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# Understanding the policing practices associated with civil preventive orders and notices in England and Wales to regulate the conduct of society's perceived deviant others: A systematic review

Zoe Rodgers 

**Abstract** This article aims to present the first systematic review of the current state of knowledge regarding the policing practices associated with civil preventive orders and notices within England and Wales to address sub-criminal and criminal behaviour. The updated Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) reporting criteria are used to report the process transparently. Despite 24 powers considered for inclusion, this review found limited literature, including only 13 pieces of original empirical research. These studies found significant variations in policing practice concerning the issuing process, evidential thresholds required to issue, use of informal alternatives, training provided, and breach procedures. As a result, this article offers thirteen policy, practice, and research recommendations to support the creation of best practices.

## Introduction

The introduction and use of civil preventive orders and notices alongside the traditional criminal justice system are growing alarmingly, with the police increasingly devolved responsibility for issuing and enforcing these powers over recent years. These developments are due to the pervasive narratives within policy domains for assessing and managing the risk of society's otherwise deviant others. They are, as a result, at risk of being imposed upon the most marginalized within society, such as the young, those who are perceived to have engaged

in inappropriate sexual conduct, the homeless and those with poor mental health, including for the Violent Offender Order,<sup>1</sup> those found not guilty because of insanity, raising questions about their usage. Although this action is taken to deliver preventive justice, the '*preventive or pre-crime turn*' of criminal law and governmental social control has, in turn, moved the focus from *post hoc* punishment to one of *pre hoc* punishment, where an individual will experience the penalty before committing an actual criminal offence (Ashworth and Zedner, 2014: 1–26). Therefore, this early state action aims

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<sup>1</sup> Please see [Table 1](#) for an overview of VOOs.

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to identify perceived dangerous individuals before they can harm based on the perceived threat to society, acting on the premise of prevention, security, harm, loss, and fear reduction (Bozabayindir, 2018). These goals starkly contrast with the traditional purposes of criminal justice based on prosecution, punishment and the guilt or desert of an individual. As a result, these powers are used due to their procedural advantages over the traditional liberal model of criminal law (Crawford and Hutchinson, 2016).

However, the two-step legal structure makes these powers problematic for commentators, as the decision to issue, their content and requirements often follow the lower civil rules of evidence 'on the balance of probabilities' (Steiker, 1998; Ashworth and Zedner, 2014; Carvalho, 2017; Legrand and Elliott, 2017; Ahmad and Monaghan, 2020; Nathan, 2020). Therefore they are used for those on the periphery of investigations and potentially undertaking preparatory or neutral acts within day-to-day situations or where there is insufficient evidence for a prosecution and conviction (Bozabayindir, 2018). Nevertheless, a breach of the order or notice is considered a criminal offence with the criminal rules applying and the powers arguably creating an individualized criminal law where an act committed by any other person within society, not receiving a notice or order, would be considered non-criminal (Curran, 2016). Non-compliance often results in an imprisonment term of up to 5 years without an individual committing any substantive criminal offence. As a result, the variations in practices around these powers raise concerns for procedural justice and fairness regarding recipients' and victims' voices in the process, voluntariness, respectful treatment, the accuracy of evidence and information, fairness, and neutrality (Crawford *et al.*, 2017; Heap *et al.*, 2021; Rodgers, 2022).

For Carvalho (2017), the usual procedural safeguards underpinning the liberal model of criminal law secure procedural justice and, subsequently, the perceived legitimacy of state action, which is rooted in the internal reasonableness and normative justification for criminalization. As a result, the main implications of this broad pre-emptive approach are that it extends the boundaries of criminal law

and enables the introduction of coercive measures outside the established law (Legrand and Elliott, 2017). As these safeguards are often absent within this new legal framework, there is a question as to whether their increasing introduction will ever achieve their accompanying political vote-winning aim of prevention due to repeated concerns around the powers' ability to be seen as legitimate state action. For procedural justice and the legitimacy of powers to be secured, attention must be given to the decision-making and the quality of treatment individuals receive (Crawford *et al.*, 2017). However, with often no legal requirement to record who receives these powers and the question often remaining mute, greater scholarly attention must be given to the implications of these powers and this legal framework.

For example, the ability of those affected by the powers to have a voice in the decision-making process is doubtful due to the nature of these powers occurring partly or wholly out of the public view and the general lack of public knowledge and awareness of them (Sanders and Hamilton, 2001). Secondly, the individuals identified will have unlikely voluntarily agreed to the action being taken against them as, for recipients, they will have yet to commit an act and, as a result, potentially perceive this early intervention as unjust and coercive state action. Such interactions between an officer and recipient must therefore be mediated by respectful treatment, as an officer's interpersonal skills will determine whether those involved deem the process and the final decision as fair and just and, subsequently, influence an individual's willingness to comply with the prohibitive and positive requirements imposed (Bottoms and Tankebe, 2012).

Therefore, it is key that officers draw on parsimony starting at the bottom of the regulatory pyramid rather than at the apex, which would significantly undermine this hybrid process and the interpersonal relationship with the recipient, with the previous key to supporting compliance with an order or notice (Nix *et al.*, 2015). As already raised, the civil standard of evidence, such as hearsay, will mean the accuracy of evidence and information will be weak and challenged by those on the receiving end. Therefore, for this process to be sustainable,

given limited personnel and resources, the appeal channel appears open but costly (Lipsky, 1983). In most instances, the appeal will be unsuccessful, only permitted on an individual rather than a collective basis, and where successful minimal media attention will be present. With limited oversight of this process, questions around neutrality and fairness are primarily hidden, with the proportionality and broader conception of the appropriateness of any action again unknown despite the potential for significant human rights implications.

Nonetheless, despite the concerns raised around the legitimacy of this process, due to pressures within parliamentary timetabling, these powers have been prone to policy transfer when dealing with wicked policy problems with no clear-cut solutions (Ogg, 2015). For example, the Anti-Social Behaviour Order (ASBO),<sup>2</sup> introduced by the Crime and Disorder Act 1998, was a landmark power that has since transversed across various policy domains without consideration for the new context and implications of the original order with a unique new take each time. The pivotal point is that the ASBO's effectiveness was constantly scrutinized (Ministry of Justice, 2012). Subsequently, the ASB powers have since been consolidated by the Anti-Social Behaviour, Crime and Policing Act 2014 due to the previous nineteen hybrid ASB powers introduced between 1997 and 2010 under several parliamentary acts resulting in the parameters of the powers overlapping significantly. As a result, practitioners found them challenging to use in practice (Heap *et al.*, 2021).

In spite of these findings, other domains have not taken on the emergent recommendations. For instance, the Serious and Organized Crime domain has not considered the consolidation process introducing many updates, new civil preventive orders, and notices under numerous separate legislative acts. The previous is despite recommendations for policy consolidation to support understanding and application (Child and Duff, 2018). However, it is clear from the outset that these new powers introduced are firmly rooted in the ASB policy

domain, with justification for their introduction at the committee stage often drawing upon the perceived success of the ASBO. Consequently, this legal structure now addresses various sub-criminal and criminal behaviour, including forced marriage, modern slavery and human trafficking, to name a few examples.

In responding to the deficit in a systematic review concerning the policing practices associated with civil preventive orders and notices in England and Wales, this review highlights the present gaps in knowledge, the shared implications of this legal framework in terms of policing and the future direction needed for research surrounding these powers. In particular, the author chose this type of research synthesis due to the alignment with the key indicators used by Munn *et al.* (2018: 2) regarding the process:

1. Uncovering the evidence.
2. Confirming current practice.
3. Informing areas for future research.
4. Investigating conflicting results.
5. Producing statements to guide decision-making.

This article, therefore, supports the arguments proposed by Farrington and Jolliffe (2017) concerning the use of systematic reviews to advance knowledge undertaking the first systematic review of the available peer-reviewed studies in this area.

## Methodology

### Stage one: search strategy

This paper reviews the literature gathered from several databases, including Google Scholar, Scopus, CORE, ProQuest, and Emerald Insight. These multiple databases were selected to ensure comprehensive coverage, being the largest databases of peer-reviewed literature. Following the updated Preferred Reporting Items for Systematic Reviews

<sup>2</sup> Please see Table 1. The ASBO was repealed by the Anti-Social Behaviour, Crime and Policing Act 2014.

and Meta-Analyses (PRISMA) reporting criteria to report the process transparently and minimize subjectivity and bias (Page *et al.*, 2021), the criteria for inclusion and exclusion were as follows:

1) Conducted between 1998 and 2022

This criterion narrowed the focus of the search to civil preventive orders and notices that have come to fruition and undergone policy transfer since the introduction of the ASBO.

2) Examined policing practice

The review focuses on the policing practices associated with civil preventive orders and notices due to the police increasingly delegated responsibility.

3) Related to any civil preventive order or notice

To highlight the potential connections between the different orders and notices to support Steiker's (1998: 771–807) argument concerning treating measures as unique or '*sui genesis*' requiring a more general theoretical framework (Table 1).

4) Original data

The author chose original data of policing practice to capture the implications encountered, including quantitative, qualitative and mixed methods studies.

5) Published in the English Language

Only peer-reviewed articles were included and published in English due to a focus on policing practices within England and Wales and limited resources available to access translators.

The search terms used focussed on the specific civil preventive orders and notices due to the terms utilized to describe these powers differing across the various policy domains. Consequently, the summary in Table 2 includes the combination of search terms and the number of yielded articles, alongside whether empirical research currently exists to highlight present deficits in our understanding of these powers and future directions for research (Siddaway *et al.*, 2019). The author repeated this

process several times for each power and database to address concerns of subjectivity and bias, seeking consultation from three supervising colleagues.

There was an initial focus on the presently used orders and notices. Still, due to a literature deficit, the author expanded the review's direction to include the predecessors of the current powers where no empirical research was available, occurring for Domestic Abuse, ASB, and Sexual Abuse. However, the key point to highlight is that although empirical research is available, this exploration is still minimal, especially considering that this review only includes thirteen studies with 24 orders and notices recognized for inclusion.

These five databases identified 2,353 records (Fig. 1). In addition, the author also identified another record consisting of a currently under review paper which the author co-authored. As a result, removing 1,249 records before the screening process accounted for any duplicate records, leaving the screening of 1,105 records, which the subsequent section outlines.

## Stage two: reviewing the literature

Following a review of the titles and abstracts by the author, the exclusion of 1,090 records left 15 reports sought for retrieval. No reports were unable to be retrieved. These 15 articles underwent a full-text assessment to assess the eligibility using the earlier inclusion and exclusion criteria. The author then used the reviewer guidelines formulated by the Strengthening the Reporting of Observational Studies in Epidemiology (STROBE) checklist for quantitative studies (Cuschieri, 2019) and the Critical Appraisal Skills Programme (CASP) checklist for qualitative studies (CASP, 2022). Furthermore, the Mixed Methods Appraisal Tool (MMAT) appraises the utilized mixed methods studies (Hong *et al.*, 2018). In addition to applying the scoring system created by Butler *et al.* (2016) to facilitate rapid evaluation across all the checklists utilized.

The studies overall had a minimum quality score of six and a maximum quality score of 10, with an average quality score of 7.42. Subsequently, this evaluation process led to the exclusion of two articles from the review due to limited discussion of police practice. As a result, the final sample consisted of

**Table 1:** Overview of civil preventive orders and notices

Civil preventive order/notice	Legislation	Age	Actors involved in issuing process	Legal test	Duration	Requirements	Punishment
1) Anti-Social Behaviour Order (ASBO) ②③④	Crime and Disorder Act 1998	Ten years and over	<ul style="list-style-type: none"> <li>Police</li> <li>Local Authority</li> <li>Social Housing Provider</li> <li>Magistrates Court</li> <li>Crown Court</li> <li>Youth Court</li> </ul>	<ul style="list-style-type: none"> <li>Individual acted in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons, not of the same household as the defendant.</li> <li>Order 'necessary' to protect persons in the local government area from further anti-social acts</li> </ul>	Minimum 2 years—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	<p>A breach of the order was a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 6 months</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 5 years</li> <li>Fine</li> <li>Both</li> </ul>
2) Sexual Harm Prevention Order (SHPO) ②③④	ASB, Crime and Policing Act 2014, amended the Sexual Offences Act 2003	Ten years and over	<ul style="list-style-type: none"> <li>Magistrates Court</li> <li>Crown Court</li> <li>Chief Officer of Police</li> <li>Director General of the National Crime Agency</li> </ul>	<ul style="list-style-type: none"> <li>Convicted or received a police caution for a sexual offence in the UK or abroad</li> <li>'Necessary' to protect the public from harm</li> </ul>	Minimum 5 year—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Notification Requirements</li> <li>Electronic Monitoring Requirement (incoming)</li> <li>Positive Requirements (incoming)</li> </ul>	<p>A breach is a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Up to 6 months imprisonment</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Up to 5 years imprisonment</li> </ul>
3) Sexual Risk Order (SRO) ②③	ASB, Crime and Policing Act 2014, amended the Sexual Offences Act 2003	Ten years and over	<ul style="list-style-type: none"> <li>Magistrates' Court</li> <li>Youth Court</li> <li>Chief Officer of Police</li> <li>Director General of the National Crime Agency</li> </ul>	<ul style="list-style-type: none"> <li>An individual committed an act of a sexual nature</li> <li>'Necessary' to protect the public from harm</li> </ul>	Minimum 2 years—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Notification Requirements</li> <li>Electronic Monitoring Requirement (incoming)</li> <li>Positive Requirements (incoming)</li> </ul>	<p>A breach is a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Up to 6 months imprisonment</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Up to 5 years imprisonment</li> </ul>

Table 1. Continued

Civil preventive order/notice	Legislation	Age	Actors involved in issuing process	Legal test	Duration	Requirements	Punishment
4) Sexual Offences Prevention Order (SOPO) ③④	Sexual Offences Act 2003	Eighteen years and over	<ul style="list-style-type: none"> <li>Magistrates Court</li> <li>Crown Court</li> <li>Chief Officer of Police</li> </ul>	<ul style="list-style-type: none"> <li>Authorities are satisfied that the defendant's behaviour since a particular date makes it 'necessary' to make such an order</li> <li>To 'protect' the public or any particular public member from serious sexual harm</li> </ul>	Minimum 5 years—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	<p>A breach was a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 6 months</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 5 years</li> </ul>
5) Risk of Sexual Harm Order (RSHO) ②③	Sexual Offences Act 2003	Eighteen years and over	<ul style="list-style-type: none"> <li>Chief Officer of Police</li> <li>Magistrates Court</li> </ul>	<ul style="list-style-type: none"> <li>The defendant had, on at least two occasions, whether before or after the commencement of this part               <ol style="list-style-type: none"> <li>Engaged in sexual activity involving a child or in the presence of a child</li> <li>Caused or incited a child to watch a person engaging in sexual activity or to look at a moving or still image that is sexual</li> <li>Given a child anything that relates to sexual activity or contains a reference to such activity</li> <li>Communicated with a child, where any part of the communication is sexual</li> </ol> </li> <li>As a result of those acts, there was reasonable cause to believe it was 'necessary' for such an order to be made</li> </ul>	Minimum 2 years—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	<p>A breach was a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 6 months</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 5 years</li> </ul>
6) Foreign Travel Order (FTO) ③	Sexual Offences Act 2003	Eighteen years and over	<ul style="list-style-type: none"> <li>Chief Officer of Police</li> <li>Magistrates Court</li> </ul>	<ul style="list-style-type: none"> <li>The defendant is a qualifying offender.</li> <li>The defendant's behaviour since the appropriate date makes it 'necessary' to make such an order for the purpose of protecting children generally or any child from serious sexual harm from the defendant outside the United Kingdom</li> </ul>	No minimum—maximum of 6 months	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	<p>A breach was a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 6 months</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 5 years</li> </ul>

Table 1. Continued

Civil preventive order/notice	Legislation	Age	Actors involved in issuing process	Legal test	Duration	Requirements	Punishment
7) Serious Crime Prevention Order (SCPO) ③④	Serious Crime Act 2015	Eighteen years and over	<ul style="list-style-type: none"> <li>Director of Public Prosecutions</li> <li>Director of the Serious Fraud Office</li> <li>Chief Officer of Police</li> <li>Crown Court</li> <li>High Court</li> </ul>	<ul style="list-style-type: none"> <li>Convicted of a specified offence or found to be involved in the commission of a serious crime</li> <li>The order is required to 'protect' the public by preventing, restricting or disrupting involvement in serious crime</li> </ul>	Maximum 5 years	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Financial Reporting Requirements</li> </ul>	<ul style="list-style-type: none"> <li>A breach is a criminal offence</li> <li>Forfeiture</li> <li>Wind up companies</li> <li>Summary: Up to 12 months imprisonment</li> <li>Fine</li> <li>Both</li> <li>Indictment: Up to 5 years imprisonment</li> <li>Fine</li> <li>Both</li> </ul>
8) Domestic Violence Protection Order (DVPO) ③	Crime and Security Act 2010	Eighteen years and over	<ul style="list-style-type: none"> <li>Magistrates Court</li> <li>Police Officer</li> </ul>	<ul style="list-style-type: none"> <li>The court is satisfied on the balance of probabilities that the person has been violent towards or has threatened violence towards an associated person</li> <li>The DVPO is 'necessary' to 'protect' persons from violence or the threat of violence</li> </ul>	Minimum 14 days—maximum 28 days	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	<ul style="list-style-type: none"> <li>A breach is a civil contempt of court</li> <li>£50 for every day that person is in breach (max. £5,000) or 2 months imprisonment</li> </ul>
6) Domestic Violence Protection Notice (DVPN) ①	Crime and Security Act 2010	Eighteen years and over	<ul style="list-style-type: none"> <li>Police Officer (not below the rank of Superintendent)</li> </ul>	<ul style="list-style-type: none"> <li>The person has been violent towards or threatened violence towards an associated person</li> <li>A DVPN is 'necessary' to 'protect' a person from violence or the threat of violence</li> </ul>	No minimum—maximum 48 h	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	<ul style="list-style-type: none"> <li>The breach was not a criminal offence but had a power of arrest without a warrant</li> <li>Nevertheless, it was considered a relevant factor when dealing with an application for a DVPO</li> </ul>
10) Domestic Abuse Protection Order (DAPO) ③④	Domestic Abuse Act 2021	Eighteen years and over	<ul style="list-style-type: none"> <li>Magistrates Court</li> <li>Crown Court</li> <li>Chief Officer of Police</li> <li>Chief Constable of the British Transport Police</li> <li>Chief Constable of the Ministry of Defence Police</li> </ul>	<ul style="list-style-type: none"> <li>The court is satisfied on the balance of probabilities that the person has been abusive to someone aged 16 years or over to whom they are personally connected</li> <li>The order is 'necessary' and 'proportionate' to 'protect' that person from domestic abuse or the risk of domestic abuse</li> </ul>	No minimum—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Electronic Monitoring Requirement</li> </ul>	<ul style="list-style-type: none"> <li>A breach is a criminal offence</li> <li>Summary: Imprisonment term not exceeding 12 months</li> <li>Fine</li> <li>Both</li> <li>Indictment: Imprisonment term not exceeding 5 years</li> <li>Fine</li> <li>Both</li> </ul>



Table 1. Continued

Civil preventive order/notice	Legislation	Age	Actors involved in issuing process	Legal test	Duration	Requirements	Punishment
11) Domestic Abuse Protection Notice (DAPN) <sup>①</sup>	Domestic Abuse Act 2021	Eighteen years and over	<ul style="list-style-type: none"> <li>Senior Police Officer (not below the rank of Inspector)</li> <li>British Transport Police</li> <li>Ministry of Defence Police</li> </ul>	<ul style="list-style-type: none"> <li>Reasonable grounds for believing that the individual has been abusive towards a person aged 16 or over to whom they are personally connected</li> <li>There are reasonable grounds for believing that it is 'necessary' to give the notice to protect that person from domestic abuse or the risk of domestic abuse</li> </ul>	No minimum—maximum 48 h	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	The breach is not a criminal offence but has a power of arrest without a warrant. It is also considered a relevant factor when dealing with an application for a DAPO
12) Community Protection Notice (CPN) <sup>①</sup>	ASB, Crime and Policing Act 2014	Sixteen years and over	<ul style="list-style-type: none"> <li>Local Authority</li> <li>Police</li> <li>Social Housing Officers</li> <li>Any other authorized persons agreed by the local authority</li> </ul>	<ul style="list-style-type: none"> <li>Behaviour has to have a:               <ul style="list-style-type: none"> <li>Detrimental effect on the quality of life</li> <li>Persistent or continuing in nature</li> <li>Unreasonable</li> </ul> </li> <li>Before issuing a CPN, a CPW must be in place</li> </ul>	No minimum—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Positive Requirements</li> </ul>	A breach is a criminal offence—No legal aid <ul style="list-style-type: none"> <li>FPN up to £100</li> <li>Remedial action/order</li> <li>Forfeiture or Seizure Orders</li> <li>Non-compliance of court order: a maximum 5-year custodial sentence</li> </ul>
13) Criminal Behaviour Order (CBO) <sup>②④</sup>	ASB, Crime and Policing Act 2014	Ten years and over	<ul style="list-style-type: none"> <li>Is court issued at the request of the following:               <ul style="list-style-type: none"> <li>CPS</li> <li>Police</li> </ul> </li> <li>Local Authority</li> </ul>	<ul style="list-style-type: none"> <li>The individual has engaged in behaviour that has caused or is likely to cause harassment, alarm, or distress to any person</li> <li>The court considers that making the order will help 'prevent' the individual from engaging in such behaviour</li> </ul>	Minimum 2 years—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Positive Requirements</li> </ul>	Breach of the order is a criminal offence Summary: <ul style="list-style-type: none"> <li>Up to 6 months imprisonment</li> <li>Fine</li> <li>Both</li> </ul> Indictment: <ul style="list-style-type: none"> <li>Up to 5 years imprisonment</li> <li>Fine</li> <li>Both</li> </ul>
14) Public Spaces Protection Order (PSPO) <sup>①</sup>	ASB, Crime and Policing Act 2014	No min. age	<ul style="list-style-type: none"> <li>Local Authority</li> </ul> Following consultation with the: <ul style="list-style-type: none"> <li>Chief Officer of Police</li> <li>Police and Crime Commissioner</li> </ul>	The behaviour being restricted has to be: <ul style="list-style-type: none"> <li>Having, or being likely to have, a detrimental effect on the quality of life of those in the locality</li> <li>Persistent or continuing nature</li> <li>Unreasonable</li> </ul>	PSPO No minimum—maximum of 3 years, but an unlimited number of extensions can be requested E-PSPO No minimum—maximum of 6 months	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	PSPO A breach is a criminal offence <ul style="list-style-type: none"> <li>FPN of up to £100 if appropriate</li> <li>A fine of up to level 3 following prosecution E-PSPO</li> </ul> A breach is a criminal offence. <ul style="list-style-type: none"> <li>FPN of up to £100</li> <li>A fine of up to level 3 following prosecution</li> </ul>

Table 1. Continued

Civil preventive order/notice	Legislation	Age	Actors involved in issuing process	Legal test	Duration	Requirements	Punishment
15) Dispersal Power ①	ASB, Crime and Policing Act 2014	Ten years and over	<ul style="list-style-type: none"> <li>Police</li> </ul> Following consultation with the: <ul style="list-style-type: none"> <li>Local Authority</li> </ul>	Two conditions need to be met for a direction to be given: <ul style="list-style-type: none"> <li>Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder)</li> <li>Direction is 'necessary' to remove or reduce the likelihood of anti-social behaviour, crime or disorder</li> </ul>	No minimum—maximum 48 h	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	A breach is a criminal offence Summary only offence: <ul style="list-style-type: none"> <li>Level four fine (£2,500)</li> <li>Three months imprisonment</li> <li>Both</li> </ul> Failure to surrender items: <ul style="list-style-type: none"> <li>Level two fine (£500)</li> </ul>
16) Closure Power ②③	ASB, Crime and Policing Act 2014	No min. age	<ul style="list-style-type: none"> <li>Local Authority</li> <li>Police</li> </ul>	The following has occurred or is likely to occur if the closure power is not used: <ul style="list-style-type: none"> <li>Closure Notice (up to 48 h):               <ul style="list-style-type: none"> <li>Nuisance to the public</li> <li>Disorder near those premises</li> </ul> </li> <li>Closure Order (up to 6 months):               <ul style="list-style-type: none"> <li>Disorderly, offensive or criminal behaviour on the premises</li> <li>Serious nuisance to the public</li> <li>Disorder near the premises</li> </ul> </li> <li>and the order is 'necessary' to prevent further behaviour</li> </ul>	Notice: up to 48 h out of court but cannot stop owner or those who habitually live there accessing the premises. Order: up to 6 months and can restrict all access	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	A breach is a criminal offence Summary: <ul style="list-style-type: none"> <li>Notice: Up to 3 months in prison</li> <li>Unlimited fine for residential and non-residential premises</li> <li>Both</li> <li>Order: Up to 51 weeks in prison</li> <li>Unlimited fine for residential and non-residential premises</li> <li>Both</li> </ul> Obstruction: It is a criminal offence to obstruct a police officer or local council employee Summary: <ul style="list-style-type: none"> <li>Up to 3 months</li> <li>Unlimited fine</li> <li>Both</li> </ul>
17) Violent Offender Order (VOO) ②③	Criminal Justice and Immigration Act 2008	Eighteen years and over	<ul style="list-style-type: none"> <li>Magistrates' Court</li> <li>Chief Officer of Police</li> </ul>	<ul style="list-style-type: none"> <li>Received at least 12 months in custody or a hospital order</li> <li>Any person found not guilty by reason of insanity, or the person is found to be under a disability while doing the act charged</li> <li>Acted in a way to give reasonable cause to believe that a VOO is 'necessary'</li> </ul>	Minimum 2 years—maximum 5 years	<ul style="list-style-type: none"> <li>Prohibitions</li> </ul>	A breach is a criminal offence Summary: <ul style="list-style-type: none"> <li>Up to 12 months imprisonment</li> <li>Fine</li> <li>Both</li> </ul> Indictment: <ul style="list-style-type: none"> <li>Up to 5 years imprisonment</li> <li>Fine</li> <li>Both</li> </ul>

Table 1. Continued

Civil preventive order/notice	Legislation	Age	Actors involved in issuing process	Legal test	Duration	Requirements	Punishment
18) Slavery and Trafficking Prevention Order (STPO) ②③④	Modern Slavery Act 2015	Ten years and over	<ul style="list-style-type: none"> <li>Magistrates' Court</li> <li>Crown Court</li> <li>Youth Court</li> <li>Chief Officer of Police</li> <li>Immigration Officer</li> <li>Director General of the National Crime Agency</li> <li>Gangmasters and Labour Abuse Authority</li> </ul>	<ul style="list-style-type: none"> <li>Individual either in the UK or elsewhere at any time has been convicted, found not guilty by reason of insanity, found to be under a disability and done the act charged or cautioned for a slavery and human trafficking offence</li> <li>The individual has since acted in a way which means there is a risk they may commit a slavery and human trafficking offence, and it is 'necessary' to make the order for the purpose of protecting persons generally, or particular persons, from the physical or psychological harm if the defendant committed such an offence</li> </ul>	Minimum 5 years—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Information Requirements</li> </ul>	<p>A breach is a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Up to 6 months imprisonment</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Up to 5 years imprisonment</li> </ul>
19) Slavery and Trafficking Risk Order (STRO) ②③	Modern Slavery Act 2015	Ten years and over	<ul style="list-style-type: none"> <li>Magistrates' Court</li> <li>Youth Court</li> <li>Chief Officer of Police</li> <li>Immigration Officer</li> <li>Director General of the National Crime Agency</li> <li>Gangmasters and Labour Abuse Authority</li> </ul>	<ul style="list-style-type: none"> <li>A risk that the individual will commit a slavery or human trafficking offence</li> <li>'Necessary' to make the order for the purpose of protecting persons generally or particular persons from physical or psychological harm if the defendant committed such an offence</li> </ul>	Minimum 2 years—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Information Requirements</li> </ul>	<p>A breach is a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Up to 6 months imprisonment</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Up to 5 years imprisonment</li> </ul>
20) Football Banning Order (FBO) ②③④	Football Spectators Act 1989	Ten years and over	<ul style="list-style-type: none"> <li>Chief Officer of Police</li> <li>British Transport Police</li> <li>CPS</li> <li>Magistrates' Court</li> </ul>	<ul style="list-style-type: none"> <li>The respondent has at any time caused or contributed to any violence or disorder in the United Kingdom or elsewhere</li> <li>There are reasonable grounds to believe that making a banning order would help to 'prevent' violence or disorder at or in connection with any regulated football matches</li> </ul>	<p>Minimum 3 years—maximum 5 years (S.14A)</p> <p>Minimum 2 years—maximum 3 years (S.14B)</p> <p>A custodial sentence imposed for the original offence:</p> <p>Minimum 6 years—maximum 10 years</p>	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Notification Requirements</li> <li>Surrendering of Passport Requirement</li> </ul>	<p>A breach is a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 6 months</li> <li>Fine</li> <li>Both</li> </ul>

Table 1. Continued

Civil preventive order/notice	Legislation	Age	Actors involved in issuing process	Legal test	Duration	Requirements	Punishment
21) Knife Crime Prevention Order (KCPO) ②③④	Offensive Weapons Act 2019	Twelve years and over	<ul style="list-style-type: none"> <li>Magistrates Court</li> <li>Crown Court</li> <li>Chief Officer of Police</li> <li>Chief Constable of the British Transport Police</li> <li>Chief Constable of the Ministry of Defence Police</li> </ul>	<ul style="list-style-type: none"> <li>On at least two occasions, the defendant, in the relevant period, had a bladed article with them in a public place, on school premises or further education premises without good reason or lawful authority</li> <li>'Necessary' to make the order to protect the public generally or to 'protect' particular persons (including the defendant) from the risk of physical or psychological harm or committing an offence involving a bladed article</li> </ul>	Minimum 6 months—maximum of 2 years	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Positive Requirements</li> </ul>	<p>A breach is a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 6 months</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 2 years</li> <li>Fine</li> <li>Both</li> </ul>
22) Female Genital Mutilation Protection Order (FGMPO) ③④	Female Genital Mutilation Act 2003	No min. age	<ul style="list-style-type: none"> <li>High Court</li> <li>Family Court</li> <li>Victim</li> <li>Relevant third party (e.g., local authority)</li> <li>Any other authorized persons by the court</li> </ul>	<ul style="list-style-type: none"> <li>An FGM protection order should be made to 'protect' a girl (whether or not the victim of the offence in relation to the criminal proceedings)</li> <li>A person who would be a respondent to any proceedings for an FGM protection order is a defendant in the criminal proceedings</li> </ul>	No minimum—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Surrendering of passport requirement</li> </ul>	<p>A breach is a criminal offence (can be treated as a civil contempt of court)</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 6 months</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 5 years</li> <li>Fine</li> <li>Both</li> </ul>
23) Forced Marriage Protection Order (FMPO) ③④	Forced Marriage (Civil Protection) Act 2007 amended the Family Law Act 1996	No min. age	<ul style="list-style-type: none"> <li>High Court</li> <li>Family Court</li> <li>Victim</li> <li>Relevant third party (e.g. local authority)</li> <li>Any other authorized persons by the court</li> </ul>	<ul style="list-style-type: none"> <li>A Forced Marriage Protection Order should be made to 'protect' a person (whether or not a party to the current proceedings)</li> <li>A person who would be a respondent to any such proceedings for a forced marriage protection order is a party to the current proceedings</li> </ul>	No minimum—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Surrendering of passport requirement</li> </ul>	<p>A breach is a criminal offence (can be treated as a civil contempt of court)</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 12 months</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 5 years</li> <li>Fine</li> <li>Both</li> </ul>

Table 1. Continued

Civil preventive order/notice	Legislation	Age	Actors involved in issuing process	Legal test	Duration	Requirements	Punishment
24) Stalking Protection Order (SPO) ②③	Stalking Protection Act 2019	Ten years and over	<ul style="list-style-type: none"> <li>Chief Officer of Police</li> <li>Magistrates Court</li> <li>Crown Court</li> <li>Youth Court</li> </ul>	<ul style="list-style-type: none"> <li>The respondent has carried out acts associated with stalking</li> <li>The respondent poses a risk of stalking a person</li> <li>There is reasonable cause to believe the proposed order is 'necessary' to protect the other person from that risk</li> </ul>	Minimum 2 years—no maximum	<ul style="list-style-type: none"> <li>Prohibitions</li> <li>Positive Requirements</li> </ul>	<p>A breach is a criminal offence</p> <p>Summary:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 12 months</li> <li>Fine</li> <li>Both</li> </ul> <p>Indictment:</p> <ul style="list-style-type: none"> <li>Imprisonment term not exceeding 5 years</li> <li>Fine</li> <li>Both</li> </ul>

Methods by which order or notice is made: Practitioners' Discretion@/Interim Order@/On Application@/On Conviction@.

thirteen studies. As summarized in Table 3, the author independently extracted the data, including the order or notice addressed, research strategy, data collection methods, sample sizes, and characteristics. Furthermore, data surrounding perceived effectiveness, the evidence required, critique, alternative courses of action, human rights implications, support for the powers, training, breach proceedings, multi-agency partnership working and instances of misuse. This data is thematically analysed and structured according to the overarching themes (Braun and Clarke, 2006).

## Results

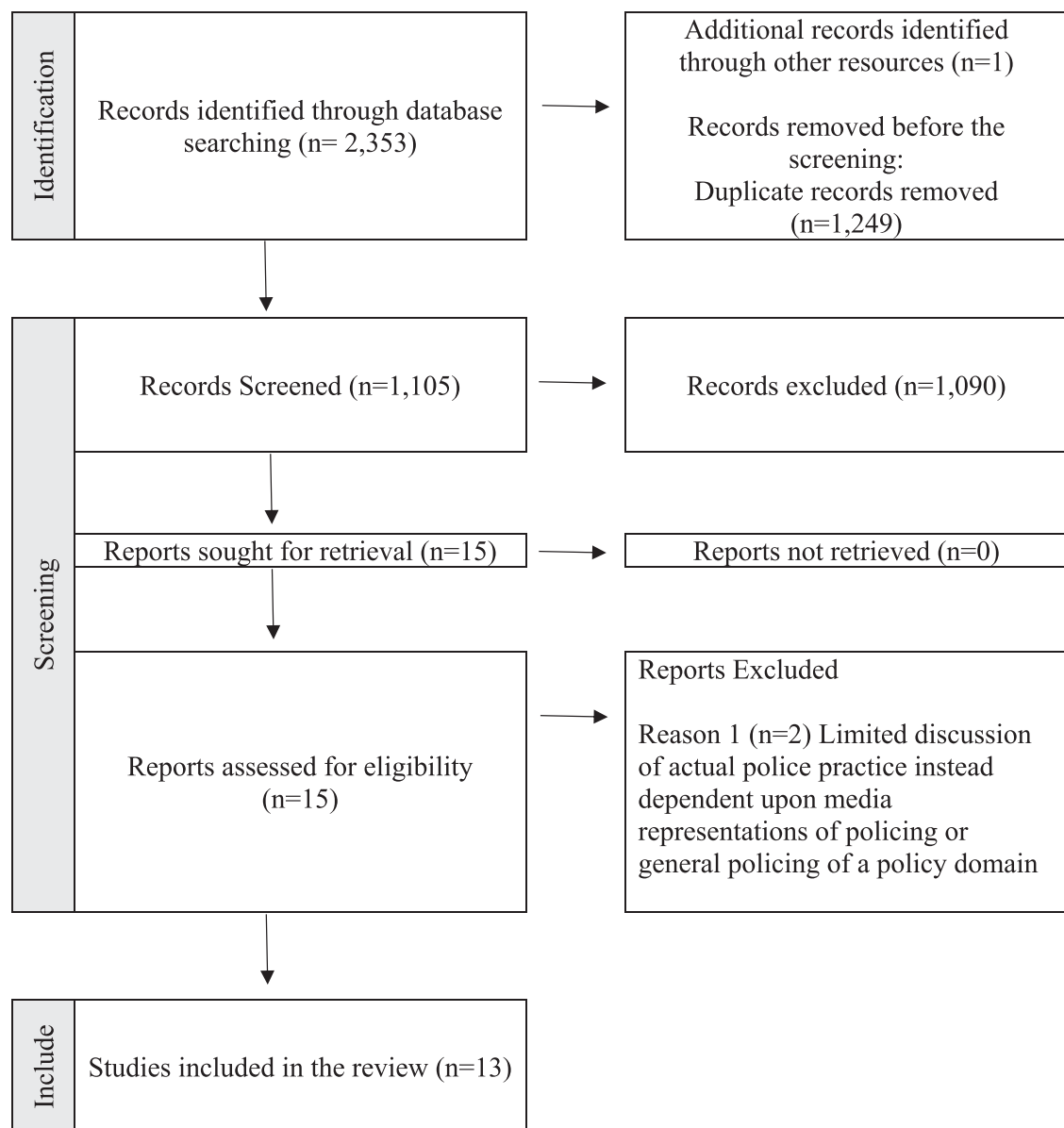
### Study characteristics

The characteristics of the studies consisted of sample sizes ranging from nine individuals to 3,573 participants. They collectively included 138 police officers, 40 local authority officers, 22 court officials, 81 recipients and 256 victims. When accounting for the policy domain and civil preventive order and notice addressed by each study, six focussed on ASB (46%), three on the ASBO (50%), one on the CPN (16.67%), one on the new (16.67%), and one on the old Dispersal Power (16.67%). In addition, three explored the DVPN and DVPO (23%), and two examined the policing practices associated with the FBO (15%). Of the remaining studies, one article addressed the policy domain of modern slavery and human trafficking (8%) regarding the STRO and the STPO. Similarly, one study involved the previous civil preventive order used to address sexual abuse, the SOPO (8%). Not all studies included other practitioners, victims or recipients' accounts, but 85% of the sample did. Only Hudson and Henley (2015) and Blackburn and Graca (2021) include the views of police staff and official data alone.

In total, two studies used the quantitative research strategy (15%); three adopted a qualitative approach (23%), and eight utilized the mixed methods research strategy (62%). Within the mixed methods studies, the authors used various data collection methods, including combining secondary data from case records and questionnaires (Kirby and Edmondson, 2012). Alternatively, using

**Table 2:** Search terms and outputs

Search terms	Google Scholar (n)	Scopus (n)	CORE (n)	Pro-Quest (n)	Emerald Insight (n)	Empirical research
1) Policing AND ASBO AND England and Wales AND Empirical Research	148	7	5	53	37	Y
2) Policing AND SHPO AND England and Wales	51	0	17	2	0	N
3) Policing AND SRO AND England and Wales	40	11	10	1	0	N
4) Policing AND SOPO AND England and Wales	95	1	33	4	1	Y
5) Policing AND RSHO AND England and Wales	134	117	0	74	112	N
6) Policing AND FTO AND Sexual Offences AND England and Wales	47	0	0	6	0	N
7) Policing AND SCPO AND England and Wales	71	6	11	4	2	N
8) Policing AND DVPO AND England and Wales	75	10	0	6	6	Y
9) Policing AND DVPN AND England and Wales	38	21	17	1	3	Y
10) Policing AND DAPO AND England and Wales	20	5	11	0	0	N
11) Policing AND DAPN AND England and Wales	14	10	8	0	0	N
12) Policing AND CPN AND England and Wales	37	85	14	1	3	Y
13) Policing AND CBO AND England and Wales	144	57	48	13	12	N
14) Policing AND PSPO AND England and Wales	83	2	18	5	6	N
15) Policing AND Dispersal Power AND England and Wales	25	6	8	3	7	Y
16) Policing AND Closure Power AND England and Wales	8	3	3	0	0	N
17) Policing AND VOO AND England and Wales	23	5	6	0	1	N
18) Policing AND STPO AND England and Wales	11	7	5	0	0	Y
19) Policing AND STRO AND England and Wales	4	5	4	0	0	Y
20) Policing AND FBO AND England and Wales	88	12	25	11	3	Y
21) Policing AND KCPO AND England and Wales	6	8	3	0	0	N
22) Policing AND FGMPO AND England and Wales	19	0	4	0	0	N
23) Policing AND FMPO AND England and Wales	92	0	46	5	0	N
24) Policing AND SPO AND England and Wales	14	1	9	0	0	N
Total	1,287	379	305	189	193	2,353



**Figure 1:** Identification of studies via databases

case records alongside interviews (Bateman, 2007; Hopkins, 2014; Crawford *et al.*, 2017; Bates and Hester, 2020). However, a notable difference came from Ewin *et al.* (2020), using freedom of information requests alongside questionnaires. The remaining mixed methods studies draw on more than two data collection methods, with Crawford (2009)

using interviews, secondary data, surveys, focus groups and observations; similarly, Cockcroft *et al.* (2016) also used interviews, a focus group and secondary data. On the other hand, Hudson and Henley (2015) and Blackburn and Graca (2021) used only secondary data in those studies implementing a purely quantitative approach. In comparison, Stead

**Table 3:** Summary of studies reporting police use of civil preventive orders and notices

Author	Civil preventive order/notice	Research strategy	Data collection methods	Sample size and characteristics	Limitations
1) <a href="#">Heap et al. (2023)</a>	• CPN	Qualitative	• Semi-Structured Interviews	36 Interviews • 14 Council Officers • 15 Police Officers • 1 Private Company • 6 Training Professionals	• Qualitative only: authors did not test the statistics because they were provided within the accounts rather than as a separate data set
2) <a href="#">Kirby and Edmondson (2012)</a>	• ASBO	Mixed methods	• Secondary Data (Case Records) • Questionnaires	• 36 Case Records Questionnaires • 6 Police Staff • 3 Council Employees	• A low rate of return for the questionnaires • Focuses on the repealed ASBO
3) <a href="#">Bateman (2007)</a>	• ASBO	Mixed methods	• Secondary Data (Case Records) • Interviews	• 137 Case Records 126 Interviews • 45 Recipients • 22 Parents or Carers • 10 ASB Coordinators • 10 Police Representatives • 20 Youth Offending Practitioners • 19 Magistrates and District Judges	• Focus on young people and the repealed ASBO
4) <a href="#">Crawford et al. (2017)</a>	• ASBO	Mixed methods	• Interviews • Secondary Data (outcomes data and youth pathways)	124 Interviews • 36 Young People • 18 Parents • 70 Local ASB Professionals from housing, police, local authority and youth offending teams 3,481 individuals were tracked by the authors concerning the outcomes data and youth pathways	• Presents the quantitative and qualitative findings in separate papers (against the tradition of mixed methods)
5) <a href="#">Crawford (2009)</a>	• Dispersal power	Mixed methods	• Interviews • Secondary Data (Case Records) • Surveys • Focus Groups • Observations	Interviews • 13 police force areas Recorded police data on the use of Dispersal Powers Surveys and focus groups conducted with adult residents and pupils (aged 13–18) Further interviews with key local practitioners, residents and police Police enforcement practices observed	• Focus on young people and the previous Dispersal Power
6) <a href="#">Cockcroft et al. (2016)</a>	• Dispersal power	Mixed methods	• Semi-Structured Interviews • Focus Group • Secondary Data (Crime and ASB Statistics)	15 Interviews • 2 Police Officers • 3 Police Community Support Officers • 2 Local Councillors • 5 Residents • 3 Youth Workers 1 Focus Group • 6 Young People	• Focus on young people • Limited discussion surrounding the analysis of the statistics



Table 3. Continued

Author	Civil preventive order/notice	Research strategy	Data collection methods	Sample size and characteristics	Limitations
7) Olver and Cockbain (2021)	<ul style="list-style-type: none"> <li>STRO</li> <li>STPO</li> </ul>	Qualitative	<ul style="list-style-type: none"> <li>Semi-Structured Interviews</li> </ul>	Interviews <ul style="list-style-type: none"> <li>11 individuals from policing, prosecution, government and the third sector</li> </ul>	<ul style="list-style-type: none"> <li>Focus on professionals' views on responding to county-lines-related criminal exploitation</li> <li>Limited discussion of the STRO/STPO</li> </ul>
8) Hopkins (2014)	<ul style="list-style-type: none"> <li>FBO</li> </ul>	Mixed methods	<ul style="list-style-type: none"> <li>Semi-Structured Interviews</li> <li>Secondary Data (orders issued per club)</li> </ul>	Interviews <ul style="list-style-type: none"> <li>5 officers who are responsible for managing the policing</li> <li>6 officers responsible for the collection of intelligence</li> <li>4 officers responsible for getting banning orders to court</li> </ul> Data relating to banning orders issued per club	<ul style="list-style-type: none"> <li>Interviews were only conducted with 12% of all 92 league clubs</li> </ul>
9) Stead and Rookwood (2007)	<ul style="list-style-type: none"> <li>FBO</li> </ul>	Qualitative	<ul style="list-style-type: none"> <li>Semi-Structured Interviews</li> </ul>	Interviews <ul style="list-style-type: none"> <li>3 experienced supporters</li> <li>3 partnership clubs</li> <li>3 Football Intelligence Officers</li> </ul>	<ul style="list-style-type: none"> <li>The small sample of Football Intelligence Officers means the divergences in practice across officers within the same police force could not be commented on</li> </ul>
10) Bates and Hester (2020)	<ul style="list-style-type: none"> <li>DVPN</li> <li>DVPO</li> </ul>	Mixed methods	<ul style="list-style-type: none"> <li>Secondary Data</li> <li>Interviews</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Justice and Crown Prosecution Service Data</li> <li>400 police flagged domestic violence incidents</li> <li>251 interviews with victims</li> </ul>	<ul style="list-style-type: none"> <li>Limited usage of the DVPN and DVPO during data collection</li> <li>Only two out of the 400 cases involved a DVPN/DVPO</li> <li>DVPN/DVPO replaced by the DAPN/DAPO</li> </ul>
11) Blackburn and Graca (2021)	<ul style="list-style-type: none"> <li>DVPN</li> <li>DVPO</li> </ul>	Quantitative	<ul style="list-style-type: none"> <li>Secondary Data (Case Records)</li> </ul>	<ul style="list-style-type: none"> <li>263 cases from the Crime Reporting Information System (CRIS)</li> </ul>	<ul style="list-style-type: none"> <li>20% inaccuracy rate found in the Metropolitan Police Service data</li> <li>DVPN/DVPO replaced by the DAPN/DAPO</li> </ul>
12) Ewin <i>et al.</i> (2020)	<ul style="list-style-type: none"> <li>DVPN</li> <li>DVPO</li> </ul>	Mixed Methods	<ul style="list-style-type: none"> <li>FOI Requests</li> <li>Questionnaires</li> </ul>	<ul style="list-style-type: none"> <li>FOI Requests were made to each of the 43 constabularies in England and Wales</li> <li>76 survey responses</li> </ul>	<ul style="list-style-type: none"> <li>Practitioner survey responded to by primarily rural police forces</li> <li>DVPN/DVPO replaced by the DAPN/DAPO</li> </ul>
13) Hudson and Henley (2015)	<ul style="list-style-type: none"> <li>SOPO</li> </ul>	Quantitative	<ul style="list-style-type: none"> <li>Secondary Data (MAPPA Reports)</li> </ul>	<ul style="list-style-type: none"> <li>Annual MAPPA Reports used covering a 9-year period from 2004/2005 to 2012/2013</li> </ul>	<ul style="list-style-type: none"> <li>The use of the quantitative research strategy hindered the ability to gain greater clarity around the context of the differences</li> <li>SOPO replaced by the SRO and SHPO</li> </ul>

and Rookwood (2007), Olver and Cockbain (2021) and Heap *et al.* (2023) all drew on interviews within their purely qualitative studies.

From reviewing the articles, the analysis presented centres around three themes: Civil Preventive Order and Notice Usage and Effectiveness, Problems encountered in practice, and the Implications, each showing the overlapping and recurring lessons that can be learnt by practitioners, policymakers and researchers from the albeit different but similar civil preventive orders and notices.

### Theme 1: Civil preventive order and notice usage and effectiveness

In terms of the use of civil preventive orders and notices, 12 of the 13 studies acknowledged that there is limited data to evaluate the effectiveness of the powers as '*a relatively recent innovation with limited opportunity for proper evaluation*' (Bateman, 2007: 18; Stead and Rookwood, 2007; Crawford, 2009; Kirby and Edmondson, 2012; Hopkins, 2014; Cockcroft *et al.*, 2016; Crawford *et al.*, 2017; Bates and Hester, 2020; Ewin *et al.*, 2020; Blackburn and Graca, 2021; Olver and Cockbain, 2021; Heap *et al.*, 2023). Furthermore, as raised by Bates and Hester (2020), there is no reporting mechanism for data on these powers. As a result, there is a reliance on periodic police inspectorate reports, which gather data directly from all the police forces in England and Wales. However, the annual inspectorate reports are now only spotlight reports on common national themes or more specific issues in depth. Such practices undermine the perceived legitimacy of the powers as the demographics of the recipients receiving them are unclear and, in some cases, not collected or recorded.

Moreover, due to such practices, uncertainty surrounds why courts reject applications by the police for these orders, with Blackburn and Graca (2021) reporting a 94.5% success rate in securing DVPOs (245 out of 259) when applied for to a Magistrates Court. Nevertheless, the authors could not explain why 5.5% were unsuccessful during their data collection due to the purely quantitative research approach. Repeating the previous findings, once an order is in place, as Bateman (2007) found, officers

cannot cite any local or national figures for the rate of breaching the order or notice. This finding is of concern, given the significant breach rate found with the ASBO and the potential lack of fairness and neutrality if practices are inconsistent. The latter is supported by Crawford (2009); during the observational period, there were significant inconsistencies in police recording practices regarding the previous Dispersal Power. Furthermore, depending on how a young person responded to the officer dictated the final decision-making associated with the ASBO and Dispersal Power. As a result, as initially raised, questions remain about the neutrality and fairness of the process surrounding the current notices and orders. For example, in one instance, the names and addresses of those dispersed would be recorded; on another occasion, they were neither requested nor recorded, raising questions about the accuracy of information and evidence.

These difficulties experienced by police officers led to contradicting opinions regarding their effectiveness. Seven of the thirteen studies referred to police officers viewing the powers as best practice providing the police with an additional tool to use, and frequently reiterated the view of the Home Office in the powers being highly successful through utilizing both general and specific deterrence (Stead and Rookwood, 2007; Kirby and Edmondson, 2012; Hopkins, 2014; Ewin *et al.*, 2020; Blackburn and Graca, 2021; Olver and Cockbain, 2021; Heap *et al.*, 2023). However, police officers raised concerns about the powers' effectiveness within 4 of the 13 studies. Olver and Cockbain (2021) provide the only current reference to STROs and STPOs, particularly highlighting the contradicting narratives; despite some officers sharing the opinion that the orders are best practice, others stated that they were not used by police forces locally. The latter group of officers were concerned about the potential impact on victims of exploitation and their displacement from support networks, as discussed further in the implications section of this article. Similarly, Bates and Hester (2020) reported that only 2 out of the 400 police incidents in their study used a DVPN or DVPO. The data collected by Cockcroft *et al.* (2016) further evidence this split in opinion; over half of the respondents felt that the Dispersal Power had

led to no increase in public safety or were unsure of its effectiveness.

Therefore, the critical finding across all the studies included is the need for robust and proper recording practices for these orders and notices to improve the quality of information and evidence. Without addressing these limitations, it will hinder the establishment of best practices which will continue the policy transfer of the known implications and undermine the perceived legitimacy of the powers. For the orders and notices to be perceived as procedurally just, the neutrality and fairness of this process needs establishing through a clear audit trail of information and evidence.

## Theme 2: Problems encountered in practice

Across the articles reviewed, police officers encountered repeated problems due to the limited official guidance and the high level of discretion afforded by these powers. In addition, the subjective nature of the term risk and often misunderstanding concerning an order or notice's purpose led to their use in inappropriate circumstances. For example, three of the thirteen studies raised concerns regarding usage for high-risk cases, primarily domestic and sexual abuse, with evidence of serious violence (Hudson and Henley, 2015; Bates and Hester, 2020; Ewin *et al.*, 2020). Critically these civil preventive orders and notices do not replace a criminal charge where a case meets these standards (Bates and Hester, 2020). Still, evidence suggests this is occurring due to a poor understanding of the powers. For example, Hudson and Henley (2015) indicate that the differences in risk allocation are likely to reflect institutional differences, as suggested regarding the previous SOPO, once again impacting the perceived neutrality and fairness of the process. However, Ewin *et al.* (2020) found that this risk allocation process caused a disparity between high and low-risk cases regarding the implications for the thoroughness

of the investigation and the decisions made concerning the DVPN and DVPO. These orders and notices are supposed to address any risk present, including perceived low-risk or less severe cases. The previous highlights concerns around the accuracy of information and evidence collected and disseminated.

Across all the studies, the author found inconsistent implementation from the issuing process, evidential thresholds required to issue, use of informal alternatives, and the procedure for breach undermining the powers' procedural legitimacy (Bateman, 2007; Stead and Rookwood, 2007; Crawford, 2009; Kirby and Edmondson, 2012; Hopkins, 2014; Hudson and Henley, 2015; Cockcroft *et al.*, 2016; Crawford *et al.*, 2017; Bates and Hester, 2020; Ewin *et al.*, 2020; Blackburn and Graca, 2021; Olver and Cockbain, 2021; Heap *et al.*, 2023). These concerns are apparent in the interviews by Heap *et al.* (2023). The authors express that the Community Protection Warning (CPW)<sup>3</sup> and CPN are open to being misused by practitioners, inappropriately applied and not always used in line with the legislation, for example, on individuals who are homeless and the young, including their parents in some cases with the implications comparable to the ASBO. Similarly, Hopkins (2014) notes the variation concerning the use of the FBO for those deemed to be football hooligans; officers discussed relatively thin intelligence packages accepted in neighbouring force areas and the differing ease at which they could get orders through the courts. In addition, the powers are sometimes used disproportionately in cases that would benefit more from other courses of action, especially for orders and notices that do not have to go through the courts. When poor infrastructure was in place to support information and data sharing, these inconsistencies were exacerbated, leading to multiple notices and orders where issued at an officer's discretion, significantly affecting the fairness and neutrality of the process.

Information sharing was a persistent problem in the studies—disjointed information sharing

<sup>3</sup> Community Protection Warning (CPW): Before a CPN is issued, an issuing body has to serve a written warning to the recipient, a CPW, outlining the behaviour that is considered anti-social, the time within which the behaviour is expected to have changed, and the potential consequence of non-compliance (e.g. the issuing of a CPN and punishment upon breach).

between and within organizations and poor communication with victims, communities and recipients were common, limiting their voice in such processes. However, the police officers within [Olver and Cockbain \(2021\)](#) particularly stressed the importance of having a robust infrastructure for information sharing when applying for the STRO and STPO. Officers expressed frustration concerning intelligence not being entered into force databases and the centralized Police National Database (PND). Nevertheless, [Heap et al. \(2023\)](#) found collaborative working instances in which related incidents were recorded on a shared database, including the Police National Computer (PNC), to facilitate monitoring and enforcement. [Bates and Hester \(2020\)](#) also note that when a court grants an order, the issuing court should email a central police address to notify them of the order. However, their data proves this does not always occur, and without police officers knowing about the order, they have no power to enforce them.

Therefore, it is not just the practices of police that need to be perceived as procedurally just but those involved in the multi-agency arrangements. This latter point is particularly relevant regarding the high number of breach proceedings. Six of the thirteen studies raised concerns about breach and enforcement ([Bateman, 2007](#); [Crawford, 2009](#); [Kirby and Edmondson, 2012](#); [Bates and Hester, 2020](#); [Blackburn and Graca, 2021](#); [Heap et al., 2023](#)). For example, according to [Bates and Hester \(2020\)](#), multiple civil preventive order and notice violations are common as the police can be slow to respond or take no action, with limited research and training to improve the rigour of this process. As already mentioned, this undermines the fairness and neutrality of the process as one recipient may get an immediate breach of an order or notice, and another could be permitted to undertake multiple violations before breach proceedings are initiated.

Three of the thirteen studies addressed the training provided ([Ewin et al., 2020](#); [Olver and Cockbain, 2021](#); [Heap et al., 2023](#)). These studies highlight disparities in understanding and awareness of relevant legislation ([Olver and Cockbain, 2021](#)). Police officers reported having had limited to

no training on civil preventive orders and notices. For example, concerning CPWs and CPNs, those without training undertook self-learning, learned on the job or were mentored by a colleague ([Heap et al., 2023](#)). In contrast, [Ewin et al. \(2020\)](#) found that officers had no formal training regarding the DVPN and DVPO. Officers subsequently perceived the training provisions as inadequate with the obstacles to police training, including frequent leadership changes, national employment and retention issues, and the loss of flexibility concerning the benefits to policing. Practitioners expressed a desire for training to include cross-discipline approaches, knowledge beyond their specialism and victim accounts to support the appropriate usage and inclusion of their voice.

The key findings of these studies highlight the numerous discrepancies across practice due to the limited or non-existent guidance and training, which hinders police officers' understanding and the perceived procedural justness of the powers. In addition, many minor legal differences exist between the various orders and notices, making practitioner and public knowledge difficult. While discretion is key to the functioning of frontline policing, practitioners express an inherent desire for greater guidance and clarity regarding these powers, given their vast nature, often overlapping parameters and compatibility with other statutory legal regimes. As a result, these practices have numerous implications that impact their perceived legitimacy.

### Theme 3: Implications

All of the studies in this review refer to the inherent implications of the civil preventive order and notice process. In particular, the impact on relations with the community and victims regarding their voice and voluntariness to engage with the process. For example, [Olver and Cockbain's \(2021\)](#) study raises concerns that the STRO and STPO poses a risk to Slavery and Human Trafficking victims who find themselves caught up in the criminal justice system for exploiting others while they, too, are a victim of exploitation. Furthermore, due to the civil preventive order, these individuals can be frequently removed from their support networks and forced to seek services elsewhere, making

safeguarding those trying to exit dangerous situations increasingly problematic. Officers must draw on their interpersonal skills to ensure parsimony and respectful treatment in such situations. The latter will influence an individual's willingness to comply with the process, so there is a clear need to start at the bottom of the regulatory pyramid rather than the top to protect potential recipients who are also victims. Likewise, Crawford (2009) and Crawford *et al.* (2017) note the orders' impact on fragile police relations, increasing feelings of stigmatization, social exclusion and unfair treatment when inappropriately used and not in line with the procedural justice principles. Therefore while prevention is a desirable feature, it is necessary to ensure it does not come at the cost of police legitimacy and fairness.

In contrast, considering the implications of good practice, police officers found these powers advantageous when implemented as a strategic response to a well-defined issue and used appropriately in the spirit of the legislation (Bateman, 2007; Cockcroft *et al.*, 2016). Hudson and Henley (2015) recognize the need for such powers to protect the public from those who have committed acts of an inappropriate sexual nature but need to be reasonable, proportionate, just and appropriately targeted rather than following a blanket approach. For example, Heap *et al.* (2023) concerning the CPN and Crawford (2009) regarding the previous Dispersal Power state that the approach to usage must be incremental, where it would only be pursued following open dialogue to secure the recipients' voice in the decision-making process and parsimony.

Therefore, the studies acknowledge that these powers are another valuable tool in the policing toolkit when dealing with acts of a sub-criminal and criminal nature, including those involved in inappropriate sexual conduct, coercive or controlling behaviour, football hooliganism, sub-criminal anti-social conduct and serious and organized criminal activity. However, the powers need to comply with procedural justice and fairness principles, with clear evidence of procedural safeguards to protect the innocent and the integrity of these proceedings.

## Discussion

During this systematic review, thirteen studies were reviewed, including, in total, 138 police officers. The review identifies several iterations of policing practice associated with the various civil preventive orders and notices raising numerous concerns surrounding procedural justice and fairness. Including the issuing process, evidential thresholds required to issue, use of informal alternatives, training and the procedure for breach of a notice or order by a recipient (Bateman, 2007; Stead and Rookwood, 2007; Crawford, 2009; Kirby and Edmondson, 2012; Hopkins, 2014; Hudson and Henley, 2015; Cockcroft *et al.*, 2016; Crawford *et al.*, 2017; Bates and Hester, 2020; Ewin *et al.*, 2020; Blackburn and Graca, 2021; Olver and Cockbain, 2021; Heap *et al.*, 2023). However, there is limited understanding of the context behind these variations; for instance, the only study on sexual abuse was on the previous SOPO and using the quantitative approach (Hudson and Henley, 2015). Hence, this review's constraints resulted from the currently limited empirical studies in this area (Siddaway *et al.*, 2019). Further examination is warranted surrounding these powers and should take on board the methodological decisions of previous studies to ensure breadth and depth, particularly the benefits of the mixed methods research strategy.

A key point that stands out from reviewing the literature is that the problems encountered within these studies still exist, and lessons are not taken on board by policymakers who continue to amend or introduce many new civil preventive orders and notices into statutes (Ogg, 2015; Child and Duff, 2018). Nevertheless, from the police officers' experiences presented, they try their best to utilise the civil preventive order and notice framework as part of their expansive policing toolkit and in compliance with procedural justice principles (Stead and Rookwood, 2007; Kirby and Edmondson, 2012; Hopkins, 2014; Ewin *et al.*, 2020; Blackburn and Graca, 2021; Olver and Cockbain, 2021; Heap *et al.*, 2023). However, difficulties emerged when new, often overlapping powers added further confusion (Steiker, 1998). This review, therefore, provides the following recommendations for policy, practice and research.



## Policy

1. The problems encountered in practice have been present from the beginning and, through the process of policy transfer, are now rooted in various policy domains, with greater attention needed to the implications to secure procedurally just practices.
2. Hence, the introduction of draft bills containing such powers to parliament must be undertaken with ample time for legislative scrutiny by the Joint Committee on Human Rights to avoid requiring several amendments following enactment.
3. Clear guidance must accompany any future order or notice. Therefore, it should be a priority to update guidance annually or after any significant changes, including for existing orders and notices, especially where amendments co-exist.
4. When introducing a new civil preventive order or notice into statute, policymakers must consider other legal regimes that operate alongside it within the guidance produced to support practitioner understanding and any unique differences to other orders or notices.
5. Consolidating the powers under one legislative act will support practitioner and public understanding, where multiple orders and notices are introduced within a similar policy domain. However, where this is not possible within the guidance, links should be provided to other orders, notices, and legal regimes.
6. An annual reporting mechanism to the central government would enable data collection to evaluate the effectiveness of the orders and notices and impose a duty on police forces to record such data. In addition, the His Majesty's Inspectorate of Constabulary and Fire and Rescue Service should also ensure that in any future inspectorate reports, the use of civil preventive orders and notices is a criterion of its evaluation.

## Practice

7. Implementing consistent and robust recording practices would support the

effective issuing, monitoring and enforcement, ensuring the exploration of opportunities surrounding the appropriate use of the powers which complies with ideals regarding human rights, equality and justice.

8. Practitioners should aim to share best practices among their partnerships and nationally, which will foster more robust practices, multi-agency working, and an underpinning safeguarding approach.
9. Regular training on these powers would ensure officers remain up to date. In addition, in-house and out-of-house training would facilitate self-reflection among officers considering inherently local problems. At the same time, including an external party would ensure alignment among forces nationally and supports cross-discipline approaches and knowledge beyond officers' specialism while enabling the inclusion of victims' and recipients' accounts to support appropriate usage.
10. Finally, these powers should be used as a strategic response to a well-defined issue and appropriately in line with the spirit of the legislation to protect victims and communities. There must be caution and consultation beforehand to safeguard recipients' rights before implementing for purposes beyond those proscribed in the legislation due to the existence of legal loopholes.

## Research

11. The author is already undertaking research into understanding the policing practices associated with civil preventive orders and notices for sub-criminal (ASB) and criminal behaviour (Violence Against Women and Girls). However, more must be understood, such as the views of victims, recipients, practitioners, judiciary, policymakers and public members.
12. A systematic review of the grey literature from inspection reports and internally commissioned papers would also be highly

beneficial to this area which the author intends to carry out alongside a socio-legal analysis of all the case law available.

13. Furthermore, there is a need to explore the different requirements attached, including their effectiveness (e.g. electronic monitoring), circumstances surrounding usage, and considering the human rights of the recipients and victims.

## Conclusion

This systematic review has begun to highlight the co-existing problems encountered by the police in England and Wales when using civil preventive orders and notices. While the two-step legal framework has continued to evolve, the same cannot be said for the evolution of research in this area, with limited empirical attention paid to what these legal changes mean for practice. This review highlights the need for robust recording practices surrounding these powers to evaluate the approaches and build an evidence base locally and nationally. Further empirical research should cover the perspectives of victims, practitioners, judiciary, policymakers, recipients and public members to support the formulation of these best practices per procedural justice principles and to raise awareness of these powers. In addition, there is a need for more significant consideration of the details provided within guidance and how consolidation and simplification across the various policy domains may support understanding. Finally, adequate time for legislative scrutiny when introducing these powers, as the co-existence of several amendments creates further confusion. Only through developing the practices outlined will procedures that comply with human rights, equality and justice be achieved, securing the powers' legitimacy and delivering preventive justice.

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