

Managing Urban Tensions

**An Integrated Approach
to Drug-Related
Anti-Social Behaviour
in Dublin**

by Marie Lawless and Gemma Cox

(This report was written and compiled during 1999-2000)

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Introduction

In 1997 the Merchant's Quay Project and the Franciscan Social Justice Initiatives were selected to jointly engage in the three-year programme "**Poverty, Drug Use and Policy**" funded by the Combat Poverty Agency.¹ The aim of this grant scheme was to enhance the contribution of local groups to the policy making process on the drugs issue and in particular to identify policy gaps and develop strategic approaches to address such gaps. Under this programme, funding was received to undertake the following activities;

1. *To provide and evaluate drugs awareness training to persons involved in local community groups, to enable them to participate in policy development at a local level.*
2. *To identify the extent and nature of homelessness among drug users who present at our services and to inform local and national policy makers on the relationship between drug use and homelessness.*
3. *To examine drug related anti-social behaviour in Dublin's Inner City and to present elements of best practice for dealing with such behaviour.*

With regards to the above activities, the report, "*Training Communities to Respond to Drugs*" was launched in 1998, which detailed the findings of the evaluation of the ten-week Drug Awareness Training. While the report "*Wherever I lay my Hat- A Study of Out of Home Drug Users*" was undertaken in 1999 which illustrated the extent and nature of homelessness among drug users.

This report is concerned with the latter, and provides an examination of local responses to drug related anti-social behaviour in Dublin's Inner City. The heroin epidemic and its related crime and health problems that have faced individuals and families over the past few years has led to a greater fear and distrust among the community at large. This has led certain individuals within communities to support policies and actions aimed at excluding drug users from housing and other services in their areas. While strategies which deal with drug related anti-social behaviour on local authority estates may be considered essential by both housing officers and community members, it is necessary that these actions do not further exclude those who are already marginalised from mainstream society. In this regard, it is necessary to develop best practice guidelines to deal with anti-social behaviour which will protect the fundamental rights of the perpetrator and at the same time safeguard the community at large.

This report also presents an overview of elements of best practice which have been employed in other European countries to deal with drug related anti-social behaviour. These examples include measures which highlight design, management, security, social and policing as different responses. The report concludes by affirming the notion of an integrated approach to dealing with anti-social behaviour which spans from preventative measures to supportive and inclusive re-housing initiatives.

¹ Since the time of writing of this Report, Merchants Quay Project and the Franciscan Social Justice Initiatives are collectively known and operate as Merchants Quay Ireland.

Evolution of a Drug Policy

Illicit drug use in Ireland is not new; nonetheless, in comparison with other European countries it has a relatively short history. Official responses to illicit drug use in Ireland have developed at various levels; internationally, nationally, locally and at a community level. In the 1990's, more specifically since 1995, Ireland has witnessed more developments in the area of drug policy than at any other previous time.

2.1 The History of Drug Use

Illicit drug use in Ireland is not new; nonetheless, in comparison with other European countries it has had a relatively short history. In Ireland in the 1970's, the supply and use of opiates was considered negligible (O'Gorman, 1998). However, at that time it was recognised that the position could easily change if organised illicit supplies became available. This came to fruition, partially due to a political shift in the Golden Triangle (Iran, Pakistan and Afghanistan) in the late 1970's which opened new international heroin supply routes (South, 1994). Subsequently, there was an increase in the traffic of heroin into the U.K which in turn provided a route for entry into the Irish market. The impact of this was first noted in Ireland in 1979, when an increase in the use of opiates in Dublin was brought to public attention through a number of sources including Department of Health Officials and the Gardai. Official data sources, such as customs seizures, police records, and treatment figures confirmed this increase in opiate use. In that year, five persons were charged with heroin offences; this had increased to 177 in 1981. Similarly, the National Drug Treatment Centre treated 55 heroin users in 1979: in 1980 this rose to 213 and further increased to 417 in 1981 (Butler, 1991). Since then, the number of illicit drug users seeking treatment has continued to escalate. In 1995 the total number of treatment cases in Dublin was 3,593, the overwhelming majority of which were heroin users (O'Higgins and Duff, 1997). This increased from 4,283 in 1996 (Moran *et al*, 1997) to 5,380 in 1999 (Moran *et al*, 2001).

Comiskey (1998) employed the capture-recapture methodology using data from three different sources; The Central Patient Methadone Treatment List, the Hospital Inpatients Enquiry Database and Police Arrests in order to estimate the prevalence of illicit opiate use in Dublin. This study estimated that there were 13,460 opiate users in Greater Dublin Area in 1996.² The reality of these high numbers had not been acknowledged

² A 3-Source Capture Recapture Study of the Prevalence of Opiate Use was undertaken by Kelly *et al* (2003) which estimates the figures of 14,452 (Ireland) and 12,456 (Dublin).

prior to this research. The available Irish data on illicit drug use is limited and relates primarily to drug users in contact with treatment services. Although it is widely accepted that such official data sources reflect only a small percentage of problem drug users (Hartnoll *et al*, 1985) it sheds some light on the characteristics of the treated drug- using population in Ireland. According to the available data sources, heroin use in Ireland, in addition to being primarily an urban phenomenon (Moran *et al*, 1997), occurs disproportionately in certain local communities in Dublin (Cullen, 1997). These neighbourhoods tend to exhibit very high unemployment rates, limited social mobility, and other indices of social deprivation.

2.2 Social Deprivation and Drug Use

Although there is no automatic relationship between heroin use and deprivation, international research (Pearson *et al* 1985; Parker *et al* 1987) illustrates that the distribution of problem heroin use is associated with social disadvantage and marginalisation. For example, it is no coincidence that the heroin problem developed in Dublin at a time when unemployment was rapidly increasing. A U.K study of national trends established a correlation between illicit drug use and unemployment (Peck and Plant, 1986). It would appear that a similar relationship exists in Dublin although no primary research has as yet confirmed this. The relationship between heroin use and unemployment is even more marked in certain neighbourhoods, with treatment data indicating the tendency for heroin use to be densely concentrated in economically disadvantaged areas. This is not to suggest that there is a simple causal relationship between unemployment and heroin use. The relationship is undoubtedly no less complex than those existing between crime and unemployment (Carlen, 1996). By whatever mechanism, the drug problem in Dublin confirms the tendency in both the U.K and U.S for heroin use to be associated with areas of social deprivation as indicated by levels of unemployment, poverty, low educational attainment, inadequate housing, and limited social mobility among treated drug users.

2.3 Policy Responses

Official responses to illicit drug use in Ireland have developed at various levels; internationally, nationally, locally and at a community level. These responses primarily target the supply of, and demand for, illicit drugs. More recently, harm reduction strategies have been introduced and are a key feature of the extensive measures which attempt to tackle the drugs issue.

At an international level, as a member state of the United Nations, Ireland is signatory to, and has ratified a number of international drug control treaties, most notably, the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. These Conventions form the basis of domestic legislation, nevertheless, as international drug control treaties are open to interpretation, drug policies across countries can still differ substantially. The United Nations recognised that a comprehensive national drug policy should include efforts to both diminish the supply of, and curtail the demand for, illicit drugs.

It was not until the 1980's that any significant attempt at a national level was made to reduce the demand for illicit drugs. Prior to this governmental responses focused primarily on supply reduction measures, such as the 1977 *Misuse of Drugs Act* which was extended and amended to become the 1984 *Misuse of Drugs Act*. This legislation ratified the 1961 and 1971 United Nations Conventions. In response to the increased use of opiates in the early 1980's a Special Governmental Task Force on Drug Abuse was established in 1983, to examine the extent of drug use, with particular reference to inner city areas. Their report, although not published (but leaked), was the first Irish policy document to acknowledge that drug use in Dublin disproportionately affected certain inner city communities which, as Butler (1991:220) noted, was explicable in terms of their "poverty and powerlessness". These 'affected communities' were not officially identified by the government until the *First Report of the Ministerial Task Force on Measures to Reduce the Demand for Drugs (1996)*, although the *Government Strategy to Prevent Drug Misuse (1991)* had identified the need for more help at a community level.

In the mid 1990's, in response to the increasing concern about the extent of the drug problem, the Government established a Ministerial Task Force in 1995 which produced its first report in 1996 and second report in 1997. As a result of these Reports, a three tiered approach to the drug problem was adopted. The Cabinet Drugs

Pieces of the Jigsaw

Committee operates at the highest political level to give overall political leadership to national drug policy. At the second tier there is the National Drug Strategy Team, with representatives from relevant government departments, voluntary and community sectors. Their primary objective is to implement the government's drug strategy and to oversee the third layer which comprises of local drugs task forces.

At a local level, eleven Drugs Task Forces, later increased to fourteen, were established in priority areas. The majority of these (twelve) were in the Greater Dublin Area. These priority areas exhibited not only extensive problem drug use, but also high crime rates, high levels of unemployment and other indices of social deprivation. The establishment of these Local Drug Task Forces can be seen as official recognition of the impact of problem drug use at a local level, on personal lives and on the community. Through this appointment of local drug task forces the Government sought to promote a community based interagency response to problem drug use in Ireland. Equal representation from government departments, and community groups ensured that a more coordinated approach to drug use was adopted.

The latest initiative within Irish Drug Policy has been the launch of the National Drugs Strategy 2001-2008 entitled "Building on Experience". It aims at a four pronged response to the issue of drug misuse, namely; research, supply reduction, prevention and treatment. Actions are categorised under these four pillars with the role of various government departments in achieving these targets outlined accordingly.

2.4 Community Response

Ireland has a strong tradition of community involvement in local social problems. 'Community action' can be sociologically defined as the organisation of groups of individuals to achieve social change within their geographical location (Community Work Group, 1973). Essential to such action is the involvement of members of the community in identifying *their own needs*, and mobilising themselves into action (Goode and Ben-Yahuda, 1994). This action is largely reactionary and problem-orientated, that is to say that it originates in response to needs identified at 'grass-roots level'. One of the major benefits of community action is that it increases the power of these communities to win some control over their lives, their resources, and to contribute to social change within their locality (Kelleher, and Whelan, 1992). Community action, if highly co-ordinated, has the ability to allow community members to impact on social policies within their locality. Since the early 1980's many communities within the Greater Dublin Area have organised themselves into various groups, with the primary aim of tackling the 'drug problem' within their locality.

The most documented of these are the activities of the Concerned Parents Against Drugs (CPAD). CPAD was formed in 1983 in a flat complex in the south inner city of Dublin. Their activities were largely focused on mass meetings, protests, marches, demonstrations and evictions of drug dealers, and all centered around CPAD's catch all phrase, "pushers out" (Cullen, 1989). In its prime Cullen (1989: 271) observed that CPAD had many of the features of a social movement, in that "it had the mass participation of people around issues that were perceived as posing an immediate threat, in activities that were democratically decided". Cullen (1989) argues that the CPAD initiated action in 1983 primarily due to the continual failure, despite mounting media concern, of the Government to put together relevant responses to the growing drug problem. CPAD provided members of the community with an opportunity to take collective action by confronting a local problem. In so doing the community succeeded in breaking down a prevailing fear and regained an element of control (Cullen, 1989). Communities now play a key role in both drug service provision and also in the development of policies and anti-drug strategies.

To summarise, government responses to drug use in Ireland have changed over time. In Butler's (1991) review of the Irish drug problem and policy responses between 1966 and 1991 he identified three phases of development. First, the 'early years' (1966-1979) when drug use was considered a mental health problem. During this period a number of new initiatives were set up, including the national drug treatment centre, Coolemine Therapeutic Community, and the Drug Squad. The second phase Butler called the 'Opiate Epidemic' (1980-1985) which saw an increase in the number of injecting drug users in Ireland, and a more organised commercial drug market. The political debate at the time focused on law and order issues, rather than the health and well-being of drug users. The third phase the 'AIDS Connection' (1986-1991) was marked, as a result of the increase in HIV incidence among injecting drug users, by a shift towards a harm reduction approach to problem drug use.

i The 1990s

In the 1990s, more specifically since 1995, Ireland has witnessed more developments in the area of drug policy than at any previous time. It has been one of the most active phases during which the Irish government attempted to tackle the drugs issue through a series of measures (Loughran, 1999). This is in contrast to previous years which, Loughran (1999) argues, were years when political responses to the problem were "at best reactive and at worst restrictive", a phase of Irish drug policy in which the 'war on drugs' and 'zero tolerance' ideologies dominated (Murphy, 1996). The emergence of a 'moral panic' and accompanying community action in the mid 1990s led the government to introduce a broad range of legislative measures to deal with the drug problem. As will be discussed later most of these measures were intended to tackle the supply of drugs through the introduction of measures to tackle drug trafficking and large scale dealing. In the early 1990s witnessed newly introduced measures to deal with the drugs issue, influencing several areas of social policy including housing, education and youth services (Loughran, 1999). These policy developments, will be outlined in detail.

Recent Policy Developments

Since 1995 Ireland has witnessed more developments in the area of drug policy than at any previous time. The murder of a journalist in 1996 brought matters to a climax and became the catalyst for a 'get tough' policy on crime in general and drug related crime in particular.

3.1 Moral Panic

The latter half of the 1990's witnessed an enormous upsurge in public anxiety about drug use and related criminal activities. Moreover, all the players in Cohen's (1972) theory of moral panic - the public, the media, politicians and lawmakers, community action groups, and law enforcement - expressed a marked increase in concern about the drugs issue between 1995 and 1998. The occurrence of a moral panic, far from leading to the elimination of the problem tends to amplify the situation, and create an environment of anxiety, fear and distrust. By all criteria drug use and its related crimes emerged as a major social problem, perhaps *the* major social problem, of the decade. It would be safe to say that Ireland experienced a 'moral panic' during this time. The question is what generated such public concern about drug related issues. Did it emerge as a result of objective factors, or was the heightened concern a consequence of more subjective factors?

Although the overall crime rate had been falling, between 1994 and 1995 the number of murders in Ireland almost doubled (from 23 to 43). O'Donnell (1999) maintains that this contributed to the escalating fear of crime among a public who felt that the police were unable to deal with the small number of individuals who were believed to control organised crime and the illicit drug trade in Dublin. Furthermore, O'Donnell (1999) argues that frustrations grew with the heightened media coverage of the key figures involved in organised crime and their lavish lifestyles. As a result of sensationalist media coverage, these individuals received almost "celebrity" status (O'Donnell, 1999). This was compounded by the fact that their identities were known and they were commonly referred to in the media by nicknames such as The General, The Penguin, and The Monk. O'Mahoney (1996) argues that the media coverage of the Irish drug issue has over the years run 'hot and cold'. This has created the impression that Ireland has had a succession of separate, explosive drug crises since 1980, instead of a continuous and progressing drug problem. This in turn has led to a series of 'moral panics' whereby overreaction by the media, police, governments and members of the public have caused the 'labeling' of individuals, which in turn created, within the affected communities, an environment of anxiety, fear and distrust.

The murder of a journalist in 1996 brought matters to a climax and became the catalyst for a 'get tough' policy on crime in general and drug related crime in particular. O'Donnell (1999) argues that as a direct consequence of these murders, crime control became a national priority. During the 1997 General Election campaign law and order were key electoral issues.

3.2 Community Involvement

Organised community action is one expression of a moral panic (Goode and Ben-Yehuda, 1994) and community groups have played an important role in influencing policy developments over the last decade in Ireland. These groups originated from within communities in Dublin that have, over the years, experienced at first hand the damaging effects of heroin, without what they perceived as any serious intervention from the state. This political indifference has been explained by Rafferty (1997) as a combination of "official indifference to the plight of communities who were already marginalised; an inability on the part of politicians and the Garda to heed the warnings of community activists; and the lack of resources, information and leadership among the Garda."³ In the words of one community activist:

"There's a feeling that the police are doing nothing about the drugs problem. It's very frustrating when you are trying to clean the area of drug dealers and the police are protecting those that are selling drugs".⁴

The response of local communities to drug dealing and other drug related behaviour in the absence of what they saw as proper governmental responses, was to take to the streets and challenge these behaviours head on. To this end, groups began to march on drug dealers' homes, demanding that they stop dealing or leave the area. Patrols and vigils by local people were introduced to attempt to keep the neighbourhoods free of drug dealing. This action was prompted by the decision of people in these communities to effectively police their own areas and to exercise what they considered was their right to defend themselves. This culminated in September 1996 in 3,000 people marching through the centre of Dublin, the largest anti-drugs march since those organised by the Concerned Parents movement over a decade previously.

3.3 Garda Response

The emergence of drug use and related activities as a major social problem is also evident by the increase in Garda activity in this sphere in the latter half of the 1990's. The Garda authorities reviewed their operations in regard to the drug problem, and introduced a new strategy in the Dublin metropolitan area, Operation Dochas, which commenced in November 1996. This strategy provided several hundred additional gardai to patrol the streets where drug dealing was most prominent. Uniformed Gardai adopted a high profile policing strategy through utilising foot patrols and mobile patrols. Their specific role was to tackle drug-related crime and to liaise more closely with local people. Connolly (1998) argues that this initiative came about largely as a nervous political and Garda reaction to the dramatic emergence of self-policing in areas disproportionately affected by the drug problem. It also reflected a greater willingness by some senior Gardai to work with the affected communities and to redress the damage caused by their 'macho' attitude to crime fighting which often lacked community involvement (O'Mahoney, 1996).

3.4 Legislation

As stated previously, media attention is one measure of moral panic. Another indication or measure of the degree of felt concern about an issue is the legislation proposed to deal with a given problem by politicians and lawmakers. Between 1996 and 1998 eleven pieces of legislation were introduced, in the area of criminal law in Ireland, which addressed the statutory framework for both the control and misuse of drugs and placed the drugs crisis firmly on the national agenda (Loughran, 1999). The developments in this area

³ Rafferty (1997) "Real Role for Inner City Groups must be found" The Irish Times, Tuesday, August 12, 1997.

⁴ "Voices from the Edge". The Irish Times, Tuesday, January 13, 1998.

Pieces of the Jigsaw

included the following:⁵

- % \TL \996 \e\axvd r&i\?k.d t\c \JH Coisvextiotv Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. This was followed by the ratification of the Council of Europe Convention on Mutual Assistance in Criminal Matters, which came into effect in Ireland in February 1997, and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime which came into force in March 1997.
- The Criminal Assets Bureau Act 1996 led to the establishment of a new body to target suspects' assets. It involves the close co-operation of the Garda Síochána, the Revenue Commissioners and the Department of Social, Community and Family Affairs, in identifying, freezing and seizing criminal assets of those involved in serious crime.
- The Proceeds of Crime Act 1996 provides a mechanism for the freezing and forfeiture of the proceeds of crime. This Act complements the confiscation provisions of the Criminal Justice Act, 1994 under which a person who is convicted of an offence on indictment is liable to have confiscated any property which the court believes on the balance of probabilities, represents the proceeds of that offence.
- The Criminal Justice (Drug Trafficking) Act 1996 includes provisions allowing for the detention of persons accused of drug trafficking offences for up to seven days; the issue of search warrants by Superintendents in circumstances of urgency; and restrictions on the right to silence.
- The Disclosure of Certain Information for Taxation and Other Purposes Act, 1996 provides for a more effective exchange of information between the Gardai and the Revenue Commissioners.
- The Housing (Miscellaneous Provisions) Act 1997 included measures to evict persons believed to be engaging in anti-social behaviour. When introduced, this Act was described as forming part of a wider range of measures to deal with, among other things, the problems arising from drug dealing and related criminal activity in local authority housing estates (O'Higgins, 1998).
- The Criminal Justice (Miscellaneous Provisions) Act 1997 was introduced primarily to reduce the time spent by Gardai in court and on court related duties, to better apply resources for these duties and to help ensure a greater presence of uniformed Gardai in the community (Dept. of Justice, 1997).
- The Licensing (Combating Drug Abuse) Act 1997 deals with the problem of drug use in public houses, clubs and other places of entertainment. It also gives additional powers to the Gardai to prevent unlicensed dances such as raves, where it is suspected there will be drugs available.
- The Bail Act, 1997 gave effect to the Sixteenth Amendment of the Constitution allowing for the refusal of bail by a court to a person charged with a serious offence where it is considered necessary to prevent the commission of a serious offence by that person. In addition, it tightens up the bail laws generally through attaching specific conditions, for example, requiring cash (or equivalent security) to be lodged as part of bail.
- The Non-Fatal Offences Against the Person Act (1997) provides a range of new offences to combat criminal conduct involving syringes, including offences involving possession of a syringe or container of blood with intent to threaten or injure, placing or abandoning a syringe in any place in a manner which injures or is likely to injure any person.
- Under the Criminal Justice Bill 1997 persons trafficking in drugs to the value of £10,000 or more will face mandatory minimum sentences often years, subject to certain limited exceptions. Where the court is satisfied that the person convicted of the offences was addicted to drugs and that addiction was a substantial factor in the commission of the offence, the sentence may be reviewed after no less than one-half of its term has been served (O'Donnell, 1999). The Bill also prohibits the granting of temporary release except for serious humanitarian reasons.

In this section it has been argued that in the latter half of the 1990's Ireland experienced a moral panic in regards to drug use and related crimes. Widespread apprehension and (latent) public fear about the drug issue almost certainly preceded this moral panic, as social problems cannot be generated out of thin air, with little

⁵ Summary of Irish legislation from O'Brien, M. and R. Moran (1997) Overview of Drug Issues in Ireland. Health Research Board: Dublin and Loughran, H (1999) "Drug Policy in Ireland in the 1990's" in Contemporary Irish Social Policy (eds) Quin, S., Kennedy, P., O'Donnell, A., and G. Keily. University College Dublin: Dublin.

or no concrete basis. However, for a moral panic to occur these fears have to be articulated, focused and brought to public attention and given a specific outlet (Goode and Ben-Yehuda, 1994). The various modes of expression of this moral panic have been detailed. Community action was one manifestation or one means by which the panic was expressed. It has been shown that community groups regarded the drug problem in Dublin as being sufficiently serious to prompt them to take action. Moreover, there was a deeply felt belief on the part of a broader section of society that the drug issue presented a threat to their values, their safety and even their lives. During a period of moral panic while public fears may be exaggerated, they are nonetheless very real. The enactment of legislation by the government was more or less a straightforward response to public demand and fear. However, legislators can during a moral panic 'jump on the bandwagon' and introduce legislation that would in other circumstance not be passed.

Just as social problems are constructed, they are also deconstructed. In the last few years the drug issue has been accompanied by other various political and social issues (eg. asylum seekers). However, the consequences of actions taken during a moral panic, can contribute to the seriousness of the problem rather than alleviating it. This is the case regarding some measures adopted in Ireland, most notably the Housing (Miscellaneous) Provisions Act 1997 and its use in controlling drug related anti-social behaviour. The origin and rationale behind this piece of legislation will be discussed next.

Drug Use and Public Nuisance

While there are conflicting views concerning the direction of the drugs/crime relationship there is a similar bi-directional relationship between drug use and public nuisance or anti-social behaviour. Very little is known about the extent of such activity, due to poor reporting and recording of such activity. Nonetheless, in recent years crime and anti-social behaviour, often drug related, have become significant problems in many local authority estates in Dublin. In this regard, tackling anti-social behaviour is becoming a dominant feature in the management of local authority estates.

4.1 Drug Use and Crime

It is common when focusing on problem drug use to include crime in any discussion. This is not only because of the illegality of much drug taking behaviour, but also because of an assumed causal relationship between drug use and crime. However, the link between crime and drug use is complex, and it is unclear to what extent they are causally connected (Inciardi, 1981). Moreover, in instances where such links can be established a high proportion of problem drug users were involved in crime before they became illicit drug users (Pears' 1991). Conversely, UK research has highlighted a direct and unqualified relationship between heroin acquisition and crime, as a means by which heroin users finance their habit (Home Office 1995). While there are conflicting views concerning the direction of the drugs/crime relationship there is a similar bi-directional relationship between drug use and public nuisance or anti-social behaviour.

4.2 Anti-Social Behaviour

Anti-social behaviour, is often seen as insignificant acts of social disorder. In reality it is a dynamic phenomenon, involving a broad range of disruptive behaviours, some relatively minor, others causing extreme distress and misery to people. In short, neighbourhood nuisance and anti-social behaviour includes anything which interferes with the peaceful enjoyment of the home and surrounding areas. Such behaviour can assume a more ominous dimension depending on the setting in which it occurs. Thus, the context in which minor disorders take place becomes relevant in assessing if, and how, society should react to them. Wilson & Kelling (1982) essay entitled 'Fixing Broken Windows' highlights how seemingly minor social disorder (

the larger more anonymous communities of urban life pose a real threat to urban living and engender fear, Rawford (1997) argues that a central component of the 'broken windows' thesis is how disorderly behaviour in violation of community expectations of appropriate civil behaviour without necessarily providing clear and consistent definitions of what constitutes disorder (Bland and Read, 2000). This behaviour can make individuals or communities feel threatened, vulnerable or uneasy. Moreover, it can fracture the tranquillity of social order and as such gives rise to serious social challenges which cannot be ignored. According to this view, although anti-social behaviour may not amount to serious crime, in some instances it must be tackled in order to maintain social standards and prevent the further deterioration of a community. This requires a change in the role of police from the traditional role of crime control to a wider role embracing crime prevention, restoring and maintaining order and reducing fear of crime. In addition, actions to combat anti-social behaviour require different levels of intensity depending on the problems which are being tackled (Morris, 1996).

Drug specific anti-social behaviour includes discarding used injecting equipment, open drug dealing, consumption of illicit drugs and any engagement in problem behaviour resulting from such consumption. However, such behaviour tends to occur in areas where other forms of nuisance behaviour also take place, such as squatting, noise from tenants (general household noise and loud music) vandalism, graffiti and general harassment (e.g. intimidation, property damage). One possible explanation for this is that drug dealers, and drug consumers, are more likely to locate themselves within estates and/or flat complexes that already exhibit a high level of anti-social behaviour. Conversely, it is feasible that drug dealers/consumers themselves contribute to anti-social behaviour - above and beyond drug related acts - within problem estates and/or flat complexes. Moreover, as will be detailed later, anti-social behaviour is often compounded by housing circumstances such as bad layout and estate design, low building standards and poor sound insulation.

3.3 The Extent of the Problem

Very little is known about the extent of anti-social behaviour, due to inadequate reporting and recording of such activity. As with any crime, it is difficult to state accurately the extent of such behaviour. Not only does the extent depend on what is meant by anti-social behaviour, but even when there is broad agreement on the

definition and scope of the term, methods of measuring the extent and nature of such activity are inadequate, the only information available on the extent of such behaviour in Ireland is from Dublin Corporation and other local authorities. Consequently, data concerned with anti-social behaviour, which is derived from official sources, depends on an individual reporting such activity and the relevant authority recording of this information. Thus, the data is more or less artificially constructed on the basis of a variety of administrative and legal considerations, which inevitably vary over time, and from one local authority to another (Bottomly and Pease, 1986). In short, the lack of a nationally recognised system of classifying, recording and monitoring complaints means that it is simply not possible to measure the scale of anti-social behaviour in Ireland, or to assess whether or not it is increasing.

Research from the UK illustrates that the extent of anti-social behaviour varies substantially by regions. Moreover, landlords in inner city and metropolitan areas were eight times more likely to report anti-social behaviour as a major problem, compared with non-metropolitan landlords (Hunter *et al*, 2000). Although there is no Irish research to substantiate this, and taking into account the fact that problem drug use is disproportionately more likely to occur in certain Dublin communities (Cullen, 1997), it is likely that a similar pattern exists in Ireland. The official data available from the Dublin Corporation, presented in Table 4.1 illustrates total evictions between 1995 and 2000, and the number of evictions which were for estate management purposes. The table illustrates a dramatic increase in evictions by Dublin Corporation under the Housing Act 1966, since the introduction of the Miscellaneous Provisions Act 1997. In total, 44 evictions were undertaken in 1998 on the grounds of estate management under the Housing Act 1966, which Memery and Kerrins (2000) argue exceeded every total for anti-social evictions between 1990 and 1997. Dublin Corporation claim that the increase in the number of evictions over the past few years is a result of years of neglecting the problem, and that the number of evictions in the future will drop.⁶ This may be the case as Table 4.1 illustrates that the number of evictions carried out in 2000 for estate management reasons was less than half of those evicted in 1999. However, figures received from the estate management section of Dublin

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Corporation, show an increase in the number of total warrants sought for evictions due to rent arrears between 1999 and 2000. In 1999, 27 households were evicted for rent arrears compared with 34 in 2000. It may be that warrants are served for drug related anti-social behaviour on 'estate management grounds' but that the eviction is carried out and classified according to other outstanding warrants such as rent arrears. Nevertheless, the pursuit of evictions under the Housing Act 1966 has meant the displacement of entire families as opposed to the eviction of the perpetrator. Data obtained from Dublin Corporation highlights the limited use of exclusion orders by the Corporation (one exclusion order sought and granted in 1999; 7 sought in 2000 but only one enforced). Figures were obtained from the Estate Management Section, Dublin Corporation.

TABLE 4.1 DUBLIN CORPORATION EVICTIONS 1995-2000

Year	Total Warrants	Total Evicted	Evicteei Estate Management
	<i>n</i>	<i>n</i>	<i>n</i> %
1995	271	71	3 A
1996	172	93	3 3
1997	109	55	22 38
1998	93	67	kk 66
1999	116	69	31 A3
2000	119	54	U 26

Source: Estate Management Section, Dublin Corporation.

It is likely that the number of individuals who actually vacated their homes for anti-social behaviour exceeds the figures presented in Table 2.1, considering that in 1997, only 50% of the individuals who were served a notice to quit resulted in evictions. No doubt in some instances dialogue and negotiation, following issue of the notice to quit, resulted in a settlement. However, it is also probable that a number of individuals vacated their homes voluntarily, before court action to secure eviction. This voluntary surrender of tenants engaging in anti-social behaviour, ensures that they retain their housing benefit for use within the private rental sector, or the individual may leave the household for the benefit of other family members.

Tackling anti-social behaviour has nevertheless become a dominant feature in the management of local authority estates. As early as 1995 Dublin Corporation reported that the incidence of harassment, intimidation and other anti-social behaviour was increasing and causing problems for many Corporation estates and flat complexes (Keegan, 1996). According to research in the UK, dealing with such behaviour accounts for an estimated 20 per cent of housing managers' time (Belgrave, 1996). However, it is worth noting that according to this study only 5% of the nuisance behaviour was specifically related to drug or alcohol use.

1*.k The Perpetrators

Research concerned with those engaging in serious anti-social behaviour reveals that they have multiple problems. In one UK study more than two thirds of defendants were described by housing officers as having particular vulnerabilities or special needs such as mental health problems or other disadvantages (Hunter *et al*, 2000). High levels of poverty were also evident, with 90% of defendants depending on state benefits of some kind (Hunter *et al*, 2000). Keegan (1996:1) cites a report prepared by Dublin Corporation's Chief Welfare Officer in February 1995 which considered the perpetrators, the victims, and the causes of anti social behaviour. According to this Report, the main perpetrators of anti-social behaviour were identified as being "unemployed, aimless youths operating in gangs who keep up a barrage of threats, abuse as well as assaults on the property and person of their victims". The report also stated that in recent years drug users/dealers have

⁶ Information refers to D. Wallace, Dublin Corporation who reported this at COCAD's Estate Management Seminar, 24th April, 1999. See Report of the Estate Management Seminar and Workshop for the proceedings of the seminar.

added a new dimension of "terror and distress to the lives of ordinary tenants". According to Keegan (1996:1) the Corporation also stated that they were aware of individual problematic/criminal families who have created fear and distrust among tenants in particular housing estates and flat complexes.

Although the vast majority of corporation tenants live 'peacefully and cope well in spite of difficult economic and social circumstances', there has been according to Keegan (1996:1) a reported increase in the incidence of harassment, intimidation and other anti social behaviour on Corporation estates. There is no doubt that economic and social deprivation, compounded by poorly designed and maintained housing, provides an ideal host environment for anti-social behaviour. This is influenced by changing social factors, in particular the decline in traditional household structures and family supports, which have resulted in more vulnerable tenants and more potential perpetrators than ever before. It has also been argued that households are increasingly either unwilling or unable to accept the responsibility that goes with having a local authority tenancy (Keegan, 1996). Keegan (1996) argues that the breakdown in law and order and increasing disregard for authority have added to this problem. Finally, the fact that many communities believe that effective action is not being taken to deal with the drugs problem within their locality, has only encouraged the perpetrators, demoralised the victims, and thereby exacerbated the problem. Fahey's (1999) study of seven local authority estates in Ireland argues that many incidences of nuisance behaviour occur as a result of "shared space". However, a report on Fatima Mansions undertaken by Corcoran (1998) argued that based on Garda information over half of those who frequent the public space within this estate were non-residents. In this regard, it is argued that more serious behaviour such as drug use, drug dealing and intimidation/harassment cannot simply be explained as being a result of 'shared space'. Moreover, anti-social behaviour can have a more serious and unsettling effect on estates in terms of both the quality of life and the success of housing within these communities. Ultimately, such activity can lead to the creation of 'problem estates'.

4.5 Problem Estates

Housing circumstances relate to and contribute to problems of social disadvantage (Lee and Murie, 1997). This is compounded by 'urban clustering' or the dense concentration and bringing together of people experiencing 'multiple social difficulties' (ACMD, 1998). Evidence suggests that inappropriate design and management in addition to urban clustering has contributed to the production of 'problem estates' (Lund, 1996). Such estates are often characterised by higher than average levels of crime, and a reputation for public disorder and nuisance behaviour. As expected such areas exhibit high levels of socio-economic deprivation stemming from unemployment, accompanied by poor police-community relations (Morris, 1996). Very little is known about the extent of the problem. In the few European countries where official estimates are available, it generally falls below 10% (Fahey, 1999). However, Power (1997) argues for higher estimates of 15-30%, which are likely to occur in countries such as Ireland where there is a low percentage of social housing. Problem housing estates, according to Fahey (1999), have a tendency to spread beyond their own boundaries and cause a more general loss of reputation and confidence in social housing as a viable housing tenure. As stated previously, in recent years crime and anti-social behaviour, often drug related, have become significant problems in many local authority estates in Dublin. Furthermore, it is argued that crime and other related 'incivilities' are internally generated resulting from poor neighbourhood relationships and the lack of community cohesion and inclusion (U.K Department of the Environment, 1993). Tenants and housing managers report that what makes certain estates difficult to let, and difficult to live in, is the presence of anti-social tenants in the area. Anti-social behaviour has become a dominant influence on the quality of life of local authority residents within problem estates.

In the U.K, Power's (1997) survey of 20 'unpopular problemed' estates reported 'social conditions, weak social relations and anti-social behaviour as the most frequent outstanding problems of the estate'. Fahey (1999), in a study on social housing across seven urban local authority housing estates in Ireland, presents an examination of what residents perceived to be local problems. It cites a study prepared for the Fettercaira Tenant Participation Steering Group in North County Dublin (1995), in which over three quarters of residents reported problems with security and antisocial tenants. Fahy's (1999) study also presents residents' dissatisfaction with known drug users being allowed to remain on their estate and tenants who 'flout' their tenancy agreements by selling drugs from houses. Furthermore, research undertaken by Merchants Quay

illustrated that 43% of members of inner city communities rated the drug problem as *very* serious in their area and a further 22% of respondents rated it as a serious problem (Cox and Lawless, 1998). Thus, the environmental context in which both drug use and the range of problems associated with its use occurs, have become an increasing part of the responsibilities of social housing managers (Scoda, 1995). This is further exacerbated with the tendency for drug users/ dealers to be concentrated within 'difficult to let' areas.

4.6 Role of Local Authorities

Not only does a local authority have a statutory obligation to house individuals, it accepts the responsibility to do anything it can, within the law, to ensure that tenants enjoy the peaceful occupation of their dwellings. With the officially recorded increase in evictions due to anti-social behaviour, this has become a more dominant feature of the role of local authority housing managers. The need for action is reflected in the following concerns identified by the Dublin Corporation in 1996 (p 9-10);⁷

- © "...the victims of anti social behaviour and their families endure enormous distress and are unable to enjoy the peaceful occupation of their dwellings and the quality of housing services to which they are entitled";
- "...continued failure to deal effectively with anti social behaviour is undermining local authority housing provision. The public perception that local authority housing goes hand in hand with serious anti social behaviour has contributed to significant resistance to fill local authority housing developments in the Dublin area..";
- "...anti social behaviour reinforces the spiral of decline in certain difficult estates. If unchecked it can lead to a situation where de-tenanting is the only viable option..";
- "...continued tolerance of drug related activities on estates and in flat complexes places tenants and their children at risk of involvement in the drugs scene and imposes an unreasonable burden on tenants and residents..";
- "...anti social behaviour results in significant additional management and maintenance costs to the corporation which are ultimately borne by tenants.."

In 1996, Dublin Corporation recognised that reducing the incidence of anti-social behaviour would require co-ordinated action on behalf of a number of agencies especially the Gardai, the Health Boards and the Courts. For its part the Corporation began attempting to address the problem by the following measures (Keegan:1996:14);

- "...tackling physical design defects in estates and flat complexes and providing basic security facilities to minimise the scope for anti-social behaviour...";
- "...seeking to deal effectively with tenants/residents and squatters who engage in serious anti social behaviour to the detriment of tenants and residents on adjoining estates...";
- S "...vetting all housing applications to ensure that persons with a track record of serious anti social behaviour are not accommodated and...";
- "...promoting tenant participation in estate management.."

In addition, Dublin Corporation sought to develop an understanding and commitment to work closely with community groups and statutory agencies in improving management of housing estates and making them safer and more agreeable places in which to live (Dublin Corporation, 1998). To this end, they identified a number of essential elements for a successful estate management policy. These included, strong local participation; a multi-agency approach and improved services, for example maintenance, on the part of the corporation. The Corporation's position in relation to anti-social behaviour is set out clearly in the *Tenants Handbook* which provides information on all housing options, tenant participation, housing maintenance, rents and conditions. The tenancy agreement also provides that the tenant will be held responsible for the actions of any members of his or her household, any sub tenants and any visitors to the dwelling (Dublin Corporation, 1998).

⁷ Report to the Chairman and members of An Coisde Teaghlachais entitled "Proposals for the Implementation of the Estate Management Initiative and Progress Report on Anti-Social Behaviour" by Owen Keegan, 1996.

The activities undertaken by the Corporation to deal with anti-social behaviour since 1995 were accompanied by the heightened media coverage which saw the emergence of drug use and related activities as the major social problem of the decade. In the absence of what communities saw as proper governmental responses, the introduction of the Housing (Miscellaneous) Provisions Act in 1997 as part of the government's anti-drugs strategy, was seen as providing the legislative framework for local authorities to deal with anti-social behaviour within their estates.

Housing (Miscellaneous Provisions) Act, 1997

The introduction of the Housing (Miscellaneous Provisions) Act in 1997, provided a legislative response to the drug crisis and the resulting concern at the time with public order (Memery and Kerrins, 2000). It granted local authorities an extensive range of measures to deal with problems arising from anti-social behaviour on their estates.

As discussed over recent years in both Ireland and UK, neighbourhood nuisance and anti-social behaviour have been highlighted as major problems for social landlords. To date, both professional and political responses have focused on the development of legal powers and civil legislation, principally through the use of eviction orders and injunctions. Very little is known about whether existing legal remedies are effective, or if they are in need of reform (Hunter *et al*, 2000). This section will present an overview of the history of housing policy and more specifically it will examine the recent housing legislation (Miscellaneous Provisions Act) introduced in 1997, to deal with drug related anti-social behaviour.

5.1 Housing Policy

The White Paper on Housing (1969) stated that the basic objective of Irish Housing Policy was to 'ensure that as far as the resources of the economy permit, every family can obtain for their occupation a house of good standard at a price or rent they can afford' (Blackwell, 1995). In 1991, this was further expanded upon to include that the house be located in an acceptable environment, while an additional objective was to promote and increase owner occupation as the main housing tenure. Blackwell (1995) argues that Irish Housing Policy over the past fifteen years has been a 'story of success' with the majority of households enjoying a higher level of housing services. He also states that this has been achieved at a time of widening inequalities in housing provision, with those at the bottom end of the market suffering an absolute decline in housing standards. On the other hand, Nolan and Whelan (1998) argue that Irish housing policy has contributed to the creation of 'multiple disadvantaged communities' mainly within the local authority sector. Fahey (1999) argues that although there are numerous efforts being made to regenerate local authority estates, housing remains an outstanding feature in determining patterns of social disadvantage. Local authority housing has come to be occupied by people on low incomes, who are at higher risk of poverty than those living in other tenures. The reduced availability of dwellings for letting in particular areas has meant a serious imbalance in the social mix of housing (Blackwell, 1995). According to Fahey (1998), the social marginalisation of poorer households is

lead to a range of problems which are due to social structural forces as opposed to being architectural in character.

5.2 Housing Legislation

It is argued that very few pieces of legislation are intended to specifically tackle the issues of social exclusion or poverty, or assess the environmental problems relating to housing policy (Harvey, 1995). The key legislative measures introduced with regards to housing have been as follows;

- The Housing Act (1966) gave local authorities the power to manage and control their housing stock with new standards of construction and maintenance being introduced. Section 62 of this Act enabled the local authority to recover possession of a dwelling under certain circumstances. Local Authorities were granted the power to evict their tenants and anyone residing with them on the basis that the tenancies are periodic, and can be terminated by a 28 day notice to quit.
- The Housing Act (1988) addressed the housing needs of homeless persons in Ireland by firstly, identifying and defining homeless persons, and secondly, it required housing authorities to house such homeless people (Harvey, 1995). (TConnell (1999) argues that prior to this period housing policy had been most notable for its 'low profile on the agenda of social issues'.
- The 1992 Housing (Miscellaneous Provisions) Act provided a statutory basis for the shared ownership scheme in addition to the delegation of some maintenance functions to tenants, thereby increasing tenant participation in the management of local authority estates. In addition, it required the authorities to prepare and adopt a written statement of their policy for the management and maintenance of their housing estates (Department of the Environment, 1996).

5.3 Housing Act (1997)

In December 1996, the government introduced the Housing (Miscellaneous Provisions) Bill as part of its wide-ranging legislative response to the drug crisis and the concern at the time with public order (Memery and Kerrins, 2000). This was passed through the Dail with few amendments and was enacted in July 1997. This legislation was one of the last pieces of legislation passed by the Dail prior to its dissolution in 1997. The Housing (Miscellaneous Provisions) Act 1997 provided a range of extended measures to give local authorities the power to deal with problems arising on their estates from anti-social behaviour (i.e drug dealing, violence and intimidation). This extended and amended the previous housing acts which were summarised above. Under the Housing (Miscellaneous Provisions) Act 1997, the concept of 'anti-social' behaviour is defined as either;

'(a) the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale and supply, or distribution of a controlled drug.

'(b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority... or a housing estate in which the house is situated and without prejudice to the foregoing, includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person'

Fahey (1999) argues that the term 'antisocial behaviour' is used as a catch-all term which ranges from instances of 'minor incivilities to actual criminal acts'. The First Report of the Housing Management Group (1996) argues for a more inclusive definition of the term 'anti-social' behaviour' for the purposes of housing management.

5.4 Provisions of the Act

The above Act includes provisions governing (i) the refusal to allocate or sell a dwelling on estate management grounds (ii) the refusal by a Health Board to pay rent or mortgage supplements (iii) the seeking of excluding orders by a tenant or a local authority and (iv) the ability to evict squatters and illegal occupiers engaged in anti-social behaviour.

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- **Refusal to let or sell a dwelling** - Under Section 14 (1) of the Housing Act 1997, a local authority can refuse to let to a household where there have been difficulties due to anti-social behaviour. In this regard, the exchange of information between the local authority and the Gardai (and other designated services) under the Housing Act allows for the formal vetting of future tenants. A local authority may also refuse the right of the tenant to purchase a dwelling if the household is known to have previously engaged in anti-social behaviour.
- **Refusal to pay Supplements** - Section 16 of the Housing Act 1997, allows for the refusal of rent or mortgage supplement to those excluded, evicted or removed from local authority accommodation due to anti-social behaviour. For those tenants who voluntarily leave their dwelling there exists the option of being housed within the private rented sector.
- **Excluding Orders** - Section 3 of the Housing Act 1997 provides that the tenant or the local authority may seek to exclude an individual engaging in anti-social behaviour. The tenant can take out an order to protect his or her own tenancy. However, a local authority excluding order must involve the Eastern Regional Health Authority and the Gardai in association with the Housing Welfare Officer.
- **Removal of illegal occupiers** - Section 20 of the Housing Act 1997 allows for the removal by local authorities of illegal occupiers who are considered to be engaging in anti-social behaviour without the need to obtain a Court Order.

(Source: Memery & Kerrins, 2000). •

5.5 Procedure

The 'fight' against anti-social behaviour is being co-ordinated by the Estate Management Section within the Dublin Corporation, where the identification, interviewing, bringing before the Court and ultimately the eviction of persons involved in anti-social behaviour occurs (Dublin Corporation, 1998). The procedure applied by the local authority for complaints received as a result of anti-social behaviour involves the investigation of the formal complaint by the anti-social inspector/team. The tenant is then invited to the Council offices to be informed that it is their responsibility to either remove the family member, or if the perpetrator is the tenant himself or herself, ensure a change in their behaviour. Refusal by the tenant to take the appropriate measures as recommended by the investigating officer, will then result in the implementation of any of the following actions;

- **Exclusion Order taken out by Local Authority** - For fear of intimidation from other residents, the tenant may ask the local authority to take out an exclusion order. It is argued that there is greater enforcement power on exclusion orders taken out by the local authority as the Gardai will remove the person if he/she has re-entered the household (Memery and Kerrins, 2000).
- **Exclusion Order taken out by Tenant** - The tenant can take out an exclusion order to protect his or her own tenancy, which will prevent the eviction of the household under the Housing Act 1966. However, if the tenant voluntarily allows the re-entry of the person investigated for anti-social behaviour, the exclusion order is considered to be void.
- **Notice-to-Quit issued by Dublin Corporation** - Under the Housing Act 1966, local authorities have the powers to evict the tenant for anti-social behaviour and other family members, provided that the tenancy can be terminated by issuing of a 28 day 'notice to quit'. If the dwelling has not been vacated following a 28 day 'notice to quit', the local authority can seek a court order for possession for the dwelling.

This is not to suggest that the role of local authority officials in dealing with anti-social behaviour on their estates, was addressed for the first time within the Housing (Miscellaneous Provisions) Act 1997, rather this Act gave a legislative framework to a decade of activities within the housing sector. A Plan for Social Housing (1991) requested local authorities to develop, in addition to carrying out their housing functions, a new 'promotional and facilitating' role in the allocation and management of their housing. The establishment of the Housing Management Group in 1996 brought together various groups interested in social housing in order to develop best practice guidelines in housing management for use by a local authority. As a result of the work of the Housing Management Group, local authorities embarked on a major Estate Management Initiative, a

significant element of which included tackling anti-social behaviour. The First Report of the Housing Management Group (1996:14) presented the following guidelines as examples of best practice when dealing with anti-social behaviour;

- "...Anti-social behaviour should be dealt with in an expeditious fashion...";
- "...Security facilities should be used to minimise the scope for anti-social behaviour...";
- "...There should be a co-ordinated and multi-agency approach to dealing with problems of anti-social behaviour..";
- "... Consideration should be given to providing support and protection to staff and other parties involved in dealing with cases of anti-social behaviour...";
- "...Where feasible, an estate based strategy and response should be invoked to deal with anti-social behaviour...".

5.6 Responses to the Act

Prior to the enactment of the Housing (Miscellaneous Provisions) Bill 1996, a meeting regarding concerns about the provisions set out within the Bill was held on 21st January 1997. Those at the meeting included representatives from the following organisations; Threshold, Respond, Focus Point, Simon and the Merchant's Quay Project. Concern was voiced at the lack of evidence required by the Bill to evict persons known to be engaging in anti-social behaviour. In addition, the extended powers of the local authority to refuse to let, to sell and to deny rent allowance to those evicted under anti-social behaviour was seen as likely to result in an increase in homelessness. The housing association, Respond, argued that it was in the interests of the Local Authority and tenants, to assist those engaging in anti-social behaviour. They argued that effective estate management must go beyond identifying and excluding problem residents and provide a lasting solution to anti-social behaviour. (Notes from proceedings of the meeting).

While it has been argued on one hand, that the 1997 Housing (Miscellaneous Provisions) Act has for some local authorities proved an effective tool in estate management (Housing Management Group, 1998), it has been criticised for further marginalising those already excluded from society, and ultimately, through the eviction of individuals for anti-social behaviour, directly contributing to homelessness in Dublin. A recent report undertaken by the housing advice and research organisation, Threshold, in 2000, examined the impact of the Housing (Miscellaneous Provisions) Act 1997 on anti-social behaviour in Dublin, and more importantly on the extent to which persons become homeless as a result of anti-social behaviour. The Report refers to the Housing Act (1997) as a 'blunt piece of legislation' employed as a means of tackling a complex range of social issues within a community (Memery and Kerrins, 2000). Moreover, concerns have also been expressed by drug service providers and homeless service providers who argue that the Housing Act (1997) has resulted in increased pressure on the resources of their services (Memery and Kerrins, 2000).

It is argued that both the direct and indirect use of the Housing Act (i.e. non completion of legal proceedings due to voluntary surrender by tenant) has contributed to the increase in the number of homeless drug users in Dublin. Both international (Carlen, 1996; Hammersley and Pearl, 1997) and national (Cox and Lawless, 1999) studies have found very high rates of drug use among the homeless population. Research undertaken by Cox and Lawless (1999) on clients who presented at the Merchant's Quay Project's Contact Centre at the time of interview, revealed that sixty three percent of clients reported being homeless by virtue of their sleeping arrangements- that is, staying in a hostel, B&B, squat, with friends and relatives and/or sleeping rough. The study illustrates that the homeless status of clients had a considerable impact on their drug use and injecting risk behaviour. In this regard, 56% of respondents reported that their drug use had increased as a result of being out of home; while 49% reported the sharing of injecting paraphernalia. This is exemplified in the words of one respondent, *'ve got really careless about safe injecting, because I don't have fresh water and a safe place to inject'*. Moreover, it is argued that the exclusion policies often employed by hostels because of the drug using status of persons presenting for admission has meant that homeless drug users are, out of necessity, more likely to inject with others in open public places, and more importantly share injecting equipment (Cox and Lawless, 1999). These findings are supported by international research which illustrates that homeless drug users who inject in public places are significantly more likely to engage in an overall higher level of risk

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activity, due to lack of accommodation (Klee and Morris, 1995; Donoghoe *et al*, 1992). For most homeless drug users, accessing stable accommodation is an immediate priority. It is argued that only when stable accommodation is secured can a drug problem be adequately addressed.

Moreover, homeless service providers in Dublin have expressed concern about the increased pressure being placed on their resources as a result of the Housing Act 1997. Homeless service providers such as the Simon Community, have envisaged an increased responsibility on their part, to tackle the accommodation needs of those who have been evicted from local authority estates for drug related anti-social behaviour (Memery and Kerrins, 2000). The Simon Outreach Service meets individuals who have been excluded from their residence by either the local authority or other household members for drug related activity and have become homeless. The Service argues that it has become increasingly difficult to provide support for rough sleepers and to meet their accommodation needs (Memery and Kerrins, 2000). Inadequate housing and/or the lack of housing are important forms of deprivation, which can ultimately lead to the further exclusion of individuals from society. Moreover, research has indicated that homelessness and the lack of secure tenure is associated with exclusion from the health services (Bines, 1997), employment (Quilgars and Anderson, 1997) and many of the other components necessary for active participation in society.

Just months after the implementation of the Housing (Miscellaneous Provisions) Act 1997, the Minister of State responsible at that time for the National Drugs Strategy, was reported as having criticised the ineffective use of the Act by local authorities to deal with drug users rather than "drug pushers" (*The Irish Times*, 19/12/1997). Similarly, the inappropriate use of the Act to evict entire households as opposed to those individuals known to be responsible for anti-social behaviour was referred to in a Court proceeding (1998) between the Dun Laoghaire Rathdown County Council and a tenant (*The Irish Times*, 24/11/1998). Under the Housing Act 1966, local authorities can obtain court orders for repossession once they have proved that they have served a notice to quit and have fulfilled the required legal criteria. Evidence for the reasons behind the evictions need not be provided by the local authority.

In summary, the Housing (Miscellaneous Provisions) Act 1997, designed to deal with drug related anti-social behaviour, provided local authorities with extended powers to refuse to let, to sell and to deny rent allowance to those evicted for anti-social behaviour. It has been argued that the direct and indirect use of the Act has contributed to the further marginalisation of those already excluded from society, resulting in an increase of homeless drug users in Dublin.

Elements of Positive Practice

It is universally argued that eviction is only partially effective as it fails to deal adequately with the underlying causes of problem behaviour, and often results in anti-social behaviour being displaced to the private sector (Hunter *et al.*, 2000). Moreover, eviction in addition to it being a slow and expensive procedure (Morris, 1996), is viewed as a last resort by agencies because of its implications for those concerned. It is argued that actions to deal with anti-social behaviour require different levels of intensity depending on the problems which need to be tackled (ACMD, 1998). In this section, alternatives in tackling problems of drug related anti-social behaviour will be discussed under five categories identified by the U.K. Department of the Environment (1993) for estate and area improvement initiatives. These are; design changes, management changes, security measures, social measures and policing measures.

6.1 Design Changes

There is no doubt that poor design contributes to and facilitates anti-social behaviour. It is argued that the 'natural' surveillance afforded by people going about their everyday affairs provides a force of protection against crime and anti-social behaviour, the potential of which can be developed by appropriate building and environmental design (Clarke and Mayhew, 1980; Mayhew, 2000). Many such design changes are based on Newman's (1972) theory of 'defensible space'. The basis of this is that good housing design can engender a sense of community among residents. On the other hand, many design changes operate as a situational crime prevention measure. Such activity includes for example; target hardening (e.g increase in physical security) to prevent crime, target removal (e.g replacing coin phones with card phones, or the rapid repair or replacement of property subject to vandalism to discourage further attacks). The following Irish and U.K experiences below are examples of design changes;

- The majority of the Dublin Corporation's housing refurbishment projects have been undertaken under the Remedial Works Scheme. This scheme enables local authorities to carry out major works of refurbishment to substandard dwellings, particularly 'low cost' housing and high rise dwellings. On a larger scale, regeneration activities have focused on local authority estates. An example of regeneration is Ballymun which is situated on the north side of Dublin City. Ballymun is a high-rise public housing complex which was built as a response to a shortage in public housing in the 1960's. The continuous lack of investment in the upkeep of Ballymun led to a gradual decline in the housing complex. This was highlighted in 1984, when an Eastern Health Board Special Committee referred to Ballymun and its surrounding area as the "most disadvantaged in the State". In 1987, a pilot project was initiated to refurbish some of the flats and this work was completed in 1993. In 1996, it was decided to demolish the remaining flats and rebuild the housing stock as a means to regenerate the community, as there was severe structural damage to the flats. The planned regeneration of Ballymun focused on preventing

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large concentrations of public housing without the necessary infrastructure in place to support such a housing development.⁸

- The Pembroke Street Estate in Plymouth in the U.K which comprised of 160 flats, was badly run-down and was in serious decline. The involvement of the residents association with the regeneration project of their estate meant that they were involved in the detailed design and building of the housing stock. The need for energy efficiency, access for people with disabilities, natural surveillance measures and defensible space was highlighted by residents. Weekly design meetings were held with the Project architect in addition to the building of a large-scale model of the estate to help visualise alternative proposals and explain them to other residents. Residents also worked with artists on designs for the fencing and gates while working on a mosaic which described the history of the estate. It highlighted the importance of design in the regeneration of the estate, making it a more pleasant place to live and creating a sense of ownership among the residents.⁹

6.2 Management Changes

The development of estate management, may often include an on-site office with control and responsibility for local services, such as maintenance and neighbourhood disputes (Department of the Environment, 1983). Estate management is important in terms of creating an environment in which long-term solutions to social problems are considered (Norton, 1997) and the quality of life for residents on estates is improved (Department of the Environment, 1996). In Ireland, estate management was traditionally concerned with the efficient and effective delivery of housing services to tenants and residents rather than providing solutions to housing problems.

- As a result of the work of the Housing Management Group (1996), local authorities embarked on a major Estate Management Initiative with the aim of providing a better level of service in its housing estates and flat complexes. The most significant elements of this included fostering tenant participation and tackling anti-social behaviour. In this regard, the following activities were undertaken (Dublin Corporation, 1998).
 - Developing Tenants' Associations
 - The Provision of Pre-Tenancy Training for Prospective Tenants
 - The Appointment of Estate Officers/ Coordinators

It is essential that housing managers and staff receive specialist training on drug use and related issues as to facilitate them in taking appropriate action when dealing with incidences of anti-social behaviour. It is also important that tenant or residents' associations that may have an influence on the allocation of housing or on local authority waiting lists receive drugs awareness training, to enable them to acquire the knowledge and skills to deal effectively in both formal and informal situations.

- € The introduction of specialist officers whose work is to focus entirely on implementing anti-social behaviour policies should be adopted by local authorities. Specialist services are seen as highly important in improving the efficiency with which local authorities can deal with problems surrounding such behaviour.

Tenant participation is considered to be a main feature of estate management. It is argued that recreating a sense of identity in various local authority communities, by empowering people to participate in the management of their housing is considered vital in order to alter the life of those tenants who live there (Norton, 1997). The importance of tenant participation cannot be underestimated as only residents themselves have detailed knowledge and an understanding of the range of problems needing to be tackled within their locality (Watson, 1994). It is of utmost importance that local authorities and tenants choose a model that will allow for an effective partnership and sharing of responsibilities as each community maintains its own individual needs and circumstances.

⁸ Details of the regeneration of Ballymun obtained from the Report entitled "The View From Ballymun" undertaken by Community Action Programme (2000).

⁹ Obtained from D. Watson (1994) "Tenant Involvement in Estate Regeneration" Housing Research Paper 132; Joseph Rowntree Foundation: Yorkshire.

- Within 10 years of the development of **Hulme** housing estate in Manchester's inner city (1960), problems associated with the decline of the housing estate, such as the loss of social cohesion and a sense of identity among residents, were beginning to surface. The lack of shops and play areas and chronic problems like damp and infestation began to manifest themselves. One area in particular, the Crescents, had four elongated blocks of housing with over 900 deck access flats. It was felt that there was a lack of involvement of local people in the assessment of their needs. The resulting increase in the demand among tenants of Hulme to be re-housed meant that activities towards its re-development were of utmost importance.

In the early 1980's, Manchester City Council entered into a partnership with tenants in the planning of improvements to their estates, which was termed as the 'Hulme Study'. This was short-lived as tenants and authority representatives, due to a serious decline in their working relationship failed to meet after the initial 18 month period. In 1991, tenants and local government were once again working together on the re-development of Hulme. The experience of Hulme reported being one of the landmarks in tenant participation which resulted in the establishment of four parallel working groups to examine the economic, social, housing and environmental needs of the area. Residents argued for a programme of re-housing in which physical change was balanced by a sense of stability. The main features included; a non-delayed re-housing programme which tenants argued would mean a shorter period in 'temporary' housing and a structured demolition programme which would not place an unreasonable strain on social support services. As a result, housing and flats have been re-developed to include many of the ideas suggested by residents. In addition it is argued that tenant participation has contributed to the motivation of housing professionals at design stage.¹⁰

- A housing research paper undertaken by Aldbourne Associates in the U.K (1994) entitled "The Feasibility of Residents Democracy" examined the possibility of transferring the Danish system of 'tenants democracy' to a housing association and a local authority in the U.K.¹¹ This Danish model which has operated for more than 20 years was introduced as a pilot scheme between a Danish housing association and two U.K Housing Associations (Wherry Housing Association and Sutton London Borough Council) . One of the key features of this approach is that local people can have a say in determining the level of service delivered on their estate. The research findings of the pilot scheme indicated that the Danish model adapted very well to the local housing circumstances of Britain. Moreover, the scheme was reported to have a better level of success within estates where an identifiable local community existed and housing stock was well maintained. The key elements of the management model used were (Joseph Rowntree Paper 133);
 - **An Estate Budget** - Agreed with a Residents' Board and resulting from tenants setting aside part of the rent for the estate.
 - **A Local Manager** - employed by the landlords with authority to make decisions regarding the estate.
 - **A Revised Management Relationship** - between local and central staff, where local staff act as customers with central staff as providers of support services.
 - **A Residents' Board** - A regular meeting with local managers, with an AGM to agree priorities and the budget with residents.
 - **Input by Residents** - Residents involvement in local issues such as repairs and maintenance; other functions such as housing allocations are kept outside residents control.

Although there is an advantage in a community mobilising its own coping resources, often communities feel so burdened by multiple problems it is difficult to tackle housing-related drug problems (ACMD, 1998). Many attempts at community participation fail because organisations promoting involvement are unclear about the level of participation on offer. According to Wilcox (1994) limited consultation, with few real options, which is presented as an opportunity for active participation is likely to produce disillusionment.

¹⁰ Details obtained from Housing Summary Paper No.5 "Lessons from Hulme". Joseph Rowntree Foundation: Yorkshire.

¹¹ Information refers to Housing Paper No. 133 from the Joseph Rowntree Foundation: Yorkshire.

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- Wilcox (1994) presents a *Guide to Effective Participation* in order to reduce such an occurrence. It outlines the development of a 'ladder' of tenant participation which ranges from information and consultation to substantial support for community initiatives. It is argued that higher rungs are not necessarily 'better' but that various levels are appropriate for differing situations and interests. The ten key elements which must be considered when promoting community involvement as presented in the *Guide to Effective Participation* are identified as follows:
 1. Level of Participation
 2. Initiation and Process
 3. Control
 4. Power and Purpose
 5. Role of the Practitioner
 6. Stakeholders and the community
 7. Partnership
 8. Commitment
 9. Ownership of Ideas
 10. Confidence and Capacity

6.3 Security Measures

In designing new social housing developments and in refurbishing existing estates, Dublin Corporation pays particular attention to security issues. The Corporation according to Keegan (1996) is especially conscious of the contribution the following measures can make in improving security on existing estates;

- improving public lighting
- improving landscape
- elimination of back lanes and archways wherever possible
- elimination of through routes
- achieving areas of defensible space
- building on low quality 'open space'
- installing video surveillance door entry systems in appropriate locations and/or CCTV's

According to Keegan (1996) the Corporation estimate that there are well over 25 flat schemes in need of major improvement work at that time. In some flat schemes controlled hall door entry arrangements have been introduced. Fahey's (1999) study of seven local authority estates in Ireland argues that despite the use of security measures on certain estates, they are very limited especially in the more 'troubled estates'. It is argued that the security measures employed by local authorities often lack creativity and more importantly, are often criticised for the lack of input from residents as to what measures are required for their locality (Fahey, 1999).

6.3 Social Measures

This is an approach which aims at providing the necessary support for individuals at risk. It relies heavily on local partnerships to mobilise local resources or to provide the necessary facilities at a community level. There should be close liaison at the outset in identifying those who may have difficulties and ensure that an appropriate response is implemented so as to deal with anti-social behaviour.

- The City of Rotterdam in Holland, at the request of the Ministry of Justice piloted the project SVO. The Project employed a comprehensive multi-agency approach to tackle the problems of public nuisance and social disorder associated with drug use and related activities. Co-operation between the local authority, criminal prosecution service, drug assistance unit, employment agency and providers of public housing was a central feature of the Project. Drug users with long drug using careers and who have also had criminal prosecutions were admitted for an eighteen month period. With the support of

the various government and voluntary agencies at different stages during this period, the individual can be facilitated into obtaining a drug free status and appropriate work environment. The success of this Project has been attributed to the co-operation between the different agencies and the adoption of an integrated policy at a national level.¹²

- Research on the experience of consumption rooms in the Netherlands, Germany and Switzerland have indicated the advantage of drug consumption rooms in combating public nuisance and also as a measure in preventing harm to the individual and community (De Jong and Weber, 1999). Homeless drug users highlight a group who experience insecure housing arrangements which have been shown to adversely effect their drug use (Donoghoe *et al*, 1992). Moreover, this group, due to their public injecting practices, is often targeted for nuisance behaviour. In this regard, the provision of a supervised environment, such as consumption rooms, would allow safer injecting practices to occur, in addition to adopting a public health approach to the issue of problem drug use.

Research undertaken in the U.K have illustrated different approaches being currently employed by housing managers so as to develop sensitive policies relevant to individual needs and/or circumstances. Considering the high demand and increased waiting lists for the public housing sector, the use of strategies to help clients overcome the obstacles to private renting should be encouraged. The use of access schemes to cover all potential problems has been a recent development in the provision of services to people in housing need in the U.K (Burrows *et al*, 1997). For example, landlords in the private rented sector are unwilling to let to people on housing benefit, in the event of a shortfall in payments been imposed upon the landlord. Moreover, it may be difficult for tenants to afford the deposit fees and rent in advance. In this regard, the use of the following access schemes by either voluntary housing associations or local authorities to facilitate tenants to rent from and sustain their tenancies in the private rental sector has proved beneficial in the U.K (Rugg, 1997). Burrows *et al* (1997) refers to different measures which are included under access schemes;

- **Introductory Tenancy Schemes / Probationary Tenancies-** The Housing Act 1996 in Britain introduced new provisions, which strengthened local authorities' powers (and those of housing associations and private landlords) to deal with anti-social behaviour of tenants. It enabled local authorities to set up an introductory tenancy scheme for all new tenants. After a period of twelve months the tenancy becomes secure unless the local authority gains possession of the dwelling. *Introductory Tenancy Schemes* or *Probationary Tenancies* as employed in the U.K, can provide an opportunity for the prospective tenant to exhibit practices of good behaviour, while recognising that any incidence of anti-social behaviour during this time results in the termination of their tenancy.
- **Rent Guarantee/ Cash Deposit Schemes-** In England, at least 100 local authorities currently operate rent guarantee or cash deposit schemes. Cash deposit schemes assist individuals into private tenancies by paying deposits which would in due course be returnable either once the tenancy has ended or by means of making small weekly payments. The rent guarantee scheme is a written guarantee provided by either the housing association or local authority which promises compensation for any damage or theft, and in some instances, rent arrears, which is caused by the tenant. The guarantee scheme however is often limited to a maximum payment of up to four weeks rent.
- **Follow-up Support-** The provision of follow on support to tenants in the initial few weeks of their tenancy is also considered to be a main feature of access schemes. For example, visits to tenants take place at the beginning of the tenancy to ensure that they have settled in and to advise on budgetary aspects of independent living. This type of access scheme also helps to maintain a liaison between landlord and tenant so as to prevent any potential breakdown in the tenancy.

¹² Details obtained from S. Korthuis "Public Health and Public Order; Safe City, Healthy City". Vice Mayor of the City of Rotterdam with responsibility for Public Health and Social Services.

6.5 Policing Measures

According to Morris (1996) there are three broad policing strategies employed which help to tackle the numerous and varying difficulties posed by problem housing estates. These can be categorised under the following headings;

- *Police Enforcement:* Key offenders should be dealt with through the collection and use of evidence gathered through targeted operations. Particular problems may be suitable for high profile targeted patrolling by units or personnel. Such interventions must be directed and clearly explained to local residents. Less serious offending can be disrupted by 'pulse policing' techniques such as maximising police presence.
- *Civil Enforcement:* The civil nature of many incidents should be addressed by the use of civil law, such as evictions. The police should, where practicable, encourage and facilitate such actions by the local authority. Police support can be given by providing information and reporting on the consequences of any breaches.
- *Community Investment:* Residents must be encouraged and supported by local police officers in taking a longer term approach to problems arising on their estates. It is widely accepted that it is not possible to reduce the instances of anti-social behaviour without the support, and the commitment of the local community. Effective community policing should be linked to community empowerment, and involve some form of power-sharing between the police and the community. The nature of community and Garda partnership can range from purely advisory structures to a form of local control over policing and its priorities. The type of community policing strategies employed depend on the needs and responses of the communities involved. Despite this, there are fundamental principles which govern all community policing efforts (Commission on Drugs, 1997). These according to the Commission on Drugs include the following;
 - Responsibility and Trust - A strong relationship based on mutual respect and trust between the police and the community can improve levels of responsibility in the community and as a result enhance the quality of life for residents.
 - Expanding the Role of the Police - Community policing can add a proactive element to the traditional role of police, thereby enhancing community safety.
 - Proactive Problem Solving - It provides an opportunity to respond to local problems and seek innovative solutions.

investigation process. Without effective recording measures, many incidents may not be dealt with, and so the overall behaviour of one person over time cannot be judged.

- % The provision of specialist training for housing officers to equip them with the knowledge and skills to undertake investigations and collect the required evidence in a professional manner. In this regard, specialist anti-social teams with the necessary resources are crucial in improving the efficiency of dealing with nuisance behaviour and in ensuring that there is a consistent approach to tackling problems on an estate.

7.3 Reducing the Impact

Where there are visible signs of drug specific anti-social behaviour such as discarding of used injecting equipment and/or injecting in open public places, consideration must be given to activities that reduce the visible signs of drug specific anti-social behaviour as an alternative to eviction.

- H Consideration should be given to the provision of a supervised environment, such as a consumption room, which would allow safer injecting practices to occur.
- The provision of outreach services and/or detached workers to promote harm reduction to injecting drug users who fail to initiate and/ or maintain contact with drug services.
- Increased availability of sharps bins, in publicly accessible places to ensure safe means of disposal of injecting equipment.

1M Alternatives to Eviction

Lack of appropriate accommodation impacts on all stages of an individual's drug use most notably, on risk behaviour, accessing treatment, recovery and relapse prevention. Research has highlighted that the inability to provide accommodation for drug users immediately places them at greater risk of HIV and hepatitis C infection. Every effort should be made to reduce the likelihood of eviction as a sanction for anti-social behaviour.

- Ensure effective alternative options are available for different levels of anti-social behaviour, employing eviction procedures only as a last resort when preventative and management approaches have failed.
- Introduction of Community Service Orders- This refers to work undertaken by the perpetrator of anti-social behaviour for the benefit of the community which helps overcome community concerns and at the same time eases the perpetrators reintegration into the community.
- Increased Use of Mediation Services- This entails discussion by the parties with the help of an impartial third person to reach a compromised solution to the dispute. As it is an exercise in conciliation, mediation may not be appropriate where serious breaches of the tenancy agreement are in question.

7.5 Exclusion Policies

The extent to which the Housing (Miscellaneous Provisions) Act 1997 withdraws individuals from housing and welfare rights, ultimately excludes individuals in greatest need of long term affordable housing. The above provisions can have serious consequences, as the exclusion of individuals from low cost public housing and their restriction of access into the private sector increases the likelihood of homelessness. It is necessary that any exclusionary action undertaken by local authorities should strive to minimise such severe sanctions.

- Anti-social behaviour strategies should include the need to minimise the number of people excluded from social housing.
- II Exclusion policies should be made on an individual basis with no specific exclusion policy for certain categories of people, such as drug users.
- Exclusion policies should have clear criteria and the right to appeal.
- H Provide follow-on accommodation plans for persons excluded.

Pieces of the Jigsaw

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7.6 Access to Treatment

Lack of secure housing can impact significantly on an individual's drug using career, in terms of risk behaviour, access to treatment, relapse prevention and success of recovery. Failure to involve drug agencies in the development of appropriate support interventions for individuals engaging in drug specific anti-social behaviour can place them at an increased risk of homelessness. It is cheaper to stabilise the behaviour of tenants and refer them onto the appropriate treatment than it is to evict them.

S.C.O.D.A (1995) presents the following best practice guidelines which can facilitate the individual in dealing with their drug related anti-social behaviour;

- Include specialist drug services in local partnerships set up to deal with nuisance or community safety issues
 - Define support and referral arrangements between housing managers and specialist drug services
 - Seek to ensure that every effort is made to refer relevant individuals to treatment or rehabilitative services
- II Make advisory literature on drug use and drug education available to tenants.

7.7 Rehousing

Under section (13) of the Housing (Miscellaneous Provisions) Act 1997, the tenant may appeal the decision of the Local Authority to the Department of the Environment on the grounds that they have desisted from anti-social behaviour for a period not less than one year and are prepared to accept appropriate assistance from the Local Authority or the Health Board to ensure that such behaviour will not reoccur. Rehousing of those who have been previously evicted for anti-social should not be further hindered by inappropriate or delayed housing allocation.

- Provide suitable accommodation for the re-housing of individuals who may require additional support.
- The re-housing procedure employed by the local authority should facilitate the easier access of individuals into housing as opposed to prolonging the period spent 'out of home'. Ballymun Working Group (1999) on Housing has highlighted the need for best practice guidelines to be adopted by the local authority in terms of the re-housing of individuals.¹³ In this regard, the Working Group has suggested the following amendments to the procedure;
 - Application to be re-housed should be considered after a minimum period of six months
 - Assess each individual case separately by appointing a key worker to the proposed tenant
 - An advocate, identified by the proposed tenant, should attend any meetings held with the Corporation
 - Following re-housing, a probation agreement for 3-6 months should be introduced.
 - Fast track system for persons who have successfully engaged in treatment and have addressed any underlying behavioural difficulties.

7.8 Co-Ordinated Approach

Different services often help the same families but rarely do so in an integrated way. An integrated approach is required, in which all parties- government, local authorities, police, probation, drug services and social workers collectively organise their resources to deal with anti-social behaviour.

- The employment of a case conference approach is utilised in the U.K, which promotes coordinated planning between agencies. A package of services is developed by agencies such as mental health, drugs and alcohol services to overcome any underlying problems, so as to reduce the likelihood of the reoccurrence of such behavior.

¹³ Additional details on the re-housing procedure advocated by the Ballymun Housing Policy Working Group can be obtained in the Report "The View From Ballymun" (2000) undertaken by the Community Action Programme.

- Information Sharing Protocols can be developed and used to ensure effective procedures are undertaken when disclosing information between agencies. Such a protocol was originally developed by the Greater Manchester Probation Service to ensure that housing providers and the probation service worked together so that offenders and ex-offenders gained access to appropriate housing.¹⁴ Risk information is only disclosed about individuals where there is evidence of serious threat to others, or a listed serious conviction. No information is provided about people with spent convictions. Similarly for drug users, information sharing can prove valuable in ensuring appropriate housing is provided as an essential part of the rehabilitation process. Disclosure of information should not in any way further prevent or hinder those applying for housing.
- Promote the participation and co-operation of residents in both developing and implementing policies for dealing with anti-social behaviour at a local level. The provision of Drugs Awareness Training to community members can enable the mobilization of collective responses in an informed manner.

TABLE 7.1 AN INTEGRATED APPROACH FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR

Preventative Strategies	<ul style="list-style-type: none"> • The employment of early intervention strategies by encouraging the appropriate use and development of mediation services and use of warnings. • The use of nuisance clauses within tenancy agreements which detail the action taken with regard to drug related anti-social behaviour. • The employment of an outreach preventative service
Collection of Evidence	<ul style="list-style-type: none"> • Collection of evidence should begin from the initial reporting of a complaint to action taken to resolve the complaint. <ul style="list-style-type: none"> • Structured Reporting System • Effective Recording Measures • The establishment of specialist anti-social teams to improve the efficiency of dealing with nuisance behaviour.
Reducing the Impact	<ul style="list-style-type: none"> • Implement activities to reduce the visible signs of drug specific anti-social behaviour. <ul style="list-style-type: none"> • Supervised injecting environment, such as; an consumption room. • Outreach services and/or detached workers to promote harm reduction to injecting drug users. • Increased availability of sharps bins, in publicly accessible places for the safe disposal of injecting equipment.
Alternatives to Eviction	<ul style="list-style-type: none"> • Adopt alternative options as sanctions for anti-social behaviour <ul style="list-style-type: none"> • Employ eviction procedures only as a last resort • Introduction of community service orders • Increased use of mediation services
Exclusion Policies	<ul style="list-style-type: none"> • Anti-social behaviour strategies should include the need to minimise the number of people excluded from social housing. • Exclusion policies should be made on an individual basis with no specific exclusion policy for certain categories of people, such as drug users. • Have exclusion policies with clear criteria and the right to appeal. • Provide follow-on accommodation plans for persons excluded.

¹⁴ The use of Information Sharing Protocol is presented in the Report of the Policy Action Team 8 on Anti-Social Behaviour undertaken by the National Strategy for Neighbourhood Renewal in the U.K (2000).

TABLE 7.1 AN INTEGRATED APPROACH FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR (CTD)

Access to Treatment	<ul style="list-style-type: none"> ● Include specialist drug services in local partnerships to deal with nuisance or community safety issues ● Define support and referral arrangements between housing managers and specialist drug services ● Seek to ensure that every effort is made to refer individuals to treatment or rehabilitative services ● Make advisory literature on drug use and drug education available to tenants.
Re-Housing	<ul style="list-style-type: none"> ● Provide suitable accommodation for the re-housing of individuals who may require additional support ● Facilitate the easier access of individuals to be re-housed <ul style="list-style-type: none"> • Application to be re-housed should be considered after a minimum period of six months • Assess each individual case separately by appointing a key worker to the proposed tenant • An advocate, identified by the proposed tenant, should attend meetings with the housing official. • Following re-housing, a probation agreement for 3-6 months should be introduced. ● Fast track system for persons who have successfully engaged in treatment and have addressed any underlying behavioural difficulties.
Coordinated Approach	<ul style="list-style-type: none"> ● The employment of a case conference approach where all agencies are involved in putting together a package of services to overcome underlying problems of anti-social behaviour which may influence its re-occurrence. ● Develop information sharing protocols to ensure effective procedures are undertaken when disclosing information between agencies. ● Promote the participation and co-operation of residents in both developing and implementing policies for anti-social behaviour.

Summary and Conclusions

The term 'anti-social behaviour' has been described as a catch-all term which ranges from instances of 'minor incivilities to actual criminal acts' (Fahey, 1999). Numerous research studies in the U.K have shown that anti-social behaviour reflects wider problems of social exclusion and deprivation such as, poverty (Haworth and Manzi, 1999) and drug use (Scott and Parkey, 1998). In Ireland, the Housing (Miscellaneous Provisions) Act, 1997, designed to deal with drug related anti-social behaviour, has meant a tightening of the legal sanctions for such behaviour rather than focusing on the wider social context in which it occurs.

The use of legal remedies to deal with drug related anti-social behaviour has been criticised as being highly reactive to complaints rather than developing and implementing appropriate preventative and management measures. While the 1997 Housing (Miscellaneous Provisions) Act has for some local authorities proved to be an effective tool in estate management, it has contributed to the further marginalisation of those already excluded from society (Memery and Kerrins, 2000). Extended powers of the local authority to refuse to let, to sell and to deny rent allowance to those evicted for anti-social behaviour has contributed to the levels of homelessness in Dublin.

Traditionally, the role of the local authorities was to provide a 'safety net' for those in greatest need or for people whose income, age or infirmity did not allow them to secure accommodation in the private sector. Today, this housing tenure has now become one within which housing applications are highly dependent on the discretion of local authority housing officers. This has meant a shift in housing management practice as they are now in a position to decide between 'deserving' and 'non-deserving' applicants. The drug using status of an individual can hinder and even prevent their successful housing application with a local authority. The threat of drug specific anti-social behaviour can result in a community resisting any policy which seems likely to locate such problems in their neighbourhood. Moreover, the discretionary provisions included within the current legislation can further increase the likelihood of homelessness for individuals who have previously received sanctions for drug related anti-social behaviour. In this regard, it is necessary that housing managers do not displace the problem of anti-social behaviour from one housing estate to another but instead implement strategies to tackle such behaviour which are in accordance with the nature and extent of the problem.

It is recommended that the management of drug related anti-social behaviour could be best developed at a local level by establishing multi-agency partnerships between housing service providers and drug services. Moreover, the implementation of examples of best practice by local authorities to deal with such anti-social behaviour can ultimately protect the fundamental rights of the drug user and at the same time safeguard the community at large. In doing so, this will ensure that measures which are 'tough on drugs' do not as a result become "tough on drug users".

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