

Promoting awareness of orders

family should be warned of the intention to publish details.

What publicity should look like: are the contents proportionate?

The contents of the publicity should also be considered and decisions about them recorded. Disclosure of information should always be proportionate to achieving the desired aim. The contents of publicity should include factual and accurate material.

The content and tone of the publicity should be considered carefully. Information must be based on facts, and appropriate language used: for example, the order itself does not mean that an individual has been found guilty of a criminal offence. Words such as 'criminal' and 'crime' to describe the individual and their behaviour must be used with care and only when appropriate. If the anti-social behaviour was, as a matter of fact, also criminal, then it is permissible to describe it as criminal. Breach of an order is an offence and should be described as such. Publicity should be consistent with the character of the order itself: that is, a civil prohibition (rather than a criminal order) restricting anti-social behaviour (which may be criminal, but need not be).

It would be prudent to rehearse the facts of the case and agree on appropriate language to use. Some consideration should be given to the personal circumstances of individuals named on the order when deciding whether to include them in any publicity leaflet, particularly if they are under 18. However, any arguments for not including their names must be balanced with the need to enable those who receive the leaflet to be able to identify a breach.

Details of conditions of non-association named on the order, particularly where those named are also subject to orders or have a recent history of anti-social behaviour, can be included in publicity. Even in cases where the named individuals with whom association is prohibited are not subject to an ASBO it will usually be appropriate to name them once some consideration has been given to their personal circumstances.

Type of information to include in publicity

The type of personal information that might be included in any publicity would be:

- the name of the individual; and/or
- a description; and/or
- the age; and/or
- a photograph; and/or
- his/her address;
- a summary of the individual's anti-social behaviour; and/or
- a summary of, or extracts from, the findings of the judge when making the ASBO; and/or
- a summary of, or extracts from, the terms of the ASBO;
- the identification of any relevant exclusion zone (as illustrated on a map);
- details of conditions of non-associations named on the order, particularly where those named are also subject to ASBOs or have a recent history of anti-social behaviour;
- the expiry date of the order;
- the manner in which the public can report breaches (for example names, telephone numbers, addresses, possibility of anonymous reporting, etc); and/or
- the names of local agencies responsible for obtaining the ASBO;
- local contact numbers, such as those for Victim Support, local police and housing services, with reassurance that reports will be treated in confidence;
- date of publication;
- the identity of the group to be targeted by the publicity (for example businesses or residents in the vicinity); and/or
- those who are suspected to have been subject to anti-social behaviour by the individual; and/or
- those individuals or businesses within and immediately adjacent to an area identified in the ASBO; and
- details of the publication area, for example within the area of any exclusion zone and the area immediately adjacent to the exclusion zone, within the borough.

Age consideration

The age of the person against whom the order was obtained should be a consideration when deciding whether or how to inform people about the order. Factual information should be obtained about whether an individual is particularly vulnerable. This should be done as early as possible, to avoid