

Benefits of publicity

The benefits of publicity include the following:

- *Enforcement* – Local people have the information they need to identify and report breaches.
- *Public reassurance about safety* – Victims and witnesses know that action has been taken to protect them and their human rights in relation to safety and/or quiet enjoyment of their property. Making local people aware of an order that is made for their own protection can make a real difference to the way in which they live their lives, especially when they have suffered from anti-social behaviour themselves or lived in fear of it.
- *Public confidence in local services* – Local people are reassured that if they report anti-social behaviour, action will be taken by local authorities, the police or other agencies.
- *Deterrent to the subject of the order* – The perpetrator is aware that breaches are more likely to be reported because details of the order are in the public domain.
- *Deterrent to other perpetrators* – Publicity spreads the message that orders are being used and is a warning to others who are causing a nuisance in the community.

The decision to publish

Each individual case should be judged on its merits as to whether or not to publicise the details of an individual who is subject to an order. There should be a correlation between the purpose of publicity and the necessity test: that is, what is the least possible interference with privacy in order to promote the purpose identified.

Decision-makers should ensure that the decisions to publicise orders are recorded. However, this should not be seen as an onerous, lengthy task, but merely a way of recording the process they go through to arrive at publication. To ensure it is achieved, it is good practice to identify an individual, such as the anti-social behaviour co-ordinator, to be in charge of the process.

The decision-making process should aim to consider and record several key factors:

- the need for publicity;

- a consideration of the human rights of the public;
- a consideration of the human rights of those against whom orders are made; and
- what the publicity should look like and whether it is proportionate to the aims of the publicity.

The decision-making process should be carried out early on so as to avoid any delay in publicity following the granting of the order.

The decision-making process

Publicity must be necessary to achieve an identified aim – this will involve a necessity test. The identified aim for publicising could be (1) to notify the public that an order has been obtained, to reassure the public that action has been taken; (2) to notify the public of a specific order so that they can help in its enforcement; or (3) to act as a deterrent to others involved in anti-social behaviour. In some cases two or even all three aims will be relevant.

Disclosure of information should always be necessary and proportionate to achieving the desired aim(s). When identifying the aim(s), decision-makers should acknowledge, in those cases where it is relevant, the 'social pressing need' for effective enforcement of an order that prohibits anti-social behaviour to protect the community. In effect, this is a consideration of the human rights of the wider community, including past and potential victims. The decision-maker should recognise and acknowledge that for publicity to achieve its aim, it might engage the human rights of the individual who is subject to the order and potentially those of his or her family. Publicity should be proportionate to ensure that any interference is kept to a minimum. For example, if the legitimate aim is enforcement of the order then personal information, such as the terms of the order, the identity of the individual (including a photograph) and how to report any breach of the terms should normally be included. Usually the consideration of the effect of publicity on family members should not deter decision-makers from the stated aim of publicising the order. However, consideration of the impact of publicity on vulnerable family members should be made and recorded. The defendant and his or her