

23 May 2008

To: Lord Chancellor, Home Secretary, Attorney General and Chairman of the Justice Committee

Breach of Anti-Social Behaviour Order – Consultation Guideline

The Council has today published for consultation the above guideline developed from advice received from the Panel. The Panel's advice has also been published today, and all documents can be found on our website: www.sentencing-guidelines.gov.uk.

The need for guidance in relation to dealing with those who breach an Anti-Social Behaviour Order (ASBO) is clear and confirmed by recently published statistics which show that one in two orders is breached.

In this guideline the Council builds on the approach to dealing with breaches of orders established in its guidelines on *New Sentences: Criminal Justice Act 2003* and *Breach of Protective Orders* (published December 2004 and December 2006 respectively). The main aim of sentencing for breach of a court order is to achieve the purpose of the order, which in the case of an ASBO is to protect the public from behaviour that is likely to cause harassment, alarm or distress.

The guideline applies to the sentencing of adult and young offenders. It is recognised that a large proportion of orders are imposed on those under 18 years of age. Although the sentencing framework for youths is very different from that for adults, and a guideline for sentencing young offenders will follow in due course, the Council considered that sentencers would find it helpful to have guiding principles for sentencing young offenders where an order is breached.

In accordance with section 170(8)(b) of the Criminal Justice Act 2003, the Council is seeking your views on the consultation guideline which it will consider before issuing a definitive guideline. Your response (to the above address) is requested by **Friday 25 July 2008**. The names of those who respond will be listed in a summary of responses. Whilst full responses are not routinely published, on request the Council may be required to release copies in accordance with the Freedom of Information Act 2000. **If anonymity is required, please make that clear in your response.**

Yours sincerely,

Lord Phillips,
Chairman