

## **JOINT BRIEFING FOR HOUSE OF LORDS AHEAD OF SECOND READING OF THE POLICE, CRIME, SENTENCING AND COURTS BILL**

### **PART 2 (SERIOUS VIOLENCE DUTY) AND PART 10 (SERIOUS VIOLENCE REDUCTION ORDERS)**

**September 2021**

Ahead of the Bill's Second Reading in the House of Lords, our organisations from across the human rights, privacy and technology, criminal justice, public health, and racial justice sectors highlight the following concerns with Part 2, Chapter 1 and Part 10, Chapter 1 of the Police, Crime, Sentencing and Courts ('PCSC') Bill as it stands.

We recognise that the intention of these serious violence proposals is to protect communities from harm, save lives and prevent injury. These are aims which we wholeheartedly support – serious violence is a human rights issue which devastates communities across the country, hindering many people's ability to live safe and dignified lives. It demands an evidence-based and just response that works with, not against, communities that bear its brunt.

Instead, the proposals in the PCSC Bill are entirely unsubstantiated by evidence, will sanction injustice and discrimination, and risk fracturing public trust in public services and the authorities. **For the below reasons, we urge the Government to remove these harmful elements of the Bill.**

#### **PART 2: SERIOUS VIOLENCE DUTY**

1. Part 2, Chapter 1 of the Bill places a new statutory duty on bodies such as healthcare authorities, youth services, local authorities and education providers to collaborate with each other to prevent and tackle serious violence.
2. While purporting to be a public health, multi-agency approach to tackling serious violence, the proposed duty to prevent and reduce serious violence would risk further criminalising communities over addressing root causes by being police-led and enforcement-driven.
3. The provisions under Part 2 that mandate data-sharing between different agencies with minimal safeguards have the potential to breach individuals' data rights and their right to a private life and entrench racially disproportionate policing and structural inequality.
4. The creation of carve-outs for professional duties of confidentiality and other restrictions on disclosure of information will erode relationships of trust between frontline professionals and the individuals they work with, and hinder the provision of vital services such as health and social care and education.

#### **NOT A PUBLIC HEALTH APPROACH**

5. The response to serious violence should not be the exclusive domain of law enforcement, and tackling the root causes has been recognised – including by the Government – to be a critical element of an effective and sustainable approach.<sup>1</sup>

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<sup>1</sup> Pg. 60, HM Government, *Serious Violence Strategy*, April 2018, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/698009/serious-violence-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698009/serious-violence-strategy.pdf)

6. Although the serious violence duty has been touted as a public health, multi-agency approach to serious violence, it is fundamentally a police-led, enforcement-driven strategy.<sup>2</sup> For example, local policing bodies will be given the authority to monitor specified authorities' – which includes education and healthcare providers – compliance with their duties to collaborate to prevent and reduce serious violence (clause 13 (2)). As outlined below, the various bodies subject to the duty are not equal partners: police are given the power to demand information from other bodies (like education authorities, healthcare providers or social workers) and they must acquiesce, regardless of whether they determine sharing the information is in the public interest or breaches any of their other legal duties or professional obligations.
7. A police-led approach is extremely problematic because police and welfare-based agencies and organisations have fundamentally differing institutional missions and professional obligations. A police-led approach is likely to result in the prioritisation of policing objectives (including surveillance, enforcement, and punishment), at the expense of protecting people's rights and improving their well-being and economic conditions and protecting wider public interests that safeguarding and data protection promote.

### **BREACH INDIVIDUALS' DATA RIGHTS IN RACIALLY DISPROPORTIONATE WAYS**

8. Clauses 9 and 15 establish powers on the part of a wide range of agencies to disclose information to the police (and to one another) under the duty to prevent and reduce serious violence. While the Explanatory Notes state that clauses 9 and 15 are designed to create a “permissive gateway” for the sharing of information, when understood in the context of the duty and powers of the Secretary of State under clauses 16 and 17 respectively, it becomes clear that the police, who are at the apex of this duty, can strongarm information from such agencies essentially whenever it so chooses.
9. Under clause 16 (1), a wide range of agencies will be required to hand over any and all information upon request by a local policing body, for the purposes of enabling it to exercise its functions under the serious violence duty. Clause 16 (4) makes clear that this is a legal obligation, that is further backed up by the Secretary of State's power to make orders mandating compliance under clause 17. While a Government Minister stated at Committee Stage that she hoped that the powers under clause 17 would be “used infrequently”,<sup>3</sup> this is no guarantee, and the power remains highly worrying, especially when considered in light of clauses 9 (5), 15 (4), 16 (6). These provisions, ostensibly an attempt to reinstate data protection legislation, are confusingly drafted, with the effect that existing data protection legislation is to be read in line with the duties under the PCSC Bill, rather than the other way around.<sup>4</sup> Most worryingly, clauses 9 (4), 15 (3), and 16 (5) provide that disclosures of

<sup>2</sup> Medact, *Serious violence measures in the Police, Crime, Sentencing and Courts (PCSC) Bill undermine public health*, September 2021, available at: <https://drive.google.com/file/d/1PLwwYj1XoFSHnfEVLN7ATiS6ZRe6LqMW/view>

<sup>3</sup> Column 259, Police, Crime, Sentencing and Courts Bill (Sixth sitting), 25 May 2021.

<sup>4</sup> Clause 15 (4) provides that “this section does not authorise a disclosure of information that—(a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section is to be taken into account)”. The effect of the qualifying language is that, in determining whether a disclosure of information would contravene the data protection legislation, the power conferred by clause 15 is to be taken into account. This drafting is evidently circular, and it is unclear from the Explanatory Notes whether any attention has been paid as to how the powers conferred by clause 15 (and clause 9 and 16, which use similar qualifying language) will actually influence assessments of whether there is a legal basis for the processing of data, not to mention issues of necessity and proportionality, under the General Data Protection Regulation and Data Protection Act 2018.

information under these provisions will not breach professional duties of confidentiality and other restrictions on disclosure.

10. There already exist well-established information-sharing mechanisms to enable multi-agency working on issues such as domestic abuse,<sup>5</sup> including Multi-Agency Risk Assessment Conference (MARAC) and Multi-Agency Safeguarding Hub (MASH) processes. There are also a wide range of existing statutory powers/duties to share information for specified purposes. For example, s.17 of the Crime and Disorder Act 1998 requires certain authorities, including local authorities, to have due regard to the need to prevent crime and disorder in their area. The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007/1830 made under the CDA 1998 set out the framework under which a strategy group shall arrange to share information between responsible authorities. Importantly, these powers do not override established data protection obligations, the Human Rights Act, or the common law duty of confidentiality.<sup>6</sup>
11. By contrast, Clauses 9, 15, 16, and 17 of the PCSC Bill have been drafted to override the professional and legal safeguards around personal data that exist in order to safeguard people's human rights. Further, the broad drafting of the duty under clause 7 means that any information disclosure - whether that is about individuals' health status, religious beliefs or political opinions and affiliations - could ostensibly be justified under the banner of 'preventing and reducing serious violence'.<sup>7</sup> Altogether, these provisions are likely to give rise to significant and severe breaches of individuals' data rights under the General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018 and their right to a private life (protected under Article 8 ECHR).<sup>8</sup>
12. Not only are these provisions likely to threaten people's data rights, they are also likely to lead to individual profiling. As citizens, we engage with a wide range of public bodies in our day to day lives – whether that is our school, GP practice, mental health provider, or local council. Under the provisions in Part 2, Chapter 1, our interactions with different public bodies would effectively become data points that can be shared and used by other agencies (including the police) to glean information and potentially to make decisions about us – without our knowledge or consent.
13. The mere act of 'labelling' an individual – whether as an extremist, a gang member, or a future criminal – can be profoundly stigmatising, and leave people feeling isolated and marginalised. Considered in the context of Part 2, Chapter 1, where information is being shared in pursuit of a police-led approach to preventing and reducing serious violence, it is foreseeable that

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<sup>5</sup> For example, see:

<https://www.walthamforest.gov.uk/sites/default/files/marac%20information%20sharing%20agreement.pdf>;  
<https://www.bournemouth.gov.uk/communityliving/CrimeDisorder/DomesticAbuse/marac/marac-docs/personal-information-sharing-agreement.pdf>

<sup>6</sup> Other statutory duties include those under the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009 (Regulation 5) made under the Act; Section 82 of the National Health Service Act 2006; Sections 13Z3 and 14Z23 NHS Act 2006 Restrictions; s.27 and s.47 of the Children Act 1989; s.10 and s.11 of the Children Act 2004; s.175 of the Education Act 2002.

<sup>7</sup> These are subject to a higher degree of protection under both the Data Protection Act 2018 (DPA) and the ECHR.

<sup>8</sup> This is particularly important in light of the British Government's recent announcements regarding developments in policy on data protection, such as its commitment to "championing international flows of data": See Department for Digital, Culture, Media and Sport, International data transfers: building trust, delivering growth and firing up innovation, 26 August 2021, available at: <https://www.gov.uk/government/publications/uk-approach-to-international-data-transfers/international-data-transfers-building-trust-delivering-growth-and-firing-up-innovation>

such sharing will result in the creation of individual risk profiles, that is, predictions about individuals' propensity to engage in certain forms of behaviour prior to them actually doing anything. The rising use of automated risk profiling and predictive policing tools, which rely on profiling to allocate risk and ultimately inform public policy decisions, may exacerbate this dynamic, with significant consequences for labelled individuals, their families, and their social circles<sup>9</sup> - not to mention for the presumption of innocence that undergirds the criminal law. As noted by Sarah Jones MP in Report Stage in the House of Commons, "the [serious violence] duty risks becoming an intelligence-gathering exercise with potentially ominous consequences."<sup>10</sup>

14. The failings of the Gangs Matrix are instructive in this regard. It is well-established that the policing of serious violence is heavily fuelled by racial stereotypes, many of which centre on the ill-defined and porous concept of the 'gang'.<sup>11</sup> The stark statistics on the Metropolitan Police Service's (MPS) Gangs Matrix, revealed in a report published in 2018 by Amnesty International, lay bare the over-identification of people of colour as gang affiliated – at the time of publication 72 per cent of individuals on the MPS's Gangs Matrix were black, yet the MPS's own figures show that just 27 per cent of those responsible for serious youth violence are black.<sup>12,13</sup>
15. 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, contrary to the right to non-discrimination<sup>14</sup> and the public sector equality duty.<sup>15</sup>

#### **ERODE PROFESSIONAL DUTIES AND HINDER THE PROVISION OF VITAL SERVICES**

16. At Committee Stage, a Government Minister noted that one of the key reasons for clause 15 is that "information sharing between agencies is not always as full and as timely as we would like, because of concerns that they are not allowed to share information."<sup>16</sup> This comment seemingly ignores the importance of legal duties and professional obligations – such as confidentiality and safeguarding duties – that are essential to protect people's dignity and privacy, fostering relationships of trust, and delivering high quality care, and which are also grounded in domestic<sup>17</sup> and international law<sup>18</sup> and the Department for Education's policy.<sup>19</sup>

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<sup>9</sup> Liberty, 'Policing By Machine', 1 February 2019, <https://www.libertyhumanrights.org.uk/issue/policing-by-machine>

<sup>10</sup> HC Deb 5 July 2021, Vol 698, Col 563

<sup>11</sup> Patrick Williams, 'Being Matrixed: The (over)policing of gang suspects in London', August 2018, [https://www.stop-watch.org/uploads/documents/Being\\_Matrixed.pdf](https://www.stop-watch.org/uploads/documents/Being_Matrixed.pdf)

<sup>12</sup> Amnesty International, 'Trapped in the Matrix: Secrecy, stigma and bias in the Met's Gangs Database', May 2018, <https://www.amnesty.org.uk/files/reports/Trapped%20in%20the%20Matrix%20Amnesty%20report.pdf>.

<sup>13</sup> The West Midlands Police Ethics Committee has raised concerns that active proposals using crime data to identify young 'violent offenders' in school catchment areas would create "risks of stigmatising and labelling children, areas, schools or neighbourhoods)." (published February 2021) <https://www.westmidlands-pcc.gov.uk/archive/ethics-committee-february-2020/> See also: Documents ref 14122020 - EC - Agenda Item 3c - Analysis of school catchment areas and violence – proposal and 14122020 - EC - Minutes Advice For background see article: <https://www.birminghammail.co.uk/news/midlands-news/fears-over-police-plan-identify-20193614>

<sup>14</sup> Article 14, European Convention on Human Rights.

<sup>15</sup> Section 149, Equality Act 2010.

<sup>16</sup> Column 254, Police, Crime, Sentencing and Courts Bill (Sixth sitting)

<sup>17</sup> Section 1, Children's Act 1989

<sup>18</sup> Article 3, Convention on the Rights of the Child.

<sup>19</sup> Department for Education, 'Working Together to Safeguard Children', 2018, <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

17. 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 have a corrosive impact on hard-fought and longstanding relationships of trust, and severely damage service delivery. We have already seen the damaging consequences of such data-sharing in the context of Prevent<sup>20</sup> and the Hostile Environment.<sup>21</sup>

## **PART 10: SERIOUS VIOLENCE REDUCTION ORDERS**

18. Part 10, Chapter 1 of the Bill provides for the creation of a new civil order, the Serious Violence Reduction Order (‘SVRO’), which would be imposed on an individual on the basis of their conviction for an offensive weapons offence. Such an order could potentially include a range of requirements and prohibitions, that the Secretary of State can specify by way of regulation. Part 10, Chapter 1 would further amend the Sentencing Code in order to confer a new power on the police to stop and search anyone subject to an SVRO whenever they are in a public place, without needing to form reasonable suspicion.
19. The Bill hands the police a highly oppressive tool, unlike anything on the statute books.
20. The Bill seriously compounds the discrimination faced by marginalised communities – particularly Black men – and exacerbates the disparities that already exist throughout the criminal justice system.
21. SVROs are not supported by evidence, and have the potential to exacerbate the precise problem it is seeking to solve – serious violence - by fomenting injustice, alienation and exclusion.

## **OPPRESSIVE BY DESIGN**

22. Existing stop and search powers are already problematic and yet, in recognition of their ability for harm, have certain safeguards applied to them. SVROs fundamentally undermine these safeguards in substantial ways, by: creating an individualised stop and search power, allowing police to stop someone whenever they are in a public place, removing the need to form reasonable suspicion and basing the imposition of an SVRO on a person’s previous convictions.
23. As it stands, previous convictions cannot be used alone, or in conjunction with other factors, as grounds to conduct a stop and search. The Code of Practice for statutory powers of stop and search, PACE Code A, states that police cannot use “the fact that the person is known to have a previous conviction” as a basis for a stop and search. Such a constraint seeks to tie reasonable suspicion to factors which are relevant to the likelihood that a person has committed a specific offence, rather than attempts to reduce people to their past behaviour. SVROs on the other hand, are tied precisely to a person’s previous conviction, which the court can impose via a low standard of evidence. The Bill makes clear that “it does not matter” whether the evidence considered in deciding to make an SVRO “would have been admissible in the proceedings in which the offender was convicted.”

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<sup>20</sup> Open Society Justice Initiative, *Eroding Trust: The UK’s Prevent Counter-Extremism Strategy in Health and Education*, October 2016, <https://www.justiceinitiative.org/publications/eroding-trust-uk-s-prevent-counter-extremism-strategy-health-and-education>

<sup>21</sup> See for example J. Grierson, *Police told not to share immigration data of domestic abuse victims*, 17 December 2020, <https://www.theguardian.com/uk-news/2020/dec/17/police-told-not-to-share-immigration-data-of-domesticabuse-victims> and Z. Gardner, *Migrants deterred from healthcare during the COVID-19 pandemic*, JCWI, February 2021, <https://www.jcwi.org.uk/Handlers/Download.ashx?IDMF=fa346f70-cb08-46c1-b366-9a1f192ff4f3>

24. Nonetheless, a person subject to an SVRO may face criminal penalties should they breach it, for example, if they fail to comply with reporting requirements.<sup>22</sup> This has the potential to impact people experiencing insecure housing or homelessness. A person subject to an SVRO may also commit an offence if they are deemed to have “intentionally obstruct[ed]” a police officer in the exercise of their powers.<sup>23</sup> The criminal penalties for failing to comply with the requirements of an SVRO have a maximum sentence of two years. This will further trap people in and exacerbate cycles of criminalisation.
25. People subject to, or who police believe are subject to, an SVRO are likely to face intrusive monitoring of their daily lives. Similar tactics to those used to police people on the Gangs Violence Matrix may be used – continually patrolling and surveilling the same postcodes and thereby subjecting people to chronic over-policing. This kind of monitoring not only interferes with people’s right to private and family life, but may alter where they associate (for example, not leaving home or attending events because they know they will attract police attention) or who they associate with (for example, not meeting with particular friends or family) and impact their ability to work or access education.
26. At Committee Stage, the Government sought to reassure the Opposition that the establishment of SVROs by way of a pilot across 4 police forces, would enable them to collect robust data on their use.<sup>24</sup> We are concerned that pilots and other exercises such as these, do not achieve their purported aims of safeguarding and establishing agreed standards to base further roll out of policy from, but are instead a mere buffer zone between introduction of a policy and its wider roll out.<sup>25</sup> The only safeguard available to counter the harms that SVROs are likely to cause, is for them not to be created at all.
27. It is worth noting that the Home Office has recently announced its ‘Beating Crime Plan’, which will, among other things, permanently relax the ‘Best Use of Stop and Search Scheme’ (‘BUSSS’) voluntary safeguards relating to Section 60 Criminal Justice and Public Order Act 1994 (CJPOA) stop and search powers (which currently gives the police a right to stop and search people without reasonable suspicion subject to strict requirements).<sup>26</sup> BUSSS was introduced by ex-Home Secretary Theresa May due to the recognition that police use of stop and search was liable to be “misused” with the resulting impact of this power being “counter-productive,” “a waste of police time,” and “hugely damaging to the relationship between police and the public.”<sup>27</sup> Following research commissioned to Her Majesty’s Inspectorate of Constabulary which found that black people and other ethnic minorities were up to seven times more likely to be stopped and searched than white people, the former Home Secretary acknowledged that it was possible to “reduce the number of stops, improve the stop-to-arrest ratio and still cut crime.”<sup>28</sup> By way of example, in 2012, the Metropolitan Police reduced no-suspicion stop and search by 90% and stabbings and shootings fell by a third and 40%

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<sup>22</sup> Clause 342B

<sup>23</sup> Clause 342G

<sup>24</sup> HC Public Bill Committee 17 June 2021

<sup>25</sup> For example, the Home Office collects annual data on stop and search. This data has repeatedly shown the disproportionality inherent in these police powers, but the Government is yet to make substantial efforts to rectify these problems. Similarly, the Home Office has delayed their pilot of Knife Crime Prevention Orders – the findings from which may have substantially aided the decision to implement SVROs in the first place.

<sup>26</sup> Home Office, *Beating Crime Plan*, 27 July 2021, available at: <https://www.gov.uk/government/publications/beatting-crime-plan#:~:text=The%20Beating%20Crime%20Plan%20sets,with%20fraud%20and%20online%20crime>

<sup>27</sup> Home Office and The Rt Hon Theresa May MP, *Oral Statement to Parliament: Stop and Search: comprehensive package of reform for police stop and search powers*, 30 April 2014, available at:

<https://www.gov.uk/government/speeches/stop-and-search-comprehensive-package-of-reform-for-police-stop-and-search-powers>

<sup>28</sup> *Ibid.*

respectively.<sup>29</sup> We are extremely concerned that the Government is trying to reduce transparency and accountability in an area where more scrutiny, rather than less, is needed – including about whether such police powers are proportionate and fundamentally necessary in the first place.

## COMPOUNDING DISCRIMINATION

28. In its initial consultation document on SVROs, the Government recognised that whilst “most people who are sentenced for knife or offensive weapon offences are White [...] adults from some ethnic minority backgrounds are disproportionately more likely to be sentenced for a knife or offensive weapon offence. It is therefore likely that most people who are made subject to SVROs will be White, adult males, although it may be that a disproportionate number of Black people are impacted, Black males in particular.”<sup>30</sup> Further, the Government conceded that “people from an ethnic minority who are subject to an SVRO are more likely to be searched in practice.”<sup>31</sup> As is apparent from official data, there already exist extreme racial disparities in the rates of stop and search in this country. Communities of colour are already searched at significantly higher rates, with black people 9 times more likely to be subject to a stop and search than white people.<sup>32</sup> Both in terms of who they are applied to and who bears the brunt of their enforcement, SVROs will reflect, deepen and compound the discrimination marginalised communities face at every juncture of the criminal justice system.
29. The Bill also allows for an SVRO to be made on any person aged over 18, regardless of whether the person themselves used a weapon. This introduces a *de facto* joint enterprise or guilt by association measure – such that people may have orders imposed on them (and therefore be subject to constant stop and search). As the Lammy Review established “thousands of people are estimated to have been prosecuted under Joint Enterprise over the last decade” and “up to half of those convicted under Joint Enterprise identify as BAME.”<sup>33</sup> In the case of *R v Jogee*, the Supreme Court strengthened the burden of proof required for joint enterprise to limit the police use of this discriminatory doctrine, such that it was required beyond reasonable doubt that a secondary party intended to encourage or assist a principal in, for example, carrying out a knife attack.<sup>34</sup> Despite this, the government is proposing that this strengthened burden of proof be disregarded in relation to SVROS, effectively reviving the expansive joint enterprise doctrine, even in circumstances where people may have been acquitted in joint enterprise proceedings of the main offence, as long as they have been convicted of some other offence.
30. Given the proposed new measures pose significant human rights impacts, it is crucial that they are supported by unequivocal evidence that they will meet their stated aim of breaking the “cycle of offending and [protecting] our communities from harm”.<sup>35</sup> We support this aim,

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<sup>29</sup> Ibid.

<sup>30</sup> Pg. 15, Home Office, *Serious Violence Reduction Orders: A new court order to target known knife carriers*, 14 September 2020, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/917277/SVRO\\_consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/917277/SVRO_consultation.pdf)

<sup>31</sup> Ibid.

<sup>32</sup> House of Commons Library. 2021. Police powers: stop and search, available at: <https://commonslibrary.parliament.uk/research-briefings/sn03878/>

<sup>33</sup> Pg. 19, *The Lammy Review: An Independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System*, September 2017, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/643001/lammy-review-final-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf)

<sup>34</sup> *R v Jogee* [2016] UKSC 8

<sup>35</sup> Pg. 15, Home Office, *Serious Violence Reduction Orders: A new court order to target known knife carriers*, 14 September 2020,

so we are concerned that no evidence has been provided to justify claims of effectiveness. The Home Office’s own research found that in a previous surge in stop and search during Operation Blunt 2 there were “no discernible crime reducing effects”.<sup>36</sup> Similarly, an independent, peer-reviewed study drawing on ten years of London-wide data found stop and search has “only a very weak and inconsistent association with crime” and drew no statistically significant links between stop and search and levels of violence.<sup>37</sup>

31. In addition, the use of SVROs would risk breaching Article 8 ECHR – the right to respect for private and family life, home and correspondence. In *Gillan and Quinton v United Kingdom*<sup>38</sup>, the ECtHR found that the stopping and searching of a person in a public place without reasonable suspicion of wrongdoing could violate Article 8 ECHR, where such powers are not sufficiently circumscribed and contain inadequate legal safeguards to be in accordance with the law. In particular, the ECtHR determined that the lack of reasonable suspicion rendered an individual “extremely vulnerable to an arbitrary exercise of power” and represented a lack “of any practical and effective safeguards”. We consider that the proposed framework could therefore risk violating Article 8 ECHR and be open to challenge in the courts.
32. In our view, the proposals are not only likely to be ineffective, but may also be directly counter-productive. The custodial experience often exacerbates and compounds the early life disadvantage many of the people who come into contact with the criminal justice face. Against this backdrop, these measures may reinforce negative stereotypes and trap people in a cycle of criminalisation and harm, rather than diverting them from the criminal justice system. SVROs also severely risk undermining the potential for rehabilitation and people’s chances of being re-integrated into society.
33. By fomenting injustice, alienation and social exclusion – conditions which have been found to correlate to levels of serious violence – the serious violence proposals in the PCSC Bill may deepen the very problems they seek to address. **We urge the Government to remove these harmful elements of the Bill.**

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<sup>36</sup> Pg. 3, McCandless, R., Feist, A., Allan, J., Morgan, N. *Do initiatives involving substantial increases in stop and search reduce crime? Assessing the impact of Operation BLUNT 2*, 2016, available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/508661/stopsearch-operation-blunt-2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/508661/stopsearch-operation-blunt-2.pdf)

<sup>37</sup> Matteo Tiratelli, Paul Quinton, Ben Bradford, Does Stop and Search Deter Crime? Evidence From Ten Years of Londonwide Data, *The British Journal of Criminology*, 58 (5) pp. 1212–1231.

<sup>38</sup> *Gillan and Quinton v United Kingdom* (App. No. 4158/03) (Judgment of 12 January 2010) ECtHR.