



Date **17 August 2021**

Position statement **Knife Crime Prevention Orders**

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Knife crime is a growing problem and as such the MA supports the broad aim of the Government's Serious Violence Strategy to address it. In efforts to address knife crime, the Government has also introduced the Offensive Weapons Act 2019 and Knife Crime Prevention Orders (KCPOs). These new preventative civil orders were devised as an additional tool for the police to use to work with young people and adults to encourage them away from knife crime and serious violence.

We appreciate that a pilot of these orders is planned, and as we await any review of the pilot of these orders, the MA would again raise the concern that these orders have been introduced without proper consultation or a firm evidence base, so it is impossible to know whether they are suitable additional measures to deal with the current problems. These pilots must therefore be a genuine test of whether they have any positive effect, and an independent assessment of the pilot should be conducted to provide an evidence base for their use before consideration is given to rolling them out on a wider basis. In addition, scrutiny panels, where they exist, can provide additional informative data and should be implemented consistently across the country.

We are particularly concerned that their use may worsen the existing overrepresentation of Black, Asian and Minority Ethnic children and young people in the justice system, and this issue must therefore be at the heart of the evaluation of the pilot. It is an unacceptable risk that these orders could increase the already alarming disproportionality in the justice system for children from Black, Asian and Minority Ethnic backgrounds. KCPOs are intended for use with children as young as 12 years old, and include wide ranging requirements which could cover every aspect of a young person's life: to make such restrictive orders, where breach could result in a prison sentence, could lead to disproportionate and unfair outcomes.

The MA's position is that there is existing criminal law which deals with the offence of carrying a bladed article without good reason. We do not believe there is a clearly defined gap in existing police and court powers currently used to respond to possession of knives that would show that these orders are needed. Police already have the option to issue an out-of-court disposal for low level offences, although generally, we would expect cases involving the carrying of knives to be brought to court. (In cases where an out-of-court disposal is issued, scrutiny panels are an effective way of ensuring these are being appropriately and consistently used). The court decides if an offence is proven and if so, gives an appropriate sentence. As such, the MA believes there is a positive argument to be made for courts to have more options in sentencing cases of this nature, and we do not believe that a police officer's suspicion would be sufficient evidence to impose a very restrictive order, with criminal sanctions if breached. It is unclear how KCPOs offer an option over and above existing court powers, and even if these orders were to be used following a conviction for possession of a knife, without an evidence base to rely on, sentencers cannot know what requirements would be effective in supporting a change in behaviour.