

# The Crime and Policing Bill 2025

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We share the Government's commitment to make our streets safer and to rebuild confidence in our criminal justice system. The Centre's mission is to ensure that evidence-based practice that can reduce crime and protect communities is put into practice. This is best demonstrated in our work with Government and public bodies to improve evidence-led early intervention to reduce crime, tackle prolific offending through intensive supervision courts and combat violence against women and girls.

With that in mind, we wish to raise specific concerns about aspects of the Crime and Policing Bill (referred to hereafter as the Bill), where we believe the provisions may have range of back-fire effects on other Government priorities, like building trust in policing among marginalised communities and supporting vulnerable individuals with Special Educational Needs and Disabilities (SEND).

## CLAUSE 1: RESPECT ORDERS

The Bill introduces a new civil order, the Respect Order (and makes a number of consequential changes to the existing civil order framework).<sup>1</sup> This civil order will give powers to police and local authorities to respond to anti-social behaviour and allow them to place restrictions on an individual or require them to engage with services. The breach of an order is a criminal offence and can result in a fine or up to two years' imprisonment. We have a number of concerns.

There is an **absence of evidence that the use of civil orders changes overall or individual levels of anti-social behaviour**. We have been unable to find high quality UK or international outcome evaluations which suggest that using civil orders to target anti-social behaviour makes a substantial difference either to overall or individual levels of anti-social behaviour. Despite having no formal outcome evaluation, the Anti-Social Behaviour Orders (ASBOs), introduced under the new Labour Government, were eventually repealed in part because of their high breach rates (suggesting that the original behaviour continued despite the imposition of the order).<sup>2</sup> Research found that ASBOs failed to act as a deterrent, with ASBOs often seen as "badges of honour"<sup>3</sup> and often just served to displace but not reduce the behaviour.<sup>4</sup> We note there has been no outcome evaluation of the subsequent orders introduced in the Antisocial Behaviour, Crime and Policing Act 2014.

Alongside this lack of evidence about their positive impact, **there is considerable evidence that the use of these type of civil orders have negative backfire effects**. There is significant evidence that that civil behaviour orders, especially used for anti-social behaviour, are used more frequently against specific groups of people, including young black men and boys and Gypsy, Roma and Travellers.<sup>5 6</sup> If the implementation of Respect Orders were to repeat these patterns, this would run counter to the Government's mission to improve public confidence in policing,<sup>7</sup> as outlined in the Government's Impact Assessment of the Bill.<sup>8</sup> Research also suggests that the use of civil orders to combat anti-social behaviour are frequently used on vulnerable individuals whose behaviour is linked with social deprivation and poverty, for example, individuals who are experiencing homeless and are engaging in begging and rough sleeping.

Moreover, **other interventions are more likely to reduce anti-social behaviour, including ones the Government is already committed to developing**. There is a broad and growing evidence base on reducing anti-social behaviour that emphasises preventative, problem-solving and community-focused interventions, rather than the use of civil orders. These initiatives include effective prevention and diversion for children and young people, as the Youth Justice Board and the Home Office-funded Youth Endowment Fund highlight, and which this Government, through new youth prevention partnerships, seeks to enhance. Similarly, the College of Policing's crime reduction toolkit emphasis that the best interventions

to reduce anti-social behaviour are the better deployment of hot spots policing and mentoring. Finally, there is significant evidence that expanding and enhancing the existing range of ‘community hubs/centres’—place-based organisations which attempt to engage community members in co-creation of solutions to a range of issues—can make an impact on levels of anti-social behaviour. These types of intervention are, as we understand it, at the heart of the Government’s vision for youth hubs.

We also would like to highlight that **poor implementation has undermined the utility of existing civil orders**. For example, a 2020 Civil Justice Council report, *Anti-Social Behaviour and the Civil Courts*,<sup>9</sup> suggested that the civil courts had been unable to use Anti-Social Behaviour Injunctions (ASBIs) effectively or consistently, based on the lack of services to assess and refer people into positive interventions, the lack of information sharing and collaboration with the police (especially to enforce conditions) and the lack of national data to develop a clear picture on their use.

Similar issues were experienced in the piloting of a new civil power to tackle knife crime, the Knife Crime Prevention Order (KCPO). Their evaluation (which we have published following a successful Freedom of Information request) found that the number of orders given out was much lower than expected, due to lack of good information sharing, lack of clarity on the purpose of the KCPO (as juxtaposed between other existing powers and initiatives), and a lack of buy in to the pilot across partner agencies.<sup>10</sup> Similarly, our review of the use of civil powers to tackle domestic abuse found “significant concern that the implementation framework in which current protection orders sit... is fractured, under-resourced, insufficiently specialised and inconsistent... Their enforcement is inconsistent and, at times, absent.”<sup>11</sup> Despite these examples of poor implementation, little has been done by Governments to improve how these legal powers are used once Parliament has passed them.

Finally, a legal analysis of the Bill, prepared pro bono for the Centre by a global law firm, suggests that, in practical effect, **there is little difference between the existing regime and the new regime of orders being introduced**. For example, while the Government suggests that the Respect Order can be applied for by a broader range of agencies than the existing Criminal behaviour Order (CBO) is (and does not only apply post-conviction), these are the same agencies who are currently eligible to apply for an ASBI.

The Government claims that the Respect Order improves upon the current position where breach of an ASBI does not result in a criminal sanction. However, this is, in our view, a legislative sleight of hand. Although it is not a criminal offence to breach a ASBI per se, in certain circumstances (where the individual has used or threatened violence or presents a ‘significant risk of harm to others’) a court may choose to specifically attach a power of arrest to the injunction. This allows the police to automatically arrest those in breach of the injunction. Moreover, even where such a power of arrest has not been attached to the ASBI, an individual in breach of the ASBI can also still be found guilty of the civil offence of ‘contempt of court’, which carries a maximum penalty of an unlimited fine, two years’ imprisonment, or both. This mirrors the maximum penalty for breach of a Respect Order. In practice, the difference between ASBIs and Respect Orders may not be that significant.

## **CLAUSE 39: THEFT FROM SHOP TRIABLE EITHER WAY IRRESPECTIVE OF VALUE OF GOODS**

Clause 39 reclassifies low-value shop theft (where the value of the goods is £200 or less), currently a summary offence that is heard in magistrates’ court, as ‘general theft’ - an either way offence that comes with a maximum custodial sentence of seven years’ imprisonment.

To place that in context, the type of theft this offence covers would not even apply to a case of a stolen iPhone, which under this change, could potentially be sent to the Crown Courts. This seems contrary to the thrust of the forthcoming Leveson Review, which is aiming to reduce the demand coming into the criminal courts, and whose terms of reference states, “The scale of cases entering the courts is now so great that, even with the Crown Court sitting at a historically high level, this would not be enough to make meaningful progress on reducing the outstanding caseload and bring down waiting times.”<sup>12</sup>

Perhaps more importantly, there is compelling evidence that suggest the most effective way of interrupting lower-harm theft is to direct those individuals caught in a repeat cycle of offending into services, such as drug treatment mental health care, using existing out of court resolutions.<sup>13</sup> These interventions not only benefit the individual, by responding to underlying needs, but are better for businesses. An example of this work in practice is the Offending to Recovery programme, a drug treatment scheme run by West Midlands Police. It diverts people who engage in prolific shoplifting from the criminal justice system and sends them on a residential drug rehabilitation programme. The trial found the reduction in shoplifting saved local businesses an estimated £2.3 million.<sup>14</sup> We would encourage Government to withdraw this amendment and, instead, focus on developing a cross-Government strategy for the improved use of out of court resolutions which can more effectively reduce shop theft, working in partnership with retailers.

## **ABOUT US**

The Centre for Justice Innovation is a non-profit that seeks to build a justice system which every citizen believes is fair and effective. We provide hands on support to practitioners in the justice system to help them develop effective practice, conduct research and promote evidence-based policy reform.

## Endnotes

1. In broad terms, the Bill has the effect of renaming existing Anti-Social Behaviour Injunctions (ASBIs) to “youth injunctions” and restricting their use to persons aged between 10-17. These youth injunctions would continue to operate in the same way as ASBIs but would require that a risk assessment be carried out by the applicant prior to an application being made. The Bill also creates “housing injunctions” – civil orders specifically geared towards preventing offenders from “engaging in certain conduct capable of causing nuisance or annoyance relating to the occupation or management of housing”. These two sets of injunctions then sit alongside new Respect Orders and existing Criminal Behaviour Orders (CBOs).
2. National Audit Office, (2006). The Home Office: Tackling Anti-Social Behaviour. Available at: <https://www.nao.org.uk/wp-content/uploads/2006/12/060799.pdf>
3. BBC News, (2006). ASBOs viewed as ‘badge of honour’. Available at: <http://news.bbc.co.uk/1/hi/uk/6107028.stm>
4. Select Committee on Home Affairs, (2005). Memorandum submitted by Napo: Anti-Social Behaviour Orders—Analysis of the First Six Years. Available at: <https://publications.parliament.uk/pa/cm200405/cmselect/cmhaff/80/80we20.htm>.
5. See: JUSTICE (2023). Lowering the Standard: a review of Behavioural Control Orders in England and Wales; KCPO evaluations have been obtained by the Centre via Freedom of Information requests. These are: (i) UCL. (2023). Exploring Key Themes: A Summary Report on Interviews with Knife Crime Prevention Order Implementation Stakeholders; (ii) MPS. (2023). Knife Crime Prevention Order: Impact evaluation.
6. 22% of young people given ASBOs were black or Asian – two and a half times their representation in the general population. Mills, H. & Ford, M., (2018). Antisocial behaviour powers and young adults. Available at: <https://web.archive.org/web/20231015080426/https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/YASE%20briefing%201%2017-07-2018.pdf>, 38.;
7. G Pearson, C Werren, Check terms and conditions: Scrutiny, human rights and civil preventative powers. [2024] Public Law (Oct) 648-673.
8. This states “There is potential for the proposed changes to negatively impact on specific ethnicities. MoJ breach data shows that for those who have committed ASB, of cases where ethnicity is recorded, those who are of ‘any other black, black British or Caribbean background’ are the most likely to have proceedings brought against them for a breach of a CPN, breach of a PSPO, and for remaining on or entering premises in contravention of a closure notice or similar. Baroness Casey’s review also found that Black Londoners remain over-policed. By extending powers available to enforce breaches, it is possible this could grow disproportionately against this group.”
9. Civil Justice Council. Anti-social Behaviour and the Civil Courts, July 2020
10. KCPO evaluations have been obtained by the Centre via Freedom of Information requests.
11. Clark. (2023). Implementing Domestic Abuse Protection Notices and Orders. Centre for Justice Innovation.
12. Ministry of Justice. Independent Review of the Criminal Courts: Terms of Reference. Available at: <https://www.gov.uk/guidance/independent-review-of-the-criminal-courts>
13. Matthew Bacon (2023). From criminalisation to harm reduction? The forms and functions of police drug diversion in England and Wales. Pages 105-123.
14. West Midlands PCC. Preventing Crime: Offending 2 Recovery. <https://www.westmidlands-pcc.gov.uk/preventing-crime/offending-2-recovery/>

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