

WILTSHIRE POLICE FORCE POLICY and PROCEDURE



Modern Slavery

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POLICY STATEMENT

Modern Slavery encompasses slavery, servitude, forced and compulsory labour as well as human trafficking. Traffickers and slave drivers coerce, deceive and force individuals against their will or better judgement, into a life of abuse, servitude and inhumane treatment. A large number of active organised crime groups (OCGs) are involved in Modern Slavery. It is also committed by individual opportunistic perpetrators.

This document details the approach that Wiltshire Police will take to combat this area of criminality.

DEFINITIONS

Slavery, Servitude and Forced or Compulsory labour

Section 1 of the Modern Slavery Act 2015 defines the offence and states that a person commits an offence if they hold (defined by article 4 of the Human Rights convention) another person in slavery or they are required to perform forced or compulsory labour.

Section 2 defines the offence of Human Trafficking.

Section 3 Explains the meaning of exploitation.

Section 5 Explains Prevention Orders.

Modern Slavery

Modern Slavery is committed where a person holds another person in slavery or servitude or requires another person to perform forced or compulsory labour. That person knows or ought to know that the victim is being held in those conditions.

Human Trafficking

In the simplest terms, Human Trafficking is the movement of a person from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. It is entirely possible to have been the victim of trafficking even if your consent has been given to being moved.

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion. This could include abduction, fraud, deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploiting them. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

There are four main strands of Human Trafficking namely;

- Sexual exploitation
- Forced Labour
- Securing Services
- Harvesting of organs

Irrespective of the motive behind the trafficking, human Trafficking has three constituent elements:

The Act - recruitment, transport, transfer, harbouring, and receipt of persons;

The Means – threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, and giving payments or benefits;

The Purpose - exploitation, includes: prostitution of others, sexual exploitation, forced labour, slavery, servitude, removal of organs, benefit fraud, enforced criminality, torture and slavery as prohibited by Articles 3 and 4 of the Human Rights Act 2000. Both adults and children (under 18 years) can be trafficked in order to facilitate bank or benefit fraud.

It should be noted that where the victim is a child under the age of 18 years it is only necessary to prove "the Act" and "the Purpose" for the offence to be complete.

It is also important to remember that Human Trafficking not only includes victims trafficked into this country from overseas, but also those that are internally trafficked within the UK for the purpose of exploitation.

Sexual Exploitation (including Child Sexual Exploitation)

Sexual exploitation can happen to women, men and children, and it involves any non-consensual or abusive sexual acts. This includes but is not limited to prostitution, escort work and pornography.

It must be borne in mind that victims of exploitation may have been deceived or coerced into giving consent without realising what they have actually consented to, many will have been deceived with promises of a better life and then controlled through violence and abuse. It is also recognised that perpetrators target vulnerable children and adults who often do not have the mental capacity to consent. It is therefore vital to establish that any consent given was true and informed.

Forced Labour

Forced labour involves victims being compelled to work very long hours, often in arduous conditions, and to hand over the majority if not all of their wages to their traffickers. Forced labour crucially implies the use of coercion and lack of freedom or choice for the victim. In many cases victims are subjected to verbal threats or violence to achieve compliance.

Manufacturing, entertainment, travel, farming and construction industries throughout the world have been found to use forced labour by victims of human trafficking to some extent, with a marked increase in reported numbers in recent years. Often large numbers of individuals are housed in single dwellings and there is evidence of 'hot bunking', where a returning shift takes up the sleeping accommodation of those starting the next shift.

The International Labour Organisation [ILO] has identified six elements which individually or collectively can indicate forced labour.

These are:

- threats or actual physical harm;
- restriction of movement and confinement to the workplace or to a limited area;
- debt-bondage;
- withholding of wages or excessive wage reductions that violate previously made agreements;
- retention of passports and identity documents (the workers can neither leave nor prove their identity status); and, threat of denunciation to the authorities where the worker is of illegal status.

Securing Services

Section 3(5) of the Modern Slavery Act 2015 details the exploitation strand of using force, threats or deception to obtain services or obtain or acquire a benefit from another. This must be in circumstances where a Section 1 offence has been committed.

An example is domestic servitude, which involves the victim being forced to work in private households. Their movement will often be restricted and they will be forced to perform household tasks such as child care and house-keeping over long hours and for little if any pay.

Victims will lead very isolated lives and have little or no unsupervised freedom. Their own privacy and comfort will be minimal, often sleeping on a mattress on the floor in an open part of the house. In rare circumstances where victims receive a wage it will be heavily reduced, ostensibly to pay for food and accommodation.

Victims of serious Domestic Abuse and forced marriage can be very vulnerable to this crime and investigators should have cognisance of this when dealing with victims.

Organ Harvesting

Organ harvesting involves trafficking people in order to use their internal organs for transplant. This illegal trade is dominated by kidneys, which are in the greatest demand and are the only major organs that can be wholly transplanted with relatively few risks to the life of the donor.

Difference between People Smuggling and Trafficking

Organised Immigration Crime otherwise known as ‘people smuggling’, is a business transaction between a facilitator and a person wishing to enter a country illegally. Once the service has been provided the transaction is complete. People smuggling will always involve an illegal border crossing and entry to another country, however it does not necessarily mean that the person entering the country illegally has been trafficked. For trafficking to have been committed there has to be an element of exploitation or intention to exploit either before or after entering the country.

POLICY AIM

This policy defines what constitutes Modern Slavery. It covers all aspects of Human Exploitation and will ensure we discharge our responsibilities in accordance with the government’s strategy and seeks to ensure that the safety and welfare of victims remains the primary objective.

APPLICABILITY

This policy applies to all Police Officers and Staff involved in the collection of intelligence and investigation of human exploitation offences. Specific role responsibilities are identified within the procedures section of the document.

LEGAL BASIS AND DRIVING FORCE

Modern Slavery Act 2015

NCA Review of the National Referral Mechanism

Government Strategy on Modern Slavery 2014

Sexual Offences Act 2003

Asylum and Immigration Act 2004 – trafficking for exploitation

Coroners and Justice Act 2009 – slavery, servitude and forced or compulsory labour

CPS Guidance on Sexual Offences and Child Abuse

HM Government guide to inter-agency working “Working Together to Safeguard Children (2013)”

Children’s Act 2004

RELATED POLICIES, PROCEDURES and OTHER DOCUMENTS

[Child Protection Policy](#) (APP Child Abuse and Safeguarding Children)

NCA National Referral Mechanism <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre>

AUTHORISED PROFESSIONAL PRACTICE

Major investigation and public protection > [Modern slavery](#)

Major investigation and public protection > [Child Abuse](#)

Major investigation and public protection > [Child Sexual Exploitation](#)

APP > [Search](#) [NB: this link goes to the APP secure site for registered users only]

DATA PROTECTION

Any information relating to an identified or identifiable living individual recorded as a consequence of this policy and procedure will be processed in accordance with the Data Protection Act 2018, General Data Protection Regulations and the Force [Data Protection Policy](#).

FREEDOM OF INFORMATION ACT 2000

This policy and procedure document is suitability for public release.

MONITORING AND REVIEW

This Policy will be monitored by the Detective Superintendent Force MS Lead and reviewed on a bi-annual basis.

WHO TO CONTACT ABOUT THIS POLICY

This Policy will be managed by the Force MS Strategic Lead (Det Supt). They should be consulted re any queries.

PROCEDURE

Where a modern slavery or trafficking offence against an adult is alleged or suspected the [procedure guidance](#) below should assist investigators with conducting appropriate enquires and remind them of their obligation to refer victims into the national referral mechanism (NRM). See [NRM section](#) for further information.

Where **any** type of exploitation offence against a child is alleged the Multi Agency Safeguarding Hub (MASH) procedures will also be followed, as well as any process specifically relating to MS.

Primary Aim - The Welfare of Victims

The Primary aims are;

- Reduce the risk of serious harm to victims; and
- Improve the safety, health and wellbeing of victims; and
- Enhance the trust and confidence of exploitation victims towards Wiltshire Police.

Where there is a real and immediate risk to life, positive steps will be taken to safeguard those at risk. These objectives apply even when a suspected victim indicates that they do not wish to co-operate with any intervention from a first responder.

Wiltshire Police will take positive action to investigate individual incidents of trafficking and exploitation to prevent further risk of harm to that victim or other persons regardless of whether a criminal prosecution is achievable. Safeguarding partners can support the victim regardless of whether a criminal investigation takes place.

Where a criminal prosecution is not appropriate, a partnership approach should be adopted to ensure due consideration is given to the support of victims.

Secondary Aim - The Prosecution of Offenders

CID will investigate all reported offences of modern slavery. The MSHT intelligence team will be responsible for developing intelligence relating to modern slavery offences and/or sexual exploitation offences where serious organised crime is suspected.

The size and complexity of the investigation, and the investigation team will be decided through normal tasking arrangements. Larger scale operations/investigations are likely to be conducted by staff from either SCD, PPD or CID with decisions regarding investigative leads being determined by the respective heads of departments. Any requirement for covert assets and/or specialist resources should be addressed through existing tasking arrangements as is necessary.

All child sexual exploitation occurrences will be managed through the MASH process by the Public Protection Department unless the circumstances give rise to serious organised crime related trafficking offences. In these circumstances, the Public Protection Department Detective Inspector responsible for CSE, will consult with the Detective Inspector WIU. Nothing in this policy supersedes existing child protection protocols.

MODERN SLAVERY



MODERN SLAVERY INVESTIGATION PROCEDURE

MODERN SLAVERY

Modern Slavery, Human Trafficking, Organised Immigration Crime and Child Sexual Exploitation are the second most profitable criminal enterprises worldwide, surpassed only by the illicit drugs industry. The current Government Strategy requires that the prevention and investigation of these offences is part of 'core business' responsibilities for Law Enforcement Agencies.

Modern Slavery

The 2015 Modern Slavery Act defines the section 1 offence of holding a person in slavery, servitude and forced or compulsory labour. It explains the section 2 offence of human trafficking and the meaning of exploitation. It also creates prevention orders that can be enforced against an individual involved in slavery or trafficking offences.

<http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

What is Modern Slavery?

Modern slavery is committed where a person holds another person in slavery or servitude or requires another person to perform forced or compulsory labour. That person knows or ought to know that the victim is being held in those conditions.

What is Human Trafficking?

Section 2(1) of the Modern Slavery Act 2015 defines offences of arranging or facilitating the travel of another with a view to exploiting them. (Human Trafficking)

In the simplest terms, Human Trafficking is the movement of a person from one place to another with a view to exploitation. Typically there will be the use of force, deception, coercion, the abuse of power or the abuse of someone's vulnerability. It is entirely possible to have been the victim of trafficking even if your consent has been given to being moved. The offence is complete if travel is facilitated or arranged with a view of exploitation.

The recruitment, transportation, transfer, harbouring or receipt of persons, or exchange of control for the purpose of exploitation is an offence.

There are four main strands of exploitation namely;

Sexual exploitation

Forced Labour

Securing Services

Harvesting of organs

The Act - recruitment, transport, transfer, harbouring, and receipt of persons;

The Means – Typically the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, and giving payments or benefits but this is not a requirement of the act. It is enough if a person knows or ought to know that the other is held in slavery. It does not matter if the victim consents to the travel.

The Purpose - exploitation, includes: prostitution of others, sexual exploitation, forced labour, slavery, servitude, removal of organs, benefit fraud, enforced criminality, torture and slavery as prohibited by Articles 3 and 4 of the Human Rights Act 2000. Both adults and children (under 18 years) can be trafficked in order to facilitate bank or benefit fraud. It should be noted that where the victim is a child under the age of 19 years it is only necessary to prove "the act" "the purpose" for the offence to be complete.

It is also important to remember that Modern Slavery not only includes victims trafficked into the Country from overseas, but also those that are internally trafficked within the UK for the purpose of exploitation.

Modern Slavery is a serious crime. It is an abuse of basic rights, with the exploitation of human beings for profit at its heart. It is often considered to be an organised crime that works on a large commercial and international scale. However, it can also be perpetrated by a single person who may be known or related to the victim or may be in a position of trust. Similarly, the means of trafficking may be subtle, for example, victims may have an emotional attachment with or loyalty to their trafficker(s) or they may be totally dependent on those who are exploiting them.

All Police staff, agencies and public facing service providers should be alert to the fact that people may be trafficked into, within and out of the UK for many different types of exploitation. Whilst in most cases, victims are brought to the UK from abroad, a worrying trend of trafficking within the UK has emerged, and, more recently, there have been reports in the media of people trafficked out of the UK.

TYPES OF EXPLOITATION

Forced Labour

Section 3(2) Forced labour involves victims being compelled to work very long hours, often in arduous conditions, and to hand over the majority if not all of their wages to their traffickers. Forced labour crucially implies the use of coercion and lack of freedom or choice for the victim. In many cases victims are subjected to verbal threats or violence to achieve compliance.

Manufacturing, entertainment, travel, farming and construction industries throughout the world have been found to use forced labour by victims of human trafficking to some extent, with a marked increase in reported numbers in recent years. Often large numbers of individuals are housed in single dwellings and there is evidence of 'hot bunking', where a returning shift takes up the sleeping accommodation of those starting the next shift.

The International Labour Organisation [ILO] has identified six elements which individually or collectively can indicate forced labour.

These are:

- threats or actual physical harm;
- restriction of movement and confinement to the workplace or to a limited area;
- debt-bondage;
- withholding of wages or excessive wage reductions that violate previously made agreements;
- retention of passports and identity documents (the workers can neither leave nor prove their identity status); and, threat of denunciation to the authorities where the worker is of illegal status.

Sexual Exploitation

Section 3(3) describes sexual exploitation can happen to women, men and children, and it involves any non-consensual or abusive sexual acts. This includes but is not limited to prostitution, escort work and pornography.

It must be borne in mind that victims of exploitation may have been deceived or coerced into giving consent without realising what they have actually consented to, many will have been deceived with promises of a better life and then controlled through violence and abuse. It is therefore vital to establish that any consent given was true and informed.

“The sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing, and/or others performing on them, sexual activities.”

Child sexual exploitation can occur through use of technology without the child's immediate recognition, for example the persuasion to post sexual images on the internet/mobile phones with no immediate payment or gain. In all cases those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources.

Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

It is also recognised that perpetrators target vulnerable children and adults who often do not have the mental capacity to consent. It is therefore vital to establish that any consent given was true and informed.

Organ Harvesting

Section 3 (4) describes the exploitation of organ harvesting involves trafficking people in order to use their internal organs for transplant. The illegal trade is dominated by kidneys, which are in the greatest demand and are the only major organs that can be wholly transplanted with relatively few risks to the life of the donor.

Securing Services

Section 3(5) details that the use of force, threats or deception to obtain services or to obtain or acquire a benefit from another amounts to exploitation and therefore where they are trafficked in contravention of section 2 an offence has been committed.

Typically, this can involve domestic servitude where the victim is forced to work in private households. Their movement will often be restricted and they will be forced to perform household tasks such as child care and house-keeping over long hours and for little if any pay.

Victims will lead very isolated lives and have little or no unsupervised freedom. Their own privacy and comfort will be minimal, often sleeping on a mattress on the floor in an open part of the house.

In rare circumstances where victims receive a wage it will be heavily reduced, ostensibly to pay for food and accommodation. Victims of serious domestic abuse and forced marriage can be very vulnerable to these factors and investigators should have cognisance of this when dealing with victims.

Organised Immigration Crime

Organised Immigration Crime otherwise known as People smuggling, is a business transaction between a facilitator and a person wishing to enter a country illegally. Once the service has been provided the transaction is complete. People smuggling will always involve an illegal border crossing and entry to another country, however it does not necessarily mean that the person entering the country illegally has been trafficked. For trafficking to have been committed there has to be an element of exploitation either before or after entering the country.

PROCEDURE

Modern Slavery Human Trafficking (MSHT) Team

The Modern Slavery Human Trafficking team (MSHT) based at Melksham provides a central point of coordination and can offer advice and guidance in respect of all Modern Slavery investigations. Please visit the [Firstpoint MSHT](#) site to access operational guidance.

Their responsibilities of the MSHT will include;

1. The MSHT team will be responsible for the development of intelligence and identify partners to assist with this process.
2. The MSHT team will be responsible for liaising with MSTU. They can assist Investigators and those supporting victims regarding the management of victims through the National Referral Mechanism
3. Monitor Niche Intelligence for indicators of modern slavery.
4. Where an incident has been identified as Modern Slavery, liaise with the OIC to provide an intelligence strategy and support for covert evidence gathering by agreement.
5. To ensure all intelligence and information gathered during Modern Slavery investigations is properly recorded.
6. To prepare and disseminate briefing documents relating to Modern Slavery intelligence.
7. MSHT team will maintain a central repository containing details of all partner agencies that can assist with his process.
8. To identify 'best practice' during Modern Slavery investigations.

All intelligence relating to Modern Slavery will submitted through Niche following the National Intelligence Model and will be scanned and monitored by the MSHT team. In doing so, threat harm and risk will be assessed and an appropriate response identified by appropriate managers. This process will work in conjunction with the Multi Agency Safeguarding Hub (MASH) process where appropriate multi agency information sharing will occur to ensure the needs of the victim are met.

The MSHT team will regularly liaise with the Modern Slavery Transformation Unit and can provide guidance and advice to investigators (and those supporting victims) regarding the management of victims through the NRM. They will also support investigators by developing an intelligence strategy and coordinating covert evidence gathering during ongoing investigations.

By maintaining close links with MSTU and the NCA the MSHT team will identify partner agencies and Non Government Organisations (NGOs) who may be able to assist in informing the strategic intelligence picture in response to human trafficking.

The MSHT team should be notified of all cases of suspected modern slavery offences involving. Cases identified through Public Protection Department (PPD) safeguarding processes will be routed through the MASH process and notified to MSHT as appropriate. Such cases may be identified for example by referrals to PPD by external agencies or through the scanning of Police systems by the CSE and missing coordinators.

MSHT Investigations

Currently CID will investigate all offences of modern slavery and trafficking. There are officers within the various hubs who have completed a four day Modern Slavery Investigator course and a list of these SPOCS is available through this link: [MSHT SPOCS](#). These members of staff have had a more in-depth level of training around the processes involved in modern slavery investigations and can provide guidance to officers in respect of information requests and gathering.

Investigation Considerations

Victim

The primary aims of the Force Modern Slavery Policy centres around the needs of the victim, whether that is accessing immediate medical treatment or managing the victim's longer term safety and wellbeing. If the victim is a child or vulnerable adult the case should be dealt jointly with safeguarding partners who can assure support and appropriate accommodation is identified in line with existing safeguarding protocols.

Slavery and Trafficking victims will be a fundamental component in providing the information, intelligence and evidence, which will assist in bringing those responsible to justice. In order to maximise the opportunity to secure slavery and trafficking convictions, the victim must have confidence in the criminal justice process. It is imperative therefore that the needs and concerns of the victim are considered and that they are provided with information, support, protection and reassurance to generate faith and trust in the legal processes.

It should be remembered that not all victims will be trusting of law enforcement officials and may have had a bad experience or be under the impression that police are corrupt based on experiences in their home country. As such officers will be required to be patient and gain the trust of the victim to overcome these barriers.

The prospect of instigating prosecutions will be largely dependent on the quality of material that is obtained from the victim. Whilst the safeguarding of victims is a primary aim, investigators should be mindful of the evidential opportunities that may present themselves during this process. This may include opportunities for forensic potential or evidence of physical injuries on the victim(s) themselves. Wherever possible the victim should be interviewed under 'Achieving Best Evidence' guidelines. This will include whether or not to invoke the procedures established under *Safeguarding Vulnerable Adults* and the associated *Protocol for Joint Investigation*. In some situations, the Police may need to take immediate action to remove the person to a safe place. If the victim is a child this will be under a Police Protection Notice and the Duty Inspector must be informed.

A strategy discussion or, where time permits, a strategy meeting, should take place to plan the joint child/adult protection investigation in line with MASH processes. This will include the arrangements, if any, for a social worker to be present during video interview procedures and further investigation practices.

The early identification of victims is key to ensuring an end to the abuse they suffer and to providing the assistance necessary to begin their healing and rehabilitation process.

Alongside Police Officers and immigration officials, staff from other agencies and provider organisations may find themselves in contact with people who could be potential victims of human trafficking.

Victim Care

Language - The victim is likely to speak little or no English.

- Initial contact is likely to be via language line. Explain this procedure. ***Ensure an accurate record is made. This is the only record made of this conversation and is the first account.*** There may be a need to explain UK law to the interpreter who can be anywhere in the world. Please consider using body worn video of this disclosure.
- Be honest with the interpreter from the outset explaining that this is likely to be a lengthy process. Attend to needs of the interpreter as well as victim.
- Encourage a positive relationship between interpreter and victim.
- Ensure that there is no cultural difference between interpreter and victim.

Reception of Victim:

- Balance the needs of the victim with the needs to secure forensic evidence
- Dispel misconceptions and provide reassurance.
- Explain roles and procedures.
- Remain victim focused.
- Don't challenge the initial account.
- Establish age. If in doubt treat as a child.
- Where possible, deal with victims away from normal operational Police premises. Utilise specialist suites, or non Police premises (if appropriate).
- Consider separating victims in circumstances where more than one is rescued so that their accounts are obtained separately.

Identification as a victim of slavery and trafficking

Once a victim of trafficking has been identified, the police must be continuously mindful of the persons vulnerability and be attentive to their mental, emotional and psychological state. In cases involving vulnerable adults or children, the expertise of specialist Public Protection officers should be drawn upon at the earliest opportunity. Every attempt should be made to establish a rapport, making victims feel comfortable and at ease. Language used and demeanour presented should be calm and non-judgmental.

The value of engaging partner agencies at an early stage will allow decisions to be made in respect of which agencies will house the victim and their families whilst the referral process is completed by the NCA and MSHTU. Children's social care have a statutory responsibility, where it appropriate to do so, to accommodate children who are suffering from, or are likely to suffer, significant harm.

For adults the Salvation Army are contracted to house victims of trafficking where they are destitute. They can be contacted on 0300 303 8151. The Hotline contact details are available on the NCA website and via the MSHT team who can assist the investigating officer with liaison. Note they may not always accept the victim and therefore consideration of other support may be needed.

National Referral Mechanism (NRM)

The police are classed as an initial responder. Where it is believed that a person could be a victim of Modern Slavery, officers should complete an NRM referral form. The Modern Slavery Act also introduced a new 'Duty to Notify' to improve our picture of modern slavery in the England and

Wales. This means that police forces and local authorities in England and Wales, the National Crime Agency and the Gangmasters and Labour Abuse Authority are now all legally required to notify the Home Office if they encounter someone who they think is a victim of modern slavery and that person does not want the support provided by the NRM.

NRM referrals or Duty to Notify submissions are to be made using a single online form available via the internet. This same process is to be used for NRMs and DTNs and whether the victim is an adult or child, as the form options presented will change dependant on information submitted. The new form can be accessed through the following link: <https://www.modernslavery.gov.uk/start>.

Using the on-line NRM/DTN form requires email validation, so the user will be asked to initially submit their work email address and will then receive a link to complete the form. Having completed and submitted the form, users will then be sent a further link to download a copy of their submission. Once a submission is received by the Home Office, each case will be assigned a reference number which will also be emailed by return. Should further information subsequently become available that would be helpful in making a decision about whether the subject of the case is a victim of modern slavery, it is important that this additional information is emailed to nationalreferralmechanism@homeoffice.gov.uk with the reference number in the subject line.

Where users do not have access to the internet when completing the form, an offline prompt sheet has been created that can be used to collect information which can subsequently be used to complete the online form. This prompt sheet can be downloaded from the [Interviewing a potential victim offline](#) link on the start page and it contains all the questions you'll find on the online form.

The Home Office is now the single competent authority and they make the initial (reasonable Grounds) decision about whether the subject is a victim of human trafficking within 5 days. This will allow access to the Salvation Army support services, but only where the subject is destitute i.e. they have no other means to support/house themselves.

Following this initial decision there will be a 'Conclusive grounds' status after 45 days which confirms that they are a victim of human trafficking.

All children will automatically be entered into the NRM. If the referred person is conclusively identified by UKHTC as a victim of trafficking, what happens next will depend on their wishes:

They may be granted discretionary leave to remain in the UK for one year to allow them to co-operate fully in any police investigation and subsequent prosecution. The period of discretionary leave can be extended if required.

If the referred person is under the age of 18 or classed as a vulnerable person, social services have a statutory responsibility, where it is appropriate to do so, to accommodate persons who are suffering from, or are likely to suffer from, significant harm.

If they are not involved in the criminal justice process, UKBA may consider a grant of discretionary leave to remain in the UK, dependent on the victim's personal circumstances

They may not wish to stay in the UK – if they are from outside the European Economic Area (EEA), the victim can receive help and financial assistance to return home through the UKBA Assisted Voluntary Return of Irregular Migrants (AVRIM) process. If they are an EEA national, UKHTC/UKBA will put them in touch with their embassy and any relevant Non Governmental Organisation (NGO) who may be able to help.

If at any stage the referred person is confirmed not to be a victim of trafficking then, dependent on the circumstances, they may be referred to the appropriate law enforcement agency (the police or UK Border Agency). If there are no other circumstances that would give them a right to live in the UK, they will be offered support to voluntarily return to their country of origin.

[Process Maps for Child and Adult NRM referral.](#)

Victims of Slavery/Trafficking that commit criminal offences

Through operational policing or planned operations officer may come into contact with victims of human trafficking who have committed criminal offences.

Traditionally the offences most frequently committed by those who have been trafficked are:

- Causing or inciting / controlling prostitution for gain: Sections 52 and 53 Sexual Offences Act 2003;
- Keeping a brothel: Section 33 or 33a Sexual Offences Act 1956;
- Theft (in organised "pickpocketing" gangs), under section 1 Theft Act 1968;
- Cultivation of cannabis plants, under section 6 Misuse of Drugs Act 1971.

Individuals who have who have been trafficked may be reluctant to disclose the circumstances of their exploitation or arrival into the UK for fear of reprisals by the trafficker or the person(s) who is/are now exploiting them, or out of misplaced loyalty to them. Experience has shown that inconsistencies in accounts given are often a feature of victims of trafficking and should not necessarily be regarded as diminishing the credibility of their claim to be a victim of trafficking.

When an offender is suspected of being trafficked the investigating officer should make enquiries and obtain information about the circumstances in which the suspect was apprehended and whether there is a credible suspicion or realistic possibility that the suspect has been trafficked.

Section 45 Defence

Victims of trafficking who find themselves arrested for modern slavery offences may raise a section 45 defence.

Section 45 defence for slavery or trafficking victims who commit an offence

(1) A person is not guilty of an offence if—

- (a) the person is aged 18 or over when the person does the act which constitutes the offence,
- (b) person does that act because the person is compelled to do it,
- (c) the compulsion is attributable to slavery or to relevant exploitation, and
- (d) a reasonable person in the same situation as the person and having the person's relevant characteristics would have no realistic alternative to doing that act.

(2) A person may be compelled to do something by another person or by the person's circumstances.

(3) Compulsion is attributable to slavery or to relevant exploitation only if—

- (a) it is, or is part of, conduct which constitutes an offence under section 1 or conduct which constitutes relevant exploitation, or
- (b) it is a direct consequence of a person being, or having been, a victim of slavery or a victim of relevant exploitation.

(4) A person is not guilty of an offence if—

- (a) the person is under the age of 18 when the person does the act which constitutes the offence,
- (b) the person does that act as a direct consequence of the person being, or having been, a victim of slavery or a victim of relevant exploitation, and
- (c) a reasonable person in the same situation as the person and having the person's relevant characteristics would do that act.

Scene

Upon the identification of a potential victim of a slavery or trafficking offence the investigation officers must consider the management of a crime scene as this will impact on the quality, quantity and integrity of the material gathered. The identification of a crime scene is, therefore, a priority for the investigator as it may contain vital material which will influence the outcome of the investigation.

The crime scene can present itself in a number of ways and may not be immediately obvious to the investigator or initial attending officers. This may include:

- The victim;
- Witnesses;
- The suspect;
- The suspect's home address or other premises;
- Vehicles (including boats and caravans);
- The premises in which the victim, witness or suspect was located

Often the scene of the offence will be relatively easy to identify and should, therefore, be considered a fast track action.

In most offences there will be at least three crime scenes— the victim, the place where the victim was exploited and the suspect.

Witnesses

When dealing with a report of slavery or trafficking obtain witness details both to the offence and of the early complaint. The investigating officer will make an initial assessment of each individual person who comes into this enquiry to see what information they can provide and if they require special measures/support. Many witnesses fear the consequences of providing information. They must, therefore, trust the competence of the investigator to deal appropriately with the information they provide. If they have confidence in the interviewer they are more likely to provide them with a full and accurate account.

Key witness testimony should be obtained under 'achieving best evidence' by a suitably trained officer.

Reception Centre Considerations

The SIO for any Modern Slavery or Trafficking investigation will need to consider the implementation of a multi-agency reception centre in order to cater for the welfare needs of victims and in order to maximise opportunities to gather best evidence and intelligence.

The [MSHT site operational guidance](#) holds a copy of the [Reception Centre Plan](#) which provides a detailed example of a multi-agency reception centre process. It should be noted that this example has been identified as a 'gold' standard and the SIO will need to adapt this example to suit the specific needs of their investigation.

Searching

The investigation into slavery or trafficking will require searches to be conducted. The nature of the incident under investigation will identify which type of search is required together with the number of resources.

The investigators into this offence must consider if they have lawful access to the property and if they are able to exercise our powers under PACE.

Investigators should make every effort to seize relevant documents from these scenes such as passports, national insurance/identification cards, driving licences, travel documents, bank documents, vehicle documents, retail receipts and mobile phones to aid the investigation. The use of a financial investigator may also assist with identifying lines of enquiry.

When the investigating officer is investigating an offence they may consider the following Search Guidance:-

General considerations:

- Enlist the advice/assistance of a POLSA (Police Search Advisor) where operational activity is to take place.
- Consider taking video and photographic records of premises searched.
- Enlist the advice/assistance of a Financial Investigator.

Further consideration for scene strategies:

- Investigators should consider producing a House to House strategy surrounding the scene to identify further witnesses. This may prove vital in showing the movements of persons involved in the investigation.
- A scope should be completed for possible CCTV within the area.
- Any vehicles believed to belong to the victim or suspects should be seized.
- Details of any vehicles parked in the vicinity should be recorded.

Forensics

The investigating officer will need to liaise with Crime Scene Manager or FMO to develop a strategy of how each scene will be processed. The material recovered will allow us to determine which exhibits should be subject of subsequent forensic submissions to progress the investigation.

The recovery of forensic material should only be undertaken by an individual who is trained to perform this role such as a Crime Scene Investigators or a Force Medical Officer (FMO).

When dealing with scenes relating to human trafficking and exploitation, there is a likelihood that this could involve both physical and sexual abuse and of individuals being held against their will.

Considerations for scenes of sexual offences:

Where it is suspected a victim has been subject of a sexual offence, consideration should be given to the recording and recovery of any items linked to the offence to identify bodily fluids, hairs, fibres, trace evidence and fingerprints. Consideration must also be given to documenting and photographing advertising documents, used or unused condoms, videos or DVD's.

Considerations for scenes of physical assault:

Consideration should be given to securing the scene of any assault and identifying and seizing items which have been used to physically harm victims.

Cash finds

Where cash is found and is to be seized under POCA or as evidence as part of a criminal investigation, the following should be considered:

- Cash should be photographed in situ prior to any recovery and, where it has been hidden or a 'hide' constructed, consideration given to preserving this area for specific forensic examination.
- Where cash is found in bags or other packaging, this should be considered as part of the exhibit and not be separated from the cash at the time of recovery.
- Cash seizures and their subsequent recovery should be recorded using photography for both continuity and security reason ensuring that a full record of bag numbers and labels is included.
- Cash should not be counted at the scene but rather seized as 'a quantity of cash'. Consider videoing the seizure to ensure its integrity. Counting cash at a scene seriously compromises later forensic examinations (particularly around drug trace work and DNA recovery). Specific forensic strategies around the subsequent opening, examination and counting of cash can be developed.
- Cash should ideally be double bagged for additional security reasons.
- Cash receipts and invoices, bank/building society statements, payslips, national insurance documents, utility bills, mortgage/rental agreements, cash (including foreign currency), benefit books should be seized and consideration given for documents to be chemically treated.

For the full procedure see the Force [Seizure and Retention of Money Procedure](#).

Documents:

- Most paper items will be suitable for chemical fingerprint examination and can be packaged in tamper evident bags.
- If there is a requirement to examine the document for indented writing, please ensure that the item is exhibited in a box or protect the document with a stiff piece of card if using an exhibit bag.
- Consideration should be given to potential DNA evidence on items, such as letters with adhesive seals which would require moistening with saliva.

Suspect

When a suspect has been identified, an investigator must decide whether the suspect can or should be arrested. The suspect does not have to be arrested on suspicion of trafficking on every occasion. However, the investigating officer should consider alternative offences e.g. rape, assault, fraud, forgery, managing/controlling prostitution etc.

The investigating officer should treat the suspect as a crime scene, securing physical and forensic evidence at the earliest opportunity.

The suspect should be photographed fully clothed before his clothing and footwear is seized and placed into evidential paper bags.

The investigating officer must record a detailed description of the suspect including the clothing they are wearing. Any visible injuries on the suspect should be recorded and photographed.

The investigating officer should plan a search of the suspect's property. The suggested parameters of the search are documented within the search strategy section of this document. Any property or documentation including mobile phones, travel documentation should be seized.

The safeguarding of any children the suspect may be in contact with through family or normal daily life should also be considered through existing Force child protection procedures.

Media Strategy

Modern slavery cases will attract intense media attention. Whilst the media can be useful in raising awareness of human trafficking, media interest in specific cases can be unhelpful during the investigation and prosecution phase. Media coverage can reveal the identity of victims and witnesses and create safety issues both within the UK and the country of origin.

Dependant on the circumstances of each individual case the investigating officer may wish to use the media for the following reasons

- Identifying offender(s);
- Locating a suspect;
- Identifying a victim;
- Appealing for witnesses;
- To reassure or warn the public.

At the earliest possible opportunity the investigating officer should contact the Media Department to make them aware of the investigation. The Press Officer will need to produce a holding statement to minimise the public's fear of crime and to promote public confidence in the police. A longer term media strategy will need to be appropriately developed as the investigation continues.

Community Impact

The following points need to be considered:

- The impact on the local community;
- The impact on the victim's community;
- The impact on the suspect's community;

Many victims are held or exploited in covert or privately rented premises. This can have a detrimental effect on a residential area. The Community Policing Team Inspector for the area in which the offence has taken place will complete a Community Impact Statement. The Community Policing Teams will need to liaise with community leaders to reassure the public.

WHAT HAPPENS NEXT?

Prevention and Risk Orders for Offenders

Part 2 of the Modern Slavery Act 2015 introduces two civil orders which are designed to prevent modern slavery offences.

Slavery and Trafficking Prevention Orders (STPO)

An STPO can be made by a Court at the time of sentencing in respect of an individual convicted for a slavery or trafficking offence where there is a risk that the defendant may commit another such offence of slavery or trafficking and poses a risk of harm to the public by doing so. Application should be made via the CPS. [Application for Slavery and Trafficking Prevention Order and/or Interim Slavery and Trafficking Prevention Order \(STPO Form\)](#) (Modern Slavery Act 2015 s15 and s21)

Slavery and Trafficking Risk Orders (STRO)

An STRO can be made by a Court in respect of an individual who has not been convicted for a slavery or trafficking offence. The Court must be satisfied that there is a risk that the defendant may commit a slavery or human trafficking offence. An STRO is sought through a free standing application by Police, NCA or an immigration officer. An STRO will only be granted where it is necessary to prevent a risk of harm to the public. [Application for a Slavery and Trafficking Risk Order and/or Interim Slavery and Trafficking Risk Order \(STRO Form\)](#) (Modern Slavery Act 2015 s23 and s28).

LEGISLATION

Legislation to consider when dealing with Human Trafficking

Modern Slavery Act 2015:

Part 1 The offences and meaning of exploitation

Part 2 Slavery and Trafficking prevention orders/Trafficking Risk Orders

Sexual Offences Act 2003:

Section 57 Trafficking into the UK for sexual exploitation

Section 58 Trafficking within the UK for sexual exploitation

Section 59 Trafficking out of the UK for sexual exploitation

Section 52 Causing or inciting prostitution for gain

Section 53 Controlling prostitution for gain

Section 1 Rape (consider also ss2-4 and similar offences relating to child victims)

Section 136 Closure Orders

Asylum and Immigration (Treatment of Claimants etc.) Act 2004:

Section 4 Trafficking into, within and out of the UK for non sexual exploitation

Immigration Act 1971:

Section 24 illegal entry to the UK

Section 25 facilitation of immigration law (smuggling)

Sexual Offences Act 1956:

Section 33A Managing or assisting in the management of a brothel

Section 34 To let premises for use as a brothel

Section 35 Tenant permitting premises to be used as a brothel

Section 36 Allowing a tenant to use premises for the purposes of prostitution

Offences against the Person Act 1861:

Section 16 Threats to kill

Common Law

Kidnap

False imprisonment
Keeping a disorderly house

Proceeds of Crime Act 2002 – Money laundering:

Section 327 Offence: concealing etc
Section 328 Offence: Arrangements etc
Section 329 Offence: acquisition, use and possession

Violent Crime Reduction Act 2006:

Section 54 Forfeiture to seize and forfeit land vehicles, ships and aircraft used for the trafficking of human beings

Forgery and Counterfeiting Act 1981:

Section 1 Making or controlling a false instrument

Identity Cards Act 2010:

Section 4 possession of false identity documents etc with improper intention
Section 5 apparatus designed or adapted for the making of false identity documents etc
Section 6 possession of false identity documents etc without reasonable excuse

Policing and Crime Act 2009:

Section 14 paying for the sexual services of a prostitute subjected to force or exploitation

Coroners and Justice Act 2009:

Section 71 holding another person in slavery or servitude or requiring them to perform forced or compulsory labour

Immigration (Hotel Records) Order 1972

Requirement for keepers of hotels to maintain records of foreign nationals staying at their premises.

DOCUMENT ADMINISTRATION

Ownership:

Department Responsible: HQ Crime
Policy Owner/Author: Supt. Jeremy CARTER / Sarah CHAMPION
Technical Author:
Senior Officer/Manager Sponsor: ACC Crime Justice and Vulnerability

Revision History:

Revision Date	Version	Summary of Changes
March 2019	3.0	Policy statement shortened and definitions updated Appendices removed The Prosecution of Offenders: Responsibility changed from HEET team to CID.
October 2019	4.0	Reference and links to new digital reporting form added. Links to guides on the MHST Firstpoint Site added.

Approvals:

This document requires the following approvals:

Name & Title	Date of Approval	Version
Continuous Improvement Team	06.03.2019	3.0
Supt. HQ Crime	24.02.2019	3.0
JNCC (Not required for all policies)	N/A	

Distribution:

This document has been distributed via:

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Other: (state method here)		

Diversity Impact Assessment:

Has a DIA been completed? If no, please indicate the date by which it will be completed. If yes, please send a copy of the DIA with the policy to the Force Policy Officer.	☐ Yes ☐ No Date:
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Consultation:

List below who you have consulted with on this policy (incl. committees, groups, etc):

Name & Title	Date Consulted	Version
MHST	Dec 2018 – Jan 2019	3.0

Implications of the Policy:

Training Requirements

No additional training requirements.

IT Infrastructure

No additional IT infrastructure required.