

JOINT BRIEFING FOR HOUSE OF LORDS AHEAD OF REPORT STAGE OF THE POLICE, CRIME, SENTENCING AND COURTS BILL: PART 10, CHAPTER 1 (SERIOUS VIOLENCE REDUCTION ORDERS)

JANUARY 2022

Ahead of the Police, Crime, Sentencing and Courts (‘PCSC’) Bill’s Report Stage in the House of Lords, our organisations from across the human rights, privacy and technology, faith, criminal justice, racial justice, and violence against women & girls sectors highlight the following concerns with Part 10, Chapter 1, specifically that the proposals are entirely unsubstantiated by evidence, will sanction injustice and discrimination, and risk fracturing public trust in public services and the authorities – views that are echoed by frontline workers,¹ public health experts,² as well as former senior police officers³ and Prime Ministerial policy advisors.⁴ We urge Peers to take the final opportunity posed by the Bill’s report stage in the House of Lords to mitigate the worst harms of SVROs.

Support amendments 90H to 90L to limit the conditions under which an SVRO can be imposed by narrowing the offence and removing the de facto joint enterprise elements

- It does not matter whether a person used a knife in the commission of the offence in order for an SVRO to be imposed, and the de facto joint enterprise measure criminalises people for the actions of others. This will result in members of the public being subject to excessive stop and search, police monitoring and surveillance, as well as requirements and prohibitions on their ability to go about their daily lives (with failure of adherence a criminal offence).
- These measures risk dragging people into the criminal justice system unnecessarily and entrenching racial disproportionality. They will further the punitive impacts of joint enterprise on women, including survivors of domestic abuse and criminal exploitation, depriving them of access to the support they need, with a detrimental effect on the broader fight against VAWG and serious violence.⁵

Support amendments 90G, 90M, 91C to raise the standard of proof and 90N to 90Q to strengthen the evidential requirements for establishing an SVRO

- Whilst technically a civil order, the potential serious restrictions on liberty that being subject to an SVRO imposed on a person, as well as the criminal sanctions that arise should a person breach the order, means we should treat SVROs as though they are a criminal, rather than civil one.
- Strengthening the evidential requirements would ensure that low quality evidence (such as hearsay) would not be admissible in the court’s decision to impose an SVRO.

Support amendments 91A, 91B and 91D to limit the potential harms faced by those with an SVRO

- These amendments ensure there are certain safeguards applied to the SVRO regime.

Support amendment 95C to establish a robust pilot to consider the SVRO regime’s effectiveness, equalities impacts, and impacts on survivors and victims of domestic abuse and criminal exploitation

- Given the proposed new measures pose significant human rights impacts, and there exists no evidence that suspicion-less stop and search powers reduce crime, we believe there must be a robust pilot that evaluates the impacts of SVROs, and the Government must commit to stopping any further roll out of SVROs, should the pilot provide evidence that the regime is ineffective and entrenches racial disproportionality.

Support amendments 95A and 95B to strengthen the procedures allowing the SVRO regime to commence post-initial pilot

- The SVRO regime must be subject to strengthened democratic scrutiny through a parliamentary vote.

Vote against Government amendment 91 to allow for the adjournment of proceedings

- People who are awaiting a court date to establish an SVRO are likely to face intrusive monitoring of their daily lives. Given there already exists minimal safeguards related to SVROs, we are concerned that adjournments will facilitate greater use of these repressive orders by the police and prosecution.

¹ <https://www.libertyhumanrights.org.uk/issue/frontline-workers-warn-policing-bill-puts-young-people-at-risk/>

² <https://stat.medact.org/uploads/2021/11/The-public-health-case-against-the-policing-bill-web.pdf>

³ <https://www.itv.com/news/2021-10-25/policing-bill-could-undermine-trust-and-exacerbate-violence-ex-chiefs-warn>

⁴ <https://www.mirror.co.uk/news/politics/ex-cop-slams-policing-bill-25355320>

⁵ <https://rightsofwomen.org.uk/wp-content/uploads/2021/12/Joint-VAWG-sector-briefing-on-SVD-and-SVROs-for-Hol-ahead-of-report-stage-Dec-2021-1.pdf>