



## Serious Crime Prevention Orders

Serious Crime Prevention Orders (SCPOs) were introduced in 2008 by Part 1 of the Serious Crime Act 2007. They were amended within the Serious Crime Act 2015, with proposed amendments being introduced by the [Criminal Justice Bill 2023](#). SCPOs are a form of civil order aimed at preventing serious crime. These orders are intended to be used against those involved in serious crime, with the terms attached to an order designed to protect the public by preventing, restricting or disrupting involvement in serious crime. SCPOs can be made against individuals, along with businesses and other organisations.

### Application

- Most applications are made to the Crown Court. The Police do not make these themselves; they are made by the CPS in England and Wales and follow the conviction of a serious offence. The Director of the Serious Fraud Office can also apply. [Serious Offences Definition](#) defined by law and includes offences relating to drugs, firearms, fraud, computer misuse, exploitation, environment, and corruption. Offences of assisting and encouraging serious offences are also included.
- The Court can also make an order if the subject is convicted of a 'serious offence' which is not included in the list if the court considers the offence to be sufficiently serious to be so treated as a serious offence.
- Application documentation will form part of the case file and the CPS will advise on completion.
- **The test** is whether there are reasonable grounds to believe that the order would prevent, restrict or disrupt the subject's involvement in serious crime. The court must find that there is real or significant risk, not just a possibility, that the subject will commit further serious offences. *Utilise the subject's antecedents and bad character to support this assessment, demonstrate their role in the serious harm caused and ongoing risk.*
- Standalone applications can be made to the High Court outside of the process at Crown Court following conviction for a serious crime. These can only be made by the Police for Counter Terrorism cases, although the Criminal Justice Bill 2023 seeks to allow the police to make direct applications for all relevant cases of serious crime in the future (with consultation of the CPS) Currently, it is the CPS who would make an application for a standalone SCPO in England and Wales (or SFO as above). [CPS Guidance - SCPOs](#)
- You should also consider whether the desired aims could be achieved through either less intrusive measures outside of a court order, or whether alternative orders may be more suitable (e.g. [STROs](#), [SHPO](#))

### Conditions and Management

- An order may contain any prohibitions, restrictions, or requirements which the court considers appropriate but can be wide ranging and restrictive such as limiting the ownership of electronic devices or may require the subject to notify the Police of any property they own or rent or any vehicles they possess or control. They must be directly linked to the offending and risk evidenced within the application. SCPO cannot require a person to provide oral answers to questions or requirements to provide information, see [Restrictions](#)
- Conditions should be drafted in such a way that they are understood by the subject and can be effectively managed. They should also consider how they will be future proofed given life and the world is ever changing, especially in the digital world. Justification of the necessity of each condition will need to be included with supporting rationale.



- SCPOs last for a maximum of 5 years, the court will determine when they start and end. In most cases, the order will start on the date the subject was released from prison. You should always consider what is most appropriate, given serious offences often lead to lengthy custodial sentences, it would be advisable to start them upon release to maximum the amount of time they are enforceable when the subject is in the community.
- Breaches of a SCPO are criminal offences and punishable with up to 5 years imprisonment. Breaches of SCPOs do not enable a court to impose a new order at point of conviction for that offence, it may inform the application for a new SCPO though. The breach can extend the duration of a SCPO but only up to the maximum 5-year period.
- Orders can be varied if the legal provisions are still met, the police can apply for variations as can the CPS, the subject or someone adversely affected by it (conditions attached). Applications for new orders can be made before the end of a current order.
- Management of the order is defined by your force policy and should be part of a multi-agency response where practicable. The National Probation Service are likely to be key partners when considering the management of the order as they will be responsible for the management of the subject in the community as part of their sentence, unless the subject is released at sentence end date without National Probation Service management then being in place. Early contact with the Offender Manager within the National Probation Service is encouraged to ensure that the preparation for the subject's release and ongoing risk management is aligned, this can include joint contact with the subject and safeguarding activity.
- Other agencies such as the NCA, HMRC and the Environment Agency also own SCPOs and collaborative working to manage the risk is essential to protecting the public, this includes deconflicting activity to avoid compromise and duplication.

## Precedent Library

The 2018 library of SCPO conditions is attached here which gives examples: [SCPO Conditions library](#). More recent examples include conditions to assist with the tracking of the movement of the subject and to allow for access to an address.

### Notification Requirements

- 1) Upon this order coming into force the Defendant must immediately notify \*\*\* Constabulary by email to \*\*\*. of details relating to this order and any future or further changes to circumstances related to the contents of this order.
- 2) *If the Defendant decides to reside within another Police area upon this order coming into force the Defendant must immediately notify that Police area of the details relating to this order and any future or further changes to circumstances related to the contents of this order.*

### Requirement to engage with Police Offender Management

- 1) The Offender is required to permit access to his home address to any police offender manager engaged in offender management related activity in connection with this order.
- 2) The Offender is required to allow any police offender manager engaged in offender management related activity to enter and remain on premises occupied by the Offender for such time is necessary to carry out their functions in connection with this order.

Further support can be provided by contacting [LRO Support](#) or via your SOC Community Coordinators DI Andy Fox ([andy.fox@avonandsomerset.police.uk](mailto:andy.fox@avonandsomerset.police.uk)) and DI Mandy Pilling ([mandy.pilling@avonandsomerset.police.uk](mailto:mandy.pilling@avonandsomerset.police.uk)) including examples of applications previously made. When the Police can make their own applications, consult your legal department accordingly.