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SGC 05/08

### **Council Consults on Sentencing Guidelines for First-time Breaches of ASBOs**

Courts dealing with breaches of Anti-social Behaviour Orders should impose sentences that first and foremost reflect the level of harassment, alarm or distress caused by an offender – the Sentencing Guidelines Council (SGC) proposes today.

In a Consultation Guideline the SGC identifies three levels of behaviour involved in breaches. The most serious cases, in which **first-time** adult offenders use violence or intimidation, make significant threats or target individual or groups in a way that provokes fear of violence, should attract custodial sentences of up to 2 years.

Sentences can be increased if the offender has a history of disobedience to court orders, if the breach was committed shortly after the original order was made or if the offender targets a person that the original order was made to protect.

Factors that could mitigate the sentence include a lengthy interval between the breach and the order being made.

The starting point for sentencing breaches such as drunkenness, begging or ignoring bans on use of public transport or entering prohibited areas where no harassment, alarm or distress is caused should be a community order, the SGC proposes.

Guiding principles are also proposed for dealing with first-time youth offenders; the SGC suggests that in most cases the appropriate sentence will be a community order, which can include a curfew, an attendance centre order or a supervision order which may include participation in the Intensive Supervision and Surveillance Programme.

Where offenders are aged 16 or 17 the court can also impose a community punishment order involving unpaid work up to a maximum of 240 hours or a community rehabilitation order which can last between six months and three years and involve programmes to address the offending behaviour.

In cases where a court considers a custodial sentence for a young offender to be unavoidable the starting point for sentences should be 4 months detention.

Council member Anthony Edwards said: "The first principle of sentencing for a breach of an order is to achieve the purpose of the order which was made to protect the public from behaviour that is likely to cause harassment, alarm or distress, but it is also important that courts enforce their orders and reassure the public that offenders are dealt with properly.

"Anti-social behaviour orders are imposed to deal with a wide range of activity and breaches are consequently varied and diverse. The Council's proposals are designed to provide helpful advice and achieve a consistent approach to sentencing breaches.

"In dealing with young offenders the principal aim of the justice system is to prevent re-offending and courts must have regard to the welfare of the child or young person when imposing sentence.

"Restorative justice involved in reparation, action plan and supervision orders has a dual impact: it reduces the harm done and can help prevent re-offending."

**Notes to editors:**

The consultation guideline is available on the SGC website ([www.sentencing-guidelines.gov.uk](http://www.sentencing-guidelines.gov.uk)) along with a copy of the covering letter being sent to consultees and advice to the Council from the Sentencing Advisory Panel.

Printed copies may be obtained from: the Sentencing Guidelines Secretariat, 4<sup>th</sup> Floor, 8-10 Great George Street, London SW1P 3AE (tel: 020 7084 8130).

Further information about the Council and Panel can be found at <http://www.sentencing-guidelines.gov.uk/about/index.html>

**The consultation closes on Friday 25 July 2008.**

**ENDS**