



The Police, Crime, Sentencing and Courts Bill, Part 10, Serious Violence Reduction Orders

Despite Amnesty International's stated opposition to the Police, Crime, Sentencing and Courts Bill (the Bill) as a whole, given its enormous breadth and numerous extremely problematic provisions, it is proceeding through the legislative process. We therefore urge Peers to vote in support of amendments that would mitigate its worst harms. This briefing focuses on **Part 10, Chapter 1 – Serious Violence Reduction Orders (SVROs)**.

Amendments to support:

- 90H and 90J: ensure SVROs can only be imposed on individuals convicted of a knife crime offence
- 95A and 95B: require a vote by both Houses, following consideration of Pilot report, before SVROs can be commenced
- 95C: strengthens the Pilot, ensuring impact on minoritized and vulnerable groups considered
- 90G, 90M and 91C: raise the standard of proof required to impose an SVRO to the criminal standard of 'beyond reasonable doubt'
- 90N, 90P and 90Q: strengthen the evidentiary requirements to ensure only admissible evidence can be considered in imposition of an SVRO
- 91A and 91B: narrow the criminal sanctions for breach of an SVRO
- 91D: limits the number of times an SVRO can be renewed

Part 10 Chapter 1 – Serious Violence Reduction Orders (SVROs)

SVROs would introduce an unprecedented expansion of stop and search powers at a time when it is widely understood (and proven) that existing stop and search powers are over-used and widely racially disproportionate. The College of Policing and Her Majesty's Inspectorate of Constabulary have questioned the effectiveness of existing stop and search powers in the detection and prevention of crime. Both bodies have concluded their over-use and misuse has clearly undermined public trust and confidence in the police, specifically amongst Black and Asian communities who are disproportionately targeted.¹

As currently drafted, anyone subject to an SVRO could then be subjected to stop and search at any time, effectively meaning individuals will be stopped and searched without any suspicion of being involved in any current crime, despite evidence from policing bodies finding that:

*"Simply increasing stop and search, without using an intelligence-led approach, is unlikely to reduce crime. The evidence suggests that stop and search also tends to be less productive the more the power is used."*²

It is clear that stop and search powers overwhelmingly are used against black people. Recent Home Office data³ shows that Black people are 7 times more likely to be stopped and searched than white people, and when the 'reasonable grounds' requirement is removed, Black people are 14 times more

¹ See <https://www.justiceinspectorates.gov.uk/hmicfrs/our-work/article/stop-and-search/> and https://whatworks.college.police.uk/Research/Documents/SS_and_crime_report.pdf

² <https://www.app.college.police.uk/app-content/stop-and-search/>

³ <https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2021/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2021#introduction>

likely to be stopped and searched than white people. The Home Office itself has acknowledged that SVROs are likely to have racially disproportionate effects – particularly in respect of Black men – both in terms of who they are applied to and who is stopped and searched under these powers⁴. SVROs are likely to entrench racial discrimination in the criminal justice system, right at a time when widespread understanding of institutionalised racism in the UK is growing and Police Chiefs are considering a public admission of institutional racism⁵. This reality must be addressed by the Police and UK government, not engrained further.

Application beyond knife crime offenders

As currently drafted SVROs can be imposed on someone convicted of a completely unrelated offence, but who had a knife on their person at the time. For example, someone who happened to have a pen knife in their pocket when caught shoplifting. They can also be imposed on someone who knew, or merely ‘ought to have known’, that someone else either used a knife, or had a knife with them when committing an unrelated offence. This provision clearly extends the concept of joint enterprise and fails to acknowledge that vulnerable people may themselves be victims of exploitative, violent or coercive relationships and associations. It is not clear why it would be necessary for powers to be applied in this way, especially given existing criminal sanctions already capture secondary individuals who are an accessory to any specific crime⁶, including the prosecution of those individuals. In doing so, a number of important threshold tests should be applied to anyone caught up in these crimes⁷. As written, SVROs undermine these safeguards.

It is important to highlight the impact of SVROs on women experiencing exploitation. The application of SVROs to someone on the basis that they “ought to have known” that someone else was in possession of a knife, mirrors joint enterprise laws which have brought women into the criminal justice system who had no involvement in the alleged offence but were experiencing abuse from their co-defendants. One study by Manchester Metropolitan University academics and JENGba, which examined 109 joint enterprise cases involving women and girls – the majority of whom had convictions for serious violent offences – found that none of the cases involved the woman or girl using a deadly weapon, in 90% cases they engaged in no violence at all and in 50% they were not even at the scene.⁸ As Agenda states, *“The proposed terms of an SVRO render invisible the impact of coercion...experienced by many young women drawn into the criminal justice system.”*⁹

While Amnesty opposes the introduction of SVROs completely, given they are neither a necessary nor proportionate response to serious violence, it is important to point out that the legislation currently provides for a much wider application than the Conservative Party 2019 manifesto commitment to make *“it easier for officers to stop and search those convicted of knife crime”*.

While there is no evidence to suggest SVROs would be effective in reducing serious violence at all, the lack of a clear rationale for the need to impose them on people not convicted of a previous knife crime offence is stark. In fact, during the Bill’s committee stage in the Lords the Minister repeatedly stated that *“for an SVRO to be made a person must be convicted of an offence involving a knife or offensive weapon.”*¹⁰, which is clearly incorrect and suggests the wider application is either misunderstood or unintended.

⁴ <https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-equality-statements/home-office-measures-in-the-police-crime-sentencing-and-courts-bill-equalities-impact-assessment>

⁵ <https://www.theguardian.com/uk-news/2021/dec/12/uk-police-leaders-debate-public-admission-institutional-racism>

⁶ See <https://www.cps.gov.uk/legal-guidance/secondary-liability-charging-decisions-principals-and-accessories>

⁷ See for example, *R v Jogee; Ruddock v The Queen* [2016], available at <https://www.supremecourt.uk/cases/docs/uksc-2015-0015-judgment.pdf>

⁸ <https://jointenterprise.co/JEwomen.html>

⁹ Agenda and Alliance for Youth Justice, *“I wanted to be heard”: Young women in the criminal justice system at risk of violence, abuse and exploitation*, September 2021, available at: <https://weareagenda.org/wp-content/uploads/2021/10/Young-Women%E2%80%99s-Justice-Project-briefing-paper-I-wanted-to-be-heard-October-2021-FINAL.pdf>

¹⁰ HL Deb, 17 November 2021, Vol.816, Col. 48

Amnesty recommends Peers support amendments 90H and 90J, which would ensure SVROs would be limited to those convicted of a knife crime offence.

Procedural unfairness and harmful impact

As drafted SVROs would be imposed on individuals based on a “balance of probability” judgment that they committed a crime with a bladed or offensive weapon, setting a very low threshold for imposition of significant restrictions and potential harms. Moreover, SVROs can also be imposed based on information that was inadmissible in any previous criminal conviction. This raises the prospect that vague and unsubstantiated information such as hearsay and other extremely low thresholds of evidence will be used in authorising an SVRO, which if breached can result in criminal sanctions. SVROs can also be renewed indefinitely and therefore risk pulling people never charged with a knife offence further into a cycle of criminality. This again goes far beyond the 2019 manifesto commitment to target those convicted of knife crime. If SVROs can be issued based on evidence or information that was previously inadmissible, by definition that material wasn’t part of any previous conviction.

Amnesty recommends Peers support amendments 90G, 90M and 91C; 90N, 90P and 90Q; 91A and 91D, which would strengthen the procedural requirements for imposing an SVRO and mitigate the harms faced by anyone subject to one.

SVROs should be seen in conjunction with the introduction of the Statutory Duty to reduce serious violence (the Duty) in Part 2 Chapter 1 of the Bill, given that data collected under Part 2 could be used to inform the application of SVROs. Individuals with SVROs are then likely to be subjected to expansive information sharing within the duty, creating a situation that mirrors the harm caused by the Met Police’s Gangs Matrix, which was substantially reformed following investigations by the Information Commissioners Office¹¹ and the Mayor’s Office of Police and Crime (MOPAC)¹². The Matrix created red flags that followed individuals and their interactions with a variety of local service providers, including housing, education, employment, social services; this resulted in a number of harms such as removal of college places, eviction notices and over policing. The duty recreates the exact systematic failings of the Matrix.

Given the concerns that both the Duty and SVROs are built on systems without adequate safeguards, and the low evidential thresholds required for SVROs themselves, the relationship between these two sections of the Bill is especially problematic. Furthermore, it is already acknowledged from the Government’s own equality impact assessments that these measures will be disproportionately applied to ethnic and minoritised groups, specifically the black community. These two highly problematic sections of the Bill are therefore likely to further compound and entrench racial discrimination in the criminal justice system as well as in a number of key local services, without any evidence that either are necessary or will be effective in reducing serious violence.

Amnesty recommends Peers support amendment 95C, which would ensure the Pilot adequately assesses efficacy and the disproportionate impact of SVROs on minoritized groups and vulnerable people, including survivors of abuse; and amendments 95A and 95B which would ensure SVROs can only be commenced once both Houses have voted, having considered the report of the Pilot.

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¹¹ <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2018/11/ico-finds-metropolitan-police-service-s-gangs-matrix-breached-data-protection-laws/>

¹² https://www.london.gov.uk/sites/default/files/gvm_update_jan_2021_final_for_publication_.pdf