



Standing Committee for Youth Justice

SCYJ Draft response: Home Office consultation on Serious Violence Reduction Orders (SVROs)

Organisation info (Q 14)

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent:

The Standing Committee for Youth Justice (SCYJ) is an alliance of over 60 not-for-profit organisations working to improve the youth justice system in England and Wales. SCYJ pools its members' expertise to advocate for child-focused responses that tackle underlying causes of offending, reduce criminalisation and imprisonment, and promote positive long-term outcomes. Such a system would serve the best interests of children and the wider community. Our members range from large national charities to grassroots service providers: <http://scyj.org.uk/about/>

Questions 1-6 [Tick box only]

PLEASE NOTE: We have only answered questions 3 and 4 of questions 1-6, as we do not believe the consultation options are adequate. With limited options and no ability to add text, the questions seem designed to convey automatic affirmation of the introduction of SVROs, which we do not support.

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. 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.

SCYJ answer: no answer



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. [Government preference]*
- C. *On conviction for any offence involving violence.*

SCYJ answer: no answer

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.***

SCYJ answer: C

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.*

SCYJ answer: A

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.*

SCYJ answer: no answer

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.*

SCYJ answer: no answer



Question's 7-9

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

Police should not use SVROs, particularly for children. SVROs will exacerbate racial disproportionality and discrimination, erode trust in police, draw more people into the criminal justice system (CJS), use up limited police resources, and ultimately interfere with police's ability to do their job to protect communities, while there is no evidence stop and search is effective at reducing serious violence.

Police will not be certain who has an SVRO, leading to an increase in stop and accounts and false stops. Those who are wrongly stopped may become increasingly frustrated and distrusting of police,¹ and our members with legal expertise report it is common for stops to result in charges for assaults, criminal damage and resistance despite a lack of evidence or valid reason for the stop, and nothing illegal being found. Once someone is stopped, police are likely to find a reason to pursue a search whether or not they find an SVRO exists.² This overactive, inappropriate use of stop and search will be marginalising and will likely criminalise more young people. We are particularly concerned about police who do not know the community, for example Territorial Support Group (TSG) agents. Our members report TSG officers are known to more often escalate interactions compared to community police, yet local police numbers have been drastically cut. The use of technology like facial recognition will not prevent cases of mistaken identity³ and is in itself discriminatory.⁴ Increased surveillance of children creates a hostile environment where instead the focus should be on human relationships and safeguarding.

SVROs will act as a permanent demonisation for those convicted of a weapon offence.⁵ If used on children, one act of knife carrying could result in multiple perceived punishments: being arrested, being sentenced, potential exclusion from school,⁶ carrying out their sentence, and frequently stopped and searched. The labelling and stigmatising effect of repeated searches will inhibit desistance from offending behaviours, undermining efforts of youth justice teams to encourage a shift towards a pro-social identity, as per YJB national standards and its child first approach to effective

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<https://www.npcc.police.uk/documents/edhr/2015/CYP%20Strategy%20205%202017%20August%202015.pdf>; <https://www.amnesty.org.uk/trapped-gangs-matrix>

² http://leaders-unlocked.org/luwp/wp-content/uploads/2020/07/PolicingPandemic_v1.pdf

³ <https://48ba3m4eh2bf2sksp43rq8kk-wpengine.netdna-ssl.com/wp-content/uploads/2019/07/London-Met-Police-Trial-of-Facial-Recognition-Tech-Report.pdf>

⁴ <https://www.libertyhumanrights.org.uk/issue/liberty-wins-ground-breaking-victory-against-facial-recognition-tech/>

⁵ <https://www.amnesty.org.uk/trapped-gangs-matrix>

⁶ <https://justforkidslaw.org/what-we-do/fighting-change/campaigning/school-exclusions/excluded-exploited-forgotten-childhood-criminal-exploitation-and-school-exclusions>



practice.⁷ This increased system contact and its anti-rehabilitative reinforcing of a criminal identity - creating a narrative that society does not believe in the child's ability to change - will exacerbate marginalisation, distrust of statutory agencies, and draw children further into the CJS.⁸

The report recommending SVROs argued they would discourage the exploitation of those with an order.⁹ However, SVROs will not prevent knife carrying, rather, they will displace it. Those involved in organised crime are aware of police tactics and look to exploit those they expect are less likely to be stopped. Those without SVROs will therefore likely be targeted to carry weapons or drugs instead of those with SVROs, widening the net of criminal exploitation.¹⁰

Diverting resources to stop and search reduces the police's ability to carry out more effective duties and non-punitive community engagement. We are concerned with how already constrained local services would oversee SVROs without additional resources. Evidence shows public funding could far more effectively tackle violence by focussing on its root causes.¹¹

Given the lack of evidence supporting stop and search in reducing serious violence, we question the misleading naming of SVROs, and we do not believe they are necessary, let alone a productive, development in law.

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

The increase in stops through SVROs would erode trust and confidence in police and other authorities among children, particularly amongst communities already disproportionately impacted by stop and search, increasing tensions, affecting policing and community safety,¹² and preventing long-term meaningful work to tackle serious violence.¹³

⁷https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/780504/Standards_for_children_in_youth_justice_services_2019.doc.pdf

⁸ McAra L and McVie S (2007) *Youth justice? The impact of system contact on patterns of desistance from offending* European Journal of Criminology, 4:3, 2007, pp315-45

<http://journals.sagepub.com/doi/abs/10.1177/1477370807077186>

⁹ <https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2018/09/CSJJ6499-Gangs-Report-180911-FINAL-WEB.pdf>

¹⁰ <https://www.childrenssociety.org.uk/sites/default/files/2020-10/counting-lives-report.pdf>

¹¹ See Bateman T (2020) *The state of youth justice 2020*. Report, National Association for Youth Justice, London.

¹² APPG knife crime report

<https://www.barnardos.org.uk/sites/default/files/uploads/APPG%20on%20Knife%20Crime%20-%20Young%20people%27s%20perspectives%20May%202019.pdf>

¹³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf



Effective policing, including intelligence gathering, requires deep understanding, knowledge of and engagement with local communities.¹⁴ Police should be positively engaging with communities and rebuilding damaged relationships with all communities, particularly Black, Asian and Minority Ethnic communities. Yet SVROs will entrench distrust, particularly among Black people by exacerbating the over-policing, disproportionate use and misuse of stop and accounts/searches that has already strained relationships, particularly for children and young people. This distrust of authorities impacts other emergency services and health outcomes: SCYJ members report children are afraid to call an ambulance due to fear the police will show up.

Racialised labelling and targeting will be reinforced and exacerbated by SVROs, building on existing disproportionate contact,¹⁵ and associated punitive responses will further entrench ethnic inequalities. Both false and legitimate stops due to SVROs would in particular likely increase the level of harassment Black boys face - and report as demeaning - from police,¹⁶ marginalising those who already may have the biggest lack of trust in the CJS and entrenching feelings of exclusion and marginalisation from 'mainstream' society.¹⁷ This marginalisation and perceived labelling as 'anti-social' can encourage individuals to seek solace with peers with similarly negative experiences, potentially propelling children into more vulnerable situations.¹⁸

In the long-term, increased CJS contact through increased surveillance, stop and accounts, searches, and potential criminal offences as a result of frustrating interactions or disproportionate monitoring, has the potential to erode hope and impact life chances of young people, young Black people in particular. Criminal records obtained through the over-policing of these communities hamper opportunities and impede efforts to move away from a criminal narrative.¹⁹ The increase in racial disproportionality is not only likely to worsen in stop and search but throughout the CJS: for example, increasing

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<https://assets.ctfassets.net/5ywmq66472jr/3yynN6lQMMe5EHoF5bnBiO/96ce874102b5d43722db77ae41ece9d5/young-people-and-the-future-report.pdf>

¹⁵ <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Dangerous%20associations%20Joint%20Enterprise%20gangs%20and%20racism.pdf>;

<https://www.barnardos.org.uk/sites/default/files/uploads/APPG%20on%20Knife%20Crime%20-%20Young%20people%27s%20perspectives%20May%202019.pdf>

¹⁶ http://www.stop-watch.org/uploads/documents/Being_Matrixed.pdf; <http://criminaljusticealliance.org/wp-content/uploads/2017/06/No-Respect-290617-1.pdf>; <https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest>;

<https://thenayj.org.uk/cmsAdmin/uploads/state-of-youth-justice-2020-final-sep20.pdf>

¹⁷ https://policeconduct.gov.uk/sites/default/files/Documents/statistics/IOPC_public_perceptions_tracker_annual_report_summary_201819.pdf

¹⁸ https://www.researchgate.net/publication/12789140_When_Interventions_Harm_Peer_Groups_and_Problem_Behavior; <https://www.collectionscanada.gc.ca/obj/thesescanada/vol2/OSTCB/TC-OSTCB-6252.pdf>;

<https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/YP%20knives%20and%20guns.pdf>

¹⁹ <http://scyj.org.uk/wp-content/uploads/2017/07/Growing-Up-Moving-on-A-report-on-the-childhood-criminal-record-system-in-England-and-Wales.pdf>



distrust in the system may prevent admissions of guilt and thus eligibility for out of court disposals.²⁰

The government response to serious violence is not going far enough to ‘explain or reform’²¹ to address racial disparity and discrimination in the CJS. A focus on stop and search will exacerbate discrimination, while failing to reduce serious violence.²² To tackle serious violence and the harm it brings to communities, we must look to the evidence. Our members consistently tell us children carry weapons out of fear, and this is especially true if they do not trust that other forms of protection, i.e. the police, are available to them; if they are victims of violence themselves or if they are being exploited. The threat of increased stop and search, criminalisation and custody²³ will not discourage them from carrying a knife particularly if they are doing so for fear of their life.²⁴ Children affected by serious violence regularly experience trauma, and stop and search itself can be a further trauma.²⁵ The response to knife crime must consider the contexts children navigate and their feelings of safety.

VRUs must work with communities to build trust and faith that the organisations and individuals working with children are working to address violence.²⁶ Co-opting VRUs into having a role in implementing SVROs will be counterproductive.

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? How might any such impacts be mitigated?

The proposals should not apply to children.²⁷ If the orders are imposed, robust data collection, monitoring and evaluation is necessary to ensure the impact on protected characteristics is properly understood. This includes, if the orders are imposed on adults and not children, monitoring any impact SVROs have on displacing knife carrying and

²⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

²¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

²² https://whatworks.college.police.uk/Research/Documents/Knife_Crime_Evidence_Briefing.pdf

²³ <https://howardleague.org/wp-content/uploads/2016/06/Investigating-young-people%E2%80%99s-awareness-and-understanding-of-the-criminal-justice-system.pdf>; Nagin, D (2013) *Deterrence in the Twenty-first Century: A Review of the Evidence* Pittsburgh: Carnegie Mellon University <https://pdfs.semanticscholar.org/c788/48cc41cdc319033079c69c7cf1d3e80498b4.pdf>

²⁴ <https://www.nacro.org.uk/wp-content/uploads/2020/01/Lives-Not-Knives.pdf>

²⁵ <https://www.app.college.police.uk/app-content/stop-and-search/>

²⁶ YVC Final report <http://yvcommission.com/wp-content/uploads/2020/07/YVC-Final-Report-July-2020.pdf>

²⁷

<https://www.npcc.police.uk/documents/edhr/2015/CYP%20Strategy%202015%202017%20August%202015.pdf>



exploitation from adults onto younger age groups. Again, we are clear SVROs should not be implemented, but if the policy is pursued a pilot must take place before any rollout, with community scrutiny, to test the impact on equalities and serious violence. Before any decision on the implementation of SVROs is made, the government must also carry out impact assessments as required under the Public Sector Equality Duty. These do not appear to have taken place.

Orders such as SVROs disproportionately impact children who are generally more 'visible' on the streets than adults. In particular, the impact will likely be disproportionate on children on the streets for prolonged periods as a result of vulnerabilities, such as children in care; children excluded from school; and children escaping the family home due to abuse or neglect. Being on the street more than the general population means these children are more likely to come into contact with authorities. The government should draw on lessons learned from ASBOs²⁸ and Civil Injunctions: originally designed mainly for adults but disproportionately used against children, criminalising them and drawing them into the CJS.

We believe there will be clear negative impacts around race, as outlined in question 7 and 8, and for those with disabilities. Those with disabilities are already disproportionately represented in the CJS and those with learning difficulties, mental health difficulties and neurodiversities may be more likely to respond to police interactions in a way that escalates the encounter, risking criminalisation.²⁹

The government has stated it wishes to pursue a public health approach to tackling serious violence. Public health approaches must be founded in evidence about the drivers of violence, such as social injustice and inequality, and focus on genuine early intervention and prevention from early years. Research supports a growing awareness of the impact of trauma and adverse childhood experiences on children in the justice system, and its links to serious violence and exploitation.³⁰ The response to serious violence should look to address children's welfare needs, particularly those with vulnerabilities such as disabilities. Rather than taking a punitive response and a focus on stop and search and creating new criminal offences, responses should be trauma-informed, and look to increase the capacity of the safeguarding system, statutory and voluntary, community-based services to protect children from extra-familial harm.³¹

Responses to serious violence should involve and be led by the community, family, and children and young people affected as far as possible. For agencies to be involved in children's lives and identify and address a wide range of needs, they must be able to

²⁸ http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/02_11_06_asbo_summary.pdf

²⁹ Baldry E Briggs D Goldson B and Russell S (2018) 'Cruel and unusual punishment': an inter-jurisdictional study of the criminalisation of young people with complex support needs. *Journal of Youth Studies* 21(5): 636 – 652.

³⁰ <http://www.beyondyouthcustody.net/wp-content/uploads/BYC-Trauma-Young-Offenders-FINAL.pdf>

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<https://contextualsafeguarding.org.uk/> <https://contextualsafeguarding.org.uk/blog> <https://www.contextualsafeguarding.org.uk/en/blog/2019/working-with-parents-to-address-extra-familial-harm>



build trust and have open discussions, for example around mental health or trauma. The government must consult with the communities that would be most effected by SVROs, and we do not believe adequate consultation has taken place.

We welcome the Government's stated preferred option to not impose SVROs on children, the recognition of children's welfare needs and that interventions should focus on turning children away from crime. However, we are concerned with the inference that this is achieved through the application of Knife Crime Prevention Orders and Criminal Behavioural Orders.³²

³² <http://scyj.org.uk/wp-content/uploads/2019/09/FINAL-SCYJ-Submission-to-Consultation-on-Knife-Crime-Prevention-Orders-Guidance.pdf>

