

Written evidence submitted by Zoe Rodgers to the House of Commons Committee on the Crime and Policing Bill (CPB68)

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Written Evidence Submitted by Zoe Rodgers, Sheffield Hallam University- Crime and Policing Bill

1. Summary

1.1 While the proposed changes outlined in the Crime and Policing Bill aim to increase victim protection, they do not tackle the ongoing issues associated with the practical use of behaviour orders and notices. Without more significant consideration of the points raised within this written evidence and the evidence provided by others (JUSTICE, 2025)¹, the effectiveness of the proposed powers and amendments will be fundamentally undermined. Likewise, it is strongly suggested that the introduction of further behaviour orders and notices be paused until a review of the present powers has been undertaken.

2. Introduction

2.1 I am an Associate Lecturer in Criminology and Policing at Sheffield Hallam University and an Independent Researcher. My research specialisms are centred around examining behaviour orders and notices at the frontline of practice to regulate both sub-criminal and criminal behaviour. I have previously been involved with several Home Office Working Groups focusing on the development of best practices associated with these powers. I am also a scrutiny panel member for South Yorkshire Police based on my specialisms in this area. I have authored and co-authored several publications on behaviour orders and notices from the perspectives of the recipients, practitioners, and victims.² As a result, the written evidence presented is based on forthcoming work to be

¹ JUSTICE. (2025, March 27). Crime and Policing Bill: House of Commons Committee Stage Briefing. <https://bills.parliament.uk/publications/60141/documents/6310>.

² Rodgers, Z. (Forthcoming). 'It's trying to work out where your person fits within each one...': A multi-order and notice analysis of the policing practices associated with civil preventive orders and notices for sub-criminal (ASB) and criminal behaviour (VAWG) [Manuscript submitted for publication in Policing & Society]. Institute of Law & Justice, Sheffield Hallam University.

Rodgers, Z. (2023a). 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. *Policing: A Journal of Policy & Practice*, 17 (2023), 1-23. <https://doi.org/10.1093/police/paad033>.

Rodgers, Z. (2023b). Examining victims' experiences of Community Protection Notices in managing anti-social behaviour. *International Review of Victimology*, 29(3), 487-506. <https://doi.org/10.1177/02697580221081860>.

Rodgers, Z. (2022, August 1). Victims' Experiences of Community Protection Notices: The Need for an Underpinning Restorative Approach to Protecting Victims of Anti-Social Behaviour. *Early Career Academic Network Bulletin*. <https://howardleague.org/wp-content/uploads/2022/08/ECAN-summer-2022-FINAL.pdf>.

Heap, V., Black, A., & Rodgers, Z. (2024). Procedural justice and process-based models: understanding how practitioners utilise Community Protection Notices to regulate anti-social behaviour. *Criminology & Criminal Justice*, 24(3), 629-647. <https://doi.org/10.1177/17488958221151113>.

published in *Policing & Society* based on doctoral research undertaken at Sheffield Hallam University. This work provides the first ethnographic multi-order and notice analysis of how a police force in England and Wales currently uses behaviour orders and notices for sub-criminal and criminal behaviour.

3. General Comments on Trends Associated with the Introduction, Amendment and Usage of Behaviour Orders and Notices in England and Wales

- 3.1 Rodgers (Forthcoming) raises significant concerns about the current practices related to behaviour orders and notices as they rely on informal practitioner networks and processes. These informal practices often break down once a key stakeholder moves roles internally, goes on long-term sick or leaves their role entirely. Therefore, similarly to other legislation associated with alternative behaviour orders and notices, the Crime and Policing Bill should make it a statutory requirement for policies to be in place outlining the process and for each key stakeholder involved to be named, along with a requirement for such policies to be reviewed on an annual basis or following any significant changes to the stakeholders involved. This limitation is an apparent mistake, leading to these powers often going unenforced and reducing the level of victim protection they purport to offer due to a lack of reassignment of the responsibility for the behaviour order or notice to another individual.
- 3.2 Likewise, given the lack of guidance regarding issuing procedures, behaviour orders and notices have been posted, issued in person, and even via the victim, where the previous practices have proven unsuccessful. These practices will likely be repeated, putting victims at undue risk rather than providing protection if greater clarity is not provided within the Crime and Policing Bill. Not only should the issuing procedures be clearly outlined for each behaviour order and notice, but there should also be a requirement to record data on how such powers are issued to facilitate greater transparency regarding the process, including mandating that such procedures be recorded on body-worn camera where possible to facilitate random reviews by scrutiny panels and inspectorates.
- 3.3 Likewise, a statutory requirement for collecting data on such powers would support reporting the number of orders and notices issued and the demographic profiles of recipients and victims protected. Rodgers (Forthcoming) reinforces that limited data is currently being recorded, with apparent differences in the number of behaviour orders and notices that different teams within the same police force disclosed. Whilst a part of Home Office working groups, similar issues were found across England and Wales. While

some behaviour orders and notices may be masked as others for safeguarding purposes, accounting for some of the differences, the data recording associated with these powers needs significant improvement. Therefore, a statutory requirement for data to be reported to the central government would ensure the recording of this data is occurring.

3.4 There is currently no single database for these powers, and they are often inconsistently recorded on the Police National Computer (PNC) and/or Police National Database (PND). Individual police systems are usually incompatible, further complicating the ability to transfer information about behaviour orders and notices between police forces. Depending on where the behaviour order or notice is recorded, it will appear on some recipients' criminal records—still, not others. Likewise, where the behaviour orders and notices are not immediately put into police systems, there is a risk that police officers will unlawfully detain an individual for a breach of an order where it has yet to become active due to not being served to the recipient.

3.5 Where there is no clear victim and perpetrator, these powers have also been issued to both parties. Therefore, while these powers are proposed to protect victims, they may inadvertently be used against them, as will likely be the case with the Child Criminal Exploitation Order (CCEO). Such practices risk fundamentally undermining the relationship between the state and victims and, more broadly, the community, leading to the likelihood of reduced reporting and intelligence coming from the community.

4. Respect Order

4.1 The Respect Order, in its present form, adds additional new legal requirements for the recipient to be '*supervised.*' Rodgers' (2023) systematic review concluded that further variations in this policy landscape do not support the development of best practices or a general understanding of these powers. The systematic review considered all available research on 24 present behaviour orders and notices available at the time of writing within England and Wales. After analysing the thirteen studies available, several themes were identified.

4.2 Practitioners currently feel uncertain about the processes involved and repeated problems stemming from the limited official guidance and the high level of discretion afforded by these powers, which will also be highly likely with the Respect Order. Most importantly, the review of the research highlighted inconsistent implementation from the issuing process, evidential thresholds required to issue, use of informal alternatives, and the procedure for breach undermining the procedural legitimacy of these powers.

4.3 Information sharing was a persistent problem in the studies—disjointed information sharing between and within organisations and poor communication with victims,

communities and recipients were common. All the studies in the review refer to the inherent implications of the behaviour order and notice process. The new Respect Order will likely impact community relations and victims similarly rather than achieve the desired outcome of increased victim protection against persistent ASB unless the present practical issues are addressed.

4.4 While there is an acknowledgement for the court to consider whether two or more requirements are compatible within a Respect Order, which is a step in the right direction to ensuring the proportionate, appropriate, and effective use of these powers in practice. Further clarity is needed regarding the factors that must be considered when determining whether the requirements are compatible (i.e., is this purely based on the views of the practitioners/judiciary involved and/or exploration of the recipient's circumstances and broader resources/services). Legal and practical compatibility should be considered to avoid ultimately setting a recipient up to fail, which would reduce the perceived legitimacy of these powers and overall compliance.

5. Closure Power

5.1 The proposed amendment to enable social housing providers to close premises that they own or manage associated with nuisance and disorder is likewise of concern. Such practices could leave vulnerable families homeless with little recourse, and rather than addressing the underlying causes of Anti-Social Behaviour, it is more likely to displace ASB to other areas, with already marginalised families further marginalised from their support networks and family members.

6. Dispersal Power

6.1 The extension of the Dispersal Power to 72 hours from 48 hours is of further concern. As Rodgers (Forthcoming) raises, these powers are often used back-to-back. So, under the new changes proposed within the Crime and Policing Bill, an individual could be excluded from a specific location for a significant period with limited recourse or evidence of wrongdoing against them.

7. Child Criminal Exploitation Order (CCEO)

7.1 While the aim of CCEOs is commendable, there is a risk that these powers will be used against individuals who have been exploited due to their vulnerabilities, either as children or vulnerable adults. For example, research undertaken by Olver and Cockbain (2021)³ raised similar concerns regarding the Slavery and Trafficking Risk Order (STRO) and the Slavery and Trafficking Prevention Order (STPO). The officers within the study raised that these powers pose a risk to Slavery and Human Trafficking victims who find

³ Olver, K., & Cockbain, E. (2021). Professionals' Views on Responding to County Lines-Related Criminal Exploitation in the West Midlands, UK. *Child Abuse Review*, 30(4), 347-362. <https://doi.org/10.1002/car.2704>.

themselves caught up in the criminal justice system for exploiting others. At the same time, they are also victims of exploitation.

7.2 Furthermore, due to the order, recipients of an STRO and/or STPO were frequently removed from their support networks and forced to seek services elsewhere, making safeguarding those trying to exit dangerous situations increasingly problematic. Therefore, there is a need to account for such circumstances within the new proposed CCEOs and ensure that such victims do not encounter secondary victimisation. There should be a legal acknowledgement of such situations within the legislation and consideration of exit pathways for individuals.

7.3 Likewise, the wording around interim CCEOs must clarify that a complete application is required to support practitioner understanding and best practices. Rodgers (Forthcoming) highlights general misconceptions and confusion around the interim order process and its existence for many of the present behaviour orders.⁴

8. Stalking Protection Order (SPO)

8.1 The legal test used for SPOs, which requires '*acts associated with stalking*', risks using these powers in cases that would otherwise meet the threshold for prosecution. As Kelly (2020) has stated, while the government's aim is commendable in addressing and preventing such behaviour, what continues to emerge is a measure with an unclear purpose and questionable efficiency.⁵ The statistics show that few stalking incidents are prosecuted, and even fewer are convicted. According to the Suzy Lamplugh Trust (2024), only 1.7% of stalking cases resulted in a conviction.⁵ As a result, while the ability to apply for an SPO on conviction will align the order with other behaviour orders in England and Wales, it will again have questionable efficiency. The effectiveness of such changes will be limited, given the ongoing issues associated with securing a successful prosecution and conviction for a stalking offence, as highlighted by the current statistics.

8.2 Likewise, while several amendments have been made to the SPO, there is still a lack of clarity concerning their use alongside other powers, such as the Domestic Violence Protection Notice and Order (DVPN/DVPO)/Domestic Abuse Protection Notice and Order (DAPN/DAPO). For example, according to the Suzy Lamplugh Trust (2023), 50% of these cases are non-domestic.⁶ However, this also means that 50% are related to domestic

⁴ Kelly, R. (2020). The problematic development of the Stalking Protection Order. *Modern Law Review*, 83(2), 406–427. <https://doi.org/10.1111/1468-2230.12508>.

⁵ Suzy Lamplugh Trust. (2024, April 22). Press Release: National Stalking Awareness Week 2024. <https://www.suzylamplugh.org/news/press-release-national-stalking-awareness-week-2024>.

⁶ Suzy Lamplugh Trust. (2023, January 19). Stalking Protection Orders: Three Years On. <https://www.suzylamplugh.org/blog/stalking-protection-orders-three-years-on>.

incidents requiring officers to consider various powers often without training and minimal guidance, including the Non-Molestation Order, Restraining Order, DVPN/DVPO, and DAPN/DAPO. There needs to be greater clarity within the legislation regarding how these powers operate alongside one another. Such information should be contained within the Bill and in the Statutory Guidance.

8.3 Given that the purpose of these powers is tied to increasing victim protection, as Dr Sarah Wollaton raised during the second reading of the Stalking Protection Bill (House of Commons, 2018),⁷ none of these powers will be of any benefit to victims and the public if there is a lack of understanding of them and practitioners do not have any training on them (Home Office, 2012).⁸ It should be a priority to release information promptly to ensure practitioners can seek internal or external support/training in understanding the proposed changes and new behaviour orders and notices.

8.4 Moreover, the SPO can apply in all parts of the United Kingdom unless expressly limited to a particular locality. As a result, there is a need for greater clarity around the processes regarding when an individual moves to a different location, how and who is responsible for transferring this information, and any potential financial costs associated with the variation of an order. This issue is likewise consistent across all behaviour orders and notices. For example, where variations are required within the behaviour order, is the original police force that applied for the order responsible for the costs or is the new police force where variations to the requirements are needed due to ongoing behaviour in a different locality?

9. Fixed Penalty Notice (FPN)

9.1 The decision to uplift the FPN from £100 to £500 is also of concern. Grace (2020) notes that FPNs issued during the COVID-19 pandemic could generate long-term grievances against the police.⁹ Further, adding the choice of financial penalties as an enforcement strategy may have an inequitable impact on those less fortunate. When the above findings are combined with the findings from Rodgers (Forthcoming), which highlights

⁷ House of Commons. (2018, January 19). Stalking Protection Bill- Volume 634: debated on Friday 19 January 2018. <https://hansard.parliament.uk/commons/2018-01-19/debates/5790FBB0-8E5E-4FD1-AE3C-665095381180/StalkingProtectionBill#contribution-292EE24C-179A-46AB-8FB9-DEA4D3AB2D60>.

⁸ Home Office. (2012, May 1). Putting victims first: more effective responses to anti-social behaviour. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228863/8367.pdf.

⁹ Grace, S. (2020). Policing social distancing: gaining and maintaining compliance in the age of coronavirus. *Policing: A Journal of Policy and Practice*, 14(4), 1034-1053. <https://doi.org/10.1093/police/paaa029>.

how recipients may simultaneously be subject to multiple orders and notices, such practices will have significant implications. For example, the Community Protection Notice (CPN) and Dispersal Power were found to be used to reinforce the Public Spaces Protection Order (PSPO). Therefore, the new amendments further increase the likelihood of recipients being unable to pay the FPN (or multiple FPNs in some cases), leading to prosecution and a criminal record.

9.2 While Sheldon (2021) notes there are disincentives to commit further violations as the amount payable increases on each subsequent breach¹⁰, the uplift risks penalising the most marginalised within society who cannot pay the fine, which will have a backfire effect of disincentivising those in need from seeking support. This new proposed amount directly contradicts the purpose of the FPN, which is designed as an alternative to prosecution for certain minor offences. It is also supposed to allow individuals to discharge their liability for a conviction by paying a set fine without a court appearance or criminal record. Therefore, there appears to be limited evidence or need to justify the uplift to the FPN.

10. Conclusion

10.1 In summary, despite ongoing commentary on whether further behaviour orders and notices are needed, the Crime and Policing Bill continues this trend. There is a risk of the powers proposed again duplicating pre-existing orders and notices (i.e., Respect Order), further complicating this policy landscape. The forthcoming research from Rodgers exemplifies the implications of such practices first-hand at the frontline of practice, with practitioners encountering significant problems in practice.

10.2 As outlined above, further clarity is needed regarding the following key aspects, which reinforce and add to the written evidence provided by JUSTICE (2025). Limited infrastructure currently underpins these powers, leading to practitioners acting as policymakers on the frontline of practice. While also leaving legal teams of police forces and local authorities attempting to fill the gaps in legislative provisions and Statutory Guidance.

10.3 Consequently, there should be a legislative requirement supported by the central government to create policies outlining the roles and responsibilities of those involved and name individuals responsible for the behaviour orders and notices, including in terms of the issuing, enforcement and variation procedures. There is currently limited clarity on how these powers should be issued and enforced, including how data should be stored and recorded in compliance with GDPR. Once again, a legislative requirement

¹⁰ Sheldon, D. (2021). Policing the pandemic: maintaining compliance and legitimacy during covid-19. *King's Law Journal*, 32(1), 14-25. <https://doi.org/10.1080/09615768.2021.1889809>.

for collecting data on these powers would ensure transparency and the development of best practices locally and nationally.

13th April 2025