

# The Policing, Crime, Sentencing and Courts Bill





The Policing, Crime, Sentencing and Courts Bill

A Briefing by Muslim Engagement and Development (MEND)

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# **Abbreviations**

Black Lives Matter (BLM)

European Convention on Human Rights (ECHR)

Gypsy, Roma, and Traveller (GRT)

Police, Crime, Sentencing and Courts (the Bill)

Serious Violence Reduction Order (SVRO)

# **Executive Summary and Recommendations**

With the controversial Policing, Crime, Sentencing and Courts Bill due to be debated in Parliament in the coming days following a delay caused by widespread backlash, there is immediate need for parliamentarians to recognise the grave concerns raised across civil society. The Bill presents numerous harmful reforms, which, if passed, carry the power to curtail free expression, stifle dissent, and criminalise marginalised groups through increased profiling and excessive policing. As such, the Bill poses a significant threat to basic human rights and to the functioning democracy of our society.

### The Right to Protest

The draconian measures proposed by the Bill to clampdown on demonstrations must be seen within the wider context of the Government's hostility towards mechanisms that are designed to hold executive power to account, including the Human Rights Act 1998, Judicial Reviews, and the right to protest. Indeed, the Independent Human Rights Act Review and the Independent Review of Administrative Law have emerged amid attacks from government ministers<sup>3</sup> and supporters regarding the powers of the judiciary to scrutinise decisions and make rulings which may undermine the wishes of the Government - conflicts which are exemplified by the prorogue of Parliament 4 on what was later ruled to be unlawful advice of the Prime Minister, 5 the unlawful handling of PPE contracts during the pandemic, 6 and discussions of "activist lawyers" representing the rights of vulnerable people to remain in the country. <sup>7</sup> This Bill extends these attempts to restrict avenues for public scrutiny further by targeting protests and would critically endanger functioning democracy in the UK, as well as threatening human rights to freedom of expression and assembly enshrined in articles 10 and 11 of the Human Rights Act and the ECHR. Moreover, such measures would have a disproportionate impact on marginalised communities and groups advocating for social change, with BLM, Muslim, women, and climate change activists being particularly affected.

#### Consequently, MEND urges all MPs to:

- Support amendments to defend the right to protest and commit to investigating heavy-handed policing and overreach at demonstrations.
- Support amendments to address inequalities raised by BLM.
- Commit to investigating structural Islamophobia and wider inequalities within the criminal justice system.

<sup>&</sup>lt;sup>1</sup> Shennan, Rhona. "Controversial Policing Bill Has Been Delayed After Backlash - What You Need To Know". Scotsman.Com, 2021. https://www.scotsman.com/read-this/controversial-policing-bill-has-been-delayed-after-backlash-what-you-need-to-know-3171419.

 $<sup>{}^{2}\</sup>text{ "Policing Bill Threatens Protest Rights - Liberty". } \textit{Liberty, 2021.} \\ \underline{\text{https://www.libertyhumanrights.org.uk/issue/policing-bill-threatens-protest-rights/.} \\ \underline{\text{https://www.libertyhumanrights/.} \\ \underline{\text{https$ 

<sup>&</sup>lt;sup>3</sup> Daniel Boffey, "Brexit: Lawyers Confront Liz Truss Over 'Dangerous' Abuse Of Judges", 2016, <a href="https://www.theguardian.com/politics/2016/nov/05/lawyers-war-liz-truss-over-abuse-judges-brexit-barristers">https://www.theguardian.com/politics/2016/nov/05/lawyers-war-liz-truss-over-abuse-judges-brexit-barristers</a>.

<sup>&</sup>lt;sup>4</sup> "Against The Law: Why Judges Are Under Attack, By The Secret Barrister", Theguardian.Com, 2020, <a href="https://www.theguardian.com/books/2020/aug/22/against-the-law-why-judges-are-under-attack-by-the-secret-barrister">https://www.theguardian.com/books/2020/aug/22/against-the-law-why-judges-are-under-attack-by-the-secret-barrister</a>.

<sup>&</sup>lt;sup>5</sup> Kate Lyons, "Who Runs Britain?" Papers Divided Over Court's 'Damning Indictment' Of PM", 2019, <a href="https://www.theguardian.com/media/2019/sep/25/who-runs-britain-papers-divided-over-courts-damning-indictment-of-pm">https://www.theguardian.com/media/2019/sep/25/who-runs-britain-papers-divided-over-courts-damning-indictment-of-pm</a>.

<sup>6 &</sup>quot;Covid: Matt Hancock Acted Unlawfully Over Pandemic Contracts", Bbc. Co. Uk, 2021, https://www.bbc.co.uk/news/uk-56125462

<sup>&</sup>lt;sup>7</sup> Lizzie Dearden, "Government Attacks On Lawyers 'Undermine Rule Of Law', Says Lord Chief Justice", *Independent.Co.Uk*, 2020, <a href="https://www.independent.co.uk/news/uk/politics/government-priti-patel-lawyers-activists-attacks-rule-law-b1720428.html">https://www.independent.co.uk/news/uk/politics/government-priti-patel-lawyers-activists-attacks-rule-law-b1720428.html</a>.

# Criminalising Gypsy, Roma, and Traveller ways of life

GRT communities would be disproportionately affected by the Bill with incredibly hostile measures introduced under Part 4 of the Bill that would severely undermine their nomadic way of life. Specifically, the Bill introduces new vehicle seizure powers, creates a new offence of residing or intending to reside on land with a vehicle, and extends existing powers in the Criminal Justice and Public Order Act 1994. Ultimately, the new measures pre-criminalise GRT communities and infringe upon their article 8 rights of the Human Rights Act and the ECHR. The state has an obligation to proactively protect human rights and support GRT's traditional way of life – an obligation that is undermined by the Bill. Meanwhile, the pre-criminalisation of these communities will exacerbate the prejudice and discrimination that they already face.

Therefore, MEND urges parliamentarians to support Ian Byrne's amendments to scrap Clauses 62-64 that target GRT communities and commit to investigating hate crimes against these communities and the structural inequalities that they face.

#### Serious Violence Reduction Orders

Clauses 140-141 of the Bill concerns the creation of a new Serious Violence Reduction Order (SVRO) that would confer increased powers to police to stop and search an individual on the basis of a previous conviction for knife or weapons related offence without reasonable suspicion. These SVROs remove existing safeguards that could lead to the over-policing, harassment, and intrusive surveillance of individuals and communities, while further compounding existing structural inequalities that are pervasive throughout the criminal justice system.

As such, MEND urges parliamentarians to support amendments to scrap SVRO proposals contained in Clauses 140-141.

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<sup>8 &</sup>quot;Policing Bill Threatens Protest Rights - Liberty". Liberty, 2021. https://www.libertyhumanrights.org.uk/issue/policing-bill-threatens-protest-rights/.

#### Threats to the Right to Protest

Amongst the most profound impacts of the Bill is the threat that it poses to people's rights to protest. Worryingly, the police would have the power to deploy a host of draconian measures, including imposing conditions, deciding start and finish times, regulating conduct, and deciding how and where individuals can protest and have their voices heard. Failure to obey such restrictions would give the police increased power to issue fines of up to £2,500 to protestors, regardless of whether they were aware of rules and limits. <sup>9</sup> Such restrictions would unequivocally oppose the fundamental right to protest and express oneself, as is enshrined in articles 10 and 11 of the Human Rights Act, 1998.

The Bill introduces a new criminal offence of "public nuisance". A new statutory offence would be created for intentionally or recklessly causing serious harm or risk of serious harm, which includes any risk of someone suffering "serious distress, serious annoyance, serious inconvenience or serious loss of amenity". If a gathering triggers a "serious disruption" or "unease" to organisations or buildings within the vicinity, which could include the Houses of Parliament or potentially even a general business losing customers as a result of a rally, the police would be able to impose start and end times for the assembly as well as overall noise thresholds. Meanwhile, those found to be committing a public nuisance could face a custodial sentence of up to ten years.

However, the wording of the Bill does not in itself describe what "serious inconvenience" is or specify how a court should view it. 10 Consequently, police officers will be left to decide on the ambiguity of what is constituting serious annoyance or inconvenience. Therefore, police officers can impose restrictions and penalties based on a wholly broad and vague basis, using a meaning that can be modified at the discretion of the Home Secretary. In the worst-case situations, police officers would have to depend on their own biases. Without any objective descriptions or guidelines, many individuals who are exercising their rights may be targeted and charged in a discriminatory manner. This could have serious consequences in instances such as protests outside Parliament (as but one example), where accusations of public nuisance could be used to curtail public expressions of political opposition to Government policies and agendas.

Indeed, the Bill also proposes to make it increasingly difficult for peaceful demonstrators to assemble in Westminster. Police would have the authority to detain or remove anybody who prevents vehicles from entering Parliament or is deemed to be causing "disruption". However, there presently exists a plethora of rules already in place that limit certain types of protesting or acts in the vicinity of Parliament. As a result, tightening controls is not only excessive, but it also risks signalling that Parliament will become a protest-free zone in the future. People having their voices and views heard close and in front of the people assigned to represent them and work with their interests have long been a significant part of British democracy.

The Bill also has the power to suppress the voices of marginalised communities and

11 Ibid.

<sup>9</sup> Casciani, Dominic. "What Is The Police, Crime, Sentencing And Courts Bill And How Will It Change Protests?". BBC News, 2021. https://www.bbc.co.uk/news/uk-56400751.

<sup>&</sup>lt;sup>10</sup> "Police, Crime, Sentencing And Courts Bill 2021: Protest Powers Factsheet". GOV.UK, 2021. <a href="https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-protest-powers-factsheet">https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-f

groups advocating for social change. Black Lives Matter (BLM) is one of the movements that will be disproportionately targeted. The BLM movement, which is disproportionately comprised of young people, brought to light urgent issues of inequality and prejudice and the need for social transformation in the face of increasing institutional racism and over-policing of minority populations. The Bill, on the other hand, would inevitably strengthen the over-policing of minority populations, especially groups whose views disrupt the current political status-quo, with BLM, Muslim, women, and climate change activists being particularly impacted, to name but a few. Thus, it is imperative that MPs support amendments to address inequalities raised by BLM and commit to investigating structural Islamophobia and wider inequalities within the criminal justice system as they currently stand.

These issues are of special concern considering a recent parliamentary inquiry finding that the police "breached fundamental rights" at Kill the Bill protests in Bristol and at the Sarah Everard vigil earlier this year, with police applying a "presumption of illegality", excessive force, and antagonising protesters. According to the report, both the Avon and Somerset Constabulary and the Metropolitan Police "failed to understand their legal duties in respect of protest" or to "conduct a proper assessment of the proportionality of their actions". <sup>14</sup> The findings not only underscore the dangers of a lack of clarity surrounding issues such as "public nuisance" and "serious disruption", but also highlight the need for a full investigation into current policing methods and protocols regarding demonstrations before increasingly draconian measures are considered.

Ultimately, the Bill threatens the rights that underpin a democratic society, and specifically human rights to freedom of expression and assembly enshrined in articles 10 and 11 of the Human Rights Act and the European Convention on Human Rights (ECHR). Article 10 protects the right to hold opinions and express your views as an individual or collective, even if they may be unpopular or disturbing, without interference from the state or public authority. Article 11 protects the right to association such as trade unions, political parties, or any other association or voluntary group, as well as the right to assembly, including peaceful protests.

While articles 10 and 11 are subject to certain limitations, any restriction must be lawful, necessary, and proportionate and must only be applied to protect national security; prevent disorder or crime; protect public health or morals; protect the rights of others; protect against disorder and crime; prevent the disclosure of information received in confidence; or to maintain the authority and impartiality of judges. For instance, there is already legislation in place to legitimately restrict offensive language inciting racial or religious hatred – legislation which alongside other laws can be used in demonstrations just as readily as in any other situation to protect the public. However, the Bill in question is seemingly absent of any introspection regarding how these rights are to be legitimately and proportionately qualified.

This clampdown on protest must be seen within the wider context of the Government's current attack on the judiciary and in particular the mechanisms that are designed to hold executive power to account. Democratic and free societies are

<sup>&</sup>lt;sup>12</sup> Gayle, Damien. "BLM Activists Demonstrating Against Anti-Protest Bill Targeted By Police". *The Guardian*, 2021. https://www.theguardian.com/world/2021/mar/16/blm-activists-demonstrating-against-anti-protest-bill-targeted-by-police.

<sup>&</sup>lt;sup>13</sup> "Hundreds Join March To Protest Against Systemic Racism In The UK". *The Guardian*, 2020. <a href="https://www.theguardian.com/world/2020/aug/30/hundreds-join-march-to-protest-against-systemic-racism-in-the-uk">https://www.theguardian.com/world/2020/aug/30/hundreds-join-march-to-protest-against-systemic-racism-in-the-uk</a>.

<sup>&</sup>lt;sup>14</sup> Lizzie Dearden, "Police Breached Fundamental Rights at Sarah Everard Vigil and Bristol Protests, Inquiry Finds," The Independent, July 01, 2021, <a href="https://www.independent.co.uk/news/uk/home-news/police-protest-laws-sarah-everard-bristol-b1875735.html">https://www.independent.co.uk/news/uk/home-news/police-protest-laws-sarah-everard-bristol-b1875735.html</a>

built upon the ideals of equality, justice, and fairness. It is in line with these principles that we expect our governments and public bodies to act, and it is through these principles that we hold them to account when they do not meet this standard. Within this framework, the Human Rights Act 1998, Judicial Reviews, and the right to protest are valuable checks on power and important tools for mitigating and correcting intentional or unintentional state actions that jeopardise the values, rights, and freedoms that we hold dear. This is a fundamental and objective protection against any government's abuse of power. However, recent times have seen the current Government's increasing hostility to judicial and other forms of scrutiny, with indications that they wish to remove or restrict avenues to enforce executive accountability. Indeed, the Independent Human Rights Act Review and the Independent Review of Administrative Law (which seeks to examine the "perverse consequences" of judicial reviews) 15 have emerged amid attacks16 from government ministers and supporters regarding the powers of the judiciary to scrutinise decisions and make rulings which may undermine the wishes of the Government - conflicts which are exemplified by the prorogue of Parliament<sup>17</sup> on what was later ruled to be unlawful advice of the Prime Minister, 18 the unlawful handling of PPE contracts during the pandemic,19 and discussions of "activist lawyers" representing the rights of vulnerable people to remain in the country. 20 This Bill extends these attempts to restrict avenues for public scrutiny further by targeting protests and would critically endanger both functioning democracy in the UK and human rights to freedom of expression and assembly enshrined in articles 10 and 11 of the Human Rights Act and the ECHR.

#### Consequently, MEND urges all MPs to:

- Support amendments to defend the right to protest and commit to investigating heavy-handed policing and overreach at demonstrations.
- Support amendments to address inequalities raised by BLM.
- Commit to investigating structural Islamophobia and wider inequalities within the criminal justice system.

<sup>&</sup>lt;sup>15</sup> Ashley Cowburn, "Boris Johnson Told to Keep 'Populist Hands' off Judiciary after Reports He Wants Overhaul of How Government Is Challenged in Court," The Independent, July 25, 2020, https://www.independent.co.uk/news/uk/politics/boris-johnson-judicial-reviews-supreme-court-uk-governemt-a9637601.html.

<sup>&</sup>lt;sup>16</sup> Daniel Boffey, "Brexit: Lawyers Confront Liz Truss Over 'Dangerous' Abuse Of Judges", 2016, <a href="https://www.theguardian.com/politics/2016/nov/05/lawyers-war-liz-truss-over-abuse-judges-brexit-barristers">https://www.theguardian.com/politics/2016/nov/05/lawyers-war-liz-truss-over-abuse-judges-brexit-barristers</a>.

 $<sup>{}^{17}\</sup>text{``Against The Law: Why Judges Are Under Attack, By The Secret Barrister''}, \textit{The guardian. Com, 2020, } \underline{\text{https://www.the guardian.com/books/2020/aug/22/against-the-law-why-judges-are-under-attack-by-the-secret-barrister.}$ 

<sup>&</sup>lt;sup>18</sup> Kate Lyons, ""Who Runs Britain?' Papers Divided Over Court's 'Damning Indictment' Of PM", 2019, <a href="https://www.theguardian.com/media/2019/sep/25/who-runs-britain-papers-divided-over-courts-damning-indictment-of-pm">https://www.theguardian.com/media/2019/sep/25/who-runs-britain-papers-divided-over-courts-damning-indictment-of-pm</a>.

<sup>19 &</sup>quot;Covid: Matt Hancock Acted Unlawfully Over Pandemic Contracts", Bbc.Co.Uk, 2021, https://www.bbc.co.uk/news/uk-56125462

<sup>&</sup>lt;sup>20</sup> Lizzie Dearden, "Government Attacks On Lawyers 'Undermine Rule Of Law', Says Lord Chief Justice", *Independent.Co.Uk*, 2020, <a href="https://www.independent.co.uk/news/uk/politics/government-priti-patel-lawyers-activists-attacks-rule-law-b1720428.html">https://www.independent.co.uk/news/uk/politics/government-priti-patel-lawyers-activists-attacks-rule-law-b1720428.html</a>.

#### Criminalising Gypsy, Roma, and Traveller Lifestyles

GRT communities would be disproportionately affected by the Bill with incredibly hostile measures introduced under Part 4 of the Bill that would severely undermine their nomadic way of life. <sup>21</sup> Specifically, the Bill introduces new vehicle seizure powers, creates a new offence of residing or intending to reside on land with a vehicle, and extends existing powers in the Criminal Justice and Public Order Act 1994.

Clause 62 of the Bill amends Part 5 of the Criminal Justice and Public Order Act 1994 to create a new offence of "residing on land without consent in or with a vehicle" if it has caused or is likely to cause "significant disruption, damage, or distress". Prior to the Bill, police could take action against GRT communities if they had "caused damage to land or property or used threatening, abusive or insulting words". However, this new Bill would make it possible for the police to take action merely on the grounds that damage or disruption may be caused, without it necessarily occurring. GRT communities are amongst the most marginalised in the UK and, therefore, the potential for these powers to be intertwined with conscious and unconscious biases of police and legal practitioners becomes inevitable. The result is that GRT communities are exposed to the risk of being pre-criminalised as "likely" to cause disruption, thereby incurring punishment for potential future crimes that have not yet been committed.

This is especially so considering that the Bill fails to clarify how "significant disruption, damage or distress" should be properly defined, nor the type of evidence that would be required to satisfy this threshold. With rampant public stereotypes surrounding these communities that continue to be perpetuated by the media, one must question whether the "distress" based on prejudice and triggered merely by a camp existing would be enough to reach this threshold.

Furthermore, police could previously seize GRT vehicles if there were more than six on public property, however, Clause 62 reduces this to one vehicle. For GRT communities, this constitutes the confiscation of their homes and possessions, potentially leaving them homeless and destitute, resulting in untold devastating consequences for families and children in particular.

At the same time, the Bill prohibits travellers from returning to a location for a duration of 12 months. <sup>23</sup> If an individual is found guilty of this offence, they face harsh criminal penalties, including up to 3 months in prison or a £2,500 fine. At the same time, the Government fails to provide adequate and permitted stopping places for these communities.<sup>24</sup>

Ultimately, such a Bill criminalises GRT communities' nomadic way of life and infringes upon their human rights under article 8 of the Human Rights Act and the ECHR. Article 8 guarantees the right to privacy, family life, home life, and correspondence and protects against unnecessary surveillance or intrusion into your life. The right to family life entails the right to enjoy family relationships without

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<sup>21 &</sup>quot;Policing Bill Threatens Protest Rights - Liberty". Liberty, 2021. https://www.libertyhumanrights.org.uk/issue/policing-bill-threatens-protest-rights/.

<sup>&</sup>lt;sup>22</sup> Brown, Jennifer, and Joe Ryan. "Police Powers: Unauthorised Encampments". House Of Commons Library, 2021. https://commonslibrary.parliament.uk/research-briefings/sn05116/.

<sup>&</sup>lt;sup>23</sup> Ibid.

<sup>&</sup>lt;sup>24</sup> Open Letter To The Home Secretary And Justice Secretary On The Police, Crime, Sentencing And Courts Bill. Liberty, 2021. https://www.libertyhumanrights.org.uk/wpcontent/uploads/2021/03/Letter-to-Home-Secretary-and-Justice-Secretary-on-PCSC-Bill.pdf.

interference. Respect for home life refers to protection against unlawful surveillance or entry or anything that prevents the enjoyment of home life. As in the case of article 10 and 11 rights, article 8 can be limited in certain circumstances if the means to do so meets the tests of lawfulness, necessity, and proportionality that is dependent upon the need to protect public safety or national security, another individual's rights and freedoms, or prevent crime and disorder. However, once again the Bill offers no insight into how or why these rights should be legitimately qualified.

Human rights are not passive requirements; in reality, the state has an obligation to proactively protect and support GRT's traditional way of life – an obligation that is undermined by the Bill in question. Furthermore, the pre-criminalisation of these communities will exacerbate the prejudice and discrimination that they already face, a problem that is already under-appreciated by policymakers.

Consequently, MEND urges parliamentarians to support Ian Byrne's amendments to scrap Clauses 62-64 that target GRT communities and commit to investigating hate crimes against these communities and the structural inequalities that they face.

#### Serious Violence Reduction Orders

Clauses 140-141 of the Bill concerns the creation of a new Serious Violence Reduction Order (SVRO) that would confer increased powers to police to stop and search an individual on the basis of a previous conviction for knife or weapons related offence without reasonable suspicion. This would grant police officers a draconian tool that will only serve to embed attitudes of criminalisation without acknowledgement of personal reform. This is particularly concerning for the potential to compound existing structural inequalities that pervade our criminal justice system whilst undermining public trust.

With existing stop and search procedures already under criticism for their notoriously problematic application, the proposed procedure further removes essential legal safeguards under the Police and Criminal Evidence Act 1984 (PACE) that necessitate reasonable grounds for suspicion. Under the Code of Practice for statutory powers of stop and search, "reasonable suspicion should normally be linked to accurate or current intelligence or information",25 for instance reports describing an individual carrying the article, or descriptions of a crime in which the article would have been used. Neither previous convictions nor other personal factors such as physical appearance or protected characteristics contained in the Equality Act 2010 constitute reasonable grounds to conduct a stop and search. These conditions seek to anchor stop and search in factors that are legitimate and directly relevant to the risk of offence, mitigating against reliance upon racialised stereotypes, mere hunches, or past offences that presuppose an individual's disposition to criminality. The fact that previous suspicionless stop and search powers under the Terrorism Act 2000 (s.44) were ruled to be in direct breach of article 8 of the ECHR by the ECtHR<sup>26</sup> highlights the extremity of this proposal and the need to subject similar measures to challenge considering the threat to fundamental rights.

Even existing suspicion-less powers such as Section 60 of the Criminal Justice and Public Order Act 1994<sup>27</sup> are only deployed in exceptional circumstances where there is a presumed risk to public safety and under strict conditions such as being confined to specified areas, authorised by only senior officers and only applicable for 24 hours. Meanwhile, new powers are conferred to officers of any rank without the need of approval from a senior rank and are valid for between six months and two years that can be renewed indefinitely. The number of constraints upon the measure to search without reasonable suspicion underlines that it was configured for use in only exceptional circumstances, as opposed to constituting a permanent feature of the measure. The fact that Section 60 powers have been proven to be discriminatory and invasive despite its limited scope, only serves to give an alarming picture of the potential that the SVRO will incur when such conditions are absent.

Moreover, those subjected to SVROs are likely to be vulnerable to intrusive monitoring and harassment, with whole communities at risk of surveillance and over-policing, potentially further exacerbating tensions in some areas between local communities and the police. It is natural that these experiences of over-policing will have

 $<sup>^{25}</sup>$  Home Office, "Revised Code of Practice for the Exercise By: Police Officers of Statutory Powers of Stop and Search" (,2014), <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/384122/PaceCodeAWeb.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/384122/PaceCodeAWeb.pdf</a>

<sup>26 &</sup>quot;Without Suspicion: Stop and Search under the Terrorism Act 2000," Human Rights Watch, July 4, 2010, https://www.hrw.org/report/2010/07/04/withoutsuspicion/stop-and-search-under-terrorism-act-2000

<sup>&</sup>lt;sup>27</sup> "Criminal Justice and Public Order Act 1994," Legislation.gov.uk, 2021, https://www.legislation.gov.uk/ukpga/1994/33/section/60

detrimental impacts on the way that individuals and communities affected conduct their daily lives and engage with public life.

Furthermore, considering the established structural inequalities embedded within stop and search application, the removal of safeguards can only exacerbate the disproportionate policing of black and ethnic minority communities, thereby compounding existing racial disparities pervasive across the criminal justice system. Analysis of current stop and search practices shows the disproportionate focus on Black and minority ethnic groups, revealing patterns of racial profiling that synonymise blackness with criminality. Figures reveal that Black people are searched 9 times the rate of white people and BAME people are 4.1 times more likely to be targeted. This portrait of police overreach and the concomitant discrimination of ethnic minorities becomes even starker when the reasonable grounds requirement is eliminated, with figures showing that in 2018/19 Black people were searched at around 40 times the rate of white people under the suspicion-less Section 60 powers.

Moreover, by the Government's own admission, "adults from some ethnic minority backgrounds are disproportionately more likely to be sentenced for a knife or offensive weapon offence".<sup>29</sup> Therefore, it is inevitable that BAME communities will be disproportionately impacted by SVROs without any introspection regarding the inequalities across the criminal justice system that contribute to ethnic disparities in the sentencing of such offenses.

As such, MEND urges parliamentarians to support amendments to scrap SVRO proposals contained in Clauses 140-141.

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<sup>&</sup>lt;sup>28</sup> Vikram Dodd, "Black People Nine Times More Likely to Face Stop and Search than White People," the Guardian (The Guardian, October 27, 2020), <a href="https://www.theguardian.com/uk-news/2020/oct/27/black-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times-more-likely-to-face-stop-and-search-than-white-people-nine-times

<sup>29 &</sup>quot;Serious Violence Reduction Orders: A New Court Order to Target Known Knife Carriers," Data.parliament.uk (, 2020), <a href="http://data.parliament.uk/DepositedPapers/Files/DEP2020-0528/deposit\_SVRO\_consultation.pdf">http://data.parliament.uk/DepositedPapers/Files/DEP2020-0528/deposit\_SVRO\_consultation.pdf</a>.

# How MEND can assist parliamentarians, policymakers, and community stakeholders

- Providing briefings, information, analysis, and expertise on issues impacting Muslim communities.
- Arranging opportunities for parliamentarians, policymakers, and community stakeholders to engage with their local Muslim communities.
- Conducting research within Muslim communities.
- Connecting parliamentarians, policymakers, and community stakeholders to other local stakeholders.

If MEND can be of any assistance to your work, please feel free to contact <a href="mailto:info@mend.org.uk">info@mend.org.uk</a>