

The use and impact of dispersal orders

Findings
Informing change

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The Anti-Social Behaviour Act 2003 gives the police powers in designated areas to disperse groups of two or more where their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed. The powers are controversial due to the discretion they accord to police and the infringements of individual's rights they entail. This study explores the implementation and impact of dispersal orders and highlights implications for policy.

Key points

- Dispersal orders have been used in a variety of types of location to address diverse social problems, but are most commonly used in relation to groups of young people.
- The process of prior designation, where informed by rigorous evidence and allied with wide-ranging consultation, can help ensure that the exceptional powers available are an appropriate, proportionate and planned response to persistent problems.
- Dispersal orders can provide short-term relief and galvanise local activity, opening a window of opportunity in which to develop holistic and long-term problem-solving responses.
- Police strategies generally gave preference to dialogue and negotiation; enforcement through recourse to formal powers was used sparingly.
- Implementing dispersal orders has significant implications for police resources and can raise false expectations about police priorities.
- Where targeted at groups of youths, dispersal orders can antagonise and alienate young people who frequently feel unfairly stigmatised for being in public places.
- In many localities, dispersal orders generated displacement effects, shifting problems to other places, sometimes merely for the duration of the order.
- Enforced alone, dispersal orders constitute a 'sticking plaster' over local problems of order that affords a degree of localised respite but invariably fails to address the wider causes of perceived anti-social behaviour.

The research

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Background

The Anti-Social Behaviour Act 2003 and the Antisocial Behaviour etc. (Scotland) Act 2004 gave police new powers to disperse groups in authorised areas. With local authority agreement, a police superintendent can designate a defined area as a 'dispersal zone' for a period of up to six months (renewable) in England and Wales or three months in Scotland.

Within a dispersal zone a police constable or community support officer may disperse groups of two or more people where their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed. Individuals who do not reside within the designated area can be directed to leave the locality and may be excluded for up to 24 hours.

A person does not commit an offence because an officer has chosen to use the power to disperse, but failure to follow the officer's directions is an offence. The 2003 Act also creates a power to remove to their home any young person under 16 who is out on the streets in a dispersal zone between 9pm and 6am and not accompanied by an adult (not available in Scotland).

Home Office estimates show that between January 2004 and April 2006 over 1,000 areas were designated dispersal zones in England and Wales, as compared to six areas across Scotland. Approximately a quarter of all orders in England and Wales were renewals. There has been considerable local variation in the take-up and use of dispersal order powers, reflecting local preferences for particular approaches to enforcement, the willingness of key individuals to experiment with new tools and the capacity of local interests to organise and promote a police-led response.

Authorisation

The authorisation process is a crucial element upon which well-considered dispersal orders are founded, as it affords opportunity to enhance police–community relations and provide openness and accountability. It can serve to:

- allow examination of the evidence and consideration of proportionate responses and alternative strategies;

- stimulate multi-agency problem-solving, triggering wider and longer-term preventive and diversionary strategies; and
- foster community consultation and dialogue about appropriate use of public space and the role of the community in supporting social cohesion and tolerance.

Many of the benefits that derive from dispersal orders stem from the process of authorisation and/or the associated activities that are triggered, rather than the powers per se.

This research uncovered examples where police data was insufficient to justify a dispersal order and alternative sources of data were used to strengthen the evidence-base. Given the exceptional status of the powers, it is important that 'evidence' is restricted to incidents that highlight the *persistence* of anti-social behaviour within the area and the existence of a problem with groups *causing* intimidation, rather than documentation on the perceptions of some local residents and businesses or their preferences for certain enforcement-based policing strategies.

Local authorities and other key organisations have a major role in assisting the police in their decision to authorise and a responsibility to ensure that adequate diversionary activities and support structures are in place during and beyond the duration of the order. Dispersal orders should not be seen as a standalone police solution to problems of disorder.

Police resources

The policing of dispersal zones demands additional visible patrols. Many initiatives planned to police intensively the first few weeks of the order and subsequently to reduce the amount of patrol hours, but found this difficult to realise given raised public expectations.

The geographical and social use of dispersal orders does not correspond straightforwardly to the distribution of victimisation risks. This suggests certain communities and businesses are able to influence dispersal order authorisation, primarily as a means of drawing police resources into an area.

Case studies

In the two case studies the research found:

- A decline in young people congregating in the dispersal order zones during the authorisation

period. Some residents reported feeling more confident about going out in the area.

- Despite the police seeking to make it clear that the dispersal order did not 'ban groups from gathering', much confusion persisted over the criteria for dispersal.
- Few groups were formally dispersed. Police mainly used dispersal powers informally to facilitate dialogue with young people.
- In one case study area, crime decreased by 39 per cent and criminal damage by 42 per cent in comparison with the preceding six months. Reported incidents of anti-social behaviour declined by 45 per cent on the previous year.
- In the other area, crime decreased by 15 per cent during the dispersal order as compared to the preceding six months.
- In one neighbouring 'displacement zone' crime rose by 148 per cent on the previous six months and 83 per cent on the previous year. Displacement was most apparent for criminal damage.

Adult residents' views (% at least 'slightly effective')	Case study 1	Case study 2
Reduced number of young people hanging around	54%	56%
Reduced anti-social behaviour	46%	50%
Increased perceptions of safety	47%	50%

Views of young people (% who agreed)	Case study 1	Case study 2
Unfairly targeted at young people	61%	43%
Increased intergenerational conflict	46%	39%

'I think it gave people breathing space and disrupted the habits of some young people, but it is only a sticking plaster.' (Resident)

Implementation challenges

Most front-line police welcomed the flexibility that dispersal powers conferred upon them, particularly as they provide police with formal authority to do what many considered to be a key aspect of traditional policing; namely engaging with groups of young people, negotiating order and asking them to move elsewhere if their behaviour is causing offence to others. Police described the powers as a tool they kept in their 'back pocket'; rarely used but a means to facilitate dialogue.

In practice, police interpreted and implemented the law in a more circumscribed manner than the law might

allow. However, this disjuncture between the scope of the law and police practice generated public confusion and the possibility for inconsistent enforcement. The discretionary and subjective nature of the powers places significant pressures of professional judgement on police in situations that may precipitate rather than reduce conflict. Discretion leaves scope for inconsistent enforcement in ways that undermine perceptions of fairness and procedural justice. Such dangers are most acute where police are drafted into an area to bolster visible patrols, but who may have less local knowledge.

Where enforced without sensitivity or clear explanation, dispersal orders can erode relations with youths and provoke defiance in some. Compliance is more likely to be fostered where policing is accompanied by experiences of respect and procedural justice. Given the high levels of victimisation among young people and their frequent presence in public places, it is crucial that police build constructive relations with and do not alienate them. Young people represent a valuable source of information.

There were considerable uncertainties about the value and effectiveness of the power to remove youths under 16 to their homes after 9pm, with many police forces preferring not to use the power.

Symbolic messages

Dispersal orders provide an important symbolic response that something concrete is being done to address local concerns about anti-social behaviour and perceptions of incivility. As such, they have been used as part of a strategy to foster local confidence in the community's capacity to effect change and in the local police to make a difference.

The designation of an area as a dispersal zone communicates powerful messages about a place, its values and dominant interests. However, the mixed messages that different groups invest in such a controversial and exceptional measure demand careful management.

Stigmatising young people

Young people generally understood the need for intervention where genuinely anti-social behaviour occurs, not least because they are most likely to be its victims. However, circumscribing their ability to congregate in public spaces seemed to them eminently unfair and unwarranted. One of the messages that young people interpreted from the dispersal order was that all youths are problematic regardless of their actual behaviour.

‘Some of the powers like being able to take us home after nine or disperse us, they make it out that we’re all doing something wrong. It puts across the message that every young person is delinquent. We’re always portrayed for the bad things that some of us do, it’s never the good things.’ (15-year-old girl)

It is a concern that appearance, as much as specific behaviour, may be caught by the power. Dispersal orders potentially criminalise youthful behaviour on the basis of the anxieties that young people congregating in groups may generate among other people. As such, the power is potentially less concerned with the agency of individuals than the assumptions that are made about what they might do.

For many, meeting friends and peers in local public spaces constitutes a fundamental aspect of developing their sense of identity and control, as well as providing space in which to forge their independent capacity to manage risk and danger.

‘The reason why they’re out on the streets is they’ve got to go somewhere, and kids will be kids... because that’s what they do. And what we’re doing is just sticking plasters over this.’ (Police officer)

Policy implications

The use of dispersal order powers exposes a tension at the heart of policy debate between the commitments outlined in *Every Child Matters* and the implementation of the anti-social behaviour agenda. Dispersal orders convey stark messages about the status of young people in society and the way they are regarded by adults. They can reinforce a view of young people as

a *risk* to others, obscuring the extent to which they are understood as *at risk*.

Very little is known about the differential impact of dispersal powers on diverse groups in the population, notably in terms of ethnic origin. Police and local authorities need to ensure rigorous monitoring to safeguard against unwarranted discrimination and to assess the impact of powers on the promotion of race equality.

Consideration should be given to amending the existing law such that dispersal powers apply only to the *behaviour* of groups rather than merely their *presence*. This would align the law more closely with current police best practice, remove considerable public confusion and reduce current perceptions that whole groups of young people are targeted by dispersal orders regardless of their actual behaviour.

Any proposed future dispersal powers that circumvent the current authorisation process (as recently mooted by Government) will remove a fundamental layer of prior accountability and oversight of proportionality that exists within the current framework. By normalising exceptional, time-limited powers, any such proposals may erode dispersal orders’ current role in triggering wider and longer-term problem-solving strategies and undermine police–community relations.

About the project

Conducted over 12 months from April 2006, the research gathered data from three sources: a national overview of practice; two city-based studies exploring the development of strategies over time; and two case study sites where, in each, a six-month dispersal order was investigated from authorisation to completion.

For more information

The full report, **The use and impact of dispersal orders: Sticking plasters and wake-up calls** by Adam Crawford and Stuart Lister is published for the Joseph Rowntree Foundation by The Policy Press (price £14.95, ISBN 978 1 84742 078 7). It is available to buy from www.policypress.org.uk or from Marston Book Services, PO Box 269, Abingdon, Oxon OX14 4YN Tel: 01235 465500, Fax 01235 465556 email direct.orders@marston.co.uk. (Please add £2.75 p&p).

The report and summary Findings can also be downloaded free of charge from www.jrf.org.uk.

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