

# THE USE OF MODERN SLAVERY RISK AND PREVENTION ORDERS

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# GLOSSARY

<b>BTP</b>	British Transport Police
<b>COPFS</b>	Crown Office and Procurator Fiscals Service
<b>CPS</b>	Crown Prosecution Service
<b>GLAA</b>	Gangmasters and Labour Abuse Authority
<b>HO</b>	Home Office
<b>IE</b>	Immigration Enforcement
<b>MSOIC</b>	Modern Slavery Organised Immigration Crime Unit
<b>MSPTU</b>	Modern Slavery Police Transformation Unit (precursor to MSOIC)
<b>NCA</b>	National Crime Agency
<b>NCLCC</b>	National County Lines Coordination Centre
<b>PNC</b>	Police National Computer
<b>PSNI</b>	Police Service Northern Ireland
<b>ROCU</b>	Regional Organised Crime Unit
<b>SCPO</b>	Serious Crime Prevention Order
<b>SHPO</b>	Sexual Harm Prevention Order
<b>SRO</b>	Sexual Risk Order
<b>STRO / STPO</b>	Slavery and Trafficking Risk Order / Prevention Order
<b>TERO / TEPO</b>	Trafficking and Exploitation Risk Order / Prevention Order

# FOREWORD

## Dame Sara Thornton – Independent Anti-Slavery Commissioner

The Modern Slavery Act provides valuable powers to disrupt slavers and traffickers. However, law enforcement agencies were slow to adopt them and concern has been expressed in the past about the failure to exploit their value. I was therefore keen that my office reviewed the deployment of Slavery and Trafficking Risk Orders and Slavery and Trafficking Prevention Orders.

I have been encouraged to see an increase in their use and the genuine enthusiasm for these ancillary orders as tools to tackle offending. New guidance has been published and hubs of expertise are developing. While awareness has certainly increased, there is still potential to exploit risk orders much more in support of evidence led investigations. Importantly, the findings of this brief review identify that while these orders are now recorded nationally on the Police National Computer there is no national system to monitor compliance.

These orders can be powerful tools to manage the risk posed by offenders but only if they are actively monitored and policed. Progress has been made but there is still work to do to build the enforcement architecture to exploit the full potential of these invaluable tools.

# 1. INTRODUCTION

The Independent Anti-Slavery Commissioner's Strategic Plan 2019-2021,<sup>1</sup> commits to supporting law enforcement increase prosecutions, and highlights how effective enforcement of legislation can restrict the perpetrator.

Slavery and Trafficking Risk Orders (STRO) and Slavery and Trafficking Prevention Orders (STPO), introduced in England and Wales under Part 2, Modern Slavery Act 2015<sup>2</sup> are important tools to control a perpetrators behaviour. Like other civil orders, courts may authorise restrictions upon the activities of individuals believed to be at risk of offending. Trafficking and Exploitation Risk Orders (TERO) and Trafficking and Exploitation Prevention Orders (TEPO) are similarly legislated for in Scotland.<sup>3</sup> Northern Ireland currently legislates for the use of STPOs only.<sup>4</sup>

In 2016, a 'Review of the Modern Slavery Act' by Caroline Haughey OBE QC noted some early use of ancillary orders.<sup>5</sup> A Home Office (HO) and Modern Slavery Police Transformation Unit (MSPTU) 2017 review identified that following inception of the Act, a total of 56 ancillary orders were obtained during the initial 21-month period to March 2017. Recommendations included raising awareness of ancillary orders, provision of practical guidance, planning for the monitoring and policing of orders and, building a further evidence base to assess the effectiveness of orders.<sup>6</sup>

The Rt Hon Frank Field MP, Chair of the Independent Review of the Modern Slavery Act (2019) outlined:

*"...there are still sadly too few convictions being handed down for the new offences prosecuted under the Act, and too few Slavery and Trafficking Prevention and Risk Orders are in place to restrict offender activity."*<sup>7</sup>

In 2020, a further MSPTU review into the effectiveness of orders made further recommendations relating to the improvement of information sharing, the recording of, and the operational management of orders.<sup>8</sup>

Despite the attention and recommendations discussed above, there continues to be concerns that ancillary orders are insufficiently applied, to the detriment of victims. This paper aims to report on the current use of ancillary orders, the progression of previous recommendations and, identify remaining barriers and good practice to obtain orders.

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<sup>1</sup> IASC (2019), 'Independent Anti-Slavery Commissioner Strategic Plan 2019-2021': [independent-anti-slavery-commissioners-strategic-plan-19-21-screen-readable.pdf](https://antislaverycommissioner.co.uk/wp-content/uploads/2019/07/Independent-Anti-Slavery-Commissioner-Strategic-Plan-2019-2021-Screen-Readable.pdf) ([antislaverycommissioner.co.uk](https://antislaverycommissioner.co.uk)).

<sup>2</sup> [Modern Slavery Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/31/section/2).

<sup>3</sup> [Human Trafficking and Exploitation \(Scotland\) Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/31/section/2).

<sup>4</sup> [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2015/31/section/2).

<sup>5</sup> Caroline Haughey OBE QC (2016), 'The Modern Slavery Act Review':

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/542047/2016\\_07\\_31\\_Haughey\\_Review\\_of\\_Modern\\_Slavery\\_Act\\_-\\_final\\_1.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/542047/2016_07_31_Haughey_Review_of_Modern_Slavery_Act_-_final_1.0.pdf).

<sup>6</sup> Home Office and Modern Slavery Police Transformation Unit (2017), 'Review of the effectiveness of Slavery and Trafficking Prevention and Risk Orders', (Official Sensitive) [Unpublished].

<sup>7</sup> Frank Field MP, Maria Miller MP and Baroness Butler-Sloss (2019), 'Independent Review of the Modern Slavery Act 2015: Final Report': <https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report>.

<sup>8</sup> Modern Slavery Police Transformation Unit (2020), 'Review of Slavery and Trafficking Orders', (Official Sensitive) [Unpublished].

## The Law

Within England and Wales, section 14 of the Act legislates for a Crown Court to issue STPOs upon conviction for a relevant schedule 1 slavery or trafficking offence which includes:

- Sections 1, 2 and 4 Modern Slavery Act, 2015
- Section 145 Nationality Immigration and Asylum Act, 2002
- Sections 57,58, 58A, 59 or 59A Sexual offences Act, 2003
- Section 4 Asylum & Immigration (Treatment of Claimant) Act, 2004
- Section 71 Coroners & Justice Act, 2009
- Attempting or conspiring to commit an offence in respect of the above, or an offence under the Serious Crime Act, 2007

Application to a Magistrates' Court for the issue of a STRO may be made in accordance with Section 23 of the Act, where it can be shown that there is a risk that the defendant will commit a slavery or trafficking offence and, that it is necessary to make the order for the purpose of protecting person/s from physical or psychological harm.

Risk and prevention orders can be made on application by:

- a Chief Officer of Police,
- an Immigration Officer (authorised by the Director of Criminal Investigations),
- the Director General of the National Crime Agency (NCA) and,
- a Labour Abuse Prevention Officer as authorised by the Director of Operations, Gangmasters and Labour Abuse Authority (GLAA).

The minimum duration of an order is two years for STROs and, five years for STPOs. Part 2 of the Act also outlines prohibitions on foreign travel; requirements to provide a name and address; variation, renewal, discharge of orders and appeals.

The court may, if it considers it just to do so, grant interim STPOs or interim STROs under sections 21 and 28 of the Act respectively for the purpose of protecting a person from immediate harm pending the full determination of the application.

TEPOs are similarly addressed within sections 17 to 25 and TEROs within sections 26 to 31 under Part 4 of the Human Trafficking and Exploitation (Scotland) Act 2015. Schedule 3 Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 legislates for the use of STPOs.



## 2. METHODOLOGY

The aims of this evidence-informed study are to:

- Articulate the current position in relation to the use of orders.
- Identify what barriers exist in submitting applications for, or the granting of orders.
- Outline measures to mitigate the identified barriers.
- Promulgate good practice and make recommendations to increase the use of orders.

The review used three approaches to secure information:

- i) A call for law enforcement practitioner insights through the dissemination of an online survey across agencies with authority to obtain orders was conducted. 69 responses were received from strategic leads, managers, supervisors, investigators, legal teams, and offender management units. Respondents identified themselves from 18 police forces, including the Police Service Northern Ireland (PSNI), Police Scotland, Immigration Enforcement (IE), Regional Organised Crime Units (ROCU), NCA, Modern Slavery Organised Immigration Crime Unit (MSOIC) and, National County Lines Coordination Centre (NCLCC).
- ii) Semi-structured interviews were conducted with selected respondents to the practitioner survey and, identified leads where the volume of orders obtained may itself be indicative of good practice.
- iii) Interviews were held with people responsible for the strategic development of slavery, trafficking, and exploitation investigations, the Crown Prosecution Service (CPS), Government and Devolved Administrations.

The responses to the call for practitioner insights provided a snapshot of thematic barriers and good practice relating to slavery and trafficking orders. The findings provide a series of recommendations to further the use of orders.

### 3. FINDINGS

#### The use of Slavery and Trafficking and Trafficking and Exploitation Prevention Orders (STPO/TEPO)

STPOs are predominantly issued following a defendant's conviction for offences in accordance with the Act. Between July 2015 and March 2017, 37 STPOs were granted.<sup>9</sup> In the four year period (April 2017-March 2021), 105 STPOs were granted in England and Wales by the Crown Courts.<sup>10</sup> This is compared with over 300 convictions across the same reporting period where an order could be granted.<sup>11</sup> The global pandemic adversely affected the number of prosecutions and STPOs although the data suggests that the number granted is increasing.

Eight TEPOs were issued in Scotland between April 2017 and March 2020 although none have been issued since.<sup>12</sup> No STPOs have been issued in Northern Ireland since two were obtained in 2017/18.<sup>13</sup>

In June 2020 Chief Constable Shaun Sawyer, the National Police lead for Modern Slavery, instructed all UK forces to record slavery and trafficking orders upon the Police National Computer (PNC) providing for a more consistent picture of the volume and distribution of orders in existence. By February 2022, the PNC recorded a total of 168 STPOs in existence across the UK.<sup>14</sup>

Respondents provided some examples where alternative civil orders have been issued to slavery and trafficking perpetrators upon conviction, i.e. Serious Crime Prevention Orders (SCPO) or Sexual Harm Prevention Orders (SHPO). It is unclear how many alternative orders are granted in respect of slavery and trafficking convictions, but they clearly play some role in managing the risk posed by offenders.

Having taken into account that some interim orders are issued prior to full orders being granted and others issued for conspiracy related offences, STPOs are granted to less than one third of all perpetrators convicted for modern slavery offences. The relatively low number of STPOs granted is consistent with the low number of convictions under the Act. It is evident that although STPOs are being considered by the courts, they might be discounted for various reasons including considerations of the Rehabilitation of Offenders Act, a perceived minimal risk of offending or, a lack of a defined plan to satisfy the court that any imposed conditions would be monitored.

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<sup>9</sup> Home Office and Modern Slavery Police Transformation Unit (2017), 'Review of the effectiveness of Slavery and Trafficking Prevention and Risk Orders', (Official Sensitive) [Unpublished].

<sup>10</sup> Data provided by HM Courts & Tribunals Service

<sup>11</sup> Available at: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2020>. The figures in this table relate to defendants prosecuted for modern slavery offences on an all offence basis, that is, the total number of offences a defendant is prosecuted for (principal offences plus non-principal offences).

<sup>12</sup> Data provided by Police Scotland.

<sup>13</sup> Data provided by PSNI.

<sup>14</sup> Police National Computer (PNC) data provided by NCLCC.

### **Case Study 1: Preparation of prevention order applications prior to criminal justice proceedings**

#### **Greater Manchester Police (November 2020)**

*The granting of a prevention order following conviction for a modern slavery offence is at the discretion of the court. Upon conviction, the prosecuting counsel will remind the Judge that prevention orders are available as part of the court's sentencing powers. The example demonstrates that proper preparation of a relevant draft order and early engagement with CPS is critical to the success of the order being granted.*

*An 18 month investigation was conducted following the identification of a woman who was sold and trafficked to the United Kingdom for the purposes of sexual exploitation before being kidnapped by her original exploiters. Ahead of the court proceedings, the investigating officer engaged with the prosecutor and prepared a draft STPO, suggesting prohibitions based upon the offending behaviour. Referencing sentencing guidelines, supporting evidence was able to demonstrate the culpability of the defendant and the level of harm caused to the victim. In completion of the STPO1 form, supporting information was provided to demonstrate how any imposed prohibitions would be effectively managed to facilitate consideration by the Judiciary in the event of the defendant's conviction. An STPO was granted following conviction of the defendant, who will be deported following the completion of his sentence.*

*The investigation also significantly benefitted from the use of a Victim Navigator. During testimony provided directly to the court, the victim outlined the positive impact that the prevention order would have upon her life moving forward.*

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## **The use of Slavery and Trafficking and Trafficking and Exploitation Risk Orders (STRO/TERO)**

Between July 2015 and March 2017, 19 STROs were granted in England and Wales.<sup>15</sup> Between April 2017 and September 2021, an additional 102 STROs have been issued.<sup>16</sup> The PNC recorded a total of 78 STROs are in existence (February 2022).<sup>17</sup> The minimum duration of an STRO is two years which may account for the expiry of some orders, whilst others may be superseded by a STPO following a perpetrator's conviction.

During 2020/21, the highest annual total of 29 STROs was granted and although the volume of STROs remains low the trajectory is clearly upwards. Factors may include increased awareness and STROs being sought to support victim safeguarding and prevent offending due to the adverse impact caused by the global pandemic upon criminal justice proceedings.

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<sup>15</sup> Home Office and Modern Slavery Police Transformation Unit (2017), 'Review of the effectiveness of Slavery and Trafficking Prevention and Risk Orders', (Official Sensitive) [Unpublished].

<sup>16</sup> Data provided by HM Courts & Tribunals Service.

<sup>17</sup> Police National Computer (PNC) data provided by NCLCC.

Although Northern Ireland does not currently legislate for the use of STROs, ministerial approval has been obtained to progress with a public consultation on proposals to amend the legislation.

Police Scotland is currently supporting Home Office Immigration Enforcement regarding a joint trafficking and exploitation investigation and are in the process of seeking to obtain the first TERO in Scotland.

As an authorised body, the GLAA have achieved some notable success in obtaining orders.

***Case Study 2: Effective use of risk orders during the ongoing investigation into suspected labour exploitation.***

***GLAA (February 2022)***

*GLAA launched a criminal investigation in February 2021 and 12 months later, STROs were granted by Nottinghamshire Magistrates Court in respect of the 2 defendants whilst the criminal investigation continues.*

*The investigation commenced following concern that two suspects had befriended a Romanian male and encouraged him to travel with them to the UK with the promise of work and accommodation. It is alleged that on arrival in the UK, the victim paid the defendants £300 and was made to pay monthly rent, effectively placing him in debt bondage. The victim was supported to find work through a recruitment agency but not given access to his wages which were paid directly into the bank account of one defendant. It is alleged that the victim was threatened, and his movements restricted.*

*The STROs will remain for two years unless varied or discharged by further order of the court and prohibit the defendants from interfering with witnesses, arranging or paying for a person to travel into or out of the UK or the travel to work of any individual and, renting or sub-letting property to persons other than immediate family.*

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According to the MSOIC, in January 2022, there were 4322 slavery and trafficking investigations across the UK.<sup>18</sup> Although not all individuals will be formally investigated as suspects, over 1900 nominals were linked as perpetrators. Insufficient evidence or, individual case circumstances may preclude the requirements for an STRO application, but the data indicates scope to significantly increase considerations for the application of STROs and TEROs prior to conviction or when criminal justice proceedings do not ensue.

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<sup>18</sup> Police National Database (PND) data provided by MSOIC.

## Evidence led investigations and an effective performance framework

*'If organisational leadership demonstrated a strong desire for ancillary orders to be obtained, I firmly believe any barriers would be overcome more readily'.*

Survey Respondent

Slavery and Trafficking National Policing Standards require forces to 'proactively pursue slavery and trafficking offending to achieve sustained public protection, going beyond safeguarding by investigating cases even where victims do not support the prosecution.'<sup>19</sup>

Force practitioners voiced concern that victims not engaging with an investigation resulted in the case being closed without pursuing evidence led enquiries. The development of strategies which encourages proactive investigations, even without the support of victims, would safeguard more victims, increase the number of convictions, orders and financial assets seized from slavery and trafficking perpetrators.

### ***Case Study 3: Benefits to pursuing evidence led investigations even without the support of victims***

#### ***Metropolitan Police Service (June 2020)***

*Operation Huai investigated the suspected recruitment and sexual exploitation of women advertised via online Adult Service Websites. The victim engagement strategy ensured for the establishment of multiple rest and recovery centres, focussing upon the provision of victim welfare rather than seeking immediate disclosure. 29 victims were identified and despite the victims' unwillingness to engage or provide testimony, an evidence led investigation was undertaken leading to the relentless pursuance of perpetrators to safeguard victims and prevent further offending.*

*Investigators overcame initial barriers in securing prosecutorial charging decisions for slavery and trafficking offences by submitting application for STROs as a means of safeguarding victims whilst the investigation ensued. Officers prepared their applications following review of a previously obtained order and sought legal services and prosecuting counsel support. Five interim risk orders were initially obtained in June 2020, three of which were subsequently made subject to full orders in November 2020.*

*Financial investigation resulted in the seizure of circa £1.6m of realisable assets and further evidencing the laundering of an additional £4.8m. Six defendants are due to face trial this year charged with a total of 63 offences, including Modern Slavery Act indictments. This case exemplifies both the organisational commitment and, the dedication and tenacity of investigators, to undertake evidence led investigations.*

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<sup>19</sup> MSOIC (2021), 'Slavery and Trafficking National Policing Standards', (Official) [Unpublished].

In 2017, HMICFRS assessment of the policing response to modern slavery and human trafficking<sup>20</sup> outlined the requirement to consider evidence led prosecutions and, for leaders to ensure performance and quality assurance measures were in place. Five years later, the recommendations remain current with the National Vulnerability Action Plan (NVAP)<sup>21</sup> containing actions to use evidence led prosecutions in all appropriate cases and, to optimise governance arrangements by developing robust audit, peer review and independent scrutiny.

## Legislative barriers

In February 2021 Chief Constable Shaun Sawyer wrote to the Home Office seeking changes to legislation. Following ministerial approval, a stakeholder engagement exercise has been undertaken in respect of the proposed amendments which include:

- i) *To amend section 23 of the Act, making provision for STROs to be available to the Crown Court on acquittal of a slavery or trafficking offence.*
- ii) *To extend the list of bodies that can make an application to a magistrate to make, vary, discharge, and renew a STPO (section 15 and 20) and STRO (sections 23 and 27), to include the Chief Constable of the British Transport Police (BTP).*
- iii) *To amend sections 15 and 23 of the Act, to remove the restriction on forces only applying for orders for persons who live in their force area.*
- iv) *To amend sections 19 and 26 of the Act to make it a mandatory requirement for the subject of the order to provide their name and address and, provide the court with discretionary power to require notification of additional information where necessary and proportionate.*

Extending the provision to enable STROs to be available to the Crown Court where a defendant is convicted of other slavery and trafficking related offences would significantly increase the number of STROs granted. The other proposed amendments are largely administrative enabling investigators to submit applications and reduce the burden upon other forces.

To assist the granting of orders, investigators should refer to the Sentencing Council guidelines<sup>22</sup> and outline within applications the level of risk necessitating an order and provide detail as to how any proposed restrictions can be managed.

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<sup>20</sup> HMICFRS (2017), 'Stolen Freedom: the policing response to modern slavery and human trafficking': <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/stolen-freedom-the-policing-response-to-modern-slavery-and-human-trafficking.pdf>.

<sup>21</sup> College of Policing, Vulnerability knowledge and Practice Programme and National Police Chief's Council (2020), 'National Vulnerability Action Plan': [NVAP.pdf \(npcc.police.uk\)](#).

<sup>22</sup> Sentencing Council (2021), 'Sentencing Council Guidelines for Modern Slavery Offences': [Search Results for "" – Sentencing \(sentencingcouncil.org.uk\)](#).

#### **Case Study 4: Determination to overcome legislative barriers**

##### **Thames Valley Police (November 2018)**

*Operation Dingle was a CID led investigation, commencing in December 2017, into the labour exploitation of Romanian victims by an identified Organised Crime Group operating within the car wash sector. The investigation demonstrates resilience to overcome legislative barriers following the court's direction.*

*Following a reported assault involving five workers, the use of an interpreter resulted in disclosure relating to their forced labour. The victims were safeguarded in accommodation, one entering the NRM. Good initial probing of their family antecedents provided invaluable in later tracing the victims who returned to Romania.*

*Identified suspects were arrested in February 2018. Legal services supported investigators to construct the applications. Barriers were encountered when the court incorrectly determined that civil orders could not be obtained whilst a criminal investigation was being progressed and that victim testimony was required to be provided to the court.*

*Investigators overcame barriers to secure STROs by tracing victims who had returned to Romania and, engaging with them sufficiently to secure their return to the UK to provide victim testimony. Interim STROs were granted in June 2018 and full orders issued in November, lasting for four years. The impact of the orders has been significant to support good practice in the management of car wash establishments.*

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## **Guidance and training**

Previous HO and MSPTU reviews cited a lack of awareness, guidance and training as factors impacting upon the effective use of orders. Thematic issues included a limited awareness of orders amongst front-line staff and the judiciary, the availability of practical guidance and the requirement for a library of prohibitions. To address those earlier recommendations, in 2020 the MSOIC produced a document to support the use of STROs and STPOs.<sup>23</sup> This was followed one year later by respective MSOIC<sup>24</sup> and NCLCC guidance,<sup>25</sup> to obtain and manage orders. Both documents provide practical and operational advice including examples of evidential statements, orders, and prohibitions to enable investigating officers to structure applications.

The Knowledge Hub<sup>26</sup> is an online resource accessible to UK law enforcement providing a platform to access guidance. However, several respondents to this study remained unaware of

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<sup>23</sup> MSPTU (2020), 'Top ten tips on Slavery and Trafficking Risk Orders STROs and Prevention Orders STPOs', (Official) [Unpublished].

<sup>24</sup> MSOIC (2021), 'Police Guidance for Obtaining and Managing Slavery and Trafficking Prevention and Risk Orders', (Official) [Unpublished].

<sup>25</sup> NCLCC (2021), 'Guidance on the use of Slavery and Trafficking Risk Orders and Slavery and Trafficking Prevention Orders in County Lines Operations', (Official) [Unpublished].

<sup>26</sup> Knowledge Hub <https://knowledgehub.group/>

the developed guidance and considered that practitioners may not be aware of the online resource or a two-step identification requirement being a barrier to access. Although the guidance has been disseminated and may be accessible by investigators on internal force systems, further targeted dissemination to investigators of slavery and trafficking is required.

Following Hestia's super-complaint on the police response to victims of modern slavery,<sup>27</sup> the College of Policing is now in the process of updating the Major Investigations and Public Protection Authorised Professional Practice (APP) on modern slavery<sup>28</sup> to ensure that the guidance remains current and fit for purpose within a fast changing landscape.

**Recommendation 1:** The College of Policing to ensure that APP is updated to include references to the MSOIC and NCLCC guidance.

A specific learning module relating to orders is now included within the College of Policing accredited four day modern slavery specialist investigator course, albeit at a high level. Training is no longer centrally delivered and the MSOIC has supported forces by running train the trainer events. Notwithstanding, there was a view from respondents that delivery of the course is extremely variable nationally and that unless annual training is delivered by forces there is a significant risk that investigators will be insufficiently trained.

**Recommendation 2:** The MSOIC to maintain oversight over the extent to which the specialist investigator training is being delivered nationally.

As of February 2022, there are 18 STPOs and 9 STROs specifically relating to county lines investigations.<sup>29</sup> Encouragingly, the NCLCC report that there are many more applications awaiting courts hearings.

#### **County Lines Examples**

*Two defendants received STPOs following their conviction for conspiracy to supply and trafficking of a vulnerable adult between London and South Wales.*

*A joint investigation identified that children, missing from the West Midlands area were being conveyed to Lincolnshire for the purposes of criminal exploitation. The defendant was convicted for possession with intent to supply and five offences of trafficking. An STPO was issued by the crown court upon conviction.*

*Avon and Somerset Constabulary obtained an interim STRO on an 18-year-old male, who was criminally and sexually exploiting girls by taking them between Somerset and London to sell drugs. Sufficient evidence was obtained, despite a lack of victim engagement.*

*Cambridgeshire Police obtained an STRO for a male criminally and sexually exploiting young persons. Despite previous arrests, criminal justice proceedings never ensued; however,*

<sup>27</sup> College of Policing, HMICFRS and IOPC (2019), 'The hidden victims: Report on Hestia's super-complaint on the police response to victims of modern slavery': <https://www.gov.uk/government/publications/police-response-to-victims-of-modern-slavery/the-hidden-victims-report-on-hestias-super-complaint-on-the-police-response-to-victims-of-modern-slavery--2>.

<sup>28</sup> College of Policing (2022), 'Major investigation and public protection Authorised Professional Practice': [Major investigation and public protection \(college.police.uk\)](https://college.police.uk/major-investigation-and-public-protection)

<sup>29</sup> Data provided by NCLCC.



sufficient evidence was obtained to secure the order with force Legal Service support. The perpetrator breached the order on several occasions ultimately resulting in a custodial sentence.

Lancashire Constabulary obtained an STRO against a male who was ‘cuckooing’ vulnerable persons to facilitate drug dealing within the Blackpool area. Despite a lack of victim engagement, intelligence and hearsay evidence was gathered and submitted to the court. Following the conviction of a male for drug supply in 2019, Thames Valley Police secured an STRO following application to Oxford Magistrates’ Court. The order will run for three-years following his release from prison.

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## Standard procedures to actively monitor individuals subject to STPOs and STROs

*‘There is a need for a national ancillary order management process, so that all forces manage orders in the same way...’*

Survey Respondent

The Slavery and Trafficking National Policing Standards stipulate that legislation should be used to manage risk, disrupt offenders, and safeguard victims from harm.<sup>30</sup> The 2020 MSPTU review recommended that all forces identify a plan to actively manage individuals, and for the Act to be updated to include legislation to provide direction on the management of those subject to an order. Ministry of Justice data shows that between April 2017 and March 2021 there were 28 convictions relating to a breach of STPO or STRO prohibitions and notification requirements.<sup>31</sup> However, investigators perceive that insufficient activity is being undertaken to monitor individuals even though some 250 orders are currently in existence.

The Home Office ‘Statutory Guidance on risk and prevention orders’ issued in accordance with Section 33 of the Act was published in July 2015 and is being updated. There is an opportunity to address the recommendations of the earlier MSPTU review and incorporate the MSOIC and NCLCC guidance into the updated statutory guidance. Forces will still need to develop individual procedures consistent with local arrangements and structures.

**Recommendation 3:** The Home Office updating of the Section 33 Statutory Guidance to include direction on the monitoring of subjects, the recording of actions and additional prohibitions guidance.

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<sup>30</sup> MSOIC (2021), ‘Slavery and Trafficking National Policing Standards’, (Official) [Unpublished].

<sup>31</sup> Available at: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2020>. The figures in this table relate to defendants prosecuted for modern slavery offences on an all offence basis, that is, the total number of offences a defendant is prosecuted for (principal offences plus non-principal offences).

## Constructing STPO and STRO applications

The infrequency in which an investigator is required to construct an application is a barrier to obtaining an STPO or STRO. Respondent views were mixed as to whether orders should be constructed by the investigating officer or a supporting department although they perceive that dedicated slavery and trafficking teams, public protection departments and integrated offender management units are more adept at recognising the safeguarding benefits that orders provide. A team's frequency in the construction of civil orders through developed experience can overcome barriers to increase the number of effective applications. Regardless as to which unit does the work the case studies reflect that success is only achieved through the tenacity and professional expertise of those charged with ownership.

### ***Case Study 5: Merits of dedicated investigation teams for slavery and trafficking offences***

#### ***West Yorkshire Police (November 2018)***

*Ownership of slavery, trafficking investigations may be allocated to detectives within CID, public protection departments or dedicated 'Precision' teams. Officers within public protection departments receive safeguarding training and it is perceived that dedicated teams gain experience due to the volume of investigations.*

*Two suspects were arrested following an investigation into the suspected trafficking of women for the purposes of sexual exploitation. Six victims were conveyed to a rest and recovery centre; however, none supported criminal justice proceedings. Recognising the benefits to safeguarding victims and the prevention of further offending, the investigating officer collated evidence for the submission of STRO applications. The force employed a barrister for the hearing. Interim orders were obtained, and the applications were heard three times before the court granted full orders in November 2018.*

*One suspect fled to Bucharest and is not believed to have returned to the UK. The other perpetrator was subsequently located in the company of a woman within in a brothel although insufficient evidence was available to prosecute the perpetrator based upon the stipulated prohibitions.*

*In addition to recording the orders upon PNC, the force document the management on their local Niche Records Management System. West Yorkshire Management Unit further developed internal force guidance on risk and prevention orders including some additional prohibitions guidance.*

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### ***Case Study 6: Dedication of CID resource to investigate slavery and trafficking offences***

#### ***West Midlands Police (April 2017)***

*The success of Operation Fort has previously been reported by the Independent Anti-Slavery Commissioner. Traffickers targeted vulnerable victims in Poland, luring them to the UK with the promise of well-paid jobs and accommodation. On arrival, they were subjected to forced*

*labour within farms, factories, waste recycling plants and parcel sorting warehouses. The investigation identified 92 potential victims, although police estimate as many as 400 Polish nationals could have been exploited.*

*Continued offending post arrest resulted in the initial application for risk orders as a measure to safeguard known and unknown victims. A series of resources were utilised as the investigation progressed, although initially a team of four CID officers were dedicated. The Investigator was abstracted for two weeks to construct the orders and used an existing order as a template for construction, supported by the force Legal Services to navigate disclosure issues. Whilst the criminal investigation progressed, the investigating officers policed the restrictions themselves, evidencing three suspects in breach of their orders.*

*In 2019, eight members of a polish criminal gang were convicted of slavery, trafficking, and money laundering crimes. Perpetrators were issued with STPOs upon conviction, which will last up to nine years after they are released from prison. In February 2020, property landlord Kashmir Singh Binning received an STRO, placing restrictions to prevent him from accepting cash payments from tenants, agreeing to regular property inspections, and providing the Local Authority with details of all occupants. Prior to the issue of the orders, investigators were unable to prevent victimisation. The impact of the orders was significant, initially to control the perpetrators' activity and to break-up the organised criminal group network.*

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Respondents considered the provision of legal support to be variable. Norfolk Constabulary legal services disseminated a presentation outlining the criteria and application process across the spectrum of civil orders. Conversely, some respondents cited organisational capacity issues in addition to legal services experience to facilitate advice and direction. Some respondents overcame barriers by seeking advice from another force.

Similarly, respondents highlighted barriers can exist due to the knowledge and experience of a reviewing lawyer when seeking prosecutorial support. Early engagement with the regional CPS modern slavery leads and dedicated leads within the Public Prosecution Service Northern Ireland the Crown Office and Procurator Fiscals Service (COPFS) for Scotland and, persistence in seeking a second opinion ensures for a more collaborative and successful approach.

Some respondents were clear that success in obtaining orders was due to the support provided by regionally based NCLCC Orders Officers. The team can assist with the construction of applications and suggest prohibitions based upon the method of offending and is not limited to county lines offending. The team further mitigate barriers by collaborating with investigators, cross-border agencies, legal services, CPS and the Prison and Probation Service. Such collaboration is particularly important to engage the services of law enforcement in other countries to monitor and enforce restrictions should a perpetrator leave the UK.

## Prohibitions guidance

Investigators often refer to a previously obtained order to support the construction of an application and the lack of a comprehensive list of prohibitions means that this is time consuming. While the NCLCC and the NCA have collated some good examples there is a suggestion from investigators that they need more assistance. While the CPS maintains a library of SCPO prohibitions it would be a significant challenge for them to also include STPOs and STROs.

### ***Case Study 7: Appropriate necessity, proportionality, and resource capability considerations to effectively manage prohibitions.***

#### ***Hertfordshire Constabulary (April 2020)***

*Investigations into the labour exploitation of a Romanian victim commenced following initial reporting of an assault at a large distribution centre by the alleged perpetrators. Financial enquiries revealed that the wages of 144 individuals, employed via a recruitment agency, were being paid into two bank accounts identifying an organised criminal group network.*

*Offenders were arrested and bail conditions were put in place to prevent them interfering with witnesses or otherwise obstructing the course of justice. These were later removed due to the interim orders being in place, protecting the victims and potential victims who may be at risk whilst the investigation continued. The investigator overcame barriers caused by the global pandemic and sought support for the construction of the STRO application from West Midlands Police. Following Early Investigative Advice, CPS instructed Caroline Haughey OBE QC as Counsel.*

*Criminal charges were discontinued late 2021. In preparing for the court's consideration of granting full orders, the investigator is seeking to reduce the prohibitions from 13 down to five, to those which are necessary and proportionate in addition to what can realistically be monitored.*

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**Recommendation 4:** The Modern Slavery Threat Group to commission a working group to establish the business case for a library of prohibitions for STPOs and STROs.

## Monitoring of STPOs and STROs

While the recording of orders on the PNC has made them widely accessible there remains inconsistency in the monitoring of these orders. Slavery and trafficking orders are not monitored within the established processes for sexual and violent offenders and despite this being recognised as a problem little progress has been made. In many cases the monitoring is the responsibility of the investigating officer. Respondents to the survey suggested that dedicated public protection departments should have the responsibility for monitoring and they are correct. The policing of restrictions however could be carried out by neighbourhood teams and other appropriate departments. Cross border management presents particular challenges, but it

is encouraging to see that the NCLCC is assisting with co-ordination. The following case study illustrates the role of a public protection unit in managing risk effectively.

***Case Study 8: Good practice re the integrated working of the investigation team and public protection staff to construct and manage orders.***

***Norfolk Constabulary (November 2021)***

*Operation Boxley, led by Norfolk Constabulary’s Serious Crime Disruption Team (SOC), related to the trafficking of Hungarian women to the United Kingdom for the purposes of sexual exploitation. Welfare visits were undertaken following the identification of potential victims. Despite a lack of victim engagement, evidence gathered demonstrated the exploitation of vulnerable women.*

*Due to the protracted investigation, the force safeguarding team took ownership both in the construction and application for the orders and, in the subsequent management of the perpetrators. This was beneficial due to the demands upon investigators and a lack of experience relating to orders. Interim orders were granted in June 2021 before full orders, each lasting five years, were obtained. The safeguarding team conduct unannounced visits and coordinate resources to support the policing of prohibitions. Activity is documented on the force local management system Athena.*

*Seven organised criminal group members have been charged with numerous indictments including human trafficking, controlling prostitution for gain and, participating in the activities of an organised crime group, the trial of which is listed this year.*

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Slavery and Trafficking National Policing Standards and MSPTU guidance require all orders are recorded on a local information system. However, this approach leads to inconsistencies in approach and it is generally recognised that a national system should be used – probably the Violent and Sex Offender Register (ViSOR). For the last three years the MSOIC has been working with the ViSOR National User Group and because there are numerous challenges to implement a national system, little progress appears to have been made. It is however encouraging to see that Police Scotland does use ViSOR to monitor orders.

**Recommendation 5:** The MSOIC must prioritise the development of a system to monitor risk and prevention orders.

***Case Study Case Study 9: Effective use of local force systems to record management tasks and actions undertaken to ensure perpetrators are abiding by conditions as imposed by the order.***

***PSNI (February 2018)***

*Investigations were undertaken into the activities of a Romanian organised crime group who befriended women before trafficking victims within, and out, of Northern Ireland for the*

*purposes of sexual exploitation. No disclosures were made although five victims were identified and safeguarded, and an evidence led investigation ensued.*

*Two Romanian brothers were convicted for conspiracy to trafficking, receiving sentences of four and three years respectively. The sentencing Judge highlighted this as a significant and complex investigation. Upon conviction, STPOs were granted for seven and ten years respectively. Upon their release, both perpetrators will be deported.*

*PSNI created a management occurrence on their local Niche Records Management System. Linked to the nominal record of the perpetrator, the occurrence records details of the order, prohibitions and, management actions undertaken.*

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## CONCLUSIONS

Six years after the implementation of the Modern Slavery Act, approximately 300 STPOs and STROs have been granted. Guidance and training have increased awareness and expertise. The case studies in this report demonstrate how orders are being used successfully to disrupt and dismantle organised crime groups, prevent further offending, and safeguard potential victims.

The number of STPOs is largely dictated by the relatively low number of convictions under relevant offences in the Act. However, STROs remain under-utilised particularly while criminal investigations are being progressed or where criminal justice proceedings may not ensue.

Despite previous recommendations, the lack of standard procedures to actively monitor individuals subject to STPOs and STROs remains a significant weakness. While national guidance suggests that this should be done locally that is clearly inappropriate and a national approach is required.

### Recommendations:

1. The College of Policing to ensure that APP is updated to include references to the MSOIC and NCLCC guidance.
2. The MSOIC to maintain oversight over the extent to which the specialist investigator training is being delivered nationally.
3. The Home Office updating of the Section 33 Statutory Guidance to include direction on the monitoring of subjects, the recording of actions and, additional prohibitions guidance.
4. The Modern Slavery Threat Group to commission a working group to establish the business case for a library of prohibitions for STPOs and STROs.
5. The MSOIC must prioritise the development of a system to monitor risk and prevention orders.

