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Policing Practices Associated with Civil Preventive Orders  
and Notices**

RODGERS, Zoe

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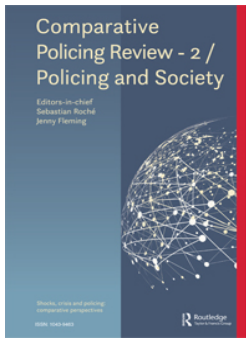
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# An ethnographic multi-order and notice analysis of the policing practices associated with civil preventive orders and notices

Zoe Rodgers 

Institute of Law and Justice, Sheffield Hallam University, Sheffield, UK

## ABSTRACT

Within England and Wales and internationally, there has been a growing reliance on two-step Civil Preventive Orders and Notices (CPONs) to regulate sub-criminal (Anti-Social Behaviour) and criminal behaviour (Violence Against Women and Girls). Often applied using the lower civil evidential standard at the first step of the process, these powers enable early intervention and victim protection via prohibitive (e.g. exclusion zone) and positive requirements (e.g. anger management course). However, when a recipient breaches the notice, order or any of the requirements imposed, they commit a criminal offence, often punishable by imprisonment. There is presently limited understanding of how these powers are used within policing, their effectiveness, and legal and moral limits. As a result, this mixed methods ethnographic study of a single case study police force in England and Wales provides the first in-depth multi-order and notice analysis of the powers from initial introduction to implementation. The research draws on over 100 hours of ride-along ethnographic observations, sixteen semi-structured interviews, and secondary data from police statistics and policies. Utilising the combined theories of Preventive Justice, Street-Level Bureaucracy, and Risk Society to create the Proportionality, Appropriateness and Effectiveness (PAE) Appraisal Model for Preventative Powers. The findings reveal that due to policy weaknesses and the all-encompassing nature of risk, officers must act as policy entrepreneurs, creating informal processes to work through the CPON process haphazardly, challenging their most proportionate, appropriate, and effective use. Consequently, this study provides seventeen policy, practice, and research recommendations, offering practical insights for policymakers, practitioners and academics.

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## KEYWORDS

Ethnography; civil preventive orders and notices; VAWG; ASB

## 1. Introduction

Since the mid-1990s, there has been a significant increase in the introduction and use of two-step Civil Preventive Orders and Notices (CPONs) worldwide. Nationally, these powers often differ between England and Wales, Northern Ireland, and Scotland, depending on the policy domain. Likewise, internationally, these powers vary by state, as is the case concerning the United States, Canada, and Australia. Nevertheless, these powers are growing yearly due to their premise of addressing conduct that traditional criminal law has continuously failed to address, such as sub-criminal (Anti-Social Behaviour) and criminal behaviour (Violence Against Women and Girls). The origins of these powers stem from

**CONTACT** Zoe Rodgers  Z.Rodgers@shu.ac.uk  Institute of Law and Justice, Sheffield Hallam University, Collegiate Campus, Collegiate Crescent, Sheffield, S10 2BQ, UK

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society's growing preoccupation with risk management, with the developments associated with the 'risk society' leading to a growing societal acceptance of the 'preventive or pre-crime turn' of governmental social control, with an individual experiencing a penalty before committing a criminal offence (Ericson and Haggerty 1997, Ashworth and Zedner 2014). Given the procedural advantages offered over traditional criminal law, these powers enable early intervention and victim protection by often referring to the frequently lower civil evidential standard to impose the powers at the first step. However, when a recipient breaches the order, notice, or any requirements at the second step, they commit a criminal offence, leading to potential imprisonment (Carvalho 2017).

There are advantages to such an approach to justice, as it provides a proactive rather than reactive response, averting and reducing the impact of the behaviour encountered by victims. However, there are objections; the evidence used to secure these powers can be dubious in its origins and may be as simple as an officer's statement. As a result, there has been much debate among Preventive Justice scholars concerning the expected procedural safeguards to protect recipients from disproportionate state action (Ashworth and Zedner 2014, Mythen and Walklate 2016, Carvalho 2017, Heap *et al.* 2022). Traditional punitive measures require applying, for instance, the presumption of innocence and proof beyond a reasonable doubt. However, as CPONs are considered non-penal by the courts, government, and parliament, these protections are unavailable (Donoghue 2012, Crawford and Hutchinson 2016, Legrand and Elliott 2017). As a result, the repeated objections raised concerning these powers within the literature include (Slobogin 2018):

- (1) Punishment of the innocent
- (2) Failure to treat the offender with dignity
- (3) Failure to affirm the victim
- (4) Inability to assess risk
- (5) Discrimination
- (6) Acceptance of an inability to rehabilitate
- (7) Insufficient deterrence
- (8) Loss of compliance
- (9) Constitutional concerns

Nevertheless, CPONs are becoming more prevalent worldwide and within England and Wales (Ogg 2015, Rodgers 2023); for example, the Conservative government considered introducing a Nuisance Begging Prevention Notice and Order, Rough Sleeping Prevention Notice and Order, and Rough Sleeping and Nuisance Begging Directions within the Criminal Justice Bill (Parliament UK 2024). Since the 2024 general election, the Labour Party (2024-Present) has announced plans to introduce a Respect Order and lower the threshold required for the Public Spaces Protection Order (PSPO) (Labour Party 2024), aiming to rid society of what the party perceives as continuing problems with persistent ASB. This statement does not seek to minimise the impact of this or any other unwanted conduct but calls for the government and policymakers to consider the implications of introducing or transferring contradictory and skeletal legislation (JUSTICE 2023). These issues are once again raised concerning the recent Crime and Policing Bill, which plans to introduce further CPONs in the form of Child Criminal Exploitation Orders (CCEOs) and additional amendments to the Stalking Protection Order (SPO), Dispersal Power and the Closure Power.

Current policy and practice appear to be amidst a policy spiral that lacks overarching direction, progression, control, and reflection, resulting in inexact and contested objectives concerning these powers (Walker 2018). No empirical multi-order or notice analysis exists which would pick up on the current policy spiral society is encountering, resulting in amendments to one power without considering the implications for the other CPONs. As Bourdieu (1977) and Steiker (1998) have advocated, moving away from a siloed field approach is necessary. This study addresses this gap by examining the 'fundamental field processes' by providing the first ethnographic mixed

methods multi-order and note analysis of frontline policing practice of a police force in England and Wales concerning ASB and VAWG.

## 2. Background associated with the use of the Civil Preventive Order and Notice legal framework

The growth in CPONs, Beck (1992) would argue, is due to the increasing preoccupation with risk management stemming from society's economic, scientific, and technological developments that create real '*physical risks*' and imagined '*socially staged*' risks. Both are a product of personal observation or staging by experts (constructivists) and real phenomena (realists). The '*reflexive/constructivist realism*' account means risks are calculated and controlled but never eliminated, with these powers serving as a tool for ongoing risk management (Cottle 1998, pp. 5–26). However, given the lack of policy direction associated with CPONs, practitioners have had to act as '*policy entrepreneurs*' to establish routines, strategies and devices to address the uncertainties and pressures within their work, given the expansive scope of what is now defined as a risk (Alden 2015). Lipsky (1983) observed such phenomena, devising the framework of Street-Level Bureaucracy to highlight how a policy may undergo several iterations during the implementation phase due to street-level bureaucrats' discretion on the frontline. For example, within the CPON legal framework, a recipient may experience a referral to other services, such as restorative justice (Evans 2016), with these practices aiming to ration the service in terms of monetary, time, information and psychological demand (Durose 2011).

Where collective divergences emerge, formal policy amendments legitimise officers' practice (Jessen and Tuft 2014, Tummers and Bekkers 2014). The motivation behind an officer's discretion can be private, whereby the practitioner gains power, prestige, convenience, security, or acting on behalf of the state (State-Agent) (Arnold 2015, Gassner and Gofen 2018). Alternatively, it can be socially motivated when implemented to serve the public interests and commit to developing specific policies (Citizen-Agent), considered '*policy entrepreneurs*' (Durose 2011, Chang 2022). Both motivations are often present to find a balance between the realities of the job and personal fulfilment (Nothdurfter and Hermans 2018). However, when the two conflict, an officer must prioritise their private or social motivation, enhancing or undermining service delivery (Hughes and Gilling 2004, Brown 2013).

The most frequently known and now repealed CPON in England and Wales is the Anti-Social Behaviour Order (ASBO), which the New Labour government (1997–2010) hoped would address any conduct society deemed undesirable, with the ASBO issued to a recipient following an application to a Magistrates Court by a relevant authority for anyone ten years or over. Where granted by the court, the order could last for two years to indefinitely. The ASBO could apply a range of prohibitions to recipients, such as exclusion zones. Still, many contemporary powers can now impose positive requirements, such as attending an anger management course; however, if breached, like the ASBO, it attracts an imprisonment term of up to five years (Bannister and O'Sullivan 2014).

Despite the government's long-held belief that these powers were a success, the ASBO's use was inconsistent, disproportionate and discriminatory. Its use never met the expected demand of 5,000 orders issued yearly (Policy Exchange 2010, Smith 2011). Likewise, it did not fulfil the aim of addressing all conduct society deemed undesirable, leading to the introduction and policy transfer of this legal framework to various policy domains over the past few decades (Kingston and Thomas 2018). For example, multiple orders have been introduced to address unwanted sexual conduct, initially using the Sex Offender Order (SOO), with these powers replaced with the Risk of Sexual Harm Order (RSHO), Sexual Offences Prevention Order (SOPO) and Foreign Travel Order (FTO) by the Sexual Offences Act 2003, which have too since been consolidated and replaced (Thomas and Thompson 2014).

Given the increasing number of problems encountered with the expansive number of CPONs, the Conservative-Liberal Democrat Coalition (2010–2015) sought to consolidate the accumulation of

powers with the promise of a victim-centred approach (Brown 2017, 2020). This commitment followed the death of several high-profile victims during New Labour's time in power (Rodgers 2022), which illustrated the need to provide authorities with quick, practical, easy-to-use tools which were a deterrent to perpetrators without being criminalising or coercive (Home Office 2012, Home Affairs Committee 2013, Nathan 2022). The resultant powers introduced within the ASB, Crime and Policing Act 2014 include: the Community Protection Notice (CPN), Criminal Behaviour Order (CBO), Dispersal Power, Closure Power and Public Spaces Protection Order (PSPO), including the later introduced Expedited-Public Spaces Protection Order (E-PSPO) by the Conservative government (Home Office 2023a). These powers are the focus of this study concerning the sub-criminal aspect of the project.

However, the ASB, Crime and Policing Act 2014 also inserted the Sexual Risk Order (SRO) and Sexual Harm Prevention Order (SHPO) into the Sexual Offences Act 2003 (Home Office 2023b). These powers replaced and consolidated the predecessors, the RSHO, SOPO and FTO, which sought to address the weaknesses of the previous provisions following the Davies (2013) report, which was critical of the limited use of the predecessors, just like the ASBO. The recommendations from this report advocated for a single order but did not see the need to extend this power to victims eighteen and over. Nevertheless, the SRO and SHPO both now protect adults and children.

The Conservative government (2015-2024) also introduced even more powers in the VAWG domain. In 2019, the new Stalking Protection Order (SPO) aimed to address the ongoing problems experienced with prosecuting such offences (Kelly 2020, Home Office 2024). The Domestic Abuse Act 2021 introduced the Domestic Abuse Protection Notice and Order (DAPN/DAPO), with a breach of a DAPO, now considered a criminal offence rather than a civil contempt of court, as was the case with the DVPO (Home Office 2013, 2022, College of Policing 2015, Parliament UK 2020, Bishop 2021). As a result, this study explores the development of the DVPN/DVPO, SPO, SRO and SHPO concerning the criminal aspect of this project. Table 1 summarises the powers introduced by each government, and Table 2 outlines the current legal features of the CPONs included in this study.

Concerns continue around the growing scope of these powers regarding whom they protect, the behaviour they seek to prevent, the number of authorised persons, the punishment upon breach and what recipients must do to avoid punishment (JUSTICE 2023, Rodgers 2023). This vast array of changes has occurred despite limited evidence of how these differences will be proportionate, appropriate, or effective and with limited guidance compared to other orders (Walker 2018), such as the Serious Crime Prevention Order (SCPO) (Crown Prosecution Service 2022). Therefore, as Cole (2014) argues, robust accountability mechanisms must keep preventive measures in check to avoid preventive injustice. Robust accountability is vital given the destabilising of social cohesion through labelling those deemed risky from the rest of society, which will likely result in a disproportionate response toward specific individuals (Taylor and Rooney 2016). This response may lead to stigma and the self-fulfilling prophecy, where an individual internalises the label and continues or engages in criminal conduct (Becker 1963), which opposes the preventative purpose of CPONs.

Consequently, Beck's (2016) later work resonates with the recent developments concerning these powers. The original risk society thesis focuses on the adverse side effects of society's developments. In contrast, the concepts introduced within *'The Metamorphosis of the World'* are neutral, indicating the potentially transformative effect or *'the positive side effects of bads'* (Rasborg 2018, pp. 157–168). For example, Preventive Justice scholars have attempted to establish guiding principles and values for preventative measures to increase their integrity and potential to deliver justice (Ashworth and Zedner 2014, Mythen and Walklate 2016, Carvalho 2017, Heap *et al.* 2022). However, limited empirical exploration of the range of CPONs that have come to fruition within policy in England and Wales and worldwide hinders the ability to establish these guiding principles (Bourdieu 1977, Steiker 1998). For practitioners, the consequences of skeletal legislation result in societal and political pressure to use poorly introduced powers. The previous concerns have been emphasised repeatedly within

**Table 1.** Previous vs. Current ASB & VAWG Powers.

Previous ASB Powers	Current ASB Powers
Housing Act 1996	ASB, Crime and Policing Act 2014
Crime and Disorder Act 1998	
Police Reform Act 2002	
Anti-Social Behaviour Act 2003	
Violent Crime Reduction Act 2006	
1. Anti-Social Behaviour Order (ASBO)*	1. Civil Injunction**
2. Drinking Banning Order (DBO)*	
3. Anti-Social Behaviour Injunction (ASBI)*	
4. Individual Support Order*	
5. Intervention Order*	
Crime and Disorder Act 1998	ASB, Crime and Policing Act 2014, amended by the Sentencing Act 2020
Police Reform Act 2002	
Anti-Social Behaviour Act 2003	
Violent Crime Reduction Act 2006	
6. ASBO on conviction (CrASBO)*	
7. DBO on conviction*	2. Criminal Behaviour Order (CBO)**
Environmental Protection Act 1990	
Anti-Social Behaviour Act 2003	
Clean Neighbourhoods and Environment Act 2005	
8. Litter Clearing Notice*	
9. Street Litter Control Notice*	3. Community Protection Notice (CPN)**
10. Defacement Removal Notice*	
Highways Act 1980	
Criminal Justice and Police Act 2001	
Clean Neighbourhoods and Environment Act 2005	
Violent Crime Reduction Act 2006	ASB, Crime and Policing Act 2014 Police, Crime, Sentencing and Courts Act 2022
11. Gating Order*	
12. Designated Public Place Order (DPPPO)*	
13. Dog Control Order*	
Anti-Social Behaviour Act 2003	
Criminal Justice and Immigration Act 2008	4. Public Spaces Protection Order (PSPO)** Expedited – Public Spaces Protection Order (E-PSPO) (inserted by the Police, Crime, Sentencing and Courts Act 2022)*** ASB, Crime and Policing Act 2014
14. Premises Closure Order*	
15. Drug Closure Order*	
16. Noisy Premises Closure Order*	
17. Section 161 Closure Order*	
Anti-Social Behaviour Act 2003	ASB, Crime and Policing Act 2014
Violent Crime Reduction Act 2006	
18. Section 30 Dispersal Order*	
19. Section 27 Direction to Leave*	
	6. Dispersal Power**
Previous VAWG Powers	Current VAWG Powers
Sexual Offences Act 2003	Sexual Offences Act 2003 amended by the ASB, Crime and Policing Act 2014 and Police, Crime, Sentencing and Courts Act 2022
1. Risk of Sexual Harm Order (RSHO)*	
2. Sexual Offences Prevention Order (SOPO)*	
3. Foreign Travel Order (FTO)*	
	Stalking Protection Act 2019 1. Stalking Protection Order (SPO)** Crime and Security Act 2010 Domestic Abuse Act 2021 1. Domestic Violence Protection Notice/Order (DVPN/DVPO)* 2. Domestic Abuse Protection Notice/Order (DAPN/DAPO)***
New Labour Government (1997–2010)*	
Conservative-Liberal Democrat Coalition Government (2010–2015)**	
Conservative Government (2015–2024)***	

reports from His Majesty's Inspectorate of Constabulary and Fire & Rescue Service and the National Police Chief's Council (HMICRFS 2017; HMICFRS, College of Policing and the Independent Office for Police Conduct, 2022; National Police Chief's Council, 2022), alongside previous academic studies on these powers individually.

**Table 2.** Overview of ASB and VAWG civil preventive orders and notices examined (Rodgers 2023).

Authorised Persons															Ministry of Defence Police
Method		Punishment on Breach													
Practitioners' Discretion	On Application	On Conviction	Min. Age of Recipient	Local Authority	Police	Social Housing Provider	Other	Crown Prosecution Service	Magistrates Court	Crown Court	Youth Court	National Crime Agency	British Transport Police	Maximum Imprisonment Term	
															Consultation Requirement
ASB	1. CPN	✓	16	✓	✓	✓	✓	✓	✓	✓	✓				
	2. CBO		10	✓	✓			✓		✓					
	3. PSPO	✓	N/A	✓											
	4. E-PSPO	✓	N/A	✓	✓										
	5. Dispersal Power	✓	10												
	6. Closure Power	✓	N/A	✓	✓				✓						
VAWG	7. SHPO	✓	10		✓				✓	✓		✓	✓	✓	
	8. SRO	✓	10		✓				✓		✓	✓	✓	✓	
	9. DVPN		18		✓										
	10. DVPO	✓	18		✓				✓				✓	✓	
	11. DAPN	✓	18		✓				✓				✓	✓	
	12. DAPO	✓	18		✓			✓	✓	✓			✓	✓	
	13. SPO	✓	10		✓			✓	✓	✓	✓			✓	
ASB	1. CPN		✓	✓		N/A	N/A	✓	✓	✓		✓	N/A		
	2. CBO		✓	✓		2 Years	N/A	✓	✓				5 Years		
	3. PSPO	✓	✓	✓		N/A	3 Years	✓					N/A		
	4. E-PSPO	✓	✓	✓		N/A	6 Months	✓		✓			N/A		
	5. Dispersal Power	✓	✓	✓		N/A	48 h	✓					3 Months		
	6. Closure Power	✓	✓	✓		N/A	3 Months	✓				✓	51 Weeks		
	7. SHPO	✓	✓	✓	✓	5 Years	N/A	✓	✓			✓	5 Years		
	8. SRO	✓	✓	✓	✓	2 Years	N/A	✓	✓			✓	5 Years		
	9. DVPN		✓	✓		N/A	48 h	✓			✓		N/A		
	10. DVPO		✓	✓		14 Days	28 Days	✓				✓	2 Months		
	11. DAPN		✓	✓		N/A	48 h	✓			✓		N/A		
	12. DAPO		✓	✓	✓	N/A	N/A	✓	✓			✓	5 Years		
	13. SPO	✓	✓	✓		2 Years	N/A	✓	✓			✓	5 Years		



### 3. Review of the literature

When accounting for the findings of previous literature, as highlighted by a recent systematic review by the author (Rodgers 2023), the present range of CPONs in England and Wales is challenging to use in practice. Most of the literature in this area now draws on mixed methods and qualitative approaches to provide greater depth regarding the processes underpinning the powers (Bateman 2007, Crawford 2009, Kirby and Edmondson 2012, Cockcroft *et al.* 2016, Crawford *et al.* 2017, Bates and Hester 2020, Ewin *et al.* 2020, Heap *et al.* 2023). Nonetheless, the following limitations persist:

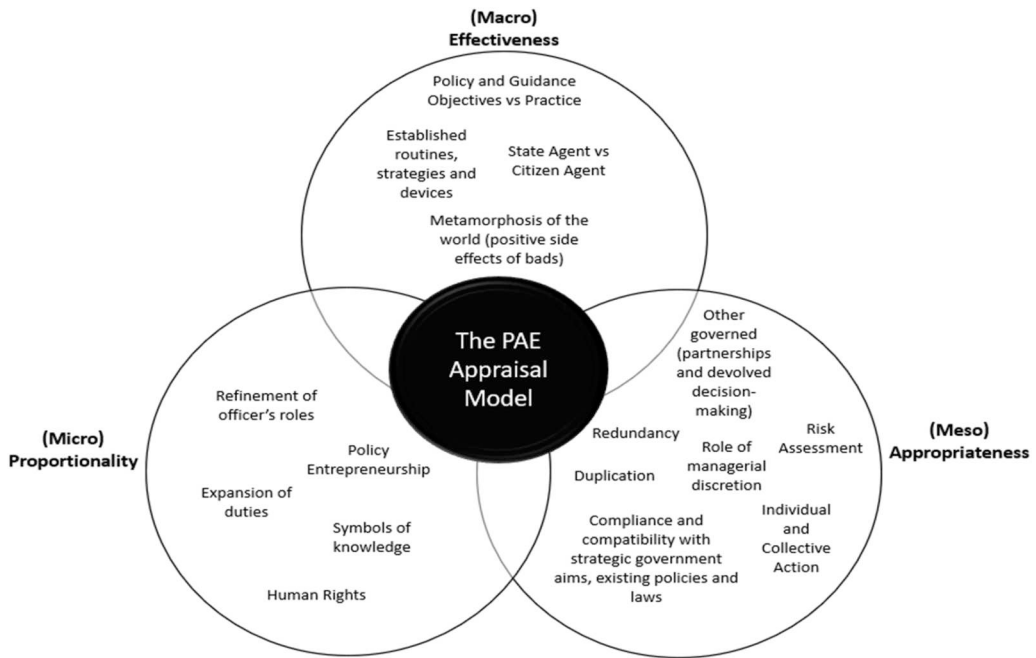
1. The interconnections between the different orders and notices must be acknowledged.
2. A minority of studies rely solely on secondary data and desk-based research; however, given that there is frequently no statutory obligation to record data associated with these powers, such data is limited.
3. The present powers are rarely explored, with most literature examining the predecessors.
4. Other studies include the orders and notices within a broader project examining police responses to a particular issue. Still, they analyse the practices associated with the orders and notices in limited depth.

Of the studies addressing police officer awareness and training, the findings highlight a need for a better understanding of the relevant legislation, with limited to no training provided on CPONs (Ewin *et al.* 2020, Heap *et al.* 2023). The officers who reported having some training were either instructed to undertake self-learning or to talk to a more experienced colleague. Furthermore, due to the lack of a robust infrastructure for data recording and information sharing for orders and notices, multiple violations of CPONs are common (Bateman 2007, Crawford 2009, Kirby and Edmondson 2012, Bates and Hester 2020, Blackburn and Graca 2021, Olver and Cockbain 2021, Speed and Richardson 2022, Heap *et al.* 2023). Many officers within Olver and Cockbain's (2021) study expressed frustration at intelligence not being entered into the centralised Police National Database (PND). Heap *et al.* (2023) highlight that the CPN data recording on the Police National Computer (PNC) facilitates monitoring and enforcement.

As a result, where the CPONs use is inconsistent with the general public's values, it will impact public and police relations (Crawford 2009, Crawford *et al.* 2017). For example, studies on domestic and sexual abuse powers reported their use in high-risk cases where there was clear evidence of serious violence and where cases met the prosecution threshold, having implications for future victim disclosures (Hudson and Henley 2015, Bates and Hester 2020, Ewin *et al.* 2020). In contrast, where used in a manner consistent with the values of the public and as a strategic response to a well-defined issue and in the spirit of the legislation, many of the officers found these powers advantageous in fostering law enforcement assisting behaviours from the public (Bateman 2007, Cockcroft *et al.* 2016). As shown, there are clear opportunities to avoid the known implications of one power in another, which the combined appraisal model seeks to address.

### 4. Combined appraisal model of preventative powers

The combination of Preventive Justice, Risk Society and Street-Level Bureaucracy theories addresses the previous limitations raised by bringing the reality of frontline practice to the fore. Over recent years, Preventive Justice and Risk Society theories have called for further research on the standards of proof, legal constraints and informal street-level operating procedures. Likewise, Street-Level Bureaucracy theories have called for greater attention to a manager's role in an individual's use of discretion and for full incorporation of the framework into empirical research to provide a more robust understanding and theory of contemporary police work. By examining the similarities, differences, and connections, this study views the various CPONs as a whole to facilitate the identification of individual and collective divergences from the original policy design. Each test builds a micro,



**Figure 1.** Proportionality, Appropriateness and Effectiveness (PAE) Appraisal Model for Preventative Powers (Lipsky 1983, Ericson and Haggerty 1997, Beck 2016, Legrand and Elliott 2017).

meso, and macro-level understanding of these powers, which is missing from the current state of knowledge (Figure 1).

#### 4.1. Proportionality test (Micro)

The proportionality test explores how, given the increasing risk focus of police work (Beck 2016), there has been a refinement in police officers' roles while their duties have expanded exponentially, bringing more behaviour within their remit. Given these developments, there is an increasing movement towards symbols of knowledge that can help officers manage risk knowledge (e.g. police databases) (Ericson and Haggerty 1997). However, where the formal policies inevitably fail to fulfil the task, there will likely be varying levels of policy entrepreneurship at the frontline of policing to achieve the policy's aim, impacting the proportionality of frontline practice and compliance with human rights (Legrand and Elliott 2017, pp. 166–168, Lipsky 1983).

#### 4.2. Appropriateness test (Meso)

Consequently, the appropriateness test considers the compatibility and compliance of these practices with strategic government aims and existing policies (Legrand and Elliott 2017). In addition to the role of managerial discretion, whether the officers can use their knowledge and experience where policy, in the end, is found to fail to live up to the task (Alden 2015, Gassner and Gofen 2018). For example, can officers deviate from the outcomes of risk assessment tools when there are concerns about disproportionality (Ericson and Haggerty 1997, Beck 2016)? Alternatively, where there is duplication and redundancy amongst the orders and notices, officers can choose the most appropriate one rather than face pressure to use a particular one. Therefore, it is also essential to know whether such deviations from the formal policies are undertaken by individual officers or collectively, including the impact of being an other governed organisation.

### 4.3. Effectiveness test (Macro)

Finally, the effectiveness test enables a direct comparison between policy and practice (Legrand and Elliott 2017), utilising Beck's (2016) reflexive concept of the *'Metamorphosis of the World'* to enable reflection on the established informal routines, strategies, and devices officers have created to make these policies operational at the frontline of policing practice (Ericson and Haggerty 1997, Tummers and Bekkers 2014). As well as whether an officer uses their discretion to increase the meaningfulness of the policy for citizens (Citizen-Agent) or the state (State-Agent) (Durose 2011, Arnold 2015, Chang 2022). The ethnographic approach to this research reveals the whole reality of this phenomenon.

## 5. Methodology

The following study utilises an ethnographic multi-phase exploratory sequential mixed methods design (QUAL→qual→qual/quant) to examine individual officers' perceptions, opinions, and feelings within the broader structures that influence and frame their discretion and practices associated with CPONs (Johnson and Onwuegbuzie 2004). The mixed methods research strategy has been a frequent occurrence within previous research on these powers (Bateman 2007, Crawford 2009, Kirby and Edmondson 2012, Cockcroft *et al.* 2016, Crawford *et al.* 2017, Bates and Hester 2020, Ewin *et al.* 2020, Speed and Richardson 2022). This underpinning approach supports the theoretical framework by acknowledging the micro, meso, and macro-level factors that actively inform policing practices.

As a result, combining several ethnographic methods within this study provides a deeper understanding of this phenomenon's reality and the multiple existing views (O'Reilly 2012); where the inferences diverged rather than corroborated one another, it highlighted the different co-existing constructions of the practices associated with these powers (O'Byrne 2007). This study exploring the social world through involvement in the daily practice of officers and through the author's immersion within the policing context, which required trust and rapport to be built with individuals to make sense of pre-reflective human experience, structures and dynamics but also to secure the studies rigour (Lincoln and Guba 1985). Consequently, a research request was submitted at the beginning of October 2021 to the participating case study police force, with the author granted access following Non-Police Personnel Vetting at the NPPV2 (Full) level and ethical approval via the host university (British Society of Criminology 2015, Sheffield Hallam University Research Ethics Committee 2020). The constabulary in question did not want to be named but has been at the bottom and top of the statistics concerning their use of these powers, so it has a range of experience in acknowledging areas for improvement and best practices.

The project's first phase consisted of over 100 hours of direct non-participatory ride-along ethnographic observations with officers during regular duties and work hours (October 2022–February 2023) (Hancock *et al.* 2018). The author observed the issuing and enforcement practices, how the powers sat within their day-to-day role, the general context of the geographical area they were responsible for, including the financial, personnel, and historical constraints, and the general back-drop concerning crime issues and priorities. The author then conducted individual face-to-face semi-structured interviews with officers (March 2023–June 2023) to enable expansion upon the observed practices (Kallio *et al.* 2016), including questions about their experience, training and role, evidential thresholds, local practices such as around issuing and data recording, the court process, effectiveness of the powers, alternative powers considered and any desired changes to policy and practice. The design of this study was particularly beneficial given that by the third phase, when the author requested the secondary data from the police force for the entire data collection year (October 2022–October 2023), which included any policy documents and police data held concerning these powers, there was already an awareness of the strengths and limitations of this data (Creswell and Plano Clark 2018). For example, limited data is held and recorded.

The above data collection process was also supported by several Home Office working groups, which were held monthly and enabled application and discussion of the fieldwork with other

police forces across the United Kingdom to highlight any consistencies and inconsistencies in the findings. All officers for this project were selected using a purposive sample, which enabled the selection of officers with the required knowledge of the powers while accounting for limitations in the literature (Campbell *et al.* 2020). However, to ensure participants did not feel obliged to participate following the identification by a more senior colleague within the force, all participants received an individual email with an attached Invitation Letter, Information Sheet and Consent Form from the author about their participation and consent.

Twenty-six police officers/staff were involved in total. Fifteen officers held a role within the ASB policy domain (58%), ten within the VAWG policy domain (38%), and one officer addressed all policy domains within which these powers operate (4%). Most officers within the study held the rank of Police Constable (50%). Three had the rank of Sergeant (11%), two were Chief Superintendents (8%), one was a Chief Inspector (4%), and one was a Superintendent (4%). The study also involved two Senior Solicitors (8%) to ensure coverage of legal staff and six civilian staff (23%). Civilian officers have unique experiences in the CPON process because they do not hold the same police powers. Finally, accounting for the overall districts, the participating police force is split into four districts; ten officers were from District 1 (37%). Six officers were from District 2 (23%), and two were from District 3 (8%), as the latter wanted to participate purely in the interview process. Three officers from District 4 participated (12%), and two officers were involved in the practices of all districts (8%). Some officers chose not to respond to this information request. However, the geographical area the police force serves is diverse, with two urban and two rural districts, with high and low levels of crime and deprivation. While not as ethnically diverse as other parts of the United Kingdom, as the majority of the population is White, further research is planned, which will include police forces who use these powers with more ethnically diverse populations nationally and internationally.

The primary qualitative data from the fieldnotes, interview transcripts and the secondary data from force policies and guidance documents were analysed using thematic analysis and the data management software NVivo 12, and the secondary quantitative police data was analysed using univariate analysis and data visualisations produced within SPSS 26 (Braun and Clarke 2006, Denis 2019). The author input all profile data into the case classifications function in the NVivo file to facilitate the data analysis across each attribute. Each component's inferences were integrated using complementarity to produce the meta-inferences stemming from the project (Bazeley 2018). This process supports the advancement of the literature and theoretical framework produced, moving beyond mere description to comparing the use of these powers across policy domains and officer attributes, resulting in the following findings.

## 6. Findings

### 6.1. Proportionality of policing practices

As raised by previous studies in this area, proportionality is a crucial aspect of the CPON process as it increases the perceived legitimacy of state action and the likelihood of compliance by a recipient, which is particularly important when considering the purpose of these powers is to protect victims and prevent future risky or criminal conduct (Heap *et al.* 2023, Rodgers 2023). While the findings of this study reinforce the need for proportionality, achieving this outcome from the officers' perspective is increasingly complex in practice. The growth in the number of authorised persons able to issue these powers to manage risk has increased the number of stakeholders involved in the broader policing family and the CPON process (Beck 2016). These changes have refined officers' roles from reactive to preventative state action, significantly expanding their duties (Beck 1992, Cottle 1998). Additionally, given the lack of a shared database, they must now determine if another stakeholder (e.g. local authority) is simultaneously identifying the same individuals as a potential recipient for an order or notice. Since police systems are often incompatible with

one another and those of other stakeholders, it is not as simple as checking a single system; the officers must create informal databases, which leads to a lack of visibility of all the orders and notices imposed on an individual (Ericson and Haggerty 1997).

For example, whilst observing ASB Officer A, they raised how the police would previously apply for the local authority's Closure Orders. However, they later found that the local authority was pursuing other orders and notices simultaneously, which has implications for the perceived cumulative proportionality of practice where imposed on the same individual and behaviour:

When asked why they no longer do the council's Closure Orders, the officer stated that the council never aligned timewise with them (three-six months); you cannot always do anything within that short period. As a result, council officers were pursuing other orders and notices at the same time (ASB Officer A: Fieldnotes)

The previous practice is particularly of concern, given that some orders, such as the SRO and SHPO, can be imposed on a recipient indefinitely. The police force has slowly moved away from this practice, as giving a recipient an end date signifies an endpoint, increasing their willingness to comply (Lipsky 1983, Legrand and Elliott 2017). As Officer B raised in their interview, officers are starting to take a more balanced approach to risk assessment and actively requesting the variation or removal of an order where a recipient no longer poses a risk:

Variations and discharges: We do get quite a few of those, so the older practice was to issue SHPOs for decades or indefinitely, and that changed a while ago, but there are still lots of these orders that are ongoing. It's not unusual for the defendant to apply for discharge or even our own staff to say it's been ten years since this person has not done anything further, we are not concerned about the risk, and it's not proportionate. I think I'm seeing a very positive side and a very sensible and mature approach to risk and policing ... (All Officer B: Interview Transcript)

Nevertheless, not all orders can be varied, leading to multiple orders and notices, where the recipient's behaviour suddenly changes and is not covered by the pre-existing requirements imposed. For example, the Domestic Violence Protection Order (DVPO) cannot be varied; it must run for between 14 and 28 days, as shown in [Extract 1](#) from the police forces' DVPO policy (College of Policing 2015). Hence, if the recipient changes their behaviour during this time and the requirements do not cover the emerging problematic conduct, officers are considering other orders and notices that could run alongside, such as the Non-Molestation Order (NMO). Replacing the DVPO with the Domestic Abuse Protection Order (DAPO) will address this problem as it can be varied (Parliament UK 2020, Bishop 2021, Home Office 2022).

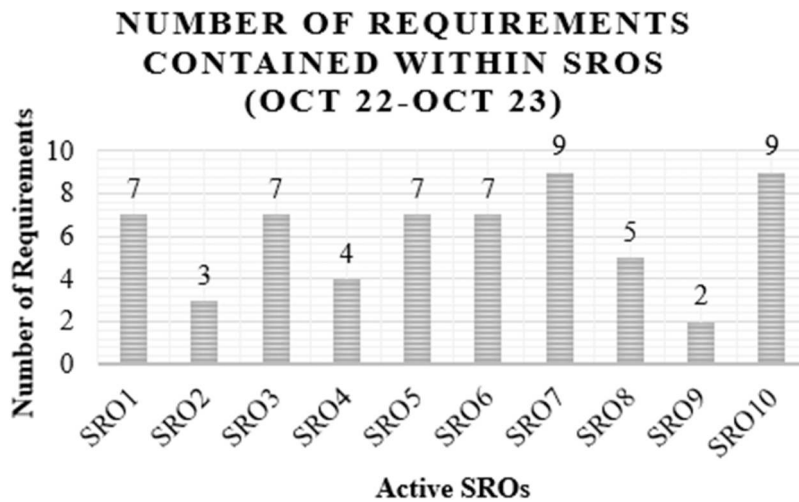
Likewise, concerns emerge about the proportionality of the duration and requirements imposed from the force data requested. For some orders and notices, as shown in [Table 3](#), which lists the active SROs, the police system does not specify an end date, as evidenced by SRO7. Different teams from the force also produced different counts regarding the number of orders and notices the force has issued. There were also variations in the number of requirements within each order; for example, concerning SROs, it ranged from as few as two to as many as nine requirements ([Figure 2](#)).

The outlined practices above raise concerns regarding cumulative proportionality because if a recipient has multiple orders and notices imposed upon them, questions arise as to how these powers are proportionate and less coercive than direct criminalisation (Ashworth and Zedner 2014,

The Court can make a DVPO which would stop you 'molesting' the Associated Person, including stopping you from using or threatening violence, engaging in pestering or harassment and from contacting this person in any way. The Court may make a DVPO which requires you to leave and not return to an address (including your address) or a particular area and it may order you not to evict or exclude another person from an address. If the Court makes a DVPO, it will last between 14 and 28 days.

**Table 3.** Duration of active SROs (Legal Services).

Active SROs	Duration
SRO1	Indefinite
SRO2	2 Years
SRO3	Indefinite
SRO4	6 Years
SRO5	2 Years
SRO6	2.5 Years
SRO7	Not provided
SRO8	2 Years
SRO9	2 Years
SRO10	2 Years



**Figure 2.** Number of requirements contained within the active SROs (Legal Services).

Carvalho 2017, Nathan 2022). These limitations were raised within the Home Office working group meetings to check for consistency nationally, with these limitations consistent across the United Kingdom. Given the limitations associated with multi-agency working and data recording, it is unlikely that the police and other stakeholders will be able to consider such factors when making or applying for further orders and notices (Olver and Cockbain 2021). Additionally, the poor data recording hinders the ability to assess the outcomes associated with these powers and understand the appropriateness of this legal framework in terms of compatibility with existing laws and legislation.

### **6.2. Appropriateness of outcomes, incentives and consequences associated with the powers**

The outcomes, incentives, and consequences associated with using CPONs at the frontline of policing depend on the informal and formal routines officers develop. For example, when considering the outcomes stemming from the practices developed regarding creating distinct teams, such as a DVPO team, the officers raised concerns that this may lead to officers developing a tunnel vision mentality and failure to consider traditional criminal justice outcomes (Legrand and Elliott 2017). The narratives from authorising officers who sign off on order applications reinforce these findings. For instance, officers considering a DVPN/DVPO often do not complete a PACE investigation. However, these powers do not aim to replace prosecutions and convictions (Kingston and



Thomas 2018, Ewin *et al.* 2020, Blackburn and Graca 2021); these alternatives offer a final option for victim protection where this threshold is unmet.

Likewise, creating distinct teams to deal with these powers has a knock-on effect on the broader understanding of these powers amongst the general police force. Many of the distinct teams included civilian officers who do not hold the same police powers, so unless the response officer (a) knows about the orders and notices available, (b) includes the key buzzwords in their statement, and (c) alerts the team to the application, there is a lack of consideration for these powers. This lack of understanding of these powers also includes those associated with emergency protection interim orders, which many of the officers perceive to be able to be applied for without a complete application and that these powers replace other statutory powers, such as police bail, which is not the case (Bates and Hester 2020). These misconceptions are encountered in both the ASB and VAWG policy domains:

The CPW/CPN, according to the officer, comes with a range of challenges in terms of regulation and efficiency. The process is so open that it has been misused in neighbour disputes and harassment cases. This usage for the officer was not in keeping with the legislation and guidance. The reasoning behind this misuse, the officer, is believed to be due to misconceptions around these powers being a replacement for other present powers (ASB Officer A: Fieldnotes)

Adding to the concerns raised, the officer expressed whether the mentality of their team doing them day in and day out has sometimes clouded their judgement where there is enough evidence for a prosecution and conviction. In such instances, it was reinforced that the case should be passed on to the CPS as it should not be an alternative criminal justice outcome (VAWG Officer F: Fieldnotes)

Some officers also attempted to duplicate other orders and notices when they could not (a) obtain a particular power, (b) have a limited understanding, or (c) did not know which one was best. For instance, the local authority currently holds the authorising power for a PSPO (Brown 2017, 2020), so where a PSPO is not in place, the officers attempt to use back-to-back dispersal powers or a CBO to replicate this order (Bateman 2007, Crawford 2009, Cockcroft *et al.* 2016, Crawford *et al.* 2017). Additionally, officers raised several questionable incentives for using certain powers, which included political pressure following high-profile victim cases, such as the SPO (HMICFRS, College of Policing and the Independent Office for Police Conduct, 2022). This pressure is despite no robust evidence that these powers will be effective (Policy Exchange 2010, Smith 2011). Furthermore, some officers raised the practice of using one order or notice to secure another, often occurring with low-level notices such as the CPN, which essentially became the default position to secure court orders such as the CBO, SRO and SPO. Consequently, the broadening scope of these powers has several unintended consequences (Heap *et al.* 2023), which raise significant concerns about overall legitimacy alignment (Legrand and Elliott 2017).

As a result, officers tended to prefer to issue and enforce the powers they had personally dealt with, given the unknowns of picking up another colleague's case. This practice also reassured officers if the recipient later appealed the order or notice at court or faced questions by the HMICFRS or IOPC, as they knew all the background to a case (Alden 2015). In some cases, officers also actively advocated for greater discretion when using these powers where they perceived ambiguous usage and outcomes impacted the proportionality and appropriateness of their practice (Lipsky 1983). For instance, the MOSOVO officers were concerned about using the OSP risk assessment tool, which previously dictated the level of supervision provided (Ericson and Haggerty 1997, Beck 2016). In particular, one of the individuals under supervision committed an offence in 1996 but has not since. However, the assessment tool still deemed them to be very high risk. The force has since given officers the discretion to use their expertise to tailor the level of supervision to the risk posed and recipients' needs to form protective factors (Mythen and Walklate 2016), as raised by the following MOSOVO officer:

So there is the old generic: one month, three months, six months, twelve months. They have tried to move away from that. To try and make management more bespoke, and it does make sense because if they are a higher risk,

you want to be seeing them more. They've just moved away from that one, three, six, twelve. So we've got medium-risk offenders who previously would have only been visited every six months, but they might have got other needs, so they might not be at particularly high risk of sexual re-offending, but they might be DV offenders, or they might be drug users. Or they might be drinkers ... It is ultimately up to us as managers how frequently we visit them. I've got a low-risk offender that I probably see once a month because he's just he's got other needs ... Suppose we can support them bits and try and create protective factors around them (VAWG Officer B: Interview Transcript)

Nonetheless, despite the officers' best attempts to ensure the usage of these powers in a manner that is proportionate, appropriate and effective in practice, the overall decision and outcome concerning some of these orders still rests with the CPS presenting the application and the courts granting the order. During the fieldwork, officers repeatedly raised concerns about the mass discrepancies in judicial outcomes (Donoghue 2012). Nearly identical applications were made for an order, with one granted and the other rejected. Additionally, further discrepancies in the layout and wording of the orders complicate the process of explaining the made order to the recipient. The Magistrates Court produced poorly laid out orders with various legal jargon, which even the officers found challenging to understand. Meanwhile, the Crown Court worded and numbered each requirement to facilitate understanding.

Other wording problems encountered included using the term '*police officer*' rather than '*police staff*', which proved problematic for civilian staff, such as MOSOVO officers, when trying to enforce SROs and SHPOs. Likewise, the courts use the age of sixteen in SROs and SHPOs, with recipients then thinking it is ok to befriend a seventeen-year-old and send indecent images when under the Protection of Children Act 1978, indecent images include anyone under eighteen. Some of these problems are evident in the examples provided below (Extracts 2, 3):

Given the limited guidance, the force's legal services have created flowcharts and videos to help officers use these powers proportionately, appropriately, and effectively. However, these teams are

Sexual Harm Prevention Order made on application for 5 years. Whilst the order is in force you are subject to the following prohibitions:

### Prohibitions

The Defendant is prohibited from: 1. Refusing entry to any premises in which he resides, or to which he has temporary access, to a police officer or member of police staff with responsibility for sex offender management 2. Using any device capable of accessing the internet unless a. he has notified the Public Protection Unit in the area in which he resides, within 3 days of the acquisition of any such device, and b. it has the capacity to retain and display the history of internet use, and c. he makes the device available on request for inspection by a police officer or member of police staff with responsibility for sex offender management, and d. he allows the installation of Internet Monitoring Software, should this be required 3. Deleting such history (as in 2(a)); 4. Deleting or interfering with any monitoring software if installed upon any internet enabled device 5. Installing or using, any software on any device which deletes, encrypts or hides files accessed or stored on the device, communication history or the history of internet use 6. Installing or using, on any internet enabled device, any additional software designed to give access to the dark web, or to anonymise the identity of the user 7. Installing or using, on any internet enabled device, any type of Peer-to-Peer file sharing software 8. Using any home broadband router, unless he makes the router available for inspection at the request of his PPU officer. 9. Using any 'cloud' or remote storage media capable of storing digital images (other than that which is intrinsic to the operation of the device), unless, within 3 days of the creation of the account for such storage, he notifies the PPU of that activity and provides access to such storage on request for inspection by an officer from the PPU or equivalent in the area that he resides. 10. Possessing any device capable of storing digital images (moving or still) unless he provides access to such storage on request for inspection by a police officer or member of police staff with responsibility for sex offender management

**Extract 2.** Example SHPO produced by a Magistrates Court (Prohibitions Section Only).



## Schedule of Prohibitions

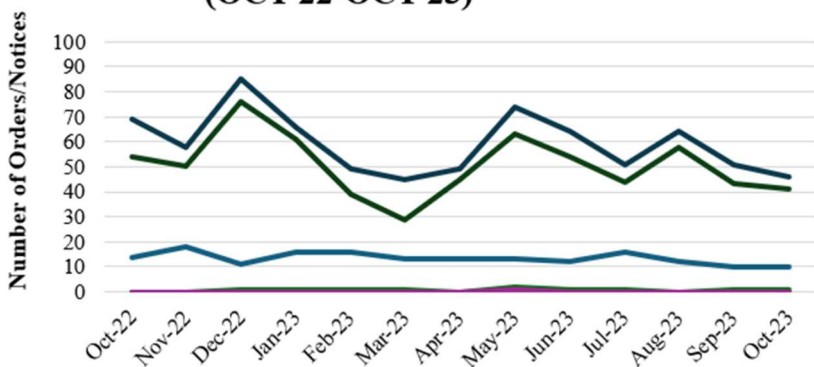
1. Refusing entry to any premises in which the defendant resides or to which he has temporary access, to any police officer seeking to examine therein any computer, electronic or telephone device which has the capacity of storing, receiving or transmitting data
2. Possessing any software which is designed or can be used for the destruction or deletion of any history or activity which is designed to encrypt data held on such a device
3. Refusing to inform police of any internet service providers he may use, email addresses and user names
4. Having any unsupervised contact with any child under the age of 16 years other than such as is inadvertent and not reasonably avoidable in the course of lawful daily life or with the consent of the child's parents or guardians who have knowledge of your convictions

**Extract 3.** Example SHPO produced by a Crown Court (Prohibitions Section Only).

already overburdened, and policymakers should provide this guidance rather than police forces having to interpret skeletal legislation to create materials to facilitate routine practice and ensure compliance with other statutory legislation. For example, there is a lack of clarity at present around data recording and sharing associated with these powers to ensure compliance with the General Data Protection Regulations (HMICFRS 2017). As a result, limited data is recorded on these powers, and data quality issues emerge (Bannister and O'Sullivan 2014). For example, the legal team for the force recorded ten active SROs, whereas the Intelligence Research Team noted thirteen active SROs during the data collection year (Figure 3). While masking orders as others for safeguarding purposes does occur, this does not fully explain the discrepancies in the data.

Therefore, a range of unintended consequences stemming from the CPONs process is present, including compatibility with pre-existing criminal laws, with these powers appearing in apparent contradiction. These consequences ultimately lead officers to question the legitimacy of these powers, their effectiveness and the achievement of the stated policy aims of prevention and victim protection.

## NUMBER OF VAWG CIVIL PREVENTIVE ORDERS AND NOTICES BY MONTH (OCT 22-OCT 23)



	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23
Number of SHPOs	14	18	11	16	16	13	13	13	12	16	12	10	10
Number of SROs	0	0	1	1	1	1	0	2	1	1	0	1	1
Number of SPOs	0	0	0	0	0	0	0	1	0	0	0	0	0
Number of DVPNs	69	58	85	66	49	45	49	74	64	51	64	51	46
Number of DVPOs	54	50	76	61	39	29	45	63	54	44	58	43	41

**Figure 3.** Number of VAWG Civil Preventive Orders and Notices by month (Legal Services) (Oct 22–Oct 23).

### **6.3. Effectiveness of the deviations from policy, including the extent and achievement of policy aims**

As a result, officers deviate from the stated policy aims to deal with policy ambiguities and complex cases on the frontline of policing practice (Lipsky 1983, Legrand and Elliott 2017). The officers explained how they are frequently the last to know about introducing these powers into legislation. For instance, they have been using the CPN for individuals who routinely carry knives. However, with the introduction of the Knife Crime Prevention Order (KCPO) and Serious Violence Reduction Order (SVRO) into legislation, there is confusion as to whether the use of the CPN was ever appropriate (Home Affairs Committee 2013):

In particular, the officer gave the example of the KCPO; as far as he knows, they are still at the pilot stage. The officer expressed frustration about the lack of an announcement concerning the powers and a clear date as to when they are released for use ... Instead, attaching requirements regarding knife carrying to a CPN (ASB Officer A: Fieldnotes)

The officers involved in the study agree that they continuously feel behind in their understanding of these powers, given the constant revolving door of new policies and amendments (Walker 2018). Due to these developments, the officers primarily rely on the expertise and knowledge of officers who have become policy entrepreneurs (Citizen Agents) in this area (or a Single Point of Contact SPOC) and legal services for guidance and instruction (Durose 2011, Gassner and Gofen 2018, Chang 2022). However, this practice is problematic as this research highlights that over-reliance on these individuals means that if these officers are off sick, move roles, or unexpectedly leave the police force, their expertise and knowledge are lost.

Therefore, while the National Police Chief's Council (NPCC) (2022) recommended the creation of a dedicated Civil Order Officer to facilitate greater use of these powers, this recommendation has significant implications as it results in a low general understanding of these powers amongst the police force (JUSTICE 2023). This outcome is significant when civilian officers rely on response officers to provide the required evidence for an application. Still, they may have limited or no understanding of the orders and notices. Additionally, the workload for a single individual and small teams is unsuitable, especially as there is an emphasis on these individuals training other officers. The findings of this study instead emphasise the need for more general awareness, given their increasing usage.

As a result of these problems in practice, the officers have created informal routines, strategies, and devices to provide an infrastructure that underpins each of these powers in practice. All officers in this study discussed creating informal contacts for each stage of the process, including contacts within the CPS, probation, drug and alcohol, and legal services (Arnold 2015). The MOSOVO officers responsible for SROs and SHPOs have created an informal bank of requirements to reduce the time required to draft an order and support sharing best practices, replicating the statutory guidance provided for the Serious Crime Prevention Order (SCPO) (Crown Prosecution Service 2022), along with workarounds such as audio recording their statements regarding visits to recipients rather than typing them out. Officers with prior experience with the ASB and Public Order powers developed many of these practices, which introduced both advantages and disadvantages in terms of having a basic understanding of this framework but also the risk of transferring some of the practices and misconceptions associated with the ASBO to the present-day orders and notices (Tummers and Bekkers 2014).

However, given the informal nature of these processes, it meant that once a key contact dropped out, the whole process would halt. In particular, the orders requiring court scrutiny are reliant on the CPS presenting the application in court, which does not always occur promptly due to the CPS contact disappearing without prior notification. Likewise, given the incompatible systems (Ericson and Haggerty 1997), the CPS did not always have an awareness of the applications made by the officers, with the police resorting to taking a copy of the application and sitting at the back of the court to ensure the presentation of an application, as raised below:

... In practice, the stumbling block is always the engagement with the CPS. (Name of CPS lead) she goes dark on occasion, so I send her an email, and it might be a fortnight she just goes off-grid. I think it's urgent because invariably, they are urgent. People are going to court, and I need it authorised so I can get it right on the system and whatnot. I don't know what she does or where she goes ... There's a generic email address ... so I always send it to her and the generic email address. It's only her that ever answers so. I just envisage she's in some dark office somewhere and cobwebs and things, phones ringing out, and no one answering (ASB Officer I: Interview Transcript)

As a result of the informal nature of the processes associated with these powers, this area is mainly self-taught; however, as Dr Sarah Wollaton raised during the second reading of the draft Stalking Protection Bill, none of these powers will be of any benefit to victims and the public if police forces do not have any understanding or training on them (Home Office 2012). For example, there are also discrepancies in issuing processes. Some officers explain the order or notice and then get recipients to recall before signing the associated documentation to indicate their understanding of what is required and record it on body-worn. Where a recipient refuses to sign the order or notice, this will be written on the documentation, expanding the findings of Heap *et al.* (2022, 2023) regarding the CPN more broadly, as shown below (Extracts 4, 5):

When considering the officers' perceptions of the effectiveness of the orders and notices once issued, they raised particular concerns about the DVPN and DVPO, where they often impose a second or third notice and order following the power's expiration. Compared to the other powers examined by this research, these powers were consistently in the double figures. Figure 4 below shows the number of DVPNs issued during the year of data collection, which, compared with Figure 3, highlights the stark comparison given the inability to currently vary or extend the DVPO. With the introduction of the DAPN and DAPO, the number of these powers will likely decrease, which will be due to increased effectiveness via introducing the power to vary and extend the DAPO (Home Office 2024).

Therefore, the extent and achievement of the policy aim associated with CPONs depend on the knowledge and experience of all officers involved, including the officer considering and applying for the power to the call handler in which a victim or member of the public reports an instance of breach. These problems have been present since the introduction of the ASBO but have continued to evolve. The problem is now getting to a turning point where the informal practices officers have

**Acknowledgement**

Name and Date of birth of nominal \_\_\_\_\_

On \_\_\_\_\_ at \_\_\_\_\_ the above information was explained to me and I was given a copy of the requirements upon me by \_\_\_\_\_. I am aware that failure to notify Police of any of the details above with in the specified time periods may result in a prosecution.

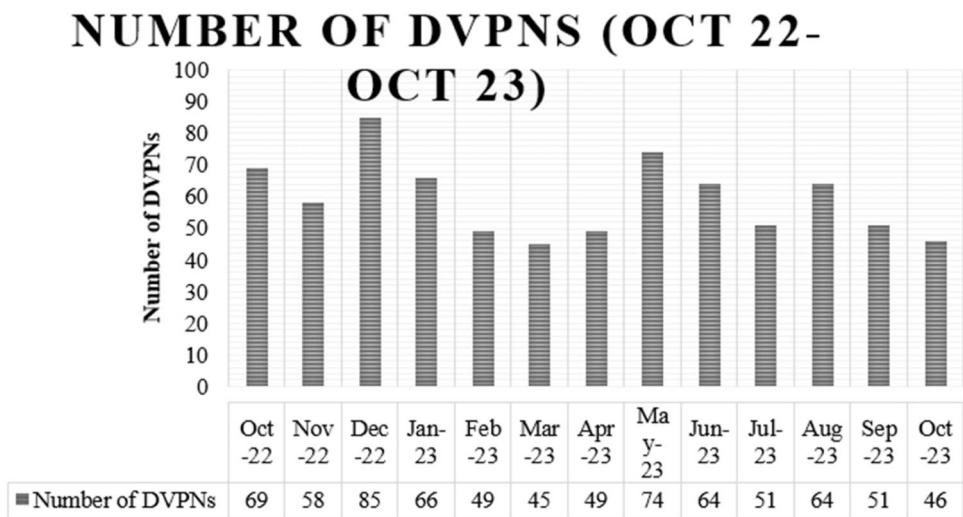
Signed \_\_\_\_\_

Appropriate adult: \_\_\_\_\_

**Extract 4.** Acknowledgement Section from Requirements for Registered Sex Offenders Guidance for Recipients.

**OFFENDERS SIGNATURE:** \_\_\_\_\_

**Extract 5.** Acknowledgement Section from Telecoms Checklist for Police Records.



**Figure 4.** Number of DVPNs (Oct 22–Oct 23).

developed are legitimised through incorporation into policy, where proportionate, appropriate and effective, which is considered further in the following section.

**7. Discussion**

This paper provides the first ethnographic multi-order and notice analysis of frontline policing practice at the micro, meso, and macro levels, with the findings highlighting the problems that will continue if these powers are examined separately (Bourdieu 1977, Steiker 1998). From the micro-level analysis, academics have long called for these powers to comply with the principles of proportionality (Bateman 2007, Crawford 2009, Cockcroft *et al.* 2016, Crawford *et al.* 2017); however, it is increasingly complex for practitioners to secure proportionality in practice due to the range of authorised persons now involved in the process (Beck 2016). Officers raise concerns about cumulative proportionality and the ability of an individual to comply with multiple powers at once (Ericson and Haggerty 1997); this is of concern, given that questions associated with double jeopardy would emerge if these powers were considered traditional penal measures that sanctioned the same behaviour (Ashworth and Zedner 2014, Carvalho 2017).

Likewise, while previous scholars have described the processes and outcomes associated with CPONs, there is a limited exploration of the subsequent alignment of these powers with pre-existing laws (Legrand and Elliott 2017). The meso-level analysis considers key legislation such as PACE and GDPR; both have significant legal ramifications for practitioners. Present practices undermine the overall legitimacy alignment of these powers and produce unintended consequences for practitioners, recipients, and victims, which are inappropriate (Bannister and O’Sullivan 2014; Heap *et al.*, 2022, 2023; JUSTICE 2023).

Finally, the macro-level analysis reveals the reliance on informal processes, strategies, and devices developed by police officers at the frontline of practice to make these policies operational and to achieve their stated aims (Lipsky 1983). However, what is evident from this research is that these informal practices are not always formalised into policy (Durose 2011, Gassner and Gofen 2018, Chang 2022). As a result, drawing on the self-reflexive analysis from the PAE Appraisal Model for Preventative Powers, the following seventeen recommendations for policy, practice and research are reinforced and expanded upon from the initial systematic review of literature in this area (Rodgers 2023):

## Policy

1. Creation of a life-cycle database for all orders and notices
2. Consistency in any future amendments, legislation and statutory guidance (e.g. clear explanation of how any present or new CPONs operate alongside pre-existing powers and legislation, including GDPR)
3. Clear and consistent definitions of behaviour addressed by each power
4. Clear guidance on issuing and recording practices
5. A focus on these powers within HMICFRS inspection reports
6. Detailed College of Policing resources (e.g. moving beyond the legislation)
7. Policy consolidation, where multiple powers exist in the same policy area

## Practice

8. Greater access for practitioners to information and case law
9. In-house training for practitioners to support the development of local practices and out-of-house training to ensure national alignment
10. Increased oversight and accountability around these powers
11. Law, Criminology, Policing and Probation degrees covering these powers within their provision
12. Sharing of best practices within and between police forces and partners
13. Raising awareness of the powers among the public (e.g. knowledge exchange)

## Research

14. A longitudinal study examining the life cycle of CPONs across all stakeholders
15. Studies that provide a multi-order and notice analysis from the perspectives of victims, recipients, practitioners, judiciary, policymakers, trainers and the public
16. Research into the effectiveness of the imposed requirements and prohibitions
17. Finally, research into the impact of national and international policy transfer (e.g. common law countries in comparison to continental)

## 8. Conclusion

In conclusion, this first ethnographic multi-order and notice analysis of policing practice highlights a clear need to avoid examining these powers individually, as the interconnections have been missed over several decades. Particular concerns arise concerning cumulative proportionality; if these powers were considered penal measures, such disproportionate state action would not be permissible under traditional criminal law. As a result, the siloed approach fails to consider this legal framework as a whole and its compatibility with existing laws and other CPONs. Additional work is needed to support the creation of an underpinning infrastructure for current and future CPONs, as the haphazard approach to introducing this legal framework leaves practitioners having to develop informal practices from poorly introduced legislation to make these powers operational in practice. This research sheds light on this experience and the problems encountered for the first time from the introduction to the implementation. In doing so, the findings provide a basis for an underpinning infrastructure for these powers and further research to build upon and use as a guide for future exploration into these powers. The achievement of proportionate, appropriate, and effective use of CPONs will only occur through broader discussions and further multi-order and notice analysis on a national and international scale.

## Disclosure statement

No potential conflict of interest was reported by the author.

## ORCID

Zoe Rodgers  <http://orcid.org/0000-0001-6136-5116>

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