

The Serious Violence Reduction Order

Submissions relating to the
application of the order

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Knife crime in England and Wales

Knife crime continues to pose a significant danger to our communities. In fact, a broad range of serious offending involving a knife or sharp instrument has risen significantly in recent years. From the years ending 2011 to 2016, the mean number of ‘the most serious recorded violent and sexual offending’¹ involving a knife or sharp instrument, including rape and homicide, was 26,771 offences per year². In the year ending 2020, this figure was recorded as 46,265 - an increase of 72% and, as a consequence, approximately 19,500 more such offences recorded per year.

Similarly, by comparing the homicide rate of the five-year average from 2011 to 2016 with that of 2019/20, a 30% increase can be identified - some 60 additional victims a year.

It is clear that there are too many weapon related offences being committed in our communities and equally clear that current rates are significantly higher than experienced in the very recent past. Worse still, we know that there was a surge in weapon carrying offences after the last lockdown ended - with an increase of some 25% of such offences recorded³. With supply lines for illicit drugs such as cocaine and heroin re-opening, and gangs looking to re-assert control over local areas, it is not unreasonable to expect a similar surge to that recently endured.

Taking on this challenge

- The Government has already recruited over 6,600 of the additional 20,000 Police Officers it has promised to take on crime in our communities.
- The PCSC Bill will see tougher a statutory duty placed on local authorities and criminal justice agencies to tackle serious violence through better sharing of data and intelligence.
- £2.5bn investment in extra prison places and the necessary reforms to help reduce recidivism
- The Sentencing White Paper, ‘A Smarter Approach to Sentencing’ aims reform measures at increasing the prospect of effective rehabilitation in the community.

Beyond these efforts, the approach we take to the issue of knife crime must acknowledge the need for a broader societal approach. Drawing from the lessons learnt overseas, there are strong examples of the Group Violence Intervention (GVI) models so successfully employed in Boston (Ceasefire Program) and Cincinnati in America as well as in Glasgow. This approach designed to reduce violent behaviour through a push/pull effect – at once disincentivising violence through effective targeted deterrence and pulling participants into engagement through real opportunity for reform and behavioural change. This was espoused in the CSJ report, ‘It Can be Stopped’.

1 For the purpose of examining these figures ‘the most serious violent offending’ is deemed to be; Attempted Murder, Threats to Kill, Assault with injury and intent to cause serious harm, Robbery, Rape, Sexual Assault and Homicide

2 For ease of reference and comparison these figures were taken from ‘Knife Crime in England and Wales’ House of Commons brief, Published 6th October 2020. These figures exclude Greater Manchester. Note: A review of Greater Manchester Police data has identified undercounting of crimes involving a knife or sharp instrument. This occurred due to a technical issue with the identification and extraction of all relevant records of these offences from their crime recording system. [accessed via: <https://researchbriefings.files.parliament.uk/documents/SN04304/SN04304.pdf>]

3 ONS, ‘Crime in England in Wales: year ending September 2020’. Note: The number of offences increased from this period by 25% to 12,120 offences in July to September 2020 although this follows a 22% reduction in such offences during lockdown and is 3% lower than that recorded in the pre-coronavirus (COVID-19) period of July to September 2019 (12,451 offences). [accessed via: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingseptember2020#knife-or-sharp-instrument-offences>]

Domestic application of GVI

At home we are seeing increasingly encouraging examples of this model. The Community Initiative to Reduce Violence (CIRV) was launched in Northamptonshire in February of 2019. This programme is shortly to publish some results, but it is already clear that over 900 referrals took place in the first year alone. Another notable example is Operation Prelude, run by Thames Valley Violent Crime Reduction Unit. This programme is designed to focus efforts to identify and then engage with those individuals presenting the greatest risk to local communities and divert them away from offending. Together with initiatives like the Home Office Youth Endowment Fund of £200million over 10 years, there is now a growing network of support and encouragement that can deliver the change necessary to make our communities safer. However, instrumental to this effort is proactive policing capable of effectively deterring offending and driving perpetrators of violent crime away from offending behaviour and into the requisite support.

Serious Violence Reduction Orders (SVRO's) are a key part of focussed deterrence efforts

The SVRO provides the Police with an additional pragmatic and proportionate tool to deter and detect the carrying of weapons. In February of 2021, YouGov conducted polling on the proposed order and explained the order to the public as follows:

The Government is planning to introduce a new court order that would allow police to search people convicted of carrying a weapon for a certain period of time after their conviction in public. This search could take place in circumstances where, apart from the recent conviction and court order for carrying a weapon, there would otherwise be no other grounds to search the person. The order would apply for a period of time set by the court.

We measured for:

- i) levels of public support
- ii) The age at which the public felt the order should apply.

1. There is public support for the SVRO

The polling exercise carried out by YouGov⁴, in February 2021, examined the public's views on the merits of the order, the age at which it should apply and its likely efficacy.

The response would indicate high levels of support for the SVRO.

'To what extent, if at all, do you support or oppose this court order?'

- 70% supported the policy
- 40% stated that they would 'strongly support it'.

⁴ All figures, unless otherwise stated, are from YouGov Plc. Total sample size was 1,790 adults. Fieldwork was undertaken between 8th - 9th February 2021. The survey was carried out online. The figures have been weighted and are representative of all GB adults (aged 18+).

2. What is the youngest age at which the order should apply?

The SVRO has a potential benefit of making the individual less likely to carry a weapon and less likely to be amongst those unwilling to tolerate his increased propensity to attract police attention. It may follow that the imposition of the SVRO serves to enhance, rather than compromise, their safety. We advise that the SVRO applies to children of 12 years old and above and this would be consistent with the age range criteria employed in the Knife Crime Protection Order.

Those that supported the order in principle were asked to comment on the age at which the order should apply.⁵

'From what age do you think those convicted of carrying a weapon would be suitable for such a court order?'

- 73% of the public indicated that they would agree to the SVRO applying to an age range from which would include children as young as 12 years old.⁶
- This figure rises to 88% support when the age range is extended to include children as young as 14 years old.
- Only 2% felt it should only apply to those aged 18 or over.
- Just 9% felt it should apply to 16 and older.

3. The SVRO within a wider sentencing framework

The SVRO has never been advanced as a stand-alone solution to knife crime and we envisage that its proper application will, in most cases, form just part of a fuller sentencing package. This forces the question as to whether this order could be appropriately subsumed within the scope of other orders such as the Criminal Behaviour Order (CBO) or the Knife Crime Protection Order (KCPO⁷)

We do see that there may be some merit in folding this order into the scope of the KCPO application, particularly in light of the potential procedural efficacy in making and hearing the applications under a single set of prosecution and defence submissions.

However, we consider that the imposition of an SVRO is matter so serious in nature that it ought to attract a separate Prosecution application and response within the sentencing process. Additionally, it is not at all clear that the same test in law ought to apply in the decision as to whether a KCPO and/or a SVRO should be imposed. Further, the KCPO can be imposed without a conviction, not a position from which the imposition of an SVRO could ever follow. There is rightly a broader effort in sentencing reform to achieve greater clarity and therefore fairness and consistency in the sentencing process. Within this context, we would hope to maintain clarity by resisting any effort to sub-categorise KCPO's into those capable of attracting an SVRO within them and those that are not.

It would be consistent and proportionate for a court to impose both an SVRO to disincentivise the carrying of a weapon whilst also imposing, for example, a Knife Crime Protection Order, or indeed a CBO, to create positive requirements, providing both the elements of deterrence and opportunity as well as an obligation to engage in work designed to see behavioural change.

The use of the SVRO in this way is entirely consistent with the GVI models currently employed domestically and would provide the Police with a useful tool enabling a targeted strategy to help tackle violent offending head on.

⁵ The poll gave the public a broad age range into adulthood and did not account for the age of criminal responsibility.

⁶ When asked 'from what age do you think those convicted of carrying a weapon would be suitable for such a court order?' 21% felt it should apply to children aged 12. However, 22% felt that children younger than 10 should be suitable for such an order, with a further 30% saying at 10 or older.

⁷ Currently being piloted