



Anti-social Behaviour - Witness Information



"Better homes and better services for better lives"



Information for the Witness

To protect our communities we must take legal action against anyone who is a threat to others or who has refused to stop acting anti-socially.

As a witness to anti-social behaviour you can help us to win this legal action.

Evidence

We must have evidence to show a judge that a person has been guilty of anti-social behaviour. This person is called the perpetrator. A judge can only make their decision on the evidence we give them, which will include eye witness accounts from you.

Diaries

You will be given an incident diary to record things that will be used as evidence. Write down what you see or hear, how it made you feel and date and sign the diary. Fill it in while the incident is still fresh in your mind and put down as much detail as possible, including swear words.

Statements and Affidavits

We will go through your incident diary with you and turn it into a written statement or affidavit describing exactly what happened. It could also include information about how the problems started and how you and your family have been affected.

Which Court?

An anti-social behaviour case is heard in a **county court** as there are two sides contesting a case: the social landlord (Acis) and the perpetrator. At the hearing there will be a Judge and a Clerk - there is no jury. If you would like to visit a court to see what happens before you have to go as a witness, please let us know and we will make the arrangements.

What Legal Intervention can we ask for?

We can ask a court for:

An injunction: a legal order that tells the perpetrator to do or not do a certain thing; or

An undertaking: rather than go through the full injunction procedure, they have to make a promise to do or not to do something; or

Possession: giving us permission to evict them from their home; or

Demotion: this is where the Court takes away the perpetrators security of tenancy, which makes it easier to evict if they breach the terms of their tenancy; or

Committal to prison: if they break an injunction.

Arriving at court

Acis staff will arrange transport to and from the court if you wish. Wear something smart but comfortable if you can. We will be at court to help and advise you and we'll find a separate waiting room for you, away from the perpetrator.

You may have to wait some time for the case to start so you might want to bring something to read, or a friend to keep you company.

You are not alone. Acis staff will be with you and our solicitor will tell you what to expect. Listen carefully to what the solicitor says.

In court

The organisation bringing the case (Acis) is called the **claimant**. The person we're bringing the case against (the perpetrator) is called the **defendant**. You are a **witness**. All people present must listen carefully and not talk unless asked a question by the solicitor or the judge.

The perpetrator may or may not be in court. They may have a solicitor or they could defend themselves.

Giving Evidence

Sometimes the court will accept your statement/affidavit without asking you any questions. But you may have to give your evidence personally. If so, you will be asked to go into the witness box and swear an oath that what you will say will be true – you can affirm your evidence if you aren't religious.

You may be asked questions by the judge, the perpetrator's solicitor or the perpetrator themselves if they haven't got a solicitor. The Judge will make sure you are not asked any inappropriate questions, and you will only be asked questions relating to your statement/ affidavit of which a copy will have already been provided to you.

Try to stay calm, take your time and always speak the truth.

At the end of the hearing, the judge will make a decision. She or he will explain their reasons and say what the decision means for everyone involved. There will be plenty of time to discuss the outcome with the solicitor and your ASB/ Housing Officer and what it means for you.

REMEMBER ...

With your help we can make your neighbourhood a safer place and Acis staff will be helping you through the process every step of the way.

If you have any questions, please contact the **Community Safety Manager** on **FREEPHONE 0800 027 2057.**

Words and phrases used in court

Affidavit - A written description of events.

Affirm - A non-religious alternative to swearing an oath.

Committal case - A court case held when someone breaks an injunction or an undertaking.

Contempt of court - Disobeying the court.

County court - The court where a civil case is heard.

Defendant - The person we're bringing the case against.

With Notice injunction - A type of injunction used in cases that don't need immediate action because of lack of violence or threats.

Without Notice injunction - A type of injunction used in cases that need immediate action due to threat of violence.

Perpetrator - The person causing the anti-social behaviour.

Claimant - The person or an organisation bringing the case.

Possession case - A hearing to decide if a tenant should be evicted from their home.

Statement - A written record of events based on their incident diaries.

Suspended possession - The judge sets a time period when the tenant must not repeat their behaviour.

Suspended Sentence - A prison sentence that is only enforced if the perpetrator breaks a court order within a time set by the judge.

Swear on oath - Confirm the truth of something in court.

Tenancy agreement - The legal contract of rules between the landlord and a tenant.

This leaflet can be made available in a number of formats including **Braille, audio tape, large print, or other languages.** Please contact our **Customer Services team** using the details below for more information.

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Acis Group want customers to share their views on how we are performing. This can be done by registering a complaint or acknowledging when you are pleased with the service you have received. You can contact us in a number of ways:

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