

# Serious Violence Reduction Orders

## An open letter to the Home Secretary



Dear Right Honourable Priti Patel, Secretary of State for the Home Department,

We are deeply concerned about the government's plans to introduce Serious Violence Reduction Orders to address knife crime. Under these new powers, officers would be able to repeatedly stop and search those subject to the orders, simply because they have a related previous conviction.

**We believe the powers proposed to be disproportionate and unnecessary.** These proposals subvert existing legal safeguards on the use of stop and search – the 'reasonable suspicion' test for all searches covered by the Police and Criminal Evidence Act 1984 and relevant code of practice (Code A). Indeed, previous conviction history is explicitly excluded from what is deemed reasonable grounds for a search. Further, previous efforts to introduce stop and search measures without reasonable suspicion, under the Terrorism Act 2000 (s.44), were ruled unlawful by the European Court of Human Rights for breaching Article 8 of the European Convention on Human Rights. These orders should be challenged on similar grounds.

While evidence suggests **the introduction of increasingly punitive powers will do little, if anything, to reduce violence**, research has shown repeatedly that offering such unchecked discretion for officers **only serves to substantially increase the already egregious racial disparities in stop and search practices.**

The use of stop and search is heavily concentrated on black and minority ethnic groups – government figures show that black people are searched at 8.9 times the rate of white people.<sup>1</sup> These disparities are reproduced throughout the criminal justice system; in arrests, out of court disposals, prosecution, and sentencing.<sup>2</sup> Years of policing research tells us that when discretion in the use of police stop and search is increased, racial disparities worsen;<sup>3</sup> for example, StopWatch analysis of police data found that in 2018/19, black people were searched under suspicionless Section 60 searches – in which officers are granted blanket powers to stop-search any person without suspicion in a defined area for up to 48 hours<sup>4</sup> – at almost 45 times the rate of white people.

The Home Office consultation does not question the need for the new orders, but we certainly do. A large body of evidence **suggests that stop and search powers have, at best, a marginal effect on crime**<sup>5</sup> (as the Home Office acknowledges in its own consultation document). The solutions to knife crime do not reside in further punitive measures. Successful public health strategies for reducing serious violence have been endorsed by the World Health Organisation.<sup>6</sup> It is hard to understand why the UK government diverts so wildly from an evidence-led path.

The events of recent months have undoubtedly damaged public trust in police. Despite numerous efforts to reform, scrutiny of stop and search powers remains weak. If introduced, we expect these powers to become yet another chapter in a long and unbroken history of the over-policing and under-protection of BAME communities, and in the current climate, we can only anticipate that these proposals will damage police legitimacy further. **We implore all of those moved by these concerns to respond to the government's consultation on these proposals, before the deadline of 8 November.**

StopWatch.

<sup>1</sup> Gov.uk. 2020. Police powers and procedures, England and Wales, year ending 31 March 2020. <https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2020>

<sup>2</sup> Shiner, M., Carre, Z., Delsol, R., and Eastwood, N. 2018. The Colour of Injustice: 'Race', drugs and law enforcement in England and Wales. [http://www.stop-watch.org/uploads/documents/The\\_Colour\\_of\\_Injustice.pdf](http://www.stop-watch.org/uploads/documents/The_Colour_of_Injustice.pdf)

<sup>3</sup> e.g. Bowling, B. and Marks, E., 2017. The rise and fall of suspicionless searches. *King's Law Journal*, 28(1), pp.62-88.

<sup>4</sup> House of Commons Library. 2020. Police powers: stop and search.

<sup>5</sup> Delsol, R. (2015) 'Effectiveness' in R. Delsol and M. Shiner (eds) *Stop and Search: The Anatomy of a Police Power*, Basingstoke: Palgrave Macmillan; Ward, L., Nicholas, S., and Willoughby, M. 2011. *An Assessment of the Tackling Knives and Serious Youth Violence Action Programme (TKAP) – Phase II*, London: Home Office; <https://www.gov.uk/government/publications/an-assessment-of-the-tackling-knives-and-serious-youth-violence-action-programme-tkap-phase-ii>; McCandless, R., Feist, A., Allan, J. and Morgan, N. 2016. *Do Initiatives Involving Substantial Increases in Stop and Search Reduce Crime? Assessing the Impact of Operation BLUNT 2*, London: Home Office [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/508661/stop-search-operation-blunt-2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508661/stop-search-operation-blunt-2.pdf).

<sup>6</sup> World Health Organisation. n.d. Violence and injuries. <https://www.euro.who.int/en/health-topics/disease-prevention/violence-and-injuries/violence-and-injuries>