

Introduction

The Criminal Justice Alliance (CJA) is a network of 160 organisations – including charities, think tanks, research institutions and staff associations – working towards a fair and effective criminal justice system.

We welcome the opportunity to respond to this consultation on Serious Violence Reduction Orders (SVROs). However, we were concerned that there was not sufficient information on how these orders would work in practice. The limited wordcount made it significantly difficult to properly evaluate this policy proposal. We are concerned by the leading nature of question one and have therefore left it blank. We believe the most important question is whether SVRO's are an effective way to reduce knife crime, rather than whether they are an effective way to stop and search people. We do not believe they are. We would rather see an increase in support, rather than an increase in surveillance, to help tackle reoffending.

The CJA strongly opposes the implementation of SVROs as we feel there is inadequate evidence of effectiveness, and they could in fact make it more difficult to reduce violence crime. While we recognise and welcome the government's commitment to reduce violent crime, we are concerned SVROs will be:

- stigmatising and disruptive to an individual's rehabilitative journey.
- disproportionately applied to black, Asian and minority ethnic groups.
- damaging to trust and confidence in the police.
- applied in a way that could increase trauma and harassment of children and young adults.

We also believe that they:

- could lead to increased exploitation and criminalisation of children and young women.
- focus resources on surveillance, rather than support.
- could reinforce the wall of silence and discourage victims or witnesses of violent crime from coming forward to get help from the police or health service.
- could breach the Public Sector Equality Duty which requires public bodies to have due regard to the need to eliminate discrimination and harassment, and foster good relations between persons who share a protected characteristic and persons who do not share it.

We are disappointed that a full equality impact assessment has not been published and we would ask for one to be published urgently. We were also concerned to see that there was not a child-friendly version of the consultation to gather the views of young people. The Home Office should specifically seek the views of young people as part of its consultation process. This should be done through tailored material that aims to both raise awareness about SVROs and involve young people in the decision-making process.

We were disappointed to see that the impact of the policy proposal on those with complex mental health was not discussed in the consultation. We emphasise our call for more support, including access to mental health services, rather than more surveillance for this group.

If SVROs are to be applied, we would strongly urge the government to implement this as a pilot in the first instance. We would also want to see improved local and national scrutiny of these and other stop and search powers. In relation to question five, we would have liked to see an option for the order to be reviewed regularly and for it to be removed early if, for example, the individual is engaging positively with support services.

If stops and searches are not conducted sensitively or individuals are frustrated at being stopped and searched on a regular basis, we are concerned that there might be an increase in the number of stop-searches which result in arrest for public order offences, obstruction or assault. This could lead to criminalisation of individuals under an SVRO and those mistakenly stopped under this power, which in turn would also contribute to increasing racial disparity in our criminal justice system.

Resources and effort should be focused on improving trauma-informed support, rather than increasing surveillance and searches which could retraumatise individuals, in particular if they are regularly stopped, which could amount to harassment.

We have set out our concerns in detail below, drawing on the expertise of our Stop and Search Expert Group and including views from the following organisations: Another Night of Sisterhood, EQUAL, Leaders Unlocked, Project 507, Release and The 4Front Project. We have also included an appendix to highlight some of the key concerns of young people, following a consultation with the Youth Advisory Board at CJA member Voyage.

SVRO Questionnaire

1. The government thinks that that the best way to make it easier for the police to stop and search known knife carriers is to create a new court order, the Serious Violence Reduction Order (SVRO). Do you agree?

- A. Yes
- B. No, Section 1 of the Police and Criminal Evidence Act 1984 should be amended.
- C. No, Section 60 of the Criminal Justice and Public Order Act 1994 should be amended.
- D. No, Criminal Behaviour Orders should be amended.
- E. No, Knife Crime Prevention Orders should be amended.

CJA answer: BLANK.

2. When should the court have the power to give someone an SVRO?

- A. On conviction for a knife offence only.
- B. On conviction for offences involving knives or offensive weapons.
- C. On conviction for any offence involving violence.

CJA answer: On conviction for a knife offence only.

3. Should an SVRO be made automatically on conviction?

- A. Yes.
- B. No, but there should be a presumption that the order will be made, unless there are compelling reasons for the court not to do so.
- C. No, making the order should be wholly at the discretion of the court.

CJA answer: No, making the order should be wholly at the discretion of the court.

4. Should SVROs apply to adults only?

- A. Yes, to adults only (18+ only).
- B. No, to adults and children aged 12 and over.
- C. No, to adults and children aged 14 and over.

CJA answer: Yes, to adults only (18+ only).

5. How long should an SVRO last?

- A. *There should be a fixed duration for all SVROs.*
- B. *The SVRO should last for the length of the sentence handed down by the court.*
- C. *There should be a maximum and minimum length. It would then be for the court to decide on the length of the SVRO, within this range. The court should have a power to say when the order should begin.*

CJA answer: There should be a maximum and minimum length – it would then be for the court to decide on the length of the SVRO, within this range. The court should have a power to say when the order should begin.

6. Should we create a separate criminal offence of breach of an SVRO?

- A. *Yes. This offence would be committed by refusing to co-operate when a police officer tries to stop and search a person who has an SVRO, and by a person who has an SVRO being found to be carrying a knife or an offensive weapon again.*
- B. *No, because a breach should be treated as a contempt of court.*
- C. *No, because we should use existing legal provisions about repeat offenders.*

CJA answer: No, because we should use existing legal provisions about repeat offenders.

7. Do you have any comments about how the police should use SVROs in practice?

Please provide details (maximum 500 words):

The CJA strongly opposes the implementation of SVROs, which will not address the underlying reasons for reoffending and knife carrying. Instead it will disrupt a person's rehabilitative journey by encouraging officers to continuously stop and search an individual, even after they have made a commitment to change their lives. This labelling and stigmatisation could reinforce negative stereotypes and cause harm and trauma, potentially drawing them back into a life of crime rather than away from it. Furthermore, there are reports of victims not presenting themselves at A&E who have knife wounds due to fear of police involvement or arrestⁱ and SVROs could perpetuate this risk. We believe police officers already have adequate powers to stop and search 'habitual knife carriers'.¹

If this policy is to be adopted, we would like to see a phased introduction of SVROs, with an independent evaluation of a pilot and its impact on people with protected characteristics, before any national roll out.

In 2010, the Police Code of Practice was amendedⁱⁱ to no longer require forces to collect stop and account data. In 2019, 41 out of 44 forces said they were not recording stop and account data.ⁱⁱⁱ We are concerned there could be an increase in stop and accounts with people not under an SVRO where police are 'identity-checking'. We believe that a high frequency of such stops could amount to harassment. To effectively scrutinise SVROs, we would like to see the requirement for police to record stop and accounts to be reinstated, including recording ethnicity.

If SVROs are implemented, then access to Body-Worn Video (BWV) will be crucial to scrutinise stops under this power. However, we know not all scrutiny groups have access to this.

¹ For example, under Police and Criminal Evidence Act Code A or through targeted operations.

For example, members of London community scrutiny groups have not been able to review footage since January 2020. We also know BWV is not always used how it should be, as highlighted by the Independent Office for Police Conduct's recent review of the Met's use of stop and search, which found there was a *'failure to use BWV from the outset of contact'*^v. Therefore, prior to the implementation of SVROs we would like to see the Home Office Revise Code A of PACE, with a particular focus on the use and sharing of BWV. All scrutiny groups must have access to BWV, with the right data protections, to enable effective scrutiny of SVROs and other stop and search powers.

8. Do you have any comments about the ways in which SVROs might impact on communities?

Please provide details (maximum 500 words)

Use of TSG

We are concerned about the potential for SVRO searches to be conducted by the Territorial Support Group (TSG) who are not local neighbourhood police officers and therefore can lack local knowledge and cultural awareness. The TSG are heavily involved in stop and search, which members tell us has been the cause of growing tensions between the Met and black, Asian and ethnic minority communities. If the TSG were involved in SVRO searches, this might increase tensions, in particular if they were misidentifying people, stopping people on a frequent basis or using force.²

Disproportionality

We are concerned that SVROs will further increase race disparity in stop and search. In the year ending March 2020, black people were stopped at a rate nine times higher than those who were from a white ethnic group.^v We believe that the implementation of this policy will exacerbate existing disproportionality in stop and search, with ripple effects on trust and confidence.

Trust, confidence & legitimacy

We are concerned that SVROs will further damage trust and confidence in policing and undermine legitimacy.³ This is because individuals and communities will see and feel the general increase in stop and search of young black men, adding to their mistrust in policing. Furthermore, we have heard from our members that often young people do not know what power they are being searched under.⁴ We are concerned SVROs will further complicate police powers.

Trauma-informed policing

We are concerned that SVROs undermine the government's commitment (as outlined in the Serious Violence Strategy) to adopt a trauma-informed policing model. This policing model would ensure *'police are better equipped to understand and then address the impact of adverse childhood experiences on both perpetrators and victims of serious violence.'*^{vi}

² For example, this year a young black man was left paralysed from the waist down after TSG officers shot him in the back with a Taser stun gun while he was jumping over a wall. Furthermore, [over the last decade](#), assault was the most common accusation levelled at TSG officers, with 1,545 complaints of "other assault" or "serious non-sexual assault" recorded, none of which were upheld.

³ Government [statistics have shown](#) that people from black, Asian and minority ethnic backgrounds, particularly Black Caribbean people *'were less likely than White British people to have confidence in their local police'* for each of the last five years.

⁴ In particular as many police force areas [do not issue paper receipts](#) after conducting searches and people are required to attend a police station to obtain a copy of their receipt.

Given that *'both victims and perpetrators are more likely than others to carry a weapon'* SVROs could lead to increased trauma from regular searches and greater distrust in the police among victims or individuals at risk becoming involved in violent crime.

9. Do you have any further comments about the proposals in this consultation in relation to impact on protected characteristics under the Equality Act 2010: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation?

Please provide details (maximum 500 words):

We are concerned that SVROs will further exacerbate existing racial disproportionality in stop searches with a resulting negative impact on trust and confidence. As noted in the consultation: *'This may mean that people from an ethnic minority who are subject to an SVRO are more likely to be searched in practice.'*^{vii} We do not believe that due regard has been given to the discriminatory impact of this policy, the risk of harassment based on race and the negative impact it will have on relations between the police and the black community in particular.

Authorised Professional Practice (APP) guidance states *'children are more likely to find stop and searches more traumatic'*.^{viii} SVROs would permit officers to repeatedly stop and search children which may lead to re-traumatisation, which is why we believe if they are introduced, it should be limited to adults.

We are concerned that there could be an increase in younger children and girls being groomed and criminally exploited by people on SVROs to carry knives on their behalf, to evade detection from police.^{ix} One member gave the example of a young mother being groomed to carry knife in the swaddling of their baby with clear safeguarding implications.

It should also be considered that some young adults involved in such offending may not be significantly more mature than under 18s who may be more likely to be considered vulnerable⁵ by virtue of their age.^x It is for this reason that we do not support SVROs for either children or adults.

We are concerned that those placed on an SVRO might have a disability, including complex mental health needs, that are not adequately addressed and could be exacerbated by an SVRO if they are re-traumatised through regular searches. As noted in the Serious Violence Strategy, *'mental health issues are more prevalent in individuals involved in violence and gangs than other comparable groups.'*^{xi}

How might any such impacts be mitigated?

We believe the best way to mitigate the risks identified above would be not to implement SVROs, and instead increase support for this group.

If SVROs are implemented, community scrutiny panels should be mandated in every police force and supported to effectively scrutinise SVROs, as well as stops and searches under other powers. For this to be effective, panels need to follow the new College of Policing guidance on effective scrutiny and community engagement.^{xii}

⁵ Or indeed victims of modern slavery under s.45 of the Modern Slavery Act 2015.

We believe that in order for this to embed in practice, the Home Office must establish a national body for community stop and search scrutiny panels, similar to the Independent Custody Visitors Association.

The views expressed in this briefing are not necessarily those of any individual member or funder of the CJA.

Contact: Amal Ali, Policy Officer Amal.ali@criminaljusticealliance.org.uk

Appendix

The following responses on the SVRO consultation were taken from the Voyage Youth Advisory Board which consisted of 12 young people aged 17-24.

When asked what the first word or phrase that comes to mind when they heard about SVROs responses included:

- *Aggression*
- *Unfair*
- *Identity*
- *Prejudice*
- *Black boys*
- *Stereotypes*
- *Systemic racism*
- *Knife crime*
- *Profiling*

When asked why they did not respond more positively to the consultation.

'You're asking young black teenagers, our responses are based on what we've been exposed to either through the media or our day-to-day experiences. It then wouldn't be expected that we've had fair or just dealings with the police. This factors in when asked "what we think about when we hear SVROs", the police or new rules being imposed by them.'

When asked if the young people would feel safer if people were placed on SVROs.

'After the news that's come out this week, so officers not switching on body cameras during stop searches, officers searching without just-cause. The SVROs would be more of the same and would be another excuse to stop and search more people.'

'..prevention is always better than cure. Stopping people getting into this position in the first place is important. I feel like people will just be branded for life [as criminals] if they have one offence then they have no freedom and are constantly being stopped.'

'SVROs will basically be saying no matter how hard you try and reform your life [after being convicted of an offence] or what changes you have made to stop this from happening in your life it does matter. Because we [the police] can now assume that you are carrying a knife again. This can dishearten a lot of people and as a black young Londoner myself I

know when someone is trying to reform having negative dealings with the police can push them down. Which is what we should be trying to avoid rather than encourage.'

'Even if the person is not carrying a knife, over and over again the person will become more aggressive [due to frustration] towards the officer which will produce more problems. So, despite them not carrying a knife they will still be in some trouble. This will drag them back into the trap of stereotypes about being aggressive and a violent person.'

When asked who the SVROs should apply to.

'The use of the word 'juveniles' [on the questionnaire] is questionable. It is this wording that makes you think of young men in hoodies committing crime and not children. I feel this is done to make this scarier and it's fearmongering.'

'Its probably going to cause more trauma by consistently stopping children. Stopping children and subjecting them to the same rules is going to be really problematic I think.'

'I would say 18+ otherwise you'll associate police with negativity [from a much younger age]. You will never be able to rectify that once it has been ingrained.'

'I would say it depends on the statistics. So, it should depend on the number of people that are being stopped and searched where knives are being found. You can say that this should apply to 18+ but there are 14 year olds and 15 year olds carrying knives and who are actually stabbing people. Yes, there are some children that are groomed but there are some children who are going out stabbing people.'

'If stop and search was intelligence-lead then they wouldn't need these new laws to harass people. If implemented, it should be limited to 18+.'

If SVROs were to be introduced what would we like to see police doing?

'It should definitely be introduced as a pilot and it should come with community scrutiny. But community scrutiny should have real teeth and should be able to effect change. Growing up it felt like their [police] intelligence was just based on stabbing rates. So, everyone that looked like me was fair game. But I am very different from the people they were looking for, but you put us all under the same banner and it just creates resentment. So, this was not intelligence. Just a wide net. So, it would need to come from the community with the support of the community.'

'It's important for all police to gather statistics and data on the ages of those being stopped and searched who have an SVRO and what the outcome was. This should be reviewed and if nothing is happening in terms of reducing knife crime then the policy is worthless.'

How might SVROs impact communities?

'I think SVROs will increase the tension between the community and the police. Purely because of the political climate and people currently have a horrendous relationship with the police. Secondly people in the community people don't trust the police as it is. Hence why they carry knives to begin with. I think it will be a major issue especially if the policy is not thoroughly looked over and a lot of police are abusing their power. Which is already happening and police are not being held to account.'

'It's just another way to increase police power. If I had a choice, I would not allow SVROs to be introduced. I think it would not help with police and community relationships.'

What should police be doing to mitigating the impact of SVROs on those with a protected characteristic?

'Police should have unconscious bias training and I don't think very many people know about SVROs. So there should be more awareness targeted at young people.'

'I also think we should get community scrutiny boards involved but then going back to earlier points they should be able to influence change. There should also be input from the community on what goes into unconscious bias training for the police.'

References

- ⁱ The BBC. (2019) [London knife crime: Children 'sewing own wounds](#).
- ⁱⁱ [The Police and Criminal Evidence Act 1984](#) (Codes of Practice) (Revision of Codes A, B and D) Order 2010. Accessed 02 November 2020.
- ⁱⁱⁱ Centre for Public Data. (2019) [Stop and account: how is this little-known police practice being used?](#).
- ^{iv} The Independent Office for Police Conduct. (2020) [Review identifies eleven opportunities for the Met to improve on stop and search](#).
- ^v The Home Office. (2020) [Police powers and procedures](#), England and Wales, year ending 31 March 2020.
- ^{vi} HM Government. (2018) [Serious Violence Strategy](#).
- ^{vii} The Home Office. (2020) [Serious Violence Reduction Orders Consultation](#). P.15
- ^{viii} The College of Policing. (2016) [Authorised professional practice on stop and search](#).
- ^{ix} Corker., S. (2019) [Sharp rise in women caught carrying knives](#), *The BBC*.
- ^x Youth Justice Legal Centre. (2020) [Timely Justice](#): Turning 18 A briefing on the impact of turning 18 in the criminal justice system.
- ^{xi} HM Government. (2018) Loc. cit.
- ^{xii} The College of Policing. (2020) [National police guidance on stop and search updated](#).