

## **Investigating and Prosecuting Modern Slavery**

On 15 October 2019, the Independent Anti-Slavery Commissioner wrote to the chief constables of the 43 police forces in England and Wales expressing concern that the number of offenders being referred to the Crown Prosecution Service (CPS) for modern slavery and human trafficking (MSHT) offences had reduced in 2018. This had the potential to result in fewer prosecutions and convictions under the Modern Slavery Act, despite an increase in the number of crimes being recorded nationally.

In her letter, the Commissioner asked the chief constables to consider the following points:

1. Are you confident that modern slavery and human trafficking is treated as serious organised crime in your force?
2. Are you using the full range of powers in the Modern Slavery Act to tackle the criminal exploitation of children and vulnerable adults as they are trafficked along county lines? (For example, Slavery and Trafficking Risk and Prevention Orders are great ways to restrict the activities of traffickers).
3. Do your officers have the right expert advice and support to help them to investigate modern slavery and human trafficking and present strong cases to the CPS?

Included in this letter were the forces' relevant statistics of modern slavery crimes recorded and the number of offenders for modern slavery referred to the CPS for a charging decision.

All 43 chief constables responded, and this report summarises the main themes identified from their replies

### **Leadership**

Without exception, all chief constables sought to reassure Dame Sara that the threat of modern slavery was taken seriously by their forces, expressing a "genuine and demonstrable commitment", and "tackling head on" the issue of modern slavery and human trafficking. Twenty seven of the forces who responded stated that modern slavery was one of their force priorities or featured on their strategic plans, and all forces agreed with the assertion that modern slavery should be treated as serious organised crime. Almost all the responses outlined a clear governance structure for the oversight of modern slavery investigations, tasking and intelligence.

Many chief constables wrote that they are addressing the scale of the issue by the creation of dedicated teams of officers to deal with modern slavery, however the purpose and structure of these teams varies significantly.

### **Investigation**

It has been shown by the Prime Minister's Implementation Unit, that where modern slavery cases are investigated by a dedicated resource with training and knowledge in the area, prosecution rates for modern slavery rise and there are increased opportunities to dismantle the most harmful organised criminal gangs (OCGs). Of the ten forces with the highest number of prosecutions at court, nine had some sort of modern slavery or exploitation investigation unit in place. Safeguarding alone is not enough to tackle the issue of modern slavery and those forces which are able to balance victim care alongside robust investigation and proactivity are likely to have a greater grasp of the issue.

Forces such as the Metropolitan Police, Leicestershire, Derbyshire and Merseyside have dedicated investigation teams, but this is the exception rather than the rule. Where dedicated teams do exist, they will often take only the most complex and larger scale examples of modern slavery investigations. However, modern slavery investigations are complex and complicated. They may not all be serious organised crime, but the vast majority have elements of organisation and planning in the recruitment of victims and their movement across significant distances. This is rarely an offence committed by one individual against another, and the complexities of investigation will require a similarly detailed investigation structure.

Vulnerable victims require the full spectrum of support; interpreters, 'achieving best evidence' interviews and often needing a lengthy period of engagement with officers prior to supporting a prosecution. Investigators need to explore complex investigation strands such as telephone work, financial checks and processes that require international engagement.

The current focus on county lines drug dealing means that neighbourhood officers or volume crime teams are dealing with trafficking for criminal exploitation when they are not equipped to do so. The risks of failing to identify the vulnerable victims of trafficking, is to thereby criminalise children who are often the victims of staggering levels of violence. But it also risks failing to pursue and prosecute the traffickers who are exploiting children. Many chiefs are aware that they are unable to ensure that all modern slavery offences are investigated by a qualified detective (PIP2). Statements such as "current funding is completely out of kilter with devoting requisite resourcing to investigate these offences" and "we are limited in the resources we can apply given the scale of the challenge" reflect these sentiments.

Whilst there is a dedicated response to county lines offenders and victims in some forces, in many, opportunities to use relevant modern slavery legislation are not pursued. Kent, the Metropolitan Police, West Midlands and South Wales all mention that they have successfully used modern slavery legislation to tackle county lines. Others use proactive means to disrupt OCGs themselves, as in the cases of Derbyshire and Suffolk.

One way in which forces provide overview of such cases is by having MSHT tactical advisors or single points of contact (SPOC) for investigations, either in full time roles or on a rotation system. It is encouraging that 36 forces mention some form of specially trained resource to offer tactical advice to investigators, ranging from investigation teams to a dedicated modern slavery intelligence desk.

Greater Manchester has 28 TAC advisors on rotation, Lancashire has 22 and both Sussex and Warwickshire have 26. West Midlands, South Wales and Surrey are examples of those forces with dedicated staff who review MSHT investigations.

'Modern Slavery Champions' are also mentioned, who appear to have received training in identifying and responding to modern slavery, and by being embedded in areas of frontline policing, aim to improve the initial investigative response.

With the exceptions of Kent and Warwickshire, rarely did responses mention that they have successfully undertaken operations into modern slavery with neighbouring forces. These

offences do not operate within the limits of force boundaries and as such, cross-border working is essential. Forces mention their support of operations led by the Regional Organised Crime Units and the National Crime Agency, however the investigative capacity of these organisations is limited, and forces must ensure they work together to ensure that opportunities are not missed.

### **Partnership**

Vulnerability-focused partnership units, in Merseyside, Leicestershire and Dorset for example, are seen as good practice. The focus is on using safeguarding measures to support victims through multi-agency networks involving officers, non-government organisations, local authority partners, housing and health. Forces speak of playing an “active role in multi-agency partnership schemes” through regular information sharing and joint meetings, and “driving activity in partnership with third sector agencies”. Slavery and serious organised crime partnership boards, as in Hertfordshire and North Yorkshire, can be a positive step towards information sharing with partners and it is rightly identified that “the support and co-operation of these agencies is key to the effective identification and progression of MSHT cases”.

Amongst many other examples, Greater Manchester Police’s combined agency approach and Northumbria’s victim hubs show that many forces have a good understanding of the importance of supporting victims of modern slavery. Statements of forces being “dedicated to protecting victims” and placing the “protecting of vulnerable people at the centre of policing activity” were common amongst the responses received.

### **Prosecutions**

Many forces cited the issue of prosecutions without victim testimony as one of the greater obstacles towards their fight against modern slavery; with cases “requiring constant focus and a concerted effort on victim management”. The nature of their exploitation can leave victims either unaware that they have been exploited at all, or with a complex set of needs requiring a full spectrum of support from police and supporting agencies. Investigating officers can frequently be faced with “fear of repercussions and learned helplessness” from their victims.

The legislation acknowledges that a victim supportive of prosecution is not necessary for cases to proceed against their abusers, and some cases have been successful in this regard, such as Operation Flywheel in Devon and Cornwall. However, it is apparent that many forces are struggling to obtain positive charge outcomes where victims are not engaging with a police investigation. While decisions on prosecution are for the CPS, forces need to ensure that they are considering event-based conspiracy prosecutions on a par with other serious organised crime investigations where the commodity is a firearm or drugs rather than people.

Some responses were clear to outline issues encountered in engaging with CPS, such as “recent experience indicates that challenges remain with the [CPS]” and facing “considerable resistance...to bring charges”. Additionally, other forces highlighted specific cases, mentioning inconsistency in charging decisions between CPS departments, as well as frustrations at the length of time taken for charging advice to be obtained. Despite this,

many forces cited positive working relationships with the CPS, in particular the benefits of obtaining early investigative advice. This is cited as “critical” to successful prosecutions for modern slavery, but concerns have been raised that “less complex/individual/isolated cases ... were not routinely subject to Early Investigative Advice” due to the lack of experience and knowledge of those dealing with these cases.

A number of forces also mention CPS working to support police training in modern slavery, as in the West Midlands, Nottinghamshire and Gwent, or the existence of CPS joint working groups for modern slavery, as in Yorkshire and Humber.

### **Training**

In her 2016 Modern Slavery Act Review, Caroline Haughey QC observed that police training in modern slavery offences was “patchy and sometimes absent” and recommended that tailored modern slavery training should be available to police officers. Training remains a critical issue for police forces.

Twenty two forces specifically mentioned the value of their officers attending the four-day training course organised by the Modern Slavery Police Transformation Unit (MSPTU). The MSPTU has trained over 1000 officers across all forces in England and Wales and it is particularly encouraging that, in a number of forces such as Greater Manchester, Derbyshire, Kent and Essex, staff from their Learning and Development departments have attended this course with a view to providing this training in force.

Many forces were keen to stress that training material in modern slavery was available to their officers on in-force intranet sites, through a National Centre for Applied Learning Technologies programme, or on training days. Avon and Somerset and City of London have both held modern slavery conferences to deliver relevant training to officers.

Several forces mentioned that they have also run joint training days with partners and shared their learning with stakeholders. Police show a progressive approach in leading the way towards raising awareness within the private sector; such as the City of London carrying out training on construction sites, and Wiltshire’s ‘hotel watch’ scheme.

### **Ancillary Orders**

The Modern Slavery Act gave police forces useful powers to manage offenders beyond conviction, (Slavery and Trafficking Prevention Orders), and as an alternative to conviction (Slavery and Trafficking Risk Orders). Twenty three forces stated that they had secured orders but the majority acknowledged that there was more that could be done to actively pursue these powers when opportunities arose. It is for the police to initiate this process, however Dame Sara has raised this issue with CPS colleagues in the hope that they will be more proactive in their support for applications at court.

It is concerning that there is no national structure in place to manage these orders once they have been issued by the courts. Whilst some forces, such as West Yorkshire, have clear governance in place for these orders, this is not the case for the majority, which can lead to missed opportunities in restricting the activities of exploiters once orders have been obtained.

The responses received from chief constables show that whilst there are pockets of good practice and much has been done to raise awareness of modern slavery, there is still progress to be made by police forces in tackling low prosecution rates and ensuring that sufficient resources are available to investigate these offences. Training and stakeholder engagement all play a part, however crucially, the variation in how forces are investigating modern slavery is a cause for concern. The lack of consistent structures and approach across forces can make communication and intelligence sharing a challenge and hinders the prosecution of offenders of a crime which is not constrained by borders.