

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 ⁹ the age; and/or
- a photograph; and/or
- his/her address;
- a summary of the individual's anti-social behaviour; and/or
- ⁹ 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;
- ³ 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
- ³ 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 delays in informing the public once an order has been obtained. The fact that someone is under the age of 18 does not mean that their anti-social behaviour is any less distressing or frightening than that of an adult.

An order made against a child or young person under 18 is usually made in open court and is not usually subject to reporting restrictions. The information is in the public domain and newspapers are entitled to publish details. But if reporting restrictions have been imposed, they must be scrupulously adhered to. In applications involving children and young people where evidence has consisted of details of their past convictions, and reporting restrictions were not lifted for the proceedings leading to those convictions, the publicity should not make reference to those convictions. Similarly, where an order on conviction has been imposed on a child or young person in the youth court, unless reporting restrictions are lifted, details of the offences or behaviour alluded to in that hearing cannot be reported. However, details of the behaviour outlined in the order on conviction hearing can be used, unless the court orders otherwise. Where the court making the order does impose reporting restrictions under section 39 of the Children and Young Persons Act 1933, the press must scrupulously observe these.

A court must have a good reason to make a section 39 order. Age alone is insufficient to justify reporting restrictions being imposed. Section 141 of the Serious Organised Crime and Police Act 2005 reverses the presumption in relation to reporting restrictions in the youth court in cases for breach of ASBOs. Automatic reporting restrictions will not apply but the court retains the discretion to impose them. The prosecutor can make an application to the court for this. While it is the case that from 1 July 2005 no automatic reporting