a risk of displacement, it may be appropriate to consider extending the area for the publicity.

The publicity should be distributed to the target area within one week of the court date to reassure residents and to enable them to assist in monitoring the prohibitions.

To avoid unauthorised distribution, the following wording is suggested for inclusion on the leaflet:-

*‘Distribution of this leaflet has been restricted to the victims and residents who live within the areas affected by this person’s anti-social behaviour only. Displaying this leaflet publicly, or reproduction of the information it contains, including by electronic means, is prohibited.’*

# Appeals

The subject has the right to appeal against the CBO. For orders made in the Magistrates or Youth Court, appeals will be heard by the Crown Court. For orders made in the Crown Court, appeals will be heard by the Court of Appeal.

It is the responsibility of the CPS to serve a reviewed application and supporting evidence upon the court, who will hear the application, along with the defendant’s representatives (or the defendant, if unrepresented). Where there is an appeal against the granting of an order, the court is responsible for passing on their file to the higher court. The CPS does not have to re-serve the application.

# Monitoring and Enforcing the Order

To maintain public confidence and the integrity of the order, the CBO must be effectively monitored and enforced.

Different partner agencies can assist in the monitoring role, with any breaches reported to the Lead Agency and recorded on E-CINS.

By publicising details of the CBO, the public can also assist in the monitoring role and should be encouraged to report any breaches to the Lead Agency (See **Breach**).

The named individual or organisation, supervising each positive requirement within the CBO, is responsible for encouraging the offender to comply and informing the Lead Agency, and the police, if the offender fully complies or fails to comply with the requirement.

It is a statutory requirement that all CBOs for under 18s are reviewed (See **Annual Reviews for Under 18s**).

The perpetrator will be managed on E-CINS until the CBO has expired and the risk of re-offending been reduced to standard. At this point, the Profile will be archived, unless any other agencies continue to work with the individual.

# Breach

The aim of breach proceedings is to ensure that the terms of the CBO are observed. If an offender fails to comply, without reasonable excuse, with either the prohibitions or requirements of a CBO, they will breach the order, which is a criminal offence. All breaches should be taken seriously and appropriate action taken swiftly to maintain the confidence of victims and the wider community.

The CPS has a ‘positive prosecution’ policy regarding CBO breaches so, where there is sufficient evidence, it will be in the public interest to prosecute.

A criminal investigation must take place when a CBO breach is reported to the police. The public may report breaches to a number of agencies and it is then the responsibility of that agency(eg Housing, ASB Co-ordinator etc) to immediately report the breach to the police, by calling 101.

Breach of a CBO is a criminal offence, which is arrestable and recordable. The breach must be proved to the criminal standard of proof, ie beyond reasonable doubt.

The breach of a positive requirement must be reported within one working day. The organisation responsible for supervising the requirement should call 101, to report the breach to the police, for enforcement action to be taken.

## Evidence Required

Documents from the original CBO court file will enable police officers to assess whether there has been a breach of the CBO prohibitions and /or requirements. All the appropriate information is available on E-CINS (and on GEM for the Police).

The arresting officer must conduct a PACE interview, in accordance with standard police procedure. The officer must also obtain statements from prosecution witnesses.

The Breach File for CPS must contain the following:-

* A copy of the CBO, including any maps relating to the prohibitions
* A copy of the original CBO Application Form
* A copy of the original Community Impact Statement, if produced
* Evidence of the breach, which must be ‘without reasonable excuse’. The criminal standard of proof is required, so guilt must be established ‘beyond reasonable doubt’.
* Statement from the police officer responding to the breach.

Normal practice will be for offenders to be held in custody until their court appearance for the breach of CBO.

Before sentencing, the Court may request reports from the Local Authority, Police, Probation or Youth Offending Service.

## Sentencing

Regardless of where the CBO was made, the breach is heard in the Magistrates’ Court. However, if the Magistrates Court considers that its sentencing powers are insufficient, it will commit the defendant to the Crown Court for sentence.

*Adults*

The disposals available for the breach of a CBO are:-

* On summary conviction - up to six months imprisonment, a fine or both
* On conviction on indictment - up to five years imprisonment, a fine or both

*Under 18s*

The disposals available for the breach of a CBO are the same as those in the Youth Court, ie:-

* Detention and Training Order of maximum two years (12 to 17 year-olds)
* Youth Rehabilitation Order
* Referral Order
* Parenting Order
* Fine

NB If the behaviour remains the same and they are regularly being prosecuted for breach, it may be appropriate to extend the length of the CBO.

## Post Court

The Lead Officer should inform partner agencies and victims of the outcome of breach proceedings.

The breach conviction should be publicised to demonstrate that breach of a CBO is taken seriously. For more information, see section on [**Publicity**](#_Publicity).

# Annual Reviews for Under 18s

Where a CBO is made against someone under the age of 18, there is a requirement to conduct Annual Reviews, either until expiry of the order or until the individual reaches 18.

## Responsibility for Annual Reviews

In accordance with the legislation and Home Office guidance, the Lead Agency responsible for the review of a CBO is the police, with a requirement to act in co-operation with the council.

In Derbyshire, Community Safety Partnerships will be responsible for co-ordinating all Annual Reviews for their area, acting as an ‘expert’ to guide and support partners through the process, thus ensuring a consistent approach across Derbyshire.

Where the original application for the CBO was made by an agency in Derbyshire, but the subject now lives ‘out of area’, the police in the area where the offender now lives, ‘or appears to be living’, is responsible for the review. If the whereabouts of the subject are not known, all efforts should be made to trace the individual and conduct the Annual Review.

## Preparation for an Annual Review

At least six weeks before the Annual Review is due, the Community Safety Partnership will notify the Lead Agency that a review is due. The nominated Lead Officer will notify:-

* The YOS, so that they can undertake an assessment
* All agencies that were consulted regarding the original CBO application
* Any agencies that may have worked with the young person since the commencement of the CBO
* The young person and their parent/guardian
* The victims and witnesses in the original CBO application.

The Lead Officer will advise the young person and their parent/guardian that the review will be taking place and that the YOS will be contacting them to undertake an assessment. It would be appropriate to remind the young person that the terms of the CBO continue and any breaches will be dealt with accordingly. A letter template is included at **Appendix M.**

The Lead Officer will complete the background information on the CBO Annual Review Template (**Appendix N**) prior to the meeting.

## Annual Review Meeting

The Community Safety Partnership will arrange and chair the Annual Review Meeting. Present at the meeting should be:-

* Agencies involved in the original CBO application
* Agencies working with the young person since the commencement of the CBO
* The young person and their parent/guardian
* Additional agency representation, as agreed

An agenda template is included at **Appendix O**.

The purpose of the meeting is to:-

* Review compliance with the order
* Review the effectiveness of the interventions and support package
* Acknowledge positive changes in the young person’s behaviour
* Decide whether the CBO should continue, be varied or discharged
* Agree new terms of the CBO, if the CBO is to be varied
* If required, arrange a date for the next review
* Agree the appropriate level of publicity surrounding the final outcome of the Annual Review.

## Post Annual Review Meeting Actions

The Minutes of the Annual Review Meeting and the decision must be recorded on E-CINS. A Minutes template is included at **Appendix N**.

If an application to vary or discharge the CBO is to be made, see **Variation**.

After consulting with their Legal Representative, the Lead Agency will notify the young person and their parent/guardian of the outcome of the Annual Review Meeting. A letter should be personally served by a representative of the Lead Agency, the ASB Co-ordinator and possibly the YOS. This could be to the home address, as part of an existing meeting, or at a specifically arranged meeting. A letter template is included at **Appendix P**.

If a court application is made, the Lead Agency will record it on E-CINS and notify:-

* The subject of the CBO and their parent/guardian, using the template letter at **Appendix Q**
* Appropriate partner agencies
* Victims, witnesses and wider community (as agreed).

## Future Annual Reviews

If the CBO is to continue for more than 12 months, the review process must be repeated in 12 months, except where the subject of the CBO attains age 18 in the meantime.

# Variation

Applications to vary or discharge a CBO can be made to the court that made the original order, by the offender or the CPS.

A copy of the blank CBO Variation Application Form and CPS Guidance can be found at **Appendix R** and **Appendix S**.

Applications can be made to:-

* Extend the term of the order
* Vary, add or remove prohibitions or requirements.

If an application to vary, or discharge, a CBO is dismissed by the court, any future application to vary, or discharge, the order can only be made with the consent of either the court or the other party. It is good practice, therefore, to seek the subject’s agreement prior to court, where possible, to avoid the need for a contested variation hearing.

# Support for Victims and Witnesses

Research shows that, where victims feel supported and protected, they are more likely to be prepared to take a stand and act as witnesses to help reduce ASB. People need to have confidence that complaints will be taken seriously by statutory agencies. The support needs to follow through from the first report of the ASB, to any enforcement action, or court case, and beyond.

The best type of evidence is given by witnesses who are willing to testify in court. Witnesses should be encouraged to come forward, but they must be supported to do so.

Special measures, such as giving evidence from behind a screen or via a video link, can be used in ASB cases, where there are vulnerable or intimidated witnesses whose quality of evidence is ‘likely to be diminished’.

A request for special measures should be discussed with the CPS at the earliest possible stage in order that an application can be made to the Court for special measures to apply.

*Vulnerable witnesses* are those who are under 17 years old or have a mental disorder, learning disability or physical disability.

*Intimidated witnesses* are those who are in fear or distress about testifying.

The Lead Officer should ensure that the witnesses are:-

* Given information about ASB services and procedures
* Given witness diaries to record evidence of the ASB
* Offered support through Derbyshire Victim services / Remedi
* Regularly updated with the progress of the case.

As part of Derbyshire Victim Services, Remedi provide emotional and practical support for individuals who have been affected by ASB in Derby and Derbyshire.  Support is provided for all victims of ASB, regardless of whether they have reported it.

The Remedi ASB Victim Workers help people access the right information and services, identify choices and options to help them cope and recover from the ASB they have been experiencing and be involved in decisions that affect them.

The support service is available 8am-8pm Mon to Fri and 9am-1pm on a Saturday.

To access the service, partners should refer victims using the standard referral form. To obtain details of the process, contact Remedi on 0800 6126505.

# Record Keeping

Multi-agency records should be maintained on E-CINS, primarily, by the following agencies:-

* Community Safety Partnership
* Lead Agency
* Other agencies that have a role in enforcing, or supervising, the requirements of the CBO
* YOS or Probation Service, dependant on the age of the subject.

Agencies should maintain a record of:-

* The defendant’s details, including name, address, date of birth, gender and ethnicity
* The start date of the CBO
* A copy of the CBO, including a map of any exclusion area
* The Lead Officer’s contact details
* A copy of the leaflet(s) used to publicise the CBO
* Date and details of any variation to the original order
* Breach action
* Compliance with the positive requirements
* Record of statutory Annual Reviews for orders on young people.

The YOS/Probation Service should hold a record of:-

* Assessments
* Court report
* Contact with the subject, as part of their supervision.

# Roles in the CBO Process

## Community Safety Partnership

Within the Community Safety Partnership, the responsibility for CBOs could be designated to an ASB Co-ordinator, Partnership Sergeant or Community Safety Officer, depending on the locality. This person is an ‘expert’ to guide and support partners through the CBO process and should:-

* Give initial guidance to partners, when they advise that a CBO is being considered
* Ensure the potential CBO is discussed at local Tasking or other appropriate partnership meetings
* Arrange and chair the Case Discussion Meeting
* Complete the CBO Publicity document
* Review the CBO application before it is referred to CPS
* Ensure the CBO is recorded on E-CINS
* Trigger the 12-month review process for CBOs on young people
* Arrange and chair the Annual Review Meeting
* Update E-CINS.

## Lead Officer/Agency

The Lead Officer is likely to be from the agency that first identified the need for the intervention. The Lead Officer should:-

* Ensure that ASB complaints are fully investigated and not motivated by any form of discrimination
* Lead the discussions with the individual (and their family)
* Consult the Community Safety Partnership, at the point when a CBO is being considered
* Consult the local YOT and request information on the YOS Consultation Form
* Consult with, and collect information from, relevant agencies
* Consult partners who could supervise positive requirements
* Attend the Case Discussion Meeting and share information about the ASB complaints received, perpetrator details etc
* Lead on evidence collection
* Draft the Community Impact Statement, if required
* Ensure protection and support for victims and witnesses to encourage them to give evidence
* Complete the CBO Application Form
* Draft the prohibitions of the CBO
* Draft the positive requirements of the CBO
* Propose the term of the CBO
* (If agreed), draft the wording for the CBO leaflet
* Provide regular updates to victims and witnesses
* Obtain Line Manager ‘sign off’ of the CBO application (CBO Application Checklist)
* Submit the CBO application to the Community Safety Partnership, for approval
* Send the CBO application, together with all required documentation, to CPS
* Attend the court hearing(s)
* Obtain a copy of the CBO from the court
* Ensure all relevant partners receive a copy of the order
* Notify the original victims and witnesses, the local community and partner agencies of the outcome of the court hearing
* (If agreed), produce and distribute the CBO leaflet
* Maintain records of CBO applications, including unsuccessful applications
* Co-ordinate the on-going case management of the offender on E-CINS
* Provide regular feedback to the subject of the CBO
* Address any breaches of the CBO
* Liaise with the Police and CPS regarding any breaches of the CBO
* Notify victims of the breach of CBO and offer support services
* Notify victims of the outcome of any breach proceedings
* Lead the 12-month Annual Review process for CBOs on young people
* Inform the young person and their parent/guardian, original victims and witnesses, the YOS and all other partners involved in the CBO review
* Consult with, and collect information from all relevant agencies, victims, witnesses and local community regarding the compliance of the young person
* Complete background information on the CBO Annual Review document
* Attend Annual Review Meeting and record outcome
* Liaise with the Legal Representative regarding any proposed applications to vary or discharge the order
* Inform the young person and their parent/guardian, original victims and witnesses, the YOS and all other partners involved in the CBO of the outcome of the Annual Review
* Seek the young person and their parent/guardian’s agreement to any proposed variations in order to avoid a contested variation hearing
* Update E-CINS.

## Partner Agency Representatives

Representatives from the agencies that are currently involved with the individual, or that could work with the individual, to address the underlying causes of the ASB, should:-

* Share background information about the individual – findings of agency assessments, their engagement with support services etc
* Attend the Case Discussion Meeting (or provide a written report)
* Assist the Lead Officer with the evidence gathering process, as appropriate
* Maintain appropriate records of CBO applications
* Monitor compliance with the prohibitions and requirements of the order - breaches, complaints etc
* Report any breaches of the CBO to the police, together with any background case information
* Participate in the 12-month Annual Review process for CBOs on young people
* Update E-CINS.

## Youth Offending Service

In addition to the **Partner Agency Representatives** role, described above, the YOS should:-

* Undertake an assessment of the young person
* Complete and return the YOS Consultation Form, to the Lead Officer, within the required timescales
* Ensure the YOS court report makes reference to the CBO application and the suitability of proposed prohibitions and requirements
* Consider whether a Parenting Order is appropriate
* Supervise the young person for the duration of specific CBO requirement(s), as detailed in the order, or a Parenting Order.

## Probation Service

In addition to the **Partner Agency Representatives** role, described above, the Probation Service should:-

* Undertake an assessment of the offender
* Write a report advising the court on sentencing with reference to the CBO application and the suitability of proposed prohibitions and requirements
* Supervise adults subject to statutory supervision, following the sentencing for the criminal offences, alongside the CBO.

## Crown Prosecution Service

The CPS should:-

* Inform the Officer in Charge of the criminal case, if CPS exercises its power to apply for a CBO without an application
* Provide advice to the Lead Officer in relation to a new CBO application
* Receive the CBO application, and any supporting evidence, from the Lead Officer by secure e-mail
* Confirm receipt of the CBO application and advise the Lead Officer of the CPS Prosecutor dealing with the case
* Arrange for the case to be listed before court and notify the Lead Officer of the court date and time
* Complete Rule 50 section of the CBO Application Form
* Serve CBO documentation on the defendant prior to the court date
* Formally make the CBO application to the court
* Obtain a copy of the order and ensure the Lead Officer receives a copy
* Notify the Lead Officer of the outcome of the court hearing
* Prosecute breach of CBO, ensuring the Court are aware of why the CBO was originally imposed, in order to assist in sentencing
* Notify the Lead Officer of the outcome of the court hearing.

## Police

Regardless of which agency applied for the CBO, the Police should:-

* Respond swiftly to any report of breach of CBO
* Collate evidence of the incident(s) resulting in breach of CBO
* Notify Lead Agency of the breach proceedings
* Liaise with CPS and submit the CBO Breach file
* Hold the offender in custody until their court appearance
* Update E-CINS.

## Court

* Serve the CBO (or Interim Order) on the offender before they leave court
* Provide CPS and Lead Officer with a copy of the order
* E-mail a copy of the order to Police Criminal Data Section.

# Appendix A

## CBO Flowchart

**Identification of ASB**

Complaints from the community received by different agencies

**Incremental approach to tackling ASB**

Warning letters

ABCs (as per Guidance Document ‘ABCs – The Derbyshire Way’)

**Gather evidence**

Information sharing with partners

Community engagement

**ASB persists and previous interventions have failed**

Consider CBO and Civil Injunction

**Case Discussion Meeting**

Consensus to proceed with CBO application

Agreement of publicity strategy

**Prepare case file**

Prepare application

Draft prohibitions

Draft positive requirements

**Signal intention to seek an order**

CPS make application in criminal court upon conviction of criminal offences

**CBO**

**Civil Injunction**

**Make application**

County Court in accordance with Civil Procedure Rules

**CBO or Civil Injunction approved**

Copy of order served on the subject

Copy of order given to appropriate partner agencies

**Monitor compliance**

Monitor prohibitions and positive requirements

Instigate breach action, if appropriate

\*Statutory requirement to undertake Annual Review of CBOs on young people

# Appendix B

## YOS Consultation Form (Police Form 176)



# Appendix C

## Consultation Guidance

Once the Lead Officer has discussed a potential CBO case with the Community Safety Partnership, the Lead Officer will consult all the appropriate partner agencies, depending on the circumstances of the individual concerned.

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| **Circumstance** | **Consultees** |
| The individual is under 18 years old | DCC Multi-Agency Team (MAT) Manager, Derbyshire Youth Offending Service, school |
| The individual is aged 8 – 15 and not progressed in the Youth Justice System beyond Youth Cautions. | Derbyshire Youth Offending Service |
| The individual is a child subject to a local authority care order or accommodated by the local authority | DCC District Manager (Safeguarding & Specialist Services) |
| The individual is considered to be vulnerable (safeguarding issues) | DCC Adult Care Safeguarding Service Manager |
| The harassment is of a racial nature | The Racial Equality Council and/or any relevant minority organisation for their view on the appropriateness of action and for any support they can give to victims |
| The parents of a young person are being considered for a parenting contract / order | DCC Multi-Agency Team (MAT) Manager, Derbyshire Youth Offending Service |
| The individual has substance misuse problems | Local drug/alcohol treatment services |
| The individual has mental health problems | Local Community Mental Health Team |
| The individual has other health-related issues | Local Clinical Commissioning Group Lead |
| The individual is known (or it is suspected) to be supervised by the Probation Service. | National Probation Service Derbyshire, Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company |
| The individual resides in social housing | Relevant housing provider |

# Appendix D

## Case Discussion Meeting - Agenda Template

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# Appendix E

## Case Discussion Meeting - Minutes Template

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# Appendix F

## CBO Application Form



# Appendix G

## CPS Guidance for Completion of CBO Application Form



# Appendix H

## CBO Application Checklist



# Appendix I

## Blank Form for Additional Evidence for a CBO Application



# Appendix J

## CPS Guidance for Completion of CBO Additional Evidence Form



# Appendix K

## CBO Prohibitions Guidance

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# Appendix L

## CBO Publicity Document

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# Appendix M

## Annual Review - Initial Notification Letter Template



# Appendix N

## CBO Annual Review Template

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# Appendix O

## CBO Annual Review – Agenda Template

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# Appendix P

## CBO Annual Review - Notification of Outcome Letter Template



# Appendix Q

## CBO Annual Review - Notification of Outcome of Court Application Letter Template



# Appendix R

## Blank application for CBO Variation



# Appendix S

## CPS Guidance for CBO Variation



# Appendix T

## CPS Good Practice Examples

**CBO application for Thomas Fenton**



**CBO application for John Smith**

