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## The Police, Crime, Sentencing and Courts Bill, Part 2, Serious Violence Duty – Report Stage

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Despite Amnesty International's stated concerns over the enormous breadth of this Bill and many of its contained provisions, it is proceeding through the legislative process, and we therefore urge Peers to vote in support of amendments that would mitigate its worst harms. This briefing focuses on **Part 2, Chapter 1 – Functions Relating to Serious Violence**, which would introduce unprecedented sharing of data, relating to vulnerable individuals, with the police, backed up by police and Secretary of State enforcement powers.

### Amendments to support:

- **Amendments 11, 22 and 30** remove language from Clauses 9, 15 and 16 that qualifies compliance with data protection legislation i.e. language in italics “they do not authorise a disclosure of information that— (a) would contravene the data protection legislation (*but in determining whether a disclosure would do so, any power conferred by the regulations is to be taken into account*)”.
- **Amendment 25** inserts language into Clause 15 that would ensure any data shared in the context of the duty would not be personal information.
- **Amendments 18 and 33** reinstate public bodies' statutory duties in implementing the duty.
- **Amendments 24 and 32** ensure that a person's requirement to comply with an information-sharing request must be compatible with their duties under existing human rights and data protection law.
- **Amendment 34** requires the Secretary of State to publish an Equality Impact Assessment of information disclosures before issuing regulations to authorise disclosures of information.
- **Amendment 35** would remove Clause 17 from the Bill, removing Secretary of State powers to enforce compliance with the Duty.

### Part 2 Chapter 1 (functions to reduce serious violence)

Part 2, Chapter 1 of the Bill places a new statutory duty on bodies such as healthcare authorities, local authorities, education providers, prison authorities, and youth custody authorities to collaborate with each other to prevent and tackle serious violence

The serious violence duty should be seen in conjunction with Serious Violence Reduction Orders (SVROs), introduced in Part 10, Chapter 1 of the Bill, not least because data obtained through the serious violence duty could well inform the application of SVROs, which are almost certainly to be disproportionately applied and ineffective, if not counter-productive. Given that racially driven stereotyped views of who is likely to be involved in serious violence will drive the application of both the serious violence duty and SVROs, both are likely to entrench racial discrimination in the criminal justice system and two will mutually reinforce each other, leading to multiple harms and violations.

Whilst Amnesty recognises the devastating impacts of serious violence on individuals, their families and communities, there is a significant lack of robust evidence for either the need for or efficacy of new statutory powers in this area. For example, in 2019, the Government's consultation into serious violence concluded that there was no majority support for such a proposal, with [only 37% of respondents backing indicating support](#). The response goes on to acknowledge that the majority of respondents believed existing duties and legislation were sufficient in these areas. In contrast there

is **substantial evidence that similar systems of data sharing without safeguards are likely to lead to substantial harms for already marginalised, over-policed and disproportionately affected communities.**

### **Not a public health approach**

The serious violence duty has often been falsely characterised as a public health approach to reducing serious violence. However public health approaches, for which there is evidence to demonstrate efficacy, focus on [preventative interventions](#) that recognise the complex relationships between people at risk of experiencing, or perpetrating, violence as well as the factors that can protect them. The serious violence duty, conversely, is a policing led, enforcement model. It introduces a culture of widespread data sharing between public bodies and the police pertaining to individuals (despite public health approaches being defined by use of anonymised data), but more worryingly, it gives the police the power to compel public bodies to engage and to enforce data sharing, backed up by Secretary of State enforcement powers. As the **President of the National Black Police Association, Andy George**, has said:

*“A public health approach to reducing serious violence involves multi-agency working – but it won’t work if it’s the police in the lead.”*

Given how crucial it is for professionals to build relationships of trust with individuals vulnerable to becoming perpetrators or victims of serious violence, it is not surprising that more than 665 youth, health, education, and community workers have [described the serious violence duty](#) as “*directly conflict[ing] with their professional duties*” and potentially “*directly putting the people they work with in harm’s way*” by causing them to withdraw from accessing vital services. [Former police chiefs](#) have similarly expressed concern, stating that the additional police powers in the serious violence duty and in relation to SVROs will “*exacerbate violence*” and lead to the “*harassment*” of people of colour.

### **The Serious Violence duty: repeating the serious failures of the Metropolitan Police’s Gangs Matrix**

The serious violence duty actually puts on a statutory footing the very same systemic failings of the Metropolitan Police service’s Gangs Matrix that were identified following investigations by the [Information Commissioners Office](#) and the [Mayor’s Office of Police and Crime](#) (MOPAC). These investigations lead to the Matrix being substantially reformed; however it is now subject to ongoing review and still contributes to the over-policing of communities of colour, particularly Black men. Amnesty International’s [2018 report](#), informed by years of campaigning by organisations such as StopWatch and The Monitoring Group, found the Matrix to be racially discriminatory and led to many individuals experiencing serious harm including in relation to access to employment, education, housing and welfare.

The key failings of the Matrix were that it disproportionately targeted young black men; enabled sensitive data to be shared widely amongst a large group of local stakeholders without adequate data sharing safeguards; conflated victims of violence with the perpetrators of violence; and kept large numbers of individuals on a database where there was insufficient evidence or justification for their inclusion, resulting in a number of wider seriously negative impacts in respect of access to housing, education and jobs.

Part 2 Chapter 1 reproduces many of these same failings:

- Authorises a broad range of public authorities to share and disclose information without adequate safeguards (indeed the Bill includes language in a number of places that deliberately qualifies existing data protection requirements)

- Gives police specific authority to request information related to individuals from this broad range of authorities, without any corresponding requirement within the Bill to do specific equality impact assessments to protect against disproportionate impact on particular groups. This new authority could also erode relationships between teachers, health workers, social workers and the people they support, hindering the provision of vital services
- Conflates the victims of violence with the perpetrators of violence i.e. *“The reference in subsection (1)(a) to becoming involved in serious violence includes becoming a victim of serious violence.”*

The persistence of stereotypical assumptions as regards to people who may be involved in serious violence practically ensures that data collected, processed, and deployed in pursuit of this duty will be imbued with prejudice. Indeed, the Home Office has itself [concluded](#) that:

“Some of the interventions as a result of this policy may disproportionately indirectly impact the Black, Male and young population.”

Fundamentally, the imposition of a legal requirement on schools, health and social care providers, and youth services to share confidential information – including individuals’ personal schooling and healthcare data - to the police is likely to damage trust and service delivery.

**Amnesty International recommends Peers oppose the introduction of the serious violence duty altogether. If removing the duty is not possible, we strongly urge Peers to support amendments that limit the potential harms of unfettered data sharing and reinsert safeguards:**

- Depersonalise data shared (the [draft statutory guidance](#) states that the expectation is that most data will be depersonalised, which would be in line with a public health approach, but there is absolutely nothing in the Bill to make that the case). Depersonalising data shared in the context of the duty would mitigate racial profiling and the harms affected individuals would experience as a result of being targeted. It would not impede the ability for public bodies to build strategies based on evidence of the drivers of serious violence in given local areas.
- Remove language in the Bill that qualifies compliance with data protection legislation. This would retain minimal protection against harms of unfettered data sharing. There is no justification for inserting caveats to existing data protection, since some sharing of data is already possible for the prevention of crime.
- Require the completion of Equality Impact Assessments on disclosure authorised by the Secretary of State. This would help mitigate disproportionate impacts on Black and other minoritized groups.
- Reinstate public bodies’ statutory duties in implementing the duty. This would ensure public bodies are only obligated to comply with the serious violence duty to the extent it does not conflict with its other statutory duties. Currently professionals would be required to prioritise compliance with the duty.
- Reinstate human rights, equalities, and data protection law, as well as duties of confidentiality and other restrictions on information disclosure. This would ensure that a person’s requirement to comply with an information-sharing request must be compatible with their duties under existing human rights and data protection law.
- Remove Clause 17 and Secretary of State powers to enforce compliance with the Duty.

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